

## CURRENT TALMUD PASSAGE

Posted July 18, 2002 by Rabbi Judy Abrams. Please refer to Maqom's home page for information about previous passages.

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## Exciting Developments in Long-Term, Intensive Talmud Study at Maqom!

About one year ago, I offered those who study Talmud with Maqom the option of working with me on a one-on-one basis to do research and create articles about rabbinic literature that would be posted [here](#) at Maqom. With this article, that project is bearing its first fruit. I hope you enjoy reading Rabbi Louis Rieser's research and the papers that have yet to come.

--Rabbi Judith Z. Abrams, Ph.D.

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## ALMOST NO HALAKHAH IN THE "HALAKHIC" MIDRASH COLLECTIONS

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The early midrash collections, redacted into their final forms around 350 C.E., are called Halakhic Midrash collections. We would assume from their name, then, that they would contain a great deal of information about halakhah. We'd be wrong. The so-called Halakhic Midrash collections are about as unconcerned with halakhah as was the Mishnah.

In all the Halakhic midrash collections (Mekhilta on Exodus, Sifra on Leviticus, Safra on Numbers and Sifre on Deuteronomy) we find extraordinarily few mentions of halakhah. Not only that but many of these citations are parallels to each other. Basically, halakhah is a received tradition that outranks contemporary thinking (called svara or din).

Our example explains this passage in Deuteronomy:

"If there arise a matter too hard for you to decide, be it a matter controversy in judgment between blood and blood, between plague and plague even matters of controversy within your gates you shall promptly repair to the place that the Lord your God will have chosen and appear before the levitical priests or the magistrate in charge at the time and present your problem (Deuteronomy 17:8-9)

The sages thought that no word in Torah was superfluous and, consequently, when faced with a sentence like Deuteronomy 17:8 they give each word a specific meaning.

"If there arise a matter too hard-this shows that Scripture speaks here of an expert judge. "For you"-referring to advice.

"A matter"-in halakhah.

"In judgment"-in judicial judgment. (Sifre D. 152)

Just to add a bit more confusion to the mix, the Yerushalmi occasionally uses the word agaddah (usually understood as "stories") in places we'd expect to see the word halakhah (e.g. Y. Sanhedrin 11:3)

**Discussion Questions:**

1. What are the similarities between Mishnah and the "halakhic" midrash collections? They seem to be using the word in the same way, that is to say that they are not creating works of halakhah. So what do the early midrash collections have as their purpose if it is not to convey law?
2. What does midrash mean for you today? When you make a midrash on a text what is your goal in doing so?