

## Thinking Rite: Towards Talmudo-Mīmāṃsā

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[The present paper is a slightly modified version of a joint paper delivered orally at the international conference, "Tradition of Commentaries and the Dynamics of Knowledge" in Shree Somnath Sanskrit University in February 2020.<sup>1</sup> It is intended as a first draft of a statement of intent, rather than as a systematic presentation of our findings.]

The paper is part of an ongoing international research project which had its informal beginning in 2015 at Princeton University, when a group of students and scholars from various disciplinary backgrounds joined together in a summer seminar to read, analyze and discuss texts from two ritual traditions—the one South Asian and the other Near Eastern/Mediterranean. We continued our joint exercises in the framework of graduate seminars and research workshops at Princeton University, Heidelberg University, the Hebrew University of Jerusalem,

<sup>1</sup> We wish to thank Prof. Gopabandhu Mishra, Prof. D. N. Pandeya (Shree Somnath Sanskrit University), and the organizers for the opportunity to present our project before Indian scholars in the framework of the conference.

and in Varanasi.<sup>2</sup> The project is currently centered at the Hebrew University of Jerusalem in Israel, under the name "Thinking Rite: A New and Ancient Science of Sacrifice."<sup>3</sup>

More specifically, we engaged ourselves on the one hand with the *Jaimini-Mīmāṃsā-Sūtra* (JMS) with the commentary of Śabaravāmin, the *Śābara-bhāṣya* (ŚB), and on the other hand, with a set of Biblical and ancient Jewish texts on sacrificial ritual.<sup>4</sup> The system of Mīmāṃsā originated in the second half of the first millennium before the Common Era in the geographical region of South

<sup>2</sup> During these meetings we had opportunity to benefit from conversations with Professors Yigal Bronner (The Hebrew University of Jerusalem), Rammurti Chaturvedi (Mahatma Gandhi Kashi Vidyapith, Varanasi), Fancis X. Clooney, S.J. (Harvard University), Lawrence McCrea (Cornell University), Axel Michaels (Heidelberg University), and H. R. Sharma (Banaras Hindu University); for their valuable insights we are thankful. Special thanks go to Professor Yochanan Grinshpon (The Hebrew University of Jerusalem) for his insightful suggestions.

<sup>3</sup> We are deeply indebted to the members of the research team, including (in alphabetical order) Jesse Mirotznik (Harvard University), Ariel Seri-Levi (The Hebrew University of Jerusalem = HUJI), Hananel Shapira (HUJI), Mordechai Vaintrob (HUJI), and Ayelet Wenger (HUJI), and to Matthieu Barbier (CNRS). We wish to express our thanks to the Israel Science Foundation for its generous support.

<sup>4</sup> To the best of our knowledge, the first study to explore the potential of what we term "Talmudo-Mīmāṃsā" is Daniel A. Klein, "Rabbi Ishmael, Meet Jaimini: The Thirteen Middot of Interpretation in Light of Comparative Law," *Hakirah* 16 (2013) 91–111. See the insightful paper by Shoshana Razel Gordon-Guedalia, "Sagi Nahor—Enough Light: Dialectic Tension between Luminescent Resonance and Blind Assumption in Comparative Theology," in *How to Do Comparative Theology* (edited by Francis X. Clooney, S.J. and Klaus von Stosch; New York: Fordham University, 2018) 229–255. Comparative projects involving the study of Vedic and ancient Israelite and early Jewish sacrifice, on the other hand, have been undertaken in the past. See for example Henri Hubert and Marcel Mauss, *Sacrifice: Its Nature and Function* (Translated by W. D. Halls; London: Cohen and West, 1964), originally published as Henri Hubert et Marcel Mauss, "Essai sur la nature et la fonction du sacrifice." *L'Année Sociologique* 2 (1898): 29–138; Kathryn McClymond, *Beyond Sacred Violence: A comparative study of sacrifice* (Baltimore: Johns Hopkins University, 2008); for a broader comparative perspective on the two traditions see Barbara A. Holdrege, *Veda and Torah: Transcending the Textuality of Scripture* (Delhi: Sri Satguru Publications, 1997).

