

Daily Thoughts on the Fourteenth Daf Yomi Cycle

Shabbat 2a - March 08, 2020

Shabbat 2b - March 08, 2020

מתניתין - יציאות השבת שתיים שהן ארבע

Mishnah [= Shabbat 1:1] – The “goings out” of Shabbat are two, which constitute four.

אבות מאי ניהו יציאות

What count as principal categories of prohibited tasks? “Goings out.”

Perhaps it's the spirit of today's "Spring Ahead" into Daylight Savings Time, or perhaps our long-ago sages never heard the journalistic principle “don't bury your lead”; either way, *in medias res*. The *מסכת שבת* begins *in medias res*. The *מלאכות* will later be alluded to on page 6a, and the full catalogue of all thirty-nine prohibited Shabbat labors does not even show up until Mishnah Shabbat 7:2 / Shabbat Bavli 73a (which is, in either case, halfway into the Tractate)— yet here we open by diving headlong into an examination of one of those labors, right out of the box with no further ado.

As it happens, the example under discussion feels less than compelling. Of the thirty-nine listed tasks that impose upon the holiness of the sacred day, *המכבה והמבעיר* would seem to us to be a more apt archetype to open our Tractate. Certainly in modern times the prohibition *לא-תבְעֵרוּ אֵשׁ* [Exodus 35:3] dominates our thinking about *שמירת שבת*, in terms of its associated manifestations *vis-à-vis* driving a car or operating lights and other electrical appliances. So why should something so undramatic and almost passive as *מוציא*



מרשות לרשות— which pointedly comes in last on the itemized list on page 73a— be bumped up to “pole position” opening the Tractate? Why would the sages, who as we will discover below on 6b liberalize the Torah legislation by downgrading the consequence of any other kind of Shabbat violation, nonetheless stipulate that “*יציאות*” remains the only category of labor significant enough to obligate the violator for bringing a *sin-offering*?

The answer is stunningly simple, and simply stunning. This seemingly minor consideration of personal space is of great significance, by virtue of having been in chronological terms the very first consideration of Shabbat observance taught to our newly liberated slave forebears. The Torah legislates in *פרשת המן*:

ראו כי-יְהִינָה נָתַן לְכֶם הַשְּׁבֹת עַל-כֵּן הוּא נָתַן לְכֶם בַּיּוֹם הַשְּׁשִׁי לְחֶם יוֹמִים שָׁבוּ אִישׁ תַּחְתָּיו
אֶל-יֵצֵא אִישׁ מִמְקוֹמוֹ בַּיּוֹם הַשְּׁבִיעִי [Exodus 16:29].

It is to invoke that latter admonition that the rabbis summarize as “*יציאות*” the activity they unpack in more pedestrian descriptive terms as *מוציא מרשות לרשות*, with the core verb *יצא* itself the *גזירה* connecting us to the initial institutionalization of Shabbat in Exodus 16. Long before the Revelation at Sinai mandated observance of The Seventh Day by the avoidance of *מלאכה* [Exodus 20:10]; long before the *מלאכה* in question is defined, in terms of tasks associated with the manufacture of the components of the *משכן* [Exodus 31:15-16]; long before the additional consideration *לא-תבְעֵרוּ אֵשׁ* is tacked on, as part of the Covenant redux following the contretemps with the Golden Calf [Exodus

35:3]— long before any of that, we Israelites were initially furnished with our first model of שמירת שבת in terms of the לחם משנה, barely two weeks out of Egypt.

Not only do we commemorate that by reciting קידוש ליל שבת over twin loaves of braided challah, but many pious Jew have the custom of reciting פרשת המן daily as a personal devotion, not only “doubling down” on our faith in מן הארץ לחם, but in the process transfiguring our everyday labors by reimagining them as the instrumental means making it possible for us to enjoy the “לחם משנה” of Shabbat as the crowning glory of our work and the Queen of Days.

This is the reason that מוציא מרשות לרשות, last entry in the catalogue on 73a, is nonetheless the first category under discussion on 2a: a matter of textual primacy reflecting chronological primacy, as an emphasis in conceptual primacy. It is a case of אחרון אחרון חביב— although in this case what is אחרון in the Talmudic list was in fact very much ראשון, in terms of תולדות ישראל and תקנות יי alike.

Shabbat 3b - March 09, 2020

אמר ליה רבי חייא לרב בר פחתי לא אמינא לך כי קאי רבי בהא מסכתא לא
תשייליה במסכתא אחריתי דילמא לאו אדעתיה

Rabbi Chiyya said to Rav: “Ill-begotten one, did I not tell you that when Rabbi [is teaching] about one tractate you should not ask him about another? Perhaps he doesn’t know anything about it!”

When first encountering this passage as a student in Jerusalem, I found it both shocking and encouraging.

As young children in grade school we have the impression that our teachers know everything, because we have no idea that the extensive lesson-planning they have to do can include boning up on a subject the night before to look conversant on it the next day. Whether in kindergarten or graduate school, the educator’s knowledge is no less vast for being finite. And that applies even to the most scholarly and erudite of professors— or, as in the case of our present text, the most exaltedly learned of rabbinic sages.

All of which creates a social contract between רב ותלמיד (or, as *paytan* Dunash ibn-Labrat puts it, המזהיר והנזהר). Pupils trust the instructor to have prepared something meaningful to teach us, while instructors trust us to listen and participate in an orderly way so as to benefit from what they have to share to our benefit.

We saw an associated obligation for the teacher touched upon in our last Tractate, when an unnamed Master promulgated the mandate למד לשונך לומר איני יודע [B’rachot 4a]. The corollary duty of the student, as expressed in this present anecdote, is the compellingly important answer to the rhetorical question כיצד מכבד אדם את רבו [Derech Eretz 4]: don’t be a jerk, showing off and disrupting the lesson by trying to throw the professor a curve.

Shabbat 4a - March 10, 2020

בעי רב ביבי בר אביי הדביק פת בתנור התירו לו לרדותה קודם שיבוא לידי חיוב
חטאת או לא התירו

Rabbi Bevai bar-Abayei wanted to know: one placed a loaf in the oven; did they permit him to take it out before he becomes liable to bring a sin offering, or not?

Becoming liable for a sin-offering is an academic question, for this fourth-century Amora, since with the Jerusalem Temple long since in ruins all sacrifices— not just the הטאת— were perforce in abeyance indefinitely. What he is really inquiring about is a conceptual question of chronology: does a longitudinal process such as baking bread (האופה) is 11th of the thirty-nine מלאכות itemized in Shabbat 73a) still violate the holiness of the day, if it was begun during the daylight hours on Friday?



To some degree an answer could be adduced from a parallel to the question of whether the prohibition לא-תבערו אש [Exodus 35:3] signifies the one-off act of kindling the flame, or the ongoing process of burning lamp-oil, a candle, or firewood. (Based on internal-control in Scripture, both “kindle” and “burn” are legitimate readings of the operative verb). As witness our Shabbat candles, which burn on after sunset, we know that rabbinical Judaism characteristically follows the more lenient interpretation (whereas by contrast the Karaites adopt the הומרא and sit up Friday night in the cold and dark).

As a result, the דין in the case of Rabbi Bevai’s inquiry is a liberal-leaning tap-dance. Moshe Feinstein once received an inquiry from a young student concerned that his mother routinely started her Saturday lunch stew late on Friday afternoon before putting it in the oven as her last task before ליכט-בענטשן. The *Iggeret Moshe* responded that, although it would be preferable to finish cooking the *tcholent* enough for all the liquid to be absorbed, there was no halachic objection to putting it in the warming oven only partly cooked.

Which answer may constitute a certain culinary brinksmanship, but it still tells Rabbi Bevai what he wanted to know: in the case of a continuing action inaugurated before Shabbat, no harm, no foul. And if for that action carried to completion there is no עבירה, and as such no liability for a הטאת, then for a loaf-baker scrupulous enough to terminate the incomplete action by removing the food from the oven before sundown על אחת כמה וכמה.

Shabbat 5b - March 11, 2020

היה קורא בספר על האיסקופה ונתגלגל הספר מידו גוללו אצלו

One was reading a book on the threshold, and the scroll unrolls out of his hand— he may rewind it back to himself.

An interesting linguistic aside:

The Aramaic term איסקופה we recognize as cognate to the Hebrew משקוף “lintel,” an otherwise arcane architectural term that is nonetheless familiar to us as the venue where the blood of the Paschal lamb was smeared in Egypt [Exodus 12:7]. However, it would be difficult for the householder to sit reading on a lintel, which in architectural terms is a horizontal crosspiece above a doorway or a window (based on a root verb ש-ק-ף signifying “looking down” in *e.g.* Genesis 19:28 and Exodus 14:24, an understanding borne out by the Arabic cognate noun سقف, which denotes “ceiling” or “portico”).

There is no conflict, since in rabbinical texts the same Aramaic noun איסקופה can be used alternately to denote either the crosspiece lintel above the doorway or else the crosspiece threshold below. The

latter usage is justified by a handful of cases in the minor Talmudic tractates [Derech Eretz Zuta 2 and Kallah Rabbati 3] that stipulate they are referring to תחתונה אסקופא “a bottom lintel.”

This highlights the intriguingly down-to-earth mechanism whereby Hebrew evolves to accommodate terminology not found in Biblical texts. An extreme, but salient, case in point is the automotive vocabulary coined for עברית חייה during the British Mandatory period. In direct borrowing from the English language, the rear drive-train and differential of an automobile was designated a בק-אקסל “back axle,” while the corresponding mounting at the lead end of the car was qualified as a פרונט בק-אקסל “front back-axle.”

Linguistic matters have largely been formalized, since Statehood and the establishment of the Academy of the Hebrew language. An architect denotes “threshold” using the noun מפתן derived from Ezekiel; a physician uses סף, from the same prophetic source, to describe the limit of a patient’s pain; and those of a literary bent recognize and retain our rabbinical term אסקופא, as manifest in this passage, as a slightly archaic but nonetheless currently acceptable synonym.

Having said which, for the matter at hand: a question of liability for bringing a sin-offering, by virtue of the reader having transported the unfurled scroll beyond the house into the public domain outside. Sitting in the doorway does not constitute a transposition into רשות הרבים, in the first place, by parallel to the person sitting inside the sukkah while eating at a table inside the house [v. Mishnah Sukkah 2:7 and Sukkah Bavli 3a]. Beyond that, the lenient ruling given here proceeds from two premises:

- 1) lack of intent – the reader neither carried nor tossed the scroll into the street, but accidentally allowed one end of it to unfurl and roll outside. This principle of intentionality applies as well in the legal distinction between murder and manslaughter (לא מבקש רצח) – Numbers 35:23), as well as the ritual ruling of בטל בששים not compromising כשרות provided that the negligible admixture was inadvertent.
- 2) pars pro toto – only a portion of the book can be regarded as having entered the street; the scroll itself never left the hand of the reader seated in the doorway. Spool the runaway end of the book back inside the house, and it is the end of the matter.

The latter kind of spatial connectedness is important in the psychology and spirituality of rabbinical thinking. We saw in our last Tractate how the wife of Rava would create a symbolic linkage with her husband, conceptually accompanying him inside the latrine in the interests of safety from demonic attack, while still standing outside for the sake of his privacy and modesty [B’rachot 62a]. And in our present מסכת this baseball concept of being safe, as long as you have one toe on the bag, is going to underlie the entire concept of symbolically expanding one’s רשות by means of an עירוב.



Shabbat 6b - March 12, 2020

אבות מלאכות ארבעים חסר אחת ואינו חייב אלא אחת...

The principal categories of labors [forbidden on Shabbat according to the Ten Commandments] are forty-less-one [Shabbat 73a]— but there is only for which one is liable.

אמר רבי יוחנן שאם עשאן כולן בהעלם אחד חייב על כל אחת ואחת...

Rabbi YoChanan said that one who had all unawares performed every single one of them is liable [to bring a sin-offering] for each and every one

אלא אימא אינו חייב על אחת מהן

but I will say that he is not liable for any of them.

It is not only noteworthy, but vitally important, that our sages make pointed mention of there being not thirty-nine מלאכות אבלות but rather אחת חסר ארבעים “forty-less-one.”

The institutionalization of Shabbat-observance through non-performance of any kind of מלאכה [Exodus 20:10] is so central to the Sinai Covenant that Exodus 31:13ff establishes defilement of the sacred day as a capital offense. That there was nothing symbolic about that legislation, is demonstrated by the incident of the fellow gathering firewood on The Seventh Day [Numbers 15:32ff].

For the Tanna'im, such a harsh legislation had long since outlived its usefulness. Maimonides will later bluntly affirm that המשה חומשי תורה was primarily a training manual and foundation document for the first generation of Israelites. In those terms, putting teeth in the law may have been well and good at the other end of Jewish history, when first articulating the parameters of a newly founded civilization. But by the Greco-Roman era of the rabbis the observance of Shabbat has long since been woven into the psycho-social fabric of Jewish society, and the threat of death for violation represented a significant excess. Since the sages don't have license to rewrite or emend the Torah, they instead do a symbolic end-run by invoking its own legislations to make a point.

When we get to Order *N'ziqim*, Tractate Makkot will invoke the upward limit on corporal punishment in Deuteronomy 25:2-3 to assert that any offense meriting more than the full forty lashes allowed by Torah law constitutes a capital crime. Reverse-engineering from that, it follows that ארבעים חסר אחת “forty-less-one” is a flashing neon sign, identifying Shabbat violation as a top-of-the-line misdemeanor two steps short of deserving a death-sentence. By invoking that powerfully and pointedly symbolic number, our long-ago sages were affirming between the lines: “Of course we wouldn't kill you for it (even if we still had autonomy to do so)— but it would be nice if you, as a member of our people, took the uniqueness and meaningfulness of our sacred heritage as seriously as the rest of us do.”

Surely we have precedent for a Shabbat-violator being executed, in the aforementioned case from Numbers 15 (although it is noteworthy that the immediately ensuing text is פרשת הציצית, an instrumental means להעבירה מן העבירה); surely we have provision in the opening chapters of Leviticus for the Shabbat-violator to make expiation by bringing a חטאת to God's Own Altar; surely we have anecdotal incidents, during the long centuries the Altar has lain in ruins, of individuals being flogged or fined for חילול-שבת in violation of community standards. But ultimately our shared corporate commitment to Jewish norms is so much a cultural and spiritual part of who we collectively are that pretty much by definition a less draconian intervention will suffice to recall us to our own best selves.

Case in point (or, in good Talmudic terms, “מעשה”): an Orthodox colleague of mine told a tale on himself, describing how when he was about twelve his rabbi came around the corner of the *schule* after worship one Saturday morning and spotted him and two of his buddies in the alley sharing a cigarette one of them had stolen from his father. Rather than a פראסק אין פיסק or a good אנשרייען, the aged sage merely looked each of them in the eye and said with sad regret: “*Shabbas*.” Touching each of them caressingly on their respective heads, he repeated with quiet urgency “*Shabbas*”— then turned and strolled away, to let them draw their own correct conclusions about what matters.

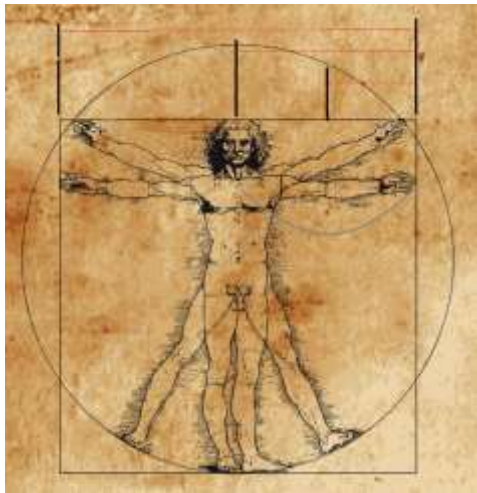
Shabbat 7a - March 13, 2020

אין כרמלית פחותה מארבעה ואמר רב ששת ותופסת עד עשרה

It does not constitute a *karmelit* if it is less than four [handbreadths square], to which Rav Sheishet adds: “and upwards from there to ten.”

The size of ten טפחים can be easily estimated— after all, translations such as the Blackman Mishnah and Sonsino Talmud helpfully offer conversions of rabbinical units of length, volume, area, and mass into modern terms, both English and metric. However, as *Toronto Globe* science columnist Stephen Strauss notes, the metric system created by French revolutionaries as part of a conscious effort to nullify the old order also severed long-standing cultural ties to a wide array of richly meaningful methods of measurement. So although doing size conversions (into either inches or centimeters) may gratify the data-obsession of our modern digital age, that process separates us from the underlying consciousness of how we measure. As such, it is important for serious students of Jewish tradition to step back and invoke the world-view of our fabulously ancient people on its own terms.

Leonardo daVinci can help us with that, in terms of the proportions of the human body depicted in his famous “Vitruvian Man” (although I’ve taken the liberty of inserting a couple of extra markings



to make more explicit the dimensions in question). With the אמה cubit as the length of a human forearm, Leonardo’s squaring-the-circle diagram makes explicit that the frequent Tanna’itic mention of ארבע אמות signifies both the height and “wingspan” of a human body. Following that system, within normal physiological proportions,

- four אמות cubits = one person (who can be bisected by flexing the elbow so that the fingertips of one forearm “cubit” touch the breastbone);
 - one אמה cubit = two זרתות handspans;
 - one זרת handspan = two טפחים handbreadths,
- from which it follows that the height of a person is sixteen handbreadths. That allows us to compute that a כרמלית *karmelit* of 4 to 10 handbreadths represents the measure of 4/16 (one-fourth) to 10/16 (five-eighths) of a person’s height.

The latter figure of ten טפחים is frequently invoked throughout rabbinical literature. That represents, in conventionalized anthropometric terms, 5/8 (or succinctly put “a little more than half”) of a human— effectively, navel-high as opposed to waist-high. That is *inter alia* the definition of a potentially lethal falling hazard [Kilayim 6:1], whether in the case of a roof-edge requiring a safety rail [Deuteronomy 22:8] or of a pit that needs to be covered [Exodus 21:33]; as the stipulated minimum height for a *sukkah* [Sukkah 1:9], it establishes that the celebratory harvest booth must be tall enough to clear the head of a person seated on the ground within it.

Recognizing which dispenses with the need to compute contemporary equivalencies, by emphasizing the underlying reality that all our systems of weights and measures, both ancient and modern, are immediately understandable in human-centered terms. There is effectively no difference between the Biblical and rabbinic חומר of 220 liters and our modern 55-gallon oil drum: either roughly equivalent unit of volume represents, in terms of human physiology, the largest mass that an average adult can roll a short distance across a warehouse floor. Similarly the איפה of 22 liters and a corresponding five-gallon water bottle constitute the largest mass that an average adult can pick up and carry, while the עישרון (or עומר) of 2.2 liters and its counterpart half-gallon milk carton are the largest container that an average adult can hold in one hand. All our methods of measurement, developed and standardized to regulate commerce, are built on the size and capacity and capabilities of human beings.

Which makes perfect sense not as an act of arrogance, but to the contrary of humble compliance. Having been given dominion over the earth by its Creator, administering it (and not at all incidentally

measuring it) in terms of our own selves represents an intimate involvement in fulfillment of our Divine commission.

Shabbat 8a - March 14, 2020

עמוד תשעה ברשות הרבים ורבים מכתפין עליו

A pillar nine [handbreadths high] in the public domain; they *m'kat'fim* on it....

The operative verb *מכתפין* is plural participle of the verb *כָּתַף*, signifying “to shoulder a burden.” (The associated occupational noun *כָּתָף* is a synonym for *סָבֵל* “a porter”). And, per my post yester-day about anthropometric standards, a human body is sixteen *טפחים* tall, so that the nine-hands-breadth pillar mentioned here is just over “half-a-person”— *viz.*, roughly waist-high.

