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Wissenschaft at Yeshiva University: Avraham Weiss and Academic Talmud

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R. Dr. Avraham Weiss (1896-1970) was a towering scholar of academic Talmud who taught at the Bernard Revel Graduate School of Jewish Studies at Yeshiva University for almost thirty years (1940-1967). Weiss—not to be confused with R. Avi Weiss, who taught at Yeshiva University and founded Yeshivat Chovevei Torah and Yeshivat Maharat—was born in Podhajce, in eastern Galicia. By the time he was seventeen, he had mastered the Babylonian Talmud ("Bavli"). In 1916, he received rabbinic ordination from R. David Horowitz, the rabbi of Stanislaw (now Ivano-Frankivsk, Ukraine). The following year, he moved to Vienna, where he studied at the *Israelitisch-Theologische Lehranstalt* rabbinical seminary while simultaneously pursuing History and Classical Philology degrees at the University of Vienna, completing his PhD in 1921 with a dissertation on "The Relationships of the Popes to the Jews during the Middle Ages" and receiving rabbinical ordination in 1922.[1]

[1] Biographical information is taken from Meyer S. Feldblum, "Prof. Abraham Weiss," trans. Gerald Blidstein, in *The Abraham Weiss Jubilee Volume: Studies in His Honor Presented by His Colleagues and Disciples on the Occasion of His Completing Four Decades of Pioneering Scholarship*, ed. Samuel Belkin et al. (New York: The Abraham

After multiple teaching posts, in 1928, Weiss became Docent for Talmud at the Institute for Jewish Science in Warsaw. During this time, he emerged as a leader in the Mizrachi movement and became increasingly involved in Jewish communal affairs in Warsaw. Upon the Nazi occupation of the city, Weiss was appointed a member of the *Judenrat* and played an important role in preventing the initial attempt to create a ghetto there. In 1940, he was invited to serve as Professor of Talmud at Yeshiva University, ultimately accepting the position and moving with his family to the United States.[2] Weiss would teach at Revel until his *aliyah* in 1967, and then taught at Bar-Ilan University until his death.

Given Yeshiva University's roots as a yeshiva and the undergraduate Yeshiva Program's continued emphasis on traditional Talmud study, it might come as a surprise to some that YU was the home to such a pioneer of academic Talmud. Indeed, academic Talmudic study in America is generally associated with the Jewish Theological Seminary, which, even from its founding, was far more receptive to *Wissenschaft des Judentums* (the scientific study of Judaism), as reflected in the appointment of the rabbinic scholars R. Dr. Marcus Jastrow and R. Dr. Alexander Kohut to its original faculty.[3] JTS's reputation as a center for academic study of rabbinic literature would be further cemented after the arrival of R. Dr. Solomon Schechter in 1902 and the subsequent appointments of R. Dr. Louis Ginzberg, R. Prof. Saul Lieberman, R. Dr. David Weiss Halivni, and R. Dr. Shamma Friedman.

However, Yeshiva University has also had its share of important academic talmudists throughout its history. To the best of my knowledge, R. Dr. Julius Kaplan (1885-1939) was the first, when he joined the faculty after the Mizrachi Teachers Institute—where he had been teaching since 1917—was

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Weiss Jubilee Committee, 1964), 1–5 [English section]. On Weiss's experience during the Holocaust, see Esther Farbstein, "A Close-Up View of a Judenrat: The Memoirs of Pnina Weiss—Wife of a Member of the First Judenrat in Warsaw," *Yad Vashem Studies* 33 (2005): 61–100. I am grateful to Professor Benjamin Weiss, the son of Avraham Weiss, for clarifying several biographical details.

[2] In email correspondence with Benjamin Weiss, he noted that his father had long planned to move to pre-state Palestine and, later, Israel. While under Nazi occupation in Warsaw, he had obtained a visa to immigrate to Palestine but relinquished it upon receiving a visa to the United States, which allowed others to use it. Following the death of Professor Jacob Naḥum Epstein in 1952, Weiss was offered his chair at the Hebrew University but declined the position. He did, however, serve as a visiting professor at Hebrew University during the 1952-53 academic year.

[3] On the founders of JTS, see Hasia Diner, "Like the Antelope and the Badger: The Founding and Early Years of the Jewish Theological Seminary, 1886-1902," in *Tradition Renewed: A History of the Jewish Theological Seminary*, ed. Jack Wertheimer (The Jewish Theological Seminary of America, 1997), 1-43. Jastrow, of course, is most famous for his Talmudic dictionary. While lesser known in the Orthodox world, Kohut's nine volume *Sefer Arukh Ha-Shalem* is still utilized today by academic Talmud scholars.

merged into Yeshiva University in 1922, eventually becoming Isaac Breuer College (IBC).[4] Kaplan, who died young, is best known for his book *The Redaction of the Babylonian Talmud* (1933), which was the first to systematically argue that it was the post-Talmudic Saboraim (about whom, see below), not Ravina and R. Ashi, who were the redactors of the Bavli.[5] More recently, Revel was home to Dr. Yaakov Elman (1943-2018), who, among his many works, made important contributions to the study of the Tosefta and reinvigorated the field of Irano-Talmudica, situating the Bavli within its Iranian (Sasanian) context.[6]

Joining the faculty in 1940, Weiss set the standard for every talmudist who followed him at Revel, publishing seven books and more than thirty articles during his long tenure there.[7] One should not, however, assume that Weiss's presence at YU meant that his academic approach was accepted with open arms within the institution. Indeed, it appears that, with the exception of his early years at the Teachers Institute, Weiss and his work were generally confined to Revel and he had limited interaction with the undergraduate faculty.[8] Nor does it appear that he associated much with the

[4] Jeffrey S. Gurock, *The Men and Women of Yeshiva: Higher Education, Orthodoxy, and American Judaism* (Columbia University Press, 1988), 71, 78; "Dr. Julius Kaplan, Yeshiva Professor; Faculty Chairman of Teachers Institute Is Dead at 55," *New York Times*, November 30, 1939.

