



Jacob Neusner, A History of the Jews of Babylonia

is to say, as He comes to see the worshipper, so should man come to be seen by Him; as He [the Lord] comes to see [so to speak] with both eyes,<sup>1</sup> so should he, who comes to be seen by Him, come with both eyes!<sup>2</sup> Hence, says R. Aḥa, the son of R. Iḳa: The scriptural text says, *Thou shalt not seethe a kid in its mother's milk*. It is seething, as a method of cooking, that the law forbids.<sup>3</sup>

Our Rabbis taught: Monetary cases are decided by three; [5a] but one who is a recognised *Mumḥeh*<sup>4</sup> may judge alone.

R. Naḥman said: One like myself may adjudicate monetary cases alone. And so said R. Ḥiyya.

The following problem was [consequently] propounded: Does the statement 'one like myself' mean that as I have learned traditions and am able to reason them out, and have also obtained authorisation [so must he who wishes to render a legal decision alone]; but that if he has not obtained authorisation, his judgment is invalid; or is his judgment valid without such authorisation? Come and hear! Mar Zuṭra, the son of R. Naḥman, judged a case alone and gave an erroneous decision. On appearing before R. Joseph, he was told: If both parties accepted you as their judge, you are not liable to make restitution. Otherwise, go and indemnify the injured party. Hence it can be inferred that the judgment of one, though not authorised, is valid.

Said Rab: Whosoever wishes to decide monetary cases by himself and be free from liability in case of an erroneous decision, should obtain sanction from the *Resh Galutha*.<sup>6</sup> And so said Samuel.

It is clear that an authorisation held from the *Resh Galutha* 'here' [in Babylonia] holds good 'here'. And one from the Palestinian authority 'there' [in Palestine] is valid 'there'. Likewise, the authorisation received 'here' is valid 'there', because the authority

(1) Cf. Deut. XI, 12. (2) Hence we see that the authority of *Mikra* is a moot point in every case, and if so, what is the definite basis for the prohibition relating to meat and milk? (3) *Seething* is a term applicable only to a liquid, such as *milk*, and not to *fat* which would require such a word as *roasting*. Therefore we must read *behaleb*, (in the milk of) according to *Mikra*. (4) V. Glos. (5) V. n. 6. (6) Lit., 'head of the *Golah*', Exilarch. Title given to the chief of the Babylonian Jews who from the time of the exile were designated by the term *Golah*, v. Jer. XXVIII, 6.

in Babylon is designated 'sceptre', but that of Palestine, 'law-giver' [denoting a lower rank], as it has been taught: *The sceptre shall not depart from Judah*,<sup>1</sup> this refers to the Exilarchs of Babylon who rule over Israel with sceptres;<sup>2</sup> and a lawgiver . . . this refers to the descendants of Hillel [in Palestine] who teach the Torah in public. Is, however, a permission given 'there' valid 'here'? Come and hear! Rabbah b. Ḥana gave an erroneous judgment [in Babylonia]. He then came before R. Ḥiyya, who said to him: If both parties accepted you as their judge, you are not liable to make restitution; otherwise you must indemnify them. Now, Rabbah b. Ḥana did hold permission [but from the Palestinian authority]. Hence we infer that the Palestinian authorisation does not hold good for Babylon.<sup>3</sup>

But is it really not valid in Babylon? Did not Rabbah, son of R. Huna, when quarrelling with the members of the household of the *Resh Galutha*, maintain: 'I do not hold my authorisation from you. I hold it from my father who had it from Rab, and he from R. Ḥiyya, who received it from Rabbi [in Palestine]?'—He was only trying to put them in their place with mere words.

