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A TRANSGRESSION FOR THE SAKE OF GOD—‘*AVERAH* *LI-SHMAH*: A TALE OF A RADICAL IDEA IN TALMUDIC LITERATURE

Yuval Blankovsky

Abstract: *The Babylonian Talmud (BT) attributes the idea of committing a transgression for the sake of God to R. Nahman b. Isaac (RNBI). RNBI's statement appears in two parallel sugyot in the BT (Nazir 23a; Horayot 10a). Each sugya has four textual witnesses. By comparing these textual witnesses, this paper will attempt to reconstruct the sugya's earlier (or, what some might term, original) dialectical form, from which the two familiar versions of the text in Nazir and Horayot evolved. This article reveals the specific ways in which, value-laden conceptualizations have a major impact on the Talmud's formulation, as we know it today.*

INTRODUCTION

All cultures, religions, and ethical or legal systems struggle with the role intention plays when evaluating actions. How much weight should the cultural system, no matter what kind, grant to intentions when judging both positive and negative actions? This question impacts various issues, including the boundaries between individual and society, and thus it seems that no cultural system can avoid dealing with this complicated and fundamental problem.¹

One of the most interesting ways in which the literature of the sages touches on the idea of intention is through the radical and exceptional concept that “A sin committed for the sake of God is greater than a commandment fulfilled

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1. For a scholarly bibliography elaborating on intention's role in Judaism, see Howard Eilberg-Schwartz, *The Human Will in Judaism: The Mishna's Philosophy of Intention* (Atlanta, Ga.: Scholars Press, 1986), 203 n. 9; and Aurelian Botica, *The Concept of Intention in the Old Testament, Philo of Alexandria and the Early Rabbinic Literature*, (Piscataway, NJ: Gorgias Press, 2011). For an example of recent research on this topic in comparative religion, see Shaul Shaked, “Religious Actions Evaluated by Intention: Zoroastrian Concepts Shared with Judaism,” in *Shoshanat Yaakov: Ancient Jewish and Iranian Studies in Honor of Yaakov Elman*, ed. Shai Secunda and Steven Fine (Leiden: Brill, 2012), 403–413. For a historical overview, particularly of intention in Christianity, see Thomas Alexander Lacey, “Intention,” in *Encyclopedia of Religion and Ethics*, ed. James Hastings (New York: Charles Scribner's Sons, 1908), 7:380–382. For a summary of the philosophical discussion on intention, see Kieran Setiya, “Intention,” in *The Stanford Encyclopedia of Philosophy* (Spring 2011 edition), ed. Edward N. Zalta, <http://plato.stanford.edu/archives/spr2011/entries/intention/>.

not for the sake of God.” The Babylonian Talmud (henceforth BT) attributes this concept, which challenges one of rabbinic Judaism’s most fundamental dogmas—the need to fulfill the commandments and avoid sin, to R. Naḥman b. Isaac (henceforth: RNBI). According to RNBI’s statement, “*gedolah ‘averah li-shmah mi-mizvah she-lo li-shmah*,”² the distinction between performing a commandment and committing a sin is somewhat ambiguous. Not only are certain types of sins permitted, these sins are considered even more meritorious than certain types of commandments—commandments not performed for God’s sake. Considering the normative character of the rabbinic culture in which Halakhah (Jewish religious law) plays such a central role, this concept, which empowers intention to such an extreme that the distinction between commandments and sins becomes blurred, seems almost like a foreign body in the talmudic corpus. However the statement is attributed to RNBI, a renowned fourth-century scholar who was an integral part of the Babylonian rabbinical world of that time.³ Moreover, even if one assumes that because it is exceptional this statement should be attributed to other anonymous or named scholars, later or earlier than RNBI, the foreignness of this statement to the cultural milieu of the rabbinic world remains. The fact that this statement was included in the Babylonian Talmud indicates that the BT’s culture succeeded in containing this radical concept.

How is such a marginal and disruptive idea, with anarchist potential, assimilated into mainstream rabbinic culture? How do ideas develop in the sages’ literature and how are they shifted from the margins to the center—into the canonical text of the BT itself?

To start to answer these questions, it is useful to focus on the chronicle of the transmission of RNBI’s statement: analyzing it from the time it was formulated to the time the BT’s text took the shape we are familiar with today.⁴ While other questions concerning RNBI’s statement, which are essential to understanding the sages’ “world of ideas” could be asked, they require much

2. B. Nazir 23a; B. Horayot 10a. All citations from Horayot and Nazir in this paper are from the Babylonian Talmud. For an overview of the rabbinic commentaries on RNBI’s statement, see Nahum Rakover, *Matarah ha-mekadeshet ‘et ha-’emza’im* (Jerusalem: The Library of Jewish Law, 2000).

3. For RNBI’s dates, see Avinoam Cohen, *Ravina ve-ḥakhmei dor* (Ramat-Gan: Bar Ilan University Press, 2004), 69. For RNBI’s unique linguistic style, see Reuven Margalioṭ, *Le-ḥeker ha-kinnuyim ve-ha-shemot* (Jerusalem: Mosad Harav Kook, 1960), 29–37. On RNBI’s methodology, see Jacob N. Epstein, *Mevo’ot le-sifrut ha-’amora’im*, ed. Ezra Z. Melamed (Jerusalem and Tel-Aviv: Magnes and Dvir, 1963), 178. For a general overview of RNBI’s life see Chanoch Albeck, *Mavo le-talmudim* (Tel-Aviv: Dvir, 1969), 371–372. Regarding RNBI’s cultural milieu and his connection to Raba, see Yaakov Elman, “Rava as Mara de-Atra in Mahoza,” *Ḥakirah* 11 (2011): 69. On RNBI’s unique character and his attraction to sin, see B. Shabbat 156a. There the Talmud reports that his mother was told that her son would become a thief. In order to prevent this, she told him to cover his head and pray for mercy. Once, while RNBI was studying Torah under a palm tree, his head covering fell off. He looked up and, noticing the tree, was immediately overcome by temptation for the dates. He climbed the tree and tore off a bunch of dates with his teeth. This story clearly reflects a Babylonian tradition concerning RNBI that attributes to him an inclination or attraction to sin from birth.