[5] On the reception of Kaplan's work, see Boaz Cohen, "Review of *The Redaction of the Babylonian Talmud*, by Julius Kaplan," *The Jewish Quarterly Review* 24 (1934): 263–267; and Terry R. Bard, "Julius Kaplan, Hyman Klein, and the Saboraic Element," in *The Formation of the Babylonian Talmud*, ed. Jacob Neusner (Brill, 1970): 61-74.

[6] On Elman's contributions, see Shana Strauch Schick, "Professor Yaakov Elman: A Talmud Scholar of Singular Depth and Scope," *The Lehrhaus*. For a brief history of the study of Irano-Talmudica, see Shai Secunda, *The Iranian Talmud: Reading the Bavli in Its Sasanian Context* (University of Pennsylvania Press, 2014), 10–14. For criticism of Elman's approach to Irano-Talmudica, see Robert Brody, "Irano-Talmudica: The New Parallelomania?," *Jewish Quarterly Review* 106 (2016): 209–32.

[7] See the list in Benjamin Weiss, "Annotated Bibliography of the Writings of Dr. Abraham Weiss," in *The Abraham Weiss Jubilee Volume*, 5-11 [Heb.].

[8] In correspondence, Benjamin Weiss recalled that his father did not encounter any hostility from the faculty at YU towards his work. In contrast, R. Yosef Blau recalled in a conversation that, when he entered YU in the late 1950s, many of the American-born rabbis negatively portrayed the academic work of Weiss's student, R. Dr. Meyer Simcha Feldblum, who had emerged from the yeshiva world before entering academia. R. Blau, however, noted that the European-born rabbis generally ignored academic Talmud scholarship completely.

Rav, R. Joseph B. Soloveitchik, who did have a cordial relationship with Lieberman (the Rav and Lieberman were also distantly related through marriage). [9] Yet Weiss's influence was not completely absent at Yeshiva College and RIETS, as one of Weiss's doctoral students, R. Dr. Meyer Simcha Feldblum, served as a professor at Revel and taught courses in Yeshiva College, and another doctoral student of his, R. Dr. Gerald Blidstein, was known as one of the outstanding students of the Rav.[10]

When approaching Weiss's work, one is immediately struck by the breadth of his scholarship, which spans much of rabbinic literature—including the Mishnah, Tosefta, Yerushalmi, and Geonic literature—although he is best known for his pioneering studies of the Bavli. This scope can, at times, present difficulties for the reader, as Weiss will occasionally note a phenomenon and then provide little more than a string of references in which this occurs in the corpus. Moreover, his Hebrew is not always easy to follow, and his dense, highly compressed style often demands rereading the material multiple times. Nevertheless, the effort is well worth it.

Throughout his work, Weiss engages in both form and source criticism, arguing that structure, terminology, and literary features are all key to understanding a text's plain meaning. Thus, among his many studies on the Bavli, he focuses on the meaning of certain Talmudic phrases, the nature and origin of an Amoraic statement (*memra*), separating the *memra* from later additions, collections of Babylonian Amoraic teachings preserved in the Bavli, and the historical development of Talmudic passages (*sugyot*). [11] With regard to the latter, Weiss did not believe that the Talmud as a whole was fully edited, but

[9] David C. Flatto, "Tradition and Modernity in the House of Study: Reconsidering the Relationship Between the Conceptual and Critical Methods of Studying Talmud," *Tradition* 43 (2010): 15. On the Rav's relationship with Lieberman, see Elijah Judah Schochet and Solomon J. Spiro, *Saul Lieberman: The Man and His Work* (Jewish Theological Seminary of America, 2005), 54; Mark B. Shapiro, *Saul Lieberman and the Orthodox* (Univ. of Scranton Press, 2006), 41. In correspondence, Benjamin Weiss recalled that his father did not have much interaction with the Rav, and he was not sure if the latter had knowledge of his father's work.

[10] Blidstein and Feldblum's dissertations were: Meyer S. Feldblum, "Studies in Talmudic Law of Divorce" (PhD diss., Yeshiva University, 1958) [Heb.] and Gerald J. Blidstein, "Rabbinic Legislation on Idolatry: Tractate Abodah Zarah, Chapter 1" (PhD diss., Yeshiva University, 1968) [Heb.].

[11] On Weiss's approach to separating the Amoraic *memra* from latter additions, see Shamma Friedman, "*Mavo Klali: 'Al Derekh Heiker Ha-Sugya*" [Heb.], in *Mehkarim U- Meqorot: Ma'asaf Le-Mada'ei Ha-Yahadut*, ed. H. Z. Dmitrovsky (The Jewish Theological Seminary of America, 1978), 288 n.18. As Friedman notes there, Weiss did not apply this approach to all places in the Talmud. In contrast, his contemporary, Hyman Klein, believed this could be accomplished in almost all places. See his approach in Hyman Klein, "Gemara and Sebara," *The Jewish Quarterly Review* 38 (1947): 67–91.

rather that each generation of rabbis added to previous ones' traditions, with the post-Talmudic Saboraim actively putting together many *sugyot*.[12] While it is difficult to fully do justice to Weiss's work in a brief article, there are, thankfully, approachable, English-language summaries of his research on the Bavli. [13] For our purposes, however, I will provide a few examples of his source critical work on the Mishnah and Bavli as a taste of the type of scholarship he produced.

When modern students of Mishnah are introduced to Weiss's work on the topic, they are usually told that he believed in the now-outdated theory that the Mishnah is the "lecture notes" of R.Yehuda ha-Nasi, not a code of law or a legal compendium.[14] The theory (which does explain certain peculiarities in the Mishnah) aside, Weiss's philological work on the Mishnah is generally focused on structural issues that he solves with source criticism.[15] For example, in his discussion of *m. Shabbat* chapters 7-11, he notes the chapters focus on the labor ("*melakhah*") of carrying. However, he notices that the first three *mishnayot* of chapter 7 ("*Kelal Gadol*") do not comment solely on carrying but rather list general principles about Shabbat-including carrying- and list the 39 *melakhot*:[16]

> 7:1 A great [general] principle they stated in respect to Shabbat: anyone who forgets the fundamental law of Shabbat and performs many labors on many Shabbatot, is liable for only one sin-offering. One who knows the fundamental law of Shabbat and performs many labors on many Shabbatot is liable for a sin-offering for each and every Shabbat. One

[12] See, e.g., Abraham Weiss, *Studies in the Literature of the Amoraim* (New York: Horev and Yeshiva University, 1962) [Heb.]; Avraham Weiss, *Hithavut Ha-Talmud Bi-Shleimuto* (The Alexander Kohut Foundation, 1943) [Heb.], 242–57; Avraham Weiss, *Le-Heiker Ha-Talmud* (Feldheim, 1954) [Heb.].

