

CHAPTER V.

REGULATIONS CONCERNING WHAT MAY AND MAY NOT BE WORN BY ANIMALS ON THE SABBATH.

MISHNA I.: What gear may we let animals go about in and what not? 1 The male camel in a bridle; the female camel with a nose-ring; Lybian asses in a halter, and a horse in a collar. All (animals) that are used to collars may go out in and may be led by the collar. Such gear (when it becomes defiled) can be sprinkled and submerged without being removed from its (proper) place (on the animal).

GEMARA: R. Jehudah in the name of Samuel said: "Rabbi was asked, How is it when the reverse is the case? *i.e.*, when the female camel is bridled and the male camel is invested with a nose-ring? May they be allowed to go about? There is no question as to a bridle on a female camel, for it is considered a burden; as to a nose-ring on a male camel, shall we assume that it is merely an additional safeguard, and thus becomes permissible, or is it an unnecessary safeguard and hence not allowed?" R. Ishmael b. Jossi answered: "Thus my father said: Four animals may go about with a bridle on--the horse, the mule, the camel, and the ass." A Boraitha states: Lydda asses and camels may go about with a bridle on. The following Tanim, however, differ as to this point (whether a superfluous safeguard is a burden or not): one maintains that no animal may go about burdened with a chain; but Hananya says a chain or anything else that is intended as a safeguard is permitted.

Said R. Huna b. Hyya in the name of Samuel: "The Halakha prevails according to Hananya."

Levi b. R. Huna b. Hyya and Rabba b. R. Huna once travelled together; arriving at an entrance, the former's ass ran ahead of the latter's. Rabba b. R. Huna became dejected (at the lack of respect shown him, supposing it to have been done intentionally). Thought Levi to himself: "I will pacify him

with the following question: Is it permitted to put a halter on an unmanageable ass like mine on the Sabbath?" Rejoined Rabba: "So said your father in the name of Samuel: 'The decision of Hananya prevails.'"

At the school of Menashyah it was taught: A goat with a bridle fastened to his horns is permitted to go about on Sabbath (but not if the bridle was simply tied to the horns, as it may slip off and a man may be forced to carry the bridle).

An objection was raised: "Were we not taught in a Mishna that it is not allowed to let a cow go

about with a strap tied between her horns?"

Said R. Irmya b. Aba: On this point Rabh and Samuel differ; according to one it is prohibited at any rate, and according to the other, if for an ornament it is prohibited, but as a safeguard it is permitted. Said R. Joseph: "It seems that Samuel was the one who permitted it as a safeguard, as R. Huna said in his name the Halakha prevails according to Hananya." Said Abayi to R. Joseph: "On the contrary, it may be that Samuel is the one who forbids it at any rate, as R. Jehudah said above in his name: Rabbi was asked: How is it when the reverse is the case," etc. Does this not mean to exclude a nose-ring from a camel? But why should you prefer this latter saying to the former one? Because it was taught: "R. Hyya b. Ashi said in the name of Rabh that it is forbidden at any rate; and R. Hyya b. Abhin in the name of Samuel said: It is permitted as a safeguard."

An objection was raised from the following: If the owner tied the (red) heifer with a halter, she may nevertheless be used. Should you assume that this (halter) is a burden (how could she be used)? (Do not) the Scriptures say [Numbers, xix. 2]: "Upon which there was no yoke"? Answered Abayi: "(It is to be understood) when the owner leads her from one town to another, (the halter is a necessary safeguard, hence no burden)." Rabh said: "There is quite a difference in the case of the red heifer," as she is very valuable (and must be guarded). Rabhina said: "She must have a halter on account of her stubbornness."

"*The horse with a collar.*" What is meant by "go about" or led? R. Huna said: "It makes no difference whether the strap hangs loose on the animal's neck or is used as a rein; but Samuel said they may go about if led (by the strap) but not (with the strap) hanging loose."

p. 93

A Boraitha teaches: "They may go about with the halter tied round their necks in order that they may be led whenever necessary." Said R. Joseph: "I have seen the calves of R. Huna going out on a Sabbath with their halters round their necks." R. Samuel b. Jehudah, when coming from Palestine, said in the name of R. Hanina that Rabbi's mules also went out on a Sabbath with their halters tied around their necks.

