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## Book Review

Stephen J. Werber

*Cleveland State University*, [s.werber@csuohio.edu](mailto:s.werber@csuohio.edu)

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*THE ESSENCE OF TALMUDIC LAW AND THOUGHT.* By Samuel N. Hoenig, Northvale, N.J.: Jason Aronson Inc. 1993. Pp. xvii, 220. Paper. \$30.00. ISBN: 0-876-68445-2.

In his Preface, Dr. Samuel N. Hoenig succinctly states the purpose of this relatively short text as “. . .[] an attempt to lay before the reader the essence of talmudic thought and law. It is a story of the unfolding and making of the Talmud—its composition, structure, and redaction.” (xiii) This introductory text does somewhat more in that perhaps its greatest strength is that it provides snapshots of the sages who created the Talmud and how the world around them contributed to the development of this primary source of Jewish Law. *The Essence of Talmudic Law and Thought* can be read in an evening or studied for days. It serves its function as an introduction, while quoting or otherwise presenting many Talmud passages that have been studied by scholars for centuries. These passages, and the author’s comments, can be pondered at length. For those who seek further edification, the sources cited in the extensive footnotes and an excellent bibliography<sup>1</sup> provide materials which permit a comprehensive study of all topics addressed in this text.

It is, of course, impossible to discuss the Talmud in depth in a single volume, though at least two eminent scholars, Adin Steinsaltz and A. Cohen,<sup>2</sup> have attempted this task. The Babylonian Talmud, the focus of this text, consists of 5,894 folio pages (xvi) and approximately 2.5 million words (51) divided into a series of thirty-seven tractates (chapters). (xvi) The Talmud provides a basic source of law and how our lives should be lived through a story that covers thousands of years. Dr. Hoenig’s objective is more limited than the works of Steinsaltz and Cohen as he strives only to present a framework for initial understanding and future study.

This text meets its primary objectives as an introduction to the Talmud. Its introductory approach combined with an obvious desire to

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1. A more comprehensive introductory text is inexplicably omitted. See Elliot Dorff & Arthur Rosett, *A Living Tree: The Roots and Growth of Jewish Law* (S.U.N.Y. 1988).

2. Adin Steinsaltz, *The Essential Talmud* (Bantam 1977); Abraham Cohen, *Everyman’s Talmud* (Schocken Books 1975). For a more comprehensive multi-volume treatise presenting the legal principles of the Talmud see Menachem Elon, *Jewish Law: History, Sources, Principles (Ha-Mishpat Ha-Ivri)* (Jewish Publication Socy. 1994).

be concise form both its greatest strengths and its greatest weaknesses. In eleven chapters Dr. Hoenig presents the history of Talmudic development (ch. 1) and the multiple efforts to destroy all known copies of the work, (ch. 9) as well as showing how this major body of work evolved from the Oral Law, the role of the two main Rabbinic groups that developed and redacted the text, (chs. 2-4) and its jurisprudence. (ch. 6) He traces Talmudic development from its inception to its modern application. (ch. 11) The Chapters, which average only 15 pages, are subdivided so that each topic within a Chapter is discussed in from 1-3 pages. Dr. Hoenig thereby makes each piece of the giant Talmud puzzle digestible.

Interspersed within this text are important passages from the Talmud used to illustrate and explain principal points. The reader's appetite is whetted, but not fully satisfied. This may be considered a proper objective of an introductory text. The lack of full satisfaction derives from the fact that although the text's overall orientation is directed toward those who seek entrance into Talmudic understanding, there are instances where important statements can be understood only by those with a background in Talmudic study.

