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From Tablet to Talmud: Canonised Knowledge in Late Antiquity

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Abstract: The article explores whether key features of Babylonian textual standardisation may have may have influenced basic patterns of text and commentary in the Babylonian Talmud. The paper takes the view that canonicity is a complex process involving different levels of standardising texts. On the whole, canonicity preserved major texts (like Gilgamesh, the Bible, the Hippocratic Corpus), but others considered as non-canonical (or 'outside') could still be used for explanatory purposes. The structure of the Babylonian Talmud (Mishnah, Gemara, Tosephta-based Beraitôt) serves as a useful model for comparison with earlier cuneiform compendia.

Keywords: canonicity, commentary, nishu, Talmud

A potential complex relationship between curriculum and scholarship found in cuneiform sources and in the later Babylonian Talmud has never been properly proposed beyond a cursory flirtation.[1] Lieberman 1987 represents a groundbreaking attempt at associating Rabbinic use of hermeneutic devices such as *gematria* and *notarikon* with earlier cuneiform scholarly practices, despite the mechanical barriers posed by the differences between syllabic and alphabetic scripts. No follow-up studies have attempted systematically to compare the patterns of episteme in both early and late Babylonian academic cultures. Eckart Frahm has done an excellent job in highlighting certain features of Midrash and Rabbinic hermeneutics which probably originated in Babylonian scribal culture (Frahm 2011: 376–380), and Uri Gabbay has studied the language of hermeneutics

1 The BabMed ERC Advanced Grant project at the Freie Universität Berlin, which has sponsored the present study, aims at discovering possible survivals of Babylonian scholarship into late antiquity, especially in the Babylonian Talmud. The Talmudic Aramaic parallels to earlier Babylonian cuneiform medicine are in the process of being published.

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in both Akkadian and Hebrew,[2] but it remains to look for the deep structures reflecting a standard study programme in Babylonian academies, whether in cuneiform scribal schools or rabbinic 'houses of study'. The underlying premise of this paper is that cuneiform writing remained legible and accessible to a small elite group of scholars who were able to transmit technical knowledge to others, throughout the first three centuries CE.[3]

What is at stake is whether one can find a more-or-less continuous and enduring curriculum, reflecting Babylonian scholasticism in its earlier and then latest phases. The first step in this quest involves recognizing what kinds of texts should be included within a survey. Certain cuneiform genres, such as divination and medicine, serve as the best models for these kinds of comparisons, since these two field represent texts which were often in a state of flux or works in progress, for which non-canonical versions represent a dynamic process of accumulated knowledge. As it happens, the Talmud also recognises a combination of standardised and fluid genres of texts, and it would reinforce the argument if one could demonstrate a common approach to canonicity and non-canonicity within both cuneiform and Rabbinic academic writings.

It is important to specify how we use the term 'canonicity' in reference to cuneiform literature, which involves three criteria.

- **Selection**. There has to be a definable corpus of textual material which comprises a 'canon'. This can refer in Mesopotamian terms to the number of 'tablets' which make up a text, like 11 tablets of the Gilgamesh Epic, or 40 tablets of diagnostic omens of the Diagnostic Handbook. This implies that tablets (or 'chapters') occur in a fixed sequence, and also that texts *not* part of this selection can be identified as 'non-canonical' or 'external'.
- **Redaction**. The individual texts within such a corpus need to be standardised as much as possible into an agreed and widely accepted text, without a great deal of textual variation. In fact, we only see the end-result of this process rather than the progressive editing of different recensions, but occasionally one

2 Gabbay 2016: 289–304. What remains to be studied is Akkadian commentary terminology in comparison with Aramaic terms in the Talmud.

3 Geller 2008, responding to Westenholz 2007. The last dated hieroglyphic inscription is from 394 CE and last dated Demotic text is from 452 CE (courtesy A. von Lieven). The conditions leading to the demise of traditional Mesopotamian and Egyptian scripts may have been somewhat similar, in that priests were responsible for preserving these forms of writing, the abandonment of which probably resulted from closure of the temples under pressure from Sassanian rulers in Mesopotamia and Christian authorities in Egypt. Comparative studies of the factors in both regions causing the death of these scripts would be instructive. See also Quack 2016: 239, arguing that astronomical texts in Egyptian language found in Roman period Tebtunis were primary and not based on Greek texts found in the same libraries.

encounters non-standard *aḫû* (literally 'extraneous') versions of an otherwise canonized text.[4]

