
The Sin of Enabling Another's Sin: The Evolution of a *Halakhah* in Rabbinic Literature of Late Antiquity*

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1. INTRODUCTION

Lev. 19:14 (“19:14”) prohibits two cruel behaviors through which the unscrupulous might take advantage of another’s deafness or blindness. The JPS translation of the verse reads: “You shall not insult the deaf, or place a stumbling block before the blind. You shall fear God: I am the Lord.” The law against mistreating the blind recurs – albeit with a different focus – in Deut. 27:18: “Cursed be he who misdirects a blind person on his way. – And all the people shall say, Amen.” It may be inferred from contemporaneous ancient evidence that the Biblical legislators likely meant for these prohibitions to be understood literally. As the contemporary Deuteronomy commentator Jeffrey Tigay points out, “. . . Egyptian wisdom literature teaches: ‘Do not laugh at a blind man or tease a dwarf, nor injure the affairs of the lame.’”¹ Moving beyond the Biblical period, Tigay also points out that in the first century C.E., Josephus combined the two verses in a broader, non-literal understanding of the prohibition, according to which (in the Thackeray edition): “One must point out the road to those who are ignorant of it, and not, for the pleasure of laughing oneself, impede another’s business by misleading him.”² Those “who are ignorant of” the road need not (of course) be assumed to be physically blind.

Like Josephus, the rabbis of late antiquity opted for non-literal understandings of 19:14,³ and this essay will trace the diachronic development of these rabbinic interpretations, with particular attention to one Palestinian interpretation of 19:14 and the move by later Babylonian Amoraim to extend that interpretation to non-Jews. Through source-critical analysis, this essay

1 *The author would like to thank Prof. Gwynn Kessler for commenting on a very early version of this essay.

The author alone is responsible for the content.

Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy: The Traditional Hebrew Text with the New JPS Translation* (Philadelphia: The Jewish Publication Society, 1996), 255 (commenting on Deut. 27:18).

2 Josephus, *Jewish Antiquities* (ed. and trans. H. St. J. Thackeray; 8 vols.; New York: G.P. Putnam’s Sons, 1930), 4:276.

3 Interestingly, Deut. 27:18 is not interpreted in rabbinic literature of late antiquity, although it is touched on in later midrashic compilations. In *Midrash Tehillim* 146:5, the midrashist initially takes the verse literally, then opts for the view that the “blind” of the psalm is the blind in Torah. *Pesikta Zutrata (Lekah Tov)* to Deuteronomy (*parashat Ki Tavo*) interprets Deut. 27:18 as referring to an adulterer, who causes a woman to err on the way. In *Sekhel Tov* (Buber) *Bereishit* 27, Jacob applies it to himself – Isaac will feel him in a smooth place and curse him, since he deceived the blind. In *Otzar Hamidrashim* (Eisenstein) *Yeshuah*, p. 249, the verse is applied to Jeroboam, who built the calves to mislead people who would otherwise have been on their way to the Jerusalem Temple.

will establish that the extension of 19:14 to non-Jews was indeed Babylonian and late, and this essay will also provide historical perspective on this development. The latter task is complicated, among other things, by the need to establish chronological priority among a number of relevant and difficult-to-date Bavli *sugyot*. This essay will manage this complication by laying out the arguments in full for choices both made and eschewed. Apropos of the story of the interpretation of 19:14, this essay will also discuss related, albeit distinct, *halakhot* without discussion of which the story of the interpretation of 19:14 is incomplete.

2. 19:14 AND “DO NOT STRENGTHEN”/ “DO NOT FEED” IN TANNAITIC LITERATURE

It is unclear why Josephus opted for a non-literal interpretation of 19:14 and 27:18, as well as why third-century Tannaim — the first available stratum of rabbinic interpretation of the verses — followed suit in their exegeses of 19:14.⁴ *Sifra* Kedoshim, *parashah* 2 presents one of two Tannaitic understandings of the verse: 19:14 interdicts the unethical behavior of giving someone advice or information that one knows to be untrue or potentially harmful to the advisee. Giving this untrue or possibly harmful advice is the placing of the “stumbling block” before the hapless advisee, the “blind.” A second interpretation presented in *Mekhilta d’Rabbi Yishmael* (Mishpatim, *Kaspa* 19) and M. BM 5:11 is distinct from *Sifra* and quite specific: all the parties necessary to close a deal for a prohibited loan at interest — the lender, borrower, guarantor, witnesses, and, some say, even the scribe who writes the promissory note — violate a number of biblical prohibitions, including 19:14. To the *Mekhilta* and *Mishnah*, 19:14 is not simply its own prohibition — as in the *Sifra* — but something more: if two or more persons are involved in the prohibited activity of borrowing/lending at interest, each person, by participating in the forbidden act and thereby enabling it to go forward, sins not only by his own participation in a clearly-prohibited act, but also by becoming a means through which the other person(s) came to commit a clearly-prohibited act. Without a willing lender, there is no borrower (and vice versa); without witnesses and a guarantor, the lender will not lend; without a scribe, there is no document memorializing the loan. To the *Mekhilta* and *Mishnah*, 19:14 has become the sin of enabling others to sin (in the case of a prohibited loan-at-interest). All the parties are obligated to eschew the sin of lending at interest, and thus all are liable for enabling any of the others to advance a course of conduct that will inevitably lead to the commission of that sin. Another, more abstract way of putting it is that all the parties are part of the same normative universe, and hence all can be liable for enabling each other’s violation of this norm.

4 The Tannaim may have opted for a non-literal understanding of 19:14 at least in part because of the presence of such an understanding in the land of Israel — as indicated by Josephus’ first century interpretation. Yet this begs the question of why a non-literal understanding emerged in the land of Israel in the first place.

Tannaitic literature does not discuss the application of 19:14 to any other transgression, and so it is unclear whether the example of the loan-at-interest case is meant to be exclusive or exemplary.⁵ Given that Tannaitic literature itself does not apply 19:14 to any other cases, it is more reasonable to proceed on the assumption that the loan-at-interest case is meant to be exclusive, yet this does not end the larger inquiry into enabling or encouraging the sins of others. Tannaitic literature also directs that “*ein mahzikin yidei ovrei aveirah*” (“we do not strengthen the hands of transgressors”) (M. Shevi. 5:9 = M. Git. 5:9) as well as “*ein ma’akhilin l’adam davar ha-asur lo*” (“we do not feed a person something that is forbidden to him”) (T. Demai 2:24).⁶ In the Kaufmann and Parma manuscripts M. Shevi. 5:9 and M. Git. 5:9 are the same,⁷ and the *mishnah* is largely concerned with setting out the parameters of permissible neighborly cooperation between the wife of an “*am ha-aretz*,” who does not (in the rabbinic view) scrupulously observe the food purity or Sabbatical year laws, and the wife of a “*haver*,” who is so scrupulous. The *mishnah* draws the line between permissible and impermissible neighborly cooperation in the preparation of dough for baking at the point at which the water is added to make the dough. The addition of the water renders the mixture capable of becoming *tamei* (ritually impure),⁸ and thus unsuitable for a priest to eat. The wife of the “*am ha-aretz*” will almost certainly render that dough *tamei*, and the wife of the “*haver*” is forbidden to assist her in this—hence, “we do not strengthen the hands of transgressors.” Interestingly, the *mishnah* closes on the note that “we [do] strengthen the hands of non-Jews during the Sabbatical year” (“*mahzikin yidei goyim ba’Shevi’it*”), “but not by the hands of Jews” (“*aval lo al yidei Yisrael*”)—meaning, Jews may wish non-Jewish farmers success in their agricultural endeavors during the Sabbatical year, but not assist them directly in their work.

T. Demai 2:24 provides that a Jew must not extend a limb torn from a living animal (“*ever min ha-hai*”) to the “children of Noah” (“*b’nei Noah*”)—

5 It is also unclear why 19:14 is applied to this of all possible cases. Taking the loan-at-interest scenario to a higher level of abstraction, it is an example of linking the improper receipt of monies to blindness. When viewed from that angle, it is noteworthy that M. Peah 8:9 also links the improper receipt of monies to blindness. That *mishnah* states that any judge who takes a bribe and inclines the judgment (presumably in favor of the one who gave him the bribe) will not die of old age until his eyes are dark. The *mishnah*'s prooftext is Ex. 23:8, which reads (JPS) “Do not take bribes, for bribes blind the clear-sighted. . . .”

6 In his excellent study of Talmudic legal conceptualization, Leib Moscovitz cites M. Shevi. 5:9 as an example of an “apodictic principle,” which “mandate[s] or prohibit[s] classes of actions. . . .” Moscovitz discusses this category under the heading “Types of Post-Tannaitic Principles” and points out that these principles “often seem to be amoraic,” although he acknowledges the existence of Tannaitic examples like M. Shevi. 5:9. See Leib Moscovitz, *Talmudic Reasoning* (Tübingen: Mohr Siebeck, 2002), 314-317. Throughout this essay, we will cite these statements as “do not strengthen” and “do not feed.”

7 See Budapest, Akademia, Kaufmann A 50 and Parma, Biblioteca Palatina 3173. For these and all other manuscripts cited in this essay (except for the Munich manuscript of the Bavli), I am indebted to the on-line *Otzar Kitvei Yad Talmudiyym* of the Jewish National and University Library (Jerusalem) and the Hebrew University. There are very minor variations between these *mishnayot* in the standard Albeck edition. The variations are that M. Shevi. 5:9 reads “*aval me-she-tatil et ha-mayim lo tiga etzlah*,” while M. Git. 5:9 reads “. . . lo tiga *innah*.” M. Shevi. 5:9 continues “*she-ein mahzikin yidei ovrei aveirah*,” while M. Git. 5:9 continues “*lefi she-ein mahzikin yidei ovrei aveirah*.”