For example, the discussion of the death penalty (75-77) serves to introduce key concepts of Talmudic law, and the disparate positions taken by the sages in regard to its legal and moral propriety, and advises that although the view of those who supported the penalty was deemed the proper interpretation of the Biblical sources, its actual imposition was rare. The reader can readily comprehend this discussion. However, in the discussion of Talmudic methodology as utilizing a system of models, Dr. Hoenig notes that the *Mishnah* (Oral Law) states that: "The four primary categories of damage (listed in the Torah) are those that derive from the ox, the pit, the *maveh* (the tooth or man) and fire." (46) (The Torah or *Pentateuch* is described on p. 13) What these models mean in terms of how damages are determined is left unsaid. Absent Talmudic knowledge the reader will have no comprehension of the complex remedy system established through this model foundation. Although the purpose of this portion of the text was not the substantive law of civil damages (which also derives from the "eye for an eye" verses found in *Exod* 21:22-24), the desire for a concise and simple illustrative presentation may lead the uninitiated to significant frustration.

Nevertheless, this text captures the essence of the Talmud, its development, its spirit and its place in Jewish and world history. The reader unfamiliar with Talmudic terminology who faces the unavoidable

use of Hebrew terms is assisted by consistent use of clear and concise definitions coupled with explanations of word roots to illustrate why a certain term was used. This use of textual definition is nicely complemented by a glossary of Hebrew terms. The reader is introduced to basic concepts of *Aggadah*, *Halakah*, *Mishna*, *Gemara*—terms that define aspects of Talmud—and terms such as *Pilpul* and *Hiluk* which apply to a method of Talmudic study. An excellent example of such explanations is found in the discussion of the terms *midrash* and *halakah* so that the reader can readily understand that “*midrash halakhah* is basically a running commentary on the legal sections of the Pentateuch.” (27)

In addition to a well-conceived interweaving of Hebrew terms, this text contains many examples of Talmudic reasoning that aid the reader as he or she struggles with a logic system quite distinct and removed from that of the American legal system. A good example is found in explication of how the *Tannaim* (sages of the first and second centuries in Israel, *see* ch. 3)<sup>3</sup> established that the mandate “You shall not steal,” found in *Exodus* 20:15, referenced kidnapping rather than the theft of money, while the same term in *Leviticus* 19:11 references the theft of money. It took Talmudic sages to pull this off. An American-trained lawyer would likely have been unable to create this distinction as our system would find the reasoning utilized either incomprehensible or at least illogical.

The reader will also find discussion of many other Talmud-based legal principles. These principles create a system of law predicated on the relationship of man to man as well as man to God. (69) The Talmud is shown as establishing a unified justice system which is law-specific, yet so comprehensive as to incorporate moral and ethical values. Moral and ethical values are beautifully discussed, (ch. 10) particularly in regard to the *Mishnah* Tractate *Avot*, “Ethics of the Fathers.” (145) Despite its inclusive and specific nature, the entire system is predicated on free will. (chs. 6 & 10) Though free will is discussed, (130) the dominance of man in ascertaining and applying the law is illustrated much earlier (73) through a quotation from Talmud Tractate *Bava Metzia*. Dr. Hoenig utilizes this well-known passage to show that although God created the Torah and the law, even God yields to man when ascertaining the meaning of God’s own law.

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3. The *Tannaim* were the first group of sages involved in the creation of the Talmud as they were responsible for the *Mishnah*. The second group of sages, the *Amoraim*, studied and amplified the *Mishnah* and were responsible for the *Gemara*, the Talmud. The *Amoraim* are discussed in Chapter 4.

In this passage Rabbi Eliezer seeks to establish a given point of law and, when challenged, calls for a series of miracles to prove he is correct. We find that a carob tree moves a hundred cubits, the water in a canal flows backwards and the walls of the study bend inwards as though to fall. A voice from Heaven then asks what the Rabbis have against Rabbi Eliezer as the *Halakah* is always with him. The response from Rabbi Joshua is simply "it is not in heaven." (73) This means that the law was given to us at Sinai and we pay no heed to the heavenly voice, for the law already said that "[b]y a majority you are to decide." (74) Thereafter, the prophet Elijah tells Rabbi Nathan what God did when he heard the argument proffered by Rabbi Joshua: "He laughed and said, my children have conquered me." (74) It is man, and man's intelligence and free will, that rules. The various Talmudic passages and analyses provided by Dr. Hoenig thus explain the complex, unique and constant relationship between God and man.

