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Report on "The Ship and the Sailor During Talmudic Times"
by Jacob Singer

The thesis is practically an initial study of ships and shipping in the halaka and agada primarily of the Babylonian Talmud. The candidate made critical use of such scholarship as already exists, and in his examination of the halaka as it applies to his subject, he has cut a new path.

The thesis gives us interesting and faithful glimpses into the economic and social conditions of the day, and the description of the different types of ships, though boring to the average reader, is well nigh exhaustive.

The candidate proves himself capable of coping with halakic discussion and dialectic, and he knows how to extract from the agadic sources reliable data.

The thesis may be regarded as a scholarly beginning of a study of seafaring in the society in Palestine and Babylonia. To complete it the candidate would have to examine also all peripheral halaka and agada in the entire scope of the rabbinic literature of that period. But even as it stands, it represents a definite contribution to the history of the Talmudic period, and is to be warmly recommended for a passing grade and more.

Dr. John J. Tepfer

*Dr. Tepfer informed me that Dr. Atlas read this
thesis and concurred with him.*

E. W. Fay

THE SHIP AND THE SAILOR DURING TALMUDIC TIMES

by

Jacob Singer

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for graduation from the

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INTRODUCTION

The theme for this paper was suggested by Dr. John Tepfer who directed that its author investigate all the Talmudic references touching upon the life of the sailor during those days. Since my service as an engineer aboard the largest United States battleship during the second World War, I have been interested in any phase of research which deals with the craft of seafaring.

At the time this thesis was begun, a Talmudic Index was not available and it was my task to search through all of the Talmud for this information. My efforts were rewarded in that I found the Talmud to be rich and abundant in such material.

Upon further research, I learned that these references presented the most complete and intimate picture of sea-faring of that period. The Talmud is the primary source in this field since very little information is found neither in other literatures nor in later research dealing with that period.

When confronted with the difficulties of interpreting the text, I had no other choice but to rely upon the

standard commentaries of the text such as; Rashi, Rashbam, etc. Because of the extensiveness of the subject, I have confined myself, whenever possible, to the Babylonian Talmud. I have also endeavored to point out differences between Tannaitic and Amoraic approaches to any of the problems pertaining to seafaring and, especially, in their attitudes toward such Halacha.

The first chapter is an evaluation of seafaring as a craft and the personal attitude of the Rabbis toward the mariner. The evidence is based upon statements and incidents related by or in the name of Tannaim and Amoraim.

The second chapter deals with the more technical aspect of seafaring. Here, a description is given of the various types of ships during the Talmudic Period, the shipowners, personnel and an account of the perils involved during a voyage.

In order to show the importance of seafaring during those times, the third chapter is exclusively devoted to Halacha. These references are plentiful and sustain the fact that the Talmud is the most complete form of nautical legislation of its day.

I want to express my thanks to Dr. John Tepfer for

his graciousness and assistance in providing me with
innumerable suggestions. I am grateful, too, to Professor
Samuel Atlas for his patience and criticisms. The third
chapter on Halacha could not have been possible without
his guidance. I should also like to thank my wife for
her devotion in committing this paper to its final
printed form.

typed

CHAPTER ONE

There are numerous and varied references in the Talmud to the sailor and his profession. These detailed and intimate remarks reflect the attitude of the Rabbis toward the mariner in ancient times. That the Talmud should abound with such references is not at all surprising, in view of the fact that many of the academies were located in maritime towns.⁽¹⁾ Therefore, it was not unusual for the sages to visit these ports, speaking to and inquiring of the mariners and sea-travelers.

Many of these visits were of a professional nature. Often, when at a loss for the meaning of a particular term, the Rabbis repaired to the docks and solicited clarification from the sailor. The explanations offered were regarded as authoritative and often influenced the outcome of rabbinic law.

Thus, we find Samuel inquiring of the mariners the meaning of the term "ר'ר נע," an oil prohibited for the kindling of Sabbath candles. He reported that this oil came from a certain bird called "ר'ר" which resides only in sea towns.⁽²⁾

The fact that Samuel fraternized and took counsel with the mariners indicates the general esteem accorded them by many of the Rabbis. By no means were the sailors

considered social outcasts. Their trustworthiness in relating reliable and correct information is portrayed by the Rabbis' hastiness in accepting their explanations as definitive. Concerning the term "פֶּרֶץ," seafarers reported that they called it "פֶּרֶץ," and that it was found in the cavity wherein the pearl lies.⁽³⁾ In all such incidents, the sages did not hesitate to declare that this information was imparted to them by the mariners.

Because the sailors' profession carried them to distant lands and foreign shores, the Rabbis depended upon them as the sole contact with these strange places. Many things that were unknown to the Rabbis at home were common knowledge to the mariners.⁽⁴⁾ In one case, involving the clarification of a biblical verse, supposedly lying within the purview of a rabbinic specialization, we find Rabbi Judah repairing to the piers and inquiring from the sailors.⁽⁵⁾

Aside from the interest in the sailors as an important source of information, concern is manifested in the dignity and station of their occupation. In a discussion, the Rabbis considered those of various crafts who were permitted to partake of "פֶּרֶץ." Abaye states that individuals engaged in specific professions are prohibited,

as for example, the camel driver. The reason for this seems to be that the camel drivers are subject to seminal emissions which render them unclean for the eating of "ת/ח/י." "

In supporting this viewpoint, the Talmud places this prohibition on an entirely different basis by stating categorically, "ר' יוחנן בן זכאי, 'all camel drivers are wicked.'" In later passages, this statement is refined and a distinction is made between those camel drivers who use saddles and those who do not. Ass drivers are likewise dealt with, and the same criticism and distinction is made. However, with regard to the sailor, there is unanimity among the sages. They all agree that sailor-priests may partake of "ת/ח/י." The statement reads, "ר' יוחנן בן זכאי, 'all sailors are righteous.'" There is no distinction made. (6)

This favorable attitude toward the sailor and his profession is even more convincing from the fact that the sages reserved for him their highest praise. Concerning the teaching of a craft, Rabbi Meir declared, "One should teach his son a cleanly craft." Rabbi Judah said, "Most ass drivers are wicked; most camel drivers are worthy men; most sailors are pious." (7)

The phrase employed in the above text reads "ת/ח/י",

and it is significant that Rabbi Judah ben Il'ai, whom the Talmud hails as the "צ'ון" of his generation, ascribes the same tribute to the mariner. The connotations of this term are wide and far-reaching. The "צ'ון" was known for his piety and uprightness,⁽⁸⁾ as deduced from the rabbinic dictum, "צ'ון ק'לן פ'ר כ'ל." A most flattering case could be made for the profession of the sailor. However, we cannot overstate his cause and must confine ourselves to the sources.

In connection with this, Delitzsch points out that, "Jesus called his first four ... and most renowned ... disciples from the fishing boats on the lake of Gennesaret ... whom, according to St. Matthew, he first saw on the shore of the lake and, according to St. John, had already met in Judea."⁽⁹⁾

Why the sages regarded the mariner in a more favorable light than the members of other professions is not revealed in the Talmud. Most of the commentators⁽¹⁰⁾ are in agreement with Rashi that, because of the perils of his profession, the sailor turns to his Father in Heaven, and remains loyal to his ancestral faith.⁽¹¹⁾

These reasons, however, do not suffice for so drastic a distinction between the mariner's craft and the camel

driver or ass driver, who faced the perils of the road. Many inferences in the Talmud reveal that the camel driver was often accosted by robbers who plundered the caravan routes. (12)

It was suggested that the sailors' fears were for the high waves, the storms and the driving winds, which they portrayed as the wrath of God, as did all ancients of that day. (13) They interpreted this as retribution for their past iniquities and held themselves accountable. The Bible relates that the mariners cast lots in an attempt to find the guilty party whose sins had endangered the lives of those aboard ship. (14) (15)

Thus, in order to survive the elements, the sailors had no other recourse but to place their trust in the Lord. Most probably, it was this constant self-searching which earned for them the respect of the Rabbis.

On the other hand, the camel driver battled against human elements. To withstand the brutality of man calls for further brutality and his assurance of good fortune depended on whether or not he could attune himself to the ways of physical combat. (16)

Another source that places the craft of the mariner even above that of agriculture comes to us from Rabbi

Eleazer ben Pedath. He states, " There will be a time when all craftsmen will take up agriculture, for it is written that all who handle the oar, the mariners and the pilots of the sea shall come down from their ships. They shall stand on dry land." His interpretation of this verse hinges upon the word "' 130' , ' they shall go down" ... a term denoting decadence. While it is midrashic, it does point out that the mariner's craft was more highly regarded. (17)

The favorable attitude toward the sailors did not come as a result of the Rabbis' merely theorizing about them at the academies. Many of the sages enjoyed personal relationships with them and did not hesitate to call upon them when in need of a special favor.

The Talmud reveals that, " Rabbi Gamada gave four zuz to sailors to bring him something. They could not obtain it for him and brought a monkey in its place. The monkey escaped and made its way into a hole. In searching for it, the sailors found it lying upon precious stones and brought it to him." (18)

Rabbi Gamada was not the only one who struck good fortune because of the mariner. Rabbi Akiba likewise gave four zuz to sailors to bring him something. They

could not obtain it and brought him a hollow log they found upon the sea shore. He was told to sit upon it and wait. Akiba soon discovered that the log was full of dinari, for it happened that a ship sank and all its treasured were placed in this hollow log for safe keeping. The Talmud further adds that, because of this and other similar incidents, Rabbi Akiba became a wealthy man. (19)

Aside from bringing good fortune, the sailor was looked upon as a man of wisdom and wide experience who had knowledge of many skills other than those of his own profession. The Rabbis trusted him in ministering to the sick.

One source relates that when Rabbi Eleazer ben Simeon was ill, a group of sailors rushed to his rescue and restored him to health. They prepared for him "שיתין קיין אכסר", sixty kinds of pap from which he ate. They presented him with a fortune in maney and stones as well. We are told that Rabbi Eleazer ate, drank, and recovered. (20)

The romance and attractiveness of the life of the sailors did not escape the attention of the Rabbis. Even while at work drawing the ship ropes or tying the ship to port, the men presented vivid pictures which the Rabbis carried back to the study halls. Rab declared that the

cry of the sea-men was " הֵילֵן הַיָּם הֵילֵן הַיָּם הֵילֵן הַיָּם. " (21)

This was, most probably, the " Heave-ho! " of the mariners of that day. One can almost visualize them at their work as they fastened the ropes to the rhythm of this cadence.