8 See M. Makhshirin 6:4, where water is (naturally) one of the seven liquids that can render food items susceptible to ritual impurity.

meaning non-Jews generally) or a cup of wine to a Nazirite, who is Biblically forbidden to drink wine (Num. 6:3). The reason given for both forbidden actions is “we do not feed a man something that is forbidden to him” (“*ein ma’akhilin et ha-adam davar ha-asur lo*”). T. Demai ends with a reference to the *am ha-aretz* and purities, which suggests that M. Shevi. 5:9 (=M. Git. 5:9) and T. Demai 2:24 were part of an oral matrix of recitation of Tannaitic law in which non-Jews, *amei ha-aretz*, purities, forbidden eating, and the enabling of forbidden eating were thought about, discussed and recited together, with these Tannaitic texts remaining as the resulting “snapshots” in which we now find these ideas.⁹ This consideration of the oral context of these texts is significant because while it appears that these topics were indeed studied and recited together, it is also clear that 19:14 was not brought into conversation with them. The first and simplest explanation for this omission is that 19:14 was meant to be limited to its loan-at-interest context. The second (and more interesting possibility) is that for 19:14 to be applicable to a particular transgression, all parties must be part of the same normative universe, just as in the *Mekhilta* and M. BM 5:11 all parties were obligated not to engage in lending at interest and thus could be liable for enabling others to do so. In the cases of M. Shevi. 5:9 (=M. Git 5:9) and T. Demai 2:24, this fundamental criterion for the application of 19:14 is not met. In the former *Mishnah*, the *haver’s* wife and *am ha-aretz’s* wife are not perceived as inhabiting the same normative universe. Although theoretically their obligation to avoid impurity may be the same, the expectations of the *mishnah* (and Tannaitic literature generally) as to how each will act are different. In T. Demai 2:24, Noahides do not inhabit the same normative universe as Jews, and even the Nazirite – although Jewish – occupies a different normative space than other Jews because of his adherence to norms not incumbent upon all Jews.¹⁰ Yet it must be noted that T. Demai 2:24 is a small (and isolated) example of Tannaitic awareness that Jews may bear a responsibility not to cause a Noahide to transgress his food prohibition no less than they bear a responsibility not to cause a (Jewish) Nazirite not to transgress his. The latter is the germ of an idea that will bear fruit in the later Babylonian Amoraic period, as this essay

9 Two recent studies of the oral context of Palestinian rabbinic literature are Martin Jaffee, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism, 200 BCE–400 CE* (New York: Oxford, 2001), and Elizabeth Shanks Alexander, *Transmitting Mishnah: The Shaping Influence of Oral Tradition* (Cambridge: Cambridge University Press, 2006). See also Alexander’s “The Orality of Rabbinic Writing,” in Charlotte Elisheva Fonrobert and Martin S. Jaffee, eds., *The Cambridge Companion to the Talmud and Rabbinic Literature* (Cambridge: Cambridge University Press, 2007), 38–57.

10 There is a third possibility that – although superficially tempting – must be rejected because it does not account for all of the evidence (unlike the explanation offered above). This is the possibility that 19:14 applies (only) to Biblical transgressions, while “do not strengthen” and “do not feed” apply to rabbinic transgressions. The difficulty is that the two cases to which “do not feed” is applied in T. Demai 2:24 – giving wine to a Nazirite and flesh torn from a live animal to a non-Jew – are either clearly seen (as in the former case) or rabbinically seen (as in the latter) as Biblical transgressions. That being so, 19:14 “should” have been applied in T. Demai 2:24, but was not. While it is true that the Biblical-rabbinic distinction does explain the different applications of 19:14 and “do not strengthen,” the failure of this distinction to account for the related “do not feed” renders this interpretive possibility less appealing as a way to understand the Tannaitic position overall. We will consider the Biblical-rabbinic distinction again below, in relation to the Bavli’s “*asur l’sayea l’ydei orevi aveirah*” (“it is forbidden to assist transgressors,” B. AZ 55b).

will show.¹¹ It is quite clear, however, that in the Tannaitic view, none of this has any relationship to the understanding of 19:14 presented in the *Mekhilta* and *Mishnah*.

It is difficult to reconstruct the historical context in which these Tannaitic developments emerged and to which they may have been intended to respond. One way to think about what the historical context may have been is to ponder the results that could follow from adherence to the understanding of 19:14 (*Mekhilta* and M. BM 5:11), M. Shevi. 5:9 (=M. Git. 5:9) and T. Demai 2:24. Beginning with 19:14, the widening of the circle of those sinning through participation in an interest-bearing loan transaction to include the witnesses, guarantor(s), and possibly even the scribe may reflect a Tannaitic awareness that while they may not be able to stop borrowing and lending at interest (most likely by those outside the circle of Tannaim and their supporters), they can prevent Jews sympathetic to their agenda from cooperating with such transactions by stigmatizing their participation as witnesses, guarantors, or scribes. While witnesses, guarantors, or scribes are not, *strictu sensu*, borrowing or lending at interest, their activities “place a stumbling block” before the “blind” borrowers and lenders by enabling that conduct to go forward. Jews loyal to the Tannaitic agenda are therefore admonished through this new understanding of 19:14 that their relationship to these other Jews makes their own indirect (and, when viewed in isolation, innocent) involvement in the latter’s sinful transactions an impermissible enabling of these Jews’ sin.¹² Reflection on “do not strengthen” and “do not feed” yields a similar point: while the Tannaim may be able to do little about violations of food purity or Sabbatical-year norms by Jews outside their circle, and certainly nothing about non-Jews determined to eat what they wish, the Tannaim can indirectly make those violations a bit more difficult by forbidding Jews loyal to the Tannaitic program to help the transgressors.¹³

- 11 For more on the Tannaitic attitude toward non-Jews and their distinctive Noahide *nomos*, see Steven D. Fraade, “Navigating the Anomalous: Non-Jews at the Intersection of Early Rabbinic Law and Narrative,” in Laurence J. Silberstein and Robert L. Cohn, eds., *The Other in Jewish Thought and History* (New York and London: New York University Press, 1994), 145-165. As Fraade writes: “Since gentiles . . . are subjects of the single deity who is the originary source of the Jewish *nomos*. . . they too should be brought to a recognition of His beneficent governance of the Jewish *nomos*. . .” and “drawing the nations to (and eventually into) the Jewish *nomos* . . . risks the blurring of Jewish nomian boundaries” (158).
- 12 In my “The Formerly-Wealthy Poor: From Empathy to Ambivalence in Rabbinic Literature of Late Antiquity,” *AJS Review* 33:1 (April 2009): 105-108, I discussed a minority Tannaitic view that all Jews, regardless of their station in life, should be viewed as equals, descended from the patriarchs Abraham, Isaac, and Jacob. This view is associated with R. Akiva and R. Yohanan b. Matya, and possibly with the Sifrei Devarim. The understanding of 19:14 in the *Mekhilta* and M. BM 5:11 may be another example of this minority Tannaitic view, in that all Jews are recognized as having an obligation not to enable the sins of others. The matter overall requires additional research.
- 13 This finding is yet another datum suggesting that the Tannaim were not seen by Jews outside their circle (which was most Palestinian Jews in the Tannaitic period) as unquestioned leaders. For a helpful summary of the social context of Palestinian rabbinic literature, see Jeffrey L. Rubenstein, “Social and Institutional Settings of Rabbinic Literature,” in Fonrobert and Jaffee, eds., *The Cambridge Companion*, especially pp. 58-65 (the land of Israel). See also Seth Schwartz, *Imperialism and Jewish Society, 200 B.C.E. to 640 C.E.* (Princeton: Princeton University Press, 2001), 103-128. At the risk of oversimplifying Schwartz’s findings in that chapter, I will note that the chapter title (“Rabbis and Patriarchs on the Margins”) and his observation that “[n]either patriarchs, nor rabbis. . . had much impact on the lives of Palestinian Jews” (128) make the point about the marginality of the Tannaim (and Palestinian Amoraim).

3. 19:14 AND “DO NOT STRENGTHEN” AND “DO NOT FEED” IN THE YERUSHALMI

The major Palestinian Amoraic compilations—Talmud Yerushalmi, *Bereshit Rabbah*, *Vayikra Rabbah*, *Pesikta d’Rav Kahana*, and *Eikhah Rabbah*—do not interpret 19:14 or invoke “do not feed.” The Yerushalmi utilizes a variation of “do not strengthen” once, on Y. Demai 3:1, 23b.¹⁴ There the Yerushalmi is discussing accepting the priestly gift of *hallah* from those who do not observe the strictures of the Sabbatical year. In the course of describing the reasoning of one who holds that “we do not examine carefully” (whether or not the giver of the *hallah* is a punctilious Sabbatical-year observer), the question is raised as to what a priest should do upon accepting *hallah* from such a source; the *hallah* being forbidden to him because of the Sabbatical year violation committed in producing it.¹⁵ R. Huna suggests immersing a priest who is himself suspect as to Sabbatical year observance (and who is likely also suspect as to purities), and then feeding that suspect *hallah* to him.¹⁶ The Yerushalmi *stam* objects via a rhetorical question that this constitutes an impermissible conveyance of purities to an *am ha-aretz*, since presumably the careless priest will eat the *hallah* immediately following his immersion rather than after sunset, as is proper.¹⁷ R. Mana suggests solving this problem by guarding the priest until sunset, but the Yerushalmi *stam* objects via a rhetorical question that this constitutes an impermissible “strengthening [of] the hand of transgressors,” because this constitutes giving prohibited Sabbatical year produce to one who is himself suspect as to his observance of the Sabbatical year.¹⁸ The *sugya* ends with R. Aha’s solution to the problem (conveyed by R. Shimon b. Barsana), which need not concern us.

The position of the two priests in the Yerushalmi is structurally similar to that of the two wives in M. Shevi. 5:9 (= M. Git. 5:9). In the latter, the wife of the *haver* was forbidden to work together with the wife of the *am ha-aretz* once water was introduced to make dough, since the *haver’s* wife could not assist the *am ha-aretz’s* wife in producing dough that would likely become *tamei* and hence unfit for priestly consumption. In Y. Demai, the priest who receives *hallah* that was likely impermissibly produced from Sabbatical year produce cannot immerse a suspect priest, guard him until sunset, and then feed him the *hallah* since he cannot assist the suspect priest in persisting in his disregard of the Sabbatical year. Yet unlike the *Mishnah*, which was dealing with two wives who do not quite occupy the same normative universe, the

14 The reference here is to *Talmud Yerushalmi According to Ms. Or. 4720 (Sca. 3) of the Leiden University Library with Restorations and Corrections* (Jerusalem: Academy of the Hebrew Language, 2001). As to why this edition is now to be preferred over the *editio princeps* (Venice, 1523), see n. 238 to Prof. Yaacov Sussmann’s introductory essay to the edition.

15 See P’nei Moshe to Y. Demai 3:1, 23b, s.v. “*ketzad hu oseh*.”

16 P’nei Moshe to Y. Demai 3:1, 23b, s.v. “*kohen hashud*” and “*u-matbilah*.”

17 After immersing, the priest has the status of a “*tevil yom*,” whose purification is not complete until sunset on the day of his immersion. See also P’nei Moshe to Y. Demai 3:1, 23b, s.v. “*u-pareikh v’lo nimtza moser tohorot l’am ha-aretz*.”

18 P’nei Moshe to Y. Demai 3:1, 23b, s.v. “*u-pareikh d’aketi lo nimtza she-zehu mahzik*. . .”

Yerushalmi is dealing with two priests—both of whom are obligated to be scrupulous about purities, and who—like all Jews—are obligated to observe the Sabbatical year. In short, unlike the *Mishnah's* wives, the two priests *do* belong to the same normative universe, and thus the Yerushalmi *stam* could (or should) have invoked 19:14. The omission of 19:14 may reflect two possible—and related—understandings of 19:14 in the Yerushalmi: (1) the Yerushalmi saw 19:14 as limited to the loan-at-interest scenario of the *Mekhilta* and M. BM 5:11, and thus did not extend 19:14 to other cases in which the actors occupy the same normative universe; and (2) the Yerushalmi reflects the already-existing strong connection in Tannaitic sources between the topics of purities, the Sabbatical year and “do not strengthen.” 19:14 was given no place in those older Tannaitic discussions, and therefore the Yerushalmi gave it no place in those discussions either.