Putting those pieces together, the allusion in this text is to momentarily depositing a bulky item raised off the ground onto a supportive surface that is conveniently Just The Right Height to get a good purchase on it so you can “clean” the weight and hoist it up onto your shoulders for carriage. In contemporary terms, we routinely see shoppers at the mall stopping to rest their parcels on a waist-high railing or decorative planter before regrouping for the last haul out into the parking lot; in 2nd-century Roman Palestina or 3rd-century Iraq, where there was no parking lot, and where getting your purchases home meant a marathon *schlep*, *על אחת כמה וכמה*.



All of which is significant, because— like the anthropometric measurements themselves— this completely relatable everyday detail makes our text all the more accessible as a real-world document, attuned to the doings of real live people. Moreover, in terms of the social science underlying the *halachah* under discussion, it also substantiates the principle of *רשות הרבים* as literally “public domain,” by defining the street (as well as the pillars and posts and hand-railings along it) as a common venue accessible to and shared by an actual public.

Shabbat 9b - March 15, 2020

מתניתין - לא ישב אדם לפני הספר סמוך למנחה עד שיתפלל . . . ולא לאכול

Mishnah - a person should not sit down at the barber close to *Minchah* time without praying first . . . nor to eat a meal.

מאימתי התחלת אכילה רב אמר משיטול ידיו ורבי חנינא אמר משיתיר חגורה

From what time counts as “eating”? Rav says from *n'tilat-yadayyim*, but Rabbi Chanina says from the time you undo your belt.

ולא פליגי הא לן והא להו

There is no real conflict there: this [latter] opinion is for us [in Roman Palestina], whereas the other is for them [in Bavel].

RaSHI correctly points out that the men of Babylon היו חוגרין את עצמן בחוזה *kamarband* (our English cummerbund is a loan from Parsi, as is the garment itself). But, with deference, he is not right in asserting that they had to unbind it at mealtime. The *kamarband* the Sasanians wrapped over

their tunics may have been just as restricting as the inner belt they wore under their tunics, to hold up their leggings or trousers... but we know that neither of those belts was removed when sitting down to dinner, nor indeed at all until undressing for bed.



In Israel, by contrast, no one in antiquity wore a belt at all unless they were leaving the house. The main garment worn in that part of the world to the present day is the long-sleeved caftan known in Biblical Hebrew as a כתונת (cognate to Greek χιτων *chiton*), which is referred to in the Arab world as a ثَوْب *thawb* or قميص *qamis* (cf. European *chemise*), and in Pakistan and India as a جُبَّة *jubbah*— and which, by any name, does not have pockets. In order to leave the hands free when going out for any reason, a belt was put on for carrying such necessities as a purse or a dagger or a signet seal with its cord. In those terms, Scriptural text is explicit that “girding the loins” represents preparation to undertake a journey (וְכָכָה תֵאָכְלוּ אִתּוֹ) [Exodus 12:11] or to go forth in performance of a commission (וְהָיָה כִּי תֵצֵא מִן הַבַּיִת וְלֹא תֵבֵשׂ אֶת יָדְךָ וְלֹא תֵבֵשׂ אֶת רַגְלְךָ) [II Kings 4:29]. It follows that, just as a 20th-century Westerner upon arriving home would hang his cap and overcoat on the hall tree in the foyer, so too for a second-century Tanna such as Chanina ben-Dosa unstrapping your belt signifies being back home and at leisure... and ready to sit down to supper.

In that sense, RaSHI has it backwards when he says that בני ארץ ישראל לא היו נוהגין כן בהתרת חגורה קודם נטילת ידיים. It was in fact the Sasanians in Babylon who remained girdled in their *kamarbands* at mealtime, washing ritually and falling to their repast without further ado, whereas Rabbi Chanina and his neighbors in The West had first to divest themselves of their “outside” garment before sitting down to eat.

The fact remains that our text highlights one of the many cultural differences between ארץ ישראל and the Diaspora community of Asoristan/Bavel. Given the occasional tension between East and West (to which Group member Alyssa Gray has drawn our attention on a couple of occasions), what is wonderful about Rabbi Chanina’s observation is that his matter-of-fact reference *en passant* to this only vaguely noteworthy distinction between לן וללהו “us and them” is descriptive rather than editorial. That may be a case of *noblesse oblige* on the part of a Tanna in The West, but it resonates of *mentschlichkeit* nonetheless.

Shabbat 10a - March 16, 2020

אמר רב אשי חזינא ליה לרב כהנא כי איכא צערא בעלמא שדי גלימיה ופכר ידיה ומצלי אמר כעבדא קמי מריה

Rav Ashi said “I saw Rav Kahana, when there was trouble in the world, divested himself of his outer coat, clasping his hands and praying: ‘Like a servant before his Master...’.”

This anecdotal incident harkens back to the sages’ discussion in our previous Tractate of those physical gestures, referenced in Biblical literature and preserved in our liturgical poetry, which are associated with worship (“כריעה” is upon the knees. . . קידה is face down on the ground . . . השתחוואה is [face down on the ground] with arms and legs outstretched” [B’rachot 34b]). I remarked at the time that, with the advent first of Christianity and then of Islam, we divested ourselves of both kneeling and bowing down and relinquished them to our daughter religions and sister faiths. Here we have the same phenomenon again: clasping the hands as a gesture of petitionary prayer is so strongly associated

with Christianity that in the Western world today the small sketch of fervently clasped hands Albrecht Dürer made around 1500 as a mere study for a sculpted altarpiece in Frankfurt has become graphic shorthand for prayer itself.



We need, therefore, to look beyond the context of any one religious tradition to recover a sense of the psycho-social significance of the postures and gestures in question.

All alike are expressions of submission. Offering the conjoined hands speaks of servitude, effectively declaring “I am your servant, to bind and lead and command as you wish.” Kneeling says “I lower myself humbly before you.” Prostration is an act of total self-abnegation, that says “I am your footstool.” In a feudal society, such gestures served as declaration of fealty to an overlord or king.

As such they certainly have a place in our community of Covenant faith, bound in service to The Most High (אֲתֶם עֲדֵי נְאֻם-יְהוָה וְעַבְדֵי אֲשֶׁר בְּחֶרְתִּי [Isaiah 43:10]). For if kneeling and bowing are conventionalized expressions of loyalty to, and an appeal for compassionate attention from, מֶלֶךְ בָּשָׂר וְדָם, then how much more so does performance of (or at least allusion to) such compliant body language very properly figure in our devotional service to מֶלֶךְ מַלְכֵי הַמַּלְכִּים הַקְּבָ"ה.

Incidental to which: having also remarked yesterday on articles of clothing, an observation today about the significance of Rav Kahana having “divested himself of his outer coat.”

Our rabbinical colleagues recognize the term גְּלִימָה “his *g'lima*” from the שטר כתובה, which guarantees payment of the groom’s financial obligations in case of divorce by imposing a lien on any and all property he will then own עד גלימא דעל כתפאי “down to the cloak on my back.” The reference is to the billowing free-hanging outer garment the Arabs call an عَبَاءَ *'aba*, which roughly corresponds to a suit coat in the Western world (particularly inasmuch as a better-quality *'aba* is referred to as a *bish't* “dignity,” marking the wearer as a person of distinction).

Given that, divestiture— which literally means “getting undressed”— signals that the worshipper is a seriously faithful servant. In our own society today, removing the jacket and rolling up your sleeves marks you as a dedicated worker getting down to the job at hand. Moreover, since the suit coat is a badge of white-collar executive privilege, relinquishing it is a social-leveling gesture that constitutes what Hasidic thought calls ביטול היש “a nullification of the ego.” In both of those ways, or even in either one of them, taking off the גְּלִימָה is a fittingly humble prelude to petitionary prayer.

Shabbat 11a - March 17, 2020

אם יהיו כל הימים דיו ואגמים קולמוסים ושמים יריעות וכל בני אדם לבלרין אין מספיקים לכתוב חללה של רשות

If all the oceans were ink; all the reeds were pens; all the heavens were scrolls; and all people were scribes— it would be inadequate to record the corruptly manipulative doings of the governing authorities.

מאי קראה אמר רב משרשיא שמים לרום וארץ לעמק ולב מלכים אין חקר
What is the Scriptural proof? Said Rab M'sharshaya: “The sky, for its height; the sea, for its depth; and the plotting of kings— beyond measure” [Proverbs 25:3].

On this election day here in Florida, what a marvelous midrash about political power: “How do you know a politician is lying? His lips are moving.” The proverbial self-interest of the ruling authorities had already been affirmed long since by the admonition of Rabban Gamliel: הוּוּ זְהִירִין בְּרִשׁוֹת אֲמֹרָאֵי אֶרֶץ יִשְׂרָאֵל [Pirquei Avot 2:3]. In context of the Mishnah or the “the government” would be Imperial Rome, or the Byzantine Empire as “the New Rome”; for the Babylonian rabbis, source of the present bleak epigram, הַרְשׁוֹת signifies the Sassanid dynasty.

I have had several occasions, since the start of this 14th Cycle, to point out the stability of the Sassanid province of Asoristan. Abu al-Hassan al-Mas’udi, “the Herodotus of the Arabs,” praised what he described as “the excellent administration of the Sasanian kings, their well-ordered policy, their care for their subjects, and the prosperity of their domains.” Clearly the Jewish exile community benefitted from all that. However, the strong and capable central rule of the Sassanids was weakened and undercut by a convoluted hierarchy of governance; by the autonomous authority vested in local rulers as semi-independent provinces; and especially by the significant power wielded by Zoroastrian priests, which eventually fragmented the nation in the 7th century leaving Persia ripe for Muslim conquest. All of which informs the no-confidence vote underlying the hyperbole on this *daf*.

But if our sages in both East and West know better than to think highly of מַלְכֵי בִשְׂרָ וְדָם, that serves only to strengthen all the more their faith in מֶלֶךְ מַלְכֵי הַמַּלְכִּים הַקְּבִי"ה. So when the 11th-century Ashkenazic *paytan* Mei’ir Nehora’i of Worms sought to compose a Shavuot hymn praising the Giver of Torah, it was wonderfully apt that he opened *Aqdamut* by borrowing almost *verbatim* the Talmud’s sweeping indictment of corrupt politicians on our present page, and turning it around 180 degrees:

וְלֹא סָפַק פְּרִישׁוֹתָא	גְּבוּרִין עֲלֵמִין לָהּ
קָנִי כָּל חוּרְשָׁתָא	גְּוִיל אֱלוֹ רְקִיעֵי
וְכָל מִי כְּנִישׁוֹתָא	דִּיֹּ אֱלוֹ נְמִי
וְרִשְׁמֵי רִשְׁוֹתָא	דִּירֵי אֲרַעָא סָפְרֵי

Or, as Israel Zangwill put it in his metrical translation of that Aramaic *piyyut*:

Could we with ink the ocean fill;
 were every blade of grass a quill;
 Were the skies of parchment made,
 and every one a scribe by trade,
 To write the love of God above
 would drain the oceans— drain them dry!—
 Nor could the scroll contain the whole,
 though stretched from sky to sky.

Shabbat 12a - March 18, 2020

תְּנִי דְבֵי רַבִּי יִשְׁמַעְאֵל יוֹצֵא אָדָם בְּתַפִּילִין בְּעֶרְבַת שַׁבָּת עִם חֲשִׁיכָה

It was a teaching of the School of Rabbi Yishma’el that one may go out on the eve of Shabbat, close to dark, while still wearing *t’fillin*.

מֵאֵי טַעְמָא כִּיּוֹן דְּאָמַר רַבְהִי בַר רַב הוֹנָא חַיִּיב אָדָם לְמַשְׁמַשׁ בְּתַפִּילִין כָּל שַׁעָה וְשַׁעָה

What is the rationale? In accord with what Raba son of Rab Huna said, that a person is obligated to feel the [head] *t’fillin* once an hour.

קָל וְחֹמֶר מְצִיָּן

This is deduced from an *a fortiori* comparison to the golden headband.

מה ציץ שאין בו אלא אזכרה אחת אמרה תורה וְהָיָה עַל-מִצְחוֹ תָּמִיד שְׂלֵא יִסִּיחַ
דעתו ממנו תפילין שיש בהן אזכרות הרבה על אחת כמה וכמה

Of the headband, which contains only one mention [of the Divine Name], the Torah demands “it shall be upon his forehead constantly” [Exodus 28:38], so that his thoughts not digress from it— how much more is this the case for *t’fillin*, in which there are numerous mentions [of God’s Name]!

We know that *t’fillin* are not worn on Shabbat, since as a literally hands-on fulfillment of the Toraitic obligation וּקְשַׁרְתָּם לְאוֹת עַל-רִגְלֶךָ [Deuteronomy 6:8] they are made superfluous by virtue of Shabbat-observance being the pre-eminent אוֹת [Exodus 31:17]. It follows that, in an era when *t’fillin* were worn all day as an article of clothing, they would be removed before sundown Friday to mark both the arrival and the uniqueness of Shabbat. That our ruling here indicates this is not the case, reflects the same psychology as מצוות ציצית: you are פטור from putting on an ארבע כנפות when dressing for the evening (since the Torah duty וּרְאִיתֶם אֹתוֹ [Number 15:39] cannot be observed after dark); but neither is there a requirement to divest yourself, if you are still wearing it at nightfall. The intimation is that *t’fillin* are important enough to keep on— not just a ritual object worn only during קריאת שמע at weekday morning worship, but rather as a wardrobe component worn all day.

The reason for that is frankly embarrassing. Under the category of כְּשֵׁמוֹ כֶּן-הוּא, phylacteries (the ostensibly English translation of תפילין) is a Greek term φυλακτεριον signifying “protective amulets” (same etymology as “prophylaxis”). The intimation is that our forebears made no bones about viewing the eponymous “prayers” contained in their *t’fillin* as a shield against evil influences— which is frankly less than a surprise, seeing the degree to which the demon-obsession of the surrounding pagan society percolated its way into the consciousness of even the rabbis. Both *t’fillin* and *m’zuzah* acquired early on a folk-religious aura of being sacred talismans against evil; indeed, they may have originated with precisely that purpose in mind. As such, marking a *m’zuzah* with the Holy Name שדי as an acronym for דלתות ישראל intimates that you are safe inside the house. The corollary conviction, that you are completely exposed to attack once venturing beyond those doors, explains the emphasis in our present text on the advisability of being יוצא בתפילין, to the point that it is still permissible to have them on when Shabbat arrives.

The conviction that we Covenant-bound ethical monotheists are supposed to be immune to that kind of pagan delusion, is what makes our present סוגיא so compellingly important. Rava bar-Huna’s prescription takes us out of the realm of superstition and into sanctity, by making the conscious act of feeling the head *t’fillin* a gesture of religious mindfulness (שלא יסיח דעתו ממנו), the same as the passive action of seeing the *tzitzit* (את-כָּל-מִצְוֹת יְהוָה) – [Numbers 15:39]). Our passage takes this to an even higher level by invoking a parallel between the תפילין של ראש and the golden headband worn by the High Priest of Israel, a conceptual equivalency which elevates our consciousness by affirming our identity in Covenantal terms as גוי קדוש ממלכת כהנים וגוי קדוש.

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Incidentally, the reference in our passage to אזכרות הרבה “many mentions” of the Divine Name in *t’fillin* quantifies for us bean-counters as twenty-one citations of the Tetragrammaton in the four excerpted Torah passages:

- 7 in Exodus 13:1-10;
- 7 in the immediately subsequent Exodus 13:11-16;
- 3 in Deuteronomy 6:4-9; and
- 4 more in Deuteronomy 11:13-21.

Those of a numerological bent, who want to find meaning in the latter numbers of 3 and 4 being the components of the sacred 7, or the two incidences of 7 redoubling the inherent holiness of that num-

ber, or the total of 21 being the product of 3 and 7, are welcome to do so, since that is barely scratching the surface of what could be done with this.

Shabbat 13a - March 19, 2020

שני אכסניים אוכלין על שלחן אחד זה אוכל בשר וזה אוכל גבינה ואין חוששין

Two boarders eating at the same table, one may eat meat and the other cheese, and we have no fear.

Interesting consideration that it stipulates אכסניים— rooming-house guests, rather than relatives belonging to the household— to establish looseness of the social connection between the diners as the determinant for adopting the more lenient position.

Back when Israel was still a young state, we impoverished students occasionally ate downtown at the Sova Cafeteria off Ben-Y'udah Street. Conversation walking over there had to reach consensus on what everyone felt like eating for lunch, since the upstairs buffet at Sova was dairy, while the downstairs featured a meat menu. In terms of our pre-sent סוגיא, two separate dining rooms precludes the concern of “על שלחן אחד.”



Different solution to the problem was invoked at one of the smallest eateries I patronized back then. The grandly named Istanbul Grill, on the south side of Yafo Road just west of King George, anticipated today's “tiny house” craze by being a tiny restaurant: a ten-by-twelve hole in the wall, that nonetheless managed in that small space to juggle both dairy and meat menus. For the convenience of eat-in customers, they installed as a stand-up table a counter five feet wide. Half its surface was covered in blue linoleum, for dairy, and half in red for meat, with an inch-high wooden stringer separating them. In terms of our present סוגיא, two distinctly separated half-tables did not constitute “על שלחן אחד.”

Shabbat 14b - March 20, 2020

שמעון בן שטח תיקן כתובה לאשה

It was Shim'on ben-Shetach who instituted the *k'tubah* for a bride.

Although Shim'on ben-Shetach, half of the third of the five זוגות presiding over the Sanhedrin, is mentioned in terms of several other things he did (including executing eighty sorceresses in Ashqelon [Sanhedrin Y'rushalmi 6:6/28b]), his watershed achievement was the promulgation of the שטר כתובה, mentioned here.

It is referred to as כתובה “the written-down,” because it replaces the actual hard-cash payment of the traditional bride-gift the Torah calls מִהָרַ הַבְּתוּלָה [Exodus 22:16 and Deuteronomy 22:29] with a guarantee on paper for the husband to pay his wife the corresponding financial settlement to secure her fiscal independence in the event of divorce or his death. The operative phrase is כל נכסי אחראין לכתובתה [K'tubot 82b], imposing an open-ended lien on the groom's property in payment of his obligation. That the property in question can include מטלטלין “personal possessions” represents a leniency protecting the wife's interests; payment of the *k'tubah* is the only circumstance in Talmudic contract law where the court may appropriate what is otherwise characterized legally as אחריות “properties not liable for seizure.” On top of that, the שטר כתובה serves as an impediment to divorce

by stipulating that the court may seize שפר ארג “the choicest and best part” of the husband’s property in payment of his obligation, to make sure that the loss to him hurts.

Ben-Shetach was motivated to promulgate this change in marriage practice by the turbulent circumstances of his era of civil war. Persecution by the arrogant Hasmonean king Alexander Yannai killed off six thousand Jews, and drove as many as eight thousand more to seek refuge in Egypt. Faced with such an existential threat to the nation, a shrunken population, and a shattered economy, there were few young people left to raise new families, and even fewer in a financial position to marry. The traditional obligation of 50 *sh’qalim*, or its equivalency in the urban cash-based economy of the Greco-Roman period of 200 *zuz*, which the rabbis defined as the minimum measure of personal solvency [Mishnah Pei’ah 8:8], was more than most young men could produce as a prerequisite to coming under the *chuppah*. Shim’on ben-Shetach addressed this problem with a creative innovation so effective that henceforth rabbinical literature replaces the Biblical term *מִקֵּהר* with the virtual synonym *כתובה*— a noun which in the Mishnah invariably signifies not the marriage deed, but rather the cash sum for which it is the guarantee.