As indicated above, perhaps the most compelling aspect of this text is that it humanizes the sages who created the Talmud rather than following the more common perception of a group of old men with nothing to do but discuss fine points of Biblical law. This humanizing of the sages is found throughout the text, but most particularly in biographical sketches of two of the greatest sages: Hillel ha-Nasi and Rabbi Shimon ben Lakish (Resh Lakish).

Hillel went to study in Israel at the age of 40. He worked as a woodchopper to earn the money to attend a famous Academy. One day, when he found no work and was denied entrance to the academy for lack of the fee, he climbed the roof and sat on a skylight to listen to the discussion taking place below. Oblivious to the weather, he almost froze to death before being rescued. (89) This man, intent on learning, ultimately rose to become President (*ha-Nasi*) of the Sanhedrin. (the Sanhedrin is discussed on p. 5) Dr. Hoenig presents a picture of Hillel's humility and patience and then recounts what may be the most famous of all Hillel lore. Here we learn that a person came to Rabbi Shammai, a colleague of Hillel, and declared that if Shammai could teach him the whole Torah while he stood on one foot, he would become a Jew. Shammai pushed him away. Hillel, however, responded: "What is hateful to you, do not do to your neighbor; that is the whole Torah, the rest is commentary, go study." (91) In modern terms: the Golden Rule. This reviewer found it disappointing that the text does not present a quote attributed to Hillel that is studied and heeded by many to the present day: "If I am not for myself, who will be for me? But if I am only for myself, what am I? And, if not now, when?" (Avot, *Mishnah*

14)

Resh Lakish, unlike Hillel, is largely unknown to those lacking a background in Talmudic studies. Lakish apparently had little interest in Torah and, due to poor economic conditions in third century Palestine, purportedly took work as a plantation guard and even as a gladiator. This changed when he met Rabbi Yohanan who promised him his sister in marriage if Resh Lakish would repent and study. (93) He did so and became one of the great sages and one of the few willing and able to challenge the highly esteemed Rabbi Yohanan. Dr. Hoenig points out that at the death of Resh Lakish, his mentor Rabbi Yohanan was inconsolable, as no one else would be able to raise objections to each answer that Yohanan provided. (94) Perhaps due to the need for conciseness, the text does not reveal that perhaps Yohanan also grieved because he blamed himself for the death of Lakish as, during one debate, Yohanan reminded Lakish that a point he was making concerning the purity of metal instruments was possible because “[a] robber is an expert in his trade.” (Bava Metzia 84a) (There is no evidence that Resh Lakish was ever a robber, but he did have knowledge of metal weapons.) Resh Lakish became ill and died following this dispute.

Though this text is sometimes overly concise, it provides an excellent introduction to the essence of Talmudic thought. That Dr. Hoenig may overstate the importance of the Talmud as a factor in the ability of the Jewish people and Judaism to survive (ch. 11) does not detract from his book’s contribution as a text that presents a comprehensive, understandable and readable introduction to one of the most complex and long-living sources of law ever created. When the person seeking to gain core knowledge of the letter and the spirit of Jewish law as set forth in the Talmud finishes this text, that person will understand why it is said that “one does not ‘read’ but ‘studies’ the Talmud.” (xv) . . . . and that it “is easier to say what the Talmud is not than what it is.” (xvii) If that is the result, as this reviewer believes it will be, *The Essence of Talmudic Law and Thought* has met, and at times exceeded, its modest goals.

*Stephen J. Werber*<sup>†</sup>

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<sup>†</sup> Professor of Law, Cleveland-Marshall College of Law, Cleveland State University, Cleveland, Ohio.