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Comparing Neusner's and Guggenheimer's translations of Jerusalem Talmud

David Instone-Brewer

The ongoing publication of the parallel editions of the Jerusalem Talmud (Peter Schäfer, et al., eds., *Synopse zum Talmud Yerushalmi* [Tübingen, 1991-]) together with various projects translating the Jerusalem Talmud marks a welcome revival in the study of this smaller of the two Talmuds. The modern study of the Yerushalmi was greatly enhanced by Jacob Neusner's publication of the first English translation, *The Talmud of the Land of Israel* (Chicago, 1982-1994).

As with his Mishnah and Tosefta translations, Neusner and his team of translators chose to break up the Talmudic text into small units so as to represent redactional units and also to highlight the repetitions and parallels that are essential for understanding the text. He also marked insertions and comments within square brackets, so that it was easy to see which words were actually translated from the text and which had been inserted to make the sense plain. It is inevitable and essential for a translator to add words and sometimes whole phrases in order to produce a translation of halakhic texts, because words that appear to be superfluous or obvious to rabbinic scholars are missing from the original. Neusner's translation also employed italics to indicate citations from Scripture or from the Mishnah, and even allusions to Mishnah are indicated by references. His references employ the subdivisions found in his Mishnah and Tosefta translations, so that the precise phrase can be indicated.

Guggenheimer has now brought out several volumes of a new translation of Yerushalmi that promises to be a very valuable resource. Unlike Neusner's, this includes the Hebrew text and

some extensive footnotes that form the outline of a commentary. His Hebrew text follows the *edito princeps*, i.e., the Vienna edition that is virtually identical to the only reasonably complete manuscript. Guggenheimer is very keen to follow this edition without any emendation, though he says that he has checked other editions and occasionally notes significant differences. He has vocalized the text following Sephardic traditions, except for the sections of the Mishnah in which he has followed H. Yallon. The English translation is particularly well done, because he has managed to produce a flowing intelligible text that does not deviate significantly from the original, and the absence of square brackets and italics makes this work very pleasing to the eye.

Neusner humbly subtitled his work *A Preliminary Translation and Explanation* in the expectation that something better would be produced later at a slower pace, so I wondered if Guggenheimer's work would now replace Neusner's. I decided to compare some passages to discover the relative merits of both works. I chose the tractates *Ma'aserot* (Tithes) and *Shebiit* (Sabbath Years) and looked for the first passage in each that involved an exegesis of Scripture, because these passages are often the most obscure.

I chose these often neglected tractates because they are of great importance for understanding the first century world. Both tithing and Sabbath Year regulations were at least partially followed by the populous of the land of Israel, including the vast majority of the so-called *amei ha-aretz*. There is considerable evidence that the restrictions of the Sabbath Year were widely practiced in the first century and that this caused serious privations for some of the poor.¹ Because of this, even the Tosefta admits that "the sages prescribed only such rules as they could enforce" (T. Sheb..3:11, 13). We also know that the *amei ha-aretz* obeyed most of the laws

¹ See Ben Zion Wacholder, "Calendar of sabbatical cycles during the Second Temple and the early rabbinic period" (*Hebrew Union College Annual* 44, 1973, 153–196) who refers to Jos. War 14.475; 14.202, 320–28; 11.338 and DJD II #18, p. 100–104.

of tithing Heave-Offerings (because not even the most paranoid of rulings about doubtful tithing in Rabbinic literature ever suggests that a Jewish farmer might have neglected to remove the major Heave-Offering) but they were probably not very scrupulous about other tithes. The rabbis were concerned that some Israelites might have neglected the minor Heave-Offering (a pharisaic innovation), and they assumed that they had not removed First and Second Tithes (probably because Pharisees thought this should be done by the vendor, while most farmers thought it should be done by the buyer), though they never had any doubts about the major Heave-Offering.²

The first passage in the tractate *Ma'aserot* that contains a quotation from Scripture is in the middle of Halakhah 1. which comments on M. Ma. 1.1. I have transcribed both translations below, and in both cases I have retained only the footnotes that, in my opinion, make the text significantly easier to understand.

This portion of Talmud is explaining why some plants do not need to be tithed even though Scripture says “all produce” (Deut.14.22). It says that this verse contains both a general stipulation (“tithe all”) and also a specific (“grain from your seed”). But how do you explain the Mishnah ruling that you do not need to tithe inedible seeds (as listed at m.Maas.5.8)? Because the verse says “of the seeds” which implies only some “of” them.

