

Holy Spirit' (Y.44.7). This doctrine, which pervades his utterances, finds particularly majestic expression in Yasna 44.<sup>1</sup> Striking parallels have been traced between verses in this Gatha and words uttered by Second Isaiah; and it has been suggested that the stress put by the Jewish prophet on the concept of God the Creator owes something to his contact with Zoroastrian teachings.<sup>2</sup> Acceptance of this interpretation depends on the date ascribed to certain of the Psalms; but it undoubtedly seems possible that Second Isaiah, listening to the nameless magus speaking of the might and majesty of Ahuramazda, and his power to accomplish his will through his instrument Cyrus, accepted both the message of hope and the new concept of God, but saw the Supreme Being according to his own faith as Yahweh. Jew and Zoroastrian would have found a minor bond in their rejection of images in worship – a theme which is prominent with Second Isaiah; but Zoroastrian dualism was wholly alien to Jewish thought, and appears to be explicitly rejected through the words: 'I am Yahweh, there is no other...author alike of prosperity and trouble' (Isa. 45: 7).<sup>3</sup>

### ZOROASTRIAN DUALISM

Zarathushtra's own dualism is expressed with characteristic force and concentration in the following Gathic verses:

Truly there are two primal Spirits, twins renowned to be in conflict. In thought and word, in action, they are two: the good and the bad. And those who act well have chosen rightly between these two, not so the evil-doers. And when these two Spirits encountered, they created life and not-life, and how at the end the Worst Existence [i.e. hell] shall be for the deceitful, but [the House of] Best Thought [i.e. heaven] for the just' (Y.30.3-4).<sup>4</sup>

Here is encapsulated the doctrine of two uncreated Beings, opposed, the one good, God the Creator, the other evil, the Hostile Spirit, Angra Mainyu (so named in Y.45.2), who is the source of all that is negative

<sup>1</sup> The Gathas are numbered Yasna 28-34, 43-51, 53, because they are preserved as part of the liturgy of the yasna, the main Zoroastrian act of worship. For translations see the bibliography.

<sup>2</sup> See Morton Smith, 'II Isaiah and the Persians', *JAOS*, 83 (1963), 415-21.

<sup>3</sup> Translation according to the New English Bible, but with 'Yahweh' substituted for 'the Lord'. On the word rendered as 'trouble', which in Hebrew 'embraces both woe and evil', see C. Westermann, *Isaiah 40-66, A Commentary*, English translation by D. M. G. Stalker (London, 1969), p. 162.

<sup>4</sup> Following the translation of S. Insler, *The Gāthās of Zarathustra*, *Acta Iranica* 8 (Leiden, 1975). Against modern attempts to understand the two Spirits as other than Ahuramazda and his Adversary see, with references, Boyce, *History*, 1, pp. 193-4; 2, p. 232.

this is not its place. Rabbi said: It is not on that account,<sup>1</sup> but because it ranks as a separate Book. With whom does the following dictum of R. Samuel b. Nahmani in R. Jonathan's name agree: *She* [Wisdom] *hath hewn out her seven pillars*?<sup>2</sup> This refers to the seven Books of the Law? With whom? With Rabbi.<sup>3</sup> Who is the Tanna that disagrees with Rabbi? It is R. Simeon b. Gamaliel. For it was taught, R. Simeon b. Gamaliel said: This section is destined to be removed from here and written in its [right place].<sup>4</sup> And why is it written here? In order to provide a break between the first [account of] punishment and the second [account of] punishment.<sup>5</sup> What is the second [account of] punishment?—*And the people were as murmurers*, [etc.].<sup>6</sup> The first [account of] punishment?—*And they moved away from the mount of the Lord*,<sup>7</sup> which R. Hama b. R. Hanina expounded [as meaning] that they turned away from following the Lord. And where is its [rightful] place?—In [the chapter on] the banners.<sup>8</sup>

The scholars asked: The blank spaces of a Scroll of the Law, may we rescue them from fire or not?—Come and hear: If a Scroll of the Law is decayed, if eighty-five letters can be gathered therein, such as the section '*and it came to pass when the ark set forward*', we must save it; if not, we may not save it. But why so? conclude [that it may be saved] on account of its blank space?<sup>9</sup>—That which is decayed is different.<sup>10</sup> Come and hear: If a Scroll of the Law is effaced, if eighty-five letters can be gathered therein, such as the section, '*and it came to pass when the ark set forward*', we must save it; if not, we may not save it. But why so: conclude [that we must

(1) Lit., 'designation'. (2) Prov. IX, 1. (3) Since that section is a separate Book, the portions of Numbers preceding and following it are also separate Books; hence there are seven in all. (4) Viz., in the section dealing with the disposition of the Israelites according to their banners and their travelling arrangements, Num. II. (5) So as to relieve the gloomy effect that would otherwise be produced. (6) Num. XI, 1 seq. (7) Ibid. X, 33. (8) But in the future, when all evil and its consequent retribution has ceased, this section will be inserted in its right place. (9) And since we do not reason thus, it follows that the margin may not be saved. (10) For the parchment of the margins too is perished. The question is where the parchment is quite sound, but the writing is effaced.