4. “DO NOT STRENGTHEN,” “DO NOT FEED,” AND “IT IS FORBIDDEN TO ASSIST,” IN THE TALMUD BAVLI

The Bavli sources on these notions are few yet rich. Beginning with B. Ned. 22a, we learn that two inhabitants of *Hoza'i* in Iran accompanied Ulla on a trip to the land of Israel. Along the way, one *Hoza'ah* murdered the other, and then asked Ulla if he had done the right thing. Ulla responded that he had, and then instructed the *Hoza'ah* to open the place where the throat had been cut.¹⁹ Upon arriving safely, the conscience-stricken Ulla asked R. Yohanan whether his response to the murderer was “perhaps God forbid” (“*dilma has v'shalom*”) a “strengthening [of] the hand of transgressors” (“*ahzikei y'dei ovrei aveirah?*”). R. Yohanan responded that under the circumstances—the murder had been committed in Ulla's presence, and the latter was justifiably afraid that a disapproving response to the murderer would result in his own murder—Ulla's assurance did not constitute “strengthening.” The Tannaitic concept “do not strengthen” (slightly Aramaicized, but essentially the same), here appears in a discussion between Palestinian (notably, not Babylonian) Amoraim, and the shocking context is a rather dark twist on the quotidian Tannaitic context of M. Shevi. 5:9 (=M. Git. 5:9). In the *Mishnah*, “strengthening” was presented as the rationale for prohibiting a *haver's* wife to assist an *am ha-aretz's* wife in producing dough that could (and most likely would) become *tamei*. The *Mishnah* also noted that all the leniencies expressed there for cooperation between the two categories of wives were only set out “for the sake of peace” (“*mipnei darkhei shalom*”). From a structural perspective, Ulla corresponds to a *haver*, while the murderous *Hoza'ah* is a (particularly violent) form of an *am ha-aretz*; the Bavli portrays a famous erstwhile *am ha-aretz* as having harbored murderous tendencies toward rabbis.²⁰ The murderous *am ha-aretz*

19 On B. Hul. 91a, R. Yose b. R. Hanina taught that when Joseph slaughtered and prepared a meal for all his brothers (Gen. 43:16), he opened up the place on the neck of the slaughtered animal where it had been butchered. Rashi in Hullin explains (s.v. “*u-para lahen beit ha-shechitali*”) that this was done in order to show the sons of Jacob that the slaughter had been performed properly. This indicates—disturbingly—that Ulla was “asking” the murderous *Hoza'ah* to show him that his slaughter of his fellow was done “properly.”

20 Cf. R. Akiva's chilling comment in B. Pes. 49b: “When I was an *am ha-aretz*, I said, ‘Who will give me a

of the Bavli story already had committed one (major) transgression before involving Ulla, whose response to the murderer led to the latter's additional transgression committed on the body of his victim. R. Yohanan's reassuring response to Ulla renders the latter's engagement with the murderer as a dark type of "*mipnei darkhei shalom*" – the relevant "peace" being that between the murderous *Hoza'ah* and Ulla.

While there is an ever-present risk that literary parallels such as the one we are suggesting may be overinterpreted, there is also a risk in ignoring them and what they may reveal. Current scholarship supports the idea that the Bavli may tell stories about Palestinian scholars as a way of criticizing what were perceived to be negative consequences of the Palestinian rabbinic way of life or Palestinian learning.²¹ B. Ned. 22a is likely such a story, the intention of which may well be to criticize the companionship of Ulla – a rabbi – with these common (in more ways than one) people of *Hoza'i*; companionship between rabbis and non-rabbis was hardly a Babylonian value.²² The story also uses R. Yohanan to present its dark *reductio ad absurdum* of the Palestinian concern with "the ways of peace."²³ The story implicates R. Yohanan in Ulla's conduct by attributing to him the retroactive *imprimatur*.²⁴

Returning to our halakhic investigation, comparing M. Shevi. 5:9 (= M. Git. 5:9) and B. Ned. 22a raises a question about the meaning of "do not strengthen the hands of transgressors": What conduct is subsumed under the ambiguous term "do not strengthen"? In the Mishnah, "do not strengthen" means that the *haver's* wife must withdraw at the moment the water makes the mixture into dough, because she cannot be a party to the making of ritually impure dough along with the wife of the *am ha-aretz*. That is, she cannot *do* something that will further the *am ha-aretz's* transgressive conduct. But Ulla (only)

scholar that I might bite him like a donkey." When his students objected that he should have said he would bite like a dog, R. Akiva retorted that a dog bites without breaking bones, while a donkey bites and breaks bones – which he clearly (at that time) wished to do to a Torah scholar.

- 21 See Richard Kalmin's analysis of the Bavli story of R. Yohanan and Resh Lakish (B. BM 84a) as a Babylonian critique of what was perceived to be the Palestinian rabbinic tendency to recruit rabbinic disciples from among the non-rabbinic Jewish population in his *The Sage in Jewish Society of Late Antiquity* (London and New York: Routledge, 1999), 1-5. Similarly, I argued that the Bavli's portrayal of R. Judah the Prince on B. AZ 10a-b was designed in part to criticize Palestinian portrayals of his excessive closeness to Roman imperial power in my "The Power Conferred by Distance From Power: Redaction and Meaning in b. A.Z. 10a-11a," in Jeffrey L. Rubenstein, ed., *Creation and Composition: The Contribution of the Bavli Redactors (Stam-maim) to the Aggadah* (Tübingen: Mohr Siebeck, 2005), 23-69.
- 22 See Richard Kalmin, *The Sage*, 27-50 and passim. The narrative criticism of Ulla is made manifest in the shocking circumstances in which he found himself as a result of the company he chose to keep.
- 23 It should also be noted that on B. Pes. 49b, R. Yohanan is represented as teaching that it is permitted to rip an *am ha-aretz* like a fish. The Bavli thus attributes to him hostility to "*Hoza'ah*"-type people, which renders his advice to Ulla understandable.
- 24 The Bavli's portrayal of Palestinian rabbinic hostility to *amei ha-aretz* has caught the attention of modern scholars. R. Eleazar provides another Talmudic example of such hostility. In response to R. Eleazar's teaching that it is permitted to stab an *am ha-aretz* on Yom Kippur that falls on the Sabbath, his students asked whether he should have said it is permitted to "slaughter," rather than "stab." His response was that "slaughter" requires a ritual blessing, whereas stabbing does not. B. Pes. 49b and B. Ned. 22a represent extreme violence and hostility between Palestinian rabbis and non-rabbis. These stories are not found in Palestinian compilations, which suggests that they may represent Babylonian views of Palestinians. For some discussion of this issue, see Kalmin, *The Sage*, 45, and notes.

uttered *words*; he did not *do* anything. Granted his words caused the *Hoza'ah* to tear the place where he had cut the hapless victim's throat, but Ulla himself had taken no *action* that furthered that transgressive conduct. Hence, Ulla's question to R. Yohanan: "Perhaps, God forbid, did I strengthen the hands of transgressors?" R. Yohanan responds, as we noted, with a recognition of Ulla's situation (the dark "because of the ways of peace"), but the story does drive home the ambiguity of the expression: Does "do not strengthen" imply only that one must not do something, or does it include not *saying* something that may constitute – or be taken as constituting – encouragement?

In light of these reflections on the ambiguity of "do not strengthen," it is interesting to consider the Toseftan *baraita* on B. AZ 55b and its parallel in the Zuckerman edition of the Tosefta (T. AZ 7:1), the Vienna and Erfurt manuscripts (T. AZ 7:1) and the *editio princeps* (T. AZ 8:1). Beginning with the Tosefta itself, the Zuckerman edition (p. 471) provides, in pertinent part, that "At first they would say 'Do not glean with a non-Jew (*"goy"*) and do not tread [grapes] with a Jew who makes [wine] in impurity. . . ." The Vienna manuscript and the *editio princeps* have differences that need not detain us here, but what is of most interest is the Babylonian version of this *baraita* on B. AZ 55b: "At first they would say 'Do not glean with an idolater (*"oveid kochavim"*) [and bring the grapes] in a winepress **for it is forbidden to cause impurity to ordinary food items in the land of Israel**. And do not tread [grapes] with a Jew who prepares his fruits in impurity **for it is forbidden to assist transgressors**. . . ." (*"asur l'sayea l'ydei ovei aveirah"*) (emphasis added).

I have highlighted the phrases that are clearly additions to the Toseftan *baraita* as it appears in the Bavli. It is impossible to know exactly when and by whom these additions were made, but it is clear that they only appear in the Bavli of the *baraita*, so they were likely added in Babylonia. These additions function as explanations for the laws set out in the *baraita*; explanations that are missing from all extant versions of this Toseftan pericope and were likely felt to be necessary in Babylonia. The second law – which forbids treading grapes with a Jew who prepares his fruits in impurity – is explained by the Aramaic addition "it is forbidden to assist transgressors," which is clearly related to the Tannaitic "do not strengthen the hands of transgressors."²⁵ Four points should be noted. First, the Bavli's "do not assist" does away with the ambiguity of the Palestinian phrase "do not strengthen." What "it is forbidden to assist" means is clear even without the example of treading grapes – the prohibition is about *not performing an action* that aids in another's transgression. Whenever and whoever added this phrase to the *baraita* in Babylonia, the wording reflects a clarification of the old Palestinian "do not strengthen." The second point is that by adding this phrase to a Toseftan pericope from which it and anything resembling it were absent, those who

²⁵ It should be noted, however, that the Aramaic term "*m'sayyim*" ("assist") does appear later in that pericope in a different context.

made the addition demonstrate their concern with the issue of (not) aiding others in committing transgressions—a concern that goes beyond the narrow case of treading grapes, as the introduction of the abstract notion to the *baraita* suggests. These observations lead to the third point: by introducing “it is forbidden to assist” to its version of T. AZ 7:1, the Bavli shows that “do not strengthen” applies to food purities cases beyond the specific case in M. Shevi. 5:9 (= M. Git. 5:9). The latter mishnah was thus understood in Babylonia as not being limited to its narrow cases, although interestingly, “it is forbidden to assist” was added to no other food purities source other than the Bavli’s reworking of T. AZ 7:1.

The fourth point is that the Babylonian emendation of the *baraita* does not include the addition of 19:14. This omission may reflect the sense that 19:14 is limited to the loan-at-interest scenario—although, as this essay will show, this is not the Bavli’s view elsewhere and is therefore unlikely to be the view here. Alternatively, the omission may reflect a Babylonian version of the old Palestinian linkage between purities and the notion of “do not strengthen” (now in its new Babylonian version, “it is forbidden to assist”). Lastly, the omission may also reflect the Bavli’s sense that 19:14 is limited to cases of *Biblical* transgressions, while (not) causing impurity is a rabbinic transgression, more appropriately covered by “it is forbidden to assist.”²⁶ This Biblical-rabbinic distinction, which works to distinguish Palestinian deployments of 19:14 from “do not strengthen” (but not “do not feed”), works as well for the Bavli’s uses of 19:14 as compared with this use of “do not assist.”

