

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.

- הזרק גט לאשתו, והיא בתוך ביתה או בתוך חצרה – הרי זו מגורשת

b. Gittin 77b I

- 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.

- "וְהָיָא בְּתוֹךְ בֵּיתָהּ". אָמַר עוּלָא: וְהוּא,
- שְׁעוּמַדַּת בְּצַד בֵּיתָהּ וּבְצַד חֲצֵרָהּ. רַבִּי
- אוֹשְׁעִיא אָמַר: אֶפִּילוּ הִיא בְּטַבְרִיא
- וְחֲצֵרָהּ בְּצִיפּוֹרִי, הִיא בְּצִיפּוֹרִי וְחֲצֵרָהּ
- בְּטַבְרִיא – מְגוֹרְשָׁתָהּ.

b. Gittin 77b II

- 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 "היא" בתוך ביתה ובתוך חצרה"
- קתני! הכי קאמר: והיא כמי שבתוך ביתה
- והיא כמי שבתוך חצרה, דכיון דחצר
- משתמרת לדעתה היא – מתגרשת.

The Stammaim 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 8th century (ca. 730)
- Saboraim: Explanations (*hesberim*: causative SBR). Final era of Stammaim
- Saboraic Era: ca. 730 until first individual works end 8th 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