"*And are sprinkled,*" etc. Is this to say that they are subject to defilement? Does not a Mishna state [Kelim, XII. 8] that only rings worn by human beings are subject to defilement, but harness and all other rings are not? Said R. Itz'hak of Naph'ha [1](#): The collar-ring having at one time been used by men for personal purposes and become defiled, still retains its defiled character; R. Joseph, however, maintains it is not necessary to claim this. The fact that the collar-ring is used by man for the purpose of guiding the animal lays it open to becoming defiled, as we have learned in the Boraitha which taught us: A metal whip is subject to defilement, for the reason that man uses it to manage the animal with.

"*And submerged without removing it from its place.*" Would this not constitute a case of "Chatzitzah" (intervention). [2](#) Said R. Ami: "(Intervention of the bridle between the neck and the water) is avoided by loosening the bridle." A Boraitha teaches: "Intervention is avoided by the size of the bridle."

MISHNA II.: The ass may go out with a rug fastened around him; rams may go out with leather

bandages tied around their privates; sheep may go out with their tails tied up or down and wrapped (to preserve the fine wool); she-goats may go out with their udders tied up. R. Jossi forbids all this except sheep wrapped up. R. Jehudah says: She-goats may go out with their udders tied up to stop the lactation, but not to save the milk.

GEMARA: Said Samuel: The Mishna means: "Only when the (rug) is fastened on Sabbath eve." Said R. Na'hman: It seems to be so from the following Mishna: "An ass may not

p. 94

go out with a rug unless fastened." How should this be understood? Shall we say that (the rug) is not fastened at all? Then it would be self-evident, lest it fall off and will have to be carried by a man. We must, therefore, assume that the Mishna's meaning of "not fastened" signifies "not fastened before the Sabbath." Hence Samuel's opinion has a good reason.

And it is also supported in the following Boraitha: "The ass may go out with a rug fastened before the Sabbath, but not with a saddle, even though fastened before." R. Simeon b. Gamaliel says: "Even with a saddle, if fastened before the Sabbath, provided, however, no stirrups are attached to the saddle and a crupper under the tail."

R. Assi b. Nathan questioned R. Hyya b. R. Ashi: "Is it permitted to put a rug on all ass on the Sabbath?" "It is," was the answer. And to the question: "What is the difference (in the Law) between these two?" He was silent. (Misinterpreting the silence,) R. Assi objected: "A Boraitha teaches: It is not allowed to remove the saddle from the ass directly, but one may move it to and fro until it falls off; if you say it is forbidden to handle the saddle, is there any question as to putting it oil?" Said R. Zera to him: "Leave him alone! He is of the opinion of his teacher (Rabh), in whose name R. Hyya b. R. Ashi related that he (Rabh) permitted putting a feed-bag on all animal on Sabbath." A feed-bag, which is nothing but an accommodation, is permitted; so much the more a rug, which is a relief! Samuel, however, permitted a rug, but prohibited a feed-bag. R. Hyya b. Joseph reported the opinion of Rabh to Samuel, whereupon the latter said: "If so said Abba, he knows nothing of the laws of Sabbath."

When R. Zera came (to Palestine), he heard R. Benjamin b. Japheth stating in the name of R. Johanan that it is permitted to put on a rug. He thanked him for it and, continuing, remarked: "Thus has the Arioeh (King of Laws) in Babylon decided." Who is meant by the title (Arioeh)? Samuel.

From the foregoing it is evident that all agree that it is permitted to cover an ass with a rug on Sabbath. But what is the point in which a saddle differs from the rug? It differs therein that a saddle may drop off (and involve the necessity of handling). R. Papa gave another reason: "To cover an ass with a rug is an act of relief, for it is said that an ass feels cold even in summer, but to remove a saddle from an ass's back in order to cool off the ass is not necessarily an act of relief."

p. 95

An objection was raised. We have learned: "The horse shall not go out with a fox-tail (for a pompon) and calves with the feed-bags on public ground." Shall we not assume that (in the case

of the calves) they may not go out on public ground, but they may on private ground, and it refers even to large calves (whose necks are long enough to reach the ground with their mouths easily); thus feed-bags are merely an accommodation? Nay; the permission to carry feed-bags applies only to small calves (whose necks are short and legs long, and to which reaching down to the ground with their mouths would entail a hardship) and must be considered as a necessary relief.

