

Texte und Studien zum Antiken Judentum

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Catherine Hezser

Form, Function,
and Historical Significance
of the Rabbinic Story
in Yerushalmi Neziqin



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herausgegeben von
Martin Hengel und Peter Schäfer

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Die Deutsche Bibliothek – CIP-Einheitsaufnahme

Hezser, Catherine:

Form, function, and historical significance of the rabbinic story in
Yerushalmi Neziqin / by Catherine Hezser. – Tübingen: Mohr, 1993
(Texte und Studien zum antiken Judentum; 37)

ISBN 3-16-146148-7

NE: GT

978-3-16-158779-5 Unveränderte eBook-Ausgabe 2019

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The book was typeset by M. Fischer in Tübingen using Times typeface, printed by Gulde-Druck in Tübingen on acid-free paper from Papierfabrik Niefern and bound by Heinr. Koch in Tübingen.

ISSN 0721-8753

In memory of
Baruch M. Bokser
זכרונו לברכה

Preface

This book is the revised version of a Ph.D. thesis submitted to the Jewish Theological Seminary of America in 1992. The work was initiated by Prof. Baruch M. Bokser. Prof. Bokser agreed to be my advisor at a time when he already knew of his illness. Despite his illness, he read my initial drafts and was always available for discussions and suggestions. His perseverance in the face of adversity greatly encouraged me to carry on my research after his death. This work is dedicated to his memory.

I owe special thanks to Prof. Peter Schäfer, who, after Prof. Bokser's death in July 1990, continuously read my manuscript drafts and made many valuable suggestions. I further thank Professors Shaye J.D. Cohen and Burton L. Visotzky, for reading my text, for their critical comments, and for the time they took to discuss various issues with me. Prof. David Weiss-Halivni, whom I consulted concerning difficult Talmudic passages, generously shared his vast knowledge.

The study was made possible through a Stroock Fellowship from the Jewish Theological Seminary of America and a Special Doctoral Scholarship from the Memorial Foundation for Jewish Culture. I thank both of these institutions for their gracious support. I would also like to thank Peter Schäfer and Martin Hengel for including this work in their series *Texte und Studien zum antiken Judentum*.

Cambridge, June 1993

Catherine Hezser

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Abbreviations

AAJR	American Academy for Jewish Research
AJS	Association for Jewish Studies
ANRW	Aufstieg und Niedergang der Römischen Welt
CRIANT	Corpus Rerum Iudaicarum Ad Novum Testamentum
FJB	Freiburger Judaistische Beiträge
FRCS	Folklore Research Center Studies
HTR	Harvard Theological Review
HUCA	Hebrew Union College Annual
JBL	Journal of Biblical Literature
IEJ	Israel Exploration Journal
JJS	Journal of Jewish Studies
JQR	Jewish Quarterly Review
JRS	Journal of Roman Studies
JSHL	Jerusalem Studies in Hebrew Literature
JSJ	Journal for the Study of Judaism
JTS	Jewish Theological Seminary
MGWJ	Monatsschrift für Geschichte und Wissenschaft des Judentums
PAAJR	Proceedings of the American Academy for Jewish Research
PWCJS	Proceedings of the World Congress of Jewish Studies
REJ	Revue des Etudes Juives
SBL	Society of Biblical Literature
SBLSP	Society of Biblical Literature Seminar Papers
SH	Scripta Hierosolymitana
ZDMG	Zeitschrift der deutschen morgenländischen Gesellschaft

Abbreviations of rabbinic documents according to Strack-Stemberger

Introduction

This study examines the redactional context, the literary form, and the historical significance of rabbinic narratives in the Bavot tractates of the Palestinian Talmud.

Besides legal and exegetical dicta, the rabbinic story is one of the main types of discourse in the Talmud. The story, perhaps the most important outlet for rabbinic ideology, reveals the rabbis' world-view in a paradigmatic way. It shows how the rabbis conceived of themselves and of their role in relation to those within their circles and to society at large. Questions such as the following need to be addressed in regard to these stories: Who were the rabbis who created these stories? For what purposes did they use them? In which settings might these stories have been told originally? How were they transmitted? Which literary forms can be distinguished? What function do the narratives have in the respective Talmudic context?

