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BABYLONIAN TALMUD TRACTATE ABODAH ZARAH, CHAPTER TWO
A CRITICAL ANALYSIS OF ITS CONTENT AND IDEAS

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Thesis submitted in partial fulfillment
of the requirements for Ordination

Hebrew Union College-Jewish Institute of Religion

1 9 8 0

Referee, Prof. Alexander Guttmann

To my mother, Helen Berk. 7"17

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DIGEST

This thesis is a study of chapter two of B. Abodah Zarah. The purpose was to learn about the rabbinic attitude towards non-Jews, and to understand some of the concerns, feelings, perceptions, and fears that were held by the rabbis regarding Jewish-Gentile relations. Also, a complete chapter of Talmud (consisting of thirty-eight pages) was selected in order to analyze Talmudic style, argumentation, and logic.

The second chapter of Abodah Zarah deals primarily with Jewish association with Gentiles. It discusses food and utensils of non-Jews that Jews may and may not use. From this material it becomes clear that there was extensive interaction between Jews and Gentiles in the first centuries of the common era. In order to understand some of the reasons for restricting and controlling these relations, the Mishnayoth and the Amoraic comments on them have been studied and analyzed in detail. As an aid, a scheme or outline of the rabbinic material follows each topic discussed in the Gemara. These schemes shed light on the method of argumentation in the Talmud, and assist the reader to follow the Gemara as it discusses various topics. Moreover, they help the reader understand the relationship between statements and subjects mentioned in the discussions.

An attempt has been made to determine shifts in concerns and emphases between the Tannaitic and Amoraic periods with respect to the prohibitions restricting Jewish interactions (on both business and social levels) with non-Jews. In the concluding chapter, a summary of my findings is presented. The themes that run throughout the chapter are discussed, and I point out the various concerns of the Tannaitic and Amoraic authorities, and the different ways they treat the topics discussed.

In both the introduction and conclusion I discuss some of the opinions of scholars about the causes of anti-Jewish feelings in the period of the Mishnah and Talmud. It is hoped that this thesis, being a study of a part of the halakhic literature of that era, helps explain how the rabbinic authorities felt about Jewish-Gentile relations, and how they perceived the need for Jewish separation from the peoples among whom they lived.

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INTRODUCTION

One of the tensions in the Babylonian Talmud is found in the attitude it expresses towards Gentiles. On the one hand, in all matters of human relations--business and social--they are to be treated exactly like Jews. As Dr. Lauterbach wrote, "The Jewish religion teaches that in all activities of social welfare works, in acts of mutual helpfulness between man and man and of kindness to neighbors, the gentile should be included as well as the Jew."¹ Therefore, we find in the Talmud that non-Jews are to share in the gifts of the poor, and they are to be supported together with the Jewish poor. Jews are to visit and attend the sick among the Gentiles, bury their dead, and comfort their mourners. Protection must be offered by Jews for a Gentile's property, and they are to be treated fairly in business transactions. Jews are to have regard for the honor and human dignity of the non-Jew. Laws such as these, wrote Lauterbach,

are commanded to the Jew because of the honor and respect which, according to Judaism, we must have for every human being made in the image of God; and because, as the Midrash put it, the Israelites are commanded to be kind at all times and on all occasions, and to be helpful to everyone who comes along, be he Jew or gentile.²

We also find in the Talmud an attitude which does not look so favorably upon the non-Jew. As Mielziner said, listed as one of the "defects" of the Talmud is that it

"contains several uncharitable utterances and provisions against members of other nations and creeds."³ Several such statements are found in Tractate Abodah Zara, which deal with the relationships Jews are permitted and prohibited with Gentiles. Taken together with the lofty utterances about how Jews should treat Gentiles, the Talmud's message to the Jew seems to be: "Limit your dealings with Gentiles, but when you do have contact with them, extend to them the courtesy, honesty, and respect you would to a Jew." The unkindly view of the non-Jew is often overlooked by those who seek to portray Judaism in a positive light. Perhaps it is a part of the rabbinic literature that some would prefer to continue to neglect. However, to understand the rabbinic attitude towards Gentiles, all the evidence available must be studied.

This is part of the task of this study of the second chapter of B. Abodah Zara. It is the aim of this thesis to understand some of the views of Gentiles expressed in the halakhic literature, and determine the concerns behind the laws enacted to restrict and control relationships between Jews and Gentiles. After studying the Mishnah, the Gemara to it is carefully analyzed so that its treatment of the issues is clearly understood. Careful attention is paid to determining shifts in emphases and tendencies towards leniency or strictness, and to the reasoning used in the process of the discussion. The intent has been to comprehend

the text as thoroughly as possible. I will not be interested in the halakha as it became accepted in generations subsequent to the redaction of the Talmud. For this reason, the commentators, who often refer to practices in their times, are primarily used when their explanations elucidate the plain meaning of the text.

At the end of the analysis of each section of the Gemara, a scheme of the sugya (or sugyoth) is presented. The scheme has two purposes. First, it is intended as an aid to assist the reader follow the analysis. Second, the scheme will be helpful in reaching some understanding of Talmudic logic and reasoning, the flow of argumentation, and the relationship between apparently disparate statements and discussions.

It is hoped that the method I have employed will achieve another goal in addition to the one already stated. By carefully following the flow of the sugyoth, the reader will notice, as I have, that the redactor of the Gemara has distinct and discernable ways of investigating issues and introducing information pertinent to the topic of the discussion. It will also be seen that within each sugya the flow of the discussion is logical, and that all the statements are somehow linked to each other. Moreover, in those sections which contain more than one sugya, there is a logical relationship between them. In my analysis of the text I will note the relationship between the statements in

one section. The insight into Talmudic style gained by a study like this can be useful in understanding other sugyoth in the Talmud.

A glossary is added to define words, terms, and phrases that might be unfamiliar to the reader. In my conclusion I will present what has been learned about the reasoning and argumentation of the Talmud, on the one hand, and on the other, I will summarize the findings with respect to the attitude towards and concerns about non-Jews expressed in chapter two of B. Abodah Zara.

Abodah Zara is the eighth tractate of the fourth Order of the Mishnah Nezikin (Damages). Following is a list of the chapters and the topics they contain:

1. לפני אידיהם--when, how, and where business may be carried on with idolaters.
2. אין מעמידין--association with idolaters and what food and utensils of non-Jews that Jews may or may not use
3. כל הצלמים--use of their images or parts of them; use of their baths and places of worship
4. רבי ישמעאל--use of an idol or something pertaining to it; destroying an idol; buying an idolater's winepress; helping an idolater in the vintage and wine preparation
5. השוכר את הפועל--libation wine and a Jewish laborer and ass of a Jew employed in its preparation; a Jewish wine seller or merchant and an idolater employer; a Jew and idolater at a table with wine; prohibitions of libation wine.

The laws in this tractate are based mainly on the laws of the Pentateuch which deal with how the Israelites are to relate to the inhabitants of the land of Israel. Several of the relevant passages are: Ex. 23:13, 24, 32-33; Ex. 34:12-16; Deut. 7:1-5, 25-26; Deut. 12:1-2.

The tractate is not a polemic against idolatry. Rather, it is that section of the Talmud which discusses laws and precepts concerning idol worship and worshippers. It does not, as Lieberman noted, "engage in refutations of the principles of idol worship," nor in the derision of idolatry (צִינוּתָא דְעִינוּתָא זִרָה).⁴ The rabbis of the Amoraic period were not concerned with the problem of idolatry, but with the effects of its rites on social and business contacts between Jews and Gentiles. "The Jewish teachers (of the third and fourth centuries) were primarily concerned with the practical rites of idolatry in so far as they might affect the behavior of the Jews, and they composed a whole tractate (Abodah Zara) on this subject."⁵ According to Lieberman, the authorities of the Amoraic period had no reason to polemicize against idolatry, for, unlike the sages of the Hellenistic period,

...the Rabbis were no longer struggling with Gentile paganism...In the first centuries of the common era the Jews were so far removed from clear-cut idolatry that there was not the slightest need to argue and preach against it.⁶

Albeck, too, emphasizes that the prohibitions issued by the sages having to do with idolatry were only made with

regards to actual idolaters, not with non-Jews who do not worship idols.⁷ A statement by R. Johanan (Hullin 13b) confirms this view: "Gentiles outside of the land of Israel are not idolaters, for they only follow the customs of their ancestors." Therefore, a distinction must be made between the Amoraic uses of the term עֲדֻמִּים (י). At times, the authority probably refers to a real idolater. However, when the context of the discussion is a contemporary concern or issue, the reference is to a non-Jew in general. It is not always clear precisely about whom a statement is made. The censorship of the Talmud that has occurred over the centuries adds to the difficulty of identifying more accurately the people or group an Amora had in mind when he speaks of עֲדֻמִּים (י). Owing to this difficulty, in this thesis I have translated the term עֲדֻמִּים (י) as either non-Jew(s) or Gentile(s). In the Soncino edition of this tractate, עֲדֻמִּים (י) is translated as "heathen." The Webster's New World Dictionary of the English Language says that originally the word "heathen" meant, "any nation or people that did not worship the God of Israel." I have rejected this translation for two reasons. First, because it has come to refer to anyone not a Jew, Christian, or Moslem. Secondly, "heathen" has pejorative connotations. The Webster Dictionary lists as an additional definition of the word: "a person regarded as uncivilized, unenlightened, irreligious, etc." The word places a meaning on עֲדֻמִּים (י) that may or

may not at all times be intended. "Gentile," on the other hand, means, "any person not a Jew," according to the dictionary. While the term was used in early Christianity to refer to heathens, it does not have the same negative connotations today as does the word "heathen."

It will be seen that one of the basic concerns of the sages expressed in the chapter of Talmud studied in this paper is the preservation of the Jewish people. In a Baraitha,⁸ R. Simeon b. Eleazar says that Jews living outside the land of Israel are considered idolaters. Why? Apparently, simply associating with non-Jews socially was sufficient cause, according to this Tanna, to liken Jews in the diaspora to idolaters. The sentiment expressed in R. Simeon's statement fostered the feeling that Jews must keep far away from their Gentile neighbors. Albeck notes that Seder Elijah Rabbah (5:9) advises Jews to keep far from Gentiles and their society. Also, the Book of Jubilees tells Jews to separate from the Gentiles, not to eat with them, nor to behave as they do.⁹ According to Albeck and others, the separation from Gentiles that Jews imposed on themselves gave rise to the hatred directed at the Jews. Non-Jews understood the separation as a statement on the part of Jews of disdain for the peoples of the world. Albeck expresses a Jewish view of this:

. . .the separation and distancing from the nations strengthened and preserved the people of Israel by

not mixing with Gentiles and learning their ways;
and were it not for these decrees of the sages,
there would not have survived, heaven forbid, a
last remnant of Israel.¹⁰

There is, it becomes clear, a gap between the Jewish perception of the need to be separate and the Gentile understanding of why the Jews made themselves distinct from their neighbors. Perhaps this thesis will shed some light on the rabbinic thinking that led to the enactment of laws which restricted business and social relationships between the Jew and non-Jew.

I. THE FIRST MISHNAH

Analysis of the Mishnah (22a)

The theme of the first Mishnah in chapter two of B. Abodah Zara is the security of Jews. In the last Mishnayoth of the chapter, the effect of the laws is to insure a social separation between Jews and Gentiles. Presently, for the most part, the concern is for the physical safety of Jews.

The first ruling is that Jews may not lodge their animals in stables belonging to Gentiles. Rashi says that the word "stables" (פונדקאות) refers to places established for travellers to lodge their animals for a fee.¹ The reason for the law, according to the Mishnah, is that Gentiles are suspected of committing sexual acts with animals (רניעה). The "sons of Noah," i.e., non-Jews, were forbidden to have sexual relations with animals, based on an interpretation of Gen. 2:24. It says in that verse that a man and woman who marry "shall be one flesh." This was taken to exclude intercourse with animals. Sanhedrin 58a says that "and they shall be as one flesh" applies to those "that can become one flesh, thus excluding cattle and beasts, which cannot become one flesh with man." Since such relations are forbidden to Gentiles, for a Jew to present an innkeeper with the temptation of violating this injunction amounts to

trespassing the commandment, "Before a blind person do not place a stumbling block" (Lev. 19:14).²

This Mishnah also states that Jewish men and women should avoid being alone with Gentiles. For each sex there is a different reason: women should not be alone with Gentiles because they are "suspected of lewdness"; men must not be alone with them because Gentiles are suspected of committing murder. It will be seen that these two suspicions seem to have been widely held assumptions about the nature of non-Jews.

Analysis of the Gemara

1. Stables of Gentiles (22b-25a)

The first matter taken up by the Gemara is the Mishnah's statement: "One should not lodge cattle in stables belonging to Gentiles because they are suspected of committing immoral acts with them." The discussion which ensues centers around a Baraitha that seemingly contradicts the Mishnah. This Baraitha teaches: "One may purchase cattle from them for a sacrifice, and need not worry lest a woman committed sodomy with it (i.e., if the animal is male) or that a man committed sodomy with it (if the animal is female). The problem is apparent--the Baraitha permits an action, specifically stating that there is no need to fear sodomy, while the Mishnah cites that very suspicion (of sodomy) for its prohibition of a related action. Presumably, a Jew would

be most cautious in matters concerning Temple sacrifices, which makes the contradiction between the two Tannaitic sources all the more puzzling.

The Gemara's discussion does not explicitly look to the different circumstances of the two teachings. That is, there is no direct attempt to seek an answer to the problem in the difference between making use of Gentile inns for animals belonging to Jews and purchasing animals from Gentiles. Rather, the central question discussed is, Do Jews need to fear that Gentiles will have sexual relations with animals?? The answer is that if Jews entrust their animals to Gentiles, it is reasonable to fear that there will be sodomy; however, Jews may purchase animals belonging to Gentiles under certain circumstances. In other words, the fear of committing sodomy with animals belonging to Jews is certain, whereas with their own animals doubt exists. With this explanation, the Mishnah is vindicated and the Baraitha which apparently contradicts it is, at the same time, upheld (albeit with qualifications).

The Gemara introduces the Baraitha with the term *וּרְמִינָהּ*, i.e., the pointing to a contradiction between two statements of equal authority. The Baraitha states that a Jew may purchase an animal from a Gentile for a sacrifice and need not fear that the animal had been used in a way that would invalidate it for such use. Namely, a Jew need not fear that it had (a) committed sodomy with a human,

i.e., a male, (b) been used for sodomy by a woman, (c) been designated for an idolatrous sacrifice,³ or (d) been worshipped.⁴ The Gemara has no difficulty understanding why the latter two need not be concerns of Jews, for a Gentile simply would not sell a cult animal. However, in the words of the Gemara, "we should fear that it may have been used for sodomy!"

Two Amoraic teachings attempt to establish the reasoning of the Baraitha. Rab Tahlifa said that Rab Shila bar Abina taught in the name of Rab that a Gentile would not have relations with a female animal because it would become barren. Rab Kahana explained that since a male animal would become lean if it has relations with a human, the Gentile will refrain from having intercourse with it. Another Baraitha is cited as support of the first. It states that one may purchase a domesticated animal from a Gentile shepherd. The Gemara asks why in this case there is apparently no suspicion that the shepherd may have committed sexual acts with the animal. The explanation for the absence of suspicion is that the shepherd would be afraid of being caught and losing his pay. This is in accordance with the views of Rab and Rab Kahana, that intercourse with humans lowers the value of both male and female animals. So, the teachings attributed to them can be seen as explaining both of the Baraithoth that dismiss the fear of sodomy.

The discussion next turns to support of the Mishnah's

statement which expresses a suspicion of sodomy. A Baraitha is quoted that states: "One should not entrust cattle to a (Gentile) shepherd." An attempt to challenge this is made by applying the reasoning that the shepherd would be afraid of losing his salary if he committed sodomy with the animal entrusted to him. The challenge is rejected, because, the Gemara reasons, Gentiles have a fear of one another, but not of Jews. This sentiment, according to Rabbah, is supported by the popular saying, "As the stylus penetrates the stone, so one cunning mind detects another."⁵ Thus, the distinction is established between animals belonging to Jews and animals belonging to Gentiles which a Jew may want to purchase. Regarding the former, the Gemara supports the ruling that there is a legitimate concern that if entrusted to Gentiles there may be immoral sexual relations. As for the latter, since a Gentile would want the best price for his animal, and since the effects of sodomy on both male and female animals are apparent (to Jewish and Gentile buyers alike), the suspicion of sodomy is somewhat eliminated.⁶

Continuing with the subject of entrusting animals to others, the Gemara cites a Baraitha transmitted by Rab Joseph which states that widows should not lodge dogs or students. The Gemara points out what the concern is with a student, namely, that he would be discrete about sexual relations with the widow. However, a problem is perceived with respect to a widow lodging a dog. If she had relations

with it, the dog would follow her around. Since she would be discovered by this indication of what has occurred, the reasoning goes, she would be dissuaded from having sexual relations with it. The answer to this problem is that people would assume the dog follows her because she feeds it. Like with the student, then, there is no sure way of knowing if a forbidden sexual act has occurred. Therefore, the Baraitha rightly rules that a widow should lodge neither a dog or a student in her house.

The Baraitha just discussed obviously covers the case of lodging a male dog with a Jewish woman. The Baraitha which stated that Jews may not entrust animals to Gentile shepherds involves male or female animals and male shepherds. Combining these prohibitions, the Gemara next considers lodging female animals with Gentile women. The ruling for this situation is implied by a statement attributed to Mar 'Ukba bar Hama. He said that Gentile men have sexual relations with their friends' wives. If their women are not available, they have relations with their friends' animals. It may be inferred from this that, according to Mar 'Ukba, it is forbidden for Jews to lodge a female animal with a Gentile woman. This inference is supported by an anonymous statement in the Gemara. It says that even if a Gentile visits a friend whose wife is at home, he would prefer to have sexual relations with the Jew's animal, "for they prefer Jewish animals to their women." This comment is sub-

stantiated by a midrash attributed to R. Johanan. It appears also in Yebamot 103b, where it is again transmitted in the name of R. Johanan. Another account of the midrash appears in Shabbat 145b-146a, where it is cited anonymously. Since it is the most complete version, the passage is quoted here as it appears in Tractate Shabbat because of the attitude toward non-Jews it reveals:

Why do Gentiles have an evil smell?⁷ Because they did not stand⁸ at Mount Sinai. For when the serpent copulated with Eve,⁸ he injected an evil smell into her.⁹ As for Israel, who stood at Mount Sinai, their evil smell departed;¹⁰ the Gentiles, who did not stand at Mount Sinai, their evil smell did not depart.

The belief that Gentiles are wont to have sexual relations with animals is also given credence by statements attributed to R. Hanina b. Dosa and R. Jeremiah of Difti. The Gemara asks, "What of fowl?" In the context in which this question appears, it can be understood as inquiring whether or not Gentiles are known to engage in sexual intercourse with fowl. The first answer is given by Rab Judah in the name of Samuel, speaking in the name of R. Hanina b. Dosa. According to this tradition, R. Hanina once saw a Gentile have relations with a goose. Then it is reported that R. Jeremiah once saw an Arab have relations with a side of beef. Though this is unrelated to the issue raised by the Gemara's question, his testimony reinforces the belief about the sexual preferences of non-Jews.

Returning to the issue of lodging animals with Gentiles,

another solution to the apparent contradiction between the Mishnah and the first Baraitha is proposed by Rabina. He attempted an explanation that the Mishnah is an a priori ruling (לנחלקה) , while the Baraitha rules ex post facto (בדיעבד). The following parallel case is cited to prove that in cases concerning the sexual immorality of Gentiles there is a difference in the legal rulings depending on whether or not the act has already been committed. In our Mishnah it says, "A (Jewish) woman should not be alone with (Gentiles) because they are suspected of sexual immorality." An objection to this rule is brought from Ketuboth 26b, where it is taught that if a woman were held prisoner by Gentiles for the sake of money (i.e., a ransom), she is permitted to her husband when she is allowed to return; but if she were held for a capital offense, she is not. The attempt is to see our Mishnah as an a priori ruling and the first part of the Mishnah from Ketuboth as ex post facto. That is, a priori the ruling is that a woman may not be alone with Gentile men. However, the passage from Ketuboth indicates that if, under the circumstances described, she has already been alone with Gentile men, she may continue to reside with her husband. This is rejected for two reasons. First, the leniency in the Ketuboth ruling is attributed to the opinion that the Gentiles holding a Jewish woman would not sexually abuse her, because they know that they would lose the ransom money if they did (since her husband

would be less inclined to come up with the money). Secondly, the last part of that Ketuboth Mishnah is instructive, as it indicates that whether the situation is a priori or ex post facto is not decisive, since in the case of a capital charge she is even forbidden ex post facto to her husband.

R. Pedath introduces an explanation of the problem which associates the (strict) Mishnah with a teaching of R. Eliezer b. Hyrcanus, and the (lenient) Baraitha with the majority of the rabbis. The controversy to which R. Pedath refers concerns the purchase of a red heifer from Gentiles. In Mishnah Para 2:1 R. Eliezer said the heifer may not be bought from Gentiles, while the rabbis permit doing so. It was the opinion of R. Pedath that R. Eliezer's prohibition is based on the same suspicion of sodomy that the Mishnah has, whereas the Rabbis, like the Baraitha, have no such suspicion.

By way of objection, the Gemara posits an alternative reason for the difference of opinion between R. Eliezer and the rabbis in the Para Mishnah. Based on the teaching of Rab Judah in the name of Rab (Sotah 46a), it is suggested that R. Eliezer held the suspicion that Gentiles may place a load on the heifer before selling it, which would make it invalid.¹¹ On this issue the rabbis do not share his suspicion. This line of reasoning is rejected with logic seen before in this sugya, namely, that a Gentile would not risk the loss of such a profitable sale for the small benefit of

putting a load on the animal. Using this same reasoning, the Gemara then states that the difference of opinion between R. Eliezer and the majority of the rabbis was not concern over sodomy, for it could be said that the Gentile would not risk losing the sale of a red heifer just for "a little pleasure." This is rejected by the simple statement that "his urge overcomes him." Therefore, the view of R. Pedath still stands as one way of understanding the controversy in Mishnah Para 2:1, as well as the difference between our Mishnah in Abodah Zara and the first Baraitha.

Shila, also trying to refute R. Pedath, suggests another explanation for the difference between R. Eliezer and the rabbis in Mishnah Para 2:1. It is his view that R. Eliezer made his ruling based on an interpretation of Numb. 19:2. This verse begins: "This is the ritual law that the Lord has commanded: Instruct the Israelite people to bring (וּקָנִיתָ) you a red heifer..." The verb וּקָנִיתָ is understood as though it were in the causative form וּקָנִיתָ (See Rashi), meaning "cause to be bought" or "sell." So, R. Eliezer holds that the red heifer can be purchased only from Jews.

This explanation is refuted by the Gemara by quoting the end of Mishnah Para 2:1, which says that R. Eliezer declared all sacrifices bought from Gentiles unfit. Since the verb וּקָנִיתָ in Numb. 19:2 refers only to the red heifer, it cannot be said that buying sacrificial animals only from

Jews is the principle behind R. Eliezer's opinion.

Returning to the view of R. Pedath, which has not been successfully refuted, it is suggested that R. Eliezer and the rabbis differ only over the red heifer. Since its price was high (and therefore the Gentile would lose a very profitable sale by committing an act that would make it unfit as a sacrifice¹²) the rabbis rule that there is no need to be suspicious of sodomy. However, regarding other sacrifices, they may agree with R. Eliezer's strict position. Two Baraitoth, however, militate against accepting this explanation of the argument. The first of these was the original Baraitha contradicting the Mishnah, which allowed the purchase of animals from Gentiles for sacrifices. If this view is accepted, then the Baraitha would agree neither with the opinion of R. Eliezer or the rabbis. The second Baraitha cited teaches that R. Eliezer's colleagues refuted his position by citing Isaiah 60:7. This verse says, "All the flocks of Qedar shall be gathered together to thee, the rams of Navayot shall minister to thee: they shall come up with acceptance on my alter..." Taking the words "All the flocks of Qedar" as describing animals belonging to non-Jews, the interpretation of the rabbis is that it is permitted to use animals of Gentiles for sacrifices. Therefore, it is unacceptable to posit that the rabbis agree with R. Eliezer that sacrifices other than the red heifer must be purchased from Jews.

Having failed to refute R. Pedath's understanding of R. Eliezer's disagreement with the rabbis, at the end of this discussion the Gemara restates R. Pedath's opinion and expands on it. The statement is made: "Therefore, they disagree only over fear (of sodomy), but when sodomy is a certainty, (the animal is) unfit."¹³

The Gemara next returns to Shila's opinion of the dispute between R. Eliezer and the rabbis. According to Shila, R. Eliezer holds that sacrifices must be purchased from Jews. Though objections from the Bible are cited to refute Shila's view of R. Eliezer's opinion, they are explained away by forced interpretations. Thus, for example, a Scriptural verse is cited which lends itself to the same exegetical treatment as Numbers 19:2. This verse is Exodus 25:2, which reads: "Tell the Israelite people to bring (וַיָּקִי) me gifts..." It would follow, according to Shila's view, that R. Eliezer would insist that the gifts that are listed (See verses 2-7) must be acquired from Jews. However, a story is told in the name of Rab Judah speaking in the name of Samuel, in which R. Eliezer recounts an incident where the sages went to purchase a precious stone for the ephod from a Gentile! It was suggested by the Gemara that perhaps the stones for the ephod, mentioned in verse seven, are not covered by the verb וַיָּקִי (vs. 2). However, the verse reads "Onyx stones and stones to be set in the ephod..." with a vav in front of the second "stones," joining it to

the verb *קנה*. So, this story presents a difficulty; and if that were not enough, it continues to recount how the following year the rabbis returned to the same Gentile to purchase a red heifer from him! This would indicate that buying sacrifices for the Temple from non-Jews was legitimate.

The Gemara suggest that it may have been acceptable to R. Eliezer as long as the purchase went through Jewish middlemen. But does this mean he does not suspect sodomy? A Baraitha is cited which reads: "They told R. Eliezer that it once happened that they bought it from a Gentile...R. Eliezer said to them, 'Is that proof (that there need be no suspicion of sodomy)? Jews had watched it from the moment of its birth!'"¹⁴ Therefore, R. Eliezer's strict opinion that sacrificial animals cannot be purchased from non-Jews is understood to be based on both principles, namely, the fear or suspicion of sodomy and that the animals should be bought by the Temple personnel from Jews.

This discussion continues with a series of five objections, based on five Biblical verses, to the ruling that sacrificial animals may not be purchased directly from Gentiles. Each verse retells an incident where animals sacrificed by Jews belonged to Gentiles. Each, however, is explained away, lest R. Eliezer be refuted.

The first objection is based on Ex. 10:25. In that verse Moses is speaking to Pharaoh, who, in the previous verse told Moses to "Go, worship the Lord!" Moses replied,

"You yourself must provide us with sacrifices and burnt offerings to offer up to the Lord our God..." Clearly this indicates that animals belonging to Pharaoh were acceptable as sacrifices. The objection is refuted by stating that this occurred before the Torah was given. Next comes Ex. 18:12, which tells of Jethro offering "a burnt offering and sacrifices for God." The first answer given is that this too was before the Torah was given. However, to one who says it was after that event,¹⁵ the response would be that Jethro bought the animals from Jews. In I Sam 15:15 it is told how the Israelites used the animals of the Amalekites for sacrifices. The Gemara, however, instructs that they took the animals and sold them, and used the money to buy their sacrifices from Jews. II Sam. 24:22 is an account of Aravnah giving David his oxen and threshing instruments for an offering. Here, the legitimizing factor is that Aravnah was a ger toshab.

The last objection cites I Sam. 6:14, which speaks of the Israelites offering the animals of the Philistines as sacrifices. By way of an answer to this objection, this incident is called by the Gemara ענין חטאת--an exceptional or special halakhic decision (which cannot serve as a legal precedent. There are two factors which indicate the validity of this assertion: (1) the animals sacrificed belonged to Gentiles, and (2) the animals were females (נקבות). The question was asked why this case of the Philistine's animals was

cited, since, in view of the fact that the animals were females, it is obvious that it was an exceptional case. The answer is that they may have been offered on a Jewish private altar during a period when such altars were permitted. According to a teaching of Adda bar Ahaba, it was permitted to offer female animals at a private altar.

R. Johanan sought to limit the use of Gentiles' animals to those less than three years old. He based this on his opinion that up to that age it is certain that a Gentile will not perform sodomy with the animal, for it would become barren. All the above objections based on Biblical incidents can be explained accordingly, including the story of the Philistines' animals. R. Huna the son of Rab Nathan refutes R. Johanan by pointing out that according to the Scriptural account, the offspring of the sacrificed animals were put in stables.¹⁶ He then cites Mishnah Bekoroth 3:1. In that Mishnah, R. Ishmael says that if a man bought a beast from a Gentile and it was not known whether it had given birth or not, it may be given to the priest depending on the age and type of animal. "If it was a cow or an ass still in its third year (the first male offspring) shall surely fall to the priest; but if it was older than this it remains in doubt."¹⁷ Based on this, he states that cows under three years of age are considered to be unable to bear offspring. However, the cows of the Philistines that pulled the wagon had offspring, and must

have been older than three years of age. Therefore, the conclusion of the Gemara is that the previous answer (that it was a special halakhic decision) is the best way to understand the incident.

This concludes the discussion on the first issue of the Mishnah. The result is that the Mishnah's strictness applies to animals belonging to Jews, whereas the Baraitha's leniency with respect to suspicion of sodomy applies in cases of Jews acquiring the animals of Gentiles. From another Baraitha it was learned that R. Eliezer holds the suspicion of Gentiles performing sodomy, but the rabbis did not. Thus, the Mishnah is in accord with R. Eliezer, while the Baraitha is in agreement with the rabbis. Moreover, the Baraitha has been qualified to permit the purchase of Gentile animals for the Temple through Jewish agency, and the animal's mother must have been watched by Jews from its birth (or even conception) to assure there has been no sexual act performed with it.

Scheme--Stables of Gentiles

1. Mishnah: Jews may not lodge an animal in the stables of Gentiles, for they are suspected of sodomy.
2. Baraitha: Jews may purchase animals for sacrifices from Gentiles and need not worry about sodomy.
3. Question: Should there not be the fear of sodomy?

Answer (Rab Tahlifa--Shila--Rab): A Gentile would not commit sodomy with a female because it would become barren.

Rab Kahana: A Gentile would not commit sodomy with a male animal because it would become lean.

4. Baraitha: A Jew can purchase animals from a Gentile shepherd.

Question: Should there not be fear of sodomy?

Answer: No, because a Gentile would fear he would lose his pay.

5. Baraitha: A Jew may not entrust animals to Gentile shepherds.

Question: Would he not fear for loss of his salary?

Answer: No, because he is not afraid of Jews, just other Gentiles.

Comment (Rabbah): A popular saying agrees with the above answer.

6. Baraitha (Transmitted by Rab Joseph): Widows should not lodge dogs or students.

Question: A student would be discrete, but would the dog not follow her if she had sex with it?

Answer: People would say that it follows her because she feeds it.

7. Question: What of leaving female animals with women.

Answer (Mar 'Ukba bar Hama): Gentiles have relations with their friends' wives, and if they are not around, they have relations with their animals.

Comment: Even if the woman is there, he may have relations with the animal left by the Jew, for Gentiles prefer Jewish animals to their own women.

R. Johanan: Cites a midrash about Gentiles' having an evil smell (רמחם).

8. Question: What about fowl?

Answer (Rab Judah--Samuel--R. Hanina): I saw a Gentile have relations with a goose.

Also: R. Jeremiah of Difti saw an Arab have relations with a side of beef.

9. Rabina: Offers a solution to the contradiction between the Mishnah and the first Baraitha: the Mishnah applies a priori and the Baraitha ex post facto.

Support: Based on the Mishnah itself and another Mishnah in Ketuboth.

10. Refutation: (1) The woman in the Ketuboth Mishnah is permitted to her husband because Gentiles do not want to lose ransom money. (2) The end of the Ketuboth Mishnah proves that in certain cases the woman is forbidden to her husband even ex post facto.
11. R. Pedath: Offers a solution to the contradiction between the Mishnah and the first Baraitha: the Mishnah is in accordance with R. Eliezer and the Baraitha with the rabbis in a controversy over the red heifer.

Support: Mishnah Para 2:1.

Conclusion: R. Eliezer holds the fear of sodomy and the rabbis do not.

12. Attempted refutation: Maybe the issue in Para 2:1 is that mentioned by Rab Judah in the name of Rab, i.e., that the concern is over Gentiles making the heifer invalid as a sacrifice by placing a load on it.

Answer: This is not the concern, for the Gentile would not risk losing the sale of his heifer.

Question: Sodomy, then, may not be the issue, for the Gentile would not risk losing the sale for a little pleasure.

Answer: His urge overcomes him.

13. Shila: The issue in Mishnah Para 2:1 is over buying sacrifices; R. Eliezer holds that sacrifices should be purchased only from Jews.

Support: Numb. 19:2

14. Refutation: R. Eliezer invalidated all sacrifices bought from Gentiles, and the Numbers verse only applies to the red heifer.
15. Restatement: The disagreement over suspicion of sodomy only involves the heifer, but the rabbis and R. Eliezer agree that with all other sacrifices there is a suspicion of sodomy.

16. Refutation: Two Baraithot: (1) "One may purchase an animal from them for sacrifices"; (2) the rabbis refuted R. Eliezer based on Isaiah 60:7.
17. Conclusion: The disagreement is over suspicion: R. Eliezer prohibits where it exists and the sages permit. When sodomy is certain, all agree the animal is prohibited.
18. Tangent: The quality of holiness of the red heifer.
19. Discussion of Shila's view, based on Numb. 19:2.
20. Refutation: Gifts to God, too, should be bought from Jews, based on Ex. 25:2. However, a story told by Rab Judah in the name of Samuel has R. Eliezer telling of a time when the ephod was purchased from a Gentile.

21. Answer: The ephod is not covered by the verse.

Refutation: A vav joins it to the verb, so it is covered by the verse. Further, the end of the story tells of another such incident.

22. Conclusion: It was purchased by Jewish merchants who in turn sold it to the Temple personnel.
23. Question: Does R. Eliezer, then, not hold the suspicion of sodomy.

Answer: R. Eliezer held that the heifer had been watched by Jews since its birth.

Conclusion: R. Eliezer holds both principles--the one suggested by Shila and that of R. Pedath.

24. Discussion: Watching a Gentile's animal so it may later be purchased by Jews for a sacrifice.

Question: Should we fear that someone committed sodomy with the mother while she was pregnant?

Support: Rabbah on the goring ox and an animal which had been used for sodomy, and their offsprings.

Answer: Jews watched it from the time of conception.

25. Question: Should we not fear the mother had been used for sodomy previously?

Support: A Mishnah which says if a mother is invalid

as a sacrifice her offspring is permitted. R. Eliezer, however, said the offspring is also invalid.

Answer: Rabbah said Rab Nahman said this dispute is over an animal which had been used for sodomy after it had been dedicated. Before this, all agree the offspring is permitted.

Alternative version: Rab Huna bar Hanina said Rab Nahman said the dispute was over an animal which had been used for sodomy before it was dedicated. After this, all agree the offspring is invalid.

26. Question: What is the decision about watching an animal belonging to a Gentile so it may be used for a sacrifice?

Answer: Jews watched it since the conception of the mother.

27. Question: What about the mother's mother?

Answer: To that extent we do not worry.

28. Discussion of watching a Gentile's animal.

29. Two version of Tannaim discussing the question of watching.

30. Objection: Shila's view of purchasing from Gentiles is contradicted by Ex. 10:25.

Answer: Forced interpretation of the verse.

31. Objection: To Shila's view, based on Ex. 18:12.

Answer: Forced interpretation of the verse.

32. Objection: To Shila based on I Sam. 15:15.

Answer: Forced interpretation of the verse.

33. Objection: To Shila based on II Sam. 24:22.

Answer: Forced interpretation of the verse.

34. Objection: To Shila based on I Sam. 6:14.

Answer: That was a special halakhic decision.

35. R. Johanan: There is an age limit to sacrificial animals purchased from Gentiles.

Refutation: (Rab Huna son of Rab Nathan): The Philistines'

animals had offspring. Also, Mishnah Bekoroth 3:1 says cows under three years of age cannot have offspring.

Conclusion: The forced interpretation (#34 above) is the best way to understand the incident.

2. Jewish women alone with Gentiles (25a-25b)

The Gemara finds the last two statements of the first Mishnah less complicated than the first. No difficult objections are raised against them to challenge the rulings. Rather, the aim of the discussion is to clarify and amplify their meaning.

The Mishnah states that a Jewish woman should not be alone with Gentiles, "because they are suspected of lewdness." The Gemara strives to demonstrate why the suspicion in this case is one of lewdness rather than murder (as is the case for a Jewish man being in such a situation). The discussion opens with a question aimed at determining the precise intent of the Mishnah. It begins with the question, "Of what circumstance do we treat here?" It is clear that the Mishnah cannot refer to a Jewish woman being alone with one Gentile man. There would be no need for this, since she should not be alone with a Jewish man either. The evidence for this is from Mishnah Kiddushin 4:12. It states, "A man may not remain alone with two women, but a woman may remain alone with two men." The context indicates that all the people involved in this Mishnah are Jews. From this ruling it follows, as the Gemara understands it in the present

discussion, that a Jewish woman is not to be alone with one Jewish man.¹⁸ Furthermore, the Mishnah cannot mean a Jewish woman may not be alone with three Gentile men, for it was learned in the Gemara to Kiddushin 4:12 (Kiddushin 80b) that she should not be alone with more than one lewd Jewish man. In the passage cited as proof, Rab Judah said in Rab's¹⁹ name that the Mishnah's statement, "But one woman may be alone with two men" refers only to respectable people. "But as for lewd men," Rab said, "(she may not be alone) even with ten." He then cites an incident which verifies the necessity of his statement: "It once happened that ten men carried her out on a bier." Rashi²⁰ provides more details. He says that she was a married woman, and that these men took her out on a bier so people would think she was dead. Actually, she was very much alive, and they took her outside the city where she committed adultery with all ten of them. The Gemara concludes that the teaching of the Mishnah in Abodah Zara is specifically needed for the case of a Jewish woman being alone with a Gentile man and his wife. The reason given is that a Gentile's wife does not watch out for her husband's fidelity. The same law regarding a Jewish couple does not exist because the presumption is that a Jewish wife does indeed watch out for her husband.

From what has been said, it might follow, so the Gemara reasons, that the ground for the ruling that a Jewish

woman may not be alone with a non-Jewish man and woman is that Gentiles are suspected of being murderers. Two opinions, however, explain that the Mishnah's ground is correct, i.e., that Gentiles are suspected of lewdness. R. Jeremiah proposes that the Mishnah refers to an important woman, and such a woman would not be murdered. But, it is right to fear that she may be sexually abused if she were to be alone with Gentiles. Rab Idi responds by saying, "Every woman has her defense weapons on her." Therefore, she would not be murdered. The Gemara understands R. Jeremiah's explanation as distinguishing between what qualities Gentile men and women consider to constitute "importance." To the man it means a close association with the ruling power; to the woman it is whether or not she is attractive. Therefore, R. Jeremiah takes the Mishnah to teach that an attractive woman with connections in the government should not be alone with a Gentile couple. In that instance there is the concern for lewdness because of her attractiveness, but because of her closeness to the authorities, there is no fear of her being murdered. Rab Idi, on the other hand, does not make this distinction: To him, all women have sexual attraction, and this acts as a defense weapon against murder. The Gemara states that the difference between these two views would become evident in the case of a woman who was "important" to a man but unattractive. Presumably, such a woman would be permitted to be alone with a Gentile man and woman

according to R. Jeremiah, but certainly not to Rab Idi. A Baraitha is then cited which supports Rab Idi's opinion. It says that a woman, even though peace is with her (i.e., who need not fear that she may be murdered), should not be alone with them, for they are suspected of lewdness. The Gemara concludes this discussion with this Baraitha, indicating the priority of Rab Idi's opinion over that of R. Jeremiah. Thus, the Mishnah has been explained as referring to any woman being alone with a Gentile man and woman, and lewdness has been substantiated as the reason for the ruling.

Scheme--Jewish women alone with Gentiles.

1. Mishnah: A Jewish woman should not be alone with Gentiles.

2. Question: With what case does the Mishnah deal?

Statement: The Mishnah cannot mean a woman may not be alone with one Gentile.

Reason: Mishnah Kiddushin 4:12: A woman cannot be alone with one Jew.

Statement: The Mishnah cannot mean she may not be alone with three Gentiles;

Reason: Rab Judah's comment on Kiddushin 4:12--she cannot be alone with three lewd Jews.