By the deceptively simple intervention of promulgating betrothal בשטר “by contract” rather than בכסף “by coin” [Qiddushin 1:1], ben-Shetach instituted a sweeping change in the nature of marriage itself. When the groom issues a promissory note to the bride, rather than settling a cash payment upon her family, he is engaging directly with that woman as a partner— a hitherto unprecedented degree of social equality between husband and wife. With a stroke, Rabbi Shim’on had changed buying a bride into bonding with a spouse, making matrimony an interpersonal connection rather than all-but-impersonal commerce.

Marriage has always been an economic transaction, in the sense that it involves two households (and their George Carlin-esque “stuff”) incorporating into a single entity, but it stopped being a purchase transaction long ago. Western civilization was slow to reflect that reality: it was not until the women’s movement of the late 1960s and early ‘70s challenged gender inequality enshrined in civil law that matrimony came to be viewed as a direct contract between two social equals. In the Jewish community, however, such a consensual model of marriage had already been institutionalized by the rabbis more than two millennia ago, flowing from the social reform of Shim’on ben-Shetach.

I understand the political perspective of those of our CCAR colleagues who vituperate against the traditional שטר כתובה as a demeaning vestige of purchase-marriage. However, I take it for granted that as rabbinical scholars we are thoughtful enough and objective enough to reach beyond our own presuppositions and engage with any text not just on its own terms but also on its own merits. In that sense, as community leaders we recognize the daring and brilliance of Shim’on ben-Shetach’s long-ago initiative to address a compelling social problem. May we derive from his action the inspiration to generate ideas that courageous and that creative in responding to the challenges of our own time.

Shabbat 15a - March 21, 2020

שמאי אומר מקב חלה והלל אומר מקביים

Shammai says [the obligation of setting aside] *challah* [applies to dough made from] one *qav* of flour; Hillel says, from two *qavs*—

וחכמים אומרים לא כדברי זה ולא כדברי זה אלא קב ומחצה חייב בחלה

but the other Sages say that it is not according to the opinion of either of them; rather it is one and a half *qav* that creates the obligation for *challah*.

Being an engineer's son, I always start with metrics. A *qav* is a sixth of a *se'ah*, which is in turn a third of an *efa*, the basic volume measure for both Biblical and rabbinical commerce. With the *efa* quantified at 22 liters (5.8 gallons), the *qav*— at 1/18 that amount— comes to 1.2 liters (1.3 quarts), which in an American kitchen works out to just over five cups of flour. That is not a large quantity: there are more than seven cups of meal in even a small two-pound flour sack, while the standard five-pound bag contains up to twenty cups.



Grounding this in terms of actual baking, the *challah* recipe in *The King Arthur Flour Baking Companion* cookbook calls for 4½ cups of flour. Given that this is less than the slightly-more-than-five cups in a *qav*, per the School of Shammai (and that doubling that recipe to make *לחם משנה לכבוד שבת* is still using less than the slightly-more-than-ten cups in the two *qavs* called for by the School of Hillel), we have the intriguing paradox that, according to rabbinic law, you don't need to separate *challah* when making a *challah*.

It therefore follows that the obligation of setting aside the token priest's due of the kneaded dough, per Numbers 15:20, applies only when producing large quantities (as *e.g.* in a commercial bakery, or on the home "baking day" of an earlier era, when an entire week's worth of bread was made at the same time). The intimation is that our sages of antiquity are doing a benign end-run around the Torah by intentionally setting the standard for the religious duty of *הפרשת חלה* at a point just high enough for a day-to-day baker to be exempt from it. While for us today pulling a pinch out of the kneaded dough, as an act of compliance with God's Law in Torah, can be a window of opportunity for spirituality and higher meaning in our lives, for the Tanna'im that same act served as a constant reminder of the destroyed Temple; of the defunct Aaronide priesthood; and of the powerlessness of the Judean nation living under Roman occupation.

Putting all of which aside, what is mostly worthy of note is that none of the opinions given here aligns with or reflects the operative *דין* established by the Tanna'im. Mishnah *Challah* 2:3 stipulates that a portion of dough up to and including one *qav* is not liable for *הפרשת חלה*, while in the same Tractate 2:6 establishes that the obligation for *challah* applies only to a batch of at least five quarter-*qav*— *viz.* one-and-a-quarter *qav*. Overlooking the minor disparity that $\geq 1 \neq 1 \frac{1}{4}$, any way you slice it (yes, I did just invoke a loaf-of-bread metaphor) the stipulated amount is more than the one *qav* called for by Shammai, and less than the two named by Hillel.

Wherein lies the *tachlis* of our lesson here. We all know the story of the rabbi, called upon to issue a *דין תורה* between two parties, who not only affirmed the validity of both their viewpoints but also responded to a kibitzer interrupting to insist that a ruling has to be made one way or the other: "You're also right!" That's the kind of conciliatory spirit that seems to underlie the current dispute, since every Hillel-Shammai *מחלוקת* *לשם שמים* [Pirquei Avot 5:17]. To a degree it sounds as if the consensus among the sages is "one *qav*, or two? Let's split the difference, and call it one-and-a-half." (Or, in the case of the Mishnah, one-and-a-quarter).

But only to a degree does it feel that way. Be-cause, appearances to the contrary, the *דין* cited here as the Tannaitic accord is neither a compromise nor a cop-out. Rather, it speaks of the same gracious accommodationist spirit that prompts other meeting-in-the-middle rulings on the part of our *פוסקים*.

The most compelling and visible case in point: to avoid showing disrespect to the opinion of RaSHI that the *m'zuzah* case should be mounted on the doorpost vertically [M'nachot Bavli 33a], and of his grandson Rabeinu Tam that it should be mounted horizontally [Tosafot *loc.cit.*], Isserles insists that המדקדקים יוצאים ידי שניהם “those who are scrupulous will follow after them both” [Yoreh Dei'ah 289:6]. It is in those terms that mounting the *m'zuzah* at a diagonal— or, for that matter, returning to literal issues between Hillel and Shammai, lighting the candles in the opposite direction from which they were inserted into the Chanukah lamp, or setting the minimum standard for הפרשת חלה in between one *qav* and two— has nothing to do with “splitting the difference.” Rather, it is a spiritual and ethical model of bypassing the zero-sum game to achieve a symbolic union whereby neither is wrong and both are right.

Shabbat 16a - March 22, 2020

ואילו גבי כלי זכוכית תנן כלי עץ וכלי עור וכלי עצם וכלי זכוכית

Now regarding utensils made of glass we have learned [in Mishnah Keilim 2:1]: utensils made of wood; utensils made of leather; utensils made of bone; utensils made of glass—

פשוטיהן טהורין ומקבליהן טמאין

flat ones are not susceptible to *tum'ah*, but containers are susceptible to *tum'ah*.

There are two reasons that glass stands here in a category of its own. One is the cultural and socio-economic reality that, in contrast to wood and leather and bone, all of which have been crafted into useful items since at least the Paleolithic era, glass was both a late arrival and a rare luxury. Although the melted silica proto-glass known as faience was invented in the Levant (*i.e.* our little corner of the world) more than four thousand years ago, true glass as we know it was not perfected and worked commercially until around the first century BCE. It was sufficiently common by the period of the Mishnah to merit discussion by the rabbis, although glass artifacts unearthed from that era tend to be strictly upscale items such as opalescent perfume flasks, or the elegantly ground and polished bowl from the Bar-Kochba period found by Yigal Yadin at Wadi Muraba'at.



The other reason that glass stands in a category by itself is that it is, structurally speaking, a smooth compound with an effectively non-porous surface (as compared to the visible and even palpable textures of wood, leather, bone, or ceramic). In ritual terms, that makes glass for practical purposes all but impervious to ritual cross-contamination, so that the same plate may be used alternately for eating both dairy and meat foods.

But while for that reason my Jerusalem neighbors back in the 1970s all had one set of dishes— imports from France which were popular back then— they still had two sets of cookpots. Glass does in fact have numerous tiny pores; expanding when heated, they admit a small portion of the food being cooked, which is then trapped inside when the pores contract as the pot cools. As a result, next time you heat up some cocoa in a pot previously used to braise a roast, you're going to get some beef gravy in your hot chocolate.

That physical reality underlies the logic of the Tanna'im in our present case. While they choose to be lenient about the minimal porosity of glass not being an issue *vis-à-vis* anything that can be plopped down onto a flat platter, they affirm that any kind of glass vessel— regardless of whether or not it is heated— is liable to טומאה by virtue of comprehensive exposure to its liquid contents. So their ruling is neither a random stringency in the interests of ritual safety nor arcane esoterica: it represents the

kind of practical real-world applied-physics-in-the-kitchen you see from The Food Channel's Alton Brown.

Shabbat 17b - March 23, 2020

ואידך אמר באלי אמר אבימי סנוותאה פתן ושמנן ויינן ובנותיהן כולן משמונה
עשר דבר הן

Yet another? Said Bali, in the name of Abimi of Sanwata'a [the prohibition of] their bread, their oil, their wine, and their daughters are all among those same eighteen measures.

This legislation limiting association with idolaters concludes an itemization of the עשר גזרות initially broached two pages back on 15a (אמר רב יהודה אמר שמואל שמנה עשר גזרו). Couched in those terms, it evokes for me the basket votes we have held on resolutions brought before the URJ Biennials and CCAR conventions.

I mention this procedural evocation not out of insensitivity to the fact that the 131st Conference convention should by all rights be underway in Baltimore today, but to the contrary as a salute to our CCAR leadership who worked for years to put it together... and who scrambled to create a distance-learning opportunity for us to engage virtually in the truest kind of חכרותא regardless of bugs or travel bans. May those tuning in be enriched, and may those who made it possible be blessed for their ongoing commitment to Jewish communal leadership.

Shabbat 18a - March 24, 2020

תניא ובכל אשר-אמרתי אליכם תשמרו לרבות שביתת כלים

It is a teaching of the Tannaitic sages that “in all that I have said to you, you are to be kept” [Exodus 23:13] includes the cessation-from-labors of implements.

Outside of the talking teapots and mantle clocks in Disney's animated *Beauty and the Beast*, we do not ordinarily think of an artisan's tools as being sentient entities with an awareness of being at work nor a need for respite. Yet the Tanna'im make that conceptual leap here by means of a bit of grammatical genius, and take us somewhere wonderful in the process.

They view the substantiating proof-text Exodus 23:13a not as an introduction to the admonition against invoking the names of false gods (*viz.* 23:13b), but rather as an extension of and continuation from the mandate for Shabbat rest in the previous verse. The conceptual reason for doing this is that the operative verb ש-מ-ר is a שוה גזרה associated with The Queen of Days, by virtue of the adamant legislation of Shabbat observance in chapter 31 of the same Book (את-שבתתי תשמרו) – 31:13; ושמרתם את-השבת – 31:14; ושמרו בני-ישראל את-השבת – 31:16) and of Moses's associated retooling of The Ten Commandments from זכירת שבת to שמירת שבת in Deuteronomy 5.

But whereas in those contexts the verb is תשמרו (קל), namely a mandate for you to observe/keep the Shabbat, in our present verse by contrast the Masoretic vocalization preserves the passive conjugation תשמרו (לשון נפעל). Exodus 23:13a therefore discusses not your “keeping,” but rather your awareness of that by which “you are being kept,” the means to your livelihood. It is that which makes it for the rabbis the logical extension of 23:12, where Shabbat is legislated למען ינוח שורך ונמך וינפש בן-אמתך. If a day off is a necessary accommodation to your ox and your donkey and your man-

and maidservant and hired hand, then why should your waterwheel or your windmill or your axe or your spade be left out of the equation?

Part of this is a pragmatic: since you're not chopping or digging on Shabbat, you don't need the axe or the spade in any event.

Part of it is philosophical: if an operating mechanism is shut down for one day, that's 1/7 less of a chance of it breaking down and needing immediate repairs.

And part of it is conceptual, since the principle of *בל תשהית* serves *inter alia* to attune us to a consciousness of respect for objects in the physical world as being more than just objects. We saw in our last tractate a mandate against treating clothing disrespectfully (*כל המבזה את הבגדים סוף אינו נהנה*) (*מהם* – B'rachot 62b), and our customary explanation for covering the twin loaves of *challah* when making *קידוש ליל שבת* is that we don't want to hurt the bread's feelings by letting it see the wine gets pole-position on being blessed. Bringing this back to Disney cartoons: among the reasons I didn't care much for *Pocahantas* is that our fabulously ancient tribal people of Israel didn't need to be told that rocks and trees, and the earth on which they stand, are living things, and that animals are people, too.

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Not at all incidentally, there is one more important nuance before leaving the *נפעל* here. Its implication in Exodus 23:13a is that *תשמרו* “you will be kept” *בכל אשר-אמרת אליכם*— namely, by means of *שמירת שבת* mandated in 23:12. That thought, as expressed by the passive *נפעל* verb, makes this verse the substantiating proof-text for Ahad ha'Am's famous assertion that “more than Israel has kept the Sabbath, has the Sabbath kept Israel.”

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Shabbat 19a - March 25, 2020

תנו רבנן אין מפליגין בספינה פחות משלשה ימים קודם לשבת

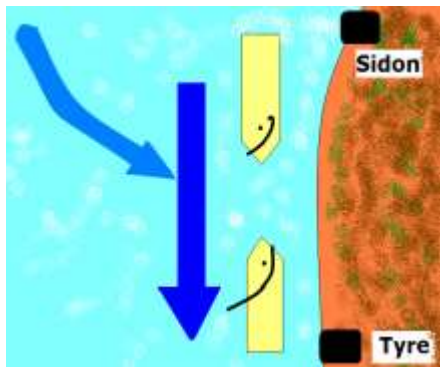
Our Tannaitic sages have taught [in Tosefta Shabbat 14:12]: we do not embark in a ship less than three days before Shabbat. . . .

ומצור לצידן אפילו בערב שבת מותר

But from Tyre to Sidon, even on Friday it is permitted.

Of these two Phoenician city-states (and modern Lebanese trade ports), which gets top billing? Sidon is the more northerly of the two, and so comes first on a map read top-to-bottom, while Tyre by virtue of being to the south (and as such closer to the border of Israel) is more on our Judean geopolitical radar. But there is a more pragmatic reason that the rabbis mention Tyre first in our present case.

In the Northern Hemisphere the ocean currents revolve clockwise, which means that on the Lebanese and Israeli coast the Mediterranean flows to the south. Meanwhile, the prevailing wind blows north-



west-to-southeast. As such, sailing southbound from Sidon to Tyre is effectively “going downhill,” as broad-reach rigging catching the wind coming over your right shoulder pushes you from behind all the way while the current helps you along. By contrast, going north you're sailing close-hauled and head-on against the current. It may be the same 25 miles in either direction, but sailing northward from Tyre is going to be a markedly slower— and, accordingly, longer— voyage. By invoking that virtually “uphill” journey northward from Tyre, our sages intentionally select the slower cruise as their real-world metric for a

maritime distance that can be completed within a single day. (For the faster and shorter south-bound voyage, כל שכן).

This seemingly incidental throwaway detail of which direction to discuss for a hypothetical boat trip is yet another illustration of the eclectic concerns underlying rabbinical scholarship. Our Tannaitic sages may or may not have been mariners themselves, but even as landlubbers they were sufficiently attuned to the atmospheric and commercial realities of their world that when circumstances required they were able to issue a salient ruling based on ground truth... or, in this case, wind-and-wave truth.

Shabbat 19a - March 25, 2020

תנו רבנן אין מפליגין בספינה פחות משלשה ימים קודם לשבת

Our Tannaitic sages have taught [in Tosefta Shabbat 14:12]: we do not embark in a ship less than three days before Shabbat. . . .

ומצור לצידן אפילו בערב שבת מותר

But from Tyre to Sidon, even on Friday it is permitted.

A small follow-up to yesterday's conversation about the northerly voyage against the Mediterranean current from מצור לצידן: it is intriguing that the Tanna'im chose two foreign ports as the metric of a sea-journey manageable in one day. Given the humiliation of Roman subjugation, and the failure of both Judean bids for independence in 70 and 135, the rabbis could have salvaged at least a scrap of national pride by naming two Judean seacoast cities— particularly since the maritime run from e.g. Dor to Yafo is the rough equivalent of the same 25-mile/42-kilometer voyage referenced in the text.

For that matter so is the return from Phoenician Tyre back home to the northernmost Judean seacoast city of Ptolemais/'Akko, which served as the principal port of entry to Israel until recent modernity. My collection of antiquities includes an array of foreign currency unearthed at 'Akko that bears testimony to that city having been for many centuries a commercial center of international trade the way New York, Seattle, San Francisco, and Los Angeles are today.



It follows that the Tanna'im convening in their northern academy— whether above the Beit N'tofah Valley at Tzipori in the Central Galilee, or farther east at Tiberias on the shores of Kinneret— would have been keenly aware of 'Akko, by virtue of its serving as the local point of origin for many of the commodities they used daily. As a result we would expect them to invoke 'Akko, by an all-but-Pavlovian reflex, as their “default mode” referent for defining any hypothetical maritime endeavor.

Instead, in the present case they pointedly chose to invoke as their metric for a permissible one-day sea journey the voyage between two foreign ports near Israel, rather than a voyage within (or out of, or returning to) Israel itself. In an eastern Mediterranean world where the international borders we take for granted were effaced by the harsh unification of *pax romanum*, our sages of antiquity demonstrate their sophistication as cosmopolites who are aware of— and capable of functioning knowledgably and effectively within— the social, cultural, economic, and geopolitical realities of their time and place.

Shabbat 20a - March 26, 2020

וכמה אמר רבי אלעזר אמר רב כדי שיצולו מבעוד יום כמאכל בן דרוסאי

So to what degree [must meat be done before Shabbat]? Rabbi El'Azar says in the name of Rav: while it is still daylight it should be as roasted as the food of ben-Drusa'i.

M'nachot Bavli 57a will discuss whether a piece of meat is to be roasted כמאכל בן דרוסאי on both sides, or only on one, but neither there nor here are we told who ben-Drusa'i was, nor how he liked his steak.

In spite of the *alef-yod* suffix in דרוסאי being a gentilic, it doesn't signify "the Druze," since this ethno-religious offshoot of Isma'ili Islam only goes back a thousand years, and was not around in the early third century to be referenced by Rav. RaSHI speculates that ben-Drusa'i was an outlaw who, by virtue of being constantly on the run, couldn't afford to stay put long enough for his meat to cook more than partway (מבשל בישולו שלישי). I prefer to invoke the verb ט-ר-ט ("pressing" or "stomping") to read בן דרוסאי as "one of the grape-treaders," visualizing energetic workers who at the busy and rushed vintage season have time during their brief meal break to put only an external sear on their lunchtime meat. Of course, since the same could be said for any other seasonal agricultural worker, from wheat harvesters and fruit pickers to the gatherers of the grapes our treader is stomping, I will cheerfully admit that this speculation is all a trifle thin... although no more so than RaSHI's fabricating us an Aramaic Jesse James.

One way or another, context of the discussion at hand makes it clear that the reference is to par-cooked meat, which brings us back around to the matter of personal taste. Putting aside the question of whether the seasoned roast that Medieval European Jews call *chaud-de-lent* (hence "tcholent") needs to be fully cooked or only browned before putting it in the community oven on Friday afternoon, the rest of the week meat is just meat, which you can prepare in Shakespearean terms "as you like it." Committed carnivores prefer their steaks pink and moist in the middle, and consider anything beyond medium-rare to be a ruined piece of meat, whereas (taking it to polar extremes) steakhouse aficionados are familiar with "black-and-blue" or "Pittsburgh rare," where the beef is cooked so that it is carbonized on the outside and still "moo"-ing in the middle.