The master said: "She-goats must not go out with a bag attached to their udders." Is there not a Boraitha which teaches that they *may*? Said R. Jehudah: "This presents no difficulty. In the former case the bag is *not* tied fast, in the latter it *is* (and there is no reason for apprehension lest it drop off and will have to be carried)." Said R. Joseph: "Why, you have entirely done away with the teachers of our Mishna. There *is* a difference of opinion between the teachers in this very Mishna: 'She-goats may go out with a bag tied to their udders.'" R. Jossi forbids all except sheep with covers on to protect the wool. R. Jehudah says: "She-goats may go out with their udders tied up for the purpose of preventing lactation, but not for the purpose of saving the milk."

We have learned in a Boraitha: R. Jehudah related the case of she-goats which he saw in Antioch. Their udders were so large that bags had to be made for them in order to prevent their dragging on the ground and becoming mutilated. (These bags were worn also on the Sabbath.)

The rabbis taught: "It happened with one man whose wife died and left him a nursing child, he was so poor that he could not pay a wet-nurse. A miracle happened to him; his breasts opened and he nursed his child." Said R. Joseph: Come and see how great the man must have been that such a miracle was wrought for him. Said Abayi to him: On the contrary, Behold how bad the man must have been that the nature of mankind changed in him and nothing occurred to enable him to earn enough money to pay a nurse. Says R. Jehudah: Come and see how hard it is for heaven to change the fate of a man concerning his livelihood, that the nature of the world was changed, but not his fate. Said R. Na'hman: It is proven by this fact that

p. 96

a miracle occurred, but he was not provided with means for paying a wet-nurse.

The rabbis taught "It happened once that a man wedded a woman with a mutilated hand, and did not discover it until she died." Said Rabh: "Behold how chaste this woman must have been, for even her husband did not discover it." R. Hyya retorted: "This is nothing! It is natural with women to hide their defects, but note the modesty of the man, who did not discover it in his wife."

"Rams may go out with (leather) bands around their privates." What kind of bands? Said R. Huna: "Hobbles." Ulla said they were leather bands tied around their breasts to prevent them from the attack of wolves. Do wolves attack only the males and never the females? It is because the males always go ahead of the flocks. Do wolves attack only the advance of a flock and never the rear? It is because the males are usually fat. Are there no fat sheep among the females? Moreover, how can the wolves know which is which? It is because the males generally lift their heads and look around cautiously. R. Na'hman b. Itz'hak said they wore leather bands tied around their privates to prevent them from having coition with the females. Whence this

inference? From the last clause of the Mishna, "The sheep may go out with their tails tied up," in order that the males may have coition with them; hence we infer that the first clause is for the purpose of preventing them.

"She-goats may go out with a bag tied around their udders." It was taught: Rabh said that the Halakha prevails in accordance with R. Jehudah; and Samuel held it to be in accordance with R. Jossi. Others taught: Rabh and Samuel did not directly cite the opinions of the Tanaim just mentioned, but they themselves decreed as follows: Rabh held that she-goats may go out with their udders tied up for the purpose of preventing lactation, but not to save the milk. Samuel, however, prohibited this in both cases. Others again say: R. Jehudah b. Bathyra long ago decided the same as Rabh, but added that on account of the impossibility of determining what purpose the tying up of the udders would serve, it is entirely prohibited. Thereupon Samuel decided that the Halakha prevails with him. Rabbin upon his arrival in Babylon said that R. Johanan said that the Halakha prevails in accordance with the first Tana.

p. 97

MISHNA III.: And what must (animals) not go about in? The camel with a crupper, nor with hobbles on both legs, nor with the front leg hobbled with the hind. This law is applied to all other animals. It is not allowed to tie camels together with a rope and then lead them; but one is permitted to hold in his hand the several ropes on the camels and lead them, provided the ropes are not twisted into one.

GEMARA: A Boraitha in addition to this Mishna states: "If the crupper is fastened to the hump as well as to the tail of the camel, it may go about." Rabba b. R. Huna says: A camel may go about with a pad under its tail (to prevent friction).

"*One is not to tie camels.*" What is the reason? Said R. Ashi: Because it looks like leading them to market.