Answer: The Mishnah is needed for the case of a Jewish woman being alone with a Gentile man and woman.

3. Statement: The reason for the Mishnah's rule should be the fear of her being murdered.

4. Objection (R. Jeremiah): The Mishnah deals with an important woman whom Gentiles would be afraid to kill.

Another objection (Rab Idi): Women have defenses against murder on them.

5. Question: What is the difference between R. Jeremiah and Rab Idi?

Answer: A woman with close associations with the government.

6. Support: A Tannaitic statement supporting Rab Idi's stricter view.

3. Jewish men alone with Gentiles (25b-26a)

The Mishnah ends with the rule that "a (Jewish) man should not be alone with (Gentiles) because they are suspected of murder." A well-known Baraitha²¹ is cited which supplements the sentiment of the Mishnah. Several rules of advice are given to a Jew who finds himself alone with a Gentile while travelling on a road. These rules are:

1. The Jew should let the Gentile pass on the right, if he (the Gentile) is carrying a sword (which is girded on the left side, and the Jew could grab it should the Gentile begin to draw it from its sheath), and on the left if he carries a stick (in his right hand, so the Jew can grab it if necessary)
2. If the two are ascending or descending, the Jew should always be higher up than the Gentile. (Ascending this poses a problem, for the Jew would not be able to watch the Gentile. Rashi explains away the difficulty by adding that the Jew should be ahead and a little to the right of the Gentile, so as not to have him directly behind him.)
3. A Jew should never bend down in front of a Gentile, "because he might smash his skull"

4. If the Gentile asks him where he is going, the Jew should tell him a place beyond his actual destination (so the Gentile might put off his attack and give the Jew time to get to where he is going in safety), just as the patriarch Jacob did to Essau (See Gen. 33:14 and 17)

To illustrate the last of the rules, the Gemara cites two examples of Jews travelling with robbers who used this ploy. One story involves the students of R. Akiba and the other the disciples of Rab Manashi.

Scheme--Jewish men alone with Gentiles

1. Mishnah: A Jewish man should not be alone with Gentiles.
2. Baraitha: Several rules for Jews who happen to be travelling with Gentiles. Biblical support is cited for using deception to avoid being robbed or murdered.
3. Incident: The students of R. Akiba outwitting robbers.
4. Incident: The students of Rab Manashi outwitting (Jewish) robbers.
5. Statement: Praising the robbers of Israel over the thieves of Babylonia.

II. THE SECOND MISHNAH

Analysis of the Mishnah (26a)

The second Mishnah introduces a concern that is of great importance in subsequent Mishnayoth of this chapter of Abodah Zara. Jews are to take every precaution to insure that nothing they do contributes to the practice of idolatry. Just as was noted in the analysis of the first Mishnah with respect to sodomy with animals, idolatry too is included in the Noahide laws. Therefore, a Jew who somehow encourages a Gentile to violate this injunction is guilty of breaking the command, "Before a blind person do not place a stumbling block."

The specific actions which this Mishnah mentions that Jews are to avoid are being a midwife for a Gentile in childbirth and nursing a Gentile infant. In both cases, according to the Mishnah, violating this law would amount to a Jew giving birth to and nourishing a child who will perpetuate idol worship. On the other hand, the Mishnah rules that a Gentile may provide these services for a Jewish woman. The only proviso is that when a Gentile nurses a Jewish infant, she must do so in the Jew's domain.

Analysis of the Gemara

1. Jewish woman acting as midwife for Gentiles (26a)

As has already been indicated, the Mishnah is concerned with two specific medical matters, childbirth and nursing. The issue is the service that a Jew may render for a Gentile in these areas and vice versa. The Gemara will first address itself to the task of clarifying and qualifying the provisions in the Mishnah. After a digression tangentially related to an issue mentioned in the process of analyzing the Mishnah, the Gemara turns to a subject closely related to childbirth, namely, circumcision. The Gemara's discussion is relatively clear and uncomplicated, though there is clever logic used to solve the problems raised.

The Mishnah states that a Jewish woman may not be a midwife for a Gentile woman, "for she would bring forth a child for idolatry," nor nurse a Gentile child. However, a Gentile woman may be a midwife for a Jewish woman and nurse a Jewish infant in the Jew's home. The Gemara brings to the discussion of the Mishnah two Baraithot, one on each of these issues. Both of them involve a dispute between R. Meir and the rabbis. At the end of this section, the Gemara explains how the two Baraithot are related.

R. Meir, in the first Baraitha, is in agreement with the Mishnah's ruling that a Jewish woman may not be a midwife for a Gentile. He disputes, however, the ruling that

a Gentile woman may be a midwife for a Jew. His reason for forbidding this is, "...they are suspected of murder." The majority of the rabbis recognize this danger, but rather than forbid the Gentile from being a midwife, they add a proviso: she may do so only when other (i.e., Jewish) women are around; she should not be alone with the Jewish woman giving birth. R. Meir does not believe that this condition would prevent a Gentile intent on killing the infant. "She may "place her hands on (the infant's) temples and kill him without being noticed." He mentions the case of a Gentile woman, who, upon being taunted by a neighbor calling her a "Jewish midwife, the daughter of a Jewish midwife," responded by boasting about how many Jewish children she managed to kill. She proudly exclaimed, "May as many evils befall that woman, as I have dropped (Jewish children) like lumps of wood into the river."¹ The rabbis dismiss the woman's claim as "mere words," i.e., a meaningless attempt to defend herself, and not to be taken seriously.

This Baraitha represents all the Gemara has by way of comment on this issue. In effect, the Baraitha answers an unasked question. That is, it might have been asked why a Gentile may be a midwife for a Jewish woman, considering the potentially dangerous situation this places the Jewish woman and her baby. The answer is that this danger is eliminated when other Jews observe the birth.

Scheme--Jewish woman acting
as midwife for Gentiles

1. Mishnah: A Gentile woman may be a midwife for a Jewish woman.
2. Baraitha: R. Meir rules that a Gentile woman may not be a midwife for a Jewish woman, due to the suspicion of murder. The rabbis say she may be a midwife for a Jewish woman as long as other Jews observe her while she works.

2. Jewish woman may not nurse
a Gentile infant (26a-27a)

The material on the second part of the Mishnah, like the above discussion, consists first of a Baraitha. The Gemara then quotes a teaching which seems to contradict the Mishnah. In the ensuing discussion, the topic of heretics is mentioned and pursued. Finally, this section concludes with a discussion about the halakhic validity of circumcision performed by non-Jews.

The Baraitha that opens the sugya parallels the Baraitha cited in the first part of this Gemara in form. It teaches that R. Meir agrees with the Mishnah that a Jewish woman may not nurse a Gentile baby, "Because she rears a child for idolatry,"² but disagrees with the Mishnah regarding a Gentile woman nursing a Jew. In this case, as above, he would prohibit, "for they are suspected of murder." As in the previous case, the rabbis state that as long as other (Jewish) women are around, she may nurse a Jewish infant.³ R. Meir does not think this provision precludes the possibility of murder; the Gentile woman could put poison

on her breast before going in to nurse, and succeed in her murderous scheme unnoticed.

The Mishnah's rulings that Gentiles may be midwives for Jewish women and that they may nurse Jewish infants have been qualified by the two Baraithot. Jewish witnesses are required to be present when a Gentile does either of these. The Gemara adds at the end of this discussion that both Baraithot are "necessary." That is, with only one of them it cannot be inferred what the position of R. Meir or the rabbis would be on the issue central to the other. In other words, if we only had the Baraitha with the dispute over a Gentile being a midwife for a Jew (which the rabbis permit if other Jewish women observe her) it might be inferred that the rabbis agree with R. Meir on the issue of nursing (i.e., consenting to R. Meir's position that murder, in this case, is a possibility). Similarly, if we had only the Baraitha concerned with nursing (where R. Meir prohibits on the basis of suspicion of murder) we might infer that he agrees with the rabbis on the issue of Gentile midwives. Therefore, both Baraithot are "necessary" to avoid unwarranted assumptions.

The Gemara next introduces an objection to the Mishnah from another Baraitha. It says that a Jewish woman is allowed to be a midwife for a Gentile in childbirth as long as a fee is received, but not gratis. Rab Joseph explains the Baraitha by adding that it is permitted for a fee "in order to avoid enmity." This reason--למנוח אבה--is used in the Talmud

when it wants to say that the reason for the law is to avoid the ill-will or hatred of non-Jews. A related phrase, "for the sake of peace"--לְשֵׁן שְׁלוֹמִי--serves a different function. Its purpose is to express "a positive ideal and a definite tendency to promote good-will among men."⁴

Rab Joseph also "wanted to say" (implying that his view was not accepted) that for a fee a Jewish woman may be a midwife for a Gentile on Shabbat. Rashi explains that the enmity this could avoid would have resulted from a Gentile noticing that Jews are allowed to be midwives for other Jews on Shabbat.⁵ Abaye responds to this in a manner that preserves the inclination of the Mishnah to forbid this, by saying that she could give an excuse that prevents her from assisting the childbirth. As an example, he says that she could explain to the Gentile that Jews may violate the Shabbat laws only for those who observe the regulations of Shabbat.

Again, the Gemara remarks that Rab Joseph "wanted to say" that a Jewish woman may nurse a Gentile baby for a fee to avoid enmity. Once more, Abaye objects to this and says that the woman may excuse herself with the pretext (if she is single) that she cannot get married if she is nursing a child; or, if she is married, she can say, "I will not degrade myself before my husband."⁶ Despite Rab Joseph's opinion, then, the Mishnah is upheld with one modification. The ruling that a Jewish woman may not be a midwife for a

Gentile is now understood to mean she may not do so without receiving a fee. The reason for this, according to Rab Joseph, is "to avoid enmity."

A dispute with the reasoning employed above follows on an issue unrelated to the Mishnah. A Baraitha is quoted which states that a Jew should not cast into nor raise out of a pit an idol worshipper or a shepherd of small cattle. Rabbenu Nissim says that the reference to a "shepherd of small cattle" includes Jews as well as Gentiles. The reason, he continues, for this harsh statement about them is that "they graze (their animals) in pastures belonging to others."⁷ Lauterbach's interpretation of this Baraitha is interesting. He said,

The meaning...is either that the idol worshippers of those days, as well as the Jewish shepherds, both of whom did not enjoy a high reputation for honesty, were not to be appointed to public office, but if once appointed to such an office were not to be removed from it, or, what is more likely, that they were to be refused the privilege of getting up in public to announce that they had lost certain articles and to claim them from the finder, for they were suspected of making false claims.⁸

Bloch also offers an explanation for the inclusion of "shepherds of small cattle" in the Baraitha. He said it refers to nomadic Jews: He continues:

In Palestine, the land was distributed; the Jews were an agricultural people. The breeding of goats, but more especially of sheep, required vast pastures which intensive agriculture could not leave untilled; consequently the nomads wandered from place to place, and allowed the cattle to feed on the crops. They were, therefore, looked upon as lawless thieves, and placed on a par with idolaters.⁹

Support for this interpretation is found in Rashi's comment to Baba Kama 80a. He states that the shepherd of small cattle, because he grazes his animals on other people's fields, "robs the people." This explains the rule in Mishnah Baba Kamma 7:7, which prohibits the rearing of small cattle in the Land of Israel because of the damage they cause to sown fields.¹⁰ Also, in Mishnah Demai 2:3, R. Judah says that a person who undertakes to be a haber may not rear small cattle.

Rab Joseph's understanding of the Baraitha is that it teaches that Jews should not help idolaters and shepherds of small cattle out of a pit for free. However, one must do so for a fee, "in order to prevent enmity." Once again, Abaye replies that the Jew can give an explanation to avoid enmity when not assisting the shepherd or idol worshipper out of the pit. As examples, he says the Jew can say, "My son is on a roof (...and I must bring him down or he will die--Rashi);" or, "I hold an appointment at the court."

The Gemara pursues this tangential issue mentioned in the Baraitha. R. Abbahu cites the same Baraitha to R. Johanan, and adds a new part, i.e., that minim, informers, and mumarim should be cast into but not pulled out of a pit.¹¹ R. Johanan takes issue with the inclusion of the mumar in this law. He bases himself on an exegesis of Deut. 22:3. That verse teaches: "You shall do the same... with anything that your fellow (לְרֵעֶךָ) loses and you find:

you must not remain indifferent." To R. Johanan, the term אחיך ("your fellow," or, more literally, "your brother") extends the force of the law to the mumar, since he is a Jew. We must assume that of the three categories of wayward Jews, only the mumarim have not excluded themselves from the Jewish community. For this reason, he concludes that the mumar should be omitted from the list of those cast into and not assisted out of a pit.

The Gemara offers a solution to the problem raised by R. Johanan. We may distinguish between two types of mumarim, those who eat carrion (nebeloth) to satisfy their hunger (לתיאון), and those who do so to anger (להכעיס). The former are included under the law of returning lost goods "to your fellow," while the latter are included in the list of those who may be cast into a pit. There is the assumption in the Gemara, which Rashi makes explicit, that the one who eats carrion to satisfy his hunger would not eat it if there were permitted meat available; the one who eats it even when kosher meat is before him is a מומר להכעיס.¹² R. Johanan, the Gemara admits, could maintain his position by asserting that one who eats carrion to anger is actually a min (and need not be specified in the Baraitha¹³).

Since types of mumarim have been mentioned, a dispute on that issue between Rab Aha and Rabina is cited. One of the two held that one who eats carrion to satisfy his hunger is a mumar, and one who does so to anger is a min (See above).

The other Amora does not distinguish between motives: any one who eats carrion is a mumar, and a min is one who actually worships idols.

An objection to the first Amoraic position that one who eats carrion to anger is a min, is brought with the quotation of a Baraitha which teaches that one who eats a flea or gnat is considered a mumar. The objection is based on the feeling that a person would only do something like this to anger others. As Rashi said, "One does not eat them to satisfy one's hunger!"¹⁴ So, why is he only considered to be a mumar? The Gemara's answer to this question is that the motive for such an action is not to anger, but rather to taste something forbidden to Jews out of curiosity.

The tangent concludes by returning to the Baraitha quoted by R. Abbahu before R. Johanan. Here the enigmatic statement at the end of that Baraitha is analyzed. If minim, informers, and mumarim may be cast into a pit, is it necessary to continue and say that they should not be brought up out of a pit? The answer is a resounding "yes;" the teaching does serve a specific purpose. Several authorities give their opinions about what that purpose is, and all indicate that they understand the Baraitha as recommending positive action to actually prevent the trapped person from escaping. So, Rab Joseph bar Hama in the name of Rab Shesheth said that if there are steps dug into the walls of the pit, they may be destroyed. In order to prevent enmity, it is suggested

that the person give the excuse that he is removing the steps for the safety of his animals, so they do not use them to enter the pit. Similarly, Raba and Rab Joseph said that if there is a large stone nearby, the pit may be covered, with the same excuse available to give the unfortunate prisoner. Finally, Rabina added that if there is a ladder in the pit, it should be removed, with the excuse that it is required to bring a child down from a roof.

The Gemara next turns to a topic more pertinent to the concern of the Mishnah. A Baraitha is quoted which is similar to the first two Baraithot the Gemara cited in the beginning of the discussion of this Mishnah. It recounts the following dispute: R. Meir ruled that a Jew may circumcise a Gentile only for the purpose of milah,¹⁵ but not for medical reasons; Gentiles may not circumcise Jews, because they are suspected of murder. The rabbis, on the other hand, held that a Gentile may circumcise a Jew provided other (Jews) watch. As in the disputes at the beginning of this section, R. Meir responds that even if others watch, Gentiles should not be permitted to do so, because they could let the knife slip and mutilate the Jewish boy.

According to the above, there are no circumstances whereby a Gentile may perform circumcision for a Jew, according to R. Meir. This position is contradicted, however, by a Baraitha¹⁶ which teaches about an argument between R. Meir and R. Judah over who should perform a circumcision when a

Jewish doctor is unavailable, a Samaritan or a Gentile.¹⁷ In that argument, R. Meir was in favor of the Gentile! His reasoning is that a Gentile does not normally perform circumcision. Therefore, when asked to do so, he would do it in accordance with the intention of the Jew who requested he perform the operation.¹⁸

The Gemara will now try to resolve the difficulty. The first attempt is to suggest reversing the names of the Baraitha, so that R. Meir rules in favor of the Samaritan over the Gentile. This adjustment reconciles the contradiction in R. Meir's positions, but creates one in the thinking of R. Judah. With the reversal, he is made to rule that given the circumstances of the Baraitha, Gentiles should do the circumcision and not Samaritans. However, another Baraitha indicates that to R. Judah the circumcision performed by a Gentile is invalid! Therefore, the names cannot be reversed.

The second solution offered to the problem of R. Meir's contradicting himself is a narrowing of the circumstances obtaining in the case where a Jewish doctor is unavailable. Given the choice between a Gentile or a Samaritan, the Gentile is preferable when he is a publically recognized expert.¹⁹ Support for this position was given by Rab Dimi. When he came from Eretz Israel to Babylonia, he taught that R. Johanan permitted a Gentile doctor to perform a circumcision if he is an expert. Thus, R. Meir is vindicated.

The original Baraitha's ruling, however, is also

problematic for its statement in the name of R. Judah. As the Gemara asks, "Does R. Judah think that Samaritans are to be preferred (over Gentiles)?" Elsewhere,²⁰ there is found a tradition in the name of R. Judah that specifically rules against a Samaritan circumcising a Jew, for he does so "in the name of Mt. Gerizim."²¹ Therefore, the Gemara once again concludes that the names in the first Baraitha should be reversed to achieve consistency with this last Baraitha.

Two difficulties now remain. First, the reversal suggested and rejected above resolved the difficulty with a conflict in the views of R. Meir. With its rejection, it was then suggested that R. Meir ruled that a Gentile doctor may perform the circumcision for a Jew if he is an expert. Now that the reversal has been reinstated, this solution is no longer necessary. Though the Gemara does not make this explicit, it seems that this solution was simply rejected. Secondly, the reversal was not accepted because, while it solved the problem with R. Meir, it created one with R. Judah. It is to the reconciliation of the conflicts in his thinking that the Gemara next turns its attention.

To clarify, it may be helpful to review the problem. With the reversal of names in the first Baraitha, R. Judah rules in favor of a Gentile over a Samaritan to perform circumcision when a Jewish doctor is not available. In another place, R. Judah declared such a circumcision invalid.

And a third Baraitha teaches that the circumcision of the Samaritan is invalid. For convenience, these Baraithot will be called a, b, and c respectively. The Gemara solves the problem with the statement that the sage of b is not R. Judah bar Ila'i, but R. Judah Hanasi. The Baraitha is then restated with the introduction, "R. Judah Hanasi said, 'From where in Scriptures do we learn that the circumcision of a Gentile is invalid...etc.?'". The rabbi of the other two Baraithot, then, would be R. Judah bar Ila'i. Thus, the views in the three Baraithot no longer have a Tanna contradicting himself. R. Judah Hanasi ruled that the circumcision performed by a Gentile is invalid (c). R. Judah bar Ila'i ruled that given a choice between a Gentile and a Samaritan, a Gentile should perform the circumcision (a). Further, the circumcision of a Samaritan is invalid, for it is not performed for the sake of fulfilling the mitzvah of milah (b).

The discussion continues now by pursuing the issue in the tradition understood as being transmitted by R. Judah bar Ila'i. When this Baraitha was first cited, I did not mention the question asked of him challenging his opinion. In the context above it was not relevant, but it is important at this stage of the Gemara's discussion.

It can be assumed that the basis of R. Judah's ruling is the assumption that milah falls in the category of mitzvot that must be performed למנו, i.e., for its own sake. In other

words, the operation of circumcision, to fulfill the requirement of milah must be intended as milah. Therefore, when a Samaritan does it in the name of Mount Gerizim, this provision of the mitzvah is not fulfilled, and the operation is invalid. R. Jose challenges the premise of R. Judah. He asks, "Where do we find in the Torah that milah must be performed specifically for its own sake?" Then he states his opposing view: "Rather, let him go on circumcising until he dies!"

R. Hisda, like R. Jose, asks for the Scriptural proof of R. Judah. The answer is found in Ex. 12:48: "Unto the Lord shall you circumcise." The first part of the verse is decisive for R. Judah: milah must be performed "unto the Lord"; that is, for the purpose of fulfilling the mitzvah. Therefore, a Gentile doctor can perform an acceptable milah. As Rashi explains, a Gentile doctor normally does not perform circumcision, except when asked by a Jew. When the Jew makes this request, there is no question that the intent of the operation is to fulfill the mitzvah of milah. The Samaritan, on the other hand, would have something else in mind (Mount Gerizim), which invalidates his operation.

Next, a Scriptural support is sought for the opposing view maintained by R. Jose. Genesis 17:13 is cited, which reads in part, "must needs be circumcised (המול ימול)." The emphatic form, expressed in the text by the infinitive before the finite verb, is taken to imply an inclusion of

something. In this case, that would be circumcision not done for its own sake.

It is typical of rabbinic argumentation that when two rabbis each expound different Biblical verses to uphold opposing viewpoints, the question will be asked, In support of what opinion does each authority employ his opponent's verse? The consequence of not being able to find some reasonable interpretation, the rabbi must accept his opponent's interpretation. So, the question is put to the rabbis in our dispute. R. Jose expounds the verse, "Unto the Lord shall you circumcise," as referring to the Passover sacrifice. To understand this, it is necessary to cite more of the verse. The context is Moses speaking to Aaron about the law of the passover sacrifice, who may and who may not eat it. Verse forty-eight reads: "If a stranger who dwells with you would offer the passover to the Lord, all his males must be circumcised..." The translation (JPS, 1974) itself follows R. Jose's interpretation. The key is the phrase *ועשה פסח לה'* and the exegesis revolves around the word *לה'*. To R. Jose it belongs to what preceded, that is, as the translation cited understands it ("...passover to the Lord..."). To R. Judah, on the other hand, the meaning of the verse is: "If a stranger who dwells with you would offer the passover, unto the Lord all his males must be circumcised."

How does R. Judah understand the verse cited by

R. Jose? To this emphatic form he applies the well-known dictum of R. Ishmael: "The Torah speaks in the language of man." That is, this verse upholds the exegetical principle that every word in Scripture need not have an interpretation. Rather, like people, the Bible occasionally uses pleonasms. There is no need to find additional meaning in such words beyond their plain sense.

Finally, the Gemara turns back to the Baraita taught in the name of R. Judah (now understood as Judah Hanasi), in which the invalidity of milah performed by a Gentile was derived from Gen. 17:9: "You (i.e., Jews) shall keep my covenant." Daru bar Papa in the name of Rab repeats that the law was derived from this verse, but R. Johanan says that the law is derived from Gen. 17:13. For this interpretation, the words המול ימול ("they must be circumcised") are read המל ימול,²² "one who is circumcised shall perform circumcision. Thus, Gentiles are excluded from performing the mitzvah.

The Gemara seeks to understand the different ramifications implied by the different Scriptural proofs. Two possibilities are suggested and rejected before the answer is found. First, the Gemara states that the one who cites Gen. 17:13 as proof would maintain that circumcised Arabs and Gibeonites²³ fulfill the requirement that a circumcised person must perform milah. The position supported by Gen. 17:9 would not permit in this case, because the people mentioned are not Jews. This is rejected in light of Mishnah Nedarim 3:11:

"One who vows not to derive benefit from an uncircumcised person may derive benefit from uncircumcised Jews, but not from circumcised Gentiles." It follows from this that even though Arabs and Gibeonites are circumcised, they are reckoned with the uncircumcised. This being the case, Gen. 17:13 cannot support the validity of their performing circumcision.

The second attempt tries to determine whose circumcision Gen. 17:9 would support and Gen. 17:13 would not. This is found in the person of a Jew who was not circumcised because two brothers previously died as a result of the operation. It should be clear that if Gen. 17:9 is upheld, he is permitted to circumcise others because, after all, he is a Jew. However, he is not circumcised, so if Gen. 17:13 is decisive, he may not perform circumcision.

In a fashion similar to the first attempt, this is refuted with the citing of another rule in the same Mishnah in Nedarim: "One who vows not to derive benefit from any circumcised person may not derive benefit from uncircumcised Jews, but may derive benefit from circumcised Gentiles." Therefore, even though a Jew may be uncircumcised, he is considered as though he were. This being the case, even if it is believed that Gen. 17:13 precludes circumcision performed by Gentiles, it cannot imply that only circumcised people may perform the operation.

The Gemara concludes that the two viewpoints would

differ over the case of a (Jewish) woman. It might be assumed that the Gemara would reason that Gen. 17:13 (understood as implying that one must be circumcised to circumcise) would not hold circumcision performed by a woman to be valid, whereas Gen. 17:9 (which implies a Jew must do the operation) would. This, however, is not how the Gemara resolves the issue. Rather, the case of a woman is understood in the light of the Mishnah about one who takes a vow, cited above. Therefore, since a woman is not subject to the commandment of milah, Gen. 17:9 does not uphold the validity of a woman performing circumcision. On the other hand, the position supported by Gen. 17:13 would accept her circumcision because, being a Jew, she is considered as though she were circumcised. The difference that emerges, then, is that Gen. 17:9 supports the opinion that to perform circumcision one must be subject to the commandment of milah, while Gen. 17:13 upholds the view that one must halakhically be considered circumcised to do so. (For a discussion of a woman's liability for this mitzvah, see Kiddushin 29a.)

This discussion is concluded by a consideration of the view that a woman may not perform circumcision. The possibility of maintaining this opinion is questioned in light of Ex. 4:25, where it is explicitly written that Zipporah circumcised (her son) Eliezer. The opinion is supported, however, by an exegesis of the verse, which reads the two verbs (וַתִּקַּח, "and she took," and וַתִּכְרֹת, "and

she cut"): in causative forms. In other words, Zipporah commissioned a man to do the operation. Or, alternatively, it may be said that she began the circumcision, but Moses completed it.

To summarize the Gemara's discussion of the Mishnah, it has been seen that the rulings about a Gentile woman being a midwife for and nursing a Jew have an additional requirement attached to them. According to the Gemara, when a Gentile provides these services there must be Jews around to observe. Further, the Mishnah was modified in regards to a Jew providing these services for a Gentile. It seems she may do so for a fee in order to prevent enmity. The related issue of circumcision is more difficult to summarize. However, it seems that the weight of the discussion was to allow a Gentile to perform milah. It goes without saying that a Jew is preferable, but if no qualified Jew is available, a Gentile is acceptable so long as he is watched and is a publically recognized expert.

Scheme--Jewish woman may not
nurse a Gentile infant

1. Mishnah: A Gentile woman may nurse a Jewish child.
2. Baraitha: R. Meir rules that a Gentile may not nurse a Jewish infant due to the suspicion of murder. The rabbis say she may do so while others observe.
3. Statement: Both of the (first two) Baraithot (mentioned by the Gemara to this Mishnah) are necessary, for from one it cannot be inferred what the opinion of R. Meir or the rabbis would be in the other.

4. Objection (to the Mishnah): A Baraitha says that a Jewish woman may be a midwife for a Gentile for a fee.

Reason (Rab Joseph): To prevent enmity.

5. Rab Joseph: A Jewish woman may be a midwife for a Gentile for a fee on Shabbat to prevent enmity.

Abaye: She can give an excuse to avoid doing so.

6. Rab Joseph: A Jewish woman may nurse a Gentile child for a fee to prevent enmity.

Abaye: Whether married or single, she can give an excuse to avoid doing so.

7. Rab Joseph: For a fee, a Jew may raise out of a pit an idol worshipper or (a Jewish) shepherd of small cattle.

Abaye: He can give an excuse to avoid doing so.

8. Baraitha (cited by Rab Joseph above, #7, taught by R. Abbahu): In this Baraitha minim, informers, and mumarim are classified together.

9. R. Johanan: Mumarim should be excluded from this list, for they are still Jews.

Support: Deut. 22:3.

10. Possible resolution: The Deut. verse speaks of a mumar who eats carrion to satisfy his hunger, while the Baraitha speaks of a mumar who does so to vex observant Jews.

11. Gemara: Cites the dispute over mumar between Rab Aha and Rabina. One of them said that he who eats carrion to satisfy his hunger is a mumar; and that he who eats carrion to anger is a min; the other said that he who eats carrion for whatever reason is a mumar, while a min is one who actually worships idols.

12. Objection (to the first view above): A Baraitha teaches that one who eats a flea or gnat is a mumar.

Question: Why should he only be a mumar (since one can only do this to anger)?

Answer: He does not do it to anger, but to taste some-

thing forbidden to Jews.

13. Baraitha (nos. 7 and 8): Minim, informers, and mumarim may be cast into a pit and should not be brought out of it.

14. Question: If they may be cast in, need it be said that they should not be brought out?

15. Answers (Rab Joseph bar Hama--Rab Shesheth, Raba, Rab Joseph, and Rabina): All of the authorities indicate it is necessary to state, for it implies that one may prevent them from escaping.

16. Baraitha: A Jew may circumcise a Gentile for conversion; a Gentile may not circumcise a Jew, due to the suspicion of murder--according to R. Meir. The rabbis say Gentiles may circumcise Jews when Jews observe.

17. Question: Does this accurately represent R. Meir's view?

Support: In another Baraitha, R. Meir preferred circumcision by a Gentile over that by a Samaritan; R. Judah holds the opposite view.

18. Possible solution: Reverse the names in this last Baraitha.

Restatement: The same Baraitha with the names reversed.

19. Question: Does this represent R. Judah's view?

Support: In another Baraitha, R. Judah rules that circumcision by Gentiles is invalid.

Conclusion: Do not reverse the names.

20. Possible solution: In the second Baraitha (#17) the Gentile was a publically recognized expert.

Support: R. Dimi's evidence from R. Johanan.

21. Question: Does the original wording of the Baraitha represent R. Judah's view?

Support: A Baraitha in which R. Judah ruled that a Samaritan may not circumcise Jews.

Conclusion: The names in the Baraitha (#17) must be reversed.

22. Solution (to the problem of a contradiction between

R. Judah's views (i.e., #17 with the names reversed and #19): The Baraitha (#19) should be in the name of R. Judah Hanasi, and the authority in #17 is R. Judah bar Ila'i.

Support: Restatement of #19 with the introduction, "R. Judah Hanasi said..."

23. Question (R. Hisda): What is the Scriptural support for R. Judah Hanasi?

Answer: Ex. 12:48.

24. Question: What is the support for R. Jose's (opposing) view (in the Baraitha)?

Answer: Gen. 17:13.

25. Question: How does R. Jose expound Ex. 12:48?

Answer: It refers to the passover sacrifice.

26. Question: How does R. Judah Hanasi expound Gen. 17:13?

Answer: As support for the principle: "The Torah speaks in the language of man."

27. Daru bar Papa--Rab: R. Judah Hanasi's opinion (in #21) may be derived from Gen. 17:9.

Alternative: R. Johanan suggests Gen. 17:13.

28. Question: What is the difference between attributing the opinion to one or the other verses in Genesis?

29. Answer 1: Circumcised Arabs and Gibeonites.

Refutation: Mishnah Nedarim 3:11.

Statement: Though they are circumcised, they are considered uncircumcised.

30. Answer 2: A Jewish male whose brothers died from circumcision, and therefore he was not circumcised.

Refutation: Mishnah Nedarim 3:11.

Statement: Though a Jew is not circumcised, he is considered as though he were.

31. Answer: The interpretations differ over a Jewish woman performing circumcision.

Statement: The Jewish woman is considered as though she were circumcised, though she is not subject to the commandment.

32. Question: Is it valid to rule that a woman may not perform circumcision?

Support (for a woman being able to do so): Ex. 4:25.

Refutation: Forced interpretation of the verse.

III. THE THIRD MISHNAH

Analysis of the Mishnah (27a)

The third Mishnah contains two rulings which, like the first Mishnah, are concerned with the physical safety of Jews. The underlying assumption of the two laws is that given the opportunity, Gentiles will murder Jews. The first rule in this Mishnah is that Jews are forbidden to receive medical treatment from Gentiles. Secondly, Jews are not to have Gentile barbers cut their hair. According to R. Meir, this rule applies to every place. The majority of the rabbis, however, felt that Jews are safe in the public domain, and may have their hair cut by non-Jews there; the prohibition only applies when there are no other people around. Albeck, commenting on this statement, understands the Mishnah's rule, "but not when (the Jew and Gentile) are alone;" to apply to a situation where only occasionally others pass by. It does not refer to a Jew being alone with a Gentile barber, for that would be a violation of the first Mishnah's rule against Jews being alone with Gentiles.¹

Analysis of the Gemara

1. Medical Treatment (27a-29a)

The first ruling in the Mishnah is that Jews may seek medical treatment from Gentiles for ריפוי ממון but not for ריפוי נפשות (See below). The Gemara on this part of the Mishnah may be divided into two broad sections. The first contains material pertinent to the question of receiving medical treatment from Gentiles. Next (28a, middle, to 29a, near the bottom) comes a long discussion of folk cures for various maladies. The Gemara to this Mishnah closes with a brief discussion of the issue of Gentile barbers. This analysis will not cover the second section, as it is not related to the topic of this thesis.

As might have been anticipated, the Gemara begins by seeking definitions of ריפוי ממון and ריפוי נפשות. The first suggestion is that ריפוי ממון means medical treatment for which a fee is paid, and ריפוי נפשות is treatment received for free. The Gemara reasons, however, that if this were the Mishnah's intent, it should have been stated more clearly. That is, it should have taught: "(Jews) may receive treatment from (Gentiles) for a fee, but not gratis." The second possibility is that ריפוי ממון indicates medical treatment for a malady which does not constitute a danger to life, and ריפוי נפשות involves more serious cases. This is not accepted in light of a teaching of Rab Judah, that even the puncture made for the purpose of blood-letting (which

is not serious and would, if the above definition is accepted, fall into the category of ריפוי חיות (may not be treated by Gentile doctors. Therefore, the degree of seriousness of the sickness is not decisive, and another definition must be found.

The definition finally accepted comes close to a literal interpretation of the two terms. ריפוי חיות means medical treatment for animals, and ריפוי נפשות is medical treatment for people. The comment is added by the Gemara that these definitions are in accordance with the teaching of Rab Judah. Though the definitions are accepted without debate, a qualification of the prohibition is made by Rab Hisda. He had a teaching in the name of Mar 'Ukba that accepting medical advice from a Gentile doctor is allowed. Specifically, he says that a Gentile doctor is to be heeded if he warns that a drug is either good or bad for a certain Jew. The justification for this is that the Gentile will be concerned for his reputation, since the Jew will in all likelihood ascertain opinions from other doctors.

The remainder of the Gemara's discussion on this issue pursues exceptions to the Mishnah's rule that a Jew may not receive medical treatment from a Gentile. It has been demonstrated that an assumption running throughout chapter two of Abodah Zara is that if Gentiles have the opportunity, chances are they will murder Jews. Several of the rulings and discussions analyzed thus far have the

apparent aim of insuring that this opportunity presents itself as infrequently as possible. So too, here, this theme appears in the discussion of when a Gentile doctor may be consulted by Jews. Raba (or some say Rab Hisda) had a tradition in the name of R. Johanan that in cases where it is uncertain whether a malady is fatal, Jews cannot be treated by Gentiles. If, however, it is certain that death will result, a Jew may receive treatment from a Gentile. That is, since the diagnosis is that the Jew will die in any event, no harm can result from consulting a Gentile. Perhaps he will overcome what seems to be (from the Talmudic point of view expressed in this chapter) his natural inclination to kill Jews and will seriously attempt to help.

It is forbidden, however, to hasten the death of someone diagnosed as terminal. Therefore, if the Gentile doctor in the above case were to fail to conquer his urge to murder Jews, would this ruling of R. Johanan not violate this important precept? This is precisely the question the Gemara asks. Weighing the doctor's tendency against his ability to cure others, the conclusion is that it is worth the risk of losing "a short span of life" (חיי שעה). In the Gemara's words, "We are not concerned with a short span of life." Scriptures is brought as authority for this decision. In II Kings 7 lepers decide to risk entering an enemy town in the hope of receiving aid. They are unconcerned, apparently, that their foes will kill them, since

they will die soon anyway. The decision that Jews in this case not be concerned with "a short span of life" is based on this precedent.

A more difficult objection to R. Johanan's apparent leniency follows from a Tannaitic source. A ruling is cited in support of the previous conclusion about a "short span of life," which states that "... (Jews) may not receive medical treatment from minim, even לַחַיִּי טָעָה." Then a well known story is brought from Tosefta Hullin chapter two,² which ~~recounts~~ how R. Ishmael refused to allow his nephew, Ben Dama, to call a min to treat his (fatal) snake bite. This objection is refuted with the statement that minuth adds a factor which distinguishes this incident, due to its strong attraction. That is, the possibility of succumbing to minuth is worse than succumbing to death. Being a special case for this reason, Ben Dama could not avail himself of the lenient rule which would otherwise have permitted the intercession of a Gentile doctor in his case.

Because of the significance of this passage, we will take a closer look at it. The word מִינִי may be translated as "sectarian" or "heretic." Dr. Freedman states, "The term denotes various kinds of Jewish sectarians such as the Sadducees, Samaritans, Judeo-Christians, etc. according to the date of the passage in which the term is used."³ In the Palestinian Talmud, Sanhedrin 29^C, R. Johanan states that the Jews were exiled from Israel when they were divided

into twenty-four groups of minim.⁴ Archaeological evidence from the Dead Sea Caves and Massadah supports his statement about diversified groups that were around after the destruction of the second temple. To R. Johanan, this was the cause of the exile: God punished Israel because they were not unified. From R. Johanan's statement there is further indication that minim in general were sectarian Jews. Also, in the analysis of the second Mishnah it was seen that the Gemara says the definition of a min is one who actually worships idols, which must refer to Jews.

In B. Shabbat 116a the "Books of the Minim" are associated with gilyonim. This latter term can be translated as "margins," but might be related to גילוי חיל, "Iniquity Revealed." This is the rabbinic pun on the Greek word for the Gospels. Rashi⁵ says that the "Books of the Minim" are Hebrew Bibles written by men in the service of idolatry. R. Tarfon says of minim that they "know, but deny, God," whereas idolaters do not know of God. For this reason, he would rather find refuge in the "Houses" of idolaters than the "Houses" of minim. Further, in that passage, minim are considered to be instigators of jealousy, hatred, and competition between the Jews and God. This block of material in Tractate Shabbat is instructive, for from it we learn that minim had both places of assembly and a literature, and that in their books the name of God appears.

A passage from Abodah Zara 16b-17a⁶ adds to our

knowledge of minim. R. Eliezer was arrested for the crime of minuth, or "words of heresy." When he was released, R. Akiba asked him to reflect on what might have led to his arrest. "Perhaps," he suggested, "you heard some heresy and you enjoyed it." R. Eliezer then remembers that once he met in the market Jacob of Kefar Sekaniah,⁷ "one of the disciples of Jeshu the Nazerite."⁸ This Jacob recited a halakhic teaching to him. The Munich Manuscript reads:

כך לימדני ישו הנוצרי -- "Thus did Jeshu the Nazerite teach me..." but our text reads: כך לימדני -- "Thus did he teach me." R. Eliezer says that he approved (or enjoyed) the teaching, and that this must have been the incident for which he was arrested. He then interprets Proverbs 5:8, and says that he violated the precept, "Keep far from (the strange woman)." In his view, the "strange woman" is the heresy of minuth. This passage contains one of the few clear references in the Talmud to Jesus.⁹ So, here too, there is more evidence of an association of minuth with Christianity.

The minim generally were heretics of Jewish birth. The precise form of the heresy must be determined from the context in which the term appears. Often they are guilty of ascribing to the belief in dualism (שתי גויות), a heresy of great concern to the rabbis. From our story of R. Ishmael and Ben Dama, we learn that some minim were faith healers. The story as it appears in the Palestinian Talmud¹⁰ mentions

that Jacob of Kefar Sekaniah spoke in the name of "Jeshu pandera," which might be a name for Jesus. So, the heresy of minuth to which R. Ishmael refers might be Christianity. Bloch says that the Jacob in the story was not a pupil of Jesus, "but it may be safely said that he was a Christian, and that he wanted to cure (Ben Dama) by an exorcism in the name of Jesus."¹¹ However, it was noted that the redactor brought this as part of an objection to R. Johanan's statement that when a Jew suffers from a fatal malady, he may receive medical treatment from a Gentile. Therefore, it might be that to the redactor of this sugya minim were not only Jewish heretics.