Which brings us full circle to RaSHI's suggestion that מאכל בן דרוסאי means "one-third cooked" (intimating that ben-Drusa'i was from Pittsburgh...?). Regardless of who he was, and where he came from, the fact that he was the only one who would normally eat meat that way is substantiated by the first documented case of dissatisfied restaurant patrons sending a dish back to the kitchen: תבשיל שור שנתבשל כאכילת בן דרוסאי מותר להחזירו [Shabbat Y'rushalmi 13b].

Shabbat 21b - March 27, 2020

אמר רבינא משמיה דרבא זאת אומרת נר חנוכה מצוה להניחה בתוך עשרה

Rabina said in the name of Raba: this indicates that the religious duty for the Chanukah lamp is to place it no higher than ten-handbreadths.

דאי סלקא דעתך למעלה מעשרה לימא ליה לך להניח למעלה מגמל ורוכבו
ודילמא אי מיטרחא ליה טובא אתי לאימנועי ממצוה

For should it occur to you that it needs to go higher than ten-handbreadths, then he should have said that it must be placed higher than a camel and its rider— and perhaps by virtue of having imposed upon a person that much of a burden, you would have discouraged him from performing the religious duty.

We learn from the discussion in this present *daf* that the nightly proliferation in the number of Chanukah lights, which is now the norm among even the most marginal Jews, was originally the practice of only the most over-the-top pietists (המהדרין מן המהדרין). As such, it is important to bear in mind that the נר הנוכה referenced here is most pointedly not the kind of multi-branched *m'norah* (or, in contemporary Israeli terms, הנוכיה) that has subsequently become a standard item in every Jewish home, but rather דוקא a סתם “lamp,” like this first-century oil-burner in my collection of antiquities. Which fact develops both a cultural and psychological context to understand the current conversation about proper placement of the holiday lamp in fulfillment of the religious duty prescribed by our sages.



Per the decoding of the rabbis' conventionalized anthropometrics that I shared a couple of weeks back, commenting on Shabbat 7a, ten handbreadths represents $10/16 = 5/8$ (or more succinctly “a little more than half”) of a human— *viz.* navel-high, as opposed to waist-high. Although “default mode” for על פתח ביתו מבחוץ מצות פירסום הנס does not call for any elevation of the Chanukah lamp, our present passage asserts that in the interests of safety this live flame placed out in the public domain should be raised slightly above street level. The requisite navel-high index of ten handbreadths may be significantly less than the roughly six feet represented by the height of גמל ורוכבו, but in the real world of insurance underwriters it is sufficient to constitute a reasonable precaution. Moreover, it reflects on the constitutional inclination of Tanna'im to avoid imposing an unnecessary burden upon the community.

That latter consideration is the real focus here, because the principal motivation for such a lenient ruling is the desire to avoid making the religious observance of נר הנוכה feel like an encumbrance.

Purely in terms of human nature, none of our neighbors look forward to the burdensome chore of dragging out the ladder and untangling the strings of lights to garland the house for the Christmas season, but there is still enough positive anticipation about the event that they go to that trouble nonetheless for the sake of הידור מצוה and their own celebratory brand of פירסום הנס. Along the same lines, I have never met the most scrupulously observant pious Jew who actually relishes and anticipates the weeks of carbo-loading and house-cleaning in preparation for Passover, but we still do it in eager anticipation of the *seider* allowing us to relive the birth of our nation through יציאת מצרים as mandated in the Torah. By contrast, in our present text the sages seem to be concerned that people willing to invest in a second lamp and oil to light in honor of the occasion would regard the frankly less-than-onerous burden of having to *schlep* into the street a table more than 3 feet tall to put it on as a deal-breaker prompting them to blow off Chanukah altogether.

The intimation is that in the 3rd and 4th centuries this holiday was of minor importance, much in the way that צום גדליה and עשרה בטבת and ט"ו באב don't register for most Jews today. The fact that the Babylonian Amora'im have to ask on this page what Chanukah is, and that they attribute it in the abstract to being a Tanna'itic teaching, suggests that it was primarily a local holiday observed in the West. Even there in ארץ ישראל Chanukah must have been a tough sell: in religious terms it lacked Biblical antiquity, let alone Toraitic authority; in political terms it glorified the hated (and blessedly long-gone) Hasmoneans; and on a psycho-social basis, commemorating the rededication of a Temple which now lay in ruins rubbed our noses in the painful reality of our dispersed and powerless condition.

We understand how later generations of Diaspora Jews, with the luxury of being far removed from the time and circumstance of the Hasmonean revolt, were drawn to neologize The Feast of The Rededication of the Altar as a vividly bright moment in the midst of Winter's darkness. And it is clear why Medieval Jewish communities, confronting the supersessionist theologies of triumphalistic daughter faiths, revised the modest *נר חנוכה* into a multi-branched *עץ חיים*, an evocation of *מנורת הזהב* as the bold and proud affirmation of our fabulously ancient religious civilization. But all of that came much later than the era reflected in our present *daf*... and doing it then might not have been possible, had Raba and Rabina not done their bit to preserve the holiday for posterity by literally lowering the bar on the standards for its observance.

Shabbat 22a - March 28, 2020

נר של חנוכה שהניחה למעלה מעשרים אמה פסולה כסוכה וכמבוי

A Chanukah lamp which is installed more than twenty cubits high is invalid— just like a *sukkah* or a street-connector.

This returns us to the topic of anthropometric standards initially broached on page 7a, where the conventionalized rabbinic measurement of 10 handbreadths represents $10/16 = 5/8 =$ “more than half” a human being, a measurement roughly equating to navel-high. That is the established standard for the minimum height of an acceptable harvest booth [Sukkah 1:1], the intimation being that it should be tall enough to clear the head of a person seated within it. Making it any lower would mean that a visitor has to scrunch down to fit inside, or else have the distraction and irritant of the foliage of the ceiling/roof *סכך* brushing your head— either or both of which would detract from the “*וְהָיְתָ אֵף שָׂמֵחַ*” [Deuteronomy 16:15] aspect of the holiday.



The same Mishnah [Sukkah 1:1] sets the maximum height for a kosher *sukkah* at 20 cubits. Since human beings are four cubits tall, that means we are looking at a celebratory harvest booth up to five-people high— somewhere between 25 and 30 feet (7.6 to 9.2 meters). Such a three-story monster, roughly the altitude of a telephone pole, stands in stark contrast to our little “card-table” *sukkah* just described.

More to the point, its shrubby ceiling would be so far above our normal line of sight that upon entering it you would not even be conscious of being “inside,” which psychological consideration is the dynamic underlying the ruling here regarding the Chanukah lamp. Because while lighting the *נר חנוכה* is a religious duty, there can be no associated *mitzvah* of *הנסוּם* when your flame of faith burns so far above the heads of passers-by that they are oblivious to its being there to bear testimony to the miracle in question.

So size does matter, at least as an engine of cognitive awareness, affective consciousness, and spiritual mindfulness. Lewis Thomas writes of the human domain as what he calls “the middle world,” lying somewhere between the unimaginably minute scale of molecular science and the equally inconceivably vast scope of astronomy. In those terms, the cosmos may or may not have been created for humanity and it is certainly not defined by having humanity as part of it. Nonetheless, our awareness of it; our functioning within it; and our response to what is in it, are all nonetheless measured proportionately in everyday human terms.

Shabbat 23a - March 29, 2020

אמר רב ששת אכסנאי חייב בנר חנוכה

Rav Sheishet said that a boarder is obligated [to furnish; fuel; kindle the light of; and recite the benediction over his own] Chanukah lamp.

אמר רבי זירא מריש כי הוינא בי רב משתתפנא בפריטי בהדי אושפיזא

Rabbi Zeira says: formerly, when I was in rabbinical school, I split the cost [of the lamp oil] with my landlord.

בתר דנסיבי איתתא אמינא השתא ודאי לא צריכנא דקא מדליקי עלי בגו ביתאי

Once I took a wife, I reasoned: now certainly I don't need to, because they are lighting on my behalf back home.

All else being equal, the social and cultural implication of this passage is that it points yet again to the simplicity of the lives lived by people in antiquity. Olive oil was certainly a readily available staple item, in both Israel and Babylon, a basic foodstuff and emolument that was also used in compounding medicine and industrial applications and as a lamp fuel. Yet here we see that the relatively small additional amount required to light a second lamp during each of the eight nights of Chanukah represented enough of a supplementary expenditure that it had to be accounted for in the budget. Such a minor consideration would not present an issue for us today, because we live in a more complex economy and a more affluent and solvent society.

Zeira may not have had the means to pay for lamp oil, anyway, since he famously was an ascetic. But what is truly intriguing here is that he deputizes his spouse back home to kindle *נר חנוכה* on his behalf. That takes the principle of *שלוחו כמותו* to a whole new level, in that he is not so much deputizing as abdicating his *חובה* for a hands-on *מצוה* he could readily perform himself. Later on in this same page Rabbi YirmiYahu will assert that anyone merely seeing a Chanukah lamp lit by someone else can properly say the benediction (which is the rationale underlying the CHaBaD *menorah*-mobile campaign). But here Zeira takes the next step (a very extreme step) of suggesting that it is unnecessary even to have seen the flame in question: just the knowledge that someone you know had lit it somewhere—in this case, *בגו ביתאי* “within my home”—is sufficient.



That lowers the bar so as to expedite and encourage peoples' observance of a religious duty, giving full *mitzvah*-points to those who for any reason are able to perform Chanukah lamp-lighting only virtually. That certainly resonates with all of us compelled by the viral pandemic to invoke telecom media for “distance-*davvening*” and remote Torah-study *via* Zoom, reduced by the exigency of the moment to creating the most tenuous kinds of connection with our congregational constituencies sheltering-at-home. We will invoke as our *אסמכתא* under present circumstances—and also posit as the theoretical substantiation for Zeira's opinion here—the principle of “conceptual alignment” adduced by the Mishnah in reference to a journeyer who, at the time of prayer, is unable not only to dismount but even to turn in the saddle to face Jerusalem (*יכוון את לבו כנגד בית קודש הקודשים* - B'rachot 4:5 = B'rachot 28b).

Having said which I will also reprise a suggestion I have broached a couple of times within the last couple of *dapim* regarding ambivalence on the part of the Babylonian sages towards The Feast of the Rededication of the Altar, as a predominantly *ארץ ישראל* holiday that, subsequent to *הורבן הבית*, represented both an existential challenge and a raw emotional wound that in principle should have been a PTSD trigger they would have preferred to avoid. If that is the case, it would certainly explain why a pious and influential scholar of Zeira's caliber seems to view the affirmative religious duty of *מצות הדלקת נר חנוכה* as being so readily dispensable.

איבעיא להו מהו להזכיר של חנוכה בברכת המזון כיון דמדרבנן הוא לא מדכרינן
 They broached the question as to whether to recognize Chanukah in *Birkat-haMazon* [and resolved:] since its observance is not a Toraitic mandate, we do not make mention of it.

או דילמא משום פרסומי ניסא מדכרינן אמר רבא אמר רב סחורה אמר רב הונא
 אינו מזכיר ואם בא להזכיר מזכיר בהודאה

Or perhaps we should recognize it, as an exercise of *Pirsum-haNeis*. Rav Sahora said in the name of Rav Huna: one does not need to recognize it— but if you’re going to, mention it in the body of the Thanks-giving.

רב הונא בר יהודה איקלע לבי רבא סבר לאדכורי בבונה ירושלים אמר להו רב
 ששת כתפלה מה תפלה בהודאה אף ברכת המזון בהודאה

Rav Huna bar-Y’hudah was visiting the Academy of Raba, and sought to make mention of [Chanukah] in the body of the “Builder of Jerusalem.” Rav Sheishet told him: it is in accord with the T’filah— just as in the *T’filah* [mention of Chanukah is] in the Thanks-giving, so too in *Birkat-haMazon* it is in the Thanks-giving.

This is yet another text reflecting a certain rabbinical reluctance to give Chanukah any more recognition and visibility than necessary. At the bottom line, the sages do grudgingly plug mention of



Chanukah into *ברכת המזון*— but only after having first emphasized that it is not really necessary to do so. Having allowed the holiday benediction to stand, if only on sufferance, the structural consensus reported herein is in fact reflected in our liturgy. So it is that, during Chanukah, the *הודאה* prayer which is next-to-last strophe in the *T’fillah* (מוֹדִים אֲנֶחְנֶה לְךָ) and the roughly corresponding *הודאה* which is the second paragraph in *Birkat ha-Mazon* (בְּרִייתָ לְךָ יְיָ) both include the holiday insert *על הַנִּסִּים*, preceded by the introductory rubric *מתתיהו*.

It is worthy of note that the same *על הַנִּסִּים* preamble, followed by the holiday-appropriate narrative beginning *בימי מְרִדְכֵי*, is also incorporated into the same *הודאה* paragraph of *Birkat ha-Mazon* on Purim. There is a great deal of overlay between Chanukah and Purim in the thinking of the rabbis (as witness the fact that *תענית אסתר* on 13 Adar was also observed as Nicanor Day [I Maccabees 7:49]), to the point that sometimes our sages seem a trifle unclear as to which holiday occasion is which. However, while the sages achieved clear consensus

about the sacred character of the Book of Esther [M’gillah 7a], for a variety of compelling reasons they without hesitation excluded the Books of the Maccabees from the canon.

Our current *סוגיא* is a reflection of this phenomenon. Rabbinical literature records no discussion at all about liturgical recognition of Purim in *ברכת המזון*, let alone an objection to doing so on the grounds that the holiday is non-Toraitic. By virtue of having admitted the Book of Esther into the canon, they *ipso facto* made The Feast of Esther an unequivocally Biblical occasion— only quasi-Toraitic, as it were; but nonetheless more authoritative than merely *מן הסופרים*, and as such deserving of fitting celebration in the *הודאה* prayer. The same cannot be said for Chanukah, inasmuch as the

Scriptural authority for it was not regarded as Scripture לכתחילה. On that halachic basis, above and beyond any other philosophical and political considerations, the rabbis have a constitutional disinclination to give any more attention than necessary either to The Feast of Rededication or to the Hasmonean militants it glorifies.

Shabbat 25b -March 31, 2020

תנו רבנן איזה עשיר

Our Mishnaic sages have taught: who is regarded as wealthy?

כל שיש לו נחת רוח בעשרו דברי רבי מאיר

Any who derives gratification from his wealth— these are the words of Rabbi Mei'ir.

רבי טרפון אומר כל שיש לו מאה כרמים ומאה שדות ומאה עבדים שעובדין בהן
Rabbi Tarfon says: any who has a hundred vineyards and a hundred fields, and a hundred servants to labor therein.

The question cited is of course initially posed in the Mishnah in *Pirquei Avot* 4:1. However, the inquiry there is both asked and answered by ben-Zoma, who defines a wealthy person as השמח בחלקו. To the contrary of signifying that we should be fatalists, shrugging and resigning ourselves to our lot in life, ben-Zoma is making the profoundly spiritual assertion that people of faith can rejoice in God's having provided for our welfare far beyond our immediate needs in this physical lifetime. Commenting on Psalm 128:2, ben-Zoma remarks in *Avot* 4:1 אֲשֶׁרִיָּהּ בְּעוֹלָם הַזֶּה וְטוֹב לָךְ לְעוֹלָם הַבָּא.

The semantic detail here is that אֲשֶׁרִיָּהּ “how fortunate” is an external assessment and abstract consideration, compared to the active verb שִׂמְחָהוּ “rejoice.” That is possibly what prompted Rabbi Mei'ir to paraphrase and down-shift ben-Zoma's exalted spiritual teaching into the domain of the here-and-now, concentrating instead on the purely psychological question of personal attitude (שיש לו נחת (רוח בעשרו). His model recognizes that there have always been people whom others regard as fortunate, who do not themselves derive pleasure from their own accomplishments; they're called “miser” for a reason. Long ago Solomon noted that אֵהָב כֶּסֶף לֹא-יִשְׂבַּע כֶּסֶף [Ecclesiastes 5:9]; in our own era there are plenty of executives liberated from the constraints of commercial air travel by their ownership of a private jet who, rather than feeling blessed by their circumstance, fret instead at not having a larger and faster and longer-ranging G700.



It appears at first glance that Rabbi Tarfon (who was himself quite rich) buys into that warped consciousness, when he asserts that a person with less than a hundred vineyards cannot be regarded as truly wealthy. If he said it and meant it, then his younger— and officially next-generation colleague— Mei'ir rebukes and refutes him by bringing us back from that over-the-top plutocracy to the more modest personal-security and basic-needs standard of וְתַחַת תְּאֲנִתוֹ [Micah 4:4].

But while our present *daf* records that he did in fact say it, tradition holds that he didn't mean it at all. To the contrary, says the מהרש"א Shmuel haLeivi Eidels in his *Chiddushei Halachot*, Rabbi Tarfon is invoking for the sake of irony a hyperbole as over-the-top as he can think of, to dramatize precisely the point Qohelet makes: you have no emotional, moral, or psychological framework to understand real wealth, without an appreciation of what you have already acquired. In those terms Tarfon's younger and next-generation colleague Mei'ir distills the essence of that ethical concept.

אין לך אלא מה שאמרו חכמים אין מדליקין

You can not use anything besides what our sages [earlier said on 20b] said “we do not light [except with...]—

ומדליקין בשמן דגים ובעטרן

yet we kindle with fish oil, and with tar.

סומכוס אומר כל היוצא מן הבשר אין מדליקין בו אלא בשמן דגים

Symmachus says that we may not kindle with any derivative of animal-flesh, except for fish oil.

This resumption of the core subject of the chapter “במה מדליקין” furnishes some interesting cultural details about the technology of producing artificial light, which in turn provides some psychological insights into מצות כבוד השבת.

Although we speak of Shabbat candle-lighting, the operative term נר (like its associated Yiddish synonym לייכט) simply means “flame-as-light.” Technically speaking there isn’t a Hebrew word for “candle,” because our ancestors in that part of the world generally didn’t use candles. All else being equal, producing them was labor-intensive which meant that purchasing them represented a luxury or even an extravagance (think of the proverb “the game is not worth the candle”). More important than that, the solid fuel to shape around a wick was not readily available. The paraffin wax we routinely use did not yet exist, because our forebears lacked the technology to extract it from petroleum (as referenced on this page, they would burn the petroleum itself as lamp fuel, in the readily available form of naphtha or tar). The animal products customarily used for candles, tallow or beeswax, could not properly be ignited by a Jew: by Torah law, fat must be burned only on the Altar [Leviticus 4:8], while honey (in this case the residual honey imbued in the wax, which gives beeswax candles their characteristic fragrance) could not be offered before God at all [Leviticus 2:11]. Tallow posed a far more compelling practical problem of “*treif-ing*” up your house, by bringing in the rendered fat of a beef that had almost certainly not been slaughtered in accordance with Jewish law.

The latter concern of course doesn’t apply to fish since the Tanna’im established the leniency that fish do not count as “meat,” and as such not only do not require special slaughtering but may be eaten together with dairy foods [Mishnah Chullin 8:1]. Because fish oil is clearly not a solid that could be



molded into a candle, this fatty substance in its natural liquid state was used as a lamp oil since vast antiquity. The trade-off is that, once ignited, it doesn’t burn very brightly. This crudely hand-formed Early Bronze Age clay oil lamp from Jericho (c. 3000 BCE) has multiple spouts because it was fueled by fish oil; no one wick burning alone could produce enough lumens to dispel the darkness. By contrast, the small molded Iron Age ceramic lamp from Maresha (c. 90 BCE), only needs one spout to hold a single wick, because the olive oil which fueled it burns with a bright clear light. Which clarifies why in the earlier discussion on the subject reiterated on our present

page the sages expressed such a pointed preference for olive oil, especially for a luminous greeting to the Shabbat.