"*But one is permitted to hold in his hand,*" etc. Said R. Ashi: This law was stated only concerning (Kilaim), and hence the teacher means to say, provided he does not tie or twist them. Samuel said: And provided the cords do not protrude from his hand as much as the length of a span. Was it not taught at the school of Samuel, two spans? Said Abayi: From the difference between Samuel himself and his school we infer that Samuel came to teach us how to practise. But did not a Boraitha state: Provided he lifts (the cords) from the ground one span (but there is no restriction as to the quantity protruding from his hands)? The non-restriction of the quantity of cord applies only to the amount of cord used for the distance between the animal and the man's hand. (In that case the quantity is unlimited. The quantity of cord, however, protruding from the man's hand must not exceed one span; so also the distance from the ground to the cords must be at least one span.)

MISHNA IV.: The ass is not to go out with a rug, unless fastened, neither with a bell that has been muffled, nor with a collar on his neck, nor with ankle-boots. The hens are not to go out with cords tied to them, nor with straps on their feet. Rams are not to go out with carts tied to their tails; nor sheep with sneezing-wood; the calf with the reed yoke, nor the cow with the skin of a hedgehog (tied to the udder), nor with a strap (between her horns). The cow of R. Elazar b. Azarya went out with a strap between the horns against the approval of the rabbis.

GEMARA: "*Neither with a bell that has been muffed.*" For it looks like bringing it to market.

p. 98

"*Nor with a collar on his neck.*" Said R. Huna: With a collar underneath his jowls. What was the collar intended for? To prevent irritation of any wounds that may have been on the neck.

"*Nor with ankle-boots.*" To prevent injury from kicking one foot against the other.

"*The hens with cords.*" As a distinguishing mark.

"*Nor with straps on their feet.*" To prevent damage arising from jumping.

"*The rams with carts.*" To prevent the ends of their tails from damage through trailing on the ground.

"*Nor sheep with sneezing-wood.*" (What is it?) Said R. Huna: "In seaports there is to be found a kind of tree called 'Hanun, which produces sneezing-wood, which when held under a sheep's nose produces sneezing, and while sneezing such vermin as may have lodged in the sheep's head are expelled. If such be the case, may rams not go out with it either? For rams sneezing-wood is not used at all. They butt with their heads, therefore vermin drops out of its own accord.

"*Nor the cow with the skin of the hedgehog,*" etc. To prevent leeches from sticking to the udder.

"*Nor with the strap between the horns.*" Why not? Either in accordance with Rabh, who forbids it at any rate, or in accordance with Samuel, who forbids it as an ornament.

"*The cow of R. Elazar b. Azarya,*" etc. Had he only one cow? Did not Rabh, or R. Jehudah in the name of Rabh, say that R. Elazar b. Azarya gave yearly as tithes from his herds as many as twelve thousand calves? We have learned (in a Boraitha): The cow in question was not his, but a neighboring woman's. It is only ascribed to him because he did not protest against it.

Rabh, R. Hanina, R. Jonathan, and R. Habiba [in the whole Section of Festivals, where the four names stand together, R. Jonathan must be read instead of R. Johanan] all said: He who has the power to protest against wrong in his house and does not do so, is responsible for (the transgressions of) every one in his house. In the city (where his protest would be recognized), he is responsible for the transgressions of every one of the inhabitants of the city; and if he is such a great man that his word would be respected in the whole world, he is punished for (transgressions of all) mankind. Said R. Papa: "And the Exilarchs are punished for the sins of all Israel." As R. Hanina

p. 99

said: It is written: "The Eternal will enter into judgment with the elders of his people and with the princes thereof" [Isaiah, iii. 14]. If the princes sinned, what have the elders to do with it? The intent is to say: Because the elders did not protest against the princes.

R. Jehudah sat before Samuel, when a woman came in complaining, and Samuel paid no attention to her. Said R. Jehudah to him: "Is Master unaware of the passage: Whosoever stops his ears at cry of the poor, he also shall cry himself and not be heard"? [Prov. xxi. 13]. Samuel retorted: "Ingenious scholar! Your head-master (meaning himself) is on safe ground, but our Chief is responsible," Mar Uqba, being at that time Chief of the judges (it was his affair), for it is written [Jerem. xxi. 12]: "O House of David! Thus hath said the Lord: Exercise justice on (every) morning, and deliver him that is robbed out of the hand of the oppressor, lest my fury go forth like fire, and burn so that none can quench it, because of the evil of your doings."

