A Talmud in Exile

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B. Avodah Zarah Drew Sequences of Sugyot and Topics from Y. Avodah Zarah
(Macro Analysis)

The necessary beginning of our inquiry as to whether or not b. Avodah Zarah knew and relied on y. Avodah Zarah is to identify structurally and substantively similar parallels between the tractates that are neither “called for by the [local] mishnah” nor “called for by other tannaitic sources.” Once we have identified such parallels we must examine them further to see whether they should be eliminated from further consideration as evidence for b. Avodah Zarah’s reliance on y. Avodah Zarah on the grounds of early talmud. This “macro” analysis of the tractates—so called because the analysis encompasses both tractates in toto as well as each Talmud’s total treatment of a given mishnah—is a vital first step that enables us to identify the pool of Bavli sugyot that merit further “micro” scrutiny of their literary relationship to their Yerushalmi parallels.

Macro analysis of the Avodah Zarah tractates yields approximately fifty parallel passages that b. Avodah Zarah most likely appropriated from y. Avodah Zarah.1 Some of these passages are lengthy, ranging over a full Bavli folio (or even more), while others are much shorter. Some consist of lines of continuous text, while in others one or the other Talmud

1. For a complete listing of these parallel passages, see the Appendix, pp. 243–245.
suddenly digresses from the parallel materials, resuming the parallels at some point after the interruption. Despite the number and variety of these parallels, we can discern some interesting types and tendencies in b. Avodah Zarah’s appropriation of y. Avodah Zarah that are worth examining in more depth both on account of their inherent interest and because of the possibility that these types will recur in macro analyses of other Bavli-Yerushalmi pairs. These types of appropriation are:

1. B. Avodah Zarah tends to appropriate y. Avodah Zarah sugyot (or sequences of two or more y. Avodah Zarah sugyot in the same order as y. Avodah Zarah) attached to the same mishnah;

2. In one case b. Avodah Zarah builds a simple sugya into a complex one using some materials that the y. Avodah Zarah editors had explicitly marked as relevant to the amoraic dispute that was the kernel of the original y. Avodah Zarah sugya;

3. In some cases in which b. Avodah Zarah material has a parallel not only in y. Avodah Zarah but also in other rabbinic compilations, b. Avodah Zarah tends to more closely resemble y. Avodah Zarah;

4. There is a case in which both Talmuds place parallel materials at similar points in the tractate although not attached to the same mishnah; and

5. B. Avodah Zarah sometimes uses the same mishnah as y. Avodah Zarah to explore the same legal issue (one that is not called for by the mishnah) or to present similar genres of material (such as aggadah or stories about sages).

It is important to stress that these types of appropriation are tendencies, not immutable rules. There may exist passages in a given pair of tractates that “should” fit into one of these categories but do not. But the significance of these types of appropriation and the examples that do exist to illustrate them is that they point to a literary dependency between b. and y. Avodah Zarah, not between Babylonian and Palestinian sugyot generally.²

² Because the agenda of this chapter is to illustrate the macro analysis of the tractates, the following analyses all focus on the similarities between the Talmuds and pay little, if any, attention to the differences between them. These differences will be extensively analyzed in chapters 3 and 4.
B. Avodah Zarah Tends to Appropriate
Y. Avodah Zarah Sugyot (or Sequences of Two or More Y. Avodah Zarah Sugyot in the Same Order as Y. Avodah Zarah) Attached to the Same Mishnah

This type of appropriation is the most common that we see in b. Avodah Zarah, accounting for most of the fifty passages that are neither “called for by the mishnah” nor “called for by other tannaitic sources.” We will begin with an example from the beginning of the tractates (b. AZ 8a y. AZ 1:2, 39c) which, although lengthy, well illustrates this sort of structural similarity and how the macro analysis helps us to understand that the similarity is due to b. Avodah Zarah’s reliance on y. Avodah Zarah and not some other cause.3

I.a. B. Avodah Zarah 8a y. Y. Avodah Zarah 1:2, 39c

Y. Avodah Zarah 1:2, 39c

A. Rav said: “Kalends—the First Man (Adam) established it. When he saw the long nights [of winter] he said, ‘Woe is me! Lest he [the serpent] of whom it is written (Gen 3:15): ‘he will crush your head, and you will strike his heel,’ come to bite me! If I say (Ps 139:11–12) ‘surely the darkness will surround me [and thus I will be protected, that will not be because] . . . even the darkness will not be dark to you.’”