4. In other words, the transmission history will end with the medieval BT manuscripts and not venture beyond this point in time.

greater depth and complexity of inquiry. Such worthy but difficult questions include: how this exceptional and potentially antinomian idea developed in the sages' own culture, the possible roots it might have in rabbinic culture, and the possible meanings and scope of RNBI's statement when it was formulated.⁵ However, this study will be limited to examining the way in which the Talmud contained RNBI's statement, by reading it in the context of a large body of knowledge—the talmudic sugya, and by honing in on the various editorial processes this sugya underwent over the course of its transmission.

THE RADICAL POTENTIAL OF RNBI'S STATEMENT AND ITS IMPLICATIONS
FOR THE TRANSMISSION OF THE TALMUDIC SUGYA

RNBI's statement appears twice in the Babylonian Talmud in B. Nazir 23a and B. Horayot 10a, in parallel sugyot. The various translations offered for RNBI's statement handily illustrate his statement's ambiguous character and the radical potential inherent in it.⁶

1. Schottenstein Horayot: "A transgression committed for the sake [of Heaven] is of greater merit than a mitzvah performed for ulterior motives."
2. Jeffrey Kalmanofsky : "A sin done for God's sake is greater than a commandment done for ulterior motives."⁷
3. Soncino Nazir: "A transgression performed with good intention is better than a precept performed with evil intention."
4. Martin Jaffee, Horayot: "A transgression committed for the sake of fulfilling a commandment is greater than a commandment which is not fulfilled for its own sake."⁸
5. Proposed translation: "A sin committed for the sake of God is greater than a commandment fulfilled not for the sake of God."

The advantage of this new proposed translation is that the word *li-shmah*, which appears twice in the original statement, is translated the same way both times.⁹ The variety of the translations highlights the statement's ambiguity; however, no matter which translation we choose the statement's radical nature is

5. For a detailed discussion of these questions, see Yuval Blankovsky, "'Averah li-shmah: le-korotav shel munnah radikali ba-sifrut ha-talmudit'" (PhD diss., Potsdam University, 2014).

6. Commenting on RNBI's statement, Nahum Rakover, "*Matarah*", remarks that "due to its explosive nature, the principle has never become part of the mainstream of Jewish law, but has remained a relatively minor tributary" (p. xxii). This paper focuses on how the "explosive nature" of RNBI's statement influenced its talmudic sugya's formulation.

7. Jeffrey Kalmanofsky, "Sins for the Sake of God," *Conservative Judaism* 54, no. 2 (2002): 11.

8. Horayot, *The Talmud of Babylonia: An American Translation*, trans. Martin Jaffee, ed. Jacob Neusner (Atlanta: Scholars Press, 1987).

9. In this context, it is worth mentioning that the word *li-shmah* meaning *le-shem shamayim* (for the sake of God) already appears in Y. Hagigah 2:1 (77c) see: Yehuda Liebes, *Heta' o shel 'Elisha'a* (Jerusalem: Akademon, 1990), 79 n. 22. Testimony to the interchangeability of the two terms may be found in a baraita that underwent the journey from Palestine to Babylonia: see T. Bikkurim 2:16; B. Pesahim 50b. Another option is to translate the word *li-shmah* as "proper intention" or "good

clear: the elevation of intention over deed has antinomian potential. In this light, it does not matter which translation is the most precise or how RNBI's statement was understood at the time it was formulated. What might be more illuminating is the literary context of RNBI's statement: the talmudic sugyot in which the statement appears. Indeed, the extremely radical potential of RNBI's statement led to what might be termed "cultural enthusiasm"¹⁰ in the transmission of the sugya. This activity is attested by additions¹¹ to the sugya and by literary devices the sugya employs, which are intended to attenuate or mitigate RNBI's radical message.

THE VARIANTS OF THE SUGYA'S TEXT

As mentioned above, the talmudic sugya containing the notion of *'averah li-shmah* appears twice in the BT in parallel sugyot. Each sugya has four textual witnesses. While the Nazir sugya's¹² four textual witnesses have the same dialectical structure, the Horayot sugya's¹³ four textual witnesses adhere to different sugya structures. Moreover, none of the Horayot textual witnesses possesses a dialectical structure identical to that found in the Nazir textual witnesses. So, to summarize, we possess five versions of the sugya's dialectical structure: one in Nazir and four in Horayot. Comparison of the sugya's five versions, will allow us to reconstruct the earlier dialectical structure, from which the familiar versions of the text found in Nazir and Horayot developed. Identifying the sugya's literary devices will further aid in reconstructing the earlier version from which the extant sugya developed (what some might term, the original text).

The longest version of the sugya appears among Nazir's textual witnesses:¹⁴

intention". The translation "for the sake of God" is preferred because of the linguistic connection we mentioned between *li-shmah* and *le-shem shamayim* in rabbinic literature.

10. This phrase means that the transmission of the sugya reflects increased cultural activity. As an indicator of this increase, compare the length of the shortest version of the sugya in MS Munich 95 of Horayot (around 330 words) to the longest version of the sugya in the Bomberg Talmud Horayot or any of the Nazir manuscript versions, which hover around 550 words. The sugya expanded by two-thirds, an increase that seems far greater than one would expect to find in comparing the average sugya's versions in the BT's manuscripts. The vast difference in scale between the manuscripts is exceptional; this article seeks to explain this difference. There are other sugyot in the BT where similar scales of difference occur. These other sugyot also deserve an explanation.

11. The analysis of the late additions is based on Shamma Friedman's principles on judging insertions: see "Perek ha-'ishah rabbah ba-bavli," in *Mehkarim u-mekorot*, ed. Haim Dimitrovski (New York: Jewish Theological Seminary, 1977), 1:301–308. An English translation of the definition of these criteria appears in the summaries at the end of the book (no page numbers given).

12. Nazir's textual witnesses are MN = MS Munich 95; V = MS Vatican 111; G = Ginzburg 1134; BN = Bomberg Talmud for Nazir. N designates these textual witnesses when taken as a single group.

13. Horayot's four textual witnesses are M = MS Munich 95; P = MS Paris 1337; I = Modena—Archivio Storico Comunale 26.1 (fragment from the Italian Geniza); B = Bomberg Talmud for Horayot. H designates these textual witnesses when taken as a single group.

14. The translation follows the text printed in the Vilna edition. See below for a comparison of the dialectical structures of the differing sugyot in N and H. Textual variants that contribute to an understanding of the preliminary sugya's structure and contents are discussed in the notes. These variants contribute significantly to the proposed dating of the additions introduced into this sugya.