save it] on account of its blank space?<sup>1</sup>—As for the place of the writing, I have no doubt, for when it was sanctified it was on account of the writing, [and] when its writing goes its sanctity goes [too]. My problem is only in respect of [the blank spaces] above and below, between the sections, between the columns, [and] at the beginning and the end of the Scroll. Yet conclude [that it must be saved] on that account?<sup>2</sup>—It may mean [there] that one had cut off [the blank spaces] and thrown them away.

Come and hear: The blank spaces above and below, between the sections, between the columns, at the beginning and at the end of the Scroll, defile one's hands.<sup>3</sup>—It may be that [when they are] together with the Scroll of the Law they are different.<sup>4</sup> Come and hear: The blank spaces<sup>5</sup> and the Books of the Minim<sup>6</sup> may not be saved from a fire, but they must be burnt in their place, they and the Divine Names occurring in them. Now surely it means the blank portions of a Scroll of the Law? No: the blank spaces in the Books of Minim. Seeing that we may not save the Books of Minim themselves, need their blank spaces be stated?—This is its meaning: And the Books of Minim are like blank spaces.

It was stated in the text: The blank spaces and the Books of the Minim, we may not save them from a fire. R. Jose said: On weekdays one must cut out the Divine Names which they contain, hide them,<sup>7</sup> and burn the rest. R. Tarton said: May I bury my son if I would not burn them together with their Divine Names if they came to my hand. For even if one pursued me<sup>8</sup> to slay me,

(1) Which is now the entire Scroll. (2) Even if the place of the writing is no longer sacred, if the margins must be saved, the entire Scroll must be saved *ipso facto*. (3) Cf. *supra* 14a. This proves that they have the same sacred character as the rest of the Scroll. (4) The writing there being sound. (5) Last. s.v.  $\text{פּוֹרְטָלִים}$  translates, the gospels, though observing that here it is understood as blanks. V. Herford, R. T., '*Christianity in the Talmud*', p. 155 n. (6) Sectarians. The term denotes various kinds of Jewish sectarians, such as the Sadducees, Samaritans, Judeo-Christians, etc., according to the date of the passage in which the term is used. The reference here is probably to the last-named. V. J. E., art. Min. Bacher in *REJ*, XXXVIII, 38. Rashi translates: Hebrew Bibles written by men in the service of idolatry. (7) V. p. 429, n. 5. (8) Lit., 'him'—he meant himself but used the third person owing to a reluctance to speak even hypothetically of evil befalling himself.

or a snake pursued me to bite me, I would enter a heathen Temple [for refuge], but not the houses of these [people], for the latter know [of God] yet deny [Him], whereas the former are ignorant and deny [Him], and of them the Writ saith, *and behind the doors and the posts hast thou set up thy memorial.*<sup>1</sup> R. Ishmael said: [One can reason] *a minori*: If in order to make peace between man and wife the Torah decreed, Let my Name, written in sanctity, be blotted out in water,<sup>2</sup> these, who stir up jealousy, enmity, and wrath between Israel and their Father in Heaven, how much more so,<sup>3</sup> and of them David said, *Do not I hate them, O Lord, that hate thee? And am I not grieved with those that rise up against thee? I hate them with perfect hatred: I count them mine enemies.*<sup>4</sup> And just as we may not rescue them from a fire, so may we not rescue them from a collapse [of debris] or from water or from anything that may destroy them.

R. Joseph b. Hanin asked R. Abbahu: As for the Books of *Be Abedan*,<sup>5</sup> may we save them from a fire or not?—Yes and No, and he was uncertain about the matter.<sup>6</sup> Rab would not enter a *Be Abedan*, and certainly not a *Be Nizrefe*:<sup>7</sup> Samuel would not enter a *Be Nizrefe*, yet he would enter a *Be Abedan*. Raba was asked: Why did you not attend at the *Be Abedan*? A certain palm-tree stands in the way, replied he, and it is difficult for me [to pass it].<sup>8</sup> Then we will remove it?—Its spot will present diffi-