Said R. Zera to R. Simon: "Let Master reprove the Exilarch's retainers." He answered: "They care not for me." Rejoined R. Zera: Even if they do not care, reprove them anyhow; for R. Aha b. Hanina said: The Holy One, blessed be He, never issued a benevolent decree, which He subsequently reversed into malevolence, except in this sole instance, which is written [Ezekiel, ix. 41]: "And the Lord said unto him, Pass through the midst of the city, through the midst of Jerusalem, and inscribe a mark upon the foreheads," etc. Thus said the Holy One, blessed be He, to Gabriel: "Go and set the mark (the Hebrew letter Tabh) in ink upon the foreheads of the righteous, that the angels of destruction have no power over them; and the same mark in blood upon the foreheads of the wicked, that the angels of destruction may have power over them." The Party of Prosecution pleaded before Him in these terms: "Lord of the Universe, what is the difference between the two?" He answered: "Those are perfectly righteous and these completely wicked." Again the Party of Prosecution pleaded: "Lord of the Universe! It was in their power to protest (against wickedness), and they did not." And the Lord answered: "It is known to me that, had they protested, their protest would have been of no avail." But they pleaded once more: "Lord of the Universe! It is known to Thee; but was it known to them?" And thus it is written: "Slay utterly

p. 100

old and young, both maids, little children, and women, and at my sanctuary shall ye begin." Then they began with the old men who were before the house" [Ezek. ix. 6]. And R. Joseph taught: "Do not read 'my sanctuary,' but 'my sanctified,' which means the men who have performed all the laws prescribed in the Torah, which begins with all the letters of the alphabet. And it is also written [ibid., ibid. 2]: "And behold, six men came from the direction of the upper gate . . . beside the copper altar." Was, then, the copper altar at that time? Was it not hidden already in the time of Solomon? It means that the Holy One, blessed be He, told them they shall begin from that place where they used to sing hymns before Him. And who are the six men (messengers)? Said R. Hisda: "Anger, wrath, rage, destruction, devastation, and ruin."

Why just the letter Tabh? Said R. Simeon b. Lakish: "The Tabh is the last letter on the seal of the Holy One, blessed be He; for R. Hanina said (the inscription on) the seal of the Holy One, blessed be He, is Emeth (truth) (and the last letter of the Hebrew word Emeth is a Tabh).

It being evident from the verse [Ezek. ix. 2] that Zechuth Aboth 1 no longer existed, at what time shall we assume that it ceased?

Said Rabh. From the time of the prophet Hosea b. Beëri, as it is written [Hosea, ii. 12]: "And no man will deliver her out of my hand," meaning that even the righteousness of the ancestors will be of no avail.

Samuel said: From the time of the King Chazael of Syria, as it is written [II Kings, xiii. 23]: "And the Lord became gracious unto them, and had mercy on them, and turned his regard unto them, because of his covenant with Abraham, Isaac, and Jacob, and would not destroy them, and he cast them not off from his presence until now." Thus, He will remember his covenant only "until now," but not after that.

R. Jehoshua b. Levi said: From the time of Elijah the prophet, as it is written [I Kings, xviii. 36]: "Elijah the prophet came near and said, O Lord, God of Abraham, of Isaac, and of Israel, *this day* let it be known that thou art God in Israel,"

p. 101

etc., and means to infer that only "this day" the Lord will remember Zechuth Aboth, and not after this day.

R. Johanan says: From the time of Hezekiah the King, as it is written [Isaiah, ix. 6]: "To establish it and to support it through justice and righteousness, from henceforth and unto eternity: the zeal of the Lord of Hosts will do this," implying that after that the favors of the Lord will not be bestowed by virtue of Zechuth Aboth, *but through* His zeal.

R. Ami said: Death is the result of sin, and affliction the result of transgression: death the result of sin, for it is written [Ezekiel, xviii. 20]: "The soul that sins, it shall die," etc.; affliction the result of transgression: for it is written [Psalms, lxxxix. 33]: "And I will visit their transgressions with a lash and their iniquity with stripes."

An objection was raised: One of the teachers said: The angels (once) said to the Holy One, blessed be He: "Lord of the Universe! Why didst Thou punish Adam with death?" The Lord answered: "Because I gave him a light commandment, and he failed to observe it." The angels again said unto Him: "Why did Moses and Aaron die.? Did they not observe all the laws of the Torah?" And He answered [Eccl. ix. 2]: "The same fate befalls the righteous as the wicked." Hence death is not the result of sin! He (R. Ami) is in accordance with the Tana of the following Boraitha: R. Simeon b. Elazar said: Even the death of Moses and Aaron was the result of their sins, for it is written [Numb. xx. 12]: "Because you had no faith in me"; (and the inference thereof is) if they had had faith, they would not have died.