A Transgression for the Sake of God

1. Rabbah b. b. Ḥana, quoting R. Yoḥanan, said:
2. The verse “For the ways of the Lord are right, and the just walk in
3. them, but transgressors stumble in them” [Hosea 14:10]
4. may be illustrated by the following example.
5. a. Two men roast their paschal lambs.
6. One eats it with the intention of fulfilling the precept,
7. and the other eats it with the intention of stuffing himself.¹⁵
8. To the one who eats it to fulfill the precept [we apply]
9. “And the just walk in them”
10. but to the one who eats it to stuff himself [we apply]
11. “but transgressors stumble in them.”
12. Resh Lakish remarked to him: Do you call such a man
13. wicked? Granted that he has not fulfilled the precept in the best
14. possible manner, he has at least carried out the Passover rite.
15. b. Rather it should be illustrated by two men:
16. One of them had his wife and his sister staying with him,
17. and the other had his wife and his sister staying with him.
18. One chances upon his wife,
19. and the other chances upon his sister.
20. To the one who chances upon his wife,
21. “And the just walk in them,”
22. and to the one who chances upon his sister,
23. “but transgressors stumble in them.”
24. But are the cases comparable? We speak [in the verse] of one
25. path, whereas here [in the example given] there are two paths.
26. c. Rather it is illustrated by Lot and his two daughters
27. A. To the daughters, whose intention was to fulfill a commandment,
28. “the just walk in them,”
29. whereas to him whose intention was to commit a transgression,
30. “but transgressors stumble in them.”
31. I. But perhaps it was also his intention to fulfill a commandment?
32. i. R. Yoḥanan has said: The whole of the following verse indicates [Lot’s]
33. lustful character. “And Lot lifted up” [Genesis 13:10] is paralleled by,
34. “And his master’s wife lifted up her eyes upon” [Genesis 39:7]; “his
35. eyes” [Genesis 13:10] is paralleled by “take her for me as she is
36. beautiful in my eyes” [Judges 14:3]; “and beheld” [Genesis 13:10] is
37. paralleled by, “And Shekhem the son of Ḥamor beheld her” [Genesis
38. 34:2]; “All the ‘plain’ [*kikar*] of the Jordan” [Genesis 13:10] by “for on
39. account of a harlot, a man is brought to a loaf [*kikar*] of bread”

15. In N the wording is “‘eḥad ‘akholo le-shem/le-shum ‘akhilah gasah,” but in H a briefer version omits the word *le-shem/le-shum* (with the intention of); the briefer version is more likely to reflect the preliminary sugya’s form.

40. [Proverbs 6:26]; “it was well watered everywhere” [Genesis 13:10] by “I
 41. will go after my lovers who give me my bread and my water, my wool
 42. and my flax....” [Hosea 2:7].
43. II. But [Lot] was the victim of compulsion?
 44. It was taught in the name of R. Yose b. R. Ḥoni: Why is there a point on
 45. the letter *vav* in the word *u-ve-kumah* [and when she arose] [Genesis
 46. 19:33] occurring in the story of the elder daughter? To indicate that
 47. though he did not know when she lay down, he well knew when she
 48. rose.
49. III. But what could he have done, since it was all over?
 50. He should have learned that he should not have drunk wine¹⁶ again on
 51. the following evening.
52. ii. Raba expounded as follows: What is the significance of the verse: “A
 53. brother offended is harder to be won than a strong city and their
 54. contentions are like the bars of a castle” [Proverbs 18:19]? “A brother
 55. offended is harder to be won than a strong city” refers to Lot who
 56. separated from Abraham. “And their contentions are like the bars of a
 57. castle” because he caused contentions¹⁷ as bars¹⁸ of a castle,¹⁹ as it is
 58. said: “An Ammonite or a Moabite shall not enter into the assembly of
 59. the Lord” [Deuteronomy 23:4].
60. iii. Raba, and some say R. Isaac, expounded as follows: What is the
 61. significance of the verse, “He who isolates himself pursues his desires;
 62. He disdains all competence [*yitgala‘a*]” [Proverbs 18:1]? “He who
 63. isolates himself pursues his desires” refers to Lot.²⁰ “He disdains all
 64. competence” [teaches us] that his disgrace was published [*nitgelah*] in
 65. the synagogues and houses of study, as we have learnt: “An Ammonite
 66. and a Moabite are forbidden in marriage and the prohibition is

16. In N we find *le-mishte'i hamra*, but in H, a briefer version omitting the word *hamra* (wine) appears. The briefer version is more likely to reflect the preliminary sugya's form.

17. MN, V, and G add the words *beino u-bein Yisra'el* (between him and Israel), “him” referring to Lot. In H the division is between Israel and Ammon (*bein Yisra'el le-'Amon*) and not between Lot and Israel.

18. In N the contentions are described as bars (*ki-vriḥim*), but in H they are not; in B the contentions are between Israel and Ammon, and in M and P the bars separate Israel and Ammon.

19. The Vilna printed edition (following BN) reads *ve-'armon*, which should be translated “and a castle,” not “of a castle.” MN and G read *le-'armon*, which the translation above follows. Perhaps BN adopted *ve-'armon* to signify that the word *'armon* is not associated with the last *derashah* about the contentions but rather introduces a new *derashah* based on the phonetic similarity between *'armon* and *'Amon*.

20. P and B add *she-nifrad me-'Avraham* (who separated from Abraham), similar to line 56. In N and M that phrase is missing. It was probably a late addition to the passage, which explains why it is only found in some of Horayot's textual witnesses.