The only appearance of “do not feed” in the Bavli is Rav Kahana’s non-literal deployment of it, which appears in three places (B. Ket. 71b; B. Ned. 15b and 81b). Rav Kahana teaches that if a wife forbade the benefit of her husband’s intercourse to herself by vow, he must annul that vow or else remain forbidden to have relations with her because “we do not feed a man something that is forbidden to him.” While, as we will show, the Bavli is aware of T. Demai 2:24—the original locus of “do not feed”—it reworked that *baraita* in light of the late Amoraic understanding of 19:14 so that the rationale for the prohibition presented was not “do not feed,” but 19:14.

5. 19:14 IN THE BAVLI

The Bavli quotes or refers to 19:14 in thirteen places.²⁷ In six of these

26 One practical difference between these three explanations of the omission is the answer to the historical question of when this emendation of the Toseftan *baraita* was made in Babylonia. According to the first two explanations, the emendation had to have preceded the fifth- and sixth-generation Amoraim’s new understanding of 19:14. According to the last, the emendation could have been made even during that period.

The point that 19:14 applies to Biblical prohibitions and “it is forbidden to assist” to rabbinic prohibitions is made later in the fourteenth century by R. Nissim Gerondi (“Ran”). See Ran on Alfasi to Avodah Zarah, 1b in the pages of the Rif, s.v. “*minayin*.”

27 B. MK 5a, 17a; B. Kid. 32a; B. Ned. 62b; B. BM 5a-b, 75b, 90b; B. AZ 6a-b, 14a, 21a, 22a; B. Hul. 7b; B. Nid. 57a.

places the references are attributable to Babylonian Amoraim of the fourth through sixth generations (B. MK 5a; B. Ned. 62b; B. BM 75b, 90b; B. AZ 14a, 21a), in two places 19:14 appears in a Bavli version of a story involving Palestinian characters (B. MK 17a; B. Hul. 7b); and in five places 19:14 is introduced by the Bavli *stam* (B. Kid. 32a; B. BM 5a-b; B. AZ 6a-b, 22a; B. Nid. 57a). In four of the five places (excluding B. AZ 21a) in which 19:14 is attributable to later Babylonian Amoraim, the Amoraim extend—or assume the extension of—19:14 to non-Jews; meaning that Jews are forbidden by 19:14 to enable non-Jews' violations of specific Noahide laws. This essay will analyze this evidence in detail in order to lay the foundation for the following reconstruction of the evolution of 19:14 in Babylonia: The first-generation Amora Rav held that 19:14 applied to the case of loans (consistent with the Tannaitic past), yet he was also the first sage to apply it outside the specific loan-at-interest scenario of M. BM 5:11. No Babylonian Amoraim interpreted 19:14 after him until Abaye (fourth generation), who was the first to note 19:14's application to non-Jews. Rav Papa (fifth generation), Ravina, and Rav Ashi (sixth generation) followed suit, although Rav Ashi did limit 19:14's applicability to non-Jews by means of another legal principle. The revival and extension of 19:14 in the fourth through sixth Babylonian Amoraic generations led to the Bavli *stam*'s use of 19:14 in five other places, two of which pertained to Jews, one of which pertained to non-Jews, and two to Samaritans. The insertion of 19:14 into narratives involving Palestinian characters was also most likely the work of the Bavli *stam*. This essay's argument is that fourth through sixth generation Amoraic attention to 19:14 was the catalyst for the *stam*'s dialectical and narrative uses of the verse and the concept it had come to represent. We will take up the question of why a radically new understanding of 19:14 appeared in the fourth through sixth Amoraic generations in section 7, below; our first task is to unpack and analyze the textual evidence.

On B. BM 75b, Rav Yehudah in the name of Rav teaches that whoever lends money (not at interest) without witnesses violates 19:14. As Rashi explains,²⁸ this is because without witnesses, the borrower may be tempted later to deny the loan. Now, Rav was a first-generation Babylonian Amora with strong ties to the land of Israel and who is described five times in the Bavli as a "Tanna" who can "disagree" (with Tannaitic statements).²⁹ While Rav is not disagreeing here with a Tannaitic statement, his connection to Tannaitic thought is visible in his application of 19:14 to a loan case—and not to any other kind of case. It apparently did not occur to Rav—or to any other Babylonian Amora prior to Abaye—to apply 19:14 outside of a loan context. That being so, it seems highly unlikely that *stam* applications of 19:14 like those we see on B. Kid. 32a, B. BM 5a-b, B. AZ 22a, and B. Nid. 57a would have been made by early *stammot* prior to Abaye.³⁰

28 Rashi to B. BM 75b, s.v. "oveir m'shum lifnei iveir."

29 B. Eruvin 50b; B. Ket. 8a; B. Git. 38b; B. BB 42a; B. San. 83b.

30 The issue of how much of the Bavli *stam* should be determined to be early or late remains a lively topic of debate in academic Talmudic scholarship. For a very recent summary of the arguments, see Michael Chernick, *A Great Voice that Did Not Cease: The Growth of the Rabbinic Canon and its Interpretation* (Cincinnati, OH:

As already noted, Abaye is the first Amora after Rav to invoke 19:14 at all, and the first to do so outside of a loan context. While Abaye discusses 19:14 in the context of M. BM 5:11 (B. BM 75b), he also points to 19:14 as the origin for the practice of marking graves, since if graves are unmarked, priests might walk over them and thus violate the Biblical prohibition against their coming into contact with the dead (B. MK 5a). Abaye's use of 19:14 in Moed Katan is different from that of Tannaitic literature not only in his extension of 19:14 outside the loan context but also because now, for the first time, we see 19:14 applied to persons (Jews) occupying overlapping, yet not identical normative universes: priests and other Jews. Priests are obligated to avoid contact with the dead, unlike ordinary Jews, and yet the latter are presumed obligated by 19:14 to mark graves so that priests do not transgress their own priestly prohibition.

Of even greater interest is the attribution to Abaye of the innovative application of 19:14 to non-Jews (B. AZ 14a.) Contemporary Talmudic scholarship has established that the fourth Babylonian Amoraic generation was distinct from those that preceded it, notably in that generation's greater receptiveness to Palestinian learning and modes of rabbinic self-presentation, and in its greater engagement in argumentation.³¹ Abaye's innovations as to 19:14 are more evidence of the fourth generation's difference from its predecessors. B. AZ 14a teaches that notwithstanding M. AZ 1:5's prohibition against selling frankincense to idolaters, Jews can sell them a bundle of frankincense, since presumably the idolater is buying the bundle for commercial rather than devotional purposes. In response to the Bavli *stam's* concern that "perhaps we should be concerned that [the idolater] will go and sell to others [for devotional purposes]," the Bavli presents a statement attributed to Abaye: "We are commanded concerning *"lifnei,"* but not concerning *"lifnei d'lifnei."* That is, Jews are commanded not to facilitate non-Jews' idolatrous worship directly, but are not commanded to be concerned about a transaction that may be two (or more) steps removed from actual idolatrous worship. From a source-critical perspective, it must be acknowledged that there is a shadow of a doubt about this attribution to Abaye. On B. AZ 21a, the Bavli deploys Abaye's statement (*"alifnei mifakdinan, alifnei d'lifnei lo mifakdinan"*) in a different case in which it does not quite fit, prompting Rashi to interpret the statement as a figure of speech rather than an intentional reference to 19:14.³² The reasonable conclusion that Abaye's statement was deployed on

HUC Press, 2009), 24-29 and 282-283. See also David Halivni, *Introduction to "Sources and Traditions": Studies in the Formation of the Talmud* (Jerusalem: Magnes, 2009) (Hebrew).

31 There is a growing body of scholarly literature on this topic. Some principal studies include the pioneering study by Zvi Moshe Dor, *The Teachings of Eretz Israel in Babylon* (Tel-Aviv: Dvir, 1971) (Hebrew); David Kraemer, *Stylistic Characteristics of Amoraic Literature* (Ph.D. diss.; Jewish Theological Seminary, 1984); idem, *The Mind of the Talmud* (New York: Oxford, 1991); Richard Kalmin, *Jewish Babylonia between Persia and Roman Palestine* (New York: Oxford, 2006), passim; and very recently Marc G. Hirshman, *The Stabilization of Rabbinic Culture, 100 C.E.-350 C.E.: Texts on Education and Their Late Antique Context* (New York: Oxford, 2009).

32 Rashi to B. AZ 21a, s.v. "*alifnei d'lifnei kuleih.*" In Ms. New York JTS 44830, Avodah Zarah, pub. Shraga Abramson (New York: Jewish Theological Seminary, 1957) ("JTS"), Abaye's name was originally omitted, and was added in after-the-fact above the line. This is a tiny (admittedly) hint that the attribution of 19:14 to Abaye on B. AZ 21a may not be reliable.

21a by the Bavli *stam*—and not by Abaye—raises a question in turn about how Abaye’s statement came to be deployed on 14a, notwithstanding its neater fit there. It is possible that Abaye made his statement in a totally different context now lost to us, whereupon it was deployed on 14a as on 21a by the Bavli *stam*. These source-critical musings are significant because they determine the historical conclusions that may be drawn from the *sugyot*. If the attribution to Abaye on 14a is seen as unreliable, then the application of 19:14 to non-Jews was later (although not by terribly much) than one might have thought. On balance, however, Occam’s Razor militates in favor of accepting the attribution to Abaye on B. AZ 14a as reliable, and that on B. AZ 21a as derivative of it. There is no *prima facie* reason to discount the attribution to Abaye on 14a, and it strains credulity to posit a now non-extant source from which the Bavli *stam* drew Abaye’s statement for deployment on both 14a and 21a.³³

We must resort to source-criticism again in clarifying Rav Papa’s introduction of 19:14 into a Tannaitic source from which it was originally absent. In this case, it will be helpful to examine the relevant texts themselves, beginning with B. BM 90b:

אמר רב פפא: בני מערבא סברי לה כרבי חידקא, דאמר: בני נח מצווין על הסירוס, וקא עברי משום ולפני עור לא תתן מכשל.

Rav Papa said: “The people of the West [= the land of Israel] hold like Rabbi Hidka, who said, ‘The children of Noah are commanded concerning castration, and [by instructing non-Jews to castrate animals] they violate ‘Do not place a stumbling block before the blind’ (Lev. 19:14).”

The question is: Did the Palestinian scholar R. Hidka invoke 19:14, is Rav Papa interpolating 19:14 into R. Hidka’s statement, or is the interpolation the work of the Bavli *stam*? When we examine parallel versions of R. Hidka’s teaching in the Tosefta according to the Zuckerman edition (T. AZ 8:6, p. 473), the Vienna and Erfurt manuscripts, the *editio princeps* of the Tosefta, and the Bavli (B. San. 56b), we see that R. Hidka is not represented as citing 19:14 as part of his teaching in the Tosefta.

T. Avodah Zarah 8:6 (Zuckerman ed., 473)³⁴:

ר' חנניה בן גמליאל אומ' אף על הדם מן החי ר' חידקא אומ' אף על הסירוס

R' Hananyah b. Gamliel says, “[Noahides were] even [commanded] as to blood from a living animal.” R. Hidka says, “[Noahides were] even [commanded] as to castration.”