B. “Once he saw the days getting longer, he said: ‘Kalends!—kalon deo! What a beautiful day (diem)!’”4

3. In all translations in this book the following conventions will be observed regarding typeface: tannaitic materials will be presented in bold, the anonymous voice in italics, and amoraic traditions in regular Roman type.

4. Kalon is Greek for “good,” while deo is apparently a corruption of the Latin diem, meaning “day.” Although this translation of the expression assumes a “barbarous” original because of its blending of Greek and Latin, this interpretation is the most likely meaning of the phrase. The alternative is to understand the exclamation as entirely Greek, but then Adam would be saying Kalon Dia!, or “Zeus is good!,” which the Yerushalmi is highly unlikely to attribute to him. Peter Schäfer also proposes this translation in his “Jews and Gentiles in Yerushalmi Avodah Zarah,” in The Talmud Yerushalmi and Graeco-Roman Culture (ed. Peter Schäfer; Tübingen: Mohr Siebeck, 2003), 3:339n13. See also P’nei Moshe, s.v. אֲרוֹן כַּלְכֵלָה לְגָוַל רַאָי, who offers an interpretation of the phrase that is similar to the translation above. My thanks to Prof. Seth Schwartz for assisting me with this translation.
C. And [this story] goes well according to the one who says that the world was created in Tishrei [because then Adam would not yet have had the experience of the days getting longer]. But according to the one who says the world was created in Nisan [i.e., spring], he [Adam] knew! [If the world had been created in spring, then Adam would have been aware that the natural order is to have long days and short nights, followed later by short days and long nights.]

D. R. Yose b. R. Bun said: “Who is it who holds that the world was created at the New Year [in Tishrei]? Rav; as it was taught in the [verses recited with the] shofar blasts of the house of Rav: ‘This is the day of the beginning of Your activity; a remembrance of the first day.’ So it was at New Year’s that the world was created.”

E. R. Yohanan did not say thus [he did not agree with this account of the origin of Kalends]. Rather, the kingdom of Egypt and the kingdom of Rome were at war with each other. They said: “How long will we be killing [each other] in this controversy? Come, let us establish that whichever kingdom says to its commanding general ‘Fall on your sword’ and he obeys it, [that kingdom] will seize hold of [world] empire ahead [of the other].” [The commanding general of] Egypt did not listen to them. [The commanding general] of Rome—there was there one old man whose name was Yanobris,5 and he had twelve sons. They said to him: “Listen to us [to kill yourself] and we will make your sons duces6 and eparchoi and strateletai.” He listened to them. For this reason, they shouted [about him] “Qalendas Yanobris!” [“Yanobris is free!”—that is, the members of his house are now rulers in Rome, which is now ruler of the world. Thus, in remembrance of this event, Rome made the days of early January—named for Yanobris—the holiday “Kalends”]. On the day following [Kalends], they [Rome] mourned for him, “Oh, the black [unfortunate] day!”

F. R. Yudan Antodria said: “One who plants lentils on that day, they will not flourish.”

G. Rav said: “Kalends is forbidden for everyone [that is, Israelites are forbidden to transact business with any Gentiles at Kalends time, whether or not they are observing the holiday].”

H. R. Yohanan said: “Kalends is only forbidden for those who worship on it [that is, on Kalends Israelites must avoid only Gentiles observing the festival].”

5. “Yanobris” is “Januarius,” and this sugya is an allusion to the Roman myth about the origins of the January Kalends. See, e.g., Peter Schäfer, “Jews and Gentiles in Yerushalmi Avodah Zarah,” 340 and sources cited.

6. See Michael Sokoloff, A Dictionary of Jewish Palestinian Aramaic of the Byzantine Period (Ramat-Gan: Bar-Ilan University Press, 1990), 142, who reads ילוסיס as “princes.” Prof. Seth Schwartz pointed out to me (personal communication) that these three Greek titles were high ranks in the late imperial administration, as well as topoi in the Yerushalmi and Palestinian midrash compilations.
I. [Rav presumably continues]: “Saturnalia is forbidden for everyone.”