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67. perpetual” [M. Yevamot 8:3].
68. B. Ulla said:
69. Tamar committed adultery,
70. ²¹Zimri committed adultery.
71. Tamar committed adultery and gave birth to kings and prophets.
72. Zimri committed adultery and on his account many tens of thousands of
73. Israel perished.
74. C. R. Naḥman b. Isaac said:
75. A sin committed for God’s sake [*li-shmah*] is greater than a
76. commandment fulfilled not for God’s sake [*she-lo li-shmah*].
77. But has not R. Yehudah, citing Rav, said:
78. I. A person should always engage in the Torah and the
79. commandments, even when it is not for their
80. own sake [*she-lo li-shmah*],
81. II. because through doing it not for their own sake
82. [*she-lo li-shmah*], he will engage in them for their
83. own sake [*li-shmah*].
84. Read than: A sin committed for God’s sake [*li-shmah*] is as good as a
85. commandment fulfilled not for God’s sake [*she-lo li-shmah*].
86. As it is said: “Blessed above women may Yael be, the wife of Heber the Kenite,
87. above women in the tent shall she be blessed” [Judges 5:24].
88. Who are the “women in the tent”?
89. Sarah, Rebecca, Rachel, and Leah are meant.
90. R. Yoḥanan said: That wicked wretch [Sisera] had sevenfold intercourse
91. [with Yael] at that time, as it says “at her feet he
92. sunk, he fell; he lay....” [Judges 5:27].
93. But she must have enjoyed the transgression?
94. R. Yoḥanan said: All the favors of the wicked are evil to the righteous,
95. for it says: “Guard yourself from speaking to Jacob
96. either good or ill” [Genesis 31:24].
97. It is appropriate to warn [Laban] not to speak ill
98. but why not [to speak] good?
99. Thus, it may properly be inferred that the good of such a one is an evil.
100. The above text states [*gufa*]:²²
101. α. R. Yehudah, citing Rav, said:
102. I. A person should always engage in the Torah and the
103. commandments, even when it is not for their own sake

21. The Italian Geniza fragment on the sugya (I) starts at this point.

22. This line does not appear in H; see comment below.

104. [she-lo li-shmah],
 105. II. because through doing it not for their own sake
 106. [she-lo li-shmah], he will eventually engage in them for
 107. their own sake [li-shmah].
 108. III. For as reward for the forty-two sacrifices that the wicked²³
 109. Balak offered, he was privileged to be the progenitor
 110. of Ruth.
 111. β. R. Ḥiyya b. Abba, citing R. Yoḥanan said: How do we know that the
 112. Holy One, blessed be He, does not withhold the reward even for a
 113. decorous expression?²⁴
 114. The elder daughter [of Lot] called her son Moab and so the All-Merciful
 115. One said to Moses: “Be not at enmity with Moab neither contend with
 116. them in battle” [Deuteronomy 2:9].
 117. Only war was forbidden, but you might cause them sorrow.
 118. The younger daughter, on the other hand, named her son Ben-Ammi and
 119. so it says, “Harass them not, nor contend with them” [Deut. 2:19], do
 120. not even cause them any sorrow.²⁵
 121. γ. R. Ḥiyya b. Abin said: R. Yehoshua b. Karḥa said²⁶: A man should
 122. always be as alert as possible to perform a precept, for as a reward for
 123. anticipating the younger by one night, the elder daughter of Lot was
 124. privileged to enter the genealogical record of the royal house of Israel,
 125. four generations earlier.²⁷

23. BN, V, and G have *ha-rasha 'a*, (wicked) which does not appear in MN. In Horayot we find another description of Balak: M, P—“King of Moab”; B—“on the altar”; I—“King of Moab on the altar.”

24. This translation follows the version in N and I. B and P add an explanation: B—“from here” (*me-hakha*); P — “from the daughter of Lot.” These are probably late glosses, which did not appear in the earlier sugya.

25. This translation follows the version in BN. In the Nazir manuscripts the explanation following the verse varies: MN, G, V—the word *kelal* (at all) does not appear. The parallel line in Horayot’s textual witnesses reads as follows: P, D—only the word *kelal* appears; I—no explanation follows the verse.

26. This is the tradition regarding the transmission of the *derashah* in N and B. In I, R. Yoḥanan is added to the chain of transmitters: R. Ḥiyya b. Abba in the name of R. Yoḥanan in the name of R. Yehoshua b. Karḥa; P is similar to I, but lacks R. Yehoshua b. Karḥa.

27. This translation follows the version in BN—*be-Yisra’el la-malkhut*. There are various versions in the other textual witnesses: NM, B—only *la-malkhut* (royal house); G, V—only *be/le-Yisra’el* (of Israel); I—*le-malkhut ‘Oved, Yishai, David, u-Shelomo*; P—*be-Yisra’el le-malkhut ‘Oved, Yishai, David, u-Shelomo*.

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THE SUGYA'S TRIPARTITE STRUCTURE

The *'averah li-shmah* sugya possesses a tripartite structure.²⁸ The sugya opens with an attempt to illustrate the verse, "For the ways of the Lord are right; and the just walk in them, but transgressors stumble in them" (Hosea 10:14). Then the sugya proposes three exegeses to the verse (marked a–c); the first two are rejected and the third is accepted. According to the exegesis that is accepted, the verse can be illustrated by Lot and his daughters' incest. Lot's daughters, who intended to fulfill a commandment, exemplify the middle of the verse "and the just walk in them," while Lot, who intended to commit a sin, exemplifies the end of the verse, "but transgressors stumble in them."

Following this, in an attempt to justify Lot, the sugya asks three questions but ultimately rejects them (I–III). To answer the first question, a *derashah* is quoted on a verse that condemns Lot (i). Fulfilling a tripartite structure, the sugya then quotes two more *derashot* (ii, iii) condemning Lot (each possesses a literary structure similar to that of the first *derashah*.²⁹). Then, to complete the tripartite structure, two more biblical stories of temptation are presented (B, C) that complement the story of Lot's daughters (A); both are biblical stories depicting sexual sins committed by female characters who, like Lot's daughters, are praised.

The two stories are alluded to by Ulla's statement praising Tamar (B) and RNBI's statement (C) praising Yael; in fact, RNBI calls her deed "a transgression for the sake of God" (*'averah li-shmah*). The sugya ends with a series of three statements (α - γ) that teach that God rewards people for performing deeds that might be considered of lesser value: engaging in Torah and commandments not for their own sake, refined speech, and alacrity in fulfilling a commandment. Another common denominator linking these three statements is that each one bases its teaching on the behavior of Lot's daughters or on that of their descendants.

THE EARLIER SUGYA'S DIALECTICAL STRUCTURE

All the sugya's textual witnesses in Nazir and Horayot possess the same dialectical structure until the first part of RNBI's statement (l. 76). From that point on, the sugya's dialectical structure takes on five different forms. The inconsistency of Horayot's textual witnesses, including parts of the sugya's dialectical structure, indicates that those parts did not belong to the earlier version of the sugya but were added at a later date. The differences between the various structures are summarized in the following table:

28. About this phenomenon in the BT and its connection to an oral culture see Yaakov Elman, "Orality and the Babylonian Talmud," *Oral Tradition* 14, no. 1 (1999): 86.