There is evidence that the ancient Jewish sailor had a repertoire of ballads and that they were permitted and appreciated by the Rabbis. " When the Sanhedrin ceased, song ceased from the places of feasting. " (22) Rab Huna declared the singing of the sailors permissible, but prohibited the singing of the weavers. (23)

While the reason for such a decision is not given, one may venture the opinion that the chant of the sailors dealt with work and travel, or perhaps the themes of a religious nature. Most probably, the weavers' songs were frivolous in content, and because of this, they were forbidden. (24)

What is surprising is the inference that the sailor was more refined than his brethren in other trades. This is gathered from the statement, " When Huna abolished singing, " referring to the singing of all trades except that of the sailor. (25)

The welfare and personal safety of the mariner was of

vital concern to the Jewish community. The men of the " 3NYN " assembled in their synagogues and fasted for those who went down to the sea. This practice assumes greater significance in view of the fact that, on other days, the men of " 3NYN " prayed for pregnant women, nursing women, and the health of small children. (26)

The sailor's life also had its less serious moments. Many of his fanciful tales attracted the interest of the Rabbis. Rabbi bar b. Hana entertained many of his colleagues with sea stories that could easily put the present day sailor to shame. (27) Many other Rabbis indulged in this popular pastime. Rab Mari told that he spied a ship manned by angels in the guise of sailors. They loaded the ship with sand, and before long, it turned into fine flour. (28)

We can well appreciate this pastime on the part of the sages. Theirs was an ancient world, and the ways of the sea were not known to them. Voyages, during those days, were accomplished by traveling close to the shore line. (29) The mariner who ventured beyond this limit was payed great tribute. Rab Nacjman said of the sailor, " They have seen the world open before them." (30)

Because of the dangers and uncertainties of life and property, the mariners of ancient days banded together

to form their own guild. The guild served as a kind of insurance and reimbursed the mariner with another ship when a loss was not due to negligence. The one source that is suggestive of such an association reads, " The mariners are entitled to stipulate that one who loses his boat should be provided with another boat. If this was caused by his fault, they would not have to provide him with another boat. So, also, if he sailed to a place where boats should not go (and thus lost his boat), they would not have to provide him with another one. But is this not obvious? No; (there may be a place where) during Nisan they generally sail one rope's length away from the shore, whereas during Tishri they sail two ropes' length away from the shore, and it so happened here that during Nisan he sailed in the place during Tishri. In this case, it can be argued that as he took his wonted course in sailing (he should be provided with another boat); we are therefore (told that this is not the case.)" (31)

During the Talmudic Period, one such Jewish sailors' association flourished in the famed city of Alexandria. This association was strong and efficient, regulating admission to the craft and fixing prices for its services. The guild not only served in the interests of private parties, but had frequent dealings with the state. A higher

code fixed specific prices for services rendered the state by the Jewish associations of shipmasters in Alexandria. (32)

The Guilds of Alexandria had social interests aside from the professional aspect. An intimate picture of the workings of these guilds can be seen from the following Baraitha: "'It has been taught,' Rabbi Judah stated, ' he who has not seen the double colonnade of Alexandria in Egypt, has never seen the glory of Israel, ... the attendant of the Synagogue stood with a scarf in his hand. When the time came to answer Amen, he waved his scarf and all the congregation duly responded. They moreover did not occupy their seats promiscuously, but goldsmiths sat separately, silversmiths separately, blacksmiths separately, metalworkers separately and weavers separately, so that when a poor man entered the place he recognized the members of his craft and on applying to that quarter obtained a livelihood for himself and for the members of his family.' " (33)

One can surmise that the powerful sailors' guild of Alexandria likewise took its station in the synagogue and practised the same kindness as the other guilds. The fact, however, that specific mention is not made of the sailor guild, while the others are named, weighs

heavily against such an assumption.

Another source relates that, " Before the Jewish War, the sailors of Tiberius formed one party, but such a formidable one that Jesus, son of Sapphias, who had set himself up as a commander of that town, maintained his position by their support. (34)

Many centuries before the Talmudic Period, there existed a group of laws that regulated the mariners' craft in Babylonia. Prices were fixed for the building of ships and the builders were expected the guarantee then for their seaworthiness. The code also fixed the hire of ship and crew and held the captain responsible for the replacement of both freight and ship in case of loss or damage. (35)

That the Rabbis had knowledge of these, or similar, guild laws is evidenced by the statement, " ואלא יטלו מן המנהגים המעשיים, " they shall not deviate from the custom of the mariners." A more precise discussion of these laws is not stated. However, one may assume that they served as the basis for those guilds that were formed during the Talmudic Period. (36)

Some of the Rabbis were actually engaged in the maritime

profession. During the days of Rab, there lived a well-known fisherman, Adda by name, who supplied the former with many recipes ~~for~~ the preparation of fish, as well as other related information. (37)

So popular was this profession that, in one town, all the inhabitants had taken to it. (38) Rabba ben bar Huna, while interpreting a Baraitha, set down certain laws regulating the rights of fishing. (39)

The Rabbis displayed a unique appreciation for the beauty of the sea. The Talmud relates, " He who has not seen the Temple of Herod has never seen a beautiful building. Of what did he build it? Rabbah said of yellow and white marble. Some say of blue and yellow and white marble. Alternate rows projected so as to leave a place for cement. He originally intended to cover it with gold, but the Rabbis advised him not to, since it was more beautiful as it was, looking like the waves of the sea. (40)

The Rabbis considered that a man's love for the sea was not a matter to be cultivated, but rather a quality which was inborn. One incident relates that a man went about speaking of his love for the sea and, after investigating, the sages found that he was of the tribe of Zebulun, which was assigned to live by the sea." (41)

The deep admiration of the Rabbis for the captain of the ship found its way into parables and legends. He created a most impressive picture, guiding and sustaining the crew in its battle against the wind and the sea. Rabbi Hanan ben Raba stated in the name of Rab, " On the day when Abraham our father passed away from the world, all the great ones of the world stood in line and said, ' Woe to the world that has lost its leader and woe to the ship that has lost its pilot.' " (42)

The captain, then, was the supreme authority on board ship, and was vested with the responsibility of crew and voyage. It was to the good fortune of the crew if their leader was of a kind nature. If, however, the captain was an ill-tempered man, nothing could be done, save to bear with him. In rebuking Rabban Gamliel for his severity, Rabbi Joshua exclaimed, " Woe to the ship of which you are its captain! " (43)

NOTES ON CHAPTER ONE

1. J. Newman, The Agricultural Life of the Jews in Babylonia,

Oxford University Press, London, 1932, p.7.

2. Shabbath 21a

3. Shabbath 90a

4. v.s. note 2,3; also Baba Bathra 73a; Shabbath 20b

5.

כאש השנה כ"ו.
אמר רבי כשהלכתי לכרכי היום היו קורין לזכירה
כירה זמאני נפקא חנה אפרושי אשר כריתתי לי

See also Erubin 18a

6.

נצב י"ד.
אמר אפי' כוכבי גמלים אוסיכין לאכל פתחומה תניא
נתי הכי כוכבי גמלים כולם נשעים הספנים כולם
צדיקים החמרים מהן נשעים מהן צדיקים איכה
צאמרי הא צמכס הא צאמרי ואיכה צאמרי הא
צמכס הא צאמרי

7.

קובוצין י"ד.
כבי מאיר אומר יצורס ילמז אצמ את פני אמתות נקיה
וקלה ויתפאל אמי... אבא גוריון איש צדין אומר משום אבא
גוריון לא ילמז אצמ את בט חמר גמל קצב סבן כוצה וחמני
שאמנות אמתות ליסטים כבי יפוצה אומר משמו החמרים רזן
נשעין בגמלין רזן כשנין הספנים רזן חסידין

Abba Gurion is identified as a fourth generation Tana and it is

believed that he lived in a small town bordering on the Sea of Galilee. Many boats engaged in fishing and transportation between these lake towns. As early as the time of Jesus, there was a demand on the part of these towns for mariners and ship builders. Abba Gurion most probably had dealings with these workers and, judging on past experience, referred to them as robbers. This opinion is of the minority and does not reflect the overall attitude of the Rabbis.

cf. M. Margolies, אנציקלופדיה לחכמי התלמוד והגאונים, פ"ט, כ"ד, Vol. I, p 15; also, Sea of Galilee, article in Harpers Bible Encyclopedia, Harpers Bros., New York, p. 212.

8. Sholom Singer, Hasid, HUC-JIR, Masters Thesis, 1951, conclusion.
9. F. Delitzsch, Jewish Artisan Life in the Time of Jesus, Funk and Wagnalls, New York, 1883, p. 46, 47.
10. Ibid. p. 46. See also S. Krauss, Talmudische Archaeologie, Gustav Fock, Leipzig, 1911, vol. II p. 339; R. Patai, הספרות העברית, Rubin mass Publ. House, Jerusalem, 1938, p. 56.
- 11.

ג'קו' 3

ר"ע: עזריהו ור"ע אריה שמש

ק"צו"ן: י"ג: 3

ר"ע: שמואל אהרן הסנה ות"צ דב זכצב

12. Bab Kamma 116b

13. This opinion was expressed by Professor Atlas, whose assistance was of invaluable worth in the writing of this thesis.

14. Psalm GVII

15.

יונה א' - ד' ז'

וְיִקְרָא אֶלֶּיךָ כֹּהֵן בְּחֹרֶשׁ וַיֹּאמְרוּ אֵלָּהּ לֹא נִבְרָא קוֹם קִרְא
 אֶל אֱלֹהֶיךָ אֲדֹנָי יִתְעַשֶּׂת בְּאַלְהֵינוּ וְלֹא נִבְרָא וַיֹּאמְרוּ
 אֵישׁ אֶל כִּדְבָרוֹ לֹכֵן וְנִפְיֵא הַגּוֹלֹת וְנִבְרָא בְּשִׁמְךָ הַכֹּדֶה
 בְּנִצָּת לֹכֵן וַיִּפְּאוּ גּוֹלֹת וַיִּפְּא הַגּוֹלֹת אֶל יוֹנָה

See also Babylonian Talmud, Soncino Edition, Soncino Press,
 London, 1938, Sukkah, p. 245, note 11.

16. While this opinion seems to be plausible, concrete documentation is lacking.

17. Yebamoth 63a (The verse is found in Ezekiel XXVII, 29.)

18.

נְבִיִּים נ' :

כֹּה גָמַדָּא יִפְיֵא ד' זִנִּי אִסְכּוֹנֵא לְאַתִּי בְּהִין מִיִּזְעָר
 לֹא אִשְׁכּוּ אֶתְיוֹה בְּהִין קוֹפֵא אִישְׁתִּימִיט אֶל אַחֲרֵתָא
 חֲפִיּוֹ בְּתִרְיָה אִשְׁכּוּהָ בְּרִיזָא אֶל מִכְלִיִּיתָא אִוְתִּיקוּן
 אֶלֶּיָּה כּוֹלֵהוֹן

Krauss interprets the above text in another manner. In
 his opinion, Rabbi Gamada is pictured aboard ship and, because of

The language itself suggests that Rabbi Gamada presented the money to the sailor as one would to a friend about to set out on a long journey. cf. S. Krauss op. cit. vol. II, p. 345.

9. Nedarim 50a
 10. Bab Mezia 84b
 11. Pesachim 112b
 12. Sotah 9:11
 13. Sotah 48a
 14. Bab. Talm., Soncino Edition, op. cit. Sotah, p. 257, note 7.
- See also F. Delitzsch, op. cit. p. 47.

25.

סוף תח.
אמר רב הונא נחמא פלג צי וצצקרי שכי צכרצאי
אסיכ רב הונא גטוי נחמא קס תאיה אונזי

26.

150 ת' 1857

ת"כ אנשי אשכנז היו את באליון זה קרבן אחיהם שיתקבל
בכריו ואנשי ימאז את כנעין לבית פנחס וישבין ז' תצניות
בשני אשכנז בשליש דכביצ' ובחמישי בשני זה יוכני הוא
בשליש זה הוא מוצבות בנביצי זה אסכנז שלם תיפול
זה יבתיטקות בחמישי זה צובכות ותיניקות אצות שלם
ובילו מיניקות שיעקו את בנימין

27. Baba Bathra 73a, 73b, 74a, 74b.

28.

תענית כ"ז
אמר רב יוחנן ב"ר זבדי שמואל אמר רב קאימנין אגודת צבור
פבא חזאי אמר רבא ב"ר זבדי אמר רבא ב"ר זבדי חזאי אמר רבא
אמר רבא ב"ר זבדי אמר רבא ב"ר זבדי חזאי אמר רבא ב"ר זבדי
אמר רבא ב"ר זבדי אמר רבא ב"ר זבדי חזאי אמר רבא ב"ר זבדי
אמר רבא ב"ר זבדי אמר רבא ב"ר זבדי חזאי אמר רבא ב"ר זבדי

29. Baba Kamma 116b.

30.

ראש השנה כא.
אמר רבא ב"ר זבדי אמר רבא ב"ר זבדי חזאי אמר רבא ב"ר זבדי
אמר רבא ב"ר זבדי אמר רבא ב"ר זבדי חזאי אמר רבא ב"ר זבדי
אמר רבא ב"ר זבדי אמר רבא ב"ר זבדי חזאי אמר רבא ב"ר זבדי
אמר רבא ב"ר זבדי אמר רבא ב"ר זבדי חזאי אמר רבא ב"ר זבדי

31. Baba Kamma 116b.

32. S. Baron, The Jewish Community, Jewish Publication Society,
Philadelphia, 1942, vol. I p. 364, 365.

33. Sukkah 51b; See also F. Delitzsch, op. cit. p. 40.

34. F. Delitzsch op. cit. p. 47.

35. C. H. W. Johns, Babylonian Law, Article in Encyclopedia
Britannica, 1911-1912, 11th ed., vol. 111, p. 118.

36. I. Mendlesohn, Gilds in Babylonia and Assyria, Article
in Journal of American Oriental Society, LX, 1940.

37.