– **Hierarchy**. There are hierarchies of canons, and not all canons are of equal weight or significance. Texts of a highly literary or religious nature required carefully constructed recensions with as little deviation as possible.[5] As Francesca Rochberg pointed out long ago, omen texts were particularly susceptible to being labelled as *aḫû* 'extraneous', with deviant exemplars being well-represented from otherwise standard corpora such as *Enūma Anu Enlil, Šumma ālu, Iqqur ipuš, Šumma izbu,* and *Alamdimmû*.[6] Similarly, the large corpus of Akkadian medical texts maintains a consistent level of free variation and disparity among recipes and prescriptions which appear to deviate from the norms of canonicity.[7] The following chart is schematic rather than an actual description of specific texts and commentaries (see Figure 1).

Within Rabbinic literature, a similar pattern emerges. The Bible remains the classic canonical text, unalterable and unchallengeable and considered to be word-perfect. Scholarship could question the meaning of biblical wording but not easily emend the text, and the corpus of biblical books was widely accepted once it was closed. The Mishnah, however, is another story. It was edited, presumably from notes of academic discussions, in the early third century CE and became a defined

4 See Rochberg-Halton 1987: 329–331, presenting a text of *Enūma Anu Enlil* celestial omens which is designated as an *aḫû*-'extraneous' text in a catalogue of the Series from Assur, but not in a colophon.

5 Sumerian-Akkadian bilingual incantations texts such as *Utukkū Lemnūtu* are good examples of rigorous transmission of texts, copied with an impressive degree of exactitude and diligence over a long period. Exceptionally, an example of an *aḫû*-text in this corpus (K 111+, but not designated as *ahû* in a colophon) can be found among Nineveh manuscripts of *Utukkū Lemnūtu* but written in an idiosyncratic Babylonian script, containing numerous variants which deviated from standard orthographic conventions of all other duplicate manuscripts. See Geller 2016: 17–20.

6 See Rochberg-Halton 1987: 328–329, in which she defines this usage of *aḫû* as 'extraneous (in its first sense of coming from outside, i.e. extrinsic, not its secondary sense of not being pertinent, superfluous)'.

7 According to the Assurbanipal Library colophon usually appended to medical texts (BAK 359), medical recipes were never standardised prior to Assurbanipal's Library atelier. The colophon states that, 'I (Assurbanipal) wrote, checked, and collated the recipes (*bulṭī*) the non-standardised compendia (*liqti aḫûti*), (and) the trickiest analyses (i.e. commentaries).' Leaving aside Assurbanipal's penchant for taking credit for the hard work of his many anonymous accomplished scribes, the significant point is that medical texts were not considered to be 'canonical' but were ad-hoc compilations based upon 'non-canonical compendia' (*liqtu aḫûti*) of prescriptions. See also Böck 2000: 262 for physiognomic omens being labelled in a colophon as *liqti aḫûti*, as well as Heeßel 2012: No. 1 (KAR 483) regularly employing the term *liqte* ('gleanings') for collections of non-canonical explanatory omens.

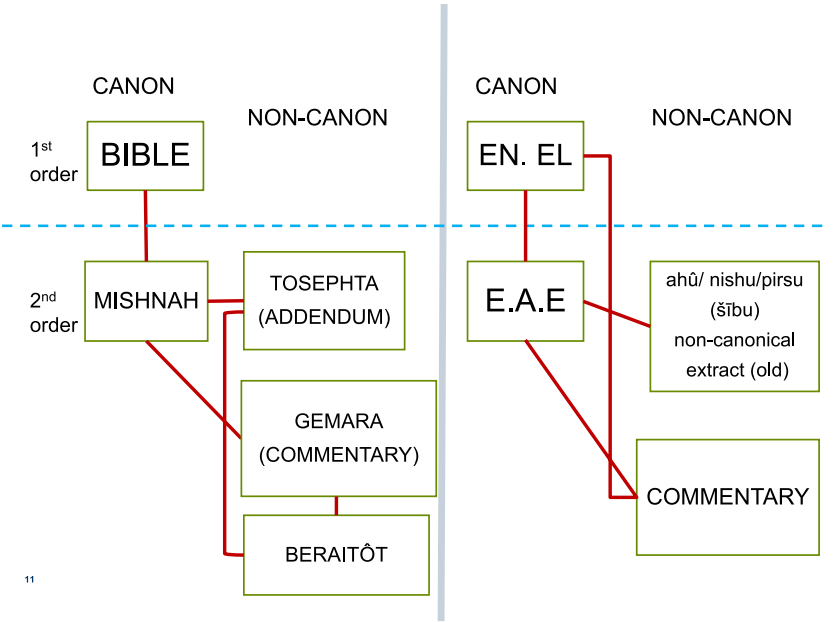

Figure 1: Talmudic and Babylonian (cuneiform) canonicity hierarchies.
(En. El. = Enūma eliš, E.A.E. = Enūma Anu Enlil).

