

Babylonian Talmud: Tractate Baba Mezi'a

Baba Mezi'a 59a

Better it is for man to cohabit with a doubtful married woman¹ rather than that he should publicly shame his neighbour. Whence do we know this? — From what Raba expounded, viz., What is meant by the verse, But in mine adversity they rejoiced and gathered themselves together...they did tear me, and ceased not?² David exclaimed before the Holy One, blessed be He, 'Sovereign of the Universe! Thou knowest full well that had they torn my flesh, my blood would not have poured forth to the earth.'³ Moreover, when they are engaged in studying "Leprosies" and "Tents"⁴ they jeer at me, saying, "David! what is the death penalty of him who seduces a married woman?" I reply to them, "He is executed by strangulation, yet has he a portion in the world to come. But he who publicly puts his neighbour to shame has no portion in the world to come."⁵

Mar Zutra b. Tobiah said in Rab's name — others state, R. Hana⁶ b. Bizna said in the name of R. Simeon the pious — others again state, R. Johanan said on the authority of R. Simeon b. Yohai: Better had a man throw himself into a fiery furnace than publicly put his neighbour to shame. Whence do we know it? — From Tamar.⁷ For it is written, when she was brought forth, she sent to her father-in-law [etc].⁸

R. Hanina, son of R. Idi, said: What is meant by the verse, Ye shall not wrong one another ['amitho]? — Wrong not a people that is with you in learning and good deeds.⁹

Rab said: One should always be heedful of wronging his wife, for since her tears are frequent she is quickly hurt.¹⁰

R. Eleazar said:¹¹ Since the destruction of the Temple, the gates of prayer are locked, for it is written, *Also when I cry out, he shutteth out my prayer.*¹² Yet though the gates of prayer are locked, the gates of tears are not, for it is written, *Hear my prayer, O Lord, and give ear unto my cry; hold not thy peace at my tears.*¹³

Rab also said: He who follows his wife's counsel will descend¹⁴ into Gehenna, for it is written, But there was none like unto Ahab [which did sell himself to work wickedness in the sight of the Lord, whom Jezebel his wife stirred up].¹⁵ R. papa objected to Abaye: But people say, If your wife is short, bend down and hear her whisper! — There is no difficulty: the one refers to general matters; the other to household affairs.¹⁶ Another version: the one refers to religious matters, the other to secular questions.

R. Hisda said: All gates are locked, excepting the gates [through which pass the cries of] wrong [ona'ah], for it is written, Behold the Lord stood by a wall of wrongs, and in his hand were the wrongs.¹⁷ R. Eleazar said: All [evil] is punished through an agent, excepting wrong, for it is written, And in his hand were the wrongs.¹⁸ R. Abbahu said: There are three [evils] before which the Curtain¹⁹ is not closed: overreaching, robbery and idolatry. Overreaching, for it is written, and in his hand was the overreaching. Robbery, because it is written, Robbery and spoil are heard in her; they are before me continually.²⁰ Idolatry, for it is written, A people that provoketh me to anger continually before my face; [that sacrificeth — sc. to idols — in gardens, and burneth incense upon altars of brick].²¹

Rab Judah said: One should always take heed that there be corn in his house; for strife is prevalent in a house only on account of corn [food], for it is written, He maketh peace in thy borders: he filleth thee with the finest of the wheat.²² Said R. papa, Hence the proverb: When the barley is quite gone from the pitcher, strife comes knocking at the door.²³ R. Hinena b. papa said: One should always take heed that there be corn in his house, because Israel were called poor only on account of [the lack of] corn, for it is said, And so it was when Israel had sown etc., and it is further written, And they [sc. the Midianites and the Amalekites] encamped against them, [and destroyed the increase of the earth], whilst this is followed by, And Israel was greatly impoverished because of the Midianites.²⁴

R. Helbo said: One must always observe the honour due to his wife, because blessings rest on a man's home only on account of his wife, for it is written, And he treated Abram well for her sake.²⁵ And thus did Raba say to the townspeople of Mahuza,²⁶ Honour your wives, that ye may be enriched.²⁷

We learnt elsewhere: If he cut it into separate tiles, placing sand between each tile: R. Eliezer declared it clean, and the Sages declared it unclean;

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Original footnotes renumbered.