מוצצ קלן יא.

אמר כה אמר לי אבא פייבא כוורא סמיך למסכחיה
 תדלי ואמר כה אמר לי אבא פייבא כוורא טוויין
 בארוב אסוקיה בארוב מיכילי בפניה אשתי עליה
 אבוב ואמר כה אמר לי אבא פייבא כוורא תחלי
 וחל בא ליטעון גופא ולא ליטעון פוריא ואמר כה
 אמר לי אבא פייבא כוורא תחלי וחל בא מיא ולא
 שיכרא שיכרא ולא חמרא

38. Ibid.

39.

בבא בתרא כא:

האני בן מבואה בארבי ריחא וארסא בר מבואה
 חבאיה חבניה וקמורי גביה זינא הוא זמרינא
 עילוייה צאל קא פסקת ליה לחיותי ליתא מיני
 ליה מרחיקים מרובת הבג מן הבג כחלא רינת
 הבג וכיה אמר רבא בר רב הונא צצ פכסה
 שאני צמיס ציבהו סייגא

40. Baba Bathra 4a; See also Sukkah 51b.

41.

פסחים ז.

ה הוא צהוב קא אציל ואמר אכיל יתא אסימני
 ביכאתא צקו ואשכחוהו צמזאלן קאתי צכתיך
 צבולמן לחולץ יקום ושכח

43.

ארכאות כ.ה.

לכות כח:
אנ"ח כואץ והכי הוה אינא ואפייסיה ל"כ יפושע
כי מטא לפיתור חזנה לא שיתא צביתיה צמשחין
א"ל מכותאי פיתך אותך ניכר שפתאי אתה א"ל
או לו חזר שאתה פכנס

According to the 003 11/10/11, the above statement reads, " ה'א"ל לא יבטל את ישראל."

CHAPTER TWO

TYPES OF SHIPS IN THE TALMUD:

The term most frequently employed by the Talmud in designating a ship is "ג'ו'ו." This ship was often used as a commercial vessel and, at times, as a fishing boat.^① A distinction is made between the "ג'ו'ו קטן," ... the small ship,^② and the "ג'ו'ו גדול," ... the large ship.^③ In answer to the question, "What is a large ship?", Rabbi Judah replied, "One that does not sway with a man's weight."^④

A more detailed picture of the ship can be gained from the words of Rab Papa. In estimating the culpable overload of a ship at a thirtieth of its weight, Rab Papa declared, "From this it follows that the average ship carries a load of thirty kors."^⑤ Taking one kor to equal three hundred and sixty-three litres, the weight of the average ship, in total, would approximate close to eleven tons.^⑥

Mention is made of a still larger ship, "ג'ו'ו גדול", the Great Liburna. Its culpable overweight is estimated at thirty kors. The approximate weight of this ship can be placed at twenty-seven to thirty tons. The Great Liburna is identified as a Roman battle wagon and, because the Jews were so impressed with this mighty vessel,

they referred to all great ships as Liburnas. ⁽⁷⁾

A fascinating account of the Great Liburna is presented by one of the Rabbis. Commenting on the verse, "Neither shall a gallant ship pass thereby," Rab said, "This refers to the Great Liburna. How is it carried out? They bring six thousand men for twelve months (or according to others, twelve thousand men for six months), and load the boat with sand until it rests on the sea bottom. Then a diver goes down and ties a rope of flax to the coral, while the other end is tied to the ship; and the sand is then taken and thrown overboard; and as the boat rises, it pulls up the coral with it. The coral is worth twice its weight in silver." ⁽⁸⁾

The more popular ship, used in the transportation of foodstuffs, was the " *ח' 73 ל 0 כ' 21' 20*," ⁽⁹⁾ the Alexandrian ship, named after the port of Alexandria on the Mediterranean Sea. ⁽¹⁰⁾ This type of ship varied in structure as well as in weight. One source relates that the larger class had flat bottoms and carried a minimum weight of two kors in dry measure. ⁽¹¹⁾ The flat bottom allowed for greater weight capacity and insured better balance on a long voyage. ⁽¹²⁾

Another source tells of the Alexandrian ship with a V-shaped bottom. It carried as its maximum, a weight less than two kors. Because of its V-shaped bottom, this ship did not attempt a long voyage. On the basis of previous statistics, these ships averaged three quarters of a ton or more in total weight. (13)

While the greater majority of ships were constructed of wood, mention is made of "ספינת עפר" sea-going earthen ships. (14)

The Rabbis had a special name for the keel boat. They referred to it as a "ספינת ריקוד," ... a dancing ship. This boat was V-shaped, and it tapered sharply toward the bottom where it came to a point. Because of its speed, it created the illusion of a dancing ship. (15)

Other commentators picture this boat as being somewhat similar to the modern-day ferry boat in which the bottom comes to a cone-shape at midship. While on the sea, the illusion would be that of a ship dancing from one wave to another. (16)

Another ship in the same category of "ספינת ריקוד," was the "ספינת ריקוד". While this ship traveled on the high

seas, it was not as strong or as solidly built as the average " 55'00 " (17)

Since the "נ'י'ו" could not travel in waters that measured less than ten hand-breadths,⁽¹⁸⁾ ships of smaller dimension took over the duty of operating in shallow waters. In an argument concerning the laws of cleanliness relating to ships, mention is made of the " | י'ו'ה'ל'ה," ... the Jordan ship. This ship was pulled up to shore, loaded, and then lowered into the water.⁽¹⁹⁾

The " /c 2 7/c," ... a ship of smaller construction ... was often used as a freighter on inland or coast-wise water lanes. This ship is of Babylonian origin, and was never found on the high seas. ⁽²⁰⁾ It served mostly as a freighter, carrying wheat and wine along the canal and river banks. ⁽²¹⁾

Because of its extreme usefulness, the " /c 2 7/c " was, by far, the most popular ship used in Babylonia. Rab Assi compiled many excellent laws concerning the arches of the " /c 2 7/c ". Quite often, the Rabbis were requested to settle a dispute between two parties who claimed ownership of such a boat. Rab Huna related

From afar, the " /c27k " appeared to be a kind of vestibule. Arches extended from one side of the ship to the other and were covered with material which offered protection against the rain and cold. (25)

At times, the " /c 2 7 c " served as a passenger boat. One incident relates that Rab Hisda and Rabbah b. Rab Huna were traveling in a " /c 2 7 c ". A certain lady asked that they seat her near them. The Rabbis refused and she put a spell on the boat so that it could not move. They, in turn, pronounced a spell and the boat was freed. (26)

Another type of ship that appears frequently in the Talmud is the " *ספינות* ". These ships varied in size and are identified as " *ספינות קטנות* ," ... small boats, or " *ספינות גדולות* ," ... large boats. ⁽²⁷⁾ Krauss claims that this boat was the most primitive of all vessels. It was nothing more than a shallow container made of a hollowed out tree trunk. ⁽²⁸⁾

One source, however, indicates otherwise. In listing

the culpable overweight for ships, the overweight for a " 𐤔 𐤕 ' 𐤕𐤔 " is placed at one artaba. According to this figure, the weight of the average " 𐤔 𐤕 ' 𐤕𐤔 " would be about fifteen kors, or five and a half tons. This figure hardly fits into the picture of the primitive vessel. (29)

The further statement that, "If one dreams he is sitting in a small " 𐤔 𐤕 ' 𐤕𐤔 ", he will acquire a good name; if in a large " 𐤔 𐤕 ' 𐤕𐤔 ", both he and his family will acquire one; but this is only if it is on the high sea," seems to indicate that this boat was not of too small proportions. (30)

Canal boats of smaller dimensions that made their ways through the marshlands of the Mesene district in Babylonia were called " 𐤔 𐤕 ' 𐤕𐤔 ". This boat often served as a gig to the larger sea-going ships. It was attached by a rope extending beyond the stern. Where the waters were shallow, the passengers were placed in these gigs and taken to shore. (32)

The shape of this gig was somewhat similar to that of an egg, hence the name " 𐤔 𐤕 ' 𐤕𐤔 " from " 𐤕𐤔 ' 𐤕𐤔 ". (33) It was a short boat and tapered down toward the bottom

in a knife-like manner.

According to one commentator, the "ח'ג'ר" were so-called because they travelled in the "ד'ג'ר", ... the swamps. They were made entirely of wooden boards, and were fastened together in such a manner so that small cavities remained between the boards along the bottom of the boat. While the waters passed freely over these bottom boards, the boat itself could not tip over and sink. (35)

A boat of similar construction to that mentioned above is the "ח'פ'ר". According to Raba, "ח'ג'ר" and "ח'פ'ר" are the same. Rab Nathan the Babylonian called it "ח'פ'ר / ח'פ'ר", ... the boats of Mesene, while Symmachus was a Palestinian and called it "ח'פ'ר". (36) These boats were often used as fishing boats and were named after "פ'ר", ... to fish. (37) They were also used in the transportation of light cargo, such as canes and bullrushes. (38)

The remaining category of boats mentioned in the Talmud comes under the heading of "פ'ר", ... rafts. (39) When the shipment of logs was too great a burden for a ship to haul, the mariners would tie the logs

into large bundles, erect sails, raise the flags, and set out for their destination. (40)

The raft was especially useful as a barge in the transportation of merchandise. The barges were pulled by " '36J ", ... barges ... while they walked along the canal and river banks in Babylonia. Provision was made by the Rabbis for the vegetation to be cut down along these areas so as to give the barges better facility in applying their trade. (41)

One account tells of the many arguments over this matter of clearance. "Rabbah son of R. Nahman was travelling in a boat, when he saw a forest on a river bank. Said he: 'To whom does this belong?' ... 'To Rabbah son of R. Huna', he was informed. He thereupon quoted, 'Yea, the hand of the princes and rulers hath been chief in this trespass. Cut it down, cut it down', he ordered. Then Rabbah son of R. Huna came and found it cut down. 'Whoever cut it down', he exclaimed, 'may his branches be cut down!' It was related that during the whole lifetime of Rabbah son of R. Huna none of Rabbah son of R. Nahman's children remained alive". (42)

Another boat belonging to the category of rafts is the " /c 7 2 /", ... the ferry. The ferry was privately owned and a toll was charged for the crossing. ⁽⁴³⁾ At times, the ferryman would accept merchandise instead.