corpus of academic scholarship and ammunition for a host of later commentaries. Although standardised, it was not as authoritative as the Bible and statements could be challenged. Furthermore, the standardization process was not quite complete, particularly in the process of selection of what constituted the corpus of Mishnah. A collection of Rabbinic statements and opinions were formulated into a parallel corpus of texts known as the Tosephta, or 'addendum'. The Tosephta formed a corpus of non-canonised scholarship, and both Mishnah and Tosephta are in Hebrew, or rather in a cryptic technical Hebrew.

But the process does not end there. The next step in advancing scholarship involved a commentary on the Mishnah, although in fact the essential nature of the academic discourse was not so very different from the Mishnah itself. The commentary, known as the Gemara, consists of collections of scholarly analyses and deconstructions of the Mishnah, with differences of opinion freely expressed and many questions left undecided. Aramaic is the basic language of the Gemara, which was edited by anonymous redactors. There are two important points about

the Gemara which are relevant to the present discussion. (1) The Gemara was never standardised until printed editions began to appear much later, in 1523 CE; the manuscripts contain numerous variants, and the selection of texts within the extensive corpus was determined by the Mishnah, which was the subject of the commentaries. This fits a pattern of commentary belonging to curriculum but not usually forming a fixed canon.[8] (2) The Gemara of the Babylonian Talmud frequently incorporates statements from earlier scholars from Palestine, from the time of the Mishnah, in Hebrew. This kind of citation is known as a '*beraita*', literally an 'extraneous' citation, with the meaning being 'non-canonical.' The point is that a *beraita* often corresponded to a passage in the Tosephta (the addendum to the Mishnah), which was the probable source of the citation. This means that 'non-canonical' traditions collected in the Tosephta were not lost, as often happens, but were preserved to use them as hermeneutic aids (Stemberger 1982: 152–155, see Higger 1938–1939).

There was good reason to collect these 'extraneous' or addendum texts within a separate corpus like the Tosephta, since the usual pattern was for non-canonical texts to be forgotten. Old Testament Apocrypha serve as good examples of this phenomenon. Once the Bible had been established as a distinct corpus, the chances of survival of any other works from that time were greatly reduced. In fact, not a single copy of any apocryphal text was known from its Hebrew or Aramaic originals before the discovery of Dead Sea Scroll fragments, and even an important and popular work such as Enoch is only known chiefly from translations into Ethiopic and Old Church Slavonic. The complete disappearance of the Hebrew or Aramaic *Vorlagen* was a direct result of apocryphal works not being included within the canon.[9] Similarly, the Tosephta was essentially a corpus of non-canonical or

8 The majority of late Babylonian commentaries are unique without duplicates. Some cuneiform commentaries were compiled into standard editions, such as *Šumma Sīn ina tāmartišu* (see recently Wainer 2016), *Multābiltu* omen commentaries (which were actually incorporated into the standard *Bārûtu* Series as Tablet 10, see Koch 2005: 1 and Frahm 2011: 56–57), and the so-called 'Principal Commentary' on *Šumma Izbu* teratological omens (de Zorzi 2014: I 238–240, Frahm 2011: 203–206). These texts existed in duplicate copies and probably belonged to the curriculum, but since they achieved the status of canonized texts, they are not directly germane to the present argument, except when they themselves have their own commentaries (see Frahm 2011: 205–206, Koch 2005: 39–45). The phenomenon of a commentary which achieves some level of canonical status has a parallel in the Mishnah Nega'im, which is essentially a commentary on Lev. 13 and 14 (see Balberg 2011: 325–326).

9 Another good example of a corpus which protects its constituent texts is the Corpus Hippocraticus. The attribution of anonymous works to Hippocrates insured their survival, since many other important works of other medical writings (e.g. Herophilus or Diocles) only survived in fragments preserved by Galen and others. By the third cent. BCE, the Hippocratic writings acquired the status of a corpus, but most other medical writings from that time were eventually lost or forgotten, unless quoted by later writers.

extraneous Mishnah texts, which could nevertheless be employed as grist for the mill of commentaries. The interesting question is whether any such similar relationship between canonical and non-canonical works can be found in earlier Babylonian academies which follow the models clearly demonstrated later in the Talmud. This proposition has so far never been properly tested.