1. E.g., one who was freed with a divorce, as to the validity of which doubts arose.
2. Ps. XXXV, 15.
3. Because of the many insults I am made to bear, which as stated above, drain the flesh of its blood.
4. Two tractates in the sixth order of the Talmud, called 'Purity.' These are tractates of extreme difficulty and complexity, and have no bearing upon adultery or the death penalty. Thus David complained that even when engaged on totally different matters which required all their thought, they yet diverted their attention in order to humiliate him (Tosaf.). In Sanh. 107a, the reading is: 'when they are engaged in the study of the four modes of death imposed by the Court, etc.'
5. Now Bath Sheba was a doubtful married woman, because every soldier of David's army gave his wife a conditional divorce before he left for the front, to take retrospective effect from the time of delivery in case he was lost in battle. So that when David took Bath Sheba it was doubtful whether she would prove a

- married woman at the time or not; and David maintained that his offence was not so grave as that of his companions.
6. *Var. lec.*: Huna.
 7. Judah's daughter-in-law, with whom he unwittingly cohabited. Subsequently, on her breach of chastity being discovered, he ordered her to be burnt, and only rescinded the order when she privately sent proof to him of his own complicity; v. Gen. XXXVIII.
 8. Ibid. 25. She left it to him to confess but did not openly accuse him, choosing death rather than publicly putting him to shame.
 9. This is a play of words on [H] ('his fellowman') reading it as two words, [H], the 'people that is with him.'
 10. Lit., 'her wronging is near;' — a woman is very sensitive, and therefore quick to feel and resent a hurt.
 11. [MS.M. 'For R. Eleazar said,' the statement of R. Eleazar being thus added in elucidation of Rab's dictum.]
 12. Lam. III, 8.
 13. Ps. XXXIX, 13; the idea is that the destruction of the Temple may have made it more difficult to commune with God, yet earnest prayer from the depths of the heart is always accepted.
 14. Lit., 'fall'.
 15. I Kings, XXI, 25; thus Ahab's downfall is ascribed to his action in allowing himself to be led astray by Jezebel.
 16. A man should certainly consult his wife on the latter, but not on the former, — not a disparagement of woman; her activities lying mainly in the home.
 17. [H] Amos VII, 7(E.V. '*plumbline*') is here connected with [H], 'overreaching', 'wronging', i.e., God is always ready to plead the cause of one who has been wronged.
 18. I.e., God in person punishes these.
 19. The Curtain of Heaven. [Hiding, so to speak, human failings from the Divine gaze.]
 20. Jer. VI, 7.
 21. Isa. LXV, 3.
 22. Ps. CXLVII, 14: the two halves of the verse are parallel to each other.
 23. Lit., 'house'.
 24. Jud. VI, 3, 4, 6.
 25. Gen. XII, 16.
 26. A large Jewish commercial town, situate on the Tigris. Raba had his academy there.
 27. The foregoing passages are instructive on the Talmudic attitude to women. Though recognising the evil influence a bad woman can wield upon her husband, as evidenced by Ahab and Jezebel, these sayings breathe a spirit of tenderness and honour. As she is highly sensitive, the greatest care must be taken not to wound her feelings, and a husband must adapt himself to his wife; whilst it is emphatically asserted that prosperity in the home, as well as the blessings of home life, are to a great extent dependent upon her.

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Baba Mezi'a 59b

and this was the oven of 'Aknai.¹ Why [the oven of] 'Aknai? — Said Rab Judah in Samuel's name: [It means] that they encompassed it with arguments² as a snake, and proved it unclean. It has been taught: On that day R. Eliezer brought forward every imaginable argument,³ but they did not accept them. Said he to them: 'If the *halachah* agrees with me, let this carob-tree prove it!' Thereupon the carob-tree was torn a hundred cubits

