

ENGLISH SUMMARIES

Three mishnaic passages present lists of four types of people who are disqualified as witnesses because of their conduct. The *Tosefta* adds three more types of people to this list. These lists have been analyzed by previous scholars from various perspectives. Some of them have noted that the approach of the *Mishna* and the other tannaitic sources differs from that of the *Bavli*. According to the tannaitic sources, only people who are suspected of actually taking money which does not belong to them are disqualified as witnesses, whereas according to the *sugyot* of the *Bavli*, virtually all sinners are disqualified as witnesses. The *Bavli* thus returns, wittingly or unwittingly, to the ancient sectarian approach which disqualified all sinners as witnesses.

In “Disqualified Witnesses”, **Mordechai Sabato** reexamines the relationship between the tannaitic sources and the *Bavli* and demonstrates that the principal difference between the tannaitic approach and the Babylonian approach is deeper and more fundamental than has been noted to date. According to the *Mishna*, disqualification does not stem from a particular sinful act, but from participation in a profession which, in the rabbis’ view, causes people to treat the property of others with contempt. According to the *Bavli*, however, the basis for disqualification is the actual sinful act. Sabato attempts to demonstrate that the *Bavli*’s approach led to novel exegesis and creative reworking of the tannaitic sources. Sabato also analyzes a *baraita* found in the *Tosefta* and in both *Talmudim* and demonstrates how the different formulations of these sources reflect their differing approaches regarding the disqualification of witnesses.

In “The Glosses of R. Yaakov Ashkenazi on *Mishna Seder Nezikin*”, **Moshe Assis** deals with glosses on *Seder Nezikin* (and the first two chapters of Tractate *Yevamot*) in a copy of the *Mishna, Seder Nashim and Seder Nezikin*, published in Mantua (1561–1562), in the collection of Professor Meir Benayahu. An examination shows that these glosses, by R. Yaakov Ashkenazi (d. 1616), are identical to the glosses of R. Yehosef Ashkenazi that are preserved in the commentary *Melekheth Shelomo* on the *Mishna* by R. Shelomo Adani. However, the glosses here include additional ones that are not mentioned in *Melekheth Shelomo*. Indeed, there are a few minor

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contradictions between the glosses of R. Yehosef in these two sources. Assis shows, however, that this issue of contradictions is prevalent in the transmission of the work of R. Yehosef, so that these minor contradictions do not undermine the attribution of the glosses to R. Yehosef. In the final analysis, this copy provides a supplementary source of glosses by R. Yehosef Ashkenazi to the *Mishna, Seder Nezikin*.

The first *sugya* in Tractate *Bava Batra* opens with a linguistic discussion that revolves around the interpretation of one of the words in the *Mishna*. The rest of the *sugya* is comprised of two parallel versions and, at its conclusion, in response to one of the questions posited in the *sugya*, comes Rabbi Yochanan's statement that "Our *Mishna* [treats] of [a small courtyard] which was not liable to division."

In "The Redaction and Objective of the Opening *Sugya* in *Bava Batra*", **Uziel Fuchs** analyzes the difficulties posed by the *sugya*. He argues that Rabbi Yochanan's statement came *ab initio* as an interpretation of the *Mishna* itself. The lengthy *sugya* leading up to the statement serves the purpose of constructing a new legal concept: "*hezek re'iya* (the [potential] harm [caused] by [one] gazing [upon a neighbor's property while he performs any personal or private affairs]) is [to be] called [=classified as] *hezek* ([legal] harm, damage)." Fuchs claims, *inter alia*, that the two versions of the *sugya* are one continuous unit and that the two versions serve as a literary technique intended to elucidate the idea that "*hezek re'iya* is to be called *hezek*."