33 The attribution to Abaye on B. AZ 14a is attested by the JTS manuscript as well as by Ms. Paris, Bibliothèque Nationale 1337 (“Paris”) and Ms. Munich, Bayerische Staatsbibliothek Cod. Heb. 95 (“Munich 95”).

34 This text is identical with that found in the Vienna and Erfurt manuscripts and the *editio princeps* of the Tosefta.

We now move on to the Bavli parallel to this Toseftan *baraita* on B. San. 56b:

B. Sanhedrin 56b³⁵

תנו רבנן: שבע מצות נצטוו בני נח: דינין, וברכת השם, עבודה זרה, גילוי עריות, ושפיכות דמים, וגזל, ואבר מן החי. רבי חנניה בן (גמלא) אומר: אף על הדם מן החי. רבי חידקא אומר: אף על הסירוס.

Our Rabbis taught: “The children of Noah were commanded seven commandments: laws, [and prohibitions against] blasphemy, idolatry, sexual immorality, murder, robbery, eating a limb torn from a live animal.” Rabbi Hananiah b. Gamliel says, “[They were] even [prohibited to eat] the blood from a living animal.” Rabbi Hidka says, “[They were] even [prohibited concerning] castration.”

As can readily be observed from the Bavli’s version of the Toseftan *baraita*, R. Hidka does not quote 19:14.

It is only on B. BM 90b, therefore, that R. Hidka appears to say “and they violate ‘Do not place a stumbling block before the blind.’” Looking carefully, we see that the words on B. BM 90b that appear to be unquestionably R. Hidka’s words (on the basis of the parallels) are in Hebrew. The addition “*ve-ka avri . . .*” (“and they violate. . . [19:14]”) is in Aramaic. Shamma Friedman has noted that such a linguistic shift is a recognized mark of an interpolation into an earlier statement.³⁶ In this case, either Rav Papa interpolated the reference to 19:14 himself, or else the Bavli *stam* did so in a way that makes it appear as if the interpolation should be attributed to Rav Papa.³⁷ The difference all this makes is that if 19:14 is to be attributed to Rav Papa, then there is evidence of the application of 19:14 to non-Jews in the fifth Babylonian Amoraic generation. On the other hand, if the interpolation of 19:14 was the work of the Bavli *stam*, there is no clear evidence then of what the fifth-generation view was. In this case, I am inclined to see the interpolation as properly attributable to Rav Papa, for several reasons. First, the attribution to Abaye of the application of 19:14 to non-Jews (B. AZ 14a) is reliable (=attested in all available manuscripts), so a similar application by Rav Papa in the next generation is certainly plausible. Second, the attribution to Ravina and Rav Ashi of the application of 19:14 to non-Jews on B. Ned. 62b (see below), is also reliable – which again means that an attribution to Rav Papa in the fifth

35 =T. AZ 8:4-8 (Zuckerman ed., 473-474).

36 See Shamma Friedman, “A Critical Study of *Yevamot* X With A Methodological Introduction,” in H.Z. Dimitrovsky, ed., *Texts and Studies: Analecta Judaica 1* (New York: Jewish Theological Seminary of America, 1978), 301-302 (Hebrew). Friedman there refers to separating out the Amoraic statement (Hebrew) from the *stam* interpolation (Aramaic), not a Tannaitic statement from an Amoraic interpolation, yet the same principle applies – a linguistic shift is likely indicative of a later interpolation into an older source. As to whether or not this Aramaic interpolation should be attributed to Rav Papa or seen as *stam* will be discussed further below.

37 In the interests of methodological completeness, it should be noted that Rav Papa’s statement on B. BM 90b appears this way in the extant manuscripts: Firenze, Biblioteca Nazionale Centrale II.1.8-9, Vatican, Bibliotheca Apostolica Ebr. 115 and 116-117, and Munich 95.

generation is plausible. Third, even if we posit that the Bavli *stam* deployed 19:14 on B. BM 90b, that *stam* could very well have been a fourth through sixth generation-era *stam* contemporaneous with Rav Papa, given the reliable attributions of 19:14 to Abaye, Rav Ashi, and Ravina. All things considered, the attribution of 19:14 to Rav Papa on B. BM 90b is plausible—although admittedly not completely free of doubt.

Moving on to the sixth Babylonian Amoraic generation, Rav Ashi was said to have owned a forest, which he sold to a “house of fire,” presumably a Zoroastrian temple. Ravina questioned him about this sale, asking “And isn’t there ‘Do not place a stumbling block before the blind’? (19:14).” Rav Ashi’s response was that “Most wood is for burning”³⁸ (B. Ned. 62b). Ravina implies that by selling the means to make fire to a Zoroastrian fire temple, Rav Ashi has violated 19:14. Rav Ashi has sinned by enabling the Persian priests to sin—and their sin can only be the sin of idolatry. Note that Rav Ashi does not question the appropriateness of invoking 19:14 in this context. Yet his response to Ravina—“Most wood is for burning”—shows that he sees the sale of the forest as governed by a different legal principle. Rav Ashi’s response to Ravina in Nedarim is arguably a specific instance of the principle he enunciates on B. AZ 15b that “*kol heikha d’ikka l’milta talinan af al gav d’metzueh, v’kol heikha d’leika l’mitlei lo talinan, af al gav d’eino metzueh*” (“in any case in which it is possible to find a [permissible] reason [for halakhically questionable conduct] we find a reason. . . .”) In the context of B. AZ 15b, the Bavli is discussing the permissibility (or not) of selling plow animals, fields, and agricultural implements to a Jew (who is suspect as to his observance of the Sabbatical year) during the Sabbatical year. Although the Bavli does not explicitly say so, the obvious concern is that such sales could enable violation of the Sabbatical year.³⁹ Rav Ashi is presented by the Bavli as enunciating his principle in order to cut through inconsistencies between Tannaitic sources that emerged about the permissibility of those sales. The point of his principle is that if there is a way to justify the sale (of animals or land) as being for a permitted (=non-Sabbatical year) purpose—then the sale is permitted, even though the seller is commanded to observe the Sabbatical year by allowing the land and work animals to rest. On the other hand, should there be no way to justify the sale, then it is not permitted, even if no Biblical prohibition is implicated by the sale. This latter part of Rav Ashi’s principle would prohibit sales of agricultural equipment (as opposed to land or animals) during the Sabbatical year to Jews who might use it for its intended purpose, even though the seller is not “commanded” to allow his inanimate objects to “rest” during the Sabbatical year. R. Asher b. Yehiel (“Rosh”),⁴⁰ R. Solomon

38 There are no significant textual differences between the printed edition and Vatican, Bibliotheca Apostolica Ebr. 110-111 and Munich 95.

39 Interestingly, Rashi (to B. AZ 15b, s.v. “*u-mena temra*” and s.v. “*lo yinkor lo haveiro parah ha-horeshet ba-shevi’it*”) mentions 19:14 in some of his comments on the *sugya*—although the Bavli clearly does not. Nor does the Bavli mention “*asur l’sayea*” (B. AZ 55b).

40 See the *Perush ha-Rosh* printed on B. Ned. 62b, s.v. “*rov etzim l’hasaka ninhu*.”

ibn Adret (“Rashba”),⁴¹ and Ran⁴² quoted Rav Ashi’s statement in Avodah Zarah in the course of commenting on his response to Ravina in Nedarim. Putting the two *sugyot* together, Rav Ashi’s point in Nedarim would seem to be that as long as there is a plausible permitted purpose for which the wood would likely be used, the fact that the wood *might* be used for idolatry is not enough to trigger 19:14.⁴³ Yet, as Ravina’s objection demonstrates, there was not universal agreement with Rav Ashi’s *kol heikha* notion, at least when speaking of non-Jews.⁴⁴ And again, this example shows that although Rav Ashi argued a variant of *kol heikha* to Ravina, he is not represented as disagreeing *in principle* with the notion that 19:14 is applicable to non-Jews.

B. BM 90b and B. Ned. 62b must inform our analysis of B. AZ 6a-b, to which we now turn. Here, the Bavli *stam* asks why M. AZ 1:1 prohibits transacting business with non-Jews during the three days preceding their idolatrous festivals. The Bavli *stam* poses two possible reasons: “*harvachah*” (“profit”) – the concern that the Jew will cause the non-Jew to earn a profit for which she will thank her god, and, simply, “*lifnei iveir lo titen mikhshol*” (19:14). The quotation of 19:14 as the second possible reason for the prohibitions of M. AZ 1:1 reflects the concern that by doing business with the non-Jew, the Jew will cause the non-Jew to acquire something that the latter can use in his idolatrous worship – worship that is forbidden to him by the Noahide laws. As is its way, the Bavli then asks what is the practical difference between these two rationales, and the answer is that the difference is a situation in which the non-Jew already possesses a beast. If the rationale is “profit,” then by transacting business with him three days before the idolatrous festival, the Jew may end up selling the non-Jew another beast and thus “profiting” him, but if the rationale is 19:14, then there should be no problem, since the non-Jew already has a beast he can use for sacrifice.

At this point, the Bavli *stam* quotes a version of T. Demai 2:24 in order to make the point that the Jew can violate 19:14 even if the non-Jew already has a beast. The Bavli’s version of T. Demai 2:24 reads as follows:

מנין שלא יושיט אדם כוס של יין לבזיר, ואבר מן החי לבני נח והתניא, אמר רבי נתן ת"ל
לפני עור לא תתן מכשול

And wasn’t it taught in a *baraita* (T. Demai 2:24): Rabbi Nathan said, “From where do we know that a person should not extend a cup of wine to a

41 *Hiddushei ha-Rashba* to B. Ned. 62b, s.v. “*rov eitzim l’hasaka ninhu.*”

42 On B. Ned. 62b, s.v. “*rov eitzim l’hasaka ninhu.*”

43 It bears noting that a similar rationale appears on B. San. 74b. There Rava holds that if a non-Jew orders a Jew to violate Torah but the purpose of the order is not to compel the Jew to violate the Torah, but simply because the non-Jew desires some benefit (*hana’ah*) that the Jew can only provide through incidentally violating the Torah, the Jew does not have to prefer death to Torah violation. Rava’s position in Sanhedrin bears a family resemblance to Rav Ashi’s *kol heikha d’ikka l’mitta talinan* position in Avodah Zarah: in both cases, the factors “non-Jews” and non-Jewish *hana’ah* from a Jew’s eyebrow-raising act” come together and these Amoraim adjudicate the results in context-specific ways.

44 Recall that on B. AZ 15b, Rav Ashi enunciates his principle in connection with the Sabbatical year – not non-Jews.

Nazirite, and a limb from a living animal to the children of Noah? Scripture says: ‘Do not place a stumbling block before the blind’” (Lev. 19:14.)