J. R. Yohanan said: “Whether Kalends or Saturnalia, it is only forbidden for those who worship on it.”

K. The Scholars’ asked: “Are the wives of worshipers [considered to be like] worshipers [themselves]?”

L. R. Abbahu asked: “And this office of the civil governor in Caesarea? [Is it off-limits to commerce?]”

M. Since there are many Samaritans there, it is implicitly as if they are worshiping [the idol of the place].

N. This office of the civil governor of Duqim? [It is still necessary to answer this question, since the status of that office remains unclear].

O. R. Bibi sent [a message to] R. Zeirah to buy him a small web of yarn at the Saturnalia of Bashan. [R. Bibi] came before R. Yose. He thought that he would rule “permitted” for him in accordance with the view of R. Yehoshua b. Levi, but he ruled “forbidden” for him in accordance with the view of R. Yohanan.

P. Rav said: “Kalends is eight days before the solstice, and Saturnalia is eight days after the solstice.”

Q. R. Yohanan said: “Tropiqe—Saturnalia is the beginning of the midwinter solstice.”

B. Avodah Zarah 8a

A. R. Hanan b. Rava said: “Kalends is eight days after the solstice, Saturnalia is eight days before the solstice. And your sign [for remembering this order]: ‘You created me after and before’ (Ps 139:5).” [Since the mishnah refers to Kalends first, the term “Kalends” goes with the scriptural word “after,” and “Saturnalia” goes with “before.”]
B. Our Rabbis taught: Since the First Man saw the day growing progressively shorter, he said, “Woe is me! Since I sinned, the world is getting dark because of me and is returning to primordial chaos. And this is the death that was imposed on me from Heaven.” He undertook to sit for eight days in fasting and prayer. When he saw the winter solstice, and saw the day growing progressively longer, he said: “This is the way of the world.” He went ahead and established eight festive days. The next year he made both these [the eight days prior to the solstice, which he had spent in fasting] and these [the eight days he had established as a festival] as festive days [the first set of eight became Saturnalia, the second Kalends]. [Adam] established them for the sake of Heaven; they [the idolaters] established them for the sake of idolatry.

C. This works well according to the one who says that the world was created in Tishrei. [Thus] he saw short days, [but] he still had not seen long days. But according to the one who says that the world was created in Nisan, he saw short days and long days!

D. [Yet] he still had not seen days that were especially short.

E. Our Rabbis taught: On the day in which Adam was created, once he saw the sun setting over him, he said: “Woe is me! Since I sinned, the world is getting dark on me, and will return to the primordial chaos, and this is the death that is imposed on me from Heaven.” He sat in fasting and cried all night, and Eve cried alongside him. Once the dawn star rose, he said: “It is the way of the world.” He got up and offered a bull whose horns stretched out beyond its hooves, as it is said: “This will please the Lord more than an ox, more than a bull with its horns and hooves” (Ps 69:32).

F. And R. Yehudah said in the name of Shmuel: “The bull that Adam offered had one horn on its forehead, as it is said, ‘with its horns’ (Ps 69:32).”

G. This [‘ירֶנִּים] implies two [horns]!

H. R. Nahman b. Yitshaq said: “With its horns’ is written [defectively] as ‘ירֶנִּים’ [which implies only one horn].”

I. R. Matana asked:10 “Rome makes a Kalends celebration, are all the cities subjugated to her forbidden or permitted?” [Since the cities are subject to

10. Following Tractate Avodad Zarah of the Babylonian Talmud: MS Jewish Theological Seminary of America (ed. Shraga Abramson; New York: Jewish Theological Seminary, 1957) (hereinafter “JTS ms.”), I have translated וְיֵשׁ רְבַּ קְ בָּ הַ מַּחֲטָה אַשְׁרָה rather than וְיֵשׁ רְבַּ קְ בָּ הַ מַּחֲטָה which is the reading of the printed edition. This reading (which is confirmed by Rif and Rosh) makes more sense since R. Matana is, after all, asking a question and not simply making a statement. Nevertheless, there is still a chronological problem, for how could R. Yehoshua b. Levi and R. Yohanan respond to a question asked by R. Matana? Albeck notes two amoraim of this name: one of
Rome, are they off-limits to Israelite commerce because the mother city is observing the idolatrous holiday, even if they are not?

J. R. Yehoshua b. Levi said: “Kalends is forbidden to everyone.” [That is, Israelites are forbidden to interact commercially with any Gentiles at Kalends time, whether or not the latter are observing.]

