

## Talmud - Mas. Avodah Zarah 2a

### CHAPTER I

MISHNAH. ON THE THREE DAYS PRECEDING THE FESTIVITIES<sup>1</sup> OF IDOLATERS, IT IS FORBIDDEN TO TRANSACT BUSINESS WITH THEM, TO LEND ARTICLES TO THEM OR BORROW ANY FROM THEM, TO ADVANCE, OR RECEIVE ANY MONEY FROM THEM, TO REPAY A DEBT, OR RECEIVE REPAYMENT FROM THEM.<sup>2</sup> R. JUDAH SAYS: WE SHOULD RECEIVE REPAYMENT FROM THEM, AS THIS CAN ONLY DEPRESS THEM;<sup>3</sup> BUT THEY [THE RABBIS]<sup>4</sup> SAID TO HIM: EVEN THOUGH IT IS DEPRESSING AT THE TIME, THEY ARE GLAD OF IT SUBSEQUENTLY.

GEMARA. Rab and Samuel [differed]: the one quoting [from this Mishnah] ed, while the other quoted 'ed.<sup>5</sup> The one who quoted ed is not in error, nor is the one who quoted 'ed in error.<sup>6</sup> The one who quoted ed is not in error, since Scripture says: For the day of their calamity is at hand;<sup>7</sup> so also is he who quotes 'ed not in error, for Scripture also says: Let them bring their witnesses [testimonies] that they may be justified.<sup>8</sup> Why does he who quotes ed not have 'ed? — He might say, the term ed ['calamity'] is more applicable [to idolatry]. Why then does not the one who quotes 'ed have ed? — He might say: What is it that brings about that calamity [if not] their testimony? hence the term 'ed ['testimony'] is more apt.

But does the verse, Let them bring their witnesses that they may be justified, refer to idolaters at all? It surely refers to Israel; as R. Joshua b. Levi said: All the good deeds which Israel does in this world will bear testimony unto them in the world to come, as it is said: Let them bring their witnesses that they may be justified — that is Israel; And let them hear and say: It is truth — these are the idolaters. Whereupon R. Huna the son of R. Joshua said that the one who quotes 'ed derives it from this verse: They that fashion a graven image are all of them vanity, and their delectable things shall not profit,' and their own witnesses see not, nor know.<sup>9</sup>

R. Hanina b. Papa — some say R. Simlai — expounded [the foregoing verse] thus: In times to come,<sup>10</sup> the Holy One, blessed be He, will take a scroll of the Law in His embrace and proclaim: 'Let him who has occupied himself herewith, come and take his reward.' Thereupon all the nations will crowd together in confusion, as it is said: All the nations are gathered together, etc.<sup>11</sup> The Holy One, blessed be He, will then say to them: 'Come not before Me in confusion, but let each nation come in

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(1) The Hebrew word עֵד ED, here used as a metonymy for FESTIVITY, means CALAMITY; in the variant spelling עֵדִי ED it means WITNESS OR TESTIMONY — hence the variation discussed in the Gemara which follows.

(2) Lest any benefit they may derive from these be made by them a cause for rejoicing before their idols on the day of festivity.

(3) The reason for the objection does not therefore exist.

(4) Representing the opinion of teachers in general.

(5) V. n. 1.

(6) As both terms are used in Scripture in connection with idolatry. [The letter ע was frequently confused, especially among the Babylonians, with ס; and according to Berliner, Beitr. z. Gram. i. Tal. u. Mid., p. 17, it is Samuel the Babylonian who quoted עֵדִי while Rab who was a Palestinian, read עֵד ]

(7) Deut. XXXII, 35.

(8) Isa. XLIII, 9.

(9) Ibid. XLIV, 9.

(10) A typical example of consolatory Aggadah wherewith the Rabbis sought to sooth the people's present afflictions by depicting the glories which the future had in store for them. A liturgical difficulty is solved thereby. The term consolations נְחֻמָּה in the Kaddish passage: 'Blessed be He above all the blessings and hymns, praises and

consolations which are uttered in the world' (P.B., p. 75), which is so puzzling to commentators, is explained by the fact that the Kaddish is in its origin a doxology pronounced after Aggadic expositions, which were generally of a consolatory nature. Cp. **יְהִי שִׁמְחָה רַבָּא דְאַגְדָּתָא** (Sot. 49a).

(11) Isa. XLIII, 9.

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with its scribes;’ as it is said, and let the peoples be gathered together,<sup>1</sup> and the word le'om [used here] means a kingdom, as it is written, and one kingdom [u-leom] shall be stronger than the other kingdom.<sup>2</sup> (But can there be confusion in the presence of the Holy One, blessed be He? — [No;] it is only that they be not confused, and so hear what He says to them.) Thereupon the Kingdom of Edom<sup>3</sup> will enter first before Him. (Why first? Because they are the most important. Whence do we know they are so important? — Because it is written: And he shall devour the whole earth and shall tread it down and break it in pieces;<sup>4</sup> and R. Johanan says that this refers to Rome, whose power is known to the whole world. And whence do we know that the most important comes forward first? — Because R. Hisda said: When a king and a community appear before the [Heavenly] tribunal, the king enters first, as it is said: That He maintain the cause of His servant [King Solomon] and [then] the cause of His people Israel.<sup>5</sup> And why is it so? — You may say, because it is not the way of the world that a king shall wait without; or you may say [in order that the king shall plead] before the anger [of the Judge] is roused.)<sup>6</sup> The Holy One, blessed be He, will then say to them: ‘Wherewith have you occupied yourselves?’ They will reply: ‘O Lord of the Universe, we have established many market-places, we have erected many baths, we have accumulated much gold and silver, and all this we did only for the sake of Israel, that they might [have leisure] for occupying themselves with the study of the Torah.’ The Holy One, blessed be He, will say in reply: ‘You foolish ones among peoples, all that which you have done, you have only done to satisfy your own desires. You have established marketplaces to place courtesans therein; baths, to revel in them; [as to the distribution of] silver and gold, that is mine, as it is written: Mine is the silver and Mine is the gold, saith the Lord of Hosts;<sup>7</sup> are there any among you who have been declaring this?’ And ‘this’ is nought else than the Torah, as it is said: And this is the Law which Moses set before the children of Israel.<sup>8</sup> They will then depart crushed in spirit. On the departure of the Kingdom of Rome, Persia will step forth. (Why Persia next? — Because they are next in importance. And how do we know this? — Because it is written: And behold another beast, a second like to a bear;<sup>9</sup> and R. Joseph learned<sup>10</sup> that this refers to the Persians, who eat and drink greedily like the bear, are fleshly like the bear, have shaggy hair like the bear, and are restless like the bear.)<sup>11</sup> The Holy One, blessed be He, will ask of them: ‘Wherewith have ye occupied yourselves?’; and they will reply ‘Sovereign of the Universe, we have built many bridges, we have captured many cities, we have waged many wars, and all this for the sake of Israel, that they might engage in the study of the Torah. Then the Holy One, blessed be He, will say to them: ‘You foolish ones among peoples, you have built bridges in order to extract toll, you have subdued cities, so as to impose forced labour;<sup>12</sup> as to waging war, I am the Lord of battles, as it is said: The Lord is a man of war;<sup>13</sup> are there any amongst you who have been declaring this?’ and ‘this’ means nought else than the Torah, as it is said: And this is the Law which Moses set before the Children of Israel<sup>14</sup>. They, too’ will then depart crushed in spirit. (But why should the Persians, having seen that the Romans achieved nought, step forward at all? — They will say to themselves: ‘The Romans have destroyed the Temple, whereas we have built it.’)<sup>15</sup> And so will every nation fare in turn. (But why should the other nations come forth, seeing that those who preceded them had achieved nought? They will say to themselves: The others have oppressed Israel, but we have not. And why are these [two] nations singled out as important, and not the others? — Because their reign will last till the coming of the Messiah.) The nations will then contend: ‘Lord of the Universe, hast Thou given us the Torah, and have we declined to accept it? (But how can they argue thus, seeing that it is written, The Lord came from Sinai and rose from Seir unto them, He shined forth from Mount Paran?<sup>16</sup> And it is also written, God cometh from Teman.<sup>17</sup> What did He seek in Seir, and what did He seek in Mount Paran?<sup>18</sup> — R. Johanan says: This teaches us that the Holy One, blessed

be He, offered the Torah to every nation and every tongue, but none accepted it, until He came to Israel who received it. [How, then, can they say that the Torah was not offered to them?] Their contention will be this: 'Did we accept it and fail to observe it? But surely the obvious rejoinder to this their plea would be: 'Then why did you not accept it?' — This, then, will be their contention: 'Lord of the Universe, didst Thou suspend the mountain over us like a vault<sup>19</sup> as Thou hast done unto Israel and did we still decline to accept it?' For in commenting on the verse: And they stood at the netherpart of the mountain<sup>20</sup> R. Dimi b. Hama said: This teaches us that the Holy One, blessed be He, suspended the mountain over Israel like a vault, and said unto them: 'If ye accept the Torah, it will be well with you, but if not, there will ye find your grave.' Thereupon the Holy One, blessed be He, will say to them: 'Let us then consider the happenings of old,' as it is said, Let them announce to us former things,<sup>21</sup> 'there are seven commandments which you did accept.<sup>22</sup> did you observe them?' (How do we know that they did not observe them? — For R. Joseph learned:<sup>23</sup> He standeth and shaketh the earth, He seeth and maketh the nations to tremble:<sup>24</sup> what did He see? He saw that the nations did not observe even the seven precepts which the sons of Noah had taken upon themselves,<sup>25</sup> and seeing that they did not observe them, He stood up and released them therefrom.<sup>26</sup> Then they benefited by it; according to this it pays to be a sinner! — Said Mar the son of Rabina:

(1) Ibid.

(2) Gen. XXV, 23.

(3) Edom, or Esau, generally represents Rome.

(4) Dan. VII, 23.

(5) I Kings VIII, 59.

(6) By the misdeeds of the people for which the king would be held responsible.

(7) Hag. II, 8.

(8) Deut. IV, 44.

(9) Dan. VII, 5.

(10) Kid. 72a.

(11) Cf. Lewysohn, Zoologie des Talmuds, p. 99. The Persians are compared to the bear, which bolts its food, is covered with a girdle of fat, and can stand the winter with but little food. The skin is woolly and thick, and only gets softer with age. He is always rolling about, even if kept in a cage.

(12) \*\* = angaria.

(13) Ex. XV, 3.

(14) Deut. IV, 44.

(15) Referring to Cyrus's edict. Ezra I, 2 seq.

(16) Deut. XXXIII, 2.

(17) Hab. III, 3.

(18) Seir or Edom representing the predecessors of Rome; Paran, those of Ishmael, Gen. XXI, 21.

(19) Lit., 'cask', 'tub'.

(20) Ex. XIX, 17.

(21) Isa. XLIII, 9.

(22) V. n. 6.

(23) B.K. 38a.

(24) Hab. III, 6.

(25) The Rabbis held that God had given Noah seven commandments embracing the whole of natural religion: against (i) idol worship, (ii) blasphemy, (iii) bloodshed, (iv) adultery, (v) robbery, (vi) for the establishment of courts of justice, (vii) against eating the limb torn off a living animal. These were imposed on all men, Jews and non-Jews alike. V. Sanh. 56a ff. Cf. Maimonides' Guide for Perplexed, III, 48.

(26) The Heb. word for maketh to tremble, וִיתַר, also means, 'he releaseth', cf. מוֹתַר permitted.

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The release from those commands only means that even if they observed them they would not be

rewarded. But why should they not? Is it not taught: R. Meir used to say. 'Whence do we know that even an idolater who studies the Torah is equal to a High Priest? From the following verse: Ye shall therefore keep My statutes and My ordinances which, if a man do, he shall live by them.<sup>1</sup> It does not say "If a Priest, Levite, or Israelite do, he shall live by them," but "a man"; here, then, you can learn that even a heathen who studies the Torah is equal to a High Priest!' — What is meant, then, is that they are rewarded not as greatly as one who does a thing which he is bidden to do, but as one who does a thing unbidden. For, R. Hanina said: He who is commanded and does, stands higher than he who is not commanded and does.<sup>2</sup>)

The nations will then say, 'Sovereign of the Universe, has Israel, who accepted the Torah, observed it? The Holy One, blessed be He, will reply, 'I can give evidence that they observed the Torah.' 'O Lord of the Universe,' they will argue, 'can a father give evidence in favour of his son? For it is written, Israel is My son, My firstborn.'<sup>3</sup> Then will the Holy One, blessed be He, say: 'Heaven and Earth can bear witness that Israel has fulfilled the entire Torah.' But they will [object], saying: 'Lord of the Universe, Heaven and Earth are partial witnesses, for it is said, If not for My covenant with day and with night. I should not have appointed the ordinances of Heaven and Earth.'<sup>4</sup> (And R. Simeon b. Lakish further said: What is conveyed by the phrase. And there was evening and there was morning the sixth day?<sup>5</sup> It teaches us that God made a condition with the works of creation, saying: 'If Israel accept my Law it will be well, but if not, I shall reduce you to a state of chaos'<sup>6</sup>; which accords with the comment of R. Hezekiah on the verse, Thou didst cause sentence to be heard from Heaven, the earth trembled and was still:<sup>7</sup> If the earth trembled, how could it be still, and if it was still, how could it tremble? But at first it trembled, and subsequently it became still.)<sup>8</sup> Then the Holy One, blessed be He, will say, 'Some of yourselves shall testify that Israel observed the entire Torah. Let Nimrod come and testify that Abraham did not [consent to] worship idols; let Laban come and testify that Jacob could not be suspected of theft;<sup>9</sup> let Potiphar's wife testify that Joseph was above suspicion of immorality; let Nebuchadnezzar come and testify that Hanania, Mishael and Azariah did not bow down to an image; let Darius come and testify that Daniel never neglected the [statutory] prayers;<sup>10</sup> let Bildad the Shuhite, and Zophar the Naamathite, and Eliphaz the Temanite [and Elihu<sup>11</sup> the son of Barachel the Buzite]<sup>12</sup> testify that Israel has observed the whole Torah; as it is said, Let them [the nations] bring their [own] witnesses, that they [Israel] may be justified.'<sup>13</sup>

The nations will then plead. 'Offer us the Torah anew and we shall obey it.' But the Holy One, blessed be He, will say to them, 'You foolish ones among peoples, he who took trouble [to prepare] on the eve of the Sabbath can eat on the Sabbath, but he who has not troubled on the eve of the Sabbath, what shall he eat on the Sabbath? Nevertheless, I have an easy command which is called Sukkah;<sup>14</sup> go and carry it out.'<sup>15</sup> (But how can you say so: does not R. Joshua b. Levi say: What is [the meaning of] the verse, The ordinances which I command thee this day to do them?<sup>16</sup> It is that this day only [the present] is the time to do them,' they cannot be done tomorrow [in times to come]: this day is the time in which to do them, but not in which to be rewarded for them. [Why then should they be offered this observance in the Messianic time?]) — Because the Holy One, blessed be He, does not deal imperiously with His creatures.<sup>17</sup> And why does He term it an easy command? — Because it does not affect one's purse.) Straightaway will every one of them betake himself and go and make a booth on the top of his roof; but the Holy One, blessed be He, will cause the sun to blaze forth over them as at the Summer Solstice.<sup>18</sup> and every one of them will trample down his booth and go away, as it is said, Let us break their bands asunder, and cast away their cords from us.<sup>19</sup> (But you have just said 'The Holy One, blessed be He, does not deal imperiously with his creatures? — True! but with the Israelites, too, it occasionally happens

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(1) Lev. XVIII, 5.

(2) [The idea underlying this principle is the contrast between the Autonomy of the Will and the Law of God as the Authority to Man. The moral act finds its sure basis only when it is conceived as prompted by the command of God.

When man acts in obedience thereto the merit is thus greater. Cf. Lazarus, M. *The Ethics of Judaism* (English ed.) 1 pp. 123 ff.]

(3) Ex. IV, 22.

(4) Jer. XXXIII, 25 rendered homiletically thus: If not for My covenant (i.e, the Torah, which is to be meditated) day and night, I should not have appointed etc.

(5) Gen. I, 31.

(6) The phrase is made to read — There was evening and there was morning [only because of] the sixth day of Sivan, the date of the revelation at Sinai.

(7) Ps. LXXVI, 9.

(8) The earth feared that its inhabitants could not abide in the absence of a moral code to serve as the foundation of society; but it was set at rest when sentence was heard from heaven, i.e., when the Divine commandments were proclaimed from Sinai.

(9) Cf. Gen. XXXI, 37.

(10) His windows were open in his upper chamber towards Jerusalem, and he kneeled upon his knees three times a day, and prayed, and gave thanks before his God, as he did aforetime. (Dan. VI, 11). This is the earliest record of the practice, still observed by Jews the world over, of offering prayers thrice daily. morning (Shaharith), afternoon (Minhah) and evening (Ma'arib) with face turned towards the Holy City.

(11) A friend of Job; Job XXXII, 2.

(12) Buz, according to Gen. XXII, 21, was a son of Nahor; his descendant Elihu, therefore, being an Israelite, is not to be included here (Rashi); cf. B.B. 15b, where it is discussed whether Elihu was an Israelite or a Gentile.

(13) Isa, *ibid.*

(14) Sukkah, booth, the temporary structure in which Jews dwell during the Festival of Tabernacles (Lev. XXIII, 42).

(15) To test their self-exertion for the sake of a religious observance.

(16) Deut. VII, 11.

(17) **טְרַנִּיָּא**, sovereignty, despotic rule.

(18) Lit., 'the cycle of Tammuz' which lasts from 21st June to 22nd September. The Jewish Calendar, while being lunar, takes cognisance of the solar system, to which it is adjusted at the end of every cycle of nineteen years. For ritual purposes, the four Tekufoth are calculated according to the solar system, each being equal to one fourth of 365 days, viz. 91 days, 7 1/2 hours. T. of Nisan, (vernal Equinox) begins March 21; T. of Tammuz (Summer Solstice), June 21; T. of Tishri (Autumnal Equinox). Sept. 23; T. of Tebeth (Winter Solstice) Dec. 22.

(19) Ps. II, 3.

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that the summer solstice extends till the Festival [of Tabernacles] and they are vexed [by the heat].<sup>1</sup> But does not Raba say: He who is vexed thereby is freed from dwelling in the Sukkah?<sup>2</sup> — Granted, they would [in such circumstances] be freed, but would Israelites contemptuously trample it down?) Thereupon the Holy One, blessed be He, will laugh at them, as it is said, He that sitteth in heaven laugheth.<sup>3</sup> Said R. Isaac: 'Only on that day is there laughter for the Holy One, blessed be He!' Some connected that comment of R. Isaac with the following teaching: R. Jose says, In time to come idol-worshippers will come and offer themselves as proselytes. But will such be accepted? Has it not been taught<sup>4</sup> that in the days of the Messiah proselytes will not be received; likewise were none received in the days of David or of Solomon? — Well, they will be self-made proselytes,<sup>5</sup> and will place phylacteries on their foreheads and on their arms, fringes in their garments, and a Mezuzah on their doorposts, but when the battle of Gog-Magog will come about<sup>6</sup> they will be asked, 'For what purpose have you come?' and they will reply: 'Against God and His Messiah' as it is said, Why are the nations in an uproar, and why do the peoples mutter in vain, etc.<sup>7</sup> Then each of the proselytes will throw aside his religious token and get away, as it is said, Let us break their bands asunder<sup>8</sup>, and the Holy One, blessed be He, will sit and laugh, as it is said: He that sitteth in heaven laugheth.<sup>9</sup> [It was on this that] R. Isaac remarked that there is no laughter for the Holy One, blessed be He, except on that day. But is there not, indeed? Yet Rab Judah said in the name of Rab: 'The day consists of twelve hours; during the first three hours the Holy One, blessed be He, is occupying

Himself with the Torah, during the second three He sits in judgment on the whole world, and when He sees that the world is so guilty as to deserve destruction, He transfers Himself from the seat of Justice to the seat of Mercy;<sup>10</sup> during the third quarter, He is feeding the whole world, from the horned buffalo to the brood of vermin; during the fourth quarter He is sporting with the leviathan,<sup>11</sup> as it is said, There is leviathan, whom Thou hast formed to sport therewith?<sup>12</sup> Said R. Nahman b. Isaac: Yes, He sports with His creatures, but does not laugh at His creatures except on that day.<sup>13</sup>

R. Aba said to R. Nahman b. Isaac: Since the day of the destruction of the temple, there is no laughter for the Holy One, blessed be He. Whence do we know that there is not? Shall we say from the verse, And on that day did the Lord, the God of Hosts, call to weeping and lamentation?<sup>14</sup> But this refers to that day and no more. Shall we then say, from this verse: If I forget thee, O Jerusalem, let my right hand forget her cunning, let my tongue cleave to the roof of my mouth if I do not remember thee?<sup>15</sup> But this, too, excludes forgetfulness, but not laughter. Hence, [it is known] from the verse, I have long time held my peace, I have been still, and refrained myself, now will I cry.<sup>16</sup> What then does God do in the fourth quarter?<sup>17</sup> — He sits and instructs the school children,<sup>18</sup> as it is said, Whom shall one teach knowledge, and whom shall one make to understand the message? Them that are weaned from the milk.<sup>19</sup> Who instructed them theretofore?<sup>20</sup> — If you like, you may say Metatron,<sup>21</sup> or it may be said that God did this as well as other things. And what does He do by night? — If you like you may say, the kind of thing He does by day; or it may be said that He rides a light cherub, and floats in eighteen thousand worlds; for it is said, The chariots of God are myriads, even thousands shinan.<sup>22</sup> Do not read Shinan, [repeated], but she-enan [that are not];<sup>23</sup> or it may be said, He sits and listens to the song of the Hayyoth,<sup>24</sup> as it is said, By the day the Lord will command His lovingkindness and in the night His song shall be with me.<sup>25</sup>

R. Levi says: He who discontinues [learning] words of the Torah and indulges in idle gossip will be made to eat glowing coals of juniper, as it is said, They pluck salt-wort with wormwood; and the roots of juniper are their food.<sup>26</sup>

Resh Lakish says: To him who is engaged in the study of the Torah by night, the Holy One extends a thread of grace by day, as it is said, By day the Lord will command his lovingkindness, and in the night his song shall be with me.<sup>27</sup> For what reason will the Lord command his lovingkindness by day? — because His song shall be with me in the night.

Some report the exposition of Resh Lakish thus: To him who is engaged in the study of the Torah in this world, which is likened unto the night, the Holy One, blessed be He, extends the thread of grace in the future world, which is likened unto the day, as it is said: By day the Lord, etc.

Rab Judah says in the name of Samuel: Why is it written, And Thou makest man as the fishes of the sea, and as the creeping things, that have no ruler over them?<sup>28</sup> Why is man here compared to the fishes of the sea? To tell you, just as the fishes of the sea, as soon as they come on to dry land, die, so also man, as soon as he abandons the Torah and the precepts [incurs destruction]. Another explanation: Just as the fishes of the sea, as soon as the sun scorches them, die; so man, when struck by the sun, dies. This can be applied to the present world, or to the future world. You can, in accordance with R. Hanina, apply this to the present world, for R. Hanina says: Everything is in Heaven's hands, except cold and heat, as is said, 'colds and heat-boils are in the way of the froward, he that keepeth his soul holdeth himself far from them;<sup>29</sup> or, according to R. Simeon b. Lakish, it can be applied to the future life, for R. Simeon b. Lakish says: There is no Gehenna in the Future World,<sup>30</sup> but the Holy One, blessed be He, brings the sun out of its sheath, so that it is fierce: the wicked are punished by it, the righteous are healed by it. The wicked are punished

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(1) The test is therefore not exceptional or harsh.

(2) Suk. 26a.

- (3) Ps. II, 4.
- (4) Yeb. 24a.
- (5) [Gerim gerurim, lit., 'dragged-in proselytes' a class of converts who judaize in mass under the impulsion of fear, v. Moore, G. F., Judaism I, 337].
- (6) In the great drama of the Messianic age there will be a combat with the heathen powers under the leadership of Gog and Magog (Ezek. XXXIX).
- (7) Ps. II, 1.
- (8) Ibid. 3.
- (9) Ibid. 4.
- (10) I.e., instead of meting out punishment, exercises clemency.
- (11) [A huge sea monster, real according to some but according to others imaginary. We have here a magnification of God's power in sporting with the mightiest, as men do with their animal pets.]
- (12) Ps. CIV, 26; hence we see there is laughter before the Lord!
- (13) [The discomfiture of the nations which sought to rule without the restraints of the moral law will prove the most laughter-provoking sight.]
- (14) Isa. XXII, 12.
- (15) Ps. CXXXVII, 5,6.
- (16) Isa. XLII, 14.
- (17) According to the statement that all laughter has been eliminated since the Destruction.
- (18) [I.e., who died in their infancy (Rashi); the development of their personality that survives death is in the special care of the Eternal.]
- (19) Isa. XXVIII, 9.
- (20) I.e., prior to the Destruction.
- (21) [Metatron: Name of an angel, who is also called **שר הפנים** Metatron is probably derived from Metator, meaning guide, precursor, he being regarded as the angel who went before the Israelites in the wilderness.]
- (22) Ps. LXVIII, 18.
- (23) By altering **שנאן** into **שאינן** the verse is made to mean: The chariots . . . are twice ten thousand less two thousand, i.e. eighteen thousand.
- (24) Hayyoth are angels that surround the heavenly throne (v. Ezek. III), proclaiming the praises and holiness of God.
- (25) Ps. XLII, 9.
- (26) Job XXX, 4. By a very slight alteration, the verse — which speaks of the poor who pick vegetables and roots for their food — is made to read: **הקוטפים מלוח אלי שיה ושורש רתמים לחמם** which is rendered thus: They who break away from the table (of the Law) to idle gossip will have roots of juniper as their food.
- (27) Ps. XLII, 9.
- (28) Hab. I, 14.
- (29) Prov. XXII, 5. The Heb. words (**צנים ופחים**) standing for thorns and snares may also be rendered colds and heat-boils. The underlying idea is that man is not to take a fatalistic view and blame Providence for maladies and other evils which, by care and prudence, he can avert.
- (30) I.e., the Messianic era.

## Talmud - Mas. Avodah Zarah 4a

by it, as it is said: For, behold, the day cometh, it burneth as a furnace; and all the proud, and all that work wickedness, shall be stubble; and the day that cometh shall set them ablaze, saith the Lord of Hosts, that it shall leave them neither root nor branch.<sup>1</sup> It shall leave them neither root — in this world, nor branch — in the world to come. The righteous are healed by it, as it is said, But unto you that fear My name, shall the sun of righteousness arise with healing in its wings.<sup>1</sup> Moreover, they will revel therein, as it is said, And ye shall go forth, and gambol as calves of the stall.<sup>2</sup> Another explanation:<sup>3</sup> Just as among fish of the sea, the greater swallow up the smaller ones, so with men, were it not for fear of the government, men would swallow each other alive. This is just what we learnt: R. Hanina, the Deputy High Priest, said, Pray for the welfare of the government, for were it not for the fear thereof, men would swallow each other alive.<sup>4</sup>

R. Hinena b. Papa pointed to the following contradiction: Scripture says, As to the Almighty, we do not find him [exercising] plenteous power,<sup>5</sup> yet it says, Great is our Lord and of abundant power<sup>6</sup> and also, Thy right hand, O Lord, is become glorious in power!<sup>7</sup> [The answer is] there is no contradiction here: the former refers to the time of judgment,<sup>8</sup> the latter refers to a time of war.<sup>9</sup>

R. Hama b. Hanina pointed to another contradiction: Scripture says, Fury is not in me,<sup>10</sup> yet it also says. The Lord revengeth and is furious!<sup>11</sup> But there is really no contradiction: the former refers to Israel, the latter to idolaters.<sup>12</sup> R. Hinena b. Papa [or R. Aha b. Hanina] explains the foregoing verse thus: Fury is not in me, for I already vowed;<sup>13</sup> would that I had not so vowed, then, as the briars and thorns in flame I would with one step burn it altogether.<sup>14</sup>

This<sup>15</sup> accords with the following teaching of R. Alexandri: What is the meaning of the verse, And it shall come to pass on that day that I will seek to destroy all the nations<sup>16</sup> — ‘seek’ among whom? What the Holy One, blessed be He, says is, I will seek their records:<sup>17</sup> if they have any meritorious deeds to their credit, I will redeem them, but if not, I will destroy them. This also accords with what Raba said: What is the meaning of the verse, Howbeit He will not stretch out a hand for a ruinous heap though they cry in his destruction ?<sup>18</sup> — The Holy One, blessed be He, said to Israel, ‘When I judge Israel, I do not judge them as I do the idolaters concerning whom it is said, I will overturn, overturn, overturn it,<sup>19</sup> but I only exact payment from them [little at a time] as the hen does her picking.’<sup>20</sup> Another explanation: Even if Israel does before Me but few good deeds at a time, like hens picking in a rubbish heap, I will make it accumulate to a large sum, as it is said, though they pick little they are saved.<sup>21</sup> Another rendering is: As a reward of their crying unto Me, I help them.<sup>22</sup> This is similar to what R. Abba said, What is the meaning of the verse, Though I would redeem them, yet they have spoken lies against Me?<sup>23</sup> I thought I would redeem them by depriving them of monetary possessions in this world, so that they be worthy to merit the world to come, yet they etc. Which is in agreement with what R. Papi said in the name of Raba: What is the meaning of the verse, Though I have trained [yissarti], strengthened their arms, yet do they imagine mischief against Me?<sup>24</sup> The Holy One, blessed be He, says, I thought I would chastise them<sup>25</sup> with suffering in this world, so that their arm might be strengthened in the world to come, yet they etc.

R. Abbahu commended R. Safra to the Minim<sup>26</sup> as a learned man, and he was thus exempted by them from paying taxes for thirteen years.<sup>27</sup> One day, on coming across him, they said to him; ‘It is written: You only have I known [or loved] from all the families of the earth; therefore I will visit upon you all your iniquities;<sup>28</sup> if one is in anger does one vent it on one's friend?’ But he was silent and could give them no answer; so they wound a scarf round his neck and tortured him. When R. Abbahu came and found him [in that state] he said to them, Why do you torture him? Said they, ‘Have you not told us that he is a great man? he cannot explain to us the meaning of this verse!’ Said he, ‘I may have told you [that he was learned] in Tannaitic teaching; did I tell you [he was learned] in Scripture?’ — ‘How is it then that you know it?’ they contended. ‘We,’ he replied. ‘who are frequently with you, set ourselves the task of studying it thoroughly, but others<sup>29</sup> do not study it as carefully.’ Said they, ‘Will you then tell us the meaning?’ ‘I will explain it by a parable.’ he replied. ‘To what may it be compared? To a man who is the creditor of two persons, one of them a friend, the other an enemy; of his friend he will accept payment little by little, whereas of his enemy he will exact payment in one sum!’<sup>30</sup>

Said R. Aba b. Kahana: What is the meaning of the verse, That be far from Thee to do after this manner, to slay the righteous with the wicked?<sup>31</sup> What Abraham said is: ‘Sovereign of the Universe, it is profanation to do after this manner.’<sup>32</sup> And does not God act after this manner? Is it not written, And I will cut off from thee the righteous and the wicked?<sup>33</sup> — That refers to one who is not thoroughly righteous. But not to one who is wholly righteous? Is it not written, And begin [the slaughter] with my sanctuary,<sup>34</sup> which, R. Joseph learned, should not be read my sanctuary but my



sanctified ones, namely the men who fulfilled the Torah from Aleph to Taw? — There, too, since it was in their power to protest against [the wickedness of the others] and they did not protest, they are not regarded as thoroughly righteous.

R. Papa mentioned the following contradiction: It is written, God is angry every day,<sup>35</sup> while it is also written Who could stand before His anger?<sup>36</sup> But there is really no contradiction; the latter refers to an individual, the former to men collectively.<sup>37</sup> Our Rabbis taught: God is angry every day, but how long does His anger last? — A moment. And how long is a moment? — one fifty three thousand eight hundred forty eighth of an hour is a moment.<sup>38</sup> No creature could ever precisely fix this moment, except Balaam the wicked, of whom it is written

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(1) Mal. III, 29.

(2) Ibid. 20.

(3) Of the foregoing verse, comparing men to fishes.

(4) Ab. III, 2. Shakespeare's lines, put in the mouth of Marcius (Coriolanus, Act 1, Sc. 1). What's the matter, That in these several places of the city You cry against the noble senate, who, Under the gods, keep you in awe, which else Would feed on one another? bear such a close resemblance to R. Hanina's words, that the suggestion has been made that the Poet was cognisant of them through the Latin translation of Aboth by Paulus Fagius which was published in 1541 (see L. Kelner in the Hebrew periodical D'VIR, Berlin, 1923, vol. 1, p. 287). It is, however, quite probable that Shakespeare merely had in his mind the scriptural verse: If it had not been the Lord who was for us, When men rose up against us, Then they had swallowed us up alive, When their wrath was kindled against us. Ps. CXXIV, 2, 3.

(5) A literal rendering of Job XXXVII, 23.

(6) Ps CXLVII, 5.

(7) Ex. XV, 6.

(8) When the Almighty restrains His power, by tempering Justice with Mercy.

(9) When Divine Power is exercised against His enemies.

(10) Isa. XXVII, 4.

(11) Nah. I, 2.

(12) V. nn. 6-7.

(13) That I would not be in wrath with thee (Isa. LIV, 9).

(14) According to this explanation the whole verse applies to Israel.

(15) The statement that in dealing with Israel, God is ever mindful of His oft repeated promise of their eternal preservation.

(16) Zech. XII, 9.

(17) The reading in editions is **בנגני** which Jastrow connects with the Latin *benignae*, favourable side. Kohut, however, points out that Mss. have **בננני** from root **ננג** which he associates with a Persian word meaning a book.

(18) Job XXX, 24.

(19) Ezek. XXI, 32.

(20) Little at a time; a play on the word **פיד** (*pid*) which stands here for destruction but which also means picking with the beak.

(21) A homiletical rendering of the phrase **בפידו להם שוע** — by picking they have salvation.

(22) **שוע** conveying the double sense of cry and salvation.

(23) Hos. VII, 13, v. RV.

(24) Ibid. 15.

(25) **יסר** (*Yasser*) stands both for training and chastising.

(26) Sectaries, dissenters; used generally as a designation for the early (Jewish) Christians. From many places in the Talmud it appears that to taunt Rabbis, particularly about difficult biblical passages, was a favourite practice of the Minim.

(27) [As honorarium for his work either (a) as teacher to the Minim (Herford, Christianity in Talmud and Midrash p. 267 f) or (b) as assistant collector of imperial revenues (Bacher A.d. Pal. Am., II, 96 ff.) or (c) simply as a scholar, v. B.B. 8b.]

(28) Amos III, 2.

(29) [I.e., those of Babylonia.]

(30) So does God punish Israel only by intermittent visitations.

(31) Gen. XVIII, 25.

(32) The word Halilah חלילה is here connected with חול Hol profane, as secondary root of חלל.

(33) Ezek. XXI, 8.

(34) Ibid. IX, 6.

(35) Ps. VII, 12.

(36) Nah. 1, 6.

(37) As the merits of some may atone for the rest. Cp. infra 5a.

(38) [The duration of the moment is given variously in different parts of the Talmud. V. Feldman, W. M. Rabbinical Mathematics etc., p 188.]

## Talmud - Mas. Avodah Zarah 4b

who knew the knowledge of the Most High.<sup>1</sup> Is that possible? He did not know the mind of his animal, how could he have known the mind of the Most High! (What is meant by the words 'he did not know the mind of his animal'? — At the time when he was seen riding on his ass, they said to him, 'Why do you not ride on a horse?'<sup>2</sup> And he replied, 'I consigned mine to the meadow.' Whereupon the ass said,<sup>3</sup> Am I not thy ass — 'Just for carrying burdens,' he interrupted; she continued, upon whom thou hast ridden — 'Only casually' he again interrupted; but she continued, ever since I was thine? 'What is more [she added] I have carried you by day and have been thy companion by night;' for the word I was wont [hiskanti], used here, is analagous to the word let her be his companion [sokeneth] used elsewhere.)<sup>4</sup> What, then, is the meaning of He knew the knowledge of the Most High? — He knew the exact hour when the Holy One, blessed be He, is angry. This, indeed, is what the Prophet is alluding to when he says, O my people, remember now what Balak king of Moab consulted, and what Balaam son of Beor answered him from Shittim unto Gilgal; that ye may know the righteousness of the Lord.<sup>5</sup> Said R. Eleazar: The Holy One, blessed be He, said to Israel, O my people, see how many righteous acts I did for you, in that I abstained from anger all those days, for had I been in anger, none would have remained or been spared of Israel's enemies.<sup>6</sup> This, too, is what Balaam refers to when he says, How can I curse, seeing that God doth not curse, and how can I be wrathful, seeing that the Lord hath not been wrathful?<sup>7</sup> And how long does His wrath last? — A moment [Rega']. And how long is a Rega'? Said Amemar (others say, Rabina): As long as it takes to utter this word. And whence do we know that His wrath lasts a moment? — Because it is written, For His anger is for a moment, His favour is for a life-time;<sup>8</sup> or, if you wish, from this verse: Hide thyself for a little moment, until the wrath be past.<sup>9</sup> When is He wrathful? — Said Abaye: During the first three hours,<sup>10</sup> when the comb of the cock is white. And is it not white at all other times? — At other times it has red streaks, at that time there are no red streaks in it.

R. Joshua b. Levy used to be pestered by a Min [with taunts] about scriptural verses. One day the Rabbi took a cock and, placed it between the legs of the bed and watched it, thinking. 'When that hour will arrive, I shall curse him.' When that hour did arrive, he was dozing. Whereupon he said: You can learn from this that it is not proper to act thus: His tender mercies are over all His works<sup>11</sup> is what Scripture says, and it also says. Neither is it good for the righteous to punish.<sup>12</sup>

It was taught in the name of R. Meir: It is when the kings place their crowns on their heads and bow down to the sun,<sup>13</sup> that the Holy One, blessed be He, at once becomes wrathful.

Said R. Joseph: No one should recite the Prayer<sup>14</sup> of the Additional Service on the first day of the New Year,<sup>15</sup> during the first three hours of the day, in private,<sup>16</sup> lest, since judgment is then proceeding, his deeds may be scrutinised and the prayer rejected. But if that be so, it should apply to congregational prayer also! — The [collective] merits of a congregation are greater. In that case, [the

Prayer] of the Morning Service, too, should not be recited in private! — That is not so, since there is sure to be a congregation praying at the same time,<sup>17</sup> the prayer will not be rejected. But have you not said,<sup>18</sup> ‘During the first three hours the Holy One, blessed be He, is occupying Himself with the Torah, during the second three He sits in judgment over the whole world’? — You may reverse [the order]; or, if you wish, you may say it need not be reversed: [while occupied with] the Torah, which Scripture designates as ‘truth’, as it is written, buy the truth and sell it not,<sup>19</sup> the Holy One, blessed be He, will not overstep the line of justice; [but when sitting in] judgment, which is not designated by Scripture as ‘truth’,<sup>20</sup> the Holy One, blessed be He, may overstep the line of justice [towards mercy].

[To revert to] the above text:<sup>21</sup> ‘R. Joshua b. Levi said: What is the meaning of the verse, The ordinances which I command thee this day to do them? It is that this day only is the time to do them; they cannot be done in the time to come: this day is the time in which to do them, but not in which to be rewarded for them’. R. Joshua b. Levi also said:<sup>22</sup> All the good deeds which Israel does in this world will bear testimony unto them in the world to come, as it is said, Let them bring their witnesses that they may be justified; let them hear and say it is truth. Let them bring their witnesses that they may be justified — that is Israel; let them hear and say it is truth — these are the idolaters. R. Joshua b. Levi also said:<sup>23</sup> All the good deeds which the Israelites do in this world will come and flutter before the faces of the idolaters in the world to come, as it is said, Keep therefore and do them, for this, your wisdom and understanding [will be] in the eyes of the peoples.<sup>24</sup> It does not say in the presence of the peoples, but, in the eyes of the peoples; that teaches you that they will come and flutter before the faces of the idolaters in the world to come. R. Joshua b. Levi further said: The Israelites made the [golden] calf only in order to place a good argument in the mouth of the penitents,<sup>25</sup> as it is said, O that they had such a heart as this always, to fear Me and keep all My commandments etc.<sup>26</sup>

This last statement accords with what R. Johanan said in the name of R. Simeon b. Yohai: David was not the kind of man to do that act,<sup>27</sup> nor was Israel the kind of people to do that act.<sup>28</sup> David was not the kind of man to do that act, as it is written, My heart is slain within me;<sup>29</sup> nor were the Israelites the kind of people to commit that act, for it is said, O that they had such a heart as this always etc. Why, then, did they act thus?

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(1) Num. XXIV, 16.

(2) As a man of high rank would do when on an urgent errand.

(3) Num. XXII, 30.

(4) I Kings I, 2 **הַסִּנְתִּי** and **סִנְתִּי**

(5) Micah VI, 5.

(6) A euphemistic substitution for Israel.

(7) Literal rendering of Num. XXIII, 8.

(8) Ps. XXX, 6.

(9) Isa. XXVI, 20.

(10) Of the day, the day always consisting of 12 hours, from 6 a.m. to 6 p.m.

(11) Ps. CXLV, 9.

(12) Prov. XVII, 26.

(13) Generally during the first three hours of the day.

(14) I.e., the part called ‘Amidah. P.B., 245.

(15) Which is also the Day of Judgment.

(16) Without a congregation.

(17) Though not in the same place; as the Morning Service must be terminated by noon, whereas the Additional Service may be held any time during the day.

(18) Supra 3b.

(19) Prov. XXIII, 23.

- (20) Judgment may be modified by equity, but Truth is rigid and unyielding.
- (21) Supra 3a.
- (22) Ibid. 2a.
- (23) 'Er. 22a.
- (24) Literal rendering of Deut. IV, 6.
- (25) To rely on the efficacy of repentance, however grievous their sins might be.
- (26) Deut. V, 26 which shows that they possessed all the self-discipline that could be desired.
- (27) Relating to Bathsheba.
- (28) The worship of the golden calf.
- (29) This literal rendering of Ps. CIX, 22 is taken to mean that David's inclinations had been completely conquered by himself.

## Talmud - Mas. Avodah Zarah 5a

[God predestined it so] in order to teach thee that if an individual hath sinned [and hesitates about the effect of repentance] he could be referred to the individual [David], and if a community commit a sin they should be told: Go to the community.<sup>1</sup> And both these instances are necessary; for if [the case of] the individual only were mentioned. [it might have been thought that pardon is granted] because his sin is not generally known, but in the case of a community whose sins are publicly known it might not be so; if, on the other hand, the case of a community only were mentioned, it might have been thought, because they command greater mercy,<sup>2</sup> but with an individual, whose merits are not so numerous, it is not so; hence both are necessary.

This accords with the following saying of R. Samuel b. Nahmani, who said in the name of R. Jonathan: What is the meaning of the verse The saying of David the son of Jesse, and the saying of the man raised on high.<sup>3</sup> [It means this:] The saying of David the son of Jesse, the man who elevated the yoke of repentance.<sup>4</sup>

R. Samuel b. Nahmani in the name of R. Jonathan also said: Every good deed that one does in this world precedes him and walks in front of him in the world to come, as it is said: And thy righteousness shall go before thee; the glory of the Lord shall be thy rearward.<sup>5</sup> Likewise, every transgression that one commits clasps him and leads him on the day of judgment, as it is said, They clasp him in the course of their way.<sup>6</sup> R. Eleazar said: It is tied on to him like a dog, as it is said, He hearkened not unto her, to lie by her, to be with her;<sup>7</sup> [it is to say that] to lie by her in this world, [would mean for him] to be with her in the world to come.

Said Resh Lakish: Come let us render gratitude to our forebears,<sup>8</sup> for had they not sinned, we should not have come to the world, as it is said: I said ye are gods and all of you sons of the Most High; now that you have spoilt your deeds, ye shall indeed die like mortals etc.<sup>9</sup> Are we to understand that if the Israelites had not committed that sin they would not have propagated? Had it not been said, And you, be ye fruitful and multiply?<sup>10</sup> — That refers to those who lived up to the times of Sinai. But of those at Sinai, too, it is said, Go say to them, Return ye to your tents<sup>11</sup> which means to the joy of family life?<sup>12</sup> And is it not also said, that it might be well with them and with their children?<sup>13</sup> — It means to those of their children who stood at Sinai. But did not Resh Lakish [himself] say. What is the meaning of the verse This is the book of the generations of Adam?<sup>14</sup> Did Adam have a book? What it implies is that the Holy One, blessed be He, showed to Adam every [coming] generation with its expositors, every generation with its sages, every generation with its leaders; when he reached the generation of R. Akiba<sup>15</sup> he rejoiced at his teaching, but was grieved about his death, and said, How precious are Thy thoughts unto me, O God!<sup>16</sup> Also, what of the teaching of R. Jose:<sup>17</sup> The Son of David will only come when all the souls destined to [inhabit earthly] bodies will be exhausted, as it is said, For I will not contend for ever, neither will I be always wroth, for the spirit should fall before me and the spirits which I have made?<sup>18</sup> — Do not

take Resh Lakish's saying to mean that [if our ancestor had not sinned] we should not have come to the world, but that [they would have become immortal and] we should have been [disregarded] as if we had never come to the world. Does that mean then that if they had not sinned, they would have been immune from death? But there are written [in the Torah] the chapter about the widow of a man dying without issue, and the chapter about inheritances!<sup>19</sup> — These were written conditionally. But are conditional passages written [in the Torah]? — Certainly; for R. Simeon b. Lakish said:<sup>20</sup> What is the meaning of the verse, And it was evening and it was morning the sixth day?<sup>21</sup> It teaches us that the Holy One, blessed be He, made a condition with all creation, saying, If Israel will accept the Torah all will be well, but if not, I will turn the world void and without form.

The following objection was then raised: ‘The verse, O that they had such a heart as this always that it may be well with them and their children<sup>22</sup> cannot obviously refer to the abolition of the angel of death, since the decree [of death] had already been made?<sup>23</sup> It means therefore that the effect of Israel's acceptance of the Torah would be that no nation or tongue could prevail against them, as it is said, that it might be well with them and their children after them’?<sup>24</sup> He [Resh Lakish] may be of the same opinion as the following Tanna, for it is taught: R. Jose said, The Israelites accepted the Torah only so that the Angel of Death should have no dominion over them, as it is said: I said ye are gods [i.e., immortals] and all of you children of the Most High, now that you have spoilt your deeds, ye shall indeed die like mortals.<sup>25</sup> But against R. Jose, too, [it may be argued] that the verse that it may be well with them and their children for ever holds out the promise of well-being but not of deathlessness? — R. Jose may reply: The abolition of death is surely as desirable a kind of well-being as you might wish for. Then how does the first Tanna<sup>26</sup> explain the phrase: Ye shall indeed die? — What may be meant here by dying is to become impoverished<sup>27</sup> for a Master has said:<sup>28</sup> Four [kinds of persons] may be regarded as dead, they are: the poor, the blind, the leprous, and the childless; the poor, for it is said, for all the men are dead which sought thy life<sup>29</sup> — now these ‘men’ were Dathan and Abiram, and they surely were not then dead, they only became reduced in their material circumstances; the blind, as it is said: He hath made me to dwell in darkness, as those that have been long dead;<sup>30</sup> the leprous, as it is said, Let her not, I pray thee, be as one who is dead,<sup>31</sup> the childless, as it is said, Give me children, or else I die.<sup>32</sup>

Our Rabbis taught: In the verse, If ye walk in my statutes,<sup>33</sup> the word if is used in the sense of an appeal, similar to the verse, O that my people would hearken unto Me, that Israel would walk in my ways . . . I should soon subdue their enemies;<sup>34</sup> or in the verse, O that thou hadst hearkened to my commandments: Then had thy peace been as a river, thy seed also had been as the sand, etc.<sup>35</sup>

Our Rabbis taught: In the verse, O that they had such a heart always.<sup>36</sup> Moses said to the Israelites, Ye are an ungrateful people, the offspring of an ungrateful ancestor. When the Holy One, blessed be He, said to you<sup>37</sup>. Who might grant that they had such a heart always<sup>38</sup>, you should have said: ‘Thou grant!’ [They proved themselves] ungrateful by saying. Our soul loatheth

(1) I.e., the Israelites, in order to be convinced that the gates of repentance are ever open.

(2) As their collective merits are greater.

(3) II Sam. XXIII, 1.

(4) A play on the words ‘al, עַל ‘on high’, and ‘ol, עַל ‘yoke’, i.e., ‘duty’, ‘obligation’. [The way of penitence which he showed to sinners is David's distinct greatness, which set him ‘on high’.]

(5) Isa. LVIII, 18.

(6) Homiletical rendering of Job VI, 18, based on a play on the word lapath לַפֶּת which means ‘to turn aside’ as well as ‘to clasp’, or ‘cling’.]

(7) Gen. XXXIX, 10.

(8) Who worshipped the golden calf.

(9) Ps. LXXXII, 6, which is applied to the Israelites who witnessed the revelation at Sinai.

(10) Gen. IX, 7.

- (11) Deut. V, 27.  
 (12) Which had been interrupted for three days (Ex. XIX, 15).  
 (13) Deut. V, 26.  
 (14) Gen. V, 1.  
 (15) The great sage who died a martyr's death during the persecution of Hadrian.  
 (16) Ps: CXXXIX, 17.  
 (17) Yeb. 62b.  
 (18) Isa. LVII, 16. In face of the foregoing teachings how could it be stated that had it not been for the sin of the golden calf, we should not have come into the world?  
 (19) Which takes the incidence of death for granted.  
 (20) Supra 3a.  
 (21) Gen. I, 31.  
 (22) Deut. V, 26.  
 (23) At the worship of the golden calf.  
 (24) How then could Resh Lakish hold that but for the golden calf worship Israel would have enjoyed physical deathlessness?  
 (25) Ps. LXXXII, 6.  
 (26) Who holds that the Torah was to render Israel proof against attacks by other nations.  
 (27) Through oppression by other nations.  
 (28) Ned. 62b.  
 (29) Ex. IV, 19.  
 (30) Lam. III, 6.  
 (31) Of Miriam, who had become leprous. Num. XII, 12.  
 (32) Gen. XXX, 1.  
 (33) Lev. XXVI, 3.  
 (34) Ps. LXXXI, 14-15. [Cf, the Latin *si, o si*, and the English 'O if I had!' in which the conditional becomes a desiderative. V. Ges. K. (1910) 151e.]  
 (35) Isa. XLVIII, 18.  
 (36) Deut. V, 26.  
 (37) [So MS.M.]  
 (38) Lit., rendering of preceding verse.

## **Talmud - Mas. Avodah Zarah 5b**

this light bread;<sup>1</sup> 'the offspring of an ungrateful ancestor', for it is written, The woman whom Thou gavest to be with me, she gave me of the Tree, and I did eat.<sup>2</sup> Yet Moses indicated this to the Israelites only after forty years had passed, as it is said, And I have led you forty years in the wilderness . . . but the Lord hath not given you a heart to know, and eyes to see and ears to hear, unto this day.<sup>3</sup> Said Raba:<sup>4</sup> From this you can learn that it may take one forty years to know the mind of one's master.

R. Johanan said on behalf of R. Bana'ah: What is the meaning of the verse, Blessed are ye that sow beside all waters, that send forth the feet of the ox and the ass?<sup>5</sup> [It means this: [Blessed is Israel; when they occupy themselves with Torah and acts of kindness their inclination is mastered by them, not they by their inclination,<sup>6</sup> as it is said, Blessed are ye that sow beside all waters. For what is meant by 'sowing' but doing kind deeds, as it is said,<sup>7</sup> Sow to yourselves in righteousness, reap according to mercy; and what is meant by 'water' is Torah, as it is said, Oh ye who are thirsty come to the water.<sup>8</sup> [The phrase,] that send forth the feet of the ox and the ass, [was explained in the] Tanna debe Eliyyahu<sup>9</sup> thus: In order to study the words of the Torah one must cultivate in oneself the [habit of] the ox for bearing a yoke and of the ass for carrying burdens.

ON THE THREE DAYS PRECEDING THEIR FESTIVALS IT IS FORBIDDEN TO DO ANY

## BUSINESS TRANSACTION WITH THEM.

Is all this period necessary? Have we not learnt:<sup>10</sup> ‘At four periods of the year it is necessary for one, when selling cattle to another for slaughter, to let him know if its dam had been sold or if its young had been sold to be slain [the same day]:<sup>11</sup> namely, the eve of the last day of the Feast [of Tabernacles].<sup>12</sup> the eve of the first day of Passover, the eve of Pentecost, and the Eve of the New Year,<sup>13</sup> and, according to R. Jose the Galilean, also on the day preceding the Eve of the Day of Atonement, in Galilee’?<sup>14</sup> — In those cases where the animals are bought for consumption, one day is enough, but in the case where these are required for sacrifices, three days are needed.<sup>15</sup> But are three days enough in the case of sacrifices? Have we not learnt’;<sup>16</sup> ‘The laws relating to Passover should be discussed for thirty days before the Passover; R. Simeon b. Gamaliel says two weeks’? — We, with whom blemishes [disqualifying a sacrifice] abound, since we disqualify an offering even because of a blemish in the eye-lid, require thirty days; but for the heathen, who only take note of a missing limb, three days suffice. And so also R. Eleazar said: How do we know that [an animal] short of a limb is forbidden to Noahides [for use as a sacrifice]? — Because it is written, Of every living thing of all flesh two of every sort shall thou bring into the ark.<sup>17</sup> The Torah thus says. ‘Bring such cattle whose principal limbs are living [i.e. sound]’. But is not this phrase needed to exclude such animals as are trefa,<sup>18</sup> so that they were not [brought into the ark]? — Trefa is excluded by the phrase, to keep seed alive.<sup>19</sup> This answer holds good according to the one who is of the opinion that an animal which is trefa cannot bear any young;<sup>20</sup>

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(1) Num. XXI, 5.

(2) Gen. III, 12, wherein Adam, instead of being appreciative of his God-given gift, makes Eve an object of complaint.

(3) Deut. XXIX, 3, 4.

(4) Some texts have Rabbah.

(5) Isa. XXXII, 20.

(6) [צַרִּים] i.e. character, not to be confused with the ‘Evil Urge’ but ‘man’s vital and active impulse in general’; Lazarus, M., The Ethics of Judaism II, 107.] Sending forth the ox and the ass is interpreted to mean the banishment of bestial inclinations.

(7) Hos. X, 12.

(8) Isa. LV, 1.

(9) The title of a Midrash, containing chiefly Baraitas compiled by R. Anan, Bab. Amora of the 3rd cent.

(10) Hul. 83a.

(11) So as to avoid slaying an animal and its young on the same day (Lev. XXII, 28).

(12) Which was regarded as a ‘festival by itself’. On the eve of the first day of the Feast of Tabernacles, the erection of the Sukkah (the booth) did not leave much time for slaying animals.

(13) As on these days preceding the respective festivals the animals would be slain for the festivals.

(14) From the mention made in Lev. XXIII, 32 of the ninth day of the month Tishri, it is deduced that the partaking of meals on that day, the eve of the Day of Atonement, is as much a religious observance as the fasting on the Day of Atonement, hence the meals on that day were specially lavish. Thus, the assumption is that the animals needed for the festival are slain only on the preceding day: why then extend the prohibition to three days?

(15) As they have to be prepared for the purpose beforehand.

(16) Meg. 29b.

(17) Gen. VI, 19. Some of these animals were intended for the purpose of sacrifices: v. Gen. VIII, 20.

(18) Trefa, lit., ‘torn’ — connotes any animal which is mortally affected and forbidden for consumption.

(19) Gen. VII, 3.

(20) Zeb. 113a.

### Talmud - Mas. Avodah Zarah 6a

but according to the one who holds that a trefa animal can bear, what answer would you give? — [This:] The words spoken [to Noah] are, Thou shalt bring with thee, which implies such as are like

thymself. But how can we tell that Noah himself was not mortally affected? — Because he is described as perfect.<sup>1</sup> Does this not rather mean that he was perfect in his manners? — That is implied by his being described as righteous.<sup>2</sup> But does not this phrase rather mean ‘perfect’ in his manners and ‘righteous’ in his deeds? — It cannot enter your mind [in any case] that Noah himself was mortally affected; for were he so affected, would the Divine Law<sup>3</sup> have bidden him take in animals similarly affected, and keep out whole ones? Well, now that we deduce this<sup>4</sup> from the phrase with thee, wherefore do we need the phrase to keep seed alive? — ‘With thee’ might mean such as could just keep him company, even if they be old or castrate, therefore the Divine Law had to indicate ‘to keep seed alive.’

The question was asked: Does THREE DAYS mean inclusive of the FESTIVALS or apart from the FESTIVALS? Come and hear: R. Ishmael says: On the three preceding and the three following [days] it is forbidden.<sup>5</sup> Now if it should enter your mind that the numbers given are inclusive of the Festival itself, R. Ishmael must be taken to include the day of the Festival both in the preceding and following days!<sup>6</sup> — [Not at all!] It is only because he uses the words ‘three preceding’ that he also speaks of the ‘three following’.<sup>7</sup>

Come then and hear the comment of R. Tahlifa b. Abdimi in the name of Samuel: According to R. Ishmael, it should always be forbidden [to transact business with idolaters because of] Sunday!<sup>8</sup> Now, were we to take it that the festival is to be included, there would still remain Wednesday and Thursday on which dealing would be permitted! — According to R. Ishmael, there is no question but that the period does not include the festivals themselves. It is only according to the Rabbis’ opinion<sup>9</sup> that I ask what [is the law],

Said Rabina: Come and hear [the following Mishnah]: These are the festivals of idolaters, Kalenda, Saturnalia and Kratesis,<sup>10</sup> now R. Hanin b. Raba explained that Kalenda [lasts for] eight days after the [Winter] Equinox, and Saturnalia [is kept on the] eight days preceding the Equinox; as a mnemonic take the verse, Thou hast beset me behind and before. Now, were you inclined to think that the periods are inclusive of the Festivals, then there are [at times] ten days:<sup>11</sup> The Tanna may regard the whole Kalenda as one day.

Said R. Ashi: Come and hear: [Our Mishnah says] ON THE THREE DAYS PRECEDING THE FESTIVITIES OF THE IDOLATERS. Now were it to mean that the period is to include the festival itself, it might have said, ‘At the Festivals of the idolaters for three days;’<sup>12</sup> or, even if you contend that the words PRECEDING THE FESTIVAL are necessary to avoid [their being applied to] those after the festival, it might still have said, ‘At the festivals of the idolaters for three days preceding them’;<sup>13</sup> but [from the words actually used]<sup>14</sup> you can only deduce that the period is exclusive of the festival. This is conclusive.

The question was asked: Is it [forbidden] because of the profit, or perhaps because Thou shalt not put a stumbling block before the blind?<sup>15</sup> The difference would affect a case where an idolater has an animal of his own. If you say [one must not sell him one] because of profit, here, too, the profit is derived; if however you say it is because of placing a stumbling block before the blind, here, then, he has [a sacrifice] of his own.<sup>16</sup>

And if he has one of his own does the placing of a stumbling block before the blind not apply? Have we not learnt<sup>17</sup> that R. Nathan said:

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(1) Gen. VI, 9.

(2) Ibid.

(3) Lit., ‘the All-Merciful One, Whose word Scripture reveals.’

(4) I.e., that Trefa was to be excluded from the Ark.



(5) Infra 7b.

(6) In which case the days following would have been given as two, and not three.

(7) Although apart from the Festival they are, indeed, only two.

(8) Infra 7b. Each Sunday, which is a festive day, with the three preceding and three following days would rule out the whole week. The passage in editions is obscure, owing to censorial tampering. The interpretation here given is borne out by Rashi. One might suggest the reading **לְעוֹלָם אוֹסֵר יוֹם א'** instead of **אוֹסֵר** 'Sunday would render it permanently forbidden'.

(9) Who forbid only the preceding, but not the following days.

(10) V. infra p. 36, note 9.

(11) That is the eight Kalenda together with the two preceding days instead of the three days mentioned in the Mishnah.

(12) But not PRECEDING THE FESTIVAL.

(13) Implying that the prohibition refers also to the festivals themselves.

(14) Which say distinctly, **THREE DAYS PRECEDING THE FESTIVALS** — a phrase which places the festive days themselves outside the terms of reference of the Mishnah, as too obvious to be stated.

(15) Lev. XIX, 14. Is the reason for forbidding business transactions with idolaters near their festivals because any profit they may derive might be made a cause for thanksgiving to the idols, to which an Israelite should not be party, or because of the means or the opportunity that might be thus afforded to the idolater of acquiring and offering an animal for sacrifice to the idols, of the prohibition of which he may be ignorant, the Israelite thus causing him to 'stumble'?

(16) The prohibition therefore should not apply.

(17) Pes. 22b.

## Talmud - Mas. Avodah Zarah 6b

How do we know that one should not hold out a cup of wine to a Nazirite<sup>1</sup> or a limb from a living animal to a Noachide?<sup>2</sup> From Scripture, which says, Thou shalt not put a stumbling block before the blind.<sup>3</sup> Now here, too, were it not held out to him he could take it himself, yet the one [who hands it] is guilty of placing a stumbling block before the blind!<sup>4</sup> Here we may be dealing with a case of two persons on opposite sides of a river.<sup>5</sup> You can prove it, indeed, by the use of the words 'one should not hold out': it does not say, 'one should not hand'. This proves it.

The question was asked: What if one did transact business?<sup>6</sup> — R. Johanan says: [The proceeds of] the transaction are forbidden. R. Simeon b. Lakish says [the proceeds of] the transaction are permitted. R. Johanan cited [the following as] an argument against Resh Lakish: As to the festivals of idolaters, if one transacts any business [the proceeds] are forbidden. Does not this refer to [the period] preceding the festivals? — No, [it refers to] the festival exclusively.

Some report it was R. Simeon b. Lakish who cited [this passage] as an argument against R. Johanan: 'As to the festivals of idolaters, if one transacts any business [the proceeds] are forbidden'. During their festivals only it is forbidden, but before their festival it is not?<sup>7</sup> — No, by 'their festivals' the Tanna means the one as well as the other.

There is a Baraitha<sup>8</sup> which is in accordance with the view of Resh Lakish: The prohibition of transacting business with them [before their festivals] only applies to unperishable articles<sup>9</sup> but not to perishable articles; and even in the case of unperishable articles, if the transaction is made, [the proceeds] are permitted. R. Zebid learned out of the Baraitha of R. Oshaia:<sup>10</sup> An article that is perishable may be sold to them, but may not be bought from them.<sup>11</sup>

A certain Min once sent on his festival day a Caesarean denar<sup>12</sup> to R. Judah Nesi'a<sup>13</sup>, while Resh Lakish happened to sit before him. Said he, 'What shall I do? if I accept it, he will go and praise [the idols for it]; if I do not accept it, he will be displeased.' 'Take it,' answered Resh Lakish, 'and drop it into a well in the messenger's presence.' 'But this will displease him all the more!' 'I mean you should do it by sleight of hand.'

TO LEND ARTICLES TO THEM OR BORROW ANY FROM THEM. It is quite right to forbid lending to them, which benefits them; but surely borrowing from them can only mean deprivation to them! — Said Abaye: We forbid the borrowing from them as a safeguard against lending to them. But Raba said: It is all on account of their going to offer thanks.<sup>14</sup>

TO LEND THEM MONEY OR BORROW ANY FROM THEM.

It is quite right to forbid lending them money, which profits them, but why not borrow any from them? Abaye said: The borrowing is forbidden as a safeguard against lending. Raba, however, said: Both are [forbidden] because of their going to offer thanks.

TO REPAY A DEBT, OR RECEIVE REPAYMENT FROM THEM.

The [forbidding of] repayment is quite right, since it benefits them, but to recover from them, surely, means to deprive them! — Said Abaye: The recovery is forbidden as a safeguard against repayment. Raba said: It is all because of their going to offer thanks.

And all [the instances given in our Mishnah] are necessary; for if it only mentioned transacting business with them, I might have said [it is forbidden] because it profits them and they will go and offer thanksgiving for it, but to borrow from them, which means a deprivation to them, would be quite in order. If [on the other hand] it only mentioned borrowing articles from them, I might have thought it is because the importance that the idolater attaches<sup>15</sup> to it [would induce him to] go and offer thanksgiving for it, but to borrow money from him might only cause him anxiety, as he might think, 'My money may not be returned again.' Were the case of lending money only mentioned, [it might be thought this is] because he might say, 'I can enforce payment,' and he would have good cause for thanksgiving, but to recover from them money which will never return to the lender we might regard as troublesome, so that he would not offer thanks for it — hence all the instances are necessary.

R. JUDAH SAYS: WE SHOULD RECEIVE REPAYMENT FROM THEM, [AS THIS CAN ONLY DEPRESS THEM; BUT THE RABBIS SAID TO HIM: EVEN THOUGH IT IS DEPRESSING AT THE TIME, THEY ARE GLAD OF IT SUBSEQUENTLY].

Does R. Judah, then, disregard the idea that though it is depressing at the time it is pleasing subsequently? Is it not taught: R. Judah says, A woman must not smear lime on her face on Mo'ed<sup>16</sup> because it disfigures her; R. Judah, however, admits that if the lime can still be scraped off during Mo'ed, it may be applied on Mo'ed for though she is troubled by it for the while, it will eventually please her!<sup>17</sup> — Said R. Nahman b. Isaac: Leave alone the laws relating to [work permitted on] Mo'ed: they are all of the trouble now, pleasure later' kind.<sup>18</sup> Rabina said: To an idolater, the matter of repayment is always irksome.

Our Mishnah is not in accord with [the opinion of] R. Joshua b. Karha. For it is taught: R. Joshua b. Karha says, A loan made against a document, should not be recovered from them,<sup>19</sup> but a loan made against the word of mouth may be recovered from them, since it is, as it were, rescued from their hands.<sup>20</sup>

R. Joseph was sitting behind R. Abba while R. Abba was sitting facing R. Huna who, as he was sitting [and lecturing], stated: [In one instance] the halachah<sup>21</sup> is to be decided according to R. Joshua b. Karha and [in another] the halachah is according to R. Judah. The law [decided] according to R. Joshua is the one about which we have just spoken; that according to R. Judah refers to what we learnt:<sup>22</sup> If one gives wool to a dyer to be dyed red and he dyed it black, or to be dyed black and

he dyed it red,

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- (1) Who is forbidden to partake of any strong drink, Num. VI, 1 seq.
  - (2) Supra p. 5, note 7.
  - (3) Lev. XIX, 14.
  - (4) The selling of an animal to an idolater is surely analogous to this and should therefore be forbidden.
  - (5) So that the one could not have attained the prohibited article without the agency of the other.
  - (6) With an idolater before his festival; may he derive any benefit from the proceeds?
  - (7) Hence this teaching is contrary to R. Johanan's ruling.
  - (8) Tosef. A.Z.I.
  - (9) Such as will remain in good condition till the festival.
  - (10) R. Oshaia, and R. Hiyya, both disciples of R. Judah the prince, compiled a collection of Baraithas; v. infra, p. 284, n. 6.
  - (11) As the disposal of such an article is gratifying to the idolater.
  - (12) [(i) Coined in commemoration of the coronation; or (ii) coined at Caesarea in Cappadocia, the only Greek colony that enjoyed the right of coinage in gold under the Romans; v. Zuckermann, Ueber Talm. Gewich, u. Mun, p. 28.]
  - (13) Judah II, lived in Tiberias in the middle of the third century.
  - (14) The lender's dependence on him is also a matter of gratification.
  - (15) The knowledge that the Israelite is in need of his articles, coupled with the certainty of having them safely returned, would give him great satisfaction.
  - (16) Full term, Hol Hammo'ed חולו של מועד — lit., 'the weekdays of the Festival' — the intermediate days of Passover and the Feast of Tabernacles, when many kinds of work, including those necessary for personal appearance, forbidden on Festivals, are permitted. The lime which remained smeared on the face for some days showed its beautifying effect on its removal.
  - (17) M.K., 8b. Thus R. Judah expresses the very opinion which he seems to oppose in our Mishnah.
  - (18) Such as the slaying of animals for consumption, the preparation of food-articles and the like.
  - (19) From idolaters before their festivals, as the redemption of the bond is a matter of gratification.
  - (20) Tosef. A.Z. Chap. I; v, also B.K. 102a.
  - (21) I.e. 'the regulated law', v. Glos.
  - (22) B.K. 100b.

## Talmud - Mas. Avodah Zarah 7a

R. Meir says: The dyer should refund to the owner the value of his wool.<sup>1</sup> R. Judah says: If the increase in value [through the dyeing] exceeds the outlay thereon, the owner may refund the outlay, or if the outlay exceeds the increased value, he may offer him the increase in value.<sup>2</sup> Thereupon R. Joseph turned his face away [and remarked]: It was right and necessary [to state] that the halachah is according to R. Joshua b. Karha.<sup>3</sup> We might indeed have applied the principle:<sup>4</sup> '[Where the opinions of] an individual and of a majority [conflict] the halachah is according to the majority', so we are given to understand that here the halachah is according to the individual. But wherefore state that the law is according to R. Judah? It is a commonplace that where differing opinions [are quoted, and one of these is] subsequently quoted anonymously, the law is decided according to the anonymous opinion.<sup>5</sup> Now, these differing opinions are quoted in Baba Kamma, and there is the subsequent anonymous opinion in Baba Mezi'a,<sup>6</sup> where we learn that the party which changes [an agreement] has the lesser right, likewise whichever party alters his mind has the lesser right!<sup>7</sup>

And as to R. Huna?<sup>8</sup> — [His statement is necessary] because the Mishnah has not [retained its original] order,<sup>9</sup> so that it might be said that the anonymous statement was quoted earlier and the differing opinions later. But if that were so, you can apply to every case of differing opinions followed by an anonymous one the argument that the Mishnah has not retained its original order!<sup>10</sup> R. Huna, however, [could reply thus]: The argument that the Mishnah has not its original order could not be admitted in regard to the same Tractate, but it could be used in regard to two Tractates.<sup>11</sup> And

as to R. Joseph?<sup>12</sup> — He holds that all [those dealing with] torts<sup>13</sup> are to be regarded as one tractate; or, if you wish, it could be said, because this rule is included among legal and fixed decisions, thus: ‘The party which changes an agreement has the lesser right; and whichever party alters his mind has the lesser right.’<sup>14</sup>

Our Rabbis taught:<sup>15</sup> One should not say to another [on the Sabbath], ‘We shall see whether you will stay on with me [to do work] this evening.’<sup>16</sup> R. Joshua b. Karha says: One may say to another, ‘We shall see whether you will stay on with me this evening.’ Said Rabbah b. Bar-Hana in the name of R. Johanan, the halachah is according to R. Joshua b. Karha.

Our Rabbis taught: If one consulted a sage who declared [the person or article] as unclean, he should not consult another sage who might declare it as clean; if one sage declared as forbidden, one should not consult another sage who might declare as permitted. If of two sages present one declares as unclean and the other as clean, one forbids and the other permits, then if one of them is superior to the other in learning and in point of number<sup>17</sup> his opinion should be followed, otherwise, the one holding the stricter view should be followed. R. Joshua b. Karha says: In laws of the Torah<sup>18</sup> follow the stricter view, in those of Soferim<sup>19</sup> follow the more lenient view.<sup>20</sup> Said R. Joseph: The halachah is according to R. Joshua b. Karha.

Our Rabbis taught: If they<sup>21</sup> reverted [to their usual practices] none of them should ever be accepted.<sup>22</sup> This is the opinion of R. Meir. R. Judah says: If they reverted in secret matters, they should not be accepted,<sup>23</sup> but if in things done in public they should be accepted.<sup>24</sup> Some say that, if they observed [in their penitent state] even secret things, they should be accepted,

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(1) In the undyed state, and he has the right to retain the dyed wool, however much its value may have increased.

(2) And claim the wool; since, in the case of the dyed wool being worth more than undyed wool plus the cost of dyeing, the dyer will benefit by miscarrying the order.

(3) That a loan made on a verbal understanding may be recovered from idolaters, contrary to the opinion of the Rabbis of our Mishnah.

(4) Ber. 9a.

(5) Yeb. 42b.

(6) 15a.

(7) And since here the dyer, by miscarrying the order, changed the agreement, it might be taken for granted that he would be placed at a disadvantage in accordance with the ruling of R. Judah.

(8) What was the object of his assertion?

(9) In which it was originally propounded.

(10) And since this principle is generally accepted (v. Yeb 42) R. Huna's explanation is inadmissible.

(11) And in this case the differing opinions and the anonymous one are each in a separate Tractate; R. Huna's statement was therefore necessary.

(12) Why did he then disapprove of R. Huna's statement?

(13) Baba Kamma, Baba Mezi'a, and Baba Bathra.

(14) It was therefore too obvious to be stated that the decision is according to R. Judah.

(15) Shab. 150a.

(16) Since he engages him, even though by mere insinuation, on the Sabbath to do work.

(17) I.e., of disciples or followers.

(18) Laws explicitly stated in Scripture.

(19) Laws enacted by the Scribes (sofer-scribe) from the time of Ezra onward.

(20) V. Tosef. ‘Eduy. I.

(21) I.e., ‘amme ha-arez — people who are ignorant and careless about religious observances, particularly those relating to the tithe which they would generally withhold from the Levite — their utensils and food articles were consequently held by the Haber (v. note 7) in Levitical uncleanness. This made them unacceptable to the Haber's society. And the discussion that follows is whether they could be accepted again.

(22) Regarded as Haberim (plural of Haber), those particular about religious observances and the giving of the tithe. On Haber v. Weinberg and Krauss, Jeshurun 1929, 1930.

(23) They prove themselves hypocrites and are not to be trusted.

(24) Their frankness may be taken to show that they give an undertaking to act rightly and will stand by it.

### **Talmud - Mas. Avodah Zarah 7b**

but if only things done in public they should not be accepted. R. Simeon and R. Joshua b. Karha say: Whether in the one case or in the other they should be accepted, for it is said, Return, O backsliding children.<sup>1</sup> Said R. Isaac, the native of Kefar Acco, in the name of R. Johanan: The halachah is according to the latter pair.

MISHNAH. R. ISHMAEL SAYS ON THE THREE PRECEDING DAYS AND THE THREE FOLLOWING DAYS IT IS FORBIDDEN;<sup>2</sup> BUT THE SAGES SAY BEFORE THEIR FESTIVITIES IT IS FORBIDDEN, BUT AFTER THEIR FESTIVITIES IT IS PERMITTED.

GEMARA. Said R. Tahlifa b. Abdimi in the name of Samuel: According to R. Ishmael it should always be forbidden [to transact business with idolaters because of] Sunday.<sup>3</sup>

BUT THE SAGES SAY, BEFORE THEIR FESTIVITIES IT IS FORBIDDEN, BUT AFTER THEIR FESTIVITIES IT IS PERMITTED. Is not [the opinion of] the Sages identical with that of the first Tanna?<sup>4</sup> — The exclusion of the festivals themselves is the point on which they differ. The first Tanna holds that the period is exclusive of the festival, but these latter Rabbis hold that it includes the festivals. Or it might probably be said that they differ on the question of business transactions carried out,<sup>5</sup> the first Tanna holding that [the proceeds of] such transactions are permissible, while our latter Rabbis hold that [the proceeds of] these transactions are forbidden. It might also be said that this ruling of Samuel is a matter on which they differ. For Samuel said:<sup>6</sup> In the Diaspora<sup>7</sup> the prohibition is limited to their festival day only. The first Tanna accepts Samuel's ruling, while our last Rabbis do not hold with Samuel. You may further say that they differ in the ruling of Nahum the Mede. For it is taught:<sup>8</sup> Nahum the Mede says, The prohibition applies to only one day before their Festivals. The first Tanna does not accept the ruling of Nahum the Mede, and our latter Rabbis do agree with Nahum the Mede's ruling.

To revert to [the above text]: 'Nahum the Mede says: The prohibition applies to only one day before their festivals.' Thereupon they said to him: 'This matter ought to be suppressed and left unsaid.'<sup>9</sup> But are there not our latter Rabbis who hold the same opinion?<sup>10</sup> — Our latter Rabbis may be none other than Nahum the Mede.<sup>11</sup>

Another [Baraita] taught: Nahum the Mede says, One may sell [to idolaters] a male or old horse in war time.<sup>12</sup> Whereupon they said to him: This matter ought to be suppressed and left unsaid. But is there not Ben Bathyra who holds the same opinion; for we learnt: Ben Bathyra permits [the sale of] a horse?<sup>13</sup> — Ben Bathyra makes no distinction between the sale of horses and mares, whereas Nahum the Mede, who does make that distinction will share the opinion of the Rabbis;<sup>14</sup> but according to the Rabbis: This matter ought to be suppressed and left unsaid.<sup>15</sup>

It is [further] taught: Nahum the Mede says: The dill plant is subject to tithe whether [in its state of] seeds, or vegetables, or pods.<sup>16</sup> Whereupon he was told: This matter ought to be suppressed and left unsaid. But is there not R. Eliezer who holds the same opinion; for we learnt: R. Eliezer said: The dill plant is subject to tithe whether in its state of seeds, or vegetable, or pods?<sup>17</sup> — There the garden variety is meant.<sup>18</sup>

Said R. Aha b. Minyomi to Abaye: A great man has come from our place,<sup>19</sup> but whatever he says

he is told that it ought to be suppressed and left unsaid. He replied: There is one instance in which we do follow his ruling. It is taught: Nahum the Mede says: One may ask for one's own needs in the course of the Benediction [concluding with] 'Who heareth prayer.'<sup>20</sup> — As to this ruling, he said, an exception had to be made, for it is hanging on strong ropes!<sup>21</sup> It is taught: R. Eliezer says: One should first pray for his own needs and then recite The Prayer.<sup>22</sup> as it is said; A prayer for the afflicted [himself] when he is overwhelmed, and [then] poureth forth his meditation before the Lord;<sup>23</sup> and by 'meditation,' only prayer is meant, as it is said, And Isaac went out to meditate in the field at the eventide.<sup>24</sup> But R. Joshua says: One should first recite The Prayer and then ask for his own needs, as it is said, I pour out my meditation<sup>25</sup> before Him [then] I declare my [own] affliction before Him.<sup>26</sup> Now, as to R. Eliezer, what of the verse, I pour out my meditation etc.? — He interprets it thus, 'I pour out my meditation before Him when I had already declared my [own] affliction.' And as to R. Joshua [how does he explain] the verse, A prayer for the afflicted when he is overwhelmed etc.? — He explains it thus: When is the [personal] 'prayer for the afflicted' offered? When he had poured forth his meditation before the Lord. Well now, as for these scriptural verses, they prove no more the statement of the one than they prove that of the other; is there any [principle] underlying their dispute? — It is the one explained by R. Simlai; for R. Simlai gave the following exposition:<sup>27</sup> One should always recount the praises of the Omnipresent and then offer his supplications.<sup>28</sup> Whence do we learn it? From [the prayer of] our Teacher Moses which is recorded thus: O Lord God, Thou hast begun to show Thy servant Thy greatness etc., and then only, Let me go over, I pray Thee, and see the good land.<sup>29</sup>

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(1) Jer. III, 14. Thus repentant sinners are to be accepted unconditionally.

(2) The prohibitions enumerated in the preceding Mishnah (supra 2a) extend to three days before the idolaters' festivities and three days after them.

(3) V. p. 24, n. 9.

(4) Of the Mishnah supra 2a.

(5) Infra 18b.

(6) Infra 11b.

(7) Lit., 'exile', applied to all places outside Palestine in which Jews resided. Many restrictions as to idolaters were waived outside Palestine, since 'gentiles of the lands other than Palestine are not really idolaters' (Hul. 13b).

(8) Tosef. A.Z.I.

(9) 'Inadmissible', 'ruled out of court'.

(10) According to the reply given last.

(11) His opinion being recorded in the Mishnah anonymously in the form of 'the Sages say'.

(12) 'Er. 83a. The sale of big cattle to an idolater is forbidden (v. infra 14b) out of consideration for the animal: as, being used for labour, it would be deprived of its weekly day of rest. The sale, however, in war time, of a male horse, which is not easily disciplined (V.J.A.Z.I, 6 40a) or of an old one, to which the general objection of 'placing a weapon in the hand of a heathen' is not quite applicable, might be permitted as a matter of rare occurrence.

(13) Infra 17a. Since it is used chiefly for riding, and the carrying of a rider is not to be regarded as carrying a burden (on the Sabbath) according to the dictum 'a living being carries itself'.

(14) Who prohibit the sale of a horse, v. infra 14b and 16a.

(15) As the Rabbis prohibit the sale of all kinds of horses, and do not admit the distinction made by Nahum.

(16) Vegetables are only subject to tithe when reaching the state in which they are used as food; in the case of the dill plant, the seeds and the leaves, as well as the pods, are used as such.

(17) Ma'as. IV, 5. Bek. 2a.

(18) Which is eaten in the various forms mentioned; but generally, as grown in fields, it is only used as food in its seed-state.

(19) Media, whence Nahum hailed, was also their native place. Weiss Dor. I, 182, sees in this remark a bitter complaint against Palestinian authorities, who are alleged to take up a derogatory attitude towards Sages coming from other lands.

(20) The sixteenth of the Eighteen (now nineteen) Benedictions which are the main part of each of the three daily Services. P. B. p. 30.

(21) An idiom meaning. 'It is based on high authority'. Contrarily, that for which there is but slender authority is

characterised as 'a mountain hanging on a hair;' v. Hag. 10a.

(22) I.e. the Eighteen Benedictions, also called Shemone-'Esre, or 'Amidah.

(23) Ps. CII, 1.

(24) Gen. XXIV, 63, which is interpreted that Isaac was then offering the now statutory afternoon Prayer (Minhah), the institution of which tradition ascribes to the second Patriarch (Ber. 26b).

(25) I.e., the statutory Prayer.

(26) Ps. CXLII, 3.

(27) Ber. 32b.

(28) praise is a higher form of Divine worship than supplication. A man should offer thanks for what he has, before he thinks of what he lacks.

(29) Deut. III, 24, 25.

## **Talmud - Mas. Avodah Zarah 8a**

Now R. Joshua holds that we are guided by [the example of] Moses,<sup>1</sup> while R. Eliezer says we should not follow the example of Moses; it is different with Moses whose greatness is so outstanding.<sup>2</sup> The Sages, however, say [the decision is] neither according to the one nor according to the other, but that one should pray for his personal needs at the Benediction [concluding with], 'Who heareth prayer'. Rab Judah in the name of Samuel declared that the halachah is that one should pray for his personal needs only at the Benediction [ending with], 'Who heareth prayer'.

Said Rab Judah the son of Samuel b. Shilath in the name of Rab: Even though it was said that one should pray for his private needs only at 'Who heareth prayer,' nevertheless, if he is disposed to supplement any of the Benedictions [by personal supplications] relevant to the subject of each particular Benediction, he may do so. [So also] said R. Hiyya b. Ashi in the name of Rab:<sup>3</sup> Even though it has been said that one should pray for his own needs only at 'Who hearest prayer', still if [for example] one has a sick person at home, he may offer [an extempore] prayer at the Benediction for the Sick;<sup>4</sup> or if he is in want of sustenance, he may offer a [special] prayer in connection with the Benediction for [Prosperous] Years.<sup>4</sup> R. Joshua b. Levi said: Though it has been decided that private prayers for personal needs only may be inserted in the Benediction 'Who heareth prayer'<sup>5</sup>, yet if one is disposed to offer supplication after The Prayer to the extent of the Day of Atonement Service.<sup>6</sup> he may do so.<sup>7</sup>

MISHNAH. THESE ARE THE FESTIVITIES OF THE IDOLATERS<sup>8</sup>: KALENDA,<sup>9</sup> SATURNALIA,<sup>10</sup> KRATESIS,<sup>11</sup> THE ANNIVERSARY OF ACCESSION TO THE THRONE AS WELL AS [ROYAL] BIRTHDAYS AND ANNIVERSARIES OF DEATHS. THIS IS R. MEIR'S OPINION. BUT THE SAGES SAY, A DEATH AT WHICH BURNING [OF ARTICLES OF THE DEAD] TAKES PLACE IS ATTENDED BY IDOLATRY, BUT WHERE THERE IS NOT SUCH BURNING THERE IS NO IDOLATRY. HOWEVER, THE DAY OF SHAVING ONES BEARD OR LOCK OF HAIR,<sup>12</sup> OR THE DAY OF LANDING AFTER A SEA VOYAGE, OR THE DAY OF RELEASE FROM PRISON, OR IF AN IDOLATER HOLDS A BANQUET FOR HIS SON — THE PROHIBITION ONLY APPLIES TO THAT DAY AND THAT PARTICULAR PERSON.

GEMARA. Said R. Hanan b. Raba: KALENDA is kept on the eight days following the [winter] equinox. SATURNALIA on the eight days preceding the equinox. As a mnemonic take the verse, Thou hast beset me behind and before.<sup>13</sup>

Our Rabbis taught:<sup>14</sup> When primitive Adam saw the day getting gradually shorter, he said, 'Woe is me, perhaps because I have sinned, the world around me is being darkened and returning to its state of chaos and confusion; this then is the kind of death to which I have been sentenced from Heaven!' So he began keeping an eight days' fast. But as he observed the winter equinox and noted the day getting increasingly longer, he said, 'This is the world's course', and he set forth to keep an

eight days' festivity. In the following year he appointed both<sup>15</sup> as festivals. Now, he fixed them for the sake of Heaven, but the [heathens] appointed them for the sake of idolatry.

This is quite right according to the one who holds that the world was created in Tishri,<sup>16</sup> so that he saw the short days before seeing the longer days; but according to the one holding that the world was created in Nisan, Adam must have seen the long days as well as the short ones!<sup>17</sup> — Still, he had not yet seen the very short days. Our Rabbis taught: When Adam, on the day of his creation, saw the setting of the sun he said! 'Alas, it is because I have sinned that the world around me is becoming dark; the universe will now become again void and without form — this then is the death to which I have been sentenced from Heaven!' So he sat up all night fasting and weeping and Eve was weeping opposite him. When however dawn broke, he said: 'This is the usual course of the world!' He then arose and offered up a bullock whose horns were developed before its hoofs, as it is said [by the Psalmist], And it [my thanksgiving] shall please the Lord better than a bullock that hath horns and hoofs.<sup>18</sup> Rab Judah said in the name of Samuel: The bullock which Adam offered had only one horn in its forehead, as the verse says, And it shall please the Lord better than a bullock that is horned and hoofed. But does not 'horned' imply two horns? — Said R. Nahman b. Isaac: 'Horned' is here spelt [defectively].<sup>19</sup>

R. Mattena asked: When Rome appoints a Kalend and there are towns in its vicinity subjected to her, is it forbidden or permitted [to transact business etc.] in those towns?<sup>20</sup> R. Joshua b. Levi said: On the Kalends the prohibition applies to all. R. Johanan said: The prohibition applies only to [the Romans] who celebrate it. A Baraitha is taught which accords with the view of R. Johanan: Even though it was said that when Rome institutes Kalends they extend to all the towns in its vicinity which are subjected to it, yet the actual prohibition is only in regard to those who celebrate it. As to Saturnalia, Kratesis, Royal Celebrations, or the day on which a king is proclaimed, the prohibition applies to the period preceding them, but thereafter it is permitted. If an idolater gives a banquet for his son the prohibition is limited to that day and that man.

Said R. Ashi: We ourselves have learnt likewise. For our Mishnah states<sup>21</sup> [AS TO] THE DAY OF SHAVING ONE'S BEARD OR LOCK OF HAIR, OR THE DAY OF LANDING AFTER A SEA VOYAGE, OR THE DAY OF RELEASE FROM PRISON — THE PROHIBITION ONLY APPLIES TO THAT DAY AND THAT PARTICULAR PERSON. Now, it rightly says. THAT DAY, thereby excluding the preceding and following [days], but what is THAT MAN meant to exclude, unless it excludes those subjected to him? From here then you deduce it!

It has been taught: R. Ishmael says,<sup>22</sup> Israelites who reside outside Palestine serve idols though in pure innocence. If, for example, an idolater gives a banquet for his son and invites all the Jews in his town, then, even though they eat of their own and drink of their own and their own attendant waits on them, Scripture regards them as if they had eaten of the sacrifices to dead idols, as it is said, And he will call thee and thou wilt eat of his sacrifice.<sup>23</sup> But does not this apply to actual eating? — Said Raba: If that were so, the verse would have only said, And thou shalt eat of his sacrifice; why then say, And he will call thee? That extends the prohibition to the time of the participation. Hence

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(1) Hence the Shemone-'Esre, declaring God's praise, should be recited before any private petition.

(2) An ordinary man should proceed direct with his petition; to dilate might be considered as presumptuous.

(3) Ber. 31b.

(4) P.B. p. 47.

(5) Ibid. p. 49.

(6) Which may last all day.

(7) While the obligatory prayers are necessarily fixed, private extemporary prayers are desirable.

(8) Referred to in our Mishnah (supra 2a).

(9) The Roman New Year which was observed as a day of rejoicing.



- (10) A Roman festival beginning on the 17th December and lasting several days. 'Feasting and revelry and all the mad pursuits of pleasure are the features which seem to have specially marked this carnival of antiquity' (Frazer, Golden Bough, III, p. 138).
- (11) \*\* A Roman festival commemorating the conquest of Eastern Countries.
- (12) Which Greek and Roman youths, on arriving at puberty, offered to the gods.
- (13) Ps. CXXXIX, 5. As an aid to remembering that KALENDA mentioned first in the Mishnah is behind the equinox and SATURNALIA mentioned later is before it.
- (14) V. ARN ch. VIII.
- (15) The eight days preceding and following the equinox (v. p. 8, note 2).
- (16) The Jewish year has two starting points. The New Year begins on the 1st of Tishri (about September) yet in counting months, Nisan (about March) is taken first. Hence the different opinions as to which of these two dates formed the beginning of the year ONE (v. R. H. 10a und 11b).
- (17) His experience during the spring and summer should have made him familiar with the fluctuation of the days.
- (18) Ps. LXIX, 32, which is taken to refer to sacrifice offered by Adam, since the animal is described as שׁוֹר-פֶּר lit. a bullock-ox, implying an animal which was mature in form though young in age. פֶּר denotes a mature ox, whereas שׁוֹר designated an ox even of the tenderest age; cf. Lev. XXII, 27 (Rashi).
- (19) מִקְרָן ('horned') owing to its defective spelling, instead of מִקְרִין, may be read מִקְרָן (of a horn).
- (20) Whose inhabitants do not observe the festivity, lest their profit, which generally goes to Rome, be used for procuring offerings to idols.
- (21) V. supra p. 36.
- (22) Tosef. V and ARN XXVI have 'R. Simeon b. Eleazar'.
- (23) Ex. XXXIV, 15.

## Talmud - Mas. Avodah Zarah 8b

during the entire thirty days [following a marriage celebration] whether it is or it is not mentioned that the banquet is connected with the wedding, [participation in it] is forbidden; from that time onward, however, if it is stated that it is connected with the wedding, it is forbidden, but if its connection with the wedding is not mentioned, it is permitted. And how long [is it forbidden] if it is connected with the wedding? — Said R. Papa: For a twelvemonth thereafter. And how long is it forbidden beforehand? — Said R. Papa in the name of Raba: From the time when the barley is placed in the tub.<sup>1</sup> Is it, then, permitted [to partake of food in the house] after the twelvemonth? Yet R. Isaac the son of R. Mesharsheya, who happened to be in the house of a certain idolater more than a year after a marriage, when he heard that they were feasting [because of that event] abstained from eating there! It is different with R. Isaac the son of R. Mesharsheya who was a highly esteemed man.<sup>2</sup>

KRATESIS etc. What does KRATESIS mean? Said Rab Judah in the name of Samuel: [the anniversary of] the day on which Rome extended her dominion.<sup>3</sup> But have we not learnt Kratesis and the day on which Rome extended her dominion? — Said R. Joseph: Rome extended her dominion twice; once in the days of Cleopatra<sup>4</sup> the queen [of Egypt] and [once before] in the days of the Greeks. For when R. Dimi came<sup>5</sup> he said: Thirty-two battles did the Romans fight against the Greeks and could not prevail against them until the Romans made an alliance with the Israelites. And these were the conditions made with them: If the kings are [chosen] from among us, the princes should be chosen from your midst, and if the kings are chosen from among you, the princes shall come from our midst. Then the Romans sent word to the Greeks as follows: Hitherto we have been fighting matters out, now let us argue them out: Of a pearl and a precious stone which shall form a setting for which?<sup>6</sup> They sent the reply: 'The pearl for the precious stone.' And of a precious stone and an onyx which shall form a setting to the other? 'The precious stone to the onyx.' was the reply. And of an onyx and the Book of the Law which shall serve as the setting for the other? 'The onyx for the Book of the Law,' they replied. The Romans then sent word: In that case, the Book of the Law is in our possession, for Israel is with us. Thereupon the Greeks gave in.

For twenty-six years did the Romans keep faith with Israel, thereafter they subdued them.

What scriptural support did they have for their former attitude and what for the latter? To the former may be applied the words: Let us take our journey and let us go.<sup>7</sup> And to the latter may be applied the words: Let my lord now pass before his servant.<sup>8</sup>

Whence can it be proved that Rome kept faith with Israel for twenty six years? [From the following:]<sup>9</sup> For R. Kahana said: When R. Ishmael b. Jose was ill they sent word to him: Rabbi, tell us the two or three things which thou hadst told us in thy father's name. He then told them: One hundred and eighty years before the Temple was destroyed did Rome cast her rule over Israel; eighty years before the destruction of the Temple it was decreed that neighbouring countries of Palestine<sup>10</sup> were to be regarded as ritually unclean,<sup>11</sup> and likewise all glass vessels.<sup>12</sup> Forty years before the Temple was destroyed did the Sanhedrin abandon [the Temple] and held its sittings in Hanuth.<sup>13</sup> Has this any legal bearing? — Said R. Isaac b. Abdimi: It indicates that [from that time onward] they did not deal with cases of fines.<sup>14</sup> 'Cases of fines'! How can that enter your mind? Has not Rab Judah said [the following] in the name of Rab: Verily that man, R. Judah b. Baba by name, be remembered for good, for were it not for him the laws of fine would have been forgotten in Israel? 'Forgotten'! Surely, they could be studied? — Nay, they would have been abolished;<sup>15</sup> for the wicked Government of Rome<sup>16</sup> issued a decree that he who ordains a Rabbi shall be slain, likewise he who is ordained shall be put to death, the town in which an ordination takes place shall be destroyed and the tehum<sup>17</sup> in which the ordination is held shall be laid waste. What did R. Judah b. Baba do? He went and sat down between two mountains and between two large towns between two tehums,<sup>18</sup> namely, between Usha and Shefar'am<sup>19</sup> and there he ordained five elders: R. Meir, R. Judah [b. Il'ai], R. Jose, R. Simeon and R. Eleazar b. Shammua (R. Awia adds also R. Nehemiah). On seeing that they were detected by the enemies, he said to them, 'Flee, my children!' but they said to him, 'And you, O Rabbi, what about you?' 'I,' he replied. 'will lie still before them, even as a stone that is not turned.' It was stated that the Romans did not move from there until they drove three hundred iron spears into his body and made his corpse like a sieve!<sup>20</sup> — But said R. Nahman b. Isaac: Say not that 'cases of fines' ceased, but that capital cases ceased. Why? — Because when the Sanhedrin saw that murderers were so prevalent that they could not be properly dealt with judicially, they said: Rather let us be exiled from place to place than pronounce them guilty [of capital offences] for it is written<sup>21</sup> And thou shalt do according to the sentence, which they of that place which the Lord shall choose shall tell thee, which implies that it is the place that matters.<sup>22</sup>

[Now, it was mentioned above that Rome cast her rule over Israel] one hundred and eighty years prior to the Destruction. Is not the period longer? For R. Jose b. Rabbi<sup>23</sup>

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(1) Some time prior to a wedding, barley was customarily sown in tubs to sprout forth in time for the wedding, when they were placed before the bridal pair to symbolise fertility (Rashi).

(2) And importance would have been attached to his partaking of the celebration even at a later period.

(3) On conquering the Greeks.

(4) [When Octavian gained the victory over her at the Battle of Actium.]

(5) From Palestine to Babylon.

(6) I.e., which is the inferior of the two.

(7) I.e., as equals; words spoken by Jacob to Esau, Gen. XXXIII, 12.

(8) Ibid, 14. I.e., Rome is to lord it over Israel.

(9) Shab. 15a.

(10) Syria and Asia Minor.

(11) One who went outside Palestine was regarded as defiled and on returning had to undergo the usual process of purification. According to Graetz this measure was intended to stem the migration of the people, and in particular of the priests, from the Holy Land.

- (12) [Glass vessels imported from those countries were regarded as unclean; probably to protect the glass industry in Palestine. V. L. Ginzberg's lecture on The Place of the Halachah, etc., p. 6. Hebrew University. Jerusalem, 1931.]
- (13) [A place on the Temple mount, v. Sanh. (Sonc, ed.) p. 267, n. 4.]
- (14) These could only be dealt with by Rabbis ordained in Palestine by the laying on of hands **סמיכה** (v. Sanh. 13b-14a). This mode of ordination, first mentioned in connection with the appointment by Moses of Joshua as his successor (Num. XXVII, 20), was continued, according to tradition, unbroken throughout the succeeding generations; it ceased about the 4th century when the academies of Palestine declined. An attempt by Jacob Berab to re-introduce the Semichah in Palestine, in 1538, ended in failure.
- (15) For want of properly ordained Rabbis who are qualified to adjudicate such matters; v. B. K 84a-b.
- (16) During the Hadrianic Persecutions in 135 C.E.
- (17) **תחום**, fuller term **תחום שבת** a Sabbath limit is an area of 2000 cubits (about 1516 metres) round an inhabited place, forming the limit within which it is permitted to walk on Sabbath (v. Er. 42a).
- (18) I.e., in an area adjacent to neither of the two towns, in the meaning of the decree.
- (19) Towns in Galilee near Tiberias.
- (20) These Rabbis were thus qualified to deal with the imposition of fines some 100 years after the Destruction; how then can R. Isaac b. Abdimi say that cases of fines ceased to be dealt with 40 years before the Destruction?
- (21) Deut. XVII, 10.
- (22) Capital cases were only dealt with by any court of 23 while the Sanhedrin sat in the Hewn-Stone Chamber of the Temple: the abandoning of their seat therefore meant the cessation of judging capital cases. V. Sanh. (Sonc, ed.) p. 267, n. 7.
- (23) [Read with MS.M.: R. Jose b. Halaftha.]

## Talmud - Mas. Avodah Zarah 9a

taught: Persian rule lasted thirty-four years after the building of the Temple, Greece ruled one hundred eighty years during the existence of the Temple, the Hasmonean rule lasted one hundred three years during temple times, the House of Herod ruled one hundred three years. Thence onward, one should go on counting the years as from the Destruction of the Temple. Hence we see that it was two hundred six years,<sup>1</sup> yet you say one hundred eighty years! — But for twenty six years the Romans kept faith with Israel<sup>2</sup> and did not subdue them, and therefore those years are not reckoned in the period during which Rome cast her dominion over Israel.

Said R. Papa, if a<sup>3</sup> Tanna is uncertain about the minor figures [of any year] let him ask a notary what year it is according to his reckoning and add twenty thereto; he will then find his solution.<sup>4</sup> As a mnemonic sign take the verse, Thus I have been twenty years in Thy house.<sup>5</sup>

If on the other hand a notary is uncertain, let him ask a Tanna what the year is according to his reckoning and deduct therefrom twenty years and he will find his solution.<sup>6</sup> As a mnemonic [memorise] 'The Scribe is sparing the Tanna is redundant.'<sup>7</sup>

The Tanna debe Eliyyahu taught:<sup>8</sup> The world is to exist six thousand years; the first two thousand years are to be void;<sup>9</sup> the next two thousand years are the period of the Torah, and the following two thousand years are the period of the Messiah. Through our many sins a number of these have already passed [and the Messiah is not yet].

From when are the two thousand years of the Torah to be reckoned? Shall we say from the Giving of the Torah at Sinai? In that case, you will find that there are not quite two thousand years from then till now [i.e., the year four thousand after the Creation], for if you compute the years [from the Creation to the Giving of the Torah] you will find that they comprise two thousand and a part of the third thousand;<sup>10</sup> the period is therefore to be reckoned from the time when Abraham and Sarah had gotten souls in Haran<sup>11</sup> for we have it as a tradition that Abraham was at that time fifty-two years old. Now, to what extent does our Tanna encroach [on the other thousand]? Four hundred and

forty-eight years! Calculate it and you will find that from the time when they had gotten souls in Haran till the giving of the Torah there are just four hundred and forty-eight years.<sup>12</sup>

Said R. Papa: If the Tanna<sup>13</sup> does not know the exact number of years [of the period of the Messiah] that have passed let him ask a notary what year he uses in his writings, and on adding forty-eight to it he will find his solution.<sup>14</sup> As a mnemonic

(1) Before the destruction, i.e., at the end of the Greek dominion, that Rome began, to extend her dominion.

(2) V. p. 40.

(3) So D.S., a.l.

(4) The Eras in use among Jews in Talmudic Times are: (a) ERA OF CONTRACTS **מנין שטרות** dating from the year 380 before the Destruction of the Second Temple (312-1 B.C.E.) when, at the Battle of Gaza, Seleucus Nicator, one of the followers of Alexander the Great, gained dominion over Palestine. It is also termed Seleucid or Greek Era **מנין יונים**. Its designation as Alexandrian Era connecting it with Alexander the Great (Maim. Yad, Gerushin 1, 27) is an anachronism, since Alexander died in 323 B.C.E. — eleven years before this Era began (v. E. Mahler, Handbuch der jüdischen Chronologie, p. 145). This Era, which is first mentioned in Mac. I, 10, and was used by notaries or scribes for dating all civil contracts, was generally in vogue in eastern countries till the 16th cent, and was employed even in the 19th cent, among the Jews of Yemen, in South Arabia (Eben Saphir, Lyck, 1866, p. 62b). (b) THE ERA OF THE DESTRUCTION (of the Second Temple) **להרבן הבית** the year 1 of which corresponds to 381 of the Seleucid Era, and 69-70 of the Christian Era. This Era was mainly employed by the Rabbis and was in use in Palestine for several centuries, and even in the later Middle Ages documents were dated by it. One of the recently discovered Genizah documents bears the date 13 Tammuz 987 after the Destruction of the Temple — i.e. 917 C.E. — (Op. cit. p. 152, also Marmorstein ZDMG, Vol. VI, p. 640). The difference between the two Eras as far as the tens and units are concerned is thus 20. If therefore a Tanna, say in the year 156 Era of Dest. (225 C.E.), while remembering, naturally, the century, is uncertain about the tens and units, he should ask the notary what year it is according to his — Seleucid — era. He will get the answer 536 (156 + 380), on adding 20 to which he would get 556, the last two figures giving him the year [1] 56 of the Era of Destruction.

(5) Gen. XXXI 41.

(6) If in the same year, (225 C.E.) — 536 Seleucid Era — the Scribe, remembering that he is in the 6th century is uncertain as to the exact number of the year to be used by him, he will ascertain from the Tanna that it is the year 156 E. of D., and on subtracting 20 will get 136, the last two figures of which give him the tens and units of his year [5] 36.

(7) I.e., in regard to the use of vowel letters the Scribe (of Biblical scrolls) frequently employing the scriptio defectiva, where the Tanna uses the scriptio pleno. Thus, the Scribe has to deduct from, the Rabbi to add to, the given number.

(8) V. p. 22, n. 10.

(9) I.e., without possessing the Divine Law.

(10) The exact number is 2,448 years which is arrived at as follows (v. Gen. Chap. V and XI): Age of Adam at birth of Seth 130 years From birth of Seth to birth of Enosh 105 " " " Enosh " " " Kenan . . 90 " " " "Kenan " " " Mahalalel . 70 " " " " Mahalalel " " " Jared . . 65 " " " " Jared " " " Enoch . . 162 " " " " Enoch " " " Methuselah . 65 " " " " Methuselah " " " Lamech . 187 " " " " Lamech " " " Noah . . 182 " Period from Adam to Noah 1,056 years Age of Noah at birth of Shem (allowing 2 years from birth of Japhet, Noah's eldest son) . . . 502 years From birth of Shem to birth of Arpachshad 100 " " " " Arpachshad " " " Shelah . 35 " " " " Shelah " " " Eber . . 30 " " " " Eber " " " Peleg . . 34 " " " Peleg " " " Re'u . . 30 " " " " Re'u " " " Serug . . 32 " " " " Serug " " " Nahor . 30 " " " " Nahor " " " Terah . . 29 " " " " Terah " " " Abraham . 70 " Period from Noah to Abraham 892 " Age of Abraham at birth of Isaac . . . 100 years From birth of Isaac to birth of Jacob . . . 60 " Age of Jacob on arriving in Egypt . . . 130 " Israelites' sojourn in Egypt . . . 210 " Period from birth of Abraham to Exodus from Egypt 500 " Period from Creation to Exodus and Giving of the Law at Sinai 2,448 years

(11) Gen. XII, 5. These words are taken by the Targum and other Rabbinic commentators to refer to the heathen men and women whom Abraham and Sarah respectively gained for the worship of God.

(12) The birth of Abraham was, as given above, in the year of Creation 1948 (1,056 + 892); add thereto the fifty-two years that passed till his proselytising activity and you get exactly 2,000, i.e. 448 years before the Giving of the Torah.

(13) Who said before that a number of these have already passed', etc.

(14) As the notary uses the Seleucid Era, the year 1 of which corresponds to 380 before the Destruction, and as the year

4,000 of Creation corresponds to 172 after the Destruction, the difference between the two eras is 552 (380 + 172), which 48 would bring up to even hundreds.