The Bavli *stam* interprets this *baraita* to mean that even if the anonymous “person” gives the Nazirite or non-Jew a forbidden item that they could otherwise obtain by themselves, the (presumably Jewish) person still violates 19:14. The (also *stam*) response to this interpretation is that the *baraita* limits the violation of 19:14 to situations in which the Jew and the Nazirite/non-Jew are on “the two sides of a river” – that is, the Jew is in fact the Nazirite’s/ non-Jew’s only source for the forbidden item. This other *stam* voice “proves” the validity of this reading by pointing out that the *baraita* reads “*lo yoshit*” (“should not extend”) – which implies effort, as in reaching across a river – rather than “*lo yiten*” (“should not give”). In the Tosefta, T. Demai 2:24 reads as follows:⁴⁵

כיוצא בו לא יושיט ישראל אבר מן החי לבני נח ולא כוס יין לנזיר שאין מאכילין את האדם דבר האסור לו

Likewise an Israelite should not extend a limb from a living animal to the children of Noah nor a cup of wine to a Nazirite, for we do not feed a person something that is forbidden to him.

There are three major differences between the *baraita* as it appears in the Tosefta and in the Bavli: (1) The former is unattributed, while the latter is attributed to R. Nathan; (2) the former is phrased declaratively, and the latter interrogatively; and (3) the former explains that the Israelite may not extend these items because of “do not feed,” while the latter quotes 19:14 instead. There are three possible explanations for these differences: (A) the Bavli inherited another version of T. Demai 2:24; (B) what we see in the Bavli is not a parallel to T. Demai 2:24 but a second Toseftan *baraita* – now missing from the Tosefta – that explained T. Demai 2:24; and (C) the Bavli reworked T. Demai 2:24 into the version we now find on B. AZ 6a-b. One point in favor of (A) is the attribution in the Bavli to R. Nathan. R. Nathan was indeed a Tanna, and as Marc Hirshman has pointed out,⁴⁶ he was associated with the school of R. Ishmael and its universalistic attitude toward non-Jews and converts. R. Nathan’s presence in the Bavli’s version of the *baraita* thus makes sense in light of the *baraita*’s notably non-particularistic concern about not feeding non-Jews food that is forbidden to them. One might also argue that the Bavli’s quotation of its own version of the *baraita* on B. Pes. 22b is evidence for that version’s independent existence (which buttresses the notion that the Bavli inherited the *baraita* in this version). Yet it is equally or more possible that – as is its way – the Bavli redactors simply lifted the *baraita* from B. AZ

45 The text presented is that of Saul Lieberman, ed., *The Tosefta: According to Codex Vienna, with Variants from Codex Erfurt, Genizah Mss. and Editio Princeps* (Venice 1521), *Together with References to Parallel Passages in Talmudic Literature and a Brief Commentary: The Order of Zera'im* (New York: Jewish Theological Seminary, 1955), 72. There are no significant differences in the Vienna and Erfurt manuscripts, or in the *editio princeps*.

46 See Marc Hirshman, “Rabbinic Universalism in the Second and Third Centuries,” *Harvard Theological Review* 93:2 (2000): 101-115 (the reference to R. Nathan is on p. 111).

6a-b and placed it in Pesahim. We noted evidence of such a redactional move in our analysis of Abaye's statement ("alifnei mefakdinan") on B. AZ 14a and 21a, and there is other evidence of such transfers within the Bavli besides.⁴⁷ Possibility (B) explains why T. Demai 2:24 is phrased declaratively while the Bavli version is phrased as a search for scriptural support, yet (B)'s weakness is that it assumes the existence of phantom Toseftan material. Occam's Razor militates in favor of arguing for (A) or (C) rather than (B), since (A) and (C) assume our extant texts only. One point in favor of (C) is the presence of 19:14 in the Bavli's version of the *baraita*. It strains credulity to imagine that the Bavli inherited a Toseftan *baraita* that included 19:14, given that no other extant version of T. Demai 2:24 includes it, as well as the more important point that the application of 19:14 to non-Jews is only associated in the Bavli with fourth through sixth generation Amoraim. Is it really reasonable to assert that a version of the Toseftan *baraita* (now unknown to us except through B. AZ 6a-b) applied 19:14 to non-Jews—while leaving no trace of itself or its application of 19:14 to non-Jews in other Palestinian compilations, or among Babylonian Amoraim prior to Abaye?

This essay suggests that late- or post-Amoraic hands reworked T. Demai 2:24 to include and reflect 19:14 because of their awareness that the latter had already been extended to non-Jews in Amoraic discourse of the mid-late fourth and early fifth centuries. These "hands" "updated" T. Demai 2:24 by adding a reference to 19:14 that they likely felt must have been implicit in the similar idea found earlier in the Tosefta. Shamma Friedman has demonstrated that the Bavli editors did indeed at times "Bavlicize" Toseftan *baraitot* to introduce Babylonian linguistic usages, or cultural and religious perspectives, and this example, it is submitted, is additional evidence of this pervasive phenomenon.⁴⁸

It stands to reason that the Bavli *stam's* questions about the applicability of 19:14 to Samaritans (B. AZ 22a; B. Nid. 57a) post-date the Amoraic and *stam* extension of 19:14 to non-Jews. The later Amoraim having extended 19:14 to non-Jews, the *stam* naturally considered the possible relevance of 19:14 to two *sugyot* dealing with the land-of-Israel-centric concern with Samaritans—a group seen in both rabbinic communities as occupying a liminal space between Israel and the nations. This essay contends that the other *stam* deployments of 19:14—which do not pertain to non-Jews or Samaritans—are also late. The principal reason—aside from the characteristically dialectical,

47 As an example, see my discussion of the Bavli *stam's* transfer of a small *sugya* from B. Tan. 3b—its likely original location—to a new narrative context on B. AZ 10b in my "The Power Conferred by Distance From Power," 55-56. A study of the lengthy opening *sugyot* of Bavli Arakhin shows the *stam* transferring *sugyot* from B. Hag. 2a-b (the *sugya's* natural place, thematically) to B. Arakh. 2b and from B. Meg. 3a (again, the *sugya's* more likely place) to B. Arakh. 4a, among other transfers.

48 Shamma Friedman, "Ha-Baraitot Ba-Talmud Ha-Bavli U-Makbiloteihen She-B'Tosefta," in Daniel Boyarin, Shamma Friedman, et al., eds., *Atara L'Haim: Studies in the Talmud and Medieval Rabbinic Literature In Honor Of Professor Haim Zalman Dimitrovsky* (Jerusalem: Magnes, 2000), 163-201; idem, "Uncovering Literary Dependencies in the Talmudic Corpus," in Shaye J.D. Cohen, ed., *The Synoptic Problem In Rabbinic Literature* (Providence, RI: Brown Judaic Studies, 2000), 35-57.

and likely late, nature of most of the *stam* interventions in those *sugyot* – is that by positing that the Amoraic extension of 19:14 to non-Jews came first, we are able to reconstruct the development of 19:14, while, if we posit the opposite, we cannot. More specifically, if we posit that the Bavli *stam* extended 19:14 outside of the loan scenario even prior to Abaye, then we are left without any historical context for why the *stam* might have done that. If, on the other hand, we posit that the later Amoraim’s extension of 19:14 to non-Jews came first, and catalyzed further deployments of 19:14, then we understand better what happened: a certain historical context (which this essay will describe) made the extension of 19:14 to non-Jews possible, and then the *stam* dialectically and creatively – as is its way – carried 19:14 further into other relevant contexts pertaining to Samaritans and Jews.

Let us briefly review these other relevant contexts. The Bavli *stam* applies 19:14 to the father-son context on B. Kid. 32a. The discussion begins there with a question to R. Eliezer about the extent of the commandment to honor parents. R. Eliezer responds that even if a son witnesses his father throwing a pouch of money into the sea, he must not scold him for it. After a brief question and answer about R. Eliezer, the Bavli mentions the case of Rabbah b. Rav Huna, whose father Rav Huna tore up silks in his presence as a test to see if Rabbah b. Rav Huna would become angry. The Bavli *stam* points out that Rabbah might become angry, thus causing Rav Huna to violate 19:14, but the resolution is offered that in this case, Rav Huna was willing to set aside his honor (for the sake of the test).

On B. BM 5a-b, the Bavli discusses the case of a shepherd who had been given animals to watch in the absence of witnesses, and who later denied he had been entrusted with them. In considering whether or not the shepherd was presumed sufficiently legally reliable to be administered an oath, the issue was raised that perhaps all shepherds are presumptively considered thieves because they allow animals to graze in other people’s fields and thus the shepherd was not to be considered reliable enough to be administered an oath. The Bavli *stam* rejects this notion, pointing out, *inter alia*, that if professional shepherds are presumptively thieves, people would violate 19:14 all the time by entrusting them with their animals, which they surely do not.

Finally, there are two cases in which 19:14 was introduced into narratives involving Palestinian characters – interestingly, both cases have Rabbi Judah the Prince (“Rabbi”) in common. First, on B. MK 17a, Rabbi’s (famous) maidservant witnessed a man striking his adult son and declared a ban against the man. The observation is made – whether by the maidservant or the Bavli *stam* is unclear – that the father’s violence is a transgression of 19:14. This observation is followed by the quotation of an alleged *baraita* specifically applying 19:14 to the case of a man who strikes his adult son. On B. Hul. 7b, R. Pinḥas b. Yair was said to have been dissuaded from dining with Rabbi because of the presence in the latter’s home of white mules, which

indicated the presence of the Angel of Death. When Rabbi, anxious to host R. Pinḥas, offered to sell them, the latter responded with 19:14—implying that selling the white mules to unsuspecting others would be placing a “stumbling block” (=the possibility of death) before the “blind” (the unsuspecting purchasers). In both cases, 19:14 is used in a way different from what we see in undisputedly-Tannaitic sources. It is unreasonable to argue that these are authentic Tannaitic applications of 19:14 that are somehow missing from Tannaitic literature (and even Palestinian Amoraic literature), only appearing in the Bavli. The more reasonable explanation is that 19:14 was introduced into these sources by the anonymous hands of editors and transmitters of these narratives in Babylonia—who had already inherited from the late Amoraic period and other *stammot* the conviction that 19:14 can be widely applied to a range of situations. Moreover, these late, anonymous hands appear to have wished their applications of 19:14 to be somehow linked to Rabbi Judah the Prince; a move that presumably would give wide applications of 19:14 greater legitimacy.