Samuel was once crossing on a ferry boat and asked his attendants to pay the owner for the trip. He became furious with his attendant when he found out that the ferryman was rewarded with a trefah hen. ⁽⁴⁴⁾

In spite of the short trip across the canal or river, there was the constant danger of sinking. One incident related that a fellow passenger pushed another man's animal overboard in order to keep the ferry afloat. ⁽⁴⁵⁾

A similarly constructed boat was the house-boat. It consisted of a four-walled enclosure placed upon a raft. ⁽⁴⁶⁾ On larger ships, these " P' 7 2 ", ... houses ... were the compartments assigned for the crew and passengers. ⁽⁴⁷⁾

THE CREW:

The captain was in complete charge of the ship, crew, and the voyage. At his command, the sailors freed the ship from port. ⁽⁴⁸⁾ Once underway, his chief concern was

to guide the ship along its proper course at sea. This was accomplished by climbing to the top of the mast and looking to and fro, while suffering the violent rockings of the ship. ⁽⁴⁹⁾ No less pleasurable was the commotion that went on about him. R. Hanina compared the "noise of the rigging at the edge of the mast like the dying gasps that agitate the body". Rabbi Johanan made a similar analogy to the topsail at the edge of the mast. ⁽⁵⁰⁾ Frequently, the owner of the ship would accompany the captain on the voyage. He ranked with the captain in authority, and the latter was often obligated to execute his commands. ⁽⁵¹⁾

Other important members of the crew were the "P'leitz", ... the sounders. When the ship was nearing land, there was great danger of running upon the rocks and land banks which were submerged under the water. The sounders, equipped with long measuring rods, tested the depth of the water and relayed their findings to the captain. When the ship was as close as possible to the shore, the anchor was dropped off the bow. ⁽⁵²⁾

Among the many duties of the crew was the task of securing the ropes of the ship to port. A ring at the head of the ship through which ropes were passed and

tied held the vessel fast to its moorings. (53)

The artful knots which the sailors used did not escape the attention of the Rabbis. They referred to them as " *P'Udo nep*", ... sailor knots. Though they held the ship most securely, they could be untied with very little effort. (54)

It was not easy to handle the ropes. The heat caused by the friction of the rope being pulled through the ring was extremely painful to the sailors' hands. In describing the croup, the worst possible death of all, the Talmud compares it "to a thorn in a ball of wool being pulled out backwards; some people add, like pulling a rope through the loopholes of a ship". (55)

Aside from the regular duties of weighing anchor, setting up the sails, lowering the gigs, handling freight, and repairing any damage while under way, the crew also had to row the ship if it became necessary. (56)

Since the technique of tacking was not known to the sailor of that period, many of the wealthier Jewish ship owners had galley slaves who propelled the ship with oars. (57)

In order to facilitate the transportation of goods from one ship to another, the crew fastened the two ships by means of large iron hooks. One can well imagine the great danger as the crews busied themselves amid the clashing of the hulls.

The picture of the captain, the crew, their various responsibilities, the dangers and the arduous labors, does not differ greatly from the ship's company of today.

OWNERSHIP:

There were many Jewish ship-owners during the Talmudic period. A guild, consisting entirely of Jews, flourished in the great city of Alexandria. ⁽⁵⁹⁾ Many of the laws formulated by the Rabbis in reference to ownership, cleanliness, and possession give evidence of this. ⁽⁶⁰⁾

In one case, gentiles rented a ship from a Jew which they used for transporting wines, and they payed him in wheat. He appeared before R. Hisda who told him that, because of the injunction of " *עו"ל* /" ", the payment was not to be used, but to be burned and

buried instead. (61)

Another source, which deals with pledges made to the sanctuary, tells about a Jewish merchant who became wealthy when his ship returned laden with precious cargo. Aside from this aspect of ownership, it is interesting to note that the above source is close in comparison to the modern-day expression, "His ship came in". (62)

Many of the Rabbis were ship-owners. It is related that Judah the Patriarch showed respect to men of wealth in accordance with an exposition on a biblical verse. When the son of Bonyis, a student of Rabbi Judah, (63) appeared before his master, the latter cried out, "Make way for the owner of a hundred maneh!" He was promptly corrected by R. Ishmael son of R. Jose who told him, "The father of this man owns a thousand ships on the sea and a corresponding number of towns on land". Rabbi Judah replied by requesting that they notify Bonyis to dress his son more appropriately. (64)

R. Eleazar b. Harsom was of equal wealth and greater piety. One Baraitha teaches, "The poor, the rich, the sensual come before the heavenly court ... To the rich man they said: 'Why have you not occupied yourself

with Torah?' If he said, 'I was rich and occupied with my possessions', they would say to him; 'Were you perchance richer than R. Eleazar?' It was reported about R. Eleazar b. Harsom that his father left him a thousand cities on the continent and over against that one thousand boats on the sea ... " (65)

According to a legend in the Talmud, Rabbi Joshua was presented with a very large ship by the Emperor of Rome, Hadrian. The ship consisted of sixty compartments to house its passengers. (66)

When the son of Mar Samuel died, he stipulated in his will that thirteen thousand zuz worth of " /c h s s x " from his Nehar Pania possessions be given to Raba. The latter then sent an inquiry to R. Joseph asking him for a definition of the term " /c h s s x ". Having received a reply, Raba commented, "I am in no doubt that ' /c h s s x ' means everything. My problem is, what of the rent of houses and the hire of ships?" (67)

Most probably, the son of Samuel, who was the only son of the family, inherited this large fortune from his father. Mar Samuel, then, in supplying his colleagues with bits of seafaring information, did so out of fre-

quent contact with the mariners in his employ. (68)

In Babylonia it was common practice for those Rabbis who owned ships to notify the Exilarch of their arrival. The Exilarch, in turn, investigated their scholarship and, if approved, would reserve a place for them at the market, so that no one else could sell before the Rabbis had disposed of their cargoes. (69)

R. Dimi arrived with a boat-load of figs. The Exilarch sent Raba to investigate his scholarship. R. Adda b. Abba was then dispatched by Raba to greet him. R. Adda questioned R. Dimi on a point of law upon which the latter could not reply. Word came back to the Exilarch and the market-place was not reserved for R. Dimi. His boatload of figs was a complete loss. (70)

THE VOYAGE:

To undertake a sea voyage was a most hazardous venture. The terrible dangers of the sea were no match for the men and ships of those days. It is, therefore, understandable why the rabbis disapproved of sea voyaging. Commenting on the verse, "She has become as a

widow", R. Judah bar Ezekiel said, "Not as a real widow, but as a woman whose husband has gone beyond the sea, fully intending to return to her". (71)

R. Judah further declared that, upon completion of a safe journey at sea, one must bless God for his deliverance and offer prayers of thanksgiving. In supporting this point of view, R. Judah cites Psalm CVII, wherein the account of man against the sea is presented in the most magnificent imagery. (72)

To further discourage sea travelling, the Rabbis ordained that no Jew was permitted to sail the Great Sea without their express consent. Only in cases of dire necessity, did the authorities agree that such voyaging was permitted. (73)

The citizens of Beyshan vowed never to undertake a sea journey. When their children approached R. Johanan to gain permission for such travel, they were refused because of the injunction which was made by the Rabbis. (74)

So perilous was the journey, that the Rabbis had come to regard a safe return as a miracle. One Baraitha teaches, "Four perutoth never contain a sign of blessing

.... money that came from overseas." The reason for this was, "because a miracle does not happen every day." (75)

It is also related that Rabbi Gamliel approached Rabbi Joshua and asked why the latter, who possessed so much knowledge, had to sail so frequently aboard ship. (76)

Before he set out to sea it was expected of a husband that he have intercourse with his wife. (77) Sometimes, this was the last that he would see her, since many ships that sailed were never heard from again. In this case, the wife at home was forced to remain an "אלמנה". If it was to be a long trip, it often lasted anywhere from three to six months. (78) When a married man realized beforehand that he was facing great danger and might never return, the Rabbis relaxed the laws of divorce. This assumes greater significance in view of the fact that this same lenience was extended to a man who was at the point of death. (79) It was also requested of the traveler that, before he undertook his journey, he was to "seek the counsel of his Maker." (80)

The Rabbis had many ways of describing a ship once it was at sea. Raba said that it did not move on the water at all, but that it was the motion of the waves

which carried it along. ⁽⁸¹⁾ According to R. Zera, ⁽⁸²⁾ the water was stationery while it was the ship which moved. In another version, the ship was described as being tossed from one wave to another, so that it appeared as though the ship was leaping miraculously through the air. ⁽⁸³⁾

The safety of the ships of those days depended almost entirely upon the direction of the wind. If it was a favorable wind, the journey was hastened; if unfavorable, the voyage was delayed, and sometimes resulted in disaster. ⁽⁸⁴⁾

Particular fear was expressed for the sind which came from the east. R. Judah said, "When it blows, it makes furrows in the sea." ⁽⁸⁵⁾ Another opinion holds that the South-sind was the most violent of all, and if it were not for a certain angel to restrain it, the entire world would be destroyed. ⁽⁸⁶⁾ Samuel also agreed that the South-wind was the strongest and claimed that when this wind blows, "even the pearls in the sea rot away." ⁽⁸⁷⁾

The uncertain methods of navigation added to the hazards of the voyage. The mariners had no other way of charting a course except to stay close to the shore-

line during the day and to follow the stars at night. (88)

During a storm, when it was too cloudy to see the shore and too dark to see the stars, the hope of completing the voyage in safety was often abandoned. Even under the most favorable conditions, traveling at night was most dangerous. (89)

A most fascinating account, pertaining to this danger, concerns Rabbi Gamliel and Rabbi Joshua. Rabbi Gamliel had bread, and Rabbi Joshua had brought with him both bread and flour. The trip had lasted much longer than Rabbi Gamliel had anticipated and, when he had consumed his provisions, he depended upon Rabbi Joshua for sustenance. "How did you know," Rabbi Gamliel asked, "that we would be so delayed that you brought extra flour with you?" Rabbi Joshua replied, "A certain star rises once in seventy years and leads sailors astray. I suspected it may rise and lead us astray." (90)

One commentator identifies this star as Halley's Comet which appears once every seventy-five years. Another disputes this point of view, since the comet appeared in the year 66 C. E., whereas the journey of Rabbi Gamliel to Rome was in the year 95 C. E. A third

commentator adds that "It is, nevertheless, remarkable that at least one comet was known to Rabbi Joshua in the second century, about fifteen hundred years before this phenomenon became known to even most civilized nations." (91)

Rabbi Gamliel had his own technique of seeing for long distances over the sea. A Tanna taught that "Rabbi Gamliel had a tube through which he could see at a distance of two thousand cubits across the land and a corresponding distance across the sea." (92)

There is further evidence of such knowledge in the remark which was made by Samuel; "He was as well acquainted with the ways of the heavens as the streets of Nehardea." Samuel, as an owner of many ships, most probably received much of this information from the sailors in his employ. (93)

Many other Rabbis encouraged the study of astronomy. Bar Kappara stated, "He who knows how to calculate the cycles and planetary courses, of him the Scripture says, 'But they regard not the work of the Lord, neither have they considered the operation of His hand.'" Rab advised, "He who is able to calculate the cycles

and planetary courses and does not, one may hold no conversation with him." (94)

Primarily, these statements meant to promote a better understanding of the Jewish calendar. But they also brought about a closer acquaintance with the movement of the heavenly bodies. Such information was invaluable to the Jewish mariner. (95)

Rabbi Joshua claimed that two of the disciples of Rabbi Gamliel could calculate the amount of drops in the ocean, and yet they had neither food to eat nor raiment to put on. (96)

The matter of provisions on board was another difficult problem with which the voyager had to contend. Passengers were required to bring along their own food supplies which were to last them throughout the entire journey. (97) For this reason, the Rabbis advised, "that the voyager eat as much during a sea trip as one does during the years of famine." (98)

Since the Jew was obliged to keep the laws of kashrut, the food problem was even greater, and provisions consisted of flour, bread, wheat, nuts, figs, and various kinds of fruit. (99) The Jewish voyager was more fortunate

aboard ships that transported live-stock. The Rabbis granted him permission to slaughter an animal, provided that he allowed its blood to trickle down the sides of the ship. In this manner, it appeared as though he were attempting to keep the ship clean and was not sacrificing to the diety of the sea. (100)

When the Jewish passenger had depleted his food (101) supply, he would rely upon his companions for sustenance. Quite often, Jews and Gentiles traveled together under the most harmonious conditions and would assist each other in many ways. Once, R. Phinehas b. Jair was on his way to redeem captives. He was later joined by an Arab and commanded that the river divide and make way for them both, saying, "Divide thyself for this one, too, so that he may not say; 'Is this the treatment of a fellow traveler?'" We are told that the river thereupon divided itself. (102)

The most serious danger of all was the turbulent sea. "The stormy wind lifted the waves high up to the heavens as the hearts of those on board melted away. They reeled about the deck as drunken men, to and fro, and their wisdom was swallowed up. Furtively, they glanced at each other, wondering on whose account did

God bring about His terrible fury. Unable to withstand the wind, the sailors took to the oars and rowed hard to bring the ship close to shore. But the sea only grew more and more tempestuous against them. No longer able to prevail against the storm, the mariners lowered the sailing gear while others dashed below decks to undergrid the ship's bottom. The passengers were then ordered to cast their cargoes overboard so that the ship may be lightened and stay afloat."