## Talmud - Mas. Avodah Zarah 9b

take the phrase, Forty-eight cities.<sup>1</sup> If, on the other hand, the notary is uncertain as to his number, let him ask the Tanna how many he counts and deduct therefrom forty-eight and he will find his solution. As a mnemonic, take the phrase, 'The Scribe is sparing, the Tanna is redundant.'<sup>2</sup>

Said R. Huna the son of R. Joshua: If one does not know what the year is in the Sabbatical cycle of seven years,<sup>3</sup> let him add one year [to that in the era of the Destruction] and let him put aside the hundreds as Jubilee Cycles and convert the remainder into Sabbatical Cycles [of seven years each] after adding thereto two years for every complete century; what is left over will give him the number of the given year in the current Sabbatical Cycle. As a mnemonical sign [for adding two years for every century, think of the verse]. For these two years hath the famine been in the land.<sup>4</sup>

Said R. Hanina:<sup>5</sup> From the year four hundred after the destruction onwards, if one says unto you, 'Buy a field that is worth one thousand denarii for one denar' — do not buy it.<sup>6</sup> In a Baraitha it is taught: From the year four thousand two hundred and thirty-one of the Creation of the World onward, if one says unto you, 'Buy thee a field that is worth a thousand denarii for one denar,' do not buy it. What difference is there between these two [given periods]? — There is a difference of three years between them, the one of the Baraitha being three years longer.<sup>7</sup>

There was [produced in court] a document which was dated

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(1) Assigned to the Levites. Num. XXXV, 7.

(2) V. supra p. 43, n. 3.

(3) Scripture enjoins that every seventh year is to be kept as a Sabbatical Year, on which there is to be observed: (a) A land release **שמיטת קרקעות** the fields being allowed to lie fallow, and the produce of the vineyards and olive-yards left ungathered by the owner for his servants, the poor and the strangers, 'and what they leave the beast of the field shall eat' (Ex. XXV, 8 and Lev. XXV, 1, seq.). (b) Monetary release a **שמיטת כספים** according to which all debts incurred were forfeited at the end of the Sabbatical Year (Deut. XV, 1, 2) a procedure which was modified by the institution of the Probul by Hillel the Elder. The Bible does not furnish any fixed data as to the year from which the Sabbatical Cycle is to be counted. There is, however, a talmudic tradition (Ta'an. 29a) that the Second Temple, as well as the First, was destroyed on the 9th of Ab in the year immediately following a Sabbatical Year. This means that the Sabbatical Cycle began on the year preceding the year 1 of the Era of Destruction. Some authorities, however, (Maim. Yad, Shemittoth X, 4) take the statement in Ta'an. to mean that the Destruction was on the Sabbatical Year itself, so that the Sabbatical Cycle is to begin with the year 1 of that Era. Another matter of dispute is the fixing of the Jubilee Year, i.e. the year following the completion of seven Sabbatical Cycles, in which all slaves were freed and all real estates reverted to their hereditary owners (Lev. XXV, 10). According to the Rabbis (Ned. 61a and R.H. 8b-9a) the fiftieth year was excluded from the Sabbatical Cycles, so that it formed a 'blank' year after every seven cycles. But according to Rabbi Judah it formed both the Jubilee Year and the first of the next Sabbatical Cycle, so that these cycles followed on in uninterrupted succession. (It must be pointed out that the Jewish Encyclopedia in the article 'Sabbatical Year and Jubilee', Vol. X, p. 606, not only designates Rabbi Judah b. Il'ai wrongly as Rabbi Judah Hanasi, but his statement, too, is misrepresented to mean that the Jubilee Year is to be regarded as 'identical with the seventh Sabbatical Year'.) The rule given by R. Huna for computing the year of the Sabbatical Cycle is based on the opinion that (a) the Sabbatical Cycle began with the year preceding that of the Destruction, and (b) that, in accordance with R. Judah's view, the Jubilee Year did not interrupt the succession of Sabbatical Cycles. Applied to the present year, 1934 C.E. — 1865 E. of D. — this process would work out as follows: — 1865 + 1 = 1866. Leaving aside hundreds take 66 and add thereto 2 for every 100: 66 + (18 X 2) = 102. Divide total by 7: 102 / 7 = 14 (remainder 4). Thus the year 1934 is the 4th of the Sabbatical Cycle.

(4) Gen. XLV, 6.

(5) In the first generation of the third century.

(6) As the coming of the Messiah will then be imminent, when Israel will be rehabilitated in the Holy Land.

(7) The year 1 of Destruction is equal to 3828 of the Era of Creation (4000 — 172, v. p. 42, n. 7(b)); hence the period given by R. Hanina is 4228 (3828+400), while the one given in the Baraitha — 4231 — is three years later. This Baraitha is of particular importance on account of its allusion — the earliest on record and the only one in the Talmud — to the Era of the World (generally designated *Anna Mundi*) which is now in use by Jews well nigh universally. While familiar to the Rabbis of the Talmud, it is not known to have been used as an Era until long after the close of the Talmud (Azariah de Rossi, *Me'or 'Enayim*. Vienna, 1829, 152a). Among the earliest evidence of its use are epitaphs dating from 822 and 827 C.E. in the catacombs of Vnosa (Poznanski *Encyc. of Rel. and Eth*, s.v. *Calendar*) also a Genizah scroll describing an incident as having occurred on the 3rd Shevat in the year 4772 A.M. (1012 C.E., J. Mann, *HUCA. Annual*, Voi. 111, 259). The attempt which had been made to ascribe the use of this Era to Sherirah Gaon in his famous Epistle, has been disproved (Poznanski *ZDMG*, LXVIII, 121). Likewise, an epitaph which the Karaite Firkowitz professed to have discovered in Crimea registering the Era of the World in 151 B.C.E. has been pronounced as spurious by Harkavy (*Altjudische Denkmäler*, p. 161). Solomon Ibn Verga's **שבט יהודה** contains a description of the Yom-Kippur Service in the Temple by the Roman Consul Marcus in which mention is made of the Era of the World **שנת כך וכך ליצירה** (Amst. 1709, p. 52b); but 'That description is a late forgery' (Buchler). Dr. F. C. Ewald (*Aboda Zara Nurnberg*, 1856, p. 68, note) suggests that it was early in the 10th century that the Jews, who were mostly settled in Spain, on dispensing with the Seleucid Era, adopted the A.M. for fear of being compelled to use the Christian era, but this suggestion lacks historical basis. Much better founded is the assertion of Mahler (*op. cit.* 158) that the C.E., which came into general use in France and Germany in the 10th century, found its way into Spain about two centuries later, and that it was about that time and for that reason that the Era of Creation gained general currency among the Jews. In computing this conventional Era, a number of uncertainties have, naturally, to be compromised (see *Jewish Encyclopedia*. Vol. IV, p. 68). To convert any given year from A.M. into C.E. — apart from the thousands — 240 is to be added; thus, the present year A.M. 5694 plus 240 gives [1]934 C.E. To convert from C.E. into A.M. add 3760: thus, 1934 + 3760 = 5694.

## Talmud - Mas. Avodah Zarah 10a

six years ahead.<sup>1</sup> The Rabbis who were sitting before Raba were of opinion that it should be pronounced a post-dated document, which is to be deferred and not executed until the date which it bears. Whereupon R. Nahman said: This document must have been written by a scribe who was very particular and took into account the six years of the Greek Reign in Elam which we do not reckon. The dating is therefore correct, for we have learnt: Rabbi Jose said, Six years did the Greeks reign in Elam and thereafter their dominion extended universally.

R. Aha b. Jacob then put this question: How do we know that our Era [of Documents] is connected with the Kingdom of Greece at all? Why not say that it is reckoned from the Exodus from Egypt, omitting the first thousand years and giving the years of the next thousand?<sup>2</sup> In that case, the document is really post-dated! — Said R. Nahman: In the Diaspora the Greek Era alone is used. He [the questioner] thought that R. Nahman wanted to dispose of him anyhow, but when he went and studied it thoroughly he found that it is indeed taught [in a Baraitha]: In the Diaspora the Greek Era alone is used.

Said Rabina: Our Mishnah also proves this, for we learn,<sup>3</sup> 'The first of Nisan is New Year for reckoning [the reign of] kings<sup>4</sup> and of Festivals,' and to the question 'The reign of kings', what is the practical object of this law? R. Hisda replied: [It affects] the dating of documents.<sup>5</sup> Now, the same Mishnah says. 'The first of Tishri is New Year for [counting] years and sabbatical cycles'<sup>6</sup> and when it was asked: 'What practical significance has this ruling?' R. Hisda [again] replied: [It affects the dating of] documents.<sup>7</sup> [The question was then raised:] Is not this rule of dating documents self-contradictory?<sup>8</sup> And the answer given was: 'The one refers to Jewish kings, the other to kings of Gentile nations — the year of Gentile kings being counted from Tishri, and of Jewish kings from Nisan.' Now, in the present time we count the years from Tishri; were we then to say that our Era is

connected with the Exodus it is surely from Nisan that we ought to count.<sup>9</sup> Does this not prove that our reckoning is based on the reign of the Greek kings [and not on the Exodus]? That indeed proves it.

#### THE ANNIVERSARY OF THE GENOSIA [ACCESSION] OF HEATHEN KINGS etc.

What is meant by GENOSIA OF HEATHEN KINGS? — Said Rab Judah: It is the day on which the king is raised [to the throne]. But has it not been taught [elsewhere] ‘The day of Genosia and the day of the king's accession’?<sup>10</sup> — There is no difficulty there; the one term indicates the king's own accession, the other that of his son.<sup>11</sup> But do [the Romans]<sup>12</sup> ever appoint a king's son as king? Did not R. Joseph apply [the following verse to Rome]: Behold I made thee small among the nations<sup>13</sup> — in that they do not place the son of a king on the royal throne, — thou art greatly despised<sup>14</sup> — in that they do not possess a tongue or script?<sup>15</sup> What then does GENOSIA mean? — [The King's] birthday. But we learn [elsewhere] ‘The Genosia and the birthday.’ That, too, is no contradiction. The one refers to the king's own birthday, the other to that of his son. But we have also the wording: ‘The king's Genosia and his son's Genosia, his own birthday and his son's birthday’! Then [as said previously] Genosia means indeed the day of the King's accession. but there is no difficulty [raised by the mention of both terms], the one applying to his own accession, the other to that of his son; and as to your question about their not appointing a king's son as king, such appointment would be made at the [king's] request, as was the case with Asverus the son of Antoninus<sup>16</sup> who reigned [in his father's place].

Antoninus once said to Rabbi: It is my desire that my son Asverus should reign instead of me and that Tiberias<sup>17</sup> should be declared a Colony.<sup>18</sup> Were I to ask one of these things it would be granted while both would not be granted.<sup>19</sup> Rabbi thereupon brought a man, and having made him ride on the shoulders of another, handed him a dove bidding the one who carried him to order the one on his shoulders to liberate it. The Emperor perceived this to mean that he was advised to ask [of the Senate] to appoint his son Asverus to reign in his stead, and that subsequently he might get Asverus to make Tiberias a free Colony.

[On another occasion] Antoninus mentioned to him that some prominent Romans were annoying him. Rabbi thereupon took him into the garden and, in his presence, picked some radishes, one at a time. Said [the Emperor to himself] his advice to me is: Do away with them one at a time, but do not attack all of them at once.

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(1) Its date was six years later than the time when it was claimed to be due e.g. 516 instead of 510 (Seleucid Era).

(2) The Era of Documents, as explained above, (p. 42, n. 7) dates from the dominion of Seleucus which was established in the year 380 before the Destruction. Now, the Exodus occurred in the year 1380 before the Destruction, thus: — Exodus to building of 1st Temple...480 years Existence of 1st Temple 410 " Babylonian Exile 70 " Existence of 2nd Temple 420 " Period from Exodus to Destruction of 2nd Temple 1380 years The Exodus was therefore just one thousand years earlier than the Seleucid Conquest, so that the year, say, 510 Era of Contract would be 1510 from the Exodus. R. Aha therefore submits that the year of Contracts may have as its starting point not the Seleucid Conquest but the Exodus, with the omission of the thousand; the year, say, 310 would not mean 310 years after the Sel Con. but [1]310 after the Exodus.

(3) R. H. 2a.

(4) The reign of a Jewish King was always reckoned from Nisan, so that even if it began in the preceding month, it would be in its second year in Nisan.

(5) The year given in dating legal documents was that of the reign of the present king.

(6) V. above note.

(7) For the purpose of dating documents Tishri is to be regarded as the beginning of the year.

(8) According to the early part of the Mishnah the year should begin with Nisan, while in the latter part it is said to begin with Tishri.

- (9) Since the Exodus occurred in Nisan.
- (10) Which proves that the two are not identical.
- (11) When raised to the throne at the father's wish in his own lifetime.
- (12) Whose kings do not reign by hereditary right but are elected.
- (13) Obad. I, 2.
- (14) Ibid.
- (15) [Greek remained the spoken and written language throughout the East even after the establishment of the Eastern Roman Empire, to which the allusion here is made, v. Obermeyer, op. cit. 263]
- (16) The bearers of the names given here have been variously identified. S. J. Rappaport **ערך מלין** s.v. **אנטונינם אסורום** is of opinion that our Antoninus is Antoninus Pius (138-161) and that Asverus is his adopted son Marcus Aurelius (161-180), who was also called Annius Verus — here contracted into A-S-Verus. According to Jast, however, (Allgem. Gesch. des Isr. Volkes, Berlin 1832, II, 129 and Gesch. d. Israeliten IV, 88 seq.) our Ant. is Caracalla (211-217) and Asverus is his son Alexander Severus (222-235). Z. Frankel **דרכי המשנה** (Warsaw, 1923, 203) identifies Ant. with Lucius Verius Antoninus who was co-regent with Marcus Aurelius and is reputed to have issued decrees favourable to Jews. Differing from all the foregoing authorities, Graetz (Geschichte, Vol. IV, pp. 450ff) claiming the support of Origen's Epistola ad Africanum, asserts that Ant. is none other than Alexander Severus who was surnamed Antoninus in the East, and that the 'Rabbi' who is associated with Ant. in the narratives that follow here and in many others is not R. Judah I but his grandson R. Judah II who flourished near the middle of the 3rd century. That he, too, was sometimes called by the title Rabbi alone is, indeed, borne out by the phrase in the Mishnah (infra 35b) 'Rabbi and his court' which is taken to refer to R. Judah II.
- (17) In Galilee whither the Sanhedrin was transferred by R. Judah II.
- (18) So that its inhabitants should be raised to the rank of libertines — evidently intended as a tribute of regard to Rabbi.
- (19) The Emperor was seeking Rabbi's guidance without openly taking counsel with an outsider on matters of state. Rabbi, likewise, would not commit himself to more than offering his advice by mere insinuation.

## Talmud - Mas. Avodah Zarah 10b

But why did he not speak explicitly? — He thought his words might reach the ears of those prominent Romans who would persecute him. Why then did he not say it in a whisper? — Because it is written: For a bird of the air shall carry the voice.<sup>1</sup>

The Emperor had a daughter named Gilla who committed a sin<sup>2</sup> so he sent to Rabbi a rocket-herb,<sup>3</sup> and Rabbi in return sent him coriander.<sup>4</sup> The Emperor then sent some leeks<sup>5</sup> and he sent lettuce in return.<sup>6</sup> Many a time<sup>7</sup> Antoninus sent Rabbi gold-dust in a leather bag filled with wheat at the top, saying [to his servants]: 'Carry the wheat to Rabbi!' Rabbi sent word to say. 'I need it not, I have quite enough of my own', and Antoninus answered: 'Leave it then to those who will come after thee that they might give it to those who will come after me, for thy descendants and those who will follow them will hand it over to them.'<sup>8</sup>

Antoninus<sup>9</sup> had a cave which led from his house to the house of Rabbi. Every time<sup>7</sup> [he visited Rabbi] he brought two slaves, one of whom he slew at the door of Rabbi's house and the other [who had been left behind] was killed at the door of his own house.<sup>10</sup> Said Antoninus to Rabbi: When I call let none be found with thee. One day he found R. Haninah b. Hama sitting there, so he said: 'Did I not tell thee no man should be found with thee at the time when I call?' And Rabbi replied. 'This is not an [ordinary] human being.' 'Then', said Antoninus, 'let him tell that servant who is sleeping outside the door to rise and come in.' R. Haninah b. Hama thereupon went out but found that the man had been slain. Thought he, 'How shall I act now? Shall I call and say that the man is dead? — but one should not bring a sad report; shall I leave him and walk away? — that would be slighting the king.' So he prayed for mercy for the man and he was restored to life. He then sent him in. Said Antoninus: 'I am well aware that the least one among you can bring the dead to life, still when I call let no one be found with thee.' Every time [he called] he used to attend on Rabbi and wait on him with food or drink. When Rabbi wanted to get on his bed Antoninus crouched in front of it saying.



‘Get on to your bed by stepping on me.’ Rabbi, however, said, ‘It is not the proper thing to treat a king so slightly.’ Whereupon Antoninus said: ‘Would that I served as a mattress unto thee in the world to come!’ Once he asked him: ‘Shall I enter the world to come?’ ‘Yes!’ said Rabbi. ‘But,’ said Antoninus, ‘is it not written, There will be no remnant to the house of Esau?’<sup>11</sup> ‘That,’ he replied, ‘applies only to those whose evil deeds are like to those of Esau.’ We have learnt likewise: There will be no remnant to the House of Esau, might have been taken to apply to all, therefore Scripture says distinctly — To the house of Esau, so as to make it apply only to those who act as Esau did. ‘But’, said Antoninus, is it not also written: There [in the nether world] is Edom, her kings, and all her princes.’<sup>12</sup> ‘There, too,’ Rabbi explained, ‘[it says:] ‘her kings’, it does not say all her kings; ‘all her princes’, but not all her officers!

This is indeed what has been taught: ‘Her kings’ but not all her kings; ‘all her princes’, but not all her officers; ‘Her kings’, but not all her kings — excludes Antoninus the son of Asverus; ‘all her princes’. but not all her officers — excludes Ketiah the son of Shalom.

What about this Ketiah b. Shalom? — There was once a Caesar who hated the Jews. One day he said to the prominent members of the government. ‘If one has a wart<sup>13</sup> on his foot, shall he cut it away and live [in comfort] or leave it on and suffer discomfort?’ To which they replied: ‘He should cut it away and live in comfort’. Then Ketiah b. Shalom addressed them thus: ‘In the first place, you cannot do away with all of them, for it is written, For I have spread you abroad as the four winds of the heaven.<sup>14</sup> Now, what does this verse indicate? Were it to mean that [Israel] was to be scattered to the four corners of the world, then instead of saying, as the four winds, the verse would have said, to the four winds? It can only mean that just as the world cannot exist without winds, so the world cannot exist without Israel. And what is more, your kingdom will be called a crippled kingdom.’ To this the king replied: ‘You have spoken very well; however, he who contradicts the king is to be cast into a circular furnace’.<sup>15</sup> On his being held and led away, a Roman matron said of him: ‘Pity the ship that sails [towards the harbour] without paying the tax’.<sup>16</sup> Then, throwing himself on his foreskin he cut it away exclaiming: ‘Thou hast paid the tax thou wilt pass and enter [paradise]’. As he was being cast [into the furnace] he said: ‘All my possessions [are to go to] R. Akiba and his friends’. This, R. Akiba interpreted according to the verse, And it shall be unto Aaron and his sons<sup>17</sup> [which is taken to mean that] one half is Aaron's and one half his sons’. A bath-kol<sup>18</sup> then exclaimed: ‘Ketiah b. Shalom is destined for [eternal] life in the world to come!’ Rabbi [on hearing of it] wept saying: ‘One may acquire eternity in a single hour, another may acquire it after many years!’

Antoninus attended on Rabbi: Artaban<sup>19</sup> attended on Rab. When Antoninus died, Rabbi exclaimed: The bond is snapped! [So also] when Artaban died, Rab exclaimed:

(1) Eccl. X, 20.

(2) Presumably adultery.

(3) The Aramaic for which is גרגילא Gargilla, which may be divided into the two words: Gar-Gilla, meaning ‘Gilla has gone astray.’ Editions give the name of the daughter as Gira and of the herb Gargira גרגירא by which the meaning is unchanged; Kohut (‘Aruch II, 343) prefers the version given here which is found in the best MSS.

(4) In Aram. כוסברתא Kusbarta mod. Greek \*\*, divisible into the two words כוס kus which has a treble meaning (a) Reprove — the verse in Proverbs אל תוכח לץ Reprove not the fool lest he hate thee being rendered by Targ. על כל פשעים תכסה אהבה love covereth all sins (c) Slay, as in Hul. 37b כוס slay; ib. 15a ראוי לכוס fit for slaughter. ברתא daughter. The message could therefore be taken to mean: ‘Reprove’ or ‘Forgive’ or ‘Slay the daughter.’

(5) Aram. כרתתי Karethi, which also means ‘cut-off.’

(6) In Aram חסא hasa, which also means ‘compassion’. This clandestine correspondence, deciphered, reads as follows: ‘My daughter has gone astray.’ — ‘Reprove her (or overlook it, or slay her)’. — ‘Shall she be cut off?’ — ‘No, have compassion.’

(7) Lit., ‘Everyday’.

- (8) An ironical allusion to the Jews always having to purchase their freedom with gold from their Roman masters.
- (9) Dr. L. Ginzberg's comments on the conversations between Ant. and Rabbi reported here are as follows (J.E.I, 656): 'Jewish folklore loved to personify the relations of Judaism with heathendom in the guise of conversations between Jewish sages and heathen potentates. Legend has many details concerning the personal relations between the two . . . It appears that, owing to political circumstances, the exchange of views between these friends was attended with positive danger although it was arranged that there should be no third person when A. visits R. . . The friends were also compelled to have recourse to a species of sign language.'
- (10) So that the visits should not be reported. Tosaf, suggests that the slaves employed for that purpose were traitors who had incurred capital punishment.
- (11) Obad. I, 18.
- (12) Ex. XXXII, 29.
- (13) Editions have **נימא** but Mss give **נומו** \*\* nome, a sore, wart, v. 'Aruch s.v. **נמ**. To regard the Jewish subjects of the State as an irritating appendage of the body politic is characteristic of the Roman attitude to alien races who were unwilling to merge their identity. In complete contrast to this is the emphatic and repeated scriptural injunction to love the stranger and to accord him equal rights and treatment (v. Lev. XIX, 33 etc.).
- (14) Zech. II, 10.
- (15) **קמוניא**, a furnace, pottery kiln, to which K. was consigned.
- (16) In order to make sure of entering the harbour the tax should be paid. Probably an allusion to the Roman custom of placing a coin in the mouth of the corpse as a kind of passage-money to the other world. Rashi: K., who was laying down his life for the sake of Israel, was going to the hereafter without having conformed to the Jewish rite of circumcision. This Roman matron's assertion, that Paradise would be closed to the uncircumcised, did not express the Jewish view which is that 'The pious of all nations have a portion in the world to come.' Tosef. San. XIII. **חסדי אומות העולם יש להם חלק לעולם הבא**.
- (17) . Ex. XXIX, 28. The bequest is to be interpreted in the same manner; half the property being assigned to Rab and the other half to his friends.
- (18) A heavenly voice; v. Glos.
- (19) Artaban IV, Parthian King, a contemporary of Marcus Aurelius and of his son Ant. Comodus, who is reported to have sent a gift to Rabbi **ארטבן שלח לרבי מרגליתא** (J. Pes. I) and was an intimate friend of Rab. [Graetz, Geschichte, IV, p. 257, n. 1, rightly maintains that in the latter the reading 'Rabbi' is erroneously given instead of Rab.]

## Talmud - Mas. Avodah Zarah 11a

The bond is snapped!

[When] Onkelos<sup>1</sup> the son of Kalonymus became a proselyte, the Emperor sent a contingent of Roman [soldiers] after him,<sup>2</sup> but he enticed them by [citing] scriptural verses and they became converted to Judaism. Thereupon, the Emperor sent another Roman cohort after him, bidding them not to say anything to him. As they were about to take him away with them, he said to them: 'Let me tell you just an ordinary thing: [In a procession] the torchlighter carries the light in front of the torchbearer,<sup>3</sup> the torchbearer in front of the leader, the leader in front of the governor, the governor in front of the chief officer; but does the chief officer carry the light in front of the people [that follow]?' 'No!' they replied. Said he: 'Yet the Holy One, blessed be He, does carry the light before Israel, for Scripture says. And the Lord went before them . . . in a pillar of fire to give them light.'<sup>4</sup> Then they, too, became converted. Again he sent another cohort ordering them not to enter into any conversation whatever with him. So they took hold of him; and as they were walking on he saw the mezuzah<sup>5</sup> which was fixed on the door-frame and he placed his hand on it saying to them: 'Now what is this?' and they replied: 'You tell us then.' Said he, 'According to universal custom, the mortal king dwells within, and his servants keep guard on him without; but [in the case of] the Holy One, blessed be He, it is His servants who dwell within whilst He keeps guard on them from without; as it is said: The Lord shall guard thy going out and thy coming in from this time forth and for evermore.'<sup>6</sup> Then they, too, were converted to Judaism. He sent for him no more.

And the Lord said to her: Two nations [Goyim] are in thy womb.<sup>7</sup> Said Rab Judah in the name of Rab: Read not Goyim<sup>8</sup> [nations] but Ge'im [lords].<sup>9</sup> This refers to Antoninus and Rabbi<sup>10</sup> from whose table neither lettuce, nor radish nor cucumber was ever absent either in summer or winter; and, as a master has said: Radish helps the food to dissolve, lettuce helps the food to be digested, cucumber makes the intestines expand. But was it not taught in the school of R. Ishmael that cucumbers are called Kishshuin<sup>11</sup> because they are as hard and as injurious to the body as swords? — There is no contradiction here: that was said of large ones, but our reference is to small ones.

THE BIRTHDAY AND ANNIVERSARIES OF KINGS DEATHS. [THIS IS R. MEIR'S OPINION. THE SAGES SAY IDOLATRY ONLY OCCURS AT A DEATH AT WHICH BURNING OF ARTICLES TAKES PLACE.] This implies that R. Meir is of opinion that at every death, whether there is burning of articles or there is no burning, idol-worship takes place — consequently, the burning of articles is not an [idolatrous] cult. From which is to be inferred that the Rabbis<sup>12</sup> hold that burning [of articles at a funeral] is an [idolatrous] cult; what then of the following which has been taught: The burning of articles at a king's [funeral] is permitted and there is nothing of Amorite usage about it?<sup>13</sup> Now if it is a cult of idolatry how could such burning be allowed? Is it not written, and in their statutes ye shall not walk?<sup>14</sup> — Hence, all agree<sup>15</sup> that burning is not an idolatrous cult and is merely a mark of high esteem [for the deceased]; where they differ is this: R. Meir holds that at every death, whether burning of articles takes place or does not take place, there is idol-worship; but the Rabbis hold that a death at which burning takes place is regarded as important and is marked by idol-worship, but one at which no burning takes place is unimportant and is not marked by idol-worship.

[To return to] the main text.<sup>16</sup> 'The burning of articles at a king's [funeral] is permitted and there is nothing of Amorite usage about it,' as it is said, Thou shalt die in peace and with burnings of thy fathers, the former kings that were before thee, so shall they make a burning for thee.<sup>17</sup> And just as it is permitted to burn at the [funerals] of kings so it is permitted to burn in the case of princes. What is it that may be burnt in the case of kings? — Their beds and articles that were in use by them. In the instance of the death of R. Gamaliel the elder, Onkelos the proselyte<sup>18</sup> burnt after him seventy Tyrian manehs.<sup>19</sup> But did you not say that only articles in use by them could be burnt?<sup>20</sup> — What is meant is [articles] 'to the value of seventy Tyrian manehs.' May other things then not be burned? Yet it has been taught: It is permitted to mutilate [an animal] at royal funerals and there is nothing of Amorite usage about it!<sup>21</sup> — Said R. Papa [that refers to] the horse on which he rode.<sup>22</sup> Are clean animals then not to be included? Yet it has been taught, Mutilation which renders the animal trefa<sup>23</sup> is forbidden, but such as does not render it trefa is permitted; what kind of mutilation does not render it trefa?

(1) Git. 56b, where a fuller story of his conversion is given, has 'Onkelos son of Kolonikos son of Titus's sister'. He is often confused with the other proselyte, Aquila, v. Kohut, op. cit., Vol. I, 158 and references given there. For discussion of the identity of Onk. see A. E. Silverstone 'Aquila and Onkelos'.

(2) To arrest him.

(3) **נִפְיֹרָא וְנִפְיֹרָא** Lexicographers differ about the origin and exact meaning. They are obviously those of dignitaries arranged in ascendant order of rank. The above rendering is based chiefly on Kohut, op. cit. s. vv.

(4) Ex. XIII, 21.

(5) The mezuzah whereby the words of God are written on the door-post of every Jewish home (Deut. VI, 9) is meant to remind the occupants, on entering their home and on leaving it to go into the world without, of God's constant watchfulness and guardianship.

(6) Ps. CXXI, 8.

(7) Gen. XXV, 23, the words were spoken to Rebecca before the birth of her two sons, Jacob and Esau.

(8) **גוֹיִם**

(9) Plural of **גֹּי** lofty, lord, ruler.

(10) The respective descendants of Jacob — Israel, and Esau — Rome.

- (11) קישוואין from root קשה hard.
- (12) I.e., the Sages who oppose R. Meir in our Mishnah.
- (13) Sanh. 52b, Tos. Shab. VIII.
- (14) Lev. XVIII, 3.
- (15) Both R. Meir and the Rabbis.
- (16) Tosef. Shab. VIII, 9. Tos. Sanh. IV.
- (17) Jer. XXXIV, 5. Spoken to King Zedekiah.
- (18) V. supra.
- (19) 1 maneh of Tyrian weight equals 25 sela's, v. Glos.
- (20) Yet from the wording here used it would appear that the coins were burned.
- (21) Tosef. Shab. ibid. Hence the articles mentioned above are not exclusive.
- (22) Which comes under the category of articles in use by him.
- (23) Unfit for use as food, v. supra. p. 23, n. 8.

## Talmud - Mas. Avodah Zarah 11b

Trimming the tendons of its hoofs from the ankle downward!<sup>1</sup> — This was explained by R. Papa to refer to a calf [employed for] drawing the royal coach.

### THE DAY OF SHAVING THE BEARD, etc.

The question was asked: What does it mean — the day of [the usual] shaving of one's beard when the lock of hair is left, or the [annual] shaving of the beard when the lock of hair is removed? — Come and hear: Both are taught distinctly: [In one Baraitha it is said]: The day of shaving one's beard when one's lock of hair is left; [in another it is said:] The day of shaving one's hair and of removing one's lock of hair.

Said Rab Judah in the name of Samuel: They have yet another festival in Rome [which occurs] once every seventy years. Then a healthy man is brought and made to ride on a lame man; he is dressed in the attire of Adam,<sup>2</sup> on his head is placed the scalp of R. Ishmael,<sup>3</sup> and on his neck are hung pieces of fine gold to the weight of four zuzim,<sup>4</sup> the market places [through which these pass] are paved with onyx stones, and the proclamation is made before him: 'The reckoning of the ruler is wrong. The brother of our lord, the impostor! Let him who will see it see it; he who will not see it now will never see it. Of what avail is the treason to the traitor or deceit to the deceiver!'; and they concluded thus: Woe unto the one when the other will arise.<sup>5</sup> Said R. Ashi: the wording [of the proclamation] defeats their object:<sup>6</sup> Had they said 'Our lord's brother the impostor', it would have accorded with their intention, but when they say<sup>6</sup> The brother of our lord, the impostor, it may be taken to mean that it is their lord himself who is the impostor. And why does not our Tanna include this [festivity in the preceding Mishnah?] — He only enumerates those which occur year by year, but does not mention such as are not annual ones. Those are the Roman [annual festivals]. Which are the Persian ones? — Mutardi, Turyaskai, Muharneikai, Muharin.<sup>7</sup> These then are those of the Romans and Persians, which are the Babylonian ones? — Muharneikai, Aknayata, Bahnani and the Tenth of Adar.<sup>8</sup>

Said R. Hanan b. Hisda in the name of Rab (some have it, 'Said R. Hanan b. Raba in the name of Rab'): There are five appointed Temples of idol-worship: they are: The Temple of Bel in Babel,<sup>9</sup> The Temple of Nebo in Kursi,<sup>10</sup> Tar'ata which is in Mapug,<sup>11</sup> Zerifa which is in Askelon,<sup>12</sup> and Nishtra which is in Arabia.<sup>13</sup> When R. Dimi came<sup>14</sup> he said that to these had been added the market-place<sup>15</sup> [with the idol] in 'En-Beki and the Nidbakah of Acre [some call it Nitbara of Acre]<sup>16</sup>. R. Dimi of Nahardea gave these in the reversed order: The market place of Acre, the Nidbakah of 'En-Beki.

Said R. Hanan son of R. Hisda to R. Hisda: What is meant by saying that these [Temples] are 'appointed'? — He answered him: This is how your mother's father<sup>17</sup> explained it, 'They are appointed permanently; regularly all the year round worship is taking place in them.'

Said Samuel: In the Diaspora<sup>18</sup> it is only forbidden [to transact business with idolaters] on the actual festival days alone.<sup>19</sup> And is it forbidden even on the actual days of the Festivals, did not Rab Judah declare it permissible to R. Bruna to buy wine and to R. Giddal to buy wheat on the Festival of the Travellers?<sup>20</sup> — The Festival of the Travellers is different, as it is not a fixed one.<sup>21</sup>

MISHNAH. WHEN AN IDOLATROUS [FESTIVAL] TAKES PLACE WITHIN A CITY IT IS PERMITTED [TO TRANSACT BUSINESS WITH HEATHEN] OUTSIDE IT; IF THE IDOLATROUS [FESTIVAL] TAKES PLACE OUTSIDE IT, [BUSINESS] IS PERMITTED WITHIN IT. HOW ABOUT GOING THERE? IF THE ROAD LEADS SOLELY TO THAT PLACE, IT IS FORBIDDEN;<sup>22</sup> BUT IF ONE CAN GO BY IT TO ANY OTHER PLACE, IT IS PERMITTED.

GEMARA. What may be regarded as OUTSIDE IT? — Said R. Simeon b. Lakish, such as, for example, the bazaar of Gaza.<sup>23</sup> Some report this as follows: R. Simeon b. Lakish asked of R. Hanina, How about the market-place of Gaza?<sup>24</sup> — He replied: Have you never gone to Tyre<sup>25</sup> and seen an Israelite and an idolater

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(1) Tosef. *ibid.* This must refer to clean animals which are not generally employed for personal use of the King, which proves that burning is not confined to articles in use.

(2) In garments of skin (Gen. III, 21).

(3) Ishmael b. Simeon, one of the Ten Martyrs executed by order of Hadrian, who was flayed before his execution (v. Jellinek *Beth Hamidrash*, I, 64 and VI, 19).

(4) So עין יעקב also MSS. Editions have 'two hundred zuzim' — an error which evidently arose from mistaking the numeral letter ט — 4 for ק — 200.

(5) The whole spectacle including the obscure proclamation is explained by Rashi to apply to Jacob, representing the Jews, here impersonated by the lame man (Gen. XXXII, 32 and he halted upon his thigh); and to Esau, representing Rome, impersonated by the healthy man; The reckoning which is pronounced as wrong alludes Jacob's prediction as to what would happen to his descendants at the end of days (Gen. XLIX, 1) the treason being an allusion to Jacob's deceitful gaining of the paternal blessing which was intended for Esau, and the concluding threat is a warning to Israel for whom the rising of Rome would be fraught with trouble. Quite a different interpretation is offered by Rapaport ('Erek Millin s.v. אֵיךְ). According to him, Samuel here presents an account which reached him of one of the *Ludi Saeculares*, the spectacular carnivals and pompous pageants, of which altogether ten are known to Roman history. This one must have been arranged by the Roman Emperor Philippus, about 247 C.E., who introduced into the pageant the spectacle of a halting dancer ridden upon by a strong man. This was intended to satyrise and discredit P's rival, Decius, who pretended to be a friend and 'brother' of the Emperor, yet had accepted the crown which P. fondly hoped would be handed to his own son. The lame dancer with a larva, or kind of mask, tied at his neck (described by the Rabbi as R. Ishmael's scalp), thus impersonated Decius the treacherous 'ruler' whose plans and plottings are declared as wrong. The rider was impersonating Philippus. When he (or his son) rises woe betide his rival. The exclamation 'Let him who will see it etc.' alludes to the festivity which occurs but once in a lifetime. The fact that Samuel lived till 3 or 13 years after the date of this Game lends added feasibility to this interpretation.

(6) Lit., Their own mouth (i.e., words) causes them to stumble.

(7) מוטרדי וטוריסקי מוהרנקי ומוהריץ Names of idolatrous annual festivals. Kohut s.v. מוטרדי cites a Responsum by R. Moses b. Isaac (Responsa of the Geonim ed. Harkavi, Vol. 1, 22, ch. 46) where the names are given as follows: 1. מוטרדי 2. מוהרנקי 3. טוריאסקי 4. מהריד stating that the first and third are no longer kept, but that the second takes place at the beginning of the summer and of the winter, while the last one is celebrated as New Moon, v. Brull's *Jahrbuch*, Vol. I, 168 and *Jeshurun*, ed. Kobak, Vol. VIII, 49 seq.

(8) Names of Chaldean Festivals.

(9) Capital of Chaldea, (Gen. XI, 9) called Babylon [The reference is to the Temple of Marduk]

- (10) Nebo נבו an Assyro-Babylonian Deity regarded by some as the Chaldean Mercury, v. Sanh. 63a. Kursi is probably Gerasa where ruins of Temples have been discovered. [V. I. Borsip (Borsippa) the sister city of Babylon.]
- (11) [Tar'ata, a Syrian deity in Mabug (Hieropolis) v. Perles, Etym. Stud. p. 100].
- (12) Ashkelon, on the Mediterranean coast, v. Josh. XIII, 3 and I Samuel VI, 17, צריפא probably an adaptation of שריפא the burning deity, Venus. [Or, Serapis, Kohut, Aruch.]
- (13) An Arabian deity resembling an eagle Heb. נשר Arab. Nasr.
- (14) To Babylon from Palestine.
- (15) יריד, yerid — a yearly fair accompanied by idol-worship. evidently identical with נדבכה Nidbakah. The two terms are indeed interchanged here in manuscripts. 'En-Bechi עין-בכי assumed to be identical with בעל-בכי Baalbek, a place between the Lebanon and Anti-Lebanon mountains, the Greek Heliopolis. Acre עכו; town on Phoenician shore at foot of Mt. Carmel; the 'Ummah עמה of Josh. XIX, 30.
- (16) The words in parenthesis are not found in the MS.M.
- (17) [R. Hanan b. Raba, the son-in-law of Rab; v. Hyman, Toledoth. p. 517.]
- (18) Since the Jews depend for their livelihood on heathens.
- (19) V. supra 7b.
- (20) טייעא, Tai, traveller, especially Bedouin merchants, the Tai being a name of an Arab tribe applied to all Bedouins, as a part to a whole. Obermeyer, Die Landschaft Babylonien, 234 renders it simply 'Festivals of the Tai', whose festivals were not determined by the calendar and consequently bore no religious character.]
- (21) It cannot therefore be cited as a case for establishing a general rule.
- (22) As he might be regarded as going to the celebration.
- (23) A Philistine city on Mediterranean coast, S.E. of Jerusalem, inhabited by pagans. Its bazaar, though quite close to it, is considered 'outside it'.
- (24) Being quite close to the city, should it be termed 'outside it' according to the Mishnah or not?
- (25) A Phoenician city.

## Talmud - Mas. Avodah Zarah 12a

placing two pots on the same stove? yet the Sages did not mind.<sup>1</sup>

What is it that they did not mind?<sup>2</sup> Said Abaye: The possibility of eating 'flesh of nebelah:<sup>3</sup> We are not to presume that while the Israelite turned his face, the heathen dropped some nebelah into his pot; as a parallel case, here too the Sages should not mind the possibility of receiving money of an idolater.<sup>4</sup> Raba said, what the Sages did not mind there is the cooking by a heathen; the parallel being that here too, the Sages should not object to the transacting of business on account of the festivity.<sup>5</sup> Rabbah b. 'Ulla said: What the Sages raised no objection to is only the splashing,<sup>6</sup> the analogy to our case is [only] that the sages would not object to the period before the festivity.

WHAT ABOUT GOING THERE? etc.

Our Rabbis taught: It is forbidden to enter a city while idolatrous worship is taking place therein — or [to go] from there to another city; this is the opinion of R. Meir. But the Sages say, only when the road leads solely to that city is it forbidden; if however the road does not lead exclusively to that place it is permitted. If a splinter has got into his [foot] while in front of an idol, he should not bend down to get it out, because he may appear as bowing to the idol; but if not apparent<sup>7</sup> it is permitted. If his coins got scattered in front of an idol he should not bend and pick them up, for he may be taken as bowing to the idol; but if not apparent it is permitted. If there is a spring flowing in front of an idol he should not bend down and drink, because he may appear to be bowing to the idol; but if not apparent it is permitted. One should not place one's mouth on the mouth of human figures, which act as water fountains in the cities, for the purpose of drinking; because he may seem as kissing the idolatrous figure. So also one should not place one's mouth on a water pipe and drink therefrom for fear of danger.<sup>8</sup>

What is meant by 'not being apparent' — Shall we say that he is not seen? Surely Rab Judah stated in the name of Rab that whatever the Sages prohibited merely because it may appear objectionable to the public, is also forbidden in one's innermost chamber! — It can only mean that if [by bending] he will not appear as bowing to the idol.

And all [three instances given] are necessary. For if we were taught the case of the splinter only, [we would have thought that it is forbidden] because he can well walk away from the idol and take it out, but in the case of the coins where this could not be done, the prohibition does not apply. If, on the other hand, we were given the case of the coins only [we might say that the prohibition holds good] because only a loss of money is incurred, but in the case of the thorn, where pain is caused, the prohibition is not to be applied. Were we given both these instances, [we might still say that the prohibition applied to them] because there is no danger involved, but in the case of the spring where there is danger, for it may mean dying of thirst, we might say that the prohibition should be waived, hence all the instances are necessary.

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(1) So also no objection need be raised against transacting business with the idolaters in the bazaar merely because of the festival held at Gaza in proximity to it.

(2) What kind of prohibition was disregarded in the case of Tyre, which might offer an analogy to our case?

(3) **נבלה**, flesh of any animal, even a clean one, which dies of itself, or which is not slaughtered in accordance with ritual law and is forbidden to a Jew.

(4) We are not to assume that the money paid by the heathen outside the city for the animal sold to him by the Jew, has been handed to him by an idolater within the city with the express order of procuring a sacrifice for the idolatrous festival. Ye shall not eat of anything that dieth of itself (Deut. XIV 21) being a scriptural injunction, the practice in Tyre may be taken as a parallel for waiving the scriptural prohibition, There shall cleave naught of the devoted thing to thy hand (Deut. XIII, 18) which is applied to things connected with idolatry (v, infra 64a). Thus, according to Abaye, even a possible transgression of a scriptural prohibition may be disregarded under the circumstances given here.

(5) Raba's contention is that in the case of Tyre there is no Scriptural prohibition involved at all. The possibility of eating forbidden flesh could not have occurred to the Sages, for there is no ground for suspecting the heathen of the offence of tampering with the Israelite's food. What did suggest itself to them is the possibility of the heathen, in the desire to oblige the Israelite, attending in the latter's absence to his cooking, in which case it would become food cooked by an idolater (**בשולי עכ'ום**) which is prohibited by the Rabbis. This case may therefore only be cited as a parallel to transacting business with an idolater, on his festival, when he is dealing with his own money and not with that appertaining to idolatry — so that only a Rabbinic enactment is involved, in which case the proximity of the Bazaar of Gaza to the town might be overlooked.

(6) According to Rabbah b. 'Ulla the case of Tyre does not offer a parallel for disregarding even a Rabbinic prohibition. The possibility of cooking by heathen must here be excluded, this being applicable only to food cooked solely by idolaters without any intervention by the Jew, which is obviously not the case in this instance. All that the Sages could have suspected in that case is the 'splashing' of some of the contents of the heathen's pot into that of the Jew. This being but a light prohibition — as the small quantity of the Trefa liquid would become 'nullified' by the much larger quantity of the kasher one — and of rare occurrence, it can only be taken to offer a parallel to the transaction of business in the Bazaar of Gaza prior to, but not during, the idolatrous festival held within the city.

(7) This is explained presently.

(8) I.e., of swallowing an insect, etc. v. Tosef. A.Z., VII.

## Talmud - Mas. Avodah Zarah 12b

Why then mention the instance of [placing one's mouth on the mouths of the] figures? — That is only because he wanted to teach the instance, which resembles it, of not placing one's mouth on the water-pipe to drink therefrom for fear of danger. What is the danger? — The swallowing of a leech.

Our Rabbis taught: One should not drink water either from rivers or from pools direct with his mouth or [by drawing the water] with the one hand;<sup>1</sup> if he drinks it, his blood shall be upon his head,

for it is dangerous. What danger is there? That of [swallowing] a leech.

[This statement] supports R. Hanina: for R. Hanina said: For one who swallows a leech it is permissible to get water heated on the Sabbath.<sup>2</sup>

There was actually a case of one swallowing a leech, when R. Nehemiah declared it permissible to get water heated for him on the Sabbath. ‘Meanwhile’, said R. Huna son of R. Joshua, ‘let him sip vinegar’. Said R. Idi b. Abin: One who has swallowed a wasp cannot possibly live. Let him however drink a quarter<sup>3</sup> of strong vinegar; perhaps [by this means] he will live long enough to set his house in order.

Our Rabbis taught: One should not drink water in the night;<sup>4</sup> if he does drink his blood is on his head, for it is dangerous. What danger is there? The danger of Shabriri.<sup>5</sup> But if he be thirsty, how can he put things right? — If there is another person with him, he should wake him and say: ‘I am athirst for water’. If not, let him knock with the lid on the jug and say to himself: ‘Thou [giving his name] the son of [naming his mother], thy mother hath warned thee to guard thyself against Shabriri, briiri, riri, iri, ri, which prevail in blind vessels.’<sup>6</sup>

MISHNAH. A CITY IN WHICH IDOLATRY IS TAKING PLACE, SOME OF ITS SHOPS BEING DECORATED WITH GARLANDS AND SOME NOT DECORATED<sup>7</sup> — THIS WAS THE CASE WITH BETH-SHEAN,<sup>8</sup> AND THE SAGES SAID: IN THE DECORATED ONES IT IS FORBIDDEN [TO BUY] BUT IN THE UNDECORATED ONES IT IS PERMITTED.<sup>9</sup>

GEMARA. Said R. Simeon b. Lakish: This only refers to [shops] decorated with garlands of roses and myrtle, so that he enjoys the odour,<sup>10</sup> but if they are decorated with fruit, it is permissible [to buy in them]. The reason is this: Scripture says, There shall cleave naught of the devoted thing to thy hand<sup>11</sup>; hence it is to derive an enjoyment that is forbidden

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(1) The drawing of the water with one hand has to be done so rapidly that he would have no time to examine it.

(2) The biblical injunction ye shall kindle no fire throughout your habitation upon the Sabbath day (Ex. XXXV, 3) is to be waived in cases where danger to life is involved; hence the swallowing of a leech is regarded as dangerous.

(3) Of a Log.

(4) V. Pes. 112a, where the words ‘either from streams or from pools’ are added.

(5) שברירי Aram. ‘blindness’; v. Targum to Gen. XIX, 11. Generally taken as a contraction of the words שובר ראייה breaker of the eyesight. Kohut, s.v. ברירי asserts that the correct reading is shab-khiri, Persian for night blindness. — ‘A demon appointed over the affliction of blindness’ (Rashi).

(6) So Kohut, who calls attention to the resemblance of this incantation against the demon of blindness to the amulet bearing the inscription Abracadabra reduced by one letter on each succeeding line till the last letter only remains, and used by Romans as an antidote to the influence of evil spirits.

(7) The decoration signified that part of the proceeds in that shop is dedicated to idolatry.

(8) Place in Palestine south of Lake Gennesareth, v. Josh. XVII, 16 and, Judges I, 27. The modern Baisan.

(9) Tosaf. explains that we are here dealing with a market-day that is not a festival, to which the prohibition mentioned in the first Mishnah of this Tractate does not apply.

(10) Of articles which are usually strewn before the idols as part of the worship.

(11) Deut. XIII, 18.

## Talmud - Mas. Avodah Zarah 13a

but to confer enjoyment [or profit] is permitted. But R. Johanan said: Even if they are decorated with fruit they are also forbidden, by an induction from the minor to the major, thus: if it is forbidden to enjoy [the odour of idolatrous articles] how much more so should it be forbidden to confer a benefit [which will be applied to such purpose]!



The following question was then asked: R. Nathan says: On the day when remission is made of the usual tax towards idolatrous purpose, the proclamation is made: ‘Whosoever will take a wreath and put it on his head and on the head of his ass in honour of the idols, his tax will be remitted; otherwise his tax will not be remitted!’ How should the Jew act who is present there? Shall he put it on? That means that he is enjoying [the odour of idolatrous articles]! Shall he not put it on? Then he confers a benefit [of paying tax towards idolatry]! Hence it was said: If one buys aught in a market of idolaters, if it be cattle it should be disabled, if fruit, clothes or utensils, they should be allowed to rot, if money or metal vessels he should carry them to the Salt Sea.<sup>1</sup> What is meant by disabling? the cutting the tendons of the hoofs beneath the ankle.<sup>2</sup> Here, then, we are taught: ‘Shall he put it on? That means he is enjoying! Shall he not put it on? Then he confers a benefit!’<sup>3</sup> Said R. Mesharsheya the son of R. Idi: R. Simeon b. Lakish is of opinion that the Rabbis disagree with R. Nathan, so that [he can reply:] ‘I give the opinion of the Rabbis who held the opposite view; whereas R. Johanan<sup>4</sup> is of opinion that the Rabbis do not disagree [with R. Nathan]’.<sup>5</sup> But [how could R. Johanan think that] the Rabbis do not disagree? Was it not taught:<sup>6</sup> One may attend a fair of idolaters and buy of them cattle, menservants, maidservants, houses, fields and vineyards; one may even write the necessary documents and deposit them at their courts<sup>7</sup> because thereby he, as it were, rescues [his property] from their hands.<sup>8</sup> If he be a priest<sup>9</sup> he may incur the risk of defilement by going without the [Holy] Land for the purpose of arguing the matter with them and have it tried in court. And just as he may defile himself [by going] without the Land, so he may become defiled by walking on a burial ground (‘A burial ground’! How can that enter your mind? this is a defilement forbidden by Scripture! — What is meant is an Unclean Field<sup>10</sup> which is only a Rabbinic prohibition.) Likewise, one may incur similar defilement for the sake of studying the Torah or taking a wife. Said R. Judah: This only applies when he cannot find [a place elsewhere] for studying, but when one can manage to learn [elsewhere] one must not defile oneself; but R. Jose said: Even when one can manage to study [elsewhere] he may defile himself, for no man is so meritorious as to learn from any teacher. Said R. Jose: There is the case of Joseph the Priest who followed his master to Zidon.<sup>11</sup> Whereupon R. Johanan [himself] said: The halachah is according to R. Jose. Hence the Sages do disagree!<sup>12</sup> R. Johanan may answer you thus: The Rabbis do not indeed disagree [with R. Nathan], yet there is no difficulty here: The one case<sup>13</sup> refers to purchasing from a dealer, from whom the tax is exacted, the other case refers to purchasing from a private man<sup>14</sup> from whom the tax is not exacted.

The master stated: ‘Cattle should be disabled.’ But is there not the prohibition of causing suffering to a living being?<sup>15</sup> — Said Abaye: The Divine Law says, Their horses thou shalt hough.<sup>16</sup>

The Master stated: ‘What is meant by disabling [cattle]? The cutting of the tendons beneath the ankle.’ The following is cited as contradicting it: One should not declare anything as sanctified, or as devoted, or as set value upon<sup>17</sup> at the present time;<sup>18</sup> and if one did declare aught as sanctified or devoted or set value upon, then if it be cattle it should be disabled, if fruit clothes or utensils

(1) In the Talmud this refers to the (Mediterranean) Ocean, though it is generally identified with the Dead Sea. They should be disposed of so that no benefit whatsoever is derived from them by anybody.

(2) So as not to affect the vitality of the animal, which is forbidden in all circumstances.

(3) Which is forbidden. Why then does R.S.b.L. say that to confer benefit on idols is permitted?

(4) Who opposes R.S.b.L.

(5) He therefore shares R. Nathan's view.

(6) M.K. 11a, ‘Er. 47a.

(7) Regardless of the fact that this recognition of the idolaters’ court may be made the subject of praise to the idols.

(8) By arming himself with evidence which will establish his ownership.

(9) Who must not come in contact with any ritual uncleanness.

(10) Beth ha-Peras **בֵּית הַפֶּרָס** (lit., ‘an area of a square peras’; peras=half length of a furrow) a field which has been ploughed together with a grave it contained, which is to be regarded as unclean, on account of the crushed bones carried

over it (v. M. K. 5b).

(11) In Phoenicia, which, being, outside Palestine, is declared by the Rabbis unclean, like a Beth ha-Peras.

(12) With the view of R. Nathan who stated above that it is forbidden to make any purchase at a market of idolaters; nor could R. Johanan have been unaware of this teaching, as he is reported to express an opinion on it.

(13) Where purchase is forbidden.

(14) בעל הבית lit., 'master of the house', an ordinary, private, man.

(15) צער בעלי חיים Causing of suffering to any living being, or leaving a suffering animal unrelieved, is a Scriptural prohibition (v. Shab. 128b).

(16) Josh. XI, 6; hence in exceptional cases this biblical command may be waived (Tosaf s.v. אומר).

(17) The article, or in the case of a person his value, as set forth in Lev. XXVII, thereby becoming the property of the Sanctuary.

(18) After the destruction of the Temple.

## Talmud - Mas. Avodah Zarah 13b

they should be allowed to rot, if money or metal vessels, he should carry them to the Salt Sea. What is meant by disabling? The door is locked in front of it, so that it dies of itself!<sup>1</sup> — Said Abaye: That case is treated differently, so as [to avoid] despising sanctified things.<sup>2</sup> Then by all means let it be slaughtered! — That may lead to transgression.<sup>3</sup> Then let him cut it in twain!<sup>4</sup> — Said Abaye: Scripture says, And ye shall break down their altars . . . and ye shall hew down the graven images of their gods . . . Ye shall not do so unto the Lord your God.<sup>5</sup> Raba said: [Houghing is here avoided] because it seem like inflicting a blemish upon sanctified things.<sup>6</sup> 'Seems!' This is surely a real blemish! — This could only be so termed while the Temple was in existence, so that the animal is fit for being offered up; but at the present time, since it cannot in any case be offered, the scriptural injunction does not apply.<sup>7</sup> But let it be regarded as inflicting a blemish upon a blemished animal which, even though such animal was not fit for a sacrificial purpose, is forbidden by Scripture!<sup>8</sup> — Granted; an animal which had been blemished cannot itself be used for sacrifice, yet the money obtained for it may be so used;<sup>9</sup> but our case<sup>10</sup> is unlike it, in that neither its equivalent in money nor the animal itself is capable of being used for a sacrificial purpose.<sup>11</sup>

R. Jonah found R. Elai as he was standing at the gate of Tyre; he said to him: It is stated, cattle [bought at a heathen fair] should be invalidated; what about a slave? I am not asking about a Jewish slave; what I am asking about is a heathen slave — what is one to do? — The other replied: Why do you ask at all? It has been taught;<sup>12</sup> As to idolaters and [Jewish] shepherds of small cattle,<sup>13</sup> even though one is not bound to get them out [of a pit], one must not throw them in [to a pit to endanger their lives].<sup>14</sup>

Said R. Jeremiah to R. Zera: It was taught, 'We may buy of them cattle, menservants and maidservants,'<sup>15</sup> — Is this to be applied to a Jewish servant or to a heathen servant also? — Said he in reply: According to common sense, a Jewish servant [is meant]; for were it to apply to a heathen servant, what [meritorious] use could he make of him?<sup>16</sup> When Rabin came,<sup>17</sup> he said in the name of R. Simeon b. Lakish: It may even apply to a heathen servant; because he brings him under the wings of the Shechinah.<sup>18</sup> Said R. Ashi: How then could the bringing under the wings of the Shechinah be applied to cattle?<sup>19</sup> — It is only because of diminishing [the possessions of the idolaters]<sup>20</sup> that those are permitted; this also is permitted because of its diminishing effect.

R. Jacob once bought sandals, while R. Jeremiah bought bread.<sup>21</sup> Said the one to the other: 'Ignoramus!<sup>22</sup> would your master act thus?' The other rejoined: 'Ignoramus, would your master act thus?' Both in fact had bought of private men,<sup>23</sup> but each one thought that the other had bought of a dealer; for R. Abba the son of R. Hiyya b. Abba said: The prohibition was only taught in the case of buying of a dealer of whom tax is exacted, but the buying of a private person of whom no tax is exacted is permitted.

Said R. Abba the son of R. Hiyya b. Abba: 'Had R. Johanan been present at the time in that place where taxes were exacted even from private persons he would have forbidden [even such purchase].' How is it then that they made the purchase? — They bought of a private person who was not a permanent resident of the place.<sup>24</sup> MISHNAH. THE FOLLOWING THINGS ARE FORBIDDEN TO BE SOLD TO IDOLATERS: IZTROBLIN, BNOTH-SHUAH,<sup>25</sup> STEMS, FRANKINCENSE, AND A WHITE COCK.<sup>26</sup> R. JUDAH SAYS: IT IS PERMITTED TO SELL A WHITE COCK TO AN IDOLATER AMONG OTHER COCKS; BUT IF IT BE BY ITSELF, ONE SHOULD CLIP ITS SPUR AND THEN SELL IT TO HIM, BECAUSE A DEFECTIVE [ANIMAL] IS NOT SACRIFICED TO AN IDOL. AS FOR OTHER THINGS, IF THEY ARE NOT SPECIFIED<sup>25</sup> THEIR SALE IS PERMITTED, BUT IF SPECIFIED<sup>25</sup> IT IS FORBIDDEN. R. MEIR SAYS: ALSO A GOOD-PALM',<sup>27</sup> HAZAB AND NIKOLAUS<sup>25</sup> ARE FORBIDDEN TO BE SOLD TO IDOLATERS.

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- (1) Shek. 13b. Hence the mode of 'disabling' is different from the one here described!
- (2) It would be derogatory to an animal which was declared as sacred to be seen in its disabled state, hence a quicker means than hocking is resorted to.
- (3) Lit. 'stumbling block'. Its flesh might be eaten, which, being sanctified, is forbidden.
- (4) גִּיסְטְרָא. From the Aramaic גִּיסֵי תְרֵי two sides, or parts. The animal killed thus, not according to ritual, would not be used for food.
- (5) Deut. XII, 3.4.
- (6) Which is contrary to the scriptural injunction: Whosoever bringeth a sacrifice . . . it shall be perfect to be accepted; there shall be no blemish therein. (Lev. XXII, 21).
- (7) The prohibition is thus only a Rabbinic one, and is therefore referred to as 'seeming'.
- (8) According to one opinion given in Bek. 33. Why then does Raba describe this case as a 'seeming' prohibition?
- (9) For purchasing another animal for an offering, so that the scriptural words . . . to be accepted, there shall be no blemish therein are still applicable to it.
- (10) Of an animal declared as sacred, while there is no temple for offering any sacrifices.
- (11) The houghing of such animal is therefore only a Rabbinic prohibition, justly described by Raba as the 'seeming' infliction of a blemish upon sanctified things.
- (12) Infra 26a. San. 57b.
- (13) Whether Jews or heathen. Most shepherds were known to practise robbery and theft; hence they were disqualified as witnesses.
- (14) It is therefore plain that to invalidate a heathen servant is forbidden.
- (15) Supra 13a.
- (16) Which should justify the opinion of the Rabbis who, in opposition to R. Nathan, permit such purchase.
- (17) From Palestine.
- (18) The Divine Presence. The meritorious feature of buying such a servant is his being introduced to the tenets of true religion.
- (19) The purchase of which is likewise permitted by these Rabbis.
- (20) I.e., the withdrawal of the animal from their idolatrous service.
- (21) Of idolaters at one of their fairs.
- (22) יְתוּמָא, lit., 'orphan', 'untutored'. The remark is obviously to be taken as a friendly reproof. R. Jacob and his younger contemporary R. Jeremiah (b. Abba) were both friends who came from Babylon to study at the Academies in Palestine; both sat at the feet of R. Johanan who (infra 13a) forbids all kinds of purchase from which any benefit may accrue to idolatry.
- (23) Which is permissible, as private persons are not liable to pay part of their profits towards idolatrous purposes (supra 13a).
- (24) As such a person would in no case be liable to pay the tax.
- (25) Explanation follows in the Gemara.
- (26) White animals were offered to heavenly deities; the white cock was a regular offering for a poor man to make (v. Elmslie, p. 9 note).

(27) Heb. Dekel Tab, a variety of dates.

## Talmud - Mas. Avodah Zarah 14a

GEMARA. What is IZTROBLIN? — Pine-wood.<sup>1</sup> But this is contradicted [by the following teaching]: ‘To these<sup>2</sup> have been added Alexandrian nuts, iztroblin, moxasin<sup>3</sup> and bnoth-shuah.’ Now were you to suggest that iztroblin is pine-wood, has pine-wood anything to do with the Sabbatical Year? Has it not been taught:<sup>4</sup> This is the general rule: Everything which has a [perennial] root is subject to the laws of the Sabbatical Year<sup>5</sup> but anything that has no such root is not subject to the law of the Sabbatical Year. R. Safra then said: It means fruit of the cedar. So also when Rabin came [from Palestine] he said in the name of R. Eleazar [It means] fruit of the cedar.<sup>6</sup>

BNOT-SHUAH. Said Raba b. Bar-Hana in the name of R. Johanan, White figs.<sup>7</sup>

STEMS. Said Raba b. Bar-Hana ‘with their stems’ is what the Mishnah intended to teach.<sup>8</sup> FRANKINCENSE. Said R. Isaac in the name of R. Simeon b. Lakish, that is clear-frankincense. A Tanna taught:<sup>9</sup> But of any of these a parcel may be sold.<sup>10</sup> And how much is a parcel? — R. Judah b. Bathyra explained, A parcel is no less than three manehs.<sup>11</sup> But we surely ought to fear lest he goes and sells it to others who will burn it [before idols]? — Said Abaye; We should be particular not to [place a stumbling-block] before [the blind]<sup>12</sup> but we need not be so particular as to avoid placing it before one who may place it before the blind.

AND A WHITE COCK. Said R. Jonah in the name of R. Zera who said in the name of R. Zebid [Some report, ‘Said R. Jonah in the name of R. Zera’]: [If an idolater asks,] Who has a cock? it is permitted to sell him [even] a white cock, but if he asks, Who has a white cock? it is forbidden to sell him a white cock.

Our Mishnah states: R. JUDAH SAID: ‘ONE MAY SELL HIM A WHITE COCK AMONGST [OTHER] COCKS.’<sup>13</sup> Now what are the circumstances? Shall we say that he was enquiring: Who hath a white cock, who hath a white cock? In that case it must not be sold to him even among others! It can only mean that he was enquiring: Who hath a cock, who hath a cock? and even then according to R. Judah a white one may be sold him only among others but not by itself, while according to the first Tanna it may not be sold even among others!<sup>14</sup> — Said R. Nahman b. Isaac: The case dealt with in our Mishnah is of one asking for various kinds.<sup>15</sup> It has been taught likewise.<sup>16</sup> Said R. Judah: Only if he asks for ‘this [white] cock’ [it must not be sold to him], but if he asks for this and another one it is permitted [to sell both together]; and even when he asks for ‘this [white] cock’, if the idolater is giving a banquet for his son, or if he has a sick person in his house, [its sale] is permitted.<sup>17</sup>

But have we not learnt: ‘If an idolater gives a banquet for his son the prohibition [of selling] applies to that day and that man alone’, so that as regards that day and that man the prohibition does apply!<sup>18</sup> Said R. Isaac son of R. Mesharsheya: Our statement refers to an ordinary party.<sup>19</sup>

We have learnt: AS FOR OTHER THINGS, IF THEY ARE NOT SPECIFIED THEIR SALE IS PERMITTED, BUT IF SPECIFIED IT IS FORBIDDEN. Now what is meant by ‘specified’ and by ‘unspecified’? Shall we say that ‘unspecified’ means if he asks [for example] for white wheat, and ‘specified’ if he states that [he requires it] for idolatry?

(1) So Rashi. Tosaf. s.v. תורניתא renders it ‘brimstone’, hence ‘Kohut, Aruch suggests the reading תויניתא.

(2) I.e., to articles enumerated in connection with the laws relating to the Sabbatical Year.

(3) A species of figs.

(4) Shah. 90a; Nid. 62b.

(5) V. supra p. 45 n. 7(a).

- (6) [Cones of pine or fir-trees (\*\*) were burned before deities as sweet smelling gifts, v. Krauss, Talm. Arch. I, 686, and Elmslie, loc. cit.]
- (7) The fruit of the fig-tree was closely associated with phallic worship (Elmslie, a.l.)
- (8) The word 'stems' is not an additional item but refers to the 'cedar-fruit' and the 'white figs' which precede it. These were usually hanged by their stems as ornaments for idols.
- (9) Tosef. A.Z.I.
- (10) Because it is intended for sale and not for idolatrous worship.
- (11) Weight equal to a hundred ordinary or 50 sacred shekels. V. Zuckerman Talm. Mun., p. 7. seq.
- (12) V. supra p. 26.
- (13) Cf. the slight variations in our Mishnah.
- (14) This refutes the ruling reported by R. Jonah.
- (15) Hence R. Judah forbids its sale since it was specified by the idolator; his mentioning those of other colours may have been prompted by his knowledge that if he were to ask for a white one only, it would be withheld from him. It is however permitted to be sold among cocks of other colours, for we may assume that, as the others are not intended for idolatry, neither is this one. The other Rabbis however hold that, since it was specified by the idolator, it must not be sold even among others. When however the idolator asks for cocks without specifying any colour both R. Judah and the other Rabbis permit the sale of a white one. There is thus no difference between the opinion expressed in our Mishnah and that held by R. Zera.
- (16) Tosef. A.S.I, end; in Zuck. ed. the version is different from ours.
- (17) For it is required to lend importance to the banquet, or as a remedy for the sick and not for idolatrous purposes.
- (18) Supra 8a, which is contrary to the foregoing statement.
- (19) **טוויג** picnic. (v. Pes. 49b) where no idolatry takes place, whereas the statement cited refers to a wedding.

## Talmud - Mas. Avodah Zarah 14b

In that case it is neither necessary to state that the unspecified may be sold,<sup>1</sup> nor is it necessary to state that the specified must not be sold!<sup>2</sup> We must then say that 'unspecified' means if he asks for [say], wheat, [which is permitted] and 'specified' when he asks for white wheat, [which is forbidden]; and this would imply that in the case of a cock it is forbidden even when unspecified!<sup>3</sup> — [No.] We may say, indeed, that 'unspecified' is when he asks for white wheat, and 'specified' is when he states [that it is required] for idolatry; yet it is necessary to state that the 'specified' is forbidden: we might think that that man does not really require it for idolatry; only being very much attached to idolatry, he thinks that all people are likewise attached to it; [he therefore thinks to himself] let me say thus, so that they might readily give it to me; it is therefore necessary to state [that its sale is forbidden].

R. Ashi propounded: [If he asks,] 'Who has a mutilated white cock?' may one sell him a white cock without blemish? Do we say since he asks for a mutilated one, he does not require it for the idols, or perhaps he is merely acting cunningly? And if you should say that this one is acting cunningly, [what if one enquires,] 'Who has a white cock? Who has a white cock?' and when a black one is given to him he accepts it or when a red one is given to him he accepts it, may a white one be sold to him? Do we say, since when he was given a black one or a red one he accepted it, it is proved that he does not require one for idolatry, or perhaps he is merely acting cunningly? This stands undecided.

R. MEIR SAYS, ALSO A GOOD-PALM etc. Said R. Hisda to Abimi: There is a tradition that the [tractate] Avodah Zarah of our father Abraham consisted of four hundred chapters; we have only learnt five, yet we do not know what we are saying. And what difficulty is there? The Mishnah states that R. MEIR SAYS: ALSO A GOOD-PALM', HAZAB AND NIKOLAUS ARE FORBIDDEN TO BE SOLD TO IDOLATERS [which implies that] it is only a 'good-palm' that we must not sell but a 'bad-palm' we may sell, yet we have learnt:<sup>4</sup> One may not sell to them anything that is attached to the soil! He replied: What is meant by 'good-palm' is the fruit of a 'good-palm'. And so also said R.

Huna: The fruit of a good-palm. HAZAB is the species of dates called Kishba. As to NIKOLAUS, when R. Dimi came<sup>5</sup> he said in the name of R. Hama b. Joseph that it is kuirati.<sup>6</sup> Said Abaye to R. Dimi: We learn 'nikolaus, and do not know what it is, so you tell us it is 'kuriati' which we do not know either, where then have you benefited us? — Said he: I have benefited you this much: were you to go to Palestine and say 'nikolaus'<sup>7</sup> no one would know what it is; but if you say 'kuriati' they will know and will show it to you.

MISHNAH. IN A PLACE WHERE IT IS THE CUSTOM TO SELL SMALL CATTLE TO IDOLATERS, SUCH SALE IS PERMITTED; BUT WHERE THE CUSTOM IS NOT TO SELL, SUCH SALE IS NOT PERMITTED.<sup>8</sup> IN NO PLACE HOWEVER IS IT PERMITTED TO SELL BIG CATTLE, CALVES OR FOALS, WHETHER WHOLE OR MAIMED.<sup>9</sup> R. JUDAH PERMITS IN THE CASE OF A MAIMED ONE<sup>10</sup> AND BEN BATHYRA PERMITS IN THE CASE OF A HORSE.<sup>11</sup>

GEMARA. Are we to take it that there is no actual prohibition, but that it is only a matter of custom; so that where the usage is to prohibit, it is to be followed, and where the usage is to permit it is to be followed? But this is in conflict with the following [Mishnah]: One should not place cattle in inns kept by heathen, because they are suspected of immoral practices!<sup>12</sup> — Said Rab: In places where it is permitted to sell, it is permitted to leave them together alone, but where leaving them together alone is forbidden [by usage] the sale is also forbidden.<sup>13</sup>

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(1) As there is no ground for such prohibition, since it is only in the case of cocks that white ones are used for idolatry.

(2) Since no article required for idol-worship may be sold.

(3) Which is contrary to the ruling reported by R. Jonah above!

(4) *Infra* 19b.

(5) From Palestine.

(6) A species of dates. The date-palm was the most sacred of all trees to the Semitic peoples (*Elmslie*, p. 10).

(7) [The Nikolaus dates are named after the Greek philosopher, Nicholas of Damascus, who supplied his friend, the Emperor Augustus, with a variety of dates which grew in Palestine. The Emperors as a mark of appreciation called the dates by the philosopher's name (*v. J.E. IX, 11, and Elmslie, p. 11*). This name would naturally not be generally known to the people of Palestine.]

(8) In *Pes. 53*, where this Mishnah also occurs, the following words are inserted: let no one alter (local customs) in order to avoid controversy.

(9) The sale of big cattle to a heathen is forbidden out of consideration for the animal, as it will be deprived by its master of its rest on Sabbaths and Festivals (*v. Ex. XX, 10*).

(10) As it is sure to be killed for food.

(11) This is generally used for riding which is not to be termed as carrying a burden, on the principle that 'the living rider carries himself.' *V. supra 7b*.

(12) The Israelite is thus guilty of 'placing a stumbling-block before the blind'. *V. infra 22a*.

(13) The prohibition of placing cattle with a heathen in the other Mishnah cited here is also dependent on local usage.

## Talmud - Mas. Avodah Zarah 15a

But R. Eleazar said: Even where it is forbidden to leave them together it is permitted to sell, the reason being that the heathen will avoid the risk of having his cattle sterilised.<sup>1</sup> And Rab, too, altered his opinion: for R. Tahlifa said in the name of R. Shila b. Abimi, who said in the name of Rab: A heathen will not run the risk of having his cattle sterilised.<sup>2</sup>

IN NO PLACE, HOWEVER, IS IT PERMITTED TO SELL BIG CATTLE etc. What reason is there [for this prohibition]? — Though there is no fear of immoral practice,<sup>3</sup> there is the fear of his making the animal work [on the days of rest]. Then let him make it work; since he has bought it, he owns it!<sup>4</sup> — The prohibition<sup>5</sup> is because of lending and because of hiring. [But, surely] when he

borrowed it he owns it, or when he hires it he owns it [during that period]!<sup>6</sup> Then said Rami the son of R. Yeba: The prohibition is because of the probability of 'trying'.<sup>7</sup> For he might happen to sell it to him close to sunset on the eve of the Sabbath and the heathen might say to him 'Come now let us give it a trial,' and hearing the owner's voice it will walk because of him, and he indeed desires it to walk, so that he acts as a driver of his burdened beast on the Sabbath and he who drives his burdened beast on the Sabbath is liable to bring a sin-offering.<sup>8</sup>

R. Shisha the son of R. Idi objected:<sup>9</sup> But does hire constitute acquisition? Have we not learnt, 'Even in a place where they pronounced as permitted to let [premises to a heathen], they did not pronounce it in regard to a dwelling house, because he will bring idols into it.'<sup>10</sup> Now, if we were to be of opinion that hiring constitutes acquisition, then whatever this one brings in he brings into his own house! — It is different with bringing in idols, which is a very grave matter, for scripture says, And thou shalt not bring abomination into thy house.<sup>11</sup>

Then R. Isaac the son of R. Mesharsheya objected: But does hire constitute acquisition? Have we not learnt, An Israelite<sup>12</sup> who hires a cow from a priest may feed her on vegetables which are Terumah;<sup>13</sup> but a priest who hires a cow of an Israelite, even though he is obliged to feed it, may not feed it on vegetables that are Terumah.<sup>14</sup> Now, were we to hold the opinion that hiring constitutes acquisition, why should he not feed her on it? Surely the cow belongs to him! From here then you can deduce that hire does not constitute acquisition.

Now, since you have declared that hire does not constitute acquisition, the prohibition<sup>15</sup> is both because of 'hiring', and because of 'lending' and because of 'trying'.

R. Adda permitted to sell an ass [to a heathen] through a [Jewish] agent: As for 'trying', it is not familiar with his voice that it should walk because of him, and as to 'lending' or 'hiring', since it is not his own he will neither lend nor give it on hire; also, lest some fault be discovered in it.<sup>16</sup>

R. Huna sold a cow to a heathen. Said R. Hisda to him: Wherefore have you acted thus? — Said he, I assume that he bought it for slaying.

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(1) Through immoral practice.

(2) *Infra* 22b.

(3) For the reason just stated.

(4) A heathen is not commanded to let his cattle rest on the Sabbath; the Israelite is therefore not guilty of 'placing a stumbling-block before the blind', as is the case where he affords him an opportunity for an immoral practice which is forbidden to a Noachide (*V. supra* 2b).

(5) The permission to sell may lead to lending or hiring cattle to a heathen over the Sabbath.

(6) Since he is liable for any accidents that might happen to it.

(7) How the animal carries a load.

(8) According to an opinion given in *Shah.* 154a.

(9) To the statement above, 'when he hires it, he owns it'.

(10) *Infra* 21a.

(11) *Deut.* VII, 26.

(12) One who is not of the priestly family or the Levitical tribe.

(13) The heave-offering of the produce set aside as the portion of the priests (*Num.* XVIII, 8ff.), which may not be given to a beast that is not owned by a priest. He is not guilty thereby of robbing the priest of his portion, for having the option of giving it to any priest he chooses, he may consider it as assigned to the one whose cow he had hired.

(14) *Ter.* XI, 9.

(15) Pronounced in our Mishnah of selling big cattle to a heathen.

(16) Which would be against his interest as an agent charged with selling it.

## Talmud - Mas. Avodah Zarah 15b

And whence can it be deduced that one may so assume in a case of this kind? — From [the Mishnah which we learnt:]<sup>1</sup> ‘Beth Shammai say: One should not sell a ploughing-cow during the Sabbatical Year;<sup>2</sup> but Beth Hillel permit it, because he may possibly slay it.’<sup>3</sup> Said Raba:<sup>4</sup> How can the two be compared: In that other case, one is not commanded to let one's cattle rest on the Sabbatical year,<sup>5</sup> whereas in our case, one is commanded to let one's cattle rest on the Sabbath!<sup>6</sup> Said Abaye to him: Are we to take it then that when one is commanded [concerning a thing] he is forbidden [to sell it to one who may disregard the command]? Take then the case of a field — for one is commanded to let his field lie fallow on the Sabbatical Year. Yet it has been taught: Beth Shammai say: One may not sell a ploughed field on the Sabbatical year, but Beth Hillel permit it, because it is possible that he will let it lie fallow [during that year]!<sup>7</sup>

R. Ashi objected: Are we, on the other hand, to take it that a thing concerning which there is no direct command may be sold to one who is likely to use it contrary to that command? Take then the case of implements — for no one is commanded to let one's implements be idle in the Sabbatical year. Yet we have learnt: Following are the implements which one is not allowed to sell in the Sabbatical year: the plough and all its accessory vessels, the yoke, the winnowing-fan and the mattock!<sup>8</sup> But, continued R. Ashi, where there is reason for the assumption [that proper use will be made] we assume it,<sup>9</sup> even though a command is involved, and where there is no reason for such assumption,<sup>10</sup> we do not assume it, even where there is no command involved.

Rabbah once sold an ass<sup>11</sup> to an Israelite who was suspected of selling it to an idolater. Said Abaye to him: ‘Wherefore have you acted thus?’ said he, ‘It is to an Israelite that I have sold it.’ ‘But,’ he retorted, ‘he will go and sell it to an idolater!’ ‘Why’ — [argued the other] ‘should he sell it to an idolater and not sell it to an Israelite?’<sup>12</sup> He [Abaye] objected to him [from the following Baraita]: In a place where it is the custom to sell small cattle to Cutheans,<sup>13</sup> such sale is permitted, but where they usually do not sell, such sale is not permitted. Now, what is the reason [for the prohibition]? Shall we say because they are suspected of immoral practices? But are they to be suspected? Has it not been taught: One may not place cattle in inns kept by idolaters even male-cattle with male persons and female-cattle with female persons, and it is needless to say that female-cattle with male persons and male-cattle with female persons [are forbidden]; nor may one hand over cattle to one of their shepherds; nor may one be alone with them;<sup>14</sup> nor may one entrust a child to them to be educated, or to be taught a trade.<sup>15</sup> One may however place cattle in inns kept by Cutheans even male-cattle with female persons and female-cattle with male persons, and it goes without saying that males with males and females with females are permitted; so also may one hand over cattle to one of their shepherds and be alone with them, or hand over a child to them to be educated or to be taught a trade.<sup>16</sup> This shows indeed that they are not to be suspected.<sup>17</sup> And it has further been taught: One should not sell them either weapons or accessories of weapons, nor should one grind any weapon for them, nor may one sell them either stocks or neck-chains or ropes, or iron chains — neither to idolaters nor Cutheans.<sup>18</sup> Now, what is the reason?<sup>19</sup> Shall we say because they are suspected of murder? But are they suspect, seeing we have just said that one may be alone with them! Hence it is only because he might sell it to an idolater.<sup>20</sup> Should you, moreover, say that whereas a Cuthean will not repent an Israelite will repent?<sup>21</sup> Surely R. Nahman said in the name of Raba b. Abbuha: Just as it was said that it is forbidden to sell to an idolater, so is it forbidden to sell to an Israelite who is suspected of selling it to an idolater! He [Rabbah] thereupon ran three parasangs<sup>22</sup> after the buyer (some say one parasang along a sand-mount) but failed to overtake him.

R. Dimi b. Abba said: Just as it is forbidden to sell<sup>23</sup> to an idolater, so it is forbidden to sell to a robber who is an Israelite. What are the circumstances? If he is suspected of murder, then it is quite plain; he is the same as an idolater! If [on the other hand] he has never committed murder, why not [sell them to him]? — It refers indeed to one who has not committed murder; but we may be dealing



here with a cowardly thief who is apt at times [when caught] to save himself [by committing murder].

Our Rabbis taught: It is forbidden to sell them shields; some say, however, that shields may be sold to them. What is the reason [for this prohibition]? Shall we say, Because they protect them? In that case even wheat or barley should likewise not [be sold to them].<sup>24</sup> — Said Rab:

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(1) Sheb. V, 8.

(2) To a fellow-Jew who is suspected of tilling his fields on that year contrary to the Biblical prohibition, as he thereby 'places a stumbling-block before the blind'.

(3) R. Hunah's action has therefore the ruling of the Hillelites as its authority.

(4) [So Ms. M. Cur. edd. 'Rabbah', v. p. 77 n. 7.]

(5) The question of hiring, lending or trying, mentioned in connection with selling cattle to a heathen does not therefore arise; and the comparatively minor objection of 'placing a stumbling-block before the blind' is waived by the assumption that the animal may have been intended for slaughter.

(6) The objections mentioned before therefore do apply.

(7) Tosef. Sheb. III.

(8) Sheb. V, 6.

(9) In the case of a field, for example, the fact that it is not often procurable may serve as ground for the assumption that the buyer availed himself of the opportunity of purchasing it, even though he does not intend tilling it till the following year.

(10) As, for instance, in the case of the 'implements'.

(11) To which case the assumption of buying for slaughter cannot be applied.

(12) We have a right to assume that he will sell it to an Israelite, so that there is no objection to its being sold to him. [This is contrary to the view expressed above by Rabbah (v. p. 76, n. 9), and supports the reading 'Raba', v. Tosaf. s.v. **רבה**.]

(13) Members of the Samaritan sect.

(14) As his life would be endangered.

(15) Lest he be taught idolatry.

(16) Tosef. A.S. III.

(17) Since, however, the sale of small cattle only is governed by custom, it is obvious that big cattle may not be sold in any case to a Cuthean; and as the suspicion of immorality does not exist, the reason for the prohibition can only be the probability of his selling it to an idolater, which is contrary to the view of Raba.

(18) Tosef. *ibid*.

(19) For forbidding the sale of these articles to a Cuthean.

(20) Who might use them for assailing an Israelite, which refutes Rabbah's view.

(21) So that even though he had been addicted to this wrongdoing, he might be taken to have recanted, and this justifies Rabbah's action.

(22) Persian miles.

(23) The aforementioned articles.

(24) Since they protect them against hunger.

## **Talmud - Mas. Avodah Zarah 16a**

If it is possible,<sup>1</sup> these, too, should not.

There are some who say that the reason for not permitting [the sale of] shields is this: When they have no weapons left, they might use these for killing [in battles]. But there are others who say that shields may be sold to them, for when they have no more weapons they run away. Said R. Nahman in the name of Rabbah b. Abbuha: The halachah is with 'the Others'.

Said R. Adda b. Ahabah: One should not sell them bars of iron. Why? — Because they may

hammer weapons out of them. If so, spades and pick-axes too [should be forbidden]! — Said R. Zebid: We mean [bars of] Indian iron.<sup>2</sup> Why then do we sell it now? — Said R. Ashi: [We sell it] to the Persians who protect us.

**CALVES AND FOALS.** It has been taught:<sup>3</sup> R. Judah permits [the sale of] a maimed one, since it cannot be cured or restored to health.<sup>4</sup> Said they to him: Might she not be fit for breeding purposes, and since she proves fit for breeding purposes, she will be kept?<sup>5</sup> He replied: You wait till she bears. This is to say, An animal [in such a state] will not let the male get near her.

**BEN BATHYRA PERMITS IN THE CASE OF A HORSE.** It has been taught: Ben Bathyra permits [the sale of] a horse, because it is only put to a kind of work which does not involve the bringing of a sin-offering.<sup>6</sup> Rabbi, however, forbids it for two reasons: the one, because it comes under the prohibition of selling weapons,<sup>7</sup> the other, because it comes under the prohibition of big cattle. It is quite right as regards the prohibition of weapons; there are [horses] which [are trained to] kill by trampling, but how does the prohibition of big cattle apply?<sup>8</sup> — Said R. Johanan, when the horse gets old, it is made to work a mill on the Sabbath.<sup>9</sup> Said R. Johanan: The halachah is with Ben Bathyra.

The following question was asked: What about an ox that has been fattened?<sup>10</sup> This question applies both to R. Judah<sup>11</sup> and to the Rabbis:<sup>12</sup> It applies to R. Judah, for R. Judah only permits in the case of a maimed one, which can in no case be fit for work, whereas this one, which if kept long enough may be fit for work, might be forbidden; or it might be said that even according to the Rabbis it is only in that case [of a maimed one], which is ordinarily not intended for slaughter, that they forbid, but this one, which is ordinarily intended for slaughter, they might permit?

Come and hear: Rab Judah said in the name of Samuel that the House of Rabbi had to present a fattened ox [to the Romans] for their festival, and a sum of forty thousand [coins] was paid for the concession not to contribute it on the day of the festival but on the morrow; then another forty thousand was paid for the permission to present it not alive but slaughtered; then forty thousand was again expended to be freed altogether from presenting it. Now what is the reason [for not presenting it alive] if not to avoid its being kept?<sup>13</sup> — But if that is the reason, what is the purpose of the concession of offering it on the morrow instead of on the day? Obviously, then, Rabbi was anxious to abolish the thing entirely, but he considered it advisable to do it little by little.<sup>14</sup> But is [a fattened ox] if kept [and slimmed] healthy enough to do work? — Said R. Ashi: Zabida<sup>15</sup> told me that a young bullock when kept [and slimmed] does the work of two.

**MISHNAH. ONE SHOULD NOT SELL THEM BEARS, LIONS OR ANYTHING WHICH MAY INJURE THE PUBLIC. ONE SHOULD NOT JOIN THEM IN BUILDING A BASILICA,<sup>16</sup> A SCAFFOLD, A STADIUM, OR A PLATFORM.<sup>17</sup> BUT ONE MAY JOIN THEM IN BUILDING PEDESTALS [FOR ALTARS]<sup>18</sup> AND ALSO [PRIVATE-] BATHS. WHEN HOWEVER HE REACHES THE CUPOLA IN WHICH THE IDOL IS PLACED HE MUST NOT BUILD.**

**GEMARA.** Said R. Hanin, son of R. Hisda (some report, Said R. Hanan b. Raba in the name of Rab): To big beasts the same rule applies as to small cattle as regards struggling<sup>19</sup> but not as regards selling,<sup>20</sup> but my opinion is that it applies to selling also, so that in such places where it is the custom to sell,<sup>21</sup> such sale is permitted, but where the custom is not to sell, it is forbidden.

Our Mishnah says: **ONE SHOULD NOT SELL THEM BEARS, LIONS, OR ANYTHING WHICH MAY INJURE THE PUBLIC.** The reason, then, is because they may injure the public, but were it not for fear of injury to the public would it be permitted?<sup>22</sup> Said Rabbah b. 'Ulla: [Our Mishnah may refer] to a mutilated lion

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- (1) To withhold it from them without incurring their animosity.
- (2) Which is used exclusively for manufacturing weapons.
- (3) Tosef. A.Z. II.
- (4) It is therefore only fit for slaughter.
- (5) And those who see her might think that any other cattle may likewise be sold to a heathen.
- (6) V. supra p. 33, n. 6.
- (7) A horse being as helpful as a weapon in battle.
- (8) Since you have stated that a horse is not put to a kind of labour which involves a sin-offering, there is no ground for prohibiting the sale for fear of the animal being tried (v. supra *ibid.*).
- (9) Which is a 'principal' work.
- (10) Being unfit for work, may it be sold to an idolater?
- (11) Who permits in the case of a maimed one.
- (12) The representatives of the anonymous opinion in our Mishnah.
- (13) And then put to work; hence it is proved that for this reason a fatted ox may not be sold to idolaters.
- (14) His action cannot therefore be cited as a proof.
- (15) Who was an expert in fattening cattle.
- (16) [A large high building used partly as an exchange and mart and also regularly as a court of law where men might be sentenced to death (Elmslie, p. 12).]
- (17) **בִּימָה**, used for throwing off victims sentenced to death. [So Rashi. Hoffmann: 'Judge's seat' (\*\*); Elmslie: 'judge's tribunal'.]
- (18) **בִּימוֹסְאִיּוֹת** from \*\*, v. l. **דִּימוֹסְאִיּוֹת** (\*\*) 'public-baths'.]
- (19) According to Hul. 37a, an animal whose condition is dangerous, must, after being slaughtered, show signs of struggling to be at all fit for food; otherwise it is assumed that it died before being slaughtered and is thus unfit for food. The least extent of struggling is: in the case of small cattle, the stretching out and the bending back of a leg, and in the case of big cattle either stretching or bending is sufficient.
- (20) Which depends on local custom. V. supra 14b.
- (21) Big beasts to idolaters.
- (22) E.g., tamed lions and the like. This Mishnah is thus contrary to the opinion of Rab.

## Talmud - Mas. Avodah Zarah 16b

in accordance with the opinion of R. Judah.<sup>1</sup> R. Ashi said: Generally, any lion may be regarded as 'mutilated' in regard to labour.<sup>2</sup>

An objection was raised: Just as it is forbidden to sell them big cattle, so it is forbidden to sell them big animals; and even in such places where they do sell small cattle [to heathen], big animals should not be sold to them.<sup>3</sup> This refutes the opinion of R. Hanan b. Raba!<sup>4</sup> It [admittedly] refutes it.

Rabina referred to the contradiction between our Mishnah and this Baraita, but adjusted it: We learnt: ONE SHOULD NOT SELL THEM BEARS, LIONS OR ANYTHING WHICH MAY INJURE THE PUBLIC. The reason, then, is because they may injure the public, but apart from such injury they may be sold! This is contradicted [by the following Baraita]: Just as it is forbidden to sell them big cattle, so it is forbidden to sell them big animals, even in such places where they do sell small cattle [to heathens] big animals should not be sold to them! — He then adjusted it by saying [that our Mishnah] refers to a mutilated lion, in accordance with the view of R. Judah. R. Ashi said: Generally, any lion may be regarded as 'mutilated' as regards labour.

R. Nahman objected: Who told us that a lion is to be regarded as a big animal? Let us regard it as a small animal.<sup>3</sup>

R. Ashi, on examining our Mishnah minutely, deduced therefrom the following refutation: We there learn, ONE SHOULD NOT SELL THEM BEARS, LIONS OR ANYTHING WHICH MAY

INJURE THE PUBLIC. The reason is, evidently, that it is injurious, but were it not for the injury, it could be sold; furthermore, the reason why 'lion' is mentioned, is because a lion is generally regarded as 'mutilated' as regards labour, but to any other animal which is fit for labour the prohibition would not apply — this refutes the opinion of R. Hanan b. Raba.<sup>5</sup> It admittedly refutes it.

But to what kind of labour could any big animal be put? — Said Abaye: Mar Judah told me that at Mar Johni's they work mills with wild asses.

Said R. Zera: When we were at the school of Rab Judah<sup>6</sup> he said to us: You may take the following matter from me, for I have heard it from a great man — though I know not whether from Rab or from Samuel: To big beasts the same rule applies as to small cattle as regards struggling.<sup>7</sup> When I came to Korkunia<sup>8</sup> I found R. Hiyya b. Ashi who was sitting [in the academy] and saying in the name of Samuel, 'To a big beast the same rule applies as to small cattle as regards struggling' — Said I, 'That means then that it is in the name of Samuel that this has been stated' — But when I came to Sura I found Rabbah b. Jeremiah who was sitting and saying in the name of Rab, 'To a big beast the same rule applies as to small cattle as regards struggling' — Then said I, 'That means that this has been stated in the name of Rab as well as in the name of Samuel'. Now, when I went up there<sup>9</sup> I found R. Assi sitting and saying, 'Said R. Hama b. Guria in the name of Rab: To a big beast the same rule applies as to small cattle as regards struggling'. Said I to him, 'Do you not hold, then, that the one who reported this teaching in the name of Rab is Rabbah b. Jeremiah?'<sup>10</sup> He answered me: 'You black-pot.'<sup>11</sup> Through me and you this report will be completed.'<sup>12</sup> It has indeed been stated so: R. Zera said in the name of R. Assi, in the name of Rabbah b. Jeremiah, in the name of R. Hama b. Guria, in the name of Rab: To a big animal the same rule applies as to small cattle as regards struggling.

ONE SHOULD NOT JOIN THEM IN BUILDING A BASILICA, AN EXECUTIONER'S SCAFFOLD, A STADIUM OR A TRIBUNE.

Said Rabbah b. Bar-Hana in the name of R. Johanan: There are three kinds of basilica-buildings: those attached to royal palaces, baths, or store-houses. Said Raba: Two of these are permitted and one<sup>13</sup> is forbidden; as a reminder [take the phrase], To bind their Kings with chains.<sup>14</sup> Some report, Raba said: All [basilicae] are permitted. But have we not learnt, ONE SHOULD NOT JOIN THEM IN BUILDING A BASILICA, AN EXECUTIONER'S SCAFFOLD, A STADIUM OR A TRIBUNE? — This should be taken to mean a basilica attached to an executioner's scaffold, a stadium or a tribune.<sup>15</sup>

Our Rabbis taught:<sup>16</sup> When R. Eliezer<sup>17</sup> was arrested because of Minuth<sup>18</sup> they brought him up to the tribune to be judged. Said the governor<sup>19</sup> to him, 'How can a sage man like you occupy himself with those idle things?' He replied, 'I acknowledge the Judge as right.' The governor thought that he referred to him — though he really referred to his Father in Heaven — and said, 'Because thou hast acknowledged me as right, I pardon;<sup>20</sup> thou art acquitted.' When he came home, his disciples called on him to console him, but he would accept no consolation.<sup>21</sup> Said R. Akiba to him, 'Master, wilt thou permit me to say one thing of what thou hast taught me?' He replied, 'Say it.' 'Master,' said he, 'perhaps some of the teaching of the Minim had been transmitted to thee

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(1) In the Mishnah, 14b.

(2) It is unfit for work; hence even according to the other Rabbis its sale should be permitted, as the reasons given in case of cattle are inapplicable here.

(3) Tosef. A.Z. II.

(4) Who holds that there is no objection to the sale of big animals, where it is customary to do so. (8) There will thus be no contradiction offered by the Baraita which forbids the sale of big animals.

(5) V. p. 82, n. 7.

- (6) Who was a disciple of both Rab and Samuel.
- (7) V. supra p. 81.
- (8) [Identified with Kirkesium (Circesium) on the Euphrates. This town as well as Sura lay on R. Zera's itinerary from Pumbeditha to Palestine, Obermeyer, op. cit. p. 33.]
- (9) To Palestine.
- (10) The Rabbis attached great importance to the accuracy of those in whose names anything was reported. V. Ab. VI, 6.
- (11) The mild rebuke was presumably warranted by R. Zera's attire.
- (12) [That it was R. Hama who heard it from Rab and from whom Rabbah in turn had heard it reported.]
- (13) Connected with the royal palace — where men are sometimes sentenced to death.
- (14) **לאסור מלניהם בזיקים** Ps. CXLIX, 8. **לאסור** suggests, prohibition.
- (15) Otherwise, even one of a royal palace is permitted; the latter being only used as part of the royal residence.
- (16) The following incident is recorded with considerable variations in Eccl. Rab. I, 8.
- (17) For the historical significance of this story, v. Klausner's Jesus of Nazareth, p. 37ff and references there given; also T. Herford's, op. cit. p. 143 and note.
- (18) **מינות** (abstract noun of **מין** Min, v. supra, p. 14, n. 2) 'heresy', with special reference to Christianity. [During the Roman persecution of Christians in Palestine in the year 109 under Trajan (Herford, loc. cit.) R. Eliezer b. Hyrcanus was arrested on suspicion of following that sect.]
- (19) \*\*.
- (20) **דימום**, dimissus.
- (21) He was sorely grieved to have been at all suspected of apostacy.

## Talmud - Mas. Avodah Zarah 17a

and thou didst approve of it and because of that thou wast arrested?' He exclaimed: 'Akiba thou hast reminded me.' I was once walking in the upper-market of Sepphoris when I came across one [of the disciples of Jesus the Nazarene]<sup>1</sup> Jacob of Kefar-Sekaniah<sup>2</sup> by name, who said to me: It is written in your Torah, Thou shalt not bring the hire of a harlot . . . into the house of the Lord thy God.<sup>3</sup> May such money be applied to the erection of a retiring place for the High Priest?<sup>4</sup> To which I made no reply. Said he to me: Thus was I taught [by Jesus the Nazarene],<sup>5</sup> For of the hire of a harlot hath she gathered them and unto the hire of a harlot shall they return.<sup>6</sup> they came from a place of filth, let them go to a place of filth. Those words pleased me very much, and that is why I was arrested for apostacy; for thereby I transgressed the scriptural words, Remove thy way far from her — which refers to minuth — and come not nigh to the door of her house,<sup>7</sup> — which refers to the ruling power.<sup>8</sup>

There are some who apply, 'Remove thy way from her' to minuth as well as to the ruling power, and, 'and come not nigh to the door of her house' to a harlot. And how far is one to keep away? Said R. Hisda: Four cubits. And to what do the Rabbis<sup>9</sup> apply, of the hire of a harlot? — To the saying of R. Hisda. For R. Hisda said: Every harlot who allows herself to be hired will at the end have to hire,<sup>10</sup> even as it is said, And in that thou givest hire, and no hire is given to thee, thus thou art reversed.<sup>11</sup> This<sup>12</sup> is contrary to what R. Pedath said; for R. Pedath said:<sup>13</sup> Only in the case of incest did the Torah forbid close approach, as it is said, None of you shall approach to any that is near of kin to him to uncover their nakedness.<sup>14</sup>

'Ulla<sup>15</sup> on returning from college used to kiss his sisters on the hand; some say, on the breast. He, then, contradicts himself. For 'Ulla said: Even mere approach is forbidden because we say to a Nazarite,<sup>16</sup> 'Go, go — round about; but do not approach 'the vineyard.'<sup>17</sup>

The horse-leech hath two daughters: Give, give.<sup>18</sup> What is meant by 'Give, give'? Said Mar 'Ukba: It is the voice of the two daughters who cry from Gehenna calling to this world: Bring, bring! And who are they? Minuth<sup>19</sup> and the Government.<sup>20</sup> Some report: Said R. Hisda in the name of Mar 'Ukba: It is the voice of Hell crying and calling: Bring me the two daughters who cry and call in this world, 'Bring, bring.'

Scripture says, None that go unto her return neither do they attain the paths of life.<sup>21</sup> But if they do not return, how can they attain [the paths of life]? — What it means is that even if they do turn away from it they will not attain the paths of life.<sup>12</sup> Does it mean then that those who repent from minuth die? Was there not that woman who came before R. Hisda confessing to him that the lightest sin that she committed was that her younger son is the issue of her older son? Whereupon R. Hisda said: Get busy in preparing her shrouds — but she did not die. Now, since she refers to her [immoral] act as the lightest sin, it may be assumed that she had also adopted minuth [and yet she did not die]! — That one did not altogether renounce her evil-doing, that is why she did not die.

Some have this version: [Is it only] from minuth that one dies if one repents, but not from other sins? Was there not that woman who came before R. Hisda who said, Prepare her shrouds and she died?<sup>22</sup> — Since she said [of her guilt] that it is one of the lightest, it may be assumed that she was guilty of idolatry also.

And does not one die on renouncing sins other [than idolatry]? Surely it has been taught: It was said of R. Eleazar b. Dordia that he did not leave out any harlot in the world without coming to her. Once, on hearing that there was a certain harlot in one of the towns by the sea who accepted a purse of denarii for her hire, he took a purse of denarii and crossed seven rivers for her sake. As he was with her, she blew forth breath and said: As this blown breath will not return to its place, so will

Eleazar b. Dordia never be received in repentance. He thereupon went, sat between two hills and mountains and exclaimed: O, ye hills and mountains, plead for mercy for me! They replied: How shall we pray for thee? We stand in need of it ourselves, for it is said, For the mountains shall depart and the hills be removed!<sup>23</sup> So he exclaimed: Heaven and earth, plead ye for mercy for me! They, too, replied: How shall we pray for thee? We stand in need of it ourselves, for it is said, For the heavens shall vanish away like smoke, and the earth shall wax old like a garment.<sup>24</sup> He then exclaimed: Sun and moon, plead ye for mercy for me! But they also replied: How shall we pray for thee? We stand in need of it ourselves, for it is said, Then the moon shall be confounded and the sun ashamed.<sup>25</sup> He exclaimed: Ye stars and constellations, plead ye for mercy for me! Said they: How shall we pray for thee? We stand in need of it ourselves, for it is said, And all the hosts of heaven shall moulder away.<sup>26</sup> Said he: The matter then depends upon me alone! Having placed his head between his knees, he wept aloud until his soul departed. Then a bath-kol<sup>27</sup> was heard proclaiming: 'Rabbi Eleazar b. Dordai is destined for the life of the world to come!' Now, here was a case of a sin [other than minuth] and yet he did die! — In that case, too, since he was so much addicted to immorality it is as [if he had been guilty of] minuth. Rabbi [on hearing of it] wept and said:<sup>28</sup> One may acquire eternal life after many years, another in one hour! Rabbi also said: Repentants are not alone accepted, they are even called 'Rabbi'!

R. Hanina and R. Jonathan were walking on the road and came to a parting of ways, one of which led by the door of a place of idol-worship and the other led by a harlots' place. Said the one to the other: Let us go [through the one leading] by the place of idolatry

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(1) The bracketed words occur in MS. M.

(2) [Identified with Suchnin, north of the plain of El Battauf in Galilee (v. Klein, Neue Beitr, z. Geschichte und Geogr., 20ff); and this Jacob may have been either James the son of Alphaeus (Mark III, 18) or James the Little (ibid. XV, 40).]

(3) Deut. XXIII, 19.

(4) Who spent the whole night preceding the Day of Atonement in the precincts of the Temple, where due provision had to be made for all his conveniences.

(5) V. n. 3.

(6) Micah I, 7.

(7) Prov. V, 8.

(8) Cf. Ab. I, 10, 'Seek not intimacy with the ruling power'; also ib. II, 3.

(9) Who do not share the view of Jacob cited above.

(10) She will be despised by all.

(11) Ezek. XVI, 34.

(12) The distance of four cubits prescribed by R. Hisda.

(13) Shab. 13a.

(14) Lev. XVIII, 6.

(15) V. Shab. 13a.

(16) Who has vowed to abstain from wine or anything issuing from the vine (v. Num. VI, 1 seq.).

(17) Infra 58b.

(18) Prov. XXX, 15.

(19) Which continually lures the unwary to its erroneous teaching.

(20) Which constantly imposes fresh taxes and duties.

(21) Prov. II, 19, applied to those converted to idolatry. (12) Torment of remorse will shorten their lives.

(22) Though her sin was incest and not minuth!

(23) Isa. LIV, 10.

(24) Ibid. LI, 6.

(25) Ibid. XXIV, 23.

(26) Ibid. XXXIV, 4.

(27) 'A heavenly voice', v. Glos.

(28) V. supra 10a.

## Talmud - Mas. Avodah Zarah 17b

the inclination for which has been abolished.<sup>1</sup> The other however said: Let us go [through that leading] by the harlots' place and defy our inclination and have our reward. As they approached the place they saw the harlots withdraw<sup>2</sup> at their presence. Said the one to the other: Whence didst thou know this?<sup>3</sup> The other, in reply, quoted, She shall watch over thee, mezimmah [against lewdness], discernment shall guard thee.<sup>4</sup> Said the Rabbis to Raba: How is this word mezimmah to be understood?<sup>5</sup> Shall it be rendered 'The Torah' since the word zimmah in Scripture is rendered in the Targum,<sup>6</sup> 'It is a counsel of the wicked';<sup>7</sup> and Scripture has the phrase, wonderful is His counsel and great His wisdom?<sup>8</sup> But in that case the word should have been zimmah. This, then, is how it is to be understood, Against things of lewdness — zimmah — she [Discernment, i.e., the Torah] shall watch over thee.

Our Rabbis taught: When R. Eleazar b. Perata and R. Hanina b. Teradion were arrested, R. Eleazar b. Perata said to R. Hanina b. Teradion: Happy art thou that thou hast been arrested on one charge; woe is me, for I am arrested on five charges. R. Hanina replied: Happy art thou, who hast been arrested on five charges, but wilt be rescued; woe is me who, though having been arrested on one charge, will not be rescued; for thou hast occupied thyself with [the study of] the Torah as well as with acts of benevolence, whereas I occupied myself with Torah alone.

This accords with the opinion of R. Huna. For R. Huna said: He who only occupies himself with the study of the Torah is as if he had no God, for it is said: Now for long seasons Israel was without the true God.<sup>9</sup> What is meant by 'without the true God'? — It means that he who only occupies himself with the study of the Torah is as if he had no God.

But did he not occupy himself with acts of benevolence? Surely it has been taught: R. Eliezer b. Jacob says: One should not put his money into a charity-bag, unless it is supervised by a learned man such as R. Hanina b. Teradion!<sup>10</sup> — He was indeed very trustworthy, but he did not practise benevolence.

But has it not been taught: He<sup>11</sup> said to him [R. Jose b. Kisma]: I mistook Purim-money<sup>12</sup> for ordinary charity money, so I distributed [of my own] to the poor!<sup>13</sup> — He did indeed practise charity, but not as much as he might have done.

