

Babylonian Talmud: Tractate ‘Abodah Zarah

Folio 36a

The residue from their unclean vessels [which they pour into the oil-container] renders it prohibited. Is this to say that people generally are concerned to eat their food in a state of ritual purity!¹ — Rather [must Samuel's statement be amended to:] the residue from their prohibited vessels [which they pour into the oil-container] renders it prohibited. Samuel said to Rab: According to my explanation that the residue from their prohibited vessels renders it prohibited, it is quite right that when R. Isaac b. Samuel b. Martha came [from Palestine] he related that R. Simlai expounded in Nisibis:² As regards oil R. Judah and his Court took a vote and declared it permitted, holding the opinion that [when the forbidden element]³ imparts a worsened flavour [the mixture] is permitted. But according to your statement that [it is prohibited because] Daniel decreed against it, [can it be thought that] Daniel made a decree and R. Judah the Prince then came and annulled it? For have we not learnt: A Court is unable to annul the decisions of another Court, unless it is superior to it in wisdom and numerical strength! — Rab replied to him: You quote Simlai of Lud; but the inhabitants of Lud are different because they are neglectful [of Rabbinical ordinances]. [Samuel] said to him: Shall I send for him?⁴ [Rab] thereupon grew alarmed and said: If [R. Judah and his Court] have not made proper research,⁵ shall we not do so? Surely it is written, But Daniel purposed in his heart that he would not defile himself with the king's meat nor with the wine which he drank⁶ — the verse speaks of two drinkings, viz. the drinking of wine and the drinking of oil! Rab was of the opinion that Daniel purposed in his own heart [not to drink the oil] and decided similarly for all Israel; whereas Samuel was of the opinion that he purposed in his own heart [not to drink the oil] but did not decide similarly for all Israel.

But did Daniel decree against oil? Behold Bali declared that Abimi the Nabatean⁷ said in the name of Rab: The bread, wine and oil of heathens and their daughters are all included in the eighteen things!⁸ Should you argue that Daniel came and made the decree but it was not accepted, and then the disciples of Hillel and Shammai came and made the decree which was accepted, in that case what was the purpose of Rab's testimony?⁹ — But [Rab's contention is that] Daniel decreed against the use of the oil in a city,¹⁰ and [the disciples] came and decreed against its use even in a field. How, then, was it possible for R. Judah the Prince to permit [what was forbidden by] the ordinance of the disciples of Shammai and Hillel, seeing that we have learnt: A Court is unable to annul the decisions of another Court, unless it is superior to it in wisdom and numerical strength! Furthermore, Rabbah b. Bar Hanah has said in the name of R. Johanan: In all matters a Court can annul the decisions of another Court except the eighteen things [prohibited by the Schools of Hillel and Shammai], for even were Elijah and his Court to come [and declare them permitted] we must not listen to him! — R. Mesharsheya said: The reason [that these eighteen things form an exception] is

because their prohibition has spread among the large majority of Israelites, but the prohibition concerning oil did not so spread;¹¹ for R. Samuel b. Abba said in the name of R. Johanan: Our masters¹² sat and made investigation concerning [the use of heathens'] oil [and found] that its prohibition had not spread among the large majority of Israelites; they accordingly relied upon the dictum of Rabban Simeon b. Gamaliel and R. Eliezer b. Zadok who declared: We make no decree upon the community unless the majority are able to abide by it.¹³ R. Adda b. Ahaba said:¹⁴ What Scriptural verse supports this rule?

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1. That on such a ground the oil of a heathen is prohibited. In fact the majority of people have not that concern.
2. Formerly an important city in N.E. Mesopotamia.
3. Derived from the prohibited vessel, v. *supra* 75b.
4. So that he can hear the charge which Rab brought.
5. In the Scriptures to ascertain that Daniel had decreed against oil. Rab implied that they had acted in ignorance when they permitted the oil.
6. Dan. I, 8. The last words are lit., 'the wine of his drinkings'.
7. Belonging to Nabatea, a district to the S.E. of Palestine.
8. Which were prohibited by decree in the upper room of Hananiah b. Hezekiah b. Gorion when the School of Shammai outnumbered the School of Hillel. V. Shab. 13b, 17b. How, then, could Rab attribute the decree to Daniel?
9. In ascribing the decree to Daniel since it was not adopted.
10. V. p. 173, n. 2.
11. And consequently R. Judah was able to annul it.
12. I.e., R. Judah II and his Court.
13. [Oil was one of the staple products of Palestine, and the trade in it was of vital importance, so that it became difficult to keep the laws; v. Elmslie, p. 38.]
14. [So Ms.M.]

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‘Abodah Zarah 36b

Ye are cursed with the curse; for ye rob Me, even this whole nation¹ — i.e., when the whole nation has [accepted an ordinance, then the curse which is the penalty of its infraction] does apply, otherwise it does not.