Even the ship's tackle was thrown overboard by the mariners' own hands. But, as the sea increased in fury, and the ship was driven by the waves, there remained little else to do but for each man to pray to his God for deliverance. Many ships were broken by the storm; others were sunk; while still others collided with ships and found their way to the deep. The more fortunate ones withstood the storm and soon found themselves drifting aimlessly, but still afloat.

As soon as the weather permitted, the ship sounders were summoned to test the depth of the water about them. This continued until the ship moved to more shallow water, and when close enough to shore, the anchor was dropped. The gigs were then lowered and the passengers

were taken upon land. Not all ship passengers were this fortunate. Frequently, pretending to drop anchor, the crew would free the gigs and flee, leaving the passengers to their own fates." (103)

Many anecdotes in the Talmud tell of renowned Rabbis who were shipwrecked and how they managed to save themselves. Rabbi Gamliel related, "I was once travelling on board a ship when I observed a shipwreck and was sorely grieved for the apparent loss of a scholar who had been travelling aboard that ship. And who was he? Rabbi Akiba. When I subsequently landed, he came to me and sat down to discuss matters of law. 'My son,' I asked him, 'who rescued you?' ... 'The plank of a ship,' he answered, 'came my way and to every wave that approached me, I bent my head.'" (104) In the shipwreck at Malta, planks and pieces of the ship had likewise brought the passengers to safety. (105)

Rabbi Meir was also the victim of a shipwreck. Rabbi Akiba related, "I was once travelling on board a ship when I observed a ship tossed about in the sea, and was grieved on account of a scholar who was on it. And who was on it? Rabbi Meir!" Later, Rabbi Meir related that he was rescued by a wave which tossed him to

another and still to another until the sea delivered him on dry land. (106)

Continuing in the same vein, Rabbi Gamliel was further involved in an incident in which the ship narrowly missed being sunk. A Tanna taught, "Great was the calamity that befell that day, for everything at which Rabbi Eliezer cast his eyes was burned up. Rabbi Gamliel, too, was travelling in a ship when a huge wave arose to drown him. 'It appears to me,' he reflected, 'that this is on account of none other but Rabbi Eliezer b. Hyrcanus.' Thereupon he arose and exclaimed, 'Sovereign of the Universe! Thou knowest full well that I have not acted for my honor, not for the honor of my paternal house, but for Thine, so that strife may not multiply in Israel.' At that moment, the raging sea subsided." (107)

The most dramatic of all sea rescues related in the Talmud is that of Nicanor, and his miracle with the doors. "When Nicanor had gone to fetch the doors from Alexandria of Egypt, on his return a gale arose in the sea to drown him. Thereupon, they took one of his doors and cast it into the sea and yet the sea would not stop its rage. When, thereupon, they prepared to cast the

other into the sea, he rose and clung to it, saying; 'Cast me in with it!' (They did so, and) the sea stopped immediately its raging. He was deeply grieved about the other (door). As he arrived at the harbor of Acco, it broke through and came up from under the sides of the boat.... Others say: 'A monster of the sea swallowed it and spat it out on the dry land.'" (108)

This marked the first time that the Rabbis spoke approvingly of a sea journey. (109)

Other scholars were not as fortunate as Rabbi Gamliel. One Baraitha speaks of two learned men who travelled with Abba Jose b. Simai on board ship. The ship sank and the two scholars were never heard from again. (110)

Perhaps, the best of all sea rescues is the story which is told about the man who missed the sailing of his ship and later heard that it had sunk. "R. Joseph gave the following exposition; What is the purport of the Scriptural text, 'I will give thanks unto Thee, O Lord, for though Thou wast angry with me, Thine anger is turned away, and Thou comfortest me.'" (111)

Once the ship had returned to port, there was occasion for great rejoicing. (112) All those aboard hastily made

their ways home to their wives and families. ⁽¹¹³⁾ The nightmares of the voyage were soon forgotten, especially by those who had amassed great wealth overseas. ⁽¹¹⁴⁾ Even the less fortunate profited from their experiences. Some Rabbis agreed, as well, that travel, when taken in small quantities, helps to strengthen the man. ⁽¹¹⁵⁾

NOTES ON CHAPTER TWO

1. S. Krauss, קצוותיה בתלמוד, Benjamin Hertz,
Berlin-Vienna, vol.1, p.187

2. Kelim 15:1

3. Zabin 3:3

4. Ibid.

5. כא מצינא פ:
אמר רב פבא שם סתם סבינות בת תל תין
כורין לאמאי נפקא מינה למקח וממכר

6. Weights and Measures, article in Encyclopaedia
Biblica, Macmillan Co., London, 1903, vol.4, column
5925ff. See also G. R. Driver and J. C. Miles, The
Babylonian Laws, Clarendon Press, Oxford, 1952,
vol.1, p.427, note 4. Both above sources assume
that 1000 litres = 1 ton. According to the former
source, 1 kor = 363 litres
30 kor = 10911 litres = 10.9 tons
See also Bab. Talm. Soncino Ed., Oholoth, p.179,
note 6. (1 Kor = 393 litres)

7.

הא הנה כב
כ"י; ספירה שקורין צדומי

8. Ibid.

9. Oholoth 8:1

10. V. supra p.10f.

11. Oholoth 8:1, Kelim 15:1

12. Bab. Talm., Soncino Ed. Oholoth, p.179, note 4

13. V.s. note 6

14. Shabbath 83b

15.

מנחות צד:

כה יוחנן אמר כמין סבינה כוק צת
 כשי: קו"ש ואין לה שול"ס אלא מאחלה רחבה
 ומאחלה כלה ופולכת דצ בארבע כנה V
 וזרא שיה חצין ופולכין וקבועין מאחלה ואין
 מוגעין במים ולהכי קרי לה כוק צת שמקצת
 ופולכת מהר

16. Ibid., שיטה מקובצת, רבינו גרשון פ

17. S. Krauss, קצת מניין בתלמוד, p. 187

18. Shabbath 100^b

19. Shabbath 83^b

20. Taanith 24^b, Baba Mezia 101^b, Bekoroth 27^a, see
 also S. Krauss, Talmudische Archaologie, op.cit.p.339

21. Kethuboth 97^a, Baba Mezia 101^b

22. Erubin 102^a

23.

גבא בתרא לז:

הבוא ארבע צה"ו מין צו צלה בי תרי היא
 אמר צי"צ היא והיא אמר צי"צ היא

24. Shabbath 67a

25.

חובותין ק"ה.
ר"י: אלאמות שזושין בסבינה... גזרין ז"ה
גזרין ז"ה... מנני ה"ז ה"ה והגשמי

26. Hullin 105^b, Shabbath 81^b, Berakoth 56a

27. Berakoth 57a

28. S. Krauss, op.cit. p. 339 (Talmudische Archaeologia)

29. Berakoth 57a. Rashi places 1 artaba to equal 1

lethek. Since 1 lethek = $\frac{1}{2}$ kor, 30 artaba = 15 kor.

15 kor = 5445 litres = 5.44 tons. See above note 6;

also H. Danby, The Mishnah, Oxford University

Press, London 1933, Appendix 2, p. 798

30.

בככות ל"ז.
היושג בענינה קטנה שם ט"ז י"א א'
בענינה גזולה א' ולכל משכתי וה"ה במצויה
ר"י: שפאכת בגולה ש"י

31. Baba Bathra 73a

32.

גזא בתכא ע"ג:
ר"י: ה"נו סבינה קטנה שקושרין לסבינה גזולה
וכשזושין אצלות אושה נכנסין באותה קטנה
מהגזולה שהגזולה אינה יכולה לפתוחה א'
סבת הי"ח מנני צומקה

33. Talm. Bab. Soncino Ed., Baba Bathra. p. 289, note 2

34.

שבת קא.
 ושי: סביטת קטנות וקצרות מלקטת צד
 כבולבול של סכין שקורין קו"ט"ו

35.

שבת קא.
 תוספות: ונראה כפרה זביתא של הפספסות
 קטנות העשויות להלך באגמים ועל שם
 שהפכת על צד צי המים קניי לה זביתא
 ויש להם זבנות וקרקצית העשויות נשים
 נשים ויש קלף בין הנשים והמים נכנסים שם
 ויושבים בה כמו במים והם עשויים כך שאילו
 תתפסק אינה נטבצת לצדו

36. Ibid.

37. Talm. Bab., Soncino Ed., Shabbath p. 289 note 3

38. Shabbath 101a

39. Berakoth 4:6

40.

זביתא קא.
 פירוש דבין משה בר מיימין: כשיש להם צדדים
 גזולים ולא יחזיקום הספיות יאסכו אותם חזילות
 גזולות וישימו נם עליהם ויוליכו ברוח צד המחוץ
 כמו בזה ורשם צד כתיב (מא) ואני אשימם
 לצדנות בים

41. Baba Mezia 107b - 108a

42. Ibid.

43. Yebamoth 108a, see also Baba Kamma 116a

south wind blew gently supposing that they had obtained their purpose, they weighed anchor and sailed along Crete, close inshore. But soon a tempestuous wind, called the northeaster, struck down from the land; and when the ship was caught and could not face the wind, we gave way to it and were driven." See also Matthew 14:24

58. Shabbath 11:5; see also S. Krauss, Talmudische Archaeologie, op.cit.p.341

59. V. supra p.10

60. Baba Bathra 62b

61. Aboda Zarah 62b

62. Arakin 4:3

63. Erubin 85b - 86a (According to the "מסכת ערובין 85ב - 86א")

64. Ibid.

65. Yoma 35b

66. Bekoroth 8b

67. Nedarim 55a

68. V. supra p.1

69. Baba Bathra 22a

70. Ibid.

71.

תענית כ.
באלמנה ולא אלמנה ממה אלא באשה שהיא
גדלה למצותה ביום וצאתו לחיוב

72. Berakoth 54^b

73.

מאד קטן י"ז.

הכי קאמר רבאין דברי ר' יהודה ארבע כשיצא
שלא ברשות ומאי ניהו לטול שאפילו חכמים לאן נחלקו
צ"ל אלא להכריחא אהל לטול מוצא ליה ונחלקו
דברי רבאין ד"ר יהודה כשיצא ברשות ומאי ניהו
אמנות שאפילו דבי יהודה לא נחלקו צ"ל
אלא להכריחא אהל אמנות מוצא ליה

Another reason for the above was that the Rabbis
refused to allow anyone to leave the holy land,
Baba Bathra 91^a

74. Pesahim 50^b (according to

דב"ר חנניא)

75. Ibid.

76. Horayoth 10^a - 10^b

77. Yebamoth 62^b. It can be safely assumed that the
statement applies to a sea journey as well.

78.

כתובות כ"ו

ביציר את אשתו חת שמיש המטה....
הגמליס אחת לשליש יום היכניס אחת
לשנה חצושים

S. Krauss (הצמחיות בתלמוד) figures from three to
six months. (vol. 1 p.204)

79.

גמלין ו:ה

בבא שורה בין אומריין ביוצא בקור ואמר
נתנו גט לאשתנו בריאלו וכתבו ויתנו חננו
אמר המפרש והיוצא בש"ר

80. Berakoth 29b

81. Baba Mezia 9b

82. Erubin 42b

83. Erubin 43a

84. Sukkah 51b

85. Gitten 31b

86. Ibid.

87. Ibid., See also Teanith 20a

88. Baba Kamma 116a

89. The Acts 27:20

90.

הוריות י.