Well, then, if such authorisation is invalid in Babylon, what good was it to Rabbah, son of R. Huna?—It held good for cities that were situated on the Babylonian border [which were under the jurisdiction of Palestine].<sup>4</sup>

Now, what is the content of an authorisation?—When Rabbah b. Ḥana was about to go to Babylon, R. Ḥiyya said to Rabbi: 'My brother's son is going to Babylon. May he decide in matters of ritual law?' Rabbi answered: 'He may.' 'May he decide monetary cases?'—'He may.' 'May he declare firstborn animals permissible [for slaughter]?'<sup>6</sup>—'He may.' When Rab went

(1) Gen. XLIX, 10. (2) Sceptre, symbol of the authority of a ruler appointed by the Government, as was the *Resh Galutha*. 'Lawgiver' designates the heads of Palestinian schools who have no political authority. (3) Otherwise he should not have been liable to indemnification. (4) [V. Zuri, *Toledoth Hamishpat Haziburi* I, pp. 384 ff.] (5) Lit., 'descending'. (6) On finding, after careful examination, that they had permanent blemishes. After the destruction of the Temple, firstborn animals could be slaughtered only on having permanent defects.

the office of *Parnas*<sup>1</sup> may, if they possess the capability of understanding [the discourses], enter and sit down before their father with their backs to the people. When, however, they do not possess the capability of understanding [the discourses] they enter and sit down before their father with their faces towards the public. R. Eleazar son of R. Zadok said: In a festive gathering<sup>2</sup> also they are treated as attachments [to their father].<sup>3</sup>

The Master said, 'If he went out in his need to ease himself he may re-enter and sit down in his place.' R. Papa said: This applies only<sup>4</sup> to the minor [functions of the body] but not to the major [functions], since he should have examined himself before; for Rab Judah said: A man should always make a habit of easing himself early in the morning and late in the evening in order that there be no need for him to go far.<sup>5</sup> Now,<sup>6</sup> however, that everybody<sup>7</sup> is weaker the same rule applies even to the larger functions.

R. Eleazar son of R. Zadok said: At a festive gathering also they<sup>8</sup> are treated as attachments [to their father]. Raba said: Only during the lifetime of their father and in the presence of their father.

R. Johanan said: That instruction<sup>9</sup> was issued<sup>10</sup> in the days of R. Simeon b. Gamaliel [II], when R. Simeon b. Gamaliel was the President, R. Meir the *Hakam*,<sup>11</sup> and R. Nathan the *Ab-beth-din*.<sup>12</sup> Whenever R. Simeon b. Gamaliel entered all the people stood up for him; when R. Meir and R. Nathan entered all the people stood up for them also. Said R. Simeon b. Gamaliel: Should there be no

(1) [A title denoting usually a general leader of the people, and sometimes also a member of the council of the city; v. Büchler, *Sepphoris*, pp. 14, 16.] (2) Lit., 'house'. (3) Are given a place beside him. [According to Krauss, *Sanhedrin-Makkot*, p. 34, the meaning is that the young men were delegated to assist as supervisors against laxities and misdemeanours at marriage festivities.] (4) Lit., 'they did not say but.' (5) To find a private spot. In those days privies within the town or the village were unknown. (6) 'Raba said' is placed within parentheses in cur. edd. [It is rightly omitted in some texts, as Raba is unlikely to comment on a statement of R. Papa, his pupil.] (7) Lit., 'all the world.' (8) The sons of scholars mentioned *supra*. (9) Heb., *Mishnah*, (teaching), v. Glos. (10) Lit., 'taught.' (11)  $\text{סָגֵר}$  'sage', 'wise man'; an office in the college next in rank to that of *Ab-beth-din*. V. *supra* p. 101, n. 8. (12) V. *supra* p. 101, n. 6.

distinction between my [office] and theirs? And so he issued that ordinance.<sup>1</sup>

R. Meir and R. Nathan were not present on that day. Coming on the following day and seeing that the people did not rise for them as usual, they inquired as to what had happened.<sup>2</sup> On being told that R. Simeon b. Gamaliel had issued that ordinance, R. Meir said to R. Nathan, 'I am the *Hakam* and you are the *Ab-beth-din*, let us retaliate.<sup>3</sup> Now, how are we to proceed against him?—Let us request him to discourse<sup>4</sup> upon the tractate of 'Ukzin with which he is unfamiliar,<sup>5</sup> and as he will be unable to discourse upon it<sup>6</sup> we shall tell him: *Who can express the mighty acts of the Lord, make all His praise to be heard?*<sup>7</sup> for whom is it becoming to express the mighty acts of the Lord? For him who can make all his praise to be heard. We shall then depose him and I shall become *Ab-beth-din* and you the *Nasi*.'