Yet, as they discuss on this page, even though the rabbis have no illusions about malodorous lamp fuels like fish oil and tar constituting an olfactory affront to קדושת היום, they nonetheless permit for Shabbat lamp-lighting just about anything that burns. In geopolitical terms one could say that repre-

sents their awareness of the cultural and socio-economic diversity of the international Jewish community, as witness YoChanan ben-Nuri's passionate advocacy on this page for the legitimacy of any lamp fuel that happens to be available to and routinely used in the far-flung Diaspora communities, from Medea to Alexandria.

In spiritual terms, however, their lowering the bar and extensive spirit of inclusion points to the irrelevance of what it is you're lighting, just so long as you have something to light. Although it would be nice if your particular local lamp-fuel gave off a pleasant נִיחֹחַ נִיחֹחַ enhancing the beauty and joy of the day, in their often grubby and usually malodorous world that was a minor consideration— what mattered as the foremost concern for חז"ל is that, one way or another, there must be a light on the Shabbat table.

- Looking back to The Beginning of Things, the light on the table honored עושה מעשה בראשית by recognizing the One Who had started the whole process at the other end of the week now ending by proclaiming יהי אור [Genesis 1:3].
- Looking at their present suffering in dispersal, the light on the table was an affirmation of their moral courage (כי-אֵשֶׁב בַּחֲשֵׁךְ יִהְיֶה אֹר לִי [Micah 7:8]).
- And looking ahead, to the prospect of Elijah's arrival before the conclusion of the Shabbat now beginning, the light on the table spoke of the hope of a future redemption that might be more imminent than they dared to dream the rest of the week— יִשְׁבִי בְּאֶרֶץ צְלֻמָּת אֹר נְגַה עֲלֵיהֶם [Isaiah 9:1].

So while *Qiddush* wine for sweetness and a beautiful *challah* for nourishment and the luxury of meat to constitute a ממש סעודה לכבוד היום are all desirable components of Shabbat celebration, the only truly indispensable component for establishing the holiness of The Seventh Day is light— regardless of what kind of fuel you use to make it.

Shabbat 27a - April 02, 2020

קא מיתהני כולי גופיה מכלאים אמרת צמר ופשתים אין מידי אחרינא לא

When the entire body benefits from [wearing clothes made of] blended fabrics, you have declared that linsey-woolsey does [violate the prohibition Leviticus 19:19], but that other [combinations of fibers] do not.

The ban in Leviticus 19:19 against wearing against כְּלָאִים בְּגָד clearly has a psychological and spiritual component, since the same verse speaks about other kinds of separations representing a respectful approach to and treatment of God's created world. The cultic aspect of this is reflected in the fact that the linen-wool blend that verse calls שְׁעֵטָנָה was used to make the *efode* [Exodus 28:6]: it was a humble gesture of thanks to the Creator to incorporate into the principal vestment of the High Priest of Israel both eminently useful fibers that our earliest Biblical ancestors regarded as the epitome of God's respective blessings from the flock and the soil.

While there is no Scriptural evidence of our people having made use of any other kinds of textiles, the rabbis of Babylon 1500 years later, who lived in an affluent corridor of international trade, were aware of and had recourse to a vastly wider array of woven fabrics, including damask from Damascus; muslin from Mosul; buckram from Bokhara; cotton (both lightweight material and tough dunghri) from India; and silk from China. Had they had access as well to our modern synthetic fabrics— whether organic textiles such as rayon or ramie, or petroleum derivatives such as polyester, dacron, nylon, or spandex— our sages would have taken them completely in stride.

Moreover, they would have regarded these new fibers the same way they did for the textiles already on their radar: אַחרינא לא, a blend made of any two or more of them does not constitute a violation of the ban in Leviticus 19:19 against כְּגֵד פְּלִיאִים. That is because, according to Deuteronomy 22:11, the synonymous term שְׁעֵטָנָז refers exclusively to צִמָּר וּפְשֵׁתִים— a classic case of the hermeneutic principle כָּלֵל וּפְרֵט, whereby the operative prohibition applies only to the stipulated case. As such, there would be no halachic justification for extending the ban to include any other fabric blend (including, ultimately, one that incorporates either linen or wool).



Our sages could have readily done so anyway, both demonstrating their zeal for God’s Law and establishing an earnest safety buffer מן העבירה את האדם מן ההרחיק כדי להרחיק את האדם מן העבירה. But in philosophical terms ruling for חומרא in the face of Torah text and legitimate hermeneutics justifying permissibility would have compromised the integrity and intellectual honesty of the whole halachic process, not to mention that implementing a needlessly stringent enactment would be contrary to the rabbis’ standing principle of not imposing an excessive burden on the community. As I have noted before in these postings, historian Abram Leon Sachar summarized the Tanna’im as “liberal and eclectic”— and, as I have also had occasion to remark, any idiot can say “no” in the interests of being seen as piously authentic, but it takes a true scholar conversant with the breadth and depth of Torah to be able legitimately to say “yes.”

Shabbat 28b -April 03, 2020

כתיב בהו למען תהיה תורת יהוה בפיה מן המותר בפיה

It is written regarding them “in order that the Torah of The Eternal One may be in your mouth” [Exodus 13:9]— from that which is permitted in your mouth.

אלא לעורן

Rather for their leather.

והאמר אביי שין של תפילין הלכה למשה מסיני

But did Abayei not say the ש on the *t'fillin* is a rule of Moses from Sinai?

We have in this brief passage a classic illustration of the Talmud as a zip-file. While the Mishnah as its core document is by design a series of succinct snippets, digested for ease in memorization, the Gemara is also in the final analysis a highly compressed text that needs to be unpacked to make sense.



Our sages of antiquity who committed to writing these three-and-a-half-million words pay us the compliment of assuming our intellectualism is up to the task of following the virtual shorthand they use to express and record their thinking.

In the present case, we have a few terse observations that need to be expanded upon and tied together to make a coherent thought. I therefore offer a reconstitution of the passage cited above along these lines:

 IT IS WRITTEN REGARDING THEM— that is, the *t'fillin*— that they are used IN ORDER THAT THE TORAH OF THE ETERNAL ONE MAY BE IN YOUR MOUTH.” But since that is only a figurative turn of phrase (since *t'fillin* are of course worn externally and not actually ingested), Rabbi Yoseif’s intimation is that they should

properly be made from an animal that could theoretically go “in your mouth”— viz., one of the kosher species fit for consumption under God’s Law in Leviticus 11 and reprised in Deuteronomy 14.

RATHER (which is, like **רָק** and **רָאָה**, always **מִיעוֹט**) the Gemara is asserting here that, since this principle of Rabbi Yoseif applies **ONLY TO THE LEATHER** of which the **בְּתִים** are made— and presumably by extension to the binding-straps as well— it does not necessarily follow that we need to see the same requirement applying to the inscribed parchment scrolls within those leather containers. That would be frankly counter-intuitive: after all, the outer housing and straps are merely external appliances, whereas the scrolls they contain are hand-written excerpts from the holy Torah.

Therefore the substantiating objection is raised: **BUT DID ABAYEI NOT SAY** that the obligation to display the letter **SHIN** embossed on the front of the head-**T’FILLIN** IS in fact **A RULE** of such binding antiquity that it is regarded as having been promulgated by **MOSES FROM SINAI**? By which he meant that *t’fillin* have such long-established authority as to be viewed as a literal Toraitic mandate, whereby—in the interests of the integrity of such an important religious duty— it follows that the same halachic requirement of being made from a kosher animal applies to all the component parts: housing, straps, and scrolls alike.

One can hardly say Q.E.D., since it’s more a question of Q.E.A. (*quod ego ampliari* “I have unpacked it”). It does, however, all make sense, provided we are willing to dive into the living stream-of-consciousness in which our long-ago colleagues are swimming and to wrap our own nimble minds around their uniquely engaging manner of thinking.

Shabbat 29a - April 04, 2020

הכא בפחות משלשה על שלשה עסקינן

We are engaging here [in the Mishnaic citation from the previous page, Shabbat 2:3 referencing בגד הבגד, the “garment” in question refers to a cloth] less than three by three.

ומקולי מטלניות שנו כאן ואזדא רבי אליעזר לטעמיה ורבי עקיבא לטעמיה

They have taught herein some of the associated leniencies regarding rags, with Rabbi EliEzer and Rabbi ‘Aqiva both concurring with their reasoning.

Three handbreadths is $\frac{3}{4}$ of a cubit, or essentially the length of the human forearm from elbow to wrist. In modern terms that is the size of a bandana or of a large washcloth— which, being just large enough to preserve your modesty when someone walks in on you in the bathroom, justifies the rabbis regarding this as the minimum standard defining בגד “a garment.”

In terms of our current ongoing conversation about the arcane subject of susceptibility to **טומאה**, it appears that our sages regard textiles as less liable to contamination if they constitute wearing apparel. So it is that lowering the bar far enough to label a rag the size of a bandana as “clothing” represents a gracious accommodation, characteristic of the rabbis’ general proclivity to institutionalize leniencies whenever possible. The added fact that they draw the line in question in such accessible and immediately recognizable anthropometric terms serves to highlight once more that our long-ago colleagues were real people living real lives in a world just as real and immediate as our own.



בקשו חכמים לגנוז ספר קהלת מפני שדבריו סותרין זה את זה

The Sages had intended to suppress the Book of Qohelet, because its words contradict each other.

ומפני מה לא גנזוהו מפני שתחילתו דברי תורה וסופו דברי תורה

So on what basis did they not suppress it? Because its opening is words of Torah, and its conclusion is words of Torah.

We all have a *g'nizah* at our synagogues, for respectful storage of no-longer-usable items possessed of too much sanctity to be thrown away. So it is that referring to סְפָרִים גְּנוּזִים—namely, non-canonical Jewish literature such as Ben-Sira and Tobit and Maccabees—as having been “suppressed” sounds a trifle harsh.

In terms of religious authority, however, the spirit of exclusion implicit in the Hebrew idiom is made explicit in the Greek counterpart term *πακρυφος* “hidden away,” and then intensified in the Latin derivative *apocryphus*, signifying “secret; suppressed; forbidden to the faithful.” The 3rd-century Church father Origen, in his introduction to The Song of Songs, makes reference to certain ancient presumptively sacred works “which are called ‘forbidden’ (*quae appellantur apocriphae*) for the reason that many things found in them **are fraudulent and against the True Faith** handed down by the elders.”

Which example of the early Church struggle to define its own ideological integrity within a polytheistic pagan society points to the very real struggle of the Tanna'im to hold the line of Jewish authenticity in a rapidly unraveling Jewish world. For practical purposes, the Council of Yavneh was convened a generation after the destruction of Jerusalem to standardize the liturgy and to close the canon, in order to prepare a survival kit of סידור and מקרא for Jews outward bound to a global Diaspora. But, as the Mishnah records, the proper form of the liturgy and the precise components of Scripture were still under debate and discussion long after the Council of Yavneh, well into the second century.



Even at Yavneh the question had been not whether to admit new books to the canon but (as Emil G. Hirsch puts it in the 1906 *Jewish Encyclopedia*) to consider “the exclusion of certain books . . . that had already been included, but that were deemed by some as unworthy of that position.” Foremost on their list of doubtful works was Ecclesiastes.

We may love the opening of chapter 3, but the rest of this quirky and repetitive excursus on The Meaning Of Life feels more like a product of gnostic thought than of Jewish wisdom literature. Its concerns generally reflect the secular philosophy of the Greeks more than the Torah of Moses, so that much of the book reads more like the cynic Diogenes than the prophet Daniel. Although as we know the Tanna'im did eventually include it in the canon, Mishnah Yadayim 3:5 and M'gillah Bavli 7a bear witness to the fact that consensus was not reached without a struggle. It was only when 'Aqiva ben-Yoseif put his considerable prestige behind acceptance of שיר השירים that קהלת made the cut— apparently since the two books were effectively conjoined in a “basket” resolution.

Even once accepted into the canon Ecclesiastes continued to be a “B-list” book, with the rabbis' grudging attitude towards it reflected in the frankly marginal liturgical use to which it was put in the post-Talmudic era as a holiday מגילה. Consider the central role that the public reading of Esther has always had in our Purim celebration, or the visibility of The Song of Songs as a pulpit reading weekly

on קבלת שבת, in addition to שבת חו"מ פסח (and in some Hasidic traditions at the פסח ליל itself). By contrast, Ecclesiastes is such an incidental throw-away that there is no mention of its use in the synagogue ritual until the late 11th century, and even then *Machzor Vitry* highlights its minimal importance by noting that, instead of a formal public rendition from the pulpit, on Shabbat *Chol haMo'eid* of Sukkot the book was left for worshippers to read quietly to themselves (כל הקהל יושבים) (וקוראים בספר קוהלת).

For what it's worth that frankly marginalized application of Ecclesiastes might have furnished a welcome moment of quiet contemplation on Sukkot, as an intentional counterpoint to the flood of words-and-music that all but drowned worshippers at Yom Kippur, barely a week earlier. But what matters is that, however tangential its liturgical use, and however marginal its status in rabbinical Judaism as an also-ran Biblical book that barely made it into the canon by the skin of its teeth, Ecclesiastes did nonetheless make it, and is as a result here for us to read and to quote from and to incorporate into our Sukkot worship as a spiritual resource. All of which brings us to the wry consideration: "What do you call the student who graduated at the bottom of his class in medical school?" "Doctor."

Shabbat 31a - April 06, 2020

דעלך סני לחברך לא תעביד

What is hateful to you, you may not do to your companion.

A frankly throwaway point, adding to our appreciation of the self-evident wonderfulness of this famous epigram.

We were all exposed to Hilleil's archetypical summation of Torah ethics, in English translation, in the course of our religious education as youngsters. So I was delighted to encounter it again in Yigal Yannai's Hebrew class at UCLA, in what I presumed was "the original language"... and even more delighted to discover, upon studying the present Tractate at HUC, that the Hebrew I learned was a translation, too.

What's so delightful? *Vis-à-vis* the present anecdote, Hilleil couldn't afford to second-guess how long the audacious fellow before him could maintain his one-footed balance, so the shorter his statement, the better. It takes six words to render the present epigram in Hebrew (מה ששנואי) (אלכך לא תעשה לחברך); the pithy original, in the Aramaic vernacular, only takes five.



Shabbat 31a - April 06, 2020

בא לפני הלל אמר לו ענוותן הלל ינוחו לך ברכות על ראשך שהקרבתני תחת
כנפי השכינה

That man came before Hilleil and said to him: "O most gracious Hilleil, may blessings rest on your head, for having brought me beneath the wings of The Divine Presence!"

As a student in Confirmation class, I became fascinated one day by the instructor's conversation-starter about the fundamental religious problem of theodicy. Never having systematically thought about it in those terms, I offered an idea off the top of the head that struck me as worth discussing together. Only response was from my rabbi, who sneered and said (and I quote): "You really believe that crap?" Not only did that preclude any of my 10th-grade classmates from daring to venture a

remark, but at fifteen-going-on-sixteen I didn't open my mouth for the rest of the year (not to mention that I concluded I was obviously going have to learn about Judaism on my own— which is, hand to God, how I ended up in rabbinical school).

In our present anecdotal case, the initial premise of our fellow that as a non-Jew he could aspire to the High Priesthood was no more flawed than was my long-ago speculation about a response to Jeremiah 12:1 (מִדַּוֵּעַ דָּרְךָ רְשָׁעִים צְלָחָה). After all, in Hillel's era— when the Roman imperial authorities appropriated the office of כוהן גדול as a lucrative sinecure they auctioned off to the highest bidder, the way Rod Blagojevich tried to sell off Barack Obama's vacated Senate seat— there were times when the High Priest of Israel was not even a Jew, let alone an Aaronide priest. As such, the fact that our guy in this Talmudic scenario was willing at least to convert first, reflects well on him.

But what matters about the situations outlined in this *daf* is that they furnish an anecdotal response to the core question: how do each of us, as rabbinical scholars; arbiters of Jewish authenticity; and gate-keepers of the Jewish community, respond on its merits to a flawed (and possibly even ridiculous) inquiry that the questioner considers reasonable? I have always assured my constituency “You can ask your rabbi anything, including: ‘is it permissible for me— a married man— to be physically intimate with a married woman— not my wife— in the middle of the *bimah* in front of the whole Congregation on Yom Kippur, while the two of us share a ham-and-cheese sandwich on white bread, with mayonnaise?’” (I gratuitously include that last bit because it seems that, particularly for Jews from New York, the mayonnaise constitutes the most heinous transgression in that hypothetical).

The obvious answer to the question is a straightforward “No,” without elaborating. (And lack of elaboration would in that case be a frankly good thing, by virtue of not rubbing that individual's nose in their own ignorance). But slamming the door in such a way— let alone, virtually slamming the questioner's face into the door— is the moral counterpart of Shammai's beating our would-be High Priest over the head with a yardstick and chasing him away. Whether our summary response involves one word (“No”) or five (“it doesn't work that way”), it is a dead-end that not only kills the conversation but has the potential to damage or even end the relationship.

Torah is not a bottom-line binary “yes-no” set of rules, but rather the organic entity our Tradition calls עֵץ חַיִּים. The corollary reality is that the equally organic (and very much alive) religious civilization we call Judaism is like grade-school math: it's not enough simply to copy down the answer from the back of the book, because we need a personal understanding of why that's the correct answer to the problem, and how it was derived. It is for this reason that Hillel's קִירוּב strategy of validating



the question to engage the questioner is so compelling. He anticipates Maria Montessori and George Isaac Brown by two millennia, demonstrating (by example rather than precept) the importance of inviting and involving and empowering the questioner to derive a solution by becoming an integral part of the system in which both the question and its answer reside.

Hillel therefore furnishes us with a template to address any adultery-and-mayonnaise questions that may happen to come our own way. Cock your head thoughtfully; open your eyes a little wider, to demonstrate how intriguing the inquiry is; stroke your beard [real or virtual] to stimulate blood-flow to the brain; and

say with warmth and encouragement: “My child, you have asked an intriguing and very important question. Let us study together the pieces of this puzzle, and perhaps we can find an answer together.”

Witnessing our serious students open their minds and eyes and hearts to the Torah we are privileged to teach is a constant reminder for us rabbis never to allow the קבֵּעַ of what we do to eclipse the fundamental sanctity of our calling. Let our exemplary patience, offering Hillel-like encouragement

to all who come in the door, make us always wise scholars and spiritual leaders and community-builders worthy of the name.

Shabbat 32a - April 07, 2020

נשמה שנתתי בכם קרויה נר על עסקי נר הזהרתי אתכם

The soul that I put within you is called “a lamp”; I have therefore taught you about matters associated with a lamp.

The allusion of course is to Proverbs 20:27 **נֵר יְהוָה נְשָׁמַת אָדָם**. But whereas Solomon invokes the description of the human life-force in figurative terms as God’s Own Lamp, the Talmudic sages are here enshrining that correspondence in more literal terms as a tenet of faith.

That becomes significant, in terms of Jewish spiritual culture in general. It is the reason that observant Jews don’t follow the practice of blowing out candles on a birthday cake (which is kind of unsanitary, anyway, not to mention potentially life-threatening in the face of COVID-19). In the case of the *froom* community, their opting out of this innocent ritual is neither on the basis of hygiene nor of the prohibition against **חֻקַּת הַגּוֹי**, but rather of this theological conviction of **נֵר יְהוָה נְשָׁמַת אָדָם** expressed here. Which makes perfect sense. Especially for our affirmative culture of **מַעֲלִין בְּקֹדֶשׁ** [Shabbat 21b], in view of the spiritual significance of candlelight it follows that snuffing out a flame (which is, in at least a poetically symbolic sense, emblematic of a human soul) does indeed seem like an inauspicious act... not to mention, counterintuitive within the context of a birthday celebration affirming an aspiration to **אֹרֶךְ יָמִים**.