When they brought up R. Eleazar b. Perata [for his trial] they asked him, 'Why have you been studying [the Torah] and why have you been stealing?' He answered, 'If one is a scholar he is not a robber, if a robber he is not a scholar, and as I am not the one I am neither the other.' 'Why then,' they rejoined, 'are you titled Master?'<sup>14</sup> 'I,' replied he, 'am a Master of Weavers.' Then they brought him two coils and asked, 'Which is for the warp and which for the woof?' A miracle occurred and a female-bee came and sat on the warp and a male-bee came and sat on the woof. 'This,' said he, 'is of the warp and that of the woof.' Then they asked him,<sup>15</sup> 'Why did you not go to the Meeting-House?'<sup>16</sup> He replied, 'I have been old and feared lest I be trampled under your feet.' 'And how many old people have been trampled till now?' he was asked. A miracle [again] happened; for on that very day an old man had been trampled. 'And why did you let your slave go free?'<sup>17</sup> He replied, 'No such thing ever happened.' One of them then was rising to give evidence against him, when Elijah came disguised as one of the dignitaries of Rome and said to that man: As miracles were worked for him in all the other matters, a miracle will also happen in this one, and you will only be shown up as bad natured. He, however, disregarded him and stood up to address them, when a written communication from important members of the government had to be sent to the Emperor and it was dispatched by that man. [On the road] Elijah came and hurled him a distance of four hundred parasangs. So that he went<sup>18</sup> and did not return.



They then brought up R. Hanina b. Teradion and asked him, ‘Why hast thou occupied thyself with the Torah?’<sup>19</sup> He replied, ‘Thus the Lord my God commanded me.’ At once they sentenced him to be burnt, his wife to be slain, and his daughter to be consigned to a brothel.

(The punishment of being burnt came upon him because he

- 
- (1) V. Sanh. 64a.
  - (2) Abstaining from solicitation.
  - (3) How could he be so sure of being able to subdue his inclination.
  - (4) Prov. II, 11.
  - (5) **מְזוּמָה** (E.V. ‘discretion’). **זְמָה** has the twofold meaning of ‘counsel’ and ‘lewdness’.
  - (6) V. Targum Onkelos.
  - (7) Lev. XVIII, 17. **זְמָה הוּא** — generally rendered, it is lewdness.
  - (8) Isa. XXVIII, 29. ‘Counsel’ is thus used as a synonym for the Torah; the words quoted from Prov. would therefore be rendered, The Torah shall watch over thee.
  - (9) II Chron. XV, 3.
  - (10) B.B. 10a.
  - (11) R. Han, b. Ter., who was a Charity-Treasurer.
  - (12) Money set aside for distribution among the poor for celebrating the Festival of Purim (v. Esther) which must not be applied by the recipient to any other purpose whatsoever.
  - (13) Having distributed the Purim Funds without specifying their purpose, he distributed his own money as Purim allowances. Infra 18a.
  - (14) The third charge.
  - (15) The fourth charge brought against him.
  - (16) **בֵּיּוֹעֵדֵי אֲבִידִין** Place of Assembly for matters and performances connected with idolatry. Under Hadrian Jews were forced to attend these. V. Shab. 115a, where this is referred to as a place where disputations were held between Jews and the early Christians. [Meaning of the word still obscure despite the many and varied explanations suggested; e.g., (a) House of the Ebonites, (b) Abadan (Pers.) ‘forum’, (c) Beh Mobedhan (Pers.), i.e., House of the chief magi; v. Krauss, Synagogale Altertumer, p. 31].
  - (17) In accordance with the Biblical injunction to free all Jewish slaves after six years, or at the advent of the Jubilee Year — the fifth offence with which he was charged.
  - (18) Without giving the intended evidence.
  - (19) This was forbidden by Hadrian under penalty of death.

## Talmud - Mas. Avodah Zarah 18a

pronounced the Name in its full spelling.<sup>1</sup> But how could he do so? Have we not learnt: The following have no portion in the world to come: He who says that the Torah is not from Heaven, or that the resurrection of the dead is not taught in the Torah. Abba Saul says: Also he who pronounces the Name in its full spelling?<sup>2</sup> — He did it in the course of practising, as we have learnt: Thou shalt not learn to do after the abominations of those nations,<sup>3</sup> but thou mayest learn [about them] in order to understand and to teach. Why then was he punished? — Because he was pronouncing the Name in public. His wife was punished by being slain, because she did not prevent him [from doing it]. From this it was deduced: Any one who has the power to prevent [one from doing wrong] and does not prevent, is punished for him.<sup>4</sup> His daughter was consigned to a brothel, for R. Johanan related that once that daughter of his was walking in front of some great men of Rome who remarked, ‘How beautiful are the steps of this maiden!’ Whereupon she took particular care of her step. Which confirms the following words of R. Simeon b. Lakish: What is the meaning of the verse, The iniquity of my heel compasseth me about?<sup>5</sup> — Sins which one treads under heel<sup>6</sup> in this world compass him about on the Day of Judgment.)

As the three of them went out [from the tribunal] they declared their submission to [the Divine] righteous judgment. He quoted, The Rock, His work is perfect; for all his ways are justice.<sup>7</sup> His wife continued: A God of faithfulness and without iniquity, just and right is He;<sup>8</sup> and the daughter quoted: Great in counsel and mighty in work, whose eyes are open upon all the ways of the sons of men, to give everyone according to his ways, and according to the fruit of his doing.<sup>9</sup> Said Raba: How great were these righteous ones, in that the three Scriptural passages, expressing submission to Divine justice, readily occurred to them just at the appropriate time for the declaration of such submission.

Our Rabbis taught: When R. Jose b. Kisma was ill, R. Hanina b. Teradion went to visit him. He said to him: 'Brother Hanina, knowest thou not that it is Heaven<sup>10</sup> that has ordained this [Roman] nation to reign? For though she laid waste His House, burnt His Temple, slew His pious ones and caused His best ones to perish, still is she firmly established! Yet, I have heard about thee that thou sittest and occupiest thyself with the Torah, dost publicly gather assemblies, and keepest a scroll [of the Law] in thy bosom!'<sup>11</sup> He replied, 'Heaven will show mercy.' — 'I,' he remonstrated, 'am telling thee plain facts, and thou sayest "Heaven will show mercy"! It will surprise me if they do not burn both thee and the scroll of the Law with fire.' 'Rabbi,' said the other, 'How do I stand with regard to the world to come?' — 'Is there any particular act that thou hast done?' he enquired. He replied: 'I once mistook Purim-money for ordinary charity-money, and I distributed [of my own] to the poor.'<sup>12</sup> 'Well then,' said he, 'would that thy portion were my portion and thy lot my lot.'

It was said that within but few days R. Jose b. Kisma died and all the great men of Rome<sup>13</sup> went to his burial and made great lamentation for him. On their return, they found R. Hanina b. Teradion sitting and occupying himself with the Torah, publicly gathering assemblies, and keeping a scroll of the Law in his bosom. Straightaway they took hold of him, wrapt him in the Scroll of the Law, placed bundles of branches round him and set them on fire. They then brought tufts of wool, which they had soaked in water, and placed them over his heart, so that he should not expire quickly. His daughter exclaimed, 'Father, that I should see you in this state!' He replied, 'If it were I alone being burnt it would have been a thing hard to bear; but now that I am burning together with the Scroll of the Law, He who will have regard for the plight of the Torah will also have regard for my plight.' His disciples called out, 'Rabbi, what seest thou?' He answered them, 'The parchments are being burnt but the letters are soaring on high.'<sup>14</sup> 'Open then thy mouth' [said they] 'so that the fire enter into thee.'<sup>15</sup> He replied, 'Let Him who gave me [my soul] take it away, but no one should injure oneself.' The Executioner<sup>16</sup> then said to him, 'Rabbi, if I raise the flame and take away the tufts of wool from over thy heart, will thou cause me to enter into the life to come?' 'Yes,' he replied. 'Then swear unto me' [he urged]. He swore unto him. He thereupon raised the flame and removed the tufts of wool from over his heart, and his soul departed speedily. The Executioner then jumped and threw himself into the fire. And a bathkol<sup>17</sup> exclaimed: R. Hanina b. Teradion and the Executioner have been assigned to the world to come. When Rabbi heard it he wept and said: One may acquire eternal life in a single hour, another after many years.<sup>18</sup>

Beruria, the wife of R. Meir, was a daughter of R. Hanina b. Teradion. Said she [to her husband], 'I am ashamed to have my sister placed in a brothel.' So he took a tarkab-full<sup>19</sup> of denarii and set out.<sup>20</sup> If, thought he, she has not been subjected to anything wrong, a miracle will be wrought for her, but if she has committed anything wrong, no miracle will happen to her. Disguised as a knight, he came to her and said, 'Prepare thyself for me.' She replied, 'The manner of women is upon me.' 'I am prepared to wait,' he said. 'But,' said she, 'there are here many, many prettier than I am.' He said to himself, that proves that she has not committed any wrong; she no doubt says thus to every comer. He then went to her warder and said, 'Hand her over to me. He replied, 'I am afraid of the government.' 'Take the tarkab of dinars.' said he, 'one half distribute [as bribe], the other half shall be for thyself.' 'And what shall I do when these are exhausted?' he asked. 'Then,' he replied, 'say, "O God of Meir, answer me!" and thou wilt be saved.' 'But,' said he,

- (1) The Tetragrammaton, the four-lettered Name of God, יהוה, was fully pronounced only by the Priests in the temple when blessing the people. Everywhere else it was pronounced 'Adonai'. For full treatment of the subject, v.J.E. IX, 162 seq.
- (2) Sanh. 90a.
- (3) Deut. XVIII, 9.
- (4) Shab. 54b.
- (5) Literal rendering of Ps. XLIX, 6.
- (6) Regards as insignificant.
- (7) Deut. XXXII, 4.
- (8) Ibid.
- (9) Jer. XXXII, 19. These verses are embodied to this day in the Jewish Burial Service (v.P.B, p. 318), the main idea of which is submission to the justice of the Divine judgment — צדוק-הדין by which Hebrew name the Burial Service is called.
- (10) Synonym for God.
- (11) Contrary to the Roman decree.
- (12) V. supra 17a.
- (13) [The Roman officials in Caesarea where he lived and died.]
- (14) Scrolls of the Torah may be destroyed, but its spirit is immortal and indestructible.
- (15) And put an end to his agony.
- (16) קלצטונירי, \*\* Torturer, executioner.
- (17) V. Glos.
- (18) His favourite aphorism. V. supra 10b, 17a.
- (19) תרי-קבתתרקב a dry measure holding two kabs.
- (20) To release her.

## Talmud - Mas. Avodah Zarah 18b

'who can assure me that that will be the case?' He replied, 'You will see now.' There were there some dogs who bit anyone [who incited them]. He took a stone and threw it at them, and when they were about to bite him he exclaimed, 'O God of Meir answer me!' and they let him alone. The warder then handed her over to him. At the end the matter became known to the government, and [the warder] on being brought [for judgment] was taken up to the gallows, when he exclaimed, 'O God of Meir answer me.' They took him down and asked him what that meant, and he told them the incident that had happened. They then engraved R. Meir's likeness on the gates of Rome and proclaimed that anyone seeing a person resembling it should bring him there. One day [some Romans] saw him and ran after him, so he ran away from them and entered a harlot's house.<sup>1</sup> Others say he happened just then to see food cooked by heathens and he dipped in one finger and then sucked the other. Others again say that Elijah the Prophet appeared to them as a harlot who embraced him. God forbid, said they, were this R. Meir, he would not have acted thus! [and they left him]. He then arose and ran away and came to Babylon. Some say it was because of that incident that he ran to Babylon; others say because of the incident about Beruria.<sup>2</sup>

Our Rabbis taught: Those who visit stadiums<sup>3</sup> or a camp<sup>4</sup> and witness there [the performance] of sorcerers and enchanters, or of bukion and mukion, lulion and mulion, blurin or salgurin<sup>5</sup> — lo, this is 'the seat of the scornful,' and against those [who visit them] Scripture says, Happy is the man that hath not walked in the counsel of the wicked . . . nor sat in the seat of the scornful, but his delight is in the law of the Lord.<sup>6</sup> From here you can infer that those things cause one to neglect the Torah.<sup>7</sup>

The following was cited as contradicting the foregoing: It is permitted to go to stadiums, because by shouting one may save [the victim].<sup>8</sup> One is also permitted to go to a camp for the purpose of maintaining order in the country, providing he does not conspire [with the Romans], but for the purpose of conspiring it is forbidden. There is thus a contradiction between [the laws relating to]

stadiums as well as between [those relating to] camps! There may indeed be no contradiction between those relating to camps, because the one may refer to where he conspires with them, and the other to where he does not; but the laws relating to stadiums are surely contradictory! — They represent the differing opinions of [two] Tannaim. For it has been taught: One should not go to stadiums because [they are] ‘the seat of the scornful’, but R. Nathan permits it for two reasons: first, because by shouting one may save [the victim], secondly, because one might be able to give evidence [of death] for the wife [of a victim] and so enable her to remarry.

Our Rabbis taught: One should not go to theatres or circuses because entertainments are arranged<sup>9</sup> there in honour of the idols. This is the opinion of R. Meir. But the Sages say: Where such entertainments are given there is the prohibition of being suspected of idolatrous worship, and where such entertainment is not given, the prohibition is because of being in ‘the seat of the scornful’. What is the difference between these two reasons?<sup>10</sup> Said R. Hanina of Sura: There is a difference in the case of calling to do business.<sup>11</sup>

R. Simeon b. Pazi expounded [the foregoing verse as follows]: What does Scripture mean by, Happy is the man that hath not walked in the counsel of the wicked, nor stood in the way of sinners, nor sat in the seat of the scornful?<sup>12</sup> If he did not walk [that way] at all how could he stand there? And if he did not stand there he obviously did not sit [among them], and as he did not sit among them he could not have scorned! The wording is to teach thee that if one walks [towards the wicked] he will subsequently stand with them, and if he stands he will at the end sit with them, and if he does sit, he will also come to scorn, and if he does scorn the scriptural verse will be applicable to him, If thou art wise, thou art wise for thyself, and If thou scornest thou alone shalt bear it.<sup>13</sup> Said R. Eleazar: He who scoffs, affliction will befall him, as it is said, Now therefore do ye not scoff lest your punishment be made severe.<sup>14</sup> Raba used to say to the Rabbis: I beg of you, do not scoff, so that you incur no punishment. R. Kattina said: He who scoffs, his sustenance will be reduced, as it is said, He withdraweth His hand in the case of scoffers.<sup>15</sup> R. Simeon b. Lakish said: He who scoffs will fall into Gehenna, as it is said, A proud and haughty man, scoffer is his name, worketh for arrogant wrath.<sup>16</sup> And by ‘wrath’ nought but Gehenna is meant; as it is said, That day is a day of wrath.<sup>17</sup> R. Oshaia said: He who is haughty falls into Gehenna, as it is said, A proud and haughty man, scoffer is his name, worketh for arrogant wrath.<sup>16</sup> And by ‘wrath’ nought but Gehenna is meant; as it is said, That day is a day of wrath.<sup>17</sup> Said R. Hanilai<sup>18</sup> b. Hanilai: He who scoffs brings destruction upon the world, as it is said, Now therefore be ye not scoffers, lest your affliction be made severe, for an extermination wholly determined have I heard.<sup>19</sup> Said R. Eleazar: It is indeed a grievous sin, since it incurs ‘affliction’ at first and ‘extermination’ at last.

R. Simeon b. Pazi expounded [that verse as follows]: ‘Happy is the man that hath not walked’ — i.e., to theatres and circuses of idolaters ‘nor stood in the way of sinners’ — that is he who does not attend contests of wild beasts;<sup>20</sup> ‘nor sat in the seat of the scornful’ — that is he who does not participate in [evil] plannings. And lest one say, ‘Since I do not go to theatres or circuses nor attend contests of wild animals, I will go and indulge in sleep.’ Scripture therefore continues, ‘And in His Law doth He meditate day and night.’ Said R. Samuel b. Nahmani in the name of R. Jonathan: Happy is the man that hath not walked in the counsel of the wicked — that is

(1) So as not to be identified with R. Meir, who naturally would not enter such a place.

(2) The incident as related in Kid. 80b is to the effect that when R. Meir's wife taunted him about the familiar Rabbinic adage ‘Women are lightminded’, נשים דעתן קלות, he replied that one day she would herself testify to its truth. When, subsequently, she was enticed by one of her husband's disciples, she indeed proved to be too weak to resist. She then committed suicide and the husband, for shame, ran away to Babylon.

(3) Arenas for gladiatorial contests.

(4) כרקום, the Roman castra.

(5) Names given to various performers and performances. [Krauss, op. cit. III, 120, gives the Latin equivalent: bucco,

pappus, maccus, morio (kinds of clowns), ludio (mimic), burrae (drolleries), scurrae (buffoons).]

(6) Ps. I, 1-2.

(7) Tos. 'A.Z. Ch. II.

(8) From the animal which might he scared by their shouts. [Rashi: They might succeed in rescuing the victim by interceding on his behalf.]

(9) [מזבלין Levy takes it as kakophemism for מזבחיך 'sacrifice'.]

(10) Since according to the Sages one is forbidden to enter such places in any case, is there any difference between a place where idolatrous entertainments are present or absent? (V. Tosaf. s.v. מאי.)

(11) In the absence of idolatrous entertainments the sages would not forbid the going for such purpose, since the purpose is not to sit in the seat of the scornful.

(12) Ps. I. 1.

(13) Prov. IX, 12.

(14) Isa. XXVIII, 22. The word מוסרכם, here rendered 'your bands', may also stand for 'your affliction', v. supra, p. 14, n. 1.

(15) A homiletical rendering of Hos. VII, 5.

(16) Prov. XXI, 24, rendered homiletically.

(17) Zeph. I, 15, referring to the Day of Judgment when the wicked will be sentenced to Gehenna.

(18) Some versions have Tanhum.

(19) Isa. ibid.

(20) קניגיון \*\* contest of wild beasts with beasts or with men; hunt of animals.

## Talmud - Mas. Avodah Zarah 19a

our father Abraham who did not follow the counsel of the men of the Generation of the Division<sup>1</sup> who were wicked, as it is said, Come, let us build us a city, and a tower, with its top in heaven,<sup>2</sup> nor stood in the way of sinners — for he did not take up the stand of the Sodomites, who were sinful, as it is said, Now the men of Sodom were wicked and sinful against the Lord exceedingly;<sup>3</sup> nor sat in the seat of the scornful — for he did not sit in the company of the Philistines, because they were scoffers; as it is said, And it came to pass, when their hearts were merry, that they said: Call for Samson that he may make us sport.<sup>4</sup>

Happy is the man that feareth the Lord:<sup>5</sup> Does it mean happy is the 'man' and not the woman? — Said R. Amram in the name of Rab: [It means] Happy is he who repents whilst he is still a 'man'.<sup>6</sup> R. Joshua b. Levy explained it: Happy is he who over-rules his inclination<sup>7</sup> like a 'man'. That delighteth greatly in His commandments,<sup>8</sup> was explained by R. Eleazar thus: 'In His commandments,' but not in the reward of His commandments.<sup>9</sup> This is just what we have learnt. 'He used to say, Be not like servants who serve the master on the condition of receiving a reward; but be like servants who serve the master without the condition of receiving a reward.'<sup>10</sup>

But whose desire is in the law of the Lord.<sup>11</sup> Said Rabbi: A man can learn [well] only that part of the Torah which is his heart's desire,<sup>12</sup> for it is said, But whose desire is in the law of the Lord.

Levi and R. Simeon the son of Rabbi were once sitting before Rabbi and were expounding a part of Scripture.<sup>13</sup> When the book was concluded, Levi said: Let the book of Proverbs now be brought in. R. Simeon the son of Rabbi however said: Let the Psalms be brought; and, Levi having been overruled, the Psalms were brought. When they came to this verse, 'But whose desire is in the Law of the Lord', Rabbi offered his comment: One can only learn well that part of the Torah which is his heart's desire. Whereupon Levi remarked: Rabbi, You have given me the right to rise.<sup>14</sup>

Said R. Abdimi b. Hama: He who occupies himself with the Torah will have his desires granted by the Holy One, blessed be He, as it is said: He who [is occupied] with the Law of the Lord, his desire [shall be granted].<sup>15</sup>

Raba likewise said: One should always study that part of the Torah which is his heart's desire, as it is said, But whose desire is in the law of the Lord. Raba also said: At the beginning [of this verse] the Torah is assigned to the Holy One, blessed be He, but at the end it is assigned to him [who studies it],<sup>16</sup> for it is said, Whose desire is in the Law of the Lord and in his [own] Law doth he meditate day and night.<sup>17</sup>

Raba also said the following: One should always study the Torah first and meditate in it afterwards,<sup>18</sup> as it is said, ' . . . the Law of the Lord', and then, 'and in his [own] law he meditates.'<sup>19</sup> This, too, did Raba say: Let one by all means learn, even though he is liable to forget, yea, even if he does not fully understand all the words which he studies, as it is said, My soul breaketh for the longing that it hath unto Thy ordinances at all times.<sup>20</sup> 'Breaketh' is what Scripture says, it does not say 'grindeth'.<sup>21</sup>

Raba pointed to the following contradictions:<sup>22</sup> Scripture says, Upon the highest places,<sup>23</sup> and then it says. On a seat [in the high places]!<sup>24</sup> — At the beginning [the student occupies] any place, but ultimately [he will occupy] a seat.<sup>25</sup> [In another instance] Scripture says, In the top of high places<sup>26</sup> and then it says by the road!<sup>27</sup> — Though at first he is in the [solitary] top in [out of the way] high places, yet ultimately [he will sit as judge] by the road.

'Ulla pointed to the following contradiction: Scripture says, Drink waters out of thine own cistern;<sup>28</sup> and then it says, and running waters out of thine own well!<sup>29</sup> — At first drink from thy cistern, and latterly, running waters from thine own well.<sup>30</sup>

Said Raba in the name of R. Sehorah, who said it in the name of R. Huna:<sup>31</sup> What is the meaning of the verse, Wealth gotten by vanity shall be diminished, but he that gathereth little by little shall increase?<sup>32</sup> — If one takes his studies by heaps at a time, he will benefit but little, but if one gathers [knowledge] little by little he will gain much.

Said Raba: The Rabbis know this thing, and yet they disregard it. Said R. Nahman b. Isaac: I have acted up to it and it stood me in good stead.

Said R. Shizebi in the name of R. Eleazar b. Azariah: What is the meaning of the verse, The slothful man shall not hunt his prey?<sup>33</sup> — [It means that] he who is, as it were, a cunning hunter [in matters of learning], will not live or have length of days.<sup>34</sup> R. Shesheth, however, said: [It means that] the cunning hunter has prey to roast,<sup>35</sup> When R. Dimi came<sup>36</sup> he said: This may be likened to one who is hunting birds; if he breaks the wings of each one in turn,<sup>37</sup> he has made sure that all will remain in his possession, otherwise none will remain with him.

And he shall be like a tree transplanted<sup>38</sup> by streams of water.<sup>39</sup> — Those of the school of R. Jannai said: 'a tree transplanted,' not 'a tree planted' — [which implies that] whoever learns Torah from one master only will never achieve great success. Said R. Hisda to the Rabbinic students: I have a mind to tell you something, though I fear that you might leave me and go elsewhere: 'Whoever learns Torah from one master only will never achieve great success.'<sup>40</sup> They did leave him and went [to sit] before Rabbah, who however explained to them that the maxim only applies to lessons in logical deductions,<sup>41</sup> but as to oral traditions<sup>42</sup> it is better to learn from one master only, so that

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(1) The builders of the Tower of Babel. Abraham was a younger contemporary of Peleg in whose days was the earth divided. (Gen. X, 25.)

(2) Ibid. XI, 4.

(3) Ibid. XIII, 13.

- (4) Judges XVI, 25.
- (5) Ps. CXII, 1.
- (6) [Enjoying the full vitality and energy of youthful manhood.]
- (7) V. supra p. 22, n. 8.
- (8) Ibid.
- (9) Cf. Ab. IV, 2. 'The reward of a precept is the precept.'
- (10) V. Ibid. I, 3, note (Soncino ed.)
- (11) Ps. I, 2.
- (12) I.e., for which he has an aptitude, or to which his mood is attuned.
- (13) The phrase here used **פסק סדרא**, 'expounded a part of scripture', which occurs only in the Babylonian Talmud, is the equivalent of **פשט קרא** of the Palestinian Talmud, which has the same meaning. Though it refers to Scripture generally, the phrase is mostly applied to the exposition of the Hagiographa. The passage in Shab. 116b, **בנהרדעא פסקי סדרא בכתובים כמנחתא דשבתא**, 'In Nehardea a portion of the Hagiographa is expounded at the Sabbath Afternoon Service' has been taken to indicate the custom of reading a Haftarah from the Hagiographa at those services. This is hardly warranted by the passage in question. V. Bacher Terminologie s.v. **סדרא**.
- (14) From the exposition, as the subject was not of his choice.
- (15) Homiletical rendering of the same verse.
- (16) Kid. 32b.
- (17) By diligent study the student makes the subject his own.
- (18) One should make oneself master of a subject before discussing it.
- (19) Ber. 63b.
- (20) Ps. CXIX.
- (21) Comparing the intellect (soul) to a mill, the above verse is made to indicate that it is satisfied just to break up the grain, even though it cannot grind it into fine flour.
- (22) Sanh. 38a.
- (23) Prov. IX, 3. Wisdom, the subject of this chapter, is taken as a synonym for the Torah.
- (24) Ibid. 14.
- (25) As an exponent of the Torah to disciples. V. Sanh. 38b.
- (26) Ibid. VIII, 2.
- (27) Ibid.
- (28) Prov. V, 15.
- (29) Ibid.
- (30) Imbibe the knowledge drawn from other sources, and in time you will become an inexhaustible source of learning.
- (31) 'Er. 54b.
- (32) Prov. XIII, 11.
- (33) Ibid. XII, 27.
- (34) He who poses as a man of learning without having acquired any knowledge does not deserve to live. The interpretation is based on a play on the words **לא יהרוך** which is made to read **לא יהיה ויאריך** 'He will not live nor have length of days.'
- (35) The wise scholar who gathers knowledge little by little will amass good stores.
- (36) From Palestine.
- (37) Lit., 'of the first one' (and then proceeds to hunt for other birds).
- (38) **שתול** (E.V. planted) is rendered 'transplanted' as distinct from **נטוע** 'planted'. V. Malbim, **הכרמל** s.v. **נטע**.
- (39) Ps. I, 3.
- (40) Lit., 'a sign of blessing.'
- (41) Lit., 'a sign of blessing.'
- (42) **סברא** dialectic, from **סבר**, 'to hold an opinion', 'to reason'.
- (43) **גמרא** Gemara from **גמר** — 'to complete', a subject that has been completely acquired by means of oral study, v. Bacher, HUCA. 1904, pp. 20 seqq.]

## Talmud - Mas. Avodah Zarah 19b

one is not confused by the variation in the terms used.

‘By streams of water’.<sup>1</sup> — Said R. Tanhum b. Hanilai:<sup>2</sup> [This implies that] one should divide one's years [of study] into three [and devote] one third of them to Scripture, one third to Mishnah,<sup>3</sup> and one third to Talmud.<sup>3</sup> But does a man know the tenure of his life? — What is meant is that he should apply this practice to every day of his life.<sup>4</sup>

That bringeth forth its fruit in its season and whose leaf doth not wither<sup>5</sup> — was explained by Raba thus: If he bringeth forth his fruit in its season, then, his leaf will not wither,<sup>6</sup> otherwise, both to the one taught and to the one who teaches does the scriptural verse apply, Not so the wicked; but they are like the chaff which the wind driveth away.<sup>7</sup> R. Abba said in the name of R. Huna, in the name of Rab:<sup>8</sup> The scriptural words, For she hath cast down many wounded,<sup>9</sup> refer to the disciple who gives decisions though he has not reached the age of ordination;<sup>10</sup> yea, a mighty host are her slain<sup>11</sup> refer to the disciple who has reached the ordination age but refrains from giving decisions.<sup>12</sup> And what is the age? — Forty years. But did not Rabbah act as Rabbi?<sup>13</sup> — That was a case of being equal [to anyone].<sup>14</sup>

And whose leaf doth not wither.<sup>15</sup> — Said R. Aha b. Adda in the name of Rab (some ascribe it to R. Aha b. Abba in the name of R. Hamnuna, in the name of Rab): Even the ordinary talk of scholars needs studying, for it is said, And whose leaf doth not wither, and whatsoever he doeth shall prosper.<sup>16</sup> R. Joshua b. Levi said: The following is written in the Law,<sup>17</sup> repeated in the Prophets and mentioned a third time in the Hagiographa: Whosoever occupies himself with the Torah, his possessions shall prosper. ‘It is written in the Law,’ — for it says, Observe therefore the words of this covenant, and do them, that ye may make all that ye do to prosper.<sup>18</sup> ‘It is repeated in the Prophets,’ — for it is written, This book of the Law shall not depart out of thy mouth, but thou shalt meditate therein day and night, that thou mayest observe to do according to all that is written therein; for then thou shalt make thy ways prosperous, and then thou shalt have good success.<sup>19</sup> ‘It is mentioned a third time in the Hagiographa,’ — for it is written, But his delight is in the Law of the Lord, and in His Law doth he meditate day and night. And he shall be like a tree planted by streams of water, that bringeth forth its fruit in its season, and whose leaf doth not wither; and in whatsoever he doeth he shall prosper.<sup>20</sup>

R. Alexandri was once calling out, ‘Who wants life, who wants life?’ All the people came and gathered round him saying: ‘Give us life!’ He then quoted to them, Who is the man who desireth life and loveth days that he may see good therein? Keep thy tongue from evil and thy lips from speaking guile, depart from evil and do good, seek peace and pursue it.<sup>21</sup> Lest one say, ‘I kept my tongue from evil and my lips from speaking guile. I may therefore indulge in sleep,’ Scripture therefore tells us, Turn from evil and do good. By ‘good’ nought but Torah is meant; as it is said, For I have given you a good doctrine, forsake ye not my Torah.

WHEN, HOWEVER, HE REACHES THE CUPOLA IN WHICH THE IDOL IS PLACED [HE MUST NOT BUILD]. Said R. Eleazar in the name of R. Johanan: If, however, he did build, the pay he received is permitted. This surely is obvious: it is a case of appurtenances of idols, and appurtenances of idols, whether according to R. Ishmael or according to R. Akiba,<sup>22</sup> are not forbidden till actually worshipped! — Said R. Jeremiah: It is necessary in the case of the idol itself.<sup>23</sup> This would be right according to the one<sup>24</sup> who holds that [to derive any benefit from] the making of an idol for an Israelite<sup>25</sup> is forbidden forthwith, but from the making of one for an idolater, not until it is worshipped. In that case this is very well; but according to the one who holds that even when made for an idolater [any benefit] is forbidden forthwith, what is there to be said?<sup>26</sup> — But, said Rabbah b. Ulla, the statement is necessary in regard to the last stroke of work; for what is it that makes the idol fit for worship? It is its completion; and when is the completion brought about? With



the last stroke.<sup>27</sup> But the last stroke does not constitute the value of a perutah!<sup>28</sup> Consequently, he holds the opinion that the wage is earned from the beginning to the end [of the work].<sup>29</sup>

MISHNAH. ONE SHOULD NOT MAKE JEWELLERY FOR AN IDOL [SUCH AS] NECKLACES, EAR-RINGS, OR FINGER-RINGS. R. ELIEZER SAYS, FOR PAYMENT IT IS PERMITTED. ONE SHOULD NOT SELL TO IDOLATERS A THING WHICH IS ATTACHED TO THE SOIL, BUT WHEN SEVERED IT MAY BE SOLD. R. JUDAH SAYS, ONE MAY SELL IT ON CONDITION THAT IT BE SEVERED.

GEMARA. Whence do we derive these rules? — Said R. Jose b. Hanina:

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(1) Ibid.

(2) V. Kid. 30a.

(3) V. Glos.

(4) V. Tosaf. S.V. **ישלש**. It is in conformity with this rule that the scriptural verses from Num. XXVIII, the Mishnah from Zeb. Ch. V, and the Baraitha de-R. Ishmael have been inserted into the preliminary part of the Morning Service. (V.P.B. pp. 9-14). [The term 'Talmud' when occurring in the Talmud denotes the discussion in the Amoraic schools based on the Mishnah of Rabbi.]

(5) Ps. *ibid.*

(6) Only if the student's deeds and conduct are in harmony with the teaching of the Torah will his study be of lasting benefit.

(7) Ps. I, 4.

(8) V. Sotah 22a.

(9) Prov. VII, 26.

(10) The word **הפילה** in the original is suggestive of **נפל** = 'a child of premature birth'.

(11) Ibid.

(12) The original **עצומים** (E.V. mighty host) is rendered those who shut themselves up, or suppress themselves, as **עוצם עיניו** 'he closes his eyes'.

(13) Though he died on reaching the age of 40 years, (v. R.H. 18b). [On the difficulties involved in this figure v. Halevy Doroth. II, 438 ff. He maintains that Rabbah lived 60 years (40 in the text being a copyist's error), but seeing that he was head of his school for 22 years he must have already acted as Rabbi at the age of 38. Hence the question of the Gemara. Cf. however Funk, *Die Juden in Babylonien*, II, note 1.]

(14) Rabbah, though young in years, was second in learning to none in the town (Rashi). [Tosaf., Sotah 22b, s.v. **בשוין** explains that Rabbah surpassed all other scholars in his town, and the restriction to age applies only where there are others who are equal in learning to the young scholar.]

(15) Ps. I, 3.

(16) Ps. *ibid.* Even the table-talk of the learned — here likened to the leaves, the least useful produce of the tree — is instructive,

(17) The Pentateuch.

(18) Deut. XXIX, 8.

(19) Josh. 1,8.

(20) Ps. I, 2-3.

(21) Ibid. XXXIV, 13-15.

(22) V. *infra* 51b, seq.

(23) Where an Israelite has been working at the making of an idol, R. Eleazar's statement, permitting the use of the payment for such work, is necessary.

(24) The point is under dispute between R. Ishmael and R. Akiba in the reference given above.

(25) Probably for selling to idolaters.

(26) About the statement of R. Eleazar permitting the payment received.

(27) It is therefore necessary for R. Eleazar to state that the payment received even for the completion of the work is not forbidden.

(28) Smallest coin (v. Glos.); it should therefore, in any case, be too insignificant to be forbidden!

(29) V. Kid. 48a and B.K. 99a, where it is discussed whether a job-worker is entitled to payment as his work progresses, or only on the completion of the job.

## Talmud - Mas. Avodah Zarah 20a

From the scriptural words, nor be gracious unto them — lo-tehannem<sup>1</sup> — [which may be rendered] nor allow them to settle on the soil. But are not these words needed to convey the Divine command not to admire their gracefulness? — If that alone were intended, the wording should have been lo tehunem;<sup>2</sup> why is lo tehannem used? To imply both these meanings. But there is quite another purpose for which this is needed, to express the Divine command not to give them any free gift!<sup>3</sup> — For that purpose the wording should have been lo tehinnem,<sup>4</sup> why then is it lo tehannem? — So as to imply all these interpretations. It has indeed been taught so elsewhere: lo tehannem means, thou shalt not allow them to settle on the soil. Another interpretation of lo tehannem is, thou shalt not pronounce them as graceful; yet another interpretation of lo tehannem is, thou shalt not give them any free gift.

The giving of free gifts [to idolaters] is itself a matter of dispute between Tannaim, for it has been taught:<sup>5</sup> [The verse], 'Ye shall not eat of anything that dieth of itself' unto the stranger that is within thy gates thou mayest give it that he may eat it,' or thou mayest sell it unto a heathen,<sup>6</sup> only tells us that it may be given away to a stranger or sold to a heathen. How do we know that it may be sold to a heathen? Because Scripture says, thou mayest give it — or sell it. How do we know that it may be given away to a heathen? Because Scripture says, thou mayest give it that he may eat it or thou mayest sell it to a heathen: hence it may be derived that both giving and selling may be applied to a stranger or a heathen.<sup>7</sup> This is the opinion of R. Meir. R. Judah, however, says: The words should be taken as they are written, giving being applied to a stranger, and selling to a heathen.<sup>8</sup> But R. Meir's interpretation is quite right! — R. Judah may contend thus: Were the divine words to be interpreted according to R. Meir, they would have read: 'Thou shalt give it as well as sell it'; why then does it say 'or' [sell it] if not to convey the particular meaning of the words?<sup>9</sup> And R. Meir? — [He might reply that 'or'] indicates that it is preferable to give it away to a stranger-settler than to sell it to a heathen. And as to R. Judah? — He might say that, since the maintenance of such a stranger is commanded by Scripture<sup>10</sup> and that of a heathen is not so commanded, no scriptural word is needed to give [the stranger] preference.

[It has been stated above.] 'Another interpretation of lo tehannem is, Thou shalt not pronounce them as graceful.' This supports the view of Rab. For Rab said: One is forbidden to say, 'How beautiful is that idolatress!' The following objection was raised: It happened that R. Simeon b. Gamaliel, while standing on a step on the Temple-mount, saw a heathen woman who was particularly beautiful, and he exclaimed: How great are Thy works, O Lord.<sup>11</sup> Likewise, when R. Akiba saw the wife of the wicked Tyranus Rufus,<sup>12</sup> he spat, then laughed, and then wept. 'Spat,' — because of her originating only from a putrefying drop;<sup>13</sup> 'laughed,' — because he foresaw that she would become a proselyte and that he would take her to wife; 'wept', that such beauty should [ultimately] decay in the dust. What then about Rab's ruling?<sup>14</sup> [He might say that] each of these Rabbis merely offered thanksgiving. For a Master has said: He who beholds goodly creatures should say, 'Blessed be He who hath created such in His universe.'<sup>15</sup> But is even mere looking permitted? The following can surely be raised as an objection: 'Thou shalt keep thee from every evil thing'<sup>16</sup> [implies] that one should not look intently at a beautiful woman, even if she be unmarried, or at a married woman even if she be ugly,

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(1) Deut. VII, 2. **תהנמ**, connected with root **הנה**, to encamp.

(2) **תהונם**.

(3) Infra 64a.

(4) **תחינם**.

(5) Hul. 114b.

(6) Deut. XIV, 21 — The Hebrew word here rendered ‘stranger’ is Ger גֵר, a heathen who, for the purpose of acquiring rights of citizenship in Palestine, renounced idolatry but does not observe Jewish dietary laws. Such a ‘stranger’ had to be maintained by the state according to the Biblical injunction: a stranger and a settler he shall live with thee (Lev. XXV, 35).

(7) The phrasing may be so altered as to make giving and selling applicable to both cases.

(8) But to give it as a gift to a heathen is forbidden. Thus the giving of a free gift to a heathen, which is permitted according to R. Meir, is forbidden according to R. Judah.

(9) That selling refers to the one case, and giving to the other.

(10) V. n. 2, end.

(11) Ps. CIV, 24.

(12) Tineius Rufus, Governor of Judea, 1st century (C.E.).

(13) Ab. III, 1.

(14) Who holds that one must not admire the beauty of heathen.

(15) V. Ber. 58b, where the prescribed benediction is ‘Blessed be He who hath such in His universe.’

(16) Deut. XXIII, 10.

## Talmud - Mas. Avodah Zarah 20b

nor at a woman's gaudy garments, nor at male and female asses, or a pig and a sow, or at fowls when they are mating; even if one be all eyes like the Angel of Death! (It is said of the Angel of Death that he is all full of eyes. When a sick person is about to depart, he stands above his head-pillow with his sword drawn out in his hand and a drop of gall hanging on it. As the sick person beholds it, he trembles and opens his mouth [in fright]; he then drops it into his mouth. It is from this that he dies, from this that [the corpse] deteriorates, from this that his face becomes greenish)? — [What may have happened in those cases was that] the woman turned round a corner.<sup>1</sup>

[It was said above.] ‘Nor at a woman's gaudy garments!’ Said R. Judah b. Samuel: Even when these are spread on a wall. Whereon R. Papa remarked: That is if he knows their owner. Said Raba: This is also proved by the wording which reads, ‘Nor at a woman's gaudy garments,’ but does not read ‘at gaudy garments.’<sup>2</sup> This proves it. R. Hisda said: That can only refer to such as had been worn,<sup>3</sup> but in the case of new ones it does not matter; for were you not to say so, how could women's dresses be handed to a trimmer; he must needs look at them! — And according to your opinion, [how will you explain] the statement of Rab Judah<sup>4</sup> that in the case of animals of the same kind one may bring them together [for mating] in the very closest manner; surely he, too, must needs look!<sup>5</sup> — But, we assume that what he cares about is only his work; so here, too, it is only his work that he cares about.

The Master said: ‘From it he dies.’ Shall we say, then, that this differs from the statement of Samuel's father?<sup>6</sup> For Samuel's father said: The Angel of Death told me, Were it not for the regard I have for people's honour, I could cut the throat of men as widely as that of an animal [is cut]!<sup>7</sup> — Possibly, it is that very drop that cuts into the organs of the throat. [The above-mentioned statement.] ‘From it the corpse deteriorates’ supports the view of R. Hanina b. Kahana. For R. Hanina b. Kahana stated: It had been said in the school of Rab that if one wants to keep a corpse from deteriorating, he should turn it on its face.

Our Rabbis taught: The words, Thou shalt keep thee from every evil thing,<sup>8</sup> mean that<sup>9</sup> one should not indulge in such thoughts by day as might lead to uncleanness by night. Hence R. Phineas b. Jair said:<sup>10</sup> Study leads to precision, precision leads to zeal, zeal leads to cleanliness, cleanliness leads to restraint, restraint leads to purity, purity leads to holiness, holiness leads to meekness, meekness leads to fear of sin, fear of sin leads to saintliness, saintliness leads to the [possession of] the holy spirit, the holy spirit leads to life eternal,<sup>11</sup> and saintliness is greater than any of these, for Scripture

says. Then Thou didst speak in vision to Thy saintly ones.<sup>12</sup> This, then, differs from the view of R. Joshua b. Levy. For R. Joshua b. Levy said: Meekness is the greatest of them all, for Scripture says, The spirit of the Lord God is upon me, because the Lord hath anointed me to bring good tidings unto the meek.<sup>13</sup> It does not say, 'unto the saints', but 'unto the meek', from which you learn that meekness is the greatest of all these.

ONE SHOULD NOT SELL TO IDOLATERS A THING WHICH IS ATTACHED TO THE SOIL. Our Rabbis taught: One may sell a tree to a heathen with the stipulation that it be felled and he then fells it; this is the opinion of R. Judah. R. Meir, however says: We may only sell to heathen a tree when felled. Likewise, low-growth, with the stipulation that it be cut and he may then cut it; this is the opinion of R. Judah. R. Meir, however, says: We may only sell it to them when it is cut. So also, standing corn, with the stipulation that it be reaped and he may then reap it; this is the opinion of R. Judah. R. Meir, however, says: We may only sell it them when reaped.<sup>14</sup> And all these three instances are necessary; for were we told of the case of a tree only [we might think that] in that case only does R. Meir oppose, for, since the heathen will not lose by letting it remain in the ground, he might leave it so, but the other case [the standing corn] where he would lose by letting it remain in the soil, we might think that R. Meir would agree with R. Judah. On the other hand, were we told about the tree and the corn only [we might have thought that] it is because it is not obvious that he benefits by leaving them in the soil [that R. Judah permits], but in the case of low-growth where he obviously benefits by leaving it to grow on, we might think that he agrees with R. Meir. Were we again to be told of the case of [low-growth] only, we might have thought that it is only in that case that R. Meir objects [since it pays him not to cut it], but in the other two cases, he shares the view of R. Judah; hence all these are necessary.

The question was asked: How about selling cattle with the stipulation that it be slaughtered? Shall we say that in those other instances the reason why R. Judah permits is because [the articles], not being in the heathen's domain, could not be left there altogether, whereas cattle, which is in his own domain, might be kept by him [unslaughtered], or should no distinction be made? — Come and hear: It has been taught: [We may sell a heathen] cattle with the stipulation that he should slaughter it, and he then slaughters it; this is the opinion of R. Judah. R. Meir, however, says: We may only sell it to them when slaughtered.

MISHNAH. ONE SHOULD NOT LET HOUSES TO THEM IN THE LAND OF ISRAEL; AND IT IS NEEDLESS TO MENTION FIELDS. IN SYRIA.<sup>15</sup>

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(1) Her face thus met the Rabbi's eyes unexpectedly.

(2) **בגדי צבעונין** is used only of feminine wear, as men do not wear highly coloured garments (Rashi.)

(3) Which may bring to mind the one who had been seen wearing them.

(4) B. M. 91a.

(5) Which, as stated above, is forbidden.

(6) Abba b. Abba, the father of the Babylonian Amora, Samuel (b. about 165), is usually known by the designation of 'The Father of Samuel'.

(7) Which implies that an incision, though an imperceptibly small one, is actually made.

(8) Deut, *ibid*.

(9) V. Ket. 46b.

(10) V. Shek. IV, 6, also Sotah IX, 9, where the version varies from the present one. [For a full discussion of this passage which has been named the Saint's Progress, v. Buchler, A. Types of Jewish Palestinian Piety, pp. 42-67.]

(11) **תחיית המתים** Lit., 'resurrection of the dead'. [The phrase may also mean that the possessor of the holy spirit is endowed with the power of restoring life to the dead.]

(12) Ps. LXXXIX, 20.

(13) Isa. LXI, 1.

(14) V. Tosef. A.Z. II.

(15) The northern part of Trans-Jordania which King David annexed to Palestine of his own accord; v. II Sam. X, 6 ff.

## **Talmud - Mas. Avodah Zarah 21a**

HOUSES MAY BE LET TO THEM, BUT NOT FIELDS. ABROAD,<sup>1</sup> HOUSES MAY BE SOLD AND FIELDS LET TO THEM; THIS IS THE OPINION OF R. MEIR. R. JOSE SAYS: IN THE LAND OF ISRAEL, ONE MAY LET TO THEM HOUSES BUT NOT FIELDS; IN SYRIA, WE MAY SELL THEM HOUSES AND LET FIELDS; BUT ABROAD, THE ONE AS WELL AS THE OTHER MAY BE SOLD. EVEN IN SUCH A PLACE WHERE THE LETTING OF A HOUSE HAS BEEN PERMITTED, IT IS NOT MEANT FOR THE PURPOSE OF A RESIDENCE, SINCE THE HEATHEN WILL BRING IDOLS INTO IT; FOR SCRIPTURE SAYS, AND THOU SHALT NOT BRING AN ABOMINATION INTO THY HOUSE.<sup>2</sup> NOWHERE, HOWEVER, MAY ONE LET A BATH-HOUSE TO A HEATHEN, AS IT IS CALLED BY THE NAME OF THE OWNER.

GEMARA. Why is it 'NEEDLESS TO MENTION FIELDS'? Shall we say because it offers two [objections]: the one, that the heathen settles on the soil, and the other that [the produce] becomes exempt from tithes? If it be that, then houses too offer two objections: the one, that the heathen settles on the soil, and the other that they become exempt from having a mezuzah.<sup>3</sup> Said R. Mesharsheya: It is upon the occupant that the observance of mezuzah devolves.<sup>4</sup>

IN SYRIA HOUSES MAY BE LET TO THEM, BUT NOT FIELDS. Why is selling [of houses] not allowed — lest it lead to selling [houses] in the Land of Israel? Why then not make a safeguard in the case of letting also? — Letting<sup>5</sup> is in itself a safeguard;<sup>6</sup> shall we then go on making another safeguard to guard it? But is not the letting of a field in Syria a safeguard to another safeguard,<sup>7</sup> and yet it is upheld? — That is not a mere safeguard, it follows the opinion that even the annexation by an individual is to be regarded as annexed [to Palestine];<sup>8</sup> hence, in the case of a field, which offers a twofold objection<sup>9</sup> our Rabbis ordained a safeguard;<sup>10</sup> but in the case of houses, since there is no such double objection, no safeguard was made by our Rabbis.

ABROAD, HOUSES MAY BE SOLD AND FIELDS LET TO THEM. Because in the case of a field, which offers a twofold objection, our Rabbis ordained a safeguard;<sup>11</sup> but in the case of a house, since there is no such double objection, no such safeguard was made by our Rabbis.

R. JOSE SAYS: IN THE LAND OF ISRAEL, WE MAY LET TO THEM HOUSES BUT NOT FIELDS. What is the reason? — In the case of fields, which offer the twofold objection, our Rabbis ordained a safeguard, but in the case of houses, since there is no such double objection, no safeguard was made by our Rabbis.

IN SYRIA, WE MAY SELL THEM HOUSES AND LET FIELDS, What is the reason? — [R. Jose] holds that the annexation made by an individual is not regarded as a proper annexation; hence in the case of fields, which offer the twofold objection, our Rabbis instituted a safeguard, but in the case of houses, since there is no such double objection, no safeguard was made by our Rabbis. BUT ABROAD, THE ONE AS WELL AS THE OTHER MAY BE SOLD. What is the reason? — Because, on account of the distance [from Palestine], the principle of safeguard does not apply.

Said Rab Judah in the name of Samuel: The halachah is with R. Jose.<sup>12</sup> Said R. Joseph: Provided he does not make it a [heathen] settlement. And how many [tenants] constitute a settlement? — A Tanna taught that at least three persons constitute a settlement. But should we not fear lest, after this Israelite has sold the property to one idolater, the latter may go and sell a part thereof to two others?<sup>13</sup> — Said Abaye: We need not be particular overmuch.<sup>14</sup>

EVEN IN SUCH A PLACE WHERE LETTING HAS BEEN PERMITTED. This implies that

there are places where letting is not permitted —

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(1) לְחוּץ לְאֶרֶץ, ‘outside the Land (of Israel).’

(2) Deut. VII, 26.

(3) V. supra p. 55, n. 5.

(4) The house is only liable to have a mezuzah if it is occupied by an Israelite; the term exemption cannot therefore be applied to it. V.B.M. 101b, Pes. 4a.

(5) Even in Palestine.

(6) Against possible sale.

(7) Lest it lead to selling in Syria which in turn may lead to selling in Palestine.

(8) V. supra p. 108, n. 1, and Git. 8b.

(9) As explained before.

(10) Forbidding letting as against possible sale.

(11) As against possible selling in the Land of Israel.

(12) That abroad one may sell them both houses and fields.

(13) [Retaining a part for himself and thus forming a heathen settlement.]

(14) Lit., ‘we are particular as regards before, but not before before.’ V. supra 14a.

### Talmud - Mas. Avodah Zarah 21b

which proves that R. Meir's view is accepted.<sup>1</sup> since according to R. Jose letting is permitted everywhere.

NOWHERE, HOWEVER, MAY ONE LET A BATH-HOUSE, etc. It has been taught: Rabban Simeon b. Gamaliel said: One should not let his bath-house to a heathen, for it is called by the owner's name, and the idolater will work in it on Sabbath and festivals.<sup>2</sup> It would seem, then, that to a Cuthean<sup>3</sup> it may be let? But might not a Cuthean do work in it on the intermediate Days?<sup>4</sup> — We, too, are permitted to do [such] work on the Intermediate Days.<sup>5</sup> [Again] it would seem that in the case of a field, letting to a heathen is permitted! What is the reason?<sup>6</sup> — Because people will say that he is merely a metayer working for his tenancy.<sup>7</sup> Why then not apply the same principle to a bath-house? — People do not generally let a bath-house on terms of metayage.

It has been taught: R. Simeon b. Eleazar says: One should not let one's field to a Cuthean, for it is called by the owner's name and that Cuthean will do work in it on the intermediate Days.<sup>8</sup> So that to an idolater such letting is permitted? Because it will be said that he is a metayer working for his own tenancy. If so, why should it not be said in the case of a Cuthean, too, that he is a metayer working for his own tenancy?

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(1) According to which letting in Palestine is forbidden.

(2) [And the Jew would appear to desecrate the Sabbath (Tosef. A.Z.II.)]

(3) V. Glos. Who abstains from work on Sabbath and Festivals, but not on the intermediate Days of the Festivals.

(4) V. supra p. 28, n. 2.

(5) Heating a bath is permitted on the week-days of the festivals. [Text in cur. edd. difficult. Render with Venice ed. (v.D.S. a.l.): But to a Cuthean it may be sold. (For) when might he do work in it? On the Intermediate days; but on the intermediate days we too are permitted to do such work.]

(6) Even though where the objection of letting them settle on the soil does not apply, as for example, outside Palestine, this objection to work being done by a heathen in a property known to be owned by an Israelite still exists! [Venice ed.: But in the case of a field . . . permitted, because etc.]

(7) And not by order of the Jewish owner.

(8) Tosef. A.Z. ibid,

### Talmud - Mas. Avodah Zarah 22a

## Talmud - Mas. Avodah Zarah 22a

— R. Simeon b. Eleazar has not in mind the metayage principle at all; but the reason why he permits in the case of an idolater is because, if he is told [to abstain from work on forbidden days] he obeys. But a Cuthean, too, if told would surely obey! — A Cuthean would not obey; he would say: 'I am more learned than thou!' If that is so, why then mention the objection of the field being called by the owner's name; he could have given the reason of not placing a stumbling block before the blind?<sup>1</sup> — He mentions that reason as an additional one, as if to say: There is the one reason of [not placing a stumbling block] before the blind, and there is also the objection of its being called by his name.

Two<sup>2</sup> saffron-growers, [one of whom was] a heathen who took charge of the field on the Sabbath, and [the other] an Israelite who did so on the Sunday, came before Raba; he declared the partnership as permissible. Rabina, however, cited the following in refutation of Raba's ruling: If an Israelite and a heathen leased a field in partnership, the Israelite must not say subsequently to the heathen, Take as thy share the profit in respect of the Sabbath, and I will take as mine that in respect of a week-day;<sup>3</sup> only when such a condition was made originally is it permitted. [Likewise] if they just calculate the profit<sup>4</sup> it is forbidden! Whereupon he [Raba] blushed. Subsequently, the fact came to light that the partners had indeed laid down that condition originally.

R. Gabiha of Be-Kathil<sup>5</sup> said: That was a case of 'orlah<sup>6</sup> plants, the produce of which the heathen was to eat during the forbidden years and the Israelite during [a corresponding number of] permitted years, and they came before Raba who permitted it.<sup>7</sup> But did not Rabina cite a statement in objection to Raba's ruling? — [No,] it was in order to support it.<sup>8</sup> Then why did Raba blush? — That never occurred at all.

The question was asked: What if no arrangements at all were made? — Come and hear [the above passage]: 'Only when such a condition was made originally is it permitted,' hence, if there was no arrangement it is forbidden. Continue, then, with the next part: 'If they calculated the profit it is forbidden,' which implies that, if there was no arrangement it is permitted! — The fact is, no answer can be deduced from this passage.

### CHAPTER II

**MISHNAH. ONE SHOULD NOT PLACE CATTLE IN HEATHENS' INNS,<sup>9</sup> BECAUSE THEY ARE SUSPECTED OF IMMORAL PRACTICE WITH THEM. A WOMAN SHOULD NOT BE ALONE WITH THEM, BECAUSE THEY ARE SUSPECTED OF LEWDNESS, NOR SHOULD A MAN BE ALONE WITH THEM, BECAUSE THEY ARE SUSPECTED OF SHEDDING BLOOD.**

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(1) Lev. XIX, 14. V. supra. 6a.

(2) Lit., 'these'.

(3) As the partnership was entered into unconditionally, the duty of working the field devolved equally on both partners. The work carried out by the heathen on the Sabbath is therefore done by him, in respect of one half thereof, as the agent of the Israelite.

(4) If the Israelite apportions the profits in respect of the Sabbath to the heathen even without telling him explicitly to work on the Sabbath it is likewise forbidden, as in the absence of specific conditions, the assumption is that the heathen is to work on behalf of the Jew on the Sabbath — which is in direct opposition to Raba's ruling.

(5) [On the Tigris, north of Bagdad (Obermeyer, op. cit. p. 147).]

(6) Lit., 'uncircumcised', newly-planted trees, the produce of which is forbidden during the first three years. V. Lev. XIX, 23.

(7) This is quite in order since even during the forbidden years, the Israelite is only forbidden to eat of the produce, but is permitted to do the work. There is therefore no objection to the heathen's working even though he does so as the Israelite's agent.

(8) The statement in Rabina's citation, that where the prohibition does not extend to the work — as in the case of laying

down the conditions originally — the arrangement is permitted, distinctly supports Raba's ruling in regard to produce of 'orlah trees.

(9) (On the ill-repute of the Greek and Roman inns, v. Elmslie a.l.]

## Talmud - Mas. Avodah Zarah 22b

GEMARA. The following was cited in contradiction: One may buy of them cattle for a sacrifice, and it need not be feared lest it committed, or had been used for, an immoral act, or had been designated as an offering to idols, or had been worshipped.<sup>1</sup> Now we are quite right not to fear about its having been designated as an offering to idols or having been made an object of worship, since if it had been so designated or worshipped, its owner would not have sold it; but we surely ought to fear as to committing an immoral act!<sup>2</sup> — Said R. Tahlifa in the name of R. Shila b. Abina in the name of Rab: A heathen would have regard for his cattle, lest it becomes barren.<sup>3</sup> This would indeed hold good in the case of female cattle but what answer would you give in the case of males? — Said R. Kahana: Because it has a deteriorating effect on their flesh. Then what about that [Baraitha] which has been taught: 'One may buy cattle of any heathen shepherd'; ought we not to fear lest he used it for an immoral purpose?<sup>4</sup> — The heathen shepherd would be afraid of forfeiting his fee. What then about this [other Baraitha] which has been taught: 'One should not entrust cattle to a heathen shepherd';<sup>5</sup> why not assume that the heathen shepherd would be afraid of forfeiting his fee? — They fear detection by one another since they know a good deal about it, but they are not afraid of us who do not know much about it. Rabbah said: This is what the popular proverb says. 'As the stylus penetrates the stone so one cunning mind detects another.' In that case, neither should we buy male cattle<sup>6</sup> from women, for fear of their having used them for immoral practice! — She would be afraid of being followed about by the animal. What then about this which R. Joseph learnt: 'A widow should not rear dogs, nor accommodate a student as a guest'? Now it is quite right in the case of a student, as she might reckon on his modesty,<sup>7</sup> but in the case of a dog why not say that she would be afraid of being followed about by it? — Since it would follow about on being thrown a piece of meat, people will say that it is because of being given such pieces that it follows her. Why then should we not leave female animals alone with female heathens?<sup>8</sup> — Said Mar 'Ukba b. Hama: Because heathens frequent their neighbours' wives, and should one by chance not find her in, and find the cattle there, he might use it immorally. You may also say that even if he should find her in he might use the animal, as a Master has said:<sup>9</sup> Heathens prefer the cattle of Israelites to their own wives, for R. Johanan said: When the serpent came unto Eve he infused filthy lust into her.<sup>10</sup> If that be so [the same should apply] also to Israel! — When Israel stood at Sinai that lust was eliminated, but the lust of idolaters, who did not stand at Sinai, did not cease.

The question was asked: How about fowls?<sup>11</sup> — Come and hear: Rab Judah said in the name of Samuel on behalf of R. Hanina: I saw a heathen buy a goose in the market, use it immorally, and then strangle it, roast, and eat it. Also R. Jeremiah of Difti<sup>12</sup> said: I saw an Arab who bought a side [of meat], pierced it for the purpose of an immoral act, after which act he roasted and ate it.

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(1) Any of which uses would disqualify it for the purpose of sacrifice (Tosef. 'A.Z. II). V. B.K. 40b.

(2) The Baraitha which rules out such possibility is therefore in conflict with our Mishnah.

(3) Hence the Baraitha does not suspect immoral practice in the case of the heathen's own cattle, while our Mishnah, which deals with other people's cattle left in a heathen's inn, does suspect it.

(4) As the cattle does not belong to him.

(5) Supra 15b, Tosef. A.Z. III.

(6) For sacrifices.

(7) Which would deter him from making it known.

(8) V. supra, 15b.

(9) Git. 38a.

(10) Shab. 146a; Yeb. 103b.



(11) Does the suspicion connected with animals apply to them?

(12) [Identified with Dibtha below the Tigris, S.E. Babylon, Obermeyer, op. cit. p. 197.]

## Talmud - Mas. Avodah Zarah 23a

Rabina said:<sup>1</sup> There is really no contradiction; the one teaching [prohibits it] in the first instance; the other [permits it] after it happened.<sup>2</sup> And whence do we know that a difference is to be made in a case between the first instance and where it had happened? — From the following: We have learnt: A WOMAN SHOULD NOT BE ALONE WITH THEM, BECAUSE THEY ARE SUSPECTED OF LEWDNESS; now this seems to be contradicted by the following: A woman who had been imprisoned by heathens in connection with money matters, is permissible to her husband,<sup>3</sup> but if on a capital charge, she is forbidden to her husband.<sup>4</sup> Does this not go to prove that we make a difference in a case between the first instance and where it had happened?<sup>5</sup> — Not at all! It may indeed be that the prohibition applies even after it happened, but here the reason is that the heathen will be afraid to forfeit his money! You can indeed prove it by what is stated in the second clause: ‘If on a capital charge, she is forbidden to her husband.’ So there is no more [to be said about this].

R. Pedath said: There is no contradiction,<sup>6</sup> the one is [according to] R. Eliezer, the other is [according to] the Rabbis. For we have learnt in connection with the Red Heifer:<sup>7</sup> R. Eliezer says: It must not be bought of a heathen, but the Sages permit it.<sup>8</sup> Is not [the point] on which they differ this: that R. Eliezer holds that we suspect immoral practice whilst the Rabbis hold that we do not suspect immoral practice?<sup>9</sup> — Whence [do you know this]? It may well be said that all agree that immoral practice is not to be suspected, the reason for R. Eliezer's opinion being this: he holds the view presented by Rab Judah in the name of Rab. For Rab Judah said in the name of Rab: [In the case of the Red Heifer]<sup>10</sup> even if a bundle of sacks has been laid on her she becomes ritually unfit, but in the case of the calf,<sup>11</sup> only if she had been made to draw a burden. [It may thus be that] one master<sup>12</sup> is of the opinion that we should suspect,<sup>13</sup> and the other that we should not suspect it! — Do not let this enter your mind; for the sake of a small benefit one would not risk a big loss.<sup>14</sup> Let us then say likewise that for the sake of a little enjoyment<sup>15</sup> one would not risk so big a loss! — In that instance his passion impels him.

But [still] it may be that all agree that immoral practice is not to be suspected, but that the reason for R. Eliezer's ruling is the one given in the teaching of Shila? For Shila learned: ‘What is the reason for R. Eliezer's ruling? [It is the scriptural words:] Speak unto the Children of Israel that they bring unto thee,<sup>16</sup> [which imply that] Israelites shall bring, but it should not be brought by heathens’!<sup>17</sup> — Do not let this enter your mind; for it is stated in the second clause: ‘R. Eliezer applied this disqualification to all other kinds of sacrifices.’ Now were you to adduce the reason as taught by Shila, it would hold good in the case of the [red] heifer, in connection with which Scripture mentions ‘bringing’, but does Scripture ever mention ‘bringing’ in connection with other sacrifices? But [still] might we not say, then, that the Rabbis differ from R. Eliezer

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(1) In reference to the contradiction between our Mishnah and the Baraita cited above, p. 113.

(2) The Mishnah forbids the deliberate placing of an animal with a heathen, while the Baraita permits the use of such an animal when it had already been so placed.

(3) The heathen who has charge of her will not ill-use her for fear of losing the money involved.

(4) Keth. 26b.

(5) The former being forbidden according to the first teaching, while the latter is permitted according to the second.

(6) Between our Mishnah and the Baraita.

(7) פרה אדומה, Num. XIX, 1 seq.

(8) Par. II, 1.

(9) Their opinions are thus represented respectively by our Mishnah and Baraita.

(10) Concerning which it is said, upon which never came yoke (Num. XIX, 2).

(11) עגלה ערופה, To be brought by the elders of the place in the vicinity of which a murdered person is found (Deut. XXI, 1 seq.), concerning which it is said, which hath not drawn in the yoke.

(12) R. Eliezer.

(13) The owner, of having placed a bundle on her, and not because of immoral practice.

(14) The price paid for a perfectly red heifer being very high.

(15) Of committing an immoral act.

(16) With reference to the red heifer, Num. XIX, 2.

(17) [And since R. Eliezer extends the disqualification to all sacrifices, his reason must be that he suspects immoral practice, and our Mishnah thus represents his view.]

## Talmud - Mas. Avodah Zarah 23b

only in the case of the [red] heifer which commands a high price,<sup>1</sup> but that in the case of other sacrifices they agree with him? — In that case, whose opinion would the [Baraita] taught [above, viz.]: ‘We may purchase from heathen cattle for [ordinary] sacrifices’ represent? Neither that of R. Eliezer nor that of the Rabbis! Moreover, it is distinctly taught as follows:<sup>2</sup> What was cited as a refutation to R. Eliezer by his colleagues is, All the flocks of Kedar shall be gathered together unto thee . . . they shall come up with acceptance on mine altar.<sup>3</sup>

The difference of opinions<sup>4</sup> is only in regard to suspicion, so that where the immoral use is certain, the heifer is unfit. From here then you can deduce that the degree of sanctity of the red heifer is that of animals sacrificed on the altar; for if it had only the sanctity of those [dedicated] to repairs of the temple,<sup>5</sup> immoral use should not render it unfit! — The red heifer may be different [in this respect alone], because it is designated by Divine law as a sin-offering.<sup>6</sup> If that be so, it ought to be unfit if it be a Yoze Dofan:<sup>7</sup> and were you to say that it is so indeed, why then are we taught: If one dedicates a Yoze Dofan as a red heifer, it is unfit, but R. Simeon declares it as fit?<sup>8</sup> Again, were you to say that R. Simeon follows here the opinion he expressed elsewhere that a Yoze Dofan is to be regarded as a properly born child,<sup>9</sup> has not R. Johanan said that R. Simeon admitted, in regard to sacred things, that it is not valid for such sanctity?<sup>10</sup> — But the case of the red heifer is different; since a blemish renders it unfit, immoral use or idolatrous worship also render it unfit;<sup>11</sup> for Scripture says, for their corruption is in them, there is a blemish in them; they shall not be accepted,<sup>12</sup> and the School of R. Ishmael taught:<sup>13</sup> Wherever ‘corruption’ is mentioned it only means lewdness and idolatry: ‘lewdness’, as it is said, for all flesh had corrupted their way upon the earth;<sup>14</sup> and ‘idolatry’, for Scripture says, lest ye deal corruptly, to make ye a graven image,<sup>15</sup> and since a blemish renders the red heifer unfit, immoral use and idolatrous worship also render it unfit.

The above text stated: ‘Shila learned, What is the reason for R. Eliezer's ruling? [It is the scriptural words,] Speak unto the Children of Israel that they bring unto thee, [which imply that] Israelites shall bring, but it should not be brought by heathens.’ According to this, Speak unto the Children of Israel that they take for me an offering<sup>16</sup> should also mean that Israelites should take and that it should not be taken of idolaters! And were you to say that it does indeed mean so, surely Rab Judah reported in the name of Samuel:<sup>17</sup> R. Eliezer [himself] was asked: To what extent is honouring one's father and mother to be practised? He answered: Go forth and see how a certain idolater of Ashkelon, Dama the son of Nathina by name, acted towards his father. He was once approached about selling precious stones for the ephod<sup>18</sup>

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(1) So that the owner would not tamper with her for fear of monetary loss.

(2) Infra 24a.

(3) Isa. LX, 7. This proves that the discussion between the Rabbis and R. Eliezer applies to all sacrifices. [The Rabbis will permit in every case, whereas R. Eliezer will forbid in all cases; the Mishnah thus represents the view of R. Eliezer, and the Baraita that of the Rabbis, even as is explained by R. Pedath.]

(4) Between R. Eliezer and the Rabbis.

(5) V. Shebu. 11b.

(6) Num. XIX, 9.

(7) יִצְיָ דּוֹפָן 'A fetus extracted by means of the cesarean section' (Jast.) which is, according to Bek. 12a, unfit as sacrifice, of which it is said (Lev. XXII, 27), When a bullock or a sheep or a goat is born . . . it may be accepted for an offering.

(8) Tosef. Par. I.

(9) So that the period of uncleanness and subsequent purification and sacrifice (Lev. XII) are to be observed by the woman (Nid. 40a).

(10) Why then should a Yoze Dofan be valid as a red heifer?

(11) Though in other respects it does not possess the sanctity of sacrifices brought on the altar.

(12) Lev. XXII, 25.

(13) Sanh. 27a.

(14) Gen. VI, 12, where immorality is meant.

(15) Deut. IV, 16.

(16) Ex. XXV, 2.

(17) Kid. 31.

(18) The vestment worn by the high priest, the shoulder piece of which had two onyx stones on which the names of the twelve tribes of Israel were engraved. (Ex. XXVIII, 9.)

## Talmud - Mas. Avodah Zarah 24a

at a profit of six hundred thousand [denarii] (R. Kahana's version is eight hundred thousand); but the keys were lying under his father's head-pillow, so he would not disturb him!<sup>1</sup> — The words 'onyx stones'<sup>2</sup> are detached from the preceding words.<sup>3</sup> But are they not followed by and stones to be set<sup>4</sup> which again connects them? Moreover, the sequel to the report is:<sup>5</sup> In a subsequent year a 'red heifer' was born in his herd, and some of the Sages of Israel called on him.<sup>6</sup> Said he to them: From what I know of you [I am aware] that if I were to demand of you all the money in the world, you would give it to me, but all I ask of you now is that money that I had lost because of my father!<sup>7</sup> — In that case it was purchased through [the agency of] Israelite merchants.<sup>8</sup>

Does R. Eliezer then hold that immoral use is not to be suspected?<sup>9</sup> Has it not been taught: When the incident was mentioned to R. Eliezer of [a Red Heifer] having been bought of a heathen named Dama — or, as some say, named Ramaz — R. Eliezer replied: What does that prove, seeing that Israelites watched the heifer from the hour of its birth?<sup>10</sup> — R. Eliezer indeed admits both reasons, that of its having to be brought [by an Israelite] as well as the suspicion of immoral use.

The Master said: 'Israelites watched the heifer from the hour of its birth.' But is there not the suspicion that its mother may have been ill-used when she bore her, seeing that Raba said: The young of a goring cow is unfit<sup>11</sup> for it was both the cow and her young that did the goring. Likewise the young of an ill-used animal is unfit, since the animal and the young were ill-used together? — What is evidently meant is that it was watched by Israelites from the time it was first formed. Still, is there not the suspicion of the mother having been ill-used previously, for we have learnt: As to all those which are forbidden to be offered on the altar — their young<sup>12</sup> are permitted.<sup>13</sup> And thereon it was learnt that R. Eliezer forbade. Now, this is all right according to [the exposition of] Raba, for Raba said in the name of R. Nahman: The dispute only applies to a case of an animal being ill-used when already dedicated as a sacrifice; but if when still in an ordinary state, all agree that [the young] is permitted. But how will you explain it according to R. Huna b. Hinena who said in the name of R. Nahman that the dispute applies only to a case of an animal being ill-used while still undedicated, but if when already dedicated all agree that [the young] is forbidden?<sup>14</sup> — Then we must say that the mother, too, was watched by Israelites since the time it was first formed. And why not raise the suspicion of the mother's mother having been ill-used? — We should not let suspicion go so far as all that.

The Master said: 'It was watched by Israelites from the time it was first formed.' How did they know it?<sup>15</sup> — Said R. Kahana: A red cup is being passed before [the mother] when the male is mating with her.<sup>16</sup> If that is so, why should [a red heifer] be so costly? — Because even two hairs [of another colour] render her unfit. Then why [use this means] on their [animals]?<sup>17</sup> — Said R. Kahana: Only with specified breeds [is it effective].

R. Ammi and R. Isaac Nappaha were sitting in the tent of R. Isaac Nappaha when one of them began to cite: Thus R. Eliezer forbade [cattle bought of a heathen] for all sacrifices. Thereupon the other stated that, in refutation of R. Eliezer's opinion, there was cited by his colleagues [the verse], All the flocks of Kedar shall be gathered together unto Thee . . . they shall come up with acceptance on my altar;<sup>18</sup> to which R. Eliezer replied: All these will become self-made proselytes in the time to come.<sup>19</sup> Said R. Joseph: What is the scriptural authority for this? For then will I turn to the peoples a pure language, that they may all call upon the name of the Lord.<sup>20</sup> Abaye asked: perhaps this merely means that they will turn away from idolatry?<sup>21</sup> And R. Joseph answered him: The verse continues, and to serve Him with one consent.<sup>22</sup> This is how R. Papa reported it; but R. Zebid reported thus: Both [R. Ammi and R. Isaac Nappaha] said: Thus, R. Eliezer forbade [cattle bought of a heathen] for all sacrifices, and both of them said: What was cited as a refutation to R. Eliezer by his colleagues is, All the flocks of Kedar shall be gathered etc., and R. Eliezer said: They will all become self-made proselytes in the time to come, [and it was he who cited] the scriptural authority, For then will I turn to the peoples a pure language, that they may all call upon the name of the Lord [and when] R. Joseph objected: Does this not say merely that they will turn away from idolatry? [it was] Abaye [who] answered him that the verse continues, to serve Him with one consent.

An objection was raised: And Moses said: Thou must also give into our hand sacrifices and burnt-offerings.<sup>23</sup> It was different before the giving of the Torah. Then come and hear [this]: And Jethro, Moses' father-in-law, took a burnt-offering and sacrifices for God.<sup>24</sup> In the case of Jethro, too, it was before the giving of the Torah. This is very well according to the one who says that Jethro's [visit to Moses] preceded the giving of the Torah,<sup>25</sup> but how will you explain it according to the one who says

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(1) Thus R. Eliezer himself assumes that the onyx stone of a heathen was considered fit for the purpose enacted in the scriptural passage which opens with the very words quoted above, Speak unto the Children of Israel that they take for me an offering. (Ex. XXV, 2 and 7.)

(2) [Without the waw copulativum which is prefixed to the other enumerated offerings.]

(3) So that the words, . . . the Children of Israel shall take, do not apply to them.

(4) [R. Han. deletes 'to be set', and the reference is to Ex. XXXV, 9; v. Tosaf. s.v. **ואבני**.]

(5) V. Kid. 31a.

(6) With a view to purchasing it for the ritual purpose.

(7) Thus a red heifer bought of a heathen was considered fit for the ritual purpose!

(8) So that when acquired for the ritual purpose it was the property of an Israelite.

(9) According to Shila, who gives as the reason for R. Eliezer's prohibition of a heathen's heifer the wording, the Children of Israel shall bring.

(10) Tosef. Par. I. R. Eliezer thus implies that were it not watched, it would not have been fit on account of suspected ill-use.

(11) For use as a sacrifice if her mother bore her whilst goring a person fatally.

(12) Which are born subsequently.

(13) Infra 46b.

(14) [And thus the suspicion of the mother having been ill-used previously should have disqualified the heifer.]

(15) That the cow would give birth to a potential 'red heifer'.

(16) Which has the effect of producing a red calf.

(17) Of the family of Dama b. Nethina.

(18) Isa. LX, 7.

(19) The Messianic era, v. supra p. 8, n. 8.

(20) Zeph. III, 9.

(21) [But not from immoral practice.]

(22) Ibid.

(23) Ex. X, 25; so that Pharaoh's cattle were considered fit for sacrifices. This refutes R. Eliezer.

(24) Ibid. XVIII, 12.

(25) V. Zeb. 116a.

## Talmud - Mas. Avodah Zarah 24b

that Jethro's [call] was after the giving of the Torah? — In that case [it must be assumed that] Jethro bought it from an Israelite.

Come and hear: And Saul said, They have brought them from the Amalekites; for the people spared the best of the sheep and of the oxen, to sacrifice unto the Lord thy God!<sup>1</sup> — What is meant by the best is the price of the best.<sup>2</sup> Then why bring the best? — So that they find eager buyers.

Come and hear: And Araunah said unto David, Let my lord the King take and offer up what seemeth good unto him: behold the oxen for the burnt offering and morigim [the threshing instruments] and the furniture of the oxen for the wood.<sup>3</sup> — Said R. Nahman: Araunah was a resident alien.<sup>4</sup> What are morigim? — Said 'Ulla: It is a 'turbil bed'.<sup>5</sup> And what is a 'turbil bed'? — A 'goat with hooks' wherewith one threshes.<sup>6</sup> Said R. Joseph: What is the scriptural [evidence]? — Behold I will make thee a new sharp threshing instrument [Heb. morag] having teeth; thou shalt thresh the mountains, and beat them small, and shalt make the hills as chaff.<sup>7</sup> A [further] objection was raised: And the kine they offered as burnt offering unto the Lord!<sup>8</sup> — This was a special ruling for that occasion.<sup>9</sup> Common sense, indeed, proves it; for had not that been the case, how could a female be used as a burnt offering?<sup>10</sup> What difficulty does this present? We could say that it referred to a private 'high place,'<sup>11</sup> in accordance with the opinion of R. Adda b. Ahaba; for R. Adda b. Ahaba said: Whence can it be deduced that a female is fit as a burnt offering on a private high-place? From what is said in Scripture, And Samuel took one sucking lamb and offered it for a burnt offering.<sup>12</sup> [But is not] the wording, and offered him, that is to say a male! — Said R. Nahman b. Isaac: It is written, and offered her.<sup>13</sup>

R. Johanan said.<sup>14</sup> There are limits.<sup>15</sup> Under the age of three years [an animal] becomes mutilated,<sup>16</sup> but from the age of three years it does not become mutilated. When all the above verses were cited to him in refutation, he replied that they referred to animals under the age of three years. Come then and hear: And the kine they offered as a burnt offering unto the Lord!<sup>17</sup> — This, too, refers to those under the age of three years. To this R. Huna the son of R. Nathan strongly objected. In that case the words, and their calves they shut up at home,<sup>18</sup> [refer to those of kine] under three years; but does a cow under three years bear at all? Have we not learnt: In the case of a cow or of an ass which is three years old [the one born] certainly belongs to the priest; from that age upward this is doubtful?<sup>19</sup> — The answers given previously are therefore best.

And the kine took the straight way [wa-yishsharnah] by the way to Beth-Shemesh etc.<sup>20</sup> What is the meaning of the word 'wa-yishsharnah'? — Said R. Johanan in the name of R. Meir: They rendered song. R. Zutra b. Tobiah said in the name of Rab: They directed their faces towards the Ark and rendered song.<sup>21</sup> And what did they sing? — It was stated in the name of R. Johanan on behalf of R. Meir: [The song beginning with] Then sang Moses and the Children of Israel.<sup>22</sup> R. Johanan, however, gave it as his own opinion that they sang: And in that day shall ye say, Give thanks unto the Lord, call upon His name, make known His doings among the peoples etc.<sup>23</sup> R. Simeon b. Lakish said: [They sang] the 'Orphaned' Psalm: A Psalm. O sing unto the Lord a new song, for He hath

done marvellous things; His right hand, and His holy arm, hath wrought salvation for Him.<sup>24</sup> R. Eliezer said: The Lord reigneth, let the peoples tremble.<sup>25</sup> R. Samuel b. Nahmani said: The Lord reigneth; He is apparelled with majesty.<sup>26</sup> R. Isaac Nappaha said: [They sang:]

Sing, O sing, acacia tree,<sup>27</sup> Ascend in all thy gracefulness. With golden weave they cover thee, The sanctuary-palace hears thy eulogy, With divers jewels art thou adorned.

R. Ashi connected this [song cited] by R. Isaac with the following: [Scripture says,] And it came to pass, when the Ark set forward, that Moses said, Rise up, O Lord etc.<sup>28</sup> What did the Israelites say? — Said R. Isaac:

‘Sing, O sing, acacia tree, etc.’

Said Rab:<sup>29</sup> What analogy is there for the Persians calling a book ‘Debir’?<sup>30</sup> — This: Now the name of Debir before time was Kiriath-sepher.<sup>31</sup> R. Ashi said: What analogy is there for the Persians calling a menstruous woman ‘Dashtana’? This: For the manner of woman is upon me.<sup>32</sup>

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(1) I Sam. XV, 15.

(2) The proceeds of the cattle, which were sold, were intended to be used as offerings.

(3) II Sam. XXIV, 22.

(4) **גַּר תּוֹשֵׁב** is a gentile who undertakes to observe the seven Noachide precepts, which include that of morality, v. supra p. 5, n. 7.

(5) \*\*, a threshing sledge consisting of a wooden platform studded with sharp pieces of flint or with iron teeth (Jast.).

(6) **עֵיזֵי דְקוֹרְקָמָא**. The phrase is obscure. Krauss, Talm. Arch. II, 57b, suggests tentatively, ‘Circassian goats’ with reference to the front teeth of the sledge shaped like goats’ horns. The rendering adopted is Jastrow’s.]

(7) Isa. XLI, 15.

(8) I Sam. VI, 14, so that the cattle of the Philistine were considered fit for sacrifice.

(9) [In celebration of the miracle performed through the cattle (Rashi).]

(10) If his sacrifice be a burnt offering of the herd, he shall offer a male. Lev. I, 3.

(11) A high place (bamah) used either by individuals or communities for offering sacrifices when the tabernacle was not in existence, as at the time in question, when the tabernacle at Shiloh had been destroyed.

(12) I Sam. VII, 9.

(13) In the Heb. text the word in question is written (Kethib) **וַיַּעֲלֶהָ**, which refers to a female, while it is to be read (Kere) **וַיַּעֲלֶהוּ**, referring to a male.

(14) In reconciliation of our Mishnah and the Baraita on p. 113.

(15) To the permission of using cattle of heathens for sacrificial purposes.

(16) By immoral use; it may therefore be assumed that its owner did not ill-use it.

(17) I Sam. VI, 14.

(18) Ibid. 10.

(19) Bek. 19b. Dealing with the young born of an animal bought of a heathen, so that it cannot be ascertained whether the young is a first born one which — either itself or its value — belongs to the priest (v. Num. XVIII, 15), the Mishnah states that if the mother is not more than three years old, the one born is to be taken as a first born; it is thus assumed that a cow does not bear under the age of three years.

(20) I Sam. VI, 12.

(21) **וַיִּשְׂרְנָה** is connected with **שִׁירָה** song.

(22) Ex. XV, 1. The song of triumph and thanksgiving at the Red Sea was also rendered as the Ark was being returned from the land of the Philistines, on the downfall of Dagon their idol.

(23) Isa. XII, 4.

(24) Ps. XCVIII, called ‘orphaned’ because, apart from the absence of its author’s name, its heading ‘A Psalm’ has no designation, such as is given to other anonymous psalms, e.g., A Psalm, a Song for the Sabbath Day, XCII A Psalm of Thanksgiving, C.

(25) Ibid. XCIX.

(26) Ibid. XCIII.

(27) And they shall make an ark of acacia wood Ex. XXV, 10).

(28) Num. X, 35.

(29) Yalkut, Gen. has 'R. Safra.'

(30) [דְּבִיר] is the Heb. of 'sanctuary' in the above song, and this provides the connecting link of the statements that follow.]

(31) Judg. I, 11. Kiriath-Sepher, lit. means, 'the City of the Book'.

(32) Gen. XXXI, 35. The Heb. words used רָדַךְ נָשִׁים לִי bear a similarity to דַּשְׁתַּנְתָּא.

## Talmud - Mas. Avodah Zarah 25a

[The same Rabbis also discuss the following:] And the sun stood still, and the moon stayed until the nation had avenged themselves of their enemies. Is not this written in the book of Jashar. What is the book of Jashar? — Said R. Hiyya b. Abba in the name of R. Johanan: It is the book of Abraham, Isaac and Jacob,<sup>1</sup> who are designated as righteous,<sup>2</sup> as it is said, Let me die the death of the righteous:<sup>3</sup> And where is this incident hinted at [in Genesis]? — And his seed shall fill the nations:<sup>4</sup> When shall [Ephraim's fame] reach the nations? When the sun shall stand still for Joshua. And the sun stayed in the midst of the heaven and hasted not to go down about a whole day.<sup>5</sup> How long [is day-time said to have lasted]? — Said R. Joshua b. Levi: Twenty four hours: [The sun] moved for six hours and stood still for six, then it moved for six and stood still for six, then it moved for six and stood still for six; the whole incident equalled a whole day.

R. Eleazar said: Thirty-six hours; it moved for six hours and stood still for twelve, it then moved for six and stood still for twelve so that the halt alone equalled a whole day. R. Samuel b. Nahmani said: Forty-eight; it moved for six and stood for twelve, it then moved for six and stood still for twenty-four, for Scripture says, and hasted not to go down about a whole day, which implies that the previous halt did not equal a whole day. Some report that it is the additional hours of daytime which are disputed. R. Joshua b. Levi said: They were twenty-four; it moved for six and stood for twelve, then moved for six and stood for twelve — its halt thus equalled a whole day; while R. Eleazar said: Thirty-six; it moved for six and stood for twelve, then moved for six and stood for twenty-four [which is meant by] and hasted not to go down about a whole day. R. Samuel b. Nahmani said: Forty-eight; it moved for six and stood for twenty-four, then moved for six and again stood for twenty-four; the standing still [at noon] equalled that of setting time; as the one at setting time equalled a whole day, so the standing still [in the midst of the heaven] equalled a whole day.

A Tanna taught:<sup>6</sup> Just as the sun stood still for Joshua, so did the sun stand still for Moses and for Nakdimon b. Gorion. [As to the case of] Joshua, there are the scriptural verses; [that of] Nakdimon b. Gorion is a tradition;<sup>7</sup> whence do we know about Moses? — It may be derived from the identical [expression] I will begin [used in the two cases]. Here is written, I will begin to put the dread of thee,<sup>8</sup> and there, referring to Joshua, it is written, I will begin to magnify thee.<sup>9</sup> R. Johanan<sup>10</sup> said: It may be derived from the use of the identical word teth<sup>11</sup> ['put'] [in both cases]. Here is written, I will begin to put the dread of thee,<sup>12</sup> and there, concerning Joshua, it is written, In the day when the Lord put the Amorites.<sup>13</sup> R. Samuel b. Nahmani said: You can detect it in the very wording of the verse itself, [The peoples that are under the whole heaven] who shall hear the report of thee, and shall tremble and be in anguish because of thee:<sup>14</sup> When did they tremble and were in anguish because of Moses? When the sun stood still for him.

The question was asked: [Does not Scripture say in the case of Joshua] And there was no day like that before it or after it?<sup>15</sup> [The answer given was,] You may explain this [to mean that] there was none that lasted as long as that one; or, if you wish, you may say it means that there were no hailstones [as in the case of Joshua], of which it is written, And it came to pass, as they fled from before Israel, while they were in the going down of Beth-Horon, that the Lord cast down great stones

from heaven upon them unto Azeka and they died.<sup>16</sup>

And he bade them teach the Children of Judah [to handle] the bow, behold it is written in the Book of Jashar.<sup>17</sup> Which is the Book of Jashar? — Said R. Hiyya b. Abba in the name of R. Johanan: It is the book of Abraham, Isaac and Jacob who are designated as righteous and of whom Scripture says, Let me die the death of the righteous and let my last end be like his.<sup>18</sup> And where is this fact referred to?<sup>19</sup> — Judah, thee shall thy brethren praise; thy hand shall be on the neck of thine enemies;<sup>20</sup> what kind of fighting requires the aiming of the hand at the [enemy's neck]? Surely, archery. R. Eleazar said: It is the book of Deuteronomy, which is here called the Book of Jashar, because it contains the words And thou shalt do that which is Jashar [‘right’] in the sight of the Lord.<sup>21</sup> And where does it refer [to Judah's archery]? — With his hands he contended for himself;<sup>22</sup> What kind of fighting requires both hands? Surely, archery. R. Samuel b. Nahmani said: It is the Book of Judges, which is here called the Book of Jashar, because it contains the verse, In those days there was no King in Israel; every man did that which was Jashar [‘right’] in his own eyes.<sup>23</sup> And where is [Judah's skill in archery] referred to in it? That the generations of the Children of Israel might know, to teach them war;<sup>24</sup> now what kind of warfare requires teaching? Surely, archery. But how do we know that this verse refers to Judah? — From the scriptural verse, Who shall go up for us first against the Canaanites, to fight against them? And the Lord said, Judah shall go up.<sup>25</sup>

[These same Rabbis also discussed the following:] And the cook took up the thigh, and that which was upon it and set it before Saul.<sup>26</sup> — What means, ‘that which was upon it’? — R. Johanan [explained it to mean] ‘the thigh and the tail’: and what does that which was upon it mean? The thigh which is adjoined by the tail; while R. Eleazar said that the thigh and the breast [are here meant]: and what does ‘that which was upon it’ mean? The placing of the breast upon the thigh when these have to be formally waved.<sup>27</sup> R. Samuel b. Nahmani, however, applied it to the leg and the cap; and what does ‘that which was upon it’ mean? The cap which is above the leg.

**A WOMAN SHOULD NOT BE ALONE WITH IDOLATERS.** To what circumstances [does this rule apply]? If to one idolater, then even in the case of an Israelite it would not be permitted? Have we not learnt, ‘One man should not remain alone even with two women’?

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(1) I.e., the Book of Genesis.

(2) Josh. X, 13. יָשָׁר, righteous.

(3) Num. XXIII, 10, which is taken to refer to the peaceful ending of the Patriarchs.

(4) Gen. XLVIII, 19, spoken of Ephraim to whose tribe Joshua belonged.

(5) Josh. *ibid.* The wording implies a double halt by the sun: (a) in the midst of the heaven, i.e., at noon; (b) hastened not to go down, i.e., towards evening.

(6) V. Ta'an. 20a.

(7) V. *Ibid.*

(8) Deut. II, 25, referring to Moses.

(9) Josh. III, 7.

(10) In Ta'an. R. Samuel b. Nahmani is given.

(11) תָּת.

(12) Deut. *ibid.*

(13) Josh. X, 12.

(14) Deut. *ibid.*

(15) Josh. X, 14.

(16) *Ibid.* 11.

(17) II Sam.I, 18.

(18) V. p. 124, n. 8.

(19) In Genesis, that the descendants of Judah were skilled in handling the bow.

(20) Gen. XLIX, 8.



- (21) Deut. VI, 18.  
 (22) Ibid. XXXIII, 7, in the words spoken by Moses of Judah.  
 (23) Judg. XVII, 6.  
 (24) Ibid. III, 2.  
 (25) Ibid. I, 1-2.  
 (26) 1 Sam. IX, 24.  
 (27) V. Zeb. 119b.

## Talmud - Mas. Avodah Zarah 25b

It must therefore refer to three idolaters being present [which would be permissible in the case of Israelites].<sup>1</sup> But would even this be permitted in the case of Israelites of loose manners? Have we not learnt: 'But one woman may be alone with two men', whereon Rab Judah commented: This only refers to well-mannered men, but as to loose-mannered ones, it is not permitted, even if they be ten; there is indeed the incident of ten men having carried an adulterous woman on a bier [for an immoral purpose]! — Our Mishnah refers to a case where the man's wife is present, and implies [that in the case of] an idolater his wife is no safeguard,<sup>2</sup> though in the case of an Israelite his wife is a safeguard. But is there not, in any case, the fear of her being murdered? — Said R. Jeremiah: We are here dealing with a woman of high repute, so that he would be afraid of killing her.<sup>3</sup> R. Idi replied: Every woman has her weapons on her.<sup>4</sup> Wherein do these two differ? — In the case of a woman who has a high repute among men but not among women.<sup>5</sup> [The following Baraita] has been taught in agreement with the opinion of R. Idi b. Abin: A woman, even though she can always look after her safety, should not be alone with heathen, because they are suspected of lewdness.

NO MAN SHOULD BE ALONE WITH THEM. Our Rabbis taught: If a Jew happens to be overtaken by an idolater while on the road, he should let him walk on his right.<sup>6</sup> R. Ishmael the son of R. Johanan the son of R. Johanan b. Berokah says: [If the heathen is armed] with a sword, he should be let to walk on the right; if with a stick on the left.<sup>7</sup> If they are ascending or descending, let not the Israelite be on the lower level and the heathen on the higher, but the Israelite higher and the heathen lower; nor should the Israelite bend down in front of him, lest he smashes his skull. If the heathen asks him whither he is going, he should say towards a place beyond his actual destination,<sup>8</sup> just as our father Jacob acted towards the wicked Esau; for Scripture says, Until I come unto my lord to Seir,<sup>9</sup> while it records, And Jacob journeyed to Succoth.<sup>10</sup> It once happened to some disciples of R. Akiba that while journeying to Chezib<sup>11</sup> they were overtaken by robbers who asked them whither they were going. They replied, 'To Acco'.<sup>12</sup> On reaching Chezib they stopped.<sup>13</sup> The robbers then said to them, 'Whose disciples are you?' And they replied, 'The disciples of R. Akiba.' Said they, Happy are R. Akiba and his disciples, for no evil man has ever encountered them.

R. Manashi was once going

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- (1) V. Kid. 80b.  
 (2) As she is not particular about her husband's conduct. V. Meg. 12a.  
 (3) One who has influence in government circles, so that murder need not be feared, but the fear of committing immorality, with her consent, still exists.  
 (4) 'Her physical weakness is her protection against murder. (Jast.)  
 (5) One who has influence in high places but who is repulsive in appearance. According to R. Jeremiah both the risks of murder and of adultery are here eliminated; while according to R. Idi, who evidently does not take the woman's unattractiveness into consideration, the prohibition still holds good.  
 (6) Having his right hand close to the heathen, he will find it easier to ward off an attack by his companion.  
 (7) A sword being worn on one's left and a stick on one's right, the Israelite should see that he walks on the side of the weapon, so that it could quickly be got hold of by him in case of a contemplated attack.  
 (8) The heathen may then defer the carrying out of his contemplated attack till the end of the journey, and the Israelite

will reach his destination safely.

(9) Gen. XXXIII, 14.

(10) Ibid. 17, Succoth being before Seir.

(11) [The Biblical Achzib' (Judg. I, 31) nine miles N. of Acco (Acre)]

(12) [Which was beyond Chezib on their line of journey.]

(13) Lit., 'they desisted'.

## **Talmud - Mas. Avodah Zarah 26a**

to Be-Toratha<sup>1</sup> when thieves met him and asked him whither he was going. He said, 'Toward Pumbeditha,' but when he reached Be-Toratha he stopped. Whereupon they exclaimed, 'You are a disciple of Judah the deceiver.'<sup>2</sup> Said he to them, 'Do you indeed know him [as such]? May it be the [Divine] will that these men be under his ban.' For twenty-two years they went on stealing but did not meet with any success. When they saw this, they all came to ask for the ban to be revoked. Now there was among them one weaver who did not come to have his ban annulled, and he was devoured by a lion. Hence the popular saying: A year's scanty earnings will alter [improve] a weaver if he be not a proud fool.<sup>3</sup>

Come now and see what difference there is between mere thieves of Babylon and robbers of Palestine!<sup>4</sup>

**MISHNAH. AN ISRAELITE WOMAN SHOULD NOT ACT AS MIDWIFE TO A HEATHEN WOMAN, BECAUSE SHE WOULD BE DELIVERING A CHILD FOR IDOLATRY. A HEATHEN WOMAN, HOWEVER, MAY ACT AS MIDWIFE TO AN ISRAELITE WOMAN. AN ISRAELITE WOMAN SHOULD NOT SUCKLE THE CHILD OF A HEATHEN, BUT A HEATHEN WOMAN MAY SUCKLE THE CHILD OF AN ISRAELITE WOMAN IN HER PREMISES.**

**GEMARA.** Our Rabbis taught: An Israelite woman should not act as midwife to heathen, because she delivers a child to idolatry; nor may a heathen woman [be allowed to] act as midwife to an Israelite woman because heathens are suspected of murder. This is the opinion of R. Meir. The Sages, however, say: A heathen may act as midwife to an Israelite woman so long as there are others standing by, but not if she is acting on her own.<sup>5</sup> But R. Meir holds: Not even if others are standing by her, for she may find an opportunity of pressing her hand on the [infant's] temples and kill it without being observed; witness the incident of that woman who, on being called by a neighbour 'Jewish midwife, the daughter of a Jewish midwife!' retorted, 'May as many evils befall that woman, as I have dropped [Jewish children] like lumps of wood into the river.' Our Rabbis, however, say: No; she may have merely given her some kind of retort.

**AN ISRAELITE WOMAN SHOULD NOT SUCKLE** etc. Our Rabbis taught: An Israelite woman should not suckle a child of a heathen, because she rears a child for idolatry; nor should a heathen woman [be allowed to] suckle a child of an Israelite woman, because she is liable to murder it. This is the opinion of R. Meir. But the Sages say: A heathen may suckle a child of an Israelite woman, so long as there are others standing by her, but not if she is on her own. R. Meir, however, says: Not even while others are standing by her, for she may take the opportunity of rubbing in poison on her breast beforehand and so kill the child. And both the above instances are necessary; for if we were told about a midwife only [we might have thought that] only in that case do the Sages permit, since, being observed by others, she could do no harm, but in the case of suckling, where it is possible for her to apply poison to the breast beforehand and so kill the child, they might agree with R. Meir. If [on the other hand] we were told only about suckling, [we might have thought that] only in that case does R. Meir forbid, because she could kill the child by applying poison to her breast beforehand, but in the case of a midwife, where she could do no harm while others are standing by her, he might

agree with the Rabbis; [hence both are] necessary.

The following was cited in contradiction: A Jewish woman may act as midwife to a heathen woman for payments but not gratuitously! — Answered R. Joseph: Payment is permitted to prevent ill feeling.<sup>6</sup> R. Joseph had a mind to say that even on the Sabbath it is permitted to act as midwife to a heathen for payment, so as to avoid ill feeling;<sup>7</sup> he was, however, told by Abaye that the Jewish woman could offer the excuse, ‘Only for our own, who keep the Sabbath, may we waive it, but we must not waive the Sabbath for you who do not keep it.’ R. Joseph also had a mind to say that even suckling for payment should be allowed because of ill-feeling; but Abaye said to him: She can excuse herself by saying, ‘I want to get married,’ if she is unmarried; or, if she be married, ‘I will not degrade myself before my husband.’ R. Joseph further had in mind to say, in regard to what has been taught that in the case of idolaters and shepherds of small cattle one is not obliged to bring them up [from a pit] though one must not cast them in it<sup>8</sup> — that for payment one is obliged to bring them up on account of ill feeling. Abaye, however, said to him: He could offer such excuses as, ‘I have to run to my boy who is standing on the roof’, or, ‘I have to keep an appointment at the court.’

R. Abbahu recited to R. Johanan: ‘Idolaters and [Jewish] shepherds of small cattle need not be brought up

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(1) A place in Babylon unidentified.

(2) Rab Judah was indeed R. Manashi's teacher.

(3) V. Jast. s.v. טיזן.

(4) The Palestinian robbers complimented R. Akiba on having outwitted them, while the Babylonian thieves slandered Rab Judah for the same reason.

(5) V. Tosef. A.Z. III.

(6) As the Jewish midwife could not then offer any feasible excuse for her refusal.

(7) It being known to the heathen that the Sabbath is waived in the case of a Jewish woman.

(8) V. supra 13b and San. 57a.

## Talmud - Mas. Avodah Zarah 26b

though they must not be cast in, but minim,<sup>1</sup> informers, and apostates may be cast in, and need not be brought up.’ Whereupon R. Johanan remarked: I have been learning that the words, And so shalt thou do with every lost thing of thy brother's [thou mayest not hide thyself],<sup>2</sup> are also applicable to an apostate, and you say he may be thrown down; leave out apostates! Could he not have answered that the one might apply to the kind of apostate who eats carrion meat to satisfy his appetite,<sup>3</sup> and the other to an apostate who eats carrion meat to provoke? — In his opinion, an apostate eating carrion meat to provoke is the same as a min.<sup>4</sup>

It has been stated: [In regard to the term] apostate there is a divergence of opinion between R. Aha and Rabina; one says that [he who eats forbidden food] to satisfy his appetite, is an apostate, but [he who does it] to provoke is a ‘min’; while the other says that even [one who does it] to provoke is merely an apostate. — And who is a ‘min’? — One who actually worships idols.<sup>5</sup>

An objection was raised: If one eats a flea or a gnat he is an apostate. Now such a thing could only be done to provoke, and yet we are taught that he is merely an apostate! — Even in that case he may just be trying to see what a forbidden thing tastes like.

The Master said: ‘They may be cast in and need not be brought up’ — if they may be cast in need it be said that they need not be brought up? — Said R. Joseph b. Hama in the name of R. Shesheth: What is meant to convey is that if there was a step in the pit-wall, one may scrape it away, giving as a reason for doing so, the prevention of cattle being lured by the step to get unto the pit. Raba and R.

Joseph both of them said: It means to convey that if there is a stone lying by the pit opening, one may cover the pit with it, saying that he does it for [the safety] of passing animals. Rabina said: It is meant to convey that if there is a ladder there, he may remove it, saying, I want it for getting my son down from a roof.

Our Rabbis taught: An Israelite may perform a circumcision on a heathen for the purpose of becoming a proselyte — thus excluding [the purpose of] removing a morana.<sup>6</sup> But a heathen should not [be allowed to] perform circumcision on an Israelite, because he is liable to take his life. This is the opinion of R. Meir. The Sages said: A heathen may circumcise an Israelite, so long as others are standing by him, but not while he is on his own.<sup>7</sup> R. Meir, however, said: Not even when others are standing by, for he may find occasion to let the knife slip and so sterilise him. Does then R. Meir hold the opinion that a heathen is not [to be allowed to circumcise]? But the opposite is proved by the following: In a town where there is no Jewish physician, but there is a physician who is a Cuthean as well as one who is an idolater, circumcision should be performed by the idolater but not by the Cuthean.<sup>8</sup> This is the opinion of R. Meir. R. Judah, however, said: It should be performed by the Cuthean but not by the idolater?<sup>9</sup> — Reverse [the names]: R. Meir holding that the Cuthean and not the idolater should circumcise, and R. Judah holding the idolater and not the Cuthean. Does then R. Judah hold that it is in order for an idolater to do so? Surely it has been taught: R. Judah said: Whence can it be deduced that circumcision performed by a heathen is invalid? From this verse, And as for thee, thou shalt keep my covenant!<sup>10</sup> — Indeed, do not reverse, but say that we are here dealing

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(1) Those who act as priests to idols whether they be Israelites or heathen (Rashi).

(2) Deut. XXII, 3.

(3) When he can get no other meat; but who would avoid eating forbidden food when other food is at hand.

(4) And does not require specification.

(5) Hor. 11a.

(6) A parasite worm(?) which may be lodged in the foreskin; which would mean healing without payment.

(7) Tosef. 'A.Z. Ch.III.

(8) An idolater does not usually practise circumcision. He would therefore perform it in accordance with the intention of the father of the infant. The Cutheans (Samaritans) however, observe circumcision in the name of some object of worship placed on Mount Gerizim where their Temple stood — for which an Israelite must not afford an opportunity.

(9) The heathen being suspected of taking the child's life. (Men. 42a.) Thus R. Meir is said to permit circumcision by a heathen!

(10) Gen. XVII, 9, spoken by God to Abraham when the rite of circumcision was first enacted, which implies that only one bound to keep the rite is qualified to perform it. R. Judah thus rules that a heathen is not qualified.

## Talmud - Mas. Avodah Zarah 27a

with an expert physician.<sup>1</sup> For when R. Dimi came<sup>2</sup> he said in the name of R. Johanan that if [a heathen physician] is recognised as an expert by multitudes, it is permissible [for an Israelite child to be circumcised by him]. Does then R. Judah hold that it is in order for a Cuthean [to circumcise an Israelite]? Surely it has been taught: An Israelite may perform circumcision on a Cuthean, but a Cuthean should not [be allowed to] circumcise an Israelite, because he performs the circumcision in the name of Mount Gerizim,<sup>3</sup> this is the opinion of R. Judah. Said R. Jose to him: Where is it at all to be found in the Torah that circumcision must be performed specifically for its purpose? But he may go on performing it<sup>4</sup> even though he expires in the act!<sup>5</sup> — We must then indeed reverse names as we did before,<sup>6</sup> and as to the opinion cited in the name of R. Judah which contradicts the opinion held here by R. Judah — the former opinion should be ascribed to R. Judah the Prince.<sup>7</sup> For it has been taught: R. Judah the Prince says: Whence can it be deduced that circumcision performed by a heathen is invalid? From the words of Scripture, And as for thee, thou shalt keep my covenant.<sup>8</sup> Said R. Hisda: What reason could R. Judah give?<sup>9</sup> — The scriptural words, Unto the Lord he shall

circumcise.<sup>10</sup> And [what scriptural authority has] R. Jose? — [The words are,] must needs be circumcised.<sup>11</sup> But as to the other [R. Jose], is not the phrase unto the Lord he shall circumcise? — The words Unto the Lord refer to the Passover sacrifice.<sup>12</sup> And as to the other [R. Judah] is it not written, must needs be circumcised? — The Torah speaks in the language of men.<sup>13</sup>

It has been stated: Whence could it be deduced that circumcision performed by a heathen is invalid? — Daru b. Papa said in the name of Rab: [From the words,] And as for thee, thou shalt keep my covenant;<sup>14</sup> while R. Johanan [deduces it from the words] Himmol yimmol.<sup>15</sup> What practical difference is there between these two? — The case of a circumcised Arab or a circumcised Gibeonite:<sup>16</sup> According to the one who relies on 'He who is circumcised shall circumcise' [the qualification] is there, but according to the one who relies on Thou shalt keep my covenant, it is not there.<sup>17</sup> But is such a one qualified according to him who relies on He who is circumcised shall circumcise! Have we not learnt: [He who says], I vow not to enjoy anything belonging to uncircumcised persons, may enjoy anything of uncircumcised Israelites, but must not enjoy anything of circumcised heathen.<sup>18</sup> Which proves that heathens who undergo circumcision are still designated as uncircumcised!<sup>19</sup> We must therefore say that they differ in the case of an Israelite whose brothers died in consequence of circumcision, so that he was not circumcised: according to the one who relies on Thou shalt keep my covenant the qualification is there:<sup>20</sup> while according to the one who relies on He who is circumcised shall circumcise, it is not there. And is such a one not qualified according to the one who relies on He who is circumcised shall circumcise? Have we not learnt: [He who says,] I vow not to enjoy anything belonging to circumcised persons, must not enjoy of uncircumcised Israelites, but may enjoy of circumcised heathens:<sup>21</sup> which proves that Israelites who are not circumcised are designated as 'circumcised'! — We must therefore say that the case wherein they differ is that of a woman. According to the one who relies on Thou shalt keep my covenant, the qualification is not there, since a woman is not subject to the observance, while according to the one who relies on He who is circumcised shall circumcise, the qualification is there, for a woman should be classed among the 'circumcised'. But does anyone hold that a woman is not [qualified to perform circumcision]. Does not scripture say, Then Zipporah took a flint?<sup>22</sup> — Read into it, she caused to be taken.<sup>23</sup> But it also says, And she cut off! — Read into it, and she caused it to be cut off, by asking another person, a man, to do it. Or you may say it means that she only began and Moses came and completed it.