R. Jacob b. Korshai on hearing this conversation<sup>8</sup> said, 'The matter might, God forbid, lead to [the *Nasi*'s] disgrace.' So he went and sat down behind R. Simeon b. Gamaliel's study, expounding [the tractate of 'Ukzin], and repeating it again and again. He<sup>9</sup> said, 'What could this mean?'<sup>10</sup> Did anything, God forbid, happen at the college! He concentrated his attention and familiarised himself with it.

On the following day when they said to him, 'Will the Master come and discourse on 'Ukzin', he began and discoursed upon it. After he had finished he said to them, 'Had I not familiarised myself with it, you would have disgraced me!' He gave the order and they were removed from the college.

(1) Lit., 'established that teaching,' the procedure described *supra*. [This arrangement, made by R. Simeon, was not prompted by personal vanity. (Simeon's humility, well attested by his sayings, B.M. 84, 85a, is the best proof against such an imputation.) But it was introduced in order to increase the authority of the College over which the *Nasi* presided and to promote due respect for learning. V. Lauterbach, *J.E.* XI, p. 347.] (2) Lit., 'what is this'. (3) Lit., 'let us do a thing as to us'. (4) Lit., 'reveal', i.e., expound. (5) Lit., 'he has not'. (6) Lit., 'he did not learn'. (7) Ps. CVI, 2. (8) Lit., 'heard them'. (9) R. Simeon b. Gamaliel. (10) Lit., 'what is that in front'.

Thereupon they wrote down scholastic difficulties on slips of paper which they threw into the college.<sup>1</sup> That which he<sup>2</sup> solved was disposed of<sup>3</sup> and as to those which he did not solve they wrote down the answers and threw them in. Said R. Jose to them:<sup>4</sup> The Torah is without and we are within! Said R. Simeon b. Gamaliel to them:<sup>4</sup> We shall re-admit them<sup>5</sup> but impose upon them this penalty, that no traditional statement shall be reported in their names. [As a result] R. Meir was designated 'others', and R. Nathan 'some say'.

In their dreams they received a message to go and pacify<sup>6</sup> R. Simeon b. Gamaliel. R. Nathan went; R. Meir did not, for he said: Dreams are of no consequence.<sup>7</sup> When R. Nathan came,<sup>8</sup> R. Simeon b. Gamaliel remarked to him: The honourable position<sup>9</sup> of your father has indeed helped you to become *Ab-beth-din*; shall we therefore make you also *Nāsi*?

Rabbi taught his son R. Simeon: Others say that if it<sup>10</sup> had been an exchanged beast [14a] it would not have been sacrificed.<sup>11</sup> The latter said to him: Who are those whose waters we drink but whose names we do not mention? Rabbi answered him: These are men who wished to uproot your dignity and the dignity of your father's house. His son said to him: *As well their love, as their hatred and their envy is long ago perished!*<sup>12</sup> Rabbi said to him, *The enemy has disappeared; the swords*<sup>13</sup> *are forever.*<sup>14</sup> The other said to him: This applies only to the case where their actions were successful; in the case of these Rabbis, however, their actions were not successful. Subsequently he repeated his lesson [as follows]: It was said in the name of R. Meir that if it had been an exchanged beast it would not have been sacrificed.

Raba said: Even Rabbi who was unassuming used the ex-

(1) Lit., 'there'. (2) V. p. 102, n. 9. (3) Lit., 'was solved'. (4) The members of the college. (5) The expelled scholars. (6) Lit., 'they showed them in their dreams, go pacify him'. (7) Lit., 'words of dreams neither bring up nor bring down'. (8) Lit., 'went'. (9) Lit., 'girdle'. (10) A beast that in the course of tithing has been erroneously counted as the tenth. (11) V. Bek. 60a. (12) Eccl. IX, 6. (13) חַרְבֵּי, pl. of חֶרֶב 'sword'. Others, 'waste places'. (14) Ps. IX, 7.

pression,<sup>1</sup> 'it was said in the name of R. Meir', and did not say 'R. Meir said'.