[13] Meyer S. Feldblum, "Prof. Abraham Weiss: His Approach and Contribution to Talmudic Scholarship," in *The Abraham Weiss Jubilee Volume*, 7–80 [English section]; David Goodblatt, "Abraham Weiss: The Search for Literary Forms," in *The Formation of the Babylonian Talmud*, ed. Jacob Neusner (Brill, 1970), 95–103. Shamai Kanter, "Abraham Weiss: Source Criticism," in *The Formation of the Babylonian Talmud*, ed. Jacob Neusner (Brill, 1970), 87–94; Roger Brooks and Joseph M. Davis, "Abraham Weiss as Exegete and Text Critic: The Case of B. Berakot 35a," *Semeia* 27 (Scholars Press, 1983), 103–116.

[14] Avraham Weiss, *Diyyunim be-Bava Kamma* (Feldheim, 1966), 29-30 [Heb.]. For an analysis of Weiss's approach to the Mishnah, see Yaakov Elman, "Order, Sequence, and Selection: The Mishnah's Anthological Choices," in *The Anthology in Jewish Literature*, ed. David Stern (Oxford University Press, 2004), 62–65.

[15] A collection of Weiss's articles on the Mishnah was published in Avraham Weiss, *Al Ha-Mishnah* (Bar Ilan University-Bar Orin Press, 1969).

[16] Translation by Joshua Kulp, with minor edits.

who knows that it is Shabbat and performs many labors on many Shabbatot, is liable for every primary labor. One who performs many labors belonging to the same category is obligated for only one sin-offering.

7:2 The primary labors are forty less one: sowing, plowing, reaping, binding sheaves, threshing, winnowing, selecting, grinding, sifting, kneading, baking, shearing wool, bleaching, hackling, dyeing, spinning, weaving, the making of two loops, weaving two threads, dividing two threads, tying and untying, sewing two stitches, tearing in order to sew two stitches, capturing a deer, slaughtering, or flaying, or salting it, curing its hide, scraping it [of its hair], cutting it up, writing two letters, erasing in order to write two letters [over the erasure], building, tearing down, extinguishing, kindling, striking with a hammer, [and] carrying out from one domain to another, These are the forty primary labors less one.

7:3 They also stated another general principle: whatever is fit to store and people generally store things like it, and one carries it out on Shabbat, he is liable for a sin-offering on its account. But whatever is not fit to store and people do not [generally] store things like it, and one carries it out on Shabbat, only he that stores it is liable.

7:4 He who carries out a cow's mouthful of straw, a camel's mouthful of bean stalks, a lamb's mouthful of clover, a goat's mouthful of grasses, moist leaves of garlic or moist leaves of onion the size of a dried fig, [or] a goat's mouthful of dry [leaves], [is liable]. And they do not combine with each other, because they are not alike in their standards. He who carries out [human] food the size of a dried fig is liable, and they combine with each other, because they are equal in their standards, except their shells, kernels, stalks, husks and coarse bran. Rabbi Judah said: excluding the shells of lentils, because they are boiled together with them.

Weiss starts his analysis by observing four anomalies within the mishnaic collection. First, he notes that 7:1 and 7:3 use the word "general principle," but 7:2 does not. It is, rather, a digression from the main topic (an "excursus"). Second, the subsequent chapters do not follow the topics as laid out in 7:2, which one would otherwise expect. Third, *m. Shevi'it* 7:1-2 and *m. Ma'asrot* 1:1 both record two "general principles"

for their respective topics, but do not have any excurses in between the principles.[17] Finally, *m. Shabbat* 7:4, which follows the second "principle," is not an excursus on the second principle recorded in 7:3, but instead discusses the measurement of what must be carried in order to be liable. As a result, Weiss concludes that 7:2 was a later addition to the Mishnaic unit of 7:1-3 and was added to explain what the "many labors" of Shabbat are in 7:1. He further argues that the entire unit, 7:1-3, was only placed here as a result of 7:3- the only mishnah specifically focusing on carrying in the unit-in order to serve as an introduction to the *melakhah* of carrying, which is subsequently discussed in 7:4 and the following chapters.[18]

Weiss's examination of the development of the mishnaic collection has found much acceptance, even if his work is not always specifically cited, and his insights have been built upon.[19] In this instance, for example, Weiss confines himself to historical reconstruction, refraining from suggesting any halakhic ramifications arising from his analysis. Judith Hauptman, on the other hand, goes further, arguing that the authors of *m. Shabbat* 7:1 and 7:2 had different understandings of *melakhot*: according to the former, if one performed multiple *melakhot* within a process, such as making bread, they are only liable for one sacrifice, while according to the latter, the individual would be liable for every single *melakhah* in the process.[20]

Two examples will suffice to illustrate Weiss's approach to the Bavli. The first, one of Weiss's most lasting contributions, is his treatment of the opening *sugyot* in tractates (*mesekhtot*), which he detailed in a lecture at Hebrew University in 1953. Already in the Geonic period it was recognized that at least one opening *sugya* differed from the rest of the Talmud, as R. Sherira Gaon's letter from 986/987 CE credits the post-Amoraic Saboraim as being the creators of the beginning *sugya* of Bavli *Kiddushin* ("*Ha-Ishah Nikneit*"):

> In this manner hora'ah (lit. instruction) was added, generation after generation, until Rabina, when it was discontinued, as Samuel Yarḥina'ah saw in the Book

[17] Weiss, however, does note that *m. Shevi'it* 7:1 includes an explanatory comment.

[18] Avraham Weiss, "Commentary and Notes to the Text and Order of the Mishnah," *Horeb* 7 (1943):29-30 [Heb.] reprinted in Avraham Weiss, *Al Ha-Mishnah*, 87-88.