Martin S. Jaffee in Neusner’s edition:

[I] “One might claim that we can infer this ruling [of M.1:1B] on the basis of the following:

[J] “Thou shalt tithe ALL...” — thus, a general prescription;⁴

² See discussions in my *Traditions of the Rabbis in the Era of the New Testament (TRENT)* Vol.1 (Grand Rapids: Eerdmans, 2004).

- [K] “... the bounty of THY SEED” — thus, a specification.
- [L] Now, where a general prescription is followed by a specification, the scope of the former is delimited by the details enumerated in the latter.
- [It follows that Dt. 14:22 mandates the tithing of all agricultural produce, as M. 1:1B states, but releases from consideration all animal foods.]
- [M] [Now, the word *tbw’h*, which in Dt.14:22 has been interpreted as “bounty,” also means “grain.”] Thus I know only that grain need be tithed [since the prescription at J is delimited at K by the specification of grain].
- [N] On what basis, then, is pulse included [at M. 1:6F-G in the class of produce from which tithes are due]?
- [O] Scripture specifies: “And ALL THE TITHE of the Lord, OF THE SEED of the land, and of the fruit of the tree, is the Lord’s” (Lv.27:30).
- [Thus whatever is eaten as if it were a seed, including pulse, is subject to the law of tithes.]
- [P] Included as well are the seeds of garlic, garden cress, and field-rocket [for these, too, are eaten].
- [Q] Is it possible to include as well *the upper seeds of arum, the seeds of vetch, the seeds of onions, the seeds of turnips or radishes, and all the other garden seeds which are not eaten* (M.5:8E)?
- [R] Scripture specifies: “OF the seed of the land,” but not “ALL” the seed of the land [and so exempts the inedible seeds from the law].

Footnote 4: ‘*t kl kll*: so *R.* and *G.*, p.332. *L* has been incorrectly emended.

Guggenheimer’s translation for the same passage is:

Guggenheimer has produced a flowing translation is therefore a wonderful achievement, though the actual nature and meaning of the text is reflected more accurately in Neusner's version.

Guggenheimer's translation is not as easy to understand as it is to read. If you already know what the passage means, his translation communicates it very well, but if you are trying to discover the flow of the argument, his translation is often unhelpful. In the section above there are a few places where the reader is left struggling, and these illustrate the ways in which his version is usually less helpful than Jaffee's translation in Neusner's edition.

First, there are insufficient explanations. For example, the play on the word *tbw'h* which, as Jaffee points out, is first understood as "produce" and then as "grain", explains why Deuteronomy 14.22 appears to demand tithes from "all produce" while they understand this to mean only "grain". Guggenheimer's version does add a footnote but it is confusing because although he translates Deuteronomy 14.22 as "all produce" (in the previous paragraph which is not cited here) and then "all grain", the footnote says it can mean "yield" and "grain", and he fails to explain the significance of this ambiguity.

Another example is the explanation why legumes (i.e. pulses like beans) should be tithed when Scripture says "grain". Jaffee adds a note (at [O]) to explain that "of the seed" implies "eaten like a seed", while Guggenheimer has no explanation at all. However, the explanation by Jaffee is unconvincing — it is more likely, in my opinion, to be based on the words "of the tree" which is cited here for the first time — and it is somewhat obscured by the typographical error reading "of the Lord" instead of "of the land".

Second, it is sometimes difficult to understand the significance of quotations in Guggenheimer's translation whereas Neusner's points out the relevant part of a Scripture quote by setting it in upper case. This is particularly useful at [R] where the prefix "of" is the crux of

the interpretation. In this case, Guggenheimer's footnote does indicate this explanation, albeit in rather stilted English.

Third, it is often difficult to relate the discussion in Guggenheimer's translation to other parts of Talmud or Mishnah which are being alluded to. In contrast, Neusner's edition is full of references to Talmud and Mishnah (abbreviated simply as "M" when they refer to the same tractate, as they do here). This is particularly important at [Q] where the discussion quotes a list of inedible seeds from m.Maas.5.8. The quotation is made clear in Neusner's edition both by the use of italics and the reference to the source, but only a rabbinic expert would recognise it as a quotation in Guggenheimer's translation.