More significantly, the correspondence established here on the basis of **נֵר יְהוָה נְשָׁמַת אָדָם** highlights why it is that we have this entire chapter of the Tractate dealing with nothing but **הַדְּלָקַת נְרוֹת-שַׁבָּת**. As I noted on this Group a few days ago [on April 01, commenting on 26a],

while *Qiddush* wine for sweetness, and a beautiful *challah* for nourishment, and the luxury of meat to constitute a **מַמַּשׁ סְעוּדָה לְכַבוֹד הַיּוֹם** are all desirable components of Shabbat celebration, our sages make it clear herein that the only truly indispensable component for establishing the holiness of The Seventh Day is light— regardless of what kind of fuel you use to make it.

Now here, twelve leaves (and as such twenty-four pages) farther along from where the chapter **בְּמָה** began on 20b, we finally find out why the gesture of candle-lighting— at all, let alone with the extravagance of an additional second lamp— has such significance as the principal duty and central symbol of welcoming Shabbat.

To stay on the theme of our currently approaching feast of Passover with a “מה נשתנה מכל הלילות” model, on all other nights we would be turning on the lights at dusk anyway, to dispel the gathering darkness; but kindling our virtual-soul-light at sundown on Friday becomes a commemoration of God’s having breathed **נְשָׁמַת חַיִּים** into our nostrils on the afternoon of The Sixth Day of Creation [Genesis 2:7]. Given the explicitly spiritual nuance endowed upon that act by virtue of its timing, it follows that the second light kindled immediately afterwards represents and celebrates the **נְשָׁמָה** that the sages say is endowed upon us by The Holy And Blessed One every week on the Eve of Shabbat [Beitzah 16a & Ta’anit 27b].

Posting a detail that significant twelve pages into the chapter certainly counts as “burying the lead.” However, more than ninety *dapim* into our study marathon we have begun to acquire a sense of the Talmud’s own unique internal structural logic that gives the seemingly convoluted text a certain rich

coherence and underlying unity. This is diamond-mining, slogging on through the surrounding matrix to find the priceless gems, where the reason for talking about what it is that we're talking about can sometimes not just take us completely by surprise but even blow us away, somewhere well into the conversation.

Shabbat 33a - April 08, 2020

בעון עינוי הדין ועיוות הדין וקלקול הדין וביטול תורה חרב וביזה רבה ודבר
ובצורת בא ובני אדם אוכלין ואינן שבעין ואוכלין לחמם במשקל דכתיב וְהִבֵּאתִי
עֲלֵיכֶם חָרֵב וּגּוֹ' ואין פְּרִית אלא תורה

For the transgression of overly harsh judgement, corrupt judgement, spoiled judgement, and nullification of the Torah, sword and ransacking proliferate; pestilence and drought come; and people are reduced to rationing so that they eat and are not satisfied— even as it is said in Scripture: “I will bring upon you the sword [carrying out the vengeance for the Covenant...” - Leviticus 26:25], wherein “the Covenant” is nothing other than Torah.

Hyperbole may be the stuff of hellfire-and-damnation sermons, but such intentionally overstated speaking style did not originate in the evangelical church; rather, it was the legacy of early Christianity from their roots in rabbinical Judaism and synagogue practice.

We today tend to adopt a more subdued and thoughtful preaching style, and many of us are frankly more inclined to cite “Time” magazine than Torah to make a point, and to invoke sociological principles rather than absolutist religious doctrine to urge behavior-modification on the part of our constituencies. But at the same time we still understand the effectiveness of making a— pardon me— ham-fisted statement to emphasize an important point. Is there any one among us who has not cited the rabbis’ stark hyperbole that Jerusalem was destroyed because of **חַנּוּם**?

More to the point, as Progressive rabbis we have the advantage of our training, which by an emphasis on decoding text keeps us mindful that **the medium is very seldom the message**. Back in the late ‘80s there was an uproar in Israel after a newspaper reported a lecture in one of the Jerusalem *yeshivot* where his students that Jews of the Hitler era were killed off because they didn’t keep kosher. However outrageous and self-evidently offensive the statement (even to secular Israelis who eat pork on Saturdays), in or out of context the hyperbole was merely the container for a compellingly important point. When European Jews integrated themselves into the fabric of European society in the 19th century, by virtue of no longer living near the kosher butcher, or close enough to the synagogue to walk on Shabbat, they perforce undermined the geographical and social integrity of a communal identity offering them even a modicum of security. The underlying sensibility— namely, that we can’t protect each other when we’re not here together and when we don’t regard ourselves as “us”— is a conviction with which even secular Israelis would concur.

As such, we will take the florid overstatements in these couple of **דפיים** in the spirit of the Yiddish proverb **לדוגמא איז נישט ראיות** “‘for instance’ is not proof.” Thus as broad-ranging liberal-arts scholars we will not allow even the most startling illustrations to distract us from the core lessons to which they point.

Shabbat 33b - April 08, 2020

אתא אליהו וקם אפיתחא דמערתא אמר מאן לודעיה לבר יוחי דמית קיסר ובטיל
גזרתיה נפקו

Elijah came and stood at the opening of the cave. He said “Has anyone informed bar-Yochai that Caesar is dead, so that his decree condemning you is nullified?” At which they came forth.

חזו אינשי דקא כרבי וזרעי אמר מניחין חיי עולם ועוסקין בחיי שעה כל מקום שנותנין עיניהן מיד נשרף

They saw people plowing and seeding, and said: “they lay aside Eternal Life, and occupy themselves in the need of the moment?!” Any place they laid their eyes was instantly consumed in flame.

יצתה בת קול ואמרה להם להחריב עולמי יצאתם חיזרו למערתכם

A Celestial Voice came forth and said to them: “have you come forth, only to destroy My world? Go back to your cave!”

After the harshness of some of the hyperboles in these last couple of pages, here we have an anecdote in which God intervenes in Person [בביכול] to furnish an object lesson about mellowness, graciousness, and a sense of proportion... not to mention, about that compassion our sages summarize as הוי [Pirquei Avot 1:6].

For several years following World War II, French actor Maurice Chevalier was thought of in some ultra-nationalist quarters as a Nazi collaborator, because during the occupation of Paris the song-and-dance man and former acrobat continued performing in music halls that were incidentally attended by enemy troops. Having been wounded in action and held as a German prisoner during World War I; being well past his physical prime when the *Wehrmacht* overran France again in 1940; and as an internationally famous film star far too conspicuous for the anonymity needed to work in the underground resistance, Chevalier was an unlikely candidate to sign on with the *Maquis*. He can be properly credited with having kept up the morale of his countrymen and -women, asserting some level of Francophone normality as a form of spiritual resistance; but at bottom line acting normal in abnormal times, and continuing to do what



you normally do, doth not a collaborator make.

In which terms Maurice Chevalier in 1941 and the second-century plowers-and-sowers described in this narrative both represent models of moral courage, by virtue of doggedly (as Shim'on bar-Yochai puts it here) “עוסקין בחיי שעה,” occupying themselves in the need of the moment, regardless of how challenging the moment in question may be. As we are currently sheltering-in-place; suffering psychological deprivation from our social-distancing; experiencing a measure of pre-emptive grief today at our per-force downsized *seider* experience; and feeling real grief in general at the death of congregational friends and neighbors during this epidemic— we are, all of us, keenly aware at first-hand just how emotionally challenging it can be to live day-to-life on its own terms under difficult circumstances and in dangerous times. As such, we concur that the קדוש ברוך הוא did very much the right thing by sending רשב"י back to his cave.

Shabbat 34b -April 09, 2020

תנו רבנן בין השמשות ספק מן היום ומן הלילה

Our Tanaitic sages have taught regarding twilight that it is dubious whether it counts as day or night.

Which conceptual ambivalence is the whole point of referring to it this period as twilight, *i.e.* “between the light” of the sun and of the lesser stars that only become visible after full dark. In the older corresponding Biblical idiom, בֵּין הָעֶרְבָּיִם, the initial preposition highlights this brief time period as one of transition, while the operative term עֶרְבָּיִם signifies a comingling of the two periods in question during that transition between them.

That verb ע-ר-ב, signifying recombination, is an important concept in our religious psychology.

- In terms of ritual practice, the עירוב discussed on our present *daf* implements spatial comingling of our רשויות, enhancing Shabbat enjoyment while obviating Shabbat desecration by means of the יציאות referenced at the start of the current Tractate.
- As a sociological reality, the declaration in Midrash Lamentations Rabbah 3:39 כל ישראל לאלוהינו ערבים אלו לאלו emphasizes the constitutionally corporate and communal nature of Jewish life. While we routinely paraphrase this citation as an engine of social action, the usual translation (in *e.g.* Federation fund-raising brochures) that we Jews are “responsible for one another” is only one small part of the picture, since the Hebrew nuance of the original declaration makes it a far more fundamental assertion that the mutual responsibility in question is but one of many implied outcomes of our being all together in the same boat.
- And as a purely linguistic detail, our early-evening greeting to one another “ערב טוב” reflects the ambiguity of the sages in our present סוגיא. Because using that term in our benediction means that we are effectively saying: “it might still be day, right now; or it may already officially be night— but, either way, I wish you a good one!”

Three quick throwaway thoughts about this.

1. By “השמשות” the Tanna'im may simply have been invoking and alluding to המאור הגדול הקטן לממשלת היום והמאור הגדול לממשלת הלילה in Genesis 1:16. However their exceptional use of the plural form of the noun שמש intimates that these long-ago liberal-arts scholars fully understood the nature of the stars as distant suns, and of the sun conversely as a nearby star.
2. Precisely by virtue of their being amateur astronomers, who regarded תקופות (the study of lunations and solar-cycle periodicities) as a necessary complement to Torah scholarship [Pirquei Avot 3:18], the rabbis carried out mathematical computations of the calendar so precise that they subdivided the hour into 1,080 חלקים. Why, then, would such chronological experts they choose to define the period of twilight in such imprecise terms as “the amount of time it takes you to walk a half-*mil*” (= 1000 cubits = a third of a mile; at three-miles-per-hour = 20 minutes), rather than breaking it down. We can only deduce they wanted to offer an intentionally ambivalent, non-pedantic, real-world guideline for everyday people who are not star-gazers and math whizzes.
3. I find it particularly poignant that, in the cadence of our page-a-day Talmud regimen, this particular chronological detail comes up on the first Festival day of Passover. Put aside the fact that this holiday starts the clock on Jewish national history (ההודש הזה לכם ראש חדשים—Exodus 12:2), and focus on the fact that the drama we re-enacted at last night's *seider* commemorated the slaughtering of the paschal lamb in Egypt which took place בֵּין הָעֶרְבָּיִם [Exodus 12:6]— that is to say, during precisely the same ambivalent in-between time-frame under discussion in our present *daf*. In terms of which, my late Mother's favorite melody at the post-prandial songfest at *seider* was a two-line Hasidic digest of the Geonic-era alphabetic acrostic *piyut* בחצי הלילה, ובכך ברחצי הלילה, consisting primarily of the declaration based on Zechariah 14:7: “יום אשר הוא לא-יום ולא-לילה”.

ביום המעונן מאי

What, then, on an overcast day?

במתא חזי תרנגולא

In town, by the chickens;

בדברא עורבי אי נמי אדאני

in the countryside, by the crows, and also from the crocus.

Rabba's servant, being assiduous in the performance of his duties, scrupulously inquires of his master the same question we ask about telling time by sun-dial: how do you derive solar chronological data, when the sun isn't visible?

Watching the birds is a reliable index, since both domestic chickens on the ground and wild birds in the trees do indeed busily and noisily settle into their roosts at dusk, so as to be bedded down before dark. But my rendering of "crow" is speculative here—in part because the Semitic term עורב denotes interchangeably all species of corvines (not just crows, but also ravens, magpies, choughs, jackdaws, and jays, all of which can be found in Iraq); and in part because most other species of flocking birds, including bloody- nuisance starlings that at a distance can be mistaken for crows, all roost with a cacophony of shrieking calls at the blue-grey half-hour of dusk.

The plant Rabba is referring to is more of a question, because there are a wide array of completely unrelated species that are nyctinastic (night-closing). This trait and its associated nuances has long been known to people who live closer to the soil than we do today. Marco Polo describes seeing in



the Persian emperor's palace in Baghdad what they told him was a *gulsa'at*, or "flower clock" (*gul*, Parsi for "rose," serves by extension for "flowers" in general, while *sa'at* in both Persian and Arabic is cognate to the Hebrew שעה). This circular flower bed was divided into twelve pie-slice sections, each planted with a different species that opened or closed at its own characteristic time of the day or night, so that the section with its blooms opened designated the hour. (Same trait is well known to gardeners today: because the blossoms of the Moss Rose *Portulaca grandiflora* and the Marvel-of-Peru *Mirabilis jalapa* inherently open to the sun at their same associated time every day, the two plants are popularly known respectively as "Ten O'Clock" and "Four O'Clock" flowers).

I'm not completely convinced that Rabba in fact had any one particular night-closing plant species in mind. Marcus Jastrow explains the arcane term אדאני here as a one-off haplography for the far more common term ארוני "chest-like," signifying a plant that closes up its blossoms or leaves like the lid being lowered atop a chest; it is, in other words, a Talmudic synonym for the modern botanical term "nyctinastic," and as such characterizes numerous members of the plant kingdom rather than designating any one particular species.

That doesn't stop RaSHI from conjecturing that Rabba intended specifically מלו"א "the herb called mallow," a plant that does indeed grow in the low-lying marshy areas of Iraq, where it is prized for its medicinal applications. Personally, in species-specific terms, I prefer to render the present term as "crocus," which would be a far more familiar plant by virtue of growing over the entire Euphrates basin, as well as being a widely sought-after forage crop for the sake of its edible bulbs. But I'll concede, if RaSHI will, and acknowledge that in the final analysis Rabba really didn't much care which night-closing plant species his servant watched for. Since a familiarity with the

halachic minutiae of The Right Time was above that fellow's pay-grade, the rabbi settled for telling him: "if the birds— any birds— are bedding down, or the flowers— whichever flowers— are closing down, light the lamps."

Shabbat 36a-b - April 11, 2020

אמר רב אשי: אף אנו נאמר, בבל בורסיף, בורסיף בבל

Rav Ashi said we will also say: Babylon – Borsif, Borsif – Babylon.

למאי נפקא מינה - לגיטי נשים

What is the outcome from that? For the wives' *gittin*.

For the rabbis there is arguably no more important legal document than the גט. Besides being both the instrument and the record of the most dramatic change in personal status, in implementing the wife's social mobility it also represents the prospect of economic uncertainty. As such, Jewish tradition seeks to guarantee the welfare of the wife by subjecting the ספר כריתות to much closer scrutiny than is the case for any other instrument prepared by the *Beit-Din*.

For purposes of comparison: Tradition invokes every possible leniency to expedite marriage, including overlooking errors in the שטר כתובה (the 17th-century halachic compendium שבועה asserts it doesn't matter if the *k'tubah* cites the wrong date, so long as the scribe got the century right!). In the case of the גט, by contrast, every "t" must be crossed and every "i" dotted, incorporating such stringencies as these:

- 1) While anyone may inscribe a שטר כתובה, and even a printed form may be used, the גט must be hand-written on parchment by a trained scribe, with no permitted modification either to the correct formulation nor to the twelve-line format in which it is inscribed.
- 2) The operative pronomial direct object in the גט is written in several different dialects of Aramaic—"I hereby divorce you" is rendered redundantly as פטרית יתיכי ליכי אנת אנתתי—in order to guarantee that the wife understands herself as the subject of the document, and that it represents the instrumental means of dissolving her marital ties.
- 3) And, in terms of the geographic observation made by Rav Ashi in our present text, the venue where the marriage is being dissolved by the officiating *beit-din* must be identified explicitly, including not only any alternate name or names by which that city may be known but also pinning it down in terms of any river(s) on which it is situated, in order to distinguish it from other locales of the same name.

The concern: the legitimacy of even a properly written גט (per consideration #1 above), which the wife knowingly and willingly accepts in the presence of the court (per #2), could conceivably be challenged after-the-fact by a question arising about the venue where that marriage was dissolved. Should this improbable but nonetheless possible eventuality emerge, it would *ipso facto* dissolve the dissolution by restoring the formerly ex-wife's status as אשת איש. Worse, should she have remarried in the interim per the license granted in the now-invalidated divorce decree, she is summarily rendered an adulteress, and any progeny by her new husband be declared ממזרים.



In those terms, Rav Ashi's emphasis on the need for accuracy and clarity in geographical nomenclature is an index of the care taken to protect women's rights and interests.

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The matter of specificity and accuracy in geographical nomenclature, reflected in Rav Ashi's comment on this page, is of interest as well as importance.

By what name do you call a town that used to be called something else, and how long does the older identification persist? Only in poetic terms do we still occasionally refer to the Island of Manhattan by the vestigial Dutch-colonial name of New Amsterdam, since the change to New York was instantaneous and unequivocal when the British took over in 1730. However, there had to have been a long-ago transitional era when out of long habit the local residents still referred to Cincinnati as Losantiville; to Denver as Auraria; and to Reseda, California, by its original name of Zelzah.

There is the parallel complication that the same unequivocal place-name may happen to refer to more than one locale. Popular city-names such as Marion, Salem, Lebanon, and Portland manifest in more than one U.S. state; when I told the airport car-rental clerks in Memphis I was taking their vehicle to my biweekly pulpit in Jackson, Tennessee, they always assumed I was heading for the capital of neighboring Mississippi. Same in the ancient world: the popular name Philadelphia designated venues as far-flung as the Egyptian city of No-Amon, the Turkish Aegean seaport of Alaşehir, and the modern Jordanian capital of Amman.

There are even name-correspondences that are purely symbolic. In our present text, although the upland town of Borsif on a tributary of the Euphrates has no association with the vastly larger metropolis of Babylon to the south, on the Euphrates itself, by virtue of being a provincial trading center of commercial importance to nearby small villages and the surrounding rural area Borsif may have been thought of as “the Babylon of the north.” (Similar comparison is made today, albeit in a non-complimentary way, by residents of the sparsely populated State of Alaska, who denigrate the very unfrontierlike urban sprawl of Anchorage by calling that city “The Los Angeles of the north”). During the late 19th and early 20th centuries, commercial boosters of Otswego, Oregon; Pueblo, Colorado; and the entire state of Arkansas boasted of being “The Pittsburgh of the West”—but when push comes to shove none of these far-flung locales were in fact Pittsburgh, a detail which needed to be properly reflected in important legal documents... especially a legal document as important as the גט.

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Shabbat 37b - April 12, 2020

בר מיניה דרב יהודה דכיון דמסוכן הוא אפילו בשבת נמי שרי למעבד ליה

Exclude Rav Y'udah from this— for since he is endangered, even on Shabbat it is permitted to do it for him.

The reference is to Rabbi Judah being afflicted with bulimia, and as such possibly requiring cooked food immediately at short notice— even on Shabbat. The same page that informs of us his condition [Yoma 83b] also mentions that Rabbi Yossi was a sufferer, as on occasion was Rabbi YoChanan.

Our sages, recognizing the alarming nature of this physically and emotionally demanding mental-health condition, invoked the principle of ספק נפשות to institute every possible leniency to treat a person undergoing an attack.