**MISHNAH.** WE MAY ALLOW THEM TO HEAL US WHEN THE HEALING RELATES TO MONEY, BUT NOT PERSONAL HEALING;<sup>24</sup> NOR SHOULD WE HAVE OUR HAIR CUT BY THEM IN ANY PLACE.<sup>25</sup> THIS IS THE OPINION OF R. MEIR; BUT THE SAGES SAID, IN A PUBLIC PLACE IT IS PERMITTED, BUT NOT WHEN THE TWO PERSONS ARE ALONE. **GEMARA.** What is HEALING RELATING TO MONEY and what is PERSONAL HEALING? Shall we say that HEALING RELATING TO MONEY means for payment and PERSONAL HEALING free? Then the Mishnah should have said: We may allow them to heal us for payment but not free! HEALING RELATING TO MONEY must therefore mean where no danger is involved<sup>26</sup> and PERSONAL HEALING where there is danger. But has not Rab Judah said: Even a scar over the puncture caused by bleeding should not be healed by them? — HEALING RELATING TO MONEY therefore relates to one's cattle, and PERSONAL HEALING to one's own body, about which Rab Judah said that even a scar over the puncture caused by bleeding should not be healed by them. Said R. Hisda in the name of Mar 'Ukba: But if [a heathen physician on being consulted] says to one that such and such medicine is good for him and such and such medicine is bad for him, it is permitted [to follow his advice]

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(1) Who, though a heathen, would not risk his reputation by miscarrying the operation.

(2) From Palestine to Babylon.

(3) Cf. p. 132, n. 4.

(4) [Tosaf: 'in the name of Mount Gerizim'.]

- (5) Tosef. 'A.Z. III.
- (6) R. Judah holding that a Cuthean is not allowed.
- (7) The Redactor of the Mishnah, a younger contemporary of his namesake R. Judah (b. Ila'i).
- (8) V. p. 133, n. 2,
- (9) R. Judah b. Ila'i, who disqualifies a Cuthean because circumcision must be performed specifically for its purpose.
- (10) Ex. XII, 48: And when a stranger shall sojourn with thee, and will make the Passover sacrifice unto the Lord, he shall circumcise etc. The claimed scriptural authority is thus obtained by the juxtaposition.
- (11) Gen. XVII, 13. The emphatic wording (indicated in Hebrew by the infinitive before the finite verb) is taken to imply that the stricture of purpose is not to be applied.
- (12) V. n. 3.
- (13) An oft quoted dictum. The words are therefore not to be taken to imply anything beyond ordinary emphasis.
- (14) V. 133, n. 2.
- (15) Gen. XVII, 13. **הַמּוֹל יְמוֹל** 'He must needs be circumcised' may be rendered, by a slight alteration in the first word, to read **הַמּוֹל יְמוֹל**, He who is circumcised shall circumcise, excluding a heathen.
- (16) Instead of **גִּבְעוֹנִי** in cur. edd. MS.M. and Yalk. Gen. 81, has **גִּבְעוֹנִי** Gibeonite.
- (17) As the covenant was only concluded with the Israelites, [or those who join without reservation the congregation of Israel.]
- (18) V. Ned. 31b.
- (19) Hence an Arab or Gibeonite should not be considered qualified to practise circumcision.
- (20) As he is exempted from circumcision by law (V. Maim. Yad. Milah, II, 1. Tur. Y.D. 264, 1).
- (21) Ned. *ibid.*
- (22) Ex. IV, 25.
- (23) Heb. **וּתְקַח** and **וּתְכַרֵּת**.
- (24) Explanation follows in the Gemara.
- (25) For the heathen is liable to cut his throat with the razor.
- (26) A case where a misdemeanour by the heathen physician may only result in prolonged illness or intensified pain.

## Talmud - Mas. Avodah Zarah 27b

for he will think that he is merely asking him, and just as he is asking him so he will also ask others, so that that man [by giving wrong advice] would have his reputation spoilt. Said Raba in the name of R. Johanan [some say R. Hisda in the name of R. Johanan]: In the case where it is doubtful whether [the patient] will live or die, we must not allow them to heal; but if he will certainly die, we may allow them to heal. 'Die [etc.]'! Surely there is still the life of the hour [to be considered]?<sup>1</sup> The life of the hour is not to be considered. What authority have you for saying that the life of the hour is not to be considered? — The scriptural words, If we say: we will enter into the city, then the famine is in the city, and we shall die there.<sup>2</sup> Now there is the life of the hour [which they might forfeit]! This implies that the life of the hour is not to be considered. An objection was raised: 'No man should have any dealings<sup>3</sup> with Minim, nor is it allowed to be healed by them even [in risking] an hour's life. It once happened to Ben Dama the son of R. Ishmael's sister that he was bitten by a serpent and Jacob, a native of Kefar Sekaniah,<sup>4</sup> came to heal him but R. Ishmael did not let him; whereupon Ben Dama said, 'My brother R. Ishmael, let him, so that I may be healed by him: I will even cite a verse from the Torah that he is to be permitted'; but he did not manage to complete his saying, when his soul departed and he died.<sup>5</sup> Whereupon R. Ishmael exclaimed, Happy art thou Ben Dama for thou wert pure in body and thy soul likewise left thee in purity; nor hast thou transgressed the words of thy colleagues, who said, He who breaketh through a fence, a serpent shall bite him'?<sup>6</sup> — It is different with the teaching of Minim, for it draws, and one [having dealings with them] may be drawn after them.

The Master said: 'Nor hast thou transgressed the words of thy colleagues who have said, He who breaketh through a fence, a serpent shall bite him'? But a serpent did indeed sting him! — The bite of the serpent [which is inflicted upon those transgressing the words] of the Rabbis is such as can

never be cured.<sup>7</sup> Now, what is it that he might have said?<sup>8</sup> — ‘He shall live by them,<sup>9</sup> but not die by them.’ And R. Ishmael? — This is only meant when in private, but not in public; for it has been taught: R. Ishmael used to say: Whence can we deduce that if they say to one, ‘Worship the idol and thou wilt not be killed,’ that he may worship it so as not to be killed? because Scripture says, He shall live by them, but not die by them; you might take this to mean even in public, therefore Scripture says, And ye shall not profane my holy name.<sup>10</sup>

Said Rabba b. Bar Hanah in the name of R. Johanan: Any sore for which the Sabbath may be profaned should not be healed by a heathen.<sup>11</sup> Others report that Rabba b. Bar Hanah said: Any

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- (1) The heathen may bring about the end prematurely, and so shorten his life even though by some hours.
  - (2) II Kings VII, 4; where the four leprous men decide to hand themselves over to the besieging enemy saying, If they kill us, we shall but die.
  - (3) Conversational intercourse [v. Tosaf. a.l.).
  - (4) A disciple of Jesus, v. supra p.85, n. 3.
  - (5) [Ms. M. omits ‘he died’.]
  - (6) Eccl. X, 8, applied to those who break through ‘legal fences’ which serve to safeguard the Torah (V. Ab. I, 1). — Thus the above cited opinion of R. Johanan is contradicted by this incident which proves that in cases of extreme danger it is forbidden to be attended by a Min! [On this passage v. Herford, op cit. pp. 104 ff.]
  - (7) [The fate in the hereafter that meets him who transgresses the words of the wise is more grievous than the sting of a serpent on earth.]
  - (8) What scriptural verse might Ben Dama have cited in support of being healed by the Min?
  - (9) Lev, XVIII, 5, Ye shall therefore keep my statutes and mine ordinances, which if a man do he shall live by them. ‘The Rabbis take these words to mean that God’s commandments are to be a means of life and not of destruction to His children. With the exception of three prohibitions — public idolatry, murder, or adultery — all commandments of the Law are therefore in abeyance whenever life is endangered’. Lev. edited by the Chief Rabbi (Dr. J. H. Hertz), p. 175.
  - (10) Lev. XXII, 32 (Sanh. 74a).
  - (11) It is to be regarded as serious enough to involve the risk of a misdemeanour by the heathen.

## Talmud - Mas. Avodah Zarah 28a

internal sore should not be healed by them. Wherein do these versions differ? — They differ in the case of a swelling of the hand or a swelling of the foot.<sup>1</sup> For R. Adda b. Mattena said<sup>2</sup> in the name of Rab: A swelling of the hand or a swelling of the foot is to be regarded as [serious as] an internal sore, and the Sabbath may be profaned for it. Said R. Zutra b. Tobiah in the name of Rab: Any sore which requires [medical] opinion<sup>3</sup> justifies the profanation of the Sabbath. R. Shaman b. Abba said in the name of R. Johanan: The inflammatory fever is to be regarded as an internal sore for which the Sabbath may be profaned. Which sore is to be termed internal? R. Ammi explained: [Such as are] on the lip and inward. R. Eleazar asked: How about the gums and the teeth: should they, being hard, be regarded as external; or do we say that, since they are placed within [the mouth], they are to be regarded as internal? — Said Abaye: Come and hear: One who is troubled with his teeth must not rinse them with vinegar [on the Sabbath].<sup>4</sup> [Which means that] if he is only ‘troubled’ he must not [rinse them] but if they hurt him very much it is proper [for him to do it]! — Probably this Tanna would call ‘being troubled’ even if they hurt very much. Then come and hear this:<sup>5</sup> R. Johanan was troubled with scurvy [on his gums] and he went to a certain [heathen] lady<sup>6</sup> who attended to him on the Thursday and the Friday. Said he: What about to-morrow?<sup>7</sup> She replied: You will not need [the treatment]. But what if I do need it? he asked. She replied: Swear unto me that you will not reveal [the remedy]. Said he: I swear, to the God of Israel I will not reveal it. She then divulged it to him and on the morrow he referred to it in the course of lecturing. But did he not swear unto her? — He swore: ‘To the God of Israel I will not reveal it,’ [implying that] I may reveal it to His people Israel. But is this not a profanation of the Name?<sup>8</sup> He mentioned [that proviso] to her originally. Now is it not evident then that [a sore on the gum] is regarded as an internal sore?<sup>9</sup> — Said R. Nahman b.

Isaac: Scurvy is different, because though starting in the mouth it extends to the intestines. What is its symptom? — If he places anything between his teeth, blood comes from the gums. What brings it on? — The chill of cold wheat-food and the heat of hot barley-food, also the remnant of fish-hash and flour. What did she apply to it? — Said R. Aha the son of Raba: Leaven-water with olive oil and salt. Mar son of R. Ashi said: Geese-fat smeared with a goose-quill. Said Abaye: I did all this but was not cured, until a certain Arab told me to get seeds of an olive not one third ripe and burn them on a new spade and spread [the ashes] on the gums; which I did and was cured. But how came R. Johanan to act as he did: had not Rabba b. Bar Hanah said in the name of R. Johanan: Any sore for which the Sabbath may be profaned should not be healed by a heathen? — It is different with a distinguished man.<sup>10</sup> What about R. Abbahu, who too was a distinguished man,<sup>11</sup> yet Jacob the Min prepared for him a medicine for his leg, and were it not for R. Ammi and R. Asi who licked his leg,<sup>12</sup> he would have cut his leg off? — The one [who attended] R. Johanan was an expert physician. — So too was that of R. Abbahu, an expert physician! — It was different in the case of R. Abbahu, for Minim adopt the attitude of let me die with the Philistines.<sup>13</sup>

Said Samuel: An open wound is to be regarded as dangerous for which the Sabbath may be profaned. What is the remedy? — For stopping the bleeding, cress with vinegar; for bringing on [flesh], scraped root of cynodon and the paring of the bramble, or worms from a dunghill.

Said R. Safra: A berry-like excrescence<sup>14</sup> is a forerunner of the Angel of Death. What is the remedy for it? — Rue in honey, or parsley in strong wine. In the meantime a berry resembling it [in size] should be brought and rolled over it: white [berry] for a white one, and black for a black one. Said Raba: An abscess is a forerunner of fever. What is the remedy for it? — It should be snapped sixty times with the thumb and then cut open crosswise; that is if it has not been brought to a white head, but if its head is white, it matters not.

R. Jacob was suffering from

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- (1) Which is serious enough to justify the waiving of the Sabbath, yet is not an internal sore.
  - (2) Shab. 109a.
  - (3) As to whether it is fatal or not.
  - (4) Lest he be led to grind ingredients on the Sabbath (Shab. 111a).
  - (5) Yoma 84a.
  - (6) [The daughter of (a certain) Domitian. J. Shab. XIV. v. Preuss, op. cit., p. 196, n. 3].
  - (7) When his Sabbath lecture would prevent him from calling on her.
  - (8) **הַלְוֵי הַשֵּׁם**, the profanation of the Divine Name by doing anything that may discredit God or Israel was always regarded as a grievous sin, particularly if the misdeed is committed in dealing with a non-Jew. The positive form **קְדוּשַׁת הַשֵּׁם**, sanctifying the Name is applied to every act which brings credit upon God and His People (v. p. 137, n. 6).
  - (9) Since he was prepared to have it treated on the Sabbath.
  - (10) Such as R. Johanan was; as the heathen would be afraid to commit any foul play.
  - (11) V. Sanh. 14a and Keth. 17a, where he is spoken of as a familiar figure in the Emperor's court.
  - (12) [To suck the poison out.]
  - (13) Judg. XVI, 30, exclaimed by Samson, who readily jeopardised his own life in order to avenge himself on his enemies.
  - (14) **עִינְבָתָא**, the disease referred to is not clear, Preuss, op. cit., pp. 304 ff.]

## Talmud - Mas. Avodah Zarah 28b

a slit in the rectum and R. Ammi — some say R. Assi — directed him to take seven grains of purple coloured alkali, wrap them up in the collar of a shirt, tie it round with a white thread [of cattle-hair], dip it in white naphtha and burn it, and apply [the ashes] to the sore. While preparing this he was to



take the kernel of a bramble nut and apply its split side to the slit. That is if there is a slit externally; what [is one to do] if it is internal? One should take some fat of a goat that has not borne any young, melt it and apply it. Else one should take three melon leaves which have faded in the shade, burn them and apply the ashes. In the absence of these, let one apply snail-shells, or else take olive-oil mixed with wax and let him be covered with rag of linen in the summer and cotton wool in the winter.

R. Abbahu had pain in his ear and he was given some directions by R. Johanan — others say, by those in the House of Study. What were the directions? — Similar to those of Abaye<sup>1</sup> [who said]: My Mother told me that kidneys were only made to [heal] the ear. So also said Raba: Minyomi the physician told me that any kind of fluid is bad for the ear except the juice from kidneys. One should take the kidney of a 'bald-buck', cut it cross-wise and place it on glowing coals, and pour the water which comes out of it into the ear, neither cold nor hot, but tepid. Else, one should take the fat of a large-size cockchafer, melt it and drip it [into the ear]. Or else, the ear should be filled with oil, then seven wicks should be made out of green blades of wheat-stalks at the one end of which dry garlic ends and some white thread should be set alight while the other end is placed within the ear, the ear should be exposed to the light but care should be taken that no spark falls on it, each wick [when done with] should be replaced by another. Another version is: One should prepare seven wicks of white thread<sup>2</sup> and dip them in oil of balsam-wood<sup>3</sup> setting light to the one end and placing the other end in the ear, each one, when done with, should be replaced by another, care being taken to avoid any sparks. Or let one take tow cotton which has been dyed but not combed and place it within the ear, which should be placed above a fire, taking precaution against sparks. Another remedy: Take a tube of an old cane [which has been detached from the soil] for about a century and fill it with rock salt, then burn it and apply the ashes [to the sore part]. [Take as] thy mnemonic [to remember how to apply the foregoing,] in liquid form to a dry sore, and in dry form to a wet sore.

Said Raba b. Zutra in the name of R. Hanina: It is permissible to restore the ear into its proper position on the Sabbath. Whereon R. Samuel b. Judah commented: Only with the hand, but not by applying medicines. Some report: By applying medicine, but not with the hand, the reason being that it causes soreness.

Said R. Zutra b. Tobiah in the name of Rab: If one's eye gets out of order, it is permissible to paint it on the Sabbath. He was understood to be of opinion that this only holds good when the medical ingredients had been ground the previous day, but if it is necessary to grind them on the Sabbath and carry them through a public road, it would not be permitted; but one of the Rabbis, R. Jacob by name, remarked to him: It was made plain to me on behalf of Rab Judah that even grinding on the Sabbath and the carrying through the public street are permissible.

Rab Judah declared it as permissible to paint the eye on the Sabbath. Whereupon R. Samuel b. Judah said: He who acts according to Judah profanes the Sabbath. After some time when he himself had a sore eye he sent to ask of Rab Judah: Is it permitted or forbidden? He sent back [the following reply:] 'To everyone else it is permitted — but to you it is forbidden.<sup>4</sup> Was it on my own authority [that I permitted it?] It was on that of Mar Samuel'. It once happened to a maid-servant in Mar Samuel's house that her eye became inflamed on a Sabbath; she cried, but no one attended her<sup>5</sup> and her eye dropped. On the morrow Mar Samuel went forth and propounded that if one's eye gets out of order it is permissible to paint it on the Sabbath, the reason being because the eyesight is connected with the mental faculties.<sup>6</sup>

What kind [of disorder]?<sup>7</sup> Said R. Judah: Such as discharge, pricking, congestion, watering, inflammation or the first stages of sickness, excluding the last stage of sickness or the brightening of the eyesight in which cases it is not permitted.

Said Rab Judah: The sting of a wasp, the prick of a thorn,<sup>8</sup> an abscess, a sore eye or an inflammation — for all these a bath-house is dangerous. Radishes are good for fever, and beets for cold shivers: the reverse is dangerous. Warm things [are good] for a scorpion [bite] and cold things for that by a wasp: the reverse is dangerous. Likewise warm things for a thorn prick and cold

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(1) Kid. 31b.

(2) [So MS. M. (v. Jast.); according to current edd.: wax tapers.]

(3) So according to MSS. and old editions which have **דאפרסמא** instead of **דאנספסתא** (wheat stalks) in current edd.

(4) Since, in opposition to Rab Judah, he declared it as forbidden.

(5) Thinking that it was not serious enough to warrant disregarding the Sabbath.

(6) So Tosaf. a.l. s.v. **שורייני** Rashi's rendering is, The nerves of the eye affect the fat around the heart.

(7) Justifies the medical painting of the eye on the Sabbath.

(8) Lit., 'he who was stung by a thorn', similarly with the other phrases that follow.

## Talmud - Mas. Avodah Zarah 29a

for an eruption: the reverse is dangerous. Vinegar [is good] after letting blood and small fish in brine after fasting; the reverse is dangerous. Cress [after] blood-letting is dangerous. Fever is [likewise] dangerous for blood-letting; so also are sore eyes dangerous for blood-letting. The second [day] after [eating] fish [may be used] for [the letting of] blood; the second day after bleeding, for [eating] fish; on the third day it is injurious.

Our Rabbis taught:<sup>1</sup> One who has his blood let should abstain from HGBSH,<sup>2</sup> milk, cheese, onions and pepperwort. If one has eaten any of these, said Abaye, he should take a quarter<sup>3</sup> of vinegar and a quarter of wine, mix them together and drink; and when he has subsequently to attend to his natural needs, he should retire east of the town to obviate the vitiating smell.

Said R. Joshua b. Levi: It is permitted to lift the Unklai on the Sabbath. What does unklai mean? Said R. Abba: The cartilage [in front] of the heart.<sup>4</sup> What is the remedy for it? — Take cumin, caraway, mint, wormwood, saturera and hyssop.<sup>5</sup> For [curing the cartilage of] the heart, [these should be taken] in wine — as a mnemonic take Wine maketh glad the heart of man;<sup>6</sup> for [defective] breathing, in water. Mnemonic: The breath of God hovered over the face of the water;<sup>7</sup> for a woman in childbirth, in beer — mnemonic, her pitcher on her shoulder.<sup>8</sup> R. Aha the son of Rabba ground all these together and took a fist-full [of the mixture] and drank it. R. Ashi ground each one separately and took a full pinch of it with his thumb and little finger. Said R. Papa: I did all these but was not cured till an Arabian traveller told me to take a new jug, fill it with water into which a spoonful of honey, which stood overnight under the stars, should be dropped, and the contents should be drunk on the morrow;<sup>9</sup> this I did and was cured.

Our Rabbis taught: Six things help the sick to recover from sickness and have a real curative effect — they are: cabbage, beets, a decoction of dry sisin,<sup>10</sup> tripe, womb and the lobe above the liver; some say, also small fish; moreover small fish keep the whole human body in a fit condition. Ten things are liable to send the patient back to his illness, and to make his illness severe; these are: to eat ox-meat, fat, roast meat, birds' meat, roast egg, pepperwort, shaving, bathing, cheese or liver. Some say also nuts, others add also melons. In the School of Ishmael it was taught: Why are they called Kishshuim [melons]? Because they are Kashin [injurious] to the whole human body as swords.<sup>11</sup>

**NOR SHOULD WE HAVE OUR HAIR CUT BY THEM IN ANY PLACE.** Our Rabbis taught: When an Israelite is having his hair cut by a heathen he should be looking in the mirror;<sup>12</sup> and when an Israelite cuts the hair of a heathen he should, on reaching the forelock, leave it alone.<sup>13</sup> The

Master said: 'When an Israelite is having his hair cut by a heathen he should be looking in the mirror.' What are the circumstances? If it is done in a public road, what for the mirror?<sup>14</sup> If in a private place, what is the use of looking into it? — [It refers] indeed to a private place, but his using the mirror will make him appear an important person. R. Hana b. Bizna was having his hair cut in the road leading to Nehardea by a heathen who remarked: Hana, Hana, thy throat is fine for the shears. Answered he: I deserve it for transgressing the words of R. Meir. And did he not also transgress those of the Rabbis, for the Rabbis only permit it in a public place but not in a private place? — He thought that the roads leading to Nehardea, where there are usually many [passers by], are to be regarded as a public place.

'When an Israelite cuts the hair of a heathen he should, on reaching the forelock, leave it alone.' How much [of it is he to leave]? — Said R. Malkiah in the name of R. Adda b. Ahaba: Three fingers' length on every side.

Said R. Hanina the son of R. Ika!<sup>15</sup> [The statements about] a Spear,<sup>16</sup> Maid-servants,<sup>17</sup> Depressions,<sup>18</sup> are by R. Malkio; [but those about] Forelock,<sup>19</sup> Vegetable-ashes,<sup>20</sup> and Cheese<sup>21</sup> are by R. Malkiah. R. Papa however said: If referring to a Mishnah or Baraitha, it is R. Malkiah, but if independent statements, it is R. Malkio. Mnemonic — 'The Mishnah is queen.'<sup>22</sup> Wherein do the two differ? — They differ in regard to the statement about Maid-servants.<sup>23</sup>

(1) V. Ned. 54b.

(2) A mnemonic consisting of the initials of the Hebrew of the words that follow.

(3) Of a log.

(4) [R. Hananel: 'the stomach'.]

(5) MSS. have אברתא instead of אבדתא of current edd.

(6) Ps. CIV, 15.

(7) Gen. I, 2. The Heb. word רוּחַ used there denotes 'spirit', 'breath', 'wind'.

(8) Ibid. XXIV, 15. In the original כדה stands for her pitcher and שכמה for her shoulder, while כודא stands for sickness in childbirth and שכרא for beer.

(9) [MS. M.: fill it with water allowing it to stand overnight under the stars, in the morning drop into it a spoonful of honey.]

(10) Sisin, a medicinal herb.

(11) V. supra 11a.

(12) The study of his appearance will make the barber think that he is an important person whom he will fear to harm (Rashi).

(13) As it is dedicated to the idols, V. supra 8a.

(14) The heathen will all the same be afraid to harm him.

(15) V. Mak. 21a.

(16) If it may be straightened on the festival, v. Bezah 28b.

(17) Brought by a woman at marriage, Keth. 59b.

(18) Nid. 52b.

(19) Quoted above.

(20) Spread on wounds. Mak. 21a.

(21) If that made by a heathen is forbidden. Infra 29b.

(22) The one associated with the Mishnah (and Baraitha) is Malkiah, which name closely resembles Malkah — queen.

(23) According to R. Hanina it is attributed to R. Malkio, while according to R. Papa, since it has reference to a Mishnah, it is attributed to R. Malkiah.

## Talmud - Mas. Avodah Zarah 29b

MISHNAH. THE FOLLOWING THINGS BELONGING TO HEATHENS ARE FORBIDDEN AND THE PROHIBITION EXTENDS TO ANY BENEFIT THAT MAY BE DERIVED FROM

THEM: WINE, OR A HEATHEN'S VINEGAR THAT WAS FORMERLY WINE,<sup>1</sup> HADRIANIC EARTHENWARE,<sup>2</sup> SKINS PIERCED AT THE ANIMAL'S HEART.<sup>3</sup> RABBAN SIMEON B. GAMALIEL SAYS: WHEN ITS RENT IS ROUND, [THE SKIN] IS FORBIDDEN, BUT IF OBLONG IT IS PERMITTED.<sup>4</sup> MEAT WHICH IS BEING BROUGHT IN TO A PLACE OF IDOLS IS PERMITTED,<sup>5</sup> BUT THAT WHICH IS BROUGHT OUT IS FORBIDDEN, BECAUSE IT IS [REGARDED] AS SACRIFICES OF THE DEAD,<sup>6</sup> THIS IS THE OPINION OF R. AKIBA. [WITH IDOLATERS] GOING ON A PILGRIMAGE<sup>7</sup> IT IS FORBIDDEN TO HAVE ANY BUSINESS TRANSACTIONS, BUT WITH THOSE COMING THENCE IT IS PERMITTED. SKIN-BOTTLES OR FLAGONS OF HEATHENS IN WHICH WINE OF AN ISRAELITE IS KEPT ARE FORBIDDEN AND THE PROHIBITION EXTENDS TO ANY BENEFIT THAT MAY BE DERIVED FROM THEM, THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY THAT THE PROHIBITION DOES NOT EXTEND TO DERIVING ANY BENEFIT. GRAPE-STONES AND GRAPE-SKINS OF HEATHENS ARE FORBIDDEN, THE PROHIBITION EXTENDING TO ANY BENEFIT, THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY, WHEN FRESH THEY ARE FORBIDDEN BUT WHEN DRY THEY ARE PERMITTED. MURIES<sup>8</sup> AND BITHYNIAN CHEESE<sup>9</sup> OF THE HEATHENS ARE FORBIDDEN, THE PROHIBITION EXTENDING TO ANY BENEFIT, THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY THAT THE PROHIBITION DOES NOT EXTEND TO ANY BENEFIT.

R. JUDAH SAID: R. ISHMAEL PUT THIS QUESTION TO R. JOSHUA AS THEY WERE ON A JOURNEY, 'WHY,' ASKED HE, 'HAVE THEY FORBIDDEN THE CHEESE OF HEATHENS?'<sup>10</sup> HE REPLIED, BECAUSE THEY CURDLE IT WITH THE RENNET OF A NEBELAH.'<sup>11</sup> HE RETORTED: 'BUT IS NOT THE RENNET OF A BURNT-OFFERING MORE STRICTLY FORBIDDEN THAN THE RENNET OF A NEBELAH? [AND YET] IT WAS SAID THAT A PRIEST WHO IS NOT FASTIDIOUS MAY SUCK IT OUT RAW (THOUGH THIS OPINION WAS NOT APPROVED, AND IT WAS SAID THAT NO BENEFIT MAY BE DERIVED FROM IT, ALTHOUGH NO TRESPASS WOULD APPLY THERETO).'<sup>12</sup> 'THE REASON THEN,' [R. JOSHUA SAID,] 'IS BECAUSE THEY CURDLE IT WITH THE RENNET FROM CALVES SACRIFICED TO IDOLS.' SAID HE, 'IF THAT BE SO, WHY DO THEY NOT EXTEND THE PROHIBITION TO ANY BENEFIT DERIVED FROM IT?' HE, HOWEVER, DIVERTED TO ANOTHER MATTER, SAYING:<sup>13</sup> 'ISHMAEL, HOW DO YOU READ — FOR THY [MASC.] LOVE IS BETTER THAN WINE OR THY [FEM.] LOVE ETC.'<sup>14</sup> HE REPLIED: 'THY [FEM.] LOVE IS BETTER . . .' HE RETORTED: THIS IS NOT SO, AS IT IS PROVED BY ITS FELLOW [-VERSE]: THINE OINTMENTS HAVE A GOODLY FRAGRANCE [WHEREFORE THE MAIDENS LOVE THEE].'<sup>15</sup>

GEMARA. Whence do we deduce [the prohibition of] WINE? — Rabbah b. Abbuha said: From the scriptural verse which says, Who did eat the fat of their sacrifices, and drank the wine of their drink-offering,<sup>16</sup> as [heathens'] sacrifice is forbidden as to deriving any benefit, so also their wine is forbidden. But whence do we deduce the prohibition of a sacrifice itself? — From the scriptural words, They joined themselves also unto Baal of Peor, and ate the sacrifices of the dead:<sup>17</sup> as anything appertaining to the dead is forbidden as to any benefit, so [heathen] sacrifices are likewise forbidden. And how do we know this about the dead? — We deduce it from the similar expression 'there' used in connection with the heifer whose neck was to be broken,<sup>18</sup> as well as here [in connection with the dead]. Here it is said, And Miriam died there,<sup>19</sup> and there it is said, And they shall break the heifer's neck there in the valley.<sup>20</sup> As in that other case the heifer was forbidden as to any benefit, so also in our case the prohibition is the same. But how do we know that it is so in that case? — Those of the School of R. Jannai said: Because forgiveness<sup>21</sup> is mentioned in connection therewith as with sacrifices.<sup>22</sup>

OR A HEATHEN'S VINEGAR THAT WAS FORMERLY WINE. This, surely, is obvious! Shall its prohibition cease because it turned sour? — R. Ashi said: The statement serves to imply that

vinegar belonging to us when in the keeping of a heathen does not require double sealing;<sup>23</sup> [and for this reason:] as to the fear lest he would offer it to idols — this is generally not offered, and [again] as to the possibility that he might exchange it for his own — since there is one seal, he would not take the trouble to falsify it.

R. Elai said: We have had it stated that a heathen's boiled wine, which was formerly [raw] wine [while in his possession], is forbidden. This, too, is self evident! Does its prohibition cease because it had been boiled? — Said R. Ashi: This, too, enables us to draw the implication that our boiled wine which is in the keeping of a heathen does not require double sealing.<sup>24</sup> For as to the fear lest he would offer it to the idol, it is not offered [in that state]; and as for

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(1) While it was in the heathen's possession

(2) V. infra 32a.

(3) It was the practice of the heathen to remove the heart of a living animal for a sacrifice to the idol; thus the whole animal is forbidden as an idolatrous offering.

(4) The rounded shape is a sign of the crinkling of the skin on being rent while the animal was still alive; the oblong, or natural, shape of the rent shows that it was made after the animal was dead. V. J. a.l.

(5) To derive some benefit therefrom.

(6) [Cf. Ps. CVI, 28, and Ab. III, 3. The meat is regarded as idolatrous even though no part of it had actually been offered as sacrifice to the idol. Tosaf. 32b, s.v. **והיציא**.]

(7) [**תרפות**, lit., 'obscurity', a contemptuous designation of an idolatrous cult. Jast. and Elmslie (p. 33) understand the reference to be to the Dyonisian festivals.]

(8) 'Fish-brine', often mixed with wine.

(9) The reason given (infra 34b) is that in Bithynia many calves were offered to the idols; it is therefore to be suspected that their rennet is used in preparing the cheese. ['Bithynian cheese was prized as a delicacy,' Elmslie, p. 35.]

(10) Why do the Sages forbid the eating of such cheese, seeing it is only made from the milk of 'clean' animals.

(11) An animal which dies of itself (v. Glos.).

(12) Cf. Lev. V, 15. Which goes to prove that rennet in a burnt-offering was not regarded as part of the animal, but as mere refuse.

(13) The diversion was intentional, as is explained further in the Gemara.

(14) Cant. I, 2. The Heb. word may stand for either gender according to the vocalisation: **דודיך** masc., or **דודיך** fem. The Song of Songs is regarded as a dialogue between God the lover (in the masc.) and Israel His beloved (fem.).

(15) Which obviously is addressed to one of masculine gender.

(16) Deut. XXXII, 38.

(17) Ps. CVI, 28.

(18) Deut. XXI.

(19) Num. XX, 1.

(20) Deut. XXI, 4.

(21) Forgive O Lord Thy people Israel (ibid. 8).

(22) From which no secular benefit may be derived.

(23) Lit., 'a seal within a seal,' as is the case with wine, to make sure that part of it is not offered to the idol.

(24) The teaching that it is forbidden to benefit from boiled wine only when it was in the heathen's keeping in a raw state implies that, if the Israelite handed it to the heathen after boiling it, there is no fear of its being offered to the idol, as only raw wine is used for such purpose.

## Talmud - Mas. Avodah Zarah 30a

the possibility that he might exchange it — since there is one seal, he would not take the trouble to falsify it.

Our Rabbis taught: Boiled wine or alontith of a heathen is forbidden, but prepared alontith<sup>1</sup> is permitted. What is alontith? — As it has been taught in connection with Sabbath:<sup>2</sup> We may make

anomalin<sup>3</sup> but not alontith.<sup>4</sup> What is 'anomalin' and what is 'alontith'? 'Anomalin' [is a mixture of] wine, honey and pepper; 'alontith', of old wine, clear water and balsam, which is used [as a cooling drink] in the bath-house.

Rabbah and R. Joseph both of them said that diluted wine<sup>5</sup> does not become forbidden through being left uncovered,<sup>6</sup> nor is boiled wine to be suspected of idolatrous use. The question was asked: Is boiled wine rendered forbidden by being left uncovered or is it not so? — Come and hear: R. Jacob b. Idi testified in regard to boiled wine that it is not rendered forbidden by being left uncovered. R. Jannai b. Ishmael was sick and R. Ishmael b. Zirud and other Rabbis called to enquire about him. As they sat, the question was asked of them: Does the objection to remaining uncovered apply to boiled wine or not? — To which R. Ishmael b. Zirud replied: Thus said R. Simeon b. Lakish on behalf of a great man — namely, R. Hiyya: Boiled wine is not rendered unfit by being left uncovered. On their asking, 'Shall we rely on it?' R. Jannai b. Ishmael motioned [as if to say], 'Upon my responsibility.'<sup>7</sup>

Samuel and Able<sup>8</sup> were sitting together when boiled wine was brought up for them and [the latter] withdrew his hand,<sup>9</sup> but Samuel said to him: Behold, it has been said that boiled wine is not to be suspected of idolatrous use! R. Hiyya's maid-servant found that some boiled wine had been left uncovered. She came [to ask about it] of R. Hiyya, who told her that it had been declared that boiled wine is not rendered unfit by being left uncovered. The servant of R. Adda b. Ahaba found that some diluted wine had been left uncovered. [His master] however told him that it had been stated that diluted wine is not rendered unfit by being left uncovered. R. Papa said: This has only been said [of wine] that is well diluted; but if it is only slightly diluted [a snake] might indeed drink it. But does it indeed drink wine that is slightly diluted? — [What about] Rabbah son of R. Huna who was travelling in a boat and had some wine with him? Observing that a snake, cutting through the water, was approaching, he said to his attendant, 'Turn it away,'<sup>10</sup> and the attendant took some water and was pouring it into the wine; whereupon the snake turned back! — [This may only show that] for pure wine [the snake] will even endanger its life, while for diluted wine it will not face danger.<sup>11</sup> And does it not face danger for diluted wine? — What about R. Jannai who was at 'Akbara<sup>12</sup> (some say it was Bar-Hadaya<sup>13</sup> that was at 'Akbara) where people were sitting and drinking diluted wine, and as there was some of it left in the cask they tied a shred over it? He then saw a snake carrying water which it poured into the cask till the cask was so filled that the wine came above the shred, and [the snake then] drank! — It may be said that what [the snake] itself dilutes it will drink, but it will not drink what others dilute. Said R. Ashi (some say, R. Mesharsheya): What an answer [to give in a matter] where danger [to life is involved]!<sup>14</sup>

Raba said: The law is that diluted wine is rendered unfit by being left uncovered and is to be suspected of idolatrous use, but boiled wine does not become unfit by being left uncovered nor is it suspected of idolatrous use.

The attendant of R. Hilkiyah b. Tobi [found that] a tank of water had been left uncovered, though he had been sitting and slumbering close to it. He came to [ask about it of] R. Hilkiyah b. Tobi, who said to him: It has been stated that snakes are afraid of a sleeping person; this, however, only applies in day time but not at night. But this is not the case; it is not to be assumed that they are afraid of a sleeping person either by day or by night.

Rab did not drink water of an Aramean's house, saying that they do not mind if it is kept uncovered. He, however, drank that of a widow's<sup>15</sup> house, saying: She is sure to follow her husband's practice. Samuel [on the other hand] would not drink water of the house of a widow. In the absence of the fear of a husband, he said, she will not necessarily keep the water covered. He, however, drank that of the house of an Aramean. Even if they are not particular about [the prohibition relating to] uncovered liquids, they are particular about cleanliness.<sup>16</sup> Some report that Rab would not drink the

water of an Aramean's house, but would drink that of a widow's house, while Samuel would not drink the water of either the house of an Aramean or that of a widow.

R. Joshua b. Levi said: There are three kinds of wine to which the prohibition through being left uncovered does not apply, namely: Strong, Bitter, and Sweet. 'Strong' is the acrid *tila*<sup>17</sup> which makes the wine-skin burst; 'Bitter' is wine made of unripe grapes; 'Sweet' is wine made of grapes sweetened [by the heat of the sun].<sup>18</sup> R. Hama taught [that those three] are improved wines: 'Strong'-is wine mixed with pepper; 'Bitter' — mixed with wormwood; 'Sweet' — is sparkling wine.<sup>19</sup> Said R. Simeon b. Lakish: Karina becomes prohibited through being left uncovered. What is Karina? — Said R. Abbahu: Karina<sup>20</sup> is a sweet wine which comes from Assia.<sup>21</sup> Said Raba: In its own place, however, it is rendered unfit if left uncovered, the reason being that it is the 'local wine.'<sup>22</sup>

Raba said: Wine which has formed a film is made unfit by being left uncovered and is suspected of idolatrous use during the first three days;

- (1) If when it reached the heathen it was already in its prepared state and not in the form of wine.
- (2) Shab. 140a.
- (3) Because it is for drinking purposes, and may be prepared on the Sabbath.
- (4) Which is for medicinal purposes, and must not be prepared, lest he might be led to grind the ingredients.
- (5) The usual proportion is 2 water to 1 pure wine.
- (6) As a snake does not drink it (cf. Ter. VIII, 4).
- (7) Lit., 'On me and on my neck,' an idiom denoting the assuming of full responsibility.
- (8) A learned Gentile, mentioned in several places in the Talmud. [E.g., Shab. 129a, 156b.]
- (9) Wine touched by a heathen is suspected of being manipulated for idolatrous purposes.
- (10) Lit., 'Blind its eyes.'
- (11) [But not that it will not drink undiluted wine where it can do so without being seen.]
- (12) A place in Upper Galilee. [R. Jannai had established there a school wherein the study of the Law went hand in hand with agricultural pursuits, v. Halevy, Doroth II, 273 ff.]
- (13) [A famous interpreter of dreams, v. Ber, 56a.]
- (14) [The fact that a snake has been seen to drink diluted wine is sufficient warrant to put us on our guard and apply the prohibition to diluted wine that has been left uncovered.]
- (15) A Jewess; though women are not well versed in laws.
- (16) They will therefore keep it covered for the sake of cleanliness.
- (17) A wine with a very pungent taste.
- (18) The taste of any of these being objectionable, a snake would not drink thereof even if left uncovered.
- (19) **מִי בִּאֲרָג** — Borag-water, 'a superior drink' (Rashi). [Krauss, Talm. Arch. II, 241, takes **מִי** in its Persian sense, meaning 'wine', and renders accordingly 'Barag wine'.] These three are also distasteful to snakes.
- (20) Cf. L. carenum (Jast.)
- (21) **עֲסִיא** or **אֲסִיא** taken by some to mean Asia Minor or a certain part of it; by others, Essa, a town E. of the Lake of Tiberias. V. Sanh, (Sonc. ed.) p. 151, n. 1.
- (22) And snakes of that locality drink it.

### Talmud - Mas. Avodah Zarah 30b

thence onwards neither the suspicion of idolatry nor the objection to being uncovered applies to it;<sup>1</sup> those in Nehardea, however, said that even after the three days the objection to being uncovered still holds good, the reason being that occasionally even such wine is drunk [by snakes].

Our Rabbis taught: Wine in the first stage of fermentation is not subject to the rules relating to uncovered [liquids]; and how long does that stage last? Three days. Cress-dish<sup>2</sup> is not subject to the rules relating to uncovered [liquids]. Those in the Diaspora<sup>3</sup> made a practice of forbidding it [if left

uncovered]; but only if there was no vinegar in it; for the vinegar that is in it deters<sup>4</sup> serpents [from tasting it]. Babylonian Kutah,<sup>5</sup> too, is not rendered unfit if left uncovered, though those in the diaspora have the practice of forbidding it. R. Manashi said: If it has traces of biting we must suspect [it of being bitten by a serpent]. Said R. Hiyya b. Ashi in the name of Samuel: Water that drips into a vessel is not subject to the rules in regard to uncovered [liquids].<sup>6</sup> R. Ashi said: That is if the dripping is continuous. R. Hiyya b. Ashi said in the name of Samuel: The opening of a fig<sup>7</sup> does not come under the rules relating to [liquids] left uncovered. This view accords with that of this Tanna: For it has been taught:<sup>8</sup> R. Eliezer says, One may eat grapes and figs at night without suspecting any harm,<sup>9</sup> for Scripture says, The Lord guardeth the simple.<sup>10</sup>

R. Safra said in the name of R. Joshua of the South: There are three kinds of venoms [of serpents]: that of a young one sinks to the bottom; that of one not quite young drops to about the middle; while that of an old one floats on top. Are we to take it that the older a serpent gets the more his strength diminishes? Has it not been taught:<sup>11</sup> There are three whose strength increases as their age advances, these are: a fish, a serpent and a swine! — Its strength may indeed increase, but its venom becomes weaker.

‘The venom of a young one sinks to the bottom’. — What practical application has this? — That of the following teaching: If a barrel was uncovered, even if nine persons drank of its contents with no fatal consequence, the tenth person is still forbidden to drink thereof. It happened indeed that nine people drank of such and did not die but the tenth one died; and R. Jeremiah said: It was a case of the venom sinking to the bottom. Likewise if a [cut] melon was left uncovered and nine persons partook thereof without fatal consequences, it is forbidden for a tenth person to partake thereof, for it once happened that nine persons ate of such a one and did not die and the tenth one who ate it died; and Rab said that it was a case of venom that sank to the bottom.

Our Rabbis taught: Water which had been left uncovered should not be poured out in a public road, or used for sprinkling the floor of a house, or for kneading mortar; nor should one give it to his animal or to his neighbour's animal to drink; nor should one wash one's face, hands or feet therewith. Others said: Only a part of the body that has an opening<sup>12</sup> must not [be washed therewith] but where there is no opening it is permitted. Do not the ‘Others’ hold the same opinion as the first Tanna?<sup>13</sup> — They differ in regard to the back part of the hand and of the foot, or the upper part of the face.<sup>14</sup>

The Master said: ‘Nor should one give it to his own animal or to his neighbour's animal to drink’. But has it not been taught: One may, however, give it to his own animal to drink? — That teaching refers to a cat.<sup>15</sup> Why then not to his neighbour's? — Because it deteriorates it. Then his own, too, would deteriorate? — But it subsequently recovers. Then his neighbour's would likewise recover? — It might so happen that he might wish to sell it and would suffer loss through it.<sup>16</sup>

R. Assi said in the name of R. Johanan who said it on behalf of R. Judah b. Bathyra: There are three kinds of wine: [i] Libation-wine,<sup>17</sup> from which it is forbidden to derive any benefit, and of which a quantity of the size of an olive causes grave defilement;<sup>18</sup>

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(1) As its taste is then completely changed.

(2) Chopped cress mixed with wine.

(3) כַּלְמֵי, All countries outside Palestine, with special reference to Babylonia, v. Glos. s.v. Golah.

(4) Lit., ‘attacks’.

(5) A mixture consisting of sour milk, crusts of bread and salt (Jast.).

(6) As the noise caused by the dripping would frighten a serpent.

(7) Freshly plucked and left overnight.

(8) B.K. 116b.

(9) Though liquids must not be had in the dark.



(10) Ps. CXVI, 6.

(11) Shab. 77b.

(12) Where the poisonous matter would be retained and subsequently penetrate into the body.

(13) He too forbids the parts of the body, such as the face, hands and feet, which are liable to retain the poison.

(14) Parts which are smooth, which the others permit, but the first Tanna forbids.

(15) To which such drink is not injurious, v. Pes. 112b.

(16) He has a right to risk a loss to himself, but not to his neighbour.

(17) Yen Neseq, wine from which libation had been poured before an idol. V. Glos.

(18) Anyone coming in contact with it, or being in premises in which it is found, becomes ritually unclean, as in the case of a dead body. (V. supra 29b).

## Talmud - Mas. Avodah Zarah 31a

[ii] Ordinary wine of heathens, from which it is likewise forbidden to derive any benefit whatsoever,<sup>1</sup> and a quarter [of a log] of which renders drinks [or edibles] unclean;<sup>2</sup> [iii] Wine [of an Israelite] that had been deposited with an idolater, which must not be drunk, but the benefit of it is permitted. But have we not learnt:<sup>3</sup> 'If one deposits his fruit with an idolater it is considered as if it were the idolater's own fruit as regards tithes or Sabbatical year's produce'?<sup>4</sup> In our instance he assigned a separate corner to it.<sup>5</sup> In that case it should be permissible for drinking also! For when R. Johanan happened to be in Parud<sup>6</sup> he enquired if there was any Mishnah of Bar-Kappara [available], and R. Tanhum of Parud quoted to him [the following]: Wine which had been deposited with an idolater is permissible for drinking. Applying the verse, In the place where the tree falleth, there shall it be<sup>7</sup> — [he commented:] How can it be assumed that there it shall be? But it means that there shall its fruit be!<sup>8</sup> — R. Zera said: There is no contradiction here: the one is according to the opinion of R. Eliezer and the other according to that of the Rabbis, For it has been taught: If one buys or hires a house in a court of an idolater and stores wine therein, the key or seal of the place being in the charge of an Israelite, [such wine] is permitted by R. Eliezer but the Sages forbid it.<sup>9</sup> R. Hiyya the son of R. Hiyya b. Nahmani said in the name of R. Hisda [who said it] in the name of Rab (some say that R. Hisda said it in the name of R. Ze'iri, while others report that R. Hisda said, I was told by Aba b. Harina that Ze'iri said it): The halachah rests with R. Eliezer.

R. Eleazar said: Everything is sufficiently guarded by one seal, except wine, which is not considered guarded by one seal. R. Johanan however said: Even wine is sufficiently guarded by one seal. And the one is not in conflict with the other, as the one follows the opinion of R. Eliezer, and the other, that of the Rabbis.<sup>10</sup> Some have the following version: Said R. Eleazar: Everything is sufficiently guarded by a seal within another seal,<sup>11</sup> except wine which is not guarded even by such double seal. R. Johanan however said: Even wine is guarded by a seal within a seal. Both these follow the opinion of the Rabbis, the one holding that the Rabbis only differ from R. Eliezer where there is but one seal, but if there is a seal within another seal they, too, permit it; while the other holds that even in the case of a double seal they forbid.

What, for example, is a seal within another seal? — Raba said: A basin placed over the opening of a barrel and joined to the barrel with a seal on it, is a seal within another seal, otherwise it is not so; or a basket fastened [over the stopper] is a seal within a seal, but if it is not fastened it is not a seal within a seal; a skin bottle within a bag with the closed opening of the skin bottle inside, is a seal within a seal, but if the opening is without, it is not a seal within a seal; if he bends in the closed opening of the skin bottle within and then ties the bottle up again and seals it, it is likewise considered a seal within a seal.

Our Rabbis taught: Formerly the ruling was that wine of En-Kus;<sup>12</sup> is forbidden because of Birath-Sirika,<sup>13</sup> that of Borkata<sup>14</sup> is forbidden on account of Kefar-Parshai, and that of Zagdar is forbidden because of Kefar-Shalem;<sup>15</sup> subsequently however this was altered thus: If in open barrels

it is forbidden, but if in closed ones it is permitted. What was the opinion held formerly and what was the later opinion? — At first the opinion was held that a Cuthean is not particular about an idolater's coming in contact [with the wine] whether the barrels be open or closed; but subsequently they formed the opinion that only in the case of open ones they are not particular, but in the case of closed barrels they are very particular indeed.

Is it then permitted in the case of open barrels? But the following contradicts it:

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- (1) [This is an extension of the prohibition of 'libation-wine'.]
  - (2) [V. Tosaf. Pes. 14a, for various explanations as to the necessity of a minimum quantity to communicate defilement. Maim. Yad, Aboth ha-Tume'oth, VII, 8, makes no mention of this reservation.]
  - (3) Dem. III, 4; Bek. 11b.
  - (4) It is not liable to tithe etc., as the idolater may have exchanged it for his own. Why, then, is the wine deposited with an idolater not regarded as such?
  - (5) The Israelite has thus made sure that it was not exchanged.
  - (6) Where Bar-Kappara, who was already dead, had resided. [Identified with El-Faradije, S.W. of Saffed, v. Klein, S. op. cit. p. 40.]
  - (7) Eccl. XI, 3.
  - (8) The teachings of the wise are preserved in the place where they had lived. According to him wine deposited with an idolater is thus permissible even for drinking, which is contrary to the ruling given above!
  - (9) For drinking only. V. Shab. 122a.
  - (10) The Sages. [For each Amora the matter had already been settled by a Tanna whom he followed, so that there was no need for him to make it a point of controversy with the other, so Tosaf.]
  - (11) V. infra.
  - (12) A place inhabited by Cutheans.
  - (13) A place in Samaria, whose inhabitants were idolaters, in close proximity of the former place. The same applies to each of the cases that follow.
  - (14) [Probably Borkeos on the boundary between Samaria and Judaea mentioned in Josephus, Wars, III, 3, 5, v. Montgomery, The Samaritans, p. 146.]
  - (15) [Perhaps Salem on the Jordan, south of Beth-Shean, Montgomery, loc. cit.]

### **Talmud - Mas. Avodah Zarah 31b**

If one sends a cask of wine by the hand of a Cuthean, or of brine<sup>1</sup> or muries<sup>2</sup> by the hand of an idolater if he can identify his seal and the [spot and manner of] his closing up, it is permitted, but if not it is forbidden!<sup>3</sup> — R. Zera said: There is no contradiction: The one refers to the town,<sup>4</sup> the other to the open road.<sup>5</sup> R. Jeremiah demurred to this: But did not that of the town come by road? — But, said R. Jeremiah: Our teaching only refers to [barrels closed in] the vicinity of the wine presses; since all the people are about there, he would be afraid [to let an idolater touch it] lest it be detected and he lose thereby.

It has been stated: Why has beer of heathens been forbidden? Rami b. Hama said in the name of R. Isaac: Because of marriages.<sup>6</sup> R. Nahman said: Because it might have been left uncovered. 'Uncovered' when? If while in the vat — we also keep it uncovered;<sup>7</sup> and if while in the barrel, in that state, too, we keep it uncovered!<sup>8</sup> — It may only refer to a place where the water is allowed to settle.<sup>9</sup> In that case it should be permitted when it matures, for Rab said:<sup>10</sup> [Liqueur which is] matured is permitted, for [the venom] would not allow it to mature; [so also wine which is] fermented is permitted, for it would not have allowed it to ferment! — Matured is forbidden as a safeguard against the fresh. R. Papa used to drink beer when it was brought out to him to the door of the shop; R. Ahai used to drink it when it was brought to his house. Both of them held that the reason [for the prohibition] is intermarriage, but R. Ahai insisted on extraordinary precaution.

R. Samuel b. Bisna happened to be in Marguan;<sup>11</sup> they brought him wine but he would not drink it, they then brought him beer which he did not drink either. It is quite correct as to the wine, as there is a suspicion, but what objection is there to the beer? There is the suspicion of a suspicion.<sup>12</sup> Said Rab: 'Beer of an Aramean is permitted, still I would not allow my son Hiyya to drink it'. Which way will you have it? If it is permitted then it should be permitted to all; if [on the other hand] it is forbidden, it should be forbidden to all! — Rab suspects it of being left uncovered; but the bitter taste of the hops counteracts any venom that might be in it, so that it can only prove injurious to one who is an invalid, and his son Hiyya, being an invalid, should therefore abstain from drinking it.

Samuel said: All reptiles have poisonous venom; that of a serpent is fatal, while that of other reptiles has no fatal effect. Said Samuel to Hiyya b. Rab: O son of a scholar,<sup>13</sup> come let me tell you a good thing which your father Rab used to say. Thus said your father: The reason why those swollen Arameans who drink what is kept uncovered suffer no fatal consequences is because, through eating abominable and creeping things, their bodies become immune from it. R. Joseph said:

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- (1) Which the heathen might exchange for brine of unclean fish.
  - (2) **מזוריים** a kind of pickle sometimes mixed with wine.
  - (3) Though a Cuthean is not suspected of making idolatrous use of wine, it is feared that he might let an idolater get in contact with it even though it is in a sealed casket — which is contrary to the opinion here given.
  - (4) Where a Cuthean, fearing that he might be noticed by a Jew, would not allow an idolater to get in contact with the wine and thus be unable to dispose of it among Israelites.
  - (5) Where there is no-one to notice him.
  - (6) To avoid intimacy with heathens which might lead to intermarriage.
  - (7) As it is assumed that serpents do not drink beer. [According to R. Han. this had to be done in order to allow the fumes to escape.]
  - (8) [As otherwise the barrels would burst as a result of the fermentation, R. Han.]
  - (9) Before being used for making beer; there is thus the danger of the water having been exposed. [R. Han. explains: Where water is added to the beer to make it settle, there being thus no fermentation.]
  - (10) V. infra 35a, where the name given is R. Hanina.
  - (11) The Jewish inhabitants of which place were not particular about using wine of idolaters. [Neubauer, p. 380, identifies it with the province of Margiana between the Oxus and Aria.]
  - (12) The drinking of beer may lead to drinking wine.
  - (13) **בר-אריא** Ms.M. has **בר-איריא** some versions have **בר-ארי** — son of a lion. V. Ber. 12a and Kohut s.v.

## Talmud - Mas. Avodah Zarah 32a

The vinegar which the Arameans make of beer is forbidden because they mix yeast of idolatrous wine with it. R. Ashi said: If however it had been in store it is permitted, for if it contained such admixture it would have got spoilt.

**HADRIANIC EARTHENWARE.** What does HADRIANIC mean? — Said Rab Judah in the name of Samuel: Earthenware of King Hadrian.<sup>1</sup> When R. Dimi came [from Palestine] he said: Virgin soil, which had not been tilled before, used to be tilled by [the Romans] and planted with vines; the wine [produced] they used to pour into white jugs<sup>2</sup> which absorbed the wine. These vessels they broke into fragments which they used to carry, and wherever they came they soaked them [in water] and drank of it. R. Joshua b. Levi said: Our first [quality wine] is only equal to their third [soaking].

The question was asked: How about placing these shards as supports of the legs of a bedstead? Is this intention to preserve a [forbidden thing]<sup>3</sup> for some other purpose allowed or forbidden? — Come and hear! For R. Eleazar and R. Johanan [argued about it], one pronouncing it as forbidden and the other as permitted. An objection was raised: Wine kept in barrels or leather bottles belonging to idolaters is forbidden for drinking but permitted for deriving benefit. Simeon b. Gudda testified in the presence of R. Gamaliel's son<sup>4</sup> that R. Gamaliel<sup>5</sup> drank of such in Acco, but this was not accepted. As to flagons belonging to idolaters, R. Simeon b. Gamaliel says in the name of R. Joshua b. Kapusai that it is forbidden to make of them covers for an ass. Now in this latter case there is an intention to preserve [the forbidden thing] for some other purpose and yet we are taught that it is forbidden! — According to your opinion then, the sale of [earthenware] flasks of heathens should also be forbidden, for what difference is there between [leather] flagons<sup>6</sup> and [earthenware] flasks? But Raba said: There is this risk: if his flask be split he might take the one of the heathen and patch his own with it.<sup>7</sup> Now according to the one who holds that the intention to preserve [a forbidden thing] for some other purpose is forbidden, why is the use of [earthenware] flasks allowed? — His answer might be: In that case the forbidden matter is not there in substance,<sup>8</sup> whereas in the other case<sup>9</sup> the substance of the forbidden matter is there.

[It has been stated above:] 'But this was not accepted.' A contradiction was raised: Wine contained in leather bottles of heathens is forbidden for drinking but permitted for deriving benefit. Simeon b. Gudda' testified in the presence of R. Gamaliel's son that R. Gamaliel drank of such in Acco, and it was accepted! — What is meant there is that it was not accepted by the whole company, but it was the son who did accept it. Or, if you wish, it may be said that Gudda is one and Gudda' is another.<sup>10</sup>

**SKINS PIERCED AT THE ANIMAL'S HEART.** Our Rabbis taught:<sup>11</sup> What is [the sign of] such a heart-rent skin? If it is rent opposite the heart and is round like a circular aperture, and there is a drop of coagulated blood on it, it is forbidden,<sup>12</sup>

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(1) [Which Hadrian took with him on his journeys with his troops (Rashi)]. Elmslie, A.Z. p. 31, quoting Lewy, *Philologus*, 52 p. 571, explains it as earthenware jars coming from the Adriatic coast.

(2) [I.e., of unburnt clay.]

(3) [By putting these shards to such use there is incidentally evidence of a desire to preserve them, though not for the sake of the wine they contain, but for some other purpose. Any act which involves the preservation of idolatrous wine is forbidden. V. infra 73b.]

(4) [Hanina b. Gamaliel II (Tosaf.).]

(5) [Gamaliel II, v. Buchler, gal. 'Amh. p. 313, n. 1.]

(6) [Which as stated do not render prohibited for use the wine kept in them, cf. Tosaf. The passage is, however, difficult and does not occur in Ms.M. and several other texts.]

(7) In which case the idolatrous wine will actually flavour the contents of his flask.

(8) The flavour only is retained.

(9) Of Hadrianic wine which is absorbed and emitted by the vessel.

(10) The name given in the first report is Gudda גודא while that in the second is Gudda' גודע'. [While they may not have accepted the report of one, when reported by the other too they accepted it.]

(11) Tosef. A.Z. Ch. V.

(12) It proves that the skin was rent while the animal was alive.

### **Talmud - Mas. Avodah Zarah 32b**

but if it has no such drop of blood it is permitted. R. Huna said: That is only if it has not been treated with salt, but if salt has been applied to it, it is forbidden in either case, as the salt may have removed it.

R. SIMEON B. GAMALIEL SAYS WHEN ITS RENT IS ROUND [THE SKIN] IS FORBIDDEN, BUT IF OBLONG IT IS PERMITTED. Said R. Joseph in the name of Rab Judah who said it in the name of Samuel: The halachah rests with R. Simeon b. Gamaliel. Said Abaye: 'The halachah [rests with him]' implies that the matter is disputed!<sup>1</sup> But what difference does it make to you? retorted the other. To which he replied: Is the learning of Gemara, then, to be like the singing of a song?<sup>2</sup>

MEAT WHICH IS BEING BROUGHT INTO AN IDOLATROUS PLACE IS PERMITTED. What Tanna's opinion might this represent? — Said R. Hiyya b. Abba in the name of R. Johanan: Not that of R. Eliezer; for were it R. Eliezer's, surely he holds the opinion that an idolater has generally idolatry in his mind.<sup>3</sup>

BUT THAT WHICH IS BROUGHT OUT IS FORBIDDEN, BECAUSE IT IS REGARDED AS SACRIFICES OF THE DEAD.

What is the reason? Because it is impossible for some idolatrous sacrifice not to have taken place. Whose [opinion might this represent]? — That of R. Judah b. Bathyra; for it has been taught: R. Judah b. Bathyra says: Whence can we deduce that idolatrous offerings defile by overshadowing<sup>4</sup>? From the verse, They joined themselves unto Ba'al-Peor, and ate the sacrifices of the dead<sup>5</sup> — as a dead body defiles by overshadowing, so also an idolatrous sacrifice causes such defilement by overshadowing.<sup>6</sup>

WITH IDOLATERS GOING ON A PILGRIMAGE IT IS FORBIDDEN TO HAVE ANY BUSINESS TRANSACTIONS. Samuel said: With idolaters going on a pilgrimage it is forbidden [to transact business] on their journey there, for they will go and offer thanks to the idols; but on their return journey it is permitted, for by-gones are by-gones. If an Israelite however goes on such a pilgrimage [to idols], it is permitted [to deal with him] on his journey there, for he may change his mind and not go; but on his return it is forbidden, for as

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(1) Whereas no other opinion is mentioned at all.

(2) Where precision is of no consequence.

(3) He must have therefore appointed it in his mind for idolatry already at the time of the slaughtering of the animal.

(4) טומאת אהל cf. Num. XIX, 14. Whatever is overshadowed by the same roof or object that is over a corpse.

(5) Ps. CVI, 28.

(6) Hul. 13b.

### **Talmud - Mas. Avodah Zarah 33a**

he has already become attached to it he will go again and again. But has it not been taught: It is

forbidden [to do any business transactions] with an Israelite going on a pilgrimage of idolatry either on his journey there or back? — R. Ashi said: That refers to an apostate Israelite, who is sure to go.

Our Rabbis taught: With an idolater going to a market-fair<sup>1</sup> it is permitted to deal both on his journey there and back; but in the case of an Israelite going to such a fair, it is permitted on his journey thither but forbidden on his return journey. Now, how is it that in the case of an Israelite it is forbidden on his return journey? Because we say that he may have been selling articles of idolatry and has thus idolatry-money with him! Should we not likewise say in the case of an idolater that he may have sold articles of idol-worship and carries idolatry-money on him? It appears therefore that in the case of an idolater we say that he may have sold such things as a garment or wine. [If so] let us then say in the case of an Israelite, too, that it may have been such things as a garment or wine that he was selling! — If he had such things only he would have sold them here.

#### BUT WITH THOSE COMING THENCE IT IS PERMITTED.

R. Simeon b. Lakish said: This teaching applies only if they do not form one band, but if they<sup>2</sup> are keeping closely together it is forbidden, for we are to assume that each one has a mind to return again.

#### SKIN BOTTLES AND [EARTHENWARE] FLAGONS OF HEATHENS.

Our Rabbis taught: 'Skin bottles of heathens, if stripped,<sup>3</sup> are permitted while new,<sup>4</sup> but if old or pitch-lined<sup>5</sup> they are forbidden. If an idolater pitched<sup>6</sup> and lined and put the wine<sup>7</sup> into it while an Israelite was standing by him there is no cause for suspicion.'<sup>8</sup> But since it is the heathen who puts the wine into the bottles, of what avail is it that an Israelite does stand by him? — R. Papa said: What is meant is that if a heathen pitched and lined them and an Israelite poured wine into them while another Israelite was standing by there is no cause for suspicion. But if it is an Israelite that is pouring the wine into them, what need is there for another Israelite to stand by? — Lest while the Israelite is engaged in the pouring, the heathen pour some of it for idolatry without being detected by him.

R. Zebid said: The original wording can indeed stand, but here the reason is that when wine is poured into the fresh pitch it is as water that is poured in mortar.<sup>9</sup> R. Papi said: From what was said by R. Zebid it may be deduced that if a heathen poured wine into the salt cellar of an Israelite [the salt] is permitted. R. Ashi demurred to this: How can these be compared? In that case the wine has disappeared, while in our case it has not disappeared!<sup>10</sup>

A certain Arab, Bar 'Adi, once seized a wine-skin from R. Isaac b. Joseph, and after keeping wine in it returned it to him. He came and asked about it in the House of Learning and R. Jeremiah said to him: Thus was the decision given by R. Ammi in a specific case:<sup>11</sup> [The vessels] are to be filled with water for three days and then emptied; whereon Raba said: The water should be emptied every twenty-four hours. This was taken to apply to our<sup>12</sup> [vessels if used by heathens] but not to theirs; when, however, Rabin came [from Palestine] he said in the name of R. Simeon b. Lakish: [It applies to] either ours or theirs. R. Aha b. Raba, sitting before R. Ashi, was of opinion that this only applies to skin-bottles but not to earthenware ones;<sup>13</sup> but R. Ashi said to him: It makes no difference whether they be skin-bottles or earthenware ones.

Our Rabbis taught: Earthenware bottles of idolaters, if new and stripped, are permitted, but if old and pitched they are forbidden. If an idolater kept wine in them, the Israelite should put water into them;<sup>14</sup> but though an idolater kept wine in them an Israelite may [immediately] put bran, or Muries<sup>15</sup> into them without any scruples<sup>16</sup>. The question was asked:

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- (1) [The markets were associated with idolatrous festivals, v. Elmslie, p. 33.]
- (2) [Those who come back and those who go there].
- (3) Having no pitch coating.
- (4) Not having been long in use, the skin would not have absorbed any wine: skin being more dense than earthenware.
- (5) [Wine soaks into pitch.]
- (6) [He poured the molten pitch into them (Rashi).]
- (7) [While the pitch was still hot, wine was poured into it to remove its bitterness (Rashi).]
- (8) Tosef. Ch. V.
- (9) The reason why wine poured into a bottle freshly lined with pitch by a heathen is permitted is because the wine which first comes in contact with the pitch soaks thoroughly into it, like the water in the mortar, and does not exude again when the pitch hardens.
- (10) [The flavour it imparted to the salt remains.]
- (11) הלכה למעשה, lit., 'a decision for practice'.
- (12) As in R. Isaac's case, where the vessel originally used by an Israelite had already absorbed a large quantity of permissible wine, while the absorption of the prohibited wine would be scant.
- (13) Which absorb more.
- (14) As above — on three days, changing the water every 24 hours.
- (15) V. p. 156, n. 2. The sharpness of these annuls the taste of the wine.
- (16) [Having regard to the question that follows, read with MS.M., 'and it is permissible.']

### Talmud - Mas. Avodah Zarah 33b

[Does this apply to] deliberate action or to an act committed?<sup>1</sup> — Come and hear: For R. Zebid b. Oshaia learned: If one buys earthenware bottles of an idolater, if they be new he may put wine into them; if old, he may use them for bran and Muries deliberately.

R. Judah Nesi'a<sup>2</sup> asked of R. Ammi: What if he put them back into a furnace, so that they became heated? — He replied: If bran has a cleansing effect on them, how much more so fire! It has likewise been stated: R. Johanan said (according to others R. Assi said it in the name of R. Johanan): Flagons of heathens which had been placed back in the furnace, as soon as the pitch thereof has dropped off, are permitted. Said R. Ashi: You need not say 'until it has dropped off'; if it has only been loosened, even though it has not dropped off [it is enough]. [Where the pitch is removed by means of] lighted chips this is a matter of dispute between R. Aha and Rabina, the one forbidding [the use of the flask], while the other permitted. The law rests with the one who forbids.<sup>3</sup> The question was asked: How about putting beer into such a vessel?<sup>4</sup> — R. Nahman and Rab Judah forbid, but Raba permits it. Rabina declared it permissible to R. Hiyya the son of R. Isaac to pour beer into such a vessel, so he went and put wine into it; still he had no scruples about it, saying: It was only done casually. R. Isaac b. Bisna had some vessels of heathens, made of boxwood;<sup>5</sup> he filled them with water and let them stand in the sun,<sup>6</sup> and they split. Said R. Abba to him: You have indeed rendered them forbidden for good!<sup>7</sup> All that our Rabbis said is that such are to be filled with water; has it been said they should be left in the sun? Said R. Yosna in the name of R. Ammi: A vessel of natron<sup>8</sup> can never be rendered ritually clean. What is a vessel of natron? — Said R. Jose b. Abin: A vessel made of crystals coming from an alum- mine. Some of the men of the field-marshal Parzak<sup>9</sup> seized some [earthenware] wine-casks from [Jews in] Pumbeditha, kept wine in them and then returned them. [The owners] came to ask Rab Judah about these, and he said: This is a case of vessels taken for temporary use, let them be rinsed with water and they will be permitted for use. R. 'Awira said: Those jugs of Arameans made of dark clay, since they do not absorb much, are permitted for use on being rinsed in water. R. Papa said: Those earthenware vessels coming from Be-Mikse<sup>10</sup> may be used after being rinsed in water, as they do not absorb much.<sup>11</sup> Cups<sup>12</sup> are forbidden by R. Assi, but permitted by R. Ashi. If an idolater drank from it the first time it was used, no one disputes that it is forbidden,<sup>13</sup> the dispute only arises if it was the second time. Some say that if it is the first or second time it is indisputably forbidden and that the dispute only arises if it is the third time. The law is, if it is the

first or second time it is forbidden, if the third time it is permitted. R. Zebid said: Vessels which are glazed, if white or black are permitted, but if green are forbidden because it contains crystals of alum;<sup>14</sup> and if they have any cracks [in the glazing] they are all forbidden.

Meremar stated in his exposition<sup>15</sup> that glazed<sup>16</sup> vessels, whether black or white or green, are permitted. But why should this case be different from that of leaven on Passover? For Meremar [himself] was asked: How about using glazed vessels<sup>17</sup> on Passover; we do not ask [they said] about green glazing which contains alum crystals which absorb and thus [renders the vessel] forbidden; what we are asking about is white or black glazing; nor do we ask even about these if there are any cracks, for such unquestionably absorb and are forbidden; it is about smooth ones that we are asking you what [the law is]? — He answered

- (1) Is it permitted ab initio or only as an accomplished fact?
- (2) [The prince, Judah II.]
- (3) [As the pitch in this case melts even before the fire could exercise a cleansing effect on the flasks themselves.]
- (4) Is this to be forbidden as a safeguard against wine or not?
- (5) פקסונא, v. l. פיקסינא, 'Boxwood'; according to Rashi: made of clay and ordure.
- (6) [As an additional precaution.]
- (7) [I.e., you have destroyed them for no reason.]
- (8) If used for wine by idolaters.
- (9) [Funk, Die Juden in Babylonien, I, 105, renders: 'the great field marshal,' taking Parzak not as nom. prop., but as Persian wzurg, 'great,' v. infra p. 301, n. 3.]
- (10) [Be-Mekse was a frontier town between Babylon and Arabia. V. Obermeyer, op. cit., 334.]
- (11) The clay of this place was particularly hard.
- (12) Earthenware cups which are used for drinking, but not keeping, wine.
- (13) As it would absorb idolatrous wine while new and in a receptive state.
- (14) Which absorb liquid freely.
- (15) V. Pes. 30b.
- (16) Kovia, 'powdered lime'.
- (17) Which had been used for leaven.

### Talmud - Mas. Avodah Zarah 34a

them: I observed that such vessels exude, and being porous they certainly absorb and are therefore forbidden, the reason being that the Torah testified that an earthenware vessel can never be rid of its defect.<sup>1</sup> Why then should this be different from wine used for idolatry concerning which [we are told] Meremar expounded that all glazed vessels [which had been used for it] are permitted? And should you say that leaven [on Passover] is forbidden by the Torah, whereas idolatrous wine is merely a Rabbinic prohibition, [surely it is an established principle] that whatever is instituted by the Rabbis is [treated] as [that which is ordained] by the Torah!<sup>2</sup> [The difference is this:] In the one case [the use of the vessel, is for hot things,<sup>3</sup> while in the other only for cold.

R. Akiba<sup>4</sup> happened to come to Ginzak;<sup>5</sup> he was asked: Is fasting by hours considered a fast, or is it not considered a fast?<sup>6</sup> He had no answer to give them. [They then asked him:] Is the use of bottles of idolaters ever permitted? Again he had no answer. In what garments [he was then asked] did Moses minister during the seven days of consecration?<sup>7</sup> He had no answer to this either. He then went and enquired at the House of Learning and they said to him: The law is: Fasting by hours is considered a fast, so that if he completed the day, he may say the prayer for a fast; as to bottles of heathens, the law is that they are permissible for use after twelve months;<sup>8</sup> and as to the garment in which Moses ministered during the seven days of consecration, [he ministered] in a white frock without border.<sup>9</sup> GRAPE-STONES AND GRAPE-SKINS OF HEATHENS etc. Our Rabbis taught: Grape-stones and grape-skins of heathens are forbidden while fresh but permitted when dry. Which



are considered fresh and which dry? — Said Rab Judah in the name of Samuel: They are considered moist during the first twelve months, and dry after the twelve months. It has been stated that Raba b. Bar-Hana said in the name of R. Johanan: When they are forbidden, the prohibition extends to any benefit to be derived from them, and when they are permitted, they are permitted even as food. Said R. Zebid: Yeast made of wine of Arameans is permitted after a full year. R. Habiba the son of Raba said: Jugs are permitted after a complete year. R. Habiba said:

(1) V. Pes. 30b, where instead of דּוּפְּנֵי the word is דּוּפְּיָא which Mss. have also here.

(2) And the earthen vessel shall be broken, Lev. XV, 12, thus, the same Meremar pronounced glazed vessels forbidden on Passover on account of the leaven they may have absorbed.

(3) In the case of a vessel which had been used all the year for leaven its prohibition on the Passover is based on the fact that it had been used for hot matter which is more liable to penetrate.

(4) [Ta'an, 11a: Mar 'Ukba, which appears to be the proper reading.]

(5) [Ganzaka, identified with Shiz, S.E. of the Urmia lake, N.W. of Persia. V. Obermeyer, op. cit. p. 10.]

(6) If one undertakes to fast part of a day and happens to abstain from food during the rest of the day, is he entitled to say 'Anenu, the prayer which is appointed for a fast day (Rashi). V. Ta'an. 11b.

(7) Lev. VIII, 33.

(8) Without any special cleansing.

(9) [To indicate that it was for temporary ministrations only (Tosaf.).]

### Talmud - Mas. Avodah Zarah 34b

Travellers' wine-bags are permitted after a twelve-month. Said R. Aha the son of R. Ika: Kernels sold by Arameans are permitted after a twelvemonth. R. Aha the son of Raba said: Those red or black jugs are likewise permitted after twelve months.

MURIES<sup>1</sup> etc. Our Rabbis taught: Muries made by an expert is permitted.<sup>2</sup> R. Judah b. Gamaliel says in the name of R. Hanina b. Gamaliel: [Brine of] heilek<sup>3</sup> prepared by an expert is likewise permitted. Abimi the son of R. Abbahu learned that muries of an expert is permitted; while he had learnt it thus, he however explained that only the first and second [extracts] from this fish are permitted, but the third is forbidden, the reason being that these first and second [extracts] are quite fat and require no admixture of wine; after these, however, wine is put into it.

Once a ship-load of muries reached the port of Acco<sup>4</sup> and R. Aha of Acco placed a guard by it.<sup>5</sup> Said Raba to him: And who watched the ship till now? — Till now, he replied, there was no cause for suspicion: as to mixing the brine with wine, a xestos<sup>6</sup> of muries cost<sup>7</sup> a luma<sup>8</sup> while a xestos of wine cost four lumas. Said R. Jeremiah to R. Zera: Might they not have come by the way of Tyre where wine is cheap? — He replied: There are narrow bays and shallow waters.<sup>9</sup>

AND BITHYNIAN CHEESE etc. Said R. Simeon b. Lakish: The reason why Bithynian cheese has been forbidden<sup>10</sup> is because the majority of calves of that place are slaughtered [as sacrifices] to idols.<sup>11</sup> Why say 'the majority of calves'? Even if it were the minority it would have sufficed, since R. Meir always takes the minority into consideration!<sup>12</sup> — When we say the majority [of calves] we really have only a minority [of cattle],<sup>13</sup> but were only a minority of calves slain for idolatry — seeing that there would have been a majority of calves not slain for idolatry to which would have to be added all other cattle that are not slaughtered for idolatry — they would really have formed a minority of a minority, and even R. Meir does not take a negligible minority into consideration. Said R. Simeon b. Eliakim to R. Simeon b. Lakish: What matters it if they are slaughtered for idolatry, seeing that you yourself permit [something similar]? For it has been stated:<sup>14</sup> If one slaughters an animal with the intention of sprinkling its blood for idolatry, or offering its fat for idolatry, R. Johanan says that the animal is forbidden, as in his opinion the one sacrificial process is to be connected with the other process,<sup>15</sup> and the slaughtering without the sanctuary is deduced from that

within it;<sup>16</sup> . R. Simeon b. Lakish, however, says it is permitted! — He replied: You are to be congratulated<sup>17</sup> [on your acumen; but in our case we assume that] he<sup>18</sup> declares that he worships [the idol] with the completion of the slaughtering.<sup>19</sup>

SAID R. JUDAH: R. ISHMAEL PUT A QUESTION etc. Said R. Ahdaboi in the name of Rab: If one acquires<sup>20</sup> a woman with the dung of an ox which is to be stoned<sup>21</sup> she becomes ‘consecrated’ to him; but if with dung of calves used for idolatry, she does not become ‘consecrated’ to him. You can say that this can be proved by common sense, or, you may prove it from Scripture: As a matter of common sense — in the case of calves to be offered to idols it pleases [the owner] that they be stout,<sup>22</sup> whereas in the case of the ox to be stoned there is no pleasure to him in its being stout. And as to Scripture-here the verse says, There shall cleave nought of the banned thing to thy hand,<sup>23</sup> while there the words are, The ox shall be surely stoned and its flesh shall not be eaten<sup>24</sup> — its flesh only is forbidden, but its dung is permitted [to profit by]. Raba said: We have learnt both these cases [in our Mishnah]. The fact that when R. Joshua replied:<sup>25</sup> BECAUSE THEY CURDLE IT WITH THE RENNET OF A NEBELAH AND R. ISHMAEL RETORTED, BUT IS NOT THE RENNET OF A BURNT OFFERING MORE STRICTLY FORBIDDEN THAN THAT OF A NEBELAH?<sup>26</sup>

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(1) Fish-brine.

(2) As no unclean fish is used in its preparation, the only objection is offered by its being mixed with wine; an expert, however, will avoid such practice (Rashi).

(3) L. Alec, halec, alex — a small fish not easily distinguished from unclean ones; an expert will, however, take care to use the genuine kind only.

(4) Acre, a town and harbour on the Phoenician coast.

(5) To watch lest wine be mixed with the brine.

(6) קיסתא, Sictarius, a measure of about the size of a log.

(7) In the place from where the cargo came.

(8) לומא, Luma, corrupt from a nummus(-sesterius) (Jast.), a small coin.

(9) Between the ports of Tyre and Acco; and the pilot would not risk taking that course.

(10) Even as to deriving any benefit according to R. Meir.

(11) And the rennet of these calves is used in preparing the cheese.

(12) Infra 40b.

(13) Whose rennet might be used in preparing cheese.

(14) V. Hul. 38b; Sanh. 60b.

(15) The sprinkling of the blood or the offering of the fat affects also the slaughtering.

(16) The Biblical injunction (Lev. VII, 18) which is taken to declare any sacrifice offered within the sanctuary with an improper intention as ‘an abhorred thing’ (פגול) is to be applied also to ordinary slaughtering without the sanctuary.

(17) תרמינך שעתך, lit., ‘may the hour of thy birth prove lucky.’

(18) Whoever slaughters a sacrifice to an idol.

(19) In such a case I, too, forbid.

(20) Lit., ‘Consecrates’. One of the ways of effecting a betrothal is the handing by the man to the woman of a coin or an article of some value (a perutah, a small coin), pronouncing at the time the formula: ‘Behold, thou art consecrated unto me by this .... according to the law of Moses and of Israel.’ V. Kid. I, 1, Ter. 30b.

(21) From which animal no benefit may be derived.

(22) He would therefore give them extra food on that account, so that even the dung is associated with idolatry.

(23) Deut. XIII, 18, referring to things connected with idol worship.

(24) Ex. XXI, 28.

(25) To the question as to why heathen's cheese is forbidden.

(26) And yet benefit may be derived from the rennet of a burnt offering, though the animal itself, like an ox which is to be stoned, is forbidden as to any benefit.

**Talmud - Mas. Avodah Zarah 35a**

proves that the dung of an animal from which no benefit may be derived is permitted. Again, since when R. JOSHUA GAVE AS THE REASON, BECAUSE THEY CURDLE IT WITH THE RENNET OF CALVES SACRIFICED TO IDOLS, R. Ishmael replied: IF THAT BE SO, WHY DO THEY NOT EXTEND THE PROHIBITION TO ANY BENEFIT DERIVED FROM IT, — this proves that the dung of animals used for idolatry is forbidden as to the derivation of any benefit.

Could he not, in reply, have given the reason that the forbidden matter is not present in substance? For take the case of Muries; is not the reason why the Rabbis did not forbid the derivation of any benefit from it because the forbidden matter is not there in substance? — I will tell you: Since it is [the rennet] that keeps the milk curdled it must be regarded as though the prohibited matter is there in substance.

DIVERTED TO ANOTHER MATTER etc. What is the meaning of the words, For thy love is better than wine?<sup>1</sup> When R. Dimi came [from Palestine] he explained it thus: The Congregation of Israel declared to the Holy One, blessed be He: Master of the Universe! The words of thy beloved ones<sup>2</sup> are more pleasant to me than the wine of the Torah.<sup>3</sup>

Why did he ask him just about this verse? Said R. Simeon b. Pazi (some say R. Simeon b. Ammi): He hinted at the beginning of this verse: Let him kiss me with the kisses of his mouth,<sup>4</sup> [saying]: 'Ishmael, my brother, press thy lips one to the other and do not be eager to ask for an answer.'<sup>5</sup> For what reason? — Said 'Ulla (some say R. Samuel b. Aba): This is a new ordinance about which one should not particularise. What [then] is the reason for this ordinance? — Said R. Simeon b. Pazi in the name of R. Joshua b. Levi: [The probability of its] having been bitten [by a serpent]. Then why not tell him that the reason is the probability of its having been bitten? — Because of 'Ulla's ruling; for 'Ulla said: When an ordinance is made in Palestine, its reason is not revealed before a full year passes, lest there be some who might not agree with the reason and would treat the ordinance lightly. This<sup>6</sup> was ridiculed by R. Jeremiah. If that be so [said he] then hard [cheese] should be permitted, and old [cheese], too, should be permitted. for R. Hanina said: [When any matter becomes] dry, it is permitted, because the [serpent's venom] would not let it get dry; [so also] when matured it is permitted,<sup>7</sup> as it would not have allowed it to mature! — Said R. Hanina: [The reason for forbidding cheese is] because it is impossible for it not to have particles of milk.<sup>8</sup> Samuel said: Because it is set in the skin of the rennet of a nebelah.<sup>9</sup> This implies that the rennet itself is permitted — how could Samuel have stated so? Have we not learnt, 'The rennet of heathen's animals or of a nebelah is forbidden'?<sup>10</sup> And when the question was asked, Is then any [slaughtered] animal of a heathen not a nebelah? it was Samuel himself who answered: These are meant to be taken together thus: The rennet of an animal slaughtered by heathens, which is nebelah, is forbidden! — There is no contradiction here.

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(1) Cant. I, 2.

(2) The Heb. word here used, תְּיָיָי, stands for thy beloved ones as well as thy love.

(3) The verbal expositions of the sages are more precious than the written words of the Torah. [For it is the unwritten Law that supplements the written Law and completes it.]

(4) Ibid.

(5) To the question why heathen's cheese is forbidden.

(6) The reason given in the name of R. Joshua b. Levy.

(7) V. supra 31b.

(8) It is assumed that the milk out of which cheese is made is of clean animals, as milk of unclean ones does not curdle. There may however have been an admixture of milk of an unclean animal which would remain in the holes of the cheese.

(9) And though the rennet being mere 'refuse' is permitted, the skin is forbidden.

(10) Hul. 116a.

## Talmud - Mas. Avodah Zarah 35b

The former [represents R. Joshua's opinion] before it was reversed;<sup>1</sup> the latter after it was reversed, and the Mishnah was allowed to remain as it was.

R. Malkiah in the name of R. Adda b. Ahaba said: [Cheese is forbidden] because its surface is smeared with fat of swine. R. Hisda said: Because it is curdled with vinegar.<sup>2</sup> R. Nahman b. Isaac said: Because it might be curdled with the sap of 'Orlah.<sup>3</sup> Whose opinion does this [last answer] represent? — That of the following Tanna; for we learnt: R. Eliezer says: If milk is curdled with sap of 'Orlah it is forbidden because it is considered fruit!<sup>4</sup> — You may even say that it also represents the opinion of R. Joshua,<sup>5</sup> for R. Joshua only differs from R. Eliezer as regards the sap of the tree, but as regards that of the fruit he agrees with him, even as we learnt: R. Joshua said: I have heard explicitly that milk curdled with the sap of the leaves or with the sap of the root is permitted; but if with the sap of unripe figs it is forbidden, because this is a fruit.<sup>6</sup>

Whether the reason be the one given by R. Hisda, or by R. Nahman b. Isaac the prohibition ought surely to extend to the derivation of any benefit!<sup>7</sup> — This indeed is a difficulty.

R. Nahman the son of R. Hisda gave the following exposition:<sup>8</sup> What is the meaning of the verse, Thine ointments have a goodly fragrance [thy name is as ointment poured forth]? To what may a scholar<sup>9</sup> be compared? To a flask of poliatum:<sup>10</sup> When opened,<sup>11</sup> its odour is diffused, but if covered up its odour does not diffuse; moreover things that are hidden become revealed to him, as it is said, Therefore do the maidens love thee:<sup>12</sup> which may be read to mean 'the hidden [love thee].' What is more, even the Angel of Death loves him, for the words may be read to mean, 'The one [appointed] over Death [loves thee];' still more, he inherits both worlds — this world and the world to come — for the words may be read to mean, worlds [love thee].'

MISHNAH. THE FOLLOWING ARTICLES OF HEATHENS ARE PROHIBITED BUT THE PROHIBITION DOES NOT EXTEND TO ALL USE OF THEM:<sup>13</sup> MILK WHICH A HEATHEN MILKED WITHOUT AN ISRAELITE WATCHING HIM, THEIR BREAD AND OIL — RABBI<sup>14</sup> AND HIS COURT PERMITTED THE OIL — STEWED<sup>15</sup> AND PRESERVED<sup>16</sup> FOODSTUFFS INTO WHICH THEY ARE ACCUSTOMED TO PUT WINE OR VINEGAR, PICKLED HERRING WHICH HAD BEEN MINCED,<sup>17</sup> BRINE IN WHICH THERE IS NO KALBITH-FISH<sup>18</sup> FLOATING, HELEK,<sup>19</sup> DROPS OF ASAFOETIDA<sup>20</sup> AND SAL-CONDITUM.<sup>21</sup> BEHOLD THESE ARE PROHIBITED BUT THE PROHIBITION DOES NOT EXTEND TO ALL USE OF THEM.

GEMARA. Why should we feel concern about milk [that it is prohibited]? If on account of the possibility that there may have been a substitution [of animals], [the milk of] a clean animal is white and of an unclean animal greenish in colour! If, on the other hand, it is on account of the possibility of a mixture [of a clean animal's milk with that of an unclean animal], let him curdle it, because a Master has declared: The milk of a clean animal curdles but that of an unclean animal does not! — [This test is all right] if he required [the milk for the purpose of making] cheese; but with what circumstance are we dealing here? When he requires it as a diet! Then let him take a small quantity and curdle it! — [This test would not be conclusive], because even with the milk of a clean animal there is the whey which does not curdle, so nothing can be proved thereby. Or if you wish I can say that even should you maintain that the milk is intended for cheese [the test is not conclusive because drops of milk] remain between the holes.<sup>22</sup>

THEIR BREAD. R. Kahana said in the name of R. Johanan: Their bread was not permitted by the Court.<sup>23</sup> Is it to be deduced from this statement that anybody does allow it? — Yes, because when R. Dimi came [from Palestine] he said: On one occasion Rabbi went out into the field, and a heathen

brought before him a loaf baked in a large oven from a se'ah of flour. Rabbi exclaimed: How beautiful is this loaf; why should the Sages have thought fit to prohibit it! 'Why should the Sages have thought fit to prohibit it?' As a safeguard against intermarriages! — No, what he meant was: Why should the Sages have thought fit to prohibit it in a field!<sup>24</sup> [As the result of this remark] people imagined that Rabbi permitted the loaf [of a heathen] but it was not so; Rabbi did not permit it. R. Joseph — according to another version, R. Samuel b. Judah said: The incident was not so;<sup>25</sup> but it is said that Rabbi once went to a certain place and observed that his disciples experienced difficulty in obtaining bread; so he asked, 'Is there no baker here?' people imagined that his inquiry was for a Gentile baker, but he really intended an Israelite baker. R. Helbo said: Even according to those who maintain [that he inquired for] a Gentile baker, [the permission] would only apply where there was no Israelite baker and not where such was to be found. R. Johanan, however, said: Even according to those who maintain [that he inquired for] a Gentile baker, [the permission] only holds good in a field, and not in a city as a safeguard against intermarriages. Aibu used to bite and eat [Gentiles'] bread at the boundaries [of the fields];<sup>26</sup> but Raba-according to another version, R. Nahman b. Isaac-said to the people, 'Hold no converse with Aibu because he eats the bread of Gentiles.'<sup>27</sup>

AND THEIR OIL. As regards oil Rab said: Daniel decreed against its use; but Samuel said:

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- (1) The Mishnah in Hul. 116, stating that the rennet of a nebelah is forbidden, represents the opinion of R. Joshua in our Mishnah before he retracted in deference to the objection raised by R. Ishmael.
- (2) Of wine that turned sour, which is forbidden; v. supra.
- (3) Produce of a tree during its first three years.
- (4) 'Orlah I, 7.
- (5) V. ibid. \* [The translation from here to the end of the Tractate is by the Rev. Dr. A. Cohen.]
- (6) Ibid.
- (7) Since vinegar and 'Orlah are both so forbidden.
- (8) Of Cant. I, 3, following the verses cited above.
- (9) תלמיד חכם, lit., 'a disciple of a sage.'
- (10) \*\*, a fragrant ointment.
- (11) [Applied to the scholar it means that he does not keep his knowledge to himself.
- (12) Ibid. The Heb. word here used for maidens, עלמות may be read: 'Alummoth-hidden ones; 'Al-Maweth — upon death; 'Olamoth-worlds.
- (13) They may not form part of the diet of a Jew, but he is allowed to dispose of them to Gentiles.
- (14) The reference is to R. Judah II, the grandson of the R. Judah who compiled the Mishnah. The parenthesis must therefore be a later interpolation.
- (15) The prohibition is not caused by the presence of yen nesek (v. Glos.), but is due to the fear of close social intercourse resulting in mixed marriages (Rashi).
- (16) Lit., 'pressed', viz. in brine.
- (17) Since it is minced, the identity of the fish is in doubt and it may have belonged to an unclean species.
- (18) The kalbith was a kind of stickleback which was supposed to breed only in brine formed with the clean species of fish.
- (19) Probably the Latin allec, a sauce made from small fish; and there is a doubt whether the fish of which it was made is allowed.
- (20) The bark from which it was obtained was presumably cut with a knife which had been used for prohibited food.
- (21) Traditionally explained as salt used by the Romans as a condiment which was mixed with fat. But Krauss (TAI p. 500) suggests that the word salkundith is a corruption of istroknith, i.e., Ostracena, a town on the border between Palestine and Egypt where salt was produced.
- (22) Even when the milk is derived from a clean animal. So it is not possible to determine with certainty whether forbidden milk was mixed in the cheesemaking.
- (23) Of R. Judah the Prince, although they permitted the oil.
- (24) As distinct from an inhabited area like a city where the reason, viz. the danger of mixed marriages, could not apply.
- (25) As related by R. Dimi.

(26) To take advantage of the rule which allows the bread to be eaten outside the city.

(27) [Ran reads: Do not report (any teaching) in the name of Aibu.]

## Talmud - Mas. Avodah Zarah 36a

The residue from their unclean vessels [which they pour into the oil-container] renders it prohibited. Is this to say that people generally are concerned to eat their food in a state of ritual purity!<sup>1</sup> — Rather [must Samuel's statement be amended to:] the residue from their prohibited vessels [which they pour into the oil-container] renders it prohibited. Samuel said to Rab: According to my explanation that the residue from their prohibited vessels renders it prohibited, it is quite right that when R. Isaac b. Samuel b. Martha came [from Palestine] he related that R. Simlai expounded in Nisibis:<sup>2</sup> As regards oil R. Judah and his Court took a vote and declared it permitted, holding the opinion that [when the forbidden element]<sup>3</sup> imparts a worsened flavour [the mixture] is permitted. But according to your statement that [it is prohibited because] Daniel decreed against it, [can it be thought that] Daniel made a decree and R. Judah the Prince then came and annulled it? For have we not learnt: A Court is unable to annul the decisions of another Court, unless it is superior to it in wisdom and numerical strength! — Rab replied to him: You quote Simlai of Lud; but the inhabitants of Lud are different because they are neglectful [of Rabbinical ordinances]. [Samuel] said to him: Shall I send for him?<sup>4</sup> [Rab] thereupon grew alarmed and said: If [R. Judah and his Court] have not made proper research,<sup>5</sup> shall we not do so? Surely it is written, But Daniel purposed in his heart that he would not defile himself with the king's meat nor with the wine which he drank<sup>6</sup> — the verse speaks of two drinkings, viz. the drinking of wine and the drinking of oil! Rab was of the opinion that Daniel purposed in his own heart [not to drink the oil] and decided similarly for all Israel; whereas Samuel was of the opinion that he purposed in his own heart [not to drink the oil] but did not decide similarly for all Israel.

But did Daniel decree against oil? Behold Bali declared that Abimi the Nabatean<sup>7</sup> said in the name of Rab: The bread, wine and oil of heathens and their daughters are all included in the eighteen things!<sup>8</sup> Should you argue that Daniel came and made the decree but it was not accepted, and then the disciples of Hillel and Shammai came and made the decree which was accepted, in that case what was the purpose of Rab's testimony?<sup>9</sup> — But [Rab's contention is that] Daniel decreed against the use of the oil in a city,<sup>10</sup> and [the disciples] came and decreed against its use even in a field. How, then, was it possible for R. Judah the Prince to permit [what was forbidden by] the ordinance of the disciples of Shammai and Hillel, seeing that we have learnt: A Court is unable to annul the decisions of another Court, unless it is superior to it in wisdom and numerical strength! Furthermore, Rabbah b. Bar Hanah has said in the name of R. Johanan: In all matters a Court can annul the decisions of another Court except the eighteen things [prohibited by the Schools of Hillel and Shammai], for even were Elijah and his Court to come [and declare them permitted] we must not listen to him! — R. Mesharsheya said: The reason [that these eighteen things form an exception] is because their prohibition has spread among the large majority of Israelites, but the prohibition concerning oil did not so spread;<sup>11</sup> for R. Samuel b. Abba said in the name of R. Johanan: Our masters<sup>12</sup> sat and made investigation concerning [the use of heathens'] oil [and found] that its prohibition had not spread among the large majority of Israelites; they accordingly relied upon the dictum of Rabban Simeon b. Gamaliel and R. Eliezer b. Zadok who declared: We make no decree upon the community unless the majority are able to abide by it.<sup>13</sup> R. Adda b. Ahaba said:<sup>14</sup> What Scriptural verse supports this rule?

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(1) That on such a ground the oil of a heathen is prohibited. In fact the majority of people have not that concern.

(2) Formerly an important city in N.E. Mesopotamia.

(3) Derived from the prohibited vessel, v. supra 75b.

(4) So that he can hear the charge which Rab brought.

(5) In the Scriptures to ascertain that Daniel had decreed against oil. Rab implied that they had acted in ignorance when they permitted the oil.

- (6) Dan. I, 8. The last words are lit., 'the wine of his drinkings'.
- (7) Belonging to Nabatea, a district to the S.E. of Palestine.
- (8) Which were prohibited by decree in the upper room of Hananiah b. Hezekiah b. Gorion when the School of Shammai outnumbered the School of Hillel. V. Shab. 13b, 17b. How, then, could Rab attribute the decree to Daniel?
- (9) In ascribing the decree to Daniel since it was not adopted.
- (10) V. p. 173, n. 2.
- (11) And consequently R. Judah was able to annul it.
- (12) I.e., R. Judah II and his Court.
- (13) [Oil was one of the staple products of Palestine, and the trade in it was of vital importance, so that it became difficult to keep the laws; v. Elmslie, p. 38.]
- (14) [So Ms.M.]

## Talmud - Mas. Avodah Zarah 36b

Ye are cursed with the curse; for ye rob Me, even this whole nation<sup>1</sup> — i.e., when the whole nation has [accepted an ordinance, then the curse which is the penalty of its infraction] does apply, otherwise it does not.

The above text stated: 'Behold Bali declared that Abimi the Nabatean said in the name of Rab: The bread, wine and oil of heathens and their daughters are all included in the eighteen things?' What means 'their daughters'? — R. Nahman b. Isaac said: [The Schools of Hillel and Shammai] decreed that their daughters should be considered as in the state of niddah<sup>2</sup> from their cradle; and Geneva said in the name of Rab: With all the things against which they decreed the purpose was to safeguard against idolatry. For when R. Aha b. Adda came [from Palestine] he declared in the name of R. Isaac: They decreed against [heathens'] bread on account of their oil. But how is oil stricter than bread! — Rather [should the statement read that they made a decree] against their bread and oil on account of their wine; against their wine on account of their daughters;<sup>3</sup> against their daughters on account of another matter,<sup>4</sup> and against this other matter on account of still another matter.<sup>5</sup> [But the prohibition against marrying] their daughters is a Biblical ordinance, for it is written, Neither shall thou make marriages with them!<sup>6</sup> — The 'Biblical ordinance is restricted to the seven nations [of Canaan] and does not include other heathen peoples; and [the Schools of Hillel and Shammai] came and decreed against these also. But according to 'R. Simeon b. Yohai who declared that the words, For he will turn away thy son from following Me,<sup>7</sup> include all women who would turn [their husbands aside from the worship of God], what is there to say? — Perhaps [the explanation is that] the Biblical ordinance is against intercourse through marriage, and they came and decreed even against immoral connection with them. But the decree against such connection had already been made by the Court of Shem,<sup>8</sup> for it is written, And Judah said, Bring her forth and let her be burnt!<sup>9</sup> — Perhaps, then, [the explanation is that] the Biblical ordinance refers to an Israelite woman in intercourse with a heathen since she would be drawn after him<sup>10</sup> but not against an Israelite having intercourse with a heathen woman,<sup>11</sup> and they came and decreed even against the latter. But [the prohibition against] an Israelite having intercourse with a heathen woman is a law of Moses from Sinai,<sup>12</sup> for a Master has said: If [an Israelite] has intercourse with a heathen woman, zealots may attack him! — The Biblical ordinance refers to a public act even as the incident that had happened;<sup>13</sup> but they came and decreed even against a private act. But the Court of the Hasmoneans<sup>14</sup> had already decreed also against a private act; for when R. Dimi came [from Palestine] he declared: The Court of the Hasmoneans decreed that an Israelite who had intercourse with a heathen woman is liable on four counts, viz., she is regarded as niddah, a slave, a non-Jewess, and a married woman; and when Rabin came [from Palestine] he declared: On the following four counts, viz., she is regarded as niddah, a slave, a non-Jewess, and a harlot! — The decree of the Court of the Hasmoneans was against Intercourse but not against private association [with a heathen woman]; so they came and decreed even against this. But the Court of David had already decreed against private association, for Rab Judah said: At that time<sup>15</sup> they made a decree against private association! — It may be replied

[that the decree of the Court of David] there referred to private association with an Israelite and not a heathen woman, and they came and decreed even against associating with a heathen woman. But [the prohibition against] associating with an Israelite woman is a Biblical ordinance; for R. Johanan said in the name of R. Simeon b. Jehozedek: Whence is there an indication in the Torah against such association? As it is said, If thy brother, the son of thy mother... entice thee<sup>16</sup> — can, then, the son of the mother, and not the son of the father, entice! But the intention is, a son may privately associate with his mother, and nobody else may privately associate with any woman whom the Torah disallows him in marriage! — [The correct explanation is that] the Biblical ordinance against such association refers to an [Israelite] married woman; David came and extended the law to association with an unmarried woman; and the disciples of the Schools of Shammai and Hillel came and extended it still further to association with a heathen woman.

What is the meaning of the phrase used above: ‘and against this other matter on account of still another matter’? — R. Nahman b. Isaac said: They decreed in connection with a heathen child that it should cause defilement by seminal emission<sup>17</sup> so that an Israelite child should not become accustomed to commit pederasty with him. For R. Zera said: I experienced great trouble with R. Assi,<sup>18</sup> and R. Assi with R. Johanan, and R. Johanan with R. Jannai, and R. Jannai with R. Nathan b. Amram, and R. Nathan b. Amram with Rabbi over this question: From what age does a heathen child cause defilement by seminal emission? — He replied to me: From a day old; but when I came to R. Hiyya, he told me: From the age of nine years and one day. When I then came and discussed the matter with Rabbi, he said to me: Abandon my reply and adopt that of R. Hiyya who declared: From what age does a heathen child cause defilement by seminal emission? From the age of nine years and one day,

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(1) Mal. III, 9. The verse is thus interpreted: The whole nation undertook to fulfil a law, the penalty for disobedience being a curse; and now that they robbed God by utilising what they had agreed to forgo, the curse has come upon them.

(2) V. Glos. They would then defile by touch.

(3) Drinking wine with heathens would arouse desire for their women.

(4) Viz., idolatry.

(5) This phrase is discussed later.

(6) Deut. VII, 3, so how can it be said to be the consequence of a Rabbinical decree?

(7) Ibid. 4.

(8) The son of Noah from whom the Hebrews descended. Tradition ascribes to him a School of Torah-study.

(9) Gen. XXXVIII, 24, referring to Tamar who was with child; and the penalty which Judah intended to inflict upon her was derived by him from the Court of Shem.

(10) Into idolatry.

(11) Because he might rather turn her from idolatry.

(12) An old traditional law; so it could not have been instituted by the Schools of Hillel and Shammai.

(13) V. Numb. XXV, 6 ff.

(14) In the 2nd cent. B.C.E., nearly two hundred years before the Schools of Hillel and Shammai. [Derenbourg, Essai, p. 84., places it under Simeon who ruled from 143-135 B.C.E. v. Sanh. (Sonc. ed.) p. 544, n. 8.]

(15) Referring to the incident of Tamar, II Sam. XIII.

(16) Deut. XIII, 7.

(17) [Even though he suffered from no issue.]

(18) He put the following question to him and had difficulty in eliciting a reply.

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for inasmuch as he is then capable of the sexual act he likewise defiles by emission. Rabina said: It is therefore to be concluded that a heathen girl [communicates defilement] from the age of three years and one day, for inasmuch as she is then capable of the sexual act she likewise defiles by a flux. This is obvious! — You might argue that he is at an age when he knows to persuade [a female]



but she is not at an age when she knows to persuade [a male, and consequently although she is technically capable of the sexual act, she does not cause defilement until she is nine years and one day old]. Hence he informs us [that she communicates defilement at the earlier age].

R. Judah Nesi'a<sup>1</sup> was once walking and leaning upon the shoulder of his attendant, R. Simlai, when he said to him, 'Simlai, you were not present yesterday at the House of Study when we declared [heathens'] oil permitted.' He replied, 'Would that in our days you permitted their bread also!' He said to him, 'If we were to do that, they would call us "the permitting Court". As we have learnt: R. Jose b. Jo'ezer of Zeredah testified that the stag-locust is clean,<sup>2</sup> that the flow [of blood and water] from the place of slaughter [in the Temple] is non-defiling, and that one who comes in contact with a corpse is defiled; and they called him "Joseph the permitter".' [R. Simlai] said to him, 'There he permitted three things,<sup>3</sup> and the master has only permitted one; so that if he permits another there would still be only two!' He replied, 'I have already permitted a second.' What is it? — As we have learnt: [If a husband said to his wife before a journey,] 'This is your bill of divorce should I not return within twelve months', and he died within the twelve months, the divorce is invalid.<sup>4</sup> In this connection it was taught: And our Rabbis permitted her to remarry;<sup>5</sup> and we ask, who is intended by 'our Rabbis'? — Rab Judah replied in the name of Samuel: The Court which permitted [heathens'] oil;<sup>6</sup> for they held the same view as R. Jose who said: The date of the document is proof of this.<sup>7</sup> R. Abba, son of R. Hiyya b. Abba said: R. Judah the Prince gave this decision, but [the Rabbis] did not agree with him all his lifetime [sha'ato]. Another version is: All his colleagues [saya'to] [did not agree with him].