As a distinct literary genre, the rabbinic story is distinguished from its Talmudic context through its narrative mode, that is, the usage of past tense verbs of action to describe a specific event that involves post-biblical characters such as rabbis, anonymous lay-people, and others. Short halakhic case-stories as well as detailed aggadic anecdotes belong to this genre. In the Mishnah, Tosefta, and Yerushalmi, both of these types of narratives are called "*maaseh*".¹

Mere references to cases or case-decisions are excluded from this definition because they do not provide a narrative description of the case.² Para-

¹ Assis (1987) 165–170 only lists "cases and decisions" (העובדות וההוראות למעשה) in y. Neziqin; cf. Wewers (1984) 314f; Segal (1990). Neusner (1987a) 82 sees "sage-stories" or anecdotes as a distinct category. Goldberg (1974) and Gereboff, on the other hand, deal with case-stories as well as with stories containing aggadic elements/stories teaching a non-legal lesson under the category "*maaseh*". On the definition of "story" see also Meir (1987a) 43–61.

² Assis (1987) 165–170 includes the following references to cases and case-decisions in his list:

... אחא עובדא קומי ר"פ והורי כר"פ y. B.M. 3:9; 9b

... מעשה הוה והורי ר"פ כר"פ y. B.M. 3:9; 9b

... אמר ר"פ: ... אשכחית עובדא קומי ר"פ y. B.M. 5:2; 10b

... ר"פ הוה ליה עובדא והוה דייניה/דיינין y. B.B. 3:3; 14a, 8:1; 16a, 8:5; 16b–c

... ר"פ אעיל עובדא קומי ר"פ y. B.B. 8:8; 16b–c

... ר"פ הורי y. B.M. 10:2; 12c, B.B. 9:4; 17a

bles are excluded because, unlike rabbinic stories, parables consist of two strata, the narrative itself and the moral or religious truth for which it stands. Parables do not purport to tell “historical” or “real-life” events.³ Exegetical narratives are excluded because they involve biblical characters.⁴ Rabbinic stories, on the other hand, describe purported events in the life of post-biblical characters.

A study of the stories of the entire Talmud Yerushalmi, although desirable, must be initially based on a limited selection. The Bavot-tractates have been chosen because, as Lieberman and others have emphasized, their outlook is different from that of the rest of the Yerushalmi.⁵ The construction of their *sugyot* is less sophisticated than the construction of *sugyot* in other *y.* tractates. For this and other reasons, *y. Neziqin*’s redaction is generally assumed to have occurred at a time (and place) different from that of the other tractates. Because of the Bavot tractates’ distinctiveness, they are a good starting-point for the investigation of the literary genre of rabbinic stories in the *y.*

The study will combine an analysis of the forms and the redaction of the stories with an inquiry about their “*Sitz im Leben*” and their historical significance. Form- and redaction-critical methodology was initially developed for biblical texts,⁶ but recently a number of scholars (cf., e.g., Neusner, Bokser, and Schäfer, referred to below) have also applied it to the analysis of rabbinic texts. The basic idea is that rabbinic documents are collections of earlier, originally independent traditions that underwent various stages of transmission and redaction. At the time when the editors of the Talmudic and Midrashic documents received these traditions, they may already have passed a history of transmission, during which material was added and the texture was changed. As a next step, the editors themselves may have changed the texts in order to adapt them to their new literary contexts. Thirdly, the scribes of the manuscripts introduced certain changes and harmonizations, a procedure which seems to have partly overlapped with the work of the editors so that it is sometimes difficult to distinguish between redactional and scribal changes. The task of the historical-critical scholar is to trace the history of the traditions from their redactional usage

None of these references is accompanied by a narrative description of the specific case. Therefore the texts cannot be called “stories”.

³ On parables cf. Neusner (1987) 84f; Stern, D.; Meir (1987a) 83f.

⁴ On exegetical (or midrashic) narratives see Slomovic.

⁵ Cf. II.4 for a survey of past scholarship on *y. Neziqin*.

⁶ For a summary of these approaches see the various introductions to the New Testament, e.g. Egger or Roloff 14–41. Gunkel, Bultmann, and Dibelius are exemplary for the form-critical approach, cf. the summary in Towner 28–33; J. Louis Martyn’s study of the Gospel of John is an example for the redaction-critical approach. For an expansion of these approaches by the investigation of the “*Sitz im Leben*” and the “local color” of texts see Theißen 1–24.

back to earlier pre-redactional stages and to determine the form, meaning, and function of the traditions at each of these levels.