6. SUMMARY OF THE HALAKHIC DEVELOPMENT OF 19:14

The extension of 19:14 to non-Jews is found only in the Talmud Bavli, discussed by Abaye, Rav Papa, Ravina, Rav Ashi, and the *stam*. That extension does not pre-date Abaye, of the fourth Amoraic generation. Before moving on to a reconstruction of the historical context of the innovative Babylonian extension of 19:14, this essay will pull together the points developed thus far into a narrative of the halakhic development of 19:14. In the Tannaitic period, two interpretations of 19:14 emerged, one of which was its application to the parties involved in a loan-at-interest transaction. Tannaitic literature also presented the notions of “do not strengthen the hands of transgressors” in a purities and Sabbatical-year context, as well as “do not feed a man something that is forbidden to him” in the context of wine to a Nazirite and a limb from a living animal to a non-Jew. Tannaitic literature did not bring these ideas together, which led us to hypothesize that 19:14 was likely meant to be limited to the terms of the loan-at-interest scenario, and that 19:14 was likely seen as applicable to those occupying the same normative universe, while the other notions were applicable to persons—whether Jewish or not—occupying distinct and particular normative universes. Talmud Yerushalmi does not deploy 19:14, and does little with “do not strengthen.” The Bavli breaks new ground in all three areas: “do not strengthen,” “do not feed,” and of course, 19:14. As to the first, the Bavli exposes the inherent ambiguity of the term, and replaces it in a Toseftan *baraita* with the more specific “it is forbidden to assist” (“*asur l’sayea l’ydei ovrei aveirah.*”) The Bavli gives “do not feed” a purely figurative interpretation. As to 19:14, Rav applied it in a loans situation (other than that of M. BM 5:11), but no other Amora prior to Abaye utilized it. Abaye marks a major turning-point in the interpretation of 19:14; applying it for the first time to Jews occupying distinct normative

universes (priests and non-priests), and also to non-Jews. Rav Papa, Ravina, and Rav Ashi follow suit as to non-Jews, and the Bavli *stam's* applications of 19:14 to Samaritans, the case of Rabbah b. Rav Huna and his father, its insertion into the story of Rabbi's maidservant and her encounter with the violent father, R. Pinḥas b. Yair, and its application of 19:14 to the question of whether shepherds are sufficiently reliable to be administered oaths *post-dated* the late Amoraic extension of 19:14 to non-Jews. If one wishes to argue that the *stammot* in those other cases were early (meaning predating the redaction of the Bavli), then it is difficult to understand why such applications of 19:14 were only made anonymously, and not by Amoraim. If 19:14 was seen as applying to cases ranging far beyond the loan-at-interest (or just loan) scenario even prior to Abaye, then why would no Amora have deployed 19:14 in other cases to which it could apply? If, on the other hand, the *stammot* in these other cases were late, then it stands to reason that after 19:14 emerged as a topic of discussion among the later Amoraim, it was picked up and deployed creatively by the Bavli *stam* in a case pertaining to non-Jews (B. AZ 6a-b) and in others pertaining to Samaritans and even Jews. With all the evidence before us, we see that the Bavli's applications of 19:14 all concern cases that implicate Biblical prohibitions, while its one deployment of "it is forbidden to assist" (B. AZ 55b) involves a rabbinic prohibition. This Biblical-rabbinic distinction does not work as neatly for Palestinian rabbinic literature.

It must also be pointed out that there was Amoraic and *stam* disagreement about exactly how to apply 19:14 to non-Jews. While Abaye, Rav Papa, and Ravina are represented as straightforwardly maintaining that a Jew is obligated not to facilitate a non-Jewish violation of the Noahide laws, Rav Ashi disagrees. Rav Ashi teaches the principle that if a plausible, permitted reason can be adduced for the Jew's action (in his case, sale of a forest that could have been used for a Zoroastrian fire-temple), then the sale is permitted and 19:14 does not apply. Rav Ashi in essence limits 19:14 in a case where its strict application could result in economic loss for a Jew. Similarly, on B. AZ 6a-b, the Bavli *stam* closes its consideration of 19:14 by concluding that a Jew only violates 19:14 if he is the only source from which the non-Jew (or Nazirite) can obtain the forbidden item. If the Jew is not the only source, then he is not forbidden to sell to the non-Jew, and does not violate 19:14. As noted earlier, neither Rav Ashi nor the Bavli *stam* on B. AZ 6a-b dispute the applicability of 19:14 to those cases—but they do move to limit it. Those limitations later became significant in the medieval development of the law regarding facilitating a non-Jew's violation of the Noahide laws.⁴⁹

49 For a detailed and entirely legal analysis of the post-Talmudic evidence from the perspective of a halakhist, see Michael J. Brody, "The Obligation of Jews to Seek Observance of Noahide Laws by Gentiles: A Theoretical Review," in David Shatz, Chaim I. Waxman, and Nathan J. Diamant, eds., *Tikkun Olam: Social Responsibility in Jewish Thought and Law* (Northvale and London: Jason Aronson, 1998), 129-134. I intend to take up the historical analysis of the post-Talmudic evidence in another venue.

7. RECONSTRUCTING THE HISTORICAL CONTEXT OF THE BAVLI'S EXTENSION OF 19:14 TO NON-JEWS

This essay has already pointed out that the Tannaitic phase of the development of 19:14 is difficult to explain historically. We will move on now to discuss the historical context of one aspect of 19:14 as to which we may peer through a glass not quite so dark: the later Amoraic and *stam* extension of 19:14 to non-Jews. By extending 19:14 to non-Jews in connection with specific Noahide laws, these later Amoraim and the Bavli *stam* indicate clearly that, in their view, 19:14 applies to non-Jews *qua* non-Jews. The question that remains for consideration is *why* the later Amoraim and *stam* extended 19:14 to non-Jews, and the answer to this question must begin with an overview of the Bavli's notable interest in the Noahide laws—an interest that, as this essay will demonstrate, is deeper than that displayed in any other late antique rabbinic compilation.⁵⁰

Without going into the textual history of these laws in detail, it should be noted that T. AZ 8:4-8 refers to Noah and his sons as having been commanded seven laws. While the *Sifra* to Leviticus contains a number of references to the Noahide laws it does not provide a list of them,⁵¹ and the same may be said of the *Sifrei* to Deuteronomy.⁵² Ber. Rab. 16:6 (Theodor-Albeck ed., 149-151) records that Adam was commanded six laws (excluding flesh from a living animal), while Ber. Rab. 34:8 (Theodor-Albeck ed., 316-7) teaches that the children of Noah were commanded seven. These laws are not discussed in the Yerushalmi, but we should be cautious about concluding that this silence reflects a lack of engagement. Menahem Katz has argued that some *rishonim* may have had Yerushalmi material discussing the Noahide laws that we do not now have, although the matter remains unsettled.⁵³ It is undeniable, however, that the most detailed elaboration of the Noahide laws we now see in rabbinic literature is in the Bavli at B. San. 56b-60b. This detailed elaboration by itself suggests that the Bavli has a particular interest in the Noahide laws, which is an interesting datum that sheds light on the later Amoraic/*stam* extension of 19:14 to non-Jews.

The Bavli also demonstrates a ubiquitous interest in the Noahide laws outside of the *locus classicus* of B. San. 56b-60b. This interest in the Noahide laws is also associated more strongly with fourth-generation and later Amoraim as well as with the (likely post-Amoraic) *stam*, which suggests

50 See Devora Steinmetz, "Crimes and Punishments, Part II: Noachide Laws, Brother-Sister Intercourse, and the Case of Murder," *Journal of Jewish Studies* 55:2 (Autumn 2004): 278-305. She distinguishes between the "standard position" and that of the "Tanna d'vei Menashe" and argues that each list represents a distinct rabbinic conception of Noahide law. See also idem, *Punishment & Freedom: The Rabbinic Construction of Criminal Law* (Philadelphia: University of Pennsylvania Press, 2008), 20-39.

51 See *Sifra*, Dibbura D'Hovah *parashah* 1; *Sifra* Tzava, *parashah* 10; *Sifra* Shemini, *parashah* 4; *Sifra* Emor, *parashah* 14 (I.H. Weiss ed.; 1962).

52 See *Sifrei* to Deuteronomy 76, 343.

53 See Menahem Katz, "Yerushalmi – End of Tractate *Avoda Zara* – the 'Missing Yerushalmi' Revisited," *Sidrah* 12 (1996): 79-111 (Hebrew).

that the extension of 19:14 to non-Jews in the fourth Amoraic generation and later coincided with a broader later Amoraic and *stam* interest in the Noahide laws. For example, Rav Yosef (third generation) is recorded as teaching (B. AZ 2b-3a) that God abrogated the Noahide laws since non-Jews were not observing them. The Bavli *stam* questions the justice of this (should sinners be rewarded with the abrogation of laws they do not obey?) and then Mar breih d’Ravina – of the fourth Amoraic generation – is quoted as saying that the Noahide laws are still obligatory. This is the view the Bavli ultimately retains, albeit with a reduction of the divine reward obedient Noahides will receive for their obedience. Note that while the third-generation Amora Rav Yosef was willing to see the Noahide laws as abrogated, the fourth-generation sage Mar breih d’Ravina holds that non-Jews are *still* obligated in those laws – a view that is consistent with the extension of 19:14 to non-Jews beginning in that Amoraic generation.

In a second example, Rava (fourth generation) opined on B. San. 74b that non-Jews are obligated in *kedushat Hashem*, an expression meaning “martyrdom” in context. Abaye disagreed on the ground that the seven Noahide laws explicitly include no such obligation, and that asserting one would result in there being eight Noahide laws. Rava’s position is a total contrast not only to Abaye’s view, but also to the position taken in the Yerushalmi (Y. Shevi. 4:2, 35a), according to which non-Jews are unquestionably *not* obligated in martyrdom. The Yerushalmi, it bears noting, discusses the issue of non-Jewish martyrdom in Shevi’it without reference to the Noahide laws.⁵⁴ The Bavli *stam* ultimately partially backs away from Rava, suggesting that while non-Jews might have an obligation to die rather than worship idolatry in *public* (defined as in the presence of at least ten adult, presumably male Jews), they – unlike Jews – have no such obligation in *private*. Yet, at bottom, the Bavli *stam* does maintain a non-Jewish obligation to die for God in appropriate circumstances, a point of view that is consistent with the later Amoraic/*stam* extension of 19:14 to non-Jews and its implied recognition of the force of non-Jewish obligations to God. In a third example, while Y. AZ 1:8, 40a presents a case according to which Jews are permitted to give free food to Gentiles – whether or not they are idolaters – the Bavli presents the point of view that such free gifts may only be given to “*gerei toshav*” (“resident aliens”), who are alleged to observe the Noahide laws (B. AZ 20a).⁵⁵ Thus while the Yerushalmi does not appear to differentiate between idolatrous and non-idolatrous non-Jews, the Bavli clearly does – arguing that greater regard be shown for non-Jews who recognize their own obligations to God.

In a fourth and final example, the Babylonian redactors of AZ include discussions or implicit references to the Noahide laws throughout the tractate at 2b-3a, 5b-6b, 24b, 51a, and 65a – these laws clearly forming a thematic

54 For a detailed analysis of the Yerushalmi martyrdom *sugya*, see my “A Contribution to the Study of Martyrdom and Identity in the Palestinian Talmud,” *Journal of Jewish Studies* 54:2 (Autumn 2003): 242-272.

55 For more discussion of the relation between these Yerushalmi and Bavli *sugyot*, see my *A Talmud in Exile: The Influence of Yerushalmi Avodah Zarah on the Formation of Bavli Avodah Zarah* (Providence, RI: Brown Judaic Studies, 2005), 163-166.

cluster within the tractate. This thematic clustering of the Noahide laws shows that to the redactors of Bavli Avodah Zarah, the Noahide laws were an indispensable part of any systematic discussion of Jews and non-Jews. That being so, it is reasonable to assume that these redactors would consider non-interference with non-Jewish observance of those laws – exemplified by the extension to them of 19:14 – to be important.