A rather ordinary letter from chief scribes to the Assyrian king, dating to 672 BC, candidly shows the attitude of ancient scholars towards canonised and non-canonised texts within throw-away remarks, while explaining the ominous significance of Mars approaching the constellation Scorpio (SAA 10 No. 8). One prediction warns that under such conditions, the king should not venture forth on this inauspicious day, but the letter comments on this omen, that *šu-mu an-ni-u la-a ša* ÉŠ.GÀR-*ma šu-u ša pi-i um-ma-ni šu-ú*, 'this omen is not from a Series (i.e. it is not canonical),' but rather from the 'mouth of the scholar.' A second Mars omen is then cited giving further movements of the planet through other constellations (Leo, Cancer, Gemini), resulting in a prediction of the end of the royal dynasty to the West. Again, the letter comments that, *an-ni-ú la-a ša* ÉŠ.GÀR-*ma šu-u a-ḫi-u šu-u*, 'this is not from a Series, it is extraneous (non-canonical).' A third omen refers to Jupiter turning out of Leo, explaining that this will have a general ominous effect, with the source being *ina lìb-bi* ÉŠ.GÀR *sà-ṭìr*, 'as written within a Series'; the passage from the canonical text is then quoted verbatim. As Frahm (2011: 45) points out in his comments on this letter, the phrase *ša pî ummāni* 'from the mouth of the scholar' usually appears in commentaries, which makes good sense. The three distinct categories of authoritative texts cited in this letter are sources which are (1) 'not from a (canonical) Series but from the sayings of a scholar' (i.e. a text commentary), (2) not from a Series but 'extraneous' (i.e. non-canonical), and finally (3) from within a canonical Series, which is the preferred source. Furthermore, another Assyrian court letter from the same year (SAA 10 No. 240, 23–27) from another exorcist describes omen tablets as either 'favourable' (SIG_5.MEŠ = *damqūti*) or 'extraneous' (*a-ḫi-ú-ti*), indicating a clear preference for the canonical text.[10]

10 A similar contrast between descriptions of *damqu* 'favourable' and *aḫû* (in the sense of 'strange') occurs regularly in omen commentaries, but it is conceivable that *aḫû* may have a somewhat different meaning than usually suggested, since the pairing of *damqu*/*lumnu* (good, bad) occurs regularly in these texts (see Gabbay 2016: 112–113, 214–218, 250). An interesting example of this dichotomy is offered by Koch 2000: 246–247, in an extispicy commentary which has protases alternating with SIG_5 (*damqu*) and BAR (*aḫû*), with the only difference being that the entries all have the same variant, namely whether the anatomical feature in question is 'downwards' (KI.A = *šaplâ*) in all cases. The presence of the element KI.A is the sole determining factor whether the 'middle of the Path' (*qabal padāni*) will be considered to be *damqu* or *aḫû*. However, the fact that these lines occur in a commentary might suggest that one variation (with or without KI.A) is 'standard' (*damqu*), while the other is a 'non-standard' (*aḫû*) variant. Similarly, the expression *iqbû ša aḫītu*, 'it is said to be extraneous' (rather than 'unfavourable', as Gabbay 2016: 216) in omen commentaries might indicate that the omen protasis came from a non-canonical source.

It is worth paying closer attention to the so-called *aḫû* or 'extraneous', non-canonical texts, which may structurally correspond to the category of *beraitôt* in the Babylonian Talmud. For one thing, *aḫû* texts could be the subject of commentaries (Frahm 2011: 201), although such commentaries are relatively rare (ibid. 319). An interesting example of this phenomenon is SBTU II No. 34, which describes itself as, 43 *nisiḫ šumma ālu ina mēlē šakin aḫûti* (BAR.MEŠ) *ul qati*, 'the 43rd extract from the *Šumma ālu*-Series, non-canonical, not finished.' This same formulation occurs with physiognomic omens and liver-divination, that a text is labelled as both a tablet of extracts (*nisḫu*), as well as being *aḫû*, non-canonical. Do these concepts have anything to do with each other? are all *nisḫu*-extract tablets non-canonical? There are two items to note here. (1) Normally, a designation of a *nisḫu*-tablet in a colophon normally has a sequential number attached, such as seventh *nisḫu* of a genre of omens belonging to *niṣirti barûti*, 'secrets of extiscipy'[11] The crucial point is that the only logical reason for *nisḫu*-tablets to be listed in a sequential order was for them to be collected into some kind of *corpus* of non-canonical texts. It is likely, moreover, that *nisḫu*-extract tablets were commonly used in school curriculum as the subject of discussion; colophons from Assur comment that the professor has 'hastily made an extract' (*nisḫu*) of a text, presumably for pedagogic reasons (see Maul 2010: 212–213). Finally, Koch (2015: 181, 184) establishes a firm connection between *nisḫu*-extracts and commentary tradition, such as the numbered (now lost) *nisḫu mukallimtu … ša pî ummâni*, 'extract no. x from a *mukallimtu* … from the mouth of a scholar' (see Frahm 2011: 45), which is an unmistakable reference to a commentary.