R. Eleazar asked a certain old man: When you permitted a woman [to remarry in the circumstances described above], did you allow her to do so immediately<sup>8</sup> since he could not return, or perhaps it was after the lapse of the twelve months since his condition had then been fulfilled? — [He rejoined:] But this question arises also in connection with [the continuation of the cited] Mishnah where we learnt: [But if the husband said,] 'Behold this is your bill of divorce from now onward should I not return within twelve months', and he died within the twelve months, the divorce is valid-because the condition had been fulfilled; and the question thus arises. Does the divorce take effect immediately [on his death] since he could not return, or perhaps only after twelve months when the condition had been fulfilled? — [R. Eleazar said to him:] Yes, even in this case [I am in doubt] but [I put the question to you] because you were among the number [who voted to grant her permission to remarry]. Abaye said: All<sup>9</sup> admit [that if a man said to his wife that the divorce should take effect] when the sun issues from its sheath,<sup>10</sup> he intended the time of sunrise, and should he die in the night, it is then a bill of divorce which comes into force after his death [and is invalid]; [but if he said to her that the divorce should take effect] on condition that the sun issues from its sheath, he intended it to apply from that moment onward, and should he die in the night, this was certainly a condition, and the divorce thus took effect while he was alive [and is valid] in agreement with the view of R. Huna. For R. Huna said: If one uses the expression 'on condition' [in a bill of divorce] it is the same as if he had said, 'From now onward'. They only differ over the case [where he used the expression] if the sun issues [from its sheath];<sup>11</sup> R. Judah the Prince being of the same opinion as R. Jose who said, 'The date of the document is proof of this' and he holds it to be identical with the phrases, 'From to-day if I die' and 'From now onward if I die'. The Rabbis, on the other hand, do not agree with R. Jose and maintain that it is merely identical with, 'Here is your bill of divorce if I die.'

The above text stated: 'R. Jose b. Jo'ezer of Zeredah testified that the stag-locust is clean, that the flow [of blood and water] from the place of slaughter [in the Temple] is non-defiling, and that one who comes in contact with a corpse is defiled; and they called him, "Joseph the permitter."' What is the stag-locust? — R. Papa said: Shoshiba, and R. Hiyya b. Ammi said in the name of 'Ulla: Susbel.<sup>12</sup> R. Papa said it was the shoshiba, — so they<sup>13</sup> differ on [the permissibility] of the long-headed locust, one holding that it is prohibited and the other that it is permitted. R. Hiyya b. Ammi said in the name of 'Ulla that it was the susbel,

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- (1) The Prince, i.e., R. Judah II, as in the Mishnah.
  - (2) And may be eaten.
  - (3) It will be explained below that he took a lenient view of the law of defilement by a corpse.
  - (4) Because he did not say that the divorce was to apply 'from now onward'. Consequently if she was left a childless widow, she became subject to the law of levirate-marriage (v. Deut. XXV, 5 ff.).
  - (5) Whomever she wished and released her from the levirate-marriage.
  - (6) I.e., R. Judah II and his Court.
  - (7) According to the Mishnah on B.B. 136a, if a father assigns the whole of his estate to one of his sons for him to take possession of it after his death, he must insert in the document the words 'from to-day and after my death', otherwise it has no value. R. Jose disagrees on the ground that the date of the document is sufficient indication of the testator's intentions. R. Judah similarly held that the bill of divorce was valid in the circumstances described, so that the wife on the husband's death had legally the status of a divorcee and not a widow.
  - (8) On learning of her husband's death.
  - (9) I.e., even R. Jose.
  - (10) In which its rays were thought to be encased when not shining; i.e., when the sun has fully risen.
  - (11) And he died in the night.
  - (12) The former is a long-headed and the latter a short-headed species of locust.
  - (13) R. Jose of Zeredah and his colleagues.

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and nobody differs that the long-headed locust is prohibited, and here they disagree when there is difficulty in perceiving whether its wings cover the greater part of the body, one holding that we require [the wings] to cover just more than the greater part of the body and the other that we require it appreciably to cover the greater part of the body.

'That the flow [of blood and water] from the place of slaughter [in the Temple] is non-defiling.' What means 'non-defiling'? — Rab said: It is essentially clean;<sup>1</sup> but Samuel said: It was non-defiling in the sense that it did not render other things unclean [which it touched] but in itself there was uncleanness. When Rab said that it was essentially clean, he was of the opinion that the defiling power of liquids was a [Rabbinical ordinance and when the Rabbis decreed so their intention was to attribute defilement to liquids in general but they did not so decree in connection with the flow from the place of slaughter. When, however, Samuel said that it was non-defiling in the sense that it did not render other things unclean but in itself there was uncleanness, he was of the opinion that the defilement in liquids was a Biblical ordinance; but with respect to its power to render other things unclean it was a Rabbinical ordinance, and when the Rabbis decreed so their intention was to attribute the power of communicating defilement to liquids in general, but they did not so decree in connection with the flow from the place of slaughter.

'And that one who comes in contact with a corpse is defiled; and they called him, "Joseph the permitter".' Rather should he have been called [in this instance] 'Joseph the prohibiter'! Furthermore [that a corpse defiles] is a Biblical ordinance, as it is written, And whosoever in the open field toucheth one that is slain with a sword, or a dead body [or a bone of a man, or a grave, shall be unclean seven days]<sup>2</sup> — According to Scripture he who comes in contact with a corpse is defiled, but anybody who comes in contact with this person is clean; and [the Rabbis] proceeded to decree that even such as he is defiled; then [Jose b. Jo'ezer] proceeded to re-establish the law in its Biblical form.<sup>3</sup> But [the defilement of] the person who comes in contact with one who had touched a corpse is likewise a Biblical ordinance, for it is written, And whatsoever the unclean person toucheth shall be unclean!<sup>4</sup> — The Rabbis declared in the presence of Raba on the authority of Mar Zutra son of Nahman who said it in the name of R. Nahman: According to the Scriptures, if a person touches another while the latter is in contact [with a corpse], he too is defiled for seven days; but if he

touches him when there is not this contact, then he is only defiled until the evening. The Rabbis proceeded to decree that even without contact he is defiled for seven days, and [R. Jose] proceeded to re-establish the law in its Scriptural form. Whence is this to be derived from the Torah?<sup>5</sup> — For it is written, He that toucheth the dead body of any man shall be unclean seven days,<sup>6</sup> and it is also written, And whatsoever the unclean person toucheth shall be unclean<sup>7</sup> continuing with And the soul that toucheth it shall be unclean until even. How [are these texts] to be understood? The former refers to the circumstance where there is actual contact and the latter to where there is not actual contact.

Raba said to them: Have I not previously told you not to hang empty pitchers on R. Nahman?<sup>8</sup> This is what R. Nahman said: He [Jose of Zeredah] permitted a doubtful case of defilement in a public domain.<sup>9</sup> But this is a rule which is drawn by analogy from the case of a woman suspected of infidelity, viz., as [the case of doubt in connection with] the suspected woman can only occur [when seclusion with her paramour takes place] in a private domain, so [the case of doubt in connection with] defilement can only occur [when the contact with the corpse takes place] in a private domain!<sup>10</sup> — R. Johanan said: Such, indeed, is the traditional rule, but [none of the Rabbis] would decide in that manner<sup>11</sup> until [Jose b. Jo'ezer] came and definitely decided so.<sup>12</sup> There is a teaching to the same effect: R. Judah says: [Jose b. Jo'ezer] stuck stakes [in the ground] for the people, declaring, 'Up to here is a public domain and up to there a private domain,'<sup>13</sup> When persons<sup>14</sup> came to consult R. Jannai, he used to tell them, 'There is plenty of water in the depth of the river; go and immerse yourselves.'<sup>15</sup>

STEWED FOODSTUFFS. Whence is this derived?<sup>16</sup> — R. Hiyya b. Abba said in the name of R. Johanan: Scripture states, Thou shalt sell me food for money that I may eat, and give me water for money that I may drink.<sup>17</sup> A comparison is to be drawn with water — as only water which has undergone no change [is permitted to Jews] so also must the food have undergone no change [at the hand of heathens]. According to this reasoning ears of corn should also be prohibited when roasted by them; and should you maintain that that is so, behold it has been taught: Ears of corn are permitted when roasted by them! — Perhaps, then, the comparison with water must be drawn in this sense — as only water which has not been changed from its natural form [is permitted to Jews] so the food must not have been changed from its natural form. According to this reasoning wheat should be prohibited when milled by them; and should you maintain that that is so, behold it has been taught: Roasted ears of corn and the various kinds of ground flour of heathens are permitted! — perhaps, then, the comparison with water must be drawn in this sense — as only water which has not been changed from its natural form by fire [is permitted to Jews] so the food must not have been changed from its natural form by fire. But there is nothing in the verse about fire!

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(1) I.e., there was no element of defilement in it at all.

(2) Num. XIX, 16.

(3) Viz., the man who touches a corpse is unclean for seven days, but he who touches him does not contract uncleanness.

(4) Ibid. 22.

(5) That without actual contact the defilement only lasts until the evening.

(6) Ibid. 11.

(7) Ibid. 22.

(8) I.e., do not ascribe absurd teachings to him.

(9) [I.e., he declared clean a person who is in doubt whether he incurred defilement in a public domain.]

(10) Consequently, if the doubt occurred about contact in a public place, he would be considered undefiled. If so, what was the innovation of Jose of Zeredah?

(11) Publicly, so that people should not be negligent about the laws of defilement.

(12) [By declaring that only he who is certain of having come in contact with a corpse in a public domain is unclean, but not he who is in doubt. For an interesting discussion of these decisions of Jose of Zeredah, v. Lauterbach, J.Z. JQR. (N.S.) VI, pp. 62 ff.]

- (13) As a guide for them should they come in contact with a defiling object.  
 (14) Who were in doubt whether they came in contact in a public domain with a corpse.  
 (15) To be on the safe side he told them to regard themselves as unclean.  
 (16) That the cooked foods of heathens are prohibited.  
 (17) Deut. II, 28.

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— Rather, then, is it a Rabbinical ordinance and the Scriptural verse is merely a support.

R. Samuel b. Isaac said in the name of Rab: Whatever is eaten raw does not come within [the law of what is prohibited] on account of having been cooked by heathens. Thus was it taught in Sura;<sup>1</sup> but in Pumbeditha<sup>2</sup> they taught this version: R. Samuel b. R. Isaac said in the name of Rab: Whatever is not brought upon the table of kings to serve as a relish with bread does not come within [the law of what is prohibited] on account of having been cooked by heathens. What is the difference between the two versions? — [The permissibility of] small fish, mushrooms and pounded grain.<sup>3</sup>

R. Assi said in the name of Rab: Small fish when salted [by heathens] do not come within [the law of what is prohibited] on account of having been cooked by heathens. R. Joseph said: If a heathen roasted them, an Israelite may rely upon them in connection with 'erube tabshilin.<sup>4</sup> If, however, a heathen made them into a pie of fish-hash it is prohibited. This is obvious! — You might argue that [in such a pie] the fish-hash is the principal element;<sup>5</sup> hence he informs us that the flour is the principal element.

R. Berona said in the name of Rab: If a heathen set fire to uncleared ground,<sup>6</sup> all the [roasted] locusts found in the uncleared ground are prohibited. How is this to be understood? Is it to say that the reason is because he could not distinguish between the clean and unclean species; why, then, specify that a heathen [kindled the fire] since it would be the same if even an Israelite did so! Or is it on account of [the locusts] having been cooked by a heathen? But in such a circumstance<sup>7</sup> would they be prohibited! Did not R. Hanan b. Ammi declare that R. Pedath said in the name of R. Johanan: If a heathen singed the head,<sup>8</sup> it is permissible to eat of it even from the tip of the ear!<sup>9</sup> This proves [does it not?] that it is assumed that his intention, was to remove the hair; so similarly [in the other case it should be allowed] because his intention was to clear the ground! — [No, the true reason was] certainly because he could not distinguish between the clean and unclean species, and the incident actually happened with a heathen.<sup>10</sup>

The above text stated: 'R. Hanan b. Ammi declared that R. Pedath said in the name of R. Johanan: If a heathen singed the head, it is permissible to eat of it even from the tip of the ear.' Rabina said: Consequently if a heathen threw a coulter into a stove and an Israelite had previously deposited a pumpkin there, it is all right.<sup>11</sup> This is obvious! — You might argue that his intention had been to boil the blade;<sup>12</sup> hence he informs us that his intention was to harden it.<sup>13</sup>

Rab Judah said in the name of Samuel: If an Israelite left meat on the coals and a heathen came and turned it over, it is permitted. How is this to be understood? If I say that the meat would have been cooked without being turned over, obviously [it is permitted]; is it not then [to be inferred] that we have here a case where it would not have been cooked without being turned over? Why, then, is it permitted seeing it is food cooked by a heathen! — No; it is necessary to suppose a circumstance where it would have taken two hours to cook if he had not turned it over, but now it was cooked in one hour. You might consequently have argued that hastening the process of cooking is a matter which is taken into consideration;<sup>14</sup> hence he informs us [that it is not considered]. But R. Assi said in the name of R. Johanan: Any food which is [already cooked to the extent] of that which was eaten by Ben Drusus<sup>15</sup> does not come within the law prohibiting the cooked food of heathens,<sup>16</sup> hence if it

is not cooked to that extent it does come within the prohibition!<sup>17</sup> — The circumstance referred to [by R. Johanan] is where, e.g., [an Israelite] placed the meat in a pot and a heathen took and set it in an oven.<sup>18</sup> There is a teaching to the same effect: An Israelite may set meat upon the coals and let a heathen then come and turn it over pending his return from the Synagogue or House of Study, and he need not take notice of it; and [an Israelite] woman may set a pot on a stove and let a Gentile woman

- (1) A town in S. Babylonia where Rab founded his School.
- (2) Called in the Talmud 'the capital of the Exile', to the north of Sura.
- (3) These are not eaten raw nor served as a relish. According to the Sura teaching they may not be eaten when cooked by a heathen, but according to the Pumbeditha version they are permitted.
- (4) Lit., 'conjunctions of cookings'. A device of the Rabbis to enable cooking to be done on a Friday which is a Festival for the following day. Jastrow defines the regulation as follows: 'A person prepares a dish on Thursday and lets it lie over until the end of the Sabbath, by which fiction all the cooking for the Sabbath which he does on the Holy Day (Friday) is merely a continuation of the preparation begun on Thursday'. The subject is treated at length in Tractate 'Erubin.
- (5) And for that reason the pie should be allowed, since the fish element can be eaten raw.
- (6) To prepare it for cultivation.
- (7) Where he did not light the fire for cooking purposes.
- (8) Of an animal which had been slaughtered by a Jew, the object being to remove the hair.
- (9) Which, being tender, would be roasted by the singeing.
- (10) That is why a heathen was specified above.
- (11) It may be eaten although roasted by a heathen. The Jew placed the pumpkin in the oven before the fire was lit.
- (12) In which case the pumpkin would have been cooked by a heathen.
- (13) Since his object was only to harden it, there was nothing in his mind about cooking.
- (14) And if performed by a heathen disqualifies the food.
- (15) The name of a bandit who ate his food slightly cooked.
- (16) If a heathen completes the cooking.
- (17) Under this rule the meat turned over by the heathen should be disallowed.
- (18) This is prohibited, but when the food is already placed in the oven, where it would have been cooked without the heathen, it is permitted.

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then come and stir it pending her return from the bathhouse or Synagogue, and she need take no notice of it.

The question was asked: How is it if a heathen placed [meat upon the coals] and an Israelite turned it over? — R. Nahman b. Isaac said: The answer can be deduced by a fortiori reasoning — if the food is permitted when its cooking is completed by a heathen, how much more so when it is completed by an Israelite! It has been similarly stated: Rabbah b. Bar Hanah said in the name of R. Johanan — another version is, R. Aha son of Hanah said in the name of R. Johanan: Whether a heathen placed it there and an Israelite turned it over or vice versa, it is permitted; and it is not prohibited unless both the beginning and completion of the cooking are performed by a heathen. Rabina said: The law with reference to bread is, if a heathen kindled the fire and an Israelite baked it or vice versa, or if a heathen both kindled the fire and baked the bread but an Israelite came and raked the fire, it is all right. Fish salted [by a heathen] is permitted by Hezekiah but prohibited by R. Johanan.<sup>1</sup> An egg roasted [by a heathen] is permitted by Bar Kappara<sup>2</sup> but prohibited by R. Johanan. When R. Dimi came [from Palestine] he said: Both salted fish and roasted eggs are permitted by Hezekiah and Bar Kappara but prohibited by R. Johanan.

R. Hiyya Parva'ah visited the house of the Exilarch where he was asked, 'How is it when an egg is roasted [by a heathen]?' He replied, 'Hezekiah and Bar Kappara permit it, but R. Johanan prohibits

it, and the opinion of one authority cannot stand against that of two.' R. Zebid said to them, 'Pay no attention to him, because Abaye declared that the legal decision agrees with R. Johanan.' [The Exilarch's heathen servants were infuriated by R. Zebid's remark and] gave him a draught of spiced vinegar from which he died.

Our Rabbis taught: The caper-flower, leeks and liver-wort [preserved by heathens],<sup>3</sup> water boiled and ears of corn<sup>4</sup> roasted by them are permitted, but a roasted egg is prohibited. As regards oil, R. Judah the Prince and his Court took a vote on it and declared it permitted. It has been taught: The rule which applies to liver-wort holds good also of the beans called pesilya and Egyptian beans [shi'atha]. What are shi'atha? — Rabbah b. Bar Hanah said in the name of R. Johanan: It is forty years since this preparation was imported from Egypt; while Rabbah b. Bar Hanah himself said: It is sixty years since this preparation was imported from Egypt. There is no contradiction since each statement was made in the corresponding year.<sup>5</sup> [The manner of its preparation is as follows:] Take the seeds of parsley, flax and fenugreek, soak them together in lukewarm water and leave them until they begin to sprout. Then take new earthenware pots, fill them with water and soak therein red clay into which the seeds are planted. After that go to the bathhouse and by the time of coming out they will have blossomed, and on eating of them you will feel cooled from the hair of the head down to the toe-nails. R. Ashi said: R. Hanina told me that this is an empty tale; according to another version [he told him that the effect was achieved] through magical spells.

Our Rabbis taught: Date-husk<sup>6</sup> belonging to a heathen when boiled in a large cauldron are prohibited, but if in a small cauldron they are permitted.<sup>7</sup> Which is a small cauldron? — R. Jannai said: One into which a swallow cannot enter. But perhaps it is cut up in pieces and placed in it [to be cooked]!<sup>8</sup> — Rather [must a small cauldron be defined as] one into which the head of a swallow cannot enter.<sup>9</sup> But it has been taught: Whether it be a large or small cauldron [the brew] is permitted! There is no contradiction; for where [the teacher forbids the large cauldron] he is in agreement with the view that when [the forbidden element of a mixture] imparts a worsened flavour it is prohibited, while in the other case the teacher is in agreement with the view that when [the forbidden element] imparts a worsened flavour the mixture is permitted.<sup>10</sup>

R. Shesheth said: The cooked oil of a Gentile is prohibited. R. Safra said: Why should we be concerned about it [to declare it prohibited]? If because of the possibility that he may have mixed [yen nesek] with it, the effect would be to turn it rancid! If it is on account of [the prohibition against] all things cooked by a heathen, it is something which is eatable in its raw state!<sup>11</sup> If on account of the rule that vessels used by heathens must be scoured before they may be used by a Jew,<sup>12</sup> it is an instance where a worsened flavour is imparted and it should therefore be permitted! R. Assi was asked: What of dates cooked by a Gentile? — As regards the sweet species the question does not arise since they are certainly permitted;<sup>13</sup> as regards the bitter species the question also does not arise since they are certainly prohibited;<sup>14</sup> but there is a question about the middle species?<sup>15</sup> How is it with them? — He replied: Why do you ask me this question seeing that my teacher, viz. Levi, has declared them prohibited!

As for shattitha'a<sup>16</sup> [brewed by a heathen], Rab permits it but Samuel's father and Levi prohibit it. If it is made from wheat or barley, they all agree that it is permitted.<sup>17</sup> If from lentils and vinegar all agree that it is prohibited; where there is disagreement is when it is made from lentils and water.<sup>18</sup> [Samuel's father and Levi] are of the opinion that we decree it prohibited from fear [that being permitted with water people will drink it when it has been prepared with vinegar], whereas [Rab] held that we do not declare it prohibited because of that fear. Another version is: When [the shattitha'a] is made from lentils and water all agree that it is prohibited; where there is disagreement is when it is made from wheat or barley [and prepared with water, Samuel's father and Levi] being of the opinion that we decree it prohibited from fear [that being permitted with water people will drink it when it has been prepared with vinegar], whereas [Rab] held that we do not declare it prohibited

because of that fear. Rab said: Two kinds of shattitha'a did Barzilai the Gileadite send to David, as it is said, Beds and basins and earthen vessels and wheat and barley and meal and parched [corn] and beans and lentils and parched [pulse].<sup>19</sup> Nowadays people carry out basketfuls to the markets of Nehardea and no attention is paid to the view of Samuel's father and Levi.

AND PRESSED FOODSTUFFS INTO WHICH THEY ARE ACCUSTOMED TO PUT WINE. Hezekiah said: This teaching only applies when they are merely accustomed [to put wine or vinegar into them]; but when it is certain [that they actually do so], the foodstuffs are prohibited even for all use. Why, then, the distinction in that the Rabbis permit muries brine<sup>20</sup> for every use? — There the purpose [of the wine] is to overcome the bad smell [of the fish] and here the purpose is to sweeten the taste. R. Johanan, however, said: Even when it is certain [that wine is included in the pressed foodstuffs] they are also permitted. Why, then, the distinction in that R. Meir prohibits muries brine for every use? —

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- (1) The former does not, and the latter does, consider the salting to be an act of cooking.
  - (2) The egg, being roasted in its shell, could not be affected by what the heathen does.
  - (3) They are allowed because they are also eaten raw. V. supra 38a.
  - (4) These do not change their natural form as the effect of heat. V. supra p. 184.
  - (5) Bar Bar Hanah made his statement twenty years after R. Johanan.
  - (6) What is left after the juice has been pressed out.
  - (7) Its mouth is very small, so it is assumed that he had cooked nothing unclean in it.
  - (8) So that the date-husks brewed therein are affected by what had been previously cooked.
  - (9) It is not to be assumed that they cooked in it an unclean thing of a smaller size than this.
  - (10) V. infra p. 324.
  - (11) And it was stated above that the prohibition of things cooked by a heathen does not apply in such a case.
  - (12) V. infra p. 362.
  - (13) Being eaten raw, they are permitted when cooked by a heathen.
  - (14) Because they are not eaten raw.
  - (15) Which are not very sweet or very bitter.
  - (16) A beverage made from roasted flour. Since it is very sweet, vinegar is usually added, and that is the ground of the prohibition.
  - (17) Because the brew is not so sweet and vinegar is not added.
  - (18) [So Ms.M.]
  - (19) II Sam. XVII, 28. The word parched occurs twice and is explained as denoting two kinds of brew made from roasted flour.
  - (20) Fish-brine, when prepared by heathens, although wine is included in it. V. supra 34b.

### **Talmud - Mas. Avodah Zarah 39a**

There [when the bread is dipped in the fish-sauce] the presence of the wine is something actual,<sup>1</sup> but [with the pressed foodstuffs] it is not something actual.<sup>2</sup>

PICKLED HERRING WHICH HAD BEEN MINCED, BRINE IN WHICH NO FISH etc. What is the meaning of HELEK? — R. Nahman b. Abba said in the name of Rab: It is the sultanith.<sup>3</sup> Why is it prohibited? Because other species of a similar kind<sup>4</sup> [but prohibited] are caught together with it.

Our Rabbis taught: [Those species of fish] which have no [fins and scales] at the time but grow them later, as, e.g., the sultanith and 'aphiz,<sup>5</sup> are permitted; those which have them at the time but shed them when drawn out of the water, as, e.g., the colias, scomber, sword-fish, anthias and tunny are permitted. R. Abbahu announced in Caesarea that fish-entrails and fish-roe may be purchased from anybody since the presumption is that they only come from Pelusium and Aspamia.<sup>6</sup> This is like what Abaye said: The zahanta<sup>7</sup> from the river Bab-Nahara<sup>8</sup> is permitted. On what ground? If I

answer because of the rapid flow of the stream and an unclean species of fish cannot exist in fast-flowing water since the backbone is lacking in them, we do see them existing there! If it be suggested that the reason is because the water is salty and an unclean species of fish cannot exist in salty water since scales are lacking in them, we do see them existing there! — Rather must the explanation be that the river-bed is such that it does not permit the breeding of the unclean species of fish. Rabina said: Since nowadays the rivers Goza and Gamda flow into [Bab-Nahara, its zahanta] is prohibited.<sup>9</sup> Abbaye said: The sea-ass [i.e., hake] is permitted, the sea-ox<sup>10</sup> prohibited; and an aid to the memory is the unclean [on land, viz., the ass] is clean [in the water] and vice versa. R. Ashi said: Shefarnuna<sup>11</sup> is permitted, kedashnuna<sup>12</sup> prohibited; and an aid to the memory is Holy [kodesh] to the Lord<sup>13</sup> [but not to men]. According to another version he said that the kebarnuna<sup>14</sup> is prohibited, an aid to the memory being the phrase ‘graves [kibre] of heathens.’

When R. Akiba visited Guizak,<sup>15</sup> they set before him a fish resembling the mud-fish; he covered it over with a basket, and noticing scales<sup>16</sup> in it declared it permitted. When R. Ashi visited Tamduria,<sup>17</sup> they set before him a fish resembling an eel; holding it up against the sun, he noticed that it had growths [like scales], so he declared it permitted. When R. Ashi visited a certain place, they set before him fish resembling the shefarnuna, — he covered white basins over them, and perceiving scales<sup>18</sup> in them declared them permitted. When Rabbah b. Bar Hanah visited the fort of Agama,<sup>19</sup> they set before him some zahanta; but when he heard somebody call it ‘roach’, he said, ‘Since this has been called "roach", I conclude that there is something unclean in it.’ He did not eat any of it; and looking at it the following day he found something unclean in it; so he applied to himself the verse, There shall no mischief happen to the righteous.<sup>20</sup>

DROPS OF ASAFOETIDA. On what ground [are they prohibited when obtained by a heathen]? — Because [to secure them the root] must be cut with a knife;<sup>21</sup> and although a Master has said that when [the forbidden element] imparts a worsened flavour [the mixture] is permitted, yet on account of the pungency of the asafoetida it sweetens the fatty substance [which had been absorbed in the knife] and it therefore becomes a case where [the forbidden element] imparts an improved flavour and as such is prohibited. R. Levi's slave used to sell asafoetida; and when R. Levi died people asked R. Johanan whether it was permissible to buy of him. He replied to them: The slave of a haber<sup>22</sup> is like a haber.

R. Huna b. Minyomi bought blue wool<sup>23</sup> from the wife<sup>24</sup> of R. Amram the pious, and came before R. Joseph.<sup>25</sup> He was unable to answer him; and when Hanan the tailor chanced to meet him [R. Huna mentioned the matter to him]. He replied: How could the poor Joseph be acquainted with this! But it once happened that I bought blue wool from the household of Rabbanaah,<sup>26</sup> brother of R. Hiyya b. Abba, and I came before R. Mattena who could not answer [the same question]. So I went to R. Judah of Hagronia<sup>27</sup> who said to me: You have need of my instruction. Thus said Samuel: The wife of a haber is like a haber; for our Rabbis have taught: The wife of a haber is like a haber, the slave of a haber is like a haber, and when a haber dies his wife, children and members of his household remain in that state of confidence until they give grounds for suspicion. Similarly a store in which blue wool is sold remains in a state of confidence until its wares are disqualified.

Our Rabbis have taught: The wife of an ‘am ha-arez<sup>28</sup> who marries a haber, likewise the daughter of an ‘am ha-arez who marries a haber, and the slave of an ‘am ha-arez who is sold to a haber are all required to take the obligation relating to the status of a haber;<sup>29</sup> but the wife of a haber who marries an ‘am ha-arez likewise the daughter of a haber who marries an ‘am ha-arez and the slave of a haber who is sold to an ‘am ha-arez are not ab initio<sup>30</sup> required to take the obligation relating to the status of a haber. Such is the statement of R. Meir; R. Judah says: These too are required ab initio to take the obligation relating to the status of a haber. Similarly declared R. Simeon b. Eleazar: It happened that a woman married to a haber used to bind the phylacteries upon his arm; she afterwards married a tax-collector<sup>31</sup> and she used to attach the tax-seals for him.<sup>32</sup>



Rab said: Milk, meat, wine and blue wool [if transmitted through

was no longer alive at the time of the purchase and the wife might have sold him some imitation instead of the genuine blue. a heathen] with only one seal [attached to identify them] are prohibited;<sup>33</sup> but asafoetida, fish-sauce, bread and cheese<sup>34</sup> are permitted with one seal. Milk, meat, wine and blue wool

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- (1) Because one swallows the sauce together with the bread.
  - (2) One eats the preserved food but not the liquor in which it has been kept.
  - (3) A fish of the anchovy species.
  - (4) Lewysohn, *Zoologie des Talmuds*, p. 260, explains the word as meaning 'the sprat'.
  - (5) Perhaps the sardine (Lewysohn, p. 261).
  - (6) The former is a town on the Nile, the latter is Spain. It was supposed that no forbidden kinds of fish existed there.
  - (7) A small fish preserved in brine.
  - (8) A tributary of the Euphrates.
  - (9) Because these streams carry unclean fish into it. [These three tributaries of the Euphrates flowed above Pumbeditha, Obermeyer, *op. cit.* p. 228.]
  - (10) According to Lewysohn, p. 270, a species of ray.
  - (11) Lewysohn, p. 267, explains it as the hammer-fish, of the shark family.
  - (12) A fish of the anthias genus.
  - (13) Ex. XXVIII, 36. Tosaf. cites another reading to the effect that the shefarnuna is prohibited and the kedashnuna permitted, and this is the more probable. The mnemonic then indicates that this latter fish is 'holy', i.e., clean.
  - (14) A species of mud-fish. According to Tosaf. the reading should be 'permitted' instead of 'prohibited', the mnemonic 'graves of heathens' indicating this since they do not defile.
  - (15) V. *supra*, p. 165, nn. 4-5.
  - (16) [Which the fish dropped while struggling in the basket (Rashi). R. Han. explains: He scraped the back of the fish against the edge of a basket.]
  - (17) An unidentified place in Babylonia.
  - (18) [I.e., the dark scales against the white background.]
  - (19) Near Pumbeditha.
  - (20) Prov. XII, 21.
  - (21) Which may be impregnated with the fat of forbidden food.
  - (22) V. Glos. Just as the master was scrupulous with the dietary laws so is the servant likely to be. It is therefore allowed to buy of him.
  - (23) For the zizith. V. Glos.
  - (24) Lit., 'household'.
  - (25) To inquire whether he may use it, since R. Amram
  - (26) [Rabbanai; v., e.g., Ber. 21b.]
  - (27) The town Agranum on one of the tributaries of the Euphrates near Nehardea.
  - (28) V. Glos.
  - (29) Before reliance can be placed upon them.
  - (30) I.e., before they can be trusted. It is assumed that they will continue their former practice.
  - (31) Who was generally an unscrupulous person.
  - (32) Which served as a receipt. The point is that a woman is influenced by her husband. Therefore the wife of a haber who marries an 'an ha-arez cannot be trusted.
  - (33) The heathen may have changed the article and attached the seal to it. In the text mnemonics are employed to represent the two sets of enumerated articles, and the explanation of the mnemonics follows on.
  - (34) These being less expensive articles, the heathen is not so likely to make a substitution.

**Talmud - Mas. Avodah Zarah 39b**

are prohibited with one seal; but asafoetida, fish-sauce, bread and cheese are permitted with one seal. Why need we be concerned about bread? Were he to change a fresh loaf for a stale one, or a wheaten-loaf for one of barley, it could be readily detected! If [the fear is that he might substitute] one loaf for another like it [baked by a heathen], since there is one seal attached he would not take the trouble to commit a fraud. Why, however, should Rab make a distinction that with cheese [the heathen] would not take the trouble to commit a fraud [and allows one seal]; likewise with milk he would not take the trouble to commit a fraud [and yet Rab demands two seals]? — R. Kahana said: Strike out the word 'milk' and insert 'slices of fish' which have no distinguishing mark. But that is the same as meat! — [Rab differentiates] two kinds of meat.<sup>1</sup> Samuel, on the other hand, said: Meat, wine and blue wool are prohibited with one seal; but fish-sauce, asafoetida and cheese<sup>2</sup> are permitted with one seal. According to Samuel, a slice of fish which has no distinguishing mark is regarded as the same as meat, and we do not say that there are two kinds of meat.<sup>3</sup>

Our Rabbis taught: We do not buy in Syria<sup>4</sup> wine, fish-sauce, milk, sal-conditum, asafoetida or cheese,<sup>2</sup> unless it be from a reliable dealer; but if [an Israelite] is the guest of a host there [all these foodstuffs] are permitted.<sup>5</sup> This supports the statement of R. Joshua b. Levi who said: If [a Syrian] householder sends him [as a gift any of these foodstuffs] to his house he may eat them; for what reason? — A householder would not leave what is allowed and eat what is forbidden, and if he sends anything to him [it may be assumed that] he sends him from what he himself eats.

AND SAL-CONDITUM. What is sal-conditum? — Rab Judah said in the name of Samuel: Salt of which all Roman guests<sup>6</sup> partake. Our Rabbis have taught: Black sal-conditum is prohibited and the white is permitted. Such is the statement of R. Meir; R. Judah says: The white is prohibited and the black permitted. R. Judah b. Gamaliel says in the name of R. Hanina b. Gamaliel: Both kinds are prohibited. Rabbah b. Bar Hanah said in the name of R. Johanan: In the opinion of him who declared the white to be prohibited, the intestines of unclean white fish are mixed with it; in the opinion of him who declared the black to be prohibited, the intestines of unclean black fish are mixed with it; and in the opinion of him who declared both kinds to be prohibited, [the intestines of] both species of fish are mixed with them. R. Abbahu said in the name of R. Hanina b. Gamaliel: There was an old man in our neighbourhood who used to polish this salt with swine's fat.

BEHOLD THESE ARE PROHIBITED. What does this intend to exclude? — According to Hezekiah it excludes [those preserved foods] in which it is known [that wine is included].<sup>7</sup> According to R. Johanan it excludes fish-brine and cheese from Bithynia.<sup>8</sup> This anonymous statement [in the Mishnah] is that of R. Meir.

MISHNAH. THE FOLLOWING ARE PERMITTED TO BE EATEN [BY AN ISRAELITE]: MILK WHICH A HEATHEN MILKED WITH AN ISRAELITE WATCHING HIM; HONEY, GRAPE-CLUSTERS<sup>9</sup> — EVEN WHEN THESE EXUDE MOISTURE THE LAW WHICH RENDERS FOOD SUSCEPTIBLE TO DEFILEMENT BY A LIQUID DOES NOT APPLY TO THEM — PRESERVED FOODSTUFFS INTO WHICH THEY ARE NOT ACCUSTOMED TO PUT WINE OR VINEGAR, PICKLED HERRING WHICH HAS NOT BEEN MINCED, BRINE CONTAINING FISH, A LEAF OF ASAFOETIDA, AND ROLLED OLIVE-CAKES. R. JOSE SAYS: THOSE OLIVES HAVING STONES READY TO DROP OUT ARE PROHIBITED. LOCUSTS WHICH COME OUT OF [A SHOPKEEPER'S] BASKET<sup>10</sup> ARE PROHIBITED, BUT IF FROM HIS STOCK THEY ARE PERMITTED. THE SAME RULE APPLIES TO THE HEAVE-OFFERING.

GEMARA. What we learn here in the Mishnah is a support for what the Rabbis have taught elsewhere: If an Israelite is sitting near a heathen's flock<sup>11</sup> and the latter milks and brings some to him, he need have no concern [and is allowed to drink it]. How is this to be understood? If there is no unclean animal in the flock, obviously so; but if there is an unclean animal in the flock why

[should he be permitted to drink the milk]! — It certainly deals here with the circumstance when there is an unclean animal, but [the Israelite is in such a position that] when he stands up he can see the heathen and when sitting he is unable to see him. You might argue that since he cannot see him when sitting, he should fear that he might bring him [milk in which something forbidden] has been mixed; hence we are informed [that there need be no such fear], because inasmuch as he is able to see him when standing, the heathen would be afraid to mix anything with the milk.

HONEY. Why should he have any concern about honey? If because of the possibility that something [forbidden] may have been mixed with it, the effect would be to make it rancid! If it is on account of [the prohibition against] all things cooked by a heathen, it is something which is eaten in its raw state!<sup>12</sup> If on account of the rule that vessels used by heathens must be scoured [before they may be used] by a Jew, it is an instance where a worsened flavour is imparted and it is therefore permitted!

GRAPE-CLUSTERS-EVEN WHEN THESE EXUDE MOISTURE THE LAW WHICH RENDERS FOOD SUSCEPTIBLE TO DEFILEMENT BY A LIQUID DOES NOT APPLY TO THEM. Against this I quote: If one gleanes grapes for the wine-press, Shammai says that they are susceptible to defilement [by liquid] while Hillel says that they are not susceptible; but eventually Hillel agreed with Shammai! — In the passage just cited the grapes are required for the manufacture of a liquid,<sup>13</sup> whereas [in the Mishnah] they are not required for that purpose.

PICKLED HERRING WHICH HAS NOT BEEN MINCED. Our Rabbis have taught: How do we define 'pickled herring which has not been minced'? Such as have the head and backbone recognisable.<sup>14</sup> And how do we define 'brine containing fish'? Such as have one or two kalbith-fish<sup>15</sup>

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- (1) One of a more costly kind than the other.
  - (2) These are likewise introduced by mnemonics.
  - (3) He omits bread because he felt no concern about that; and as to fish, this is included in meat and need not be specified.
  - (4) The Israelite shopkeepers there were suspected of adulterating their wares.
  - (5) The food used in the Jewish house may be considered unadulterated.
  - (6) This is Krauss's explanation, identifying the word with the Greek sullektoi. Jastrow thinks of the Latin siliginarii, bakers of wheat flour. The traditional Jewish interpretation is 'nobles'.
  - (7) They are forbidden for any use.
  - (8) V. Mishnah, supra 29b.
  - (9) The word is also explained to mean 'honeycombs'.
  - (10) In which they are exhibited for sale on the counter.
  - (11) Although he does not actually see the milking done.
  - (12) And should be permitted, as already explained.
  - (13) In which case the liquid that exudes is acceptable to him, and accordingly can render the cluster susceptible to uncleanness, which is not the case when he wishes to eat the grapes. V. Mak. I, 1.
  - (14) They have not been broken up, and the species, whether clean or unclean, can then be identified.
  - (15) V. supra p. 172.

## **Talmud - Mas. Avodah Zarah 40a**

floating in it. Since you declare it permitted when there is one kalbith-fish in it, is there any need of mentioning two? — There is no difficulty; in open barrels [two are necessary],<sup>1</sup> but in closed [one suffices].

It has been stated: R. Huna said: [Pickled herring is not considered as minced] so long as the head

and backbone are recognisable. R. Nahman said: Either the head or the backbone. R. 'Ukba b. Hama objected: [We learnt] with regard to fish, only such as have fins and scales [may be eaten]!<sup>2</sup> — Abaye said: The Mishnah deals with the skate and pelamys<sup>3</sup> the heads of which resemble those of unclean fish.<sup>4</sup>

Rab Judah said in the name of 'Ulla: The difference of opinion [between R. Huna and R. Nahman is over the permissibility] to dip [bread] in the brine, but as regards eating the chopped herring, all agree that it is prohibited unless both the head and backbone are recognisable. R. Zera said: At first I used to dip [bread] in the brine;<sup>5</sup> but when I heard the statement of Rab Judah in the name of 'Ulla, viz., the difference of opinion is over the permissibility to dip [bread] in the brine but as regards eating the chopped herring all agree that it is prohibited unless both the head and backbone are recognisable, I would not also dip in it.<sup>6</sup>

R. Papa said: The legal decision is that both the head and backbone of each fish must be recognisable. An objection is raised: Pieces of fish are all permitted so long as a mark [that the fish was of the clean species] is found in the whole of it or a portion of it, even a hundredth part of it. And it once happened that a heathen brought a barrel containing pieces of fish and a mark [of the clean species] was found in one of them; thereupon Rabban Simeon b. Gamaliel declared the whole barrel to be permitted! — R. Papa gave this explanation: [Such a decision is correct] when the pieces are alike.<sup>7</sup> If this be so, why mention it!<sup>8</sup> — You might argue that we are concerned lest [that fish which had the mark of cleanness] happened [to fit in] by chance;<sup>9</sup> so he informs us [that we need have no such fear].

A boat-load of zahanta once came to Sikara.<sup>10</sup> R. Huna b. Hinnena went to inspect it and, noticing scales [on the sides of the boat], declared the fish to be permitted. Raba said to him: How is it possible to give permission in a place where [fish with] scales are common!<sup>11</sup> So Raba issued an announcement prohibiting the fish, whereupon R. Huna b. Hinnena issued an announcement that they were permitted. R. Jeremiah of Difti<sup>12</sup> said: R. Papi told me that R. Huna b. Hinnena only allowed the brine but not the eating of the fish. R. Ashi said: R. Papa told me that R. Huna b. Hinnena even allowed the fish to be eaten; but as for myself, I cannot prohibit it after what R. Papa told me, nor can I permit it in view of what Rab Judah declared in the name of 'Ulla,<sup>13</sup> viz., the difference of opinion is over the permissibility to dip [bread] in the brine, but as regards eating the fish all agree that it is prohibited unless both the head and backbone are recognisable in each one.

R. Hinnena b. Idi was sitting in the presence of R. Adda b. Ahabah; and while sitting there he said: If a heathen brought a boat laden with barrels [of fish-brine] and a kalbith-fish is found in one of them, should they be open barrels they are all permitted,<sup>14</sup> but if closed that barrel is permitted and the rest are prohibited. [R. Adda] asked him: Whence have you this? — [He replied:] I heard it from three eminent scholars,<sup>15</sup> viz., Rab, Samuel and R. Johanan.

R. Berona said in the name of Rab: Fish-entrails and roe should only be bought of a reliable man. 'Ulla remarked to R. Dosthai of Berai:<sup>16</sup> Since Rab mentioned that fish-entrails and roe should only be bought of a reliable man, it follows that unclean fish have roe; but against this I quote: Unclean fish are viviparous, whereas clean fish eject eggs! — [He replied:] Then strike out the word roe! R. Zera said to him: Do not strike out the word because they both eject eggs; but whereas [the clean species] breed [by ejecting eggs which mature in the sand of the river-bed] the other is actually viviparous. Why, however, is it necessary [to buy the roe] from a reliable man? Surely we could examine the marks [which differentiate the clean and unclean species]; for it has been taught: The marks of [clean birds'] eggs are the same as those of [clean] fish.<sup>17</sup> But how can such a thought enter your mind since Scripture mentions fins and scales as the marks of [clean] fish!<sup>18</sup> The meaning is: The marks of [clean birds'] eggs are the same as those of fish-roe [which may be eaten]; and the following are the marks of [clean] birds' eggs: Such as are arched and rolling, i.e., one end is

rounded and the other pointed, are clean; if both ends are pointed or rounded 'they are unclean; if the yolk is outside and the white inside the egg is unclean; if the white is outside and the yolk inside the egg is clean; if the white and yolk are mixed up it is a reptile's egg! — Raba said: [Rab's statement that it must only be bought of a reliable person refers to when the roe] has been pressed.<sup>19</sup> But as for R. Dosthai of Berai who said that the word 'roe' should be struck out,

- (1) If there was only one, it might be thought that the fish fell into it after the brine had been prepared.
- (2) Hul. 59a. So how can the head or backbone be used as the criterion?
- (3) A species of tunny fish.
- (4) In which case the head or backbone is no criterion, but generally it is.
- (5) When either the head or backbone could be recognised, on the supposition that the two Rabbis only differed with regard to eating the herring.
- (6) He adopted R. Huna's view that both the head and backbone must be capable of identification.
- (7) I.e., they can be joined together so that it is possible to see that they are all pieces of the same fish.
- (8) There being a sign of cleanness, the fish may obviously be eaten.
- (9) And the remainder were of the unclean species.
- (10) A town on the Tigris near Mahoza.
- (11) The boat might contain a mixture of clean and unclean fish.
- (12) Identified with Dibtha on the lower Tigris.
- (13) V. supra, p. 197.
- (14) It is assumed that each barrel had such a fish in it, and if not there at that time it may have fallen out.
- (15) The word really denotes 'a scholar of the Scriptures'. Rashi explains: They are so eminent that they may be relied upon as upon the Scriptures.
- (16) A town in Babylonia. It was also the birth-place of 'Ulla (Jast.). [There was a Biri also in Galilee, with which the place mentioned here is rather to be identified.]
- (17) Hul. 63b.
- (18) Lev. XI, 9. This is an interjection.
- (19) And the shape of the eggs cannot be ascertained.

## **Talmud - Mas. Avodah Zarah 40b**

surely it has been taught: The marks of [clean birds'] eggs are the same as those of fish-roe [which may be eaten]!<sup>1</sup> — Must not [this Baraita at all events] be explained?<sup>2</sup> Read, therefore, thus:<sup>3</sup> 'Are the same as fish entrails.' But where is it found that the marks of fish-entrails are rounded and pointed?<sup>4</sup> — This is actually found with the fish-bladder.

If there be no reliable man,<sup>5</sup> what then? — Rab Judah said: So long as he declares, 'I salted the fish,'<sup>6</sup> it is permitted — R. Nahman said: He must be able to declare, 'These are the fish and these their entrails.'<sup>7</sup> Rab Judah instructed Adda, the attendant, 'So long as he declares, "I salted the fish," it is permitted.'

A LEAF OF ASAFOETIDA. Obviously [it may be eaten]!<sup>8</sup> It would not have been necessary to mention it except for the drops which may be attached to the leaf. You might argue that we must be concerned lest [a heathen] bring [other drops of asafoetida which he had cut from the root with his knife] and mix them with it. Hence he informs us that [the drops which are found on the leaf] detached themselves [without cutting] and came off together with it.

AND ROLLED OLIVE-CAKES. Obviously they may be eaten! — No, it is necessary to mention [that they may be eaten] even when they are very soft. For you might argue that [the heathen] put wine on them.<sup>9</sup> Hence he informs us that their softness is due to the oil.

R. JOSE SAYS: THOSE OLIVES HAVING STONES READY TO DROP OUT [SHELAHIN]

ARE PROHIBITED. What is to be understood by shelahin! — R. Jose b. Hanina said: Those olives whose kernels drop out as soon as one takes them in his hand.

LOCUSTS WHICH COME etc. Our Rabbis taught: Locusts, capers and leeks<sup>10</sup> which come from the warehouse, the stock or from a ship are permitted; but those sold on the counter in front of a shop are prohibited because [the shopkeeper] sprinkles wine upon them. Similarly the apple-cider of a heathen taken from the warehouse, the stock or a basket is permitted; but if it is sold on the counter it is prohibited because they mix wine with it.

Our Rabbis taught: Rabbi once suffered from a disorder of the bowels and said, 'Does anyone know whether apple-cider of a heathen is prohibited or permitted?' R. Ishmael son of R. Jose replied, 'My father once had the same complaint and they brought him apple-cider of a heathen which was seventy years old; he drank it and recovered.' He said to him, 'You had this information all this time and let me suffer!' They made inquiry and found a heathen who possessed three hundred jars of apple-cider seventy years old. [Rabbi] drank some of it and recovered; whereupon he exclaimed, 'Blessed be the All-present Who delivered His Universe into the keeping of guardians!'<sup>11</sup>

THE SAME RULE APPLIES TO THE HEAVE-OFFERING. How is this phrase to be understood? — R. Shesheth said: [It means that] the same rule applies to a priest who is suspected of selling his portion of the heave-offering<sup>12</sup> as though it were common food. If it is in front of him, it is prohibited [to buy it]; but if it comes out of a warehouse or the stock or a basket,<sup>13</sup> it is permitted because he would be afraid [to include the heave-offering among the wares] thinking that should the Rabbis hear of it they would deprive him of the lot.

### CHAPTER III

MISHNAH. ALL IMAGES ARE PROHIBITED<sup>14</sup> BECAUSE THEY ARE WORSHIPPED ONCE A YEAR. SUCH IS THE STATEMENT OF R. MEIR; BUT THE SAGES DECLARE: [AN IMAGE] IS NOT PROHIBITED EXCEPT ONE THAT HAS A STAFF OR BIRD OR ORB<sup>15</sup> IN ITS HAND. RABBAN SIMEON B. GAMALIEL SAYS: Also ANY [IMAGE] WHICH HAS ANYTHING IN ITS HAND [IS PROHIBITED].

GEMARA. If they are worshipped once a year, what is the reason of the Rabbis?<sup>16</sup> — R. Isaac b. Joseph said in the name of R. Johanan: In the place where R. Meir lived, [the heathens] used to worship each image once a year; and since R. Meir takes a minority into consideration,<sup>17</sup> he decreed [against the use of images] in the other places on account of the place [where they are worshipped]. The Rabbis, on the other hand, who do not take a minority into consideration, did not decree [against the use of images] in the other places on account of the place [where they are worshipped].

Rab Judah said in the name of Samuel: The teaching of the Mishnah refers to the royal statues.<sup>18</sup> Rabbah b. Bar Hanah said in the name of R. Johanan: The teaching of the Mishnah only applies [to these statues] when they stand at the entrance of a city.<sup>19</sup>

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(1) Consequently there is roe which may not be eaten; so how can he omit the word from Rab's statement?

(2) As above.

(3) [So Ms.M.]

(4) And its edibility is decided by this criterion.

(5) When the roe has been pressed.

(6) And can vouch that they were of the clean kind.

(7) He must be able to produce the fish from which the roe had been obtained.

(8) Since it was plucked and not cut with a knife.

(9) And this is the cause of their softness.

(10) Preserved by a heathen.

(11) He thanked God that the beverage which he required to cure his illness had been preserved for the seventy years necessary to make it effective.

(12) It should only be eaten by priests.

(13) Belonging to a priest.

(14) To be used for any purpose whatever.

(15) E.g., Hermes was often represented as holding a staff (caduceus). Zeus an eagle and the sun-god (Helios) an orb.

(16) In allowing them to be used for a secular purpose, provided certain symbols are not in their hand.

(17) V. supra 34b. Although he knew that the custom practised in his own town was not generally followed, he decreed against all images lest, in the exceptional places where they were worshipped annually, they would be used by the Jews because they saw them in use elsewhere.

(18) Statues of kings which were revered by the populace, and not to ordinary idolatrous images.

(19) Only such are prohibited by R. Meir because they are erected in a conspicuous place to be worshipped.

## **Talmud - Mas. Avodah Zarah 41a**

Rabbah said: There is a difference of opinion [with regard to statues] in villages, but as for those which are in cities all agree that they are permitted. What is the reason [for their being permitted]? They are made for ornamentation.<sup>1</sup> But is there anyone [who says that the images set up] in villages are made merely for ornamentation? Surely those in the villages were made to be worshipped!<sup>2</sup> — If, however, [Rabbah's statement] is quoted it must be in this form: Rabbah said: There is difference of opinion [with regard to statues] in cities;<sup>3</sup> but as for those in villages all agree that they are prohibited.

BUT THE SAGES DECLARE, [AN IMAGE] IS NOT PROHIBITED etc. [It is prohibited when holding] a staff, because [the implication is] that it rules the whole world as with a staff.<sup>4</sup> [It is prohibited when holding] a bird, because [the implication is] that it grasps the whole world as though it were a bird. [It is prohibited when holding] an orb, because [the implication is] that it grasps the whole world as though it were a ball.

A Tanna taught: They added [subsequently to the aforementioned] a sword [in the hand], a crown [upon the head], or a ring [upon the finger].<sup>5</sup> A sword — at first it was thought to be just the emblem of a robber, but later it was interpreted as denoting that it has the power of slaying the whole world. A crown — at first it was thought to be just a woven wreath, but later it was interpreted as denoting a kingly crown. A ring — at first it was thought to be just an emblem of distinction, but later it was interpreted as denoting that it has the power of sealing [the fate of] the whole world for death.

RABBAN SIMEON B. GAMALIEL. SAYS etc. A Tanna taught: Even [if it has in its hand] a pebble or chip of wood. R. Ashi asked: How is it if it held excrement in its hand? Do we say that [the intention is that] it shows contempt for all people as though they were filth,<sup>6</sup> or perhaps [the meaning is] that it is held in contempt by all as though it were filth? The question remains unanswered.

MISHNAH. IF ONE FINDS FRAGMENTS OF IMAGES, BEHOLD THEY ARE PERMITTED. IF ONE FOUND THE FIGURE OF A HAND OR THE FIGURE OF A FOOT, BEHOLD IT IS PROHIBITED BECAUSE SUCH AN OBJECT IS WORSHIPPED.<sup>7</sup>

GEMARA. Samuel said: Even fragments of idols [are permitted]. But have we not learnt: FRAGMENTS OF IMAGES?<sup>8</sup> — The same law applies even to fragments of idols. And the reason the Mishnah uses the phrase FRAGMENTS OF IMAGES is because of the intention to continue with the teaching: IF ONE FOUND THE FIGURE OF A HAND OR THE FIGURE OF A FOOT, BEHOLD IT IS PROHIBITED BECAUSE SUCH AN OBJECT IS WORSHIPPED.<sup>9</sup>

We learnt [in the Mishnah]: IF ONE FOUND THE FIGURE OF A HAND OR THE FIGURE OF A FOOT, BEHOLD IT IS PROHIBITED BECAUSE SUCH AN OBJECT IS WORSHIPPED. But why [should they be prohibited]?

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- (1) And not to be worshipped.
  - (2) Because villagers do not spend money on statues just as ornaments.
  - (3) Since there it is uncertain whether they are ornamental or for worship.
  - (4) Lit., 'it rules itself beneath the whole world' etc. The purpose is to avoid saying that an idolatrous image has sway over the world. Similarly with the phrases that follow.
  - (5) As symbols disqualifying the image.
  - (6) In which case the image would be prohibited for any use whatsoever.
  - (7) Elmslie, a.I., suggests that Asklepios, the god of healing, was often thanked by invalids for their cure by the presentation of an image of the part of the body which had been affected.
  - (8) Which presumably excludes 'fragments of idols'.
  - (9) If the Mishnah had used 'idols' in the first clause, the second might have been understood in the sense that only the figure of a hand or foot of an idol is prohibited. By using 'images' in the first clause, it is clear that the figure is prohibited even if it had belonged to an image and not an idol; but other fragments, even those of an idol, are permitted.

### **Talmud - Mas. Avodah Zarah 41b**

They are only fragments! — Samuel explained that [the prohibition only applies when the hand and foot] are set upon their base.<sup>1</sup>

It has been stated: If an idol was broken of its own accord,<sup>2</sup> R. Johanan said that [its fragments] are prohibited, and R. Simeon b. Lakish said that they are permitted. R. Johanan said that they are prohibited because [the idol] has not been annulled.<sup>3</sup> R. Simeon b. Lakish said that they are permitted because [the owner] certainly annuls [the idol] without expressly doing so by saying, 'It could not save itself, so how can it save me!'

R. Johanan quoted against R. Simeon b. Lakish: And the head of Dagon and both the palms of his hands lay cut off . . . Therefore neither the priests of Dagon, nor any that come into Dagon's house, tread etc.<sup>4</sup> — He replied to him: Can any proof [be brought] from there? In that passage [we learn] that they abandoned Dagon and worshipped the threshold; because, said they, the divinity left Dagon and went and settled itself upon the threshold.<sup>5</sup> [R. Johanan then] quoted against him: IF ONE FINDS FRAGMENTS OF IMAGES, BEHOLD THEY ARE PERMITTED — consequently, fragments of idols are prohibited! — [R. Simeon replied:] Do not deduce that fragments of idols are prohibited, but deduce that the images themselves [when whole] are forbidden, and the anonymous statement in the Mishnah is the view of R. Meir.<sup>6</sup>

Now as to R. Johanan, are we not to infer from the view of R. Meir what is the opinion of the Rabbis: Did not R. Meir say that images are prohibited but the fragments of images are permitted? Hence likewise, according to the Rabbis, while an idol itself is prohibited, its fragments are permitted?<sup>7</sup> — But is the analogy correct? There [in the case of images] they were perhaps worshipped or perhaps not; and even if you assume that they had been worshipped, perhaps they had been annulled. But in the case of an idol, it has certainly been worshipped; and who can say whether it has been annulled? Consequently there is a doubt<sup>8</sup> and a certainty,<sup>9</sup> and a doubt cannot set aside a certainty.<sup>10</sup>

And cannot a doubt set aside a certainty? Behold it has been taught: If a haber<sup>11</sup> died and left a store-room full of fruits even if they are only then due to be tithed,<sup>12</sup> they are presumed to have been properly treated.<sup>13</sup> Now here it is certain [that the fruits were once] untithed and there is a doubt whether he had tithed them or not; yet the doubt does set aside the certainty!<sup>14</sup> [No] here it is a case



of certainty and certainty, because it is regarded as certain that he had tithed the produce, according to the teaching of R. Hanina of Hozae.<sup>15</sup> For R. Hanina of Hozae said: It is presumed with a haber that he does not allow anything to pass out of his control unless it had been properly treated. Or if you wish I can say that it is a case of doubt and doubt, as he might have acted according to [the advice of] R. Oshaia who said: A man may act cunningly with his produce and store it together with the chaff, so that his cattle may eat of it and it become exempt from the tithe.<sup>16</sup>

And cannot a doubt set aside a certainty? Behold it has been taught: R. Judah said: It once happened that a female slave

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- (1) I.e., they are not part of an image but a separate object upon a base. The presumption then is that it is an idolatrous object.
  - (2) By falling, and was not shattered by human action.
  - (3) An idol could be annulled only by a wilful act of desecration on the part of an idolater.
  - (4) I Sam. v. 4 f. Consequently they revered the fragments.
  - (5) On the idea of sanctity attached to the threshold, v. H.C. Trumbull, *The Threshold Covenant*. This passage, with its parallel in the J. Talmud, is quoted by Jast. on p. 308.
  - (6) Although in Mishnah I he prohibits all images, yet he teaches in the first clause of Mishnah II that the fragments are permitted.
  - (7) Why, then, does R. Johanan forbid the use of the fragments of idols?
  - (8) Whether the idol was deliberately broken or fell of its own accord.
  - (9) That it was an idol and had been worshipped.
  - (10) For this reason the fragments of idols are prohibited, though those of images are permitted.
  - (11) V. Glos.
  - (12) Lit., 'sons of their day'. The time varies with the different kinds of produce. V. Ma'as. I, 2 ff.
  - (13) And the tithe removed.
  - (14) Because on the strength of the owner's reputation it is assumed that he had tithed the produce.
  - (15) A district East of the Tigris.
  - (16) Corn, in order to become liable to the tithe, must be winnowed before it is brought into the store-room within the house (v. B. M. 88a). If brought in unwinnowed, it need not be tithed, though according to Rabbinic ruling, while cattle may feed on it, it may not be used for human consumption without the tithe having been removed. Accordingly, there is a doubt (Biblically) whether the produce was liable to the tithe, and assuming that a haber would not allow anything to pass out of his control unless it had been properly treated, the Rabbis waived aside their reservation in this case.

## **Talmud - Mas. Avodah Zarah 42a**

of a certain tax-collector in Rimmon<sup>1</sup> threw the body of a premature child into a pit, and a priest<sup>2</sup> came and gazed [into the pit] to ascertain whether it was male or female.<sup>3</sup> The matter came before the Sages and they pronounced him clean<sup>4</sup> because weasels and martens are commonly found there.<sup>5</sup> Now here is a certainty that the woman had cast a premature child [into the pit], and a doubt whether [animals] dragged it elsewhere or not; yet the doubt sets aside the certainty! — Do not say 'she cast a premature child into a pit' but 'she cast a kind of embryo into a pit.'<sup>6</sup> But it is stated [that the priest gazed] to ascertain whether it was male or female!<sup>7</sup> — It must be understood thus: [he gazed] to ascertain whether she had aborted wind<sup>8</sup> or cast a premature child [into the pit]; and if you assume that she threw a premature child there, [he gazed] to ascertain whether it was male or female. Or if you wish I can say that since weasels and martens are commonly found there, they certainly dragged it elsewhere.

[R. Johanan] quoted against [R. Simeon b. Lakish]: IF ONE FOUND THE FIGURE OF A HAND OR THE FIGURE OF A FOOT, BEHOLD IT IS PROHIBITED BECAUSE SUCH AN OBJECT IS WORSHIPPED. Why [should they not be permitted]? They are only fragments!<sup>9</sup> But surely Samuel explained that [the prohibition only applies when the hand and foot] are set upon their base.<sup>10</sup>

[R. Johanan further] quoted against [R. Simeon]: An idolater can annul an idol belonging to himself or to another idolater, but an Israelite cannot annul the idol of an idolater.<sup>11</sup> Why [should not an Israelite be able to annul it]? Let it be considered the same as an idol which was broken of its own accord! — Abaye said: [The Mishnah refers to a case] where he only defaced the idol.<sup>12</sup> And supposing he only defaced it, what of it? Behold we have learnt: If he defaced it, although there was no reduction in the mass of the material, it is annulled!<sup>13</sup> — This rule only applies when an idolater defaced it in this manner, but if an Israelite did so it is not annulled.<sup>14</sup> Raba, however, said: In reality when an Israelite only defaces it, it is also annulled; but it was feared that he might lift it up<sup>15</sup> and then annul it. In that event it would be an idol in the possession of an Israelite, and an idol which is in the possession of an Israelite can never be annulled.

[R. Johanan further] quoted against [R. Simeon]: If an idolater brought stones from [the statue of] Mercurius and used them for paving roads or theatres, they are permitted [to be walked on by an Israelite]; but if an Israelite brought stones from [the statue of] Mercurius and used them for paving roads or theatres, they are prohibited.<sup>16</sup> But why [are they not permitted]? Let them be considered the same as an idol which was broken of its own accord! — This case has also to be explained according to the exposition of Raba.<sup>17</sup>

[R. Johanan further] quoted against [R. Simeon]: If an idolater chipped off an idol to make use of the pieces, it and the pieces are permitted, and if he did so to embellish it, it is prohibited but its pieces are permitted; but if an Israelite chipped off an idol, whether to make use of the pieces or for its embellishment, it and the pieces are prohibited.<sup>18</sup> Now why [are they not allowed]? Let them be considered the same as an idol which is broken of its own accord! — This case has also to be explained according to the exposition of Raba.

[R. Johanan further] quoted against [R. Simeon]: R. Jose says: He may grind [an idol] to powder and scatter it to the wind or throw it into the sea. They said to him: Even so it may then become manure, and it is stated, And there shall cleave nought of the devoted thing to thine hand.<sup>19</sup> Now why [is it not permitted]? Let it be considered the same as an idol which is broken of its own accord! — This case has also to be explained according to the exposition of Raba.

[R. Johanan further] quoted against [R. Simeon:] R. Jose b. Jasian says: If he found the figure of a dragon with its head cut off, should there be a doubt whether an idolater or an Israelite had mutilated it, it is permitted; but if it is certain that an Israelite had mutilated it, it is prohibited. But why? Let it be considered the same as an idol which is broken of its own accord! — This case has also to be explained according to the exposition of Raba.

[R. Johanan further] quoted against [R. Simeon]: R. Jose says: Nor may vegetables [be planted beneath an Asherah] in winter because the foliage falls upon them.<sup>20</sup> But why? Let it be considered the same as an idol which is broken of its own accord! — It is different in this case because the basic part of the idol remains.<sup>21</sup>

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(1) A Biblical town south of Jerusalem.

(2) He would be well versed in the laws of defilement.

(3) To determine the duration of the woman's impurity, which was twice as long in the case of a female child (Lev. XII, 2 ff.).

(4) By bending over the pit, the kohen may have contracted impurity through the presence of the dead body.

(5) In pits. The Rabbis presumed that the animals had devoured it or dragged it elsewhere. For that reason they declared the priest to be clean (Tosef. Oh. XVI).

(6) A. Judah's statement is amended. There is a doubt whether the embryo was sufficiently developed to cause defilement to the priest.

- (7) Consequently it must have been sufficiently developed to defile.
- (8) I.e., an undeveloped embryo; in that event she does not become impure.
- (9) v. supra. This refutes the view of R. Simeon b. Lakish that idol-fragments are permitted.
- (10) But ordinary idol-fragments are permitted.
- (11) V. infra 52b.
- (12) Knocked it with a hammer out of shape without breaking off any part of the material.
- (13) V. infra 53a.
- (14) And it cannot be compared to an idol which fell in pieces of itself, because the effect of the falling produced in the mind of the heathen, viz., it cannot save itself, is more devastating than 'when he knows that a Jew had defaced it. But when a Jew breaks off a piece to annul it, it is considered as if it broke of its own accord and is permitted.
- (15) In order to deface it; and the act of raising caused it technically to become the property of the Jew.
- (16) V. infra 50a, b. So the fragments may not be used!
- (17) viz., the raising of the stones constitutes an act of possession.
- (18) V. infra 49b.
- (19) Deut. XIII, 18. The passage is cited from the Mishnah 43b.
- (20) V. infra 48b.
- (21) Although the leaves fell, the tree used for idolatrous worship still exists; for that reason the foliage is prohibited as manure.

### **Talmud - Mas. Avodah Zarah 42b**

But there is [the analogous instance] of chips where the basic part of the idol remains, and it was taught [above]: 'If he did so to embellish it, it is prohibited but its pieces are permitted'! — R. Huna the son of R. Joshua said: [There is a difference] because an idol cannot be annulled by a natural cause.<sup>1</sup>

R. Simeon b. Lakish quoted against R. Johanan: If there be a bird's nest upon the top of a tree which had been dedicated to the Sanctuary, no use may be made of it;<sup>2</sup> but if wrongful use of it had been made the law of trespass<sup>3</sup> does not apply to it. [If, however, the nest be] on top of an Asherah, he knocks it off with a stick!<sup>4</sup> Now it is to be assumed [is it not? that the case dealt with here] is, for example, where [the bird] broke twigs from the Asherah and built a nest of them; and yet it is taught: He knocks it off with a stick!<sup>5</sup> [No:] We are dealing here with the case where, for example, [the bird] brought twigs from all sorts of places<sup>6</sup> and built a nest of them. This conclusion is proved to be correct from the fact that in connection with [a tree] dedicated to the Sanctuary it is stated: No use may be made of it, but if wrongful use had been made of it the law of 'trespass' does not apply to it. Now this is quite right, if you say that [the bird] brought twigs from all sorts of places, that it is stated in connection with a tree dedicated to the Sanctuary: No use may be made of it, but if wrongful use had been made of it the law of 'trespass' does not apply to it. 'No use may be made of it' according to Rabbinical ruling,<sup>7</sup> 'and no law of "trespass" applies to it' — according to the law of the Torah because [the twigs] were not dedicated to the Sanctuary. But if, on the other hand, you say that [the bird] broke twigs from that tree [which had been dedicated] and built a nest with them, why is there no 'trespass' since they were dedicated to the Sanctuary!

Does this prove anything?<sup>8</sup> Here we are dealing with the circumstance where [the bird used twigs] which grew after [the tree had been dedicated to the Sanctuary], and he holds that there is no 'trespass' involved [if a wrongful use is made of] the after-growth!<sup>9</sup> R. Abbahu said in the name of R. Johanan: What means 'he knocks off'? He knocks [the nest down] to get the young birds.<sup>10</sup> R. Jacob said to R. Jeremiah b. Tahlifa: I will make the cited passage clear to you: As for young birds, 'they may be used in any event;<sup>11</sup> as for eggs they are prohibited in any event.<sup>12</sup> R. Ashi said: But young birds which need the care of their mother<sup>13</sup> are considered to be like eggs [and are not permitted].

MISHNAH. IF ONE FINDS UTENSILS UPON WHICH IS THE FIGURE OF THE SUN OR MOON OR A DRAGON,<sup>14</sup> HE CASTS THEM INTO THE SALT SEA.<sup>15</sup> RABBAN SIMEON B. GAMALIEL SAYS: IF IT IS UPON PRECIOUS UTENSILS THEY ARE PROHIBITED, BUT IF UPON COMMON UTENSILS THEY ARE PERMITTED.

GEMARA. Is this to say that [the heathens] worship these objects and no others? [Against such a conclusion] I cite the following: If one slaughters an animal in the name of seas, rivers, a desert, the sun, moon, stars and planets, Michael the great Prince<sup>16</sup> or a tiny worm, behold these come within the category of ‘sacrifices to dead objects’!<sup>17</sup> — Abaye explained: As to worshipping they might worship whatever they take hold of; but in regard to the making of images for worship, they do so only of these three objects [enumerated in the Mishnah] which are specially honoured by them; but as for the other figures, they only make them for ornamental purposes.

R. Shesheth used to collect difficult extra-Mishnaic passages and expound them:<sup>18</sup> [Pictures of] all the planets are permissible except that of the sun and moon; of all faces are permissible except that of a human face; and of all figures are permissible except that of the dragon.

The Master said: ‘[Pictures of] all the planets are permissible except that of the sun and moon.’ With what are we dealing here? Shall I say with the making of them? If it is with the making of them, are any of the planets allowed, seeing that it is written, Ye shall not make with Me<sup>19</sup> — i.e., ye shall not make according to the likeness of My attendants who serve before Me in the heights!<sup>20</sup> Obviously, then, it must refer to finding them,<sup>21</sup> and it is in accord with our Mishnah: IF ONE FINDS UTENSILS UPON WHICH IS THE FIGURE OF THE SUN OR MOON OR A DRAGON, HE CASTS THEM INTO THE SALT SEA. If, then, it refers to finding them, consider the middle clause: ‘Of all faces are permissible except that of a human face.’ Now if this refers to finding them, is the picture of a human face prohibited? Surely we have learnt: IF ONE FINDS UTENSILS UPON WHICH IS THE FIGURE OF THE SUN OR MOON OR A DRAGON, HE CASTS THEM INTO THE SALT SEA. Which implies that [he does this] to the figure of a dragon but not to the picture of a human face! Obviously, then, it must refer to making them, and it is in accord with the view of R. Huna the son of R. Joshua.<sup>22</sup> If, then, it refers to making them, consider the last clause: ‘Of all figures are permissible except that of the dragon.’ Now if this refers to making them, is the image of a dragon prohibited seeing it is written, Ye shall not make with Me gods of silver or gods of gold

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(1) In the course of nature the foliage falls; but to chip a piece off an idol has to be a conscious act on the part of a human being.

(2) For secular purposes.

(3) V. Lev. V, 15.

(4) He is permitted to use the material of the nest as fuel. He may not climb the Asherah to get it, because he would then be making use of an idolatrous object (Me'i, III, 5).

(5) And uses it as fuel; which proves that fragments of an idol may be used, as against the view of R. Johanan.

(6) But not from an Asherah or dedicated tree, and it is for this reason that its nest may be used as fuel.

(7) Which made the law stricter from fear that if the twigs were used the tree itself might be used.

(8) Now R. Simeon b. Lakish will demonstrate that no support can be derived from this extract for R. Johanan's view because the analogy is false.

(9) Since the tree and not the after-growth was dedicated.

(10) It is objected to the foregoing argument that it is based on a misunderstanding of the extract quoted. It has nothing to do with using the nest as fuel; but as against a possible view that since the nest is on a tree which may not be used, the young birds in the nest there are likewise forbidden for fear the tree itself might be used, it is maintained that he may knock the nest from the tree to secure the pigeons.

(11) Whether the nest be on a dedicated tree or an Asherah, because the birds can fly away and do not require the tree.

(12) Because use is made of the tree as a resting-place for the eggs and there is a likelihood that the man might be making use of the tree.

- (13) They are unable to fly away and need the security of the nest on the tree.
- (14) The figure referred to was in the form of a pendant attached to the utensil. The device of a dragon was commonly carried upon the standards of the Roman legions. See the illustration in Seyffert, Dict. of Classical Antiquities. p. 586. [On the worship of the 'Dragon', v. Elmslie, a. I.]
- (15) I.e., the Dead Sea, It is an expression denoting utter destruction.
- (16) The Archangel.
- (17) Cf. Ps. CVI, 28. Hul. 40a.
- (18) There follows an example of a difficult Baraitha with his exposition.
- (19) Ex. XX, 23.
- (20) And all the planets serve God in heaven.
- (21) If they are found one may use them, except figures of the sun and moon.
- (22) Who explained Ex. XX, 23, as referring to man as made in the image of God and not His attendants. V. infra 43b.

## Talmud - Mas. Avodah Zarah 43a

[implying,] these are [prohibited] but not the image of a dragon!<sup>1</sup> Obviously, then, it refers to finding them, and it is in accord with our Mishnah: IF ONE FINDS UTENSILS UPON WHICH IS THE FIGURE OF THE SUN [or a dragon, they are prohibited]. Therefore the first and last clauses deal with the act of finding and the middle clause with the act of making! Abaye said: That is so, the first and last clauses deal with the act of finding and the middle clause with the act of making. Raba said: They all deal with the act of finding, and as for the middle clause it is the teaching of R. Judah.<sup>2</sup> For it has been taught: 'R. Judah also includes the picture of a woman giving to suck and Serapis.'<sup>3</sup> A woman giving to suck alludes to Eve who suckled the whole world; Serapis alludes to Joseph who became a prince [sar] and appeased [hefis] the whole world.<sup>4</sup> [The picture of Serapis is only prohibited when he is represented as] holding a measure and is measuring,<sup>5</sup> and that [of Isis] when she is holding a child and giving it to suck.<sup>6</sup>

Our Rabbis taught: Which is the figure of a dragon [that is prohibited]? — R. Simeon b. Eleazar explained: Such as has scales<sup>7</sup> between its joints. Upon this R. Assi commented: Between the joints of the neck. R. Hama son of Hanina said: The halachah is in accord with the view of R. Simeon b. Eleazar.

Rabbah b. Bar Hanah said in the name of R. Joshua b. Levi: I was once walking with the eminent R. Eleazar Hakkappar along the road, and he found a ring upon which was the figure of a dragon.<sup>8</sup> There passed by<sup>9</sup> a heathen child but he said nothing to him. Then there passed by an adult heathen and [R. Eleazar] said to him, 'Annul it,'<sup>10</sup> but he refused to do so; and he struck him until he annulled it. Draw three deductions from this: first, a heathen can annul an idolatrous object which belongs to himself or to a fellow-heathen;<sup>11</sup> secondly, if [the heathen] understands the nature of the idolatrous object and its mode of worship he can annul it, but if he is ignorant of its nature and mode of worship he cannot annul it;<sup>12</sup> and thirdly, force may be used to make a heathen annul the object. R. Hanina ridiculed [the foregoing statement, saying]: Does not the eminent R. Eleazar Hakkappar agree with the following teaching: If a person rescued something from a lion, bear, leopard, or from a robber,<sup>13</sup> a river, or from what the tide throws up, or the overflow of a river; or if a person finds something in a camp or main highway or in a place where many people congregated behold the object belongs to him because the owner despairs of recovering it!<sup>14</sup> — Abaye explained: Granted that [the owner] despaired of recovering it, but did he despair of its sacred character?<sup>15</sup> He must have said [to himself]: If an idolater finds it he will worship it, if an Israelite finds it, since it is a valuable object, he will sell it to an idolater who will worship it.<sup>16</sup>

We have learnt elsewhere: R. Gamaliel had a picture of lunar diagrams in his upper chamber in the form of a chart hanging on the wall, which he used to show to the unlearned<sup>17</sup> and ask then, 'Did you see (the moon) thus or thus?'<sup>18</sup> But is [such a picture] allowed, for behold it is written, Ye shall

not make with Me — i.e., ye shall not make according to the likeness of My attendants who serve before Me! — Abaye explained: The Torah only forbids the making of his attendants which can be reproduced in facsimile, according to the teaching: A man may not make a house after the design of the Temple, or a porch after the design of the Temple-porch, a courtyard after the design of the Temple-court, a table after the design of the table [in the Temple], or a candelabrum after the design of its candelabrum — He may, however, make one with five, six or eight [branches], but with seven he may not make it even though it be of other metals.<sup>19</sup> R. Jose b. Judah says: Also of wood he may not make it, because thus did the Hasmoneans make it,<sup>20</sup> [The Rabbis] said to him: Is any proof to be deduced from that? It consisted of metal staves overlaid with tin.<sup>21</sup> When [the Hasmoneans] grew rich they made one of silver, and when they grew still richer they made one of gold!<sup>22</sup> And are His attendants which cannot be reproduced in facsimile allowed? For behold it has been taught: Ye shall not make with Me — i.e., ye shall not make according to the likeness of My attendants who serve before Me in the heights!<sup>23</sup> — Abaye explained:

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- (1) Since the dragon is not among the heavenly bodies.
  - (2) Who prohibits the use of utensils found with a human figure on them.
  - (3) Tosef. A.S. VI. The former indicates Isis; the latter is the Greek name for Osiris — both of them important Egyptian deities.
  - (4) During the seven years of famine. [The identification of Serapis with Joseph occurs frequently in writings of antiquity. V. Blaufuss, Gotter etc. p. 19.]
  - (5) In Seyffert, op. cit., p. 578, the modius or 'measure' is depicted as resting on the head of Serapis.
  - (6) See the illustration in Seyffert, op. cit., p. 325.
  - (7) [Or 'hairs' (v. Rashi). Dragons were believed to be bearded. V. Blaufuss, op. cit., p. 41.]
  - (8) He left it lying on the ground, since if he picked it up he could never have it annulled.
  - (9) Lit., 'he found'.
  - (10) By doing some damage to the ring or treating it disrespectfully.
  - (11) Because the man annulled the ring which did not belong to him.
  - (12) For that reason he ignored the child (v. infra 57b), and that the man whom the Rabbi met knew the nature of the symbol on the ring was evidenced by his refusal at first to annul it.
  - (13) In B.M. 24a the reading is 'a panther'.
  - (14) It may therefore be assumed that the owner of the ring, having given up hope of finding it, must have annulled it, why then, did the Rabbi go to the trouble of having it annulled?
  - (15) Being preserved by the finder.
  - (16) On that account the Rabbi rightly had the ring annulled before he picked it up.
  - (17) Who came to report that they had seen the new moon.
  - (18) R.H. 24a.
  - (19) That in the Temple had seven branches and was of gold.
  - (20) When they recaptured and purified the Temple.
  - (21) Some MSS. read: 'with wood'.
  - (22) Consequently the wooden candelabrum was only temporary; so why should it be forbidden to make a wooden reproduction?
  - (23) From which it may be inferred that even such as cannot be reproduced in facsimile are forbidden.

### **Talmud - Mas. Avodah Zarah 43b**

The Torah only prohibited the making of the likeness of the four faces together.<sup>1</sup> According to this, a human face by itself should be permitted; so how can it have been taught: 'Of all faces are permissible except that of a human face'! — R. Judah the son of Rab Joshua said: From the discourse of R. Joshua<sup>2</sup> I learnt: Ye shall not make itti ['with me'] — [this should be rendered as though it was] 'ye shall not make Me' [othi],<sup>3</sup> but the other attendants are permitted.

But are the other attendants permitted? Behold it has been taught: Ye shall not make with Me, i.e.,

ye shall not make according to the likeness of My attendants who serve before Me in the heights, as, e.g., the Ophanim, Seraphim, holy Hayyoth and Ministering Angels!<sup>4</sup> — Abaye explained: The Torah only prohibited the reproduction of the attendants who are in the highest stratum.<sup>5</sup> Are, then, those in the lower stratum permitted? Behold it has been taught: That is in heaven<sup>6</sup> — this is to include the sun, moon, stars and planets; above this is to include the Ministering Angels! — That teaching alludes to serving them.<sup>7</sup> But if it is a matter of serving them, even a tiny worm is also [prohibited]! — That is so, and [the thought] is derived from the continuation of the verse; for it has been taught: Or that is in the earth — this is to include seas, rivers, mountains and hills; beneath — this is to include a tiny worm. But is the mere making of them permitted?<sup>8</sup> Behold it has been taught: Ye shall not make with Me, i.e., ye shall not make according to the likeness of My attendants who serve before Me in the heights, as, e.g., the sun, moon, stars and planets! — It was different with R. Gamaliel because others<sup>9</sup> made [the chart] for him.

But there is the case of Rab Judah for whom others made [a design on a ring], and Samuel said to him, ‘You clever person!<sup>10</sup> Blind its eyes!’<sup>11</sup> In this instance it was a ring whose signet was cut in relief and on account of suspicion [that it might be worshipped Samuel objected to it]; for it has been taught: It is forbidden to put on a signet-ring which is cut in relief but it is allowed to seal with it; and if the signet is cut in, one may put the ring on but not seal with it. Do we, however, take into account the suspicion [that an object might be worshipped]? Behold in the Synagogue of Shaph-veyathib<sup>12</sup> in Nehardea a statue was set up; yet Samuel's father and Levi entered it and prayed there without worrying about the possibility of suspicion! It is different when there are many people together.<sup>13</sup> But R. Gamaliel was a single individual!<sup>14</sup> — Since he was President of the Community many persons were always found with him. Or if you wish I can answer that [his chart] was in sections.<sup>15</sup> As a further alternative I can answer that when it is for the purpose of study the matter is different; as it has been taught: Thou shalt not learn to do<sup>16</sup> — but thou mayest learn in order to understand and teach.

RABBAN SIMEON B. GAMALIEL SAYS etc. Which utensils are precious and which common? — Rab said: The precious are those which [have the figures] above the water,<sup>17</sup> the common those which have them under the water. Samuel said: Both these kinds are to be regarded as common,<sup>18</sup> but those are precious which are upon bracelets, nose-rings and signet-rings.<sup>19</sup> There is a teaching in agreement with Samuel: The precious utensils are those which [have figures] upon bracelets, nose-rings and signet-rings; the common those which have them upon kettles, pots, vessels for boiling water, sheets and towels.

MISHNAH. R. JOSE SAYS: HE MAY GRIND [AN IDOL] TO POWDER AND SCATTER IT TO THE WIND OR THROW IT INTO THE SEA. THEY SAID TO HIM, EVEN SO IT MAY THEN BECOME MANURE,<sup>20</sup> AS IT IS STATED, AND THERE SHALL CLEAVE NOUGHT OF THE DEVOTED THING TO THINE HAND.<sup>21</sup>

GEMARA. It has been taught: R. Jose said to [the Rabbis]: Has it not been stated, And I took your sin,

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(1) Of the heavenly creatures described in Ezek. I, 10, each of which hath four faces viz., of a man, lion, ox and eagle.

(2) [Read with MS. M. ‘R. Huna b. R. Joshua . . . discourse of Abaye.’]

(3) And since man was made in God's image (Gen. I, 27) the reproduction of the human face is not allowed.

(4) V. Ezek. I.

(5) The Rabbis thought of heaven as divided into seven strata one above the other. V. Hag. 12b.

(6) Ex. XX, 4.

(7) Not making pictures of them.

(8) Without the intention of worshipping them.

(9) Non-Jews.

(10) [Lit. 'sharp. toothed', v. B.B. (Sonc. ed.) p. 561, n. 14.]

(11) Deface the image; hence the fact that it had been made by others did not render it permissible.

(12) Either the name of a place or man. On the image in this Synagogue, v. Krauss, *Synagogale Altertumer*, pp. 214 ff.

(13) There is less likelihood of idolatrous worship.

(14) Yet nobody suspected him in connection with his lunar diagrams.

(15) And he only joined them together, when they formed a picture of the moon, in the presence of the witnesses who came to report to him. So he was not alone.

(16) Deut. XVIII, 9.

(17) The figures are on the upper part of the utensils.

(18) When they are used in connection with food or drink.

(19) They are only ornamental.

(20) And advantage would be derived from it contrary to the law.

(21) Deut. XIII, 18.

## Talmud - Mas. Avodah Zarah 44a

the calf which ye had made, and burnt it with fire, and stamped it, grinding it very small, until it was as fine as dust; and I cast the dust thereof into the brook that descended out of the mount<sup>1</sup> They replied to him: Can any proof be adduced from this passage? Behold it states, And he strewed it upon the water, and made the children of Israel drink of it<sup>2</sup> — i.e he had no other intention than to test them as is done with women suspected of infidelity!<sup>3</sup> R. Jose answered them: But has it not been stated, And also Maacah the mother of Asa the king, he removed her from being queen, because she had made an abominable image . . . he made dust of it, and burnt it at the brook of Kidron!<sup>4</sup> They said to him: Can any proof be adduced from this passages seeing that the brook of Kidron is not a fertile place?<sup>5</sup> It is not! But it has been taught: [The blood of] the various [sacrifices] mingled in the conduit and flowed into the brook of Kidron and was sold to gardeners for manure, and by making an illegal use of it one becomes liable to bring a 'trespass' offering!<sup>6</sup> — There were different kinds of sites there, some fertile and others not.

What means *miplezeth* [abominable image]? — Rab Judah said: [An object which] intensifies licentiousness [*maphli' lezanutha*] as R. Joseph taught: It was a kind of phallus with which she had daily connection.

R. Jose said to [the Rabbis]: But has it not been stated, He brake in pieces the brazen serpent that Moses had made.<sup>7</sup> They replied to him: Can any proof be adduced from this passage? Behold it states, And the Lord said unto Moses, Make *leka* ['thee'] a fiery serpent,<sup>8</sup> — '*leka*' means 'from what belongs to thee,' and a man cannot render prohibited what is not his property!<sup>9</sup> — In the affair [of the brazen serpent] there was really no necessity for it to have been broken in pieces,<sup>10</sup> but when [Hezekiah] saw that the Israelites were erring after it, he arose and destroyed it. [R. Jose] said to [the Rabbis]: But has it not been stated — And they left their images there, and David and his men took them away<sup>11</sup> — and what means, and David . . . took them away? — It is an expression for scattering, as R. Joseph translated<sup>12</sup> the word in the passage, Thou shalt fan them and the wind shall carry them away.<sup>13</sup> and we translate it: 'Thou shalt winnow them and a wind will disperse them'! They replied to him: Can any proof be adduced from this passage? Behold it states, And they were burned with fire,<sup>14</sup> and since it is not written, 'and he burnt them and took them away,' conclude that took them away must be interpreted in the literal sense [and not as 'scattered']! Nevertheless the two verses are contradictory! — It is as R. Huna pointed out; for R. Huna objected: It is written, And David gave commandment, and they were burned with fire, and it is written, he took them away. There is no contradiction; the first passage refers to the time before Ittai the Gittite came, the latter to after his coming;<sup>15</sup> for it is written, And he took the crown of Malcam from off his head, and the weight thereof was a talent of gold.<sup>16</sup> But was that permissible since any advantage is prohibited [from an idol]? — R. Nahman explained: Ittai the Gittite came and annulled it. If the weight [of the crown]



was a talent of gold, how could [David] have put it on? — Rab Judah said in the name of Rab: [The meaning is] that it was fit to rest upon David's head.<sup>17</sup> R. Jose son of R. Hanina said: There was a lodestone in it<sup>18</sup> which raised it up.<sup>19</sup> R. Eleazar said: [The meaning is] that there was a precious stone in it worth a talent of gold.

This I have had, because I kept Thy precepts<sup>20</sup> — what does this intend? — The following: as a reward for keeping Thy precepts, 'this' is a testimony on my behalf.<sup>21</sup> What was its testimony? — R. Joshua b. Levi said: He used to wear [the crown] in the place of the phylacteries and it fitted him. But it would be necessary for him to put on the phylacteries! R. Samuel son of R. Isaac said: There is sufficient room on the forehead to lay two sets of phylacteries.<sup>22</sup>

[It is written], Then he brought out the king's son and put upon him the Nezer and the testimony.<sup>23</sup> 'Nezer' — that is the 'crown'. [What is] 'the testimony'? — Rab Judah said in the name of Rab: It was a testimony to the house of David that whoever was eligible for the throne [the crown] fitted, but it would not fit anyone who was not eligible.

[It is written], Then Adonijah the son of Haggith exalted himself saying, I will be king.<sup>24</sup> Rab Judah said in the name of Rab: He exalted himself [thinking that the crown] would fit him, but it did not fit him. And he prepared his chariots, and horsemen, and fifty men to run before him. In what did their superiority consist? — It has been taught: All of them had had their spleen cut out and the soles of their feet hollowed.<sup>25</sup>

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(1) Ibid. IX, 21. So Moses had no scruple about throwing the dust into the water.

(2) Ex. XXXII, 20. Moses disposed of the dust in this way for a special purpose; so this is an exceptional case.

(3) Whose innocence was proved by means of the ordeal of drinking water mingled with dust from the floor of the Sanctuary (Num. V, 12 ff.).

(4) II Chron. XV, 16.

(5) So there could have been no practical purpose in scattering the dust there as manure, but on fertile ground it is forbidden to scatter it.

(6) V. Lev. V, 15. Since manure was used in the brook of Kidron, it must have been a fertile place.

(7) II Kings, XVIII, 4.

(8) Num. XXI, 8.

(9) Consequently even if the Israelites did worship the serpent, it was not an idol which could be prohibited by Hezekiah, since it was technically the private property of Moses' heirs.

(10) Because for the reason just mentioned there was no infringement of the law.

(11) II Sam. V, 21.

(12) [The edition of the Targum to the Prophets is ascribed to him.]

(13) Isa. XLI, 16. Here carry away clearly means their being scattered.

(14) I Chron. XIV, 12.

(15) Being a heathen (II Sam. XV, 19) he was able to annul the idols; so David countermanded his first order to have them burnt.

(16) II Sam. XII, 30. Malcam (Milcom) is the name of the Ammonite god. A talent was about 57 lbs. in weight.

(17) Not that he actually wore it.

(18) [Rashi omits 'in it'.]

(19) David sat beneath it, the appearance being that he was wearing it.

(20) Ps. CXIX, 56. The word 'this' alludes to the crown.

(21) V. infra.

(22) So David had room for the crown and phylacteries.

(23) II Kings, XI, 12.

(24) I Kings, I, 5.

(25) To make them swifter runners. Based on the literal meaning of he prepared, viz., 'he made'. V. Sanh. (Sonc. ed.) p. 115, nn. 11-12.

## Talmud - Mas. Avodah Zarah 44b

MISHNAH. PROCLOS, SON OF A PHILOSOPHER,<sup>1</sup> PUT A QUESTION TO R. GAMALIEL IN ACCO WHEN THE LATTER WAS BATHING IN THE BATH OF APHRODITE.<sup>2</sup> HE SAID TO HIM, IT IS WRITTEN IN YOUR TORAH, AND THERE SHALL CLEAVE NOUGHT OF THE DEVOTED THING TO THINE HAND;<sup>3</sup> WHY ARE YOU BATHING IN THE BATH OF APHRODITE?' HE REPLIED TO HIM, WE MAY NOT ANSWER [QUESTIONS RELATING TO TORAH] IN A BATH.<sup>4</sup> WHEN HE CAME OUT, HE SAID TO HIM, 'I DID NOT COME INTO HER DOMAIN, SHE HAS COME INTO MINE.'<sup>5</sup> NOBODY SAYS, THE BATH WAS MADE AS AN ADORNMENT FOR APHRODITE; BUT HE SAYS, APHRODITE WAS MADE AS AN ADORNMENT FOR THE BATH. ANOTHER REASON IS, IF YOU WERE GIVEN A LARGE SUM OF MONEY, YOU WOULD NOT ENTER THE PRESENCE OF A STATUE REVERENCED BY YOU WHILE YOU WERE NUDE OR HAD EXPERIENCED SEMINAL EMISSION, NOR WOULD YOU URINATE BEFORE IT. BUT THIS [STATUE OF APHRODITE] STANDS BY A SEWER AND ALL PEOPLE URINATE BEFORE IT. [IN THE TORAH] IT IS ONLY STATED, THEIR GODS<sup>6</sup> — I. E., WHAT IS TREATED AS A DEITY IS PROHIBITED, WHAT IS NOT TREATED AS A DEITY IS PERMITTED.

GEMARA. But how did [R. Gamaliel] act in this manner?<sup>7</sup> For Rabbah b. Bar Hanah has said in the name of R. Johanan: It is permitted to ponder [over matters of Torah] in any place except a bath and privy! Should you reply that he spoke to him in the vernacular,<sup>8</sup> behold Abaye has said: It is permitted to discuss secular subjects in the holy tongue, but it is forbidden to discuss holy subjects in the vernacular! A Tanna taught: When he came out, he replied to him, 'We may not answer [questions relating to Torah] in a bath.'<sup>9</sup>

R. Hama b. Joseph said in the name of R. Oshaia: R. Gamaliel made a fallacious reply to that general [Proclos], but I maintain that it was not fallacious. What was the fallacy? — Because he told him,<sup>10</sup> THIS [STATUE] STANDS BY A SEWER AND ALL PEOPLE URINATE BEFORE IT. And if people do urinate before it, what of it?<sup>11</sup> For Raba has said: Peor<sup>12</sup> proves [the contrary], because people evacuate in its presence every day but it is not annulled as a consequence. 'But I maintain that [R. Gamaliel's answer] was not fallacious,'<sup>13</sup> — because [in the case of Peor] such was the mode of its worship, but [with Aphrodite] it was not the mode of her worship.

Abaye said: [It can be shown that the reply was] fallacious from the fact that he told him, 'I DID NOT COME INTO HER DOMAIN, SHE HAS COME INTO MINE.' And if he had come into her domain, what of it?<sup>14</sup> For we learn: If an idol has a bath-house or garden, we may use either so long as it is not to the advantage [of idolatry],<sup>15</sup> but we may not use either if it is to its advantage!<sup>16</sup> 'But I maintain that [R. Gamaliel's answer] was not fallacious,'<sup>17</sup> — because no token of recognition by R. Gamaliel was as valued as a token of recognition by other men.<sup>18</sup>

R. Shimi b. Hiyya said: [It can be shown that the reply was] fallacious from the fact that he told him, 'THIS [STATUE] STANDS BY A SEWER AND ALL PEOPLE URINATE BEFORE IT.' And if people do urinate before it, what of it? For we learn: If he spat before it, urinated before it, dragged it [in the dust] or hurled excrement at it, behold it is not annulled!<sup>19</sup> 'But I maintain that [his answer] was not fallacious.' There [in the Mishnah just cited] the man may have been momentarily incensed against the idol and subsequently made his peace with it; but here [in the case of the Aphrodite image] it is constantly treated in this contemptuous manner.

Rabbah b. 'Ulla said: [It can be shown that the reply was] fallacious from the fact that he told him, 'NOBODY SAYS, THE BATH WAS MADE AS AN ADORNMENT FOR APHRODITE, BUT APHRODITE WAS MADE AS AN ORNAMENT FOR THE BATH. And if one said that the bath

was made as an adornment for Aphrodite, what of it? For it has been taught: If one says, 'This house is for an idol, this cup is for an idol,' he has said nothing because there can be no dedication to an idol!<sup>20</sup> 'But I maintain that [his answer] was not fallacious.' Granted that [the use of the bath] is not actually forbidden, it is nevertheless intended as an ornament [of the idol, and is consequently prohibited].

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(1) The word for 'philosopher' is doubtless a corruption of a proper noun (v. Bacher, *Agada d. Tan.*, I, p. 86 n.).

(2) Baths were frequently adorned with statues of deities. v. Krauss, *Tal. Arch.*, I, p. 218.

(3) Deut. XIII, 18.

(4) Owing to the nudity of the persons there.

(5) The bath existed before the image of Aphrodite was set up in it and it was constructed for general use.

(6) Deut. VII, 16; XII, 2.

(7) To answer him at all while in the bath.

(8) And not Hebrew, and therefore it is permissible.

(9) And while he was in there he made no reply at all. This is a more correct version than that given in the Mishnah.

(10) According to R. Oshaia.

(11) That would not annul the idol.

(12) The name of a heathen deity; v. Num. XXV, 3.

(13) What follows is in explanation of the vague statement of R. Hama.

(14) That the use thereof should then be prohibited.

(15) There is no payment or recognition of any kind for the use.

(16) *Infra* 51b.

(17) V. p. 221, n. 8.

(18) Since he was so eminent, the heathens would consider it an honour for him to use the bath gratis if it had really been dedicated to Aphrodite; so that if the bath had been there first it would have been impossible for him to have entered such a bath.

(19) *Infra* 53a.

(20) By word of mouth; it must be formally offered to the idol (*Tosef.* 'Ar. IV).

## **Talmud - Mas. Avodah Zarah 45a**

MISHNAH. IF IDOLATERS WORSHIP MOUNTAINS AND HILLS THESE ARE PERMITTED;<sup>1</sup> BUT WHAT IS UPON THEM<sup>2</sup> IS PROHIBITED, AS IT IS SAID, THOU SHALT NOT COVET THE SILVER OR THE GOLD THAT IS ON THEM.<sup>3</sup> R. JOSE THE GALILEAN SAYS: [IT IS STATED] THEIR GODS UP ON THE HIGH MOUNTAINS,<sup>4</sup> NOT THEIR MOUNTAINS WHICH ARE THEIR GODS, AND THEIR GODS UPON THE HILLS, NOT THEIR HILLS WHICH ARE THEIR GODS.<sup>5</sup> BUT WHY IS AN ASHERAH PROHIBITED?<sup>6</sup> BECAUSE THERE WAS MANUAL LABOUR CONNECTED WITH IT,<sup>7</sup> AND WHATEVER HAS MANUAL LABOUR CONNECTED WITH IT IS PROHIBITED. R. AKIBA SAID: LET ME EXPOUND AND DECIDE [THE INTERPRETATION] BEFORE YOU: WHEREVER YOU FIND A HIGH MOUNTAIN OR ELEVATED HILL OR GREEN TREE, KNOW THAT AN IDOLATROUS OBJECT IS THERE.<sup>8</sup>

GEMARA. But R. Jose the Galilean holds the same opinion as the first teacher [in the Mishnah]!<sup>9</sup> — Rami b. Hama said in the name of R. Simeon b. Lakish: The issue between them is whether the covering on a mountain is identical with the mountain. The first Tanna holds that the covering on a mountain is not identical with the mountain and is prohibited, whereas R. Jose the Galilean holds that the covering on a mountain is identical with the mountain [and is permitted]. R. Shesheth said: All agree that the covering on a mountain is not identical with the mountain,

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(1) E.g., to quarry there or use the plants which grow on the slopes.

(2) If they had been adorned with precious metals.

(3) Deut. VII, 25.

(4) Ibid. XII, 2.

(5) He therefore holds that the mountains and hills are permitted.

(6) The text continues, and under every green tree, and R. Jose would not argue under the tree and not the tree itself!

(7) It had been planted by somebody for idolatrous worship, whereas mountains are the work of nature.

(8) I.e., neither the mountains nor what is upon them are prohibited, but only the object which is actually worshipped, as the passage is intended only to tell the people where they were likely to find the idols which they were commanded to destroy.

(9) Why, then, is his view separately expressed?

### **Talmud - Mas. Avodah Zarah 45b**

and here they differ with regard to a tree which had been planted<sup>1</sup> and was subsequently worshipped. The first Tanna holds that a tree which had been planted and was subsequently worshipped is permitted, whereas R. Jose the Galilean holds that such a tree is prohibited. From where [is it deduced that R. Jose is of this opinion]? — From what he stated in the latter part of the Mishnah: **BUT WHY IS AN ASHERAH PROHIBITED? BECAUSE THERE WAS MANUAL LABOUR CONNECTED WITH IT, AND WHATEVER HAS MANUAL LABOUR CONNECTED WITH IT IS PROHIBITED;** and what does the phrase, **WHATEVER HAS MANUAL LABOUR CONNECTED WITH IT,** mean to include? It surely includes the case of a tree which had been planted and was subsequently worshipped.

R. Jose son of R. Judah likewise holds that a tree which had been planted and was subsequently worshipped is prohibited; for it has been taught: R. Jose son of R. Judah says: Since it is stated, Their gods upon the high mountains — and not the mountains which are their gods, Their gods upon the hills — and not the hills which are their gods, I might have [similarly] understood, Their gods under every green tree — and not the green tree itself which is their god, therefore there is a text to state, **And burnt their Asherim with fire.**<sup>2</sup> Why, then, is there need for the phrase, **under every green tree?** — This is required in accordance with the teaching of R. Akiba; for R. Akiba said: **LET ME EXPOUND AND DECIDE [THE INTERPRETATION] BEFORE YOU:-WHEREVER YOU FIND A HIGH MOUNTAIN OR ELEVATED HILL OR GREEN TREE, KNOW THAT AN IDOLATROUS OBJECT IS THERE.**<sup>3</sup>

What do the Rabbis make of, ‘and burn their Asherim with fire’?<sup>4</sup> — It is required to cover the case of a tree which had been planted in the first instance for idolatry.<sup>5</sup> And does not R. Jose son of R. Judah likewise require the same text for this rule? — Indeed so. Whence then does he derive his teaching that a tree which had been planted and was subsequently worshipped [is prohibited]? — He derives it from, and hew down their Asherim,<sup>6</sup> Which tree has its later growth<sup>7</sup> prohibited while its root is permitted? Answer that it is a tree which had been planted and was subsequently worshipped. But surely the teaching uses the phrase, ‘and burn their Asherim with fire’!<sup>8</sup> — He employs the argument ‘if it had not been stated’ as follows: If it had not been stated, ‘and burn their Asherim with fire’, I would have said that, ‘and hew down their Asherim’, refers to a tree which had been originally planted for idolatry; but since it is written, ‘and burn their Asherim with fire’, the phrase, ‘and hew down their Asherim’, is superfluous; [so it must be employed] to refer to a tree which had been planted and was subsequently worshipped.

What do the Rabbis make of the phrase, ‘and hew down their Asherim’? — [They explain it] according to the view of R. Joshua b. Levi; for R. Joshua b. Levi said: The felling of idolatrous trees takes precedence of the conquest of the land of Israel,<sup>9</sup> but the conquest of the land of Israel takes precedence of the burning of idolatrous trees. For R. Joseph learned: Ye shall break down their altars<sup>10</sup> — and leave them,<sup>11</sup> and dash in pieces their pillars — and leave them. Can it enter your mind that they are to be left?<sup>12</sup> They must be burnt! — R. Huna said: [The meaning is,] Pursue [the

enemy after breaking the altars and pillars] and then burn them [immediately afterwards]. Whence does R. Jose son of R. Judah derive this rule?<sup>13</sup> He derives it from, ye shall surely destroy<sup>14</sup> — destroy [by breaking them] and after [conquering the land] ye shall destroy [the Asherim by burning them]. How do the Rabbis [explain this phrase]? — They require it for the rule that when one destroys an idol he must eradicate every trace of it, Whence does R. Jose son of R. Judah [derive the rule] that he must eradicate every trace of it? — He derives it from, and ye shall destroy their name out of that place.<sup>15</sup> And how do the Rabbis [explain that phrase]? — That the idol must be renamed;<sup>16</sup> for it has been taught: R. Eliezer says: Whence is it that when one destroys an idol he must eradicate every trace of it? — There is a text to state, And ye shall destroy their name.

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(1) Not as an idol but to produce fruit.

(2) Deut, XII, 3.

(3) [This proves that R. Jose b. R. Judah prohibits the use of a tree that had been planted and subsequently worshipped, for otherwise he could have explained the phrase, ‘under’ every green tree as teaching that ‘the green tree itself which is their god’, if it had not been originally planted as an idol, is permitted.]

(4) Since they permit the trees that had not been planted for idolatrous worship.

(5) This, they agree, must not be used.

(6) Ibid. VII, 5, i.e., the tree must be cut down and not used, but its root is permitted.

(7) After the trunk had been felled,

(8) To deduce the prohibition by R. Jose b. R. Judah of such a tree.

(9) As the Israelites marched through Canaan they must cut down these trees and leave the trunks to be burnt after the campaign was over.

(10) Deut. VII, 5.

(11) The Torah does not add: and burn them.

(12) They might be put together and worshipped!

(13) Since he applies this verse to a tree which had been planted and then worshipped.

(14) Ibid. XII, 2, lit., ‘destroy ye shall destroy.’

(15) Ibid. 3.

(16) When its name is attached to a shrine.

## **Talmud - Mas. Avodah Zarah 46a**

R. Akiba said to him: But has it not been already stated, Ye shall surely destroy? If so, why is there a text to state, And ye shall destroy their name out of that place? — [Its purpose is to teach that] an idol must be renamed. It is possible to think [it may be renamed] for praise.<sup>1</sup> Can it enter your mind [that the renaming] is for praise? But it is possible to think [that the renaming may be] neither for praise nor contempt; therefore there is a text to state, Thou shalt utterly detest it, and thou shalt utterly abhor it.<sup>2</sup> How is it, then? If [the heathens] called it Beth Galya [house of revelation], call it Beth Karya [house of concealment]; if they called it ‘En Kol [the all-seeing eye], call it ‘En Koz [the eye of a thorn].

A tanna recited as follows in the presence of R. Shesheth: If idolaters worship mountains and hills, these latter are permissible but the worshippers [should be destroyed] with the sword; [if they worshipped] plants and herbage, these latter are prohibited but the worshippers [should be destroyed] with the sword. [R. Shesheth] said to him: Who tells you that? It must be R. Jose son of R. Judah who declared: A tree which had been planted and was subsequently worshipped is prohibited. But let [R. Shesheth] apply [the statement reported by the tanna] to a tree which had been planted for idolatry at the outset and [make it agree with the view of] the Rabbis! — This cannot enter your mind, because it states the analogy of a mountain: as with a mountain it was not planted for idolatry at the outset, so with this also it was not planted for idolatry at the outset.

It has been stated: If boulders become detached from a mountain, the sons of R. Hiyya and R.

Johanah [take different views];<sup>3</sup> one says that they are prohibited and the other that they are permitted. What is the reason of him who says they are permitted? — [The boulders are] like the mountain; and as the mountain is something with which no manual labour has been connected and is permitted, so these likewise have had no manual labour connected with them and are permitted. [But it may be argued] that a mountain is immovable!<sup>4</sup> — The case of an animal will prove [the contrary].<sup>5</sup> [Here again it may be argued] that an animal [is only permitted] because it is an animate being! — The case of a mountain proves [the contrary].<sup>6</sup> Therefore the conclusion returns,<sup>7</sup> because the two examples<sup>8</sup> are dissimilar; but the point common to them both is that with neither has there been any manual labour and each is permitted. Consequently everything is permitted with which there has been no manual labour.