out of its place — others affirm, four hundred cubits. 'No proof can be brought from a carob-tree,' they retorted. Again he said to them: 'If the *halachah* agrees with me, let the stream of water prove it!' Whereupon the stream of water flowed backwards — 'No proof can be brought from a stream of water,' they rejoined. Again he urged: 'If the *halachah* agrees with me, let the walls of the schoolhouse prove it,' whereupon the walls inclined to fall. But R. Joshua rebuked them, saying: 'When scholars are engaged in a halachic dispute, what have ye to interfere?' Hence they did not fall, in honour of R. Joshua, nor did they resume the upright, in honour of R. Eliezer; and they are still standing thus inclined. Again he said to them: 'If the *halachah* agrees with me, let it be proved from Heaven!' Whereupon a Heavenly Voice cried out: 'Why do ye dispute with R. Eliezer, seeing that in all matters the *halachah* agrees with him!' But R. Joshua arose and exclaimed: 'It is not in heaven.'⁴ What did he mean by this? — Said R. Jeremiah: That the Torah had already been given at Mount Sinai; we pay no attention to a Heavenly Voice, because Thou hast long since written in the Torah at Mount Sinai, After the majority must one incline.⁵

R. Nathan met Elijah⁶ and asked him: What did the Holy One, Blessed be He, do in that hour? — He laughed [with joy], he replied, saying, 'My sons have defeated Me, My sons have defeated Me.' It was said: On that day all objects which R. Eliezer had declared clean were brought and burnt in fire.⁷ Then they took a vote and excommunicated him.⁸ Said they, 'Who shall go and inform him?' 'I will go,' answered R. Akiba, 'lest an unsuitable person go and inform him, and thus destroy the whole world.'⁹ What did R. Akiba do? He donned black garments and wrapped himself in black,¹⁰ and sat at a distance of four cubits from him. 'Akiba,' said R. Eliezer to him, 'what has particularly happened to-day?'¹¹ 'Master,' he replied, 'it appears to me that thy companions hold aloof from thee.' Thereupon he too rent his garments, put off his shoes, removed [his seat] and sat on the earth, whilst tears streamed from his eyes.¹² The world was then smitten: a third of the olive crop, a third of the wheat, and a third of the barley crop. Some say, the dough in women's hands swelled up.

A Tanna taught: Great was the calamity that befell that day, for everything at which R. Eliezer cast his eyes was burned up. R. Gamaliel¹³ too was travelling in a ship, when a huge wave arose to drown him. 'It appears to me,' he reflected, 'that this is on account of none other but R. Eliezer b. Hyrcanus.' Thereupon he arose and exclaimed, 'Sovereign of the Universe! Thou knowest full well that I have not acted for my honour, nor for the honour of my paternal house, but for Thine, so that strife may not multiply in Israel! 'At that the raging sea subsided.

Ima Shalom was R. Eliezer's wife, and sister to R. Gamaliel. From the time of this incident onwards she did not permit him to fall upon his face.¹⁴ Now a certain day happened to be New Moon, but she mistook a full month for a defective one.¹⁵ Others say, a poor man came and stood at the door, and she took out some bread to him.¹⁶ [On her return] she found him fallen on his face. 'Arise,' she cried out to him, 'thou hast slain my brother.' In the meanwhile an announcement was made from the house of

Rabban Gamaliel that he had died. 'Whence dost thou know it?' he questioned her. 'I have this tradition from my father's house: All gates are locked, excepting the gates of wounded feelings.'¹⁷

Our Rabbis taught: He who wounds the feelings of a proselyte transgresses three negative injunctions, and he who oppresses him infringes two. Wherein does wronging differ? Because three negative injunctions are stated: Viz., *Thou shalt not wrong a stranger* [i.e., a proselyte],¹⁸ *And if a stranger sojourn with thee in your land, ye shall not wrong him*,¹⁹ *and ye shall not therefore wrong each his fellowman*,²⁰ a proselyte being included in 'fellowman.' But for 'oppression' also three are written, viz., *and thou shalt not oppress him*,²¹ *Also thou shalt not oppress a stranger*,²² and [*If thou lend money to any of my people that is poor by thee,*] *thou shalt not be to him as a usurer*²³ which includes a proselyte! — But [say] both [are forbidden] by three [injunctions].

It has been taught: R. Eliezer the Great said: Why did the Torah warn against [the wronging of] a proselyte in thirty-six, or as others say, in forty-six, places? Because he has a strong inclination to evil.²⁴ What is the meaning of the verse, *Thou shalt neither wrong a stranger, nor oppress him; for ye were strangers in the land of Egypt*? It has been taught: R. Nathan said: Do not taunt your neighbour with the blemish you yourself have.²⁵ And thus the proverb runs:²⁶ If there is a case of hanging in a man's family record, say not to him,²⁷ 'Hang this fish up for me.'