To R. Ishmael, it was very important that Jacob not be given an opportunity to exhibit his healing powers. In the story, Ben Dama dies before he has a chance to provide Scriptural support for the permission he sought to be cured by a min. The Gemara asks what verse he could have cited, and the answer is Lev. 18:5, "Live by them," viz., the divine commandments. The interpretation of this verse is that it means one should not have to die because of his adherence to the mitzvot.¹² What could R. Ishmael have replied to Ben Dama? The Gemara says that he could say the interpretation of that verse applies to breaking the commandments in private, but in public one must not do so, even at the risk of martyrdom. Support for this is R. Ishmael's statement that one should worship an idol rather than be

killed for not doing so. But, this does not mean in public, because of the injunction, "Do not profane My holy name" (Lev. 22:32). It may be concluded, further, then, that to the redactor, minuth is associated with "foreign worship," but we cannot determine precisely what religion he may have intended.

In this sugya there is another method of determining under what circumstances a Gentile may administer medicine to a Jew. It, too, is given in the name of R. Johanan, this time by Rabba bar bar Hana. He said that R. Johanan said that any malady for which a Jew may violate the Shabbat may not be treated by Gentile doctors. Before the Gemara discusses what such maladies might be, a variant of R. Johanan's teaching is given. Some had it that Rabba bar bar Hana said that R. Johanan said no internal malady may be treated by Gentiles. In accordance with Talmudic style, the Gemara asks and answers the question, What is the difference between these two versions? The answer is the top of the hand and foot. Rashi points out that in B. Yoma 84a it is taught that for treatment of internal injuries the Shabbat may be violated. The sugya in Abodah Zara cites B. Shabbat 109a, where Rab Adda bar Mattena taught in the name of Rab that the top of the hand and foot are to be treated like an internal malady in that the Shabbat may be violated to treat them. So, in the present discussion, if breaking

the Shabbat is decisive (as it is according to the first version of R. Johanan's teaching), then a Gentile may not treat an injury to the top of the hand or foot. If, on the other hand, whether or not a malady is internal or external is decisive (according to the second version), a Gentile may treat these injuries.¹³

What follows is a definition of maladies for which the Shabbat may be violated for treatment. Rab Zutra bar Tobiah said in the name of Rab that one which is serious enough to require a medical diagnosis warrants violating the Shabbat. Rashi adds to this that the danger to life in such cases is so high that there is the need for a diagnosis to determine whether the patient will live or die.¹⁴ With his explanation, it can be seen that the statement of Rabba bar bar Hana in the name of R. Johanan (that any malady for which a Jew may violate the Shabbat may not be treated by Gentiles) is in accordance with Raba's statement in the name of R. Johanan (that when it is doubtful whether the patient will live or die, treatment from Gentiles may not be accepted).

The Gemara continues on this topic with the aim of determining where an internal malady begins. R. Ammi said from the lips inward. In the course of this discussion a story is told in which R. Johanan sought and received treatment for scurvy of the mouth from a Gentile woman. Furthermore, he was ready to return to her for more treatment on

Shabbat. The question is rightly asked, How could he do this, in light of his teaching that any malady for which a Jew may violate the Shabbat may not be treated by Gentile doctors?¹⁵ The first answer to this question is that R. Johanan's case constitutes an exception because he was an important man. This is not accepted, however, because of the case of R. Abbahu. He too, was important,¹⁶ and yet a min put poison on his thigh and were it not for R. Ammi and R. Assi, who removed the poison, his leg would have required amputation. So, prominence is no insurance against an unscrupulous Gentile doctor. Next, the Gemara offers the explanation that the Gentile used by R. Johanan was an expert.¹⁷ This does not solve the problem, for so too was the doctor who poisoned R. Abbahu. Finally, the Gemara explains that the difference between the cases of R. Johanan and R. Abbahu was that the doctor who treated R. Abbahu was a min and wished to fulfill for himself through his action the verse, "Let me die with the Philistines" (Judg. 16:30), i.e., he risked his own life to kill R. Abbahu, just as Samson ended his life by pulling down the pillars of the temple of Dagon upon the Philistines.¹⁸

Summarizing the material on receiving medical treatment from Gentiles, it was seen that to the Gemara נפשות means treatment for a person. However, the bulk of the material in the discussion deals with exceptions to this prohibition. Mar 'Ukba said it does not preclude Jews accepting

advice from a Gentile doctor about drugs. R. Johanan is supposed to have said that if the Jew will certainly die, a Gentile may treat him. In the story about R. Ishmael and Ben Dama it was implied that in certain situations (i.e., in private) a Gentile could treat a dying Jew. Two more exceptions are attributed to R. Johanan; it is implied that he felt that a malady for which the Shabbat may not be violated may be treated by Gentiles, and/or that an external malady may be treated by Gentiles. Moreover, there was an incident told about R. Johanan seeking treatment for scurvy of the mouth from a Gentile on Shabbat. Therefore, the Gemara feels that either when a Jew will certainly die or when the malady is not serious, a Gentile doctor may treat a Jew.

Scheme--Medical Treatment

1. Mishnah: Jews may receive from Gentiles ריפוי חמון but not ריפוי נפשות.
2. Question: What is ריפוי חמון and ריפוי נפשות?
3. Possible answer: ריפוי חמון is for a fee, and ריפוי נפשות is for free.

Refutation: (If so, let the Mishnah state this.

- Possible Answer: ריפוי חמון is for a case where there is no danger to life, and ריפוי נפשות is for more serious cases.

Refutation (Rab Judah): Even a puncture made for blood-letting may not be treated by Gentiles.

Answer: ריפוי חמון is for a person's animal, and ריפוי נפשות is treatment of people.

Statement: This accords with the teaching of Rab Judah.

4. Rab Hisda--Mar 'Ukba: Jews may accept advice of a Gentile regarding drugs.

Reason: Jews will ask others, and the Gentile will want to protect his reputation.

5. Raba--R. Johanan (or Rab Hisda--R. Johanan): If a Jew will certainly die, he may be treated by a Gentile.

6. Objection: What about "a short span of life?"

Answer: We do not consider that.

7. Question: What is the Scriptural support for this?

Answer: II Kings 7:4.

8. Question: In Scripture, was there not consideration of a "short span of life?"

Answer: No.

9. Objection (to #8): A Baraita says that Jews may not conduct business with minim and may not receive medical treatment from them even לחיי שעה.

Support: Story of R. Ishmael and Ben Dama.

Answer: Minuth is different because of its attraction.

10. Question: In the story, Ben Dama is praised for not transgressing these words of "his fellows": ופּוֹרֵץ גֹּזֵל יָשָׁנוּ נֶחֱשׁ (Eccl. 10:8). But he was bitten by a snake?

Answer: The verse refers to the bite of the rabbis, for which there is no cure.

11. Question: What verse could Ben Dama have cited to permit treatment by a min?

Answer: Lev. 18:5, "Live by them," i.e. one does not have to die by them (the mitzvot).

12. Question: What could R. Ishmael have replied to this?

Answer: The verse applies in private, not in public.

Support: A Baraita that points out the difference between breaking the mitzvot in private and in public.

13. Rabba bar bar Hana--R. Johanan: A malady for which Jews may violate the Shabbat may not be healed by Gentiles.

Alternative version: An internal malady may not be treated by Gentiles.

14. Question: What is the difference between these two versions?

Answer: The top of the hand and foot.

Support (Rab Adda bar Mattena--Rab): For maladies of the hand and foot the Shabbat may be violated.

15. Rab Zutra bar Tobiah: A malady which requires a diagnosis is one for which the Shabbat may be violated.

16. Discussion of internal maladies.

2. Haircuts (29a)

After the digression into folk cures, the Gemara returns to a short discussion of the last part of the third Mishnah. Following the quote, "And (a Jew) may not receive a haircut from (Gentiles)," a well known Baraita is cited. It states that when a Jew has his hair cut by a Gentile he should watch in a mirror. The Gemara inquires into the circumstances to which this rule applies. If it refers to the public domain, what need would the mirror fulfill (since that location provides protection)? If it refers to the private domain, what protection does it give? The answer is that it does indeed refer to the private domain. By looking into a mirror the Jew would create the impression that he is an important person, and the Gentile will be afraid to kill him. It might be thought that this contradicts the Mishnah, which forbids haircuts from Gentiles in the

private domain. It must now be assumed that its rule obtains when the Jew has no means of defense. However, according to the Baraitha, under special circumstances (namely, when a safety device is available) it is permitted.

The last part of the Baraitha states that when a Jew cuts a Gentile's hair, he should "remove his hands" when he arrives at his locks.¹⁹ The Gemara provides the measurement of three fingers length on every side as the precise spot where the Jewish barber should stop to avoid touching these locks.

Finally, in this discussion the story is told how Rab Hana bar Bizna had his hair cut by a Gentile on the road to Nehardea. It was pointed out to him that he took his life into his hands with his carelessness. To this he replied: "I deserve it, for I transgressed the ruling of R. Meir (that a Jew may not have his hair cut by a Gentile)." The Gemara explains that he also violated the rabbis' rule that one may have a Gentile cut his hair only in a public place. He reasoned, however, that the road to Nehardea, since it is traversed by many travelers, is like a public place.

Like with the first part of the discussion of this Mishnah, the force of the Gemara's material dealing with receiving haircuts from Gentile barbers is to liberalize the Mishnah's prohibition. That is, the Gemara emphasizes the feeling of the rabbis in the Mishnah that if the Jew

has some means of protection, he may have his hair cut by a Gentile.

Scheme--Haircuts

1. Mishnah: A Jew may not in any place receive a haircut from Gentiles.
2. Baraitha: When a Jew does have his hair cut by a Gentile he must look in a mirror. When a Jew cuts a Gentile's hair he must stop at the forelocks.
3. Restatement: The Jew must look in a mirror when he gets a haircut from a Gentile.
4. Question: What are the circumstances?

Possible answer: When the haircut is given in the public domain.

Refutation: What need would the mirror fulfill (i.e., it is unnecessary, for the Gentile barber would not kill him in the public domain).

Possible answer: When it is done in a private domain the mirror is necessary.

Attempted refutation: What protection does the mirror provide in that situation?

Answer: It applies to a haircut given in a private domain.

Reason: The mirror gives the impression that the Jew is an important person.

5. Story: Rab Hana bar Bizna had his hair cut by a Gentile.
6. Restatement (of the Baraitha, #2): When a Jew cuts a Gentile's hair he should stop at his forelock.
7. Question: Precisely where should the Jewish barber stop?

Answer (Rab Malkiah--R. Adda bar Ahaba): Three fingers length in every direction.

IV. THE FOURTH MISHNAH

Analysis of the Mishnah (29b)

Our fourth Mishnah turns from more-or-less general rules governing relations between Jew and non-Jew to specific items belonging to non-Jews or in their possession that are prohibited. Since these items are almost entirely either different kinds of food or utensils in which food is prepared or stored, the effect of this Mishnah is not only to limit business relations, but to drastically restrict social interaction. To be sure, the Mishnah does not spell this out as the intent of these rules. The Gemara, however, which makes little attempt at brevity, clearly enunciates this as the net effect of these restrictions.

This Mishnah may be divided into three parts. First is a list of prohibited foods and utensils. There is no dispute over these items, and the prohibition extends to deriving any benefit therefrom. The second section consists of a series of disputed items. In each case R. Meir holds that the prohibition of each extends to all benefit, while the majority of the rabbis rule to the contrary. The third part of our Mishnah recounts R. Ishmael's inquiry into one of the prohibitions found in part two. The incident is interesting not only because of the issue discussed, but also

for the history of the halakha as well.

In a sense, where the prohibition extends to all benefit it is quite clear as to why. The connection between that which is prohibited and idolatry is very clear. Hence, at least at the Mishnaic level, there is no dispute over them. Where differences of opinion emerge the reason for the strict rule is not as easily discerned, and, therefore, the lenient view of the rabbis which permits benefit prevails. Finally, when R. Ishmael takes up the last issue in what I am calling the second part of our Mishnah, and pursues the logic of the prohibition, we find that the Mishnah does not, for some reason, reveal the precise reason for it. It remained for the Amoraim to speculate as to the proper explanation.

These are the items of non-Jews included in part one of the Mishnah, where the prohibition extends to deriving any benefit from them: (1) wine--As Albeck points out, the reason for this is clearly the concern that it had been used as libation wine;¹ (2) vinegar made from wine--Rashi explains that the wine from which this vinegar was made originally belonged to a non-Jew. He adds that the rule also indicates that a non-Jew's vinegar made from something other than wine is permitted;² (3) Hadrianic Earthenware--The Gemara will define what this is. The prohibition is also connected with the concern over wine for, as we shall see, wine apparently was the primary substance stored in these containers;

(4) skins with a hole in the area of the heart--Rabban Simeon b. Gamaliel makes this rule more specific, saying that when the hole is round the skin is forbidden; when it is oblong it is permitted to derive benefit from it. Albeck explains that the round hole is a sure sign that the heart had been removed as an act of idol worship;³ (5) Rabbi Akiba ruled that meat being taken to an idolatrous gathering is permitted, while that which comes out of such a place is forbidden, for it is "like sacrifices of the dead";⁴ (6) similar to the above, the rule is stated that with those non-Jews on their way to an idolatrous festival it is forbidden to engage in business, while it is permitted to do so with those returning. Bloch says that this prohibition "was accounted for by the fear that the Gentile might look upon the gain as a favour from the idol whose festival was impending, and, therefore, might do him particular honor or favor."⁵ Albeck notes that this rule actually belongs in the first chapter of this tractate. He points out that in the Tosefta (A.Z. 1:15) this law is correctly placed with the matter of business relations with Gentiles. "But in the Mishnah it is placed in (the second chapter) . . . because of the similarity with the (law about) the meat of idolatry."⁶

As stated above, the second part of the Mishnah describes three disputes between R. Meir (who held that the prohibition involved extends to all benefit) and the rabbis (who held that it does not). These are the items over which

they disagreed: (1) the wine of a Jew which has been put into a skin bottle or (clay) pitcher of a non-Jew--The commentaries point out that to R. Meir the non-Jew's wine that was absorbed by the container is considered "libation wine," which makes the Jew's wine completely forbidden. The sages, on the other hand, hold that libation wine does not have this effect on the vessel; (2) shells of grapes and seeds--The rabbis distinguish when these are fresh or dry. When they are fresh they agree with R. Meir, but when dry, the rabbis say they are permitted. Albeck comments that this permission extends not only to deriving benefit, but also to eating;⁷ (3) fish brine made by a non-Jew and Bythnian cheese--The reason for the prohibition of brine is clear, namely, that it is often made with wine. As we saw above, the rabbis do not hold that libation wine mixed with something otherwise permitted renders that substance forbidden for all benefit. Regarding Bythnian cheese, we shall see below that even within the Tanaitic period both the prohibition against eating it (R. Meir and the rabbis) and the permission to derive benefit from it (the rabbis) were problematic.

The third part of our Mishnah opens with R. Ishmael asking R. Joshua why they prohibited the cheese of non-Jews. Since the majority of the rabbis differ with R. Meir as to the extent of this prohibition, we can assume that he refers to the commonly held view that it was not to be eaten by

Jews. R. Joshua responds: "Because they curdle it with the rennet of a nebelah." R. Ishmael is able to see a fallacy with this reason. He points out that the prohibition against the rennet of a burnt offering is stricter than that of the rennet of a nebelah. Yet, "they said that a priest who was not fastidious may suck up (the rennet of a burnt offering) raw."⁸ The implication here is that if one may consume (i.e., benefit from) the rennet of a burnt offering, the prohibition concerning which is stricter than that of a nebelah, then it follows that consuming the rennet of a nebelah should be permitted. Rashi further explains R. Ishmael's thinking by saying that according to his view, the rennet of the burnt offering is considered "like dung" (This will be part of the discussion of the Gemara below), i.e., it is not seen as part of the animal, but as "mere refuse."⁹

R. Joshua, having been refuted, then offers a second explanation of the prohibition: "Because they curdle it with the rennet of calves used for idolatrous purposes." There can be little question about the prohibition, then, for as Albeck notes, even the fat of such an animal, unlike the fat of the burnt offering, is prohibited.¹⁰ And Rashi, anticipating the Gemara, says that even the dung of such an animal is prohibited, for it was fed with the intent of fattening it up to make it a more acceptable sacrifice.¹¹ But R. Ishmael knows that the prohibition of something connected directly with idolatry extends to all benefit.

so, he puts the question to R. Joshua, "If this is true, why then does the prohibition not extend to deriving benefit?" R. Joshua skirts the question by changing the subject. With this, the Mishnah ends.¹² The Gemara, then, will have a two-fold task with regards to this interchange: (1) try to explain the position of the sages, and (2) determine why R. Joshua changed the subject.

Analysis of the Gemara

1. Wine (29b)

The Gemara's discussion begins with the topic of the wine of a non-Jew. The scope of the argument is limited to finding Scriptural support for the prohibition. The sugya consists of the opening question, an answer, and three analogies (Gezerah Shavah).

Rabbah bar Abbuha says that the Biblical source for the law is Deut. 32:38. To understand this, though, we need to begin with verse 37: "(God) will say: Where are their gods,/ The rock in whom they sought refuge, (vs. 38) Who ate the fat of their offerings/ And drank their libation wine...?" He then states that just as no benefit may be derived from the sacrifices, so too may none be derived from the wine. The reasoning employed here is "heckesh," i.e., "a particular kind of analogy, based on the close connection of two subjects in one and the same passage of the law."¹³ Mielziner's explanation of this mode of reasoning explains

well what Rabbah bar Abbuha is saying: "The theory of this peculiar analogy is that where two subjects are connected in the law by a common predicate, the same provisions otherwise made in regard to one of them are under certain circumstances applicable to the other."¹⁴

In the next three analogies the Gemara will ask for the Scriptural authority for those prohibited things which in the previous analogy had been taken for granted as prohibited. So, the next question asked is, What is the Biblical proof that it is forbidden to derive any benefit from such sacrifices as are mentioned in Deut. 32:38? The answer is Ps. 106:26: "They joined themselves unto Baal Peor and ate sacrifices of the dead (זָבַח מֵמֵת)." ¹⁵ The conclusion is then stated that just as things pertaining to the dead may not be used for any benefit, so, too, may none be derived from idolatrous sacrifices.

Next, the question of Scriptural support is asked with regards to benefit from things pertaining to the dead. The analogy employed here (as well as in the following instance) is that known as a gezerah shavah. But the answer here is, as Mielziner notes, "a peculiar kind of Gezerah Shavah," which he calls "The Exorbitant Gezerah Shavah."¹⁶ Mielziner says, "Its peculiarity consists in this, that the argument from a parity of expressions (i.e., a normal gezerah shavah) is also admitted in cases where the two laws or passages, compared with each other, have nothing in common

except a single, often very insignificant word which has not the least natural bearing on the conclusion to be drawn therefrom."¹⁷ More specifically, he gives our analogy as an example of an exorbitant gezerah shavah "of still a more decidedly sophistical character,"¹⁸ since it is based on an identical adverb (וּשָׁם) found in two Biblical passages totally unrelated to one another. That is, in Numb. 20:1 we read, "Miriam died there" (וּשָׁם), and in Deut. 21:4 we find, "There (וּשָׁם) in the wadi, (the elders of a city in which idolatry has been suspected) shall break the heifer's neck." The conclusion reached is that just as the heifer was prohibited for all benefit, so too may no benefit be derived from things pertaining to the dead.

An analogy not quite as farfetched answers the question which we expect to follow, namely, How do we know that it is forbidden to derive any benefit from the heifer in Deut. 21:42? The answer, attributed to the school of R. Jannai, is that the word "forgiveness" is written about it (See Deut. 21:8) just as with the sacrifices. Therefore, since no benefit may be derived from sacrifices¹⁹ we may deduce that the same is true with respect to the heifer.

The law of sacrifices just mentioned requires no proof text, and this ends the discussion over wine for the moment, though the subject reappears throughout the Gemara to this Mishnah. We may present the conclusions in the following manner, working backwards, as is suggested by the

logic of the sugya: since no benefit may be derived from sacrifices, none may be derived from the heifer whose neck is broken; since this is true, no benefit may be derived from things pertaining to the dead; which teaches in turn that none may be derived from idolatrous sacrifices; and, finally, since this is the case, no benefit may be derived from the wine of a non-Jew. Each step in this sequence is established by means of an analogy of Biblical verses.

Scheme--Wine

1. Question: What is the Scriptural support for the prohibition?
Answer (Rabbah bar Abbuhah): Deut. 32:38. Just as no benefit may be derived from the sacrifices, so too may none be derived from the wine.

2. Question: What is the Scriptural support for the prohibition of the sacrifices mentioned in Deut. 32:38?

Answer: Ps. 106:26. Just as things pertaining to the dead may not be used for any benefit, so too with idolatrous sacrifices.

3. Question: What is the Scriptural support for the prohibition of benefit from things pertaining to the dead?

Answer: Analogy based on Numb. 20:1 and Deut. 21:4: Just as the heifer was prohibited for all benefit, so too may none be derived from things pertaining to the dead.

4. Question: How do we know it is forbidden to derive benefit from the heifer in Deut. 21:4?

Answer: The School of R. Jannai says: the word "forgiveness" is written about it, just as with the sacrifices.

2. Vinegar (29b-32a)

It makes sense that the prohibition of a non-Jew's vinegar made from wine would not be challenged, in principle, in the Amoraic discussion. Since there was little question with regards to wine, the same should be true with a product derived from wine. The Gemara's discussion on this topic is, however, quite long. If we scan the four and a half pages of Gemara which deal with the subject we note that the topics covered are: (1) wine that has somehow changed (e.g., vinegar, boiled wine), (2) categories of wine, (3) seals, and (4) beer. Interesting, indeed, are the last two comments in this long discussion, because they deal with vinegar made from the BEER of a non-Jew!

The remarks made at the beginning of the preceeding paragraph form the essence of the opening comment of this sugya. The statement is made that it is an obvious prohibition, for why would it be assumed that just because wine soured the injunction against it would no longer be operative? Since the Mishnah must have intended something by specifying a non-Jew's vinegar made from wine, Rab Ashi answers the implied question about the reason for the prohibition by saying that it teaches that vinegar belonging to a Jew that is entrusted to a Gentile does not require a double seal. It is clear from this that such vinegar requires a single seal, and that some concern necessitates this rule.

Rab Ashi, to substantiate his assertion, states that the concern over (Jewish) vinegar should not be the fear that while in the non-Jew's possession it may have been poured out for a libation, for vinegar is not used for that purpose. However, if the fear is that he might switch his (according to Rashi,²⁰ inferior) vinegar for the Jew's, the single seal is a sufficient deterrent.

What follows this is a block of material that closely resembles the above. A Tanaitic statement is quoted, about which the claim is made and then criticized that its rule is "obvious," indicating that it is not obvious and, therefore, open to interpretation. Again, Rab Ashi states what he sees the intent to be, and he then explains the correctness of the regulation he suggests is the meaning of the Baraitha.

The Baraitha, quoted by R. Elai, states that boiled wine of a Gentile that originally was his own wine is prohibited. This is apparently obvious for the same reason mentioned above: would someone think that because it was boiled the prohibition again ~~it~~ it ceased? So, Rab Ashi extrapolates from this that a Jew's wine entrusted to a non-Jew does not require a double seal. Once again the same two possible reasons for requiring a double seal are rejected: it need not be required due to the concern that the wine might be poured out as a libation, for such a use is not made of boiled wine; also, the fear that the non-Jew would exchange his wine for the Jew's is not applicable,

for he would not go to the trouble to falsify even a single seal.

The subject of wine that has undergone some kind of change continues with the citation of a well-known Baraitha. It states that boiled wine and alontith of non-Jews are forbidden. Prepared alontith, on the other hand, is permitted. Rashi understands this last part of the Baraitha as indicating that the wine was not originally the non-Jew's, but that he acquired it from a Jew.²¹ The permission is understood as allowing a Jew to derive benefit from it, for this drink is not poured out as a libation.²²

The description of alontith serves as the springboard for the material that follows. Up to this point, besides wine that has turned to vinegar, boiled wine and wine mixed with something else have been mentioned and discussed. These serve as the subject for what follows.

Rabbah and Rab Joseph say that diluted wine²³ does not become prohibited under the law forbidding the use of liquids left uncovered (משום גילוי),²⁴ and that boiled wine is not to be prohibited due to the suspicion that it may have been poured out as a libation. Note that this is in accordance with the view of Rab Ashi above, that a Jew's boiled wine entrusted to a non-Jew does not require a double seal.

In their statements there are two types of wine

and two possible reasons to prohibit them. What follows are reports of incidents in which an Amora is offered one of these drinks and he pronounces his view regarding the applicability of the prohibitions of them. In the first example, Samuel is sitting with Ablet (a learned non-Jew²⁵) and boiled wine is brought to them. Ablet withdrew his hand in order not to make the wine forbidden when Samuel said, "It has been said that boiled wine is not to be suspected of having been poured out as a libation."

In the second story, R. Hiyya's maidservant served him boiled wine that she had left uncovered. He said of it that the law prohibiting the use of liquids left uncovered does not apply to boiled wine. In the incident that follows, we find circumstances similar to the above. Here, however, the concern is diluted wine, and the statement is made by Rab Adda bar Ahaba that the law cited by R. Hiyya also does not apply to such wine. In this case, however, there is a challenge by Rab Papa, who said that what Rab Adda says is true only when the wine is well diluted. It is not applicable to wine that is only slightly diluted, for snakes drink such wine. Furthermore, it is shown that in some instances snakes will drink diluted wine. Raba, then, is cited, and he states the law regarding **all the above**: diluted wine does become prohibited under **the law** forbidding the use of uncovered liquids and is suspected of being poured out as a libation; but neither of these apply to wine that has

been boiled. The original statement of Rabbah and Rab Joseph, in the case of diluted wine, has been disputed, while their ruling on boiled wine has had the prohibition against uncovered liquids added as a concern not applicable to it. Raba's addition of the possibility that diluted wine may have been used for a libation as a pertinent suspicion, however, is puzzling. Insofar as the information provided by the Gemara is concerned, we can discern no evidence that explains why he added this.

Continuing with this topic, the Gemara recounts other examples from the lives of Amoraim which indicate their view on the matter of liquids left uncovered. In the first story R. Hilkhiah affirms that water that has been uncovered is prohibited. Then it is reported that Rab did not drink water in the home of a Gentile²⁶ because they do not mind if it is left uncovered.²⁷ At the home of a (Jewish) widow, however, he would drink water for, "she is assumed to have adopted her husband's habits." In other words, he presumed that in that household the laws of uncovered liquids were observed, even though her husband may not have been an expert in these matters.

Samuel's custom was different. It is said of him that he did not drink water in a widow's house, reasoning that she does not have the fear of her husband over her and might not keep her water covered. He did drink water at the house

of a Gentile "...for they may not be particular about the laws of uncovered liquids, but they are particular about cleanliness." This would be an interesting attitude worthy of comment, were it not for the fact that it is challenged in the Gemara. An alternative version of the practices of these Amoraim²⁸ states that Samuel would not drink water either in the home of a non-Jew nor a (Jewish) widow. With this version the opportunity to see in Samuel's actions a sympathetic view of the Gentile is weakened.²⁹

There is one more category of wine mentioned in this sugya. Raba states that during the first three days after wine has formed a film it is susceptible to the prohibition against uncovered liquids and is suspected of being used for idolatrous purposes. Thereafter neither of these apply. The Gemara comments that in Nehardea a different view prevailed, namely, that even after three days the law of uncovered liquids still applies.³⁰ The reason for this is that even such wine is drunk by snakes. Accordingly, the fear exists that potent venom is left in the wine.

To here our Gemara may be seen as comprising two sugyoth. The first part revolved around Rab Ashi's extrapolation from the law regarding a non-Jew's vinegar. The second took off from the Baraita mentioning boiled wine and alontith. Since alontith was defined as a mixed drink with wine, the Gemara brings into the discussion wine diluted

with water. This led to the issue of liquids left uncovered as well as the idolatrous practice of libations. Now the Gemara moves from wine that has been somehow altered from its original state to the categorization of wines in the possession of non-Jews.³¹

This discussion begins with a tradition cited by R. Asi. He had a tradition that R. Johanan said that R. Judah b. Batyra said that "there are three types of wine," viz., libation wine, ordinary wine of Gentiles, and wine that belongs to a Jew entrusted to a Gentile. Concerning the first, no benefit may be derived from it, and a quantity amounting to the size of an olive causes grave defilement. A. Mischna explains that if one has contact with it or is on the premises in which it is found, he becomes unclean in the same way as if he had contact with a corpse.³² As Rashi says, "The sacrifices to idols is analogous to (the defilement caused by a) dead body."³³ Similarly, no benefit may be derived from the ordinary wine of Gentiles, and if it comes into contact with dried food it makes it susceptible to the fourth degree of defilement.³⁴ Rashi regards the regulation against deriving benefit from this wine as an extension of the prohibition against libation wine.³⁵

The law relating to Jewish wine entrusted to a Gentile is that it is forbidden to drink, but benefit may be derived from it. This seems to be challenged by a Mishnah (Demai 3:4) which states that a Jew's produce entrusted to a non-Jew is

considered, for purposes of the Sabbatical year and tithing, as the non-Jew's own fruit. This is explained as being due to the fear of exchanging the Gentile's produce for the Jew's.³⁶ So too in our case there is the possibility that the Gentile will exchange his wine for the Jew's. Therefore, the Gemara seems to reason, the prohibition of wine entrusted to a Gentile ought to extend to deriving any benefit.

This objection is overcome by interpreting the rule which permitted a Jew to derive benefit from the wine he entrusts to a Gentile to apply to a specific case. That case is when the non-Jew assigns the Jew a corner in the room where the wine is to be stored.³⁷ In this way the fear of exchanging wine is nearly eliminated, and benefit may be derived from it. Furthermore, the Gemara takes this one step further and argues that if this condition is met, even the prohibition against drinking such wine is no longer necessary. Support for this assertion is brought by a story. When R. Johanan went to Perud he asked if a teaching of Bar Kappara was available on this issue. R. Tanhum taught him this: it is permitted to drink the wine a (Jew) entrusts to a Gentile.³⁸

The halakha stated by R. Tanhum to R. Johanan contradicts R. Judah b. Batyra's rule that wine entrusted to a Gentile may not be drunk. R. Ze'ira solves this difficulty by ascribing the opposing views to the differences of opinion found elsewhere in a disagreement between R. Eliezer

and the rabbis. He cites a Baraitha which reads: "If one buys or rents a house in a Gentile's courtyard and fills it with wine and the key or seal is in the charge of the Jew, R. Eliezer permits, but the rabbis prohibit." Rashi's explanation is essential here. He says that R. Eliezer even permits the drinking of that wine. The rabbis prohibit the Jew to deposit his wine there, but if he already did, he may still derive benefit from it.³⁹ Therefore, according to R. Ze'ira the tradition cited in the name of R. Judah b. Bathyra is in agreement with the position taken by the rabbis, and the view of Bar Kappara is in harmony with that of R. Eliezer. A kind of footnote concludes this discussion, which states that the law in the R. Eliezer--rabbis controversy is in accordance with R. Eliezer. This would seem to indicate that the lenient view that one may drink wine entrusted to a Gentile prevailed. If this is the case, complete permission is granted to a Jew to keep or store his wine with a Gentile, and no loss will be incurred, for he may do whatever he wishes with it.

The sugya continues with a discussion which is closely related to the previous one both in content and in literary form. The subject matter is seals affixed by a Jew to something that may be handled by a non-Jew. A controversy is cited and the differences of opinion are then explained as being in accordance with either R. Eliezer or the rabbis

in the controversy mentioned above. This form is repeated when a second version of the argument is cited.

R. Eleazar said that everything is sufficiently guarded with one seal, except wine. R. Johanan held that even wine is guarded with one seal. The explanation for these divergent views is that, "one is according to R. Eliezer and one is according to the rabbis." R. Johanan, that is, is in agreement with the more lenient opinion of R. Eliezer, and R. Eleazar seems to agree with the stricter position of the rabbis.

The second version of the dispute, which Rabbenu Hananel indicates is the accurate tradition,⁴⁰ has it that R. Eleazar said that everything is sufficiently guarded with a double seal, except wine. R. Johanan ruled that wine is guarded by such a seal. This time the explanation is that both agree with the position of the rabbis, but each understands that controversy differently. One (R. Johanan) held that the rabbis disagree with R. Eliezer in regards to one seal, but in the case of a double seal they too permit the drinking of the wine. The other (R. Eleazar) believes that even in this latter case the rabbis rule that it is forbidden. In other words, R. Johanan agrees with the rabbis that it is forbidden for a Jew to keep his wine in a home bought or rented in a non-Jewish courtyard if it has one seal. But, if the wine has a double seal he believes the rabbis would agree it is permitted. R. Eleazar does not

think the rabbis would permit it to be done even with a double seal. Therefore, both are in accordance with the rabbis in light of their divergent understandings of that controversy.⁴¹

A "well known Baraitha" introduces the next discussion. After the Gemara explains the reasoning involved in it, another Baraitha is cited as an apparent contradiction. One Amora attempts to reconcile the two Tanaitic sources, but is refuted by another Amora. The second authority then gives his answer as to how the two Baraithot may be brought into harmony.

The first Baraitha begins by saying that the wine of En-Kusi is forbidden because of the nearby town of Birath-Sirika, that of Borkata⁴² because of neighboring Kefar Parshai, and that of Zagdar because of Kefar-Shalem. In each case, comments Rashi, the town where the wine is forbidden was inhabited largely by Samaritans, and the places which make the wine forbidden were populated by non-Jews.⁴³ The Baraitha concludes with the statement that the ruling was eventually changed. Instead of limiting the extent of the prohibition to specific localities, a general rule was established: wine in open casks is forbidden, but it is permitted to buy wine in closed casks from Samaritans. The Tosafot make an interesting comment here, which to a certain extent anticipates the rest of the material in this discussion. They remark that even though a closed cask was originally

open, since it was the Samaritan's intention to sell it to Jews it was watched carefully to insure it was not touched by an idol worshipper. The Samaritans do not want to be suspected of being careless with the laws of non-Jewish contact with the wine of Jews.⁴⁴

The Gemara explains the reasoning in the Baraitha, both for the earlier ruling and the later revision. The earlier reasoning had been that Samaritans are not careful about the touch of idol worshippers, and this is true whether the casks were open or closed. Later, however, the authorities reasoned that they are not particular about the touch of idol worshippers when the casks are open, but they are very careful when it comes to closed casks.

In the Baraitha which seems to contradict the above, the ruling is found that if a Jew sends a cask of wine with a Samaritan he must, when the wine is received, recognize his seal and the way he closed the cask for the wine therein to be permitted. The problem is that the first ruling holds that a cask of wine from a Samaritan is permitted to Jews so long as it is closed. As the Amoraim understood it, this was due to the care they exercise with closed casks. If this is true, why would the second Baraitha require the Jew to recognize his seal and method of closure? More precisely, why cast doubts on the scruples of the Samaritan in the second Baraitha, while in the first, if the casks are closed, we may assume a great amount of care has been

taken? It is interesting to note that the objection is not only based on the two Tanaitic quotes, but the Amoraic explanation of the reasoning in the first is essential to an understanding of the nature of the contradiction perceived between the two. Taken by themselves, the Baraithot do not necessarily contradict each other.

The attempted resolution comes from R. Ze'ira.⁴⁵ He said that one of the Baraithot refers to the city and the other to the road. Rashi explains that in the city the Samaritan is particular, for he knows that if an idol worshipper touches his wine Jews will not buy from him.⁴⁶ So, the first Baraitha refers to the city, and there, if the cask is closed the wine is permitted. The second Baraitha refers to the road, where the Samaritan may not be so particular, and the Jew must recognize his seal and closure.

R. Jeremiah sees the answer of R. Ze'ira as problematic. For, he asks, "Did not that (wine) of the city come by way of the road?" In other words, wine sold in a shop came from a vineyard and had been on the road prior to being sold in a city.⁴⁷ That is, even a closed cask in a city is suspect. Therefore, according to R. Jeremiah, the correct understanding of the first Baraitha must be that closed casks are permitted when they were closed in the vicinity of the wine presses. In that case, he reasons, there are many people around and great care would be exercised for fear that if someone observes that he lets a non-Jew have contact with the wine

he will be unable to sell the wine to Jews.

The subject of the last sugya in this section on vinegar is the beer of Gentiles. The discussion involves a controversy between Amoraim over why it is prohibited. There are no Tanaitic traditions cited by the Gemara or by the authorities named in the dispute, suggesting that the earlier teachers did not rule on the matter. Indeed, the Tosafot comment at the beginning of the sugya that, "The prohibition against beer is found neither in the Mishnah or Baraitha. Perhaps in the days of the Amoraim they forbade it."⁴⁸ This may be so, yet a study of this sugya reveals two important problems with the prohibition: (1) the reason for it is uncertain. Three possibilities are suggested, and while none are logically refuted, neither are they well substantiated, and (2) there is some disagreement over whether the beear should actually be prohibited.

The first explanation for the prohibition comes from Rami bar Hama in the name of R. Isaac. This position holds that the reason is "marriages." As Rashi elaborates, this means that beer of non-Jews was prohibited in order to discourage Jews from regularly attending Gentile festivities.⁴⁹ Therefore, the reason תנאי חנוכה may be translated "to prevent intermarriages."

Rab Nahman has an alternative reason, namely, because of the prohibition against uncovered liquids. We note here

that what follows is one of the Gemara's methods of clarifying what it sees is an unclear statement. After citing the authority, a question is asked about the circumstances of his statement. A few possibilities are suggested and rejected as explanations of what was intended. Then, the Gemara remarks that the teaching is "necessary," and supplies the pertinent circumstance to which it may be applied. In our case, the question asked is: What was left uncovered, that this prohibition should effect the beer of non-Jews? If the answer is the beer while in the process of brewing, the Gemara points out that Jews also do that. Or, if the answer is the beer while in the vat, Jews leave it uncovered there as well.⁵⁰ Finally, if we say that it is the barrel they leave uncovered, Jews do the same.⁵¹ The Gemara understands the correct answer to be that the prohibition of uncovered liquids applies when the water used for the beer is allowed to settle in a container until it is clear. If this was a method employed by Jews we may assume that when they did this they covered the water, for without question water is subject to the law of prohibited liquids left uncovered.⁵² However, we cannot presume that a Gentile would cover the water he was allowing to settle.

If this is the operative reason for the prohibition, then, so reasons the Gemara, it follows that mature or old beer should be permitted. Support for this assertion comes from Rab,⁵³ who said that mature liquor is permitted, for

venom would not let it mature, and wine that has just fermented is permitted for the same reason. In the case of the beer of Gentiles, however, we learn that this does not apply. For the Gemara decides that, "the decree against mature (beer) was made on account of new (beer)." It is a safeguard, for were there to be a question about the use of old beer, one might come to treat the prohibition against new beer lightly. So, both are forbidden.

Following this are examples of the personal practices of different sages with respect to drinking the beer of non-Jews. We find the Gemara understands their actions in relation to their view of the reason for the prohibition. In this part of the sugya support is given to two of the reasons offered above (viz., because of laws prohibiting use of liquids left uncovered and intermarriage), a third is suggested, and finally, there is one sage who goes against the ruling altogether.

It is first reported that Rab Papa was brought beer (made by a Gentile) at the door of his store and he drank it. Someone brought Rab Aḥai beer at his house and he drank it. The Gemara says that both agree that the prohibition of such beer is to prevent intermarriage. That is, they felt they could drink it in their own domain, for that would not lead to social relations with Gentiles, where one might cast ones eye upon a Gentile woman. The Gemara remarks, however, that Rab Aḥai took extraordinary caution.

The implication is that he insisted on even further distance from Gentiles before he would drink their beer. The Tosafot's comment here is instructive, for it further clarifies the prohibition. They say that,

In any case, both (sages) would not drink beer in the home of Gentiles. Therefore, one must be careful not to drink beer in the home of a Gentile, for Rab Papa and Rab Aḥai, who were late (authorities), did not. However, one who is lodging in the home of a Gentile might be permitted to send to the city to buy beer from a Gentile, for it would be like (bringing it into) the home of a Jew. Even if a Gentile is his guest and gives (the Jew) his own (beer, the Jew) may drink it to avoid enmity. They did not forbid (drinking Gentile beer) because of intermarriage, but rather specifically drinking it at weddings or regularly drinking in the home of Gentiles. However, a chance incident (was not forbidden.)⁵⁴

It is interesting to note here, and we shall see the same below, that the prohibition is not in itself challenged, not by the authorities cited, the Gemara, nor by the Tosafot. Nonetheless, they reason that the prohibition may be interpreted in a way that allows for exceptions to the law under certain circumstances.