(1) Isa. LVII, 8; they know of the true God, but have rejected Him, thrusting Him out of sight, as it were. (2) The reference is to the trial of a wife accused of adultery: v. Num. V, 23f. (3) Not only do they themselves go astray from God, but lead many others astray from Him. (4) Ps. CXXXIX, 21f. (5) The meeting place of early Christians where religious controversies were held (Iast.). Rashi: the books written for the purpose of these controversies: v. also Weiss, *Dor*, III, p. 166 and n. 13. [The meaning of *Be Abedan* is still obscure in spite of the many and varied explanations suggested, e.g. (a) House of the Ebionites; (b) *Abedan* (Pers.) 'forum'; (c) *Beth Mebedham* (Pers.) 'House of the chief Magi'; v. Krauss's *Synagogale Altertümer*, p. 31]. (6) V. *supra* 113a. (7) 'בית נזרף' a meeting place of the Nazarenes, Jewish Christians, where local matters were discussed and religious debates were held. [Levy], [Ginzberg, *MGWJ* LXXVIII, p. 23 regards it as the name of a Persian house of worship meaning the Asylum of Helplessness]. (8) This of course was merely an evasion.

culties to me.<sup>1</sup> Mar b. Joseph said: I am one of them<sup>2</sup> and do not fear them. On one occasion he went there, [and] they wanted to harm him.<sup>3</sup>

Imma Shalom, R. Eliezer's wife, was R. Gamaliel's sister. Now, a certain philosopher<sup>4</sup> lived in his vicinity, [116b] and he bore a reputation that he did not accept bribes.<sup>5</sup> They wished to expose him,<sup>6</sup> so she brought him a golden lamp, went before him, [and] said to him, 'I desire that a share be given me in my [deceased] father's estate.' 'Divide,' ordered he. Said he [R. Gamaliel] to him, 'It is decreed for us, Where there is a son, a daughter does not inherit.' [He replied], 'Since the day that you were exiled from your land the Law of Moses has been superseded<sup>7</sup> and another book<sup>8</sup> given, wherein it is written, 'A son and a daughter inherit equally.'<sup>9</sup> The next day, he [R. Gamaliel] brought him a Lybian ass. Said he to them, 'Look<sup>10</sup> at the end of the book, wherein it is written, I came not to destroy the Law of Moses nor<sup>11</sup> to add to the Law of Moses,<sup>12</sup> and it is written therein, A daughter does not inherit where there is a son.' Said she to him, 'Let thy light shine forth like a lamp.'<sup>13</sup> Said R. Gamaliel to him, 'An ass came and knocked the lamp over!'<sup>14</sup>

AND WHY DO WE NOT READ [THEM], etc. Rab said: They learnt this only for the time of the Beth Hamidrash, but we may read [them] when it is not the time of the Beth Hamidrash. But Samuel said: We may not read them [on the Sabbath] even

(1) It will leave a hole and render the road impassable. (2) I am well acquainted with them. (3) Uncensored text adds: R. Meir called it (the Gospel) *Shon Gilyon*, the falsehood of blank paper; R. Johanan called it *Shon Gilyon*, the sin of etc. On the whole passage v. Herford, op. cit., pp. 161-171. (4) Rashi: *min* (i.e., sectarian). (5) He was a judge. (6) Lit., 'make sport of him'. (7) Lit., 'taken away'. (8) The reading in Cod. Oxford is: and the law of the Evangelium has been given. (9) There is no passage in any known Gospel that a son and daughter inherit alike. (10) Lit., 'descend to'. (11) Var. lec.: but; v. Weiss, *Dor*, I, p. 233, n. 1. (12) Cf. Matt. V, 17 seq. (13) Alluding to the lamp which she presented him on the preceding day. (14) This story is discussed in Bacher, *Ag. d. Pal. Am.* 11, p. 424 n. V. also R. T. Herford, op. cit., pp. 146-154, though his conjecture that the story ends with a covert gibe at Christianity is hardly substantiated.

come for David to reign and one reign may not encroach on another even by a hair's breadth. Thereupon the Holy One, blessed be He, said: I will make him prematurely old and this is what is written, *Now Saul was sitting in Gibeah, under the Tamarisk tree in Ramah.*<sup>1</sup> How comes Gibeah to Ramah?<sup>2</sup> This is to teach you that it was the prayer of Samuel the Ramathite that was the cause of Saul's two and a half years' sojourn as king in Gibeah? Should then one man be put aside because of another?—Yes, for R. Samuel b. Nahmani said in the name of R. Jonathan: What is the meaning of the verse, *Therefore have I hewed them by the prophets, I have slain them by the words of my mouth*?<sup>3</sup> Scripture does not say, 'by their works,' but, 'by the words of my mouth'; this proves that one may be put aside because of another.

R. Nahman and R. Isaac were sitting at a meal and R. Nahman said to R. Isaac: Let the Master expound something. He replied: Thus said R. Johanan: One should not converse at meals lest the windpipe acts before the gullet and his life will thereby be endangered. After they ended the meal he added: Thus said R. Johanan: Jacob our patriarch is not dead. He [R. Nahman] objected: Was it then for nought that he was bewailed and embalmed and buried?—The other replied: I derive this from a scriptural verse, as it is said, *Therefore fear thou not, O Jacob, My servant, saith the Lord, neither be dismayed, O Israel, for lo, I will save thee from afar and thy seed from the land of their captivity.*<sup>4</sup> The verse likens him [Jacob] to his seed [Israel]; as his seed will then be alive so he too will be alive.