Form-analysis of rabbinic texts, that is, the isolation, description, and synoptic comparison of small units of discourse, was already practiced by a number of earlier scholars. Abraham Weiss tried to determine the literary genres of Amoraic literature. Besides the *memra* (מִימְרָא) and the *sugya* (סוגיא) as the basic building blocks of that literature, he discerned “collections” (קְבָצִים), “midrashim and aggadot” (מִדְרָשִׁים וְאַגְדוֹת), and “tractates” or “treatises” (מַסְכְּחוֹת) as distinct forms. Furthermore, he suggested several “*Sitze im Leben*” or original situations that might have caused the creation of collections, some of which he considered to be independent literary sources.⁷ In his study of aggadah, Joseph Heinemann compares different versions, cites parallels in Greco-Roman literature, and investigates the possible historical situations that led to the creation and modification of aggadic narratives.⁸ In earlier works, Heinemann had applied form-criticism to prayer texts in Tannaitic and Amoraic sources,⁹ and to proems in Midrashim.¹⁰ Henry A. Fischel’s works deal with the relationship between rabbinic literary forms and stylistic elements and their hellenistic equivalents.¹¹ Dan Ben-Amos’ doctoral thesis offers a structural analysis of aggadic stories.¹² A number of Yonah Fraenkel’s articles deal with the forms and rhetorical elements employed in aggadic narratives.¹³

While all of the above mentioned studies deal with formal issues concerning rabbinic texts, a conscious adaptation of the form-critical methodology developed for biblical texts is only to be found in the works of Towner and Neusner. Towner studies the enumeration pattern, a list of items that appears in the aggadic portions of rabbinic literature.¹⁴ He traces the tradition-history of the individual pericopes by comparing parallel versions of the texts. Finally, he catalogues the lists according to functional categories (hermeneutical, lexical etc.) and detects a development of the form.¹⁵

In *Development of a Legend* and in *Rabbinic Traditions About the Pharisees Before 70* Neusner acknowledges the influence of New Testament form-criticism. He maintains, however, that due to the different nature of

⁷ Cf. Weiss. On Weiss see Goodblatt (1970a).

⁸ Cf. Heinemann, J. (1974).

⁹ See Heinemann, J. (1964).

¹⁰ See Heinemann, J. (1971).

¹¹ Cf. Fischel (1968), (1973a), (1973b), and (1977). On Fischel see Saldarini (1977) 261f For comparisons between aggadic material and Greco-Roman sources see also Halevi’s works.

¹² Cf. Ben-Amos. On Ben-Amos see Saldarini (1977) 269–71.

¹³ Cf. Fraenkel (1978), (1981b), and (1983).

¹⁴ Cf. Towner.

¹⁵ On Towner see Saldarini (1977) 257–260.

rabbinic literature, New Testament categories cannot be simply applied to rabbinic texts. New categories have to be developed that grow out of an analysis of the rabbinic material itself.¹⁶ Furthermore, in contrast to New Testament form-criticism which tries to recover earlier traditions or sources, Neusner's form-analytical studies do not attempt to be historical. While Neusner describes and catalogues the various forms of the Yochanan material as it appears in the documents, he thinks that earlier forms of that material do not need to be recovered or are not recoverable.¹⁷ The editors have either left the material relatively unchanged,¹⁸ or they have changed it so much that all marks of earlier traditions have been obliterated.¹⁹ At this stage of his work, Neusner still propagated synoptic comparisons of the variant versions of traditions, not in order to detect the "original form" underlying the variants, but "to follow the history of sayings, stories, and biographical details through several documents".²⁰

The results of Neusner's formal categorization of the Yochanan material and of the traditions about the Pharisees before 70 are objectionable. Since Neusner does not distinguish between traditional and redactional forms, he lists redactional introductory formulas alongside traditional stories.²¹ Similarly, his notion of the irrecoverability of earlier forms of the traditions and the resulting refusal to determine the transmission-history of a tradition and editorial changes within a tradition have to be criticized. As Halivni has shown for the b., some *sugyot* can only be explained by tracing earlier forms of the traditions which the later rabbis had before them and by determining the changes that occurred during transmission.²² As Bokser has shown,²³ and as the present study will show, some of the y. traditions underwent a number of stages of transmission and the editors of the *sugyot*

¹⁶ Cf. Neusner (1970) 189f.

¹⁷ Cf. Neusner (1970) 188: "Second, the discovery of the origin and history of the particular units before us is probably not accessible through present methodology; ...".