The example that follows happens to challenge the above, for Rab Samuel bar Bisna was strict in the matter of Gentile beer. We are told that he was once in Marguan. Rashi's comment about this place is important. He says that the Jews there were not particular about drinking the wine of Gentiles.⁵⁵ With this, the incident is more easily understood, for when Rab Samuel bar Bisna was brought wine he did not drink it, and when they brought him beer he did

not drink it. There is no problem with respect to wine, but, asks the Gemara, Why did he refuse the beer? The answer given is that his refusal was based on "a suspicion of a suspicion." He felt that the decree against the beer was a safeguard against using Gentiles' wine. Were the beer to be permitted, he feared, it could lead to carelessness and eventually to drinking their wine. If Rashi's comment about the Jews of Marguan is correct, then this reasoning was particularly appropriate.

Rab ruled in a contradictory fashion. To him was attributed the statement that the beer of a Gentile is permitted, though he would not let his son drink it. The Gemara rightly asks, "Which way do you want it? If it is permitted, it should be permitted for everyone. If it is forbidden, it is forbidden for all!" The response to this is that as far as Rab was concerned, the beer had been prohibited because of the law against drinking liquids left uncovered (in agreement with Rab Nahman above). But, he reasons, the bitter taste of the hops counteracts any venom, and only one who is sickly would get ill from it. And, the Gemara continues, *Hiyya*, Rab's son, was sickly. This was the consideration that led Rab to forbid his son to drink Gentile beer. This is interesting, for it clearly explains that the law against drinking liquids left uncovered was enacted for reasons of hygiene. Understood this way, the prohibition of Gentile beer, unlike other prohibited

things, was not made for theological or social reasons.

A comment by Samuel, of no real importance to our subject, continues this topic of health. He states that all reptiles have venom and that the venom of the serpent is fatal, while that of others is not. It is then reported that he said to Rab's son Hiyya that "swollen Gentiles do not die from drinking liquids left uncovered because their bodies develop an immunity from eating abominable and creeping things." Perhaps Hiyya understood better why his father did not let him drink the beer of Gentiles once he heard Samuel's explanation.

Our discussion of Gentile vinegar comes to a close with a comment on such vinegar made from the beer of Gentiles. Literarily this is a fitting conclusion to a long discussion which began with vinegar and ended with beer. In the light of what has been said in these pages, we might speculate what the ruling would be with regard to the present question. On the one hand, in his comment on the Mishnah, Albeck stated that vinegar made from something other than wine is permitted.⁵⁶ In the discussion on beer, there were those who followed Rami bar Hama's line of reasoning that the prohibition of Gentile beer was a safeguard against inter-marriage. They purportedly would drink this beer in their own domain, relying on this reason to justify their action. Based on this evidence, we might think vinegar made from Gentile beer would be permitted. On the other hand, we have

the statements of Rab Nahman and Rab Samuel bar Bisna, which do not allow for drinking Gentile beer under any circumstances. Therefore, using the reasoning of the Gemara at the beginning of this section, we might posit that vinegar made from the beer of non-Jews would be forbidden, for why suppose that the prohibition against their beer would cease to be effective once it was used to make vinegar?

In fact, the Gemara does not reason like this, and its method is much simpler. Rab Joseph says that the vinegar is forbidden because Gentiles mix dregs of libation wine with it. Rab Ashi states that if it had been stored it is permitted. He thinks that if libation wine had been mixed with it the vinegar would have spoiled if kept. Therefore, there is a sure way of determining if libation wine was added to the vinegar. If it was not, Rab Ashi sees no reason for prohibiting it. We cannot be sure if Rab Ashi reasoned as I did above, but it is a possibility. It is certainly plausible to assume that so far as Gentile beer is concerned, he would probably take the Rab Nahman view of the prohibition, which we saw interpreted most leniently.

Scheme--Vinegar

1. Statement: The Mishnah's prohibition is obvious.

Rab Ashi: The reason for the prohibition is to teach that vinegar belonging to a Jew that is entrusted to a Gentile does not require a double seal.

Reason: A single seal will deter a Gentile from exchanging his own vinegar with the Jew's.

2. Baraita (quoted by R. Elai): Boiled wine of a Gentile that originally was his own wine is prohibited.

Comment: This is obvious.

Rab Ashi: The reason for the Baraita is to teach that a Jew's boiled wine entrusted to a Gentile does not need a double seal.

Support: A double seal is not required because boiled wine is not used for libations, and a single seal will deter him from exchanging his wine with the Jew's.

3. Baraita: Boiled wine and alontith are forbidden; prepared alontith is permitted.

Question: What is alontith?

Answer: A mixture of old wine, clear water, and balsam.

4. Rabbah and Rab Joseph: Diluted wine is not prohibited by the law forbidding the use of liquids left uncovered. Boiled wine is not prohibited due to the suspicion that it may have been used for a libation.

Incident: Samuel was sitting with Ablet and said that boiled wine is not suspected of being used as libation wine.

Incident: R. Hiyya says that the law prohibiting the use of liquids left uncovered does not apply to boiled wine.

Incident: Rab Adda bar Ahaba says that the law prohibiting the use of liquids left uncovered does not apply to diluted wine.

Objection (Rab Papa): Snakes drink wine that is slightly diluted.

Conclusion (Raba): Diluted wine is not forbidden when left uncovered, and is suspected of being used for a libation, but neither of these hold for boiled wine.

5. Incident: R. Hilkiyah affirms that water left uncovered is prohibited.
6. Gemara: Rab did not drink water in the home of a Gentile but he did drink it in the home of a Jewish widow. Samuel did not drink water in a widow's house, but did so in the home of a Gentile.

Alternative Version: Samuel would not drink water either in the home of a Gentile or a widow.

7. Raba: Wine that has formed a film is susceptible to the prohibition of uncovered liquids during the first three days, and is suspected of being used for a libation; thereafter, neither of these apply.

Gemara: In Nehardea it was held that even after three days the law of uncovered liquids still applies.

8. R. Judah b. Batyra: There are three types of wine: libation wine, ordinary wine of a Gentile, and wine of a Jew entrusted to a Gentile (which a Jew may not drink after entrusting it to the Gentile).

Objection: Mishnah Demai 3:4, which rules on a Jew's produce entrusted to a Gentile.

Resolution: A Jew can derive benefit from wine entrusted to a Gentile when the Gentile assigns him a corner in the room.

Comment: When a Jew is assigned a corner he may even drink the wine stored there.

Support: A teaching of R. Tanhum that it is permitted to drink the wine a Jew entrusts to a Gentile. (Note the contradiction with R. Judah b. Batyra.)

R. Ze'ira: R. Judah b. Batyra's view is in agreement with the rabbis and R. Tanhum's view is in harmony with the opinion of R. Eliezer (based on a dispute in a Baraitha).

Comment: The law in the Baraitha quoted by R. Ze'ira is in accordance with R. Eliezer.

9. R. Eleazar: Everything is sufficiently guarded with one seal except wine.

R. Johanan: Even wine is guarded with one seal.

Explanation: One view is in agreement with R. Eliezer and the other with the rabbis (in R. Ze'ira's statement above).

Alternative Version: R. Eleazar said everything is sufficiently guarded with a double seal, except wine. R. Johanan held that even wine is guarded by a double

seal.

Explanation: Both agree with the view of the rabbis but disagree as to the nature of the dispute between the rabbis and R. Eliezer.

10. Baraitha: The wine of En-Kusi is forbidden because of Birath-Sirika; the wine of Borkata is forbidden because of Kefar Parshai; the wine of Zagdar is forbidden because of Kefar Shalem. Later, the ruling was that wine in open casks is forbidden; wine bought from Samaritans in closed casks is permitted.
11. Gemara: The original reasoning was that Samaritans are not careful about the touch of idol worshippers, whether the casks are open or closed. Later, the reasoning was that they are unconcerned about the touch of idol worshippers when the casks are open, but are careful when they are closed.
12. Objection: A Baraitha states that if a Jew sends a cask of wine with a Samaritan he must recognize the seal and the way he closed it for the wine to be permitted.

Resolution (R. Ze'ira): One Baraitha refers to the city, the other to the road.

13. Objection (R. Jeremiah): The wine of the city came by the road.

Resolution (R. Jeremiah): The first Baraitha refers to casks closed near the wine press.

14. Question: Why was beer of Gentiles forbidden?

Answer 1 (Rami bar Hama--R. Isaac): To prevent inter-marriages.

Answer 2 (Rab Nahman): Due to the prohibition of uncovered liquids.

15. Question: What might have been left uncovered?

Possibility: The beer while brewing.

Refutation: Jews also do this.

Possibility: The beer while in the vat.

Refutation: Jews also leave beer in the vat uncovered.

Answer: The water used to make the beer.

16. Gemara: It follows that mature beer should be permitted.

Support: Rab said that mature beer and wine that has just fermented are permitted.

Refutation: Rab's rule does not apply to mature beer of Gentiles, for it was prohibited as a safeguard against their new beer.

17. Incident: Rab Papa drank beer of a Gentile at the door of his store.

18. Incident: Rab Aḥai drank beer of a Gentile in his home.

19. Comment: Both agree the prohibition of the beer is to prevent intermarriage.

20. Incident: Rab Samuel bar Bisna was brought wine and beer while in Marguan and drank neither.

21. Question: Why did he refuse the beer?

Answer: Because of a suspicion of a suspicion.

22. Rab: Beer of Gentiles is permitted, but I do not allow my son to drink it.

Question: Which way do you want it? (If it is permitted, it should be permitted for everyone.)

Answer: To Rab, beer was prohibited because of the law of uncovered liquids, but it will only make a sickly person ill. His son was sickly.

23. Samuel: Statement about snake venom.

24. Rab Joseph: Vinegar made from Gentile beer is forbidden.

25. Rab Ashi: If it had been stored it is permitted.

Reason: If libation wine was mixed with it, the vinegar would spoil if stored.

3. Hadrianic Earthenware (32a)

The discussion about Hadrianic earthenware involves defining the term and then a sugya concerned with a related issue. Rab Judah in the name of Samuel said that these utensils are "earthenware of Emperor Hadrian," i.e., a kind of pottery named for him.⁵⁷ Rab Dimi supplies more details of the background of Hadrianic earthenware.⁵⁸ He adds that the land was "virgin land" when tilled and planted by Hadrian. The wine produced was poured into unglazed pitchers⁵⁹ which absorbed the wine. They were then broken and the shards were carried by the troops wherever they went. They could soak the shards and drink the diluted mixture of wine.⁶⁰

Having clarified what exactly is the issue, the Gemara discusses the use of these pottery shards. The question first asked is, can they be used to support the legs of a bedstead? Then, the question is posed regarding the broader issue involved: Is preserving something forbidden (in this case the wine in the shards) for another purpose (supports for the bedstead) permitted or forbidden. Rashi adds further that the Jew in our case wishes to use the preserved libation wine not for its sake, but for the shards.⁶¹ The answer the Gemara gives is that between R. Eleazar and R. Johanan we find one permitted the use of the shards and the other did not.⁶²

Both the permissive and strict positions are challenged.

First, the Gemara cites a passage from Tosefta which challenges the authority who permitted the use of the shards. In this Baraitha (which will be cited in full below), Rabban Simeon b. Gamaliel ruled in the name of R. Joshua b. Kapusai that it is forbidden to make covers for an ass from the leather made into bottles by Gentiles. So, the situation parallels the circumstances above, for the Jew wishes to preserve something forbidden (the forbidden wine in the leather bottles) for another purpose (covers for an ass).

The response to this objection is two-fold. The Gemara itself finds a logical inconsistency in the reasoning used. According to the objector it should be forbidden for Jews to sell pitchers of non-Jews. But in our Mishnah the majority of the rabbis decided against R. Meir and ruled that the prohibition against them does not extend to deriving benefit.⁶³ So, why should there be a distinction between leather bottles and pitchers?

In the second response, Raba attempts to reconcile the apparent contradiction between the one who would permit the use of the shards and the Baraitha quoted in objection to his opinion. Raba explains that the reason benefit may not be derived from the leather bottles in the Baraitha is because of the fear that a Jew may come to use them to patch his own leather bottle. Rabbenu Hananel's comment to this is vital to understanding Raba. He added that the pottery shards (the use of which either R. Eleazar

or R. Johanan permitted "for another purpose," and which the objector, on the basis of the Baraitha, thinks should be prohibited) have already fulfilled their purpose and can no longer function; they are of no use. Therefore, they may be used for something else. The leather from the bottles, however, can still be used to patch other leather bottles; for this reason, their use "for another purpose" is forbidden.⁶⁴

To the one who forbade the use of the pottery shards the problem posed again reverts to our Mishnah. There, a Jew may derive benefit from the pitchers of non-Jews. Why the difference? The Gemara's answer is that with respect to the pitcher it can be said that the forbidden matter is not present in substance, whereas in the case of the shards, due to the wine purposefully allowed to absorb into them, the forbidden matter is present. Such presence is the decisive element in this situation, and explains the prohibition. Thus, the Gemara has challenged and substantiated both views with regards to the use of shards of Hadrianic earthenware. The question about the use of something forbidden for a purpose not originally intended for that object is undecided by our passage.

Scheme--Hadrianic Earthenware

1. Question: What is Hadrianic earthenware?

Answer (Rab Judah--Samuel): "Earthenware of the emperor

Hadrian."

Rab Dimi: More details of how it was used.

Rab Joshua b. Levi: Comments about the superiority of the wine put in Hadrianic earthenware.

2. Question: Can the shards be used to support the legs of a bedstead? Is preserving something forbidden for another purpose forbidden or permitted?

Answer: Between R. Eleazar and R. Johanan one permitted and the other did not.

3. Objection (to the one who permitted): A Baraitha which says it is forbidden to make covers for an ass from the leather flasks of Gentiles.

Responses: (1) Why the distinction between leather bottles and pitchers? (2) Raba said the use of leather flasks was forbidden due to a fear Jews would use them to repair their own flasks.

4. Objection (to the one who prohibited): What is the difference between the use of the shards and the ruling that benefit may be derived from pitchers of Gentiles?

Response: Of the pitchers we say the forbidden matter is not present in substance; in the case of shards it is.

4. Skins pierced at the Heart (32a-32b)

The material on the issue of skins pierced at the animal's heart is quite short. First a Baraitha is cited which seems to add to the Mishnah. From it we learn that such a skin, when forbidden, will have a drop of blood on it. This, says Rashi, is an indication that the heart was removed while the animal was alive.⁶⁵ If there is no drop of blood, the hide is permitted. Rab Huna adds a qualification to the Baraitha. The statement about the drop of blood applies when the skin around the puncture has not been

treated with salt. If it has, then regardless of all else, the hide is prohibited, for the salt would have removed the drop of blood. This treatment makes it impossible to determine if the heart was taken out as an act of idolatry. Since this does not appear to contradict the Mishnah (nor is it introduced in the Talmud as a contradiction), I assume that the stipulation about the drop of blood is an additional condition to that of Rabban Simeon b. Gamaliel regarding the shape of the puncture. This being the case, we now have it that a skin pierced at the animal's heart is forbidden if the puncture is round and there is a drop of blood found on it (or if it had been treated with salt as a cover-up of sorts).

Further indication that the Baraitha provides additional and not contrary ways of deciding whether hides pierced at the heart are forbidden or not comes from what follows. After quoting the Mishnah, "Rabban Simeon b. Gamaliel says that when the puncture is round (the hide is) forbidden, when oblong, it is permitted," the Gemara cites Rab Joseph in the name of Rab Judah speaking in the name of Samuel, that the law is in accordance with Rabban Simeon b. Gamaliel. Abaye is then reported to have said to Rab Joseph that this statement implies that there was a dispute. When Rab Joseph responds that this is not important, Abaye answers, "Is Gemara like singing a song?" In other words, the statement about the law resting with Rabban Simeon b.

Gamaliel is unnecessary if in fact there was no dispute.⁶⁶ I conclude, therefore, that the Baraitha is not brought to contradict the Mishnah.

Scheme--Skins pierced at the Heart

1. Baraitha: A skin pierced at the heart with a round hole and a drop of blood on it is forbidden. If there is no sign of blood it is permitted.
2. Rab Hunā: This applies when the skin has not been treated with salt. If it has, the hide is forbidden.
3. Mishnah: Rabban Simeon b. Gamaliel says when the puncture is round the hide is forbidden, when oblong it is permitted.
4. Statement (Rab Joseph--Rab Judah--Samuel): The law is in accordance with Rabban Simeon b. Gamaliel.
5. Abaye: This implies there was a dispute.

Rab Joseph: Is that important?

Abaye: "Is Gemara like singing a song?"

5. Meat taken to or brought from idolatrous festivals (32b)

R. Akiba's statements in the Mishnah on meat being taken to or from an idolatrous gathering engendered little Amoraic discussion. Before we see what was said about this issue, a few preliminary remarks might be helpful. It is obvious, first of all, that the permission and prohibition involve use of or benefit from the meat, for a Jew would have no interest in eating it. So, we are dealing with a Jew buying this meat in order to resell it, give it as a gift⁶⁷ to another non-Jew, or something along these lines.

Also, since the Tanaitic period, the concerns which the sages had with respect to non-Jews had changed. Idolatry as such was not as great a threat to them as it was to the authorities of the Greco-Roman period. Because the reference here seems to be to actual idol worship, it is not an issue which occupied the later generations to the same degree. The discussion being as short as it is, it seems that unlike other theoretical debates in the Talmud, the concern of this part of our Mishnah was no longer considered important. Rather, it is more like certain tractates of the Mishnah uncommented upon at all by the Gemara because of their relevance only for the land of Israel.

With respect to meat being taken to an idolatrous gathering, the question asked is with which other Tanna does Akiba's view agree. A positive answer is not given, but rather, R. Hiyya bar Abba in the name of R. Johanan replies, "Not R. Eliezer, for he taught that the thought of idol worship is on the mind of an idolater." As Mischon explains, this means that at the time of the animal's slaughtering the idolater had already designated it in his mind as an act committed for the sake of idol worship.⁶⁸ That is, the animal became an idolatrous offering when slaughtered and before it was taken to the place the meat was to be offered as a gift to a god.⁶⁹ The question of the Gemara, then, does little more than inform us that there was a view opposed to the prevailing opinion of R. Akiba. If this is true, then

we can describe his reasoning. He must have felt that the meat does not become an idolatrous offering until it is actually delivered to the place of idol worship. The thoughts of the one who slaughtered it is not decisive, but the actual offering is. Therefore, when the Gemara asks for the reason meat taken from a place of idolatry was forbidden, the answer is that in that case there is no doubt that the animal was sacrificed for idolatrous purposes.

The Gemara again asks, with whose opinion does R. Akiba's view of meat coming from an idolatrous gathering agree? The answer is that R. Judah b. Bathyra held a view in accordance with R. Akiba. He provided Scriptural support (Ps. 106:28) for the rule that the sacrifice to idol worship defiles by overshadowing.⁷⁰ He makes the analogy based on that verse that, "Just as a corpse defiles by overshadowing, so do sacrifices of the dead."⁷¹ The similarity in thought between R. Judah b. Bathyra and R. Akiba is their equating idolatrous sacrifices with things pertaining to corpses.

Scheme--Meat taken to or brought
from idolatrous festivals

1. Question: With whose view does R. Akiba's opinion agree?

Answer (R. Hiyya--R. Johanan): Not with R. Eliezer's view that the thought of idol worship is on the mind of the idolater.

2. Mishnah: Meat brought from an idolatrous festival is forbidden.
3. Question: What is the reason?

Answer: There is no doubt that the animal was sacrificed for idolatrous purposes.

4. Question: With whose opinion does R. Akiba's view of meat coming from an idolatrous festival agree?

Answer: With R. Judah b. Bathyra.

6. Business relations with idolaters going to and coming from their festivals--(32b-33a)

The last rule found in the first part of the Mishnah is that Jews may not conduct business with idolaters on their way to one of their festivals, but may do so with those on their return journey. The Gemara, once again, has little to add to this, one reason being that they had no other Tannaitic source to challenge it. Rather, the Talmud is more interested in the question of a Jew going to an idolatrous festival. Also, there is a short discussion on a situation close to that of the Mishnah, once again with the Gemara's interest centering on a Jew's involvement in objectionable activities.

The sugya opens with a statement by Samuel which gives reasons for the Mishnah's rules, and expands on them. He states that with an idolater on the way to a festival one may not conduct business "...for he goes and gives thanks to idols." That is, the non-Jew will look at any dealings he has as an act which the idol made possible. Out of gratitude he will thank that idol (or god) for the opportunity. We might ask what difference that makes to

the Jew. Yet when we consider that this would make the Jew an accomplice to an act of idol worship, that the non-Jew expressed gratitude to an idol for something the Jew did, we understand the gravity of the Jew's involvement. Though not stated here, the Jew would be guilty of trespassing the injunction, "Before a blind person do not place a stumbling block" (Lev. 19:14).⁷² Samuel also explains that a Jew may have business relations with an idolater returning from a festival, for, "what has happened has happened." The Jew's conducting business with him at this point will not in any way contribute to idol worship.

Samuel goes on to say that the opposite of what the Mishnah ruled applies to a Jew going to and coming from an idolatrous gathering. It is permitted to conduct business with him on his way, for there is the possibility that he will change his mind and not go. But with a Jew returning from such a festival it is forbidden, "for he is attached to (idolatry) and will return again and again."

Perhaps it is not surprising that a Baraitha is cited which is stricter than Samuel's opinion. If idolatry was a greater threat to the author of this Tannaitic statement, then we might expect the ruling that with a Jew either going to or returning from an idolatrous festival it is forbidden to conduct business. The Gemara understands this, and reconciles it with Samuel's view by citing Rab

Ashi. He asserted that the Baraitha refers to a Jewish mumar. If he is on his way to an idolatrous festival, we hold no hope that he will change his mind. Therefore, similar to the case of a non-Jew on his way to a festival, it is forbidden to conduct business with him. What remains a bit unclear is why Jews may conduct business with idolaters when returning from their gatherings. Samuel's reason is enigmatic, and considering what he said about the Jew, it is especially puzzling. If Jews are to avoid dealing with a fellow Jew returning from an idolatrous festival because he is sure to return "again and again," should the same not apply with equal if not greater force to a non-Jewish idolater?

The second part of this sugya begins with a Baraitha similar to the last, with the difference that the destination is a market fair (קריית). Whether or not an idol worshipper is headed for or returning from one, Jews may do business with him. With a Jew it is the same as in the case of an idolatrous festival: if he is on his way to one it is permitted to conduct business with him, but it is forbidden when he is returning.

The problem pointed out above regarding the difference between the case of a Jew and non-Jew returning from an idolatrous festival is precisely the issue taken up by the Gemara with respect to this Baraitha. So, the question is asked, What distinguishes the Jew, that it should be for-

bidden to do business with him when returning from a market fair? The answer is, "We say he sold articles of idol worship and has idol worship money on him." This explains the reason for the prohibition, but, as the Gemara makes clear, it does not answer the question. So, it points out that the same could be said of an idolater. The response is that we assume that a non-Jew sold a garment or wine. Could we not presume the same to be true with the Jew? No, for had he these goods to sell, the Gemara reasons, he would have sold them "here," i.e., to Jews. The distinction, then, is this: if a Jew goes to do business at a market fair there must be a specific reason. The understanding here is that what he has to sell are wares he could not sell to Jews because they are used for idol worship. A Gentile, however, might go to the market fair as a regular part of his business to sell common goods that he could sell anywhere. Therefore, the money he carries away from the fair is not presumed to be "the money of idol worship," but rather the money of ordinary business transactions.⁷³

The last comment of this sugya sheds more light on the problem mentioned above. To the Mishnah's statement that it is permitted to do business with those returning from an idolatrous festival, R. Simeon b. Lakish adds a proviso. He says this applies to those who do not return in bands, "...but if they do, it is forbidden, for we say that it is the intention (of those in a band) to return."

This brings the cases of the Jew and non-Jew into harmony. With a Jew we assume that if he goes once to an idolatrous festival he is sure to return. With a non-Jew there is a question about whether or not he intends to go again.

Scheme--Business relations with idolaters going to and coming from their festivals

1. Samuel: It is permitted to do business with a Jew going to an idolatrous festival, for he may change his mind; with a Jew returning from one it is forbidden, for he will most likely go again.
2. Baraitha: It is forbidden to do business with a Jew either going to or returning from an idolatrous festival.
3. Reconciliation: Rab Ashi says the Baraitha refers to a mumar.
4. Baraitha: Jews can do business with idolaters going to or coming from a market fair. It is permitted to do business with Jews going to a market fair, but forbidden when they are returning.
5. Question: Why is it forbidden to do business with a Jew returning from a market fair?

Answer: He sold articles of idol worship and has idol worship money.

Statement: The same could be said of an idolater.

Answer: We assume he sold a garment or wine.

Question: Could we not say the same of the Jew?

Answer: He would sell those things to Jews.

6. R. Simeon b. Lakish: If idolaters return from a festival in bands it is forbidden to do business with them.

7. Skin Bottles and Pitchers (33a-34a)

We now begin discussing the disputes in the Mishnah between R. Meir and the majority of the rabbis. The first topic is skin bottles and pitchers belonging to Gentiles. R. Meir holds that the prohibition extends to all benefit; the rabbis believe that a Jew may derive benefit from them. The Gemara deals primarily with the issue of the pitchers--how they may be purified, the law regarding different kinds of pitchers, and whether there is a halakhic distinction for different glazes. This section begins with a short discussion of skin bottles.

A Baraitha is quoted which distinguishes different kinds of skin bottles. It states that new skin bottles not lined with pitch are permitted, but if they are old or lined they are forbidden.⁷⁴ If a Gentile lined them with pitch and tans the skins, and puts wine in them while a Jew observes, the Jew need not be concerned. That is, if the Gentile lines a new skin bottle, the concern would be that libation wine had been absorbed by the pitch, making the bottle forbidden. Rashi explains that in our case the wine is poured in while the pitch is hot to take away its bitter taste.⁷⁵ (Further on we will see why this one contact with Gentile wine does not render the bottle forbidden.) If a Jew observes this procedure, he can see that wine is not poured in after the pitch cools.

The last part of the Baraitha is confusing, in that

it is unclear why the contact with the wine does not make the bottle forbidden. So, the Gemara asks, "Since the Gentile poured wine into it, of what avail is it that a Jew watched?" Rab Papa answers with a textual emendation. He says the Baraitha should be understood as saying that if a Gentile lined the bottle with pitch and tans it, and a Jew pours wine into it while another Jew stands near the Gentile, he need not be concerned. The Gemara objects to Rab Papa's restatement of the Baraitha. The problem had been the Gentile pouring wine into the pitcher, so what purpose does the Jew standing by serve? The response is that it might happen that while the Jew is busy with the flask and wine the Gentile might pour some out as a libation without being noticed. The other Jew can keep an eye on him. This anonymous answer is forced, and is an indication that Rab Papa's resolution is unacceptable.

Rab Zebid reverts to the original wording and provides another explanation of the Baraitha. It is his view that when the Gentile pours wine into the flask it is similar to mixing water in mortar. That is, "the wine soaks completely into the pitch and eliminates its taste. Similarly, water mixed with mortar disappears when the plaster dries, and it is as though the water never existed. Wine, too, soaks thoroughly into the wet pitch and when it dries, the wine has disappeared and will never come out of the pitch."⁷⁶ Rab Papi tries to apply the implied principle suggested by

Rab Zebid, and says that it should follow from what he said that if a Gentile poured wine into a Jew's salt cellar, the salt would be permitted.⁷⁷ He is refuted by Rab Ashi, who is able to discern a significant difference between the two cases. Rab Zebid used his reasoning for an instance where the wine has disappeared, whereas in the case of Rab Papi it does not. Rashi⁷⁸ states with regard to this that the wine imparts a flavor to the salt which remains, and the salt will never thoroughly dry. Therefore, Rab Ashi demonstrates that the two cases are not analogous.

This concludes the examination of the Baraitha. Now that it has been understood, it is clear when skin bottles of Gentiles are permitted to Jews (though we shall see that the Gemara will have more to say about this). The text continues with a discussion of the method of purifying vessels which have been used previously by Gentiles. By means of this process, they may in turn be used by Jews.

This discussion begins with an incident that happened to Rab Isaac bar Joseph. We are told that an Arab, Bar Adi, seized a wine flask of his, kept wine in it, then returned it to him. Rab Isaac went to the Bet Hamidrash to inquire what the law is with respect to his vessel. He was told by R. Jeremiah that R. Ammi taught a "practical law"--
 הלכה למעשה --to the effect that the vessel should be filled with water for three days and then emptied. Raba is then quoted, and he clarifies by saying that the water must be

emptied "from time to time." Rashi explains that by this he means each of the three days some of the water is poured out, and the vessel is refilled with more water.⁷⁹

The ruling of R. Ammi is pursued with the aim of determining its applicability to different cases. The Gemara first comments that the halakha was understood to apply only to vessels of Jews that need purification. In an incident like the one mentioned that occurred to Rab Isaac, the vessel had originally absorbed kosher wine. Gentiles' vessels, on the other hand, absorb libation wine originally, and merely filling them with water for three days is not sufficient to purify them for Jewish useage. Rabin, however, instructs otherwise. When he came from Eretz Israel he reported that R. Simeon b. Lakish said with respect to the procedure of R. Ammi, that there is no difference between the vessels of Jews and non-Jews. Rab Aha son of Raba then says to Rab Ashi that the procedure is limited to the purification of skin bottles, but not to earthenware pitchers. Rab Ashi responds that this is not so, that the method is applicable to both. The next discussion substantiates his view.

If we recall, the beginning of this section distinguished between new unlined skin bottles of Gentiles (which were permitted to Jews) and old or unlined ones (which were forbidden). The Gemara dealt with the question of Gentile wine used in the procedure of lining the flasks

with pitch. In light of the above, it now seems that old and lined flasks too may be permitted if purified by the method supplied by R. Ammi.

The Gemara now turns specifically to earthenware vessels. A Baraitha (which in style closely resembles the Baraitha that opened this section) is quoted, which is in harmony with what we already know about the procedure for purifying vessels. It states that the pitchers of non-Jews that are unlined with pitch and new are permitted, while old or lined ones are forbidden. It continues to explain that if a Gentile has put wine into old or lined pitchers, the Jew may purify it with water. Or, if he has kept wine in it, a Jew may put bran or fish brine into it (without purification). Both Rabbenu Hananel⁸⁰ and Rashi⁸¹ explain that this permission is given in this case because bran and fish brine, being bitter, consume, or, in effect annul, the wine absorbed into the pitcher. As we saw above in the discussion of wine used to eliminate the bitterness of the pitch, if the forbidden substance is annulled, it is considered as though it never existed.

This Baraitha has provided Tannaitic support for Rab Ashi's statement to Rab Aha above. Now, the question is asked whether the permissive ruling regarding the use of Gentile vessels for bran or fish brine without the purifying procedure is applicable a priori or only ex post facto. Rab

zebid bar Oshaia responds to this question by citing a Tannaitic statement to the effect that it does apply a priori.

There is another method of purifying vessels discussed next by the Gemara. Since it is an alternative to the procedure with water, the question (asked by R. Judah Nesi'a) about using it in the case of a Jew acquiring a vessel of a non-Jew is directed to R. Ammi (who was the authority to whom the water procedure was ascribed). This other method is for the Jew to place the vessel in a furnace. R. Ammi's response is simple: if bran has the effect of cleansing the vessel, all the more so does fire. We saw above that bran was seen as achieving this effect by "annulling" or "consuming" wine absorbed by the vessel. To R. Ammi there is no question that placing the vessel into a furnace would do the same at least as well if not better than bran. Furthermore, corroboration for this view comes from R. Johanan,⁸² who said explicitly, "Pitchers belonging to Gentiles that have been returned to a furnace are permitted when the pitch has been burned off of them."

Along the lines of returning vessels to a furnace is a dispute over whether or not holding a burning chip in the vessel to melt the pitch can make it permitted. It would seem that this is introduced with a statement by Rab Ashi about the effectiveness of using heat to purify a vessel. He says that the pitch does not have to burn off, but so long as it is loosened, the vessel is permitted. This

apparently gives rise to what follows. We are told that between Rab Aha and Rabina, one held that the burning chip is sufficient, while the other held the contrary view. The Gemara comments that the law is in accordance with the strict opinion. This being the case, the Gemara has refuted Rab Ashi's view that when the pitch is loosened, a Gentile's vessel placed in a furnace is permitted.⁸³

Rashi informs us of the difference between putting the vessel in a furnace and holding a lighted chip in it. The furnace heats the pottery throughout, while the chip only melts the pitch. From this he infers that just cleansing the inside does not make the vessel permitted; rather, it must be fully purified. So, to Rashi, the method of R. Ammi requires hot water. Otherwise, he says, the vessel must remain unused for twelve months before it is permitted.⁸⁴

The Gemara now considers whether beer, like fish brine and bran, may be put in a Gentile's vessel without cleansing it. In essence, the question is, Does beer have the effect of annulling the wine absorbed into the vessel? According to Rab Nahman and Rab Judah the answer to this inquiry is no; Raba, however, ruled to the contrary. The text itself does not indicate the prevailing opinion,⁸⁵ but a story is recounted where Rabina acted in accordance with the lenient view of Rab Nahman and Rab Judah. The story is instructive, for it shows just how lenient Rabina's

opinion was. He allowed Rab Hiyya son of Rab Issac to pour beer into a Gentile's pitcher, but he unintentionally poured wine into it. The comment follows that even with this outcome Rabina "did not worry," calling it a "mere accident."

Since principles have been established regarding the cleansing of vessels of non-Jews for Jewish use, the Gemara explores their applicability to different kinds of vessels. Through examples of Amoraic practices, as well as their pronouncements pertaining to this subject, we learn the following (the names in parentheses are the sages to whom the rulings are attributed):

1. Vessels made of boxweed (clay and ordure) may be cleansed by means of water (Rab Isaac bar Bisna)
2. Vessels of natron (defined by the Gemara as vessels "made of crystals coming from an alumine") may never be cleansed, for they absorb a great quantity of wine⁸⁶
(R. Yosna in the name of R. Ammi)
3. Wine casks of Jews siezed by Gentiles and used by them to keep wine before being returned may be cleansed by water, for this is a case of "something used temporarily"
(Rab Judah)
4. Earthen jugs "of Arameans" may be cleansed with water, "since they do not absorb much" (Rab 'Awira)
5. Earthenware jugs from Be-Mikse⁸⁷ may be cleansed for the same reason as number 4 (Rab Papi)⁸⁸

The subject of earthenware drinking cups of Gentiles is also considered. The question involved is whether or not they may be cleansed so that Jews may use them. Rab Asi ruled that they cannot, while Rab Ashi said they could. Considering the comment of Rabbenu Hananel (see note 88), the view of Rab Asi is difficult to understand. If Rashi is correct in his comment about this issue, then the difference would be that the cups were apparently more absorbant than the two types of vessels about which Rabbenu Hananel remarked. The Gemara's understanding of the divergent views of Rab Asi and Rab Ashi is that if a Gentile drank from such a cup the first time it was used, "all agree" it may not be cleansed. They disagree when the second time the cup was used a Gentile drank from it. Another view of the argument is that there was agreement that if a Gentile used the cup the first two times that cup was used it may not be cleansed with water, and the disagreement comes with the third use. We are then told what the law is in this matter: if a Gentile drank from a cup the first and second times that cup was used it is forbidden to Jews. If it occurred the third time, it may be cleansed and permitted to Jews. It would appear that in the Gemara's view, by the third time it was used, a cup would no longer so new that it would absorb the Gentile's wine.⁸⁹

The next sugya in this section is a discussion of

glazes. The issue is the effect different glazes have on the purification of vessels that formerly belonged to Gentiles. R. Zebid said that if the glaze is white or black, "they are permitted," i.e., they may be cleansed for Jewish use. If the glaze is green it may not be cleansed, "because it contains crystals of alum." The point is that this glaze would absorb liquid freely, and the cleansing would not eliminate the libation wine absorbed by the vessel. We saw above that vessels of natron may never be cleansed for, being made of the same material, they absorb too much wine for the water procedure to be effective. R. Zebid concludes with the statement that regardless of the type of glaze, if it is cracked it may not be purified.

Opposing the view of R. Zebid is this statement of Meremar: "Glazed vessels, whether black, white, or green, are permitted." In B. Pesahim 30b we see that this statement was made with respect to vessels of Gentiles in which their wine had been stored, so the ruling that they are permitted means they may be purified and used by Jews. Meremar's position differs from R. Zebid's over the green glaze. The Gemara does not reconcile this difference of opinion, but questions the consistency of Meremar's view with his statement about the use of glazed vessels on Pesah. It is interesting to note that in the parallel passage (B. Pesahim 30b) Meremar first answers the question asked of him, "May glazed vessels be used on Pesah?" and

the Gemara then questions the consistency of his answer with his statement about glazes used in Gentile containers. Here, the sugya is arranged the other way around, which teaches us about the way in which the Talmud's redactor molded the material he had for different purposes. Regarding white and black glazes that are not cracked, Meremar said they absorb freely and are forbidden. The question, then, is, Why may glazed vessels of Gentiles be purified for Jewish use on the assumption that they do not absorb too much, but it is forbidden to use glazed vessels (of Jews!) on Pesah because they do absorb matter forbidden during that festival? In both the Pesahim passage and our sugya the Gemara eliminates the possibility of answering that the laws about hometz are Biblical while those of libation wine are rabbinical, for, "Whatever the rabbis decreed is considered as though it were ordained by Scripture." In our passage we cannot be sure who gave the final answer, but in Pesahim it is introduced by, "He said to him..." (אמר ליה), though there, too, the "he" cannot be identified. The difference is that the vessels being considered for use on Pesah were used with hot substances, which, as Rashi states,⁹⁰ absorb more readily than cold food. The Gentile vessels were used for cold substances.

The discussion of Gentile skin bottles and pitchers closes with an incident involving R. Akiba. The story is told that once he went to Ginzak,⁹¹ where he was asked

three questions which he could not answer. He sought the answers at the Bet Hamidrash. The question pertinent to our discussion is whether or not pitchers belonging to Gentiles are permitted or forbidden. The answer involves another method of purifying them so that Jews may use them. That is, according to the answer R. Akiba received, if they are put aside for twelve months they are permitted to Jews. As Rashi says, nothing additional need be done to them, but if a Jew wants to use them before then, he may use the water procedure discussed in this section.⁹²

Scheme--Skin bottles and pitchers

1. Mishnah: R. Meir holds the prohibition extends to all benefit; the rabbis do not.
2. Baraitha: New, unlined skin bottles are permitted; old or lined ones are forbidden. If a Gentile lines and tans them and pours wine in them while a Jew watched, the Jew need not be concerned.
3. Question: If the Gentile poured wine into it, what good is it that a Jew observed?

Answer (Rab Papa): The Baraitha should say a Jew pours wine in it while another Jew stands near the Gentile.

Objection: What purpose does the Jew standing near the Gentile serve?

Response: He can see if the Gentile pours a libation.

4. Rab Zebid: A Gentile pouring wine into a flask is similar to the case of mixing water in mortar.

Rab Papi: It follows that if a Gentile poured wine into a Jew's salt cellar, the salt is permitted.

Rab Ashi: The two cases are not analogous.

5. Incident: An Arab stole a flask of Rab Isaac and kept

water in it.

R. Jeremiah: R. Ammi taught that the vessel should be filled with water for three days and then emptied.

Raba: The water must be emptied daily.

6. Gemara: R. Ammi's method applies only to a vessel that originally belonged to a Jew.

Rabin: R. Simeon b. Lakish said there is no difference between vessels of Jews and non-Jews.

7. Rab Aha: The procedure of R. Ammi is limited to skin bottles and does not apply to earthenware pitchers.

Rab Ashi: There is no difference between the two.

8. Baraitha: If a Gentile put wine into old or lined pitchers a Jew may purify it with water, or he can put bran or fish brine into it without purifying it.

Question: Is the permission to use Gentile vessels for bran or brine without purification a priori or ex post facto?

Answer: Rab Zebid cites a Baraitha that says the permission applies a priori.

9. Question (R. Judah Nesi'a): Does placing a Gentile's vessel in a furnace purify it?

Answer (R. Ammi): If bran has a cleansing effect all the more so does fire.

Support (R. Johanan): Pitchers of Gentiles are permitted when placed in a furnace and the pitch burns off.

10. Rab Ashi: When the pitch is loosened the vessel in the furnace is purified.

Statement: Rab Aha and Rabina disagreed over whether or not placing a burning chip in a pitcher to loosen the pitch makes the pitcher permitted.

11. Question: May beer be put in a Gentile's vessel without purifying the pitcher first?

Answer: Rab Nahman and Rab Judah say no; Raba says yes.

Incident: Rabina allowed Rab Hiyya to pour beer into a Gentile's pitcher.

12. Discussion of different vessels of Gentiles and whether or not they may be purified with water.
13. Rab Asi: Cups of Gentiles may not be cleansed and used by Jews.

Rab Ashi: They may be cleansed and used by Jews.