- They permitted the consumption of literally any immediately available foodstuff, אפילו דברים טמאים [Yoma 8:6], which provision the Gemara unpacks as including the entire array of foods that under normal circumstances would be prohibited to a Jew: שביעית, untithed produce, טבל sabbatical-year produce, and even גבילה carrion [Yoma 83a].

- The rabbis authorized giving food to sufferers even on the fast-day of Yom Kippur, at least in quantities sufficient to allay their frenzy (עד שיאורו עיניו) “until his reason is restored” [Yoma 8:6]).
- Based on which latter הותר, on the basis of קל וחומר they adopt in our present case the significantly lesser accommodation of allowing in the household of a bulimic a Shabbat-food warmer that would not ordinarily be permitted to anyone else.

Their grasp of this medical condition points one more time to the vast breadth of the rabbis’ intellectual involvement. And the anecdotal fact that some of our long-ago colleagues themselves suffered from this eating disorder highlights one more time that these are real people who lived real lives in the real world.

Shabbat 38a - April 13, 2020

בתחילה היו אומרים המבשל בשבת בשוגג יאכל במזיד לא יאכל והוא הדין לשוכח
Initially they would say of one who cooks on Shabbat: “if inadvertently, it may be eaten; if intentionally, it may not be eaten”— and the same [lenient] ruling for one who forgot.

משרבו משהין במזיד ואומרים שכחים אנו חזרו וקנסו על השוכח
Once the number people who stewed but claimed “Oh, we forgot!” increased, [the rabbis] retracted that rule and held the “forgetter” accountable.

While in Mishnah and Talmud the sages almost invariably implement the less demanding and less stringent option, this passage substantiates why there are certain arenas, as slippery slopes to non-observance, in which to this day many rabbinical authorities are reluctant to be permissive.

There have always been people who gleefully exploit a leniency or a loophole to their own advantage, intentionally overstepping boundaries they had already pushed to the breaking-point. My wife has had a few occasions to explain to callers to her therapy practice— courteously but firmly— why she cannot certify their albino python, gerbil, or bearded dragon as an Emotional Support Animal. Our present text constitutes wry documentation that human nature is constant across the ages: our most favored path is the one of Least Resistance, and even then a lot of us still prefer a short-cut... or simply to jump the fence.

Shabbat 39a - April 14, 2020

כל שבא בחמין מלפני השבת שורין אותו בחמין בשבת
Anything that was put into hot water prior to the start of Shabbat may be left steeping in hot water throughout Shabbat;

וכל שלא בא בחמין מלפני השבת מדיחין אותו בחמין בשבת
but anything that was not put into hot water prior to the start of Shabbat may only be rinsed off with hot water during Shabbat.

חוץ מן המליח ישן וקולייס האיספנין שהדחתן זו היא גמר מלאכתן
The exception is dried salt-fish and “Spanish sulfur,” rinsing of which constitutes the last stage in their preparation.

I am reading קולייס as a Semitic transcription of the Latin word *colyas* (“sulfur”), which in Linnaean classification designates a class of butterflies that are characteristically yellow and orange-yellow. Given the context in our present case, “Spanish sulfur” is almost certainly an idiomatic reference to

the dried and salt-cured yellowfin tuna the Spaniards call *mojama*, which culinary historians say has been widely imported around the Mediterranean ever since it was first made by Phoenician colonists at what is today the Atlantic Iberian port of Cádiz.

What matters for our purposes is that the sages are institutionalizing reasonable leniencies when it comes to food-preparation on Shabbat. Not only do they permit ongoing exposure of immersed food to hot water (providing that this cooking process was initiated before sundown Friday), and they rule that most foods can be rinsed off on Shabbat without that incidental application of hot water counting as “cooking.”

It follows by extension that there is no objection to immersing food on Shabbat into cold water. Sticking with the subject of dried salt-cured fish, putting a slab of *bacalao* in to soak— and even changing out for more fresh water several times throughout the day to continue the desalination process— only counts as an initial step in reconstituting a dried food which won’t be cooked until after Shabbat. Again, a lenient real-world ruling, enabled by the semantic that only if it entails actual “cooking” does food-preparation compromise the holiness of the Holy Day.

Shabbat 40b - April 15, 2020

אמר אביי דברים של חול מותר לאומרן בלשון קודש
Abayei said: mundane affairs— it is permitted to talk of them in The Holy Tongue;
של קודש אסור לאומרן בלשון חול
of holy topics— it is forbidden to talk of them in the secular vernacular.

Of nearly a hundred times the Babylonian Talmud alludes to the unique sanctity of Hebrew, those citations of this idiom are almost evenly divided between the three possible spellings:

1. written חסר as לשון הַקְדָּשׁ, “a language of consecration”;
2. written מלא as here, לשון הַקְדוּשׁ, “the language of holiness”; and
3. written מלא as לשון הַקְדוּשׁ, signifying either “the holy tongue” in general, or more particularly “the language of The Holy One,” which reading makes emphatic the reason for Hebrew’s distinction.

Although ultimately all those nuances are linguistically and conceptually interrelated, the fact remains that one way or the other our sages regard Hebrew as a language constitutionally possessed of an aura of celestial holiness, in comparison to which any other form of human speech falls within the category of חול “mundane.”

One index of that sanctity is the penchant in Hebrew for לשון נקי. That may reflect a sense of צניעות in general; it may reflect the constitutional sanctity of a holy civilization in particular— but either way, the fact remains that our classical Hebrew texts contain neither scatological nor salacious vocabulary of any kind. That stretches our credulity: after all, since human beings have always been involved in both excretory and reproductive processes, any human language must have terminology describing them. But characteristically any associated reference in Bible and Talmud invariably invokes euphemistic periphrasis: הסגת רגלים “covering the feet” for vacating the bowels; שכבת זרע “a laying-down of seed” for sexual congress; מי רגלים “leg water” for urine; and, as we saw discussed at length during our study of *M’schet B’rachot*, בית הכסא “throne room” for a toilet (which circumlocution was, oddly enough, common usage in the English language for Americans brought up in the generation between the World Wars).

We do in fact have textual evidence that Biblical Hebrew had frank and straightforward words for these things, terms which our long-ago forebears knew and spoke (even as Israelis do today). But the

evidence in question comes from a single Scriptural verse— only that one incidence, out of 8,064 פסוקים in the entirety of תנ"ך. The text in question describes an Assyrian imperial officer approaching the city of Jerusalem in advance of Sennchariv's invading army, standing beyond arrow range and taunting the people atop the walls that in the coming siege they are going to be reduced to "eating their own shit (חֲרִיָּהֶם) and drinking their own piss (שִׁינֵיהֶם)" [Isaiah 36:12 = II Kings 18:27]. Tradition faithfully records those coarse words for posterity, while at the same time conveying a softened and more polite "קר" (preserved by the Masorettes, who note that those two offensive terms are to be read instead as, respectively, צוֹאָתָם "their excrement" and מִי רִגְלֵיהֶם).



This faithfully preserved written record of a foul-mouthed alien ambassador points to a powerfully important object-lesson about the psychology of linguistics in general, and particularly about the spirituality inherent in Jewish thought. The narrative from Isaiah incorporated into II Kings serves as blunt acknowledgement that the vernacular spoken by our Biblical ancestors (a language the passage in question refers to in purely geo-social terms as יהודית "Judean/Jewish") included some crude terms. It also bears witness that such vocabulary was familiar to a foreign ambassador sufficiently conversant with the local language to have undertaken a diplomatic mission among us. But therein lies the salient and compelling point in all this: while even a foreigner might know such words, only a foreigner— being tone-deaf to our language as לשון קדוש— would speak them aloud.

Shabbat 41a - April 16, 2020

רבי זירא הוה קא משתמיט מדרב יהודה דבעי למיסק לארעא דישראל דאמר רב יהודה כל העולה מבבל לארץ ישראל עובר בעשה שנאמר כָּבְלָהּ יוֹבָאוּ וְשָׂמָה יְהִי

Because he wanted to make *'aliyah* to the land of Israel, Rabbi Zeira was avoiding Rav Y'hudah— for Rav Y'hudah had said anyone who makes *'aliyah* to the Land of Israel from Babylon violates a Biblical mandate, even as it is said in Scripture: "to Babylon shall they come, and there they are to remain" [Jeremiah 27:22a].

Our sages of antiquity have this bad habit of citing only a portion of a verse, and crediting us for the encyclopedic memory to furnish the other (and often operative) half of the אסמכתא ourselves. This is a case in point. The balance of Jeremiah 27:22 declares that our exile from Israel must endure "until the day that I take account of them, when I will raise them up and return them to this place." That makes clear that, to the contrary of being opposed to a homecoming to Zion, Rav Y'hudah insists merely that it is a matter of timing: the mechanism whereby this longed-for and sought-after development can happen must be through Heavenly decree, and in the fullness of God's Own good time.

But while for just that reason the pietists of קרתא נטורי gave the keys of The Jewish Quarter to soldiers of the Arab Legion in 1948, in an effort to thwart the blasphemous aspirations of the Zionists to create a Third Jewish Commonwealth by human initiative rather than Divine sanction, Rav Y'hudah is himself famously a passionate Zionist. His love of anything and everything Israelite is so proverbial that amongst his colleagues and disciples it even broaches questions about his scholarly objectivity. We studied together on B'rachot 43a an episode in which Rav Chisda rejects a proposed benediction over a fragrant oil imported from the Jordan River Valley, because the liturgical formula

in question had originated with Rav Y’hudah. “He is crazy about Israel,” Chisda points out dismissively; “what does the rest of the world say?” (חביבא ליה ארץ ישראל לכולי עלמא מאי).

As illustrated in our current anecdote, Rav Y’hudah’s commitment to Hebrew is another index of his love of Zion. Like the family of our late teacher and colleague Ezra Spicehandler, who were deeply committed Hebraists, Y’hudah’s conviction that God’s long-awaited summons to return home might come in his own lifetime motivates him to master and use the language of the Holy Land not just when worshipping or dealing with sacred texts, but on an everyday basis. Rav Y’hudah immerses in Hebrew even when immersing in the bath, invoking לשון קדוש, rather than Aramaic, for such pedestrian requests as “pass the lye-soap” (הביאו לי נתר) or “hand me a comb” (הביאו לי מסרק).



This personality profile is established subtly from the very beginning of the episode here. Notice the irony that Rabbi Zeira’s fervent aspiration to emigrate to the Holy Land is couched using the secular vernacular (“בעי למיסק לארעא דישראל”), whereas the ostensibly “anti-Zionist” Rav Y’hudah’s policy statement against making untimely *aliyah* is pointedly framed in לשון הקודש (“העולה לארץ” “ישראל”). That marvelous linguistic paradox paves the way for the reconciliation depicted here between these two not-at-all-dissimilar rabbinical colleagues of long ago.

As important, it points to the importance of Jewish language in identity-formation and community-building. Jews in the United Kingdom used to quip: “dress British; think Yiddish.” For that matter, Yiddish arose in the first place (as did Spanyol/Judezmo/Ladino in the west, and both Judeo-Arabic and Judeo-Persian in the east) as a psycho-social expression of the distinctiveness of Diaspora Jewish communities within their respective majority cultures. Along the same lines, a fan-fold Medieval archive of the Jewish community at Kai-Feng-Fu, on display in the Dalsheimer Rare Book Room of the Klau Library at HUC-Cincinnati, is written entirely in vertical columns of Chinese— except for the names, which are recorded as *e.g.* בן מנשה 侁. And in our North American synagogues today, as much as we earnestly emphasize the comprehensive array of pedagogical objectives of our “Religious Education Department,” there’s a compelling reason the kids and parents both persist in referring to it as “Hebrew School.”

Shabbat 42a - April 17, 2020

אמר רבינא הלכך קוץ ברשות הרבים מוליכו פחות פחות מארבע אמות

Rabina said: therefore for a thorn out in the public domain, one may remove it little-by-little in increments of four cubits.

Long before the advent of barbed-wire, thorny plants were the world’s first home-security system. Property boundaries all over Israel are both defined and defended by prickly pear, and elsewhere around the world it is common to see such decorative (but well-armed) botanical species as pyracantha, bougainvillea, agaritha, honey locust, and cacti planted as border hedges. Regardless of whether in our present text קוץ signifies literally one single thorn or an entire branch, from a legal perspective any size piece of these pointy beasts that happens to detach and fall off onto the adjoining sidewalk or street constitutes a public hazard.

- The hazard is immediate, since their streets were by our standards generally not much more than narrow footpaths;

- the hazard was real, since people at the time wore only sandals or even went barefoot;
- and the hazard was potentially very serious, since even a minor puncture wound or laceration could lead to a dangerous infection or tetanus in a non-hygienic society with (as we saw discussed in M'sechet B'rachot) both human and animal excrement all over the place.



Two rabbinical outcomes from the seriousness of this situation:

- 1) In legal terms, we are justified in regarding Rabina's specific reference to קוץ as a *de facto* פרט וכלל, expanding the stipulated case of the thorn in the walkway to encompass any similar road hazard: broken glass, a sharp stone, a jagged potshard, a rusty nail, or the like. אסמכתא: parallel in Exodus 21 to liability in the case of the שור נגה (21:29) and the uncovered pit (21:33ff) being generalized outward to cover every form of negligence in general.
- 2) In philosophical terms, we understand that Rabina is prompted by the consideration of ספק נפשות to promulgate a leniency regarding the "ציאות השבת" broached at the opening of this Tractate.

He accomplishes that leniency by invoking the marvelously creative stated mechanism of "little-by-little" (פחות פחות). The underlying concept is that each of us, wherever we go, constitutes our own portable היחיד extending four cubits— that is, one person-length— in every direction, within which we may operate freely. As such picking things up and putting them down within arm's reach does not constitute יציאות השבת, since relative to ourselves the articles in question have remained within our personal "domain." It follows that repeating this step several times is acceptable, inasmuch as the hazard we have removed and the first rubbish bin we approach into which to deposit it are both within our portable personal space in that moment. Which is an abstraction, admittedly, not to mention a philosophical legal fiction— but it is also a brilliantly elegant solution to a practical problem, demonstrating (as an R.A. colleague of mine puts it) "how far we can stretch the rubber band."

What matters most is the central fact that הז"ל worked that hard around the problem, which highlights the indispensable importance of acts of תקונה דעלמא. Because the reality is that, even though human beings are gregarious creatures, that doesn't necessarily translate into extending ourselves for the welfare of others. It is in the nature of most of us to bypass the trash lying on the ground, that we didn't put there; the dog wandering lost, that doesn't belong to us; the rush-hour commuter struggling with a flat tire on the side of the road, who isn't anyone we know; or the thorny branch we notice on the walkway, which we have already side-stepped, and which isn't from our bush anyway. These are cases of virtual invisibility, the consequence of what Douglas Adams in *Hitchhiker's Guide to the Galaxy* characterizes as S.E.P.— "Somebody Else's Problem." For Jews, however, such Torah principles as וְאֶהְיֶה לְרַעַף כְּמוֹד [Leviticus 19:18] and וְחִדְלָתָּ מֵעֹזֵב לוֹ [Exodus 23:5] and לא אתה בן חורין [Pirkei Avot 2:6] dictate that everything is very much our problem. Moreover, they also establish that each of us has both the opportunity and the obligation to be part of the solution... even on Shabbat.

Shabbat 42b - April 17, 2020

מאי טעמיה דרב חסדא

What is Rav Chisda's rationale?

קסבר תרנגולת עשויה להטיל ביצתה באשפה

He is reasoning that a hen ordinarily lays her egg in a dungheap.

Ponder this, next time you are inclined to pay more for “free-range” or “cage-free” eggs. The poultry ova we consume may have been washed thoroughly after being extruded from the bird’s cloaca... but יש גבול בדבר.

Shabbat 43b -April 18, 2020

עושיין מחיצה למת בשביל חי, ואין עושיין מחיצה למת בשביל מת

We may make a canopy for the dead on account of the living, but we may not make such a canopy on account of the dead themselves.

The principle stated here reflects two important and interconnected ideological issues, both of which have to do with defining the outer bounds of proper comportment.

First and foremost is the question running throughout this Tractate: how do we parse the exclusionary adverb opening the statement **אַתָּה-שִׁבְתָּתִי תִשְׁמְרוּ** [Exodus 31:13] to determine which tasks are regarded as sufficiently compelling to allow the Holy Sabbath to be desecrated to perform them? In order to accommodate the exigencies of real life in the real world, as an exercise in weighing priorities לכף זכות, it is the consensus of the rabbis to permit, *inter alia*:

- salvaging food from a damaged container [Shabbat 22:1], by virtue of מצות בל תשחית;
- tying a rope across a gateway to constrain wandering livestock [Shabbat 15:2], by virtue of מצות הָשִׁב תִּשְׁיָבֶנּוּ לוֹ [Exodus 23:4];
- clearing out the contents of a storeroom to accommodate guests [Shabbat 18:1], by virtue of מצות הכנסת אורחים;
- slaughtering the Passover sacrifice [P’sachim 6:1-2], and performing a circumcision [Shabbat 19:1-3] by virtue of both being מצות עשה שהזמן גרמה;
- effectively any forbidden action that may be required to save human life from not just an immediate and real danger, but even from the prospect of נפשות ספק [Yoma 8:6], by virtue of וְחַי כָּהֵן [Leviticus 18:5].

And as we see in our present passage, they also permit on Shabbat not just the usual guarding of a corpse, but even active preparation for its burial [Shabbat 23:5], by virtue of מצות כבוד המת. Whether “active preparation” includes setting up a canopy on Shabbat to keep the sun off a dead person, who can no longer be bothered by the heat, is a separate issue.

Which is where we enter the second compelling question: during the twilight-zone period of אננינות, when “מתו מוטל לפניו” [Shabbat 3:1/17b], what are the limits on the respectful treatment of the physical shell that had formerly been a relative, friend, or neighbor? This speaks to us on a visceral level. We applaud the very reasonable ruling of the Tanna’im that it is permitted to probe on Shabbat the ruins of a just-collapsed building, in order to ascertain if any survivors are trapped in the rubble—but somehow we are bothered by the sages’ matter-of-fact declaration that “אם מת יניחוהו” [Yoma 8:7/83a], because it strikes us as disrespectful to leave the broken and bloodied body just lying there amidst the debris. Stephen Crane describes a Civil War funeral in which the young lieutenant is reluctant to proceed with filling in the open grave, but feels better about it once they have draped a covering over the face of the deceased; within my own experience, I have officiated several funerals for teenagers where their high school friends in attendance at the burial cried out in anguished protest “no, don’t throw dirt on him!”

And there is where the tightrope act enters into it. Jewish tradition may be blunt enough to acknowledge that “dead is dead” (or, as King David more elegantly puts it



לֹא-הַמָּתִים יְהַלְלוּ-יָהּ [Psalm 115:17], but it also mandates that— on the basis alike of בְּצֵלֶם אֱלֹהִים and of the affection we had for this particular person— we must treat with dignity and respect the now-empty vessel that lies before us. As Jews we have the obligation to do so in a manner that marks our distinctness from the idolatrous death-culture around us, which applies to the modern practice of “extreme embalming” (propping up the corpse at the wake holding a winning poker hand) no less than it did to the afterlife obsession of the ancient Egyptians, who sent off their dead with sumptuous grave-goods to provide for their needs in the underworld realm of Osiris. Drawing those lines was fundamental to the establishment of Israelite civilization from the very beginning (as *e.g.* the earnest declaration

לֹא-נִתְתִי מִמְנוּ in Deuteronomy 26:14), and working within the limits in question continues to be of both spiritual and cultural importance for us today... particularly when we are even more fully integrated into the majority society around us than the sages of the Babylonian academies were into theirs.

Here in our present text we have the implicit recognition of all the aspects of this.