[19] Although Weiss's contribution is not cited, the insight that *m. Shabbat* 7:2 is a later addition was further expanded upon by Yitzhak D. Gilat, *Perakim Be-Hishtalshelut Ha-Halakhah* (Bar Ilan University Press, 1992), 39-40 [Heb.] and Judith Hauptman, "A New Interpretation of the 39 Forbidden Sabbath Labors," in *The Faces of Torah: Studies in the Texts and Contexts of Ancient Judaism in Honor of Steven Fraade*, ed. Christine Hayes, Michael Novick, and Michal Bar-Asher Siegal, Supplements to the Journal of Ancient Judaism 22 (Vandenhoeck and Ruprecht, 2017), 323–338.

[20] Judith Hauptman, "A New Interpretation of the 39 Forbidden Sabbath Labors," 332.

> of Primordial Adam: ''Ashi and Rabina—the end of hora'ah'' [b. Bava Metzia 86a-IR]. And after this, certainly, although there was no hora'ah, there were explanations and opinions approximating to hora'ah, and those masters were called *rabbanan savora'ey* (opining rabbis); and whatever had been left hanging, (these) rabbis made explicit (citing two examples from the Talmud). . . . And they—and also succeeding rabbis, such as Rav 'Ena and Rav Simuna—incorporated several (of their) opinions in the gemara (learning, i.e., Talmud). And we have (a tradition) from earlier (authorities) that the gemara at the beginning of (the chapter) *Ha-Ishah Niqnet*, until ''With money—how do we know this?'' (BT Qiddushin 2a-3b) was redacted and incorporated by the later *rabbanan savora'ey*—and other (passages) as well.[21]

While certain medieval and pre-twentieth-century scholars—especially R. Dr. Nehemiah Brüll (1843-1891)—followed R. Sherira Gaon in pointing to certain *sugyot* as post-Amoraic, Weiss was the first to study opening *sugyot* as a distinct phenomenon. After briefly analyzing the specific *sugyot*, with special attention given to the anonymous and named traditions, Weiss concludes that most opening *sugyot* (as well as some second *sugyot* in a few *mesekhtot*) were either completely created by the Saboraim or that the Saboraim expanded and shaped earlier Amoraic material.[22] He further suggests that these opening *sugyot*, which many times focus on the style and language of the Mishnah, serve as a type of introduction to the *mesekhet* as a whole, discussing various topics that would later appear.[23] Besides the

[21] *Iggeret Rav Sherira Ga'on*, ed. B.M, Lewin (Itzkovsky, 1921), 69–71. Translation from Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (Yale University Press, 1998), 5. On the use of R. Sherira Gaon's letter to write history, see Simcha Gross, "When the Jews Greeted Ali: Sherira Gaon's Epistle in Light of Arabic and Syriac Historiography," *Jewish Studies Quarterly* 24 (2017): 122–44.

[22] This specific insight would be expanded on by David Weiss Halivni and Shamma Friedman, who argue that post-Amoraic material is a widely attested phenomenon throughout the Talmud. See, for example, David Halivni, *Mekorot U-Masorot: Masekhet Bava Batra* (Magnes Press, 2008) [Heb.]; Friedman, "*Mavo Klali: 'Al Derekh Heiker Ha-Sugya*."

[23] Avraham Weiss, *Ha-Yetzirah Shel Ha-Sabora'im (Helkam Bi-Ytzirat Ha-Talmud)* (Magnes Press, 1953). See also Yaakov Elman, "The World of the 'Sabboraim': Cultural Aspects of Post-Redactional Additions to the Bavli," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggada*, ed. Jeffrey L. Rubenstein (Mohr Siebeck, 2005). Building on Weiss's work, Aaron Amit, "The Homilies on Mishna

chronological importance of this insight, Weiss's work speaks to a carefully planned agenda of the Saboraim, allowing the modern reader to better appreciate how these *sugyot* introduce the *mesekhet*'s material and prepare the student for what is to come.

A second example of Weiss's work concerns parallel *sugyot*. This includes, among many permutations: a Mishnah and its accompanying *sugya* are in both (or multiple) places; only the Mishnah is cited without any part of the *suyga*; the Mishnah is cited in both places but with different material in the *sugya*; and the Mishnah and *sugya* are cited in both, but in a truncated form in one place.

As can be imagined, many of the examples he brings of these phenomena are complex. Indeed, there are some which involve five or more instances in which the same *sugya* appears, with multiple parts of the *sugya* being rearranged and added to. For simplicity's sake, I will provide one clear example from *Shabbat* 11a and *Eiruvin* 99a-b that illustrates the basic problem that Weiss tackles:

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and Talmud Study at the Close of Bavli Bava' Metsi'a' 2 and Yerushalmi Horayot 3: Their Origin and Development," *The Jewish Quarterly Review* 102 (2012): 163–89, has suggested that redactors of the Talmud added Aggadic material at the end of chapters to balance them out with the beginning.

Shabbat 11a-b[24]

Mishnah [*Shabbat* 1:3]: A tailor must not go out with his needle near nightfall, lest he forget and go out. Nor a scribe with his quill. And one may not search his garments [for lice or fleas], nor read by the light of a lamp. In truth it was said, the *hazzan* may see where the children are reading from, but he himself must not read. Similarly, a *zav* must not eat together with a *zavah*, because it may lead to sin.

Gemara: We taught [in a Mishnah] over there [*Eiruvin* 10:6]: One may not stand in a private domain and drink in a public domain, or in a public domain and drink in a private domain. However, if one inserts his head and the majority [of his body] into the place where one drinks it is permitted;[25] and so too a wine press.

A question was raised: What is the *halakhah* regarding [one standing in a private or public domain and leaning over to drink from] a *karmelit*?[26] Abaye said: "This is [the same *halakhah*]."[27] Rava said: "This [carrying from one *karmelit* to the second while standing in the second domain] is itself only a rabbinic prohibition. Will we rise and proclaim a decree upon a decree [that is, adding a decree about moving one's head in and out of a rabbinic domain due to the original, rabbinic decree]?"[28]

Abaye said: "From where do I say [my opinion]? As we teach [in *m. Eiruvin* 10:6]: 'and so too a wine press.' What is [the status] or a wine press? If it is a private domain, we have taught it [previously]; if it is a public domain, we have taught it previously. Rather [the wine press] must be a *karmelit*.