In "Between Rashi's Talmud Commentary and his *Responsa*", **Shlomo H. Pick** deals first with a specific commentary of Rashi to the *Mishna* (*Gittin* 86a). The published text is difficult because of two possible explanations suggested for the first opinion expressed in the *Mishna* — is it an independent position or R. Meir's? Pick suggests that Rashi's commentary originally contained only one suggestion, that the first opinion in the *Mishna* was an independent one. Subsequently, in a *responsum*, Rashi suggested that this opinion was R. Meir's, thus retracting his original view. Either from this *responsum* or independently, a marginal note was added suggesting this second view. Eventually, this gloss became part of the Rashi text, creating the one found presently both in manuscripts and published editions. Spanish versions of the Rashi text are also analyzed in light of these developments. Finally, the relationship between Rashi's Talmud commentary and different explanations by Rashi in his *responsa* are noted in three other cases, together with possible exegetical and legal significance, where applicable. Finally, the article calls attention to the significance of these *responsa* for the study of Rashi's Talmud commentary and, especially, for the issue of his retractions.

In *Breishit Rabba* there are seven stories of dialogues between R. Yose b. Halafta and a woman called a “*matrona*”. In *Vayikra Rabba* there are two stories of dialogues between R. Yose b. Halafta and the *matrona*, one of which is a parallel to the story in *Breishit Rabba*. This story is the most frequently repeated dialogue in rabbinic literature, with parallels in many compositions. The version in *Vayikra Rabba* is more like the repeated appearances in rabbinic traditions than the parallel in *Breishit Rabba*. In “The Story of the Dialogue between R. Yose b. Halafta and the Matrona — between *Breishit Rabba* and *Vayikra Rabba*”, **Rivka Raviv** examines the differences between the two parallels and their significances, and clarifies the reasons why the tradition in *Vayikra Rabba* is mentioned more frequently than the other in rabbinic literature.

The close examination of the two parallel stories shows clearly that the one in *Breishit Rabba* is original and the one in *Vayikra Rabba* is secondary. The changes introduced into the *Vayikra Rabba* parallel have numerous consequences for the meaning of the story. Two different versions of R. Yose’s answer to the *matrona* are presented in *Breishit Rabba*, with only a fine difference between them, while in *Vayikra Rabba* this fine distinction has been blurred. At the same time, the confrontation in the story was sharpened as a result of the changes. In *Vayikra Rabba*, R. Yose confronts a gentile, presenting a clear unambiguous Jewish perception of God’s involvement in His world. The story in *Vayikra Rabba* has become simpler. These changes are understandable if one takes into account that the story-teller used the story before a popular audience, and adapted it to his needs. The sharp, unambiguous message of the story in *Vayikra Rabba* is more appropriate for a broad audience than the fine distinction between the two versions of what R. Yose said in *Breishit Rabba*. Additional poetic changes, like broadening the central scene and making it more powerful, stating the moral before the first scene and repeating it at the last scene, were also done for rhetorical and pedagogical purposes. In this way this version earned a permanent place of honor in the minds of the general public and its educators.

R. Yehudah Hanasi, upon the death of the Roman Emperor Antoninus, exclaimed *נתפרדה חבילה* (lit. “the bundle has fallen apart”); Rav responded the same way upon the death of the last Parthian king *Artabanus* (*Avoda Zara* 10b–11a). Rashi interpreted the expression as meaning: “[The bundle of] our love, which had attached one soul to another [has now fallen apart]”. The same expression is used with regard to the law that a *Kohen* precedes a Levite, who is then followed by an Israelite in the public Torah reading. The Talmud states that if no *Kohen* is present, “the bundle has fallen apart” (*Gittin* 59b), and the Levite no longer has precedence (Rashi).

In “‘The bundle has fallen apart’ (נתפרדה חבילה) — Which Bundle?”, **Shlomy Raiskin** examines the expression in light of the era in which it was proclaimed. He suggests that the “bundle” in this expression was a reference to the Latin *fasces* (plural form of *fascis*, “bundle”). The *fasces* were cylindrical bundles of elm or birch rods bound together by red bands, from which an ax head protruded. The *fasces* were the symbol of jurisdiction in Rome and the Near East. They were borne by *Lictors* (official attendants) before a Consul or high Magistrate, as a symbol of their authority and power. They symbolized the power of life or death that a Roman Magistrate had over the citizen; he could be scourged by the birch rods, or beheaded by the axe for serious crimes. *Fasces* carried within the inner city of Rome had their axe blades removed, signifying that the magistrates did not have the judicial power of life and death over the citizens of the city. The lowering of the *fasces* was a form of salute to a higher official. They were also an emblem of unity and power, and broken *fasces* symbolized discord and war.