Asia, within the context of the Vedic textual and ritual tradition. The textual corpus on Mīmāṃsā is almost exclusively in the Sanskrit language.<sup>5</sup>

The sacrificial tradition of ancient Israel is based on the descriptive and prescriptive ritual texts in the Hebrew Bible (1<sup>st</sup> millennium BCE) and on their further elaboration in postbiblical literature, specifically in the Mishna and in early Midrash (compiled ca. 3<sup>rd</sup> century CE) and in the Babylonian Talmud (compiled ca. 6<sup>th</sup> century CE).<sup>6</sup> The Babylonian Talmud is to this day the quintessential Jewish text. It is a collection of some twenty volumes consisting primarily of legal controversies concerning the minutiae of Jewish law, compiled in Mesopotamia in the Sassanian period—and accompanied by a host of commentaries and sub-commentaries.<sup>7</sup> The Talmud covers topics as varied as prayers and holidays; matrimony and capital punishment; civil law and ritual impurity. While its final compilation took place around the sixth century CE, centuries after the destruction of the Jerusalem Temple (in 70 CE), and therefore many centuries after actual sacrifice had ceased to be practiced (in Jewish law, sacrifice outside the Jerusalem Temple is unacceptable), a significant portion of this fundamental text is dedicated to the laws of sacrifice.

As a very rough analog, one may liken the development of the commentarial tradition in ancient Israel to that of the Mīmāṃsā tradition, as follows:

<sup>5</sup> For a primary introduction, see Lawrence J. McCrea, "Mīmāṃsā". Brill's Encyclopedia of Hinduism. Edited by: Knut A. Jacobsen, Helene Basu, Angelika Malinar, Vasudha Narayanan. Brill Online, 2014. For an overview of the literature, see Jean-Marie Verpoort, "Mīmāṃsā Literature". Otto Harrassowitz, Wiesbaden, 1987.

<sup>6</sup> For an introduction see Eyal Ben-Fliyah, Yehudah Cohn, and Fergus Millar, *Handbook of Jewish literature from late antiquity, 135-700 CE*, (Oxford: University Press 2013) 23–27 (Mishnah); 32–38 (Babylonian Talmud).

<sup>7</sup> Y. Elman, 'Talmud and Middle Persian Culture', *Encyclopedia Judaica* (2<sup>nd</sup> edition), vol. 19 (2007), 488–91; S. Wald, 'Talmud, Babylonian', *Encyclopedia Judaica* (2<sup>nd</sup> edition), vol. 19 (2007), 470–83; Shai Secunda, *The Iranian Talmud: Reading the Bavli in Its Sassanian Context*, Philadelphia: University of Pennsylvania 2014.

Vedic sacrificial ritual literature (before 4 <sup>th</sup> c. BCE)	Biblical sacrificial ritual literature (before 4 <sup>th</sup> c. BCE)
<i>Jaimini-Mīmāṃsā-Sūtra</i> (ca. 3 <sup>rd</sup> c. BCE)	<i>Mishna</i> (compiled ca. 200 CE)
<i>Śābara-Bhāṣya</i> (ca. 3 <sup>rd</sup> c. CE)	<i>Babylonian Talmud</i> (compiled ca. 6 <sup>th</sup> c. CE)
Commentaries and Sub-Commentaries	Commentaries and Sub-commentaries

Table 1: Stratification in Talmudic and Mīmāṃsā traditions

Although the two textual traditions developed in isolation from one another in antiquity—there is no evidence of mutual contact between Mīmāṃsā and Talmudic traditions—and evolved along separate trajectories in subsequent centuries, there are striking affinities between them in terms of contents and style. The following brief list enumerates some of these. Succinctly stated, and with a degree of simplification, both traditions can be characterized as—

1. Containing theoretical discourse on ritual sacrifice
2. Stratified (as in Table 1 above)
3. Attempts to systematize a complex textual tradition
4. Discursive and dialectic (*prima facie* opinion vs. conclusion; *pūrvapakṣin* vs. *siddhāntin*)
5. Using a host of conventional shorthand scholastic terms (often identical in specific function)
6. Employing hermeneutical tools for textual deduction (*pramāṇas*, Hebrew *middōt*). These tools are
  - a. Fixed in number
  - b. Formal, and often

## c. counterintuitive

Perhaps the most striking similarity is, on occasion, thematic: the types of problems addressed often overlap. In some cases, the same precise non-obvious question is addressed; such correspondence borders on the uncanny when the same solution is offered, as in the case of the texts presented in appendices A–D (JMS 4.1.27 and Babylonian Talmud *Zebahim* 52b).