29. The phrase "similar literary structure" denotes that all three *derashot* divide the verse into its component parts and offer their commentary on each of these parts.

	Nazir's four textual witnesses (N)	Bomberg Talmud Horayot (B)	MS Paris1337 Horayot (P)	The Italian Geniza fragment Horayot (I)	Ms Munich 95 Horayot (M)
The question regarding RNBI's statement and the answer(The first appearance of Rav's statement) ll. 77–84	Appear	Appear but only after line 89	Do not appear	Do not appear	Do not appear
The passage containing the question and answer about Yael's deed ll. 90–99	Appears	Lines 95–99 do not appear	Lines 97–99 do not appear	Appears	Does not appear
Line 100 (<i>gufa</i>)	Appears	Does not appear	Does not appear	Does not appear	Does not appear
The second part of the second appearance of Rav's statement ll. 105–107	Appears	Appears	Does not appear	Does not appear	Does not appear
The two statements about Lot's daughters(β , γ) ll. 111–125	Appear	Appear	Appear	Appear but before line 101	Do not appear

The table demonstrates that the sugya contains three crucial late additions. The first—Rav’s statement (as summarized in the first and fourth lines of the chart)—appears twice in the sugya, initially (ll. 77–83) as an authoritative source that enables the sugya to question RNBI’s statement, and its implications on the second appearance of Rav’s statement at line 100 and lines 105–107. The second addition is the passage (also found in B. Yevamot 103a) that calls Yael’s deed into question (ll. 90–99). Finally, the third addition is comprised of the two statements about Lot’s daughters (ll. 111–125) (also found in B. Bava Kamma 38b).

THE LATER ADDITIONS’ IMPLICATIONS FOR RNBI’S STATEMENT

a. *The First Addition*

In Nazir’s textual witnesses, after the first part of RNBI’s statement, “a sin for God’s sake is greater than a commandment not performed for God’s sake” (ll. 75–76), the sugya adduces Rav’s words (ll. 77–83) to question RNBI’s statement. The sugya responds to Rav’s questioning by proposing to attenuate the radical nature of RNBI’s message, transforming it into the far more mundane message that a sin committed for God’s sake is equal to (not greater than!) a commandment fulfilled not for God’s sake (ll. 84–85). In the Bomberg Talmud Horayot, this question and answer appear elsewhere in the sugya, after the question and answer about the identity of ‘the women in the tent’ (l. 89). In the Horayot manuscripts (I, M, P), this passage is absent.

Horayot’s textual witnesses’ inconsistency in the inclusion of this question and answer indicates that they are late additions to the sugya. This addition was added to the earlier version of the sugya in order to moderate RNBI’s message.

One might argue that this question and answer was indeed part of the earlier version of the sugya and its omission in the Horayot manuscripts was the result of homoioteleuton, i.e., a copyist’s error, wherein the scribe’s eye skipped from the word *li-shmah* at the end of line 76 to the word *li-shmah* at the end of line 85, thus leading to the omission of the text between them.³⁰ An examination of the second occurrence of Rav’s statement in the sugya, which appears in all the textual witnesses for Nazir and Horayot (starting from line 101), resolves this doubt.

In the textual witnesses that quote Rav’s statement twice (those from Nazir and the Bomberg Talmud Horayot that question RNBI’s statement), the second time Rav’s statement occurs reads as follows:

R. Yehudah, citing Rav, said:

- I. A person should always engage in the Torah and the commandments, even when it is not for their own sake [*she-lo li-shmah*],

30. See Ruth Kaniel Kara-Ivanov “Imahot u-paytanut be-mitos holadat mashiah mi-beit David” (PhD diss., Hebrew University, 2010), 145 n.48.

- II. because through doing it not for their own sake [*she-lo li-shmah*],
he will eventually engage in them for their own sake [*li-shmah*].
- III. For as a reward for the forty-two sacrifices that the wicked Balak offered,
He was privileged to be the progenitor of Ruth.

But in the Horayot manuscripts (I, M, P) that quote Rav's statement only once (where the statement appears for the second time in Nazir), Rav's statement includes only parts I and III. Rabbinovicz argues that the formulation of Rav's statement including parts I, II, and III (occurring in N and B) is corrupt, since there is no plausible link between Balak's sacrifices (III) and the premise that eventually one will engage in the Torah and the commandments for their own sake (II).³¹ Rabbinovicz claims that this formulation conflates two variants of Rav's statement, which occur several times in the Talmud: one variant includes parts I and II and the other includes parts I and III.³² Indeed, the most plausible explanation for the fact that those manuscripts that use Rav's statement to question RNBI's statement also contain a corrupt version of Rav's statement when it appears a second time in the sugya is that the question about RNBI's statement is a later addition to the passage. Thus, in the earlier version of the sugya, Rav's statement appeared only once, as it appears in the Horayot manuscripts: including only parts I and III. The sugya quotes this statement to balance RNBI's message, which undermines the value of commandments not performed for God's sake.

In order to call RNBI's statement into question, the sugya needs to introduce the other version of Rav's statement, the one that includes part I and II, which argues that one who engages in commandments which are not for their own sake will eventually come to engage in them for their own sake. After this question is added to the sugya, the second appearance of Rav's statement should be introduced by the term *gufa* (meaning "as cited above").³³ In order for the *gufa* terminology to be used, part II has to be added to the secondary citation of the statement because it appeared in the first occurrence of Rav's statement. The corrupt textual version of Rav's statement, which only occurs in the textual witnesses that quote Rav's statement twice in the sugya (N and B), indicates that the first appearance of Rav's statement—as an authoritative source challenging RNBI's statement (lines

31. Raphaelo Nathan Rabbinovicz, *Dikdukei sofrim* (Munich: 'A. Huber, 1879), 10:34 n. 22.

32. The formulation that includes parts I and II appears in B. Pesahim 50b, B. Sotah 22a; B. 'Arakhin 16b, as well as in our sugya. The formulation that includes parts I and III appears in B. Sotah 47a, as well as in our sugya. The formulation that includes parts I–III appears in B. Sanhedrin 105b.