Therefore, the exclamation “the bundle has fallen apart” would mean “the *fasces* has fallen apart”, that is, the king and his authority — symbolized by his *fasces* — are gone. Alternatively, it could mean that an entire dynasty is gone, particularly so with Artabanus, the last Parthian king overcome by the Sassanid dynasty, which also marked the beginning of a period of unrest and turmoil for the Jewish people, whose judicial autonomy had been challenged by the new dynasty. A third option is that Rav, and R. Yehuda Hanasi in particular (being a descendant of King David), equated their rabbinic and public standing to that of a leader, king and ruler, as leaders and representatives of the Jewish people. By proclaiming “The *fasces* has fallen apart” they indicated the official lowering of their own *fasces*, or the removal of the ax and disbanding of the *fasces* bundle, as a salute and sign of respect at the passing of a friend of the Jewish people, and as a symbol that this would be a time of unrest for the Jewish people.

Talmudic stories ascribe a devastating gaze to a number of sages, in stories of their punishing students, colleagues and ordinary people for sinful or offensive behavior. **Sinai (Tamas) Turan** examines this literary conceit in “‘Wherever the Sages Set Their Eyes, There is Either Death or Poverty’ — On the History, Terminology and Imagery of the Talmudic Traditions about the Devastating Gaze of the Sages”.

The *baraita* quoted in the title of this study, attributed to R. Shimon b. Gamliel and quoted several times in the *Bavli*, uses the same imagery as a sort of collective characterization of rabbinic power. Such traditions about the “punitive gaze” of sages do not appear in tannaitic works, yet they are cited in the *Bavli* sometimes as *baraitot*. The formulation of these *baraitot* — and in particular, the use of the

standardized verbal phrase: “to set one’s eyes” (נתן + עין) — is very likely a Babylonian amoraic development.

The exact role of the sage in these stories eludes unequivocal characterization. However, attention is to be paid to the fact that in many of these stories (unlike in biblical miraculous punishment stories in early prophetic traditions) the sage is criticized, explicitly or implicitly, by the narrator — which adds a tragic or demonic touch to the story as well as to the character. Noticeable conceptual and stylistic patterns in the sources seem to indicate different notions about how extraordinary punitive powers of the sages operate. These patterns follow the basic geo-cultural division between Palestine and Babylonia. Verbal elements (judgment pronouncements, “curses” and the like) play a prominent role in the *Yerushalmi* and in the *midrashim* in the actual accounts of the punishments, and the visual component (if there is such a one) is conveyed in concrete and unequivocal terms of eyes and gazing. Parallels and other similar stories in the *Bavli*, on the other hand, use the ambiguous expression mentioned above (in Hebrew or in Aramaic) — “setting the eyes” on something or somebody — often without mentioning any attendant verbal action. Based on a comprehensive semantic survey Turan suggests that this idiomatic expression is used in the relevant Babylonian traditions in a figurative sense, meaning focusing on someone or something, marking it as a target for punishment, setting a direction for a curse.

While the notion of the threatening or lethal gaze is deeply rooted in Ancient Near Eastern and Mediterranean mythology and folklore, the Talmudic traditions are also informed and nuanced by local geo-cultural trends and variations. Turan argues that ancient Greek naturalistic theories of vision, as well as popular beliefs about snakes as agents of divine justice possessing a frightening glance, had a distinct impact on Palestinian traditions about the punitive power of the sages. Such theories of vision (connected to the “evil eye” concept by Hellenistic authors) are absent in Mesopotamian notions of the “evil eye” as reflected in the *Bavli*. This “evil eye” idea, on its part, influenced the framers of the Babylonian talmudic traditions about the “punitive glance” of the rabbis.