In addition to these parallels, a note is in order regarding the relation between text and practice in both traditions. In both systems there is a significant gap between sacrificial ritual practice and the intellectual efforts to systematize and analyze these rituals. In the Talmudic context, this process is clearly evident: sacrifices were no longer permissible after the destruction of the Jerusalem Temple in 70 CE. Thus, the vast majority of textual production dedicated to systematizing and analyzing sacrificial ritual belongs to a time when sacrifices were no longer performed, and were in a sense purely theoretical. In the South Asian context, the situation is more complex, since there was no comparable abrupt cessation of sacrificial praxis. However, the gap evidenced in the Talmudic tradition is paralleled in South Asia inasmuch as the *Mīmāṃsākas*, the ritual theoreticians, are in many cases distinct from the *Yājñīkas*, the experts in ritual practice.<sup>8</sup>

In reading these texts side by side, despite their vast cultural, religious, historical, geographical and linguistic dissimilarities (the correspondences enumerated above notwithstanding) we do not aim to establish a shared historical origin; much less do we seek to demonstrate that one tradition influenced the formation and development of the other. We acknowledge that there is no evidence of any historical link between the two systems. Neither do we suggest that the shared properties enumerated here should be interpreted as

<sup>8</sup>Krishna, Daya: "The *Mīmāṃsāka* versus the *Yājñīka*: Some Further Problems in the Interpretation of *Śruti*". In: *Contrary Thinking: Selected Essays of Daya Krishna*. (Eds.) Nalini Bhushan, Jay L. Garfield and Daniel Raveh. New York: Oxford University Press, 2011, pp. 228-246.

evidence of underlying universals. In fact, *Mīmāṃsā* and Talmudic discourse on sacrifice are quite idiosyncratic,<sup>9</sup> and are hardly paralleled elsewhere, even in cultures with significant sacrificial traditions, e.g., in the Greco-Roman world, in Mesopotamia, or in Anatolia. Rather, our aim is to open up and explore the intellectual space between two textual/ritual traditions. The text excerpts that we have compiled in Appendices A–D serve to demonstrate the potential of this explorative exercise.

The appendices contain a thought-experiment of ours, which demonstrates the mutual translatability of the two intellectual traditions. Appendix A is ŚB 4.1.27 in the original Sanskrit; Appendix B is essentially a word for word translation of that passage, directly from Sanskrit into a mixture of Hebrew and Aramaic characteristic of the Babylonian Talmud (the commentary is our own creation). Appendices C–D are a mirror-image of that exercise: C is a passage from Babylonian Talmud tractate *Zebahim* 52b in the original Hebrew/Aramaic; and D is a slightly modified Sanskrit rendition of that pericope.

Incidentally, our intuitions regarding the potential of the translation exercise were confirmed by the results: whereas translations of *Mīmāṃsā* and Talmudic texts into modern European languages tend to be either unwieldy or replete with explanatory parenthetical side-comments (or both), the *Mīmāṃsā* and Talmudic texts are very smoothly inter-translatable. A Talmudist reading our experimental Hebrew/Aramaic translation of JMS with Śabara's commentary is likely to have a sense of a *déjà vu*—as if encountering an unknown section of the Talmud.

In order to further clarify our long-term goals, focusing on the perspective of *Mīmāṃsā*'s instrumentality for understanding ancient Jewish sacrificial literature (though the elucidation is bidirectional), a few remarks are in order. The ancient Israelite sacrificial system (together with the system of pollution and purification with which it is indelibly intertwined) is arguably the most elaborate intellectual

<sup>9</sup>Although they made no use of *Mīmāṃsā*, Hubert and Mauss (above, n. 4) were keenly aware of the unique importance of the two textual/ritual traditions—in Hebrew and in Sanskrit—for the study of sacrifice.

edifice preserved in Talmudic literature. And yet, the rabbinic tradition never developed a *sui generis* discipline dedicated specifically to the field of knowledge of sacrificial ritual as elaborate as *Mīmāṃsā*.