R. Isaac said: Whosoever repeats [the name] Rahab, Rahab, becomes immediately subject to an onset of issue.<sup>5</sup> Thereupon R. Nahman said to him: I have repeated it and was not in any way affected. R. Isaac replied: I speak only of one who knew her intimately (and recalls her likeness).<sup>7</sup> When they were about to

(1) I Sam. XXII. 6. (2) Gibeah being in Benjamin while Ramah is in Ephraim.

(3) V. Seder 'Olam XIII. (4) Hos. VI. 5. (5) Jer. XXX. 10. (6) Cf. Josh. II. According to Meg. 15a, she was a very beautiful woman. The thought of her physical beauty may lead one to harbour impure thoughts. (7) Lit., 'her name'. [The words in brackets are bracketed also in the original, and left out in many edd.]

part. [R. Nahman] said: Pray Master, bless me. He replied: Let me tell you a parable. To what may this be compared? To a man who was journeying in the desert; he was hungry, weary and thirsty and he lighted upon a tree the fruits of which were sweet, its shade pleasant, and a stream of water flowing beneath it; he ate of its fruits, drank of the water, and rested under its shade. When he was about to continue his journey, he said: Tree, O Tree, with what shall I bless thee? Shall I say to thee, 'May thy fruits be sweet'? They are sweet already; that thy shade be pleasant? It is already pleasant; that a stream of water may flow beneath thee? Lo, a stream of water flows already beneath thee; therefore [I say], 'May it be [God's] will that all the shoots taken from thee [be] like unto thee'. So also with you. With what shall I bless you? With [the knowledge of the Torah?]<sup>1</sup> You already possess [knowledge of the Torah]. With riches? You have riches already. With children? You have children already. Hence [I say], 'May it be [God's] will that your offspring be like unto you'.

Our Rabbis have taught: ['Former rain' is termed] 'yoreh',<sup>1</sup> because it warns<sup>2</sup> people to plaster their roofs and to gather in their fruits and to attend to all their needs.<sup>3</sup> Another explanation: It saturates<sup>4</sup> the ground and waters it right down to its depths, as it is said, *Watering her ridges abundantly, settling down the furrows thereof, thou makest her soft with showers; thou blessest the growth thereof.*<sup>5</sup> Another explanation: [It is termed] 'yoreh' because it comes down<sup>6</sup> gently and not heavily. Or perhaps [it is termed] 'yoreh' because it causes the fruit to fall<sup>7</sup> and it washes away the seed, and the trees? The text [therefore] adds 'malkosh' ['latter rain'];<sup>8</sup> just as latter rain is a blessing, so too is former rain. Or perhaps [it is termed] 'malkosh',<sup>9</sup> because it razes the houses to the ground and it shatters the trees and brings up the crickets? The text [there-

(1) The reference is to Deut. XI. 14. (2) Lit., 'teaches'. (3) Connecting  $\text{רָחַץ}$  with the root  $\text{רָחַץ}$ , to teach. (3) In preparation of the Winter. (4) Connecting  $\text{רָחַץ}$  with the root  $\text{רָחַץ}$ , to saturate. (5) Ps. LXV. 11. (6) Connecting  $\text{רָחַץ}$  with the root  $\text{רָחַץ}$  to descend. (7) Connecting  $\text{רָחַץ}$  with the root  $\text{רָחַץ}$  to throw. (8) Deut. XI. 14. (9) According to Rashi  $\text{מַלְכוּשׁ}$  is connected with  $\text{מָלַךְ}$  (cf. Amos VII. 1) which he takes to mean, grasshopper.

rence of people in a society where social intercourse is very frequently connected with dining together while having a conversation. The main ritual of Passover in the Talmudic period, for example, is a festive dinner during which the participants are encouraged to share their knowledge and recount anecdotes concerning the Exodus from Egypt.

The two contrasting instances which we have just mentioned, R. Yohanan's maxim, and the opposite instance, that of the Passover dinner, provide us with a clue as to the meaning of this divergence. The Passover dinner is devised on the model of a Hellenistic symposium, with people reclining on cushions and socializing over a meal, while R. Isaac represents a different social and religious tradition, where it is strictly forbidden to talk during a meal. The health excuse used by R. Isaac sounds like an attempt to provide a rational explanation for a custom that may have had its roots elsewhere. We know of at least one religion in Antiquity, Zoroastrianism, where it was a major offence to talk while eating. In this particular case, historical Judaism eventually followed the Hellenistic rather than the Persian norm over the issue of whether or not to have a communal meal accompanied by a learned conversation.