¹⁸ Cf. *ibid.* 187: "In the case of Yochanan, the pericopae and logia were probably not subjected to a similar, comprehensive editing" as texts in the gospels; "We do not ... have to uncover what the original units of the Yochanan-materials consisted of, for they lie here spread out before us".

¹⁹ See *ibid.* 188. Neusner refers to the ARN editors as an example for this kind of editing.

²⁰ *Ibid.* 189. He arrives at the conclusion that later documents tend to contain later versions of the texts. On Neusner's approach see also Saldarini (1977) 262–269 and Towner 44–48. For a comparison between the various versions of a tradition in order to trace its transmission history see Visotzky. Neusner later declared the synoptic or intertextual approach to rabbinic literature useless and criticized its proponents, see *idem* (1986), (1987a), and (1987b) and Morton Smith's rejoinder in *idem* (1988).

²¹ Cf. Neusner (1970) 192ff.

²² Cf. Halivni's introduction in *idem* (1982) 5–27. On Halivni's source-critical methodology see also Goldenberg (1970), Kanter, and Goodblatt (1970b). On the necessary differentiation between tradition and redaction see also Friedman (1977).

²³ Cf. Bokser (1980) 46f.

consciously reworked and adapted earlier material to the new literary contexts. Therefore it is impossible to simply suspend the question of transmissional and editorial revisions of earlier traditions.²⁴

In "Sage, Story, and History: The Medium and the Message in the Fathers According to Rabbi Nathan" and in *Judaism and Story*²⁵ Neusner compares Abot and ARN with regard to their usage of "sage-stories".²⁶ While, according to Neusner, Abot contains only a few such stories, ARN makes ample use of them. Neusner thinks that ARN used this literary form to express a specific message.²⁷ This message seems to be expressed by the mere quotation of the stories: "The authorship of a given document then has been limited to selecting, from a common and available range of materials, items of particular interest, for one reason or another, to the document they proposed to compile; the authorship has had no important role in shaping the stories".²⁸ Neusner thinks that the editors left the stories basically unchanged, for a characteristic trait of sage-stories "is that the story itself ignores the main point the redactor has introduced the story to amplify".²⁹ At the same time, this sentence indicates a shift between the message of the story and the purpose for which the editors employ it. How, then, can the editors of ARN express their concerns by merely quoting the stories? The message of the stories as originally independent units may have differed from the message the editors want to convey with them, a possibility which the above quoted sentence indicates, but which Neusner does not further discuss. It would be useful to know what Neusner thinks of *how* the editors of ARN make originally independent stories subservient to their own concerns or express these concerns through them. Toward the end of his book, Neusner writes that we have to "*characterize the use of stories by a given document. We must compare the role of the story in other documents to the role of the story in The Fathers According to Rabbi Nathan*",³⁰ but his subsequent comparison between the use of stories in ARN and other rabbinic works is limited to a comparison of the quantity in which the various types of stories occur in the respective documents.

Arnold Goldberg provides another form-analytical approach to rabbinic texts which he introduced in his programmatic article "Entwurf einer form-

²⁴ See also Schäfer (1978) 6–8. Although some of Neusner's recent works deal with the nature of particular documents such as Lev. R. and the Babli, cf. Neusner (1985a) and (1986b), the issue of editorial revisions of earlier material is never addressed.

²⁵ See Neusner (1987a) and idem (1992).

²⁶ For a definition of "sage-story" see *ibid.* (1987a) 82 and (1992) 57.

²⁷ See Idem (1987a) 81 and 92: "The stories on sages in ARN yield a single message: people may begin the study of the Torah at any point in life, and if they work hard, they will achieve success, riches, and fame".

²⁸ Idem (1992) 140.

²⁹ *Ibid.* (1987a) 89 and (1992) 57.

³⁰ Idem (1992) 137. Italicized by author.

analytischen Methode für die Exegese der rabbinischen Traditionsliteratur".³¹ He suggests that one should describe and catalogue the literary patterns found in rabbinic writings and determine their function within that literature. He does not care to investigate the "*Sitz im Leben*" of the texts, which he thinks is irrecoverable, but their "*Sitz in der Literatur*". Like Neusner, Goldberg seems to be aware of the document-editors' usage of earlier traditions. Like Neusner he refuses to trace these earlier traditions and to determine their later editorial reworking. Both approaches are basically synchronic analyses of the component parts of the final redactions of the respective texts.