14. Gemara: They disagree when the second time the cup was used a Gentile drank from it.

Another view: They disagree when the third time the cup was used a Gentile drank from it.

15. Statement: The law is that if a Gentile drank from a cup the first two times it was used the cup is forbidden. If he drank from it the third time it was used it may be purified and used by Jews.
16. R. Zebid: Vessels with white or black glazes are permitted; if the glaze is green, it is forbidden. If the glaze (of any color) is cracked, the vessel is forbidden.
18. Meremar: Gentile vessels with black, white, or green glazes that are not cracked are permitted.
19. Question: What is the difference between these vessels and the vessels purified for Pesah?

Support: Meremar's statement that white and black glazes absorb freely and may not be cleansed for Pesah.

Comment: One cannot answer that the laws about hometz are Biblical while those of libation wine are fabbinal.

Answer: Vessels to be used on Pesah were used with hot substances; the Gentile vessels were used for cold food.

20. Question (asked of R. Akiba): Are pitchers of Gentiles permitted or forbidden?

Answer: If they are put aside for twelve months they are permitted.

8. Shells of Grapes (34a-34b)

The next topic of discussion is shells of grapes and seeds. The sugya begins with a quote from a Baraita which expresses the ruling of the majority of the rabbis in our Mishnah that while they are fresh they are forbidden, but when dried they are permitted. The Gemara will define these terms then explain the extent of the permission and prohibition. The discussion concludes with statements about other items belonging to Gentiles that are prompted by the definition of "fresh" and "dry."

Rab Judah said in the name of Samuel that shells of grapes and seeds are considered fresh for twelve months. After one year they are dry. The law about them is detailed by Rabbah bar bar Hana in the name of R. Johanan. When they are forbidden the prohibition extends to deriving any benefit, and when permitted, they may even be eaten by Jews.

The twelve month waiting period is also applied to other food as well as to vessels. There are five examples provided by different Amoraim: R. Zebid said that dregs⁹³ of Gentile wine are permitted after this period; Rab Habiba the son of Raba taught that a vessel called abta⁹⁴ may be used after a twelve month period has lapsed; Rab Habiba ruled that leather wine bags of travelling (Gentile) merchants are permitted after twelve months; Rab Aha the son of Rab Ika said that kernels sold by Gentiles are permitted after one year; and finally, Rab Aha the son of Raba said

that after this waiting period "those red or black jugs are permitted.

Scheme--Shells of Grapes

1. Baraitha: While the shells of grapes and seeds are fresh they are forbidden, when dried they are permitted.
2. Question: What do "fresh" and "dry" mean?
Answer (Rab Judah--Samuel): They are fresh for twelve months; thereafter, they are considered dry.
3. Rabbah bar bar Hana--R. Johanan: When they are forbidden the prohibition extends to benefit; when permitted they may even be eaten.
4. R. Zebid: Dregs of Gentile wine are permitted after twelve months.
5. Rab Habiba the son of Rabbah: A vessel called abta is permitted after twelve months.
6. Rab Habiba: Gentile merchants' leather wine bags are permitted after twelve months.
7. Rab Aha: Kernels sold by Gentiles are permitted after twelve months.
8. Rab Aha: Red or black jugs of Gentiles are permitted after twelve months.

9. Fish brine (34b)

The sugya dealing with the issue of fish brine is comprised of two components, a Baraitha and the recounting of a pertinent incident, plus Amoraic comments to both of these. The Mishnah, it will be recalled, contained a dispute between R. Meir and the rabbis, in which R. Meir ruled that the prohibition of fish brine extended to the derivation of all benefit while the rabbis held it did not.

The Baraitha qualifies that part of the Mishnah in which there is no disagreement, namely, that the eating of a Gentile's fish brine is forbidden. A distinction was made between fish brine prepared by an ordinary non-Jew and that of an expert or professional cook. This latter brine was permitted to Jews. From this ruling it becomes apparent that the Mishnah does not prohibit fish brine because it is made with unclean species of fish. Rather, as Rashi points out,⁹⁵ the rule was made because wine is often used in its preparation. It seems from the Baraitha that a professional cook would not use wine.⁹⁶ The Baraitha also contains a statement by R. Judah b. Gamaliel in the name of R. Haninah b. Gamaliel that helek⁹⁷ prepared by a professional cook is permitted to Jews. In the discussion of the fifth Mishnah it is learned that helek is a clean species of fish, but is forbidden to Jews if prepared by a Gentile because of the fear that unclean species may be mixed with it. The Baraitha rules in accordance with the principle that a professional cook would not do so.

The permission granted in the first part of the Baraitha is limited by Abimi the son of R. Abbahu. He taught that the first and second extracts of fish brine prepared by a non-Jewish professional cook are permitted, but thereafter the brine is forbidden. The reason the Gemara gives is that the first and second extracts contain sufficient fat that wine is not needed. After this wine is

mixed with the brine.

The incident which follows substantiates Rashi's comment that the reason for the prohibition of fish brine was that wine might be mixed with it. Once, R. Abba of Acco placed a guard by a boat with fish brine in it. Raba, questioning the reason for his action, asked him, "Until now who has guarded it?" In other words, if wine were to be mixed with it, what prevented someone from doing so before the boat docked at the port of Acco? R. Abba's response is very interesting. He throws back to Raba the question, "Up until now, what has there been to fear?" He continues with a simple lesson in economics and commerce: "If (we should worry that) wine had been mixed with it, (keep in mind that) a kista⁹⁸ of fish brine costs a luma,⁹⁹ and a kista of wine costs four lumas!" The insight here is instructive. Many of the prohibitions we have seen are based on the fear of physical harm that might come to Jews resulting from close contact with Gentiles, others have been based on the desire to insure that Jews do nothing in any way connected with idolatry, the practices of which non-Jews are presumed to be engaged in with frequency. Here, the prohibition is seen in an economic light. Rashi¹⁰⁰ comments that in the ship's place of origin, wine was more expensive than fish brine, but in Eretz Israel wine was cheaper. So, the concern that wine might be mixed with the brine is limited to Eretz Israel.

The sugya closes with an attempt by R. Jeremiah to justify Raba's contention that wine could have been mixed with the brine before it reached Acco. He suggests that the load came from Tyre, where wine is cheap. R. Ze'ira refutes that possibility by pointing out that the boat could not have come from Tyre to Acco, for that route has bays (formed by protruding rocks¹⁰¹) and shallow waters. The captain of the ship would not risk such a dangerous trip.

Scheme--Fish Brine

1. Mishnah: R. Meir holds that the prohibition of fish brine extends to all benefit; the rabbis rule that it does not.
2. Baraitha: Fish brine and helek prepared by a professional are permitted.
3. Abimi: Only the first and second extracts of brine made by a Gentile professional are permitted.

Gemara: The reason is that wine is added after the first two extracts.

4. Incident: R. Abba placed a guard by a boat with fish brine in it.

Raba: Until now who has guarded the boat?

R. Abba: Until now there has been no need for concern.

R. Jeremiah: Perhaps the boat came from Tyre, where wine is cheap.

R. Ze'ira: This could not be, for that route is too dangerous.

9. Cheese (34b-35b)

In the introduction to this Mishnah it was already indicated that there is a difficulty with the ruling concerning Bythnian¹⁰² cheese. The Gemara's discussion of this issue can be seen as an essay on the topic, isolating problems and searching for resolutions. The essay begins with an Amoraic statement and a discussion on it. There is evidence, as we shall see, that this introductory part is directed at understanding R. Meir's strict view. However, it also serves as a foreshadowing of another more difficult issue. This problem is identified in the next part of the discussion as the question of deriving benefit from an animal used for idolatrous purposes. As the essay begins to reach its final conclusion, there is a discussion of why R. Joshua ultimately decided not to answer R. Ishmael's question. Finally, various attempts are made to discover a reason for the prohibition which would, at the same time, allow for the ruling that benefit may be derived from Gentile cheese. This section closes with a Midrash which is particularly appropriate for this discussion.

R. Simeon b. Lakish is the authority first cited by the Gemara in this sugya. To the question why Bythnian cheese was forbidden he states that most of the cows of that city are slaughtered for idolatrous purposes. Now Rashi states that the question was directed at the position of R. Meir.¹⁰³ This comment is probably correct, and explains

why the discussion which ensues does not even hint at the problem of deriving benefit from the cheese. However, in the context of the essay, we must keep in mind that in the Mishnah, R. Joshua already tried to give a very similar reason for the prohibition, and that R. Ishmael's response was, "If so, why was it not forbidden to derive benefit (from Bythnian cheese)?" Therefore, we also have here a reminder of what the problem really is, namely, determining not so much why it was forbidden, but why it was permitted to benefit from it.

The second time R. Joshua suggested a reason for the prohibition he stated that they curdle the cheese in the rennet of cows used for idolatrous practices. R. Simeon b. Lakish states that "most" of the cows are slaughtered for this purpose. The Gemara discusses why he states it this way, since "...even were it a minority (it would be reason enough to prohibit it)." Support for the Gemara's contention comes from a saying repeated in various places in the Talmud¹⁰⁴ that, "R. Meir is concerned about a minority."¹⁰⁵ In other words, even if a minority of the cows were slaughtered for idolatrous purposes, it is sufficient cause to prohibit Bythnian cheese. This quote, by the way, is the best evidence that what we are dealing with here is a discussion of R. Meir's opinion.

The answer to the question asked above is, according to the Gemara, that when all the animals slaughtered from

which rennet might be taken ~~are~~ considered, there is actually a minority which were slaughtered for idolatrous practices.¹⁰⁶ As stated above, R. Meir takes the minority cases into consideration. However, were the reason to be stated that a minority are slaughtered for idolatry, it is actually a "minority of a minority." The reasoning goes like this: since the majority are not slaughtered for idolatry, what remains is a minority. Of that group, the rennet might only come from a small portion. Therefore, the result is a "minority of a minority," and the Gemara says that, "R. Meir does not take into consideration a minority of a minority."

Having established the reason for the wording, R. Simeon bar Eliakim then questions the consistency of R. Simeon b. Lakish. He points out that in a related issue he was permissive with respect to animals sacrificed for idolatry. As a matter of fact, he ruled that when a Jew¹⁰⁷ slaughters an animal for idolatry, the animal is permitted.¹⁰⁸ R. Simeon b. Lakish acknowledged R. Simeon bar Eliakim's accumen, yet explains why he ruled that way he did. If a person says, "With this slaughtering I am worshipping the idol," he agrees that the animal is forbidden. However, in that dispute (See B. Sanhedrin 60b-61a) the issue was one who slaughtered the animal to get its blood for sprinkling on an alter. So, he rules according to the slaughterer's intent. Since the act of killing the animal was not part of his worship, he was permissive. He explained R. Meir's

ruling the way he did because the case of Bythnian cheese involves animals slaughtered as an act of idol worship.

We now turn to that part of the discussion which isolates the problem the Gemara must solve. It begins with this statement of R. Ahdaboi in the name of Rab:

If one betrothes a woman with the dung from an ox to be stoned, she is betrothed to him. (If, on the other hand, one betrothes a woman) with the dung of a cow used for idolatry, she is not betrothed to him.

This statement could potentially pose the same problem as the prohibition of Bythnian cheese. The goring ox is an animal that is forbidden, and the prohibition extends to all benefit. But, according to Rab, its dung can be used to betrothe a woman. The Gemara probes the reasoning of Rab's view, and the understanding it reaches explains the distinction between animals used for idolatry and those prohibited for other reasons.

The Gemara sees that Rab's statement may be arrived at either through common sense or by an interpretation of Scripture. By the former, the reasoning is that in preparing an animal for an idolatrous sacrifice, the owner would desire to fatten it up. Therefore, the dung is associated with idolatry, or, to anticipate the Gemara, "the forbidden matter is present in substance." On the other hand, the owner of a goring ox awaiting stoning has no such motive. Its dung is permitted because, "the forbidden matter is not present in substance."

Rab's ruling may also be arrived at by interpreting

Deut. 13:18. This verse reads: "Let nothing that has been doomed stick to your hand..." These words were said of a city in which idolatry has been suspected. It must be entirely destroyed, including the animals (vs. 15). The word *אנין*, says Rashi,¹⁰⁹ is understood to teach that even the dung is not to be used. In Ex. 21:28 we learn that the goring ox "shall surely be stoned and its meat shall not be eaten." Says the Gemara, "Its flesh is forbidden, but its dung is permitted." The specification of "meat" is taken to exclude the dung, which is, therefore, permitted.

Raba comments that the statement of Rab finds Tanaitic support in our Mishnah. When R. Joshua said, "Because they curdle it with the rennet of a *nebelah*," and R. Ishmael replied, "Surely the rennet of a burnt offering is a stricter prohibition than that of the rennet of a *nebelah*," it follows, reasons Raba, that though an animal is prohibited and the prohibition extends to all benefit (like the burnt offering and the goring ox), its dung is permitted.¹¹⁰ Similarly, Raba continues, when R. Joshua said, "Because they curdle it with rennet of calves used for idolatry," and R. Ishmael replied, "If so, why does the prohibition not extend to all benefit," it follows that "if an animal was used for idolatrous purposes its dung is forbidden."

We might speculate that this section, consisting of the statement of Rab, the Gemara's discussion of it, and Raba's comment, serves a two-fold purpose. First, it estab-

lishes the principle, stated explicitly by Rabbenu Hananel,¹¹¹ that the dung of animals from which no benefit may be derived is permitted, but the dung of animals used for idolatry is prohibited. The latter animals form a special category of animals from which no benefit may be derived. Secondly, and considering what follows, perhaps more importantly, it clearly defines the problem the Gemara faces with this part of the Mishnah: the rennet of an animal used for idolatry, like its dung, should be completely prohibited.

What follows is an unsuccessful attempt to solve this dilemma. It would appear to come after the above section for two reasons. First, it follows Raba's conclusion drawn from the question asked by R. Ishmael, "If this be so, why does the prohibition not extend to all benefit," and begins with the phrase, "He (i.e., R. Joshua) should have replied..." Second, it seems to be prompted by the reasoning used by the Gemara to deduce Rab's statement from common sense. The suggestion is that the rabbis permitted deriving benefit from Bythnian cheese because "the forbidden matter is not present in substance" (as is the case with the dung of a goring ox). The forbidden matter is the rennet, and the Gemara rejects this, realizing that, "since (the rennet) keeps the milk curdled, it must be considered that the forbidden matter is present in substance."

Before we arrive at other attempts to solve the Problem, we have a section which discusses the reason R.

Joshua changed the subject. We begin this part with a question as to the meaning of the verse he used to divert R. Ishmael's attention. That verse is Song of Songs 1:2, "For your love is better than wine." Rab Dimi gave this interpretation: "Master of the World, the words of your beloved ones¹¹² are more blessed by us than the wine of Torah." Then the question is asked, Why did R. Joshua ask R. Ishmael about this verse? R. Simeon b. Pazzi (or some say R. Simeon bar Ammi) said that the reason is found in the "a" part of the verse: "Let him kiss me with the kisses of his mouth." R. Joshua thought of the image of lips coming together to form a kiss, and said, "Ishmael, my brother, press your lips together and be not too hasty in replying."¹¹³ As Rashi states,¹¹⁴ he was asking R. Ishmael not to be so particular, and stop creating difficulties.¹¹⁵ The reason he wanted him to stop his questioning comes from Ulla (or Rab Samuel bar Abba), who said that he was asking about a newly decreed law which should not be shaken.

Mixed in with the development of this reason is another attempt to solve the problem of benefit from Bythnian cheese. Following Ulla's statement is the question, What was the reason for the decree? R. Simeon b. Pazzi, in the name of R. Joshua b. Levi, said that it is because of the possibility that a snake may have touched the cheese. For the moment the Gemara lets this pass, and asks what the problem was with revealing this reason. Here comes the

remark interesting for the history of the halakha. Ulla is the authority who reports that, "When they made a decree in Palestine they did not reveal its reason for a year, for there might be people that do not agree with it and will treat it lightly." This is a fascinating insight into human nature, which Rashi states in the following way: "When people do not know the reason (for a law) they are more likely to treat the matter seriously, trusting the expertise of the rabbis."¹¹⁶

Now comes the refutation of the reason attributed by R. Simeon b. Pazzi to R. Joshua b. Levi. R. Jeremiah, we are told, "sneered" at the suggestion, saying that if it were true it would follow that hard and old cheese are permitted. He bases this on the statement of R. Hanina¹¹⁷ that anything dry is permitted, for snake venom would not have let it get dry, and anything that has matured is permitted for the same reason. As we saw above, this statement was made about beer and wine, but the Gemara accepts its applicability here.

With this refutation the sugya continues in its effort to find a reason for the prohibition. R. Hanina puts forth the possibility that Bythnian cheese was forbidden because, "it is impossible for it not to have particles of milk." This somewhat enigmatic statement is understood by Rashi¹¹⁸ to mean that milk remains in the holes of the cheese, and milk which a non-Jew milked with-

out a Jew watching is forbidden.¹¹⁹ Though the Gemara does not react to this, it should be noted that in his comment to this law in the next Mishnah, Rabbenu Hananel says that cheese was forbidden for the same reason that this milk was, i.e., due to the suspicion that it may have been mixed with the milk of a forbidden animal.¹²⁰ Now in that Mishnah such milk was forbidden, but the prohibition does not extend to all benefit. So, this could be a solution to the dilemma of the Gemara, and it is possible that Rabbenu Hananel's comment indicates a later decision to that effect.

The next attempt comes from Samuel, who says that the prohibition was made because the cheese is curdled in the skin of the rennet of a nebelah. The skin to which he refers is the lining of the cow's stomach to which rennet is attached. This skin, unlike the rennet and dung of a nebelah, is not considered "mere refuse," and is forbidden. The Gemara's treatment of this is a subtle refutation. It rightly points out that this view implies that rennet itself is permitted. Then the question is asked, Did Samuel really say this? meaning, is this statement consistent with Samuel's opinion in another discussion. In Mishnah Hullin 8:5 there is the ruling that the rennet of a non-Jew's animal and from a nebelah is forbidden. The Gemara asks (Hullin 116b), "Is there an animal slaughtered by a Gentile that is not a nebelah?" (Why mention both, when the term nebelah covers animals slaughtered by non-Jews?) Samuel

responds that the Mishnah should be understood as "one teaching," reading it thusly: "The rennet of an animal slaughtered by a non-Jew, which is a nebelah, is forbidden." Therefore, there is an apparent contradiction between this view and the opinion expressed in the present discussion.

The resolution is introduced by the formula *אין קושי* -- there is no contradiction. The view (in Hullin 116b) that the rennet is forbidden reflects R. Joshua's first opinion that the cheese was forbidden because it is curdled with the rennet of a nebelah. R. Joshua, however, revised his view in light of Ishmael's objection, and recognized that rennet of a nebelah is "mere refuse," and for this reason permitted. This is reflected in Samuel's suggestion of the reason the cheese was forbidden, which assumes that the rennet of a nebelah is permitted.¹²¹ Therefore, there is no real contradiction in Samuel's thinking. We know from B. Pesahim 21a-b that the prohibition against a nebelah does not include deriving benefit from it, so we have here the second possible solution to the dilemma in our Mishnah.

There is one more reason for the prohibition cited which also allows for deriving benefit from Bythnian cheese. Rab Malkiah taught in the name of Rab Adda bar Ahaba that the cheese was prohibited because it is smeared with swine fat. The prohibition of pork does not extend to all benefit from the animal.

Two more possibilities are mentioned by the Gemara:

Rab Hisda said the cheese was forbidden because it is curdled in vinegar, and Rab Nahman bar Isaac¹²² said because they curdle it with the sap of orlah. The Tosafot add the important comment that the orlah of non-Jews, like that of Jews, is forbidden.¹²³ These answers are not acceptable, for, as our text states, if either were the reason for forbidding Bythnian cheese the prohibition ought to extend to all benefit. The Mishnah rules that a Gentile's vinegar is forbidden, including all benefit. Similarly, a fruit tree in its first three years is wholly forbidden.¹²⁴

The Midrash which concludes this section is particularly apropos. It is based on Song of Songs 1:3, succeeding the verse R. Joshua used to quiet R. Ishmael. Also, the verse is applied by Rab Nahman the son of Rab Hisda to the disciple. It is tempting to understand this as directed to a student who experiences the kind of frustration R. Ishmael had with R. Joshua. In the Midrash the disciple is likened to a flask of ofragrant ointment. When it is opened, its odor is diffused, when covered, it is not. Similarly, the Midrash seems to say, the "fragrance of the disciple will be spread about when he teaches others. Furthermore, the Midrash goes on, the verse teaches that things hidden from him (like the reason for a prohibition?) will eventually be revealed. This is based upon the darshan's reading of the word "maidens"-- נעמות--as "the hidden"--נעומות. In like fashion, he understands the verse as teaching

that the angel of death--מלאך המוות ("he who is appointed over death")--loves the disciple, and that the disciple inherits two world--עולמות--this one and the world to come. This Midrash expresses praise for the disciple and a promise to him that despite the hardships, the pursuit of learning will bring the reward of widespread influence and eternal life.

Scheme--Cheese

1. R. Simeon b. Lakish: Bythnian cheese was forbidden because most of the cows of that city are slaughtered for idolatry.

2. Question: Why specify "majority?"

Statement: Even if it were a minority, this would be reason to prohibit it.

Support: "Rabbi Meir is concerned about a minority."

3. Answer: "Majority" implies a minority; if he said minority it would imply a minority of a minority. R. Meir is not concerned with this.

4. R. Simeon bar Eliakim (to R. Simeon b. Lakish): Did you not permit the animal slaughtered by a Jew for idolatry?

R. Simeon b. Lakish: In the Mishnah's issue the Gentile intended the slaughtering to be an act of idol worship.

5. R. Ahdaboi--Rab: The dung of a goring ox can be used for betrothal, but the dung of an animal to be sacrificed to an idol cannot.

6. Gemara: This can be deduced from common sense or Scripture.

7. Raba: The rules attributed to Rab (#5) can be deduced from our Mishnah.

8. Gemara: R. Joshua should have told R. Ishmael that benefit may be derived from Bythnian cheese because the forbidden matter is not present in substance.

Objection: Since rennet keeps milk curdled, the forbidden matter is present in substance.

9. Mishnah: R. Joshua changed the subject.

10. Question: What is the meaning of Song 1:2?

Answer (Rab Dimi): It is Israel speaking to God.

11. Question: Why did R. Joshua ask R. Ishmael about this verse?

Answer (R. Simeon b. Pazzi): To tell him to keep quiet.

12. Ulla: He wanted R. Ishmael to be quiet because the law was new.

13. Question: What was the reason for the decree?

Answer (R. Simeon b. Pazzi--R. Joshua b. Levi): A snake may have touched the cheese.

14. Question: Why did R. Joshua not tell R. Ishmael this?

Answer (Ulla): The reason for a new decree was not revealed for a year.

15. R. Jeremiah (responding to the reason stated in the name of R. Joshua, #13): If this were true, old cheese should be permitted.

Support: R. Hanina's statement that anything dry or old is permitted because snake venom would not let it dry or age.

16. R. Hanina: Gentile cheese is forbidden for it must have particles of milk.

17. Samuel: Gentile cheese is forbidden because it is curdled in the skin of the rennet of a nebelah.

Gemara: This implies the rennet is permitted. Does Samuel really believe this?

Support: Hullin 116b, where Samuel holds that rennet is forbidden.

Resolution: Hullin 116b represents R. Joshua's first opinion; his view here represents R. Joshua's second opinion.

18. Rab Malkiah--Rab Adda bar Ahaba: Gentile cheese was prohibited because it is smeared with swine fat.
19. Rab Hisda: Gentile cheese was forbidden because it is curdled in vinegar.
20. Rab Nahman bar Isaac: Gentile cheese was forbidden because it is curdled with the sap of orlah.

Question: With whom does this agree?

Answer: R. Eliezer in Mishnah Orlah 1:7, or even with R. Joshua, who is cited in the same Mishnah.

21. Gemara: If the reason is that of Rab Hisda or Rab Nahman the prohibition ought to extend to all benefit.
22. Midrash on Song 1:3.



V. THE FIFTH MISHNAH

Analysis of the Mishnah (35b)

The fifth Mishnah continues the list of prohibited foods prepared by non-Jews begun in Mishnah four. In this Mishnah there is no dispute that the prohibitions do not extend to all benefit. In the previous Mishnah a distinction was made between something prohibited because of a direct connection with idolatry (e.g., wine, vinegar made from wine, skins with a puncture at the heart), and those where the connection is less certain. In the former, the prohibition extends to all benefit; in the latter, according to the majority of the rabbis, it does not. The items in our present Mishnah fall into this latter category.

These are the foods of non-Jews prohibited in Mishnah five: (1) milk which a non-Jew obtained without a Jew to observe him, (2) bread, (3) oil, (4) stewed foods, (5) pressed foods into which they normally put wine, (6) hashed pickled fish, (7) brine which does not have the kalbith fish floating in it,¹ (8) helek (a small permitted species of fish, which grows fins and scales when it matures), (9) drops of asafoetida, and (10) sal-conditum.

The Mishnah, after mentioning oil, makes a puzzling statement: "Rabbi and his court permitted oil." Rashi says

that it should not be read "Rabbi," referring to the redactor of the Mishnah, but rather, "R. Judah Nesi'a," the first generation Palestinian Amora--a grandson of Rabbi.² The Tosafot add that, "the sages of (R. Judah Nesi'a's) generation added this to the Mishnah which his grandfather redacted." They further point out that the title "Prince" or "Patriarch" applied to both of them, but in the language of the Mishnah and Baraitha" is נשיא, while in the "language of the Amoraim" is ראש.³ Internal evidence that it is correct to read R. Judah Nesi'a is found on 37a: "R. Judah Nesi'a was walking and leaning upon the shoulder of his attendant, R. Simlai, and said, 'Simlai, you were not present last night at the bet hamidrash when we permitted the oil.'"

The reason Rashi gives for the prohibition of stewed foods made by non-Jews is that it is a safeguard against intermarriage.⁴ Also, in Beza 16a, which has a parallel passage to the Gemara's discussion of this Mishnah, he repeats this as the reason for the prohibition.⁵ However, when the Gemara searches for a Biblical verse to support the injunction, he comments that they forbade it so that a Jew would not come to eat regularly with non-Jews, "for (the Gentile) may feed (the Jew) something not permitted."⁶ The Tosafot say that the prohibition was to prevent intermarriages, as Rashi commented in the Mishnah.⁷

Regarding the brine without kalbith floating in it,

Albeck remarks that, based on another manuscript, the original wording was "brine which does not have fish in it." The brine, he says, refers to the liquid which fish exude when salted, and it was forbidden unless the fish from which it came was a permitted species. The specification of kalbith was added to expand on the word "fish," meaning that if the kalbith does not float in the brine, it is a sure indication that it was made from prohibited fish.⁸

I have translated מלח סלקולזיית in accordance with the Soncino translation.⁹ It is pointed out there that this is, "Traditionally explained as salt used by the Romans as a condiment, which was mixed with fat." Another scholar put forth the possibility that it is a corruption of istroknith, or ostracena, which was a town on the border between Israel and Egypt, where salt was produced.¹⁰ Jastrow translates the words, "lumpy salt." Albeck, apparently ascribing to the traditional understanding mentioned by Cohen, gives more details, as well as the translation, "sal-conditum." He says that it was salt with spices mixed with it, to which the fat of prohibited fish was added.¹¹

Analysis of the Gemara

1. Milk (35b)

The Gemara's discussion of milk attempts to establish the concern that led to prohibiting it when a Jew did not observe the Gentile obtain it. There are two possibilities

mentioned: (1) the fear of exchanging milk from a permitted animal with that of a forbidden one, and (2) the fear of mixing permitted milk with forbidden.

The first suggestion is rejected because the milk of a forbidden animal is greenish in color and could be easily detected. Then the Gemara rejects the "fear of mixing" as the motivation, for the Jew can simply curdle the milk and determine whether any forbidden milk is in it. This test is based on an Amoraic belief that milk from a prohibited animal will not curdle. To this the objection is raised that the test is appropriate if the Jew wants the milk for cheese. However, according to the objection, the Mishnah is dealing with a case where the milk is wanted for drink. Therefore, the "fear of mixing" stands as the Mishnah's concern. The response to this is that the Jew can test a small amount of the milk. This, too, is refuted, for even in milk from a permitted animal there is the whey which does not curdle. Nothing, then, can be established by testing a small amount. It could not be determined whether that which did not curdle was prohibited milk or the whey from the permitted milk. Furthermore, the test is inconclusive for another reason. When cheese is made, some drops of milk remain between the holes. Therefore, the test is always inconclusive, which again confirms the "fear of mixing" as the reason for the prohibition. Also, in the Gemara to the next Mishnah (39b), where milk which a Jew

saw a non-Jew obtain is permitted, we again see that "the fear of mixing" was accepted as a concern. This being the case, it makes sense that this reason can be applied to the prohibition of cheese in the fourth Mishnah, as Rabbenu Hananel suggests.

Scheme--Milk

1. Question: What is the concern over milk?

2. Possibility: The fear of exchanging.

Rejection: Milk from a forbidden animal is greenish in color.

3. Possibility: Fear of mixing.

Rejection: Curdling the milk will show if it is from a permitted or forbidden animal.

Support: Amoraic belief that milk of a prohibited animal will not curdle.

Objection (to the rejection): The test is applicable only when the milk is wanted for cheese. The Mishnah deals with milk wanted for drink.

Response: A little bit of the milk can be curdled.

Rejection: (1) There is always the whey which does not curdle. (2) When cheese is made, some drops of milk remain between the holes.

2. Bread (35b)

The discussion about bread begins with a statement attributed to R. Johanan by R. Kahana, that, "Bread was not permitted by the bet din." The reference is to the court of R. Judah Nesi'a. Strack says that R. Judah was, "in friendly relations with...the school head Johanan (bar

Nappaḥa) in Tiberias."¹² Moreover, we learn further in the Gemara (37a) that R. Judah made the point himself that bread was not permitted by his bet din. From the discussion there, it seems that this must have been an issue with him and his colleagues, and explains why R. Johanan might say that his friend did not permit bread made by a non-Jew.

The statement prompts the Gemara to ask if R. Johanan implies that there was someone who did permit Gentile bread. The answer is yes, and is substantiated by an incident told about Rabbi. The story is told in two different ways, and is followed by a comment that whichever version is correct, both imply a limitation on the permission.

The first version is attributed to Rab Dimi. "When he came" (from Eretz Israel) he said that,

Rabbi once went to a field and a non-Jew brought him bread that was baked in a large oven from a seah (one peck) of flour. Rabbi said, "How nice this bread is; why did the sages forbid it? "

The Gemara answers this question, and says it was to prevent marriages (i.e., intermarriages). If we recall, we saw that this was the reason for the prohibition of beer (31b), and some Amoraim were known to have imbibed it in their own domain. They reasoned that it was permissible because there was no temptation from Gentile women. Therefore, it would seem to make sense that out in a field, where presumably no frivolity was occurring, a Jew could eat a non-Jew's bread. In light of what has been said, the

the Gemara restates Rabbi's question: "Why did the rabbis see fit to prohibit it in the field?" Rashi supports the understanding of this question suggested here by adding that outside the city there is no fear of seduction, for it is a "mere incident" for a Jew to happen to eat the bread of a non-Jew there.¹³ Then the statement is made that due to this incident the people assumed that Rabbi permitted the bread of Gentiles, "but it is not so," the Gemara firmly asserts.

The other tradition of this story was told either by Rab Joseph or, as some say, by Rab Samuel bar Judah. In this version, Rabbi went to an unnamed place and noticed that there was a scarcity of bread for the students. He was moved to ask, "Is there no baker here?" and people thought he said "Gentile baker." In actuality, we are told, he asked about a Jewish baker.

In both traditions "the people" understood Rabbi's question as a granting of permission to eat bread made by non-Jews. The Gemara cites authorities who state that regardless of the circumstances that occasioned his remark, a limitation was also implied. R. Helbo, commenting on the story told by Rab Joseph, said that the permission would only apply to a place where there was no Jewish baker. Similarly, R. Johanan said that the permission implied in the version told by Rab Dimi would only apply to the field, but not to the city. In this statement, too, he reinforces

the view that the reason for the prohibition was to prevent (inter)marriage.

Lest we misunderstand the discussion on bread, this sugya closes with one more incident. Apparently Aibu (a fourth generation Palestinian Amora) used to eat bread made by a non-Jew "at the boundaries of the fields." Raba (or some say, Rab Nahman bar Isaac) said to the people, "Do not talk to Aibu, for he eats the bread of Gentiles." With this statement, the Gemara makes clear that the bread of non-Jews is unquestionably forbidden.

Scheme--Bread

1. R. Kahana--R. Johanan: Bread was not permitted by the bet din.
2. Question: Does this imply that someone did permit it?
3. Answer: Yes

Support: Rab Dimi's story about Rabbi. Another version of the story is told by Rab Joseph (or Rab Samuel bar Judah).

Qualifications: R. Helbo: In the story of Rab Joseph the permission applies only to a place where there is no Jewish baker. R. Johanan: The version of Rab Dimi only implies permission in the field.

4. Story: Aibu used to eat bread made by a non-Jew and Raba told the people not to speak to him.

3. Oil (35b-37b)

The long discussion on oil contains several sugyoth. It begins with a debate involving the opinions of Rab and Samuel about the source of the prohibition. This is followed by a more detailed study of the view of Rab. In the course of this examination, subjects are mentioned that become central issues of the two subsequent discussions. The section closes with an incident told about R. Judah Nes'ia, the authority from whose court came the permission to use a Gentile's oil.

The material provides insight into the halakhic process of the Babylonian Talmud. To begin with, the initial debate concerns the authority of the prohibition. Rab thought that it was Biblical in origin, saying, "Daniel decreed against its use." Had he cited Torah rather than hagiographa, the discussion which follows would probably have been different. In his view, however, Daniel is conceived of as a legal authority presiding over a court, and from this institution came the prohibition. Further on there will be mention of other courts of the Biblical period.

Samuel cites a reason related to the laws of purity and the transfer of impurity from one container to another. That is, "The fact that they (non-Jews) pour (into their oil vessels) residue from unclean vessels makes their oil forbidden."¹⁴ An unclean vessel is not necessarily forbidden, but somehow has been temporarily defiled. Therefore, Samuel's

reason applies when people are quite strict with themselves in matters of purity. The Gemara casts doubt that the ordinary Jew cares about such matters to the degree that would warrant claiming this was the reason for the prohibition of oil. So, Samuel's position is restated to reflect a concern that would be more pertinent to the average Jew: "The fact that they pour (into their oil vessels) residue from prohibited vessels makes their oil forbidden." Rabbenu Hananel gives as an example a vessel belonging to a Gentile that has been used in the previous twenty-four hours.¹⁵ It is a forbidden vessel during that time, and of greater concern than a vessel that may not be used because it does not meet the requirements of ritual purity.

To Samuel, the problem with Rab's opinion is found right in the Mishnah. There it was first learned that the use of a non-Jew's oil is forbidden, but that R. Judah (Nes'ia) and his court permitted it. The reason accepted for the original prohibition must be of the sort that a rabbi and his court could legitimately annul the original decree. So, he asks how R. Judah could have permitted the oil, considering Mishnah Eduyoth 1:5, where it says that one court may not annul the decree of another unless it is greater in both wisdom and numbers. However, accepting his opinion allows for the law to be changed in an acceptable fashion. That is, when Rab Isaac bar Samuel bar Marta came to Babylonia from Eretz Israel, he brought a tradition

in the name of R. Simlai¹⁶ that provides the logic of R. Judah and his bet din. The permission was based on the principle, "when the element from a forbidden vessel imparts a bad flavor (to whatever kosher substance is put in it) it is permitted (to consume that food or drink)."¹⁷ Stated differently, Samuel had said that the original regulation stems from the fact that residual oil in a prohibited vessel renders the otherwise permitted oil in a clean vessel forbidden to Jews. The logic used to annul this is that the residue, which is ritually impure on account of the first container it was in, is considered to impart a bad taste to the ritually pure oil. Therefore, according to R. Judah Nes'ia and his court, the oil of Gentiles is permitted.

We will come across this principle again in the Gemara, so it may be helpful to illustrate its meaning here with another example of its use. There are a number of rules applied to an accidental mixture of permitted and forbidden foods which allow a Jew to eat the food. The over-riding principle is אין מוטלין איסור לכתחלה--one may not annul a prohibition a priori. Or, a mixture of permitted and forbidden foods must be inadvertant. However, in the event of an accident, if the proportion is sixty parts permitted to one part forbidden, the food is permitted. The rule attributed by R. Simlai to R. Judah is one exception. If the prohibited food conveys a bad taste, then the mixture is permitted provided that the permitted food constitutes at least 51

percent of it. Similarly, if a pot has not been used for twenty four hours--קדירה שאינה נח יומא--the food that sticks to its sides or is absorbed will deteriorate and mix with new food cooked in it. If that pot has been used for prohibited food, and permitted food is subsequently cooked in it, it may still be eaten, for the halakha assumes that the prohibited food imparts a bad taste. Moreover, one may assume a vessel to be קדירה שאינה נח יומא and need not make inquiries.

Rab's reaction to Samuel's remark is two-fold. First, he attempts to explain Simlai's explanation as a product of his particular location. He says that Simlai was of Lud, and "they are different there, for they neglect (the words of the rabbis.)" He implies that the permission was extended to the people of Lud because of their lack of reverence for rabbinical injunctions. Samuel, as if to call his bluff, suggests that they send for Simlai and discuss the matter with him. At this point, Rab "grew alarmed" or "became pale," and backs down, realizing the tenuous ground he treaded and the soundness of Samuel's reasoning. Rab then suggests that while the original prohibition did not have Biblical precedent, they may, nonetheless, search for one. He quotes Daniel 1:8: "Daniel proposed in his heart that he would not defile himself with the portion of the king's food, nor with the wine which he drank..." His exegesis of this verse takes the word נשתין as connoting two "drinkings," that of

wine and that of oil. Rab's position has changed, in that he accepts the refutation of the Bible as the origin of the prohibition, and now understands the Daniel passage as support for it. The Gemara summarizes this with the statement that in Rab's opinion, Daniel proposed in his heart not to use the oil of Gentiles "and taught it to all Israel"; Samuel believed that while he may have made this statement with respect to himself, "he did not teach it to all Israel." To Rab, Daniel's example served as support for the prohibition; to Samuel, since one may be strict with oneself, but not with others, his example is unrelated to the prohibition.

The next discussion, which pursues the question of Daniel's relationship to the decree against oil, serves to further reconcile the divergent opinions of the reason for the prohibition. What emerges is the Gemara's view of the history of this particular law. It begins by asking if Daniel really issued a decree regarding the use of Gentile oil. The answer, attributed to Rab(!) is, "Their bread, oil, and women are among the Eighteen Things." This is a reference to Mishnah Shabbat 1:4, which says,

These are among the rulings which the sages enjoined while in the upper room of Hananiah b. Hezekiah b. Gorion. When they went up to visit him they voted, and they of the School of Shammai outnumbered them of the School of Hillel; and eighteen things did they decree on that day.¹⁷

Several modern scholars¹⁸ note that what the decrees were

is not known for certain.¹⁹ According to Shabbat 1:4, the decree was made by the Schools of Hillel and Shammai. This is highly problematic for Rab's position. Moreover, it is especially difficult since the statement in the Gemara is attributed to Rab! The Gemara's question, which really seeks to reconcile this apparent contradiction, is, "If you say that Daniel's decree was not accepted, but that of Hillel and Shammai was, what is the object of Rab's statement (that Daniel decreed against their oil)?" In other words, if Daniel made a decree which was not heeded, then in essence it was not a decree.²⁰

The answer given is that there were stages in the law. Daniel decreed against the use of the oil in the city, and Hillel and Shammai added to this by forbidding its use outside the city. Now this has to be reconciled with the statement in our Mishnah that the court of R. Judah permitted something which had been prohibited by Hillel and Shammai. After the Gemara asks how R. Judah could do such a thing, support for the objection is brought. In addition to citing Mishnah Eḏuyoth 1:5 (See above), R. Johanan is quoted by Rabbah bar bar Ḥanah as saying, "In any matter a court can annul the words of another, except for the Eighteen Things, for even if Elijah and his court were to come (and do so) we would not heed them."