Rava said: "And so too a wine press' refers to [the laws] of tithing." And so, too, did R. Sheshet say: "And so too a wine press' refers to [the laws] of tithing." As we taught in a Mishnah [*Ma'asrot* 4:4]: "One may drink [wine] out of the winepress, whether [it is mixed] with hot or cold water, and be exempt [from tithes]," the words of R. Meir. R. Eliezer bar Zadok says: "He is liable." But the sages say: "With hot water he is liable [to tithe] but with cold water, he is exempt because he can return the remainder."[29]

We taught in a Mishnah [*Shabbat* 1:3]… Is this not a case in which [the tailor] put the needle in his clothing [which he would have done before Shabbat started, making the carrying a rabbinic prohibition upon which we have added another rabbinic decree]?[30] No, he is holding it [the needle] in his hand [and it is a biblical prohibition].

Eiruvin 99a-b

Mishnah [*Eiruvin* 10:6]: A man may not stand in a private domain and drink in the public domain or stand in a public domain and drink in a private domain unless he puts his head and the greater part of his body into the domain in which he drinks, and so too a wine press.

Gemara…A question was raised: What is the *halakhah* regarding [one standing in a private or public domain and leaning over to drink from] a *karmelit*? Abaye said: "This is [the same *halakhah*]." Rava said: "This [carrying from one *karmelit* to the second while standing in the second domain] is itself only a rabbinic prohibition. Will we rise and proclaim a decree upon a decree [that is, adding a decree about moving one's head in and out of a rabbinic domain due to the original, rabbinic decree]?"

Abaye said: "From where do I say [my opinion]? As we teach : 'and so too a wine press.' What is [the status] of a wine press? If it is a private domain, we have taught it [previously]; if it is a public domain, we have taught it previously. Rather [the wine press] must be a *karmelit*. Rava said: "And so too a wine press' refers to [the laws] of tithing." And so, too, did R. Sheshet say: "And so too a wine press' refers to [the laws] of tithing." As we taught in a Mishnah [*Ma'asrot* 4:4]: "One may drink [wine] out of the winepress, whether [it is mixed] with hot or cold water, and be exempt [from tithes]," the words of R. Meir. R. Eliezer bar Zadok says: "He is liable." But the sages say: "with hot water he is liable [to tithe] but with cold water, he is exempt because he can return the remainder."

[24] I have used the printed edition of the Bavli. All translations of the Mishnayot are from R. Joshua Kulp, with minor changes, available here and here. Translation of the Gemara is my own.

[25] This last line differs from m. *Eiruvin* 10:6. This appears to have been introduced by the printers, as all the manuscripts match the language of the Mishnah.

[26] See Rashi, ad loc., s.v. "mahu."

[27] Rashi, ad loc, s.v. "hi hi."

[28] Rashi, ad loc., s.v. "va-anan neikum ve-nigzor." Throughout, I interpret the *sugya* according to Rashi. For a full critical analysis of the *sugya*, see Aviad A. Stollman, *BT Eruvin, Chapter X*, ed., Shamma Friedman (Jerusalem: The Society for the Interpretation of the Talmud, 2008), 153-59 [Heb.].

[29] The line "because he can return the remainder" is not in the original Mishnah, although it occurs in all the manuscripts of the Bavli. The line does appear, however, at the end of *m. Ma'asrot* 4:3.

[30] Rashi, ad loc., s.v. "may lav de-tehuvah be-vigdo."

In both *sugyot*, *m. Eiruvin* 10:6, which rabbinically prohibits standing in one domain and drinking from another, is cited. Subsequently there is a debate whether this prohibition also applies to when one is standing in a public or private domain and leans over to drink from a *karmelit*, a domain in which it is only rabbinically prohibited to carry. There are two Amoraic opinions cited: Abaye rules that this is also forbidden while Rava rules that this is allowed. Rava reasons that the contrary position stacks two rabbinic prohibitions on top of each other—not drinking while standing in another domain and the *karmelit* —which is generally not done. The two *amora'im* then try to bring proofs for their respective positions.

The question Weiss analyzes is whether the debate between Abaye and Rava originated in *b. Eiruvin* and was then moved to *b. Shabbat* or vice versa. On the one hand, the Amoraic debate is attached to the Mishnah in *Eiruvin*; on the other, the topic in *b. Shabbat* specifically concerns carrying, and *m. Shabbat* 1:3 is later brought into the conversation. He argues, logically, that the debate originated in *b. Eiruvin*, as it is attached to *m. Eiruvin* 10:6. Only subsequently was it transferred to *b. Shabbat*. At that point, the creators of the *sugya* in *b. Shabbat* brought *m. Shabbat* 1:3 as further argumentation, but this second argument was not later duplicated in *b. Eiruvin*.[31]

Weiss's contributions to the academic study of the Talmud were foundational. His mastery of the rabbinic corpus, together with his intuitive command of source-critical and form-critical methods, is evident on every page of his scholarship. During his tenure at Revel, the institution emerged as one of the leading centers for academic Talmud study. Although Weiss's writings can be difficult—their breadth, density, and occasionally difficult Hebrew require careful reading—the effort is rewarding. His work remains a model of rigorous scholarship and continues to offer insights that deserve far greater attention than they have received outside of the academy. His scholarship merits renewed study, and his place within the history of Yeshiva University deserves greater recognition than it has thus far received.

Grace Wider Than the Gap: A Grammar of Fracture and Repair in Covenantal Marriage

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Disagreement is normal, natural, and healthy in marriage. So are fights, but they can at times become extraordinarily painful. What makes marital conflict uniquely deconstructive at times is that the fracture threatens more than the immediate disagreement. During a serious quarrel, the coupled relationship itself can feel as though it is being deconstructed; and because one's identity is tied up and bound in the

[31] Weiss, *Hithavut Ha-Talmud Bi-Sheleimuto*, 198.

marriage, the rupture can destabilize one's sense of self as well.