R. Johanan said: [On the following point] there is a difference of opinion between R. Simeon b. Gamaliel and the Rabbis. One view is<sup>2</sup> that a well-read scholar<sup>3</sup> is superior [to the keen dialectician] and the other view is<sup>2</sup> that the keen dialectician<sup>4</sup> is superior. R. Joseph was a well-read scholar; Rabbah was a keen dialectician. An enquiry was sent up to Palestine:<sup>5</sup> Who of these should take precedence? They sent them word in reply: 'A well-read scholar is to take precedence'; for the Master said, 'All are dependent on the owner of the wheat'.<sup>6</sup> R. Joseph, nevertheless, did not accept office. Rabbah was head<sup>7</sup> for twenty-two years and only after this period did R. Joseph take up the office.<sup>8</sup> Throughout the years of Rabbah's rectorship, Rab Joseph did not call to his house even a cupper.<sup>9</sup>

Abaye, Raba, R. Zera and Rabbah b. Mattena once sat studying together and felt the need to appoint a head.<sup>10</sup> They agreed<sup>11</sup> that whosoever would make a statement which could not be refuted shall become head. The statements of all of them were refuted, but that of Abaye was not. When Raba<sup>12</sup> saw that Abaye held up his

(1) Lit., 'taught'. (2) Lit., 'one said'. (3) A *sinai*. A scholar well versed in the Law communicated from Mount Sinai. (4) Lit., 'he who uproots mountains'. (5) Lit., 'thither'. (6) The scholar who is well read and who is, consequently, able to give reliable decisions based on trustworthy tradition. (7) Lit., 'reigned' [as head of the school of Pumbeditha]. (8) [Because he was told by astrologers that he would reign only two years (v. Ber. 64a). Rabbah was head 309-330, and R. Joseph who succeeded him died in 333, v. Graetz, *Geschichte* IV, pp. 322ff. Funk, *Die Juden in Babylonien*, I, p. 26, suggests that there may be a deeper reason for R. Joseph's reluctance. He felt that the keen dialectical method of the Pumbeditha School (cf. Sanh. 17b) needed for its direction a man with greater dialectical powers than he possessed.] (9) R. Joseph, in his modesty, avoided all superior airs and called on the cupper instead of summoning him to his house. (10) [To the school of Pumbeditha after the death of R. Joseph.] (11) Lit., 'said'. (12) So Bomberg ed. Cur. edd.: 'Rabbah.' [D.S. a.l. n. 90, gives preference to the reading 'Rabbah' who, as Abaye's teacher, had to give him permission to expound. In this case, the 'head' they felt in need of would be, not for the school of Pumbeditha, but for the purpose of taking charge of that particular course: v. Tosaf. Asheri.]

one who insults a scholar. R. Johanan and R. Joshua b. Levi maintained that it is one who insults his neighbour in the presence of a scholar. Now on the view that he who insults his neighbour in the presence of a scholar is an *epikoros*, it is well; for then he who insults a scholar himself will be included in the expression, 'he who acts impudently against the Torah.'<sup>1</sup> But on the view that he who insults a scholar himself is an *epikoros*, who is meant by 'he who acts impudently against the Torah?'—E.g., Manasseh b. Hezekiah.<sup>2</sup> Others taught this [dispute] with reference to the second clause: 'he who acts impudently against the Torah.' Rab and R. Hanina both maintained that this means one who insults a scholar himself, whilst R. Johanan and R. Joshua b. Levi held that it is one who insults his neighbour in the presence of a scholar. Now, on the view that he who insults a scholar himself is denoted by the expression 'he who acts impudently against the Torah,' it is well, for then he who insults his neighbour in a scholar's presence is dubbed an *epikoros*; but on the view that he who insults his neighbour in the presence of a scholar is considered to have acted impudently against the Torah, who then is meant by *epikoros*?—R. Joseph said: E.g., Those who gibe, 'Of what use are the Rabbis to us? For their own benefit they read [the Scripture], and for their own benefit they study [post-Scriptural learning, particularly the Mishnah]'. Abaye said to him: But this too denotes acting impudently against the Torah, as it is written, *Thus saith the Lord; But for my covenant [studied] day and night, I had not appointed the ordinances of heaven and earth.*<sup>3</sup> R. Nahman b. Isaac said: It is also deduced from the verse, *Then I will spare all the place for their sakes.*<sup>4</sup> But it means one, e.g., who was sitting before his teacher, when the discussion turned to some other subject, and the disciple remarked, 'We said so and so on that matter,' instead of 'Thou Master hast said.'<sup>5</sup> Raba said: E.g., The family of Benjamin the doctor who