R. Yohanan's words are not entirely forgotten in the later course of Jewish tradition. They are taken up here and there in the late midrashic literature. In *Sefer Orhot hayyim*,<sup>3</sup> for example, we have the injunction not to talk during a meal, not even concerning matters relating to the Torah, echoing the idea behind the anecdote of R. Isaac:

While R. Yohanan's dialogue is set in the Land of Israel, the Babylonian Talmud demonstrates its awareness of the Persian custom. We get an allusion to the Persian requirement of refraining from speech while eating in a different context:

א"ל ריש גלותא לרב ששת אצ"ג דרבנן קשישי אחון פריסאי בצורכי טעודה בקריא מרייכו בוכו שיתו שיתו  
 מכות גדול מכס בראש ורעיו ל' לזעילת ורובו שיתו שלש גדול מכס באמצע שני ל' לזעילת ורובו  
 עלישי ל' לזעילת ורובו אכר ליה רבי בני אשתמיי בריהי מחרין חרורי ורתי ופשתי בריהי א"ל שאר  
 פריסאי דלמור ליה במתו<sup>4</sup>

The exilarch said to Rav Sheshet: Although you are elderly<sup>5</sup> rabbis, the Persians are acquainted with the requirements of a meal better than you. When there are two couches, the senior one reclines at the head,<sup>6</sup> and the one next to him above him. When there are three couches, the senior person reclines in the middle, the one next to him above him and the third (in the hierarchy) below him.<sup>7</sup> He (Rav Sheshet) said

<sup>3</sup> See Judah David Eisenstein, *Ozar midrashim*, 2 vols. (New York, 1915), 27, maxim 37.

<sup>4</sup> B. Berakhot 46b.

<sup>5</sup> I.e., "venerable."

<sup>6</sup> I.e., "first."

<sup>7</sup> The terms "above" and "below" refer to horizontal positions, rather than to a gradation in height. According to Rashi *ad loc.*, "above" denotes that the head of the next person

to him: When he<sup>8</sup> wishes to converse with (his companion), he (needs to) rise and sit upright (so as to) speak to him! He (the exilarch) said to him: The Persians are different, for (among them) one indicates (one's meaning) by *mlw'g*.

By making the Persian etiquette as "different," the exilarch indicates that the rule of silence during a meal was not commonly observed among Jews.

The sense of the word *mlw'g* has recently been brilliantly explained by Geoffrey Herman,<sup>9</sup> who pointed out the similarity of this word with a Zoroastrian term in Middle Persian, *māwā'g*. The Persian word indicates a manner of communication enjoined in ritual situations where speech is forbidden, and where one must use instead inarticulate sounds so as to avoid opening one's mouth to ask or demand things from one's companions. The different custom of the Persians is explained in this passage by the fact that they need to sit up when they wish to communicate, because the undertone numbing which serves for their communication can only be effective when the person addressed can see the gestures of the person who formulates his request.

In order to understand the *māwā'g* requirement, let us quote from a modern description of Indian Zoroastrian customs as given by Jivanji Jamshejji Modi:

It is enjoined that after the recital of the Bâj or grace before the meals, one must hold silence and take his meals in silence and not to talk or speak during the meals. If one has to speak for urgent purposes, he may do so, not with his mouth open and in the open ordinary tone, but in a suppressed tone, and that as little as possible. This utterance with a suppressed tone is technically said to be 'speaking in Bâj' (*bâjā bolwan*).<sup>10</sup>

The Zoroastrian requirement is to remain in complete silence from the *bâj* or blessing before the meal until the concluding prayer (spoken after the meal), also called *bâj*. During the whole of this period a person is, according to the terminology employed by the Parsees of India, in a state of *bâj*, a ritual state during which silence is required, for words uttered may interrupt the sequence of the *bâj*. The modern designation *bâj*,<sup>11</sup> which denotes the ritual

in the hierarchy is set against that of his senior, while "below" indicates that the head of the inferior person is placed against the feet of his senior.

<sup>8</sup> Anyone of the participants.

<sup>9</sup> Geoffrey Herman, "The Exilarchate in the Sasanian Era" (Ph.D. diss., Hebrew University, 2005), 243–48.

<sup>10</sup> Jivanji Jamshejji Modi, *The Religious Ceremonies and Customs of the Parsees* (second ed., Bombay, 1937), 351.

<sup>11</sup> The basic meaning of the word is "(sacred) word, speech." See Mary Boyce and Firoze Kotwal, "Zoroastrian *bâj* and *dôn*," *BSOAS* 34 (1971): 57. A discussion of this ritual requirement can also be found in Michael Stausberg, *Die Religion Zarathushtras: Geschichte, Gegenwart, Rituale*, 3 vols. (Stuttgart: Kohlhammer, 2002–2004), vol. 3, 18–20. The practice has been largely abandoned in modern times.

of Abaye: At the beginning; the Rabbis say, at the place where he left off. <sup>1</sup> The law is, at the place where he left off.