33. Thus is the version in N. Although B quotes Rav's statement twice in the sugya it does not present Rav's second statement using this stylistic device. R. Joshua Boas, in *Masoret ha-shas* in the printed edition of B. Horayot 10a, noticing this absence, offers to fill it by adding the word *gufa* to the text. B's text may be explained as a partial copy of the parallel sugya in Nazir. This influence can also explain the different placement of the question on RNBI's statement in B (after line 89).

77–83)—is a late addition.³⁴ As mentioned above, this addition was introduced to attenuate RNBI’s radical message.³⁵

b. The Second Addition

The passage that includes lines 90–99 follows RNBI’s statement both in Nazir’s textual witnesses and in the Italian Geniza fragment from Horayot. Line 93 questions Yael’s deed: “But she must have enjoyed the transgression?” From this query we may deduce that one is only permitted to sin for God’s sake if one does not enjoy the experience.³⁶ While in B only lines 90–94 appear, in P only lines 90–96 appear and in M the passage fails to appear at all.

The inconsistency of Horayot’s textual witnesses in the inclusion of this passage indicates that this entire passage is a later addition.³⁷ Thus we may conclude that the second addition was also introduced to temper RNBI’s subversive pronouncement, this time by limiting it to only those cases where the sinner does not take pleasure from the sin.

c. The Third Addition

In Nazir’s textual witnesses and in P and B we find two passages about Lot’s daughters (ll. 111–125) immediately after Rav’s statement, at the end of the sugya.

34. In another attempt to explain the variant textual witnesses, one might suggest that the omission of Rav’s statement’s first appearance in the Horayot manuscripts was the result of a copyist’s error. According to this theory, after the mistake occurred, the next copyist tried to “correct” the text and did not copy the word *gufa* because in the text he had in front of him Rav’s statement appeared only once. We must then also assume either that for some reason this copyist did not copy part II of Rav’s statement or that the text he was copying from lacked part II. This line of thinking seems less probable.

35. The question and answer on RNBI’s statement seem to be late additions to the earlier version of the sugya. These additions appear in all of Nazir’s textual witnesses and we have no reason to suspect that this part of the sugya was not part of the Nazir sugya when the tractate was formulated.

36. For a list of rabbinic commentaries containing this deduction, see Nahum Rackover, *Ends That Justify All Means*, 42–45.

37. Surprisingly, this late addition to Horayot (B, I, P) is similar to the passage in Yevamot, not to the one in Nazir:

1. In Yevamot (as in B, I, and P), the statement is attributed to R. Yoḥanan in the name of R. Shimon b. Yoḥai, but in N the statement is attributed to R. Yoḥanan alone.

2. The wording *bi-shlama ra’a le-hayye* in the majority of Yevamot’s textual witnesses (l. 97) is similar to that in I (the only Horayot version that contains this line). In N the version is *bi-shlama ra’a shafir*; this version only occurs in Yevamot’s MS Munich 95.

These findings indicate that the transmitters of Horayot who included this passage took it from Yevamot or from a Nazir version unavailable to us. The differences between B, I, and P with regard to the scope of this addition indicate that none of these manuscripts is merely a copy of the other; nevertheless, all three manuscripts have one common denominator—their similarity to Yevamot, not to Nazir. It is difficult to date this addition; however, the fact that B, I, and P do not represent an independent version of the passage bolsters the assumption that this addition did not precede the formulation of these two variants (Yevamot and Nazir); on the other hand, the fact that the transmitters of Horayot took this passage from Yevamot or from a Nazir version that we do not possess indicates that it was introduced early on, before the prevalent version of the Nazir sugya was established or widely disseminated and accessible.

As mentioned above, these two passages create a tripartite structure when located after Rav's statement. In I those passages appear before Rav's statement and in M those passages do not appear at all. The inconsistent inclusion of these passages in Horayot's textual witnesses indicates that they are a late addition that did not appear in the earlier version of the sugya.³⁸ The fact that Rav's statement would then not be part of a tripartite structure, if it ended the earlier version of the sugya, indicates that it too was added at a later date.

It appears that Rav's statement was added to soften RNBI's message, which undermines the value of commandments not performed for God's sake. Rav teaches that God provides a reward even for those commandments not performed for their own sake, as Balak's sacrifices prove.

Nevertheless, unlike the other later additions, Rav's statement appears in all the textual witnesses. If the assumption that Rav's statement must be a later addition because it undermines the repetitive tripartite structure is correct then we should still assume that it was added at an early stage, for it appears in all the extant textual witnesses.

38. The fact that all three times these statements appear in the BT they are quoted together indicates that they were considered one literary unit. Comparing the versions of those statements in B, I, P, and N, and those versions and this passage in B. Bava Kamma 38b can shed light on the origins of this passage in those textual witnesses of Horayot that include it. The main differences between the various versions of the passage occur in the explanatory additions to the statements (lines 117, 120, and 125):

1. The parallel of line 117 in B. Bava Kamma is "*milhamah hu de-lo 'avid ha 'angarya 'avid be-hu*" and in correlation to that in line 120, "*ve-'afilu 'angarya lo ta 'avid be-hu*." The word '*angarya*' means "the seizure of people or goods for public service" (Michael Sokoloff, *A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period* [Ramat-Gan: Bar-Ilan University Press, 2002], 64). In N the wording is "*milhamah hu de-lo ha za'aurei za'arinan*"—it is forbidden to cause Ammon sorrow. In contrast to that, in line 124 the text permits causing Moab sorrow—*za'aurei za'arinan*. The parallel in B to line 117 employs the word '*angarya*', as in the Bava Kamma passage; I and P adopt N's style. The explanatory addition in line 120 does not appear in B, I, or P.

2. At the end of the passage in B. Bava Kamma, an explanation appears about the provenance of Ammon's entrance into the Israelite nation: "*Oved, Yishai, David, ve-Shelomo ve-'ilu ze 'eirah 'ad Rahava'am she-ne'emar ve-shem 'imo Na'amah ha-'Amonit*." Part of this explanatory addition appears in I and P, but it is absent from N and B.

None of Horayot's textual witnesses precisely matches the versions in Nazir or B. Bava Kamma: B is similar to B. Bava Kamma in line 117, but in line 125 it is similar to Nazir, while the opposite is true of I and P; all three (B, I, P) do not contain line 120, in contrast to the versions in Nazir and B. Bava Kamma. Nevertheless the versions of this passage in B, I, P do not seem to be another distinct variant on this passage because of their inconsistency. This inconsistency, which occurs neither in Nazir's textual witnesses nor in B. Bava Kamma's, suggests that this addition to Horayot is a result of copyists who copied from the passages in Nazir and B. Bava Kamma, respectively. The differences between the versions of this passage in B, I, and P and the versions in Nazir and B. Bava Kamma can be attributed to sloppy copying.