Rab Mesharshaya provides an explanation for the exception in R. Johanan's statement. These prohibitions may

not be annulled because they spread to and were accepted by the majority of the Jews. However, this does not hold for the decree against the oil of Gentiles. Therefore, the court of R. Judah could vote to permit it. The evidence for Rab Mesharshaya's assertion comes from R. Johanan himself, quoted by R. Samuel bar Abba, which, by the way, provides more insight into the history of the halakha. R. Johanan reported, "The rabbis²¹ investigated and determined that the prohibition against oil had not spread to the majority of the Jews, and they relied upon the rule of R. Simeon b. Gamaliel and R. Eliezer bar Zadok, who said (Horayot 3:6), 'We may not issue a decree for the community unless the majority is able to abide by it.'"²² We now can reconstruct the history of this law as the Gemara understands it: Daniel decreed that the oil of non-Jews is prohibited in the city; Hillel and Shammai extended it to outside the city; the prohibition, perhaps economically a hardship upon Jews, was not heeded, and on the basis of the principle of R. Simeon b. Gamaliel and R. Eliezer, R. Judah permitted Jews to use the oil.

This essentially ends the discussion of oil. The section continues with subjects mentioned in the preceeding material. It begins with a restatement of the saying of Bali in the name of Abimi the Nabatean in the name of Rab, that, "Their bread, oil, and women are among the Eighteen

Things." "Their women" is the subject of the next sugya, which begins with the question, "What was the decree against their women?" The attempt will be to establish, as was just done with oil, the source and development of this law.

Rab Nahman bar Isaac said the decree against Gentile women was that they are considered to be in a constant state of niddah (menstruation) from the time they are infants. In Elijah Rabbah it says, "These, according to the words of the Scribes, convey uncleanness as by their flux: (a) a Samaritan...and (b) the daughters of the Samaritans even from their cradles...as also do the gentiles."²³

The reason for all of the decrees, according to a statement attributed to Rab by Ganeba, was to safeguard against idolatry. An attempt is made to support this by quoting Rab Aha bar Adda, who said in the name of R. Isaac, "They issued the decree against the bread of Gentiles on account of their oil." This implies, of course, that oil has a closer connection to idolatry, and, therefore, its prohibition is stricter than that of their bread. When the question is asked why this is the case, there is no answer. The question is rhetorical, and the statement attributed to Rab is revised: "They decreed against their bread and oil because of their wine, and against their wine because of their women, and against their women because of another thing, and against that thing because of another thing."

We know that wine was forbidden because of its use

for idolatrous practices, not because it might lead to relations with non-Jewish women (though this was said with regard to their beer). The sentiment of this statement, then, is more homiletical than halakhic. The Gemara, however, finds another implication of this statement with which to be concerned, namely, that it identifies the prohibition against their women as rabbinical. The objection is raised that contrary to this view, it is a Biblical injunction, stated explicitly in Deut. 7:3. Speaking about the peoples of the Seven Nations, the verse says, "You shall not intermarry with them: do not give your daughters to their sons or take their daughters for your sons." The next verse clearly connects intermarriage with idolatry: "For they will turn your children away from Me to worship other Gods." The problem is resolved by pointing out that the Bible speaks of the women from the Seven Nations (See vs. 1). Therefore, the aspect of the prohibition that may be assigned to Hillel and Shammai is its extension to women of all the other nations of the world.

According to the view of R. Simeon b. Yohai, however, this ~~also was~~ a Biblical injunction. He interprets Deut. 7:4 (cited above) as applying to any woman who might turn Jewish men away from God. Therefore, the Gemara states, "Biblically intermarriage with Gentiles is forbidden only in the way of legal marriage," and Hillel and Shammai decreed against meretricious connections (nlll).

Continuing along the lines of the above argument, it is said that meretricious connections were forbidden by the court of Shem.²⁴ The support for this assertion is the story of Tamar, daughter-in-law of Judah. When Judah was told that Tamar had "played the harlot" (זונה חמור), and that she was pregnant, he says, "Bring her out and let her be burned" (Gen 38:24). This opinion assumes that she was deserving of capital punishment for violating the law attributed to Shem's court, and that Judah decided in accordance with it. The answer to the statement that this Biblical ordinance was a ruling against meretricious connections, is to limit it to a non-Jewish male having relations with a Jewish woman, for fear he would pull her to him and idolatrous ways (Judah, of course, at the time he pronounced her guilty of transgressing this law, was not aware that he was the father of her child.) It remained for Hillel and Shammai to expand this law to include the case of a Jew who has sexual relations with a Gentile woman.

The claim is made, however, that this sexual union was forbidden by a "law of Moses from Sinai." This means it was a law so well established and accepted that it was never connected with a Biblical verse, but has the same force as though it had. To substantiate this, Mishnah Sanhedrin 9:6 is quoted, which says, "If a man...has sexual relations with a non-Jewish woman, zealots may attack him."²⁵ This implies that the law was so important as to equate it

with a Biblical injunction.

The argument is answered by the statement that the "law of Moses from Sinai" deals with the case of a Jew having relations with a Gentile woman in public. The Gemara refers to "the incident that occurred," which Rashi says is the story involving Zimri and Cozbi in Numbers 25. (See last note). Hillel and Shammai came and issued the decree that such relations were forbidden also in private.

The objection to attributing this to Hillel and Shammai is made on the basis of a tradition that the prohibition was made by the court of the Hasmoneans.²⁶ A statement of Rab Dimi supports this: "The court of the Hasmoneans decreed that a Jew who has sexual relations with a Gentile woman is liable to punishment for having relations with a niddah, a slave, a non-Jewish woman, and a married woman." An alternative version of this tradition, quoted by Rabin, has "harlot" instead of "married woman." We may assume the Gemara understands that the multiplicity of transgressions for this single act implies that this court intended the law to apply to relations committed in private.

The answer to this is that the Hasmonean court issued its decree against intercourse, but that Hillel and Shammai ordained that a Jewish man may not be alone with a Gentile woman--וְיָחַד. The Gemara finds another Biblical court to which this can be attributed, viz., the court of David.²⁷ Rab Judah

cites the incident of Tamar and Amnon (II Sam. 13) as the motivation for David's court to issue such a decree.

To establish the decree of Hillel and Shammai in light of the above, the Gemara states that the decree of the Davidic bet din prohibits a Jewish man to be alone with a Jewish woman. Therefore, the extension to forbidding a Jewish man to be alone with a Gentile woman is left to being included as one of the Eighteen Things. The Gemara, however, refutes this solution. Unlike the previous steps in this discussion, the objection is not directed at the law being attributed to Hillel and Shammai, but to the statement that the decree against being alone with a Jewish woman was issued by David's court. On the contrary, we are told, this is a Biblical injunction. To substantiate this, R. Johanan quotes Simeon b. Yehozadak as saying that the Torah hints at the prohibition in Deut. 13:7: "If your brother, your own mother's son...entices you..." He reasons that since "the son of a mother can entice, cannot the son of a father also entice?" That is, the juxtaposition of the words בן and בן is not meant to exclude "your father's son," but must mean something else. The interpretation given is, "A son may be alone with his mother, but no one else may be alone with any of the women forbidden him in marriage by the Torah." Therefore, the conclusion reached is this: the prohibition against being alone with a Jewish woman is Biblical; David's court extended it to include

being alone with unmarried women; the Houses of Hillel and Shammai, in the final phase of the law's development, extended it to include being alone with Gentile women. This last extension is the final answer to the question as to what the decree about non-Jewish women was that was included in the Eighteen Things.

The Gemara now returns to the enigmatic statement attributed to Rab, that Hillel and Shammai "decreed against their bread and oil because of their wine, and against their wine because of their women, and against their women because of another thing, and against that because of another thing." The attempt will be made to establish what these "other things" are. Rab Nahman bar Isaac suggests that they decreed with respect to a non-Jewish child that he causes defilement by seminal emission, so that a Jewish child does not become accustomed to committing homosexual acts with him. In his view, the continuation of the statement of Rab would be, "...and they decreed against their women because of their children, and against their children because of homosexuality." The question Rab Nahman raises by his answer is, At what age does a boy become capable of defiling by a seminal emission? The answer is attributed to R. Ze'ira, who tells of the difficulty he had ascertaining it. He learned that Rabbi had said from a day old. He went to R. Hiyya, who told him from the age of nine years and one day. When he returned to discuss the matter with Rabbi, he said to R. Ze'ira, "Abandon

my rule and adopt that of R. Hiyya...for, since he is capable of the sexual act (at that age), he is capable of causing defilement by a seminal emission." In other words, the capacity to perform sexually is decisive in this matter, so the decree is effective from the age the halakha determines a male capable of doing it.

Rabina, adopting the principle just established, applies it to girls. He says that a Gentile girl of three years and one day, since she is capable of the sexual act, also causes defilement by a flux at that age. The Gemara remarks that this is obvious (i.e., why say it?), but rejects this objection, saying that it is necessary to state, for it might have been suggested that, whereas at nine years and one day a boy knows how to persuade a girl into committing sexual acts, a girl at three years and one day does not know how to entice men. "Therefore, we are taught that even though she does not gain this knowledge until the age of nine, she still causes defilement at the age of three years and one day."

The section of Gemara on oil concludes with the report of a conversation between R. Judah Nesi'a and his attendant, R. Simlai. When R. Judah says to him that he was not present when the court voted to permit the use of the oil of Gentiles, Simlai responds, "Would that in our day You would also permit their bread." The reason R. Judah

gives for not doing so is interesting. It has nothing to do with the issues concerning non-Jewish food, but with the reputation of his court. He says that were they to permit Gentile bread, they would be called "the permissive court." As an example, he reminds Simlai of the teaching found in Eduyoth 8:4, that when R. Jose b. Jo'ezer permitted two previously prohibited things he was called "Jose the Permitter."²⁸ Simlai then points out that Jose had been lenient in a previous matter, and that it took three such rulings before this pejorative title was applied to him. R. Judah tells him, however, that he was already permissive in another matter. The issue to which he refers is found in Mishnah Gittin 7:8. The Gemara on this (Gittin 76b) states that while the Mishnah prohibited the woman involved from marrying anyone other than her brother-in-law, "our rabbis permitted her to marry. And who is meant by 'our rabbis?' Rab Judah said in the name of Samuel, 'The court that permitted the oil.'" For this reason, R. Judah Nesi'a indicates, he was restrained from permitting Gentile bread.²⁹

Scheme--Oil

1. Rab: Daniel decreed against Gentile oil.
2. Samuel: Because Gentiles pour residue from unclean vessels into oil vessels their oil is forbidden.

Objection: Do people care about the laws of purity?

Restatement: Because Gentiles pour residue from prohibited vessels into oil vessels the oil is forbidden.

3. Samuel: My view allows for the decree to be annulled by R. Judah's bet din.

Support: Rab Isaac bar Samuel bar Marta's report of R. Simlai's explanation of the reasoning of R. Judah's court.

4. Objection (of Samuel to Rab's view): Could R. Judah's court annul a decree made by Daniel?

Support: Mishnah Eduyoth 1:5

5. Response (of Rab): R. Simlai is from Lud and the people there neglect the words of the rabbis.

Samuel: Shall I send for R. Simlai?

Gemara: Rab became pale.

6. Rab: We may still search for Biblical support for the original prohibition. Rab suggests Daniel 1:8.

7. Gemara: To Rab, Daniel proposed the prohibition for himself and for all Israel. To Samuel, Daniel did not intend the prohibition to apply to all Jews.

8. Question: Did Daniel issue a decree against Gentile oil?

Answer (Abimi--Rab): Bread, oil, and women of Gentiles are among the Eighteen Things.

9. Question: Why did Rab say that Daniel issued the decree?

Answer: Daniel issued the decree with reference to the city; Hillel and Shammai extended it to outside the city.

10. Question: How could R. Judah's bet din annul the decree of Hillel and Shammai?

Support: (1) Mishnah Eduyoth 1:5; (2) R. Johanan said one court can annul any decree of another court except for the Eighteen Things.

Answer (Rab Mesharshaya): The Eighteen Things were accepted by the majority of Jews, with the exception of the one concerning Gentile oil.

Support: R. Johanan said that when the bet din saw that Jews did not abide by the prohibition of Gentile oil, they relied on the rule of R. Simeon b. Gamaliel and

R. Eliezer bar Zakok, that a decree Jews cannot abide by may not be issued.

11. Gemara: Cites the statement, "Their bread, oil, and women are among the Eighteen Things."

Question: What was the decree against their women.

12. Answer (Rab Nahman bar Isaac): Gentile women are considered in niddah from infancy.

13. Answer (Geneba--Rab): All the decrees were issued as a safeguard against idolatry.

Support (Rab Aha bar Adda--R. Isaac): The decree against Gentile bread was made on account of their oil.

Objection: Is the decree against oil stricter than that against bread?

14. Restatement: They decreed against their bread and oil because of their wine, and against their wine because of their women, and against their women because of another thing, and against that because of another thing.

Objection: The decree against their women is Biblical.

Support: Deut. 7:3.

15. Resolution: Scripture speaks of women of the Seven Nations; Hillel and Shammai extended the prohibition to all Gentile women.

Objection (R. Simeon b. Yoḥai): This, too, is Biblical.

Support: Deut. 7:4

16. Resolution: Scripture prohibited legal marriage with a Gentile woman; Hillel and Shammai extended it to meretricious connections.

Objection: Meretricious connections were forbidden by the court of Shem.

Support: Gen. 38:24.

17. Resolution: Shem's court prohibited Jewish women from having relations with Gentile men; Hillel and Shammai extended it to forbid a Jewish man from having relations with a Gentile woman.

Objection: This is a "law of Moses from Sinai."

Support: Mishnah Sanhedrin 9:6.

18. Resolution: The "law of Moses from Sinai" deals with a Jew having relations with a Gentile woman in public; Hillel and Shammai prohibited doing so in private.

Objection: This was decreed by the court of the Hasmoneans.

Support: Statement by Rab Dimi.

19. Resolution: The Hasmonean court decreed against intercourse; Hillel and Shammai prohibited a Jewish man and woman to be alone together.

Objection: This was decreed by the court of David.

Support (Rab Judah): II Sam. 13.

20. Resolution: David's court prohibited a Jewish man from being alone with a Jewish woman; Hillel and Shammai prohibited a Jewish man to be alone with a Gentile woman.

Objection: The decree ascribed to David's court is Biblical.

Support (R. Johanan--Simeon b. Yehozadak): Exegesis of Deut. 13:7.

21. Conclusion: The prohibition of being alone with a Jewish woman is Biblical; David's court extended it to include being alone with unmarried women; Hillel and Shammai extended it to being alone with a Gentile woman.

22. Gemara: Cites the Restatement, #13 (above).

Question: What are the "other things?"

Answer (Rab Nahman bar Isaac): A Gentile child causes defilement by seminal emission, so a Jewish child will not become accustomed to committing homosexual acts with him.

23. Rab Nahman: From what age is a boy capable of defiling by seminal emission?

R. Ze'ira: Rabbi at first said from a day old. R. Hiyya said from nine years and one day. Rabbi then agreed with R. Hiyya.

24. Rabina: A Gentile girl of three years and one day, because she is capable of the sexual act, causes defilement by flux at that age.

Gemara: This is obvious. It is necessary, though, for even though she does not know how to entice men at that age, she still causes defilement at age three years and one day.

25. Conversation between R. Judah Nesi'a and R. Simlai the day after R. Judah's bet din permitted the use of Gentile oil

4. Stewed Foods (37b-38b)

The material on stewed foods (i.e., food cooked by a Gentile) concentrates on two basic concerns. The first is the source of the prohibition, and the second is the principles for determining what food falls into this category. As part of this, the Gemara seeks to understand what actions of Gentiles constitute "cooking." We recall that Rashi and the Tosafot say that the reason for prohibiting food cooked by a non-Jew was to prevent intermarriage, or, in effect, to maintain a social barrier between Jews and Gentiles. When the Gemara begins its discussion, Rashi adds to this the fear that the non-Jew might use something forbidden in the food's preparation. While this reason emerges as a minor concern in the passages dealt with here, the Gemara's discussion tends to confirm the former reason. Most of the evidence is negative, e.g., there is no mention of idolatrous practices connected with cooking, very little of the discussions involves the laws of purity and the question of clean and unclean utensils, nor even is there concern that the non-Jew

might seek to do the Jew harm--that is, the fears and suspicions which have permeated the material are given no place in the present discussion. Since eating together is one of the most social of human activities, the prohibition, if heeded, succeeds in keeping Jews separate from their Gentile neighbors.

R. Hiyya bar Abba, quoting R. Johanan, cites Deut. 2:28 as the Biblical source for the prohibition: "What food I eat you will supply for money, and what water I drink you will furnish for money..." Moses charged messengers to relay these words to the king of Heshbon, along with a request to pass through his land in peace. Learning from this verse what food Jews may obtain from Gentiles, R. Hiyya makes an analogy between water and food: just as water that has undergone no change is permitted, so too is food permitted only when it has not been changed (i.e., cooked).

Were this the decisive factor, there is a difficulty with a Baraitha which says that corn roasted by Gentiles is permitted. Therefore, the principle must be restated in a fashion which is not contradicted by the Baraitha. Noting that roasting corn does not really change it, the solution could be: just as water which has not been changed from its natural form is permitted, so too food that has not been altered from its natural form is permitted. Once again, however, this is found to conflict with a Tannaitic ruling that, "the first flour and fine flour" of Gentiles, clearly

changed from their natural form, are permitted. One more attempt is made to make an analogy between the water and food in the Deuteronomy passage in order to make the prohibition Biblical. It is the same as the last, with one additional proviso: just as water which has not been changed from its natural form by means of fire is permitted, so too must food not have been changed from its natural form by means of fire to be permitted. This, indeed, is in harmony with the Baraithot, but a different problem is raised by the Gemara--it cannot be derived from the Biblical verse, because there is no mention in it of fire. In the absence of another passage to support the ruling, the conclusion reached is that it is a rabbinical law, and Deut. 2:28 provides "mere support." That is, it may be said that the law is hinted at in the Torah verse, but not stated explicitly. It by no means is proof of the law.³⁰

The discussion thus far implicitly states that which Rab, cited by Rab Samuel bar Rab Isaac, makes explicit: "That which is eaten raw does not come under the heading of food cooked by Gentiles." This was the principle accepted in Sura. In Pumbeditha, a different rule was taught with the same attribution. There, the tradition was that whatever is not eaten at the table of kings as a relish does not come under the heading of food cooked by Gentiles. As the Gemara often does when it has two versions of a teaching, the question asked is, What is the difference between the

two? The examples given as the answer are small fish, mushrooms, and grits. These are not eaten raw, nor are they served at a king's table as relish. According to the first principle, they would come under the prohibition; according to the second, they would not be considered food cooked by a Gentile.

The block of material that follows comes from a discussion in Beza 16a. The topic there is erube tabshilin, the legal fiction which permits cooking on a festival for the Sabbath that follows it. The connection with the present topic is the mention of "small fish." Rab Assi, in the name of Rab, said that salted small fish of non-Jews are not considered in the category of food cooked by a Gentile.³¹ The comments of Rashi and Rabbenu Hananel on the passage in Beza are instructive, for they shed light on the principles cited above in the name of Rab. To Rashi, the first version is the operative one. He says the reason for Rab's statement about small fish is that the prohibition against cooked food "does not cover food eaten raw." As Rashi understood it, the small fish were salted by a Gentile, but this does not constitute cooking.³² Rabbenu Hananel sees this in a different way. To him, "the salting constitutes the cooking (of the fish), but the Gentile did not cook them, for they were already cooked." So, he reads Rab's statement as, "small fish salted (by Jews) in the possession of non-Jews,

etc." Moreover, he seems to prefer the version of Rab's principle as taught in Pumpeditha.³³

Rab Joseph continues with the topic of small salted fish. Since they may be eaten if a Gentile roasted them, as has just been shown, Jews may use them as one of the two foods required to make an erube tabshilin. To understand this with Rashi's explanation of the law of salted fish, it would be said that Rab Joseph's statement is possible because when a Gentile cooks food that is normally eaten raw, it is still permitted. To Rabbenu Hananel, the fact that the small fish were already cooked (i.e., salted) by a Jew would mean that if a Gentile roasted them afterwards it does not change their status from permitted to prohibited.

Rab Joseph also said that if a non-Jew made a pie of fish hash and flour³⁴ with the salted fish, it is forbidden. To the Gemara, there was a specific reason for mentioning this seemingly obvious law. It could have been argued that what should be decisive is the fish-hash in the pie. From what was said above, we would think--if this were the case--that this dish is permitted. However, it is the flour that is considered the "principal element." Now previously there was a Baraitha quoted which taught that, "Their first flour and fine flour are permitted." This was the case so long as it was not cooked or processed. But since flour is not eaten raw, when a Gentile cooks it, it becomes forbidden.

The discussion now shifts to the actions of non-Jews, and what constitutes "cooking." This material begins with a law attributed to Rab by Rab Berona. If a Gentile set fire to an uncleared field, he ruled, all the locusts in it are forbidden. The Gemara points out two possible reasons for this ruling. It might be argued that in this situation it is impossible to distinguish the permitted species from the prohibited. Why, then, did Rab specify that a Gentile burned the field? The same prohibition should apply had a Jew burned the field. The second possibility is that the rule comes on account of the locusts being cooked by a non-Jew. But if this were the reason, the Gemara objects to the prohibition on the basis of a statement made in the name of R. Johanan: if a Gentile singed the hair of the head of an animal slaughtered by a Jew,³⁵ it is permitted to eat the animal, "...even from the tip of the ear."³⁶ The Gemara sees this as an indication that the intention of the Gentile is important. If his action was not done for the purpose of cooking, then the food may be eaten. In the case ruled upon by R. Johanan, the Gemara reasons, the Gentile intended by his action to remove the hair; in the statement of Rab, the intention was to clear the field. Therefore, the conclusion is that Rab's ruling was made on account of the impossibility of distinguishing between permitted and prohibited species of locusts, and the only reason "Gentile" was specified was that in the case upon

which he ruled it just happened that a non-Jew was the one who set fire to the field.

Based on the above conclusion, Rabina says that if a Gentile threw a tent pin into a stove to let it dry, and a Jew had already placed a pumkin inside, the pumkin is still permitted. The comment is made that this seems to be obvious. But, it might have been said that he intended to cook the tent pin. "Therefore, we are taught that he wanted to harden it." We derive from this that had the Gentile placed food into the oven and cooked it, the Jew's pumkin would have been forbidden.

Now that it has been established that a Gentile must have intended to cook permitted food for his action to make it forbidden to Jews, the Gemara discusses what exactly is "cooking." Rab Judah said in the name of Samuel that if a Jew left meat on coals and a Gentile turned it, the meat is still permitted. This is clarified by the method of determining the precise circumstances involved. So, were we to say that if the meat had not been turned it would have been cooked anyway, clearly the Gentile's action would not be considered "cooking." Are we then dealing with the opposite situation, that is, if the meat had not been turned it would not have been cooked? This is objected to, for it is then unquestionably food cooked by a Gentile. The conclusion is that the case here must be one in which the meat would have been cooked in two hours had it not been turned;

now that it has been turned, it cooks in one hour. Therefore, the statement of Samuel teaches that hastening the cooking process is not considered cooking.

An objection is made by R. Assi in the name of R. Johanan. He said that whatever had been cooked by a Jew at least to the extent of the food of Ben Drusai³⁷ is not to be considered food cooked by a Gentile. The problem is that in the above case, the meat had not been cooked this minimum time, and should be forbidden on account of being cooked by a Gentile.

The objection is refuted in two ways. The first way is to limit the case R. Johanan decided. The circumstance he dealt with is when a Jew put the meat in a pot and a Gentile put it in the oven. This is forbidden, according to R. Johanan, for it was not cooked enough by the Jew prior to the non-Jew's action. Secondly, there are two Baraithot cited which also substantiate that a minimum amount of cooking by Gentiles of food which Jews began cooking is permitted. The first one says that if a Jew left meat on coals and a non-Jew turned it until the Jew returned from the synagogue or House of Study, the meat is permitted. Likewise, the second Baraitha states that if a Jewish woman sets a pot on a stove and goes to the bathhouse or synagogue, a Gentile may stir the food until she returns without the food becoming forbidden. With these Tannaitic rulings, two guidelines have been set: (1) a Gentile may do something

which hastens the cooking of food; (2) so long as a Jew began the cooking and cooks the food one-third of the required time, a Gentile may continue doing what is necessary (stirring, turning, etc.) until it is completed.

A question arose in the academy which probes the second rule: "What is the ruling if a Gentile left (meat on coals) and a Jew turned it?" Rab Nahman bar Isaac answers that if cooking begun by a Jew and completed by a Gentile is permitted, all the more would it be permitted if a Jew completed the cooking begun by a Gentile. Then another general rule is stated, with two attributions. The first is, "Rabbah bar bar Hana in the name of R. Johanan," and the other is "Rab Aha bar bar Hana in the name of R. Johanan." The rule is, "Whether a Gentile left it and a Jew turned it, or a Jew left it and a Gentile turned it, it is permitted. It is not prohibited unless (the cooking was both) begun and completed by a Gentile." The second principle now is understood to be that a Jew must cook the food at least one-third of the time it will require, at either the beginning or end of the cooking process.

These rules should be seen as liberalizing the Mishnah's prohibition. This becomes clear when Rabina applies the second principle to bread, which the Gemara has already emphasized is forbidden. His statement places a very minimal requirement for a Jew's involvement in its baking for it to be permitted to Jews to eat. He said that if a Gentile

kindled the fire and a Jew baked it, or vice versa, or if a Gentile kindled the fire and baked it and the Jew raked the fire, the bread is permitted. The Jew's involvement is reduced to a symbolic gesture. As the Tosafot comment, the implication of Rabina's rule is that what is asked is that the Jew be nearby during the baking.³⁸

The rest of the section dealing with food cooked by Gentiles discusses the implication of the various rules established thus far on specific foods. It begins with the statement that Hezekiah permitted and R. Johanan prohibited eating a Gentile's salted fish. When "small salted fish" was the topic above, Rashi held that the reason they were not considered cooked by a Gentile was that salting is not accounted as cooking. In this case Hezekiah agrees, while to R. Johanan it is cooking.

The second example is roasted eggs. We are told that Bar Kappara permitted Jews to eat them when roasted by a Gentile, but R. Johanan did not. Dr. Cohen, in his notes,³⁹ explains Bar Kappara's leniency, as Rashi does,⁴⁰ as a recognition that being roasted in its shell, nothing the Gentile does could effect the egg. This may be true, but as was observed in the introduction to this section, the concern behind these prohibitions is not what a Gentile might do, but to insure social separation between Jews and Gentiles. Moreover, the incident told after this statement indicates that Bar Kappara's view was not accepted.

Before the story is told, Rab Dimi brings the statements about salted fish and roasted eggs together. He said that both Hezekiah and Bar Kappara permitted them. This is important, for in the story that follows it is said that R. Hiyya Parva'ah went to the house of the Exilarch, where he was asked about the law regarding roasted eggs. He reported that Hezekiah and Bar Kappara permitted Jews to eat them, but that R. Johanan prohibited them. Furthermore, he said, "The opinion of one authority cannot stand against that of two." Rab Zebid then said that R. Hiyya's view was not to be heeded, "for thus did Abaye say, 'the law is in accordance with the opinion of R. Johanan.'" 41

In a Baraitha there is proof that R. Johanan's view reflected an already accepted law in the Tannaitic period. For according to it, preserved caper flowers, heads of leeks, liver worts, boiled water, and roasted ears of corn of Gentiles are all permitted (presumably because they may be eaten raw). Eggs roasted by Gentiles, however, are forbidden. This Baraitha, like the Mishnah, also records that R. Judah Nesi'a and his court voted to permit oil of Gentiles.

The Baraitha which follows presents the first instance in which the dietary laws most significantly enter into the discussion of food cooked by a Gentile. It says that when date husks are boiled by a Gentile in a large caldron, they are forbidden; however, if they are boiled in a small caldron, they are permitted. The Gemara first questions what

a small caldron is. R. Jannai said that it is one into which a swallow cannot enter. Rashi explains that this size insures that nothing prohibited was cooked in it.⁴² Then the objection is made that a person could conceivably cut the bird into pieces and place it inside the caldron. It would then be considered "small," and a Jew would be permitted to eat date husks a Gentile boiled in it. The rule is then revised: a small caldron is one into which the head of a swallow cannot enter.⁴³

Another Tannaitic statement completely contradicts the last Baraitha. It says that regardless of the caldron's size, date husks boiled by a Gentile are permitted. The Gemara reconciles these two Baraithot by ascribing the viewpoint of each to a different principle regarding kosher food cooked by a Gentile. In Abodah Zara 36a, Rab Isaac bar Samuel bar Marta said that R. Simlai reported that the reason R. Judah and his court permitted oil was that if the element in a vessel imparts a bad flavor to something permitted placed in it, the permitted substance may still be eaten. On page 67b of this tractate, this view is attributed to Rab Judah, R. Dimi, Resh Lakish, and R. Abbahu. It is established by R. Huna b. R. Hiyya in this way: 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 flavor of the kosher food put into it. After the twenty-four hours the forbidden food will begin to deteriorate and impart a

bad flavor to permitted food, and the Bible does not forbid the use of such a vessel. Therefore, the latter Baraitha is in agreement with this opinion. Even if the date husks were prepared in a large caldron, which may have been used previously for prohibited food, it is permitted.⁴⁴

The first Baraitha follows the opinion that if the forbidden substance imparts a bad flavor, permitted food prepared in the same utensil is forbidden. This view is attributed to R. Meir (See B. Abodah Zara 67b), who taught, "Whether it imparts a worsened or improved flavor, it is prohibited." His reasoning is based on the logic that despite the fact that vessels of Gentiles impart a bad flavor to permitted food cooked in them, using them was forbidden by Scripture unless purified with hot water (See Numb. 31:23). Therefore, it really makes no difference whether the flavor imparted is bad or good, for Gentile vessels are prohibited until purified. For this reason, if date husks were boiled in a large caldron (which we assume has been used for forbidden food) they are forbidden. Since small caldrons are presumed to have been used only for permitted food, date husks prepared in them may be eaten by Jews.

The next item discussed is "cooked oil of Gentiles." Rab Shesheth said it is forbidden, but his reasoning was not known. Rab Safra eliminated three of the primary possibilities that have served as guidelines in previous dis-

cussions. The concern cannot be that wine was mixed with it, for it would cause the oil to spoil. Nor could oil have been forbidden because food cooked by a Gentile is forbidden, for oil is edible in its raw state. Finally, the rule that Gentile vessels require cleansing with boiling water before they may be used by Jews is not the reason, for the cooked oil imparts a bad flavor and the vessel would still be permitted. Therefore, according to the Tosafot, Rab Shesheth's view was not accepted.⁴⁵ Further evidence is provided by the reference of the 'En Mishpat Ner Mitzvah to Mishnah Torah, Hilkhoh Ma'achaloth Asuroth, chapter 17, Halakha 16, where Maimonides says that cooked oil of Gentiles is permitted. Alfasi's text, moreover, has a reading entirely different from the printed Gemara, but with the same halakhic result. On page 16b, he has, "Rab Shesheth said, 'Cooked oil of Gentiles is permitted.' Rab Safra said, 'This is obvious! For what would be the concern?'"

The food which is discussed next is cooked dates. R. Assi was asked whether they were permitted or not. The question was narrowed to refer to dates that are neither sweet nor bitter. Sweet dates are certainly permitted, because they may be eaten raw. When they are bitter, they must be cooked to sweeten them, so they are unquestionably forbidden. But, what of those in the middle? R. Assi's answer was that they need not ask him, for his teacher⁴⁶ decided they are prohibited. Apparently, this was the accepted halakah.

Finally, the topic of food cooked by a Gentile closes with a section on shatitah, which is a drink prepared with roasted flour and honey. Rab is supposed to have ruled it was permitted, and Samuel's father⁴⁷ and Levi said it was prohibited.⁴⁸ The Gemara goes on to describe the nature of this disagreement. If it is prepared with wheat or barley they all agree the shatitah is permitted.⁴⁹ Likewise, if the drink is prepared with lentils boiled in vinegar, they all agree it is forbidden.⁵⁰ Therefore, concludes the Gemara, the authorities disagreed when shatitah is prepared with lentils boiled in water. The reason for the prohibition attributed to Abba bar Abba and Levi would be to safeguard against carelessness which might result in a Jew drinking it when made with lentils boiled in vinegar.

There is another version of the disagreement between Rab and Samuel's father and Levi. This version may be the more accurate one, for it is the only one cited by both R. Hananel⁵¹ and the Rif.⁵² According to this version, the authorities agree that shatitah prepared with lentils boiled in water was forbidden,⁵³ but disagree when it is made with wheat or barley. Rab's leniency is based on the assumption that it should not be prohibited just because of the concern that it could lead to consuming shatitah prepared with lentils boiled in water. That is, Samuel's father and Levi prohibit it, according to the Gemara, because it might lead to drinking it when prepared with lentils

boiled in water. And this was prohibited for the fear it might lead to drinking it when made with lentils boiled in vinegar. Rab is willing to prohibit the drink only when it might directly lead to consuming Gentile vinegar, but not when it could lead to another drink which in turn might end in drinking it when made with vinegar.⁵⁴ Furthermore, Rab said that Barzilai the Gileadite sent David two kinds of shatitah (See II Sam. 17:28). Perhaps he meant this to substantiate that according to Scripture, two kinds of this drink were permitted, and those must be shatitah made from wheat and barley. As a final way of justifying his decision, Rab points to common practice. He says, "Today, in Nehardea, people carry out to the market basketfuls (of Shatitah⁵⁵), and are not mindful of the concern of Samuel's father and Levi."

Scheme--Stewed Foods

1. Question: What is the Scriptural support for the prohibition?

Answer (R. Hiyya bar Abba--R. Johanan): Interpretation of Deut. 2:28--Just as water that has not been changed is permitted, so too must food not be changed to be permitted.

Objection: A Baraitha permits corn roasted by a Gentile.

2. Restatement: Just as water which has not been changed from its natural state is permitted, so too food must be unchanged from its natural state to be permitted.

Objection: A Baraitha permits the first flour and fine flour of a Gentile.

3. Restatement: Just as water which has not been changed

from its natural form by fire is permitted, so must food not have been changed from its natural form by fire to be permitted.

Objection: Deut. 2:28 makes no reference to fire.

4. Conclusion: The prohibition of food cooked by a Gentile is rabbinical, and Deut. 2:28 is support.
5. Rab Samuel bar Isaac--Rab: Food eaten raw does not come under the prohibition of food cooked by a Gentile.

Gemara: That was the version in Sura; in Pumbeditha they taught: whatever is not eaten at the table of kings as a relish does not come under the prohibition of food cooked by a Gentile.

6. Question: What is the difference between the two versions?

Answer: Small fish, mushrooms, and grits.

7. Rab Assi--Rab: Salted small fish of Gentiles are not considered food cooked by a Gentile.
8. Rab Joseph: If a Gentile roasted salted small fish, a Jew may rely on it for an erube tabshilin. If the Gentile made a pie of fish hash and flour with the fish, it is forbidden.
9. Gemara: This seems obvious. But, it was necessary to teach that the flour is the principal element.
10. Rab Berona--Rab: If a Gentile set fire to an uncleared field, all the locusts are forbidden.

11. Question: What are the circumstances of this ruling?

Answer 1: It would be impossible to distinguish the permitted from the prohibited species.

Objection: Why did he specify "Gentile?"

Answer 2: The locusts are forbidden on account of being cooked by a Gentile.

Objection: In such a case, would they be forbidden?

Support (R. Johanan): If a Gentile singed the head of an animal slaughtered by a Jew, it is permitted to eat the animal.

Reasoning: The Gentile's intent was to remove the hair.
And in Rab's ruling his intent was to clear the field.

12. Conclusion: Rab's ruling was made on account of being able to distinguish permitted from prohibited species. "Gentile" was specified because in the case upon which Rab ruled a Gentile was involved.
13. Rabina: If a Gentile put a tent pin in an oven into which a Jew had put a pumpkin, and he lights the oven, the pumpkin is permitted.

Gemara: This is obvious! Since it might have been said the Gentile intended to cook the pin, it teaches that he wanted to harden it.

14. Rab Judah--Samuel: If a Jew left meat on coals and a Gentile turned it, the meat is permitted.

15. Question: What are the circumstances of this ruling?

Answer 1: If the meat had not been turned it would have cooked anyway.

Objection: Then it is clear the Gentile did no cooking.

Answer 2: If the meat had not been turned it would not have been cooked.

Objection: Then it is unquestionably food cooked by a Gentile.

16. Conclusion: The meat would have been cooked in two hours if not turned; with turning it will cook in one hour.

Question: What might have been said?

Answer: That hastening the cooking process is like cooking.

17. Objection (R. Assi--R. Johanan): Whatever is cooked at least as long as the food of Ben Drusai is not considered food cooked by a Gentile. The meat in the above case was not cooked that long.

18. Refutation: (1) R. Johanan decided a case where a Jew put meat in a pot and a Gentile put it in the oven.
(2) Baraithot: (a) If a Gentile turns meat placed on coals by a Jew while the Jew is away, the meat is permitted. (b) If a Jewish woman set a pot on a stove and leaves, and a Gentile stirs it while she is gone, the

food is permitted.

19. Question: What if a Gentile left meat on coals and a Jew turned it?

Answer (Rab Nahman bar Isaac): If cooking completed by a Gentile is permitted, all the more so is cooking completed by a Jew.

20. Rabbah bar bar Hana--R. Johanan (or Rab Aha bar bar Hana--R. Johanan): Food is not prohibited unless the cooking was both begun and completed by a Gentile.
21. Rabina: Bread is permitted if a Gentile kindled the fire and a Jew baked it, or vice versa, or if a Gentile kindled the fire and baked it and the Jew raked the fire.
22. Gemara: Hezekiah permitted and R. Johanan prohibited fish salted by a Gentile.
23. Gemara: Bar Kappara permitted and R. Johanan prohibited eggs roasted by a Gentile.
24. Rab Dimi: Hezekiah and Bar Kappara permitted salted fish and roasted eggs of Gentiles.
25. Incident: The Exilarch asked R. Hiyya the law regarding roasted eggs of Gentiles. R. Hiyya said Hezekiah and Bar Kappara permitted them and R. Johanan prohibited them; and advised the Exilarch to follow the majority opinion. Rab Zebid said the law was in accordance with R. Johanan. For saying this, Rab Zebid was poisoned.
26. Baraitha: Eggs roasted by Gentiles are forbidden.
27. Baraitha: Date husks boiled by a Gentile in a large caldron are forbidden, but in a small caldron are permitted.
28. Question: What is a small caldron?
- Answer (R. Jannai): It is one into which a swallow cannot enter.
- Objection: The bird could be cut up to fit into the caldron.
- Restatement: A small caldron is one into which the head of a swallow cannot enter.

29. Objection (to #28): A Baraitha says that regardless of the caldron's size, date husks boiled by a Gentile are permitted.

30. Resolution: The second Baraitha (#29) follows the view that when the forbidden element imparts a bad flavor to permitted food, the permitted food may still be eaten by Jews; the first Baraitha (#28) agrees with the opinion that if forbidden substance imparts a bad flavor to kosher food, it is forbidden.

31. Rab Shesheth: Cooked oil of Gentiles is forbidden.

32. Rab Safra: Why? It cannot be because it might be mixed with wine, nor on account of being food cooked by a Gentile, nor because the pot requires purification.

33. Question: Are dates cooked by a Gentile permitted or not?

Comment: The question inquires about dates that are neither sweet nor bitter.

Answer (R. Assi): My teacher (R. Levi) ruled they are prohibited.

34. Gemara: Regarding shatitah of a Gentile, Rab permitted it and Samuel's father and Levi prohibited it.

35. Gemara: The disagreement is in the case where the shatitah is made from lentils boiled in water. Samuel's father and Levi prohibited it as a safeguard against drinking it when the lentils are boiled in vinegar.

Alternative version: They disagree when shatitah is made with wheat or barley. Rab permitted it for lack of concern that it could lead to drinking it when made with lentils boiled in water.

36. Rab: There are two types of shatitah.

Support: II Sam. 17:28.

37. Rab: In Nehardea today people are not mindful of the concern of Samuel's father and Levi.

5. Pressed Foods (38b-39a)

In the Mishnah, pressed foods into which wine⁵⁶ is usually put are forbidden to Jews to eat, but the prohibition does not extend to all benefit. There is a similarity between this law and the rule with respect to fish brine, discussed in the fourth Mishnah. Eating fish brine was also forbidden because wine was often mixed with it. The relationship between these two rules is the topic of the short discussion of pressed foods.

A remark of Hezekiah begins this sugya. He said that the law in the Mishnah was taught with regard to pressed food which may have wine in it. However, when it is certain, the prohibition extends to all benefit. Now this, apparently, was accepted;⁵⁷ and the question arises why the prohibition against fish brine (which was assumed always to have wine in it) does not extend to all benefit. The answer has to do with the reason wine is added to these foods. Wine is added to fish brine in order to overcome the bad smell of the fish. Rashi understood this as an economic consideration, for were the smell not diminished, the merchant would not be able to sell it and he would lose money.⁵⁸ However, one adds wine to pressed food in order to sweeten the taste. Since it is done to improve the flavor, the prohibition extends to all benefit, as if to prevent Jews from selling something in which forbidden wine would be viewed as delicious, even though it is sold to Gentiles. In the case

of the fish brine, the wine would not be viewed this way.