[But it may be argued that] the point common to them both is that they have not changed from their natural form!<sup>9</sup> — [Well then, derive that a boulder is permitted by] an analogy drawn between an animal which has become blemished and a mountain;<sup>10</sup> or [it may be drawn] also between an unblemished animal and a withered tree.<sup>11</sup> As for him who prohibits [the boulders], it is because Scripture declares, Thou shalt utterly detest it, and that, shalt utterly abhor it — although it is possible to reason to the conclusion that they are permitted, yet do not draw that conclusion.<sup>12</sup>

It can be proved that it is the sons of R. Hiyya<sup>13</sup> who permit their use; because Hezekiah asked: How is it if a man set up an egg to worship it? This question must be understood in the sense that the man had the intention of worshipping it and did worship it; and the point of [Hezekiah's] query is whether the setting up of the egg is to be considered an action<sup>14</sup> or not. Consequently [his opinion must be that] if the man had not set it up, it is not prohibited [to be used].<sup>15</sup> Conclude, therefore, that it was the sons of R. Hiyya who permitted [the use of the boulders]! — No; I can always maintain that it was the sons of R. Hiyya who prohibited their use, because if the man worshipped [the egg], even though he had not set it up,<sup>16</sup> it would be prohibited [according to their view]; and the circumstance with which we are dealing here is where he set up an egg to worship but did not worship it. Now according to whom [is the question of its permissibility to be decided]? If according to him who says that the idolatrous object of an Israelite is prohibited forthwith, then it is prohibited;<sup>17</sup> if according to him who says [that such an object is not prohibited] until it has been actually worshipped, behold the man has not worshipped it!<sup>17</sup> — No;<sup>18</sup> but it is necessary [to suppose the following case]: If he, e.g., set up an egg to worship but did not do so, and an idolater came and worshipped it [is it permitted] regard being had to what Rab Judah said in the name of Samuel:<sup>19</sup> If an Israelite set up a brick to worship [but did not do so] and an idolater came and worshipped it, it is prohibited. And [Hezekiah] asked thus the question: [Does he specify] a brick because its erection is conspicuous, but the law is otherwise with an egg;<sup>17</sup> or perhaps there is no difference? — The question remains unanswered.

Rami b. Hama asked: If a man worshipped a mountain, may its stones be used to build an altar [to God]?<sup>20</sup>

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(1) I.e., to give it a better-sounding name.

(2) Ibid. VII, 26.

(3) As to whether they may be used, the mountain had been worshipped.

(4) And a boulder is not fixed in the ground and therefore the two are not comparable, with the consequence that a boulder should not be permitted.

(5) Since it is not fixed in the ground; and yet, if it had been worshipped, it may be put to a secular use.

(6) Because it is inanimate and yet permitted.

(7) To what was stated at first, viz., the boulders are permitted.

(8) The mountain and the animal.

(9) And for that reason an animal or mountain is permitted; but this is not so with a boulder because it is now a movable object and should therefore be prohibited.

- (10) If the animal, while unblemished, was worshipped, it may be used later if it became blemished. Therefore the criterion of not having changed its form cannot apply to the boulder.
- (11) The latter, despite the change it has undergone in its condition, is permitted solely on the ground that the existence thereof, like that of the beast, is not due to human action.
- (12) In order to carry out the strict law of Scripture and only allow what the Torah expressly permits. Therefore that reason must apply also to a boulder.
- (13) Their names were Judah and Hezekiah.
- (14) I.e., the effect of human labour.
- (15) So it all depended upon whether there had been manual labour, and the same criterion applies to the boulders.
- (16) And so there had been no manual labour. Consequently the illustrations of the boulder and egg are not analogous.
- (17) And what was the point of Hezekiah's query?
- (18) It is agreed that Hezekiah asked his question on the view of the one who holds that the idolatrous object of an Israelite must first be worshipped before it is prohibited.
- (19) *Infra* 53b; the reading is 'Rab'. (8) Since it is a small object.
- (20) Is it analogous to an animal which has been worshipped? It cannot be offered to God but may be used by man.

### **Talmud - Mas. Avodah Zarah 46b**

Does the law prohibiting the use in the divine Service of objects which have been worshipped apply to things fixed in the ground or does it not? And if you decide that this law does apply to things fixed in the ground, are objects necessary for the preparation of a sacrifice<sup>1</sup> analogous to the sacrifice or not?<sup>2</sup> — Raba said: It is an a fortiori conclusion: if the hire of a harlot is usable for secular purposes when it is an object which is not fixed in the ground, but is prohibited in the divine Service when it is an object fixed in the ground<sup>3</sup> (as it is written, Thou shalt not bring the hire of a harlot, or the wages of a dog<sup>4</sup> — consequently it is immaterial [with the divine Service] whether it is not fixed in the ground or is fixed), how much more must a worshipped object, whose use for secular purposes is prohibited when it is not fixed, be prohibited in the divine Service when it is fixed! R. Huna the son of R. Joshua said to Raba: The reverse conclusion may be deduced, thus: If a worshipped object may not be used for secular purposes when unfixed but is permitted in the divine Service when fixed (as it is said, Their gods upon the high mountains, not the mountains which are their gods — consequently it is immaterial whether it is for secular use or for the divine Service), how much more must the hire of a harlot which is usable for secular purposes when it is unfixed be permissible in the divine Service when it is fixed! And if [you would argue that this conclusion is inadmissible] because of the words, into the house of the Lord thy God,<sup>5</sup> they are required in accordance with this teaching: Into the house of the Lord thy God excludes a [red] heifer which does not enter the Sanctuary<sup>6</sup> — such is the statement of R. Eliezer; but the Sages say: Their purpose is to include plates of beaten gold.<sup>7</sup>

[Raba] replied to [R. Huna]: I reason from the lenient to the strict view and you reason from the strict to the lenient view; and the rule is that where it is possible to reason to both conclusions we argue to the strict view. R. Papa said to Raba: But is it a fact that where it is possible to reason to both conclusions we never argue to the lenient view? Behold there is the example of the sprinkling in connection with the Passover<sup>8</sup> on which R. Eliezer and R. Akiba differ; for R. Eliezer holds the strict view and makes the man liable [to bring the Paschal lamb] and R. Akiba holds the lenient view and absolves him.<sup>9</sup> And still R. Akiba argues for the lenient conclusion; for we have learnt: R. Akiba said: Rather conclude the reverse: if the sprinkling which is only (forbidden on the Sabbath) on account of shebuth<sup>10</sup> does not supersede the Sabbath, how much more must the act of slaughtering [the Paschal lamb which is a form of work prohibited] by the Torah not [supersede the Sabbath]!<sup>11</sup> — [No;] in that matter R. Eliezer had himself taught him,<sup>12</sup> but had forgotten his own teaching; so R. Akiba came and reminded him of it. That is why [R. Akiba] said to him, 'My master! do not make me an atonement in the time of judgment!<sup>13</sup> Thus have I received the teaching from you: Sprinkling [is prohibited] on account of shebuth and it does not supersede the Sabbath.'<sup>14</sup>

Rami b. Hama asked: How is it if a man had worshipped standing-corn [in a field]; may it be subsequently used for meal-offerings? Does a change in form<sup>15</sup> (make permissible) what had been used for idolatrous worship or does it not have that effect? — Mar Zutra son of R. Nahman said: Come and hear: In cases where [animals] are prohibited from being offered upon the altar, their young are permissible for that purpose;<sup>16</sup> and in this connection it was taught that R. Eliezer forbids [the young as offerings].<sup>17</sup> But was it not stated on that subject; R. Nahman said in the name of Rabbah b. Abbahu:<sup>18</sup> The difference of opinion is over the circumstance where the animals had been unnaturally used and had then conceived,

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(1) As, e.g., the altar.

(2) If they are, then they cannot be used in the divine Service.

(3) Suppose he gave her a house, it may not be sold and the proceeds used for the purposes of the Sanctuary.

(4) Deut. XXIII, 19.

(5) Ibid.

(6) V. Num. XIX, 3. The red heifer was burnt outside the camp and only its ashes were used in the Sanctuary. Therefore the woman's hire may be used to purchase the animal.

(7) To decorate the walls of the Temple. These may not be purchased from her hire (Tosef. Par, I).

(8) I.e., a man had become defiled through contact with a dead body, and his seventh day, when he should be sprinkled with the water of purification occurred on the eve of Passover. If that day is the Sabbath, is the purification to be postponed?

(9) And they both employ the a fortiori argument. V. Pes. VI, 2.

(10) V. Glos.

(11) [Whereas R. Eliezer had previously argued to the effect that sprinkling supersedes the Sabbath.]

(12) Viz., R. Akiba, that in such a circumstance the sprinkling is forbidden on the Sabbath.

(13) I.e., do not say to me that my death be an atonement for my sins (v. Pes. 69a). In other words, do not show anger against me for contradicting your argument.

(14) In this illustration R. Akiba only employed his argument to refute his master's mistaken teaching. We have not, therefore, a genuine case against the rule quoted by Raba.

(15) The corn being now ground into flour.

(16) So by analogy the flour should be permitted.

(17) Hence the query propounded by Rami is a point of issue between Tannaim.

(18) Rashi corrects the text to: Raba said in the name of R. Nahman. In the parallel passage (Tem. 30b) the reading is: R. Huna b. Hinnena said in the name of R. Nahman.



## Talmud - Mas. Avodah Zarah 47a

but when they had conceived and then been unnaturally used, all agree that [the young] are forbidden [as offerings]?<sup>1</sup> Similarly here [with the standing-corn] it is analogous to the circumstance where the animals conceived and had then been unnaturally used.<sup>2</sup> Others declare that [Mar Zutra himself quoted the following statement of R. Nahman:] ‘The difference of opinion is over the circumstance where the animals had been unnaturally used and then conceived, but when they had conceived and then been unnaturally used, all agree that [the young] are forbidden [as offerings]. Similarly here [with the standing-corn] it is analogous to the circumstance where the animals conceived and had then been unnaturally used,’<sup>3</sup> But is the analogy correct? In the one instance it was originally an animal<sup>4</sup> and now it is an animal, only the door had been closed in its face;<sup>5</sup> but in the other instance it was originally wheat and now it is flour!

R. Simeon b. Lakish asked: How is it if a man had worshipped a palm-tree, may its branch be used for the fulfilment of the commandment?<sup>6</sup> If it was a tree originally planted for idolatry the question does not arise, because it is prohibited even for secular use; but the question does arise with a tree which had been planted and subsequently worshipped. Now according to the view of R. Jose son of R. Judah,<sup>7</sup> [even then] the question does not arise because it is prohibited by him even for secular use; but the question does arise according to the view of the Rabbis.<sup>8</sup> How, then, is [the branch] to be regarded in connection with the fulfilment of a commandment; is it to be rejected in the divine Service or not? — When R. Dimi came<sup>9</sup> he said: [R. Simeon b. Lakish] asked the question in connection with an Asherah<sup>10</sup> which had been annulled: Does a disability continue in respect of commandments or not?<sup>11</sup> — You can solve this problem from what we have learnt: If one covered it,<sup>12</sup> and it became uncovered,<sup>13</sup> he is free from the obligation to cover it again; but if the wind covered it,<sup>14</sup> he is obliged to cover it himself. And Rabbah b. Bar Hanah said in the name of R. Johanan: This teaching only applies when the wind again uncovered it,<sup>15</sup> but if the wind did not again uncover it, he is free from the obligation to cover it. And we raised the question against this point of view: If the wind again uncovered it, what of it?<sup>16</sup> Since [the blood] has been obliterated [by the covering], it is obliterated [once for all]! Thereupon R. Papa said: This proves that a disability does not continue in respect of commandments.<sup>17</sup> But there is a question in connection with this very statement of R. Papa, viz., Is it quite clear to R. Papa that disability does not continue in respect of commandments either to take a lenient<sup>18</sup> or strict<sup>19</sup> view; or perhaps he is doubtful; and we apply [accordingly] this rule to the strict view only and not to the lenient?<sup>20</sup> — The question remains unanswered.

R. Papa asked: How is it if a man worshipped an animal; may its wool be used for blue thread? ‘Blue thread’ for what purpose? If it is for the blue material of the priests’ [garments], that is dealt with in the question of Rami b. Hama!<sup>21</sup> If it is for the blue thread of the zizith,<sup>22</sup> that is dealt with in the question of R. Simeon b. Lakish!<sup>23</sup> — Quite so, there was no need [for R. Papa] to ask about this; but the reason why he raised the question is because there are other similar matters [about which he asked, viz.]: May its wool be used for blue thread, its horns for trumpets, the bones of its legs for flutes, its intestines for harp-strings?<sup>24</sup> According to him, who says that the basis of [Temple-] music is in the instrument, the question does not arise because these are certainly prohibited; but the question does arise according to him who says that the basis of [Temple-] music is in the mouth. Is, then, the purpose [of the instrument] only to sweeten the sound<sup>25</sup> and we may introduce them [when made of these materials], or perhaps even then it is prohibited? — The question remains unanswered.

Rabbah asked: How is it if a man worshipped a fountain; may its water be used for the drink-offerings? What is the point of his question? Is it whether the man worshipped his reflection [in the water],<sup>26</sup> or perhaps he worshipped the water itself?<sup>27</sup> He could, then, have put the same question about a bowl of water and its use for secular purposes!<sup>28</sup> — Certainly [it is assumed] that he worshipped the water; and this is the point of his question: Did he worship the water which was in

front of him and that water has flowed away,<sup>29</sup> or did he worship the whole stream of water? But can [water which has been worshipped] be prohibited at all; for behold R. Johanan said in the name of R. Simeon b. Jehozedek: Water which is public property is not prohibited [if an individual worshipped it]! — No, it was necessary [to ask the question] where it is water which wells up front the earth.<sup>30</sup>

**MISHNAH. IF [AN ISRAELITE] HAS A HOUSE ADJOINING AN IDOLATROUS SHRINE AND IT COLLAPSED, HE IS FORBIDDEN TO REBUILD IT.<sup>31</sup> HOW SHOULD HE ACT? HE WITHDRAWS A DISTANCE OF FOUR CUBITS INTO HIS OWN GROUND AND THERE BUILDS. [IF THE WALL] BELONGED BOTH TO HIM AND THE SHRINE, IT IS JUDGED**

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- (1) Because the act was committed against the animal and its embryo.
  - (2) The flour being in the ears of corn when these were worshipped, it is therefore prohibited.
  - (3) [According to the first version, Mar Sutra expressed no opinion as to the use of the flour for offerings; in the second he forbids it.]
  - (4) When still an embryo.
  - (5) It had an existence as an animal while still in the womb. There had been no essential change as the effect of birth
  - (6) On the Feast of Tabernacles; v. Lev. XXIII, 40.
  - (7) He maintained that if a tree had been planted and afterwards worshipped its use is prohibited. V. supra 45b.
  - (8) Who oppose R. Jose b. R. Judah supra, loc. cit.
  - (9) From Palestine to Babylon.
  - (10) Consisting of a palm-tree.
  - (11) The disability in this case was removed when the Asherah was annulled so far as secular use is concerned: but does it continue when it is a question of using it to carry out a precept of the Torah?
  - (12) The blood of an animal or bird which had been slaughtered; v. Lev. XVII, 13.
  - (13) The wind blew the dust off.
  - (14) The wind blew dust over the blood in the first instance.
  - (15) After covering it in the first instance and it was not covered by the slaughterer.
  - (16) Why is a second covering necessary?
  - (17) [And when the disability is removed the precept, in this case the covering of the blood, must be fulfilled.]
  - (18) And permit the use of a branch for the ritual from an Asherah which has been annulled.
  - (19) And require the second covering of the blood.
  - (20) [And the branch of the Asherah which has been annulled cannot be employed for the precept.]
  - (21) When he asked whether the preparation of a sacrifice is analogous to the sacrifice, since the priestly garments are a preparation. V. infra 46b.
  - (22) V. Glos.
  - (23) Who asked whether the branch of an Asherah can be used in the Feast of Tabernacles.
  - (24) For the music in the Temple.
  - (25) To give an accompaniment to the vocal music.
  - (26) Then obviously it may be used because the water was not worshipped.
  - (27) It would then obviously be prohibited.
  - (28) If that was the point of his question; so why does he ask about a well and its use for drink-offerings?
  - (29) And consequently the fountain may be used even for divine Service.
  - (30) It is the property of an individual. The question remains unanswered.
  - (31) Because by rebuilding his house, he restores the wall of the shrine.

## **Talmud - Mas. Avodah Zarah 47b**

AS BEING HALF AND HALF.<sup>1</sup> ITS STONES, TIMBER AND RUBBISH DEFILE LIKE A CREEPING THING,<sup>2</sup> AS IT IS SAID, THOU SHALT UTTERLY DETEST IT;<sup>3</sup> R. AKIBA SAYS: [IT DEFILES] LIKE A NIDDAH,<sup>4</sup> AS IT IS SAID, THOU SHALT CAST THEM AWAY AS AN UNCLEAN THING, THOU SHALT SAY UNTO IT, GET THEE HENCE.<sup>5</sup> AS A NIDDAH DEFILES [AN OBJECT] BY CARRYING IT, SO ALSO AN IDOLATROUS OBJECT DEFILES

## BY ITS BEING CARRIED.

GEMARA. [But by acting as directed in the Mishnah], he enlarges the space for the shrine! — R. Hanina of Sura said: He should use [the four cubits] for constructing a privy. But it is necessary to safeguard modesty!<sup>6</sup> — He should make a privy for use at night. But behold a Master has said: Who is modest? He who relieves himself at night in the same place where he relieves himself by day!<sup>7</sup> And although we explain that [in that statement] the phrase ‘in the same place’ is to be understood as ‘in the same manner,’<sup>8</sup> still it is necessary to safeguard modesty! — He should, then, make [a privy] for children; or let him fence in the space with thorns and shrubs.<sup>9</sup>

MISHNAH. THERE ARE THREE TYPES OF SHRINES:<sup>10</sup> A SHRINE ORIGINALLY BUILT FOR IDOLATROUS WORSHIP — BEHOLD THIS IS PROHIBITED.<sup>11</sup> IF A MAN PLASTERED AND TILED [AN ORDINARY HOUSE] FOR IDOLATRY AND RENOVATED IT, ONE MAY REMOVE THE RENOVATIONS.<sup>12</sup> IF HE HAD ONLY BROUGHT AN IDOL INTO IT AND TAKEN IT OUT AGAIN, [THE HOUSE] IS PERMITTED.<sup>13</sup>

GEMARA. Rab said: If one worshipped a house, he has rendered It prohibited. Conclude, then, that he holds that an object which is not fixed in the ground and subsequently becomes fixed is like an unfixed object.<sup>14</sup> But the Mishnah deals with a shrine built [originally for idolatry]!<sup>15</sup> — [The prohibition applies to a shrine] built [originally for idolatry] although nobody has yet worshipped in it, and to one in which somebody worshipped although he had not built it.<sup>16</sup> If that be so, the three types [mentioned in the Mishnah] should be four!<sup>17</sup> — Since the reference is to the subject of annulment,<sup>18</sup> the erection [of a shrine] and worshipping there are considered one and the same thing. MISHNAH. THERE ARE THREE KINDS OF [IDOLATROUS] STONES:<sup>19</sup> A STONE WHICH A MAN HEWED ORIGINALLY TO SERVE AS A PEDESTAL [FOR AN IDOL] — BEHOLD THIS IS PROHIBITED. IF A MAN [MERELY] PLASTERED AND STUCCOED [A STONE] FOR IDOLATRY, ONE MAY REMOVE THE PLASTER AND STUCCO, AND IT IS THEN PERMITTED. IF HE SET AN IDOL UPON IT AND TOOK IT OFF, BEHOLD [THE STONE] IS PERMITTED.

GEMARA. R. Animi said: [It is only prohibited] if he plastered and stuccoed in the stone itself.<sup>20</sup> But surely it is, as we learn, analogous to a house; and<sup>21</sup> in the case of a house [the plastering] was not inserted into the material and yet it is prohibited!<sup>22</sup> — Also with the house there is [that kind of plastering] in the space between the bricks. [Since, however, the Mishnah does not mention this,] may we not be dealing with the circumstance where he plastered [a house not for idolatry] and then re-plastered it [for idolatry]?<sup>23</sup> — Therefore, if R. Ammi's teaching is quoted it must be with reference to annulment,<sup>24</sup> and although the man plastered and stuccoed in the stone itself, if he removes the renovation, it is all right — For<sup>25</sup> what you might have said was that since he plastered and stuccoed in the material of the stone, it is analogous to a stone which had been originally hewn for idolatry and the whole of it is prohibited. He consequently informs us [that it is not so].

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(1) So he reckons his four cubits from half the wall's thickness.

(2) V. Lev. XI, 31. Even the debris of his own part of the wall defiles, because it cannot be clearly distinguished from that of the shrine.

(3) Deut. VII, 26.

(4) V. Glos and v. Lev. XV, 19 ff. This is more contaminating.

(5) Isa. XXX, 22. The Heb. word for unclean thing also denotes a woman in her time of uncleanness.

(6) When arranging for the construction of a privy, and here he is not allowed to put up a wall.

(7) Even at night he should go to a walled-in place.

(8) V. Ber. 62a.

(9) And use the space behind as a privy.

(10) With regard to the question of annulment.

- (11) And must be annulled before it can be used.
- (12) And then the house is permitted.
- (13) No annulment is necessary.
- (14) The materials were originally unfixed, but being built into the house are now fixed. Therefore the house is prohibited.
- (15) Consequently if not built with that intention, it should not be prohibited.
- (16) In either case it is forbidden, the Mishnah dealing only with one of the two cases — the former.
- (17) There should be added a fourth category, viz., a shrine built for idolatry but not yet used for that purpose.
- (18) And not prohibiting the house.
- (19) With reference to annulment.
- (20) It was not merely external ornamentation; but incisions had been made in the stone and plaster inserted.
- (21) [Ms. M. omits 'surely . . . and'.]
- (22) V. preceding Mishnah.
- (23) In that case none of the new plaster penetrated, and yet the house is prohibited unless the stucco is removed.
- (24) And not to prohibiting the stone.
- (25) If R. Ammi had not given this explanation.

### **Talmud - Mas. Avodah Zarah 48a**

MISHNAH. THERE ARE THREE KINDS OF ASHERAH: A TREE WHICH HAS ORIGINALLY BEEN PLANTED FOR IDOLATRY — BEHOLD THIS IS PROHIBITED. IF HE LOPPED AND TRIMMED [A TREE] FOR IDOLATRY,<sup>1</sup> AND ITS SPROUTED AFRESH, HE REMOVES THE NEW GROWTH. IF HE ONLY SET [AN IDOL] UNDER IT AND TOOK IT AWAY, BEHOLD THE TREE IS PERMITTED.

GEMARA. Those of the School of R. Jannai said: [When the Mishnah declares that he removes the new growth and then the tree is permitted,] it applies only when he trailed a branch and grafted it on the trunk of the tree.<sup>2</sup> But surely we learnt in the Mishnah: IF HE [MERELY] LOPPED AND TRIMMED!<sup>3</sup> — Therefore if the statement of the School of R. Jannai is quoted it must be with reference to annulment,<sup>4</sup> viz., that although he trained a branch and grafted it on the trunk of the tree, if he removes the new growth [on the grafting], it is all right. For what you might have said was that since he trained a branch and grafted it on the trunk of the tree, it is like a tree which had been originally planted for idolatry and the whole of it is prohibited. Consequently we are informed [that it is not so].

Samuel said: If a man worshipped a tree, the branches which subsequently grow are also prohibited. R. Eleazar quoted against him: IF HE [MERELY] LOPPED AND TRIMMED [A TREE] FOR IDOLATRY, AND ITS SPROUTED AFRESH, HE REMOVES THE NEW GROWTH — therefore if he lopped and trimmed it the new growth is [prohibited] otherwise it is not! — Samuel could reply: Whose is [the teaching of the Mishnah]? It is the Rabbis',<sup>5</sup> whereas Samuel's view agrees with that of R. Jose b. Judah who said: If a tree was planted and subsequently worshipped it is prohibited. R. Ashi objected to this explanation: How do we know that R. Jose b. Judah and the Rabbis differ on the question of the new growth? Perhaps they all agree that it is prohibited, and it is on the question of [the permissibility of] the trunk itself that they are at variance! For R. Jose b. Judah holds that the trunk [of a tree which has been worshipped] is likewise prohibited<sup>6</sup> since it is stated, And burn their Asherim with fire, and the Rabbis hold that the trunk of the tree is permitted since it is stated, And hew down their Asherim-which tree has its hewn part prohibited while the trunk is permitted? Answer that it is a tree which had been planted and was subsequently worshipped! Should you retort to this: But we have not explained [the verses] in this way above!<sup>7</sup> [I could reply:]<sup>8</sup> Reverse the interpretation of the passages cited respectively by the Rabbis and R. Jose b. Judah!<sup>9</sup> — [This is an impossible suggestion:] because if that were so, who taught the passage in the Mishnah: IF HE LOPPED AND TRIMMED?<sup>10</sup> It cannot be either the Rabbis or R. Jose b.

Judah; because according to the Rabbis, even if he did not lop and trim the tree, the new growth would still be prohibited, and according to R. Jose b. Judah even the trunk of the tree is prohibited! [No.] If you wish I can say that [the Mishnah agrees] with either the Rabbis or R. Jose b. Judah. I can say that it agrees with R. Jose b. Judah, because he maintained that the trunk is prohibited when the tree has not been lopped and trimmed,<sup>11</sup> but if the man lopped and trimmed it then he revealed that his intention was to worship the new growth and not the trunk.<sup>12</sup> I can likewise say that it agrees with the Rabbis, and [as to the phrase] IF HE LOPPED AND TRIMMED, It is necessary [to mention it] since I might have otherwise imagined that for the reason that he does this to the tree itself the trunk is also prohibited, Consequently we are informed [that the prohibition extends only to the new growth].<sup>13</sup>

MISHNAH. WHAT IS AN ASHERAH? ANY [TREE] BENEATH WHICH THERE IS AN IDOL. R. SIMEON SAYS: ANY [TREE] WHICH IS WORSHIPPED. IT HAPPENED AT SIDON<sup>14</sup> THAT THERE WAS A TREE WHICH WAS WORSHIPPED AND THEY FOUND A HEAP OF STONES BENEATH IT. R. SIMEON SAID TO THEM, 'EXAMINE THIS HEAP.' THEY EXAMINED IT AND DISCOVERED AN IMAGE IN IT, HE SAID TO THEM, 'SINCE IT IS THE IMAGE THAT THEY WORSHIP, WE PERMIT THE TREE FOR YOU.'<sup>15</sup>

GEMARA. [The Mishnah asks:] WHAT IS AN ASHERAH? But we learnt above: There are three kinds of Asherah!<sup>16</sup> — What he means is this: There is agreement about two kinds,<sup>17</sup> but in connection with the third there is a difference of opinion between R. Simeon and the Rabbis. [Therefore the Mishnah must be construed thus:] What is the Asherah about which R. Simeon and the Rabbis differ? Any [tree] beneath which there is an idol. R. Simeon says: Any [tree] which is worshipped.

How is an Asherah which is not specified as such [to be recognised]?<sup>18</sup> — Rab said: Any tree beneath which heathen priests sit but do not partake of its fruits.<sup>19</sup> Samuel said: Even if [the priests beneath it] say, 'These dates are for a Christian place of worship,'<sup>20</sup> the tree is prohibited because<sup>21</sup> they brew an intoxicating liquor from them which they drink on their feast days. Amemar said: The elders of Pumbeditha<sup>22</sup> told me that the legal decision is in agreement with Samuel. [

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(1) I.e., to worship what would from then grow upon it.

(2) The Mishnah only refers to what grows on the grafted branch as being prohibited; and if he had merely trimmed the tree without grafting on to it, it would not be prohibited.

(3) And nothing is said about grafting.

(4) And not in connection with declaring the tree prohibited at the outset.

(5) Who allow a tree to be used if it was not originally planted for idolatry. (5) And the prohibition includes the new growth, v. supra 45b.

(6) Even when a tree was not originally planted for idolatry.

(7) Supra 45b. R. Jose used the text and hew down their Asherim exactly as the Rabbis do here. Consequently he does not differ from them on the permissibility of the trunk of a tree which had not been originally planted for idolatry, and the point of variance must be the new growth which the Rabbis permit and R. Jose prohibits.

(8) Since the interpretation of and burn their Asherim ascribed here to R. Jose is nowhere explicitly stated but was assumed to be his, the assumption may be wrong and he does differ from the Rabbis on the question of the trunk.

(9) Viz., R. Jose prohibits the root and the Rabbis permit it, but the Rabbis likewise prohibit the new growth and so Samuel agrees with their opinion.

(10) The implication being that if he did not lop and trim it, the new growth is permitted!

(11) [The text in current edd. is difficult, Rashi preserves the simpler reading, adopted in this rendering, v. a.l.]

(12) So in such a circumstance he prohibits the new growth and not the root.

(13) And so Samuel's view will agree both with R. Jose b. Judah and the Rabbis.

(14) A Biblical city in Phoenicia.

(15) Not 'for them,' as in the edd.

- (16) The logical order would be first to define an Asherah and then enumerate the three kinds.  
 (17) First mentioned in the preceding Mishnah.  
 (18) How can it be distinguished from an ordinary tree?  
 (19) This is evidence that they worship the tree.  
 (20) Lit., 'for the house of Nizrefe', a cacophemistic disguise of Nozrae, 'the Nazarenes', (Jast.) [Ginzberg. L., MGWJ., LXXVII, regards it as the name of a Persian house of worship meaning 'the Asylum of Helplessness'.]  
 (21) Although they do not worship the tree.  
 (22) [By the elders of Pumbeditha are meant Rab Judah and R. 'Ena, v. Sanh. 17b.]

## **Talmud - Mas. Avodah Zarah 48b**

MISHNAH. ONE MAY NOT SIT IN ITS SHADOW,<sup>1</sup> BUT IF HE SAT HE IS UNDEFILED. NOR MAY HE PASS BENEATH IT,<sup>2</sup> AND IF HE PASSED HE IS DEFILED. IF IT ENCROACHES UPON THE PUBLIC ROAD AND HE PASSED BENEATH HE IS UNDEFILED.<sup>3</sup>

GEMARA. [The Mishnah states:] ONE MAY NOT SIT IN ITS SHADOW — this is obvious!<sup>4</sup> — Rabbah b. Bar Hanah said in the name of R. Johanan: There is no necessity to mention it but for the case of the shadow of its shadow.<sup>5</sup> Is it to be inferred that if he sat in the shadow corresponding to the height of the tree he is defiled? — No, because even if he sat in the shadow corresponding to the height of the tree he is also undefiled, yet we are informed that one may not sit even in the shadow of its shadow. There are some who apply this teaching to the continuation: BUT IF HE SAT HE IS UNDEFILED — this is obvious!<sup>6</sup> — Rabbah b. Bar Hanah said in the name of R. Johanan: There is no necessity to mention it but for the case of the shadow corresponding to the height of the tree. Is it to be inferred that even ab initio he may sit in the shadow of its shadow? No; but we are informed that even if he sat in the shadow corresponding to the height of the tree he is undefiled.<sup>7</sup>

NOR MAY HE PASS BENEATH IT, AND IF HE PASSED HE IS DEFILED. What is the reason? — Because it is impossible that there should be no [remains] of idolatrous offerings there. Whose teaching is this? — It is that of R. Judah b. Bathyra; for it has been taught: R. Judah b. Bathyra says: Whence is it that an idolatrous offering communicates defilement within a space which is covered over? Because it is said, They joined themselves also unto Baal-Peor, and ate the sacrifices of the dead<sup>8</sup> — as a dead body communicates defilement in a space which is covered over, so an idolatrous offering communicates defilement in a space which is covered over.

IF IT ENCROACHES UPON THE PUBLIC ROAD AND HE PASSED BENEATH IT HE IS UNDEFILED. The question was asked: [Is the word to be read] 'passed' or 'passes'?<sup>9</sup> — R. Isaac b. Eleazar said in the name of Hezekiah: It should be 'passes', but R. Johanan said: [The reading is] IF HE PASSED; and yet there is no difference of opinion between them — One [has in mind] if there is another road,<sup>10</sup> and the other if there is not another road.

R. Shesheth<sup>11</sup> said to his attendant, 'When you reach there,<sup>12</sup> hurry me past.' How is this to be understood? If there was no other road, why need he say, 'Hurry me past, since it is permitted? If, however, there was another road, when he said, 'Hurry me past, was that permissible? Certainly there was no other road; but with an eminent man it is different.<sup>13</sup>

MISHNAH. THEY MAY SOW VEGETABLES BENEATH IT IN WINTER<sup>14</sup> BUT NOT IN SUMMER,<sup>15</sup> AND LETTUCE NEITHER IN SUMMER NOR WINTER.<sup>16</sup> R. JOSE SAYS: NOR MAY VEGETABLES [BE PLANTED] IN WINTER BECAUSE THE FOLIAGE FALLS UPON THEM AND BECOMES MANURE FOR THEM. GEMARA. Is this to say that R. Jose holds that a product of combined causes is prohibited<sup>17</sup> and the Rabbis hold that a product of combined causes is permitted? But we heard the reverse in connection with them, for we have learnt: R. Jose says: He may grind [an idol] to powder and scatter it to the wind or throw it into the sea. They said to him:

Even so it may then become manure, as it is stated, And there shall cleave nought of the devoted thing to thine hand!<sup>18</sup> Here we have the Rabbis contradicting themselves and R. Jose contradicting himself!<sup>19</sup> It is quite right, there is no contradiction in the teaching of R. Jose. In the case just cited since the man proceeds to destroy [the idol],<sup>20</sup> [R. Jose] permits [the use of the dust as manure]; but in the case [dealt with in our Mishnah], where he does not proceed to destroy [the idol], [the dust] is prohibited [as manure]. But the Rabbis contradict themselves! — Reverse [the statements in our Mishnah].<sup>21</sup> Or if you wish I can say that there is no need to reverse them.<sup>22</sup> The opinion of R. Jose is as we explained;<sup>23</sup> and that of the Rabbis is as R. Mari the son of R. Kahana said: What makes the hide valuable decreases the value of the meat.<sup>24</sup> Similarly here, the benefit gained through the foliage is lost by reason of the shade.<sup>25</sup>

Does, however, R. Jose hold that a product of combined causes is prohibited? Behold We have learnt: R. Jose says: We may plant a young shoot which is 'orlah<sup>26</sup> but not a nut which is 'orlah because it is fruit. And Rab Judah said in the name of Rab: R. Jose admits that if one planted [a nut which is 'orlah] or trained and grafted [a young shoot which is 'orlah on an old tree], [the fruit it grows] is permitted!<sup>27</sup> It has been similarly taught R. Jose admits

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- (1) Not the shade of the foliage but the shadow cast by the tree.
  - (2) I.e., beneath its branches; it then forms a tent over him and for that reason he is defiled.
  - (3) [The defilement involved is only due to Rabbinical ruling, and has not been extended by them to these cases.]
  - (4) Because he would be deriving advantage from a prohibited object.
  - (5) Viz., the additional shadow, beyond that corresponding to the height of the tree, which is cast when the soil is in the east or west. The true shadow of the tree is denser than is its extension through the slanting rays of the sun, and the thinner shade is the shadow of the shadow.
  - (6) He has not contracted defilement by touching the tree.
  - (7) If it is an accomplished fact.
  - (8) Ps. CVI, 28. V. supra, 42b,
  - (9) The point at issue is whether we are dealing here with an act which is disallowed ab initio but is condoned as an accomplished fact.
  - (10) Then it is not permitted to pass under an Asherah.
  - (11) He was blind.
  - (12) A place in his town where an Asherah overhung the public road.
  - (13) He interpreted the law for himself in a stricter sense than for an ordinary person. Although he was allowed to pass beneath the tree, he did so as quickly as possible.
  - (14) Lit., 'the days of rain,' which really occur in the late Autumn. The reason why sowing is then permitted is because the proximity of the tree is not beneficial to them at that season.
  - (15) Because the shade is helpful to their growth.
  - (16) Because the shade of the tree is helpful at all seasons.
  - (17) When one of the causes is itself prohibited. The Gemara is here dealing with the vegetables planted in winter. The manure is a prohibited cause, but the soil is permitted.
  - (18) V. supra 43b.
  - (19) The Rabbis here forbid the powder to be used as manure while R. Jose permits it.
  - (20) And the act of destruction is virtual annulment of the idol.
  - (21) Assign to the Rabbis the statement which is attributed to R. Jose.
  - (22) And still there is no contradiction.
  - (23) That he draws a distinction between the case dealt with in our Mishnah and that in regard to the destruction of the idol.
  - (24) If an animal dedicated to the Temple became blemished, it is sold and the proceeds are devoted to its treasury. But the hide is not to be flayed whole, as this would lessen the value of the fish which would be badly cut up in the process, and the gain in the enhanced value of the hide would be counterbalanced by the loss in the value of the flesh.
  - (25) While the fall of the leaves may be beneficial to the vegetables growing there, the shadow cast by the tree is to their detriment. So the gain is set off by the loss

(26) V. Glos.

(27) Despite the fact that one contributory cause, being 'orlah, was prohibited. Rashi gives an alternative explanation: he planted the nut and grafted the shoot which grew from it on an old tree; but he prefers the former because, even without grafting, the shoot which grew from the nut is the effect of combined causes, viz., the nut which is prohibited and the soil which is permitted.

## Talmud - Mas. Avodah Zarah 49a

that if he planted [a nut which is 'orlah] or trained and grafted [a young 'orlah shoot on an old tree], [the fruit it grows] is permitted.<sup>1</sup> And should you say that R. Jose makes a distinction [in respect of combined causes] between idolatry and other prohibitions<sup>2</sup>, does he really make this differentiation? Has it not been taught: If a field has been manured with the manure derived from an idolatrous source or a cow has been fattened on beans derived from an idolatrous source, one Tanna decides that the field may be sown and the cow slaughtered, while another decides that the field must lie fallow<sup>3</sup> and the cow grow lean? Is it not, then, that the former decision is that of R. Jose<sup>4</sup> and the latter that of the Rabbis?<sup>5</sup> — No, the former decision is that of R. Eliezer and the latter that of the Rabbis.<sup>6</sup>

Where have we [a difference between] R. Eliezer and the Rabbis on this question? Can I say it is [the difference] between them in the matter of leaven? For we have learnt: If common leaven and leaven of heave-offering fell into dough,<sup>7</sup> and in each there was an insufficient quantity to cause fermentation, but added together they caused fermentation, R. Eliezer says: I decide according to which [leaven entered the dough] last.<sup>8</sup> But the Sages say: Whether the disqualifying matter fell in first or last, [the dough] is not prohibited unless it is of a sufficient quantity by itself to cause fermentation.<sup>9</sup> And Abaye explained: The teaching [of R. Eliezer] only applies when he first removed the disqualifying matter.<sup>10</sup> but if he did not first remove the disqualifying matter, [the dough] is prohibited.<sup>11</sup> But whence do we know that R. Eliezer's meaning is that offered by Abaye; perhaps his meaning is to be derived from the words, 'I decide according to which [leaven] entered [the dough] last,' i.e., if it ended with what is forbidden then [the dough] is forbidden and if it ended with what is permitted then [the dough] is permitted, whether he first removed the disqualifying matter or not!<sup>12</sup>

Rather is it [the difference] between R. Eliezer and the Rabbis on the question of the wood [of an Asherah]; for we learn: If one took pieces of wood from it, they are forbidden to be used. If he heated a new oven with them, it must be taken to pieces; [if he kindled] an old oven with them, it must be allowed to cool. If he baked bread [in an oven so heated], it is forbidden to be used, and if [the loaf] became mixed with other loaves, they are all prohibited. R. Eliezer says: Let him cast the advantage [he derives] into the Salt Sea. [The Sages] said to him: There is no redemption with an idol.<sup>13</sup> Now which Rabbis<sup>14</sup> differ from R. Eliezer? If I say it is the Rabbis [whose opinion has been quoted on the subject] of the pieces of wood, they take the stricter view!<sup>15</sup> — Therefore it must be the Rabbis [whose opinion has been quoted on the subject] of the leaven.<sup>16</sup> But, then, even though you understood the Rabbis to take the lenient view in connection with leaven, does it follow that they take the lenient view in connection with idolatry!<sup>17</sup> Surely, then, one opinion is R. Jose's and the other is the Rabbis';<sup>18</sup> and R. Jose<sup>19</sup> is merely discussing the statement of the Rabbis, saying to them: According to my opinion, the product of combined causes is permitted; but according to you who maintain that the product of combined causes is prohibited, at least admit to me that<sup>20</sup> also [the sowing of] vegetables in winter [is prohibited]!<sup>21</sup> But the Rabbis [make reply] as R. Mari son of R. Kahana stated.<sup>22</sup> Rab Judah said in the name of Samuel: The halachah agrees with R. Jose.

There was a garden manured with the manure obtained from an idolatrous source. R. Amram sent to R. Joseph [to know how to act with the fruits]. He replied to him: Thus said Rab Judah in the name of Samuel: The halachah agrees with R. Jose.



## MISHNAH

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- (1) This proves that R. Jose permits a product of combined causes.
- (2) He prohibits the product of combined causes only when idolatry is a contributory cause, but not otherwise.
- (3) Until the effect is the manure has passed.
- (4) He allows the field to be sown exactly as he permitted the fruit from the 'orlah.
- (5) Who prohibit the grinding of an idol to powder, lest it be used for manure.
- (6) And so nothing can be quoted of R. Jose inconsistent with his view that the regulation of combined causes only applies in connection with idolatry.
- (7) For ordinary use.
- (8) If the common leaven fell in last, the dough may be eaten by non-priests, otherwise it may not be eaten by them.
- (9) 'Orlah II, 11.
- (10) Viz., the leaven of the heave-offering.
- (11) Whichever fell in last. Consequently we have here an instance of combined causes; and since one of them is prohibited the effect is also prohibited, according to R. Eliezer; whereas according to the Sages it is permitted.
- (12) In view of this uncertainty, it is not possible to derive from the illustration what R. Eliezer's view is on the question of combined causes.
- (13) Quoted from the next Mishnah.
- (14) Who permit the product of combined causes.
- (15) Whereas the attempt is to show that R. Eliezer takes the stricter view on the question of combined causes.
- (16) There they allow dough in which two kinds of leaven had fallen provided the leaven of the offering was insufficient to cause fermentation by itself.
- (17) [And there is thus no proof that the above Baraitha which permits the product of combined causes in the case of idolatry will represent the view of these Rabbis.]
- (18) The former maintaining that the product of combined causes is permitted, the latter that it is prohibited. [There is still no contradiction between the view of R. Jose given in the Baraitha and his ruling in our Mishnah.]
- (19) In the Mishnah, on the subject of planting vegetables in winter.
- (20) [The text is difficult and can only mean 'admit to me that you have here a case of combined products'. Ms. M., however, omits 'at least . . . that'.]
- (21) Since the foliage, which is prohibited, is a contributory cause.
- (22) supra 48b: the advantage derived from the foliage is counterbalanced by the shade cast.

### Talmud - Mas. Avodah Zarah 49b

IF ONE TOOK PIECES OF WOOD FROM IT, THEY ARE FORBIDDEN TO BE USED — IF HE HEATED A NEW OVEN WITH THEM, IT MUST BE BROKEN TO PIECES;<sup>1</sup> [IF HE HEATED] AN OLD OVEN WITH THEM, IT MUST BE ALLOWED TO COOL.<sup>2</sup> IF HE BAKED BREAD [IN AN OVEN SO HEATED], IT IS FORBIDDEN TO BE USED, AND IF [THE LOAF] BECAME MIXED WITH OTHER LOAVES, THEY ARE ALL PROHIBITED,<sup>3</sup> R. ELIEZER SAYS: LET HIM CAST THE ADVANTAGE [HE DERIVES] INTO THE SALT SEA.<sup>4</sup> [THE SAGES] SAID TO HIM: THERE IS NO REDEMPTION WITH AN IDOL. IF ONE TOOK [A PIECE OF WOOD] FROM IT [TO USE AS] A SHUTTLE, IT IS FORBIDDEN TO BE USED. IF HE WOVE A GARMENT WITH IT, IT IS FORBIDDEN TO BE USED. IF [THE GARMENT] BECAME MIXED WITH OTHERS, AND THESE WITH OTHERS, THEY ARE ALL FORBIDDEN TO BE USED. R. ELIEZER SAYS: LET HIM CAST THE ADVANTAGE [HE DERIVES] INTO THE SALT SEA. [THE SAGES] SAID TO HIM: THERE IS NO REDEMPTION WITH AN IDOL.

GEMARA. It was necessary [to mention both illustrations, baking and weaving]; because if he had informed us of only the first [it might have been supposed] that R. Eliezer makes his remark because at the time when the loaf is finished [baking, the wood which is] the prohibited material has

been consumed; but in the case of the shuttle, since it remains discernible as a forbidden object [after the weaving is finished] conclude that he agrees with the Rabbis.<sup>5</sup> If, on the other hand, he had only informed us of the illustration of the shuttle, [it might have been supposed] that the Rabbis make their remark in connection with it alone, but in the case of a loaf conclude that they agree with R. Eliezer.<sup>6</sup> [Therefore both are] necessary.

R. Hiyya, son of Rabbah b. Nahmani, said in the name of R. Hisda: Ze'iri said that the halachah agrees with R. Eliezer. Others declare that R. Hisda said: Abba son of R. Hisda informed me that Ze'iri said: The halachah agrees with R. Eliezer.

R. Adda b. Ahabah said: They only differ in the matter of the loaf, but not in the matter of a cask of wine.<sup>7</sup> But R. Hisda said: Even a cask of wine is permitted.<sup>8</sup> An instance occurred of a man who mixed a cask of yen nesek<sup>9</sup> with his own wine. He came before R. Hisda who told him, 'Take four zuz<sup>10</sup> and throw them into the river and the wine will then be permitted to you [to dispose of].'<sup>11</sup>

MISHNAH. HOW DOES ONE ANNUL [AN ASHERAH]? IF [A HEATHEN] PRUNED OR TRIMMED IT,<sup>12</sup> REMOVING FROM IT A STICK OR TWIG OR EVEN A LEAF, BEHOLD IT IS ANNULLED. IF HE CHIPPED IT TO EMBELLISH IT, IS IT PROHIBITED; BUT IF NOT TO EMBELLISH IT, IS IT PERMITTED.

GEMARA. What of the pieces chipped off?<sup>13</sup> — R. Huna and Hiyya b. Rab differ in opinion. One said that they are prohibited, the other that they are permitted — There is a teaching in agreement with him who said that they are permitted, for it has been taught: If an idolater chipped off an idol to make use of the pieces, it and the pieces are permitted, and if he did so to embellish it, it is prohibited but its pieces are permitted; but if an Israelite chipped off an idol, whether to make use of the pieces or for its embellishment, it and the pieces are prohibited.<sup>14</sup>

It has been stated: If an idol was broken of its own accord, Rab said: It is necessary to annul every fragment;<sup>15</sup> but Samuel said: An idol is only annulled when it is in its natural form!<sup>16</sup> — On the contrary, does one annul it when it is in its natural form!<sup>17</sup> — But thus he means to say: An idol need not be annulled except when it is in its natural form.<sup>18</sup> Is this to say that they differ on this point: One holds that [idolaters] worship fragments [of idols] and the other holds that they do not worship fragments? — No, they all agree that idolaters worship fragments; and here they differ with respect to the fragments of the fragments. One holds that the fragments of the fragments are prohibited and the other holds that they are permitted. Or if you wish, I can say that they all agree that the fragments of the fragments are permitted, and here they differ with respect to an idol which is formed in sections<sup>19</sup> and in connection with an ordinary man who is able to restore it.<sup>20</sup> One holds that since an ordinary man is able to restore it, it is not annulled; while the other holds that an idol can only be annulled when it is in its natural form, that is, the form it normally assumes.<sup>21</sup> So in this instance it is not in its natural form,<sup>22</sup> and there is no need to annul it.

#### CHAPTER IV

MISHNAH. R. ISHMAEL SAYS: IF THREE STONES ARE LYING SIDE BY SIDE NEXT TO A MERCURIUS,<sup>23</sup> THEY ARE PROHIBITED; IF THERE ARE TWO THEY ARE PERMITTED. THE SAGES, HOWEVER, SAY: IF [THE STONES] ARE SEEN TO BE CONNECTED WITH IT THEY ARE PROHIBITED;<sup>24</sup> BUT IF THEY DO NOT APPEAR TO BE CONNECTED WITH IT THEY ARE PERMITTED.<sup>25</sup>

GEMARA. The opinion of the Rabbi<sup>26</sup> is clear. They maintain that [idolaters] worship the fragments [of their idols], so that when [the stones] are seen to be connected with it, the assumption is that they fell from it and are prohibited, but if they do not appear to be connected with it they are

permitted. What, however, does R. Ishmael maintain? If he holds that [idolaters] worship the fragments, then even two stones should be prohibited; and if he holds that they do not worship the fragments, then even three stones should not [be prohibited]! — R. Isaac b. Joseph said in the name of R. Johanan: When it is certain that they dropped from the idol, all agree that they are prohibited, and even according to him who says that they do not worship fragments [and so these may be used], this only applies to an idol which has not that form;<sup>27</sup> whereas here [with the Mercurius, the stones are] from the outset detached<sup>28</sup> and that is its normal form. When, therefore, [R. Ishmael and the Rabbis] differ, it must be in connection with stones which cannot be determined.<sup>29</sup>

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- (1) Because the oven, made of clay, became hardened by the heat from fuel which is prohibited.
  - (2) There is no need to break it up in pieces because the oven derives no benefit from the heat of the fuel as does a new one.
  - (3) Since the loaf which has been baked under unlawful conditions cannot be distinguished from the rest.
  - (4) Rashi explains this to be the monetary value of the prohibited fuel. But Tosaf. rightly objects that the man could in this way redeem the loaf which had become mixed with the others, it therefore explains that the monetary value of the loaf is intended.
  - (5) That there can be no redemption. So we learn from the Mishnah that R. Eliezer does not take this view.
  - (6) That the fuel having been consumed, there can be redemption.
  - (7) Even R. Eliezer admits that if a cask of prohibited wine became mixed with others, there can be no redemption.
  - (8) By means of redemption.
  - (9) V. Glos.
  - (10) The value of a cask of wine. For zuz, v. Glos.
  - (11) But not to drink thereof.
  - (12) To use the twigs as fuel or for any other secular purpose.
  - (13) When the heathen embellishes the tree, may they be used?
  - (14) V. Infra 42a.
  - (15) He regards every piece as an idolatrous object.
  - (16) If it has been damaged, it ceases to be an idol and further annulment is unnecessary.
  - (17) It must be damaged to be annulled.
  - (18) But when it falls and is broken, the heathen virtually annuls it by thinking, 'It could not save itself.' V. supra 41b.
  - (19) Such an idol has fallen and is broken up into its component parts.
  - (20) It does not require a skilled workman to put it together.'
  - (21) [Even if it falls in pieces as in the case of the foliage, since it is natural for a tree to drop its foliage (Rashi).]
  - (22) Having fallen to pieces.
  - (23) [The Greek Hermes, the patron deity of wayfarers, v. Sanh. (Sonc. ed.) p. 410, n. 2.] It is presumed that they are the remains of a dolmen and for that reason forbidden.
  - (24) Whatever be their number.
  - (25) Even if there be three stones there.
  - (26) The Sages in the Mishnah.
  - (27) I.e., the idol does not consist of a pile of stones.
  - (28) Lit., 'broken', i.e., they were never cemented together but simply a pile. Therefore each stone is an idolatrous object and prohibited.
  - (29) Whether they belong to the statue or not.

## **Talmud - Mas. Avodah Zarah 50a**

With regard to stones which are near,<sup>1</sup> we may likewise assume that they fell [from the idol] and all agree that they are prohibited; the point of variance between them must therefore be with respect to stones which are at a distance.<sup>2</sup> But the Mishnah uses the phrase: NEXT TO A MERCURIUS!<sup>3</sup> — What means NEXT TO? Within four cubits of its side. R. Ishmael holds that they make a small Mercurius<sup>4</sup> by the side of a large Mercurius; if, then, there are three stones which together resemble a Mercurius they are prohibited, and if there are two they are permitted. The Rabbis, on the other

hand, hold that they do not make a small Mercurius by the side of a large Mercurius; consequently it is immaterial whether there are three or two stones. If they are seen to be connected with it they are prohibited, otherwise they are permitted.

The Master said [above]: ‘When it is certain that they dropped from the idol, all agree that they are prohibited.’ Against this statement I cite the following: When stones dropped from a Mercurius, if they are seen to be connected with it they are prohibited, and if they do not appear to be connected with it they are permitted; and R. Ishmael says: Three stones are prohibited but two are permitted! — Raba explained: Do not read in this extract ‘dropped’ but ‘were found’.<sup>5</sup> But is R. Ishmael's opinion that [if they are within four cubits] two stones are permitted? Behold it has been taught: R. Ishmael says: If two stones were found within the idol's reach<sup>6</sup> they are prohibited and three are prohibited even at a greater distance! — Raba explained: There is no contradiction; here<sup>7</sup> they were within one reach, and there within two reaches. How is this to be understood?<sup>8</sup> — There is a mound between [the stones] and the Mercurius.

When they are lying in this manner<sup>9</sup> [are they to be considered a Mercurius]? For behold it has been taught: The following are the stones of a Beth-Kulis<sup>10</sup> — one here, a second next to it, and a third on the top of them!<sup>11</sup> — Raba explained: This teaching refers to the basis of a Mercurius.<sup>12</sup>

The palace of King Jannaeus<sup>13</sup> was destroyed. Idolaters came and set up a Mercurius there. Subsequently other idolaters came, who did not worship Mercurius, and removed the stones with which they paved the roads and streets. Some Rabbis abstained [from walking in them] while others did not. R. Johanan exclaimed, ‘The son of the holy walks in them, so shall we abstain!’ Who was ‘the son of the holy’? — R. Menahem son of R. Simai. And why did they call him ‘the son of the holy’? — Because he<sup>14</sup> would not gaze even at the image on a zuz.<sup>15</sup> What was the reason of him who abstained [from walking in these streets]? — He agreed with what R. Giddal said in the name of R. Hiyya b. Joseph: Whence is it that an idolatrous offering<sup>16</sup> can never be annulled? As it is stated, They joined themselves also unto Baal-peor, and ate the sacrifices of the dead<sup>17</sup> — as a dead body can never be annulled,<sup>18</sup> similarly an idolatrous offering can never be annulled. As for him who did not abstain, he said: We require [such an offering] to resemble what was offered within the Temple.<sup>19</sup> and we have not such here.<sup>20</sup>

R. Joseph b. Abba said: Rabbah b. Jeremiah once visited our town. When he came he brought with him this teaching: If an idolater took stones from a Mercurius and paved roads and streets with them,

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(1) E.g., within a cubit or a half cubit of the idol (Rashi).

(2) Within four cubits (Rashi).

(3) So they must be near it.

(4) Consisting of three stones or more.

(5) According to the amended reading there is still uncertainty whether the stones are part of the idolatrous heap.

(6) I.e., within a distance of four cubits.

(7) When he prohibits two stones.

(8) Viz., the phrase ‘within two reaches’. The probability is then much less that they were part of the idol.

(9) V. Mishnah: SIDE BY SIDE.

(10) A wayside cairn dedicated to Mercurius.

(11) Formed like a dolmen.

(12) In this manner they start the heap and additions are made to it. But a small Mercurius by the side of a large one need not take the form of a dolmen.

(13) Alexander Jannaeus who ruled over Judea 104-78 B.C.E. The allusion is probably to the palace which he had built, not that it was destroyed during his lifetime. [Klein. op. cit. p. 2, refers this to the palace of Herod the Tetrarch in Tiberias, which was destroyed at the beginning of the revolt in 67 C.E.; v. Josephus, Vita, 12.]

(14) [R. Menahem, ‘son’ expressing an attributive idea = a holy man. Tosaf. ascribes the designation ‘holy’ to the father,

whose holiness the son inherited.]

(15) V. Glos. The coin bore the emblem of some idolatrous cult.

(16) And the stones used for Mercurius came within that category.

(17) Ps. CVI, 28.

(18) So as not to defile.

(19) Before we declare that it cannot be annulled.

(20) Stones were not offered in the Temple!

## **Talmud - Mas. Avodah Zarah 50b**

they are permitted;<sup>1</sup> if an Israelite took stones from a Mercurius and paved roads and streets with them, they are prohibited; [and he added that] there was no scholar<sup>2</sup> or scholar's son<sup>3</sup> who could elucidate this teaching.<sup>4</sup> R. Shesheth said: I am neither a scholar nor a scholar's son, yet I can elucidate it. What is the difficulty? The statement of R. Giddal.<sup>5</sup> [To this I make the reply given above:] 'We require [such an offering] to resemble what was offered within the Temple, and we have not such here.'

R. Joseph b. Abba said: Rabbah b. Jeremiah once visited our town. When he came he brought with him this teaching: We may remove worms [from a tree] and patch the bark with dung<sup>6</sup> during the Sabbatical year,<sup>7</sup> but we may not perform these operations during [the non-holy days of] a festival. On both these occasions we may not prune,<sup>8</sup> but we may smear oil on the place of pruning<sup>9</sup> either during [the non-holy days of] a festival or during the Sabbatical year; and he added that there was no scholar or scholar's son who could elucidate this teaching. Rabina said: I am neither a scholar nor a scholar's son, yet I can elucidate it. What is the difficulty in it? Shall I say that the difficulty lies [in the operations mentioned] in connection with [the non-holy days of] a festival and the Sabbatical year, viz., why is the latter occasion different that the work is permitted from the former occasion when it is prohibited? Is, then, the Sabbatical year analogous [to the non-holy days of a festival], since the Divine Law forbade labour then but permitted occupation, whereas on [the non-holy days of] a festival even occupation is also prohibited!

Perhaps the difficulty is in connection with patching the bark and smearing the place of pruning — what is the distinction that the former is permitted and the latter prohibited? But is patching the bark, the purpose of which is the preservation of the tree and is permitted, analogous to smearing the place of pruning, the purpose of which is to strengthen the tree and is prohibited!<sup>10</sup>

Perhaps the difficulty is in the contradiction about patching the bark, because the teaching was: 'We may remove worms [from a tree] and patch the bark with dung during the Sabbatical year'; and against this I quote: We may patch the bark of plants, enwrap them, cover them with powder, make supports for them, and water them up to the New Year<sup>11</sup> — up to the New Year this is permissible but not in the Sabbatical year itself!<sup>12</sup> — Perhaps [the contradiction might be solved] according to the view of R. 'Ukba b. Hama who said: There are two kinds of hoeing [olive trees]; one to strengthen the tree and this is prohibited [in the Sabbatical year] and the other to close up cracks<sup>13</sup> and this is permitted. Similarly here there are two kinds of patching; one is to preserve the tree and is permitted and the other to strengthen the tree and is prohibited!

Perhaps the difficulty is in the contradiction about smearing the place of pruning, because the teaching was: 'We may smear oil on the place of pruning either during [the non-holy days of] a festival or during the Sabbatical year'; and against this I quote: We may smear figs and perforate them to fatten them [with oil] up to the New Year<sup>14</sup> — up to the New Year this is permissible but not in the Sabbatical year itself! — But are the two cases analogous; in the former the purpose is to preserve the tree and is permitted, whereas in the latter it is to fatten the fruit and is prohibited!

R. Sama the son of R. Ashi said to Rabina: Rabbah b. Jeremiah's difficulty is in connection with smearing the place of pruning on [the non-holy days of] a festival<sup>15</sup> and patching the bark on that occasion.<sup>16</sup> Since the purpose of both is to preserve the tree, why the distinction that one is permitted and the other prohibited? That is why [Rabbah b. Jeremiah] remarked, 'There was no scholar or scholar's son who could elucidate it.'

Rab Judah said in the name of Rab: If an idol is worshipped [by tapping before it] with a stick and [an Israelite] broke a stick in its presence, he is liable;<sup>17</sup> if he threw a stick in front of it he is free of penalty. Abaye said to Raba: Why is it different when he broke the stick? Because it resembles the slaughter [of an animal in the Temple].<sup>18</sup> Then the act of throwing a stick resembles the rite of sprinkling [the blood in the Temple]!<sup>19</sup> — He replied: We require a sprinkling which is broken up and that we have not here.<sup>20</sup> Against [this explanation of Raba] is quoted: If he offered to the idol excrement or poured out before it a vessel of urine,

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(1) Because by using them for such a purpose, the heathen annulled them.

(2) Lit., 'skilled artisan', i.e., an ordained Rabbi.

(3) A Rabbinical student.

(4) The difficulty is, how could idolatrous offerings have been annulled?

(5) That there can be no annulment with an idolatrous offering.

(6) In places where the bark had fallen off, Jastrow explains: smear a plant with rancid oil to keep worms away.

(7) When all agricultural labour has to be suspended (Lev. XXV, 4).

(8) To increase the foliage. So Rashi; but Jastrow has: Cut a branch to let the sap drip.

(9) To prevent the sap from running out, which would injure the tree.

(10) The latter, unlike the former, increases the growth and is consequently forbidden in the Sabbatical year. So the problem is not to be sought in this point.

(11) Preceding the Sabbatical year (Sheb. II, 4).

(12) Whereas Rabbah b. Jeremiah taught that this could be done during the Sabbatical year.

(13) In the soil around the root. Its purpose is then only to preserve the tree.

(14) Sheb. II, 5.

(15) Which is permitted.

(16) Which is prohibited.

(17) To the death-penalty for the sin of idolatry.

(18) The animal is, as it were, broken.

(19) So the man who did this should also be punished.

(20) There is no analogy between throwing a solid object and sprinkling drops of a liquid.

## Talmud - Mas. Avodah Zarah 51a

he is liable. It is clear [why he is liable if he poured out] a vessel of urine because it is a kind of sprinkling which is broken up; but where is there a sprinkling which is broken up with excrement? — With moist excrement. Is it to be said [that Rab's statement] is a matter of dispute between Tannaim: 'If one slaughtered a locust to an idol, R. Judah holds him liable, but the Sages free him of penalty'? Is not this the point at issue between them — [R. Judah] holds that we declare [that to incur guilt the idolatrous worship need only be] like the act of slaughter,<sup>1</sup> whereas the others hold that we do not declare [it sufficient to be only] like the act of slaughter and it must resemble the ritual within the Temple? — No, all agree that we do not declare [it sufficient to be only] like the act of slaughter and we require a resemblance to the ritual within the Temple; but it is different with a locust because it has a neck like the neck of an animal.<sup>2</sup>

R. Nahman reported that Rabbah b. Abbuha said in the name of Rab: If an idol is worshipped [by rapping before it] with a stick and [an Israelite] broke a stick in its presence, he is liable and [the stick] is prohibited.<sup>3</sup> If he threw a stick in front of it, he is liable but [the stick] is not prohibited.<sup>4</sup>

Raba asked R. Nahman: Why the distinction — if he broke the stick it is regarded as an act of slaughter; if he threw the stick, it should likewise be regarded as an act of sprinkling! — He replied to him: We require a sprinkling which is broken up and that we have not here. [Raba retorted:] According to this reasoning, whereby should the stones [which are thrown before] a shrine of Mercurius be forbidden?<sup>5</sup> — He answered him: I, too, had that difficulty and I put the question to Rabbah b. Abbuha who put it to Hiyya b. Rab and he put it to Rab who said to him: [The stone] becomes, as it were, an enlargement of the idol.<sup>6</sup> This reply is satisfactory for him who maintains that the idol of an idolater is prohibited forthwith;<sup>7</sup> but according to him who maintains that [the idol is not prohibited] until it has been worshipped [the stones] should be permitted since it has not been worshipped!<sup>8</sup> — [R. Nahman] answered [Raba]: Each stone becomes an idolatrous object in itself and also an offering to the one next to it.<sup>9</sup> [Raba asked]: If this is so, the last stone at least should be permitted!<sup>10</sup> — [R. Nahman retorted]: If you know [which is the last stone], go and remove it!<sup>11</sup> R. Ashi said: Each stone becomes an offering in itself and an offering to the one next to it.<sup>12</sup>

We learn: If he found on top [of a Mercurius] a garment or coins or utensils, behold these are permitted; but [if he found] grape-clusters, wreaths of corn, [gifts of] wine, oil or fine flour, or anything resembling what is offered upon the altar, it is prohibited.<sup>13</sup> This is all right with [gifts of] wine, oil and fine flour, since they have a resemblance to what is within the Temple and also to the sprinkling which is broken up; but grape-clusters and wreaths of corn have no resemblance to what is within the Temple and to sprinkling which is broken up!<sup>14</sup> — Raba said in the name of ‘Ulla: [The prohibition applies when,] e.g., the man cut them at the outset for an idolatrous purpose.<sup>15</sup>

R. Abbahu said in the name of R. Johanan: Whence is it that he who sacrifices a blemished animal to an idol is free of liability? — As it is stated, He that sacrificeth unto any god, save unto the Lord alone, shall be utterly destroyed.<sup>16</sup> — the Torah only prohibits what resembles that which is within the Temple. Raba objected: What [sort of blemish has R. Abbahu in mind]? Shall I say it is a cataract in the eye?<sup>17</sup> Since, however, such an animal was qualified to be offered by the sons of Noah<sup>18</sup> to God upon their altars, how much more so to an idol! Rather [must he be thinking of a blemish like] being defective in a limb, and it is in accord with R. Eleazar who said: Whence is it that an animal defective in a limb is prohibited [as an offering] to the sons of Noah? As it is stated, And of every living thing of all flesh, two of every sort<sup>19</sup> — the Torah declares, Bring an animal which has all its limbs living.<sup>20</sup> But the phrase of every living thing is required to indicate the exclusion of an animal which is trefa!<sup>21</sup> — This is derived from the phrase to keep them alive with thee.<sup>22</sup> This reply is satisfactory for him who maintains that an animal which is trefa cannot bring forth young; but for him who maintains that it can, what is there to say? — Scripture states with thee, i.e., animals like yourself.<sup>23</sup> Perhaps, however, Noah was himself unsound of limb! It is written concerning him that he was perfect.<sup>24</sup> Perhaps that means perfect in his ways! It is written concerning him that he was righteous!<sup>25</sup> Perhaps the meaning is ‘perfect’ in his ways and ‘righteous’ in his actions! — It is impossible to say that Noah himself was unsound of limb, for if it entered your mind that he was, then the All-merciful said to him, Animals like yourself [which are defective] take [into the Ark] and exclude those which are unblemished! Since, now, [the thought that the animals were not defective] is derived from ‘with thee’, what is the purpose of ‘to keep them alive’? — If [the Torah had only written] ‘with thee,’ I might have imagined that the reason was merely to provide him with company and [the animals could include] the old and even the castrated; therefore we are informed ‘to keep them alive.’<sup>26</sup>

R. Eleazar said: Whence is it that if one slaughters an animal to Mercurius he is liable?<sup>27</sup> As it is stated, And they shall no more sacrifice their sacrifices unto the satyrs.<sup>28</sup> Since this text cannot apply to the subject [of worshipping idols] in their regular way — for it is written, How do these nations serve their gods!<sup>29</sup> — apply it to the subject [of worshipping idols] in a way which is not regular to them. But is [the verse and they shall no more sacrifice etc.] to be used for this purpose? Surely it is required in accordance with the following teaching:

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- (1) Although a locust was never sacrificed in the Temple. Similarly with the breaking of the stick for which the man is liable.
- (2) For that reason R. Judah holds the man liable with the slaughter of a locust but with throwing a stick he may not hold him liable, so that Rab finds no support for his view among Tannaim.
- (3) The breaking of the stick is an offering to the idol.
- (4) It is not then considered to be an offering.
- (5) Since this is analogous to throwing a stick and cannot be said to resemble the act of sprinkling in the Temple.
- (6) It is therefore not an offering to an idol but itself an idolatrous object, a Mercurius consisting of a cairn.
- (7) Before it was actually worshipped, v. supra 46a.
- (8) Even if the stones are considered to enlarge the idol, they are still not prohibited until there has been an act of worship.
- (9) His act of throwing the stone renders the rest of the heap an idol since he thereby worships Mercurius, and the stone which is thrown becomes an idolatrous object as soon as another is added.
- (10) For the reason that it has not yet been worshipped.
- (11) Because one cannot be sure which is the last stone added to the heap, they are all prohibited.
- (12) The worship of Mercurius consisting in the throwing of stones, the act of throwing constitutes each stone an idolatrous object, even the last.
- (13) Quoted from the next Mishnah.
- (14) This refutes Rab's ruling.
- (15) It is then analogous to an act of slaughter.
- (16) Ex. XXII, 19. Hence the animal must be such as is fit to be offered to God before the man is liable.
- (17) This defect would disqualify an animal as a sacrifice.
- (18) Rashi explains the term as including the Israelites before they received the Torah at Sinai.
- (19) Gen. VI, 19.
- (20) To the exclusion of any that are defective; and it was understood that the criterion which applied to the clean animals for the Ark was also to hold good for the Temple, v. supra 5b.
- (21) V. Glos.
- (22) Ibid.
- (23) Sound in limb. It therefore does not intend the exclusion of what is trefa.
- (24) Ibid. VI, 9.
- (25) So if 'perfect' referred to his character, it is superfluous.
- (26) To preserve the species and only such as are fit for that purpose were to be selected. On the whole passage, v. supra 5b-6a.
- (27) Although sacrificing animals to it was not its mode of worship.
- (28) Lev. XVII, 7.
- (29) Deut. XII, 30. Here the Torah forbids the normal worship of idols.

## **Talmud - Mas. Avodah Zarah 51b**

Up to here<sup>1</sup> it speaks of sacrificial animals which had been dedicated as offerings during the time that improvised altars were prohibited and were offered during the time such altars were prohibited, because the penalty is actually stated, viz., And hath not brought it unto the door of the tent of meeting etc.<sup>2</sup> Here we learn the penalty; but whence is the prohibition? There is a text to state, Take heed to thyself lest thou offer thy burnt offerings in every place that thou seest;<sup>3</sup> and it is as R. Abin said in the name of R. Elai: Wherever it is stated Take heed, or lest, or do not, it denotes a negative command. From [and they shall no more sacrifice] onwards it speaks of sacrificial animals which had been dedicated as offerings during the time that improvised altars were permitted and were offered during the time such altars were permitted, as it is stated, To the end that the children of Israel may bring their sacrifices, [which they sacrifice in the open field,]<sup>4</sup> viz., which I previously permitted you [to offer upon improvised altars]; 'in the open field' — this teaches that whoever sacrifices upon an improvised altar at a time when such is prohibited, Scripture ascribes it to him as



though he sacrifices in the open field. 'And bring them unto the Lord' — this is a positive command; but whence is the negative precept in this connection? There is a text to state, And they shall no more sacrifice their sacrifices. It is possible to think that the penalty [for transgressing the law about sacrificing to satyrs] is excision;<sup>5</sup> therefore there is a text to state, This shall be a statute for ever unto them<sup>6</sup> — i.e., this is for them but the other is not for them!<sup>7</sup> — Raba said: Scripture reads, And they shall no more sacrifice.<sup>8</sup>

**MISHNAH.** IF HE FOUND ON TOP [OF A MERCURIUS] A GARMENT OR COINS OR UTENSILS BEHOLD THESE ARE PERMITTED;<sup>9</sup> [BUT IF HE FOUND] GRAPE-CLUSTERS, WREATHS OF CORN, [GIFTS OF] WINE, OIL OR FINE FLOUR, OR ANYTHING RESEMBLING WHAT IS OFFERED UPON THE ALTAR, SUCH IS PROHIBITED.

**GEMARA.** Whence have we this? — R. Hiyya b. Joseph said in the name of R. Oshaia: One verse states, And ye have seen their abominations, and their idols, wood and stone, silver and gold, which were among them;<sup>10</sup> and another verse states, Thou shalt not covet the silver or the gold that is on them.<sup>11</sup> How is it, then? 'Among them,' is analogous to 'on them'; as with the things 'on them' what is ornamental<sup>12</sup> is prohibited and what is not ornamental is permitted, so with the things 'among them' what is ornamental is prohibited and what is not ornamental is permitted. But reason [the other way about]: 'On them' is analogous to 'among them'; as 'among them' means that everything that is among them [is prohibited]<sup>13</sup> so 'on them' means that everything that is upon them [is prohibited]! — In that case there would have been no need to mention 'on them'.<sup>14</sup>

**COINS** are surely an ornament!<sup>15</sup> — The School of R. Jannai said: [The Mishnah deals with the circumstance] where they are tied in a bag and suspended from the idol.<sup>16</sup> A GARMENT is surely an ornament! — The School of R. Jannai said: [The Mishnah deals with the circumstance] where it is folded and placed upon the head of the idol.<sup>17</sup> A utensil is surely an ornament! R. Papa said: [The Mishnah deals with the circumstance] where a basin is inverted over its head. R. Assi b. Hiyya said: Whatever is within the veils,<sup>18</sup> even water and salt, is prohibited;<sup>19</sup> of the things outside the veils what is ornamental is prohibited and what is not ornamental is permitted.<sup>20</sup> R. Jose b. Hanina said: We have a tradition that [this regulation concerning] veils applies neither to the idol Peor nor to a Mercurius. For what purpose [does he mention this]? If I answer that [non-ornamental] objects which are even within [the veils] are like those outside and are permitted, since people relieve themselves before it<sup>21</sup> would they not the more bring water and salt as an offering to it! — Rather must the reason be that even what is outside is like what is within the veils and is prohibited.<sup>22</sup>

**MISHNAH.** IF AN IDOL HAS A GARDEN OR BATH-HOUSE, WE MAY USE EITHER SO LONG AS IT IS NOT TO THE ADVANTAGE [OF IDOLATRY],<sup>23</sup> BUT WE MAY NOT USE EITHER IF IT IS TO ITS ADVANTAGE. IF THEY BELONGED JOINTLY TO IT AND TO OTHERS, USE MAY BE MADE OF THEM WHETHER IT BE TO THE ADVANTAGE [OF IDOLATRY] OR NOT. THE IDOL OF AN IDOLATER IS PROHIBITED FORTHWITH; BUT IF IT BELONGED TO AN ISRAELITE IT IS NOT PROHIBITED UNTIL IT IS WORSHIPPED.

**GEMARA.** Abaye said: The term ADVANTAGE means that payment is made to the heathen priests, and NOT TO ITS ADVANTAGE means that no payment is made to them, thus excluding the circumstance where payment is made to the idol-worshippers, which is permitted. There are some who apply this explanation to the second clause [of the Mishnah]: IF THEY BELONGED JOINTLY TO IT AND TO OTHERS, USE MAY BE MADE OF THEM WHETHER IT BE TO THE ADVANTAGE [OF IDOLATRY] OR NOT. Abaye said: The term ADVANTAGE means that the payment is made to the other joint-owners, and NOT TO THEIR ADVANTAGE means that no payment is made to the heathen priests. If one applies this explanation to the second clause, it clearly holds good all the more of the first clause;<sup>24</sup> but if he applies it to the first clause, then it could not hold good of the second clause for the reason that there being others [sharing the ownership] with it,

it would be right even to make payment to the heathen priests.<sup>25</sup>

THE IDOL OF AN IDOLATER IS PROHIBITED FORTHWITH. Whose is the teaching of our Mishnah? — It is R. Akiba's; for it has been taught: Ye shall destroy all the places wherein the nations served<sup>26</sup> — the verse refers to the utensils which are used for idolatry. It is possible to think that if they were made but not completed, or completed but not brought [into the heathen shrine], or brought there but not yet used, they would still be prohibited; therefore the text states, 'Wherein the nations served', i.e., they are not prohibited until they have been used in the worship. Hence it is said: The idol of an idolater is not prohibited until it is worshipped; but if it belonged to an Israelite it is prohibited forthwith — Such is the statement of R. Ishmael; but R. Akiba says the opposite: The idol of an idolater is prohibited forthwith; but if it belonged to an Israelite it is not prohibited until it is worshipped.

The Master said [above]: 'The verse refers to the utensils which are used for idolatry.' But the verse speaks of 'places' [and not utensils]! — Since, however, It cannot refer to places, which are not prohibited — for it is written, Their gods upon the high mountains, not their mountains which are their gods<sup>27</sup> —

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- (1) I.e., in the preceding verses of Lev. XVII.
  - (2) Ibid. 4. The continuation is: that man shall be cut off from among his people.
  - (3) Deut. XII, 13.
  - (4) Lev. XVII, 5.
  - (5) The same as if he had offered sacrifices when improvised altars were prohibited, as mentioned above.
  - (6) Ibid. 7.
  - (7) I.e., the penalty is restricted to the offence stated and not to one who sacrifices, e.g., to Mercurius. Consequently Lev. XVII, 7, cannot be employed to support the rule that a man who sacrifices to Mercurius is liable.
  - (8) Lit., 'they shall not sacrifice' and 'no more'. The double phrase therefore indicates two prohibitions, and one of them may be applied to R. Eleazar's dictum about sacrificing to Mercurius.
  - (9) Elmslie suggests that these were not offerings to the idol but were left there by devotees to be used by passers-by. For that reason they were not prohibited. The Gemara gives a different explanation.
  - (10) Deut. XXIX, 16.
  - (11) Ibid. VII, 25. Here there is no mention of wood and stone, because these are not ornaments of an idol.
  - (12) [E.g., 'the silver or the gold'.]
  - (13) [Although not ornamental as, e.g., 'wood and stone'.]
  - (14) The verse would have been superfluous, since the law could have been deduced from Deut. XXIX, 16.
  - (15) Why, then, does the Mishnah allow them?
  - (16) Only then is it permitted, because the idol appears to be a carrier and this is derogatory to it.
  - (17) This too takes away from the dignity of the idol.
  - (18) Which hang in front of the idol.
  - (19) Because it is presumably an offering.
  - (20) It is not regarded as an offering.
  - (21) The idol Peor. V. infra 44b.
  - (22) Even though it be non-ornamental, because the veils are only used for reasons of decency since the worship takes an immodest form. They cannot therefore be regarded as partitioning off the idol.
  - (23) There is no payment or any other recognition for the use.
  - (24) The reason must be the stronger when the garden or bathhouse belongs exclusively to the idol.
  - (25) Because whether payment is made to the joint-owners or the priests, there is advantage to idolatry.
  - (26) Deut. XII, 2.
  - (27) V. supra 45a.

apply it to the subject of utensils.<sup>1</sup> 'Hence it is said: The idol of an idolater is not prohibited until it is worshipped; but if it belonged to an Israelite [it is prohibited] forthwith.' But we explained the verse as referring to utensils [and not to idols]! — Scripture states, Which ye shall possess their gods,<sup>2</sup> thus comparing their gods to utensils — as utensils [are not prohibited] until they are used in worship so their gods likewise [are not prohibited] until they are worshipped. R. Akiba, however, who does not draw this comparison, can tell you that the particle *eth*<sup>3</sup> interrupts the subject-matter.<sup>4</sup>

We have ascertained R. Ishmael's reason for the view that the idol of an idolater is not prohibited until it is worshipped; but whence does he derive that the idol of an Israelite is prohibited forthwith? — It is common sense that if when it belongs to an idolater [it is not prohibited] until it is worshipped, when it belongs to an Israelite it should be prohibited forthwith — But draw the conclusion that when it belongs to an Israelite [it is prohibited] not at all! — Since it has to be removed out of sight,<sup>5</sup> shall it not be prohibited at all! But why not say [that when it belongs to an Israelite it is to be treated in the same way as when it belongs to] an idolater! — Scripture stated, And I took your sin, the calf which ye had made<sup>6</sup> — from the moment it was made it came within the category of 'sin'. [But again] conclude from these words that a man is guilty of sin [when he makes an idol] but not that it is prohibited! — Scripture stated, Cursed be the man that maketh a graven or molten image<sup>7</sup> — from the moment it is made he comes under the curse. Conclude from these words that a man becomes involved in a curse [when he makes an idol] but not that it is prohibited! — It is written, An abomination unto the Lord.<sup>8</sup>

How does R. Akiba [explain this phrase]?<sup>9</sup> — [The idol] is a thing that leads to an abomination.<sup>10</sup> Whence does R. Akiba derive his view that the idol of an idolater is prohibited forthwith? — 'Ulla said: Scripture stated, The graven images of their gods shall ye burn with fire<sup>11</sup> — as soon as they have been made into graven images they become deities. And how does the other<sup>12</sup> [explain this verse]? — He requires it in accordance with the teaching of Rab Joseph who learned: Whence is it that an idolater can annul his deity? — As it is stated, The graven images of their gods shall ye burn with fire.<sup>13</sup> And whence does the other [i.e., R. Akiba, derive this regulation]? — He deduces it from the statement of Samuel who asked: It is written, Thou shalt not covet the silver or the gold that is on them, and it continues, Thou shalt take it unto thee<sup>14</sup> — so how is this to be understood? When [the idolater] fashions it into a god do not covet it, but when he has annulled<sup>15</sup> it so that it is no longer a god you may take it for yourself.

We have ascertained R. Akiba's reason for the view that the idol of an idolater is prohibited forthwith, but whence does he derive that if it belonged to an Israelite [it is not prohibited] until it is worshipped? — Rab Judah said: Scripture stated, And setteth it up in secret,<sup>16</sup> i.e., [he is not involved in the curse] until he performs towards it things which are done in secret.<sup>17</sup> And how does the other [i.e., R. Ishmael, explain this phrase]? — He requires it in accordance with the teaching of R. Isaac who said: Whence is it that an idol belonging to an Israelite must be removed out of sight?<sup>18</sup> As it is stated, And setteth it up in secret. And from where does the other [i.e., R. Akiba, derive this regulation]? — He deduces it from what R. Hisda said in the name of Rab: Whence is it that an idol belonging to an Israelite must be removed out of sight? As it is stated, Thou shalt not plant thee an Asherah of any kind of tree beside the altar<sup>19</sup> — as an altar must be removed out of sight,<sup>20</sup> so an Asherah [belonging to an Israelite] must be removed out of sight. And what does the other [i.e., R. Ishmael, make of this verse]? — He requires it in accordance with the teaching of R. Simeon b. Lakish who said: Whoever appoints an unworthy judge is as though he plants an Asherah in Israel, as it is stated, Judges and officers shalt thou make thee in all thy gates,<sup>21</sup> and near it [is stated], 'Thou shalt not plant thee an Asherah of any kind of tree'; and R. Ashi said: [Should he have appointed such a judge] in a place where there are disciples of the Sages, it is as though he had planted an Asherah by the side of the altar, as it is stated, 'Beside the altar.'<sup>22</sup>

R. Hamnuna asked: How is it if one rivetted a vessel [which has been broken] for an idol? Whose

idol? If I answer the idol of an idolater, then both according to R. Ishmael and R. Akiba they are appurtenances of idolatry, and appurtenances of idolatry are not prohibited until they are used. It must therefore be the idol belonging to an Israelite; so according to whom [is the question to be decided?] If I say it is according to R. Akiba, since the idol itself is not prohibited until it is worshipped obviously its appurtenances [must first be used before they are prohibited]! If on the other hand, according to R. Ishmael who said that [the idol of an Israelite] is prohibited forthwith [the question will then be]: do we draw a deduction about the appurtenances [of an Israelite's] idol from the appurtenances [of a heathen's idol]? Just as with the latter [they are not prohibited] until they are used, so with the former [they are not prohibited] until they are used. Or do we draw the deduction from the idol itself, that as [an Israelite's idol] is prohibited forthwith also its appurtenances are prohibited forthwith? [But if this is what R. Hamnuna meant to ask,] why does he specify 'one rivetted a vessel' in his question? Let him ask about one who made a vessel!<sup>23</sup> — R. Hamnuna put the question in that form because of the problem of the former defilement; for we have learnt: Of metal utensils those which are flat and those which are formed as receptacles contract defilement; if they are broken they lose their defilement, but if repaired they return to their former defilement.<sup>24</sup> So thus did [R. Hamnuna ask]: When its defilement returns, does it mean to the Biblical defilement or to the Rabbinical defilement, or perhaps there is no difference?<sup>25</sup> But if that were his intention, let him put his question with reference to the other Rabbinical defilements!<sup>26</sup> — His purpose was that one question should embrace another, viz., Does Rabbinical defilement return or not? And if you decide that it does not return, do the Rabbis make defilement caused by idolatry, on account of its severity, equal to Biblical defilement or not?<sup>27</sup> — The question remains unanswered.

R. Johanan asked R. Jannai: How is it with foodstuffs offered to an idol?<sup>28</sup> Does the annulment [of the idol] avail to purify them of their defilement or not? But he should have framed his question with reference to utensils!<sup>29</sup> — There is no question about utensils, because for them there is purification [by immersion] in a ritual bath,<sup>30</sup> so the defilement [by idolatry] can likewise be annulled.<sup>31</sup> What he does ask is about foodstuffs [offered to an idol].<sup>32</sup> But let him frame his question with reference [to foodstuffs] which are themselves the object of idolatrous worship!<sup>33</sup> — He does not frame his question with reference [to foodstuffs] which are themselves the object of idolatrous worship,

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(1) I.e., the things worshipped or used for worship in these places.

(2) Ibid., so the Hebrew literally.

(3) The sign of the accusative case before 'their gods'.

(4) And so 'places', i.e. utensils, is distinct from 'their gods' and no analogy is to be drawn to overthrow his contention that the idol of an idolater is prohibited forthwith.

(5) As will be explained below.

(6) Deut. IX, 21.

(7) Ibid. XXVII, 15.

(8) Ibid., so obviously it is prohibited forthwith.

(9) His opinion being that the idol of an Israelite is prohibited only after it has been worshipped.

(10) When it is worshipped.

(11) Ibid. VII, 25.

(12) R. Ishmael who says that they must be worshipped before they are prohibited.

(13) I.e., so long as they are graven images they are gods; when he has damaged them they are no longer gods.

(14) Ibid. Samuel separates the two phrases and does not understand the second as governed by the negative in the first.

(15) The word for 'annul' is the same as for 'fashion',

(16) Ibid. XXVII, 15.

(17) Cf. Deut. XIII, 7.

(18) If it is undamaged it should be buried in the earth.

(19) Ibid. XVI, 21.

(20) When no longer used in the Temple it is buried in the earth, v. infra 52b.

- (21) Ibid. XVI, 18.
- (22) V. Sanh. 7b.
- (23) [For an idol, whether it is prohibited forthwith or not.]
- (24) Kelim XI, 1.
- (25) In certain respects the Rabbis made the Biblical laws of defilement stricter. E.g., the regulation that an idol contaminates is a Rabbinical ordinance. If, then, an article was unclean in the severer Rabbinical sense, when it is repaired after being broken, to which degree of defilement does it return?
- (26) Why does he specify an idol?
- (27) So that in this exceptional case the defilement does return.
- (28) Which have become defiled by idolatry.
- (29) Why did he specify foodstuffs?
- (30) For other defilements.
- (31) [Annulment in the case of idolatry is of the same effect as immersion with other defilements.]
- (32) [Foodstuffs cannot become purified by immersion.]
- (33) Would their defilement depart if they were annulled as idols?

### Talmud - Mas. Avodah Zarah 52b

because when its prohibited character is annulled its defilement is likewise annulled. What he does ask is with reference to foodstuffs offered to an idol: How [are we to decide]? [Shall we say] since its prohibited character cannot be annulled according to R. Giddal,<sup>1</sup> it follows that its defilement can likewise never be annulled; or perhaps, though what is prohibited by the Torah cannot be annulled its defilement, which is a Rabbinical ordinance, can be annulled? — The question remains unanswered.

R. Jose b. Saul asked Rabbi: May utensils which were used in the Temple of Onias<sup>2</sup> be used in the Sanctuary? This question follows on the view of him who said that the Temple of Onias was not an idolatrous shrine; for we have learnt: Priests who served in the Temple of Onias may not serve in the Sanctuary which is in Jerusalem, and it is unnecessary to state that [priests who served] an idol<sup>3</sup> [are disqualified].<sup>4</sup> Were the priests penalised by the Rabbis because they were rational beings but [they did not penalise] the utensils, or perhaps there is no difference [and the utensils are also disqualified]? — [Rabbi] replied to him: They are prohibited and I had a Scriptural text [upon which to support this decision] but I have forgotten it. [R. Jose b. Saul] quoted against him: Moreover all the vessels, which king Ahaz in his reign did cast away when he trespassed, have we prepared and sanctified<sup>5</sup> — does not ‘have we prepared’ mean that we immersed them [in a ritual bath to purify them], and ‘sanctified’ that we have made them holy again!<sup>6</sup> He said to him: May the blessing of Heaven be upon you for having restored my loss to me!<sup>7</sup> ‘Have we prepared’ means we have stored them away, and sanctified that we have substituted others for them. Is this to say that [Rabbi] has support [from this Mishnah]: In the north-east<sup>8</sup> the Hasmoneans stored away the altar-stones which the Greeks had made abominable;<sup>9</sup> and R. Shesheth remarked thereon: They had made them abominable through idolatry?<sup>10</sup> — R. Papa said: There [in the case of the Hasmoneans] they found a verse and expounded it [to support their action], for it is written, And robbers shall enter into it and protect it.<sup>11</sup> [When the Hasmoneans recaptured the Temple] they said, How shall we act? If we have them broken,<sup>12</sup> the All-merciful declared that they were to be whole stones;<sup>13</sup> if we saw them,<sup>14</sup> the All-merciful declared, Thou shalt lift up no iron tool upon them!<sup>15</sup> But why did they not have them broken<sup>16</sup> and take them for their own private use? Has not R. Oshaia said: [The Rabbis] wished to store away all the silver and gold in the world on account of the silver and gold [plundered from the Sanctuary] of Jerusalem!<sup>17</sup> And to this it was objected: Is Jerusalem the greater part of the world!<sup>18</sup> But, said Abaye: What the Rabbis aimed at doing was to store away every Hadrianic and Trajanic denarius<sup>19</sup> which had become worn by use<sup>20</sup> because it was coined from [metal captured from] Jerusalem;<sup>21</sup> until they discovered a verse of the Torah according to which it was permitted. viz., And robbers shall enter into it and profane it! — There [in the case of the coins] they had not been used in the Divine Service;<sup>22</sup> but here [in the case of the altar-stones], since they had been used in

the Divine Service it would not be respectful to put them to a secular use.

**MISHNAH. AN IDOLATER CAN ANNUL AN IDOL BELONGING TO HIMSELF OR TO ANOTHER IDOLATER, BUT AN ISRAELITE CANNOT ANNUL THE IDOL OF AN IDOLATER. HE WHO ANNULS AN IDOL ANNULS ITS APPURTENANCES. IF HE ONLY ANNULLED THE APPURTENANCES THESE ARE PERMITTED BUT THE IDOL IS PROHIBITED.**

**GEMARA.** Rabbi taught his son R. Simeon: AN IDOLATER CAN ANNUL AN IDOL BELONGING TO HIMSELF OR TO ANOTHER [HEATHEN]. The latter said to him, 'My Master, in your youth you taught us that an idolater can annul an idol belonging to himself or to an Israelite!' But can the idol of an Israelite be annulled; for behold it is written. And setteth it up in secret!<sup>23</sup> R. Hillel the son of R. Wallas said: No, [Rabbi's teaching] is necessary for the circumstance where there was joint-ownership of the idol [by an Israelite and a heathen]. On this point what view did Rabbi hold in his youth and what view in his old age? — In his youth he held that the Israelite worshipped the idol on account of the heathen, so that when the latter annulled it for himself he annulled it also for the Israelite. In his old age, however, he held that the Israelite worshipped it on his own account, so that when the heathen annulled it he did so for himself but not for the Israelite.

There are some who apply [the statement of R. Hillel] to the next clause in our Mishnah: AN ISRAELITE CANNOT ANNUL THE IDOL OF AN IDOLATER. This is obvious! — R. Hillel the son of

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(1) V. supra p. 251.

(2) Erected by Onias IV in Leontopolis in Egypt about 260 B.C.E. V. Josephus, Antiquities, XIII, iii, 1 ff.

(3) Lit., 'another matter'.

(4) V. Men. 109b.

(5) II Chron. XXIX, 19.

(6) If, then, utensils used for idolatry could be restored to purity and used in the Sanctuary, how much more so those belonging to the Temple of Onias!

(7) The verse cited by R. Jose was the one Rabbi had forgotten.

(8) Of the four chambers in the part of the Temple where the fire was kept continually burning.

(9) Mid. I, 6.

(10) Although these stones, as property of the Temple, might have been allowed for secular use, on the principle that 'no one can render prohibited anything that is not his,' v. infra 53b, yet as a precautionary measure they were stored away lest they be employed in the divine Service. The same applies to the utensils in the Temple of Onias.

(11) Ezek. VII, 22. [The stones, having been rendered profane by the actions of the idolaters, were no longer regarded as the property of the Temple and became forbidden even for secular use.]

(12) Viz., the altar stones, by an idolater, to annul them.

(13) Deut, XXVII, 6.

(14) After they had been broken to make them level.

(15) Ibid. 5.

(16) And annulled by a heathen.

(17) Some of this metal, captured by the Romans, must have come into the possession of Jews as coins, which, by law, they should not use.

(18) The majority cannot be prohibited on account of the minority.

(19) [Or, every denarius of Hadrianus Trajanus, Trajan being an adopted name of Hadrian, v. next note.]

(20) [Kuk. S.H. Hazofeh, 1928, p. 262, renders 'obliterated', and suggests the reference to be to the holy coins restruck by Hadrian, who stamped over their holy legends those of the Romans. For other explanations of this difficult passage. v. Madden, Jewish Coinage, p. 331 ff.]

(21) And as such its use by a Jew was illegal.

(22) So having been annulled by the 'robbers' they could be put to secular use.

(23) Deut. XXVII, 15. On the basis of this text it was taught above (52a) that the idol of an Israelite cannot be annulled.

### **Talmud - Mas. Avodah Zarah 53a**

R. Wallas said: No, the clause is necessary for the circumstance where there was joint-ownership; and it informs us that while the Israelite cannot annul [the part of] the idol which belongs to the heathen, the heathen can do it [to the part] which belongs to himself.

There are still others who apply [the statement of R. Hillel] to this teaching: R. Simeon b. Menasya says: An idol belonging to an Israelite can never be annulled. What means 'never'? — R. Hillel the son of R. Wallas said: No, it was necessary [to have the word 'never'] for the circumstance where a heathen has part-ownership.<sup>1</sup> He thereby informs us that the Israelite worships the idol on his own account.<sup>2</sup>

MISHNAH. HOW DOES HE ANNUL IT? IF HE CUT OFF THE TIP OF ITS EAR, THE TIP OF ITS NOSE, OR THE TIP OF ITS FINGER; OR IF HE DEFACED IT,<sup>3</sup> ALTHOUGH THERE WAS NO REDUCTION IN THE MASS OF THE MATERIAL,<sup>4</sup> HE HAS ANNULLED IT. IF HE SPAT BEFORE IT, URINATED BEFORE IT, DRAGGED IT [IN THE DUST] OR HURLED EXCREMENT AT IT, BEHOLD IT IS NOT ANNULLED. IF HE SOLD OR GAVE IT AS A PLEDGE, RABBI SAYS THAT HE HAS ANNULLED IT, BUT THE SAGES SAY THAT HE HAS NOT ANNULLED IT.

GEMARA. Since there was no reduction in the mass of the material, how could it be annulled?<sup>5</sup> — R. Zera said: Because he defaced its appearance.<sup>6</sup>

IF HE SPAT BEFORE IT, URINATED BEFORE IT. Whence is this? — Hezekiah said: Because Scripture stated, And it shall come to pass that, when they shall be angry, they shall fret themselves and curse their king and their god and turn their faces upward,<sup>7</sup> and it continues, And they shall look unto the earth, and behold, distress and darkness etc.<sup>8</sup> Thus, although [the heathen] curse his king and his god and turn upward [to the true God], he still looks unto the earth.<sup>9</sup>

IF HE SOLD OR GAVE IT AS A PLEDGE, RABBI SAYS THAT HE HAS ANNULLED IT etc. Zei'ri in the name of R. Johanan and R. Jeremiah b. Abba in the name of Rab [are at variance].<sup>10</sup> One said that the difference is over a heathen smelter,<sup>11</sup> but if it was [sold to] an Israelite smelter all agree that he annulled it.<sup>12</sup> The other said that the difference is over an Israelite smelter.<sup>13</sup> The question was asked: Is the difference over an Israelite smelter but with a heathen smelter all agree that he has not annulled it, or perhaps in either case there is the difference?<sup>14</sup> — Come and hear: For Rabbi said: My view<sup>15</sup> is the more probable when he sold it to be broken up,<sup>16</sup> and my colleagues' view is the more probable when he sold it to be worshipped.<sup>17</sup> What means 'to be broken up' and 'to be worshipped'? Am I to say that these terms are to be understood in their literal sense? [If that were so,] what is the reason of him who says that he had annulled it<sup>18</sup>, and the reason of him who says that he had not annulled it?<sup>19</sup> Must not, then, 'to be broken up' mean [that he sold it] to someone who would break it up, viz., an Israelite smelter,<sup>20</sup> and 'to be worshipped' means [that he sold it] to someone who would worship it, viz., a heathen smelter;<sup>21</sup> and are we not to conclude that in either case there is a difference of opinion?<sup>22</sup> — No; this is the meaning — Rabbi said: My view is acceptable to my colleagues when he sold it to be broken up, i.e., to an Israelite smelter, because even my colleagues do not differ from me except in the case where he sold it to be worshipped, but when it is sold to be broken up they agree with me [that it had been annulled].

Against the above the following is quoted: If one brought scrap metal from a heathen and found an idol amongst it, should he have drawn it [into his possession] before paying over the purchase price he can return the idol;<sup>23</sup> but should he have drawn it [into his possession] after paying over the

purchase money, he casts it into the Salt Sea.<sup>24</sup> This is quite right if you say that the above difference is over an Israelite smelter; then whose is this teaching? It is the Rabbis'.<sup>25</sup> But if you say that the difference is over a heathen smelter and all agree that with an Israelite smelter he has annulled it, whose is this teaching?<sup>26</sup> — It is otherwise in the present illustration because his intention was to sell scrap metal and not an idol.<sup>27</sup>

Our Rabbis taught: If [a heathen] borrowed money on an idol, or ruins fell upon it,<sup>28</sup> or robbers stole it,<sup>29</sup> or the owners left it behind and journeyed to a distant land,

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- (1) When he annuls the idol, it does not affect the Israelite's position. So far as he is concerned the idol can never be annulled.
  - (2) And what his heathen partner does cannot affect his own position in the matter.
  - (3) By hammering at it when it is hollow.
  - (4) Nothing was broken off.
  - (5) Since something must be broken off the idol for its annulment.
  - (6) And it is no longer recognisable as an idol.
  - (7) Isa. VIII, 21.
  - (8) Ibid, 22.
  - (9) And eventually resumes his idolatry. His repudiation of the idol is only the effect of momentary exasperation. V. supra, p. 222.
  - (10) Over the reasons which induced Rabbi and the Rabbis to adopt their respective views.
  - (11) If the idol were sold to a heathen he may worship instead of melting it.
  - (12) Because the seller assumes that the idol will be destroyed.
  - (13) In that case the Rabbis maintain the idol is not annulled.
  - (14) Whoever bought it, Rabbi maintaining that it is annulled and the Rabbis that it is not.
  - (15) [I.e., the view which I received from my teachers (Rashi).]
  - (16) It can then be assumed that he annulled it,
  - (17) Then the seller probably had not annulled it.
  - (18) If he sold it to be worshipped.
  - (19) If he sold it to be broken up.
  - (20) And then all must agree that he had annulled it.
  - (21) Therefore all must agree that there has been no annulment.
  - (22) The Rabbis holding that even if sold to an Israelite smelter the seller may think the Jewish purchaser will sell it to another heathen to be worshipped, and so he did not annul it; whereas Rabbi is assured that the seller annulled it even when he sold it to a heathen smelter because he was certain that it would be put into the melting-pot.
  - (23) For the owner to annul and then the purchaser may accept it.
  - (24) He may not return the idol and get his money back. Since the idol has to be thrown away, the assumption is that the seller has not annulled it. (v. infra 71b).
  - (25) Who, in our Mishnah, say 'He has not annulled it'.
  - (26) It agrees with neither Rabbi nor the Rabbis,
  - (27) And so presumably there had been no annulment.
  - (28) He makes no effort to recover it.
  - (29) He does not try to get it back.

## **Talmud - Mas. Avodah Zarah 53b**

if with the intention of returning [to claim it] as happened during the war waged by Joshua,<sup>1</sup> it is not annulled. It was necessary [to cite all these circumstances]. For if there had only been taught the case where he borrowed money on it, from the fact that he had not sold it [it follows that] he had not annulled it; but if ruins fell upon it, since he does not clear them away [to recover it], conclude that he had annulled it! Therefore it was necessary [to mention that in the latter circumstance the idol is not annulled]. If there had only been taught the case where ruins fell upon it, because he thought that



[the idol] is lying there and whenever I want it I can take it [he did not annul it]; but in the case where robbers stole it, from the fact that he does not go searching for it [it might be assumed] that he had annulled it! Therefore it was necessary [to mention that in the latter circumstance the idol is not annulled]. If there had only been taught the case where robbers stole it, because he thought that if a heathen took it he would doubtless worship it and if an Israelite took it, it being an article of value, he would sell it to a heathen who would worship it [therefore it is not annulled]; but in the case where the owners left it behind and journeyed to a distant land, since they did not take it with them [it might be assumed] that they had annulled it! Therefore it was necessary [to mention that in the latter circumstance the idol is not annulled].

‘If with the intention of returning [to claim the idol] as happened during the war waged by Joshua, it is not annulled!’ But in the instance of the war waged by Joshua did [the Amorites] return?<sup>2</sup> — This is the meaning: If [the owners] have the intention of returning, it is analogous to the war waged by Joshua and there can be no annulment.<sup>3</sup> Why, then, compare it to<sup>4</sup> the war waged by Joshua? — He thereby informs us of something incidentally, and it is as Rab Judah said in the name of Rab: If an Israelite set up a brick to worship [but did not do so] and an idolater came and worshipped it, it is prohibited.<sup>5</sup> Whence have we that it is prohibited?<sup>6</sup> — R. Eleazar said: It is the same as happened at the beginning of the settlement in the land of Israel; for the Divine Law declared, And burn their Asherim with fire.<sup>7</sup> Now it was an inheritance to [the Israelites] from their ancestors<sup>8</sup> and a man cannot make prohibited what does not belong to him!<sup>9</sup> If [it is assumed that the reason was] on account of those [Asherim] which existed there originally,<sup>10</sup> then just an annulment would have sufficed!<sup>11</sup> But inasmuch as the Israelites worshipped the Golden Calf, they revealed their proneness for idolatry, so<sup>12</sup> when the idolaters came [and worshipped Asherim] they acted according to [the Israelites’] bidding.<sup>13</sup> Similarly when an Israelite set up a brick, he revealed his proneness for idolatry; therefore when a heathen came and worshipped it he acted according to [the Israelite’s] bidding. But perhaps the proneness was only for the Golden Calf and for nothing else!<sup>14</sup> — No; Scripture states, These be thy gods, O Israel,<sup>15</sup> which proves that they lusted for many gods. Conclude, then, that all [the Asherim] which existed at the same time as the Golden Calf are prohibited, but those planted subsequently<sup>16</sup> are permitted!<sup>17</sup> — Who is able to distinguish between them? MISHNAH. AN IDOL WHICH ITS WORSHIPPERS ABANDONED IN TIME OF PEACE IS PERMITTED,<sup>18</sup> IN TIME OF WAR IS PROHIBITED. PEDESTALS OF KINGS<sup>19</sup> ARE PERMITTED BECAUSE [THE HEATHENS ONLY] SET THEM UP AT THE TIME THE KINGS PASS BY.

GEMARA. R. Jeremiah b. Abba said in the name of Rab: The Temple of Nimroc<sup>20</sup> is to be regarded the same as an idol which its worshippers abandoned in time of peace and is permitted; for although, due to the fact that the All-merciful dispersed them, it was like a time of war, if they had wished to return [and claim the idols] they could have returned; but since they did not, they must have annulled them.

PEDESTALS OF KINGS ARE PERMITTED. Because [the heathens only] set them up at the time the kings pass by they are permitted! Rabbah b. Bar Hanah said in the name of R. Johanan: The meaning is — because they only set them up at the time kings pass by and the kings may abandon that road and proceed by another road.<sup>21</sup> When ‘Ulla came<sup>22</sup> he seated himself on a damaged pedestal. Rab Judah said to him: Behold both Rab and Samuel declared that a damaged pedestal is prohibited; and even according to him who said that [heathens] do not worship fragments [of idols], that applies only to an idol because it is an act of contempt to worship fragments but with this [pedestal] one does not care!<sup>23</sup> — He replied to him: Who would give me some of the dust [from the bodies] of Rab and Samuel that I might fill my eyes with it!<sup>24</sup> [Nevertheless] both R. Johanan and R. Simeon b. Lakish declared that a damaged pedestal is permitted; and even according to him who said that [heathens] do worship fragments, that applies only to an idol because from the fact that they worship it, they would regard it a desecration to annul it; but as for these [pedestals] they throw them

aside [when damaged] and bring another.<sup>25</sup> There is a teaching in agreement with R. Johanan and R. Simeon b. Lakish, viz.: A damaged pedestal is permitted — a damaged altar is prohibited until the greater part of it is demolished.<sup>26</sup>

What constitutes a pedestal and what an altar?<sup>27</sup> — R. Jacob b. Idi said in the name of R. Johanan: A pedestal consists of a single stone, an altar of several stones.

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(1) Against the Amorites for the possession of Canaan.

(2) Why is that cited as an illustration?

(3) And the idol would have to be destroyed in the same manner, as everything captured during the war against the Amorites was under a ban (Josh. VI, 19).

(4) Lit., 'make it depend on.'

(5) And cannot be annulled, despite the rule that a person cannot render prohibited what does not belong to him.

(6) Although it was not his property.

(7) Deut. XII, 3.