A Transgression for the Sake of God

THE TEXTUAL WITNESSES AND THEIR AFFILIATIONS TO THE EARLIER VERSION OF THE SUGYA

Among the sugya's textual witnesses, MS Munich 95 of Horayot (M) clearly has the shortest dialectical structure—the three later additions we identified do not appear. Based on *brevior lectio potior*, it can be assumed that this textual witness reflects the structure of the earlier version of the sugya better than any other.³⁹ This analysis could be called into question by suggesting that the brief version of the sugya in M might be a result of M's characteristic brevity in all respects.⁴⁰ Nevertheless, the additions have not been identified solely based on their absence in M but also based on the manner in which they appear in Horayot's other textual witnesses (B, I, P): where they do not appear at all or appear in an inconsistent fashion, in terms of their scope or positioning in the sugya.

REPETITION AS A LITERARY DEVICE AND ITS IMPLICATIONS FOR UNDERSTANDING RNBI'S STATEMENT

The sugya employs a unique literary device: the repetition of a word or several words within a pair of clauses or sentences. This literary device appears in the following pairs of lines: 6:7, 8:10, 9:11, 16:17, 18:19, 20:22, 21:23, 27:29, 28:30, 69:70, 71:72 and 75:76.

The sugya begins by attempting to illustrate the verse, "For the ways of the Lord are right and the just walk in them, but transgressors stumble in them," (Hosea 14:10) which uses an *epiphora*—the repetition of a word at the end of two successive clauses. The sugya concludes by illustrating this verse with the incest of Lot and his daughters (ll. 27–30): Lot's daughters intended to fulfill a commandment and Lot intended to transgress one. The sugya employs literary repetition (ll. 27:29, 28:30) to formulate this conclusion.

The two other temptation stories, those of Tamar and Yael, attributed to Ulla and RNBI, are formulated the same way: Ulla's statement in lines 69:70 and 71:72 and RNBI's statement in lines 75:76 use literary repetition. This formulation leads

39. Epstein and Weiss argue about which of the parallel sugyot in Nazir and Horayot is the original and which the copy: see Jacob Nahum Epstein, *Mevo'ot le-sifrut ha-'amora'im*, 77; Abraham Weiss, *Le-korot hithavut ha-Bavli* (Jerusalem: Makor, 1970), 50–51. Epstein states that Nazir was copied from Horayot. He does not make an explicit argument but his assumption that the Nazir sugya was copied from Horayot is based on his theory that tractate Nazir (like the other "exceptional tractates") was edited later than the rest of the BT. Weiss's diametrically opposed conclusion is based on his analysis of the differences between the textual witnesses he had at his disposal: the Bomberg Talmud and MS Munich 95 for both tractates. He explains that the differences between B and M were the result of copyists' errors. It seems, however, that the very notion of treating the two texts as original and copy is inappropriate in this case. The similarity between the two sugyot indicates that they had a common ancestor—the earlier version of the sugya. The supposition that M preserves the latter sugya's structure better than any other textual witness fits in neatly with Epstein's opinion that the Horayot sugya predates the Nazir one. This notwithstanding, we cannot dismiss Weiss's assumption that the additions present in some of Horayot's textual witnesses were included because of the influence of the parallel Nazir sugya.

40. Shamma Yehuda Friedman, *Talmud 'arukh: Perek ha-sokher 'et ha-'umanin* (New York and Jerusalem: Jewish Theological Seminary, 1997), 66.

the audience to read these statements in the same paradigm: that is, Tamar and Yael intended to fulfill a commandment, as did Lot's daughters, and Zimri and Sisra intended to transgress, as did Lot.

The sugya's tripartite structure serves not only as a mnemonic device but also reflects the way this body of knowledge was studied and understood. The three temptation stories are presented as one unit, in which all the component parts possess the same characteristics.⁴¹

One can posit that the phrase "intended to fulfill a commandment" (*mitkavnu le-shem mizvah*), attributed to Lot's daughters, was the redactors' way of expressing the *li-shmah* intention that RNBI attributes to Yael. The sugya's literary structure persuades the audience or readers to understand the *li-shmah* intention in RNBI's statement as the intention to perform a commandment. This is probably why Rashi, and Jaffee in his wake, explained it that way.⁴²

The expression "intended to fulfill a commandment" (*mitkavvim le-shem mizvah*) is unique in rabbinic literature; originally it applied solely to the intention required to enter into a levirate marriage. Thus we learn in the Mishnah:

Originally when they intended to [do so in order to] fulfill a commandment—the commandment of levirate marriage (*yibbum*) took precedence over the commandment of taking off the sandal (*ḥalizah*), but now that they do not intend [to do so in order] to fulfill a commandment—the commandment of taking off the sandal takes precedence over the commandment of levirate marriage. (M. Bekhorot 1:7, MS Kaufman)

Whoever explained that Lot's daughters' intentions were "an intention to fulfill a commandment" surely knew this mishnah and wished to allude to it.⁴³ The sugya

41. Indeed a long list of rabbis and scholars read those three stories as exemplars of 'averah *li-shmah*'; see R. Menahem ha-Meiri, *Beit ha-behira*, Horayot, ed. Avraham Sofer (Jerusalem: Makor, 1969), 272; Ruth Kaniel Kara-Ivanov, 'Gedolah averah lishmah', *Nashim* 24 (2013): 30.

42. Interestingly, Tosafot B. Nazir 23a, s.v. *ve-dilma 'aihu nami le-shem shamayim mekhaven*, cites a variant that replaces "intended to fulfill a commandment" (*le-shem mizvah*), in line 31, with "for the sake of God" (*le-shem shamayim*). The possibility that this change has implications for the other temptation stories in the sugya is supported by Tosafot B. Nazir 23b, s.v. *Tamar zintah*. There the Tosafot comment that Tamar acted "for the sake of God" (*le-shem shamayim*). The phrase "intended to fulfill a commandment" (*le-shem mizvah*) also appears in line 27, but we have no way of determining Tosafot's version there. This variation is also found in other indirect textual witnesses of the Nazir sugya: MSS Parma 3010 and London 406, which are manuscripts containing Talmudic aggadot; and in the first printed edition of Haggadot ha-talmud (Constantinople, 1511), which is another corpus of talmudic aggadot attributed to an unknown Spanish scholar. In line 27, these indirect textual witnesses replace "intended to fulfill a commandment" (*le-shem mizvah*) with "for the sake of God" (*le-shem shamayim*). Probably these textual witnesses reflect a later evolution of the text which aims to solve the difficulty of the original version: it is not clear what is the commandment that Lot's daughter intended to fulfill.