The immediate task is not always to solve the disagreement. Sometimes the first task is simply to prevent the fracture from becoming sovereign: to hold the tension, preserve the relational vessel, and resist allowing a moment of rupture to become the final interpretation of the marriage or of oneself within it. The vessel may need first to survive the charge.

Tensegrity—a contraction of *tensional integrity*—is an architectural and engineering principle describing stability achieved through dynamic tension rather than rigid, monolithic strength. Separate compression struts and tension cables work together to sustain a stable whole. Extrapolated beyond engineering, tensegrity offers a way of understanding how differentiated, even opposing forces can remain in dynamic, load-bearing tension without collapsing into either pole. Coherence does not require sameness; wholeness can emerge through the properly ordered relationship of differences. In marriage, it is the ability of two different people to hold their irreducible differences in a charged but generative tension without the relational vessel imploding or exploding.[1]

What the architecture developed here offers is a way to process that fracture. Tensegrity begins as an architecture of reality, becomes a hermeneutic for recognizing recurring patterns, and ultimately becomes a lived discipline: a backpackable way of inhabiting a fractured world without collapsing irreducible tensions into either pole, while exercising agency toward *tikkun*, repair, and remaining open to emergence. In marriage, that discipline can be carried through six recurring questions: What broke? What must be held? What choice remains? What can I do? What would repair require? What might become possible?

Tensegrity is a tool for endeavoring to hold irreducible tensions in harmonized balance, sometimes in abeyance, rather than collapsing into one pole or the other. It becomes an operative

[1] Beyond its architectural origins, tensegrity serves as a psychological and spiritual discipline—a *praxis* for containing the fractured, contradictory impulses of the human heart in dynamic tension without shattering or discharging destructively. It becomes a vehicle of agency: the exercise of forbearance and delayed gratification rather than rushing to eliminate tension. As an ethical analogy, it resembles Maimonides' Golden Mean in requiring disciplined regulation of one's dispositions, although it is not a prescription to divide every opposition equally. Its purpose is to preserve the conditions in which freedom, responsible action, and eventual repair remain possible. The application of tensegrity to marriage is one expression of a broader philosophical and theological framework developed in my forthcoming book, *Tensegrity After Eden*. At the microcosmic level, tensegrity describes the discipline of holding the fractured, contradictory impulses of the human heart in dynamic tension through forbearance, delayed gratification, and responsible agency. At the macrocosmic level, it offers a heuristic for understanding how civilizations can preserve coherence amid opposing forces—particularly the dialectic between universalism and particularism. The danger lies in absolutizing either pole: the dissolution of necessary boundaries on one side, or the hardening of exclusion on the other. Modern Israel serves as a case study of the possibility of maintaining particularist covenantal identity alongside universalist moral responsibility. The underlying proposition is that coherence does not require sameness; wholeness can emerge through the properly ordered relationship of differentiated forces.

method for daily life: a *praxis* for surviving the post-Eden condition, distilled into guiding habits that provide existential and interpretive guidance. It asks us to exercise forbearance and delayed gratification; to resist the immediate relief of collapsing tension by choosing one pole absolutely; to discern when a necessary force has become excessive; and to endeavor toward a restored right relationship—one characterized by properly ordered tension, moral responsibility, and covenantal repair.

Difference before accusation

The idea of *ezer kenegdo* in Genesis 2:18—a helper who simultaneously stands opposite—is presented before the fall, while humanity is still in Eden. That is theologically significant: The differences between husband and wife belong to creation itself, not to the curse. The emerging tragedy is not that man and woman became different after sin, but that they lost the capacity to experience their God-given differences as a source of mutual completion rather than mutual accusation. We are reframing the fall not as the introduction of difference but as the distortion of difference. The tragedy is not that we are different; it is that we experience difference as accusation rather than completion.

In marriage, that means the very perspective that frustrates me may also disclose a truth unavailable from where I stand. This is marriage as tensegrity: the difference that creates the tension is not merely an obstacle to be overcome, but may itself be what allows the relationship to become something neither spouse could achieve alone. The spouse who stands opposite me does not merely resist me; she may perceive what I cannot perceive from within my own position.

And so the differences between husband and wife are part of God's original design and belong to creation itself, not to the curse. What the fall did was distort that relationship, so that the negativity bias rules it and edges it more readily toward dissolution. The asymmetry is not purely a distortion; it has a prelapsarian root that remained part of the ontological fabric of marriage in perpetuity.

Why is the gap structural? Why does every marriage, no matter how good, feel the same asymmetry? Why does love itself seem to be tilted toward disappointment?

The reframing says: the gap is not a failure of technique. It is not a failure of compatibility. It is not even a failure of love. It is the **behavioral signature of a fractured reality**—a reality that was broken before you were born, a reality that you inherited, a reality that no marriage can escape because no marriage exists outside of it.

Humanity's estrangement from God resulted in banishment from Eden, a separation that echoes the pain of every broken covenant.

The fracture is acknowledged, but it is not granted the final word. Our stewardship is our agency: the daily attendance and forbearance of husbandry are the price of a good marriage, where cleaving is sustained through the work of continually choosing one another. Agency within marriage is

therefore a spiritual vocation and part of the work of *tikkun*—the daily *hishtadlut* through which spouses endeavor to restore right relationship within the covenant.

The result is one of the great paradoxes of human intimacy: both people can sincerely feel that they are giving everything, while simultaneously feeling that the other person could simply try harder.

"I know how hard I tried." "I only know what you failed to do."

Each spouse has access to the internal landscape of their own experience. Each knows the struggles they overcame, the sacrifices they made, the intentions behind their actions, the patience they attempted to demonstrate, and the burdens they carried silently. Yet neither spouse has equal access to the other's internal world. What each primarily encounters are the visible consequences of the other's shortcomings—the forgotten task, the missed emotional cue, the insensitive comment, the unmet expectation.

Psychologists call the tendency to explain another person's behavior too readily through character rather than circumstance the fundamental attribution error.[2] In a marriage, it can combine with an asymmetry between our access to our own intentions and our access to the other's. I know why *I* failed. I know what pressures *I* was under. I know what *I* intended. But when I encounter *your* failure, I primarily encounter the failure itself.