*Mīmāṃsā*, on the other hand, was developed specifically in the context of Vedic texts and Vedic ritual; yet the analytic and hermeneutic tools that it formulates, alongside the operative categories that it develops, may be applicable more widely to other ritual and textual systems as well. The ancient Jewish ritual sacrificial texts are a natural corpus for testing and developing the applicability of *Mīmāṃsā* as a theory of sacrificial ritual writ large.

Consider a rough analogy to Pāṇini's *Aṣṭādhyāyī*: this work was developed specifically for analyzing and describing a particular language, Sanskrit; and wholesale application of the specific rules and metarules of the *Aṣṭādhyāyī* to another language such as Modern English or Biblical Hebrew, is out of the question; but the abstraction of modes of analysis and operative categories from the Pāṇinian system proved to have strong explanatory power for linguistic systems in general, and played an important role in the development of modern linguistics.

To use a very bold comparison, we thus suggest that while a wholesale application of *Mīmāṃsā* to non-Vedic rituals and texts is out of the question, operative categories and modes of analysis abstracted from the JMS and its commentaries offer a unique set of tools, without parallel in the ancient or modern scholarly traditions, for understanding sacrificial ritual systems outside the purview of classical *Mīmāṃsā* literature.

The academic exercise envisioned in this paper must proceed from the careful application of established philological methods for reading the ancient texts, both tradition-immanent and modern, using emic and etic hermeneutical tools for their interpretation, situating the texts' key concepts within the history of ideas and embedding them within relevant theoretical frameworks. Proceeding from this groundwork, our aim in the comparative project is first and foremost to understand each tradition better on its own terms, simply employing new

perspectives gained by comparative analysis: examining each textual tradition in light of insights gained from the other; re-applying (with proper caution) hermeneutical tools forged and honed in one textual-ritual tradition in a new and distant sacrificial arena; and testing the explanatory power of operative categories abstracted from one tradition to attain a better understanding of the other.

However, our endeavor has a second, more distant but no less explicit goal—to explore the varied connections between ritual and hermeneutics. Even a cursory reading of these two traditions side by side reveals a common feature shared by both: the use of ritual texts as a laboratory of sorts for the development of hermeneutic tools. This feature, which is perhaps more immediately evident in *Mīmāṃsā*, but is undeniably evident also in Talmudic literature, raises several questions: does ritual, in particular sacrificial ritual, as a sophisticated, primarily non-verbal system with its own rigorous (nonlinguistic) “grammar” facilitate the cultivation of textual hermeneutics? And in what ways could properties internal to the ritual systems themselves be reflected in the structures of the hermeneutic systems devised for their interpretation? These are questions that can be answered only by carving out a new space between the two textual and ritual traditions, and turning that space into the object of investigation, within a new—and ancient—“science of sacrifice.”

Appendix A: ŚB 4.1.27 (Bibliotheca Indica edition, Calcutta, 1873 p. 453.)

श्रद्धालोहितयोः पशवप्रयोक्तृत्वाधिकरणम् ॥

सू. पशवनालम्भालोहितश्रद्धालोरकर्मत्वम् ॥ २७ ॥

भा. अस्ति ज्योतिष्टोमे पशुः अग्नीषोमीयः, तत्र श्रूयते,—‘हृदयस्य अग्नेर्वद्यत्यथ जिज्ञायाः’—इत्येवमादि, तथा, लोहितं निरस्यति, श्रद्धात्संप्रविशति, स्यविमतो वर्हिर्लक्तापास्यति—इति। तत्र सन्देहः,—किं हृदयादिभिरवदानैः इज्या पशोः प्रयोक्ता, उत श्रद्धात्संप्रव्याधो लोहितनिरसनं च तदपि प्रयोजकम्?—इति। किं प्राप्तम्?—‘एकनिष्पत्तेः सर्वे समं स्यात्’, (४।१।२२ सू०) उभयं प्रयोजकम्—इति।