R. Johanan held an opinion contrary to Hezekiah's, that even when it is known that wine was used in the preparation of pressed foods, the prohibition does not extend to all benefit.⁵⁹ This view is compared to the unaccepted opinion of R. Meir, viz., that no benefit may be derived from fish brine. The Gemara understands the difference between R. Johanan's view of pressed foods and R. Meir's view of fish brine to be that in the case of fish brine, the "wine's presence is known." Rashi⁶⁰ interprets this to mean that when eaten, one dips into the brine and eats the wine mixed with it. On the other hand, the presence of wine in pressed food is not known, because the wine is used in the juice to preserve pressed food. That juice, and therefore the wine, is not eaten.

Scheme--Pressed Foods

1. Hezekiah: The Mishnah ruled that benefit may be derived from pressed food when wine may be mixed in with it. When it is certain, the prohibition extends to all benefit.

2. Question: Why is the law with respect to fish brine different?

Answer: Wine is added to fish brine to overcome the bad smell of the fish; it is added to pressed food to sweeten the taste.

3. R. Johanan: Even if it is known that wine was mixed with the pressed food, the prohibition does not extend to all benefit.

4. Question: How does R. Johanan's view differ from R.

Meir's opinion that no benefit may be derived from fish brine?

Answer: With fish brine the wine's presence is known; with pressed food the wine's presence is not known.

6. Helek (39a)

The Gemara's discussion of helek begins with determining what fish the Mishnah meant. According to Rab Nahman bar Abba, Rab said that it is the sultanith.⁶¹ Even though it is a permitted species of fish, Jews were forbidden to eat it when sold by a Gentile, for when they pack it, they often include prohibited fish resembling it. A Baraitha is also cited, which confirms that the sultanith was permitted. The rest of the material in this section deals with different species of fish and methods of determining whether they are permitted or not.

Scheme--Helek

1. Question: What is helek?

Answer (Rab Nahman bar Abba--Rab): It is the sultanith.

2. Question: Why was it forbidden?

Answer: Gentiles pack it with prohibited species of fish.

3. Baraitha: Fish which have no fins and scales at the time, but grow them later, like the sultanith and aphiz are permitted.

7. Drops of Asafoetida (39a-39b)

Asafoetida (or asafetida) is a gum resin obtained from different plants of the carrot family, and was used as an antispasmodic. The Gemara has little to say on the subject, and after clarifying the reason for the prohibition, the rest of the material is only tangentially related to the original topic.

Drops of asafoetida are forbidden because to get them the plant is cut with a knife. If a Gentile does this, the assumption is that the knife he uses is a utensil that is unclean due to its use for forbidden foods. Now previously we saw the principle, if the forbidden element imparts a bad flavor to something kosher it remains permitted, applied to allow Jews to eat certain food or use Gentile utensils. This is not applied in the present case because, "the pungency of the asafoetida sweetens the fat (on the Gentile's knife)." So, it is as though the forbidden element imparts an improved flavor to the permitted substance.⁶²

This section concludes with a sugya concerned with Gentiles transporting various products for Jews. It begins with a statement by Rab that milk, meat, wine, and blue wool, if transported by a Gentile with one seal, are forbidden; asafoetida, fish brine, bread, and cheese may be sent with a Gentile with one seal. On page 31a there is the dispute between R. Eleazar and R. Johanan on seals. There

were two versions cited, and the accepted halakha seems to be the second version of R. Johanan's ruling, viz., that "everything is sufficiently guarded with a seal within a seal, including wine." What Rab says in the present discussion does not agree with this view, nor, for that matter, with any of the other views in both versions of the argument. Rabbenu Nissim cites the Palestinian Talmud to explain Rab's reasoning. It says that everything forbidden outright is not guarded with one seal; everything that is prohibited because of what might have been mixed with it is. Rabbenu Nissim points out that bread is an exception, for it is forbidden outright; therefore, there is an additional rule that, that which the rabbis forbade is permitted if it only has a single seal. He concludes, "And wine, even though it is a rabbinical prohibition, requires two seals, for, due to the love of pouring out libations, (a Gentile) would trouble to falsify (a single seal)."⁶³

The Gemara's first question about Rab's ruling is about the nature of the concern over bread, that it should even require one seal. Several possibilities are eliminated and no decision is made. However, neither is there a challenge to the rule, indicating that it was not important to know why any seal is required.

The second question about Rab's statement involves another issue. In a previous discussion it was seen that a factor in deciding whether certain items sent by Jews with

Gentiles are permitted is whether there need be the concern that the seal may be broken, the goods tampered with, and then resealed. Rab implies that with milk, meat, wine, and blue wool there is the fear that the Gentile would go to the trouble of falsifying the seal, but he would not do so for asafoetida, fish brine, bread, and cheese. The Gemara seeks to understand why he ruled that for cheese a Gentile would not trouble to falsify the seal, but with milk he would. The position of the Gemara is clearly stated: "For milk he also would not trouble to commit a fraud." Rab Kahana suggests that the solution lies in exchanging the word "milk" with "a piece of fish which has no sign upon it." Rashi explains that since it was expensive, a Gentile would go the trouble of falsifying the seal.⁶⁴ The objection to this is that fish falls under the category of meat. This is answered with the statement that in Rab's opinion, "there are two kinds of meat."

Thus far, Rab's rule has been challenged because he implied that bread requires a seal if sent with a Gentile, and because he included milk with those foods requiring more than a single seal. Samuel is quoted as providing a rule without these two problematic items, but otherwise identical to Rab. However, as Rashi points out,⁶⁵ Samuel's decision (which, according to Rabbenu Hananel⁶⁶ and Alfasi⁶⁷ was not the accepted halakha) is not in disagreement with Rab. Rather, as the Gemara indicates, accepting the revised

version of Rab by Rab Kahana (as Alfasi does⁶⁸), Samuel believes fish need not be specified, for it is included in "meat"; and furthermore, he omits bread because he feels, as the Gemara does, that there is no concern over it.⁶⁹

This sugya concludes with a Baraitha which discusses the scruples of Jewish merchants in Syria. It states that the storekeepers there were suspected of not being concerned about selling to Jews merchandise they purchased from Gentiles, thereby showing no regard for the injunction, "Before a blind person do not place a stumbling block." Therefore, "We do not purchase wine, fish brine, milk, sal-conditum, asafoetida, nor cheese in Syria, except from experts." However, the Jews there did not eat forbidden food, so were one to be invited to the home of a Syrian Jew, "it is permitted to eat any of these." This ruling is understood by the Gemara to support a related decision of R. Joshua b. Levi. He said that if a Jewish householder in Syria sends a Jew in another country a gift of any of these items, it is permitted to eat them. The Gemara assumes that R. Joshua reasoned in-the following way:

The householder would not leave (in his house) that which is permitted and eat that which is forbidden. So, when he sends (a gift, it can be assumed that he selects it from) that which he himself eats.

Scheme--Drops of Asafoetida

1. Question: What is the reason for the prohibition?

Answer: Because of the Gentile's knife used to cut the

plant; and it is a case of the forbidden element imparting an improved flavor.

2. Rab: Milk, meat, wine, and blue wool are not sufficiently guarded with one seal; asafoetida, fish brine, bread, and cheese are.
3. Question: What is the concern over bread? It cannot be the concern that the Gentile would exchange a fresh loaf for a stale one, nor a wheat loaf for one of barley, nor that he would exchange it for a loaf baked by a Gentile.

4. Question: Why does Rab think a Gentile would falsify the seal of milk, but not of cheese?

Statement: For milk he would also not trouble to falsify the seal.

5. Rab Kahana: Exchange the word "milk" with "a piece of fish with no sign on it."

Objection: Fish comes under the category of meat.

Resolution: To Rab there are two kinds of meat.

6. Samuel: Meat, wine, and blue wool are not sufficiently guarded with one seal; fish brine, asafoetida, and cheese are.

Comment: To Samuel, pieces of fish with no sign on them are considered "meat;" there are not two kinds of meat.

7. Baraitha: Wine, fish brine, milk, sal-conditum, asafoetida, and cheese may not be bought in Syria except from experts. If one is a guest in the home of a Syrian (Jew), all of them may be eaten.

8. Gemara: This Baraitha supports a decision of R. Joshua b. Levi, that if a Jew receives any of the items it mentions as a gift, it is permitted to eat them.

9. Question: What is R. Joshua's reason?

Answer: The Syrian Jew would send as a gift only what he himself would be permitted to eat.

8. Sal-Conditum (39b)

The sugya which discusses sal-conditum comprises a definition and a Baraitha which elaborates the Mishnah's prohibition. There is an explanation of the reasoning in the Baraitha, and the sugya closes with an additional comment relating to the prohibition.

Sal-conditum is defined by Rab Judah in the name of Samuel. According to this tradition, it is "the salt which all *עלקונורי רומי* eat." There are at least three interpretations of the word *עלקונורי*. Jastrow⁷⁰ identifies it with the Latin *siliginarii*, or bakers of wheat flour; Dr. Cohen, in his translation, says it refers to "Roman guests";⁷¹ Rabbenu Nissim explains the word as "the important among the Romans," or Roman nobles.⁷²

The reason for the prohibition is derived by R. Johanan from a Baraitha. It says that, "Black sal-conditum is forbidden, white is permitted--according to R. Meir; R. Judah says that white is forbidden and black is permitted; R. Judah b. Gamaliel says that both are forbidden." The explanation of these opinions, attributed to R. Johanan by Rabbah bar bar Hanah, is that entrails of forbidden fish are mixed in with sal-conditum. R. Meir thinks that the entrails used in white sal-conditum are from white fish that are forbidden; R. Judah holds that in the black sal-conditum the entrails are from black fish that are forbidden; and according to the last opinion, both colors contain forbidden

fish. The text provides no indication of which of these views was the accepted halakha. Together with the concluding comment of Abahu speaking in the name of R. Hanina b. Gamaliel--that he knew an old (Gentile) man who used to "polish this salt with swine fat"--it seems that the prohibition is in effect for all types of sal-conditum, regardless of color.

Scheme--Sal-Conditum

1. Question: What is "sal-conditum?"

Answer (Rab Judah--Samuel): The salt which סלקונדי רומי eat.

2. Baraita: R. Meir said black sal-conditum is permitted and white is forbidden. R. Judah said white is forbidden and black is permitted. R. Judah b. Gamaliel said both are forbidden.

3. Rabbah bar bar Hana--R. Johanan: Explanations of the reasoning of each authority in the Baraita (#2).

4. Abahu--R. Hanina b. Gamaliel: I knew an old man who used to polish sal-conditum with swine fat.

9. All these are Forbidden (39b)

The fifth Mishnah's summary remark is, "Behold, these are forbidden, but their prohibition does not extend to all benefit." The Gemara understands these words to be a qualification of the rules in the Mishnah. So, at the end of this Gemara, the question asked is, What does this concluding statement exclude? That is, these words emphasize that the prohibitions do not extend to all benefit, implying that there is a circumstance in which they do. The Gemara refers back to previous statements by two authorities which describe

when this is true. Hezekiah would say that the Mishnah excludes the case where it is known that wine or vinegar was used in the preparation of pressed foods. "For if it is known, they are forbidden even for benefit," comments Rashi. To R. Johanan, the Mishnah excludes fish brine and Bythnian cheese. This refers back to the fourth Mishnah, where R. Meir said the prohibition of these foods extends to all benefit. The principle behind R. Johanan's opinion is that an anonymous statement in the Mishnah reflects the opinion of R. Meir. Since the concluding line in our Mishnah is not attributed to any Tanna, it is ascribed to R. Meir.⁷³

Scheme--All these are Forbidden

1. Mishnah: These are forbidden, but their prohibition does not extend to all benefit.

2. Question: What does the Mishnah exclude?

Answer: To Hezekiah, it excludes the case where it is known that wine or vinegar was used in pressed foods, for if it is known, no benefit may be derived from them; to R. Johanan, the Mishnah excludes fish brine and Bythnian cheese.

Support (for R. Johanan's view): An anonymous statement in the Mishnah reflects the opinion of R. Meir.

VI. THE SIXTH MISHNAH

Analysis of the Mishnah (39b)

The last Mishnah in chapter two of Abodah Zara is distinguished from the others in that it comprises a list of foods of Gentiles permitted to Jews. The list may be divided into two groups. On the one hand, several of the foods permitted in this Mishnah were prohibited under certain conditions in the fifth Mishnah. So, milk which a Jew observed a Gentile obtain, pressed foods which are not usually made with wine or vinegar, pickled herring which has not been minced, brine which has fish in it, and leaves of asafoetida (presumably which have not been cut from the plant with a knife¹) are all permitted. Additionally, these were also permitted: honey, grape clusters, and rolled olive cakes. R. Jose, on the subject of olives, said that olives which are ready to have their pits drop out are forbidden. Albeck² says that the reason for his ruling is that Gentiles put them in vinegar.

The last ruling in the Mishnah states that locusts that come from a shopkeeper's basket are forbidden, while those from his stockroom are permitted. The final statement of the Mishnah is that the same rule about the locusts of Gentile shopkeepers applies to purchasing from a priest. The Gemara will explain the meaning of this ruling.

The first group of foods are permitted for reasons the Mishnah states. The other group may have been included because originally there was a controversy over them which the Mishnah does not preserve. Since they meet the requirement of being edible in their raw state, there is no reason for them to be forbidden. The brevity of the Gemara on this Mishnah reflects the lack of controversy over these items.

Analysis of the Gemara

1. Milk (39b)

The Gemara's discussion of milk begins with a Baraitha which may be understood as clarifying the Mishnah. The Baraitha says that if a Jew was sitting near a Gentile's herd while the Gentile milked a cow, and he brought him the milk, the Jew may drink it. According to Rashi, the situation described is that the Jew is not in a position to actually see the milking occur.³ This may seem to contradict the previous Mishnah, which stated clearly that if the Jew does not see the milking, the milk is forbidden. But the Tosafot⁴ claim that the implication of this Baraitha for the Mishnah's rule is that the Jew need not actually witness the milking, but at least be in a position that he could have done so. This understanding is also what the Gemara derives from the Baraitha.

The Gemara seeks to determine the circumstances with which the Baraitha deals. Two possibilities are suggested

and rejected. The second of these, upon reconsideration, is accepted, and a conclusion is reached about the Mishnah based on the Gemara's understanding of the Baraitha.

The Gemara first considers whether the Baraitha treats of a situation where there are no forbidden species of animals in the Gentile's herd. This is rejected, for it is obvious that the Jew could drink the milk. The second possibility is that there were forbidden species of animals in the herd. This at first is not accepted, for were this the case, how could the Baraitha rule that the Jew could drink the milk? If he did not see from which animal it came, he might drink forbidden milk.

The Gemara decides that the situation of the Baraitha is that there is a forbidden animal in the herd. However, it adds that the Jew is sitting in a spot where if he were to stand he could see the Gentile milking the animal. The reason for the Baraitha's ruling, as the Gemara understands it, is that it might have been said that since when the Jew is sitting he cannot see the milking, he should be concerned that the Gentile mixed forbidden milk with the permitted. Therefore, the Baraitha teaches that the fact that the Jew could observe the Gentile if he stood up, is sufficient a deterrent to dissuade him from mixing unclean milk with clean. Applying this to the Mishnah, we now may understand the ruling to be that milk which a Jew could have seen a non-Jew obtain is permitted.

Scheme--Milk

1. Baraitha: If a Jew was sitting nearby while a Gentile milked a cow, the Jew may drink the milk.

2. Question: What are the circumstances of the Baraitha?

Answer 1: When there are no forbidden animals in the herd.

Rejection: Then it is obvious the Jew can drink the milk.

Answer 2: There were forbidden species in the herd.

Rejection: How could the milk be permitted in this case?!

Conclusion: There were forbidden species in the herd, but the Baraitha also teaches that the Jew must sit in a spot where if he stood he could see the Gentile milk the animal.

3. Question: What might have been said?

Answer: In that situation the Gentile might mix milk from a forbidden animal. Therefore, the Baraitha dismisses this concern.

2. Honey (39b)

The Mishnah's ruling on honey inspired very little for the Gemara to discuss. No controversy challenges, qualifies, or clarifies the Mishnah. Rather, the Gemara simply points out that with honey there is no concern that would lead to it being forbidden. The sugya considers three of the primary fears associated with the food of Gentiles, and dismisses all of them as not applicable to honey. That is, there is no concern that a Gentile might mix his wine with honey, for that would make the honey rancid. Honey could not be prohibited on account of being food cooked by a Gentile, for it is eaten raw. Lastly, honey is not for-

bidden because the container into which it is put requires cleaning with boiling water before a Jew may use it. We apply the principle that the forbidden substance in the container imparts a bad flavor to the honey, which is, therefore, permitted.

Scheme--Honey

1. Question: What is the concern over honey?

Answer: None of the following: (1) the fear of it being mixed with Gentile wine, (2) that it should be considered food cooked by a Gentile, nor (3) that the container needs purification.

3. Grape Clusters (39b)

The Mishnah states that even when grape clusters exude moisture, the law which renders food susceptible to defilement by a liquid does not apply to them. This being the case, they are permitted. The Gemara cites another dispute, the conclusion of which seems to contradict our Mishnah. The disagreement is between Hillel and Shammai, and is included in the list of "Eighteen Things" which were voted upon by the Schools of Hillel and Shammai in the chambers of Hananiah b. Hezekiah b. Gorion.⁵ The argument was whether or not grapes harvested (by a Jew) for the grape press are susceptible to defilement by a liquid.⁶ Hillel said they are not and Shammai said they are. The law went according to the view of Shammai. The problem clearly is why our Mishnah says that the law which renders food

susceptible to defilement by a liquid does not apply to grape clusters of a Gentile.

The Gemara reasons that the difference between these two cases is the purpose for which the grapes are to be used. In the dispute between Hillel and Shammai the grapes are to be used to make a liquid (wine), while in our Mishnah the grapes themselves are to be used for food. We may understand this in light of the Gemara's explanation of the issue in Shabbat 17a. In that passage, Shammai's opinion that the exuding liquid makes the grapes susceptible to uncleanness is accounted for by the fact that it was the person's intent that juice exude from the grapes. Earlier in that Gemara (12a) it was established that when a person's action was intended to produce a liquid, it can cause defilement. When the person gathers grapes for the purpose of making wine he may do something which will cause juice to come from the fruit (e.g., to test for ripeness). Since he does this by himself and on purpose, the juice makes those grapes susceptible to defilement. However, in our Mishnah, there is no such intentional act done to cause juice to come from the grapes. That is, they exude moisture naturally. Therefore, when grape clusters meant for eating exude juice by themselves, it does not make the grapes susceptible to defilement.

Scheme--Grape Clusters

1. Mishnah: Even though grape clusters exude moisture, the law which renders food susceptible to defilement by a liquid does not apply to them.
2. Objection: A Baraitha says that Shammai decided that grapes harvested for the grape press are susceptible to defilement by a liquid.
3. Resolution: In the Baraitha's case the grapes were used to make a liquid; in the Mishnah's ruling, the grapes are for food.

4. Pickled Herring (39b-40a)

The material on pickled herring deals primarily with the method of determining whether or not the fish have been minced. The topic leads the Gemara to a lengthy discussion, which I will not go into, of the characteristics of clean species of fish.

The sugya begins with a Baraitha which defines "minced." Pickled herring is not considered to be minced if the head and backbone of the fish are recognizeable. Rashi understands this as teaching that the head and backbone of each fish must be recognizeable, and points out that from the head of a fish one can determine if it is a permitted species.⁷

The Gemara follows the Baraitha with a disagreement between two Amoraim. Rab Huna, in agreement with the Baraitha, said pickled herring is not considered minced "so long as the head and backbone are recognizeable." This is disputed by Rab Nahman, who holds that as long as either one is

recognizeable the herring is not considered minced. Before the Gemara delves further into this dispute, an objection is raised against both of their views. Both imply that the criteria for determining whether the fish is a permitted species are its head and/or backbone. However, Rab Ukba bar Hama points out that it was accepted that fish are considered permitted if they have fins and scales.⁸ Abaye resolves the difficulty by asserting that the Mishnah to which Rab Ukba referred deals with the skate and pelamys fish.⁹ The heads of these fish are similar to those of forbidden species, and, therefore, the head cannot be used as a criterion. With other fish the head may be used to determine if the fish is a permitted variety.

The Gemara returns to the dispute between Rabs Huna and Nahman with a statement made in the name of Ulla by Rab Judah. Ulla said that their disagreement was not over eating the chopped herring itself. They both agree, according to his view, that herring may only be eaten if the head and backbone are recognizeable. Where they disagree is over consuming the brine of the herring. R. Zera said that in light of Ulla's statement he stopped his practice of dipping bread into brine of pickled herring. This is an indication, as Rashi says,¹⁰ that he accepted Rab Huna's position. Rab Papa also confirms that the halakha is in accordance with Rab Huna. Therefore, if the head and backbone are not discernable, even eating the brine is forbidden.

Despite the fact that the halakha was determined to follow Rab Huna, a Baraitha is cited which contradicts his opinion. It states that even if one in a hundred pieces of fish bear a sign of being from a permitted species, all the pieces are permitted. This ruling is illustrated in the Baraitha by the following case: It once happened that a Gentile brought a barrel containing pieces of fish. A sign was found on one of them that showed it was from a permitted variety, and R. Simeon b. Gamaliel declared the whole barrel permitted.

The reason the above Baraitha seems to contradict the opinion of Rab Huna is that he said that each piece had to bear a sign of being permitted for even the brine to be permitted. Rab Papa, who stated that the halakha was in accordance with Rab Huna, resolves the problem with the Baraitha by saying that it applies only when "the pieces are alike." His resolution is explained both by Rashi¹¹ and Rabbenu Hananel¹² as meaning that the pieces can be seen to be a complete fish. Therefore, since we are dealing with one fish, only one piece need bear the sign of a permitted species. The Gemara asks what, if this were true, is the purpose of the Baraitha. If there is one fish cut into pieces, and it can be seen that it is a permitted species, it should be obvious that it may be eaten. However, the Baraitha does provide something important, decides the Gemara. It could have been said that it was merely a

coincidence that the pieces fit together as one fish, and actually there are pieces from more than one variety. Were we to be concerned with this possibility, we would think that each piece must bear a sign of being from a permitted species. Therefore, the purpose of the Baraitha is to instruct that if the pieces seem to be from one fish, and if there is a sign of being a permitted species on one of the pieces, then all of them are permitted and no further inquiry is necessary.

The discussion continues with a story, the end result of which is to express the uncertainty over the issues raised in this sugya. We are told that a boat loaded with mud-fish arrived at Sikara. Rab Huna bar Hinnena inspected it and saw scales of a fish and declared the entire load permitted. According to the Tosafot,¹³ his presumption was that the boat contained only one species of fish, and the scales indicated it was a permitted species. Raba disagreed with Rab Huna's decision, reasoning that the load may be from a place where fish with scales are common. It is possible that there were permitted and forbidden species, and the scales Rab Huna noticed could coincidentally have belonged to a permitted species. Therefore, Raba issued a decree forbidding the load.

The decree of Rab Huna is challenged. R. Jeremiah reports that Rab Papi told him that Rab Huna's decree permitted eating the brine only, not the fish themselves. Rab

Ashi, on the other hand, said that he was told by Rab Papa that Rab Huna permitted even the fish themselves. Because of this, Rab Ashi said he would not be in a position to forbid the fish; however, he continues, "nor could I permit them, considering what Rab Judah said in the name of Ulla." So, according to Rab Ashi, Rab Huna's decision disagrees with the view that to be permitted the sign of being a permitted species must be seen on each fish. This would mean that Raba is in agreement with what was supposed to have been the accepted halakha.

The Baraitha first cited in this sugya also said that "brine which has fish in it" means brine with one or two kalbith fish floating in it. The Gemara questions why it states "one or two kalbith fish floating in it." The answer is that the number required depends on whether the barrels are open or closed. According to Rashi,¹⁴ if the barrels were open, two are necessary. He reasons that if there were just one it might be thought that the fish accidentally fell in after the brine was prepared. Two of the kalbith fish, on the other hand, are sufficient to substantiate that the brine was made from the juices of permitted species. This means that if the barrels were closed, one kalbith fish found in one of the barrels is enough to declare all of the barrels permitted. Now the Gemara recounts an incident which challenges Rashi's interpretation of the Baraitha. Once, when Rab Hinnena bar Idi was with Rab Adda bar Ahaba,

he said that if a non-Jew brought a boat full of barrels of fish brine and a kalbith fish is found in one of them, the barrels would be permitted if they are open. If they are closed, the one with the kalbith fish would be permitted but the rest prohibited. R. Adda asked R. Hinnena the source of his opinion. He replied that he heard it from three scholars: Rab, Samuel, and R. Johanan. Rashi says that these three are of such eminence that an opinion based upon their views is as reliable as one based on Scripture.¹⁵ Rabbenu Nissim¹⁶ provides a way to solve the apparent contradiction between the views of the Baraitha and R. Hinnena bar Idi. He points out that Maimonides ruled that with open barrels, all may be permitted if one kalbith fish is found in one of the barrels; if the barrels are closed, all are forbidden unless two kalbith fish are found in different barrels.¹⁷ This view is in harmony with the opinion of R. Hinnena. Also, the Tosafot comment that in light of R. Hinnena's statement, Rabbenu Efraim interpreted the Gemara to teach that open barrels require one kalbith fish and closed barrels require two.¹⁸

Scheme--Pickled Herring

1. Baraitha: Pickled herring is not minced if the head and backbone are recognizeable.
2. Rab Huna: It is not minced if the head and backbone are recognizeable.
3. Rab Nahman: It is not minced if the head or backbone are recognizeable.

4. Objection (to nos. 2&3): Rab Ukba bar Hama says it was accepted that fish are permitted if they have fins and scales.
5. Resolution: Rab Ukba bar Hama's Mishnah refers to skate and pelamys; with other fish the head can be used to determine if the fish is permitted.
6. Rab Judah--Ulla: Rabs Nahman and Huna agree that herring may only be eaten if the head and backbone are recognizable. They disagree over eating the brine.
7. Rab Papa: The law is in accordance with Rab Huna.
8. Objection: A Baraitha states that if one in a hundred pieces of fish bear a sign of being from a permitted species, all the pieces are permitted.

Resolution (Rab Papa): The Baraitha's rule applies when "the pieces are alike."

9. Question: What is the purpose of the Baraitha?

Answer: To instruct that if the pieces seem to be from one fish, and if there is a sign of being permitted on one of the pieces, then all of them are permitted.

10. Story: Rab Huna bar Hinnena declared a load of fish permitted when he saw scales of a fish. Raba prohibited the fish, for the load may have contained prohibited species.
11. R. Jeremiah: Rab Papi said Rab Huna permitted the brine only.

Rab Ashi: Rab Papa said Rab Huna permitted the fish and brine. So, I cannot forbid the fish; nor can I permit them, in light of what Ulla said (#6).

12. Baraitha (continuation of #1): "Brine with fish in it" is brine with one or two kalbith fish floating in it.
13. Story: R. Hinnena bar Idi says that if a Gentile brought a boat full of barrels of fish brine and a kalbith fish is in one of them, all the barrels are permitted if they are open; if they are closed, the barrel with the kalbith fish is permitted and the rest are forbidden.

5. Leaf of Asafoetida (40b)

The Gemara adds very little to the Mishnah's statement that a leaf of asafoetida, when not cut with a knife by a Gentile, is permitted. However, since it does seem to be obvious that the leaf is permitted, the Gemara points out that an argument could be made that in certain cases it should be forbidden. That is, were there drops of resin on the leaf, it might have been argued that a Jew should be concerned that the Gentile mixed in drops which he obtained by cutting the root with his knife. Therefore, the purpose of the Mishnah, according to the Gemara, is to instruct that it may be assumed that the drops on the leaf detached themselves without cutting, and came off together with the leaf when it was plucked.

Scheme--Leaf of Asafoetida

1. Gemara: The Mishnah's ruling is obvious.

2. Question: What might have been said?

Answer: That drops on the leaf came from the Gentile's knife.

3. Conclusion: The purpose of the Mishnah is to teach that Jews may assume the drops were not from the Gentile's knife.

6. Rolled olive Cakes (40b)

The Gemara's treatment of rolled olive cakes is similar to its discussion of a leaf of asafoetida. Though the ruling in the Mishnah seems obvious, the Gemara postulates an argument that could lead to the decision they should be forbidden. When the olives are very soft, it might be argued that wine was put in them. Therefore, the purpose of the Mishnah is to teach that even when they are soft, they are permitted. It may be assumed that oil is added to them, not wine.

Regarding the statement of R. Jose that, "olives whose pits are about to drop are forbidden," the Gemara asks what "pits ready to drop" means. The answer given is in the name of R. Jose bar Hanina, who said it refers to olives whose pits drop out when held in a hand.

Scheme--Rolled olive Cakes

1. Gemara: The Mishnah's rule is obvious.
2. Question: What might have been said?
Answer: That when the olives are soft, wine is mixed with them.
3. Conclusion: The purpose of the Mishnah is to teach that when the olives are soft oil is mixed with them.
4. Mishnah: R. Jose said olives whose pits are about to drop are forbidden.
5. Question: What are "olives whose pits are about to drop?"
Answer (R. Jose bar Hanina): Olives whose pits drop out when held in a hand.

7. Locusts (40b)

The material on locusts consists only of two Baraithot. The first adds little to the Mishnah beyond providing a reason for forbidding locusts sold from a shopkeeper's basket. According to the Baraitha, not only locusts, but capers and leeks are permitted when they are brought either from a warehouse, stockroom, or a ship.¹⁹ However, they are forbidden when bought from a shopkeeper's basket on the counter in front of the store, because, "they sprinkle wine over them."²⁰ The last part of the Baraitha says that apple cider bought from a non-Jew must come from the shopkeeper's warehouse, stockroom, or basket. However, it may not be purchased from the counter in front of the shopkeeper. Our text does not give the reason for this prohibition. However, the Tosefta²¹ says it is because the cider "has been adulterated" (הָיָה שְׂחָדָה). Alfasi²² says it is because the shopkeeper mixes wine with it.

Prompted by the mention of apple cider, another Baraitha is cited which involves apple cider of Gentiles. In this teaching it is recounted how Rabbi was once ill with a disorder of the bowels. He asked whether or not the apple cider of Gentiles was permitted or forbidden. R. Ishmael b. R. Jose tells him that his father once drank seventy year old apple cider of a Gentile when he was ill with the same sickness Rabbi had. Rabbi took this as indicating it was permitted, he sent for some, and, according

to the Baraitha, he was cured

Rab Shesheth answers the Gemara's question, What is the meaning of "the same rule applies to the priest's share?" He said that the Mishnah intended that the rule about purchasing locusts applies to a priest who is suspected of selling the heave offering as though it were common food. When a person buys food from him, the suspected priest must bring it from his warehouse, stockroom, or a basket. When he brings it from one of these places, the priest would hesitate to sell his priest's share, for fear that the rabbinical authorities might hear of it and deprive him of his share. It is forbidden to purchase from him when the food is "in front of him," for fear he mixed the priest's share with other food.

In the explanation, if the food is in a basket, it may be purchased. In the Mishnah, locusts may not be bought from a basket, but must come from the stockroom. I assume that Rab Shesheth's intent is the same as the Mishnah, namely, that what is forbidden is that which is on display for immediate sale. This, on the one hand, is where the Gentile storekeeper would sprinkle wine on locusts, and, on the other hand, is the place where one might find food suspected of being the priest's share.

Scheme--Locusts

1. Baraitha: Locusts, capers, and leeks are forbidden when bought from a Gentile shopkeeper's basket in front of the store, because he may sprinkle wine over them.
2. Baraitha: A story about the time Rabbi drank apple cider of a Gentile as a cure for a disorder of the bowels.
3. Mishnah: The same rule applies to the priest's share.
4. Question: What does the Mishnah mean?

Answer (Rab Shesheth): The rule about locusts applies to a priest suspected of selling the priest's share as though it were common food.

CONCLUSION

Thirty-eight pages of Gemara contain an enormous amount of material. At the conclusion of this study, I truly understand why the word "sea" is often used to describe the Talmud. To accurately draw conclusions from one chapter is not easy. One confronts a paradox: on the one hand, a chapter of thirty-eight pages provides substantial material from which one could extract conclusions; on the other hand, those thirty-eight pages comprise a small part of a much larger whole. It is tempting to speak of the views of Gentiles held by different sages, to compare schools, to see where generations differ, to discuss the Sitz im Leben of the different traditions recorded in the chapter. However, the urge to make such statements must be controlled for a variety of reasons. To describe one authority's view of Gentiles would require a study of his utterances reported throughout the Talmud. A thorough knowledge of the history of several civilizations over the course of many centuries would be necessary to discuss the significance of historical events on the material studied.

What is it, then, that may be said at the conclusion of this study? An attempt can be made to describe what was learned about the Talmud as literature and to discuss some of the themes and concerns that appear throughout the second

chapter of B. Abodah Zara.

The schemes of the sugyoth presented in this thesis have served a two-fold purpose. They have been helpful devices to assist the reader follow the analysis of the Gemara and understand the course of the discussion. Also, they demonstrate that there is a consistency and flow to a Talmudic argument. It became clear that nothing was really extraneous; there was a logical connection between statements within each sugya. There was nothing that could not readily be seen as somehow pertinent to the subject.

Moreover, there is evidence of a logical order to the sugyoth strung together. Each sugya can be seen as a part of a whole, placed together as units in the larger passage of Gemara in a logical fashion. A theme, like a thread, runs between the sugyoth, shaping them into a fine literary unit. Detecting this theme and understanding its course is part of the artistry involved in the study of Talmud.

Something about the manner in which the redactor of the material made use of the sources available to him was also noted. It was seen that passages that appear in different places in the Talmud can be molded to fit into different contexts. This is evidence that the sugya is a contrived literary device. The material studied in this thesis substantiates L. Jacobs' contention that, "in the Talmudic sugya we have not so much an actual record of

debates and discussions but a literary reworking of the original material in which prominence is given to literary effect."¹

The schemes repeatedly reveal the frequent use of the question-answer form of the sugya. The redactor seems to use this form as a means of bringing pertinent information about the topic under scrutiny. There is also indication that the question-answer form is not the work of an actual magshan (one who poses the question) and tartzan (one who answers), but the use of these fictitious characters by the redactor of the sugya. This format provides the opportunity to cite traditions he wanted to record. Jacobs said of this form that it is "the common method of the Gemara to comment on the Mishnah."² It is an artificial device, as Jacobs said: "If we are correct in our assumption, the Gemara prefers to convey all the relevant information (about the matter being discussed) in the more artificial but more dramatic form of the question and answer."³ The sugyoth analyzed in this thesis tend to confirm the validity of Jacobs' theories.⁴

Throughout the chapter of Abodah Zara studied were several assumptions about Gentiles and concerns that occupied the sages with respect to Jewish-Gentile relations. For the most part, there was no dramatic change revealed in the material between Tannaitic and Amoraic perspectives. The

main exception to this is the concern over the actual worship of idols. The Amoraim, though familiar with the practices and customs of idolatry, do not appear to have been as troubled by the attraction of idolatry to Jews as were their predecessors. The following are the basic concerns and attitudes that emerged with frequency in the material covered by this study:

1. Sodomy with animals: This was the explicit reason for various Tannaitic prohibition. It was assumed that if a Gentile had the chance, he (or she) would engage in sexual intercourse with animals. There seems to be the belief that this act will occur with animals belonging to Jews entrusted to Gentiles. There is less of a chance they will engage in sodomy with animals they want to sell, for doing so would diminish the animal's value. The Gemara ~~see~~ accepted this belief, and even brings testimony of Amoraim who witnessed sodomy between non-Jews and animals to substantiate the claim. As if to emphasize the point, the Gemara cited an Amoraic midrash which was used to "prove" that Gentiles actually prefer sex with animals belonging to Jews over relations with their own women. This belief also shows the distrust the rabbis of the Amoraic period had for Gentiles. They seem to view cynically the notion that Gentiles will not commit sodomy with the animals of other Gentiles because they are afraid of being caught by them, but they are not afraid of being discovered by Jews.

2. Immoral sexual relations with women: The Mishnah accepts the belief that if a Jewish woman is alone with Gentiles they will abuse her sexually. This reason for the law prohibiting a woman from being alone with them was supported both by other Tannaitic and Amoraic evidence. The Gemara, however, does qualify the restriction, but certainly not because the assumption is not valid. Moreover, an Amora stated that it is a frequent occurrence for a Gentile to visit his friends for the purpose of engaging in sexual intercourse with their wives. Also, the Gemara holds that a Gentile woman has no control over her husband's fidelity. The implication was that Jewish women do. Again, the distrust of the rabbis for non-Jews is clearly evident.

3. Murder: In the Mishnah, various Baraithot, and the Gemara, it was clearly stated that Gentiles will murder Jews if the opportunity is presented to them. It almost seems that this was considered to be an irresistible urge that a Gentile could only overcome by a conscious effort. This belief resulted in limiting the medical treatment Jews may receive from Gentiles to cases where it is presumed he could do no harm (i.e., either fatal diseases or insignificant ailments). It also meant Jews must never let their guard down when alone or travelling with non-Jews. The restriction of interaction because of the suspicion that Gentiles will kill Jews for no other reason than the fact of their Jewishness is another indication of the enormous distrust

the rabbis had of non-Jews.

4. General safety of Jews: The Mishnah reveals an attitude of concern for the safety of Jews. However, certain Baraithot, but more especially, some of the Amoraim cited, seemed to feel that the threat was not as omni-present as the Mishnah seems convinced it was. The best example is the leniency with respect to receiving medical treatment from Gentiles. Several exceptions to the Mishnah's stringency were made by the Amoraim. We are even told of at least two authorities (among them the highly respected R. Johanan bar Nappaha) who sought out Gentiles for medical treatment. Another way in which concern for Jews' safety was revealed is the interesting faith the rabbis of the Amoraic period had in the protection of the government. They stress that a Jew with connections in the government, or who is important, is more secure than those without such connections. Even giving the impression of being important, whether or not it is true, can help a Jew.

5. Supporting idolatry: Several statements in the Mishnah were clearly intended to insure that Jews do nothing that directly supports or perpetuates the practice of idolatry. This even meant extending help to a Gentile woman in childbirth was prohibited, for by this action the Jew would help bring another idolater into the world. In the Gemara this met a mixed reaction. It does not seem to have been as great a concern to the Amoraim, but this was not

universally accepted. That is, Rab Joseph felt that Jews should do certain things in order to avoid raising the enmity of Gentiles for Jews. His view, however, met with opposition. Evidence that the Amoraim were less concerned with idolatry is primarily found in the lack of discussions directly related to it. The strongest statements come from Tannaitic sources. What was a concern for the Amoraim was a Jew doing anything that would encourage any non-Jewish worship. Tied in with this was the desire to insure that Jews do not, by their actions, cause Gentiles to break the Noahide laws.

6. Use of and benefit from things associated with idolatry: The statements of the Tannaitic and Amoraic authorities reveal some understanding of the religions of the people around them. Various regulations were made based on the knowledge that a certain item is not used in idolatrous rites. The rabbis were acquainted with their places of worship and some of the practices that occurred in them. Many of the prohibitions in the fourth Mishnah extended to all benefit due to a clear connection with idolatry. Where the connection is less certain, benefit was allowed. The Amoraic material shows less concern in this regard. Many of the traditions of the later authorities deal with procedures which enable Jews to use things formerly associated with idolatry.

7. Social interaction between Jews and Gentiles:

This concern is never expressed explicitly in the Mishnah. However, as was observed, it is clearly stated in other sources, primarily in Amoraic traditions. There can be little question that the effect of many of the prohibitions in the Mishnayoth and Baraithot (i.e., ^{early} Palestinian sources) was to restrict opportunities for Jews and Gentiles to socialize. Moore even traces the concern for intermarriage back to the days of Ezra and Nehemia,⁵ and calls the concern over assimilation the "origin of Jewish exclusiveness."⁶ In the Amoraic period, the perceived threat of assimilation was not as great as it was previously. This by no means meant a relaxing of the prohibitions. But the fact cannot be overlooked that many of the incidents recounted in the Gemara have to do with rabbis socializing with Gentiles, both in their own homes and in the homes of non-Jews. It is also clear in all the material that there were active business relationships between Jews and Gentiles. Furthermore, it was seen that several principles were accepted with respect to Gentile food and utensils which broadened the possibility for interaction on a social and business level. Other evidence of increased interaction in the Amoraic period may be seen in what was said above about consulting Gentile doctors. It is possible that the fact that Jews were associating more and more with Gentiles increased the prominence of the concern for arousing Gentile enmity.