Another objection was raised: (There is a tradition:) Only four men died in consequence of original [sin](#). They are Benjamin ben Jacob, Amram, the father of Moses; Jesse, the father of David; and Kilab ben David. Whose opinion does this Boraitha agree with? The Tana who related the legend of the angels holds that Moses and Aaron also died in consequence of original sin. So must be then in accordance with R. Simeon b. Elazar, as said above. Thus we see that although Moses and Aaron died on account of their own sins, still death without sin and affliction without transgression are possible; hence R. Ami's theory is objected to.

R. Samuel b. Nahmeni in the name of R. Jonathan said: "Whoever says that Reuben (the patriarch Jacob's son) sinned with his father's wife is in error, because it is written [Gen. xxxv. 22]:

[paragraph continues] "Now the sons of Jacob were twelve." This proves to us that they were all equal (in righteousness); but what does the verse [ibid., ibid.] which states that he *did* lie with Bilha, etc., signify? That Reuben deranged his father's bed, and the Scripture considers this equal to his having sinned with her. There is another Boraitha: Simeon b. Elazar said: That righteous man (Reuben) is innocent of the crime. The act with his father's wife was never consummated; as, is it possible that a man whose descendants will stand on the Mount Ebol and proclaim: "Cursed be he who lies with his father's wife" [Deut. xxvii. 20], would commit such a crime? But what does the above-cited verse mean? He (Reuben) resented the injustice done his mother and said: "When my mother's sister lived and proved a vexation to my mother, it was bearable; but to have my mother's servant prove a vexation to her, this is unbearable!" Therefore he removed the bed of Bilba from his father's bedroom (which the verse holds tantamount to lying with her). R. Samuel b. Nahmeni in the name of R. Jonathan said: He who maintains that the sons of Eli have sinned is nothing but in error, as it is written [I Samuel, i. 3]: ". . . two sons . . . priests of the Lord." (And if they would have sinned, the verse would not elevate them with such an honor.) [He holds with Rabh's theory farther on; however, he differs from him concerning 'Haphni, for the reason that he is mentioned together with Pinhas in the verse cited.]

Rabh said. Pinhas did not sin, as it is written: "And Ahiya, the son of Ahitub, Ichabad's brother, the son of Pinhas, son of Eli, was priest of the Lord at Shilah" [I Samuel, xiv. 3]. Is it possible that the Scriptures would describe minutely the pedigree of a sinner? Is it not written: "The Lord will cut off, unto the man that doeth this, son and grandson," etc. [Mal. ii. 12]. That was explained to mean, if he be simply an Israelite he shall have here no master among the teachers and no scholar among disciples, and if he is a descendant of priests, he shall have no son who may bring the offering. From this we must conclude that Pinhas is innocent of guilt. Is it not written, however, "sons of Belial" (and thus Pinhas is included)? It was because he should have protested against it, and did not, the Scripture considers it as if he had also sinned.

The same said again: He who thinks the sons of Samuel sinned, is also in error. It is written: "And they did not walk in his ways" [I Sam. viii. 3]. True, they did not walk in His

ways, but they sinned not. How, then, is the passage to be upheld: "And they but turned aside after lucre and took bribes"? [ibid., ibid.]. They did not act as their father; for Samuel the righteous travelled through all Israel and dispensed justice in every city, as it is written: "And he went from year to year in circuit to Beth-El and Gilgal and Mizpah, and judged Israel" [ibid. vii. 6]; but they did not act in this way. They dwelt in their respective places in order to increase the fees of their messengers and scribes.

On this point the following Tanaim differ. R. Meir says: They (who were Levites themselves) claimed their priestly allowance personally (and thereby deprived the poor priests and Levites of their shares, for being also judges they were never refused). R. Jehudah says: They had commercial relations with private people (and were sometimes compelled to pervert justice). R. Aqiba says: They took tithes (to a greater extent than they were allowed to do) by force. R. Jossi says: They took by force the (priests') portions (shoulder-blades, jowls, and stomachs of a slaughtered animal).