כי הא דב גמליאל ורבי יהושע היו אנלי דסבינתא דבב
דב גמליאל הוב פיתא דבבי רבי יהושע הוב פיתא וסולתא
שליש פיתיה דב גמליאל סמך אסולתיה דבבי יהושע אמר ליה
אי הוב יפצח דבוב לן עכובא כולי האי צאיית סולתא
אמר ליה כופ אחת לשבצים שנה צורה ומתצה את (הסכנות)
[הסכנות] ואמרת שם ודלה ויתצה (אמת) אמר ליה כל כגזע
ואתה אלה הסכנות אל עז שאתה תמה עלי תמה על שני
תלמידים שיש להם ביבשה רבי אלעזר חסמא ורבי יוחנן בן גוזל צא
מיוצאין לעזר חמה טבות יש ביין ואין אדם פת לאכול ולא בן צלזוש

91. Talm. Bab., Soncino Ed., Horayoth p.71, note 1;
See also H. Graetz, History of the Jews, Jewish
Publication Society of America, Philadelphia, 1949,
vol. 2, p.349. In Menahoth 44^a, mention is made of
a certain fish (יִשְׁנָן) that appears once in 70 years.
It therefore seems likely that Rabbi Joshua's
calculations were based on this similar superstition.
92. Erubin 43^b. The distance of 2,000 cubits is equal
to one mile. (H. Danby, The Mishnah, op.cit. p.798)
The tube calculated the exact distance of one mile,
since the view to the horizon far exceeds that of
one mile.
93. See note 67; also H. Graetz, op. cit. vol 2, p.521
94. Shabbath 75^a
95. G. Sarton, Introduction to the History of Science,
Williams & Wilkins Co., Baltimore, 1927, vol.1,p.318
96. Horayoth 10^a
97. Ibid.
98. Taanith 10^b-11^a
99. Horayoth 10^a, The Acts 27:35,36,37; see also S. Krauss,
שִׁנְיָהּ דְּיָמֵינוּ, op. cit. vol. 1, p. 129
100. Hullin 2:9, Hullin 41^b; see also J. Frazer,
The Golden Bough, Macmillan Co, New York, 1935
part VI, The Scapegoat, p. 255

101. Horayoth 10a
102. Hullin 7a
103. Excerpts from Psalm 107, Jonah 1, The Acts 27
104. Yebamoth 121a
105. The Acts 27:44
106. Yebamoth 121a
107. Baba Mezia 59b
108. Yoma 38a
109. Yoma 3:10; see also 75
110. Yebamoth 115a
111. Niddah 31a
112. Abodah Zarah 1:3
113. S. Krauss, גין שדה הילולין, op. cit. vol. 1 p.197
114. Arakin 4:3; also Arakin 18a
115. Gitten 70a

CHAPTER THREE

OWNERSHIP

If one sells a ship without specifying the capacity, it must be large enough to carry a load of eleven tons. Otherwise, the buyer has the right to invalidate the sale and demand his refund.⁽¹⁾ The sale of the ship includes "מִן הַיָּם" the mast, "מִן הַיָּם" the anchor, "מִן הַיָּם" the sail⁽²⁾ and all the other implements necessary for its operation.⁽²⁾ According to R. Abba, these implements would include "מִן הַיָּם" the oars.⁽³⁾ The "מִן הַיָּם" gangway and "מִן הַיָּם" water tank⁽⁴⁾ are also part of the sale. R. Nathan and Symmachus further include the gigs.⁽⁵⁾ The "מִן הַיָּם" slaves, "מִן הַיָּם" packing bags and "מִן הַיָּם" freight aboard ship are not included with the rest of the sale unless the vendor stipulates that he is selling the ship and all that it contains.⁽⁶⁾

The sages questioned the legal means by which one assumed possession of a ship. One Tanna says, "A ship is legally acquired by "מִן הַיָּם".⁽⁷⁾ R. Nathan says, "A ship and letters⁽⁸⁾ are acquired by "מִן הַיָּם" or by "מִן הַיָּם".⁽⁹⁾ Because of the many difficulties in the above Baraitha, the Talmud enters upon a long discussion,⁽¹⁰⁾ culminating in the following decisions:

Where the sale of a ship takes place in "מִן הַיָּם" ⁽¹¹⁾
public domain, the legal mode of acquisition is "מִן הַיָּם".⁽¹²⁾

Where the sale takes place in an alley or in a courtyard⁽¹³⁾ owned by both buyer and seller,⁽¹⁴⁾ the mode of acquisition is "חזקתו".⁽¹⁵⁾ But where the sale takes place in "פרטתו של הבעלים" public domain, and the vendor said to the buyer, "Go pull and acquire," the sages contend that he intimated his objection to any other form of acquisition except "חזקתו".⁽¹⁵⁾ Rabbi Judah the Patriarch holds the opinion that the vendor was merely indicating a suitable place where the buyer could take his property and therefore, "חזקתו" is the only valid form of acquisition.⁽¹⁶⁾

There is further argument as to the exact procedure of acquiring a ship by "חזקתו".⁽¹⁷⁾ Rab says, "The buyer assumes ownership as soon as he pulls it, however slightly." Samuel says, "He cannot become its legal owner until he has pulled it its full length."⁽¹⁸⁾ The final decision is not stated by the Talmud, but one commentator rules in accordance with Samuel.⁽¹⁹⁾

A case which provoked considerable debate among the Rabbis concerned two litigants disputing ownership of a river boat.⁽²⁰⁾ Each one claimed that the boat belonged to him, while neither of them had actually seized the boat.⁽²¹⁾ One of the litigants went to the court and asked, "Attach the boat until I bring witnesses to prove that it belongs

to me." This was done so that the other litigant could not seize the boat and sell it in the meantime. ⁽²²⁾

The Rabbis then discussed whether or not the court should attach the boat. If the court attached it and the rightful owner could not produce evidence of ownership, the court, then, could always free the vessel. This would return it to its original state and no harm would have been done to either party. ⁽²³⁾ Perhaps, it would be wiser, on the other hand, for the court not to attach the boat and to allow the rightful owner the opportunity of seizing it by force or argument. ⁽²⁴⁾ In deciding upon the question, Rab Huna stated, " We should attach the boat," since the court can always release it. ⁽²⁵⁾ Rab Judah stated, " We do not attach the boat," since the court cannot release it once it has been attached. ⁽²⁶⁾

The Talmud proceeds to relate that the court attached the boat. ⁽²⁷⁾ The litigant went to look for his witnesses, but could not find them. He returned to the sages and requested that they release the boat and allow the stronger litigant to obtain possession. The Rabbis were again perplexed. Should they release the boat or not? Rab Judah claimed, " We should not release it." Since the property is presently in the hands of the court, it is not right that they

release it except to restore it to the proper owner. Rab Papa claimed, " We should release the boat." Since the court attached the boat only on the condition that the litigant find witnesses and he failed to do so, the court, then, should release it and allow the stronger litigant to prevail.

The accepted ruling, according to the Talmud, is in favor of Rab Judah. " The court should not attach the boat, but allow the stronger litigant to prevail

" 727 פ"ק3 סי'." If, by error or by agreement on the part of both litigants, the court does not attach the boat, the court shall not release it until proof of ownership is presented. (28)

In a case similar to that above, two claimants appeared before the court, each one stating that the ship in question was bequeathed to him by his father. R. Nachman ruled, " Whichever party is stronger can take possession." (29)

TRAFFIC LAW

There is evidence in the Talmud that some form of ship traffic law existed in both Palestine and Babylonia. One Tannaitic source states, " If two ships approach each

other, one loaded and the other empty, the former has the right of way. If both ships are loaded, they shall make a compromise between them. The one going forward shall compensate the other giving way." (30)

The above Baraitha is quoted by the Babylonian scholar, R. Ashi, along with this added proviso: " If one is nearer to its destination than the other, the former shall give way to the latter. If both are equally near or far from their destination, they shall make a compromise between them. The one going shall compensate the other giving way." (31)

While the above laws do not take into consideration the great number of possibilities which might occur when ships meet in narrow waters, they do represent the progressive thinking of the Rabbis. The above Baraitha represents one of the oldest forms of codified ship traffic law known. (32)

SHIP RENTAL

In Palestine, one who hired a ship paid his fee either before or after the journey. (33) In Babylonia, however, the owners collected their fees before the journey. (34)

In a case where one forcibly seizes another man's ship

and performs work with it, Rab said, " If the owner wishes, he may demand payment for its hire or payment for its wear and tear." Samuel said, " The owner may demand payment only for the wear and tear." Commenting on this argument, R. Papa resolves their differences by proposing the following: Rab's statement refers to a case where it was known that the ship was always for hire. If the rental fee exceeded the cost of repairing the wear and tear, the owner could demand the former amount. When the rental fee is less than the cost of repair, the owner could accuse the lessee of stealing and demand the latter amount. Samuel's statement, however, refers to a case in which the ship was not for hire. Therefore, since this constitutes stealing, the owner can only collect his claim for wear and tear. (35)

The Talmud offers another explanation along with a set of new laws: Both Rab and Samuel refer to a case where it was known that the ship was always for hire, but whereas Rab deals with a man whose intention was to pay the cost of rental, Samuel refers to one whose intention was robbery. (35)

In connection with the hire of ships, the Rabbis permitted the owner to offer an increased land rental, but not an " increased rental " for a ship. In the first case, one rents a field from his neighbor for ten kor annually.

He proposes to the landowner, " Give me two hundred zuz to improve the land and I will pay you twelve kor annually." Since the two hundred zuz is expended on the field itself, the land, in turn, becomes more valuable. The lessee, in paying twelve kor annually, actually leased a better field. In this case, the Rabbis gave their sanction without fear of usury. In the case of a ship, however, where the values cannot be increased, they declared that any money advanced is an ordinary loan and the higher rental constitutes interest. (36)

Nevertheless, one Amora points out that, under certain circumstances, the Rabbis permit an increased rental for a ship. " Where the hirer builds a beautiful sail-yard with the monies advanced to him by the owner, the latter may boost the rental. For, in such a case, there is no fear of usury, since the ship with its beautiful sail-yard is now in greater demand." (37)

It was common practice for the lessee to unload the ship in mid-journey. In such a case, one Baraitha rules that he paid for only half of the journey and the owner had nothing but resentment against him. The Babylonian scholars found difficulty in understanding the Baraitha and proposed the following interpretation:

If the owner cannot find another lessee, he has the right to demand the full fee for the ship's hire. If the owner finds another lessee, he bears no resentment, since he loses nothing. But the above Baraitha, the sages point out, speaks of a case where the lessee sold his cargo to another in the middle of a journey. The owner cannot collect the full hiring fee since he has found a new lessee and sustains no monetary loss. His only resentment is that he may find it awkward to deal with the second man. (38)

In Babylonia, the Jewish law maintained that the lessee paid the cost of rental for the ship and was held responsible for its loss. "As for a ship," Rab said, "both hire and loss is permitted." This law was the cause of much controversy among the jurists, for if the boat was considered as a rented object, the lessee cannot be held responsible for its loss. If he bears the responsibility for the loss of the ship, it must be regarded as a loan for which a Jew cannot be charged. The Talmud relates that when Rab was confronted with the above argument, he could not offer an explanation. (39)

Generations later, (40) the Babylonian Amoraim again discussed this law and R. Papa declared, "The law is that one who rents a ship pays rent and bears the responsibility for its loss. And the custom among shipowners is that the

rentee pays rent from the moment he takes possession of the ship, while in the case of its loss, he pays its value at the moment the ship is wrecked.⁽⁴¹⁾

What is to be noted from the above source is the fact that the Babylonian Amoraim found it difficult to prove that the above law was in keeping with Jewish law.⁽⁴²⁾ Furthermore, the following Talmudic text clearly indicates that, in Palestine, the jurists did not hold the lessee responsible for the loss of the ship.

" Our Rabbis taught; If one hires a ship and it sinks in mid-journey, R. Nathan said, ' If the lessee has paid the hire, he cannot claim it back. If he has not paid the hire, he need not pay it now.' What are the circumstances of the case described in the Baraitha? (asks the Talmud as they continue with their analysis). If the contract between shipowner and lessee called for a particular ship and an unspecified cargo of wine as freight, even if the lessee has paid the hire he should have the right to claim his money back. Let him say to the shipowner, ' Provide me with that ship and I will bring other wine. Since you cannot supply me with this particular ship, the ship having sunk, you must return my rent.' But if the contract calls for an unspecified ship and a particular cargo of

wine as freight, even if the shipowner has not collected the hire, he should have the right to demand it now. Let him say to the lessee, 'Bring me that particular wine and I will provide a ship. Since you cannot bring that wine, the freight having sunk, you must pay the hire.'

