Rabbi Dr. David Weiss Halivni
From Sighet Chasid to Critical Talmud Scholar
Professor David Weiss Halivni
The Iluy of Sighet

• His father – the assistant of the “miracle worker”
• Reb Shaya Weiss – Belzer Chasid
• Inherited from him his predilection for *peshat* and sense of humor
• R. Menachem Mendel Hager Visheva and Tzipora
• March 19th, 1944 – German occupation of Hungary
• May 15th, 1944 – Auschwitz
• Gross-Rosen
• Sundays with Halivni – *Bameh Madlikin*
• The *bletl* – *Orakh Haim 434*
Arrival in the US

• The Jewish orphanage
• The *Pri Megadim* and the initial meeting with R Shaul Lieberman
• Yeshivat Chaim Berlin and Maharal
• From Weiss to Weiss Halivni
• Brooklyn College and R Aharon Kotler
• JTS 1954 – Finkelstein and *daiges parnasa*
• Lieberman “made a *Litvak* out of him”
• From *Yerushalmi* to the *Bavli*
Source Criticism and Forced Interpretations

• Scholarship *ki’peshuto*
• Authorial Intent versus Applied Meaning
• Gr””a and *Netsiv*
• Rav Hayya Gaon - Know that it was never our way to cover up a thing (a text) and explain it in a manner differently from the intent of the one who said it...there are many Mishnayiot which are not upheld in halakha, and we [nonetheless] explain them according to the view of the author.
b. Gittin 77a

• **Mishnah:** In a case of one who throws a bill of divorce to his wife, and she is in her house or in her courtyard at the time, then she is divorced as though he placed the bill of divorce in her hand.

• הַזּוֹרֵק גֵּט לְאִשְׁתּוֹ, חֲצֵרָהּ בֵּיתָהּ אוֹ בְּתוֹ – הֲרֵי זוֹ מְגוֹרֶשֶׁת
It was taught in the mishna that if a husband throws his wife a bill of divorce and she is in her house, then she is divorced. **Ulla says:** This is only if she is standing next to her house and next to her courtyard, as only then will her house and courtyard acquire it for her. **Rabbi Oshaya says:** Even if she is in Tiberius and her courtyard is in Tzippori, or if she is in Tzippori and her courtyard is in Tiberius, she is divorced.
The *stam* challenges this: **But isn’t it taught** in the mishna that *she is in her house and in her courtyard?* The *stam* answers: **This is what** the mishna **is saying:** And she is considered to be **like one who is in her house; and she is** considered to be like one who is in her courtyard. **This means that since it is a courtyard that is secured with her knowledge,** it is as though she is there, and **she is divorced.**

- **והא "כה ביהו ביתו וביתו חצרה"**
- **ה魔鬼! כי אמר: והא כמי שבתוכו ביתה**
- **והא כמי שבתוכו חצרה, דכני דחזר**
- **משמשה לдушמה היי – מתגרשת.
The Stammmaim I

• The Amoraic book and the stam
• Apodictic versus dialectic
• Halivni and Shamma Friedman
• Agents versus literary style
• Post last of the Amoraim ca. 560CE (Rav Revai of Rov)
• Reconstruction work of lost *shakla ve-taria*
• Tyranny of b. Baba Metzi’a 86a: Rav Ashi and Ravina: *sof hora’ah*
• Evolving: apodictic, transmission of legislation by reciters
The Stammaim II

• Stammaitic Era until mid 8\textsuperscript{th} century (ca. 730)
• Saboraim: Explanations \textit{(hesberim: causative SBR)}. Final era of Stammaim
• Saboraic Era: ca. 730 until first individual works end 8\textsuperscript{th} century
• Compilers and Transposers
• Authors of the individual works
Issues

- Introduction of previously unknown agents
- Contradicts Epistle composed 200 years later
- Is authorial intent real?
- Ignores oral dimension of Talmud
- The proto-Talmud
- Yerushalmi