He said again: "The same error is made concerning David." Said Rabh: Rabbi, who is a descendant of the house of David, endeavored to interpret favorably the passage: "Wherefore hast thou despised the word of the Lord *to do* what is evil in his eyes?" [II Samuel, xii. 9]. He said: This evil deed is different (in words and language from other evil deeds whereof mention is made in the Scriptures). In all other instances it says, "and *he has* done," but here it says, "*to do*." This implies that he "wanted to do" (but did not do). "Uriah the Hittite thou hast slain with the sword" [ibid., ibid.]. (As a rebel) he should have had him *tried* by the Sanhedrin, which he did not. "And his wife thou hast taken to thee for a wife." He had a right to her, for R. Samuel b. Nahmeni in the name of R. Jonathan said: Whoever went to war with David divorced his wife previously. "Him thou hast slain with the sword (used) for the children of Amon." As he will not be punished on account of the children of Amon, so will he also not be punished for the death of Uriah. What is the reason? He (Uriah) was a rebel.

Said Rabh: "Note well the life of David, and you find nothing blamable save the affair of Uriah, as it is written [I Kings, xv. 5]: "Save only in the matter of Uriah the Hittite."

Abayi the elder has contradicted the above statement of

p. 104

[paragraph continues] Rabh from his own statement elsewhere that David accepted slander? This difficulty remains. What was it? That which is written [II Samuel, ix. 4]: "And the king said unto him, Where is he? And Ziba said unto the king, Behold, he is in the house of Machir, the son of 'Ammiël, in (*b'*) Lo-debar"; farther on it is written [ibid. 5]: "And David the king sent, and had him taken out of the house of Machir, the son of 'Ammiël, from (*m'*) Lo-debar." 1 Thus, when David found him "doing something (good)," whereas Ziba informed the King that he was "doing nothing (good)," hence David was convinced that Ziba was a liar; why, then, did David give heed to his slander afterwards, for it is written [ibid. xvi. 3]: "And the king said, And where is thy master's son? And Ziba said unto the king, Behold, he remaineth at Jerusalem; for he said, To-day will the house of Israel restore unto me the kingdom of my father." But whence the adduction that David accepted slander? From what is written further [ibid. 4]: "Then said the king to Ziba, Behold, thine shall be all that pertaineth to Mephibosheth. And Ziba said," etc.

Samuel said: David did not accept slander. He (himself) saw in Mephibosheth's conduct that which corroborated Ziba's calumny, as it is written [ibid. xix. 25]: "And Mephibosheth the (grand-)son of Saul came down to meet the king, and he had not dressed his feet, nor trimmed his beard, nor washed his clothes." (This was considered disrespect); further, it is written [ibid. 28]: "And he slandered thy servant unto my lord the king," etc. and further [ibid. 31]: "And Mephibosheth said unto the king, Yea, let him take the whole, since that my lord the king is come (back) in peace unto his own house." Now, this last verse (read between the lines) really means: "I have anticipated your safe arrival home with anxiety, and since you act toward me in such a manner, I have nothing to complain of to you but to Him who brought you safely back."

R. Jehudah in the name of Rabh said: "Had David not given heed to slander, the kingdom of the house of David would never have been divided, neither would Israel have worshipped idols, nor would we have been exiled from our land."

The same rabbi said: He who believes Solomon guilty of

idolatry is in error. This theory agrees with R. Nathan, who points to a contradiction between the two following passages in the very same verse [I Kings, xi. 4]: "And it came to pass, at the time when Solomon was old, that his wives turned away his heart," etc.; and farther on [ibid., ibid.] it says: "Like the heart of David his father." While his heart was not as perfect as that of his father David, still he did not sin. Therefore it must be said that it means, his wives turned away his heart toward idolatry, but still he did not practise it. This is supported by the following Boraitha: R. Jossi said: It is written [II Kings, iii. 13]: "And the high places that were before Jerusalem, which were to the right of the mount of destruction, which Solomon the King of Israel had built for Ashthoreth, the abomination of the Zidonians," etc. Is it possible that neither Assa nor Jehosaphath had cleared them out before Josiah? Did not Assa and Jehosaphath abolish idolatry in Judæa? It follows, then, that as Josiah is given credit by the verse in the Scripture for having abolished the worship of Ashthoreth, the abomination of the Zidonians, although at his time it had been out of existence for a long time, this was done merely because he (Josiah) had abolished other later forms of idolatry; the same rule is followed in the case of Solomon; while he himself did not build the Ashthoreth of the Zidonians, the fact that he did not prevent his wives from doing so makes him responsible in the same measure as if he had committed the deed himself. But is it not written [I Kings, xi. 6]: "And Solomon did what is evil in the eyes of the Lord"? This is also written merely because it was in his power to prevent the actions of his wives, and he did not do so; hence the Scripture ascribes the deed to him, as if he himself had committed it.