Said R. Papa, 'The above Baraitha deals with a case of this ship and this wine. Since neither party can fulfill his contract, the plaintiff is at a disadvantage. But in the case of an unspecified ship and an unspecified wine, the shipowner and renter divide the rental, since each one is in the position to fulfill his contract.'⁽⁴³⁾

Whether R. Papa's statement is really in accordance with the Baraitha is another question. The fact remains that the Baraitha clearly indicates that the lessee was not held liable for the loss of the ship. On what basis, then, did the Babylonian Amoraim rule otherwise? One can surmise that, in this instance, Rab was influenced by the Babylonian law of his day. This opinion is further documented by the fact that such a law existed in the Hammurabi Code.⁽⁴⁴⁾

As a rule, in judging disputed between merchant and shipowner, the court referred to an exact interpretation of their contract. Aware of this procedure, R. Papa and

R. Hisda hired a boatman on the condition that he guarantee their merchandise against any possible accident. The Talmud relates that, after a time, the Nehar Malka Canal was stopped up. R. Papa and R. Hisda then demanded that the boatman hire asses to deliver the goods, thereby fulfilling the terms called for in the contract. When the boatman refused, the litigants appeared before Raba. In rendering his decision, Raba reprimanded the Rabbis, saying, "Greedy people who want to strip men of their clothes! It is an exceptional kind of accident." (45)

The court disregarded the contract when such action was warranted by the circumstances of the case. One source tells of a man fleeing from prison. He promised to pay the boatman one dinar for ferrying him across the river. The Rabbis realized that this price far exceeded the normal fee ordinarily charged. They ruled that the passenger need not fulfill his obligation since he could claim that the promise was made in jest. However, if the boatman was also a fisherman, the passenger was obligated to fulfill his promise since the former could claim that the ferry ride caused him to lose many fish. (46)

In both Palestine and Babylonia, the Rabbis did not defy the legislation of the mariner guilds. One Baraitha

specifically states, " The Jewish courts shall not deviate from the general custom of the mariners." ⁽⁴⁷⁾

The guilds provided a form of insurance for the mariners who lost their boats at sea. They also stipulated that, during the summer season, the mariner was not permitted to sail his boat within two ropes' length of shore. Any breach of these laws withheld from the mariner his right to compensation. ⁽⁴⁸⁾

The guild also provided legislation for the following case:

A ship was sailing on the sea and a gale arose which threatened to sink it. In order to keep the ship afloat, the passengers were ordered to lighten their cargo. The guild ruled that the apportionment of the loss of each passenger was made according to the weight of the cargo and not according to the value. Therefore, one passenger might be asked to heave gold overboard, while another a similar weight of iron. ⁽⁴⁹⁾

The permitted overload of any ship was assessed at less than a thirtieth of its total weight. Failure to comply with this was regarded as negligence on the part of the merchant. ⁽⁵⁰⁾

The Rabbis also formulated laws of salvage. One Bar-aitha teaches, " If a person rescued something from a river or from what the tide throws up or the overflow of a river, the object belongs to him because the owners despair of recovering it."⁵¹

This law did not apply in all cases. The Talmud relates, " A certain man once found four zuz tied up in a cloth and thrown into the river Biran. When he appeared before the Babylonian rabbi, Judah bar Ezekiel, the latter declared, " Go and announce your findings. " Later, the sages explained that the river Biran contained network for catching fish and since the Jews often dragged the river, the original owner of the lost article did not despair of recovering it."⁵²

RELIGIOUS LAW

PRAYER

One who sees the Great Sea at intervals of time is required to recite the benediction, " Blessed is He Who made the Great Sea."⁵³ Those who have crossed the sea safely recited the prayer of thanksgiving, " Blessed is He Who bestows lovingkindness." Abaye stated, " And he must utter his thanksgiving in the presence of ten. " Mar Zutra

further added, " And at least two of them must be Rabbis." ⁽⁵⁴⁾

According to one Tannaitic source, the voyager was not released from his obligation of prayer. Ben Azzai held that if two men were caring for a dead person on board ship, they were to place the body in one opposite corner and recite their prayer in another corner. ⁽⁵⁵⁾ Another source states, " If he is journeying on a raft or a ship, he shall concentrate his thoughts upon the Holy of Holies." ⁽⁵⁶⁾

Many Talmudic sources indicate that the above was not the accepted law. Many Amoraim insisted that, if a man was of troubled mind, he was excused from prayer. R. Hanina did not pray on a day when he was agitated. ⁽⁵⁷⁾ R. Hiyya b. Ashi, citing Rab, stated, " A person whose mind is not at ease must not pray." ⁽⁵⁸⁾ We have previously noted the dangers of sea-travel, and therefore can conclude that these perilous conditions were hardly conducive to prayer.

When Samuel's father and Levi were about to set out on a journey, they recited their prayer before dawn. They based their actions upon a Tannaitic source which taught that, if one were to take a sea-journey, he was to arise early in order to recite his prayer. ⁽⁵⁹⁾

There is further evidence that the voyager was absolved of the responsibility of prayer for three days after

reaching his destination. One Amora ruled, " One who re-
turns from a journey must not pray for three days." It
is also related that Samuel's father, after having re-
turned from a journey, likewise refrained from prayer for
three days. (61)

HOLIDAYS

During the festival of Sukkoth, the mariners were
exempt from the obligation of Sukkah. This is apparent
from the following Tannaitic source which taught, " Day
travellers are free from the obligations of Sukkah by day
but are bound to it by night. Night travellers are free
from the obligations of Sukkah at night but are bound to
it by day. Travellers by day and night are free from the
obligations both day and night. (62)

If, however, one erected a Sukkah on the deck of a
ship, according to Rabbi Akiba, it was valid. According
to Rabbi Gamliel, it was invalid. The Talmud relates,
" It happened that Rabbi Gamliel and Rabbi Akiba were
journeying on a ship that Rabbi Akiba arose and erected
a Sukkah on the deck of the ship. On the morrow, the wind
blew and tore it away. Rabbi Gamliel said to him, ' Akiba,
where is thy Sukkah? ' "

In commenting on the above text, Abaye said, " All are in accord that where the Sukkah is unable to withstand a normal breeze, it is invalid. If it can withstand an unusually strong land breeze, all agree that it is valid. Rabbi Gamliel and Rabbi Akiba disagree in a case where the Sukkah on board ship can withstand a normal land breeze but not a normal sea breeze. Rabbi Gamliel is of the opinion that the Sukkah must be a permanent abode and since it cannot withstand a normal sea breeze, it is invalid. Rabbi Akiba maintains that the Sukkah must be a temporary abode and since it cannot withstand a normal land breeze, it is valid." (63)

In connection with this holiday, the Talmud further relates, " It once happened that Rabbi Gamliel, Rabbi Joshua, Rabbi Eleazar b. Azariah and Rabbi Akiba were travelling on a ship. Rabbi Gamliel had a lulab which he had bought for one thousand zuz. He took it and fulfilled his obligations with it. After that, he gave it as a gift to Rabbi Joshua who took it and fulfilled his obligations with it. Rabbi Eleazar b. Azariah and Rabbi Akiba did likewise and then returned it to Rabbi Gamliel." (64)

During the Passover week, the Jewish voyager abstained from eating leavened bread. If such food was discovered in his possession, he first crumpled it and then cast it

overboard. To crumple the food was the prescribed procedure lest someone from a passing ship rescue it from the waters. ⁽⁶⁵⁾

During the week of Passover and Succoth, ⁽⁶⁶⁾ those who returned home from overseas were permitted to crop their hair and wash their clothes. Rabbi Judah b. Il'ai permitted this only in a case where the voyager's trip was in search of livelihood. ⁽⁶⁷⁾ Fishermen were allowed to ply their trade privily for the requirements of the festival week. The fishermen of Acre, however, imposed a restriction upon themselves not to catch at all. ⁽⁶⁸⁾

In Babylonia, the sages carefully supervised the import of foodstuffs prior to the Passover holiday. One incident relates that a certain ship carrying grain foundered in a canal. The grain became leavened and Raba permitted it to be sold only to Gentiles. After being corrected by his colleagues, Raba permitted the grain to be sold only to Israelites in small quantities at a time. In this manner, Raba was assured that the grain would be consumed before Passover. ⁽⁶⁹⁾

If a man arose early for a sea voyage, he blew the Shofar, ⁽⁷⁰⁾ read the Megilla, ⁽⁷¹⁾ shook the Lulab, ⁽⁷²⁾ and recited the Amida and the Shema. ⁽⁷³⁾

SABBATH

Traveling on board ship during the Sabbath was not prohibited by Jewish law. However, if it was the day of departure, the traveler was required to remain on the ship three days previous to the sailing. The above law did not apply when the traveler was on an errand of good deed. The more strict interpreters of law demanded that the passenger inform the captain of his desire that the ship lay to on the Sabbath. The passenger, however, was not held responsible if the captain disregarded his request. (74)

On the Sabbath, during the voyage, the Jew was permitted to walk the whole length of the ship, even if the ship's length exceeded the prescribed limit. Nevertheless, Rabbi Joshua and Rabbi Akiba imposed a stricter ruling upon themselves and did not move beyond the allotted Sabbath limit of four cubits. (75) In Babylonia, all were agreed that one was permitted the full area of the ship. The argument arose only in the case where the ship was stationary. One Amora permitted walking its full length while another did not. (76)

According to Jewish law, a Jew was not permitted to hire a Gentile to do work that he himself was not permitted to do. This presented a difficulty to the Jewish voyager who desired to disembark on the Sabbath, since the ship's gangway had to be lowered for his benefit. The Rabbis

overcame this by the legal fiction which presumed that, in reality, the Gentile mariner was working in his own behalf. Rabbi Gamliel and the Elders therefore descended the gangway on the Sabbath on the grounds that the Gentile, in lowering it, received no order from them. (77)

With respect to the laws of Sabbath, a ship was considered as private domain (78) and the sea as a karmelith. (79) If one threw an object from the sea to a ship, or from a ship to the sea, he was not culpable. (80) When the ships were not tied together, though lying close to each other, one was not permitted to carry from one to the other. (81) If ships were tied together (82) and one carried goods from one to the other, he was not culpable. (83)

The boundary beyond which one must not walk on the Sabbath is two thousand cubits without the town limits. This area is referred to as " *hazeh pith* " ... the boundaries of Sabbath. The law also maintained that " *Pith* " was applicable only to those who established residency in the town prior to the Sabbath. (84)

In the case of a ship, therefore, if it sailed into the " *Pith* " prior to the Sabbath, the passengers were permitted to disembark, and it was as though they had established residency within the town limits. If the ship

sailed into the "פ'תח" after the Sabbath commenced,
the passengers were restricted to their ship. (85)

It once happened that Rabbi Gamliel was travelling
aboard a ship which had entered the harbor during the
Sabbath. He allowed his colleagues to disembark on the
evidence that the ship reached the "פ'תח" prior to the
Sabbath. (86)

The Shofar was sounded in times of public distress
and calamity. It was blown even on the Sabbath in the case
of a ship foundering at sea. (87)

OTHER RELIGIOUS LAWS

The voyager was permitted to slaughter an animal
aboard ship and allow the blood to trickle down the sides
into the sea. (88)

A tree planted on board ship was subject to the law
of Orlah. (89)

Under certain conditions, produce which was transported
by ship to Palestine was liable to tithes and subject to
the Sabbatical laws. (90)

A ship is not susceptible to uncleanness. Excluded from this category were the ships of the Jordan and ships of clay. (91) (92) (93)

Rabbi Eliezer held the opinion that a ship was classified as a tool with which a man could earn his living. According to this view, pledges made to the sanctuary could not be claimed against a ship. (94)

CONCLUSION

It is fairly conclusive that, during the Talmudic Period, seafaring was regarded as a reputable craft by the Rabbis. The mariner was depicted as trustworthy and a source of information and inspiration. While hardly a word of praise is given to the camel driver, the ass driver or the wagoner, the sailor is complimented by rabbinic endorsement.