(8) The land having been promised to the patriarchs.

(9) So how could the Amorites make the Asherim prohibited when they really belonged to the Israelites?

(10) Before the promise to the patriarchs, and were consequently the property of the Amorites.

(11) The Israelites could have compelled the Amorites to annul the Asherim and there would have been no need to burn them.

(12) Although the land really belonged to the Israelites.

(13) Therefore the Asherim were in fact idols of the Israelites and as such could not be annulled and had to be destroyed.

(14) And the Asherim were not idolatrous objects of the Israelites and should be annulled.

(15) Ex. XXXII, 4. Note the plural.

(16) [After they had repented of their sin.]

(17) If annulled.

(18) Because they did not take it with them, it is assumed that they annulled it.

(19) Upon which an idol is set when the king passes that way.

(20) The Tower of Babel erected at the time when, according to tradition, Nimrod was king.

(21) Therefore they are not necessarily idolatrous appurtenances. The object was rather to honour the king.

(22) From Palestine to Babylon.

(23) Whether it is damaged or not, he could still put an idol upon it.

(24) Such was his veneration for these great teachers.

(25) Consequently nobody attaches sanctity to pedestals.

(26) Tosef. A.Z. VI.

(27) How are we to distinguish in the case of idolaters which erection is for a pedestal and which for offerings?

## **Talmud - Mas. Avodah Zarah 54a**

Hezekiah said: Which is the text?<sup>1</sup> — When he maketh all the stones of the altar as chalkstones that are beaten in sunder, so that the Asherim and the sun-images shall rise no more<sup>2</sup> — i.e., if [the altar] becomes like 'chalkstones that are beaten in sunder', then 'the Asherim and the sun-images shall rise no more,'<sup>3</sup> otherwise they will rise again.

A Tanna taught: If a man worshipped [an animal] which is his own it is prohibited,<sup>4</sup> but if it belonged to another it is permitted. Against this I quote: Which [animal is considered to have been] worshipped? Any which was worshipped, whether inadvertently or deliberately, whether under compulsion or voluntarily.<sup>5</sup> How is the term 'under compulsion' to be understood? Is it not, e.g., when a man took his neighbour's animal by force and worshipped it?<sup>6</sup> — Rami b. Hama said: No, it is, e.g., when heathens brought pressure to bear upon a man and he worshipped his own animal.<sup>7</sup> [To this interpretation] R. Zera objected: But the All-merciful absolves anyone who acts under pressure, as it is written, But unto the damsel thou shalt do nothing!<sup>8</sup> — But, said Raba, all<sup>9</sup> were included in

the general law Nor serve them;<sup>10</sup> so when Scripture specifies He shall live by them,<sup>11</sup> i.e., and not die through them, it excludes the man who acts under pressure. After that, however, the All-merciful wrote. And ye shall not profane My holy name<sup>12</sup> — i.e., not even under compulsion!<sup>13</sup> How is it, then? — The former refers to an act in private, the latter to an act in public.<sup>14</sup>

The Rabbis said to Raba: There is a teaching which supports your view, viz.: Idolatrous pedestals [set up] in a time of religious persecution<sup>15</sup> are not annulled even when the persecution is over.<sup>16</sup> He said to them: If it is on that account, [the teaching you quote] gives no support to my view, for the reason that perhaps there was an apostate who worshipped at it voluntarily! R. Ashi said: Do not use the word ‘perhaps’, but there certainly was an Israelite, an apostate, who worshipped voluntarily.<sup>17</sup> Hezekiah said: For instance, he poured wine unto an idol upon the horns of [his neighbour's animal].<sup>18</sup> [To this explanation] R. Adda b. Ahaba objected: Can this be considered [an animal] which is worshipped?<sup>19</sup> [In such circumstances the animal] is merely a pedestal and is permitted!<sup>20</sup> — But, said R. Adda b. Ahaba, it is, e.g., a case where he poured wine between the horns of [his neighbour's animal] in which case he performed on it an act [of worship].<sup>21</sup> This is in accord with what ‘Ulla reported in the name of R. Johanan when he came [from Palestine]: Although they declare that he who worships his neighbour's animal does not render it prohibited, still if he performed on it an act [of idolatrous worship]<sup>22</sup> he rendered it prohibited. R. Nahman said [to the Rabbis]: Go, tell ‘Ulla, that R. Huna has already expounded this thy teaching in Babylon!<sup>23</sup> For R. Huna said: If the animal of his neighbour was lying in front of an idol, as soon as he cut one of its neck-veins<sup>24</sup> he has rendered it prohibited.<sup>25</sup> Whence have we that he rendered it prohibited? If I answer from the priests,<sup>26</sup> it is different with priests because they are rational beings;<sup>27</sup> and if [I answer that it may be derived] from the altar-stones,<sup>28</sup> perhaps it is as R. Papa explained!<sup>29</sup>

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(1) That proves an altar to consist of several stones and that it is prohibited until the greater part is demolished

(2) Isa. XXVII, 9.

(3) I.e., no more offerings will be brought upon such an altar and it is then no longer prohibited.

(4) As an offering in the Temple.

(5) Tosef. A.S. VI.

(6) [Whereas the first Baraita teaches that one does not render prohibited his neighbour's animal by worshipping it.]

(7) According to this interpretation the two teachings are in agreement.

(8) Deut. XXII, 26, when a betrothed girl was violated in a field.

(9) Viz., both the cases of under compulsion and voluntarily. This is how Raba proposed to harmonise the two contradictory teachings.

(10) Ex. XX, 5.

(11) Lev. XVIII, 5, viz., by the divine commandments.

(12) Ibid. XXII, 32.

(13) So here is a contradiction.

(14) In similar manner are the two teachings to be harmonised. If a man worshipped his own animal not in public under compulsion it may be brought as an offering; but if the worship was in public the animal is prohibited.

(15) When a Jew is compelled publicly to worship at them.

(16) [This proves that whatever is worshipped in public under compulsion is rendered prohibited.]

(17) Among a large number it is improbable that there should not be at least one apostate. Therefore the pedestal is an idolatrous object worshipped by an Israelite voluntarily and remains prohibited for ever.

(18) He offers this explanation of the phrase ‘animal worshipped under compulsion.’ It does not refer to just bowing before it.

(19) It was not the animal that was worshipped but the idol.

(20) Under the rule that animate beings used as an appurtenance to idolatry are not prohibited.

(21) Then it is prohibited although he took his neighbour's animal by force and worshipped it.

(22) As, e.g., pouring wine between its horns.

(23) There was no need to bring it as a teaching of the Palestinian Schools.

(24) For a complete act of slaughter both the gullet and windpipe must be cut; but if he cut only one in honour of the idol

the animal is prohibited.

(25) [Because he performed on it an act of worship.]

(26) Israelite priests whom their kings forced to sacrifice to idols. V. Ezek. XLIV, 13.

(27) And could have fled rather than act as they did; therefore they were for ever disqualified from the divine Service. But an animal is not a rational being and did not willingly submit to being used for the worship of an idol; so why should it be prohibited?

(28) Which the Hasmoneans stored away after they had been desecrated.

(29) In his exposition of Ezek. VII, 22. V. supra p. 266.

## **Talmud - Mas. Avodah Zarah 54b**

— Rather [must it be derived] from the Sanctuary vessels; for it is written, Moreover all the vessels, which king Ahaz in his reign did cast away when he trespassed, have we prepared and sanctified, and a Master declared: 'Have we prepared' means that we have stored them away, and 'sanctified' means that we have substituted others for them.<sup>1</sup> But [there is the rule that] a man cannot render prohibited what is not his property! Since, however, an act [of idolatrous worship] was performed on them [king Hezekiah and his followers] declared them prohibited for themselves — Similarly here [with the animal] since he performed an act [of idolatrous worship] on it, he has rendered it prohibited.

When R. Dimi came [from Palestine] he reported in the name of R. Johanan: Although [the Rabbis] declared that he who worships a piece of ground does not render it prohibited, yet if he dug in it<sup>2</sup> wells, pits or caves he has rendered it prohibited. When R. Samuel b. Judah came [from Palestine] he reported that R. Johanan said: Although [the Rabbis] declared that he who worships animate beings has not rendered them prohibited, if he obtained them in exchange for an idol he has rendered them prohibited. When Rabin came [from Palestine] he said: On this point R. Ishmael son of R. Jose and the Rabbis are at variance. One said that the animals obtained in exchange for an idol are prohibited but the animals obtained in exchange for these are permitted; while the other says that even these are prohibited. What is the reason of him who says that even these are prohibited? — Scripture states, And become a devoted thing like unto it,<sup>3</sup> i.e., whatever you bring into being from [a devoted thing] is to be treated like it. [What is the reason of] the other? — Scripture states, [For] it [is a devoted thing]<sup>4</sup> — it [is a devoted thing] but not what is obtained as the result of a double exchange. [How does] the second authority [explain this phrase]? — He requires it for the exclusion of 'orlah<sup>5</sup> and the mixed plantings of a vineyard,<sup>6</sup> so that if he sold them and with the proceeds married a wife<sup>7</sup> she is legally married. [Why does] the first authority [not explain the word it similarly]? Because 'orlah and the mixed plantings of a vineyard do not require to be specially excluded, since in connection with idolatry and the Sabbatical year we have two texts which have an identical purpose,<sup>8</sup> and the rule is: We draw no deduction when two texts have an identical purpose.<sup>9</sup> As regards idolatry it is as we have stated.<sup>10</sup> As regards the Sabbatical year, it is written, For it is a jubilee, it shall be holy unto you<sup>11</sup> — as the holiness affects the redemption money<sup>12</sup> and is prohibited, similarly the Sabbatical year [described as holy like the Sanctuary] affects its money<sup>13</sup> and is prohibited. If [this conclusion is correct], then as the holiness affects its redemption money and [the object which is redeemed] becomes non-holy,<sup>14</sup> similarly the Sabbatical year should affect its money and [the produce which had been sold] become non-holy! But there is a text to state, It shall be [holy],<sup>15</sup> i.e., it shall remain in that state.<sup>16</sup> How is it, then? If he bought meat with fruits grown in the seventh year, both must be 'removed' during the Sabbatical year.<sup>17</sup> But if he bought fish with that meat, the meat ceases to be holy and the fish becomes holy; if he then bought wine with the fish, the fish ceases to be holy and the wine becomes holy; if he then bought oil with the wine, the wine ceases to be holy and the oil becomes holy. How is it, then? It is the last thing [in the series of exchanges] which is affected by the Sabbatical year<sup>18</sup> and the fruit itself is prohibited.<sup>19</sup> What, however, of the second authority?<sup>20</sup> — He holds that we do draw a deduction when two texts have an identical purpose, and [the phrase 'for it is a devoted thing'] is required for the exclusion [of

‘orlah and the mixed plantings of a vineyard, as explained above].

MISHNAH. THE ELDERS<sup>21</sup> IN ROME WERE ASKED, ‘IF [YOUR GOD] HAS NO DESIRE FOR IDOLATRY, WHY DOES HE NOT ABOLISH IT?’ THEY REPLIED, ‘IF IT WAS SOMETHING UNNECESSARY TO THE WORLD THAT WAS WORSHIPPED, HE WOULD ABOLISH IT; BUT PEOPLE WORSHIP THE SUN, MOON, STARS AND PLANETS; SHOULD HE DESTROY HIS UNIVERSE ON ACCOUNT OF FOOLS!’ THEY SAID [TO THE ELDERS], ‘IF SO, HE SHOULD DESTROY WHAT IS UNNECESSARY FOR THE WORLD AND LEAVE WHAT IS NECESSARY FOR THE WORLD!’ THEY REPLIED, ‘[IF HE DID THAT], WE SHOULD MERELY BE STRENGTHENING THE HANDS OF THE WORSHIPPERS OF THESE,<sup>22</sup> BECAUSE THEY WOULD SAY, "BE SURE THAT THESE ARE DEITIES, FOR BEHOLD THEY HAVE NOT BEEN ABOLISHED!"’

GEMARA. Our Rabbis taught: Philosophers asked the elders in Rome, ‘If your God has no desire for idolatry, why does He not abolish it?’ They replied, ‘If it was something of which the world has no need that was worshipped, He would abolish it; but people worship the sun, moon, stars and planets; should He destroy the Universe on account of fools! The world pursues its natural course, and as for the fools who act wrongly, they will have to render an account. Another illustration: Suppose a man stole a measure of wheat and went and sowed it in the ground; it is right that it should not grow, but the world pursues its natural course and as for the fools who act wrongly, they will have to render an account. Another illustration: Suppose a man has intercourse with his neighbour's wife; it is right that she should not conceive, but the world pursues its natural course and as for the fools who act wrongly, they will have to render an account.’ This is similar to what R. Simeon b. Lakish said: The Holy One, blessed be He, declared, Not enough that the wicked put My coinage to vulgar use, but they trouble Me and compel Me to set My seal thereon!<sup>23</sup>

A philosopher asked R. Gamaliel, ‘It is written in your Torah, For the Lord thy God is a devouring fire, a jealous God.<sup>24</sup> Why, however, is He so jealous of its worshippers rather than of the idol itself?’ He replied, ‘I will give you a parable: To what is the matter like? To a human king who had a son, and this son reared a dog to which he attached his father's name, so that whenever he took an oath he exclaimed, "By the life of this dog, my father!" When the king hears of it, with whom is he angry — his son or the dog? Surely he is angry with his son!’ [The philosopher] said to him, ‘You call the idol a dog; but there is some reality in it.’ [The Rabbi asked], ‘What is your proof?’ He replied, ‘Once a fire broke out in our city, and the whole town was burnt with the exception of a certain idolatrous shrine!’ He said to him, ‘I will give you a parable: To what is the matter like? To a human king against whom one of his provinces rebelled. If he goes to war against it, does he fight with the living or the dead? Surely he wages war with the living!’<sup>25</sup> [The philosopher] said to him, ‘You call the idol a dog and you call it a dead thing. In that case, let Him destroy it from the world!’ He replied, ‘If it was something unnecessary to the world that was worshipped, He would abolish it; but people worship the sun and moon, stars and planets, brooks and valleys. Should He destroy His universe on account of fools! And thus it states,

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(1) V. supra p. 266.

(2) As an act of idolatry.

(3) Deut. VII, 26.

(4) Ibid.

(5) V. Glos.

(6) Lev. XIX, 19.

(7) At marriage the bridegroom has to hand the bride a sum of money. Although the money was obtained in exchange for what was unlawful it could be used for the purpose.

(8) Lit., ‘two texts which come as one,’ i.e., a law is given twice in Scripture in such similar terms that one appears to be superfluous since either could have been deduced from the other by analogy.

- (9) We do not apply the regulation contained in the two texts to anything else than what is specified therein.
- (10) Viz., And become a devoted thing like unto it, from which is deduced that what is exchanged for a prohibited thing is likewise prohibited.
- (11) Lev. XXV, 12.
- (12) When the object dedicated to the Sanctuary is redeemed for a sum of money.
- (13) Obtained by illegally selling produce grown in that year.
- (14) And may be put to secular use.
- (15) Not 'it is holy'.
- (16) I.e., whatever grows in that year shall be always in a state of holiness.
- (17) They are both 'holy'. [They can be eaten by the owner only as long as like produce is available to the public and animals in the fields. Once this produce is beginning to fail, it must be 'removed' from the house and made free to all.]
- (18) And is holy.
- (19) [It is 'holy'. We thus have two texts to teach the prohibition of things obtained in exchange for forbidden things, so that there is no need of the phrase 'it' to exclude 'orlah etc.' Hence it must be applied to the exclusion of that which is obtained as the result of a double exchange.]
- (20) Who deduces that the result of a double exchange is forbidden.
- (21) They were R. Gamaliel, Eleazar b. Azariah, Joshua b. Hananiah and Akiba, who visited Rome in 95 C.E. V. Bacher, *Agada d. Tann*, I, p. 84, and the authorities quoted by him.
- (22) The essential things which God spared.
- (23) The wicked make wrong use of the sexual instinct with which they have been endowed by God and trouble Him to form the embryo which results from their immorality.
- (24) Deut. IV, 24.
- (25) The idol is a dead thing, so God does not wage war with it.

## **Talmud - Mas. Avodah Zarah 55a**

Am I utterly to consume all things from off the face of the ground, saith the Lord; am I to consume man and beast; am I to consume the fowls of the heaven, and the fishes of the sea, even the stumbling-blocks of the wicked!<sup>1</sup> — i.e., because the wicked stumble over these things is He to destroy them from the world? Do they not worship the human being; so am I to cut off man from off the face of the ground!<sup>2</sup>

The General Agrippa asked R. Gamaliel, 'It is written in your Torah, For the Lord thy God is a devouring fire, a jealous God. Is a wise man jealous of any but a wise man, a warrior of any but a warrior, a rich man of any but a rich man?'<sup>3</sup> He replied, 'I will give you a parable: To what is the matter like? To a man who marries an additional wife. If the second wife is her superior, the first will not be jealous of her; but if she is her inferior, the first wife will be jealous of her.'<sup>4</sup>

[An Israelite named] Zunin<sup>5</sup> said to R. Akiba: 'We both know in our heart that there is no reality in an idol; nevertheless we see men enter [the shrine] crippled and come out cured.<sup>6</sup> What is the reason?' He replied, 'I will give you a parable: To what is the matter like? To a trustworthy man in a city, and all his townsmen used to deposit [their money] in his charge without witnesses. One man, however, came and deposited [his money] in his charge with witnesses; but on one occasion he forgot and made his deposit without witnesses. The wife [of the trustworthy man] said to [her husband], "Come, let us deny it." He answered her, "Because this fool acted in an unworthy manner, shall I destroy my reputation for trustworthiness!" It is similar with afflictions. At the time they are sent upon a man the oath is imposed upon them, "You shall not come upon him except on such and such a day, nor depart from him except on such and such a day, and at such an hour, and through the medium of so and so, and through such and such a remedy." When the time arrives for them to depart, the man chanced to go to an idolatrous shrine. The afflictions plead, "It is right that we should not leave him and depart; but because this fool acts in an unworthy way shall we break our oath!"' This is similar to what R. Johanan said: What means that which is written, And sore and

faithful sicknesses?<sup>7</sup> — ‘Sore’ in their mission and ‘faithful’ to their oath.

Raba son of R. Isaac said to Rab Judah: ‘There is an idolatrous shrine in our place, and whenever the world is in need of rain, [the idol] appears to [its priests] in a dream, saying, "Slay a human being to me and I will send rain." They slay a human being to it and rain does come!’ He replied, ‘Now were I dead, nobody could have related to you a certain dictum of Rab, viz., What means that which is written, Which the Lord thy God hath divided [halak] unto all the peoples under the whole heaven!<sup>8</sup> This teaches that He made smooth [hehelik] their words<sup>9</sup> to banish [idolaters] from the world. This is similar to what R. Simeon b. Lakish said: What means that which is written, Surely He scorneth the scorers, but He giveth grace unto the lowly!<sup>10</sup> If one comes to defile himself he is granted facilities for so doing, and if he comes to purify himself support is given to him.

**MISHNAH. A WINEPRESS [CONTAINING] TRODDEN [GRAPES] MAY BE PURCHASED FROM A HEATHEN EVEN THOUGH IT WAS HE THAT LIFTED [THE TRODDEN GRAPES] WITH HIS HAND AND PUT THEM AMONG THE HEAP;<sup>11</sup> AND [THE JUICE] DOES NOT BECOME YEN NESEK<sup>12</sup> UNTIL IT DESCENDS INTO THE VAT. WHEN IT HAS DESCENDED INTO THE VAT, WHAT IS IN THE VAT IS PROHIBITED<sup>13</sup> BUT THE REMAINDER IS PERMITTED. [ISRAELITES] MAY TREAD THE WINEPRESS TOGETHER WITH A HEATHEN**

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(1) Zeph. I, 2 f. The Talmud requires this translation. E.V., I will utterly consume etc.

(2) Ibid.

(3) Consequently if God is jealous of idols, they must be comparable to Him.

(4) Because the affront is when the man chooses an inferior woman to take her place in his affections.

(5) [Bacher, op. cit., p. 301, identifies him with the superintendent of R. Gamaliel's household. Pes. 49a.]

(6) [According to Bacher, loc. cit., n. 3, the reference is to the pagan practice which was for the afflicted person to repair to the shrine of Asklepios or Serapis where he would pass the night in the expectation of receiving in a dream a revelation of his cure.]

(7) Deut. XXVIII, 59. So the Hebrew literally.

(8) Ibid. IV, 19.

(9) Gave the idols power to deceive men.

(10) Prov. III, 34.

(11) [‘After the first treading the husks and stalks were piled in a heap in the centre and then submitted to further pressure by means of weights.’ (Elmslie, a.l.)]

(12) ‘Libation-wine,’ v. Glos.

(13) [Should the heathen handle it.]

### **Talmud - Mas. Avodah Zarah 55b**

**BUT MAY NOT GLEAN GRAPES WITH HIM.<sup>1</sup> SHOULD AN ISRAELITE BE WORKING IN A STATE OF RITUAL IMPURITY, WE MAY NEITHER TREAD NOR GLEAN WITH HIM, BUT WE MAY CONVEY [EMPTY] CASKS WITH HIM TO THE PRESS AND CARRY THEM [FILLED] WITH HIM FROM THE PRESS. IF A BAKER WAS WORKING IN A STATE OF RITUAL IMPURITY, WE MAY NEITHER KNEAD NOR ROLL DOUGH WITH HIM BUT WE MAY CONVEY LOAVES WITH HIM TO THE BAKERY.**

GEMARA. R. Huna said: As soon as the wine begins to flow<sup>2</sup> it may become nesek. But we learn in our Mishnah: A WINEPRESS [CONTAINING] TRODDEN [GRAPES] MAY BE PURCHASED FROM A HEATHEN EVEN THOUGH IT WAS HE THAT LIFTED [THE TRODDEN GRAPES] WITH HIS HAND AND PUT THEM AMONG THE HEAP!<sup>3</sup> — R. Huna said: This refers to a winepress which is stoppered and full.<sup>4</sup> Come and hear: AND [THE JUICE] DOES NOT BECOME YEN NESEK UNTIL IT DESCENDS INTO THE VAT!<sup>5</sup> — Similarly here [says R. Huna, the

Mishnah deals with] a vat which is stoppered and full.<sup>6</sup> Come and hear: WHEN IT HAS DESCENDED INTO THE VAT, WHAT IS IN THE VAT IS PROHIBITED BUT THE REMAINDER IS PERMITTED!<sup>7</sup> — R. Huna said: There is no contradiction; one teaching is from the older Mishnah and the other from the later Mishnah;<sup>8</sup> for it has been taught: ‘At first [the Sages] used to say (B.D.D.)<sup>9</sup> that [Israelites] may not glean grapes together with a heathen [and bring them] into a winepress,<sup>10</sup> for the reason that it is forbidden to cause defilement to the ordinary foodstuffs<sup>11</sup> of the Land of Israel, nor may they tread grapes together with an Israelite who works with his fruits while he is in a state of defilement for the reason that it is forbidden to assist transgressors; but they may tread grapes together with a heathen in a winepress.’<sup>12</sup> Consequently no attention is here paid to the view of R. Huna.<sup>13</sup> ‘Later [the Rabbis] said (D.B.B.):<sup>14</sup> [Israelites] may not tread grapes together with a heathen in a winepress,’ for the reason given by R. Huna,<sup>15</sup>

(1) The explanation is given in the Gemara.

(2) From the upper trough which contains the grapes through a pipe into the lower where the wine collects. The press always consisted of two compartments. V. the illustration in Encyc. Bib., IV, col. 5312, and the description in Krauss, Tal, Arch., II, pp. 233 f.

(3) It would consequently appear that the wine is not prohibited as soon as it begins to flow.

(4) No wine could then run out; so when the juice flows from the grapes it remains on top. Consequently the wine must have been touched by the heathen and it is rendered nesek.

(5) This contradicts the explanation just given.

(6) So that the wine remains in the upper trough.

(7) Consequently wine must have flowed into the vat.

(8) [Probably that of R. Akiba, v. Sanh, (Sonc. ed.) p. 163, n. 7.]

(9) A mnemonic of the three rulings that follow: **בוצרין. דורכין. דורכין.**

(10) [The heathen winepress for which they are destined will cause defilement to the grapes.]

(11) Eaten by the people as distinct from parts of certain offerings which belong to the priests.

(12) [Because the grapes having been picked and placed in the winepress by the heathen have already become defiled, and the assistance of the Jew at treading causes no further damage.]

(13) That wine becomes nesek as soon as it begins to flow, in which case it would be forbidden for the Jew to assist in the treading.

(14) Mnemonic of the rulings that follow: **דורכין. בוצרין. בוצרין.**

(15) Viz., that the juice is considered to be wine as soon as it runs from the grapes, and the Jew would be working at Yen Nesek.

## Talmud - Mas. Avodah Zarah 56a

‘nor may they glean grapes together with an Israelite who works with his fruits while he is in a state of defilement;<sup>1</sup> so how much more may they not tread grapes,<sup>2</sup> but may glean them, together with a heathen, since it is permitted to cause defilement to the ordinary foodstuffs of the land of Israel.’

AND [THE JUICE] DOES NOT BECOME YEN NESEK UNTIL IT DESCENDS INTO THE VAT. But we have learnt: Wine [becomes subject to the tithe] when it is skimmed!<sup>3</sup> — Raba said: There is no contradiction, because [this latter teaching] is R. Akiba's and [that of the Mishnah] is the Rabbis'. For it has been taught: [The liquid is considered to be] wine when it descends into the vat, whereas R. Akiba says, When it is skimmed.<sup>4</sup>

The question was asked: Does this mean skimming [of the wine] while it is in the vat or when it is in the cask? — Come and hear! We have learnt: [It is to be considered] wine when it is skimmed; and although he has skimmed it, he may draw some off from the upper trough and from the pipe and drink it.<sup>5</sup> Deduce from this that we mean the skimming while it is in the vat. Draw this conclusion. But R. Zebid learnt in the [collection of Baraithas] of the School of R. Oshaia:<sup>6</sup> [It is to be considered] wine when it descends into the vat and is skimmed; whereas R. Akiba says: When it is



drawn into casks!<sup>7</sup> — That former [Baraita]<sup>4</sup> must be also explained in the sense just given, vis.: [It is considered to be] wine when it descends into the vat and is skimmed; whereas R. Akiba says: When it is drawn into casks. But since our Mishnah teaches: IT DOES NOT BECOME YEN NESEK UNTIL IT DESCENDS INTO THE VAT, conclude that there are three Tannaim [offering different definitions]!<sup>8</sup> — No; it is different as regards yen nesek because the Rabbis take a strict view;<sup>9</sup>

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(1) [Because they would be aiding in the breach of the law, by preparing for the defilement of the priestly portion he is obliged to offer when the grapes are placed in his vat. Grapes, in common with other foodstuffs, are not susceptible to levitical impurity before they come in contact with certain kinds of liquids.]

(2) [When they would be actually assisting transgressors.]

(3) I.e., when the substances which are on top of the wine at the time of fermentation are skimmed off (Ma'as. I, 7). This is a later stage than that mentioned in the Mishnah.

(4) B.M. 92b.

(5) Without first tithing it; consequently it is not yet considered to be wine.

(6) [R. Oshaia had a collection of Baraitas as supplementary to the Mishnah of Rabbi. V. Halevy, II, 253 ff, and supra, p. 27, n. 4.]

(7) This contradicts the Mishnah which does not include skimming, according to the Rabbis, nor drawing into casks, according to R. Akiba.

(8) Viz., (i) the Mishnah, that it is wine when it descends into the vat; (ii) the Rabbis, when it is skimmed in the vat; (iii) R. Akiba, when it is drawn into casks.

(9) For the law of nesek they regard the juice as wine as soon as it descends into the vat, but for the law of tithe they are not so strict and add the condition that it must have been skimmed.

## Talmud - Mas. Avodah Zarah 56b

but as for Raba who draws no distinction,<sup>1</sup> he makes his explanation on the hypothesis that there are three Tannaim [offering different definitions].

WHAT IS IN THE VAT IS PROHIBITED BUT THE REMAINDER IS PERMITTED. R. Huna said: They only taught this in the case where he did not return the net-work<sup>2</sup> to the press, but if he did return it to the press [the whole of it] is prohibited.<sup>3</sup> Why, however, should that which is in the net-work itself be prohibited?<sup>4</sup> — On account of the outflow.<sup>5</sup> Deduce from this that the outflow is a connecting medium! [No,] as R. Hiyya taught: His jar<sup>6</sup> forced the wine back; and similarly here the [contents of the] vat forced the wine back.<sup>7</sup>

There was a boy who had learnt the Tractate on Idolatry when he was six years old. He was asked, 'May [an Israelite] tread grapes together with a heathen in a press?' He replied, 'It is lawful to tread grapes together with a heathen in a press.' [To the objection] 'But he renders it yen nesek by [the touch of] his hands!'<sup>8</sup> [he answered], 'We tie his hands up.' [To the further objection] 'But he renders it yen nesek by [the touch of] his feet!' [he answered], 'Wine touched by the feet is not called nesek.'

It happened in Nehardea that an Israelite and a heathen pressed out wine together. [On the question being put to him how this wine was to be considered,] Samuel delayed three Festivals<sup>9</sup> [before replying]. What was his reason [for the delay]? Shall I say that he thought to himself,

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(1) Between the definition of wine for tithe and for nesek, since he finds a contradiction between our Mishnah and that dealing with tithes; supra 284.

(2) Used as a strainer before the juice descends from the pipe into the vat.

(3) [Even that which is in the upper trough.]

(4) Since the heathen only touched what was in the vat.

- (5) This forms a connection between the liquid in the vat network and lower vat and is the conductor of the prohibited wine from one to the other.
- (6) V. infra p. 347. The jar was filled to the brim through a pipe and so forced some of the liquor back into the cask.
- (7) The vat was so full that the surface of the wine touched the net-work, which forced the wine back again. In this way it caused contamination, and not because the outflow is considered a connecting medium.
- (8) Which is contrary to the ruling of the later Mishnah, v. supra 55b.
- (9) On these Festivals discourses were given in public on the laws of the holy days.

## Talmud - Mas. Avodah Zarah 57a

If I find a Tanna who forbids its use as does R. Nathan, then I will forbid it even to be used for any purpose whatever — since it has been taught: If [a heathen] measured [the quantity of wine] either by using his hand or leg for that purpose, it may be sold;<sup>1</sup> whereas R. Nathan says: If he used his hand it is prohibited, but if his leg it is permitted. But then admit that R. Nathan declared [his prohibition where the wine was touched] by the hand,<sup>2</sup> but did he say so [when it was touched] by the leg! — Rather [must he have thought to himself], If I find a teacher who permits<sup>3</sup> like R. Simeon, then I will permit it even for drinking.

It happened at Biran<sup>4</sup> that a heathen climbed a palm-tree and took one of its branches. While descending he unintentionally touched a [cask of] wine with the branch. Rab, [on being consulted] permitted it to be sold to heathens.<sup>5</sup> R. Kahana and R. Assi said to him, 'But the Master<sup>6</sup> it was who declared that a child only a day old can render wine nesek!' <sup>7</sup> He replied, 'I merely decided against its being drunk [by Israelites], but did I say aught against its use otherwise [by them]?'

The text states: The Master himself has declared that a child only a day old can render wine nesek.' R. Shimi b. Hiyya quoted in objection to Rab's statement: If [an Israelite] bought slaves from a heathen who had been circumcised but not immersed,<sup>8</sup> and similarly with the children of female slaves<sup>9</sup> [born in an Israelite's house] who had been circumcised but not immersed, their spittle and the place where they tread in the street<sup>10</sup> are unclean, but others declare that they are clean. As for wine, adults render it nesek [by contact with it], but minors do not render it nesek. The following are adults and minors: Adults are such as understand the nature of an idol and its appurtenances, whereas minors are such as do not understand this.<sup>11</sup> At all events, it here teaches that adults do [render wine nesek] and minors do not!<sup>12</sup> — [Rab] explained the teaching as referring to the children of female slaves.<sup>13</sup> But in the passage [cited above] we have the words 'and similarly'!<sup>14</sup> — That refers to their spittle and place of treading!<sup>15</sup> This answer is all right according to him who declared that these are unclean, but according to him who declared that they are clean what is there to say?<sup>16</sup> — It informs us of the similarity of slaves to the children of female slaves: as the children of female slaves, when circumcised but not immersed, render wine nesek, and if both circumcised and immersed do not, so is it also with slaves. This excludes what R. Nahman said in the name of Samuel, viz.: If [an Israelite] bought slaves from a heathen, although they had been both circumcised and immersed, they render wine nesek until idolatry is entirely banished from their lips. Hence we are informed that it is not so.

The text states: 'R. Nahman said in the name of Samuel: If [an Israelite] bought slaves from a heathen, although they had been both circumcised and immersed, they render wine nesek until idolatry is entirely banished from their lips.' How long is this? — R. Joshua b. Levi said: Up to twelve months.

Rabbah quoted against R. Nahman: If [an Israelite] bought slaves from a heathen, who had been circumcised but not immersed, and similarly with the children of female slaves, who had been circumcised but not immersed, their spittle and the place where they tread

- (1) By an Israelite to a Gentile, although he may not drink it himself. The heathen's intention was to measure and not render the wine neseq. For all that R. Nathan prohibits it when the measuring was done by hand.
- (2) And the question put to Samuel related to treading grapes with the feet.
- (3) Wine touched by a heathen when the intention was innocent of idolatry. V. infra 60b.
- (4) A town between Syria and Mesopotamia. It possessed a hot spring (Sanh. 108a). [According to Obermeyer op. cit., p. 25, it lay 8 parasangs north of Pumbeditha, on the Western bank of the Euphrates.]
- (5) And the money used, but Israelites may not drink the wine.
- (6) I.e., Rab himself. It was respectful to address an individual in the third person.
- (7) Obviously without intention; so why is it mentioned that the heathen touched the wine unintentionally?
- (8) In a ritual bath. Both are necessary for proselytisation.
- (9) If they have not become converts before the birth of the children. After their conversion, the children born to them are Jews and do not require immersion.
- (10) [Even in a street, where doubtful cases of uncleanness are considered clean (Toh. IV, 11). Tosef, A.Z. III, however, omits 'in the street'.]
- (11) V. Tosef. A.S. III.
- (12) This contradicts Rab's assertion that a child a day old can make wine neseq.
- (13) Only these do not make wine neseq, but ordinary heathen children do.
- (14) Which seem to imply that the law holds good equally of heathen slaves who were bought and slave-children born in an Israelite's house.
- (15) And not to wine.
- (16) How is the phrase 'and similarly' to be explained?

### **Talmud - Mas. Avodah Zarah 57b**

in the street are unclean, but others declare that they are clean. As for wine, adults render it neseq but minors do not render it neseq. The following are adults and minors: Adults are such as understand the nature of an idol and its appurtenances, whereas minors are such as do not understand this! At all events it here teaches that when circumcised but not immersed, they do [render wine neseq], and if both circumcised and immersed they do not!<sup>1</sup> — [R. Nahman] explained the teaching as referring to the children of female slaves.<sup>2</sup> But in the passage cited above we have the words 'and similarly'! — That refers to their spittle and place of treading. This answer is all right according to him who declared that these are unclean, but according to him who declared that they are clean what is there to say? — It informs us of the similarity of slaves to the children of female slaves: as the adult children of female slaves render wine neseq but if minors they do not, so also with slaves they render wine neseq when adults but not when minors. This excludes what Rab said: A child only a day old can render wine neseq. Hence we are informed that it is not so.

It happened at Mahuza<sup>3</sup> that a heathen came and entered the shop of an Israelite. He asked them, 'Have you wine to sell?' They replied, 'We have not.' There was some wine contained in a bucket, into which [the heathen] plunged his hand and splashed about, and said to them, 'Is not this wine?' In his anger [the shop-keeper] took the wine and poured it back into the cask. Raba permitted him to sell it<sup>4</sup> to Gentiles, but R. Huna b. Hinnena and R. Huna son of R. Nahman differed from him.<sup>5</sup> An announcement issued from Raba permitting [the sale of the wine], and an announcement issued from R. Huna b. Hinnena and R. Huna son of R. Nahman forbidding it.

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(1) Nothing is here said of the condition 'until idolatry is entirely banished from their lips.'

(2) Having been reared in the house of an Israelite, such a condition is unnecessary, but not with bought slaves who had been brought up in an idolatrous environment.

(3) A town on the Tigris.

(4) Although it contained yen neseq.

(5) When they heard of it, but they were not in the town to argue the subject with Raba. They forbade its use for any purpose.

## Talmud - Mas. Avodah Zarah 58a

[Later on]<sup>1</sup> R. Huna son of R. Nahman visited Mahuza, and Raba said to his attendant, R. Eliakim, 'Bolt the doors so that nobody shall enter to disturb us.'<sup>2</sup> [R. Huna son of R. Nahman] entered the room and asked him, 'In such circumstances<sup>3</sup> how is the law?' — He replied, 'It is forbidden even for use.' [R. Huna exclaimed], 'But the Master<sup>4</sup> it was who declared that such splashing does not render wine neseq!' [Raba replied], 'I was referring [to the contents of the cask] apart from the value of that wine [which had been in the bucket]; I said nothing with reference to the value of that wine.'<sup>5</sup> Raba continued, 'When I came to Pumbeditha,<sup>6</sup> Nahmani<sup>7</sup> overwhelmed me with precedents and teachings to the effect that it is prohibited. As to precedents, there was a similar occurrence in Nehardea where Samuel prohibited it, and another in Tiberias where R. Johanan prohibited it; and when I replied to him that [they gave that decision because in those towns the inhabitants] were not students of Torah,<sup>8</sup> he retorted, "[The inhabitants of] Tiberias and Nehardea are not students of Torah and those of Mahuza are students of Torah! As to a teaching, there is that of a heathen inspector of weights who tapped [a cask of wine] with a tube and drew off [some wine], or he tasted some of it in a glass and returned [the remainder] to the cask — this actually happened and [the Rabbis] declared it forbidden.<sup>9</sup> Is it not be supposed that [the decision applied] to its use for any purpose?<sup>10</sup> — No, only to its being drunk [by Israelites]." [Abaye asked,] "If that is so, let it teach: 'He may sell it,' in the same way that it teaches in the sequel: If a heathen oppressor extends his hand into a cask, thinking that it contained oil, but it chanced to contain wine — this actually happened and [the Rabbis] said that it may be sold!" This is a refutation of Raba! It is a refutation.<sup>11</sup>

R. Johanan b. Arza<sup>12</sup> and R. Jose b. Nehorai were once sitting and drinking wine, when a man entered to whom they said, 'Come, pour out for us.' After he had poured it into their glass, the fact was disclosed that he was a heathen. One of them prohibited it to be used for any purpose, while the other permitted it even for drinking. R. Joshua b. Levi said: He who prohibited it acted rightly and he who permitted it acted rightly. He who prohibited it

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(1) By which time Raba had retracted his decision, v. below, n. 6. cf. however, p. 290, n. 2.

(2) I.e., when R. Huna paid him a visit.

(3) When a heathen splashed his hand in the wine without any intention of idolatry.

(4) Viz., Raba himself.

(5) Which had been touched by the heathen, its value must be cast into the sea, since a Jew may derive no benefit from it. In this way Raba attempted to extricate himself from his difficult position (v. however, p. 290, n. 2).

(6) [This occurred before R. Huna's visit to Raba. V. p. 290, n. 2.]

(7) I.e., Abaye, whose grandfather's name was Nahmani which was occasionally applied to him.

(8) And where the people are unlearned, the law must be interpreted in a stricter sense because of their liability to err.

(9) Tosef, A.Z. VIII.

(10) This refutes Raba.

(11) [Tosaf. on the basis of a variant reading has a different version. R. Nahman happened to be in Mahuza when he was visited by Raba, his former disciple, who asked him his opinion. When R. Nahman declared himself against the use of the wine, Raba recalled a former decision of his in a similar case that splashing does not render neseq. To this R. Nahman replied that his ruling related only to the contents of the wine in the cask etc. The merit of this version is that it clears Raba from a charge of prevarication and further obviates the necessity of placing Raba's visit in Pumbeditha mentioned later in the text before the discussion he had with his visitor in Mahuza.]

(12) Another reading is: Arwa.

## Talmud - Mas. Avodah Zarah 58b

[acted on this supposition: The heathen] must have said to himself, 'Would it occur to such Rabbis as these to drink beer? It must surely be wine!' and he rendered it neseq. He who permitted it acted

rightly [on this supposition: The heathen] must have said to himself, 'Would it occur to such Rabbis as these to drink wine and ask me to pour out for them? It must be beer they are drinking!'<sup>1</sup> and he did not render it neseq. But he could have seen [whether it was wine or beer]! — It was night. But he could have smelt! — It was new.<sup>2</sup> But he must have touched it [when he drew the liquor from the cask] with a measure, so it is a case where a heathen touched [wine] unintentionally<sup>3</sup> and it is prohibited! — No; it is necessary [to understand it as a case] where he merely poured out,<sup>4</sup> and so it is a circumstance of unintentional action,<sup>5</sup> and the Rabbis did not decree against a circumstance of unintentional action.

R. Assi asked R. Johanan: How is it when wine is mixed<sup>6</sup> by a heathen? — He said to him: Use the verb mazag!<sup>7</sup> [R. Assi] replied: I used the Scriptural word as in, She hath killed her beasts, she hath mingled [masekah] her wine.<sup>8</sup> He said to him: The language of the Torah is distinct and so is the language of the Sages.<sup>9</sup> How is it, then, [if a heathen mixes it with water]? — [R. Johanan] answered: It is prohibited<sup>10</sup> on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it!'<sup>11</sup>

R. Jeremiah once visited Sakhuthā<sup>12</sup> and there saw heathens mixing the wine and Israelites drinking it. He prohibited it to them on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it!' It has likewise been stated: R. Johanan said — another version is, R. Assi said in the name of R. Johanan: Wine mixed by a heathen is prohibited on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it.'

R. Simeon b. Lakish once came to Bozrah<sup>13</sup> and there saw the Israelites eating untithed fruits and he prohibited them. He saw water which had been worshipped by idolaters being drunk by Israelites and he prohibited it. He came before R. Johanan [and related to him what he had done]; and the latter said to him, 'While your cloak is still upon you, return;<sup>14</sup> Bezer<sup>15</sup> is not Bozrah; and water belonging to the public cannot become prohibited!'<sup>16</sup> R. Johanan here followed his own opinion;

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(1) The law of neseq does not apply to beer.

(2) When fresh the smell is not so distinctive.

(3) Since he was unaware that it was wine.

(4) And did not touch the wine.

(5) The man being unaware that it was wine he was to pour out.

(6) Wine was usually diluted with water before it was drunk.

(7) This is the usual verb for 'to dilute wine with water', whereas R. Assi used masak.

(8) Prov. IX, 2.

(9) His point is that in the language of the Rabbis mazag has the signification to mix wine with water; but masak, while having that meaning in Biblical Hebrew, means in Rabbinic Hebrew to mix strong wine with weaker wine.

(10) For drinking but not for other use, and it is prohibited although he had not touched it.

(11) As a precautionary measure to avoid the possibility of breaking the law which forbids the fruit of the vine to a Nazirite.

(12) According to Jastrow the Aramaic equivalent of Mizpah. Neubauer prefers the alternative reading 'Sabtha' which may be Sebaste. [Obermeyer, op. cit., p. 185, identifies it with Sabat, in the district of Mahuza.]

(13) An Edomite city (Isa. XXXIV, 6).

(14) I.e., without delay go back and rescind your prohibition.

(15) One of the cities of refuge (Deut. IV, 43). As a Palestinian city untithed fruits were disallowed there but not in a town like Bozrah, which was outside the confines of the Holy land.

(16) If it had been worshipped.

## **Talmud - Mas. Avodah Zarah 59a**

for R. Johanan said in the name of R. Simeon b. Jehozadak: Water belonging to the public cannot

become prohibited. Consequently when it belongs to an individual it does become prohibited. But it should be excluded for the reason that it is something fixed in the ground!<sup>1</sup> — No; it is necessary [to mention it because it can be prohibited in the case] where a wave caused some of the water to flow away.<sup>2</sup> At all events [such water may be compared] to boulders which had broken away;<sup>3</sup> and it must therefore be concluded that it was R. Johanan who said they were prohibited! — No; it is necessary [to suppose a case] where [a heathen] collected [the waters] with his own hand<sup>4</sup>

R. Hiyya b. Abba once visited Gabla,<sup>5</sup> and there saw Israelite women who were pregnant by heathens who had been circumcised but not immersed. He also saw wine being drunk by Israelites which had been mixed by heathens, and lupins eaten when cooked by heathens; but he said nothing to them. When he came before R. Johanan [and reported the matter to him], the latter exclaimed, 'Go and announce that their children are illegitimate, their wine is neseq, and their lupins [are prohibited] as something cooked by heathens, because [the inhabitants of Gabla] are not students of Torah!'<sup>6</sup> [In announcing that] their children were illegitimate R. Johanan followed his own opinion; for R. Johanan said: [A Gentile] is never to be regarded as a proselyte until he is both circumcised and immersed, and since he has not undergone immersion he is a Gentile. And Rabbah b. Bar Hanah has said in the name of R. Johanan: If a Gentile or a slave has intercourse with an Israelite woman, the child is a mamzer.<sup>7</sup> He decreed that their wine was neseq on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it.' [And he decreed] against their lupins as something cooked by heathens, because [the inhabitants of Gabla] were not students of Torah. His reason was that they were not students of Torah. Consequently if they had been students of Torah, [the lupins] would have been permitted! But surely R. Samuel son of R. Isaac said in the name of Rab: Whatever is eaten raw does not come within [the law of what is prohibited] on account of having been cooked by heathens!<sup>8</sup> — R. Johanan follows a different version [of the teaching, viz.]: R. Samuel son of R. Isaac said in the name of Rab: Whatever is not brought upon the table of kings to serve as a relish with bread does not come within [the law of what is prohibited] on account of having been cooked by heathens.<sup>9</sup> Therefore his reason was that they were not students of Torah, and if they had been students of Torah [the lupins] would have been permitted.

R. Kahana was asked: May a heathen be allowed to convey grapes to a winepress? He replied: It is prohibited on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it!' R. Jemar quoted against R. Kahana: If a heathen carried grapes to a winepress in baskets

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(1) And what is fixed in the ground does not become prohibited if worshipped.

(2) And such a stream of water, if belonging to an individual, would be prohibited as it is no longer fixed to the ground.

(3) From a mountain which had been worshipped. Whether they may be used was debated supra 46a, by R. Johanan and R. Hiyya's sons, and it was not decided which of them took the view that they were prohibited.

(4) There would then be manual labour involved and consequently prohibited if belonging to an individual; whereas the breaking away of the boulders was due to a natural force, and the two cases are not analogous.

(5) Gebal of Ps. LXXXIII, 8, i.e., the northern part of Mount Seir. [V. Klein, S. MGWJ, LXIV, p. 183.]

(6) The phrase 'because they are not students of Torah' applies only to the prohibition of the lupins, as will be explained.

(7) 'Illegitimate', v, Glos.

(8) Lupins are not eaten raw; so they should be prohibited when cooked by heathens whether the inhabitants were learned or not.

(9) Lupins are not used for such a purpose and should be permitted.

## Talmud - Mas. Avodah Zarah 59b

or barrels, even though the wine drips upon them, it is permitted! — [R. Kahana] replied to him: You used the word 'carried',<sup>1</sup> whereas I was speaking of a case ab initio.<sup>2</sup>

A citron once fell into a cask of wine, and a heathen sprang for ward to pull it out. R. Ashi said to

them:<sup>3</sup> Hold his hand so that he does not splash about,<sup>4</sup> and tilt [the cask] until it is emptied.<sup>5</sup>

R. Ashi said: When a heathen has deliberately rendered the wine of an Israelite neseq, although it is prohibited to sell it to another heathen, [the owner] is allowed to receive the cost from the person [who disqualified it]. On what ground? — Because he involved him in a loss.<sup>6</sup> R. Ashi said: Whence do I derive this? — From this teaching: If an idolater offered wine of an Israelite [as a libation], not in the presence of an idol, it is prohibited; but R. Judah b. Baba and R. Judah b. Bathyra permit it<sup>7</sup> for two reasons: first, because wine can be rendered neseq only in the presence of an idol, and secondly because [the owner can] say to him, ‘You have no right to make my wine prohibited through no fault of my own.’<sup>8</sup>

It once happened that the bung fell out of a cask of wine, and a heathen sprang forward and placed his hand over it, R. Papa said: All the wine that is on the level with the bung-hole is prohibited<sup>9</sup>

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(1) Signifying an accomplished fact.

(2) He only forbids it ab initio but post factum he too would allow it.

(3) The Jewish bystanders.

(4) Which action would render all the wine neseq.

(5) Into another vessel. So long as he did not move his hand about in the wine, he has not rendered it prohibited.

(6) Lit., ‘he burned it’,

(7) To be sold.

(8) It follows, at all events, though the ruling of R. Judah b. Baba and R. Judah b. Bathyra is not accepted, that the Jew can receive compensation for his loss.

(9) To be drunk by a Jew but it may be sold to a Gentile, since there was no ‘splashing’ at that spot.

## Talmud - Mas. Avodah Zarah 60a

and the remainder is permitted.<sup>1</sup> Another version is — R. Papa said: The wine above the bung-hole is prohibited<sup>2</sup> and the remainder is permitted. R. Jemar said: [This is] like the Tannaim [who are at variance over the following]:<sup>3</sup> If a keg<sup>4</sup> became perforated whether on top, the bottom or its sides, and a tebul yom<sup>5</sup> touched it, it is defiled. R. Judah says: [If it was perforated] on top or bottom it is defiled,<sup>6</sup> but if on its sides it is altogether undefiled.<sup>7</sup>

R. Papa said: If a heathen [was holding] the barrel and an Israelite the cask,<sup>8</sup> the wine is prohibited. On what ground? — Because [the pouring] results from the effort of the heathen. If, however, an Israelite [was holding] the barrel and a heathen the cask, the wine is permitted; but should [the heathen] tilt it sideways it is prohibited.<sup>9</sup>

R. Papa said: If a heathen carries a skin-bottle [of wine] and an Israelite follows behind him,<sup>10</sup> should it be full it is permitted because [the wine] does not shake,<sup>11</sup> but should it not be full it is prohibited because there is the possibility of shaking. In the case, however, of a full cask [being so carried],<sup>12</sup> it is prohibited because he might have touched it, but should it not be full it is permitted because there is less likelihood that he touched it. R. Ashi said: In the case of a skin-bottle, whether full or not, it is permitted. On what ground? — Because such is not the way of rendering wine neseq<sup>13</sup>.

[Wine] from a press where beams are used<sup>14</sup> is permitted<sup>15</sup> by R. Papi but prohibited by R. Ashi, or according to another version, by R. Shimi b. Ashi. In the case of direct action<sup>16</sup> there is certainly no difference of opinion that it is prohibited, the difference being over the circumstance where there was indirect action.<sup>17</sup> Some declare that in the case of indirect action there is certainly no difference of opinion that it is permitted, the difference being over the circumstance where there was direct action. An instance of such indirect action occurred and R. Jacob of Nehar-Pekod<sup>18</sup> prohibited it.

## It once happened that a cask

- (1) To be drunk.
- (2) Because it would tend to run out and by touching his hand communicate contamination to the rest of the wine.
- (3) Accordingly R. Papa's decision is not accepted by all.
- (4) Containing wine to be used for the heave-offering.
- (5) V. Glos.
- (6) Because the defilement is communicated to all the contents.
- (7) This opinion corresponds with R. Papa's, but it is not adopted in law.
- (8) The wine being poured from the barrel into the cask.
- (9) Because he would then be contributing effort towards filling the cask.
- (10) To see that he does not touch the wine.
- (11) The bottle is tied at the neck, and when full the contents are not shaken; but when not full, the wine may be shaken. [R. Papa regards shaking when carried as 'splashing' with the hand.]
- (12) Which is open on top.
- (13) [Through accidental shaking in the carrier's hand.]
- (14) To crush the grapes so that the treader does not come in contact with the wine.
- (15) When the beams are placed over the grapes by a heathen.
- (16) On the part of the heathen, as when he stood on the beams to press the grapes.
- (17) If, e.g., a wheel, turned by a heathen, pressed on the beams.
- (18) Pekod is mentioned in Jer. L, 21 and Ezek XXIII, 23; a district in S.E. Babylon; v. Sanh, (Sonc. ed.) p. 468, n. 3.

### Talmud - Mas. Avodah Zarah 60b

split lengthwise, and a heathen sprang forward and clasped it in his arms. Rafram b. Papa — another version is, R. Huna the son of Rab Joshua — permitted it to be sold to heathens. This rule applies only when it split lengthwise, but if crosswise it is permitted even to be drunk [by Israelites].<sup>1</sup> On what ground? — [The heathen] only did what a brick might have done.<sup>2</sup>

A heathen was once found standing in [the empty] wine-press [of an Israelite]. [On being consulted] R. Ashi said: If it was sufficiently moist to moisten other objects, it needs to be rinsed with water and rubbed dry, otherwise mere rinsing is sufficient.

MISHNAH. IF A HEATHEN WAS FOUND STANDING BY THE SIDE OF A VAT OF WINE, SHOULD HE HAVE A LIEN UPON IT THEN IT IS PROHIBITED;<sup>3</sup> BUT SHOULD HE NOT HAVE A LIEN UPON IT THEN IT IS PERMITTED. IF [A HEATHEN] FELL INTO A VAT AND CLIMBED OUT,<sup>4</sup> OR MEASURED IT WITH A ROD, OR FLICKED OUT A HORNET WITH A ROD, OR TAPPED ON THE TOP OF A FROTHING CASK<sup>5</sup> — IT HAPPENED SO WITH ALL THESE CIRCUMSTANCES, AND [THE RABBIS] SAID THAT IT MAY BE SOLD, WHILE R. SIMEON PERMITS IT.<sup>6</sup> IF HE TOOK A CASK, AND IN HIS ANGER THREW IT INTO THE VAT — THIS ACTUALLY HAPPENED AND [THE RABBIS] DECLARED IT FIT [FOR DRINKING].

GEMARA. Samuel said: [The first clause of the Mishnah only applies] when he has a lien on that wine [which is in the vat].<sup>7</sup> R. Ashi said: This is also implied in the [next] Mishnah where we learn: If [an Israelite] prepares a heathen's wine in a state of ritual purity<sup>8</sup> and leaves it in [the latter's] domain who writes for him, 'I have received the money from you,'<sup>9</sup> then [the wine] is permitted.<sup>10</sup> If, however, the Israelite wished to remove it and [the heathen] refuses to let it go until he paid him — this actually happened in Beth-Shan and [the Rabbis] prohibited it.<sup>11</sup> The reason [why they prohibited it] was because he refused to let it go; hence if he had agreed to let it go, it would have been permitted. Conclude, then, that we require that the lien should be on that wine [for it to be



prohibited]! Draw that conclusion.

IF [A HEATHEN] FELL INTO A VAT AND CLIMBED OUT. R. Papa said: [The teaching of the Mishnah that the wine may be sold] applies only to the circumstance when he is brought out dead, but if he climbed out alive it is prohibited. On what ground? — Because it would then be to him like an idolatrous feast-day.<sup>12</sup>

OR MEASURED IT WITH A ROD . . . IT HAPPENED SO WITH ALL THESE CIRCUMSTANCES, AND [THE RABBIS] SAID THAT IT MAY BE SOLD, WHILE R. SIMEON PERMITS IT. R. Adda b. Ahabah said: May blessings alight upon the head of R. Simeon, because when he permits he permits even the drinking [of the wine] and when he prohibits he prohibits it for all use!<sup>13</sup> R. Hiyya the son of Abba b. Nahmani reported that R. Hisda said in the name of Rab — another version is, R. Hisda said in the name of Ze'iri: The halachah agrees with R. Simeon. Others declare that R. Hisda said: Abba b. Hanan remarked to me that Ze'iri said: The halachah agrees with R. Simeon. But the halachah is not in accord with R. Simeon.

IF HE TOOK A CASK AND IN HIS ANGER THREW IT INTO THE VAT — THIS ACTUALLY HAPPENED AND [THE RABBIS] DECLARED IT FIT [FOR DRINKING]. R. Ashi said: Whatever is rendered unclean by a zab<sup>14</sup> makes wine [in a similar circumstance] nesek by a heathen, and whatever is not rendered unclean by a zab makes wine not to be nesek by a heathen. R. Huna quoted against R. Ashi: IF HE TOOK A CASK AND IN HIS ANGER THREW IT INTO THE VAT — THIS ACTUALLY HAPPENED IN BETH-SHAN<sup>15</sup> AND [THE RABBIS] DECLARED IT FIT [FOR DRINKING]! [Consequently if he did this] in anger it is [fit for drinking], but if he had not done it in anger it would not [be fit]!<sup>16</sup> —

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(1) The top part of the barrel presses upon the lower, so only a little wine would run, and there is less possibility of contamination if the heathen exerted pressure on top.

(2) Pressed down to lessen the crack.

(3) Because he would not be afraid to touch it. If the Israelite were to remonstrate with him, he had the right to claim the wine for his debt.

(4) The Gemara requires the rendering: and is brought out (dead).

(5) To reduce the amount of the froth.

(6) Even to be drunk by Jews.

(7) Which the owner was making to pay off the debt, because then the heathen would not be afraid to touch it. But if his lien was generally upon the owner, he would hesitate to disqualify the wine and so involve his debtor in loss.

(8) To be sold to Jews.

(9) So that the Jew can remove the wine whenever he so desires.

(10) So long as the Jew holds the key to the place where the wine is stored.

(11) Because the heathen had a lien on that wine, it not having been paid for.

(12) In gratitude for his escape he would dedicate the wine to his god.

(13) Unlike the other Rabbis whose prohibition is often limited to the drinking of the wine by Jews.

(14) V. Glos. The reference here is only to the effect of touching an article.

(15) The words in 'Beth-Shan' are included in the text of the Mishnah in some MSS. The place is a Biblical city, the modern Beisan, west of the Jordan.

(16) As against this conclusion, if a zab had thrown a cask into the vat, the wine would have been defiled, whereas it is an established principle that a zab defiles only by 'contact' and not by 'throwing'.

## Talmud - Mas. Avodah Zarah 61a

[R. Ashi replied:] There [it refers to the circumstance where the cask] was being roiled by him [the whole distance into the vat].<sup>1</sup>

MISHNAH. IF [AN ISRAELITE] PREPARES A HEATHEN'S WINE IN A STATE OF RITUAL PURITY<sup>2</sup> AND LEAVES IT IN [THE LATTER'S] DOMAIN, IN A HOUSE WHICH OPENS ON TO THE PUBLIC DOMAIN, SHOULD IT BE IN A CITY WHERE HEATHENS AND ISRAELITES RESIDE, IT IS PERMITTED;<sup>3</sup> BUT SHOULD IT BE IN A CITY WHERE ONLY HEATHENS RESIDE IT IS PROHIBITED UNLESS [AN ISRAELITE] SITS AND WATCHES.<sup>4</sup> THERE IS NO NEED FOR THE SUPERVISOR TO SIT AND WATCH [THE WHOLE TIME]; EVEN IF HE KEEPS GOING OUT AND COMING IN IT IS PERMITTED. R. SIMEON B. ELEAZAR SAYS: IT IS ALL ONE WITH THE DOMAIN OF A HEATHEN.<sup>5</sup> IF [AN ISRAELITE] PREPARES A HEATHEN'S WINE IN A STATE OF RITUAL PURITY AND LEAVES IT IN [THE LATTER'S] DOMAIN WHO WRITES FOR HIM 'I HAVE RECEIVED THE MONEY FROM YOU,' THEN [THE WINE] IS PERMITTED. IF, HOWEVER, THE ISRAELITE WISHED TO REMOVE IT AND [THE HEATHEN] REFUSES TO LET IT GO UNTIL HE PAID HIM — THIS ACTUALLY HAPPENED IN BETH-SHAN AND [THE RABBIS] PROHIBITED IT.<sup>6</sup>

GEMARA. In a city where only heathens reside it should also [be permitted without a supervisor] since there are [Israelite] spice-sellers<sup>7</sup> going about the cities! — Samuel said: [The Mishnah refers] to a city which has doors and bolts.<sup>8</sup> R. Joseph said: If there is a window<sup>9</sup> it is the equivalent [of the house being in] a public domain; or if there is a rubbish-heap<sup>10</sup> it is the equivalent [of the house being in] a public domain; and similarly a date-palm makes it the equivalent of a public domain.<sup>11</sup> If the top [of the date-palm] had been cut off,<sup>12</sup> R. Aha and Rabina differ, one forbidding [the wine] and the other permitting it. He who forbids it [does so for the reason that the heathen thinks that the owner of the tree] has no cause to climb it; and he who permits it [does so for the reason that] an occasion may occur that [the Israelite's] cattle will stray and he will climb it to look for them.<sup>13</sup>

Our Rabbis taught: 'Whether [an Israelite] purchases or rents an apartment in the court of a heathen and fills it with [casks of] wine, and an Israelite resides in that court, it is permitted even though the key and seal be not in his [the Israelite's] possession.

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(1) Vis., acting in anger, he gave the cask a violent push and it rolled of itself into the vat; consequently he did not handle the cask and for that reason the wine is fit. If, on the other hand, he did not act in anger, he must have rolled the cask the whole distance to the vat, likely touched the wine, and so the wine is disqualified. Hence the parallel of the zab and the heathen holds good.

(2) [For the purpose of selling it to Jews. Wine prepared by heathens was alike forbidden and levitically unclean. V. supra 30b.]

(3) It is assumed that the heathen would be afraid to tamper with the wine because he might be seen by a Jewish inhabitant, and be unable to dispose of his wine among Jews.

(4) [V.l. 'he appoints a supervisor'.]

(5) Whether it be private or public, a supervisor is necessary.

(6) The second half of the Mishnah was quoted on p. 297. V. the notes there.

(7) General term for pedlars.

(8) So that nobody could enter without the fact becoming known, and he could therefore, even if the wine is placed in a house opening on to the public domain, disqualify the wine without the fear of being seen.

(9) In the heathen's house looking on to the public domain. Rashi prefers the explanation that the window of a Jew's house faces the entrance of the heathen's house.

(10) On which a person could stand and see what was done in the house.

(11) In all these circumstances there is the possibility of being overlooked, so the heathen would be afraid to tamper with the wine.

(12) The tree belonging to a Jew; and since the top is cut off, he would have no occasion to climb it to gather the fruit. There would then be less fear of being overlooked.

(13) And the possibility of being watched would act as a deterrent.

## Talmud - Mas. Avodah Zarah 61b

If, however, [he resides] in another court, it is permitted only when the key and seal are in his possession. If [an Israelite] prepares the wine of a heathen in a state of ritual purity in the latter's domain and an Israelite resides in that court, it is permitted should the key and seal be in his possession.' R. Johanan said to the tanna:<sup>1</sup> Read [as follows]: Even though the key and seal be not in his possession it is permitted. '[Should he reside] in another court, it is prohibited even if the key and seal are in his possession. Such is the statement of R. Meir; but the Sages prohibit it unless a supervisor sits and watches or until somebody is appointed to go there for stated periods.' To which [of the four circumstances just enumerated] do the Sages refer? If I say it is to the last,<sup>2</sup> the first Tanna<sup>3</sup> also prohibits it. Perhaps it is to the third!<sup>4</sup> But R. Johanan informed the tanna: 'Read [as follows]: Even though the key and seal be not in his possession [the wine is permitted]'<sup>5</sup> — Rather must it be to the second, for the first Tanna declared, 'If, however, [he resides] in another court, it is permitted only when the key and seal are in his possession.' Whereas the Sages hold that it is always prohibited 'unless a supervisor sits and watches or until somebody is appointed to go there for stated periods.' But his going there for stated periods is a disadvantage!<sup>6</sup> — Rather [must the statement be amended to]: Until somebody is appointed to go there not for stated periods.

R. SIMEON B. ELEAZAR SAYS: IT IS ALL ONE WITH THE DOMAIN OF A HEATHEN, The question was asked: Is the purpose of R. Simeon b. Eleazar to make the law lenient or strict? — Rab Judah said in the name of Ze'iri: To make it lenient; but R. Nahman said in the name of Ze'iri: To make it strict. Rab Judah said in the name of Ze'iri that it is to make the law lenient, and the statement of the first Tanna must be understood thus: Just as [the wine] is prohibited in the domain of [that heathen] it is similarly prohibited in the domain of any other heathen and we take into account [the possibility of heathens] being partial one to another;<sup>7</sup> but R. Simeon b. Eleazar says: That only applies to his own domain, but when it is in the domain of another heathen it is permitted because we do not take into account the fear of partiality.<sup>8</sup> R. Nahman said in the name of Ze'iri that it is to make the law strict, and the statement of the first Tanna must be understood thus: This only applies to his own domain, but when it is in the domain of another heathen it is permitted and we do not take into account the fear of partiality; but R. Simeon b. Eleazar says: It is all one with the domain of a heathen. There is a teaching in accord with what R. Nahman said in the name of Ze'iri, i.e., the purpose is to make the law strict, viz.: R. Simeon b. Eleazar said: It is all one with the domain of a heathen because of the fraudulent.

[Israelites once bought grapes from] the house of Parzak, the king's field-marshal,<sup>9</sup> [and having made wine from them] left it in charge of his tenant-labourers. The Rabbis in the presence of Raba thought to declare [it permitted] on the ground that we only take into account the fear of partiality where there might be mutual agreement;<sup>10</sup> but in this instance since it could not be the custom of the tenant-labourers to enter into an agreement with Parzak, the king's field-marshal, we take no account of the fear of partiality, Raba, however, said to them: On the contrary, even according to him who maintains that we take no account of the fear of partiality, that only applies where there is no possibility of terrorisation; but in this instance since [the tenants] are afraid of him, they would conceal any action on his part [to interfere with the wine] to shield him.

In a certain town where there was wine belonging to an Israelite, a heathen was found standing among the jars. Raba said: If he would be arrested on that account as a thief,<sup>11</sup> the wine is permitted,<sup>12</sup> otherwise it is prohibited.<sup>13</sup> [

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(1) Who quoted this teaching to the students.

(2) The Jew resides in a different court.

(3) I.e., R. Meir.

(4) Lit., 'the first (part) of the last (clause).' The Jew resides in the court where the wine is stored.

- (5) [Which shows that R. Johanan did not consider it possible for anyone to forbid the wine in such a case even though the key and seal are not in the Israelite's possession.]
- (6) The heathen knows when he will be there and can interfere with the wine during his absence.
- (7) Lit., 'paying favours'. They would not give one another away and for that reason cannot be trusted.
- (8) [The heathen householder in whose domain the wine is placed would not permit the other heathen to tamper with it, R. Simeon's statement must accordingly be understood as a rhetorical question: 'Is it all one with the domain of a heathen?']
- (9) [Cf. Lat. Rufulus. v, Funk, op. cit., I, 33, v. p. 163, n. 7.]
- (10) I.e., one heathen tells a lie for another, or does not expose his wrong-doing, on condition that the latter will act similarly towards him.
- (11) Should he be found touching the jars.
- (12) He would be afraid to touch the jars because he would be suspected of wanting to steal them.
- (13) It must then be assumed that he touched the wine and disqualified it.

## Talmud - Mas. Avodah Zarah 62a

### CHAPTER V

MISHNAH. IF [A HEATHEN] HIRE [AN ISRAELITE] WORKMAN TO ASSIST HIM IN [THE PREPARATION OF] YEN NESEK, HIS WAGE IS PROHIBITED. IF HE HIRED HIM TO ASSIST HIM IN ANOTHER KIND OF WORK, EVEN SAYING TO HIM, 'REMOVE FOR ME A CASK OF YEN NESEK FROM THIS PLACE TO THAT,' HIS WAGE IS PERMITTED. IF HE HIRED [AN ISRAELITE'S] ASS TO CARRY YEN NESEK, ITS HIRE IS PROHIBITED; BUT IF HE HIRED IT TO SIT UPON, EVEN THOUGH THE HEATHEN RESTED HIS JAR [OF YEN NESEK] UPON IT, ITS HIRE IS PERMITTED.

GEMARA. Why is [the workman's] wage prohibited? If I answer that inasmuch as yen nesek is prohibited for use of any kind and therefore the wage which came to him from it is likewise prohibited, behold 'orlah<sup>1</sup> and the mixed plantings of a vineyard<sup>2</sup> are prohibited for use of any kind and yet we have learnt: If he sold them and with the proceeds married a wife she is legally married!<sup>3</sup> On the other hand, [should I answer that the reason is] because his money [which comes to him on account of yen nesek] is affected as though it were an idolatrous object,<sup>4</sup> behold the Sabbatical year affects the money [obtained from the sale of its produce] and yet we have learnt: If one said to a workman [in the Sabbatical year], 'Here is a denar and for it gather vegetables for me to-day,' his wage is prohibited;<sup>5</sup> [but if he said,] 'Gather vegetables for me to-day,' his wage is permitted!<sup>6</sup> — R. Abbahu said in the name of R. Johanan: [The true explanation is] that it is a penalty which the Sages imposed upon ass-drivers and in connection with yen nesek.<sup>7</sup> As for yen nesek it is as has just been stated; and what is the case of the ass-drivers? — As it has been taught: If ass-drivers work with the fruits of the Sabbatical year, their wage is [the produce of] a Sabbatical year.<sup>8</sup> What means 'their wage is [produce of] a Sabbatical year'? If I say it means that they receive their wage in fruits of the Sabbatical year, consequently [the employer] discharges his obligation with fruits of the Sabbatical year and the Torah stated, [And the sabbath of the land shall be] for food<sup>9</sup> — but not for trading!<sup>10</sup> If, on the other hand, [I answer that the meaning is] that their wage is holy<sup>11</sup> like the holiness of [the produce of] the Sabbatical year, is it holy? For it has been taught: If one said to a workman [in the Sabbatical year], 'Here is a denar and gather vegetables for me to-day,' his wage is permitted; [only if he said], 'Gather vegetables for me to-day for this [denar]' is his wage prohibited! — Abaye said: It certainly means that they receive their wage in fruits of the Sabbatical year, and the difficulty you raise, viz., 'for food' but not for trading, [is met by the supposition] that he paid them in a lawful manner, as we have learnt: One may not say to his neighbour,

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(1) V. Glos.

(2) Lev. XIX, 19.

(3) V. supra, p. 277.

(4) Since the wine was prepared as a libation to an idol, on the principle, 'Whatever you bring into being from a devoted thing is to be treated like it' (loc. cit.).

(5) [To use it after the time of 'removal', v. supra, p. 278 n. 5,]

(6) In the latter case he did not stipulate by his words that the money was given as payment for gathering the forbidden produce. But the point is, the workman may use the money he earned by performing an illegal act.

(7) Although legally the wage should be permitted.

(8) And is accordingly prohibited.

(9) Lev. XXV, 6.

(10) Consequently the employer has no right to pay wages with the produce.

(11) I.e., prohibited.

## Talmud - Mas. Avodah Zarah 62b

‘Carry up for me these fruits<sup>1</sup> to Jerusalem [and for doing so] have a share in them’; but he may say to him, ‘Carry them up so that we may eat and drink of them in Jerusalem.’ They may also make a free gift of them to each other.<sup>2</sup> Raba, however, said: [The meaning is] certainly that their wage is holy like the holiness of [the produce of] the Sabbatical year, and the difficulty you raise over the teaching concerning the workman [who gathers fruits in that year can be met by the answer] that in the case of a labourer whose wage is small the Rabbis did not impose a penalty, but in the case of ass-drivers whose wage is considerable the Rabbis did impose a penalty;<sup>3</sup> and as for our Mishnah<sup>4</sup> the seriousness of *yen nesek* accounts for the difference.

The question was asked: How is it with his wage [when an Israelite is employed by a heathen] in connection with ordinary wine?<sup>5</sup> Do we maintain that since its prohibition<sup>6</sup> is as strict as with wine for a libation, the wage is likewise prohibited; or perhaps for the reason that its power of defilement is lighter<sup>7</sup> [the attitude towards] the wage is also more lenient? — Come and hear! A certain man hired out his ship [to transport] ordinary wine [of heathens] and they paid him in wheat. He came before R. Hisda who said to him, ‘Go, burn and bury it in a graveyard.’ But he should have told him to scatter it!<sup>8</sup> — People might come to wrong-doing through it.<sup>9</sup> Then he should have told him to burn and scatter it! — People might use it as manure. Then let it be buried in its natural state, for have we not learnt: The stone with which a person was stoned, the tree upon which he was hanged, the sword with which he was decapitated, and the sheet with which he was strangled are all alike buried with him!<sup>10</sup> — In this latter instance, since the persons were buried by the Court,<sup>11</sup> it would be generally known that they had been executed under sentence of the Court; but in the former instance the circumstances would not be generally known and a person might suppose that somebody had stolen [the wheat] and brought it to be buried there.

The scholars in the School of R. Jannai used to borrow fruits of the Sabbatical year from the poor and repay them in the eighth year.<sup>12</sup> When this was reported to R. Johanan, he said to them, ‘They act rightly’;<sup>13</sup> and an analogy may be found in the matter of a harlot's hire which is permitted;<sup>14</sup> for it has been taught: If he gave her [an animal] without having intercourse with her or had intercourse without giving it to her,<sup>15</sup> her hire is permitted [for use in the Sanctuary]. Now if he gave her it without having intercourse with her, obviously [it may be devoted to the Sanctuary] for the reason that, having had no intercourse with her, he merely presented her with a gift! Further, if he had intercourse without giving it to her, behold he gave her nothing, and since he made no presentation to her what means that her hire is permitted! — This is what he intends: If he gave her it and subsequently had intercourse with her, or had intercourse with her and subsequently gave it to her, the hire is permitted<sup>16</sup> But if he gave it to her and subsequently had intercourse with her, since he did have intercourse with her,

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(1) Representing the second tithing which must be taken by the owner to Jerusalem and eaten there. It would be unlawful to discharge an obligation with the fruits.

(2) M. Sh. III, 1. Similarly by a legal fiction the ass-drivers may be given a free gift from the produce of the Sabbatical year.

(3) This then is the case referred to where a penalty was imposed on ass-drivers.

(4) Where a workman's wage is declared to be prohibited although it is small.

(5) Not made expressly for a libation to idols.

(6) The wine, belonging to a heathen, is still *nesek* although not used for a libation.

(7) V. *supra*, 30b, seq.

(8) Why did he insist on its being burnt and buried?

(9) Jews would unwittingly collect and use it.

(10) Sanh. 45b. Consequently no account is taken of the possibility that people may disinter it.

(11) There were special cemeteries for them.

(12) This was done to assist them in a year when the harvest, after the Sabbatical year, would be meagre. Nevertheless the lenders ate what was obtained in exchange for the Sabbatical produce, and this should be prohibited.

(13) Because it was not actually a case of exchange since the produce of the eighth year was non-existent at the time when the fruits of the Sabbatical year were borrowed, and the 'holiness' of the Sabbatical year did not affect what they ate in the eighth year.

(14) To be devoted to the Temple, in spite of the Law of Deut. XXIII, 19.

(15) At the time, but he did so later.

(16) The two matters are regarded as separate and what she received is legally a gift. Similarly with the borrowing of the fruits of the Sabbatical year, what is repaid is technically a gift.

## Talmud - Mas. Avodah Zarah 63a

the prohibition of the harlot's hire should apply retrospectively to [the animal]! — R. Eleazar replied: [It is permitted] when she first offered it.<sup>1</sup> How is this to be understood? — If he said to her, 'Take possession of this at once,'<sup>2</sup> then obviously it is permitted because it is no longer there at the time of intercourse and he merely presented her with a gift; but if he had not said to her, 'Take possession of this at once,' how could she offer it, since the All-merciful has declared, And when a man shall sanctify his house to be holy<sup>3</sup> — as the house [which he sanctifies] must be in his possession, so must everything [which is dedicated to the Sanctuary] be in the person's possession! — Rather [must we suppose the circumstance] where he said to her, 'Let it be with you until the time of intercourse; but should you require it then take possession of it at once.'<sup>4</sup>

R. Hoshai asked: How is it if she dedicated [the animal to the Sanctuary] beforehand?<sup>5</sup> Since a Master has said that a declaration<sup>6</sup> in connection with the Divine service is like the act of delivery in a secular transaction, is she like one who has actually offered it,<sup>7</sup> or perhaps [the animal] is after all still in existence [at the time of intercourse]?<sup>8</sup> But why not solve the question from the statement of R. Eleazar who said: Only if she actually offered it beforehand is the offering [lawful] but not if she merely dedicated it? On this statement of R. Eleazar itself the question is to be asked: Is it clear to R. Eleazar that only if she had actually offered it [is it permitted] but not if she merely dedicated it because it is [in her possession] at the time of intercourse; or perhaps he is clear in the circumstance where it had been offered but doubtful when it had only been dedicated? The question remains unanswered.

[It was stated:] If he had intercourse with her and subsequently gave it to her, her hire is permitted. Against this I quote: If he had intercourse with her and subsequently gave it to her, even after the lapse of three years, her hire is prohibited! — R. Nahman b. Isaac said in the name of R. Hisda: There is no contradiction, the latter teaching referring to the circumstance where he said to her, 'Have intercourse with me for this lamb,' and the former teaching to the circumstance where he said to her, 'Have intercourse with me for a lamb.'<sup>9</sup> And if he did use the phrase 'for this lamb' what of it, inasmuch as the act of drawing towards oneself is lacking!<sup>10</sup> — [It deals here] with a gentile harlot who does not acquire an object by the act of drawing it towards herself.<sup>11</sup> Or if you wish I can say that it surely deals with an Israelite harlot when, e.g., it is standing in her courtyard.<sup>12</sup> But if it was standing in her courtyard, [how can it be taught that] he had intercourse with her and subsequently presented it to her, seeing that she already had possession of it! — No, it is necessary [to suppose a case] where he used it as a pledge, saying to her, 'If I bring you a certain number of zuz by such a date, well and good; otherwise take [the lamb] for your hire.'<sup>13</sup>

R. Shesheth quoted in objection:<sup>14</sup> A man can say to his ass-drivers and workmen,<sup>15</sup> 'Go and eat for this denar, go out and drink for this denar,' and he need not be concerned

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(1) To the Temple and afterwards had intercourse. [In this case the offering is acceptable and valid. V. Yad, Issure Mizbeah, IV, 11.]

(2) Before the intercourse.

(3) Lev. XXVII, 14.

- (4) And therefore the prohibition of a harlot's hire does not apply to it.
- (5) But intercourse occurred before she presented the animal.
- (6) That the animal is to be dedicated to the Temple.
- (7) And it may therefore be offered.
- (8) And is to be considered a harlot's hire.
- (9) In this latter circumstance, what she receives afterwards is not technically her hire.
- (10) He merely indicated the lamb which he would give her. Until she actually draws the animal towards her she has not legally acquired it, v. B.M. 47b.
- (11) [Ms. M.: Who does not lack 'drawing'. A non-Jew acquires possession by payment (Bek. 13a) in this case by the act of intercourse. V. R. Gershom, Tem. 29b.]
- (12) [A courtyard confers possession, v. B.M. 10b.]
- (13) [In this circumstance the lamb is partly her property and considered a harlot's hire and yet strictly speaking is not yet presented to her, since he may substitute for it some other gift.]
- (14) To the action of R. Jannai's School who used to borrow fruits of the Sabbatical year from the poor and repay them in the eighth year.
- (15) Who are Gentiles or Israelites who do not observe the law of tithe.

### **Talmud - Mas. Avodah Zarah 63b**

[about their eating and drinking the produce of] the Sabbatical year or [what has not been subject to] the tithe or *yen nesek*; but if he said to them, 'Go out and eat and I will pay, go out and drink and I will pay,' he must be concerned [about their eating and drinking the produce of] the Sabbatical year or [what has not been subject to] the tithe or *yen nesek*.<sup>1</sup> Consequently when he pays them he does so at the price of what is prohibited, and similarly in the case [of the School of R. Jannai] when they made repayment they did so for something that was prohibited! — R. Hisda explained: [The teaching just quoted deals] with a shop-keeper who gives [the employer] credit so that he is indebted to him,<sup>2</sup> and since it was his custom to give him credit it is as though the latter had himself bought for a denar of him.<sup>3</sup> When, on the other hand, he does not give him credit, how is it? It is permitted! If that is so,<sup>4</sup> when he teaches the circumstance of, 'Go and eat for this denarius, go out and drink for this denarius,' he should draw a distinction in this very case and teach as follows: When does this apply? [When they make their purchase] of a shopkeeper who gives him credit so that he is indebted to him [it is prohibited], but of a shopkeeper who does not give him credit it is permitted! And further, as regards a shopkeeper who does not give him credit, is not [the employer in such a circumstance] indebted to him? For Raba has declared: If a man says to his neighbour, 'Give so-and-so a *maneh*<sup>5</sup> and let all my possessions be surety to you,' [the lender] has acquired them by the law of security!<sup>6</sup> — But, said Raba: It is immaterial whether he gives him credit or not; but although [the employer] is indebted to him, for the reason that he does not specify his indebtedness,<sup>7</sup> it is not prohibited.<sup>8</sup> Why, then, in the present circumstance<sup>9</sup> should he be concerned [about their eating and drinking the produce of] the Sabbatical year inasmuch as he does not specify his indebtedness! — R. Papa said: Here it is when, e.g., he paid him the denar in advance.<sup>10</sup>

R. Kahana said: I cited this teaching in the presence of R. Zebid of Nehardea who remarked to me: If that were so, then instead of the words 'Go out and eat and drink and I will pay,' we should have expected 'I will have a reckoning with him'!<sup>11</sup> [R. Kahana] said to him: Read, 'Go out and I will have a reckoning with him.' R. Ashi said: It is when, e.g., [the employer] took [the foodstuffs] from the shopkeeper and handed them [to his workmen].<sup>12</sup> R. Jemar said to R. Ashi: If that were so, then instead of the words, 'Go out<sup>13</sup> and eat, go out and drink' we should have expected, 'Take and eat, take and drink'! — He replied to him: Read, 'Take and eat, take and drink.'

R. Nahman, 'Ulla and Abimi b. Papi were sitting together and R. Hiyya b. Ammi sat with them. As they sat the question was raised: How is it if [an Israelite] was hired to break [a cask of] *yen nesek* [and pour out the contents]?<sup>14</sup> Do we say that since his wish is the preservation [of the cask]<sup>15</sup>



it is prohibited, or perhaps it is right in every case where the effect is to reduce what is improper? — R. Nahman said: Let him break it and may a blessing alight upon him [for so doing]. Is it to be assumed that his opinion receives support [from this teaching]: We may not hoe together with a heathen among mixed plantings

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- (1) Because he would then be discharging his obligation to them with what was forbidden. (V. Tosef. A.Z. VIII.)
  - (2) As soon as the employees receive the food and drink, so that it is as though the shop-keeper handed the goods to the employer.
  - (3) If, therefore, the foodstuff was prohibited, the employer exchanged his money for what was illegal. In the case of R. Jannai's School, however, the poor were not accustomed to give credit, so that we have not here an instance of unlawful exchange.
  - (4) Viz., that the decision rests on whether he gives him credit.
  - (5) V. Glos.
  - (6) As soon as the loan is made, the lender is technically the owner of what had been given as surety. Therefore when the shopkeeper gives the workmen the food, he is technically the owner of the employer's denarius whether he is in the habit of giving him credit or not.
  - (7) He owes him a denarius but not any particular one.
  - (8) Thus is the action of the school of R. Jannai justified.
  - (9) When the employer added the words 'and I will pay'.
  - (10) And then told his men to get food for it. In this case he must be concerned about unlawful foodstuffs.
  - (11) I.e., I will set off what you have had against the money which I have already given the shopkeeper.
  - (12) In that case the employer became the owner of the foodstuffs and must be concerned about their legality, whether he took them on credit or not.
  - (13) 'Go out' implies that he does not accompany them and therefore he could not hand the food to them.
  - (14) May he use the money he earned in this way?
  - (15) So that he may have the work of breaking it and earn money.

## **Talmud - Mas. Avodah Zarah 64a**

but we may uproot them<sup>1</sup> together with him in order to reduce what is improper!<sup>2</sup> They maintained that the statement [that uprooting is permitted] was [even according to] R. Akiba who said: He who helps to preserve mixed plantings<sup>3</sup> is liable to the punishment of lashes; for it has been taught: He who weeds or covers mixed plantings with soil is liable to the punishment of lashes; R. Akiba says: Also he who helps to preserve them. What is R. Akiba's reason? — Scripture stated, Thou shalt not sow thy field with two kinds of seed<sup>4</sup> — I have here mention only of sowing; whence is it [that the prohibition applies also to] preserving them? There is a text to state, Not . . . with a diverse kind,<sup>5</sup> so [deduce from this that] if the purpose is to reduce what is improper it is permitted!<sup>6</sup> — No, we have here [not the opinion of R. Akiba but] of the Rabbis.<sup>7</sup> If, however, it is the opinion of the Rabbis, why specify 'We may uproot them,' since their teaching holds good even with the preservation of the plants!<sup>8</sup> — With what circumstance are we dealing here? When, e.g., he worked for nothing,<sup>9</sup> and it is in accord with the teaching of R. Judah who said: It is forbidden to make them a free gift.<sup>10</sup> [But nevertheless] from R. Judah's statement can we not infer what is R. Akiba's view: R. Judah having declared that it is forbidden to make them a free gift, but it is all right for the purpose of reducing what is improper;<sup>11</sup> similarly with R. Akiba, although he declared that he who preserves [mixed plantings] is liable to the punishment of lashes, it is all right for the purpose of reducing what is improper!<sup>12</sup> There is nothing further to discuss on this subject. Again [while the afore-mentioned Rabbis] were sitting together the question was raised: How is it with the price of an idol in the possession of an idolater?<sup>13</sup> Does [the prohibition] affect the money which is in the possession of an idolater or not? — R. Nahman said to them: The more probable view is that the price of an idol in the possession of an idolater is permitted, [as may be seen from the incident where some would-be proselytes] came before Rabbah b. Abbahu and he told them, 'Go and sell all your possessions and then come to be converted.'<sup>14</sup> What was his reason? Was it not because he held that the price of an

idol in the possession of an idolater is permitted!<sup>15</sup> But perhaps it is different in this latter circumstance, because having the intention of becoming a proselyte each of them must surely have annulled [his idolatrous objects]!<sup>16</sup> — Rather may [support for R. Nahman's view be obtained] from this teaching: If an Israelite has a claim for a maneh against an idolater and the latter sold an idol or yen neseq and brought him the proceeds, [the money] is permitted to him; but if [the idolater] said, 'Wait until I sell an idol or yen neseq and I will bring you the proceeds,' it is prohibited.<sup>17</sup>

What is the difference between the two circumstances [that one is permitted and the other not]? — R. Shesheth said: The latter [is prohibited] because [the Israelite] then wishes [the idol] to be preserved.<sup>18</sup> But is it prohibited if he wishes it to be preserved under such conditions? For behold we have learnt: If a proselyte and an idolater inherited from their father who was an idolater, the proselyte can say to the other, 'You take the idol and I the money; you take the yen neseq and I the fruits';<sup>19</sup> but after [the inherited objects] have come into the possession of the proselyte it is forbidden [to make such a proposition]!<sup>20</sup> — Raba b. 'Ulla said: This Mishnah refers to an idol which can be divided according to its pieces.<sup>21</sup> Granted that this is so with an idol, but what is there to say with yen neseq!<sup>22</sup> — [It refers to wine preserved] in hadrianic earthenware.<sup>23</sup> But is he not desirous of their preservation that they should not be stolen or lost! — Then R. Papa said: [You cite a passage that] treats of the inheritance of a proselyte!<sup>24</sup> It is different with a proselyte's inheritance in connection with which the Rabbis took a lenient view from fear that he might relapse into his error.<sup>25</sup>

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(1) Even for payment.

(2) Here, too, the Jew must long for the preservation of the forbidden plantings so that he may be hired to uproot them.

(3) By putting up a hedge around them.

(4) Lev. XIX, 19.

(5) The verse in Lev. is lit.: 'Thou shalt not let thy cattle gender with a diverse kind, thou shalt not sow thy field with a diverse kind.' Since the two laws are not connected by 'and', they are united for the purpose of exposition, and the second clause is interpreted as implying that not only may a field not be sown with two kinds of seeds but a mixed planting which had already taken place there must not be allowed to remain.

(6) Although it is in his interests that they should be cultivated since he would have employment. [This is what led them to maintain that the author of the Baraitha permitting uprooting could also be R. Akiba.]

(7) Who are unconcerned about the man's interest in the preservation of the mixed plantings in order to earn money from their eradication. [As regards idolatry, however, they would agree that it is forbidden to accept payment where it involves the wish to preserve idolatry.]

(8) Therefore the quoted teaching cannot be the Rabbis'; and since it is found to agree neither with them nor R. Akiba, it must be re-interpreted, and this is done to make it accord with the Rabbis.

(9) The regulation 'we may uproot them' does not refer to paid labour.

(10) It is accordingly forbidden for a Jew to give his services free to an idolater (v. supra 20a) and yet where the effect is to reduce what is improper it is permitted.

(11) As, e.g., uprooting mixed plantings.

(12) And R. Nahman who permits the breaking of a cask of yen neseq finds support in this Baraitha, whoever the author of it may be.

(13) If an idolater sold an idol to another idolater, may a Jew have dealings with him for that money?

(14) If they become converts first, their idolatrous objects could not be annulled and the proceeds used by them or by Jews generally.

(15) This supports R. Nahman.

(16) And then they could be sold and the money used.

(17) Tosef. A.S. VIII. This supports R. Nahman.

(18) So that it may be sold and he receive the proceeds.

(19) The proselyte then hopes for their preservation, so that he may have his share; and yet this is permitted.

(20) Dem. VI, 10.

(21) E.g., a golden image which is broken up and the metal shared between them, because the proselyte would have no

objection to the idol being destroyed.

(22) The proselyte would be anxious that the jars containing it should not be broken.

(23) V. supra 32a. In this case there is no anxiety about the jar being broken.

(24) This is an exceptional circumstance; consequently nothing can be deduced from it in connection with the subject under discussion.

(25) If he lost his inheritance through a strict interpretation of Jewish law.

## **Talmud - Mas. Avodah Zarah 64b**

There is a teaching to the same effect: This only applies when they inherit, but in a case of partnership<sup>1</sup> it is prohibited.

Then again [the afore-mentioned Rabbis] were sitting together and the question was raised: Can a ger toshab<sup>2</sup> annul an idol? Must a worshipper annul it so that a non-worshipper cannot, or perhaps anybody who belongs to them<sup>3</sup> can annul it and he belongs to them? — R. Nahman said to them: The more probable view is that a worshipper must annul it and a non-worshipper cannot. Against this is quoted: If an Israelite found an idol in a public place, before it comes into his possession he may ask an idolater to annul it, but after it comes into his possession he may not ask an idolater to annul it because [the Rabbis] declared: An idolater can annul the idol belonging to himself or to another idolater whether he worships or does not worship it.<sup>4</sup> What means 'he worships it' and what means 'he does not worship it'? If I say that in either case it refers to an idolater, then it is identical with 'belonging to himself or to another idolater'! Must we not then suppose that the subject of 'worships' is an idolater and of 'does not worship' a ger toshab, and deduce from it that a ger toshab can also annul? — No; I can always tell you that in either case it refers to an idolater, and when it is argued that it is then identical with 'belonging to himself or to another idolater,' [the reply I make is] that in the first clause it means when each of them [worships] Peor or each [worships] Mercurius,<sup>5</sup> whereas in the second clause it means when one [worships] Peor and the other [worships] Mercurius.<sup>6</sup>

Against this is quoted: 'Who is a ger toshab? Any [Gentile] who takes upon himself in the presence of three haberim<sup>7</sup> not to worship idols. Such is the statement of R. Meir; but the Sages declare: Any [Gentile] who takes upon himself the seven precepts<sup>8</sup> which the sons of Noah undertook; and still others maintain: These do not come within the category of a ger toshab; but who is a ger toshab? A proselyte who eats of animals not ritually slaughtered, i.e., he took upon himself to observe all the precepts mentioned in the Torah apart from the prohibition of [eating the flesh of] animals not ritually slaughtered. We may leave such a man alone with wine,<sup>9</sup> but we may not deposit wine in his charge even in a city where the majority of residents are Israelites.<sup>10</sup> We may, however, leave him alone with wine even in a city where the majority of residents are heathens; and his oil is like his wine.' How can it enter your mind to say that his oil is like his wine; can oil become nesek!<sup>11</sup> [The wording must be amended to] his wine is like his oil,<sup>12</sup> but in every other respect he is like a heathen.<sup>13</sup> Rabban Simeon says: His wine is yen nesek. Another version [of Rabban Simeon's statement] is: 'It is allowed to be drunk [by Israelites].' At all events it teaches that 'in every other respect he is like a heathen.' For what practical purpose [is this mentioned]? Is it not that he can annul an idol in the same manner as an idolater?<sup>14</sup> — R. Nahman b. Isaac said: No; it is in connection with his power to transfer or renounce ownership;<sup>15</sup> as it has been taught: An apostate Israelite who publicly observes the Sabbath<sup>16</sup> may renounce his ownership, but if he does not observe the Sabbath publicly he may not renounce his ownership because [the Rabbis] said: An Israelite may transfer or renounce his ownership, whereas with a heathen this can only be done by renting [his property]. In what way? — [One Israelite] can say to [another Israelite], 'My ownership is acquired by you; my ownership is renounced in your favour,' and the latter has thereby acquired [the property]<sup>17</sup> without the necessity of a formal assignment.

## Rab Judah sent a present

- (1) Between a proselyte and a heathen. In that case the proselyte may not derive benefit from an idol or yen nesek.
- (2) Lit., 'proselyte-settler,' i.e., a Gentile who renounces idolatry to become a settler in Palestine. V. the next paragraph for a discussion of the term.
- (3) I.e., are non-Jews whether actual idolaters or not.
- (4) Tosef. A.Z. VI.
- (5) Each worships a separate idol of the same deity; only then can one annul the idol of the other.
- (6) Even then one can annul the other's idol although he himself does not worship it.
- (7) V. Glos. s.v. Haber.
- (8) V. supra p. 5, n. 7.
- (9) Without its being disqualified as yen nesek. This is not allowed with a heathen.
- (10) [For fear that he might erroneously exchange it with his wine, which is forbidden.]
- (11) [Rashi omits the word 'wine' in our edd.]
- (12) I.e., just as his oil may be used by Jews so his wine may be used by them, though not for drinking purposes.
- (13) Because he had not submitted to the two conditions of a proselyte vis., circumcision and immersion.
- (14) This contradicts R. Nahman.
- (15) Of a piece of land to combine it with the property of a Jew for the purpose of uniting them to enable an article to be carried from one place to another within that area on the Sabbath.
- (16) Whatever he may do in private. The fact that he observes it publicly indicates that his Jewish sensibility has not been completely suppressed.
- (17) By the mere declaration, without the purchase money having been first paid.

## Talmud - Mas. Avodah Zarah 65a

to Abidarna<sup>1</sup> on a heathen feast-day, saying, 'I know that he does not worship idols.' R. Joseph said to him, 'But it has been taught: Who is a ger toshab! Any [Gentile] who takes upon himself in the presence of three haberim not to worship idols!'<sup>2</sup> — [Rab Judah] replied, 'This teaching only applies to the matter of supporting him.'<sup>3</sup> [R. Joseph] retorted, 'But Rabbah b. Bar Hanah said in the name of R. Johanan: A ger toshab who allows twelve months to pass without becoming circumcised is to be regarded as a heretic among idolaters!'<sup>4</sup> [Rab Judah] answered, 'This refers to the circumstance where he undertook to be circumcised but did not undergo the rite.'

Raba once sent a present to Bar-Sheshak<sup>5</sup> on a heathen feast-day, saying, 'I know that he does not worship idols'; but on paying him a visit, he found him sitting up to his neck in a bath of rosewater while naked harlots were standing before him. [Bar-Sheshak] said to him, 'Have you [Israelites] anything like this in the World to Come?' He replied, 'We have much finer than this.' He asked, 'Is there anything finer than this?' [Raba] answered, 'There is upon you the fear of the ruling power,<sup>6</sup> but for us there will be no fear of the ruling power.' He said to him, 'What fear have I, at any rate, of the ruling power!' While they were sitting together, the king's courser arrived with the message, 'Arise, the king requires your presence.' As he was about to depart [Bar-Sheshak] said to [Raba], 'May the eye burst that wishes to see evil of you!' To this Raba responded, 'Amen,' and Bar-Sheshak's eye burst. R. Papi said: [Raba] should have answered him by quoting the verse, Kings' daughters are for thine honour; at thy right hand doth stand the queen in gold of Ophir.<sup>7</sup> R. Nahman b. Isaac said: [Raba] should have answered him by quoting the verse, No eye hath seen what God, and nobody but Thee, will work for him that waiteth for Him.<sup>8</sup>

IF HE HIRED HIM TO ASSIST HIM IN ANOTHER KIND OF WORK. [Is his wage permitted] even if he did not ask him [to remove the cask of yen nesek] towards evening?<sup>9</sup> Against such a conclusion I quote: If [a heathen] hires an [Israelite] workman<sup>10</sup> and towards evening says to him, 'Remove a cask of yen nesek from this place to that,' his wage is permitted.<sup>11</sup> The reason [why it is permitted] is because he asked him to do so towards evening; consequently [if he was asked to do so]

throughout the day it would not [be permitted]! — Abaye said: Our Mishnah likewise refers to when he asked him to do so towards evening. Raba said: [Even if we assume that our Mishnah does not refer to the time towards evening] there is no contradiction, because [the second teaching deals with the circumstance] where he says to him, ‘Remove for me a hundred casks for a hundred perutahs’,<sup>12</sup> and [the Mishnah] where he says to him, ‘Remove for me some casks for a perutah each.’<sup>13</sup> And thus it has been taught: If [a heathen] hires an [Israelite] workman, saying to him, ‘Remove for me a hundred casks for a hundred perutahs’ and a cask of yen nesek was found among them, his wage is prohibited; [but if he said, ‘Remove for me] some casks for a perutah each,’ and a cask of yen nesek was found among them, his wage is permitted.<sup>14</sup> IF HE HIRED [AN ISRAELITE'S] ASS TO CARRY YEN NESEK, ITS HIRE IS PROHIBITED. What need is there for this [to be mentioned] since it is identical with the first clause?<sup>15</sup> — It was necessary on account of the continuation, viz., BUT IF HE HIRED IT TO SIT UPON, EVEN THOUGH HE RESTED HIS JAR [OF YEN NESEK] UPON IT, ITS HIRE IS PERMITTED.<sup>16</sup> Is this to say that it is not lawful<sup>17</sup> to rest the jar [upon the ass]? Against this I quote: If a man hires an ass, the hirer may rest upon it his clothes, jar and the food which is required for that journey, but as regards anything beyond this the ass-driver may object; an ass-driver may rest upon it barley, straw and food required by him for that day, but as regards anything beyond this the hirer may object!<sup>18</sup> — Abaye said: Granted that it is lawful to rest a jar upon the animal; nevertheless should [the hirer] not rest a jar upon it, do we say to him, ‘Deduct the carriage of the jar’!<sup>19</sup>

How is this?<sup>20</sup> Since [the hirer] is able to purchase [food on the journey], the ass-driver should also be allowed to object!<sup>21</sup> And should [the driver] not be able to purchase [food on the journey], the hirer should also not be allowed to object!<sup>22</sup> — R. Papa said: No; it is necessary [to suppose conditions] where one is able by trouble<sup>23</sup> to make purchases from station to station; an ass-driver is accustomed to the trouble of making such purchases<sup>24</sup> whereas the hirer is not accustomed to it.<sup>25</sup>

The father of R. Aha the son of R. Ika<sup>26</sup>

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- (1) A heathen friend of his.
  - (2) And Abidarna was not considered a ger toshab.
  - (3) If a Gentile renounced idolatry and became poor he must receive support from the Jewish community.
  - (4) And Abidarna was not circumcised.
  - (5) A heathen friend.
  - (6) Your fate is in the hands of your king who can at will deprive you of all you possess.
  - (7) Ps. XLV, 10. Instead of ‘for thine honour’ required as the rendering by the Talmud, E.V. has ‘among thy honourable women.’ The point of the verse is that Israelites in the Hereafter will be attended by noble women, and not surrounded by harlots as this heathen was.
  - (8) Isa. LXIV, 3, sic. This verse, understood in this sense, is used by the Talmud to denote that the good things of the World to Come cannot be conceived by the mind of man (v. Ber. 34b).
  - (9) The labourer was hired by the day and at evening he was paid for his work. The question, therefore, is whether a Jew may accept pay for removing the cask when it was part of the day's lawful work.
  - (10) For permitted work, and after the day's task is completed he imposes the additional task upon him.
  - (11) Tosef. A.Z. VI.
  - (12) V. Glos., s.v. perutah. His wage is for all the work he did. If, then, all the casks contained oil but one had yen nesek, all his earnings are prohibited.
  - (13) He can then throw away what he earned for the unlawful work and retain the rest.
  - (14) With the exception of the perutah for that cask.
  - (15) Viz., if a heathen hired an (Israelite) workman to assist him in (the preparation of) yen nesek, his wage is prohibited.
  - (16) Consequently it is considered that the owner of the ass only receives pay for the man riding upon it and the jar is not taken into account.
  - (17) [Rashi reads, ‘not usual’.]
  - (18) It follows that the hirer may rest his jar upon the ass, and therefore the owner receives payment for this.

- (19) Because there is no special charge for the carrying of the jar, the hire is permitted.
- (20) That the hirer can load the animal with the food he requires for the whole journey but the ass-driver with what he requires for one day.
- (21) Because the stop to buy food prolongs the duration of the journey.
- (22) To his having food for the whole journey.
- (23) [Ms. M.: 'he is able to purchase.']
- (24) So he is allowed only a day's supply.
- (25) For that reason he may take food with him for the whole journey.
- (26) He was a wine-dealer. He did not sell heathens jars of wine, but used to pour it into their bottles retaining the jar for himself. The usual custom was to sell the wine inclusive of the jar.

## Talmud - Mas. Avodah Zarah 65b

used to pour out the wine for heathens [into their own vessels], and carry it across the ford for them, receiving from them the jars as the reward for doing so. People reported the matter to Abaye who told them: When he laboured<sup>1</sup> he did so with what was permitted.<sup>2</sup> But, [it was objected,] he had an interest in the preservation of something [that was unlawful],<sup>3</sup> viz., that their skin-bottles should not split! — [No;] he had made a condition with them;<sup>4</sup> or [as an alternative explanation] they brought barrels with them.<sup>5</sup> But, [it was objected,] he carried them across the ford for them and consequently he laboured with what was prohibited! [No;] he instructed the ferryman from the outset [to convey the buyers across],<sup>6</sup> or [as an alternative explanation] they carried with them certain identification marks.<sup>7</sup>

MISHNAH. IF YEN NESEK FELL UPON GRAPES, ONE MAY RINSE THEM AND THEY ARE PERMITTED, BUT IF THEY WERE SPLIT THEY ARE PROHIBITED. IF IT FELL UPON FIGS OR UPON DATES, SHOULD THERE BE IN THEM [SUFFICIENT WINE] TO IMPART A FLAVOUR, THEY ARE PROHIBITED. IT HAPPENED WITH BOETHUS B. ZUNIN THAT HE CONVEYED DRIED FIGS IN A SHIP AND A CASK OF YEN NESEK WAS BROKEN AND IT FELL UPON THEM; SO HE CONSULTED THE SAGES WHO DECLARED THEM PERMITTED. THIS IS THE GENERAL RULE: WHATEVER DERIVES ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR IS PROHIBITED, BUT WHATEVER DOES NOT DERIVE ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR IS PERMITTED, AS, E.G., VINEGAR WHICH FELL UPON SPLIT BEANS.

GEMARA. But there is an incident<sup>8</sup> [narrated] which contradicts [the first clause of the Mishnah]! — [The wording of the Mishnah] is defective and should read as follows: If [the wine] affects the flavour adversely it is permitted; and thus it happened with Boethus b. Zunin that he conveyed dried figs in a ship and a cask of yen nesek was broken and it fell upon them; so he consulted the Sages who declared them permitted.<sup>9</sup>

A cask of yen nesek once fell upon a heap of wheat, and Raba permitted it to be sold to heathens. Rabbah b. Liwai quoted against Raba: If mixed stuffs occur<sup>10</sup> in a garment, he may not sell it to a heathen, nor make a pack-saddle of it for an ass, but he may use it as shrouds for a meth mizwah.<sup>11</sup> Why may he not [sell it] to a heathen? Lest he dispose of it to an Israelite! So here also [there is the fear that the wheat] may be sold back by him to an Israelite? — Thereupon [Raba] permitted [the Israelite] to mill it, bake it and sell [the loaves] to a heathen not in the presence of an Israelite.<sup>12</sup>

We learnt: IF YEN NESEK FELL UPON GRAPES, ONE MAY RINSE THEM AND THEY ARE PERMITTED, BUT IF THEY WERE SPLIT THEY ARE PROHIBITED. If they are split they are [prohibited], but if not split they are not!<sup>13</sup> — R. Papa said: It is different with wheat because on account of the slit [in the ears] they are considered to be split.

- (1) [By pouring the wine into their bottles.]
- (2) The wine did not become neseq until it was in the jars of the heathens.
- (3) Viz., their bottles, because if these were broken they would retain his jars and he would be the loser.
- (4) That he was to have the jars even if their bottles were broken.
- (5) In which the bottles were placed, so that if wine ran out it would not be lost.
- (6) Before the jars were filled; this is allowed because they were still in his possession.
- (7) Which the ferryman recognised, and he conveyed them across without being told to do so in each case. Accordingly R. Ika did not himself carry them to the other side.
- (8) Viz., what is told of Boethus.
- (9) Because the wine had a bad effect on the dried figs.
- (10) Lit., 'was lost'. Cf. Lev. XIX, 19. The case here is where some threads of different materials were woven into the fabric and they cannot be distinguished from the rest to be cut away.
- (11) V. Glos. A dead person is absolved from the precepts of the Torah, and so the prohibition of mixed stuffs does not apply.
- (12) If he sold them in the presence of a Jew, they might be bought by a Jew. Loaves baked by a heathen are disallowed, so that there would be no fear lest they would be bought by a Jew.
- (13) And this rule should also apply to wheat.