This does not mean that every grievance is a misunderstanding. It means that the injury may be real, and yet the first interpretation of the injury may be incomplete.

The vessel and its supports

Marriage itself can be understood as a vessel—a kind of relational Leyden jar. A Leyden jar stores electrical charge; the comparison here is a metaphor for the intensity a relationship can carry. Two differentiated selves who once stood alone enter covenant and lovingly cleave to one another, their very difference held in a charged but generative tension. In a serious marital fight, however, that charge can become intolerable. Good faith can invert into bad faith; what has drawn the spouses toward one another can begin to drive them apart. Accusation, venting, or even rage can replace the disposition toward intimacy, union, and love.

One or both may feel a powerful separatist impulse to bolt away from the other, returning toward the autonomous, seemingly safer single selves they were before they committed themselves to one another. It is as though the opposing charges that once attracted have become like charges seeking separation. What had been generative tension becomes malevolent

[2] Lee Ross (1977), "The Intuitive Psychologist and His Shortcomings: Distortions in the Attribution Process," Advances in Experimental Social Psychology, 10, 173–220.

tension. The marriage can implode or explode like an overloaded Leyden jar: the covenantal vessel itself can rupture. The image recalls *shevirat ha-kelim*, the breaking of the vessels; it is an analogy for relational rupture, not an identification of marriage with a physical or kabbalistic mechanism.

Difference can remain unresolved and nevertheless become load-bearing. Successful marriages do not necessarily eliminate fundamental differences; they learn how to carry them.

Tensegrity means tensional integrity. In an actual tensegrity structure, a continuous network of tension works with separate compression members to sustain the whole. Applied to marriage, the image directs attention to the practices that allow a relationship to hold difference: sincere and contrite apology; assuming good faith; restraining anger; honest recognition of one's own shortcomings; admitting wrongdoing; reframing; *teshuvah*; accepting influence; seeking therapy or outside help when necessary; accepting that “good enough” can be more than enough; and stretching grace wider than the gap. These are not incidental marital virtues. They are among the load-bearing members of the covenantal structure.

The Gottman Institute describes roughly 69 percent of relationship conflict as concerning perpetual problems.[3] The lesson is not that every problem should be left unresolved. It is that recurring disagreement is not, by itself, proof that a marriage has failed. The daily work of marital maturity is the spiritual discipline of refusing to let disappointment become the final interpretation of the other person.

The ethical resemblance to Maimonides' Golden Mean (*Shevil HaZahav*) is significant. The Golden Mean is sometimes mistaken for an easy compromise between opposing extremes, a matter of simply splitting the difference. But the middle is not a refuge from tension; it is the very place where tension must continually be held. Human nature tends toward extremes, and remaining centered requires the ongoing discipline of one's dispositions, discerning when a necessary force has become excessive. Maimonides himself treats anger and arrogance as dispositions from which one should distance oneself (Mishneh Torah, Human Dispositions 1:4 and 2:3).

Yet those who inhabit either extreme may perceive the middle way as weakness, indecision, or a cop-out. I am arguing precisely the opposite. It is far easier to default to one pole, embrace its apparent purity, and dismiss the competing truth than to hold two legitimate claims in abeyance without surrendering either. The middle demands greater discipline, not less; greater moral courage,

[3] The Gottman Institute, “Managing Conflict: Solvable vs. Perpetual Problems.”

not less. It requires the sustained effort of maintaining opposing forces in properly ordered, dynamic tension without allowing either to overwhelm the other.

Tensegrity is therefore not only a diagnosis of the post-Edenic human condition but a *praxis* for surviving it, part of the daily grind of life. Agency becomes its lived expression: exercising forbearance, resisting short-term gratification, discerning when either pole has become excessive, and acting responsibly toward repair while remaining open to what may emerge.The middle is not weakness or compromise. It is the harder work of exercising agency through tensional integrity—tensegrity—and therefore participating in the work of *tikkun*.

A grammar for the quarrel

The six-part grammar makes this lived discipline backpackable:

Fracture → Tension → Freedom → Agency → *Tikkun* → Emergence

The sequence is not mechanically deterministic. Agency does not mean sovereignty. Our actions matter greatly without everything depending upon us. The grammar offers orientation within a rupture, not a guarantee that every marriage will recover or that every wound will generate growth.

Element	Marital practice
Fracture	Acknowledge what hurt and what trust or belonging it damaged.
Tension	Hold the unresolved disagreement without making it the whole meaning of the marriage.
Freedom	Recognize the choices that remain in your own response; you cannot control your spouse.
Agency	Pause, listen, apologize, accept influence, or seek help—take the next available responsible action.
Tikkun	Pursue accountability, changed conduct, and repair rather than simply restoring quiet.
Emergence	Remain open to a changed relationship with capacities it did not possess before; growth is possible, not guaranteed.

Four companion practices

The six-part grammar describes the movement from fracture through tension, freedom, agency, and *tikkun* toward possible emergence. Four companion practices—Diagnose, Discern, Act, and Persist—describe how we participate in that movement. Together, they make tensegrity a lived discipline within marriage.

Diagnose — Recognize what has broken and the tension it has created. Name the hurt without allowing the quarrel to become the final interpretation of your spouse, yourself, or the marriage.

Discern — Distinguish the injury from the meaning you have assigned to it. Consider what you may not yet understand, when a necessary force has become excessive, and what choices remain available in your own response.

Act — Exercise agency toward *tikkun* through restraint, listening, sincere apology, reframing, changed conduct, accepting influence, or seeking help. Endeavor toward restoring the right relationship without demanding that difference disappear.

Persist — Continue the work of repair with forbearance, even when the tension remains unresolved. Relinquish control over the outcome and the other person, while remaining open to what may emerge. Stretch grace wider than the gap.

These practices go hand in hand with the six-part grammar. They recur throughout the daily work of marriage; they are not four additional stages to complete once and leave behind.

The six-part grammar helps us recognize what the marriage is carrying; the four companion practices guide how we carry it. Together, they help us preserve and strengthen the struts and cables of the covenantal structure: commitment, trust, goodwill, restraint, honest speech, apology, and repair. They turn tensegrity from an explanatory image into the daily discipline of holding difference in right relationships.