Seafaring was not a strange profession to the ancient Jews. There were many Jewish shipowners and mariners who were skilled in the building and sailing of their ships. This trade played an important role in the life of the Jewish community and the many Halachoth testify to this fact.

The Talmud is filled with references to ships, types

of ships, the trade of the mariners, as well as the minutest details of the perilous voyages accross the sea. It is surprising that the Talmud, which is primarily the teacher of the oral tradition, remains as an invaluable source in reconstructing the art of seafaring in ancient days.

The sailor of old is in striking contrast to the sailor of the present time. With the achievement of greater safety on the seas and a more acute understanding of the elements, the habits of the later-day sailor changed. No longer was he the by-word for piety and trustworthiness. Judging from the literature of the seventeenth and eighteenth centuries, seafaring was hardly the proper profession for a man of culture and good breeding. Frequently, the image of the modern sailor was of an uncouth, shiftless vagabond whose idle moments were spent in carefree company.

The ancient sailor, then, presents an interesting picture, and for the image of the life of his day, we are indebted to the Talmud.

NOTES ON CHAPTER THREE

1. Baba Bathra 80b
2. Baba Bathra 5:1
3. Baba Bathra 71a
4. Ibid.
5. Ibid.
6. Baba Bathra 5:1
7. Baba Bathra 75b-76a. (**דב'ע**) ... one of the legal modes of acquiring a movable object which is accomplished by the buyer drawing the object into his possession.
8. I. e., a bond or a note of indebtedness.
9. I.~e., a deed, a writ, a bill of sale testifying to the transfer of ownership of the note. Rabbi Nathan holds the opinion that the mere delivery of the bond does not confer upon the buyer any right to the debt and the note is but a scrap of waste paper. See further Rashbam on text.
10. Baba Bathra 75b-76a.
11. " Domain of the many " the domain or territory belonging to or used by the public; public roads as opposed to private domain or private premises.
12. (Lit., delivery or harnessing), a form of legal acquisition which is executed by the buyer's performance of some act, resembling harnessing in the case of a beast or in the case of other heavy objects by obtaining actual delivery.V. supra., note 7.

13. Since an alley is not public domain in the full sense, the public using it only occasionally, it may be regarded as the private domain of anyone who happens to be there and thus only "חילוק" can be effected.
14. Since the buyer owns part of the courtyard, it is considered his private domain and acquisition by "חילוק" is valid.
15. The seller indicated that he would not agree to the sale unless the buyer removed the ship out of the public domain into the buyer's territory. Therefore, no other form of acquisition is valid.
16. The buyer, having acquired the ship by "חילוק," is told by the vendor, "You may remove (pull) it at once into your own domain." V. supra, note 7
17. Baba Bathra 75b
18. The entire ship must be moved from its position by the buyer until its farther end touches the spot on which the nearer end had rested.
19. See commentary עסקי הדא... R. Asher, Baba Bathra chapt. 5, par. 2. Cf. גאון הרב... Rabbi Lipman Halevi Heller, Baba Bathra chapt. 5, note 2, (commentary on R. Asher).
20. Baba Bathra 34b. This text is interpreted in accordance with the Rashbam.

21. If they had seized the boat, the law would be that they divide it or , each one takes whatever part of the boat his hand grasps. (According to Baba Mezia, 1:1).
22. The principle of *נאכלת* (Lit., to prevail, whether by force or by argument) would not apply in this case, since the court had already attached the boat.
23. The supposition is that, once attached by the court, it cannot be released by the court.
24. The contention now is that, once the court attaches the boat, it cannot release it without proof of ownership.
25. I.e. restore the boat to its original state and cause no harm to the rightful owner.
26. Rashbam, " With the knowledge that, once the court attaches, it does not release, the wrongful party will then demand the court to attach the boat and thus, cause damage to the rightful owner."
27. Rashbam is not certain whether the court did this because they agreed with R. Huna or whether it was done at the request of both litigants. In the latter case, even R. Judah would agree that we attach the boat.
28. For another interpretation of the above text, see Tosafoth.

Upon closer examination of the text, the following difficulty in Rashbam's interpretation is apparent: Why is R. Huna, who claims that we attach the boat, forced to agree that the court can release it? Why is R. Judah, who claims that we do not attach the boat, forced to agree that the court cannot release it?

Professor Samuel Atlas of the H. U. C.-J. I. R. has kindly offered the following explanation:

The argument between R. Huna and R. Judah concerns the basic concept of *נִצְטָר*. According to R. Huna, this represents a positive decision by the court. It is the court that places the boat under circumstances that allow for such acquisition. By attaching the boat, the court suspends this legal right of acquisition and holds the boat in *עֲרֹבָה*. If witnesses are not found, the court then has the right to abide by its original decision of *נִצְטָר*, and release the boat. It is merely a matter of the court preferring one legal procedure over that of another.

Rabbi Judah maintains that *נִצְטָר* is not a positive or legal act on the part of the court. The term only describes an object in a state similar to that of *נִצְטָר*. In attaching the boat, the court, for the first time, institutes positive and

legal action. This action cannot be rescinded, since

דאס איז נישט א טייל פון די געזעצן
procedure. R. Judah claims, thereofre, that once
the court attaches the boat, we have no alternative
but to wait for proof of ownership.

29. Baba Bathra 34b

30. Tosefta Baba Kamma, chapt. 2, section 5

31. Sanhedrin 32b. Although this particular clause
is in reference to camel traffic, the text clearly
indicates that it applies to ship traffic as well.

32. One older source is the Laws of Eshnunna where mention
is made of the responsibilities of the boatman
to the owner in cases where ships have sunk while
as sea. Another source is the Hammurabi Code where
reference is made to ships colliding at sea. See
Ancient Near Eastern Texts Relating to Old Testament,
J. B. Pritchard (editor), Princeton University
Press, 1950, p. 161, paragraph 5 and p. 176 paragraph 240.

33. Baba Mezia 79a

34. Baba Mezia 69b, See also Arakin 18a

{ 35. Baba Kamma 97a

36. Baba Mezia 69b

37. Ibid.

38. Baba Bathra 79b. The interpretation of the Baraita

is in accordance with Tosafoth. Rashi states, In mid-journey, the bentee loaded the boat with greater cargo. While he pays the owner for the added freight, the latter has resentment against him for causing delay.

39. Baba Mezia 69b

40. Rab is identified as a first generation Amora while R. Papa is a fifth generation Amora. See H. Strach, Introduction to Talmud and Midrash, Philadelphia, Jewish Publication Society, 1945, pp. 121, 132

41. Baba Mezia 70a

42. For a more complete text see Baba Bathra 69b-70a

43. Baba Mezia 79a-79b

44. Driver and Miles, The Babylonian Laws, op. cit.

p. 427 ff. See also Ancient Near Eastern Texts Relating to Old Testament, J. B. Pritchard (editor), op. cit. chapter 2, p. 176, paragraph 236

45. Gitten 63a

46. Baba Kamma 116a, See also Yebamoth 106a

47. Baba Kamma 116b

48. Ibid. See also Soncino, Talm. Bab. op. cit. Baba Kamma, p. 25, note 3

49. The phrase, " And they shall not deviate from the custom of the mariners," clearly indicates that the Baraita meant to enforce the guild law.

50. Baba Bathra 80b

51. Abodah Zarah 43a. The source is identified by the

Dej 77107 as a Baraitha.

52. Baba Mezia 24b
53. Berakoth 9:2
54. Berakoth 54b
55. Berakoth 18a
56. Berakoth 4:6
57. Erubin 65a
58. Ibid.
59. Berakoth 30a
60. Erubin 65a. The injunction is based on a passage found in Ezra :8, " And I gathered them by the river... and we rested there three days and I viewed my people." Rashi comments, " His mind is not attuned to prayer because of the burdensome journey."
61. Ibid.
62. Sukkah 26a
63. Sukkah 23a
64. Sukkah 41b
65. Pesachim 28a
66. i. e. during the middle periods of these festivals
67. Moed Katan 3:1, also 14a
68. Moed Katan 2:5, also 13b
69. Pesachim 40b
70. i. e. on the morning prior to the New Year
71. i. e. on the morning prior to Purim
72. i. e. on the mornign prior to the Sabbath
73. Berakoth 30a
74. Shabbath 19a

75. Erubin 4:1
76. Erubin 42b
77. Erubin 4:1, also 122a
78. Shabbath 11:5
79. A Karmelith is neither private nor public ground.
For a comprehensive introduction see The Mishneh,
Dr. S. Petrushka, Gilead Press, N. Y. 1948, Seder Moed,
notes on chapt. 10, Mishneh 2, p. 45
80. Shabbath 11:5
81. Ibid.
82. Ibid. An Erub must be set up by the shipowners. (See
Rebenu Nissam on the text).
83. Ibid.
84. For a complete introduction see Dr. S. Petrushka,
op. cit., Seder Moed, introduction to Erubin, p. 97,
paragraph 4.
85. Erubin 4:2
86. Ibid.
87. Taanith 3:7
88. Hullin 41b
89. Orlah 1:2
90. Hallah 2:2
91. Shabbath 9:2. There are many other references in the
Talmud dealing with uncleanness in connection with
ships. Because this subject was far too intricate

and beyond the present scope of this thesis, it was omitted. The writer plans to deal with this subject in a future thesis toward his doctor's degree. For the same reason, the writer has omitted the many differences in Halacha between Amoraic and Tannaitic sources.

92. Shabbath 83b

93. Ibid.

94. Arakin 18a

BIBLIOGRAPHY

BIBLIOGRAPHY

1. S. W. Baron, The Jewish Community, Philadelphia, 1942, vol. 1
2. H. Danby, The Mishnah, London, 1933
3. F. Delitzsch, Jewish Artisan Life in the Time of Jesus, New York, 1883
4. G. R. Driver and J. C. Miles, The Babylonian Laws, Oxford, 1952
5. Encyclopaedia Biblica, London, 1903, vol. 4
6. Encyclopedia Britannica, England, 1911-1912, 11th ed., vol. 3
7. J. Frazer, The Golden Bough, New York, 1935
8. H. Graetz, History of the Jews, Philadelphia, 1949
9. Harpers Bible Encyclopedia, New York, 1952
10. Harpers Dictionary of Classical Literature and Antiques, New York, 1897
11. S. Krauss, דברי חכמים, Berlin
12. S. Krauss, Talmudische Archaeologie, Leipzig, 1911
13. M. Margolies, מקורות חכמי התלמוד והתנאים, Jerusalem,
14. I. Mendlesohn, "Gilds in Babylonia and Assyria," Journal of the American Oriental Society, LX, (1940)
15. J. Newman, The Agricultural Life of the Jews in Babylonia, London, 1932
16. R. Patai, המסורת היהודית, Jerusalem, 1938
17. S. Petrushka, The Mishnah, Seder Moed, New York, 1948

18. J. B. Pritchard, Ancient Near Eastern Texts Relating to Old Testament, Princeton, 1950
19. G. Sarton, Introduction to the History of Science, Baltimore, 1927
20. S. Singer, Hasid, (M. H. L. Thesis) H. U. C. - J. I. R., New York, 1951
21. H. L. Strach, Introduction to the Talmud and Midrash, Philadelphia, 1945
22. Talmud Babylonian
23. Talmud Babylonian, Soncino edition, London, 1938
24. The Holy Bible, Jewish Publication Society, 1951
25. The Revised Standard Version of the New Testament, New York, 1946
26. רבינו גרשון
27. רבינו חננאל
28. מסורת הש"ס
29. שיטת מקובצת
30. פילפול חריפותא
31. מסקי הראש
32. ראשון
33. ראשון
34. ראש
35. תוספות