The above text stated: 'Behold Bali declared that Abimi the Nabatean said in the name of Rab: The bread, wine and oil of heathens and their daughters are all included in the eighteen things?' What means 'their daughters'? — R. Nahman b. Isaac said: [The Schools of Hillel and Shammai] decreed that their daughters should be considered as in the state of *niddah*² from their cradle; and Geneba said in the name of Rab: With all the things against which they decreed the purpose was to safeguard against idolatry. For when R. Aha b. Adda came [from Palestine] he declared in the name of R. Isaac: They decreed against [heathens'] bread on account of their oil. But how is oil stricter than bread! — Rather [should the statement read that they made a decree] against their bread and oil on account of their wine; against their wine on account of their daughters;³ against their daughters on account of another matter,⁴ and against this other matter on account of still another matter.⁵ [But the prohibition against marrying] their daughters is a Biblical ordinance, for it is written, Neither shall thou make marriages with them!⁶ — The 'Biblical ordinance is restricted to the seven nations [of Canaan] and does not include other heathen peoples; and [the Schools of Hillel and Shammai] came and decreed against these also. But according to 'R. Simeon b. Yohai who declared that the words, For he will turn away thy son from following Me,⁷ include all women who would turn [their husbands aside from the worship

of God], what is there to say? — Perhaps [the explanation is that] the Biblical ordinance is against intercourse through marriage, and they came and decreed even against immoral connection with them. But the decree against such connection had already been made by the Court of Shem,⁸ for it is written, And Judah said, Bring her forth and let her be burnt!⁹ — Perhaps, then, [the explanation is that] the Biblical ordinance refers to an Israelite woman in intercourse with a heathen since she would be drawn after him¹⁰ but not against an Israelite having intercourse with a heathen woman,¹¹ and they came and decreed even against the latter. But [the prohibition against] an Israelite having intercourse with a heathen woman is a law of Moses from Sinai,¹² for a Master has said: If [an Israelite] has intercourse with a heathen woman, zealots may attack him! — The Biblical ordinance refers to a public act even as the incident that had happened,¹³ but they came and decreed even against a private act. But the Court of the Hasmoneans¹⁴ had already decreed also against a private act; for when R. Dimi came [from Palestine] he declared: The Court of the Hasmoneans decreed that an Israelite who had intercourse with a heathen woman is liable on four counts, viz., she is regarded as *niddah*, a slave, a non-Jewess, and a married woman; and when Rabin came [from Palestine] he declared: On the following four counts, viz., she is regarded as *niddah*, a slave, a non-Jewess, and a harlot! — The decree of the Court of the Hasmoneans was against Intercourse but not against private association [with a heathen woman]; so they came and decreed even against this. But the Court of David had already decreed against private association, for Rab Judah said: At that time¹⁵ they made a decree against private association! — It may be replied [that the decree of the Court of David] there referred to private association with an Israelite and not a heathen woman, and they came and decreed even against associating with a heathen woman. But [the prohibition against] associating with an Israelite woman is a Biblical ordinance; for R. Johanan said in the name of R. Simeon b. Jehozedek: Whence is there an indication in the Torah against such association? As it is said, *If thy brother, the son of thy mother ... entice thee*¹⁶ — can, then, the son of the mother, and not the son of the father, entice! But the intention is, a son may privately associate with his mother, and nobody else may privately associate with any woman whom the Torah disallows him in marriage! — [The correct explanation is that] the Biblical ordinance against such association refers to an [Israelite] married woman; David came and extended the law to association with an unmarried woman; and the disciples of the Schools of Shammai and Hillel came and extended it still further to association with a heathen woman.

What is the meaning of the phrase used above: 'and against this other matter on account of still another matter'? — R. Nahman b. Isaac said: *They decreed in connection with a heathen child that it should cause defilement by seminal emission*¹⁷ so that an Israelite child should not become accustomed to commit pederasty with him. For R. Zera said: I experienced great trouble with R. Assi,¹⁸ and R. Assi with R. Johanan, and R. Johanan with R. Jannai, and R. Jannai with R. Nathan b. Amram, and R. Nathan b. Amram with Rabbi over this question: *From what age does a heathen child cause defilement by seminal emission?* — He replied to me: *From a day old*; but when I came to R. Hiyya, he told me: *From the age of nine years and one day*. When I then came and discussed the matter with Rabbi, he said to me: *Abandon my reply and adopt that of R. Hiyya who declared: From what age does a heathen child cause defilement by seminal emission? From the age of nine years and one day,*

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1. Mal. III, 9. The verse is thus interpreted: The whole nation undertook to fulfil a law, the penalty for disobedience being a curse; and now that they robbed God by utilising what

- they had agreed to forgo, the curse has come upon them.
2. V. [Glos](#). They would then defile by touch.
 3. Drinking wine with heathens would arouse desire for their women.
 4. Viz., idolatry.
 5. This phrase is discussed later.
 6. Deut. VII, 3, so how can it be said to be the consequence of a Rabbinical decree?
 7. Ibid. 4.
 8. The son of Noah from whom the Hebrews descended. Tradition ascribes to him a School of Torah-study.
 9. Gen. XXXVIII, 24, referring to Tamar who was with child; and the penalty which Judah intended to inflict upon her was derived by him from the Court of Shem.
 10. Into idolatry.
 11. Because he might rather turn her from idolatry.
 12. An old traditional law; so it could not have been instituted by the Schools of Hillel and Shammai.
 13. V. Numb. XXV, 6 ff.
 14. In the 2nd cent. B.C.E., nearly two hundred years before the Schools of Hillel and Shammai. [Derenbourg, Essai, p. 84., places it under Simeon who ruled from 143-135 B.C.E. v. Sanh. (Sonc. ed.) p. 544, n. 8.]
 15. Referring to the incident of Tamar, II Sam. XIII.
 16. Deut. XIII, 7.
 17. [Even though he suffered from no issue.]
 18. He put the following question to him and had difficulty in eliciting a reply.

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