Goldberg applies his approach in his articles on the rabbinic literary forms of *mashal* and *maaseh*. He analyzes these forms as they appear in Midrashim (*mashal*) and in the Mishnah (*maaseh*), that is, their final redactional stage. He does not examine independent units but the component parts of larger literary works.³²

In his study of the *maaseh* in the Mishnah, Goldberg focusses on the form and function of this literary form within the larger redactional framework.³³ He differentiates between the various forms of the *maaseh* as it appears in the Mishnah. Goldberg is aware of the fact that the *maaseh* as the Mishnah preserves it stands at the end of a long process of transmission and redaction, but he thinks that the pre-redactional form of the stories is not recoverable.³⁴ Case-stories, which constitute the largest part of the narratives in the Mishnah, were created for the transmission of particular rabbinic decisions but have no original oral "*Sitz im Leben*".³⁵

While Neusner and Goldberg analyze the compositional parts of the final redactional layer of rabbinic documents, Bokser goes beyond that layer in tracing earlier traditions and their transformation during the stages of transmission and redaction: "to evaluate the thought, concerns, and world view of different generations, circles, and individuals, we must transcend the finished product and separate Talmud into its component parts and strata and distinguish between what a person might have said and what was later attributed to him".³⁶

Bokser applies this method to the traditions about Shmuel, a first generation Babylonian Amora.³⁷ With regard to each of the traditions of his sample, Bokser tries to determine whether the present redactional form was the original form of a tradition "or whether Samuel made an independent state-

³¹ Cf. Goldberg (1977). On Goldberg's approach see Schäfer (1986) 144f.

³² For Goldberg's study of the *mashal* cf. Hezser 175–179.

³³ See Goldberg (1974).

³⁴ Cf. *ibid.* 20.

³⁵ See *ibid.* 22.

³⁶ Bokser (1980a) 47.

³⁷ See Bokser (1975b) and (1980b).

ment which has been shaped for transmission or presentation".³⁸ Parallel versions of a tradition are compared and their differences regarding formulation and redaction evaluated. Bokser asks the redaction-critical question of how the Talmudic editors integrated Shmuel's teachings into the new literary contexts, and the form-historical question whether earlier stages of Shmuel's teachings can be discerned and what their function was.³⁹

Schäfer proposes the same form- and redaction-critical approach to rabbinic literature, when he writes:

"Vor jeder Interpretation einer Perikope im Blick auf bestimmte Fragestellungen muß die literarische Analyse der Perikope stehen, die sorgfältig auf möglichst alle Fassungen des Textes in den Parallelversionen zu achten hat und mit Hilfe der Form- und Redaktionsanalyse die jeweils kleinsten literarischen Einheiten zu ermitteln sowie den inneren Aufbau der Perikope und die Kombination der einzelnen Elemente zu entschlüsseln sucht".⁴⁰

This approach is exemplified in Schäfer's study on the Bar Kokhba traditions which are analyzed in their respective literary contexts and evaluated with regard to their usefulness as historical sources.⁴¹

In his recent article on the "*status questionis*" of research into rabbinic literature, Schäfer further emphasizes the necessity to consult the various manuscript traditions of a given text.⁴² The first question in any literary analysis must be: what text am I dealing with?⁴³ The exegete has to evaluate the variations between the manuscript versions and determine their relation to each other. Sometimes it is difficult to distinguish between redactional additions and scribal changes, that is, between a later recension and a scribal harmonization of a text. This issue is especially acute with regard to the y. Bavot, since the Leiden and the Escorial manuscript sometimes differ greatly from each other.

In its application of text-, form-, and redaction-critical methodology the present study is greatly influenced by Bokser's and Schäfer's approach to rabbinic literature. It consists of two parts: an analysis of the traditions (I.), and an evaluation of the results (II.).

Within the analysis part, each analysis follows a similar scheme. First, the Mishnah section and the *sugya* which contains the story are translated. The translation is based on a comparison of all extant manuscripts. The Leiden manuscript serves as the basis, and variants are indicated in parenthesis in the text, in a parallel chart, or in the footnotes, depending on their significance. For the original text the reader is referred to the standard

³⁸ See idem (1975b) 5.

³⁹ Bokser applies the same method in his other works, see idem (1975a), (1979), (1980a), (1985).