Fourth, Guggenheimer gives insufficient regard to alternative readings which may aid the translation. In the beginning of this passage the argument is very difficult to follow in Guggenheimer's translation because it says that "You should tithe" is a general stipulation while "all your grain" is a specific detail. In all the editions other than Vienna and Amsterdam (i.e. in Vatican, Moscow, and London eds — Lieden is corrupt at this point) the text has "you should tithe all" as the general stipulation and "your grain" as the specific detail. This easier reading is followed by Jaffee, and the textual basis is footnoted, while Guggenheimer simply ignores the problem. It may be that Guggenheimer is following the best text (on the principle that the more difficult reading is correct) or it may be that he simply has a very high regard for the Vienna text (as his Introduction suggests) but a footnote at this point would have been useful.

The second comparison, taken from the Tractate *Shebiit*, find similar differences. The first passage which employs quotations from Scripture occurs at the start of the first halakhah where they try to find a Scriptural foundation for the mishnaic ruling about how long one can plough in an orchard and how long in a grain field in the year preceding the Sabbath Year. If you

plough after the crop has matured, you could be said to be benefiting the Seventh Year crop which may not be cultivated.

The Talmud points out that both Exodus 23:12 and 34:21 command rest on a Sabbath, but they appear to be superfluous because both the Sabbath Day and the Sabbath Year are commanded elsewhere. The key is the two terms “ploughing and harvesting” in 34:21 which tells us that there are two set times when ploughing must end (i.e. different times in an orchard and in a grain field) *before* the Sabbath Year.

Alan J. Avery-Peck in Neusner’s edition:

[I.A] [33a] Until when do they plow [in an orchard of fruit-bearing trees on the eve of the Sabbatical year] [M. Sheb. 1:1A]?

[B] {The following turns to Scripture to explain the notion at M. Sheb. 1:1 that the restrictions of the Sabbatical year begin to apply at the end of the sixth year, before the Sabbatical year actually begins.} It is written [at Exod. 23:12], “Six days you shall do all your work, but on the seventh day you shall rest.”

[C] And it is written [at Exod. 34:21], “Six days you shall work, but on the seventh day you shall rest]; in plowing time and in harvest you shall rest.”

[D] [At Exod. 34:21], with which [“Sabbath”] are we dealing?

[E] If [the verse] refers to the [weekly] Sabbath [that commemorates] creation, [it would be superfluous].

[F] For has it not already been stated [Exod. 20:9-10], “Six days you shall labor and do all your work, [but the seventh day is a Sabbath to the Lord your God]”? {Since, in the rabbinic perspective, Scripture contains no

redundancies, Exod. 34:21 cannot refer to the Sabbath day, which already is described at Exod. 20:9-10.}

- [G] And if [the verse] refers to the Sabbath of years, [it also would be redundant].
- [H] For has it not already been stated [at Lev. 25:3-4], “Six years you shall sow your field, and six years you shall prune your vineyard [and gather its fruits; but in the seventh year there shall be a Sabbath of solemn rest for the land]”? {Exod. 34:21 cannot refer to the Sabbatical year, for it is described at Lev. 25:3-4.}
- [I] Accordingly, if [Exod. 34:21] does not refer to the Sabbath [that commemorates] creation and [also] does not refer to the Sabbath of years,
- [J] let it teach about the prohibition [against plowing] in the first two periods [before the calendrical start of the Sabbatical year]. {Exod. 34:21 stands behind the rule of M. Sheb.1.1C that prohibits plowing in an orchard after Pentecost. It also accounts for the rule of M. Sheb. 2:1E that prohibits plowing in a field of grain after Passover}.
- [II.A] {Exod. 34:21 again is shown to stand behind the rule of M. Sheb. 1:1.} “In plowing time and in harvest you shall rest” [Exod. 34.21]. ...

Guggenheimer’s translation for the same passage is:

“Until when may one plough, etc.” It is written (*Ex.* 23.12): “Six days you shall do your work but on the Seventh Day you shall rest.” And it is written (*Ex.* 34:21): “You shall rest from ploughing and harvesting.²” Where do we hold? If one speaks about the Sabbath of Creation³, was it not already said (*Ex.* 20:9): “Six

days you shall labor and do all your work?” If one speaks about Sabbatical years, was it not already said (*Lev. 25:3*): “Six years you shall sow your field and six years you shall prune your vineyard?” If it cannot refer to the Sabbath of Creation nor to Sabbatical years, let it refer to the prohibition of the first two terms⁴. “You shall rest from ploughing and harvesting,”...