say, 'Of what use are the Rabbis to us? They have never [100a] permitted us the raven, nor forbidden us the dove.'<sup>1</sup> Whenever a [suspected] *trefa*<sup>2</sup> of the family Benjamin was brought before Raba, if he saw a reason for permitting it, he would remark to them, 'See, I permit you the raven:' if there were grounds for forbidding it, he would observe, 'See, I forbid you the dove.'<sup>3</sup> R. Papa forgot himself and exclaimed, 'O these Rabbis.'<sup>4</sup> Thereupon he kept a fast.

Levi b. Samuel and R. Huna b. Hiyya were repairing the mantles of the Scrolls of R. Judah's college. On coming to the Scroll of Esther, they remarked, 'O, this Scroll of Esther does not require a mantle.'<sup>5</sup> Thereupon he reprov'd them, 'This too savours of irreverence.'<sup>6</sup> R. Nahman said: [An *epikoros* is] one who calls his teacher by name,<sup>7</sup> for R. Johanan said: Why was Gehazi punished? Because he called his master by name, as it is written, *And Gehazi said, My lord, O King, this is the woman, and this is her son, whom Elisha restored to life.*<sup>8</sup>

R. Jeremiah sat before R. Zera and declared: The Holy One, blessed be He, will bring forth a stream from the Holy of Holies, at the side of which shall be all kinds of delicious fruits, as it is written, *And by the river upon that bank thereof, on this side and on that side, shall grow all trees for meat, whose leaf shall not fade, neither shall the fruit thereof be consumed: it shall bring forth new fruit, according to his months, because their waters they issued out of the sanctuary: and the fruit thereof shall be for meat, and the leaf thereof for medicine.*<sup>9</sup> Whereupon a certain<sup>10</sup> old man said to him, 'Well spoken! and R. Johanan

partial credit for the dictum, when in reality it belonged entirely to the teacher.

(1) In spite of all their discussions, they cannot go beyond what is written in the Torah. (2) V. Glos. (3) To shew them that in practice the Rabbis did decide whether a thing was permitted or not. (4) Contemptuously. (5) Being of the opinion that its sanctity was of a lower grade, so that it would not defile one's hands through contact with it. The defilement of the hands by Holy Scriptures was one of the Eighteen Decrees adopted in the year 65. V. Shab. 14a. (6) Rashi explains, because they took it upon themselves, without consulting him. Maharsha says because they spoke slightly of its sanctity. (7) Which was regarded as irreverent. (8) II Kings VIII, 5. (9) Ezek. XLVII, 12. (10) [Wherever the Talmud speaks of 'a certain old man', Elijah is thought by some to be meant. V. Tosaf. Hul. 6a.]

(1) So Rashi, v. *supra* p. 672, n. 1. (2) V. *supra*. (3) Jer. XXXIII, 25, i.e., the world endures only because the Torah ('my covenant') is studied. To deny the utility of scholars therefore is 'to act bare-faced', i.e., express disbelief of what is asserted in the Torah. (4) Gen. XVIII, 26. To the Rabbis of the Talmud, scholarship and righteousness are synonymous. (5) I.e., taking