MISHNAH. PRODUCE MAY NOT BE MIXED WITH OTHER PRODUCE, EVEN NEW WITH NEW,

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Original footnotes renumbered.

1. This refers to an oven, which, instead of being made in one piece, was made in a series of separate portions with a layer of sand between each. R. Eliezer maintains that since each portion in itself is not a utensil, the sand between prevents the whole structure from being regarded as a single utensil, and therefore it is not liable to uncleanness. The Sages however hold that the outer coating of mortar or cement unifies the whole, and it is therefore liable to uncleanness. (This is the explanation given by Maimonides on the Mishnah, Kel. V, 10. Rashi a.l. adopts a different reasoning). 'Aknai is a proper noun, probably the name of a master, but it also means 'snake'. ([G]) which meaning the Talmud proceeds to discuss.
2. Lit., 'words'.
3. Lit., 'all the arguments in the world'.
4. Deut. XXX, 12.
5. Ex. XXIII, 2, though the story is told in a legendary form, this is a remarkable assertion of the independence of human reasoning.
6. It was believed that Elijah, who had never died, often appeared to the Rabbis.
7. As unclean.
8. Lit., 'blessed him,' a euphemism for excommunication.
9. I.e., commit a great wrong by informing him tactlessly and brutally.
10. As a sign of mourning, which a person under the ban had to observe.
11. Lit., 'what is this day (different) from yesterday (or to-morrow)?'
12. Rending the garments etc. were all mourning observances. (In ancient times mourners sat actually upon the earth, not, as nowadays, upon low stools.) — The

- character of R. Eliezer is hotly contested by Weiss and Halevi. The former, mainly on the basis of this story (though adducing some other proof too), severely castigates him as a man of extreme stubbornness and conceit, who would brook no disagreement, a bitter controversialist from his youth until death, and ever seeking quarrels (Dor. II, 82). Halevy (Doroth 1, 5, pp. 374 et seqq.) energetically defends him, pointing out that this is the only instance recorded in the whole Talmud of R. Eliezer's maintaining his view against the majority. He further contends that the meekness with which he accepted his sentence, though he was sufficiently great to have disputed and fought it, is a powerful testimony to his humility and peace-loving nature.
13. The Nasi and the prime mover in the ban against R. Eliezer.
 14. After the Eighteen Benedictions there follows a short interval for private prayer, during which each person offered up his own individual supplications to God. These were called supplications ([H]), and the suppliant prostrated himself upon his face; they were omitted on New Moons and Festivals. — Elbogen, *Der judische Gottesdienst*, pp. 73 et seq. Ima Shalom feared that her husband might pour out his grief and feeling of injury in these prayers, and that God, listening to them, would punish R. Gamaliel, her brother.
 15. Jewish months consist of either 30 days (full) or 29 (defective). Thinking that the previous month had consisted of 29 days, and that the 30th would be New Moon, she believed that R. Eliezer could not engage in these private prayers in any case, and relaxed her watch over him. But actually it was a full month, so that the 30th was an ordinary day, when these prayers are permitted.
 16. I.e., she did not mistake the day, but was momentarily forced to leave her husband in order to give bread to a beggar.
 17. Lit., 'wrong', v. p. 354, n. 4. She felt sure that R. Eliezer had seized the opportunity of her absence or error to cry out to God about the ban.
 18. Ex. XXII, 20.
 19. Lev. XIX, 33.
 20. Lev. XXV, 17.
 21. Ex. XXII, 20.
 22. Ex. XXIII, 9.
 23. Ex. XXII, 24
 24. So Rashi in Hor. 13a. Jast.: because his original character is bad — into which evil treatment might cause him to relapse.
 25. Thus he translates the verse: Do not wrong a proselyte by taunting him with being a stranger to the Jewish people seeing that ye yourselves were strangers in Egypt.
 26. Lit., 'people say.'
 27. [So MS.M.; cur. edd. read, 'to his fellow'.]

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