Footnote 2: The argument is somewhat elliptic. *Ex. 23:12* reads: “Six days you shall do your work but on the Seventh Day you shall cease, so that your donkey and your ox may rest and the son of your bondsmaid and the stranger may recuperate.” *Ex. 34:21*: “Six days you shall work; on the Seventh day you shall rest, from ploughing and harvesting you shall rest.” It would seem more natural to quote the second verse *in toto*; this is the approach of the commentaries which emend the first quote away but such an approach is impossible since our text clearly quotes two different verses. The explanation is in the *Mekhiltot (deR. Ismael, Massekhta dekhaspa*, p. 331; *deR. Simeon bar Iohai, Mishpaṭim*, p. 217): It says in the Ten Commandments, that “six days you shall labor and do *all* your work.” Hence, one could think that the Sabbath has to be kept only if *all* work is permitted on weekdays. This would exclude the Sabbath days of the Sabbatical year since most agricultural work is forbidden in the Sabbatical. Hence, the verse *Ex. 23:12* is necessary to include the Sabbath days of the Sabbatical years; this only makes sure that *Ex. 34:21* is redundant as far as both Sabbath day and Sabbatical year are concerned.

Footnote 3: The Sabbath day.

Footnote 4: The “two terms” are the two periods during which agricultural work has to cease before the onset of the Sabbatical year, one for orchards and one for fields.

These two translations manage to convey the general meaning of the passage, and Avery-Peck’s translation does an admirable job of explaining the flow of the argument, while Guggenheimer generally lacks explanations. A non-specialist reader is likely to lose his way at the following points:

First, the reason for introducing the two texts Exodus 23:12 and 34:21 is not really explained by either Avery-Peck nor Guggenheimer. Although Guggenheimer adds a long explanation based on an explanation in a later rabbinic commentary, which he appears to believe is correct, this only explains why Exodus 23.12 is useful — it does not explain why it is noted at this point.

The real explanation, in my opinion, lies in the addition of ‘ploughing’ to the Sabbath Year restrictions which was probably added some time in the first century BCE.. The Houses of Hillel and Shammai both agreed that ploughing had to finish before the end of the sixth year (see m.Sheb.1.1; 2.1) but there are a number of other rulings about ploughing which indicate that this was a restriction which had been recently introduced and not universally accepted (see especially m.Shebi.4.2; t.Shebi.3.10) and it was eventually abrogated by Gamaliel II (b.MK.3b; cf. t.Shebi.1.1). What was the scriptural justification for this innovation? One possibility would be in the congruence of Exodus 23:12 and 34:21 using the common exegetical technique of *Binyan Ab* (which combines two similar texts into a single ruling). The text in Exodus 34.21 refers to ploughing in the context of the Sabbath Day while Exodus 23:12 refers to an ox (which is used primarily for ploughing) in the context of the Sabbath Year (as the *Mekhiltot* recognised). The

two texts have several shared words and ideas so they can be linked into a single ruling in which ploughing is forbidden in the Sabbath Year.

The second point where a non-specialist reader would be confused is when the Talmud relies on the exegetical argument of redundant or superfluous words. They expected that the divine legislator would be absolutely clear, and would allow no superfluous words in his perfect Law. Therefore, when two verses appear to say the same thing, they assumed that each of them contained a separate emphasis or a minor regulation which was not present in the other. Avery-Peck explains this, but Guggenheimer assumes that the reader will recognise this without any help.

The third place where the non-specialist would be confused is at the mention of the “two terms” or “two periods”, because this passage has only spoken about the one time when ploughing of orchards has to cease. Someone who is familiar with Mishnah will know, of course, that the Houses also had a similar ruling about the time when ploughing of a grain field must cease (m.Sheb.2.1). Avery-Peck point this out while Guggenheimer merely footnotes the fact that it refers to a time for fields, while failing to refer to the House ruling which explains why the concept has been introduced here. Guggenheimer presumably considered that this link was too obvious because anyone reading Yerushalmi would already have a good knowledge of Mishnah.

In conclusion, Guggenheimer’s translation is remarkable because he has succeeded in producing a flowing and scholarly text which is easy to read and easy for a rabbinic scholar to understand alongside the Hebrew text. His edition provides for the first time a pointed Hebrew text alongside a translation which takes into account modern linguistic findings and footnotes which give some indication of how the text works. However, there are many occasions when the inexpert reader is left confused about what the text means and how the reasoning works. I fear

that this will only help to perpetuate the myth that Talmud lacks structure and is full of ill-substantiated arguments.

Neusner and the team of scholars who followed his structure have produced a translation which is less flowing but which reflects the actual text faithfully while giving the inexperienced reader sufficient aids for understanding it. His version remains a very useful tool for understanding the text and especially the reasoning behind it.