The question remains whether these so-called *nisḫu* extract tablets may have had a distant reflection in later Rabbinic epistemic formulations. We would suggest that *nisḫu*-tablets might correspond structurally to the later rabbinic Tosephta, the 'addendum' to the Mishnah which collected all non-canonical statements omitted from the original edition in a fixed sequence following the order of the Mishnah; extracts from these non-canonical texts were later cited within the Gemara as *beraitôt* or 'extraneous' traditions. It is tempting to see a parallel between the Rabbinic Tosephta and *beraitôt* and the compilation of *aḫû* and *nisḫu* texts within Babylonian scholastic tradition.

There are really two separate questions to be considered. One is the idea of a fixed corpus of texts which would comprise all the necessary literature one required to master a specific topic, comparable to a Hippocratic Corpus in the Greco-Roman world or a corpus of celestial omens, such as *Enūma Anu Enlil*. The

11 KAR 151, cf. Koch 2005: 296. Koch (2005: 39–45) labels the entire text as the '*Nisḫu*-Series', containing 'extraneous omina'.

second question is whether this fixed corpus should be defined by a recognisable process of careful editing and standardisation, or in other words, a canon. Given that both of these features of corpus-building and standardisation are to some extent attested in Babylonian scribal academies, were they adopted in later Rabbinic schools? One objection to this proposition is that the original structures of the Mishnah and Tosephta come from Greco-Roman Palestine, far from Babylonian scholastic influences. Nevertheless, the decisive point of comparison is that Tosephta extracts or citations were formally marked in the Babylonian Talmud[12] in the form of *beraitôt* or 'extraneous' texts, suggesting parallels with the use of *aḫû* and *nisḫu* texts in earlier Babylonian academies, in close association with hermeneutic commentaries. In any case, in both earlier and later academic cultures, the relationship between commentaries and 'extraneous' or non-canonical texts is worth noting.

This comparison between Akkadian and Aramaic episteme is not problem-free. It is not clear how many citations found within Babylonian cuneiform commentaries may have been quoted from *aḫû*-texts or *nisḫu*-extract compilations, since many quotes and citations within commentaries remain difficult to identify.[13] So although one cannot draw a clear parallel between *nisḫu*-extracts and *beraitôt* in the Gemara based on empirical evidence, a logical inference can be made: the existence of *aḫû* and *nisḫu* compendia had scholastic applications for commentaries and hermeneutics, which would be a likely explanation for the use of such materials. Hence, similar uses of *beraitôt* in the Babylonian Talmud, often drawn from the Tosephta, could potentially have derived from relatively similar scholastic practices within earlier Babylonian scribal school tradition.

Abbreviations

BAK = H. Hunger, *Babylonian-assyrian Kolophone* (1968)
SAA = State Archives of Assyria

12 Higger 1938–1939 shows that *beraitôt* were probably present in the Jerusalem Talmud in the form of Tannaitic traditions (i.e. predating 220 CE and contemporary with the Mishnah). However, the formal designation of Tannaitic passages as *beraitôt* (or 'extraneous' traditions) belongs firmly to the Babylonian Talmud (Reference courtesy T. Kwasman).

13 A connection between commentaries and non-canonical texts can occasionally be established, as exemplified by a commentary (KAR 52) based upon the 43rd *nisḫu*-extract of *Šumma ālu* which is also designated as *aḫû* (SBTU II 34, mentioned above). According to Frahm (2011: 201), the commentary on this *nisḫu*-extract is the same as other commentaries on any standard text, indicating that such 'extraneous' texts were of interest to the academy.

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