एवं प्राप्ते ब्रूमः,—पशौ श्रद्धालोहितयोः अप्रयोजकत्वं, न हि, तदर्थः पशोरालम्भः, श्रद्धात्संप्रविशति लोहितनपास्यति—इति उच्यते, न पशोः अन्यस्य वा—इति, पशुरग्नीषोमीयो वाक्येन,—‘यो दीक्षितो यदग्नीषोमीयं पशुमालभते’—इति, श्रद्धालोहिते पशोः प्रकरणेन भवेतां, प्रकरणं च वाक्येन बाध्यते। ‘ननु एते श्रद्धालोहिते प्रतिपाद्येते, तेन यागार्थस्य पशोः न अन्यस्य—इति निश्चयः’। एवं चेत्, अप्रयोजके श्रद्धालोहिते—इति। किं भवति प्रयोजनं?। साम्ये सति श्रद्धालोहिताभावेऽन्यः पशुरालम्भनीयः, श्रद्धालोहितयोरप्रयोजकत्वे लोपः ॥ (४।१।२२ सू०) ॥

Appendix B: ŚB 4.1.27 in Hebrew/Aramaic:

The text in its present format is our creation. The text in the center (in larger typeface) is a literal translation of the Sanskrit text in Appendix A, rendered in a mixture of rabbinic Hebrew and Aramaic. The additional texts surrounding the central text are our own explanatory notes, in traditional medieval commentarial style.

אלה עשייתן פרק רביעי עבודה נג.

מסורת הש"ס  
א (עין חוב למה  
קד. ד'ה קרא. ס  
פ"ל ד'ה חולין נ"ג.  
זכאים י"ג ע"י רש"ל  
שמים ה"י שששה.

וישול לא איתקרי עבודה: מתני' הדם והפרש אינן עבודה שלא לצרכן הבהמה ניטלת: גמ' איכא בגיטוישטומ' בהמתא דאגנישומ' ותנן עלה נוטל מן הלב בתחילה ואחר נוטל מן הלשון וגו' ועוד שופך את הדם ומסיר את הפרש מקנה על רחבו שלעשב ומשליך ומספקא לן אי קרבן בהמה בנייתוח ליבא ודכוותיה [נ"א ושאר אימורין] נרצה' או דילמא אף היסר פרש ושפיכת הדם מצווה. מאי היא ת"ש \*ואם חלו כאחת כולן (מצוה) שמע מינה אלו ואלו מצווה אלא לא בבהמה לא אמרינן דמאופירתא מצווה דהא לאו אדעתא דהכי בהמה קרבה דהא תנן נוטל' מן הלב בתחילה ואחר נוטל מן הלשון ולא ידענא אי דבהמתא דידן אי דאחרינא בהמתא דאגנישומ' בדבר הלמד מעניניו' אתיא דהא תנן נתקדש והקריב בהמה אגנישומ' דמאופירתא דבהמתא בדבר הלמד מסופו אתיא אתא דבר הלמד מעניניו ואסר ליה לדבר הלמד מסופו או דילמא מכלל דמאופירתא (שיריין) שמע מינה דבהמתא דקרבנא הן ולא דבהמתא אחרינא אי הכי ודאי דמאופירתא לאו מצווה שמע מינה למאי נפקא מינה למאן דאמר אף אלה [למצווה] אי ליכא דמאופירתא יביא אחרת תחתיה ולמאן דאמ' דם ופרש אינן מצווה לא יביא

עין משפט  
נר מצוה  
א (עין חוב למה  
קד. ד'ה קרא. ס  
פ"ל ד'ה חולין נ"ג.  
זכאים י"ג ע"י רש"ל  
שמים ה"י שששה.

על ד' ה כ"ב



प्रकाशकः

डॉ. दशरथ जादवः

कुलसचिवः

श्रीसोमनाथसंस्कृतयुनिवर्सिटी,

राजेन्द्रभुवनमार्गः, वेरावलम् - ३६२ २६६ गीर-सोमनाथजनपदम् (गुजरातम्)

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डॉ. कार्तिक पण्ड्या

संशोधनाधिकारी

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एस.टी. रोड, वेरावल - ३६२ २६६.

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