## **Talmud - Mas. Avodah Zarah 66a**

When old wine [falls] upon grapes, all agree that [they are prohibited, if] it imparts a flavour. In the case of new wine [which falls] upon grapes, Abaye said that [they are prohibited] however small the quantity be, but Raba said that it must impart a flavour. Abaye said that [they are prohibited] however small the quantity be for the reason that we use the criterion of flavour, and since both [the wine and grapes] have one flavour, it is a case of one species being mixed with the same species, and in such circumstances a minimum quantity [suffices to disqualify]. Raba, on the other hand, said that it must impart a flavour for the reason that we use the criterion of name; and since they each have a distinctive name it is a case of one species [being mixed] with a different species, and in such circumstances [the disqualification depends upon the prohibited element] imparting its flavour [to the mixture].<sup>1</sup>

We learnt: IF YEN NESEK FELL UPON GRAPES etc. Now it is assumed that [the reference is to] new wine upon grapes; and yet [are they not disqualified only] if it imparts a flavour?<sup>2</sup> — No, [they are prohibited] however small the quantity be. Since, however, it states in the sequel: THIS IS THE GENERAL RULE: WHATEVER DERIVES ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR IS PROHIBITED; WHATEVER DOES NOT DERIVE ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR IS PERMITTED, it follows that we are dealing here with a case where it does impart a flavour. What, then, of Abaye?<sup>3</sup> — [He explains] our Mishnah as referring to old wine [which fell] upon grapes.<sup>4</sup>

If wine-vinegar [becomes mixed] with malt-vinegar or wheat-yeast with barley yeast,<sup>5</sup> Abaye said: [The mixture is prohibited when the unlawful element] imparts a flavour and we use the criterion of flavour; and since each has a separate flavour, it is a case of one species [being mixed] with a different species, and in such circumstances [the disqualification depends upon the prohibited element] imparting its flavour [to the mixture]. Raba, on the other hand, said: [It is prohibited] however small the quantity be and we use the criterion of name; and since each is called vinegar or yeast, they belong to the same species and a minimum quantity [suffices to disqualify] with what belongs to the same species. Abaye said: Whence do I declare that we use the criterion of flavour? As we learnt: Spices of two or three different categories<sup>6</sup> which belong to the same species,<sup>7</sup> or three species [of one category], are prohibited<sup>8</sup> and may be combined together;<sup>9</sup> and Hezekiah said: We are dealing here with kinds of [condiments which impart a flavour of] sweetness<sup>10</sup> because they are appropriately used for sweetening what is cooked. Now this is quite right if you maintain that we

use the criterion of flavour, since they all taste alike; but should you maintain that we use the criterion of name, each of them has a separate name!<sup>11</sup> — Raba, however, can reply:<sup>12</sup> Whose teaching is this? It is R. Meir's, as it has been taught: R. Judah says in the name of R. Meir: Whence is it that all the prohibited things of the Torah may be combined together?<sup>13</sup> — As it is stated, Thou shalt not eat any abominable thing<sup>14</sup> — everything which I declared to be abominable comes within the law of Thou shalt not eat.<sup>15</sup>

If [prohibited] vinegar fell into [permitted] wine, all agree that it depends on whether it imparts a flavour;<sup>16</sup> but if [prohibited] wine fell into [permitted] vinegar,<sup>17</sup> Abaye said [that it is prohibited] however small the quantity be, and Raba said [that it depends upon whether the forbidden element] imparts a flavour. Abaye said [that it is prohibited] however small the quantity be,

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(1) What the proportion of the forbidden element must be to the whole for the mixture to be allowed is discussed at the end of this Gemara (p. 329).

(2) This refutes Abaye.

(3) Who prohibits them however small be the quantity of wine which fell upon them.

(4) And then all agree that the prohibition depends on the flavour.

(5) I.e., the wine-vinegar being *neseq* and the wheat-leaven being part of a heave-offering.

(6) Viz., they are forbidden for common use under different headings, as, e.g., 'orlah, heave-offering etc.

(7) E.g., white pepper, black pepper, etc.

(8) When they impart a flavour to food with which they have been mixed.

(9) If each one by itself is not sufficient to impart a flavour but together they are ('Orlah, II, 10).

(10) They must all have the same taste if they are to be combined together to disqualify the mixture.

(11) Why then should they combine?

(12) He rejects Hezekiah's interpretation.

(13) If each element is itself insufficient to disqualify.

(14) Deut. XIV, 3.

(15) Consequently the criterion in regard to combination is neither name nor taste. The forbidden character of the several spices is in itself sufficient to make them combine.

(16) Because the vinegar is not affected either in its odour or taste before it mixes with the wine and it is thus a case of the mixture of two species.

(17) As soon as the wine begins to fall into the vessel, it is affected by the odour of the vinegar, even before the two liquids actually mix.

## **Talmud - Mas. Avodah Zarah 66b**

because where the smell [of the wine] is that of vinegar and the taste is of wine it is regarded as vinegar;<sup>1</sup> it is then a case of one species [being mixed] with the same species and in such circumstances a minimum quantity [suffices to disqualify]. Raba, on the other hand, said [that it depends upon whether the forbidden element] imparts a flavour, because when the smell [of the wine] is vinegar and the taste is of wine it is regarded as wine, and it is a case of one species [being mixed] with a different species, and in such circumstances [the disqualification depends upon the prohibited element] imparting its flavour [to the mixture].

If a heathen [smelt the wine] of an Israelite through the bung-hole<sup>2</sup> it is all right; but if an Israelite does this with the wine of a heathen Abaye declared it prohibited whereas Raba declared it permitted. Abaye declared it prohibited because the smell is something actual, whereas Raba declared it permitted because the smell is not something actual. Raba said: Whence do I maintain that the smell is not considered anything at all? As we have learnt: If they used cumin of a heave-offering as fuel for an oven and baked a loaf in it, the loaf is permitted because it [absorbs] not the taste but the smell of the cumin.<sup>3</sup> [How does] Abaye [meet this argument]? — It is different in this instance because the prohibited element was burnt. R. Mari said: This is like [the difference



between the following] Tannaim: If a man removes a warm loaf [from the oven] and places it upon a cask of wine<sup>4</sup> which is heave-offering, R. Meir prohibits and R. Judah permits it;<sup>5</sup> R. Jose permits it with a wheaten-loaf but prohibits it with a barley-loaf because the latter absorbs [the fumes of the wine]. Is not the issue here that one Master regards smell as something actual and the other regards it as nothing at all? From Raba's viewpoint the Tannaim do certainly differ on this matter;<sup>6</sup> but from Abaye's viewpoint are we to say that the Tannaim differ on this matter!<sup>7</sup> — Abaye can reply: Has it not been stated in this connection: Rabbah b. Bar Hanah said in the name of R. Simeon b. Lakish: With a hot loaf and open cask

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(1) The smell of vinegar is stronger than of wine, and people would judge the mixture by the odour.

(2) To see whether it was matured.

(3) Ter. X, 4. And if the smell were considered something actual, the loaf would be prohibited.

(4) The mouth of the cask being open so that the smell of the wine penetrates the loaf.

(5) To a non-priest.

(6) Because his opinion coincides with R. Judah's, whereas R. Meir by prohibiting the loaf obviously takes notice of the smell of the wine.

(7) Abaye could explain that even R. Judah regards smell as something actual, only his opinion is that the loaf does not absorb the fumes of the wine.

### **Talmud - Mas. Avodah Zarah 67a**

all agree that it is prohibited;<sup>1</sup> with a cold loaf and a stoppered cask all agree that it is permitted; they only differ when the loaf is hot and the cask stoppered or when the loaf is cold and the cask open; and the case under consideration<sup>2</sup> is like a hot loaf upon an open cask.

THIS IS THE GENERAL RULE: WHATEVER DERIVES ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR etc. Rab Judah said in the name of Samuel: Such is the legal decision.<sup>3</sup> Further declared Rab Judah in the name of Samuel: This teaching only applies when [the vinegar] fell into hot split beans;<sup>4</sup> but if it fell into cold split beans<sup>5</sup> and he then warms them<sup>6</sup> the effect is to improve them and only in the end are they deteriorated, and therefore they are prohibited. Similarly when Rabin came [from Palestine] he reported that Rabbah b. Bar Hanah said in the name of R. Johanan : This teaching only applies when [the vinegar] fell into hot split beans; but if it fell into cold split beans and he then warms them the effect is to improve them and only in the end are they deteriorated, and therefore they are prohibited. There was a similar report from Rab Dimi when he came [from Palestine, and he added] that they used to do this<sup>7</sup> on Sabbath-eves in Sephoris and they called them cress-dish.<sup>8</sup>

R. Simeon b. Lakish said: When [the Rabbis] use the phrase 'it imparts a worsened flavour,' [they do not mean] that we are to say that a certain dish lacks salt or is oversalted, or lacks spice or is over-spiced;<sup>9</sup> but [what they do mean is] any food which is not lacking in anything and is not eaten because of this.<sup>10</sup> Another version is: R. Simeon b. Lakish said: When [the Rabbis] use the phrase 'it imparts a worsened flavour', we do not attribute [the bad flavour to the fact that] a certain dish lacks salt or is oversalted, or lacks spice or is over-spiced, but [we declare that] now only it has deteriorated [owing to the mixture].<sup>11</sup>

R. Abbahu said in the name of R. Johanan: Whenever the flavour and substance [of the prohibited element in a mixture are perceptible] it is prohibited [and one who eats it] is liable to the punishment of lashes; and that is a quantity equal to the size of an olive [of the prohibited element mixed] with a quantity equal to half a loaf.<sup>12</sup>

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(1) Because the smell certainly affects the loaf.

(2) The Israelite smelling the heathen's wine through the bung-hole.

- (3) Viz., that when the wine or vinegar causes a deterioration in the value of the food-stuff it is permitted.
- (4) The effect is to spoil them.
- (5) Which improves the flavour.
- (6) In order to destroy the advantage of the vinegar.
- (7) Pour vinegar upon cold split beans.
- (8) Cf. supra 30b.
- (9) And would not for that reason be eaten quite apart from the disqualifying matter which has been mixed with it.
- (10) Viz., the bad flavour which resulted from the mixture with disqualifying matter. Only in that circumstance does it become permitted.
- (11) This is a less strict view than what is given in the previous version; because even if it is under- or over-seasoned, it may still be allowed when mixed with what is unlawful, provided this imparted a bad flavour.
- (12) I.e., a quantity equal to the size of four eggs (Rashi). To be liable he must in addition have eaten the minimum amount spread over a period which is defined by the phrase 'in which one could eat half a loaf.'

### Talmud - Mas. Avodah Zarah 67b

If the taste [is perceptible] but not the substance,<sup>1</sup> it is prohibited but he is not punished with lashes; should, however, [the unlawful element] have intensified the flavour so as to worsen it, then it is permitted. Let him then say [more explicitly] that if it imparts a worsened flavour it is permitted! — He thereby informs us that it is so even when there is another element in it which worsens the flavour, and [that] the legal decision is in accord with the second version of R. Simeon b. Lakish's statement.<sup>2</sup>

R. Kahana said: We learn from the words of them all<sup>3</sup> that when [the forbidden element] imparts a worsened flavour it is permitted. Abaye said to him: As regards all the rest of them very well, but since R. Simeon b. Lakish has the words, 'When [the Rabbis] use the phrase,' it follows that he personally does not hold that view. Are we, then, to infer that there are some who maintain that when [the forbidden element] imparts a worsened flavour it is prohibited? — Yes, for it has been taught: Whether it imparts a worsened or improved flavour it is prohibited — such is the statement of R. Meir; R. Simeon says: If improved it is prohibited but if worsened it is permitted. What is R. Meir's reason? — He derives it from the vessels of Gentiles. The vessels of Gentiles, do they not impart a worsened flavour [to the food cooked in them]? and yet the All-merciful forbade them;<sup>4</sup> so here also it makes no difference [and it is prohibited]. How does the other [viz., R. Simeon establish his view]? — In the same manner as R. Huna the son of R. Hiyya who said: The Torah only forbade a utensil which had been used [by a Gentile] the same day, the effect of which is not to worsen the flavour. [What reply is made to this by] the other? — Even in the case of a pot used [by a Gentile] the same day it is impossible that it should not worsen [the flavour] a little. And what is R. Simeon's reason? — Because it has been taught: Ye shall not eat of anything that dieth of itself [nebelah]; thou mayest give it unto the stranger that is within thy gates<sup>5</sup> — whatever is fit for use by a stranger is called nebelah,

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(1) It had become dissolved in the mixture.

(2) The more lenient view is adopted.

(3) Rab Judah, R. Dimi, Resh Lakish, R. Abbahu.

(4) They must be rinsed with boiling water before a Jew may use them. This law is based on Num. XXXI, 23; v. p. 362.

(5) Deut. XIV, 21.

### Talmud - Mas. Avodah Zarah 68a

and whatever is unfit for use by a stranger is not called nebelah.<sup>1</sup> How does R. Meir [explain the verse]? — Its purpose is to exclude what was tainted from the outset.<sup>2</sup> How does R. Simeon [meet this argument]? — An animal tainted from the outset does not require to be specially excluded

because it is nothing more than dust.<sup>3</sup>

‘Ulla said: The difference [between R. Meir and R. Simeon] is over the circumstance where [the mixture] is improved [by the addition of the forbidden element] and in the end deteriorates, but if it deteriorates in the first instance all agree that it is permitted. R. Haga quoted against ‘Ulla: If wine [which is nesek] fell into lentils or vinegar into split beans it is prohibited, but R. Simeon permits it. Hence is a case where it deteriorates from the outset, and for all that they differ! — ‘Ulla replied: Haga is ignorant of what the Rabbis are here discussing and yet quotes it in objection. With what are we dealing here? E.g., it fell into cold split beans and he then warms them, the effect of which is to improve them, and only in the end are they deteriorated, and so they are prohibited. R. Johanan, on the other hand, said: The difference is when [the mixture] deteriorates from the outset. The question was asked: Is the difference over a case where it deteriorates from the outset and all agree that it is prohibited when it first improves and only in the end deteriorates, or perhaps in either event there is a difference of opinion?<sup>4</sup> — The question remains unanswered.

R. Amram said: Is it possible that R. Johanan's statement<sup>5</sup> should have any substance and not be the subject of a Mishnaic teaching? He went forth and examined and found a teaching. For we learnt: If non-holy yeast fell into dough and was sufficient to leaven it and did actually leaven it, and subsequently there fell into it yeast of a heave-offering or yeast of mixed plantings<sup>6</sup> sufficient to cause leavening, it is prohibited — but R. Simeon permits it.<sup>7</sup> Now, here is a case where [the mixture] deteriorated from the outset<sup>8</sup> and yet they differ!<sup>9</sup> — R. Zera said: It is otherwise with dough because it is capable of fermenting many other pieces of dough.<sup>10</sup>

Come and hear!<sup>11</sup> If yeast of a heave-offering and also some which was non-holy fell into dough,<sup>12</sup> each being sufficient to cause leavening, and they leavened it, then it is prohibited; but R. Simeon permits it. If the yeast of a heave-offering fell in first, all agree that it is prohibited,<sup>13</sup> but if the non-holy yeast fell in first and then the yeast of a heave-offering or mixed plantings,<sup>14</sup> it is prohibited, but R. Simeon permits it. Now here is a case where it deteriorated from the outset and yet they differ! Should you answer that here also

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- (1) I.e., if it was unfit for consumption because it was so deteriorated, the prohibition departs from it.
  - (2) So that it had never been fit for consumption; consequently the prohibition of nebelah does not apply to it.
  - (3) It is not regarded as an animal at all.
  - (4) Viz., R. Meir prohibits and R. Simeon permits it.
  - (5) That the difference is when the mixture deteriorates from the outset.
  - (6) Prohibited by the law of Lev. XIX, 19.
  - (7) ‘Orlah II, 10.
  - (8) Since it was already leavened before the prohibited yeast fell into it. The effect must be to spoil the dough.
  - (9) This supports R. Johanan.
  - (10) The yeast that fell into the dough deteriorated it from the point of view of eating; yet it was an advantage by rendering it capable of leavening other pieces of dough.
  - (11) Another attempt is made to find a teaching in support of R. Johanan's statement.
  - (12) At the same time, and the combined quantity was greater than was necessary for leavening.
  - (13) Because there was improvement at first and only in the end it deteriorated because of the second quantity of yeast.
  - (14) And leavened it so that it was worsened from the outset by the unlawful element.

## **Talmud - Mas. Avodah Zarah 68b**

R. Zera's explanation applies,<sup>1</sup> come and hear the continuation [of this teaching]: If wine [which is nesek] fell into lentils or vinegar into split beans, it is prohibited, but R. Simeon permits it. Now here is a case where it deteriorated from the outset and for all that they differ! Should you answer that here also what ‘Ulla taught R. Haga applies, viz., where it first improved and only in the end

deteriorated, do they differ in a case where it first improves and only in the end deteriorates? For behold it taught: If the yeast of a heave-offering fell in first,<sup>2</sup> all agree that it is prohibited! Is it not then to be concluded from this that there is difference of opinion even when it deteriorated from the outset? — Draw that conclusion.

Why were the three clauses<sup>3</sup> which are taught necessary? — It is quite right that he quotes the third because he thereby teaches us that there is difference of opinion even when it deteriorated from the outset. The second likewise [taught us that] if it improved and in the end deteriorated all agree that it is prohibited. But why [quote] the first clause? Since in the third clause, where no improvement at all occurred, the Rabbis prohibit it, how much more so [must they prohibit it] where there was improvement! — Abaye said: The first clause is necessary because of R. Simeon,<sup>4</sup> and the Rabbis spoke thus to R. Simeon: This dough should take two hours to leaven and what caused it to leaven in one hour? — [Yeast which was] prohibited.<sup>5</sup> How does R. Simeon [meet this argument]? — When there was improvement it was caused by both [kinds of yeast]<sup>6</sup> and when there was deterioration it was also caused by both. But according to R. Simeon, the lawful and prohibited elements should be combined and render [the dough] prohibited! — R. Simeon follows his own opinion, viz., that even two prohibited elements<sup>7</sup> are not to be combined,<sup>8</sup> for we have learnt: ‘Orlah and mixed plantings may be combined; R. Simeon says that they may not be combined.’<sup>9</sup>

A mouse fell into a cask of beer and Rab prohibited the beer. Some Rabbis mentioned this in the presence of R. Shesheth and remarked: He evidently was of the opinion that when it imparts a worsened flavour it is prohibited. [R. Shesheth] said to them: Rab certainly maintains elsewhere that when it imparts a worsened flavour it is permitted. Here, however, we have an anomaly since it is something repugnant and people recoil from it; and even then the Divine Law prohibited it<sup>10</sup> with the consequence that although it imparts a worsened flavour it is nevertheless prohibited. The Rabbis said to R. Shesheth: According to your argument [a creeping thing] should defile<sup>11</sup> whether moist or dry; why then have we learnt: They defile when moist but not when dry!<sup>12</sup> — And according to your reasoning semen should defile whether moist or dry; why then have we learnt: It defiles when moist but not when dry! What, however, you could say is that the semen of which the Divine Law speaks [as defiling] is such as is capable of causing fertilisation; and likewise here [in connection with creeping things] the Divine Law uses the expression when they are dead,<sup>13</sup> i.e., when they have the appearance of being dead.<sup>14</sup> R. Shimi of Nehardea objected: Is [the mouse something] repugnant; is it not brought upon the table of kings! — R. Shimi of Nehardea said:<sup>15</sup> There is no contradiction, for [what is served at meals] is the fieldmouse and [what fell into the beer] was the domestic mouse.

Raba said: The legal decision is that when it imparts a worsened flavour it is permitted, but what was Rab's reason [for prohibiting it] in the case where a mouse fell into beer I do not know. Was it because he held that when it imparts a worsened flavour it is prohibited and the legal decision is not in agreement with him, or because he held that when it imparts a worsened flavour it is permitted but a mouse in the beer causes an improvement [to the flavour]!

The question was asked:

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(1) That there is a special feature about dough, and no general rule can be deduced from it.

(2) Cf. n. 1.

(3) (a) Holy and non-holy yeast fell in the dough at the same time. (b) The holy yeast fell in first. (c) Yen nesek fell into lentils.

(4) Who permits the dough when the unlawful yeast fell in simultaneously.

(5) Consequently the yeast was at first an advantage and only in the end a cause of deterioration, and even R. Simeon admits that this is prohibited.

(6) And not only by the prohibited yeast.

(7) Each of which is insufficient in quantity.

- (8) To constitute a quantity sufficient to render something prohibited.
- (9) 'Orlah, II, 1.
- (10) Lev. XI, 29. That the mouse was eaten, v. Isa. LXVI, 17.
- (11) For the reason that the Torah prohibited it despite its repugnance.
- (12) Liquid being a conductor of defilement.
- (13) Lev. XI, 32, only then does contact cause defilement.
- (14) I.e., when they are moist.
- (15) [To be deleted with MS. M.]

## **Talmud - Mas. Avodah Zarah 69a**

How is it if [a mouse] fell into vinegar?<sup>1</sup> — R. Hillel said to R. Ashi: Such an incident happened with R. Kahana and he prohibited it. [R. Ashi] replied to him: In that case [the mouse] may have been dissolved into pieces.<sup>2</sup> Rabina thought to apply here the standard of a hundred and one<sup>3</sup> since it is not less than with the heave-offering in connection with which we learnt: A heave-offering [mixed with the non-holy] is neutralised when the proportion is one in a hundred.<sup>4</sup> R. Tahlifa b. Giza said to Rabina: Perhaps [the case under discussion] is like spices of a heave-offering [which fell into] a pot of food the taste of which is not neutralised. R. Ahai estimated that with vinegar the proportion must be fifty [to one].<sup>5</sup> R. Samuel the son of R. Ika estimated that with beer the proportion must be sixty [to one]. The legal decision in either case is sixty [to one], and it is so with all things prohibited by the Torah.

MISHNAH. IF A HEATHEN WAS CONVEYING JARS OF WINE TOGETHER WITH AN ISRAELITE FROM PLACE TO PLACE, AND IT MAY BE PRESUMED THAT [THE WINE] IS UNDER SUPERVISION, IT IS PERMITTED. BUT IF [THE ISRAELITE] INFORMED HIM THAT HE WAS GOING AWAY [AND HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR THE OTHER TO BORE A HOLE [IN A JAR], STOP IT UP AND [THE SEALING CLAY] TO BECOME DRY, [THE WINE IS PROHIBITED]. R. SIMEON B. GAMALIEL SAYS: [A LENGTH OF TIME] SUFFICIENT FOR HIM TO OPEN A CASK,<sup>6</sup> RESTOPPER IT AND [THE NEW STOPPER] TO BECOME DRY.<sup>7</sup> IF [AN ISRAELITE] LEFT HIS WINE<sup>8</sup> IN A WAGGON OR A SHIP WHILE HE WENT ALONG A SHORT CUT, ENTERED A TOWN AND BATHED, IT IS PERMITTED. BUT IF HE INFORMED HIM THAT HE WAS GOING AWAY [AND HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR THE OTHER TO BORE A HOLE, STOP IT UP AND [THE SEALING CLAY] TO BECOME DRY, [THE WINE IS PROHIBITED]. R. SIMEON B. GAMALIEL SAYS: [A LENGTH OF TIME] SUFFICIENT FOR HIM TO OPEN A CASK, RESTOPPER IT AND [THE NEW STOPPER] TO BECOME DRY. IF [AN ISRAELITE] LEFT A HEATHEN IN HIS SHOP, ALTHOUGH HE KEPT GOING IN AND OUT, [THE WINE THERE] IS PERMITTED. BUT IF HE INFORMED HIM THAT HE WAS GOING AWAY [AND HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR THE OTHER TO BORE A HOLE, STOP IT UP AND [THE SEALING CLAY] TO BECOME DRY, [THE WINE IS PROHIBITED]. R. SIMEON B. GAMALIEL SAYS: [A LENGTH OF TIME] SUFFICIENT FOR HIM TO OPEN A CASK, RESTOPPER IT AND [THE NEW STOPPER] TO BECOME DRY. IF HE WAS EATING WITH HIM AT A TABLE AND SET SOME FLAGONS UPON THE TABLE AND OTHERS UPON A SIDE-TABLE<sup>9</sup> AND LEAVING THEM THERE WENT OUT, WHAT IS UPON THE TABLE IS PROHIBITED<sup>10</sup> AND WHAT IS UPON THE SIDE-TABLE IS PERMITTED;<sup>11</sup> . AND SHOULD HE HAVE SAID TO HIM, 'MIX [SOME OF THE WINE WITH WATER] AND DRINK,' WHAT IS UPON THE SIDE-TABLE IS LIKEWISE PROHIBITED.<sup>12</sup> OPENED CASKS<sup>13</sup> ARE PROHIBITED, AND THE CLOSED ONES ARE PERMITTED [EXCEPT WHEN HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR [THE HEATHEN] TO OPEN, RESTOPPER AND [THE NEW STOPPER] TO BECOME DRY.

GEMARA. How is the phrase, IT MAY BE PRESUMED THAT [THE WINE] IS UNDER

SUPERVISION to be defined? — As it has been taught: Behold a man's ass-drivers and workmen<sup>14</sup> are laden with things which are ritually clean; and though he be more than a mil<sup>15</sup> apart from them, his ritually clean things retain their state of purity; but if he said to them, 'Go on and I will follow you,' as soon as they are out of sight his ritually clean things lose their state of purity. What is the difference between the first and second circumstance [that one is permitted and the other prohibited]?<sup>16</sup> — R. Isaac said: The first refers to when he purified his ass-drivers and workmen for the task.<sup>17</sup> If that is so, it should apply also to the second clause!<sup>18</sup> — An 'am ha-arez<sup>19</sup> is not particular about the touch of his fellow.<sup>20</sup> If that is so, it should apply also to the first clause!<sup>21</sup> — Raba said:

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- (1) Do we say that the mouse does not affect the taste since it is so sharp?
  - (2) And R. Kahana prohibited the vinegar from fear that a piece might be swallowed. Therefore no answer to the question can be inferred from this incident.
  - (3) If the permitted quantity is a hundred times as much as the prohibited element, the mixture is allowed.
  - (4) V. Ter. IV, 7.
  - (5) Owing to its pungent flavour the proportion is halved, i.e., the quantity of vinegar must be fifty times as much as the bulk of the mouse, if the liquid is to be permitted.
  - (6) I.e., remove the clay stopper which is sealed on to the cask.
  - (7) R. Simeon does not accept the first teaching because, in his opinion, the new patch of clay in the side of the jar could easily be detected.
  - (8) In charge of a heathen. Since he is unaware how long the owner will be away, he is afraid to tamper with the jars.
  - (9) Delphica mensa.
  - (10) Because from the fact that he was eating with the Jew, he would assume that he had the right to drink some of the wine and by touching it he renders it nesek.
  - (11) [As it is unusual for a guest to help himself from the provisions on the side-table.]
  - (12) Acting upon the permission, he may have touched the wine on the side-table.
  - (13) In the room where the heathen had been eating with a Jew and received permission to drink some wine.
  - (14) Belonging usually to the 'Am-ha-arez class. Their touch would defile what is ritually clean.
  - (15) A thousand paces; and he cannot see at such a distance what they might do with the loads.
  - (16) Even in the first circumstance described, inasmuch as the men are carrying the load they must necessarily touch and defile it.
  - (17) Through immersion in a ritual bath.
  - (18) Being cleansed how could they defile the load?
  - (19) V. Glos.
  - (20) Who, being ritually unclean, would communicate defilement to the load; and since the owner is out of sight, the men would not be careful to avoid such contact.
  - (21) Because he could not watch what happened at a distance of a mil.

## **Talmud - Mas. Avodah Zarah 69b**

It refers to when [the owner] could come upon them by some by-path.<sup>1</sup> If that is so, it should apply also to the second clause! — Since he had told them, 'Go on and I will follow you,' their mind is at rest.<sup>2</sup> IF [AN ISRAELITE] LEFT A HEATHEN IN HIS SHOP etc. IF [AN ISRAELITE] LEFT HIS WINE IN A WAGGON OR A SHIP etc. [Both the circumstances] are necessary; for if he had only taught the case of a heathen [conveying jars of wine], since the man thought that perhaps [the Israelite] would come and observe him,<sup>3</sup> but when [the wine is left] in a waggon or ship, conclude [that it must be prohibited because the heathen] could put the ship to sea and do whatever he wished [to the wine].<sup>4</sup> If, however, he had only taught the instance [of wine being left] in a waggon or ship, [it might have been assumed that it was permitted] because the man would have thought, 'Perhaps [the owner] will come by another path or stand upon the bank and observe me,' but when a heathen [is left] in his shop, conclude [that it must be prohibited because] he could shut the door and do whatever he wished. Hence he informs us [that in such a circumstance the wine is not necessarily

prohibited].

Rabbah b. Bar Hanah said in the name of R. Johanan: The difference<sup>5</sup> is over [a stopper of] lime,<sup>6</sup> but with one of clay<sup>7</sup> all agree [that he must have been absent a length of time] sufficient for him to open, restopper and [the new stopper] to become dry. Against this statement the following is quoted: R. Simeon b. Gamaliel said to the Sages: But [if he bored a hole in a jar] cannot his stopping be detected either on the outside<sup>8</sup> or the inside!<sup>9</sup> This is all right if you maintain that there is difference of opinion [when the stopper is] of clay and hence [R. Simeon b. Gamaliel] teaches that the stopping can be detected either on the outside or the inside. If, on the other hand, you maintain that there is difference of opinion [when the stopper is] of lime, then it is all right as regards the inside since it can be known, but as regards the outside it cannot be known! — R. Simeon b. Gamaliel was uncertain what the Rabbis intended; so he spoke to them as follows: If you refer [to a stopper of] clay, then his stopping can be detected on the outside or the inside; but if you refer to one of lime, granted that it cannot be known on the outside, yet it can be known on the inside! [What was the answer of] the Rabbis? — Since it cannot be known on the outside, it would not occur to him to reverse [the stopper] and inspect it; or also at times [the new stopping] hardens.<sup>10</sup>

Raba said: The halachah agrees with R. Simeon b. Gamaliel, since there is an anonymous Mishnah in accord with him; for we learn: IF HE WAS EATING WITH HIM AT A TABLE AND SET SOME FLAGONS UPON THE TABLE AND OTHERS UPON A SIDE-TABLE AND LEAVING THEM THERE WENT OUT, WHAT IS UPON THE TABLE IS PROHIBITED AND WHAT IS UPON THE SIDE-TABLE IS PERMITTED; AND SHOULD HE HAVE SAID TO HIM, 'MIX [SOME OF THE WINE WITH WATER] AND DRINK,' WHAT IS UPON THE SIDE-TABLE IS LIKEWISE PROHIBITED. OPENED CASKS ARE PROHIBITED, AND THE CLOSED ONES ARE PERMITTED [EXCEPT WHEN HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR [THE HEATHEN] TO OPEN, RESTOPPER AND [THE NEW STOPPER] TO BECOME DRY. Obviously [this teaching agrees with R. Simeon b. Gamaliel; so why does Raba mention the fact]! — You might have said that the whole of the passage was taught by R. Simeon b. Gamaliel. Hence we are informed [that it is not so].<sup>11</sup> Now since we have established the fact that [the halachah] agrees with R. Simeon b. Gamaliel, viz., we need not be concerned about the possibility of a hole being bored in a jar, and inasmuch as the halachah also agrees with R. Eliezer, viz., we need not be concerned about the possibility of the seal being forged,<sup>12</sup> what is the reason that we do not nowadays leave [stoppered casks] in charge of a heathen? — On account of the vent.<sup>13</sup>

Raba said: If Israelites were reclining at table with a Gentile harlot, the wine is permitted because while lust would be strong in them

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(1) The men would then be afraid to defile their load.

(2) They are not under observation and would be careless. Accordingly the phrase UNDER SUPERVISION means that the heathen is afraid to tamper with the wine because he might be observed by the owner.

(3) Tampering with the wine, and for this reason he would be afraid to do so, and consequently the wine is permitted.

(4) Therefore the Mishnah has to state this case separately, and draw a distinction between whether the owner informed or did not inform the heathen of his intention to be absent for a while.

(5) Between the Rabbis and R. Simeon b. Gamaliel in the Mishnah.

(6) Because this is white from the beginning, and a new stopper of this material could not be easily detected.

(7) This is of a dark colour at first, and only after several days becomes white. Tampering would be readily noticed.

(8) The newness of the inserted material would be apparent.

(9) Even if the heathen smoothed the outside surface, he could not do this inside the jar; consequently the Jew could soon discover if anything was wrong by examining the stopper on the inside. If, then, R. Simeon holds that the new stopper can always be detected, why does he disagree with the Rabbis in the Mishnah?

(10) Both on top and bottom alike, so that detection is difficult.

(11) I.e., from 'If he was eating' is not part of R. Simeon's statement which precedes, although it harmonises with his

view.

(12) V. supra 31a.

(13) Through which the fumes of the wine are allowed to escape. A heathen might draw off some of the wine through it. Another reading is shibba, 'plug'. This could be taken out and the wine interfered with.

## **Talmud - Mas. Avodah Zarah 70a**

a desire for *yen nesek* would not be strong in them.<sup>1</sup> If, however, Gentiles were reclining at table with an Israelite harlot the wine [which belongs to her] is prohibited. Why? — Because she would be held in contempt by them and be influenced to follow them.<sup>2</sup>

In a certain house was stored wine belonging to an Israelite. A heathen entered and locked the door behind him. There was a crack in the door through which the heathen was discovered standing among the jars. Raba said: All those which were opposite the crack are permitted,<sup>3</sup> but those on either side are prohibited.

Wine belonging to an Israelite was stored in a house where an Israelite resided above and a heathen below.<sup>4</sup> Once they heard a sound of quarrelling [in the street] and went out. The heathen came back first and locked the door behind him. Raba said: The wine is permitted on the ground that [the heathen] must have thought, 'Just as I came back first, so might the Israelite have come back first and be sitting upstairs watching me.'

There was some wine belonging to an Israelite stored in an inn, and a heathen was discovered among the jars. Raba said: If he could be convicted of theft the wine is permitted, otherwise it is prohibited.<sup>5</sup>

Wine [of an Israelite] was stored in a house and a heathen was discovered among the jars. Raba said: If he has an excuse<sup>6</sup> the wine is prohibited, otherwise it is permitted.<sup>7</sup> Against this is quoted: If the inn was locked<sup>8</sup> or [the Israelite] said to him,<sup>9</sup> 'Keep watch,' it is prohibited.<sup>10</sup> Is it not to be supposed that [the wine is prohibited] even when the heathen has no excuse?<sup>11</sup> — No, [the cited teaching applies] when he has an excuse.<sup>12</sup>

An Israelite and a heathen were sitting and drinking wine together. The Israelite heard the sound of prayer in a Synagogue; so he arose and went there. Raba said: The wine is permitted on the ground that [the heathen] must have thought, 'He will remember the wine at any moment and return.'

An Israelite and a heathen were sitting in a ship. The Israelite heard the sound of the ram's horn announcing the advent of the Sabbath;<sup>13</sup> so he left [the ship] and went ashore. Raba said: The wine is permitted on the ground that [the heathen] must have thought, 'He will remember the wine at any moment and return.' But if [it is supposed that the heathen would not think so] on account of its being the Sabbath, behold Raba has said: Issur the proselyte<sup>14</sup> once told me, 'When we were still Gentiles we declared that Jews do not observe the Sabbath, because if they did observe it how many purses would be found in the streets!<sup>15</sup> I did not<sup>16</sup> then know that we follow the view of R. Isaac who said: If a person finds a purse on the Sabbath he may carry it for distances less than four cubits.'<sup>17</sup>

A lion once roared in an [Israelite] wine-press and a heathen [who was working in it], on hearing this, hid among the jars. Raba said: The wine is permitted on the ground that he must have thought, 'Just as I am hiding here, so also may the Israelite be hiding behind me and watching me.'

Some thieves came up<sup>18</sup> to Pumbeditha and opened many casks. Raba said: The wine is permitted. What was his reason? — Because the majority of thieves [in that part of the country] are Israelites.



The same thing happened in Nehardea and Samuel said: The wine is permitted. According to whom [was this decision made]? Was it according to R. Eliezer who said: When there is uncertainty about his entrance<sup>19</sup> he is undefiled; for we have learnt: If a person entered [the fields in] a valley during the rainy season<sup>20</sup> and there was a source of defilement in a certain field, and he said, 'I walked in that place but am not sure whether I did or did not enter that field,' R. Eliezer says: When there is uncertainty about his entrance<sup>21</sup> he is undefiled but if the uncertainty is about his having touched [the unclean object] he is defiled!<sup>22</sup> — No, it is different there [in the case of the thieves] because there are some who open [the casks] to search for money;<sup>23</sup> thus there is a double uncertainty.<sup>24</sup> [

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- (1) And they would prevent her touching it. [So, R. Nissim Gerondi (Ran.)]
  - (2) She would raise no objection if they touched the wine.
  - (3) It was assumed that the heathen would be afraid to tamper with these because he might be under observation.
  - (4) The wine was stored below, but the Jew was able to see it.
  - (5) V. supra 61b.
  - (6) By pretending that he was looking for something, it is evidence that he went there with the intention of tampering with the wine.
  - (7) Being confused and unable to give an explanation, it is assumed that he was too afraid to have come there with the intention of disqualifying the wine.
  - (8) In which was a heathen together with the wine of a Jew.
  - (9) To a heathen outside the door.
  - (10) Because relying on the owner's absence, the heathen could interfere with the wine.
  - (11) For being suspiciously close to the wine. This contradicts Raba's decision.
  - (12) If he is found near the jars.
  - (13) That was the signal for work to cease. A description is given in Suk. V, 5. V. also Josephus, War, IV, ix, 12.
  - (14) V. B.B. (Sonc. ed.) p. 644, n. 15.
  - (15) Which Jews would have to throw away if in their possession when Sabbath began, and no other Jew could pick up.
  - (16) [Alfasi reads 'they (the Gentiles) do not know.']
  - (17) I.e., he carries it a distance less than four cubits and stops a while, and so on until he reaches his house. This explains why purses are not found in the streets on the Sabbath.
  - (18) [From some district in the South (v. Obermeyer, op. cit., p. 253).]
  - (19) Whether a ritually clean person had entered a ritually defiled place. Similarly here there is doubt whether the thieves were heathens.
  - (20) The fields are then sown and are regarded as a private domain.
  - (21) Into the field where the defiled object was.
  - (22) Toh. VI, 5; v. B.B. (Sonc. ed.) p. 225.
  - (23) [So Rashi. The difficulty is obvious. V.l.: 'Since they opened many casks (it is clear that) the intention was for money.' V. D.S. a.l., n. 9. This implies that in Nehardea too 'many' casks were opened. The word is missing in cur. edd. but occurs in several texts; cf. Tosaf. s.v. פתחו.]
  - (24) Besides the doubt whether they were heathens, there was the additional doubt whether they interfered with the wine since they were only searching for money. [In this case even the Rabbis who oppose R. Eliezer will agree that the wine is permitted.]

## **Talmud - Mas. Avodah Zarah 70b**

A [heathen] girl<sup>1</sup> was found among jars of wine holding some of the froth in her hand. Raba said: The wine is permitted on the ground that she probably obtained it from the outside of the cask, and although none was there any more<sup>2</sup> [at the time she was discovered] we say she happened to find some.

Some troops<sup>3</sup> once came up to Nehardea and opened several casks. When R. Dimi arrived [from Palestine] he said: A similar occurrence came before R. Eleazar and he permitted [the wine], but I do not know whether he did so because he agreed with the view of R. Eliezer who said that when there

is uncertainty about his entrance he is undefiled or whether he did so because he held the opinion that the majority of the men who were in the troops<sup>4</sup> were Israelites. But if that is so<sup>5</sup> this is not a case of uncertainty about entrance; but uncertainty about touching!<sup>6</sup> — Since, however, they opened many,<sup>7</sup> conclude that they opened them with the intention of [searching for money]<sup>8</sup> and so it is like a case of uncertainty about entrance.<sup>9</sup>

An [Israelite] woman who dealt in wine left the key of her door in charge of a heathen woman. R. Isaac said in the name of R. Eleazar: A similar occurrence was once brought before our House of Study [and they permitted the wine because] they maintained that she only entrusted her with charge of the key.<sup>10</sup> Abaye said: We have likewise learnt similarly: If a person entrusts his keys to an 'am ha-arez his things which are in a state of ritual purity remain undefiled because he only entrusted him with charge of the key.<sup>11</sup> Since his things which are in a state of ritual purity remain undefiled, this must be all the more true in the matter of yen nesek. Is this to say that the law of ritual purity is more stringent than that of yen nesek? — Yes, for it has been stated: If a courtyard is divided off by pegs,<sup>12</sup> Rab said that the ritually clean things [of a haber] are defiled,<sup>13</sup> but [if the resident on the other side is] a heathen he does not render the wine [of the haber] nesek; and R. Johanan said: Also his ritually clean things remain undefiled. Against this is quoted: [If there are two courtyards one within the other,] the inner belonging to a haber and the other to an 'am ha-arez, the haber may lay out his fruits there<sup>14</sup> and leave utensils there, even though the hand of the 'am ha-arez can reach to it.<sup>15</sup> This contradicts Rab's statement! — Rab can answer you: It is different in this case because he can be regarded as a thief.<sup>16</sup>

Come and hear: R. Simeon b. Gamaliel says: If the roof of a haber is higher than the roof of an 'am ha-arez, the former may lay out his fruits there and leave utensils there, provided the hand of the 'am ha-arez cannot reach to it.<sup>17</sup> This contradicts R. Johanan's statement! — R. Johanan can answer you: It is different in this case because he could offer the excuse that his intention was to take measurements.<sup>18</sup>

Come and hear: If the roof of a haber adjoined that of an 'am ha-arez, the former may lay out his fruits there and leave utensils there, even though the hand of the 'am ha-arez can reach to it. This contradicts Rab's statement!<sup>19</sup> — Rab can answer you: Is there not R. Simeon b. Gamaliel who shares my view?<sup>20</sup> I made my statement in agreement with R. Simeon b. Gamaliel. MISHNAH. IF A BAND OF MARAUDERS<sup>21</sup> ENTERED A CITY IN PEACE-TIME, THE OPEN CASKS ARE PROHIBITED AND THE SEALED ARE PERMITTED; IN WAR-TIME BOTH ARE PERMITTED BECAUSE THEY HAVE NOT THE LEISURE TO OFFER LIBATIONS.

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(1) She being only a child, the presumption was that she knew nothing about disqualifying the wine and her intentions were innocent.

(2) [Ms.M. omits 'any more'.]

(3) [Or, 'a commander' (Rashi).]

(4) [Lit., 'who came with those troops,' or with that commander.]

(5) Viz., his doubt was whether they were Jews. [Delete, however, with Ms.M. 'if that is so.']

(6) In regard to which even R. Eliezer adopts the more rigorous view, since the doubt is whether it was Jews who opened the casks.

(7) More casks than were required only for drinking.

(8) And there was no thought of disqualifying the wine.

(9) In respect of which a more lenient view is taken by R. Eliezer; and so the wine was permitted.

(10) And not of the wine-store itself.

(11) Toh. VII, 1.

(12) And not by a high partition, and a haber lives on one side and an 'am ha-arez on the other.

(13) Since it is presumed the 'am ha-arez has touched them.

(14) Because the 'am ha-arez has not to walk through it to reach his own courtyard.

(15) The 'am ha-arez if found in the courtyard of the haber.

(16) But this cannot be assumed when the one courtyard is only divided off by pegs.

(17) Tosef. Toh. IX.

(18) From his roof to construct a building, and for that reason he stretched out his hand. [V.I. 'I merely stretched myself.']

(19) [In Tosef. Toh. IX, the reading is 'provided the 'am ha-arez cannot reach,' which is in support of Rab.]

(20) He added above the condition, 'provided the hand of the 'am ha-arez cannot reach to it.'

(21) Some edd. add: of heathens.

## **Talmud - Mas. Avodah Zarah 71a**

GEMARA. I quote in contradiction to this: When a city has been captured by besieging troops, all the wives of priests therein are disqualified [to their husbands]!<sup>1</sup> — R. Mari said: [The soldiers] have no leisure to offer libations, but they have it to satisfy their lust.

MISHNAH. IF A HEATHEN SENT TO ISRAELITE CRAFTSMEN A CASK OF YEN NESEK AS THEIR WAGE, THEY ARE ALLOWED TO SAY, GIVE US ITS VALUE IN MONEY';<sup>2</sup> BUT AFTER [THE WINE] HAS COME INTO THEIR POSSESSION [THE EXCHANGE] IS PROHIBITED.<sup>3</sup>

GEMARA. Rab Judah said in the name of Rab: A man is allowed to say to a heathen, 'Go and settle for me the king's portion.'<sup>4</sup> Against this is quoted: A man may not say to a heathen, 'Go in my place [and give a bribe] to the official'! — Rab retorted: You speak of a case where a man says, 'Go in my place [and give a bribe] to the official.'<sup>5</sup> But the circumstance [where I give permission is quite different] and is the equivalent of: He may, however, say to him, 'Save me from the official.'<sup>6</sup> MISHNAH. IF [AN ISRAELITE] SELLS HIS WINE TO A HEATHEN, SHOULD HE HAVE SETTLED THE PRICE BEFORE HE MEASURED IT OUT, THE PURCHASE-MONEY IS PERMITTED; BUT SHOULD HE HAVE MEASURED IT OUT BEFORE HE SETTLED THE PRICE,<sup>7</sup> THE PURCHASE-MONEY IS PROHIBITED.

GEMARA. Amemar said: Acquisition by meshikah<sup>8</sup> does apply to a Gentile.<sup>9</sup> You may ascertain this from the practice of the Persians who send presents<sup>10</sup> to one another and never retract.<sup>11</sup> R. Ashi said: I certainly maintain that acquisition by meshikah does not apply to a Gentile, and the reason why [the Persians] do not retract is due to the spirit of pride which possesses them.<sup>12</sup> R. Ashi said: What is my authority for this statement? That which Rab told the [Israelite] wine-sellers, viz., 'When you measure wine for Gentiles, first take the money and then measure for them, and if they have not the cash with them, lend it to them and get it back later so that it should be a loan [of money] with them; for should you not act in this manner, when it becomes yen nesek it will be in your possession and when you receive payment it will be for yen nesek.' Now should it enter your mind [argued Rab Ashi] that acquisition by meshikah does apply to a Gentile,

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(1) Keth. 27a. The assumption is that they were violated; and a priest's wife, even when dishonoured by force, is disqualified to her husband.

(2) Because their wages were due in money.

(3) Once in their possession the wine belongs to them, and to get money in exchange for it is the equivalent of its sale.

(4) The royal levy on the subject's produce which was paid in kind. If what the heathen paid over included yen nesek, it is permitted although the Jew is discharging his obligation with what is prohibited.

(5) Therefore if the heathen presents him with wine, it is as though the Israelite had given it, and he cannot use yen nesek for that purpose.

(6) To secure himself from molestation he requests the heathen to make a present to the official. He would be willing to make a gift of money; so if the heathen gave him wine, he is not technically the Jew's agent in the presentation of that wine and for that reason it is allowed.

(7) The heathen has not acquired the wine by drawing it towards himself; but by touching it he rendered it nesek. Therefore the Jew is in fact selling disqualified wine.

(8) V. Glos.

(9) Before the payment of the money, whether the seller or purchaser is a Gentile; consequently in the circumstance described in the Mishnah the money should be permitted.

(10) [Another rendering: 'Samples'. Rashi in name of Gaonim.]

(11) Because having once passed into the possession of the receiver it is considered his property. [Or, having accepted the samples, the transaction is deemed closed.]

(12) And legally they could demand its return.

## **Talmud - Mas. Avodah Zarah 71b**

then as soon as the Gentile drew [the wine] to himself he acquired it<sup>1</sup> and it did not become yen nesek until he touched it!<sup>2</sup> — It would indeed not be so if the wine was measured and poured [by the Israelite] into the Israelite's vessel;<sup>3</sup> but it is necessary [to suppose the circumstance] where [the Israelite] measured and poured it into the Gentile's vessel.<sup>4</sup> At all events when [the wine] enters the interior of the vessel [the Gentile] acquired it,<sup>5</sup> and it does not become yen nesek until it reached the bottom of the vessel.<sup>6</sup> Are we, then, to conclude that the flow is a connecting link?<sup>7</sup> — No; if the Gentile was holding the vessel in his hand it would indeed not be so;<sup>8</sup> but it is necessary [to suppose the circumstance] where it was resting upon the ground.<sup>9</sup> But let [the Gentile's] vessels acquire [the wine] for him!<sup>10</sup> Is it to be deduced from this that when the purchaser's vessels are in the possession of the seller the former has not become the owner?<sup>11</sup> — No; I can always maintain that the purchaser does acquire them; but with what are we dealing here?<sup>12</sup> E.g., when there is some wine held back on the mouth of the smaller vessel<sup>13</sup> through which the former wine becomes all the while nesek even before [it enters the Gentile's vessel].<sup>14</sup> According to whom will this be? — It will not be in accord with R. Simeon b. Gamaliel; for if it were in accord with him, behold he has said: All of it may be sold to a heathen with the exception of the value of the yen nesek which is in it!<sup>15</sup> — Against whom is this argument [directed]? Against Rab; but he himself declared that the halachah agrees with R. Simeon b. Gamaliel only when a cask [of yen nesek] became mixed with other casks but not when wine [which is nesek] became mixed with other wine.

Against [the statement of Amemar that acquisition by meshikah does apply to a Gentile] is quoted: If one bought scrap metal from a heathen and found an idol amongst it, should he have drawn it to himself before paying over the purchase price he can return the idol; but should he have drawn it after paying over the purchase money, he casts [the profit he derives from it] into the Salt Sea!<sup>16</sup> Now if it enters your mind that acquisition by meshikah does apply to a Gentile, how can he return it?<sup>17</sup> — Abaye said: Because it appears to be a purchase in error.<sup>18</sup> Raba said: Is there a purchase in error in the first circumstance and not in the second!<sup>19</sup> — But, said Raba: There is a purchase in error in both circumstances; but in the first, since he had not paid over the money, it does not appear like an idol in the possession of an Israelite, whereas in the second, since he had paid over the money, it does appear like an idol in the possession of an Israelite.<sup>20</sup>

Mar Kashisha, son of R. Hisda, said to R. Ashi: Come and hear: IF [AN ISRAELITE] SELLS HIS WINE TO A HEATHEN, SHOULD HE HAVE SETTLED THE PRICE BEFORE HE MEASURED IT OUT, THE PURCHASE-MONEY IS PERMITTED. Now should you maintain that acquisition by meshikah does not apply to a Gentile, why is the purchase-money permitted?<sup>21</sup> — [R. Ashi replied:] With what are we dealing here? When he paid him the denar<sup>22</sup> beforehand. [Mar Kashisha said]: If so, I quote the continuation: BUT SHOULD HE HAVE MEASURED IT OUT BEFORE HE SETTLED THE PRICE THE PURCHASE-MONEY IS PROHIBITED. Now if he paid him the denar beforehand, why should the purchase-money be prohibited? — [R. Ashi replied:] But according to you who maintain that acquisition by meshikah does apply to a Gentile, why in the first circumstance is the purchase-money permitted and prohibited in the second! What you have to say is

that when he settled the price his mind is made up [to acquire the wine] and if he had not settled the price his mind is not made up. Similarly, according to my view, even when he has paid him the denar in advance, should he have settled the price his mind is made up and if he had not settled the price his mind is not made up.<sup>23</sup>

Rabina said to R. Ashi: Come and hear: R. Hiyya b. Abba said in the name of R. Johanan: A son of Noah<sup>24</sup> is put to death for stealing less than a perutah's worth [of the property of an Israelite] and is not obliged to make restitution. Now if you maintain that acquisition by meshikah does not apply to a Gentile, why should he be put to death?<sup>25</sup> — Because he caused trouble to an Israelite.<sup>26</sup>

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(1) Even before paying for it.

(2) In that case how could Rab insist on payment first on the ground that otherwise the Israelite would be selling *yen neseq*, since on the supposition that a Gentile acquires by meshikah the wine does not become *nesek* until after it had passed into his possession? Therefore the supposition is wrong and we must conclude that meshikah does not apply to a Gentile.

(3) The wine would not become *nesek* until after it had passed into the Gentile's possession by his touching it.

(4) The wine would then become *nesek* as soon as it was poured out because the vessel is prohibited and communicates forthwith the prohibition to the wine, even before the heathen drew it towards himself; so there is nothing to prove that meshikah does not apply to a Gentile.

(5) If he held the vessel while the wine was poured into it.

(6) Why then should Rab require the money to be paid first, seeing that the wine does not become *nesek* until after it had passed into the possession of the Gentile?

(7) [I.e., the flow of the liquid connects the two vessels and conveys the prohibition of the Gentile's vessel to that of the Israelite's, from which it is poured out, making the wine it contains *nesek* even before it had been acquired by the Gentile.] This question is debated in B.B. 85b. V. also *supra* 56b, and *infra* 72b.

(8) [Rab would not demand the payment of the money first, because he might hold that the flow is no connecting link.]

(9) While the wine is poured out, and in that circumstance Rab does prohibit the money unless paid first, since the wine becomes *nesek* while still in the possession of the Israelite.

(10) [Why then should Rab demand payment in advance?]

(11) Of the contents which the seller put into them even before the purchaser takes hold of the vessels, so that the wine becomes *nesek* even before it passed into the possession of the Gentile.

(12) The reason why Rab demanded payment in advance was not based on the law of meshikah but is to be sought in the cause which is now explained.

(13) Of the Gentile into which the wine is poured from the Israelite's vessel. These drops retained on the rim are *yen neseq* before the wine enters the interior of the vessel and becomes the possession of the Gentile.

(14) [Every portion of the wine passing over the brim becomes contaminated through these drops.]

(15) V. *infra* 74a, referring to *yen neseq* which fell into a vat. [Likewise here the money of all the wine apart from the value of the drops retained on the brim should be permitted.]

(16) *Supra* 53a.

(17) It is then an idol in a Jew's possession and his duty is to destroy it.

(18) The Jew did not intend to buy an idol; for that reason he may return it.

(19) If that were the true explanation, it should hold good in both instances.

(20) And if he received money back for its return, the impression would be that he had sold the idol to the heathen.

(21) Since on that hypothesis the wine belongs to the Jew until he is paid and it becomes *nesek* by the heathen touching it before he pays for it.

(22) Representing the cost of the wine. The money was handed over before the wine was measured out.

(23) That is the criterion underlying the Mishnah and it has no bearing on the question of meshikah.

(24) Who took upon himself seven precepts (v. *supra* p. 314) one of which was to abstain from robbery, v. *Sanh.* (Sonc. ed.) p. 381, n. 5.

(25) Since technically what had been stolen is still the Jew's property.

(26) The thief is not put to death for the theft, but for the reason that he may have endangered the Jew's life; because if the owner had tried to prevent the robbery the thief might have killed him.

## Talmud - Mas. Avodah Zarah 72a

And what means 'he is not allowed an opportunity of making restitution'?<sup>1</sup> — [It signifies that] he does not come within the scope of the law of restitution.<sup>2</sup> If that is so I quote the continuation of the teaching: If his neighbour came and stole it from him, [that man] is put to death on account of it. Now this is quite right with the first circumstance because [the original thief] caused trouble to an Israelite; but what had [the second thief] done in the latter circumstance [to be put to death]?<sup>3</sup> Consequently we must deduce from this that acquisition by meshikah does apply to a Gentile! [Yes,] draw that conclusion.

A man once said to his neighbour, 'If I sell this piece of land, I will sell it to you';<sup>4</sup> but he went and sold it to another person. R. Joseph said: The first one acquired it.<sup>5</sup> Abaye said to him: But he had not settled the price!<sup>6</sup> [R. Joseph asked:] And whence do you declare that wherever he had not settled the price he has not acquired it? — [He replied:] As we learn in our Mishnah: IF [AN ISRAELITE] SELLS HIS WINE TO A HEATHEN, SHOULD HE HAVE SETTLED THE PRICE BEFORE HE MEASURED IT OUT, THE PURCHASE-MONEY IS PERMITTED; BUT SHOULD HE HAVE MEASURED IT OUT BEFORE HE SETTLED THE PRICE THE PURCHASE-MONEY IS PROHIBITED. [Now,] how is it then? — [How can you ask,] how is it then? It is as we have stated.<sup>7</sup> — Perhaps the seriousness of *yen neseq* makes a difference! — Come and hear: R. Idi b. Abin said: A similar occurrence<sup>8</sup> came before R. Hisda who referred it to R. Huna. The latter expounded it from the following: For it has been taught: If a man took possession of another's ass-drivers and workmen<sup>9</sup> and brought them into his own house, whether he settled the price before measuring [the fruits] or measured them without having settled the price, he has not acquired them and both can retract. If, however, he unloaded them and brought them into his house, then should he have settled the price before he measured them neither can retract, and should he have measured them before settling the price both can retract.<sup>10</sup>

A man once said to his neighbour, 'If I sell this piece of land I will sell it to you for a hundred zuz.' He later sold it to another for a hundred and twenty. R. Kahana said: The first man acquired it. Rab Jacob of Nehar-pekod objected: As to this man, [it was] those zuz that compelled him.<sup>11</sup> The legal decision agrees with R. Jacob of Nehar-pekod.

If [the seller] said to [the would-be purchaser], 'When the article has been valued by three persons [we will settle the price accordingly],' even if two of the three agree [on the price it must be accepted]; but if he said, 'As three will declare [the price to be],' then there must be three who agree on the price.<sup>12</sup> If he said, 'When it has been valued by four persons,'<sup>13</sup> then there must be four who agree on the price; so how much more so if he said to him, 'As four will declare [the price to be].' If he said to him, 'When the article has been valued by three persons' and three men came and valued it, and then the other said, 'Let three different men come who are better qualified,' R. Papa said: He has the right to object.<sup>14</sup> R. Huna the son of R. Joshua demurred: How can we know that the latter three will be better qualified; perhaps the first three were better qualified!<sup>15</sup> The legal decision agrees with R. Huna the son of R. Joshua.

MISHNAH. IF [AN ISRAELITE] TOOK THE FUNNEL AND MEASURED [WINE] INTO A HEATHEN'S FLASK AND THEN MEASURED SOME INTO AN ISRAELITE'S FLASK, SHOULD A DROP OF THE [FIRST] WINE HAVE REMAINED [IN THE FUNNEL], THEN [THE WINE MEASURED INTO THE SECOND FLASK] IS PROHIBITED. IF HE Poured FROM [HIS OWN] VESSEL INTO [A HEATHEN'S] VESSEL, [THE WINE IN THE VESSEL] FROM WHICH HE Poured IS PERMITTED AND [THE WINE IN THE VESSEL] INTO WHICH HE Poured IS PROHIBITED.

GEMARA. We have learnt elsewhere: An outflow, a downward stream of water and dripping liquid do not form a connecting link to communicate either defilement or purification,<sup>16</sup> but a pool of water is a connecting link to communicate both defilement and purification.<sup>17</sup> R. Huna said: An outflow, a downward stream of water and dripping liquid form a connecting link in connection with yen neseq.<sup>18</sup> R. Nahman asked R. Huna: Whence have you this? If from [the Mishnah] which we learnt: An outflow, a downward stream of water and dripping liquid do not form a connecting link to communicate either defilement or purification, [and you argue that] it is only in connection with defilement and purification that it does not form a link but it does in connection with yen neseq; in that case I cite the continuation, viz., but a pool of water is a connecting link to communicate both defilement and purification, [and you must by analogy deduce that] it is only in connection with defilement and purification that it does form a link but it does not in connection with yen neseq! So there is no inference to be drawn from this extract.

We learnt: IF [AN ISRAELITE] TOOK THE FUNNEL AND MEASURED [WINE] INTO A HEATHEN'S FLASK AND THEN MEASURED SOME INTO AN ISRAELITE'S FLASK,

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- (1) The property being ex hypothesi the Jew's.
  - (2) For the very reason that he had not technically acquired the Jew's property.
  - (3) He would not be executed for stealing the property of a non-Jew; hence he is regarded as having stolen what belonged to a Jew. Consequently what was in the possession of 'the son of Noah' was Jewish property and he had acquired it by meshikah.
  - (4) [This was attended by a formal kinyan (Rashi).]
  - (5) If he pays the price given by the purchaser.
  - (6) [The kinyan is of no effect, since in the absence of the fixation of any price the mind of the seller is not made up (Rashi).]
  - (7) Viz., the criterion is the settling of the price.
  - (8) Viz., similar to the sale of the field.
  - (9) I.e., a man is conveying fruits to market laden upon asses or carriers, and a would-be purchaser leads the asses and men into his own house, which is evidence of his intention to buy the produce.
  - (10) It follows that the criterion is the settling of the price. Accordingly in the case mentioned above, the man cannot claim the field.
  - (11) The offer of the higher price may have tempted him to dispose of it; and if it had not been made he would not have sold the field.
  - (12) In the former instance the three constituted a Court, and with a Court of three judges the verdict of two is adopted.
  - (13) Since a Court never consists of four, the intention when arranging for that number must have been to secure a unanimous valuation.
  - (14) To the first valuation and ask for three other valuers.
  - (15) The bargaining could then be drawn out indefinitely.
  - (16) So that if what is below is ritually unclean what is on top is not similarly affected; and if a ritual bath does not contain the requisite minimum quantity of water, an outflow etc. cannot be reckoned in to make up the deficiency.
  - (17) Toh. VIII, 9.
  - (18) So that if wine is poured into a vessel which contains yen neseq the former is contaminated.

### **Talmud - Mas. Avodah Zarah 72b**

SHOULD A DROP OF THE [FIRST] WINE HAVE REMAINED [IN THE FUNNEL], THEN [THE WINE MEASURED INTO THE SECOND FLASK] IS PROHIBITED. How is the wine left [in the funnel] rendered prohibited? Must it not be by the outflow?<sup>1</sup> So deduce from this that the outflow is a connecting link. [But against such a conclusion] R. Hiyya taught: [Our Mishnah refers to the circumstance where] his flask forced the wine back;<sup>2</sup> therefore if his flask did not force it back, how is it? It is not [prohibited]. May you then not solve from the foregoing that the outflow is not a connecting link? — No; it merely proves that when his flask forced the wine back it is

prohibited,<sup>3</sup> but the question whether the outflow [is or is not a connecting link] remains.

Come and hear: IF HE Poured FROM [HIS OWN] VESSEL INTO [A HEATHEN'S] VESSEL, [THE WINE IN THE VESSEL] FROM WHICH HE Poured IS PERMITTED. Hence what is between [the two vessels] is prohibited; so deduce from this that the outflow is a connecting link! But if the outflow is a connecting link, then what is inside [the first] vessel should likewise be prohibited! — This is no difficulty, because [we have here a case where] he cuts off [the outflow].<sup>4</sup> Nevertheless [we do deduce from this that]<sup>5</sup> the outflow is a connecting link! But according to your reasoning I will quote the continuation: AND [THE WINE IN THE VESSEL] INTO WHICH HE Poured IS PROHIBITED. Hence what is between [the two vessels] is permitted! Consequently no inference is to be drawn from this Mishnah.<sup>6</sup>

Come and hear: If he pours from a cask into a vat [which contains *yen neseq*], the jet of liquid which descends from the rim of the cask is prohibited!<sup>7</sup> — R. Shesheth explained this [extract] as referring to a heathen pouring out so that [the wine flows] because of his action.<sup>8</sup> But if it is a heathen pouring out, what is in the cask is likewise prohibited!<sup>9</sup> — [What is disqualified] because of a heathen's action is prohibited by the Rabbis,<sup>10</sup> and they decreed only against what issued [from the cask] and not against what was inside it.<sup>11</sup>

R. Hisda told the [Israelite] wine-dealers: When you measure wine for heathens, either cut off [the outflow] or pour it in with a splash.<sup>12</sup> Raba told the [Israelites] whose occupation was to pour wine: When you pour wine, let no heathen come near to help you, lest you forget yourselves and rest [the vessel] upon his [hands] and [the pouring] result from his action and [the wine] be prohibited.

A man was drawing wine<sup>13</sup> through [a siphon consisting of] a large and small tube. A heathen came and laid his hand upon the large tube,<sup>14</sup> and Raba disqualified all the wine.<sup>15</sup> R. Papa said to Raba — another version is, R. Adda b. Mattena said to Raba; and still another version is, Rabina said to Raba: Was it on account of the outflow? So is it to be deduced from this that the outflow is a connecting link? — [Raba answered: No;] it is different in this instance, because all the wine is drawn through the siphon.<sup>16</sup>

Mar Zutra son of R. Nahman said: It is permitted [to drink from] a vessel containing several tubes,<sup>17</sup> provided the Israelite stops first but not when a heathen stopped first.<sup>18</sup> Rabbah son of R. Huna visited the house of the exilarch and allowed [the company which included Gentiles] to drink from a vessel containing several tubes.

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(1) Which connected the wine poured into the Jew's vessel with what was left in the funnel, and this was previously made *neseq* by the flow into the heathen's vessel.

(2) The heathen's flask being full, some wine flowed back into the funnel. According to this explanation, the wine in the funnel was contaminated not because the outflow formed a link.

(3) [Even if no drop of wine remained in the funnel (Tosaf.).]

(4) Before the wine enters the heathen's flask he moves aside the vessel from which he is pouring out so that the outflow does not connect the two.

(5) [The bracketed words are from Ms. M.]

(6) Whether the outflow is a link or not.

(7) The inference must then be that the flow is a link.

(8) In that case the flow was disqualified by the heathen and not by the contents of the vat.

(9) And not merely the outflow; why, then, does the extract refer to the outflow only as being prohibited?

(10) And not by the Torah.

(11) This extract accordingly does not establish the view that the outflow forms a link.

(12) I.e., a connecting flow must be avoided; he held that it did form a link.

(13) [From a full cask to an empty one.]



(14) [The side from which the wine flowed into the empty cask (Rashi).]

(15) [Even the wine in the full cask.]

(16) For this reason it must be considered as though he had touched the whole quantity of wine and not merely what was in the tube.

(17) So that many can drink at the same time; this is permitted even when a heathen is one of the number.

(18) If the heathen stopped first, what he had drawn into the tube but not drunk would flow back and disqualify the remainder.

## Talmud - Mas. Avodah Zarah 73a

Some say that Rabbah son of R. Huna himself drank from such a vessel. MISHNAH. YEN NESEK IS PROHIBITED AND RENDERS [OTHER WINE] PROHIBITED BY THE SMALLEST QUANTITY. WINE [MIXED] WITH WINE AND WATER WITH WATER<sup>1</sup> [DISQUALIFIES] BY THE SMALLEST QUANTITY. WINE [MIXED] WITH WATER AND WATER WITH WINE [DISQUALIFIES WHEN THE PROHIBITED ELEMENT] IMPARTS A FLAVOUR. THIS IS THE GENERAL RULE: WITH THE SAME SPECIES [THE MIXTURE IS DISQUALIFIED] BY THE SMALLEST QUANTITY, BUT WITH A DIFFERENT SPECIES [IT IS DISQUALIFIED WHEN THE PROHIBITED ELEMENT] IMPARTS A FLAVOUR.

GEMARA. When R. Dimi came [from Palestine] he reported that R. Johanan said: If one pours yen nesek from a cask into a vat,<sup>2</sup> even the whole day long, the former is all the while annulled.<sup>3</sup> We learnt: YEN NESEK IS PROHIBITED AND RENDERS [OTHER WINE] PROHIBITED BY THE SMALLEST QUANTITY! Does not this mean when the forbidden element fell into the permitted? — No, when the permitted fell into the prohibited.<sup>4</sup>

Come and hear: WINE [MIXED] WITH WATER [DISQUALIFIES WHEN THE PROHIBITED ELEMENT] IMPARTS A FLAVOUR. Does not this mean when prohibited wine fell into permitted water? — No, when permitted wine fell into prohibited water. If, however, the first clause [deals with] prohibited water, the second clause must likewise [deal with] prohibited water, but in the second clause he teaches: WATER WITH WINE [DISQUALIFIES WHEN THE PROHIBITED ELEMENT]<sup>5</sup> IMPARTS A FLAVOUR!<sup>6</sup> — R. Dimi can reply to you: Throughout our Mishnah it deals with the permitted falling into the prohibited, the first clause when permitted wine fell into prohibited water and the second when permitted water fell into prohibited wine.

When R. Isaac b. Joseph came [from Palestine] he reported in the name of R. Johanan: If one pours yen nesek from a small cooler<sup>7</sup> into a vat, even the whole day long, the former is all the while annulled. This applies only to a small cooler whose jet is not considerable<sup>8</sup> but not to a cask whose jet is considerable.

When Rabin came [from Palestine] he reported in the name of R. Johanan: If yen nesek fell into a vat and a ewer of water also fell into it, we consider the permitted [portion of the wine] as nonexistent and as for the remainder the water may prevail over it and annul it.<sup>9</sup> When R. Samuel b. Judah came [from Palestine] he reported in the name of R. Johanan: This teaching only applies when the ewer of water fell in first, but if it did not fall in first a species met with its own species and is aroused.<sup>10</sup> There are some who connect [this statement of R. Samuel b. Judah's] with our Mishnah: WINE [MIXED] WITH WINE [DISQUALIFIES] BY THE SMALLEST QUANTITY. R. Samuel b. Judah said in the name of R. Johanan: This teaching only applies when a ewer of water did not fall into it, but if a ewer of water did fall into it we consider the permitted [portion of the wine] as non-existent and as for the remainder the water may prevail over it and annul it. What difference is there whether [R. Samuel's statement] is connected with our Mishnah or Rabin's statement? — He who connects it with our Mishnah does not require [the ewer of water to fall in] first, but he who connects it with Rabin's statement does require [it to fall in] first.

It has been stated: If yen neseq fell into a vat and a ewer of water also fell into it,

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- (1) When one liquid has been used for a libation.
  - (2) And the wine in the vat is of sufficient quantity to absorb the yen neseq poured into it, viz., the proportion of sixty to one; v. supra 69a.
  - (3) Each portion of yen neseq is absorbed as it falls into the vat, however large the aggregate be, and the wine may be sold or used for any other purpose but actual drinking (Rashi).
  - (4) Whereas R. Dimi referred to the prohibited falling into the permitted; hence the difference.
  - (5) I.e., the water, on the present assumption.
  - (6) And so it is not true here that the prohibited element is absorbed.
  - (7) A stone vessel containing a strainer and having an indented (comb-like) rim (Jast.).
  - (8) And there is always a preponderance of pure wine of sixty to one.
  - (9) I.e., so long as the water is sixty times as much as the yen neseq the mixture is not disqualified.
  - (10) The two combine so that the wine is disqualified even if the quantity of water which mixes with it subsequently is sixty times the yen neseq.

### **Talmud - Mas. Avodah Zarah 73b**

Hezekiah said that should [the mixture] have become increased in quantity through the prohibited element,<sup>1</sup> then it is prohibited; but should it have become increased in quantity through the permitted element,<sup>2</sup> then it is permitted. R. Johanan, however, said: Even when it becomes increased in quantity through the prohibited element it is permitted.<sup>3</sup> R. Jeremiah said to R. Zera: Does this mean that Hezekiah and R. Johanan differ over the same issue as R. Eliezer and the Rabbis, for we have learnt: If leaven of non-holy and leaven of an offering fell into dough, and in each there was an insufficient quantity to cause fermentation, but added together they caused fermentation, R. Eliezer says: I decide according to which [leaven entered the dough] last. But the Sages say: Whether the disqualifying matter fell in first or last, [the dough] is not prohibited unless there is in it a sufficient quantity [of disqualifying matter] to cause fermentation!<sup>4</sup> But how can you understand the passage in this way, for behold Abaye explained: The teaching [of R. Eliezer] only applies when he first removed the disqualifying matter, but if he did not first remove the disqualifying matter, [the dough] is prohibited.<sup>5</sup> Now, then, with whom does Hezekiah agree!<sup>6</sup> — But here the point of difference is<sup>7</sup> whether we consider [the pure wine as non-existent],<sup>8</sup> Hezekiah holding that we do not and R. Johanan that we do. Does, however, R. Johanan hold that we do consider [the pure wine as non-existent]? For behold R. Assi asked R. Johanan: How is it if there were two goblets, one containing secular wine and the other wine of a heave-offering, and a man diluted them with water and then mixed the two together?<sup>9</sup> And he did not offer a decision!<sup>10</sup> — At first he gave no decision but subsequently he did. For it has been similarly reported: R. Ammi said in the name of R. Johanan — another version is, R. Assi said in the name of R. Johanan: If there were two goblets, one containing secular wine and the other wine of a heave-offering, and a man diluted them with water and then mixed the two together, we consider the permitted element as non-existent and as for the remainder the water may prevail over it and annul it.

THIS IS THE GENERAL RULE: WITH THE SAME SPECIES [THE MIXTURE IS DISQUALIFIED] BY THE SMALLEST QUANTITY, BUT WITH A DIFFERENT SPECIES [IT IS DISQUALIFIED WHEN THE PROHIBITED ELEMENT] IMPARTS A FLAVOUR. Rab and Samuel both declare: With all the prohibited things of the Torah, should the mixture consist of the same species [it is disqualified] by the smallest quantity and with different species when [the prohibited element] imparts a flavour. What do the words THIS IS THE GENERAL RULE mean [accordingly] to include? — To include all the prohibited things of the Torah. R. Johanan and R. Simeon b. Lakish both declared: With all the prohibited things of the Torah, whether mixed with the same species or not, [they are disqualified when the prohibited element] imparts a flavour, with the

exception of produce from which the heave-offering has not been taken and yen nesek. In these instances with the same species [the mixture is disqualified] by the smallest quantity, but with a different species when [the prohibited element] imparts a flavour. What [then] do the words THIS IS THE GENERAL RULE mean to include? — To include produce from which the heave-offering has not been taken.

There is a teaching in agreement with Rab and Samuel, and also one in agreement with R. Johanan and R. Simeon b. Lakish. There is a teaching in agreement with Rab and Samuel, viz.: With all the prohibited things of the Torah, should the mixture consist of the same species [it is disqualified] by the smallest quantity, and with different species when [the prohibited element] imparts a flavour. There is a teaching in agreement with R. Johanan and R. Simeon b. Lakish, viz.: With all the prohibited things of the Torah, whether mixed with the same species or not, [they are disqualified when the prohibited element] imparts a flavour, with the exception of produce from which the heave-offering has not been taken and yen nesek. In these instances with the same species [the mixture is disqualified] by the smallest quantity, but with a different species when [the prohibited element] imparts a flavour. This is quite right with yen nesek because of the seriousness of idolatry; but why with produce from which the heave-offering has not been taken? — Like its permissibility is its prohibition; for Samuel said: One grain of wheat can free the heap.<sup>11</sup> And we learnt to the same effect: When [the Rabbis] declared that produce from which the heave-offering has not been taken renders [a mixture] prohibited by the smallest quantity, it refers to the same species, but when it is with a different species it must impart a flavour.<sup>12</sup>

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(1) I.e., the water fell into the pure wine, and then yen nesek fell into it; and although the water is more than sixty times the forbidden element, the whole is prohibited. This teaching is at variance with that reported by Rabin in the preceding paragraph.

(2) The pure wine fell in last. In that event the yen nesek was annulled by the water before the other wine fell into it, and so the mixture is permitted.

(3) This is consistent with the view expressed in his name in the last paragraph. Since the water fell in first, it is not a case of a species meeting with its own species.

(4) [Supra p. 243. R. Jeremiah assumes that Hezekiah will hold with R. Eliezer that we decide according to which element entered last, whereas R. Johanan will agree with the Sages.]

(5) Whichever fell in last.

(6) According to R. Eliezer the contents of the vat would be prohibited whichever fell in last since the forbidden element had not been removed; and according to the Rabbis it would be allowed in any event.

(7) Not which fell in first or last.

(8) In calculating whether the water is sixty times as much as the yen nesek which fell into the vat.

(9) In the final mixture the water is sixty times as much as the holy wine.

(10) [This shows that R. Johanan was not quite decided on the question whether 'we consider etc.']

(11) The Torah does not prescribe how much is to be removed to constitute a heave-offering, so the obligation can be discharged with the smallest quantity. The same criterion is therefore applied to its power of rendering a mixture prohibited.

(12) Hal. III, 10.

## **Talmud - Mas. Avodah Zarah 74a**

MISHNAH. THE FOLLOWING ARE PROHIBITED AND RENDER PROHIBITED<sup>1</sup> BY THE SMALLEST QUANTITY: [A CASK OF] YEN NESEK,<sup>2</sup> AN IDOLATROUS OBJECT,<sup>3</sup> SKINS OF ANIMALS WHICH HAVE HOLES OVER THE REGION OF THE HEART,<sup>4</sup> AN OX WHICH HAD BEEN STONED,<sup>5</sup> AN HEIFER WHOSE NECK WAS BROKEN,<sup>6</sup> BIRDS BROUGHT AS AN OFFERING BY A LEPER,<sup>7</sup> THE HAIR-OFFERING OF A NAZIRITE,<sup>8</sup> THE FIRSTLING OF AN ASS,<sup>9</sup> FLESH COOKED IN MILK,<sup>10</sup> THE SCAPEGOAT,<sup>11</sup> AND NON-CONSECRATED ANIMALS SLAUGHTERED IN THE TEMPLECOURT.<sup>12</sup> BEHOLD THESE ARE PROHIBITED

## AND RENDER PROHIBITED BY THE SMALLEST QUANTITY.

GEMARA. On what basis does the Tanna make his enumeration? If he enumerates objects which are [customarily] numbered,<sup>13</sup> then he should include slices of meat from an animal which had not been ritually slaughtered; if they are objects which may not be put to any use, then he should include leaven during Passover! — R. Hiyya b. Abba — another version is, R. Isaac the smith — said: The Tanna enumerates the objects to which both criteria apply, viz., they are customarily numbered and may not be put to any use.<sup>14</sup> In that case he should include the nuts of Perek and the pomegranates of Baddan<sup>15</sup> because they are customarily numbered and may not be put to any use! [The compiler of the Mishnah] treated of them elsewhere,<sup>16</sup> [and he enumerated a list of which he stated:] Those which belong to ‘orlah-fruit come within the law of ‘orlah, and those which belong to mixed plantings of a vineyard come within the law of mixed plantings of a vineyard. Then he should include the loaves of a householder<sup>17</sup> with reference to the law of leaven during Passover!<sup>18</sup> — The teacher whom you have heard expressing this opinion is R. Akiba; and [the compiler of the Mishnah] has already stated there:<sup>19</sup> R. Akiba adds the loaves of a householder.

BEHOLD THESE. What do these words intend to exclude? — To exclude things which are customarily numbered but are not prohibited for all use, or the things which are prohibited for all use but are not customarily numbered.<sup>20</sup> MISHNAH. IF YEN NESEK FELL INTO A VAT, THE WHOLE OF IT IS PROHIBITED FOR ALL USE. R. SIMEON B. GAMALIEL SAYS: THE WHOLE OF IT MAY BE SOLD TO HEATHENS WITH THE EXCEPTION OF [A QUANTITY CORRESPONDING TO] THE VALUE OF THE YEN NESEK IN IT.

GEMARA. Rab said: The halachah agrees with R. Simeon b. Gamaliel when a cask [of yen nesek] has been mixed with other casks, but not when it is a matter of wine [which is nesek becoming mixed with other] wine. Samuel, on the other hand, said: Even when it is wine mixed with wine. Similarly said Rabbah b. Bar Hanah in the name of R. Johanan: Even when it is wine mixed with wine. Similarly said R. Samuel b. Nathan in the name of R. Hanina: Even when it is wine mixed with wine. Similarly said R. Nahman in the name of Rabbah b. Abbuha: Even when it is wine mixed with wine. R. Nahman said: In practice the rule to follow in connection with yen nesek is that when wine is mixed with wine it is prohibited and a cask mixed with casks is permitted;<sup>21</sup> but with ordinary wine<sup>22</sup> even when it is a matter of wine being mixed with wine it is permitted.<sup>23</sup>

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(1) What they are mixed with, irrespective of the proportion of the forbidden element to the whole.

(2) When confused with other casks of wine.

(3) E.g., an image which had been worshipped confused with others of a similar kind which had not been worshipped.

(4) V. supra 29b.

(5) Ex. XXI, 29.

(6) Deut. XXI, 4.

(7) Lev. XIV, 4 ff.

(8) Num. VI, 18.

(9) Ex. XIII, 13.

(10) Ibid. XXIII, 19.

(11) Lev, XVI, 22.

(12) V. B.K. 70a.

(13) With such objects each one is a separate entity, and therefore it cannot be annulled by becoming absorbed in the rest.

(14) [Thus excluding from his ruling leaven during Passover, unless it is of a large size, and slices of meat which had not been ritually slaughtered.]

(15) They are both localities in Samaria (cf. Rashi). These nuts and pomegranates are included in a list of fruits which are counted when sold and render prohibited what they are mixed with if they are in a state of ‘orlah. V. ‘Orlah III, 7. [Tosaf. Yeb. 81b s.v. פֶּרֶךְ takes the former to mean ‘crack nuts’.]

- (16) Loc. cit. Having dealt with them in that Tractate, the Mishnah does not include them here.
- (17) As distinct from the loaves of a baker which are smaller.
- (18) Because both criteria apply to them.
- (19) V. 'Orlah loc. cit.
- (20) These do not render prohibited by the smallest quantity.
- (21) For use only (but not for drinking) apart from the value of one cask. This agrees with Rab.
- (22) Belonging to heathens which had not been used for a libation.
- (23) For use only (not for drinking). With the deduction of the value of the heathen's wine.

## **Talmud - Mas. Avodah Zarah 74b**

MISHNAH. IF A HEATHEN COVERED A STONE WINE-PRESS WITH PITCH<sup>1</sup> IT MAY BE SCOURED AND IS THEN CLEAN; BUT IF IT WAS OF WOOD, RABBI SAYS THAT IT MAY BE SCOURED<sup>2</sup> AND THE SAGES SAY THAT HE MUST PEEL OFF THE PITCH.<sup>3</sup> IF IT WAS OF EARTHENWARE, EVEN THOUGH HE PEELED OFF THE PITCH IT IS PROHIBITED.<sup>4</sup>

GEMARA. Raba said: [Scouring is necessary] only when he coated it with pitch,<sup>5</sup> but not if he trod [his grapes] in it.<sup>6</sup> This is obvious since the Mishnah stated: COVERED . . . WITH PITCH! — You might have said that the same law<sup>7</sup> applied even if he trod them in it, and the reason why he stated the circumstance of coating with pitch is because he mentioned the customary practice.<sup>8</sup> He accordingly informs us [that rinsing is sufficient if the heathen trod grapes in it]. Another version is: Raba said: [Scouring is necessary] only when he coated it with pitch, but if he trod [his grapes in a press which had been covered with pitch] scouring is insufficient.<sup>9</sup> This is obvious, since the Mishnah stated: COVERED... WITH PITCH! — You might have said that the same law<sup>10</sup> applied even when he trod them in it, and the reason why he stated the circumstance of coating with pitch is because he mentioned the customary practice. He accordingly informs us that [scouring suffices] only when he coated it with pitch but if he trod in it scouring is insufficient. As when a man came before R. Hiyya and said to him, 'Provide for me a man to purify my winepress.' [R. Hiyya] said to Rab, 'Go with him and see that there is no ground for complaint against me in the House of Study.'<sup>11</sup> He went and noticed that [the sides of the press] were very smooth; so he said, 'Here it will surely be sufficient with scouring.' But as he proceeded [with his examination] he noticed a crack at the bottom and saw that it was full of wine; so he said, 'Here it will not be sufficient with scouring but it will have to be scraped.' That is what my uncle<sup>12</sup> intended when he said to me, 'See that there is no ground for complaint against me in the House of Study.'

Our Rabbis taught: As for the winepress, ladle and funnel<sup>13</sup> belonging to a heathen, Rabbi permits them after scouring, whereas the Sages prohibit them. Rabbi, however, admits that flasks<sup>14</sup> belonging to a heathen are prohibited. What is the difference between one and the other? — In the latter he puts wine to be kept but not in the former.<sup>15</sup> Should [the winepress, ladle or funnel] be of wood or stone he scours them,<sup>16</sup> and if they had been covered with pitch they are prohibited.<sup>17</sup> But we learnt: IF A HEATHEN COVERED A STONE WINEPRESS WITH PITCH IT MAY BE SCOURED AND IS THEN CLEAN! — Our Mishnah refers to when he had not trodden in it,<sup>18</sup> and the quoted Baraita to when he had trodden in it.<sup>19</sup>

The Master said, 'As for the winepress, ladle and funnel<sup>20</sup> belonging to a heathen, Rabbi permits them after scouring, whereas the Sages prohibit them.' But we learnt: IF IT WAS OF EARTHENWARE, EVEN THOUGH HE PEELED OFF THE PITCH IT IS PROHIBITED! — Raba said: This last clause of our Mishnah gives the view of the Rabbis.<sup>21</sup>

Raba expounded: 'Scald the vat!'<sup>22</sup> When Raba sent [empty] jars to Harpania<sup>23</sup> he placed them mouth downwards [in sacks] the hem of which he sealed, being of the opinion that the Rabbis decreed against every utensil into which [wine] is put for keeping [by a heathen] even temporarily.

With what does one scour them? — Rab said: With water; Rabbah b. Bar Hanah said: With ashes. When Rab said with water, [did he mean] with water and not with ashes; and when Rabbah b. Bar Hanah said with ashes [did he mean] with ashes and not with water! — Rather

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- (1) The custom was to throw in some wine to remove the smell of the pitch.
  - (2) With water and ashes.
  - (3) A thicker coating is necessary with wood and it would absorb a greater quantity of wine.
  - (4) Because of the absorptive power of the earthenware.
  - (5) And threw wine into the vat.
  - (6) Without coating it with pitch; in that circumstance rinsing is sufficient.
  - (7) That scouring is necessary.
  - (8) Viz., to throw wine into a vat after pitching it.
  - (9) The pitch must also be peeled off, because the wine must have penetrated the cracks in the pitch.
  - (10) That scouring is sufficient.
  - (11) I.e., see that the cleaning is done according to law that the man's wine should not be disqualified.
  - (12) Either 'my friend' or 'my uncle', this being the relationship of Rab and R. Hiyya. V. Sanh. 5a.
  - (13) Made of earthenware and not covered with pitch.
  - (14) When made of earthenware and not covered with pitch.
  - (15) Consequently there is less time for the wine to become absorbed, and scouring makes them fit for use.
  - (16) On this point they all agree.
  - (17) Unless the pitch is scraped off.
  - (18) So if the press was of stone, all agree that scouring is enough, and if of wood only Rabbi requires it to be scoured.
  - (19) In that event, whether it is of stone or wood, the pitch must be scraped off.
  - (20) [I.e., of earthenware, since those of wood or stone are mentioned later.]
  - (21) And Rabbi differs from them.
  - (22) Of a heathen before a Jew may use it.
  - (23) A town in Babylon. He sent them in charge of a heathen. He took these precautions to guard against the carrier putting his wine into the jars, even for a short while, and disqualifying them. [Harpania on the Tigris, South of Babylon, was one of the most fruitful districts in the country; and Raba, whose home was Mahuza, also on the Tigris, sent down his empty casks to Harpania in order to import wine from there. V. Obermeyer, *op. cit.*, p. 200.]

## Talmud - Mas. Avodah Zarah 75a

did Rab intend with water and then with ashes, and Rabbah b. Bar Hanah intended with ashes and then with water. Nor is there any difference between them, since one was referring to what is dry and the other to what is moist.<sup>1</sup>

It has been stated: The School of Rab said in the name of Rab: [The number of processes is] two and three;<sup>2</sup> but Samuel maintained that it is three and four.<sup>3</sup> Thus they taught in Sura, but in Pumbeditha they taught: The School of Rab said in the name of Rab: [The number of processes is] three and four; but Samuel maintained that it is four and five. Nor is there any contradiction [in the two versions], since the latter counts the final rinsing with water [as a separate process] whereas the former does not.

The question was put to R. Abbahu: How is it with wicker-nets<sup>4</sup> used by Gentiles? — R. Abbahu answered: You have learnt the law: If his winepress and oil-press were defiled and he wished to prepare [wine or oil] in them in a state of purity, the boards [on the sides], the troughs and supporting-beams<sup>5</sup> must be rinsed, and as for the wicker-work, if it is made of willows and hemp, it must be scoured, but if of bast and reeds, it must remain unused for twelve months.<sup>6</sup> R. Simeon b. Gamaliel says: He leaves them from one period of wine-pressing to another and from one period of oil-pressing to another. But that agrees with the statement of the first Tanna!<sup>7</sup> — The issue between them is the matter of the early and late ripening [of the grapes].<sup>8</sup> R. Jose says: If he desires to purify

them at once, he should pour over them boiling water or scald them with olive-water.<sup>9</sup> R. Simeon b. Gamaliel says in the name of R. Jose: He leaves them beneath a pipe through which there is a continuous stream of water or in a fountain with flowing water. For how long? — An 'onah.<sup>10</sup> The same provisions made with regard to yen nesek are made with regard to purification.<sup>11</sup> But is not the order reversed, since we are dealing here<sup>12</sup> with purification? — Rather [say] they made the same provisions with regard to yen nesek as they made for purification.

How long is an 'onah? — R. Hiyya b. Abba said in the name of R. Johanan: Either a day or a night. R. Hana-She'ina — according to another version, R. Hana b. She'inah — reported that Rabbah b. Bar Hanah said in the name of R. Johanan: Half a day and half a night. R. Samuel b. Isaac said: There is no contradiction [in the two definitions], the former referring to the time of the spring and autumn equinox<sup>13</sup> and the latter to the summer and winter solstice.<sup>14</sup>

Rab Judah said: Filter-bags used by Gentiles, if made of hair, are to be rinsed, if of wool they must be scoured, and if of flax they must be left unused [for twelve months]; and if there be any knots in them they must be untied.<sup>15</sup> Wicker-baskets and strainers used by Gentiles, if plaited from strips of palm-fibre, must be rinsed,

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(1) If the traces of the wine had dried in the vat, it is rinsed with water and then rubbed with ashes; but if the moisture of the wine was still present the order was reversed.

(2) I.e., with a moist vat first ashes then water, and with a dry vat first water then ashes and again water.

(3) With a moist vat, ashes, water and ashes, and if he then rinses with water, this is not counted because the purpose is only to wash away the ashes; and with a dry vat the process is water, ashes, water and ashes.

(4) Which are placed over the grapes to prevent them from being scattered during the pressing (Rashi). How are these cleaned for use by a Jew?

(5) [Or 'twigs used as brooms in the wine press' (Rashi).]

(6) [This solves the question put to R. Abbahu. V. Asheri a.l.]

(7) Since the interval was twelve months; so why is it mentioned separately?

(8) The time of pressing varies according to the state of ripening and it may not be exactly twelve months.

(9) The water in which olives are boiled to make them soft.

(10) Half of the day and night. The definition is discussed below.

(11) Tosef. Toh. XI.

(12) In the Tosef. just cited.

(13) When day and night are of equal duration, i.e., twelve hours.

(14) At such times of the year it is not correct to say either a day or a night since they are unequal. We then have to say half a day and half a night, i.e., twelve hours.

(15) Before they are rinsed or scoured.

## **Talmud - Mas. Avodah Zarah 75b**

if of twigs they must be scoured, and if of flax they must be left unused [for twelve months]; and if there be any knots in them they must be untied.

It has been stated: If an 'am ha-arez<sup>1</sup> stretched his hand into a winepress and touched [one of] the clusters, Rabbi and R. Hiyya [express different opinions]. One says that the cluster and all that is around it are defiled<sup>2</sup> but the press as a whole is undefiled, whereas the other says that the entire press is also defiled. According to him who maintained that the clusters and all that is around them are defiled but the press as a whole is undefiled, why should there be a difference, since we learnt:<sup>3</sup> 'If a reptile is found in an oil-mill, it only defiles the place it touches, but if there is flowing liquid it is all defiled'? — In this latter case there is no division at all,<sup>4</sup> but in the former the clusters are separate. The Rabbis taught R. Jeremiah — another version is, [they taught] R. Jeremiah's son — in agreement with him who says that the cluster and all that is around it are defiled but the press as a

whole is undefiled.

MISHNAH. IF [AN ISRAELITE] PURCHASES COOKING-UTENSILS<sup>5</sup> FROM A HEATHEN, THOSE WHICH ARE CUSTOMARILY CLEANSED BY IMMERSION<sup>6</sup> HE MUST IMMERSE, BY SCALDING HE MUST SCALD, BY MAKING WHITE-HOT IN THE FIRE HE MUST MAKE WHITE-HOT IN THE FIRE. A SPIT AND GRILL MUST BE MADE WHITE-HOT, BUT A KNIFE MAY BE POLISHED AND IS THEN RITUALLY CLEAN.

GEMARA. It has been taught: They al<sup>7</sup> need to be immersed in [a ritual bath containing a minimum of] forty se'ah.<sup>8</sup> Whence is this derived? — Raba said: Because Scripture states, Every thing that may abide the fire ye shall make to go through the fire, and it shall be clean.<sup>9</sup> Scripture<sup>10</sup> has here added for you an additional [process of] cleansing. Bar Kappara taught: From the text, [Nevertheless it shall be purified] with the water of separation,<sup>11</sup> I might have inferred that [a Gentile's utensil] requires sprinkling [with this water] on the third and seventh day;<sup>12</sup> therefore the word nevertheless is used, the purpose of which is to make a distinction. If that be so, what is the purpose of the words with the water of separation [niddah]? It signifies water in which a niddah<sup>13</sup> immerses. And it was necessary for Scripture to write both and it shall be clean, and with the water of separation. If it had only written, and it shall be clean, I might have thought, it shall be clean means by any quantity of water, so the Divine Law wrote, with the water of separation; and if the Divine Law had only written, with the water of separation, I might have thought that [it only becomes ritually clean] at sunset as happens with a niddah, so the Divine Law wrote and it shall be clean, i.e., immediately [after the immersion].

R. Nahman said in the name of Rabbah b. Abbuha: Even new utensils<sup>14</sup> must be included, since old ones when made white-hot are regarded as new and for all that require to be immersed. R. Shesheth raised the objection: If this be so, shearing-scissors should likewise [be immersed if obtained from a heathen]! — [R. Nahman] replied: The Scriptural passage deals with utensils connected with a meal. R. Nahman said in the name of Rabbah b. Abbuha: The teaching only applies to utensils which are purchased as then happened,<sup>15</sup> but not when they are borrowed.

R. Isaac b. Joseph bought a vessel made from a mixture of earth and animal's ordure from a heathen and thought to immerse it. A certain Rabbi, named R. Jacob, said to him: It was explained to me by R. Johanan that the Scriptural passage deals only with utensils of metal.

R. Ashi said: Utensils of glass, since they can be repaired when broken, are like utensils of metal.<sup>16</sup> As for a glazed utensil R. Aha and Rabina differ; one maintains [that it must be treated] according to its original state,<sup>17</sup> while the other maintains [that it must be treated] according to its final state.<sup>18</sup> The legal decision is [that it must be treated] according to its final state.

The question was asked: How is it with [a new vessel which had been given by a heathen] as a pledge? — Mar son of R. Ashi said: A heathen deposited a silver goblet with my father as a pledge, and he immersed it and drank from it; but I do not know whether it was because he considered a pledge to be the same as a bought article or for the reason that he saw that the heathen's intention was to leave it with him.<sup>19</sup>

Our Rabbis taught: If [an Israelite] purchases cooking-utensils from a heathen, the unused articles are to be immersed and are then clean; as for those which were used for cold things, such as cups, jugs and flasks, they must be rinsed and immersed and are then clean; but as for those which were used for hot things, such as boilers, kettles and heating vessels, they must be scalded and immersed and are then clean. Utensils used with fire, such as spits and grills, must be made white-hot and immersed and are then clean. If, with all of them, any had been used [by an Israelite] before it was immersed or scalded or made white-hot, one authority teaches that [the contents] are prohibited



whereas another teaches that they are permitted. There is, however, no contradiction; for one decides according to him who said that when [the forbidden element] imparts a worsened flavour it is prohibited and the other according to him who said that when it imparts a worsened flavour it is permitted.<sup>20</sup> But according to him who maintains that when it imparts a worsened flavour it is permitted, in which circumstance can the prohibition of the Divine Law against the use of Gentiles' vessels<sup>21</sup> apply?<sup>22</sup> — R. Hiyya, the son of R. Huna<sup>23</sup> said: The Torah only forbade a utensil

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(1) V. Glos.

(2) And must be removed.

(3) Toh. IX, 8.

(4) The olives are not in clusters where the twigs separate one from the other as with grapes, and the oil unites them together. Therefore the defilement affects them all.

(5) Lit., 'utensils of service.'

(6) Before they may be used by a Jew.

(7) Even after being scalded or made white-hot.

(8) Approximately 120 gallons.

(9) Num. XXXI, 23.

(10) By adding the words, and it shall be clean, the inference is that something more is required, viz., immersion besides making the article white-hot.

(11) Ibid.

(12) As is done with one that had been defiled by a corpse. Cf. *ibid.*, XIX, 12 ff.

(13) V. Glos. The reference is to the ritual bath containing a minimum of forty se'ah.

(14) Which belonged to a heathen; although not used by him, must be immersed.

(15) When the Israelites captured such utensils from the Midianites; i.e., they must be the property of the Jew to require cleansing by him.

(16) And require immersion.

(17) Like earthen vessels and need not be immersed.

(18) Like utensils of metal, since lead is used for the glazing.

(19) And not redeem it. For that reason he considered it to be his property and cleansed it.

(20) V. *supra* 36a.

(21) Without previous cleansing.

(22) [It is assumed that the vessels taken from the Midianites imparted a deteriorating flavour.]

(23) *Supra* 67b, the name is given as R. Huna b. R. Hiyya. The present reading is preferable.

## Talmud - Mas. Avodah Zarah 76a

which had been used [by a Gentile] the same day since the effect is not to worsen the flavour. Then let [the utensils which had been used] from then onwards be permitted [without cleansing]! — The decree was made against those which had not been used the same day on account of those which had been used the same day.<sup>1</sup> What of the other authority? — [His view is] that a utensil used the same day also imparts a worsened flavour.<sup>2</sup>

R. Amram pointed out the following contradiction to R. Shesheth: We learn: A SPIT AND GRILL MUST BE MADE WHITE-HOT; but it has been learnt with reference to the holy flesh: A spit and grill must be scalded with boiling water!<sup>3</sup> — He replied: Amram, my son, what have the sacred utensils to do with Gentiles' vessels since the former absorbed what is permitted and the latter what is prohibited! Raba said: At all events what they discharge is prohibited!<sup>4</sup> — But, said Raba, what does the term hag'alah ['scalding'] imply?<sup>5</sup> Merikah and shetifah ['rinsing and washing'].<sup>6</sup> Abaye said to him: What comparison is this? Merikah and shetifah are with cold water whereas hag'alah applies to boiling water! — But, said Abaye, let his fellow tell concerning him.<sup>7</sup> Here [in the Mishnah] he taught that it must be made white-hot and scalding also applies,<sup>8</sup> and there [in connection with the holy flesh] he taught that they must be scalded and making them white-hot also

applies. Raba answered him: If that be so, let him teach both in one passage and one of them in the other, and then it would be possible to say, 'Let his fellow tell concerning him'!<sup>9</sup> But, said Raba, [in the case of] the holy flesh [the cleansing of the vessels by means of scalding] follows the reason given by R. Nahman in the name of Rabbah b. Abbuha, viz., Every day scalding was carried out with respect to the preceding day's [offerings].<sup>10</sup> This is quite right with the peace-offerings which could be eaten on the second day [after the sacrificial act]; in this case the process of scalding would be performed before [the traces of the offering] became 'left over'.<sup>11</sup> With a sin-offering, however, since it must be eaten the same day [as sacrificed] and the following night, when he cooks to-day a sin-offering, there would be [traces thereof] 'left over'; so if he further cooked in it on the morrow either a peace-offering or sin-offering, then what was 'left over' of to-day's sin-offering would be discharged into the sin-offering or peace-offering of the next day!<sup>12</sup> — I can reply: It is not necessary [to arrive at such a conclusion], for if he cooks to-day a sin-offering, then he again cooks to-day a peace-offering [so that the time-limit of the morrow's sin-offering and the peace-offering of the preceding day will expire simultaneously;] and then he may cook in it the morrow's peace-offering!<sup>13</sup> If that be so, then scalding would likewise be unnecessary!<sup>14</sup> This [indeed] is a difficulty. R. Papa said: [The reason is that] one is encrusted and the other is not.<sup>15</sup> R. Ashi said: [The reason is] certainly as was originally explained, viz., in the former they absorbed what is permitted and in the latter what is prohibited, and as for your<sup>16</sup> objection that what it gives forth when it discharges is prohibited, [the reply is] that at the time of discharging there is nothing which is prohibited apparent.<sup>17</sup>

For how long must they be made white-hot? — R. Mani said: Until the accretion falls off. And how is scalding done? — R. Huna said: A small vessel must be placed inside a large vessel.<sup>18</sup> What, however, is to be done with a large vessel? — Come and hear: There was a pot in the house of R. Akabiah<sup>19</sup> [which had to be scalded]; so he made for it

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- (1) Theoretically they do not need cleansing, but as a precaution Rabbinic law does not draw the distinction.
  - (2) [The prohibition against the use of such utensils proves that the effect of a deteriorating flavour is also prohibited.]
  - (3) Zeb. 97a. Before they may be used again on account of the 'remnant' they have absorbed of previous sacrifices. V. next note.
  - (4) If the flesh of the sacrifice remains on them beyond the prescribed period it becomes prohibited and the traces of it left behind affect the next offering which is roasted on them. If a priest ate of it he incurred the penalty of excision, v. Lev. VII, 18.
  - (5) In the passage quoted about the 'holy flesh.' [Delete with Ms.M. 'also' in curr. edd.]
  - (6) [I.e., in addition to the cleansing by fire, the Torah has demanded 'rinsing and washing'.]
  - (7) I.e., let one passage explain the other. The phrase is actually a quotation from Job XXXVI, 33, but given a different sense.
  - (8) Both processes are necessary.
  - (9) Only when the Mishnah or Baraita expressly mentioned that both processes are necessary either with the sacred utensils or a Gentile's vessels could such an inference be drawn.
  - (10) The cooking of each day served to clean away what the utensil absorbed on the preceding day before it actually became 'left over', so that nothing could remain beyond the prescribed period. For that reason the process of making it white-hot was not required with the spit or grill, and scalding sufficed.
  - (11) Which may no longer be eaten and must be burnt as 'an abomination'. V. Lev. VII, 18.
  - (12) Because before the daily scalding occurred, the time-limit of the preceding day's offering would have expired. [The text in curr. edd. is difficult. Read with Ms. M., 'When he cooks to-day's sin-offering and boils in it tomorrow's peace-offering, then what etc.']
  - (13) In this way the difficulty of the 'left over' is obviated. [The bracketed passage is likewise difficult, and is best deleted with Ms.M.]
  - (14) Since there would be nothing 'left over' to remove from the utensil.
  - (15) The Gentile's utensil, which may not have been in constant use, becomes encrusted and must be made white-hot. The sacred vessels, on the other hand, are in regular use and escape this crust. For that reason scalding is sufficient.

(16) I.e., Raba's.

(17) What is 'left over' is nothing more than vapour of the cooked flesh and that need not be treated so seriously.

(18) The utensil to be cleansed must be placed inside a larger pot, filled with boiling water. The whole of the former is thus affected by the boiling water.

(19) [V.l. Mar 'Ukba or R. 'Ukba.]

## Talmud - Mas. Avodah Zarah 76b

a rim of dough around its mouth and filled it with water which he boiled up.<sup>1</sup> Raba said: Who could have been clever enough to do this if not R. Akabiah who is a great man! He was of the opinion that as [a vessel] absorbs so it discharges; as [its rim] absorbs by the splashings [of the food which is cooked in the pot] so [the boiling water] would cause [the rim] to discharge by means of the splashings.

BUT A KNIFE MAY BE POLISHED AND IS THEN RITUALLY CLEAN. R. 'Ukba b. Hama said: One plunges it ten times in soil.<sup>2</sup> R. Huna the son of R. Joshua said: That is, in untilled soil. R. Kahana said: [This holds good only] of a knife which is in sound condition and has no notches. It has been also taught to the same effect: With a knife in sound condition and without notches one plunges it ten times in soil. R. Huna the son of R. Joshua said: [This holds good only] to eat cold food with it.<sup>3</sup> Thus Mar Judah and Bati b. Tobi were sitting with King Shapur and a citron was set before them. [The king] cut a slice and ate it, and then cut a slice and handed it to Bati b. Tobi. After that he stuck [the knife] ten times in the ground, cut a slice [of the citron] and handed it to Mar Judah. Bati b. Tobi said to [the king], 'Am I not an Israelite!' He replied, 'Of him I am certain that he is observant [of Jewish law] but not of you.' According to another version he said to him, 'Remember what you did last night!'<sup>4</sup>

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(1) The purpose of the rim was that the boiling water should overflow the top of the vessel and every part of it be scalded.

(2) In addition to polishing it with a rough cloth (Rashi).

(3) For hot food it must be scalded.

(4) According to the Persian rule of hospitality, the king sent a slave-girl to each of them the night before. Mar Judah refused to receive her but the other did not. [Bati was a half-manumitted slave. Tosaf. s.v. אֵידָכָר.]