The ubiquitous Bavli interest in the Noahide laws we have demonstrated textually must itself be explained historically. In his “The Socioeconomics of Babylonian Heresy,”⁵⁶ Yaakov Elman points out that the *sugyot* that comprise the Bavli’s extended treatment of the Noahide laws (B. San. 56b-60b) are overwhelmingly Mahozan *i.e.* stemming from rabbis in the Babylonian town of Mahoza in origin, and he points to the key roles played in the Bavli’s analysis of the Noahide laws by the Mahozan scholars Rava and Rabbah b. Avuha. Elman points out that Mahoza was wealthy and cosmopolitan.⁵⁷ It had a diverse population, including Persian soldiers, Christians, and converts to Judaism. Two bridges connected Mahoza to Ctesiphon, the capital and intellectual center of the Sasanian Empire, and the Jewish exilarch and Christian *catholicos* also lived in the vicinity. Elman has also recently argued in “Ma’aseh B’shtei Ayarot: Mahoza U-Pumbedita K’meyatsgot Shtei Tarbuyot Hilkhatiyot” that Mahozan Jews demonstrated a greater openness to Persian culture than their co-religionists in Pumbedita.⁵⁸ The cosmopolitanism of Mahoza reflects the powerful third century Zoroastrian priest Karthir’s observations about the many religious groups and the religious ferment in the Sasanian empire;⁵⁹ observations echoed in Samuel N.C. Lieu’s description of the “splendid confusion” of religions and cultures in Mesopotamia.⁶⁰ Ultimately, Elman links the Mahozan interest in the Noahide laws to those scholars’ cosmopolitan and – in his word – “interdenominational” – environment. In Elman’s words, “Thus the Mahozans’ . . . cosmopolitan outlook extended to a concern for the obligations of non-Jews to G-d.”⁶¹

Elman’s hypothesis that Mahozan interest in the Noahide laws reflects those Amoraim’s respect for non-Jews’ particular covenantal obligations to God sheds light on this essay’s finding that later Babylonian Amoraim and the (likely) post-Amoraic *stam* extended 19:14 to non-Jews. The concern for

56 Yaakov Elman, “The Socioeconomics of Babylonian Heresy,” in Alyssa Gray and Bernard Jackson, eds., *Studies in Mediaeval Halakhah in Honor of Stephen M. Passamanek*, Jewish Law Association Studies XVII (Liverpool: Deborah Charles, 2007), 80-127.

57 Nevertheless, note Rava’s observation about the large number of the poor in Mahoza (B. Tan. 20b-21a). Given Mahoza’s cosmopolitan nature, it is not unlikely that large numbers of all kinds of people would have made their way there; consider the example of the City of New York.

58 See Yaakov Elman, “Ma’aseh B’shtei Ayarot: Mahoza U-Pumbedita K’meyatsgot Shtei Tarbuyot Hilkhatiyot.” I thank Prof. Elman for sharing a pre-publication copy of the article with me. The study has since appeared in David Golinkin, Moshe Benovitz, et al., eds., *Torah Lishma: Essays in Jewish Studies in Honor of Professor Shamma Friedman* (Jerusalem: Jewish Theological Seminary of America and Bar-Ilan University, 2007), 3-38.

59 See Elman, “Ma’aseh B’shtei Ayarot,” 5-6.

60 See Samuel N.C. Lieu, *Manichaeism in Mesopotamia and the Roman East* (Leiden: E.J. Brill, 1994), 25.

61 Yaakov Elman, “The Socioeconomics of Babylonian Heresy,” in Gray and Jackson, eds., *Studies in Mediaeval Halakhah*, 115.

non-Jews' obligations to God of which Elman wrote may have been extended to the notion that the Torah itself requires that Jews not assist in non-Jewish violations of the terms of their covenant with God. Moreover, Elman's Mahozan hypothesis sheds light on the question of why the extension of 19:14 to non-Jews was a phenomenon of the later Amoraic period (beginning in the fourth generation) and the *stam*. Although the early Mahozan sage Rabbah b. Avuha (second generation) dealt with the Noahide laws, it stands to reason that interest in the Noahide laws percolated for a time within Mahoza itself (note the fourth-generation Rava's concern with these laws), eventually spreading to later Amoraim in other places (Rav Ashi was in Mata Mehasya) and the elusive *stam*.

Yet questions may be raised about whether Elman's Mahozan hypothesis of Babylonian Amoraic regard for non-Jews' covenant with God is an adequate explanation of the extension of 19:14 to non-Jews. First, if the Amoraim had such regard, why then did Rav Ashi (B. Ned. 62b) and the Bavli *stam* (B. AZ 6a-b) find a legal principle (Rav Ashi's "*kol heikha. . .*") or a close textual reading ("*lo yoshit*" rather than "*lo yiten*") to allow Jews to interact with non-Jews in ways that certainly appeared to violate 19:14? Why wasn't 19:14 seen as an absolute? Second, the Jews may well have lived in a diverse Mesopotamian environment, and indeed, the Bavli indicates that Jews interacted constantly with non-Jews, although, as noted by Richard Kalmin, they tended to live apart.⁶² Yet it must be pointed out that the mere fact that Mahozan—or other Babylonian—Amoraim may have lived in a diverse and cosmopolitan context does not necessarily lead inexorably to the conclusion that they were concerned with non-Jews' obligations to God. Nor does a cosmopolitan environment render inevitable a legal development like the extension to non-Jews of 19:14. A diverse environment could also lead rabbis to push for inwardness and communal retrenchment. That being so, it is possible that the extension of 19:14 to non-Jews may have been a way Biblically to prohibit Jews to assist, however indirectly, in the furtherance of grave Torah violations such as idolatry. Thus, Ravina (on B. Ned. 62b) and the Bavli *stam* on B. AZ 6a-b may not have been concerned about *non-Jews practicing* idolatry so much as they were concerned about *Jews enabling* idolatry—and concerned with finding a way to prevent Jews from participating in it, however indirectly. Such "idolatry anxiety" may have led to 19:14 as one among a number of solutions to this problem of negotiation: Jews may interact with non-Jews (as they presumably would have done in any case), but not in ways that lead them to participate, however indirectly, in violations of Torah laws. Some Amoraim, notably Rav Ashi, may have shared this anxiety about idolatry (or not), while nevertheless drawing the line between economic activity and not enabling Torah violation differently.⁶³ This focus on Amoraic/*stam* anxiety

62 Richard Kalmin, *Jewish Babylonia*, 119.

63 Cf. Seth Schwartz's argument about rabbis in the land of Israel in "Gamaliel in Aphrodite's Bath: Palestinian Judaism and Urban Culture in the Third and Fourth Centuries," in Peter Schäfer and Catherine Hezser, eds., *The Talmud Yerushalmi and Graeco-Roman Culture 1* (Tübingen: Mohr Siebeck, 1999), 203-217. Yet Richard Kalmin notes a crucial difference between the Palestinian and Babylonian contexts: (1) the Palestinian

about Jewish enabling of non-Jewish idolatry draws strength from Kalmin's finding, based upon his analysis of B. AZ 54b-55a and other evidence, that although Babylonian rabbis did not encounter idols, they displayed acute anxiety about idolatry throughout the Amoraic period and up to the time of the Bavli's redaction (from the mid- to late-third century through the sixth or seventh centuries.) In Kalmin's words: "Babylonian rabbis. . . viewed idol worship as a significant threat, and arguments in its favor provoked rabbinic anxiety. . . ." ⁶⁴ In light of Kalmin's finding, the notion that later Babylonian Amoraim and the Bavli *stam* extended 19:14 to non-Jews in order to distance Jews from even the indirect enabling of idolatry appears plausible.

Yet while explaining the extension of 19:14 to non-Jews by means of Elman's focus on Amoraic respect for the non-Jewish covenant with God leaves unanswered questions, an explanation based on alleged Amoraic "idolatry anxiety" also leaves two important data unexplained: (1) Why Rav Papa brings 19:14 into R. Hidka's Toseftan statement about a Noahide prohibition against animal castration (which, needless to say, is not idolatry); and (2) Why, if Babylonian rabbis were anxious about idolatry throughout the Amoraic period, the extension of 19:14 to non-Jews was late—given the anxiety about idolatry throughout the period, why don't we see the extension of 19:14 to non-Jews earlier?

Given all these unanswered questions, explaining the extension of 19:14 to non-Jews either on the basis of Yaakov Elman's Mahozan hypothesis of an Amoraic regard for non-Jews' covenant with God or on the basis of Richard Kalmin's finding of Amoraic "idolatry anxiety" is at once both flawed *and* helpful. Neither explanation alone suffices to explain the extension of 19:14 to non-Jews. The textual evidence we have analyzed in this essay suggests that—as one might expect in human affairs—multiple factors were at play: regard for non-Jews' divine covenant *and* concern for Jews' economic prospects; anxiety about idolatry and possible indirect Jewish involvement in it *and* concern that Jews not enable non-Jewish violation of *any* of the terms of their own covenant with God—not just idolatry. What is clear is that the extension of 19:14 to non-Jews is a phenomenon of the fourth through sixth Amoraic generations and the Bavli *stam* and that key Noahide-law developments in the Bavli—the notion that non-Jews are still obligated in those laws, despite widespread disobedience of them (B. AZ 2b-3a), that non-Jews have some sort of martyrdom obligation (B. San. 74b-75a), that free food should only be given to non-Jews who obey the Noahide laws (B. AZ 20b), and the thematic clustering of Noahide-law traditions in Bavli Avodah Zarah—are also associated with the fourth Amoraic generation (B. AZ 2b-3a; B. San. 74b-75a) or the Bavli *stam*.

rabbis constantly encountered idolatry itself, which the Babylonians did not; and (2) the Palestinians lived in mixed communities, which the Babylonians apparently did not (*Jewish Babylonia*, 119).

⁶⁴ Richard Kalmin, *Jewish Babylonia*, 116.

The importance of the fourth through sixth Babylonian Amoraic generations (fourth-fifth centuries CE) in the Bavli's engagement with the Noahide laws and the application of 19:14 to non-Jews suggests that the researcher's eye must continue to be directed to the Sasanian Iran of that time for an explanation. Richard Kalmin, following Samuel N.C. Lieu and other scholars, has pointed to historical evidence of the Sasanian King Shapur's third century conquests and transfer of thousands of inhabitants of the Eastern Roman Empire to areas under his control. Kalmin has also collected evidence showing the strengthening and consolidation of Persian Christianity in the fourth and fifth centuries.⁶⁵ It is reasonable to assume that the gradual and growing cultural effects within Sasanian Iran of these third-century population transfers and the subsequent (and likely related) growth and consolidation of Christianity may have had—in addition to the effects studied by Kalmin—the effect of spurring Babylonian rabbinic interest in the Noahide laws and the application to non-Jews of 19:14.

⁶⁵ See Richard Kalmin, *Jewish Babylonia*, 3-8 and notes.