⁴⁰ Schäfer (1978) 7f.

⁴¹ Cf. Schäfer (1981).

⁴² Cf. Schäfer (1986) 146.

⁴³ See *ibid.* 150.

editions of the Yerushalmi⁴⁴ and to the Yerushalmi manuscript synopsis which Peter Schäfer is in the process of editing.

The analysis proper starts with an explanation of the redactional context of the narrative. It determines the relationship of the narrative to the surrounding *gemara* to see whether and how the y. Bavot editors used an earlier tradition. Where does the narrative as a literary unit begin and end? Is the narrative formulated as a gloss? Does it share part of its texture with a preceding statement? Is there a gap between the story and the preceding *gemara*, that is, is the story made subservient to a halakhic topic which it does not explicitly address? What is the function of the story within the *sugya*? What kind of comments are attached to the story? Traditional and modern commentaries are only used as far as they explain difficult passages; no history of interpretation of a given passage is provided. Halakhic problems which are not relevant with regard to the issues of the thesis are not followed up.

Secondly, the y. Bavot text of a story is compared with its parallel versions in other y. tractates, in the Babli, and in Midrashim. What are the differences between the versions? Are they transmissional or redactional? This question can only be answered on the basis of the redactional context of the parallel. If the changes within the story fit the redactional context, they are likely to be redactional. Changes without any context-relevance, on the other hand, are likely to be traditional. It is possible that a later document contains a less detailed and therefore earlier version of a tradition than an earlier document.

Thirdly, the literary form of a narrative is determined. Does the story share a certain literary pattern with other stories in other *sugyot*? Does it contain elements that deviate from this pattern? Is it nevertheless subsumable under the respective category? Are rhetorical elements used in the story?

Fourthly, the local color, the "*Sitz im Leben*", and the historical significance of a story are evaluated. Does the story point to Caesarea as the place of its creation? What might have been the original function of the story prior to its usage by the y. Bavot editors? Does the story provide useful information for the historian of ancient Judaism and if so, what kind of information can be derived from it?

The evaluation in the second part of the book builds upon and summarizes the conclusions reached for each individual text in the analysis part. Each chapter begins with a survey on past scholarship on the respective issue. Just as the analysis, the evaluation starts with the redactional usage of

⁴⁴ The Venice and Vilna editions are both frequently reprinted. Rosenthal and Lieberman have edited the Escorial manuscript text of y. Neziqin. A facsimile of the Leiden manuscript has been published in Jerusalem, see Bibliography.

the stories. What was the role of the y. editors? How did they use earlier traditions? Did they change the texture of the stories and add material, or did they leave the earlier traditions basically unchanged, and attached comments only?

The second chapter discusses the possibility of pre-redactional story-collections. What are the criteria for reckoning with such collections? What might have been the organizing principle of such collections? What was their format?

The third chapter summarizes the results concerning the forms of the stories. The specific features of the different genres are discussed. The number of stories in the y. Bavot belonging to each category is determined.

The fourth chapter evaluates the relationship between the stories in the y. Bavot and in other y. tractates, in the Babli, and in Midrashim. What kind of differences exist between the parallels? Which ones are transmissional, which redactional? What do the differences between the parallels allow us to say about the relationship between the redaction of the y. Bavot and the rest of the y., the y. and the b., the y. and Midrashim?

The last chapter deals with "historical" issues concerning the narratives. Is Lieberman's assumption of a Caesarean origin of most of the stories in y. Neziqin correct? What might have been the "*Sitz im Leben*" of the various forms of narratives? What information do the stories provide for the historian of ancient Judaism, and what information can they not provide?

Some overlap of conclusions reached in each chapter cannot be avoided. In the analysis part, for example, the stories are already subsumed under formal categories which are then explained in the third chapter of the evaluation.

Although the study does not pretend to achieve comprehensive conclusions concerning the form-history of rabbinic narratives or the redaction of the y. Bavot tractates as a whole, by tracing the tradition- and redaction-history of one particular literary genre which served the editors as a building block for the construction of their *sugyot*, the study makes a contribution to the literary history of the Talmud Yerushalmi. One hopes that in the future this study will be extended in two directions: (1) to the narratives in other y. tractates and in other rabbinic documents; (2) to the redactional procedures of the y. editors in general. Only then will it be possible to write a form-history of rabbinic narratives and to determine whether the y. Bavot are peculiar with regard to their editing of traditional material.

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