43. The relocation and novel use of terms, expressions, and statements in new contexts endows them with new meanings. This phenomenon is typical of rabbinic literature. The phenomenon can be viewed from the perspective of Wittgenstein's language philosophy as a "language game." For example, we can examine the sugya's novel use of the phrase *kavvanah le-shem mizvah* in the context of biblical female figures' sexual sins. Likewise, we can explore the use of the term *li-shmah*

praises Lot's daughters and Tamar, viewing their deeds as a variation on levirate marriage.⁴⁴

The inclusion of RNBI's statement in a passage discussing levirate marriage leads the audience or readers to understand that both RNBI's statement and levirate marriage follow the same principle: just as the law of levirate marriage suspends the prohibition against marrying one's brother's wife in order to reach a sanctified goal, so too RNBI can legitimize Yael's adultery because it was performed in order to reach a sanctified goal—killing an enemy of Israel.

By presenting RNBI's statement in the context of levirate marriage, a commandment anchored in the law, the redactor subtly and cleverly persuades his audience to believe that far from contradicting the law, RNBI's message is an integral component of the law.

THE EARLIER VERSION OF THE SUGYA AND ITS EVOLUTION

We can attempt to trace the sugya's evolution logically by assuming that the redactors' use of similar literary devices indicates similar historical and cultural backgrounds, for instance, that of an oral culture, which customarily uses mnemonic devices including repetition and triadic segments. Thus, the sugya's earliest nucleus would have contained only the part using the two literary devices we have identified: repetition and tripartite structures. Indeed, it may be that during the first stage, the sugya contained only these two tripartite structures: a–c and A–C (the only tripartite structures that also employ the literary motif of repetition). These tripartite structures are linked together in a chain: the story of Lot and his daughters is the final part of the first structure, and it is the first part of the second structure. During this first stage, the sugya ended with RNBI's statement (as explained above, this literary structure was designed to lead the reader to attenuate RNBI's statement). During the second stage, a passage about Lot and his daughters was added, which tellingly does not use repetition, but is formulated in two linked tripartite structures—I–III and i–iii. The third stage saw the addition of Rav's statement (marked as α). Placed after RNBI's statement, the sugya's new ending presumably served to further mitigate RNBI's radical message. Significantly, it appears in all the textual witnesses. In the fourth stage, two more statements (β and γ) were added to complete the missing tripartite structure. These additions do not appear in all the textual witnesses. Following this, two more additions were made (we have no indication as to the sequence of these two events): the question and answer concerning RNBI's statement from Rav's

as it is used, not only in the context of fulfilling commandments but also, as RNBI innovates, in the context of committing transgressions. By examining a word or phrase's prior usage, we can better apprehend the meaning or the possible meanings of the new usage. About the implication of this approach for the interpretation of the talmudic literature see: Yuval Blankovsky, "Ma'amar 'al parshanut ha-Talmud," (Jerusalem: Orientation, 2013), <http://www.daat.ac.il/daat/v1/belan-talmud/belan-talmud01.pdf>.

44. Tamar's marriage is explicitly a levirate one, as Genesis 38:7 attests; and, as mentioned above, the sugya uses the unique terminology applied to levirate marriage in discussing Lot's daughters' story.

statement, and the passage in ll. 90–99, which also appears in Yevamot 103a. Both of these latter additions do not follow the tripartite structure and do not appear in all the textual witnesses, and thus were likely introduced last. The purpose of these additions too is to temper RNBI's message.

CONCLUSION

The radical potential of RNBI's statement led to a surge of cultural enthusiasm, or activity, in the transmission of the sugya, in an effort to mitigate it. This activity is reflected in the additions to the sugya, which should be viewed as a type of self-censorship for ideological reasons. Literary analysis of the sugya indicates that the redactors also employed several literary devices in order to persuade their audience or readership to interpret RNBI's statement in a moderated fashion, which does not challenge the dogmas of Jewish religious law. This cultural process may be viewed through the lens of St. Augustine's words:

Those things, again, whether only sayings or whether actual deeds, which appear to the inexperienced to be sinful, and which are ascribed to God, or to men whose holiness is put before us as an example, are wholly figurative, and the hidden kernel of meaning they contain is to be picked out as food for the nourishment of charity.⁴⁵

Not only does RNBI's statement about Yael's sin follow Augustine's hermeneutic rule, so does the redactors' interpretation of RNBI's statement.

This close analysis of the transmission of the *'averah li-shmah* sugya has revealed the range of opinions in the BT on the role of intention in evaluating religious actions. At one extreme is RNBI's statement elevating intent over deeds, and, at the other, is Rav's statement arguing for performance, no matter whether intention is present or not. Rav's opinion eventually dominated the sugya (and apparently the thinking of the BT), and so the redactors contained RNBI's statement by situating it in a literary context and by using sophisticated literary devices to lessen the antinomian impact of this position. The analysis of this sugya reveals the specific ways in which value-laden conceptualizations have had a major role in the Talmud's formulation, as we know it today.⁴⁶

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45. *On Christian Doctrine*, in *The Nicene and Post-Nicene Fathers*, ed. Philip Schaff (Grand Rapids: Eerdmans, 1978–1979), 2: 560–561 (III.12.18).

46. Future research along similar lines can be undertaken concerning Rava's dictum "even for a matter of transgression" (B. Berakhot 63a). This dictum appears in the context of a discussion of the verse: "In all your ways know the Lord" (Proverbs 3:6). On the connection between Rava's statement and RNBI's statement, see R. Menahem ha-Meiri, *Beit ha-behira*, Nazir, ed. Avraham Lis (Jerusalem: The Institution of the Complete Palestinian Talmud, 1967), 81; Rakover, *Matarah*, 55–59; Ephraim Elichelech Urbach, *Ḥazal: Pirkei 'emunot ve-de'ot* (Jerusalem: Magnes, 1983), 300.