Said R. Jehudah in the name of Samuel: It would have been better for him (Solomon) to have been an actual hireling to idolatry than to be accused of doing what is evil in the eyes of the Lord.

Again R. Jehudah said in Samuel's name: At the time Solomon took in wedlock the daughter of Pharaoh, she brought to him about a thousand different musical instruments. Each of these was used for separate idols, which she named to him, and still he did not protest against it.

The same said again in the name of the same authority: At the time Solomon took in wedlock Pharaoh's daughter (the angel) Gabriel came down and planted a cane in the sea; on the

sand that accumulated around the cane a great city was afterward built; but in a Boraitha we were taught that the miracle occurred on the day that Jeroboam introduced the two golden calves, one each in Beth-El and Dan, and that great city was Italia of Greece. [1](#)

R. Samuel said: Whoever says Josiah sinned is also in error. It is written [II Kings, xxii. 2]: "And he did what was right in the eyes of the Lord and walked in the ways of David his father and turned not aside to the right or to the left." Is this not contradictory to the verse [II Kings, xxiii. 25], "that returned to the Lord with all his heart." How is the "returned" to be understood? He must have sinned in order to return? Nay; from this it must be inferred that after Josiah attained the age of eighteen, he refunded from his private purse all amounts paid by such as he had declared guilty (bound to pay) from the time he was eight years old (when he became king).

This is the interpretation of "returned to the Lord."

However, this differs from Rabh's following statement: "None is greater among penitents than Josiah in his time and one in our own time. And who is *he*? Aba, the father of Jeremiah b. Aba. Others say Aha, the brother of Aba, father of Jeremiah b. Aba, for the aforesaid teacher said Aba and Aha were brothers. Said R. Joseph: There is yet another in our own time, and he is Ukban b. Ne'hemiah, the Exilarch. [2](#) "Once while studying," said R. Joseph, "I dozed off and saw in a dream an angel stretching out his hands and accepting his (Ukban's) repentance."

Footnotes

[91:1](#) See Exodus xx. 10 and Deut. v. 14, where it is prohibited to have cattle perform work on the Sabbath. The Mishna considers the carrying of burdens work and defines what gear constitutes a burden for cattle and what does not.

[93:1](#) Naph'ha is Aramaic for "smith." According to the opinion of Dr. I. M. Wise, the reviser of this Tract in the first edition, Naph'ha refers to the city whence R. Itz'hak came. This was criticised, but we found the same was said by Frankel and many others.

[93:2](#) When any article of apparel, worn by a person or animal while bathing, intervenes between the body and the water, *i.e.*, bars the admission of the water to the body, it constitutes a case of "Chatzitzah."

[100:1](#) Zechuth Aboth is a term implying the benefits bestowed upon men in consideration of the virtues and righteousness of their ancestors, and is based upon the passage in the Bible: "Keeping kindness unto the thousandth generation," etc. [Ex. xxxiv. 7]; and also upon the verse Ex. xxxii. 13.

[104:1](#) The literal translation of the Hebrew word Blo-debar is: he does nothing (good); of Mlo-debar: he is very busy (doing something good). Upon the difference in the two literal meanings of the two words Rabh bases the untruth of Ziba's statement.

[106:1](#) Rashi added to this that the Romans took away this city from the Greeks, and therefore the Roman kingdom is called Italy; we, however, deem it an error, as we have found that such a city is in Greece.

[106:2](#) The text states: "And that is Nathan of Zuzitha and Rashi tried to explain the word Zuzitha "with sparks," or because the angel took him by the Zizith (locks) of his head. We have omitted this because it is proved by Abraham Krochmal in his "Remarks to the Talmud," article "The Chain of the Exilarch," that Ne'hemiah the Exilarch and Nathan the Exilarch were of two different times, many generations apart. (See there.)"

[Next: Chapter VI: Regulations Concerning What Garments Women May Go Out With On the Sabbath](#)