8. Economics: An interesting insight of the material

studied is the realization of the role of economics in people's lives. That is, it was noted, especially by the Amoraim, that economic considerations would be taken into account by Gentiles tempted to commit immoral acts. As examples, the Gemara holds that a Gentile would not risk losing the sale of a red heifer by putting a load on it (which would invalidate it as a sacrifice); Gentiles, it was said, would not commit sodomy with their own animals if they intend to sell them; Gentiles will not abuse a Jewish woman being held hostage, because they know her husband would not pay the ransom money if they did. Furthermore, the prohibition of Gentile goods was a means of limiting competition. This, to be sure, is counterbalanced by many of the rulings which permit Gentile goods, thus encouraging competition.⁷ It was also seen that a concern of the rabbis was whether or not a prohibition would cause economic hardship for Jews. If it did, this might be grounds for annulling that decree.

In I Macc. 1:2 is found the Jewish argument for assimilation into the surrounding culture: "Let us go and make alliance with the peoples around us, for since we separated from them many evils have befallen us." The chapter of Talmud studied in this thesis indicates that the rabbis of old were plagued by the desire of some of their co-religionists to diminish or do away with the rules and

regulations which drastically mark Jews off from other people. While not opposed to increased relations between Jews and Gentiles, it is clear that the Amoraim were as adamant as the Tannaim that Jews must protect their religious and cultural integrity. Moore notes that the laws of clean and unclean and the dietary laws have been perceived as ways of putting hinderances in the way of Jewish intercourse with non-Jews. He says, "Of this there is neither internal nor external evidence."⁸ To Moore, these laws were simply ancient customs similar to those of other cultures. I must respectfully disagree with this view. It seems clear, based on this study, that the preservation of Jewish identity was the reason for some of the laws restricting Jewish-Gentile relations. The rabbis recognized the attraction for Jews of foreign cultures and religions. They felt that free relations could lead to intermarriage, which would spell the end of the Jewish people. Therefore, the Amoraim tried to balance the growing social and business intercourse between Jews and non-Jews with the maintenance and reinforcement of basic restrictions.

The price the Jews paid for separation was quite high. As Moore says, "The separateness of the Jews ... was one of the prime causes of the animosity toward them."⁹ Other factors contributing to the antipathy of non-Jews toward Jews were the Jewish conviction that Judaism is the one true religion, and the manner in which Jews asserted

this conviction. The reason Jews were not tolerated, writes Moore, "was chiefly because they alone were intolerant."¹⁰ I am not qualified to refute this last statement, and I do not doubt that some hatred of Jews can be attributed to the fierce desire of Jews to protect themselves and the path they chose to achieve that goal. However, we must keep in mind that several of the restrictions were based on the belief that because the Noahide laws apply to all people, Jews must do nothing to cause a non-Jew to violate them. Moreover, it was seen that fear and distrust lay behind many enactments. Before too much responsibility for anti-Jewish feelings is placed on Jews, the causes for the fear and distrust which permeate chapter two of B. Abodah Zara need to be analyzed.

NOTES

Introduction

1. Jacob Lauterbach, "Attitude of the Jew Toward the Non-Jew," in C.C.A.R. Yearbook (Richmond, VA: Old Dominican Press, 1921), p. 204.
2. Ibid.
3. Moses Mielziner, Introduction to the Talmud (New York: Bloch Publishing Co., 1968), p. 106.
4. Saul Lieberman, Hellenism in Jewish Palestine (New York: Jewish Theological Seminary of America, 1950), p. 116.
5. Ibid., 127.
6. Ibid., pp. 120-21. See also George Foot Moore, Judaism in the First Centuries of the Christian Era, 2 vols. (Cambridge: Harvard University Press, 1970), 1:362-63.
7. Hanoach Albeck, ששה סדרי משנה, vol. 4: Seder Nezikin (Jerusalem: Bialik Institute, 1975), p. 322.
8. See B. Abodah Zara 8a.
9. See Albeck, ששה סדרי משנה, Abodah Zara, p. 322.
10. Ibid.

Part I

1. Rashi, A.Z. 22a, s.v. י"א.
2. Ibid.
3. The term for an animal dedicated as a sacrifice is חוקצה (See Glossary). In the Tosefta (A.Z. 5:1) the question is asked, What action constitutes dedicating an animal for an idolatrous sacrifice? The answer given is that it is considered dedicated, "...from the time that an act (of consecration) was done to it." Lieberman points out that the Tosefta passage does not

specify the deed which will make the animal sacred. However, it does say that if a person says, "This animal (is consecrated) for idolatry..." he has said nothing, for there is no consecration for idol worship" (Lieberman, Hellenism, p. 147). Therefore, the conclusion is that some act must be performed on the animal for the purpose of offering it as a sacrifice to an idol for the animal to be considered מזבח.

4. Rashi says this means that, "The animal had been made an idol, and they prostrated themselves before it" (Rashi, A.Z. 22b, ad loc.).
5. This is how A. Mischon translates the saying in The Soncino Talmud, Abodah Zara, p. 114.
6. As will be seen, this leniency is qualified below.
7. The word מזבח connotes not only "evil smell," but also, "moral impurity," and "lust" (See Jastrow, Dictionary of the Targumim, Talmud Babli, Yerushalmi, and Midrashic Literature, 1975, s.v. מזבח). In the three places this passage occurs, The Soncino Talmud translates it as "lust," "lustfulness," and "filthy lust." Because of the context in Abodah Zara, I have translated it as "evil smell."
8. "In the garden of Eden, according to a tradition" (Soncino Talmud, Yebamoth, p. 711, note 14).
9. That is, the human species. See Jastrow, Dictionary, s.v. מזבח, and The Soncino Talmud, Yebamoth, p. 711, note 15.
10. Jastrow (Ibid.) adds that it was "checked through the influence of religion."
11. See Numb. 19:2, where the three requirements for the red heifer are that it be without blemish, that it have no defects upon it, and that no yoke was ever placed on it.
12. See Rashi, A.Z. 23b, s.v. מזבח.
13. Following this statement is a digression into the quality of holiness of the red heifer. The dispute is over whether its holiness is that of a sacrifice or of something dedicated for the maintenance of the Temple.
14. The Gemara discusses this last statement and concludes

that when buying an animal from a Gentile for sacrificial purposes, this watching by a Jew need not extend further back than the birth of the mother of the purchased animal.

15. See Zebahim 116b.
16. I Sam. 6:10.
17. The Mishnah, trans. Herbert Danby (London: Oxford University Press, 1974), p. 533.
18. For more on the law of תמ" see Part Five, the discussion of the Eighteen Things.
19. In our text the attribution is, "Rab Judah in the name of Samuel..." However, in the two other places where this block of material appears--B. Kiddushin 80b and B. Sotah 7a--Rab Judah quotes Rab.
20. Rashi, A.Z. 25b, s.v. נחמ.
21. B. Hullin 91a, Tosefta, A.Z. Ch. 3.

Part II.

- 1.1. Soncino Talmud, Abodah Zara, p. 130.
2. Rabbenu Nissim points out the reason given in the Palestinian Talmud for this rule. There it says a Jewish woman may not nurse a Gentile infant, "for she would be giving him life." See Rabbenu Nissim to Alfasi, A.Z. 7a, s.v. י"ח.
3. Rabbenu Hananel comments (A.Z. 26a, ad loc.) that Biblical support for the position that Gentiles may nurse Jewish infants can be found in Isa. 49:53. In that verse the prophet says of Gentile kings, "And kings shall be thy foster fathers and their queens thy nursing mothers (מְנִיקֶיךָ)." It should also be pointed out that Rabbenu Nissim says that this permission is only extended "in times of danger," e.g., when there is no Jewish woman available to nurse the child. See Rabbenu Nissim to Alfasi, A.Z. 7b, ad loc.
4. Lauterbach, "Attitude of the Jew Toward the Non-Jew," p. 202.
5. Rashi, A.Z. 26a, ad loc.
6. The Soncino Talmud, Abodah Zara, p. 131. Jastrow

- (Dictionary, s.v. נזק) translates: "become ungainly by nursing."
7. Rabbenu Nissim to Alfasi, A.Z. 7b, s.v. נזק.
 8. Lauterbach, "Attitude of the Jew Toward the Non-Jew," pp. 232-33, note 62.
 9. Joseph S. Bloch, Israel and the Nations, trans. Dr. Leon Kellner (Berlin: Benjamin Harz, 1927), p. 181.
 10. See Danby's translation of The Mishnah, p. 342, note 1.
 11. The text of this Baraita which Alfasi, Rabbenu Hananel and Rabbenu Nissim had included apikorsim in the list of those that should be cast into but not pulled out of a pit.
 12. See also Rabbenu Nissim to Alfasi, A.Z. 7b, ad loc.
 13. See The Soncino Talmud, A.Z. p. 131, note 6.
 14. Rashi, A.Z. 26b, s.v. למילא.
 15. That is, to fulfill the mitzvah of circumcision. I use the word milah to denote more than the mere operation of removing the foreskin.
 16. See Menahot 42a.
 17. In Menahot, instead of למילא the text reads למילא.
 18. See The Soncino Talmud, A.Z., p. 132, note 4.
 19. Who would not risk damaging his reputation just to mutilate a Jew. See Rashi, A.Z. 27a, s.v. למילא and Tosafot, A.Z. 27a, s.v. למילא.
 20. Tosefta A.Z. ch. 3.
 21. For a discussion of Samaritans and Mt. Gerizim, see Salo Baron, A Social and Religious History of the Jews, vol. 2: Ancient Times Part 2 (Philadelphia: Jewish Publication Society of America, 1952), pp. 26-35.
 22. See Rashi, A.Z. 27a ad loc.
 23. The text of the Gemara reads למילא. In The Soncino Talmud, A.Z., p. 134, note 9, it is pointed out that the Munich Manuscript has למילא.

part III.

1. Albeck, ששה סדורי משנה, A.Z., p. 329, s.v. וינו לוינו.
2. See also P. Shabbat 14^d.
3. The Soncino Talmud, Shabbat, p. 569, note 6.
4. His Scriptural support is Ezek. 2:3, which speaks of Israel's rebelliousness.
5. Shabbat 116a, s.v. ספרי מינים.
6. According to the reading in דקדוקי סופרים.
7. "Identified with Suchnin, north of the plain of El Battauf in Galilee..." The Soncino Talmud, A.Z. p. 85, note 3.
8. The words in quotation appear in the Munich Manuscript. They were obviously censured from our printed text, which has the awkward reading: ומצאת אחד ויעקב איש נפר סכניא שמו. As the Tosafot point out (A.Z. 17a, s.v. ויעקב), this Jacob cannot be the same Jacob in the story found in A.Z. 27b, because of the time span between R. Ishmael and R. Eliezer.
9. Note that it is not a negative reference to Jesus. R. Eliezer's crime, as he understood it, was that he listened to the halakha attributed to Jesus and enjoyed it. Moreover, he had no refutation of it. He realizes that his error was enjoying something taught by a min, and that he listened long enough to hear his halakhic discussion. For the interpretation of this passage I am indebted to Dr. Jakob Petuchowski.
10. P. Shabbat 14^d.
11. Bloch, Israel and the Nations, p. 34. For more on conjurations, see Mt. 7:22; Lk. 9:49.
12. See also A.Z. 54a, Yoma 85b, Sanh. 74a.
13. Rashi points out (A.Z. 28a, s.v. גו היד) that it is permitted for a Gentile to treat external injuries because, being visible, the Jew can detect if the treatment is suspicious. For example, if the doctor put poison instead of proper medication on the wound, he can remove the poison.
14. Rashi, A.Z. 28a, s.v. שצריכה אומר.

15. That the Gemara cites this version of R. Johanan's teaching here, when it could have mentioned the variant tradition with equal force, and considering what was said at the end of the previous paragraph, it seems that there is agreement that it is the accurate tradition.
16. See B. Sanh. 19a.
17. See B. A.Z. 27a, where circumcision performed by a Gentile who is a publically recognized expert is permitted.
18. This is the second reference in this chapter to the distinctive trouble minim caused the Jews. Furthermore, it is another indication that to the redactor a min could have been a non-Jew. In the context, it would certainly be justified to say this, since the discussion involves the similarities between the cases of R. Johanan and R. Abbahu seeking medical treatment.
19. These locks were worn by Roman and Greek youths of the upper class, and were offered to the gods on arriving at puberty. See Mishnah A.Z. 1:3, Deut. Rab. 5.2, Lev. Rab. S23. The rabbis were also aware of the custom of offering hair to Kemosh. See Mekilta de-Rabbi Ishmael to Ex. 20:5.

Part IV

1. Albeck, ששה סדרי משנה, A.Z., p. 329, s.v. היין.
2. Rashi, A.Z. 29b, s.v. שהיה מתחילתו יין.
3. Albeck, ששה סדרי משנה, A.Z., p. 330, s.v. ועורות לבובין.
4. See Ps. 106:28.
5. Bloch, Israel and the Nations, p. 31.
6. Albeck, ששה סדרי משנה, A.Z., p. 323.
7. Ibid., p. 330, s.v. יושיין מותרין.
8. The Mishnah notes that this view, however, was not accepted, and that it was decided that no benefit may be derived from the burnt offering. Albeck holds that that was added later to the Mishnah to show that the sages disagree with R. Ishmael's opinion (Albeck, Ibid., p. 330).

9. Rashi, A.Z. 29b, s.v. אבל אמרו לא נהנין ולא מועלין.
10. Albeck, ששה סדרי משנה, A.Z. p. 330, s.v. קיבת העולה חמורה וכו'.
11. Rashi, A.Z. 29b, s.v. עגורת כוכבים.
12. R. Joshua discusses a grammatical question about Song of Songs 1:2. The specifics are not important to our discussion.
13. Mielziner, Introduction to the Talmud, pp. 152-53.
14. Ibid., p. 153.
15. On page 32b of A.Z. R. Judah b. Bathyra derives from this verse the law that the sacrifice to idols defiles by overshadowing.
16. See Mielziner, Introduction to the Talmud, pp. 147-50.
17. Ibid., pp. 147-48.
18. Ibid., p. 149.
19. See The Soncino Talmud, A.Z., p. 147, note 10.
20. Rashi, A.Z. 29b, s.v. משום איחלופי.
21. Rashi, A.Z. 30a, s.v. אלונהית כנרייתא.
22. The Gemara explains that alontith is a mixture of old wine, clear water, and balsam, and was drunk before leaving a bath house to help keep warm. See B. Shabb. 140a.
23. Rashi says this mixture consists of two parts water to one part wine. (A.Z. 30a, s.v. גזוז).
24. It seems that this principle only applies to liquids, primarily water, that a snake will drink, and for the period of time during which venom remains potent.
25. See. B. Shabbat 129a, 156b.
26. Translating ארמאי as Jastrow does (Dictionary, s.v. ארמאי). From the context it is known that the reference is to drinking water.
27. It is interesting to note here that the concern is not that the non-Jew seeks to do him evil, but rather it is strictly hygienic.

28. Introduced with the formula for such conflicting accounts, אינא דאמרי.
29. The law prohibiting uncovered liquids is only in certain contexts related to the topic of this thesis. The Gemara continues with a remark about three types of wine that do not become prohibited due to being left uncovered. I am passing over this and other such passages unrelated to the issues with which I am concerned in this thesis.
30. Raba was the head of the academy at Mahuza.
31. I am skipping the digression into different liquids that come under the prohibition of uncovered liquids and the discussion of snake venom (30b, top, to the bottom of the page).
32. The Soncino Talmud, A.Z., p. 153, note 7.
33. Rashi, A.Z. 30b, s.v. עומא חמורה.
34. The Soncino Talmud, A.Z., p. 153, note 9, says to see Tosafot to Pesahim 14a, s.v. דאינא, for an explanation of the necessity for a minimum quantity to communicate defilement.
35. Rashi, A.Z. 31a, s.v. סתם יינא אסור בהנאה.
36. Rashi, A.Z. 31a, ad loc.
37. Rashi extends the condition by adding that the Jew either is given a key to the room or seals his wine (A.Z. 31a, s.v. שייחד לו קרן וזית).
38. The Gemara continues with a note praising this incident. The essence of the comment is that if one has a halakhic question, one need only go to the place where a great scholar lives. If he is not there (as was the case in our story, for Bar Kappara was dead at the time--See Rashi, A.Z. 31a, s.v. פרוז), his disciples will know the answer.
39. Rashi, A.Z. 31a, ad loc.
40. He does not comment at all on the first version. See his commentary, A.Z. 31a, ad loc.
41. The conclusion of this sugya involves Raba's answer to the question, "What is a seal within a seal?" He gives three examples of such a seal. See the middle of 31a.

42. "Probably Borkeos on the boundary between Samaria and Judea mentioned in Josephus, Wars III, 3, 5..." The Soncino Talmud, A.Z. p. 155, note 5.
43. See Rashi, A.Z. 31a, ad loc.
44. Tosafot, A.Z. 31a, s.v. סתומות.
45. Introduced by the formula for such a resolution, לא קשיא-- "There is no contradiction."
46. Rashi, A.Z. 31b, s.v. בעיר.
47. Rashi, A.Z. 31b, s.v. לא נדרך אתו.
48. Tosafot, A.Z. 31b, s.v. מפני.
49. Rashi, A.Z. 31b, s.v. משום חתנות.
50. Rashi says, "It is accepted that snakes do not drink beer from vats." A.Z. 31b, s.v. אנן נמי מגלינן.
51. Rabbeinu Hananel says (A.Z. 31b, ad loc.) that this is done so that the barrels do not burst when the beer ferments.
52. Rashi, A.Z. 31b, s.v. באחרא דמצלו מיה.
53. In A.Z. 35b this statement is attributed to R. Hanina.
54. Tosafot, A.Z. 31b, s.v. ותרוייהו.
55. Rashi, A.Z. 31b, s.v. למרגואן.
56. Albeck, ששה סדרי משנה, A.Z. p. 329, s.v. מתחלתו יין.
57. Ibid., s.v. והרס הדריני.
58. Whenever Rab Dimi has been cited in the Gemara, the introductory formula has been, "Rab Dimi, when he came (from Palestine), said..." Here, this provides added credibility to his comment, for it could be expected that a Palestinian authority would be more informed about something pertaining to Palestine.
59. Pitchers, both glazed and unglazed, will be discussed below.
60. R. Joshua b. Levi comments that, "Our best wine is like their third." Rashi (A.Z. 32a, ad loc.) explains that "their third" means the drink produced after the

third time the shards are soaked!

61. Rashi, A.Z. 32a, s.v. י"י ד"א.
62. The text of the Gemara adds in parenthesis: "The law is according to the one who permitted." The Masoret Hashas indicates that R. Asher b. Jehiel said that it is apparent that these words should not be read.
63. It is unclear why the Gemara does not use the case of leather bottles, from which, like the pitchers, the sages ruled benefit may be derived. This would more closely relate to the present dispute over leather bottles. Perhaps the pitchers are mentioned because, being made of pottery, there is a relationship with Hadrianic earthenware, which is the general topic under discussion.
64. Rabbenu Hananel, A.Z. 32a, ad loc.
65. Rashi, A.Z. s.v. שקר שלו כנגד הלל. This explanation is also found in the Palestinian Talmud's comment to Rabban Gamaliel's statement. Lieberman said that the rabbis had in mind the rites of the mysteries of Demeter, Attis, and Cybele. He also cites the description of these rites by Clement of Alexandria: "The drink of bile, the extraction of the hearts (of the victims) and unspeakable obscenities..." Lieberman says further, "This extraction of the living heart from the sacrifice is not known to have been practiced in the regular rites of idolatry. It was most probably connected with the oriental mystery worship" (Lieberman, Hellenism, pp. 119-120).
66. Rashi, A.Z. 32b, ad loc. The Tosafot (A.Z. 32b, s.v. הלכה) give the reason for stating that the law is according to the view of Rabban Simeon b. Gamaliel: "...since the Amoraim did not have the general rule, 'in any place where R. Simeon b. Gamaliel teaches in our Mishnah, the law rests with him,' they had to decide in accordance with him.
67. We know that some rabbis reportedly sent gifts to their Gentile friends on their festivals. Bloch thinks they did so, "for they knew that they were not idolaters in the sense of the religious law." Bloch cites as evidence A.Z. 64b, where it says that R. Judah sent a present to a Gentile on one of his festivals and said, "I know that he does not commit idolatry." Also, this passage says that Raba did the same as R. Judah and made the same comment to explain his action. See Bloch, Israel

and the Nations, pp. 30-31.

68. The Soncino Talmud, A.Z. p. 160, note 1.
69. See Rashi, A.Z. 32b, s.v. 'סחם מחשבת וכו'.
70. See The Soncino Talmud, A.Z. p. 160, note 2.
71. Above, the same verse yielded this analogy: "Just as no benefit may be derived from things pertaining to the dead, so may no benefit be derived from their sacrifices."
72. C.f. A.Z. 6b, where this verse is used as Scriptural support that one should not offer wine to a Nazir nor a torn limb to a "son of Noah." It is forbidden both for the Nazir to drink wine and for the "children of Noah" to eat a limb torn from a living animal. Likewise, in our Mishnah it is the Jew's action which will be taken as contributing to the non-Jew's act of idol worship. See also A.Z. 22a.
73. See Rabbenu Hananel, A.Z. 33a, ad loc.
74. The Baraitha could be read, "old and lined skin bottles." My understanding is based on Rashi, who commented that old skin bottles have absorbed wine (and therefore are forbidden), and if they are pitched, even if wine was only in them once, the pitchers will have absorbed some. See Rashi, A.Z. 33a, s.v. 'ישנים ומזופפין'.
75. Rashi, A.Z. 33a, ad loc.
76. Rashi, A.Z. 33a, ad loc. The wine, therefore, does not render the flask forbidden.
77. Since the wine could be thoroughly absorbed, according to Rashi (A.Z. 33a, ad loc.).
78. A.Z. 33a, ad loc.
79. Rashi, A.Z. 33a, s.v. 'ממנו לנע'.
80. Rabbenu Hananel, A.Z. 33a, ad loc.
81. Rashi, A.Z. 33a, s.v. 'עובר כוכבים נותן לחוכן יין ישראל נותן לחוכן ציר או מורייס'.
82. The text has two versions of the ascription: "R. Johanan said..." and "R. Assi said in the name of R. Johanan..."
83. The Tosafot (A.Z. 33b, s.v. 'והלכתא') make an interesting

comment. They say that in all disputes between Rab Aha and Rabina, Rab Aha holds the strict view and Rabina the lenient, and that the law is in accordance with Rabina. Therefore, the Gemara "needed" to inform us that the dispute we have before us is an exception.

84. Rashi, A.Z. 33b, s.v. והלכתא כאמון דאמר.
85. But the 'En Mishpat Ner Mitzvah has its note indicator before the view of Raba.
86. Rashi, A.Z. 33b, s.v. אין להם טהרה.
87. Be-Mikse was "a frontier town between Babylon and Arabia" (The Soncino Talmud, A.Z. p. 164, note 1).
88. Rabbenu Hananel (A.Z. 33b, ad loc.) explains the reason for numbers 4 and 5 as being that these vessels "...are not used for storage.. That is, it is not customary for a person to fill them and leave them in storage for a long time. Rather, (they fill them) for a short while and then drink from them..." This being the case, they may be rinsed with water and then are permitted.
89. See The Soncino Talmud, A.Z. p. 164, note 4.
90. Rashi, A.Z. 34a, s.v. זה תשמישו בחמין.
91. "Ganazaka, identified with Shiz, S.E. of the Urmia lake, N.W. of Persia" (The Soncino Talmud, A.Z. p. 165, note 5).
92. Rashi, A.Z. 34a, s.v. לאחר שנים עשר חדש מותרין.
93. The Soncino Talmud translates "yeast." Rashi and Tosafot (A.Z. 34a, s.v. דוריא) understand דוריא as I have translated it.
94. See Rashi and Tosafot, A.Z. 34b, s.v. אבטא.
95. Rashi, A.Z. 34b, s.v. מורייס אומן.
96. See also Tosafot, A.Z. 34b, s.v. מורייס.
97. See the next Mishnah. This is a type of fish preserved in brine.
98. A measurement about equal to a log, or 2/3 of a pint.
99. In the non-Jewish country of origin, according to The Soncino Talmud, A.Z. p. 166, note 7.

100. Rashi, A.Z. 34b, s.v. גלגל.
101. Rashi, A.Z. 34b, ad loc.
102. In B. Yoma 10a this city is identified with Tubal in E. Asia Minor.
103. Rashi, A.Z. 34b, s.v. חפני מה אסרו גבינת בית אונייקי.
104. C.f. B. Yebamot 60b, 119a; B. Bekoroth 19b, 42b; B. Hullin 6a, 11b.
105. Jastrow (Dictionary, s.v. מיעוט) translates, "takes into consideration the possibility of the rarer cases."
106. My explanation is based on Rashi (A.Z. 34b, ad loc.). That he mentions rennet indicates that he sees a relationship between R. Simeon b. Lakish's reason and R. Joshua's second reason for the prohibition. To Rashi, the concern was the animal from which the rennet was taken.
107. From the context in B. Sanh. 60b the issue seems to involve a Jew who does various acts for idolatrous purposes.
108. Tosafot, A.Z. 34b, s.v. גרש"ל.
109. Rashi, A.Z. 34b, s.v. תאומה.
110. It should be kept in mind here that dung and rennet are understood to be in the same category with respect to this discussion.
111. Rabbenu Hananel, A.Z. 35a, ad loc.
112. Rashi says Rab Dimi means by "your beloved ones" the Scribes. A.Z. 35a, s.v. דברי דודיך.
113. This translation is by Jastrow, Dictionary, s.v. קטן.
114. Rashi, A.Z. 35a, ad loc.
115. Rabbenu Hananel's comment (A.Z. 35a ad loc.) is interesting. He said that at the time this occurred, R. Ishmael was a young student, "and the Torah's secrets were not revealed until they grew up." However, this misses the point, at least as the Gemara understands it.
116. Rashi, A.Z. 35a, s.v. דלמא איכא.

117. This was attributed to Rab earlier. See A.Z. 31b.
118. Rashi, A.Z. 35a, ad loc.
119. See the next Mishnah.
120. Rabbenu Hananel, A.Z. 35b, ad loc.
121. The redactors of the Talmud provide an explanation for the fact that Mishnah Hullin 8:5 is included in the Mishnah. The reason is that, "A Mishnah does not move from its position" (c.f. B. Yebamot 30a), i.e., once it has been recorded, it remains a teaching even though the law has subsequently been changed.
122. According to the Bah we should read "Rab Nahman."
123. Tosafot, A.Z. 35b, s.v. מפני.
124. Rabbenu Hananel comments that "...the prohibition of orlah extends to all benefit" (A.Z. 35b, ad loc.). See also Danby's translation of The Mishnah, p. 89, note 1.

Part V

1. The Gemara does not discuss numbers 6 and 7.
2. Rashi, A.Z. 35b, s.v. ר"ל ובית דינו החיר שחשן השמן.
3. Tosafot, A.Z. 36a, s.v. אשר.
4. Rashi, A.Z. 35b, ad loc.
5. Rashi, Beza 16a, s.v. אין בהם משום בשולי נכרים.
6. Rashi, A.Z. 38a, s.v. מדרבנן.
7. Tosafot, A.Z. 38a, s.v. אלא.
8. Albeck, ששה סרדי משנה, A.Z. p. 331, s.v. כלבית שוטטת בו.
9. The Soncino Talmud, A.Z. p. 172.
10. Ibid., p. 172. See note 6.
11. Albeck, משנה, A.Z. p. 331, s.v. ומלח סלקונוטית.
12. Hermann Strack, Introduction to the Talmud and Midrash (New York: Atheneum, 1974), p. 120.

13. Rashi, A.Z. 35b, ad loc.
14. Jastrow, Dictionary, s.v. תלמי.
15. Rabbenu Hananel, A.Z. 36a, ad loc.
16. Simlai was apparently sent out to announce the decree of R. Judah Nesi'a's bet din concerning the oil of Gentiles. Simlai "seems to have been a prominent member of Judah II's enterouage, and when the latter made a particularly controversial decision, Simlai was sent to Nisibis, in Babylon, in order to transmit it to the local authorities" (Encyclopaedia Judaica, 1974 ed., s.v. "Simlai").
17. The Mishnah, trans. Danby, p. 100.
18. E.g., Danby, Blackman, Albeck.
19. For some of the traditional conjectures, see The Mishnah, trans. Danby, p. 100, note 11, Albeck, תשנה, Moed, p. 406, note to Mishnah Shabbat 1:4. See also B. Shabbat 13b-14a.
20. Rashi, A.Z. 36a, ad loc.
21. According to Rashi (A.Z. 36a, ad loc.) R. Judah and his court.
22. Also quoted by the Gemara is the Scriptural support brought for this statement by R. Adda bar Ahaba.
23. The Mishnah, trans. Danby, p. 803, paragraph 20.
24. "In line with the rabbinic concept of the pre-existence of the Torah and its institutions prior to the revelation at Sinai, Shem's 'tents' (Gen. 9:27) were accordingly identified as a beit-midrash--an academy with which Eber, Shem's great-grandson, subsequently became associated, and which also served as a bet-din" (Encyclopaedia Judaica, 1974 ed., s.v. "Shem").
25. A Biblical example of this can be found in Numb. 25:6-9. In that passage, a zealot executes, in front of Moses, an Israelite and a Midianite woman who had sexual relations.
26. The only mention of this court in the Talmud is here and B. Sanh. 82a, where the law ascribed to it here is also attributed to it. There are several theories about its origins. It may refer to a temporary court

established early in the Hasmonean revolt, but more likely was created after they were in power. "The most likely solution of the problem (of its origins) is that the Hasmonean court 'was the private council of the Hasmoneans at the peak of their power.' If this is so, the Hasmonean court was established by John Hyrcanus toward the end of his reign, or by his son Alexander Yannai during his struggle against his Pharasaic enemies" (Encyclopaedia Judaica, 1974 ed., s.v. "Hasmonean Bet Din").

27. In B. Berachot 4a David is said to have been a halakhic authority and ab bet din. The law of ייחוד is also attributed to his court in B. Sanh. 21b.
28. In our text the name given is "Joseph the Permitter," but in the Mishnah it is "Jose."
29. The sugya closes with a discussion about the two Mishnayoth mentioned above, which will not be discussed because they are not relevant to my topic.
30. See Ezra Zion Melammed, Eshnav Hatalmud (Jerusalem: Kiryat-Sepher, 1976), p. 17, s.v. אשנא.
31. The term used to identify the non-Jew in the Beza passage is נכרי.
32. Rashi, Beza 16a, s.v. אין בהם חטום וטולי נכרים. Dr. Cohen's translation (The Soncino Talmud), "small fish when salted (by heathens) do not come within (the law of what is prohibited) on account of having been cooked by heathens," reflects Rashi's interpretation.
33. Rabbenu Hananel, Beza 16a, ad loc.
34. Jastrow, Dictionary, s.v. הרסנא.
35. See The Soncino Talmud, A.Z. p. 185, note 3.
36. Which, being tender, could have been cooked by the Gentile's action. See Rashi, A.Z. 38a, s.v. אפי' חריט אוניה.
37. An outlaw who lived in the time of R. Johanan. See B. Shabbat 20a, where Rashi says that he cooked his food one-third of the normal time.
38. Tosafot, A.Z. 38b, s.v. אמא.
39. The Soncino Talmud, A.Z. p. 187, note 3.

40. Rashi, A.Z. 38b, s.v. נר קפרא שרי.
41. For some reason, this got R. Zebid into deep trouble. As a consequence of speaking up, he was given a spiced drink of sour wine and died.
42. Rashi, A.Z. 38b, ad loc.
43. "There is no unclean thing that small," says Rashi (Ibid.).
44. Another accepted view is that a Jew may assume without inquiring that such a pot has not been used in the last twenty-four hours.
45. Tosafot, A.Z. 38b, s.v. א.
46. The Gemara (38b) remarks after this that his teacher was Levi, probably R. Levi, who, like Assi, was a pupil of R. Johanan.
47. This is the common reference to Abba bar Abba.
48. The reason they forbade it was because vinegar is added to it because it is so sweet, according to Rashi, A.Z. 38b, ad loc.
49. Rashi (Ibid.) says this is true because in this case they do not add vinegar.
50. If for no other reason, because of the prohibition of Gentile vinegar.
51. A.Z. 38b, ad loc.
52. A.Z. 15b.
53. For the same reason that, according to the first version, Samuel's father and Levi prohibited it.
54. According to Alfasi, Samuel's opinion is the view that prevailed.
55. According to Rabbenu Hananel.
56. The Rif's Mishnah (A.Z. 14b) reads: "wine or vinegar."
57. See Alfasi, A.Z. 15b.
58. Rashi, A.Z. 38b, ad loc.
59. Though the Gemara does not mention it, R. Johanan's

view contradicts the view in the fourth Mishnah and R. Judah b. Batyra's opinion that no benefit may be derived from Gentile wine, whether it is *יין נסך* or *סמך יין*.

60. Rashi, A.Z. 39a, ad loc.
61. "A fish of the anchovy species" (The Soncino Talmud, A.Z. p. 190, note 5).
62. I am skipping a block of material that discusses purchasing drops of asafetida from Jews whose status is in question.
63. Rabbenu Nissim to Alfasi, A.Z. 16a, s.v. *חז"ל*.
64. Rashi, A.Z. 39b, s.v. *מחזירות*.
65. Rashi, A.Z. 39b, ad loc.
66. Rabbenu Hananel, A.Z. 39b, ad loc.
67. Alfasi, A.Z. 16a.
68. Ibid.
69. It is interesting to note that Alfasi (A.Z. 16a) ruled in accordance with Rab, but with changes. That is, he substitutes "pieces of fish" for "milk" as one of the items sufficiently protected by one seal. He does, however, decide as Rab did about bread.
70. Jastrow, Dictionary, s.v. *סלקונורית*.
71. The Soncino Talmud, A.Z. p. 195.
72. Rabbenu Nissim to Alfasi, A.Z. 16a, s.v. *ל"א*.
73. According to tradition, R. Meir's Mishnah was one of the main sources used by R. Judah Hanasi. R. Judah was supposed to have used thirteen Mishnah collections in compiling his. See B. Sanh. 86a, B. Ned. 41a, P. Horayoth III, 48^c. Cf. A. Guttmann, Rabbinic Judaism in the Making, p. 237ff.

Part VI

1. According to Rashi, A.Z. 39b, s.v. *עלה של חילתית*.
2. Albeck, חשנה, A.Z. p. 331-32, s.v. *אסורין*.

3. Rashi, A.Z. 39b, s.v. יושב ישראל.
4. Tosafot, A.Z. 39b, s.v. תנינא.
5. See Mishnah Shabbat 1:4, B. Shabbat 13b ff.
6. For the full discussion on this issue see B. Shab. 17a.
7. Rashi, A.Z. 39b, s.v. ויניין.
8. See B. Hullin 59a.
9. The pelamys is a species of tunny fish (The Soncino Talmud, A.Z. p. 197, note 6).
10. Rashi, A.Z. 40a, s.v. בצירן נמי לא טבילנא.
11. Rashi, A.Z. 40a, s.v. בשחתיכות שוות.
12. Rabbenu Hananel, A.Z. 40a, ad loc.
13. Tosafot A.Z. 40a, s.v. וזחא.
14. Rashi, A.Z. 40a, s.v. תביות פחוחות.
15. Rashi, A.Z. 40a, s.v. מחלחא קראי.
16. Rabbenu Nissim to Alfasi, A.Z. 16b, s.v. השתא.
17. See Mishneh Torah, Hilchot Ma'achalot Asuroth, ch. 3.
18. Tosafot, A.Z. 40a, s.v. כאן.
19. Rashi's comment (A.Z. 40b, s.v. קפריסין) verifies what was said at the beginning of the analysis of this Mishnah, that locusts may be eaten uncooked. He points out that they are usually cooked, pressed, and preserved, but are not prohibited on account of being cooked by a Gentile because they can be eaten raw.
20. In the Tosefta (A.Z. ch. 5) it says wine is sprinkled on them to improve their appearance.
21. A.Z. ch. 5.
22. A.Z. 17b.

Conclusion

1. Louis Jacobs, Studies in Talmudic Logic and Methodology

(London: Valentine, Mitchell, and Co., Ltd., 1961),
p. 125.

2. Ibid., p. 91.
3. Ibid.
4. For a full discussion of the question-answer form, see
Jacobs, Studies, pp. 127-31.
5. See Moore, Judaism, 1:19f.
6. Ibid., p. 19.
7. See Louis Ginzberg, "The Significance of the Halacha
for Jewish History," in On Jewish Law and Lore (New
York: Atheneum, 1970), pp. 80-88.
8. Moore, Judaism, 1:21.
9. Ibid.
10. Ibid., 1:323.

GLOSSARY

גלגול: The law forbidding liquids that have been left uncovered, especially water. The law reflects the concern that a snake may have drunk from the liquid and left venom in it.

גר תושב: Literally, "sojourner-proselyte." The term is used for a non-Jew who observes the seven laws of the children of Noah. By renouncing idolatry, he may acquire (limited) citizenship in Eretz Israel. See Sanh 96b; Gittin 57b, A.Z. 64b. As opposed to a גר תושב, a גר צדק is a complete convert to Judaism.

הנאה: This word means enjoyment, pleasure, benefit. A prohibition which includes הנאה means that a Jew may in no way benefit or profit from the forbidden item, i.e., he may not sell it, give it as a gift, or use it in any other way.

חבר: A Haber is a member of an organized fraternity of Pharisees. They imposed strict duties on themselves, and were particularly rigid in their observance of the Law, especially the levitical laws.

נביל: The verb נביל means to pour off a libation. נביל is wine that is forbidden due to the manipulation of a Gentile suspected of dedicating it for idolatrous purposes, or when it is known to have occurred.

קדש: This is a meeting place, market, or annual fair, generally dedicated to a deity. Hence, Rashi defines it as an idolatrous market.

קטן: A Cuthie is a member of the sect of Samaritans. In editions of the Talmud published under censorship, the word Cuthie frequently takes the place of קטן, קטן, קטן, etc., and vice versa.

מומחה: Refers to someone skilled, an expert.

מומרים: These are Jews who have strayed from Judaism; apostates, or opponents of Jewish law and/or belief and doctrine. See Gittin 46b-47a; Horayoth 11a; Sanhedrin 27a, 44a; Erubin 69b.

מוקצה: From the verb meaning "to cut off," and "to set aside." In chapter two of Abodah Zara, it means "an animal set aside for a sacrifice."

מִיִּנִּים: Jewish heretics or sectarians. The term also can refer to Pauline Christians, Jewish-Christians, and even non-Jewish heretics. See *Hullin* 13a,b; *Shabbat* 16a.

מַסְרוֹת: Informers, traitors; those who delivered Jews into the hands of the Roman government.

מִשּׁוּם אֵינָה: "For the sake of preventing ill-feeling."

נִבְלָה: Strictly used, it is a permitted species of animal that was not slaughtered properly, or not slaughtered at all. A forbidden species is called נִבְלָה עֲמֻמָּה. Often, however, nebelah is used to indicate a forbidden animal.

יֵינִים עֲמֻמָּה: Ordinary wine of non-Jews which has not been suspected of being used for idolatrous purposes. From one of the meanings of עֲמֻמָּה, namely, "something unknown."

עוֹבֵד כּוֹכָבִים: The verb עוֹבֵד means "to use" and "to worship." It especially denotes "to use for idolatrous purposes." So, עוֹבֵד כּוֹכָבִים means idolater. It is the term found in the Talmud for non-Jew. The censors used it instead of other words that were considered offensive. Therefore, it is difficult to determine whether it means "idolater," "Christian," "Roman pagan," etc. in a particular context. See the Introduction for an explanation of my translation of the term.

עֲרִוּה: The singular עֲרִוּה means "nakedness," "shame," "lewdness," "obscenity." Also, it means "incest," and "a woman forbidden to a man (and vice versa) on account of consanguinity."

פָּרָה אֲדוּמָה: The red heifer used for purification ceremonies. See *Numb.* 19.

רִבְעָה: From the verb meaning "to lie with," "copulate with," "to have connection with a beast," "to commit pedastry."

רִיפּוּי חַמּוֹן: Medical treatment for animals. As distinguished from:

רִיפּוּי נַפְשׁוֹת: Medical treatment for humans.

תַּרְפוּת: From תָּרַף, meaning "foulness." The term means "obscenity," "debauchery," often referring to what occurs at idolatrous festivals.

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