There is no halachic justification for hauling benches and tarps מְרִשׁוֹת לְרִשׁוֹת for the sake of the dead, since s/he is not inconvenienced by the sun’s heat and cannot benefit from the shade. However, the physical welfare of the two שׁוֹמְרִים attending upon the body does constitute sufficient cause for יְצִיאַת הַשַּׁבַּת, bringing out the necessary means to shelter them from the hot pavement below and the hot sun above. And here is where I visualize my late mother, who used to say “I’m so hot— how can you wear that jacket?” or “go put on a sweater; I’m cold!” The implication in our text is a similar case of projection on the part of our שׁוֹמְרִים: while grasping intellectually that the deceased does not suffer from the heat, they generalize from their own discomfort a recognition of how to express a gesture of caring about his or her welfare, by devising a mechanism to cast a sheltering shade over the body. They demonstrated compassion and caring, breaking Shabbat to erect a makeshift shelter to make possible fulfillment of their commission to preserve the dignity of the deceased. It may have benefitted the latter, but they officially did it for themselves— which is the foot-in-the-door end-run שִׁינוּי technicality that once again demonstrates the creativity of our sages in responding to a real-world situation in a manner that stretches the rubber band far enough to preserve the integrity of the system.

Shabbat 44a - April 19, 2020

מאיר אומר כל הנרות מטלטלין חוץ מן הנר שהדליקו בו בשבת

Rabbi Mei’ir says any kind of lamp is moveable— except for a lamp that was lit on Shabbat.

I remember being deeply interested in the category of מוקצה when first studying the Mishnah of this Tractate at HUC in Jerusalem. It was easy enough to grasp that writing things down or pounding nails constitute מלאכה; but I was frankly enchanted by the corollary consideration that the mere act of handling the associated tools (*viz.* a pen or a hammer) is recognized as putting us into the mind-set of the labors associated with their use. Declaring such items as “out-of-bounds” on Shabbat precludes

such psychological encroachment into the unique holiness of our Day Of Rest, protecting our Shabbat consciousness as an ennobling fulfillment of the obligation “זָכוֹר אֶת-יוֹם הַשַּׁבָּת לְקַדְשׁוֹ.” All of which struck me at the time— and still strikes me now— as an elegant response to the impatience of ill-informed Jews questing for their “spirituality” in other religious traditions than their own.

In the case of the Shabbat lights, our instructor (the gentle and gracious Cantor Avraham Alkay ז”ל) explained that they are included in the class of מוקצה because the breeze created by moving them fans the flame. That means we are essentially “throwing another log on the fire,” and as such engaging in “מבעיר,” 37th of the 39 מלאכות. And I took this seriously enough that over the years it always made me unhappy when my beloved relocated the Shabbat candles from the dinner table to the kitchen sink, to prevent fire hazard in our absence, before we left home to go to the synagogue.

Which from a strictly halachic viewpoint is an oxymoron: isn’t it counterintuitive to worry about momentarily burning a little extra paraffin, when I’m about to hit the ignition and burn five minutes’ worth of gasoline to get to *schule*? This represents the kind of graduated balance of religious consciousness my classmate Mark Dov Shapiro dubbed “museum Shabbat” (as invoked by the host of this group in one of his posts a few days ago): an inconsistent constancy, subordinating form to function to nourish and affirm inner meaning. In my case, fretting about moving two candles so my children’s home would be safe while we went to synagogue to honor the Shabbat and the community that consecrates it, represented two scoops of Sabbath holiness: both זְמֹר and זָכוֹר.

Shabbat 45a - April 20, 2020

והא בעו מיניה דרב מהו לטלטולי שרגא דחנוכתא מקמי חברי בשבתא

Now they had inquired of Rav: what about relocating a lit Chanukah lamp on Shabbat, on account of attacks by the *chaveirim*?

ואמר להו שפיר דמי שעת הדחק שאני

He told them: “That is fine, since the rules are different in the moment of urgency.”

With the term קמי understood here as “uprisings/attacks,” it is necessary to engage in some philological gymnastics to understand why חברי here signifies the opposite of “friends” or “companions”... and what that has to do with Chanukah.

The Semitic languages all have two voiceless fricatives: the uvular (כּ in Hebrew and Aramaic, and خ in Arabic); and the softer, breathier pharyngeal (Hebrew הּ parallel to Arabic ح). That distinction may have long since been lost to Ashkenazic Jews, and even in the *de facto* S’fardi pronunciation of עברית הײ is reflected only in the speech of Israelis whose families are native Arabic speakers— but the distinction is there, nonetheless. In our present case, the softer ה in חברי represents a Jewish-Aramaic dialectical effort to capture the voiced velar fricative: Arabic غ, a harsher “garglier” version of ע = ʕ produced farther back in the throat (usually transcribed *gh*, since it is the closest sound that Arabic has to the Hebrew and Aramaic ג. This is why the city-name spelled עזה in Biblical Hebrew and غزة in modern Arabic is pronounced by Westerners as “Gaza”). As such, in this case חברי signifies “*ghebers*,” a Jewish transcription of the Parsi term گبر denoting a practitioner of the Zoroastrian faith.

Therein lies the שעת הדחק “urgency of the moment” referenced in our text. As in any other religious tradition, there were among the followers of Zarathustra fundamentalists and absolutists perfectly willing to depart from his tolerant teachings to impose upon others they regarded as being “in error.” We have Talmudic anecdotal cases of individual Zardoshtis, during a fire-festival when they regarded

the sacred flame of Ahura Mazda as their own unique religious prerogative, walking into individual Jewish homes on a Friday night to blow out the Shabbat lamp, leaving the residents sitting in darkness [as e.g. Gittin 16b-17a].



There would be a vastly greater potential threat to the entire Jewish community on those occasions when the tail end of our Chanukah Feast of Lights coincided with the five-day Zardoshti winter-solstice festival of *Maidyarem* (“mid-year”) from December 31 to January 4. Under those chronological circumstances, what we Jews consider a joyous and affirmative religious duty of פירסום הנס would from

the perspective of our outraged Parsi neighbors constitute not just a גבול השגת religious encroachment but a blasphemous act of desecration— not to mention, in purely societal terms, a brazen enticement to mob violence. Thus the שעת הדחק “moment of urgency” alluded to here is the “שעת הסכנה” already referenced back on 21b, when the obligation of “publicizing the miracle” is temporarily suspended so that parking the Chanukah lamp inside the house on the table— out of the line of sight away from the window and the front door— is regarded as sufficient.

I have had previous occasion, in postings in this group, to elaborate upon the several reasons that Diaspora life flourished in Babylon, including the pluralistic and tolerant spirit of the Zoroastrian religious majority. But nothing is perfect; human beings are inherently erratic; and our present passage reminds us that even in Sassanid Asoristan life was not all beer and skittles.

Shabbat 46a - April 21, 2020

הלכה כסתם משנה ותנן מוכני שלה בזמן שהיא נשמטת אין חיבור לה ואין נמדדת עמה ואין מצלת עמה באהל המת

The operative ruling always follows the recorded Mishnah. And in this case they have taught [in Keilim 18:2]: “if the undercarriage is detachable from the vehicle, then it is not considered an integral component of it [regarding associated matters of *tum’ah*]; it is not measured as part of it [when assessing whether the whole meets the forty-*sei’ah*/300-gallon definition of a vessel large enough to be capable of contracting *tum’ah*]; and it does not constitute with the associated vehicle part of the ‘tent’ [encompassing and communicating *tum’ah* originating] from a corpse.”

This analysis of the separate components of a thing is an interesting turn-around on the concept of “*pars pro toto*,” which can have serious legal consequences. Case in point: although Florida, where I live, is proverbially lax about questions of private gun ownership, by statute any single identifiable component of a firearm— including a disassembled revolver frame mechanically incapable of chambering and firing a round— is regarded by statute as “a pistol,” so that bringing it into a courthouse or other venue where weapons are prohibited constitutes a criminal offense.



In those terms, the question under discussion here regards not the semantic of whether a wagon without its wheels is still a wagon (it’s not; it’s an immoveable wooden box sitting on the ground), but rather whether the separate and detachable wheelbase counts as part of the wagon while attached to it. The implication is that insisting a wagon is a wagon, wheelbase and all, constitutes an arguably

needless stringency, by virtue of potentially pushing the vehicle in question over the line into the category of “being large enough to be liable for טומאה.”

Given the inclination of our sages not to impose upon the community an unnecessary burden, we see in our present case yet another instance where the Tannai'im characteristically institutionalize the lenient ruling. Their rationale for doing so: hitched together or not, the travel trailer and its tow car are separate entities... and roller skates are distinct from the skater.

Shabbat 47b - April 22, 2020

בי רב חמא הוה מטה גללניתא הוה מהדרי לה ביומא טבא

At Rav Chama's house there was a *galalnita* bed, which he would set up for a holiday.

This esoteric term גללניתא is a conundrum, since it appears only four times in the Bavli. Three of them refer to “balled salt” (מילחא גללניתא), presumably grains moistened and shaped to provide for compactness in transport, as is still done by Malian trans-Saharan salt merchants to the present day, and also in the parallel case of loaf sugar. Our present text is the only other manifestation of the term— in this case, describing a piece of furniture.

The aura of “compactness” implied in terms of salt leads Jastrow's dictionary to extrapolate from context that in the case of furniture this *hapax legomenon* גללניתא signifies a “folding bed” or “cot.” Building more literally on the verb root ג-ל-ל signifying “rolling up,” I actually prefer the image of a sleeping-bag stowed in the back of the closet; however, in recognition of the upscale nuances of the verb “מהדר” and the fact that the apparatus in question is being deployed in celebration of “יומא טבא,” I'll even upgrade my reading of גללניתא from the pedestrian “bedroll” to the slightly more festive “futon.”

Regardless of whether the sleeping equipment being described is in fact an old Army cot, an upscale *étagère* housing a Murphy bed, the world's first documented case of a fold-out sofa bed, or a holdover from your camp-outs in the Girl Scouts, it is pleasant to regard this anecdote as evidence that our forebears juggled, the same way we do, to fit in family coming for the holidays. Is there anyone among us who didn't grow up with a couple of Samsonite folding chairs in the front hall closet, to accommodate everyone sitting at the *seider* table after the extension leaves were plugged in? Our episode with Rav Chama serves as another “distant mirror,” making the circumstances and lives of our long-age sages feel immediate and real to us.



Shabbat 48a - April 23, 2020

הכי קאמר אם לא טמן בהן אין מטלטלין אותן

Thus it is saying: unless food had been wrapped in them [as insulation to keep it warm, textile scraps and other rags] may not be moved [on Shabbat].

אי הכי מאי למימרא מהו דתימא חזי למזגא עלייהו קמשמע לן

If that is the case, what need is there to say so? You could always say “they are good for leaning against”— so we are told otherwise.

We live in a modern scientific era, in which educated adult citizens of the most affluent and powerful nation on earth sat in at the monthly meeting of their county commission earlier this year to oppose

construction of a nearby electrical-generating solar plant on the grounds that by soaking up all the available sunlight it would jeopardize local farmer's crops. In contrast to which contemporary ignorance, I give full marks to our 2nd- and 3rd-century sages for their intellectual acumen in being able to make the thermal-engineering distinction between heat-transfer and energy-retention. Having established at length that cooking food is a prohibited מלאכה, they also affirmed the complete permissibility of insulating previously cooked food to keep it appetizingly hot לכבוד השבת.

Our present text is part of that latter discussion, focusing on a technical consideration arising from the choice of inert material used as insulation. Random twists of fiber and tufts of raw wool and snippets of dyed fabric can be formally proclaimed (“עומד ומפקיר”) to be waste product as inert and useless as sawdust or peat, thereby rendering them available for keeping your *tcholent* warm. But by virtue of being both the spouse of a quilter and a long-ago Summer camp arts-and-crafts instructional aide, I know lots of things you can do with tufts and scraps and fabric remnants. Which fact opens the door to the halachic consideration in question here: if textile remnants are possessed of an inviolate fundamental utility, then regardless of the formal declaration of their “ownerless” status they are nonetheless conceptually כלי מלאכה, and as such are מוקצה the same as a hammer or a piece of lumber.

What is most interesting is the time- and place-specific use to which the rabbis say in this present case that textile remnants can be put: as furniture. We need always to bear in mind that our ancestors' houses were vastly smaller than the ones we live in, and that their concept of household furnishings was dramatically different than ours. The Israeli word for a closet ארון, which in the early days of Statehood described a stand-alone *armoire* parked within the room, originated in the Biblical era to signify simply a chest (what Chaucer calls “a presse”) for the neat storage of such few extra garments as you might own. The Biblical term שֶׁלֶחַן might on rare occasion have denoted an actual “table,” such as we use today; however, by virtue of having originated in a Semitic verb root meaning “skinned hide” (*i.e.* שלח with a خ, as opposed to שלח “send,” with a ح), the word denotes not a piece of furniture but rather a clean leather or textile surface spread out on the arguably less-than-clean floor or ground, atop which the bread-basket and the common platter of shared viands would be arrayed. Moreover, when it came to provision for eating or reclining or sleeping, in place of chairs or stools or beds these floor-sitting people propped themselves up on pillows and cushions (or, in our present case, a pile of swept-together clean rags) which the Persians call دیوان *daiwān*. That is the origin both of the throw-pillows with which we decorate our sofas today and of the name for a small sofa, “divan.”



Now as recently as yesterday I invoked yet again the “distant mirror” model to highlight our many commonalities with our forebears, and to make their life-experiences feel more immediate and real. But that does not constitute solipsism, a naïve insistence that they were just like us, and that the vast geopolitical, linguistic, social, cultural, and daily-experience differences between us don't enter into the equation. To the contrary, pointedly looking for and recognizing and acknowledging those distinctions is the best way to side-step and work around and not be distracted by them. That allows us to focus on the texts and ideas at hand to engage directly with our long-ago rabbinical colleagues, and to continue building Oral Torah with them right now. (But first let me plump up a couple of these cushions, to be comfortable whilst considering today's *daf*, right after I go take a look to see how Carol's latest quilt is coming).

אי אמרת בשלמא לחין מחמת דבר אחר שפיר

Should you have said it is definitely acceptable if it is damp from some external cause, fine.

אלא אי אמרת לחין מחמת עצמן מוכין לחין מחמת עצמן היכי משכחת לה

However, if you have said that it is inherently damp of itself, how is there any kind of padding substance which is inherently moist of itself?

ממרטא דביני אטמי

From wool that is between the flanks.

Although pretty much all of us are what Gene Wilder as gunslinger Jim in *Blazing Saddles* calls “dazzling urbanites,” I will modestly presume to drop a *vortel* of insight here on the strength of having worked four summers on a ranch and attending a land-grant college. (Not that I took any of the animal-husbandry classes there; but in that setting a little nodding familiarity with related subjects was, like chicken pox, catching).

Sheep grow thick layers of wool to protect the underlying skin from rain damage, and bolster that protection by waterproofing the wool with the emollient we call lanolin (Latin for “sheep oil”). Presumably as an adaptation to protect the vulnerable underside of the animal from water exposure in the tall grass of dew-drenched or rainy meadows, there is a disproportionately large concentration of the sebaceous glands that secrete lanolin in the inguinal area at the rear of the abdomen and inside the upper thigh of a sheep. As such, our sages are perfectly correct that wool taken from “ביני אטמי” is far more inclined to be constitutionally damp with natural oiliness, compared to shearings from the rest of the sheep.

Of course, the moist batting under discussion here is not limited to lanolin-damp wool. The question at hand is a continuation of the sages’ ongoing analysis of what kinds of energy-transfer constitutes “cooking” on Shabbat. Clearly a hot casserole is going to relinquish some palpable measure of its heat energy to the surrounding insulating material; the corollary question is whether the associated rise in temperature of any liquid incidentally present within that insulation counts as a Sabbath-violation.

The mechanism of the sages’ characteristically lenient ruling:

- 1) on the principle of fundamental essence - no change in state is implemented as a result of the energy transfer (the way there would be when liquid water is evaporated as steam, dough is baked into bread, or raw meat is braised to become a stew);
- 2) on the principle of שׂינוי - limited exposure to warmth is not the same as extensive exposure to fire;
- 3) and, most importantly, on the principle of governing intent - since the purpose of applying the insulating batting was to retain the heat of your *tcholent* pot, conveyance of any of that heat into moisture present in the insulation material is a completely incidental outcome. Having earlier taken a lenient perspective towards Shabbat use of warm water generated by intentionally running a conduit through the hot springs at Tiberias, it would be counter-intuitive for the sages now to take a strict stance on having incidentally heated up a small amount of dampness in the batting around your lunch.

All of which demonstrates yet again the broad array of sophistication on the part of our long-ago sages, who demonstrate intellectual constancy as legal scholars; intuitive insight in terms of physical science; social-justice inclusiveness, in not imposing unreasonable constraints on the members of the community; and a fair knowledge about sheep, for “dazzling urbanites.”

תנא רבה בר בר חנה קמיה דרב

Rabbah bar Bar-Chanah lectured in the presence of Rav:

חריות של דקל שגדרן לעצים ונמלך עליהן לישיבה צריך לקשר רבן שמעון בן גמליאל אומר אין צריך לקשר

withered palm fronds harvested for [fire]wood, which one then decides instead to use for sitting on, he must bind them up. But Rabban Shim'on ben-GamliEil says there is no need to bind them.

הוא תני לה והוא אמר לה הלכה כרבן שמעון בן גמליאל

Having taught on the subject, he declared regarding it: the operative ruling is in accord with the opinion of Rabban Shim'on ben-GamliEil.

The only thing dead palm fronds mean to me, from my modern perspective as a native of Los Angeles and a long-time resident of south Florida, is a tedious and potentially dangerous climb carrying a saw, to restore the integrity of my landscaping. But our rabbinic forebears point to the marvelous utility of every part of the palm tree: not just dates as food, and date pits as fuel, but palm trunk for timber



and fence posts; roots and tough vascular tubes for rope-making; and also fronds, which besides being useful for making baskets, form of themselves a springy seat atop which you can deploy the soft ديوان *daiwān* cushions I mentioned in my post two *dapim* back.

In our present case, the question focuses on the halachic status of this particular bunch of palm fronds, based on the “intent” of the one who harvested them. A palm frond meant for firewood is by definition מוקצה once Shabbat arrives, whereas the exact same frond, if it has been harvested and retained for sitting upon, can be handled without reservation. It is the rationale of the unnamed קמא that tying together the fronds is the instrumental means of demonstrating the intent of the owner, and therefore of clarifying whether or not touching them constitutes a חילול שבת.

To be fair, the Tannai'm invoke similar symbolic guidelines elsewhere to *e.g.* define parameters of the מצות עשה of לקט [Pei'ah 4:10-5:1] and שכחה [*loc. cit.* 5:8, 6:5-6]. Nonetheless, imposing the requirement of bundling the fronds before sundown Friday feels like hair-splitting even for חז"ל, not to mention a needless stringency at odds with their usual inclination to be lenient when circumstances permit. As such, it will take an unequivocally recognized authority of substance to override the תנא קמא, exempting us from having to think about frond-binding as right up there with עירוב-making as one more indispensable aspect of Shabbat preparation.

Enter the נחותא Rabbah bar Bar-Chanah. A luminary in his native Babylon, he moved for a time to Tiberias, where he studied under no less than YoChanan bar-Napacha. As such, upon his return to Asoristan Rabbah has not only full credibility about What The Word Is back in The West, but also the scholarly cred to deliver the halachic lecture digested in this present text before the Sura Academy in the august presence of Rav. As such, both we and his Babylonian colleagues can believe Rabbah when he informs us that the operative law in this case follows the lenient and permissive opinion of the Sanhedrin President Shim'on ben-Gamli-Eil— for which among us would question the רשב"ג?