Said the Exilarch to R. Shesheth: Although you are venerable Rabbis, yet the Persians are better versed than you in the etiquette <sup>2</sup> of a meal. When there are two couches [in the set], <sup>3</sup> the senior guest takes his place first and then the junior one above him. <sup>4</sup> When there are three couches, the senior occupies the middle one, the next to him in rank takes the place above him, and the third one below him. <sup>5</sup> R. Shesheth said to him: So when he wants to talk to him, <sup>6</sup> he has to stretch himself and sit upright to do so! <sup>7</sup> He replied: This does not matter to the Persians, because they speak with gesticulation. [R. Shesheth asked the Exilarch:] With whom do they commence the washing of the hands before the meal?—He replied: With the senior one. Is then the senior one to sit still [he exclaimed] and watch his hands <sup>8</sup> until they have all washed?—He replied: They bring a table before him immediately. <sup>9</sup> With whom do they begin the washing after the meal [he asked him]?—He replied: With the junior one present. And is the senior one to sit with greasy hands until all have washed?—He replied: They do not remove the table from before him till his meal to join with two others in *zimmin*, (cf. *supra* 45<sup>b</sup>) and the question is, on the view of R. Shesheth, (cf. *supra*) where should he resume his grace.

(1) Viz., (on the view of R. Shesheth) at the second blessing. Tosaf. remark on this that it is very difficult to suppose that he is excused saying the first blessing after having eaten again. They accordingly refer it to the man who leads in the grace, and the question is, after the others have responded 'Blessed be He of whose bounty we have partaken and through whose goodness we live', where does he go on, and the reply is, on Abaye's view, that he repeats his own formula with the addition 'Blessed be He of whose bounty etc.', whereas according to the Rabbis he merely says 'Blessed be He of whose bounty etc.', v. *P. B.* p. 280. (2) Lit., 'requirements'. (3) It was usual for guests at a set meal to recline on couches arranged in sets of two or three (the latter being the Roman *tridinium*). (4) I.e., head to head. (5) I.e., with his head to the other's feet. (6) When the senior wishes to speak to the one who is above him. (7) If he wants to face him. (8) I.e., do nothing. *Aliter*: 'guard them against impurity'. (9) It was usual to place a small table before each guest.

water is brought to him. <sup>1</sup> R. Shesheth then said: I only know a Baraita, in which it is taught: 'What is the order of reclining? When there are two couches in a set, the senior one reclines first, and then the junior takes his place below him. When there are three couches, the senior takes his place first, the second next above him, and then the third one below him. Washing before the meal commences with the senior one, washing after the meal, if there are five, commences with the senior, and if there are a hundred <sup>2</sup> it commences with the junior until five are left, and then they start <sup>3</sup> from the senior one. The saying of grace is assigned to the one to whom the washing thus reverts'. <sup>4</sup> This supports Rab; for R. Hiyya b. Ashi said in the name of Rab: Whoever washes his hands first at the end of the meal has the right to say grace. Rab and R. Hiyya were once dining with Rabbi. Rabbi said to Rab: Get up and wash your hands. R. Hiyya saw him trembling and said to him: Son of princes, he is telling you to think over the grace. <sup>5</sup>

Our Rabbis taught: We do not give precedence [to others] <sup>6</sup> either on the road or on a bridge [47a] or in the washing of the greasy hands [at the end of a meal]. Once Rabin and Abaye were on the road and the ass of Rabin got in front of Abaye, and he [Rabin] did not say to him, Will your honour proceed. Said Abaye: Since this student has come up from the West, <sup>7</sup> he has grown proud. When he arrived at the door of the synagogue, he said, Will your honour please enter. He said to him: Was I not 'Your honour', up to now?—He replied: Thus said R. Johanan: One gives precedence only in a doorway in which there is a *mezuzah*. <sup>8</sup> [You say] only where there is a *mezuzah*, but not where there is no *mezuzah*. If that is so, then in the case of a synagogue and *Beth ha-Midrash* also where there is no *mezuzah* we do not give precedence? What you must say is, in a doorway which is suitable for a *mezuzah*. <sup>9</sup>

(1) And meanwhile he can go on eating. (2) Sc., any number more than five. (3) I.e., removing the table (Rashi). (4) I.e., either the senior one, or the one to whom he delegates the honour. (5) V. *supra* p. 262, nn. 9 and 10. (6) Lit., 'honour', i.e., ask another to go first, out of politeness. (7) Palestine. (8) V. Glos. (9) Excluding open roads and bridges.