Fracture

Something really broke. You do not have to minimize it, explain it away, or pretend it was secretly good. In a marriage, acknowledging the fracture means recognizing what was said or done and what it damaged. The quarrel may have threatened more than agreement; it may have shaken belonging.

The insights presented here remove unnecessary shame without removing responsibility. They do not excuse selfishness, cruelty, neglect, contempt, or unwillingness to grow. Those are not ordinary imperfection but active harm, and they require a different response entirely. Some wounds require repentance, healing, boundaries, and profound

change. Holding tension must not become an instruction to remain exposed to abuse.

Tension

The fact that something remains unresolved is not itself a failure. You may have to live for a long time between what was and whatever comes next. In the immediate intensity of a quarrel, the first task may be to keep the relationship capable of later truth and repair.

This too requires *hishtadlut*, effort: to remain within the tension, receive support and inspiration, and hold the line without pretending to control the outcome—or the other person. It is holding in abeyance the confusion over your own shaken identity during and after a fight, as well as the shaken identity of your coupled relationship, while remaining open in a posture of good faith toward one's spouse. Only after the intensity has diminished can reframing, *teshuvah*, repair, and renewed encounter fully begin.

Holding in abeyance is not declaring that nothing happened. It is refusing to let a painful moment deliver the final verdict on a person or a marriage.

Freedom

The fracture has not taken everything from you. Even when you cannot choose what happened, some sphere of freedom remains concerning what you become in relation to it.

Within marriage, that sphere begins with one's own response. Neither spouse can command the other's remorse, understanding, or change. But one can endeavor to restrain anger, admit wrongdoing, accept influence, or seek help. It is agency without sovereignty. Neither the fracture, nor either spouse, nor the self is sovereign over the relationship or its outcome. God alone is sovereign.

The question shifts from “Why did this happen to me?” toward “What can I do from here?”

Agency

Freedom can become action. The daily grind and work of a healthy and committed marriage includes sincere apology, listening, honest recognition of one's shortcomings, and accepting influence. A pause can preserve the possibility of a conversation that anger would destroy. Outside help can support a vessel that cannot presently hold its charge alone.

But restraint is not the same as tiptoeing. When couples organize their relationship around avoidance rather than connection, one or both gradually stop bringing their full selves into the relationship. Tiptoeing may create the appearance of peace, yet it can produce resentment, emotional exhaustion, and disconnection.

Healthy relationships are not relationships without disagreement. They are relationships in which disagreement does not threaten belonging. They allow both people to express themselves openly, even when doing so is uncomfortable, because both spouses possess sufficient trust that

conflict does not automatically mean rejection. *Shalom bayit*, peace in the home, cannot be reduced to silence.

Tikkun

Action can be directed toward repair. Not necessarily repairing the event—it may be irreparable—but repairing the relationship and the persons affected by the fracture. Repair asks more than whether the room has become quiet again.

Teshuvah means return. It is a turning away from wrongful action and a return toward a proper relationship with reality, oneself, others, and God. In marriage, it involves both responsibility for what one has done and the restoration of one's capacity to see the spouse's fragile humanity rather than seeing the spouse only through the lens of accusation. Repentance includes abandoning wrongdoing and confession, not simply finding a more comforting interpretation (Mishneh Torah, Repentance 2:2).

A criticism that reflexively hurts and causes defensiveness can sometimes be reframed: "My spouse is expressing a need or frustration. The criticism may be imperfectly delivered, but it is not necessarily a rejection of me." The external event has not changed, but the meaning assigned to the event has changed. That new perception creates the possibility for a different response: compassion instead of defensiveness, repair instead of conflict.

The injury may be real, and yet the first interpretation of the injury may be incomplete. Reframing does not excuse wrongdoing or ignore pain. Teshuvah does not erase facts; it restores the capacity to see those facts within a larger, more truthful framework.

Relinquishing a grievance also need not mean suppressing memory. It means refusing to let the quarrel become the permanent lens through which one sees the relationship. Where repair has genuinely occurred, repeatedly resurrecting the injury can prevent the other person from ever being encountered anew.

Emergence

Through the difficult *hishtadlut* of marriage, what emerges need not be merely the vessel that existed before, but something different—and perhaps stronger. What emerges from within the marriage could not necessarily have been anticipated when the couple stood together beneath the huppah. Each spouse will change individually; they will change together; and the marriage itself will change as they grow beyond who they once were.

This is not necessarily evidence that the marriage has departed from what it was meant to be. It may instead be evidence of what the marriage has become capable of becoming. The couple at year thirty is not simply the couple at the *huppah* preserved successfully for thirty years.

A marriage that survives a serious fracture cannot simply become the innocent marriage that existed before it. Through responsibility, forgiveness,

changed understanding, and repair, the scar may remain while the relationship develops capacities it did not possess before. Healing does not always mean going backward. Sometimes we become whole by building forward from what broke.

This is emergence: when interacting parts, through their relationship, generate properties or possibilities that neither possessed alone and that could not have been fully predicted from the parts themselves; something genuinely new arising from within the relationship that was neither fully present nor predictable at its beginning. Emergence is not guaranteed merely because fracture occurred. Nor does its possibility make the fracture necessary or good. You do not have to believe the fracture was necessary in order to believe that what emerges afterward can become meaningful.

Grace wider than the gap

The goal of marriage is reliable, mutual goodwill amid inevitable imperfection. “Good enough” is not resignation within marriage but a profound achievement. Enduring love is measured less by flawless reciprocity than by steadfast goodwill amid inevitable imperfection.

No spouse can perfectly anticipate the other's needs, completely satisfy the other's emotional world, or perfectly mirror the other's love. The gift is that each side continues to choose the other anyway. This is the beginning of mature covenantal love: the transformation of how the gap is inhabited.

Redemption in marriage is therefore not the elimination of the gap but the transformation of our posture toward it. What changes is that grace gradually becomes wider than the gap itself.

The vessel can shatter.
The vessel can discharge.
But the living vessel has “give.”
It can sometimes hold.
It can be held.
It can repair.

The grammar does not ask us to pretend that nothing broke. It asks: Given that it happened, where am I now—and what remains possible?

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