that he seemed very merry. He said: It is written, *And rejoice with trembling?*—He replied: I am putting on *tefillin*.<sup>1</sup> R. Jeremiah was sitting before R. Zera who saw that he seemed very merry. He said to him: It is written, *In all sorrow there is profit?*—He replied: I am wearing *tefillin*. Mar the son of Rabina made a marriage feast for his son. He saw that the Rabbis were growing very merry [31a], so he brought a precious cup<sup>2</sup> worth four hundred *zuz* and broke it before them, and they became serious. R. Ashi made a marriage feast for his son. He saw that the Rabbis were growing very merry, so he brought a cup of white crystal and broke it before them and they became serious. The Rabbis said to R. Hammuna Zairi at the wedding of Mar the son of Rabina: Please sing us something. He said to them: Alas for us that we are to die! They said to him: What shall we respond after you? He said to them: Where is the Torah and where is the *miẓwah* that will shield us!<sup>4</sup>

R. Johanan said in the name of R. Simeon b. Yohai: It is forbidden to a man to fill his mouth with laughter in this world, because it says, *Then will our mouth be filled with laughter and our tongue with singing.*<sup>5</sup> When will that be? At the time when *they shall say among the nations, The Lord hath done great things with these.*<sup>6</sup> It was related of Resh Lakish that he never again filled his mouth with laughter in this world after he heard this saying from R. Johanan his teacher.

Our Rabbis taught: A man should not stand up to say *Teḥillah* either immediately after trying a case or immediately after a [discussion on a point of] *halachah*,<sup>7</sup> but he may do so after a *halachic* decision which admits of no discussion.<sup>8</sup> What is an example of a *halachic* decision which admits of no discussion?—Abaye said: Such a one as the following of R. Zera: for R. Zera said:<sup>9</sup> The daughters of Israel have undertaken to be so strict


(1) And this is a guarantee that I am not going too far. (2) Prov. XIV, 23. E. V. 'In all labour'. (3) *Aliter*: crystal cup. (4) From the punishment that is to come. (5) Ps. CXXXVI, 2. (6) *Ibid.* 3. (7) Because through thinking of it he may be unable to concentrate on his prayer. (8) *Lit.*, 'a decided *halachah*'. (9) *Nid.* 66a.

with themselves that if they see a drop of blood no bigger than a mustard seed they wait seven [clean] days after it.<sup>1</sup> Raba said: A man may resort to a device with his produce and bring it into the house while still in its chaff<sup>2</sup> so that his animal may eat of it without its being liable to tithing.<sup>3</sup> Or, if you like, I can say, such as the following of R. Huna. For R. Huna said in the name of R. Zeiri:<sup>4</sup> If a man lets blood in a consecrated animal, no benefit may be derived from it [the blood] and such benefit constitutes a trespass. The Rabbis followed the rule laid down in the Mishnah,<sup>5</sup> R. Ashi that of the Baraitha.<sup>6</sup>

Our Rabbis taught: One should not stand up to say *Teḥillah* while immersed in sorrow, or idleness, or laughter, or chatter, or frivolity, or idle talk, but only while still rejoicing in the performance of some religious act.<sup>7</sup> Similarly a man before taking leave of his fellow should not finish off with ordinary conversation, or joking, or frivolity, or idle talk, but with some matter of *halachah*. For so we find with the early prophets that they concluded their harangues with words of praise and comfort; and so Mari the grandson of R. Huna the son of R. Jeremiah b. Abba learnt: Before taking leave of his fellow a man should always finish with a matter of *halachah*, so that he should remember him thereby. So we find that R. Kahana escorted R. Shimi b. Ashi from Pumbedra to Be-Zinyatha<sup>8</sup> of Babylon, and when he arrived there he said to him, Sir, do people really say that these palm trees of Babylon are from the time of Adam?—He replied: You have reminded me of the saying of R. Jose son of R. Hanina. For R. Jose son of R. Hanina said: What is meant by the verse, *Through a land that no man passed through and where no man dwelt?*<sup>9</sup> If no one

(1) Though Scripture requires this only if they saw three issues. (2) *I.e.*, before it is winnowed. (3) Whereas if it had been winnowed before being brought into the house, it would have been liable to tithing. v. *Pes.*, *Sone*, ed. p. 39, n. 5. (4) *Me'il.* 12b. (5) That one should rise to pray only in a reverent frame of mind. (6) That one should pray only after dealing with an undisputed *halachah*. (7) *I.e.*, he should first say something like Ps. CXLIV. (8) *Lit.*, 'among the palms'. The district of the old city of Babylon which was rich in palms. (9) *Ier.* II, 6.

reflects Zoroastrian practice in Achaemenid times,<sup>466</sup> details these laws. V 16:8-10 read as follows:

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- If the woman sees blood
    - when three nights have passed for her she should sit in a quiet place
    - until four nights have passed for her.
  - If the woman sees blood
    - when four nights have passed for her she should sit in a quiet place
    - until five nights have passed for her.
  - If the woman sees blood
    - when five nights have passed for her she should sit in a quiet place
    - until six nights have passed.
  - If the woman sees blood
    - when six nights have passed for her she should sit in a quiet place
    - until seven nights have passed for her.
  - If the woman sees blood
    - when seven nights have passed for her she should sit in a quiet place
    - until eight nights have passed for her.
  - If the woman sees blood
    - \_\_\_\_\_

<sup>466</sup> For an important statement regarding the general dating of the Young Avestan, see P. Oktor Skjaervo, "Avestan Quotations in Old Persian? Literary Sources of the Old Persian Inscriptions," pp. 5-7.

when eight nights have passed for her she should sit in a quiet place  
until nine nights have passed for her.<sup>467</sup>

The Avesta opens its discussion with a woman who menstruates for three nights,<sup>468</sup> and rules that she should sit the fourth night in a "quiet place," rendered in the Pahlavi as "arnēšān-gāh," or "place of the rest," before beginning the purification ritual described in PV 16.12 on the following day. This place, also mentioned in the Nine Nights *Barashnum* ritual described at V 9.3.3, apparently refers to the *dašānistān*. Thus, since ancient times, Zoroastrian law does not permit women to purify themselves immediately upon the cessation of menstruation, but requires an extra day spent in the *dašānistān*.

Although the Avesta recommends an extra day prior to purification for women who menstruate for four, five, six, seven, or eight nights, the text does not indicate whether one who discharges blood for nine nights must wait for the tenth night to pass before purifying herself. Instead, we are informed that the lengthiness of her period is a form of punishment brought on by the demons on account of demon-worship.

If the woman sees blood  
when nine nights have passed for her,  
then the *daēwas* are bringing adversity upon her  
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<sup>467</sup> Based on Skjaervo's preliminary electronic edition.

<sup>468</sup> It does not seem as if the Avesta uses the word "nights" to exclude days. Sōšyān's use of the term "vōšān (day-nights)" in 16.11.2 supports this understanding.

for the sacrifice and hymn to the *daēwas*.

The Sasanian juriconsults, Sōšāns and Kay-Ādur-Bozēd, interpret the meaning of

these Avestan passages:

*kay-ādur-bozēd gufi ay andar sē-šabag nē nigerišn tē ka abēr pāk (ud) nē  
pādišāy šustan u-š rōz ī cāhārom bē nigerišn ka pāk rōz panjom pad  
gyāg pādišāy šustan*

*Sōšāns gufi ay andar sē-šabag tahiḡ kār tā nō-šabag hamē ka pāk bē*

*bawēd ā-š ēw rōz-šabān tahiḡ rāy bē pāyīšn u-š pas ōh šōyīšn pas az nō-*

*šabag tahiḡ kār nēst cē hamē ka pāk bē bawēd pad gyāg bē pādišāy*

*šustan*

*bē an ēwrom ka sē šab pad pākīn nišast ayāb-iš dašān-māh abāz ō bun*

*āyēd*

*cē-š an dastān az bunīh tahiḡ*



Kay-Ādur-Bozēd said, “note – within three nights she should not examine (herself) for (even) when (she is) very clean if it is not permitted to wash.

And on the fourth day she should examine herself. When she is pure,

(then on) the fifth day it is permitted to wash immediately.”

Sōšāns said, “note – during three nights *tahiḡ* is an issue. Until the ninth night whenever she becomes clean, then she should wait / guard one day-night for *tahiḡ*, and afterwards she should wash herself in the well known

manner. After nine nights, *tahiḡ* is not an issue, for whenever she becomes pure, it is permitted to wash immediately.

Except for that one (case): When she sat for purity for three nights or her menstrual cycle comes back to the beginning, because that menstruation is from the beginning, (therefore she must be concerned with) *tahiḡ*.

At least three gaps are left open by the Avesta that invite the exegetical and legal development found in the Zand. First, the Avesta begins its law with a scenario in which a woman menstruated for three nights. If she ceases to menstruate after two nights or less, can she also wait one extra day and then begin the process of purification? Second, besides being a punishment for “demon-worship,” must a woman who menstruates for nine nights also wait an extra day before she can begin the process of purification? Third, what is the reason that one must wait an extra day beyond the cessation of menstrual flow?

Kay-Ādur-Bozēd and Sōšāns directly tackle these gaps by employing a type of midrashic approach. Essentially, both sages assume that the Avesta did not discuss these specific scenarios “by chance.” Thus, Kay-Ādur-Bozēd suggests that the Avesta begins this section with a woman who menstruated for three nights in order to exclude the case of menstruating for less time. Such a person should not even bother examining themselves since even if they are absolutely clean, they cannot begin the process of purification until the fifth day, *i.e.* the same day that in any case a woman who menstruated for three nights begins purification. Notably, Kay-Ādur-Bozēd adds that