K. R. Yohanan said: “It is only forbidden for its worshippers alone.”

L. There is a baraita in support of R. Yohanan: Even though they said that if Rome makes a Kalends, all the neighboring cities are subject to her, it itself [the period of Kalends] is forbidden in respect of its celebrants alone. Saturnalia and Kratesis and the birthdays of their emperors, and the coronation day of the emperor—before, it is forbidden [for the Israelite to engage in commerce with the Gentiles]; afterwards, it is permitted. And an idolater who made a wedding for his son—only that day and that very man are forbidden.

M. R. Ashi said: “Even we can derive this principle from our mishnah, as it is taught: The day of the shaving of his beard and forelock, and the day that he returns from the sea, and the day he left prison—only that very day and that very man are forbidden.”

N. It works well [to understand the phrase] “that very day” as excluding the one before and after it. But [as to the phrase] “that very man,” what? [What can it come to tell us? Is it not obvious that Israelites should only be forbidden to do business with that particular person alone?] Is it not to exclude those people subject to him? [This is not so obvious, since I might have thought that I could not do business with the family or servants of the particular Gentile who had returned from the sea, etc. Thus,] hear from this [that even though commerce with the Gentile himself is forbidden, commerce is not forbidden with those subject to him].

As always, we must begin with the mishnah. Both Talmuds attach this parallel sequence of sugyot to m. AZ 1:3. The mishnah begins by listing in the name of R. Meir those idolatrous festivals on which, and three days before which, an Israelite must be careful to abstain from commercial interactions with Gentiles (per m. AZ 1:1–2): Kalends, Saturnalia, Kratesis, the coronation days of emperors, their birthdays, and the anniversaries of their deaths. The Sages then point out that deaths of emperors that are accompanied by “burning” (property of the dead emperor) will have some idolatrous worship as part of the commemoration, unlike those not marked by burning. Finally m. AZ 1:3 lists certain private holidays as to whom was a second-generation Babylonian amora who studied with Shmuel, and the other of whom lived in the fourth generation. Yet, even if we assume that the R. Matana mentioned here is the earlier, R. Yehoshua b. Levi still could not have answered one of his questions. See Albeck, Introduction to the Talmud, 204, 370.
which m. AZ 1:1–2’s three-day period of commercial abstention does not apply. These are the days of shaving the beard and forelock, the day of returning from the sea, the day of release from prison, and the wedding prepared by a Gentile for his son. As to these private holidays, Israelites must abstain from commercial dealings only with the celebrating Gentile and only on the day of the celebration.

The first notable structural similarity between the Talmuds is the presence of versions of the same aggadah—the etiology of Kalends as the biblical Adam’s response to the winter solstice—very early in each Talmud’s discussion of the mishnah (y. AZ 1:2, 39c at §§A–C; b. AZ 8a at §§A–H). The mishnah contains neither aggadah nor scriptural verses (which could serve as a “hook” for aggadah) and thus does not call for aggadah to be presented by either Talmud, let alone versions of the same aggadah. Moreover nothing in the mishnah requires both Talmuds to locate their versions of the aggadah within the same larger contexts, as they clearly do. To begin with, both Talmuds incorporate similar anonymous discussion of the aggadah in their respective §§C, according to which the Adam story makes sense according to the view that the world was created in the month of Tishrei, but not according to the view that it was created in Nisan. Second, both Talmuds present two versions of the origin of Kalends. R. Yohanan’s second, and different, version of the origin of Kalends is found at y. AZ 1:2, 39c (§§E–F), while the Bavli presents a second version of the Adam story at b. AZ 8a (§§E–H). Third, both Talmuds juxtapose these aggadot to discussions about whether Israelites are forbidden to do business during Kalends and Saturnalia only with Gentiles observing those festivals, or even with the legal dependents of the observant and the non-observant (y. AZ 1:2, 39c at §§G–K; b. AZ 8a at §§L–N). Nothing in the mishnah requires both Talmuds to juxtapose these similar materials to each other in this order.

Moving beyond the mishnah to other tannaitic sources, we see that only b. Avodah Zarah quotes baraitot in its sequence of sugyot, so that we cannot speak of a common set of other tannaitic sources on which both Talmuds may have independently relied. But when we look closer we see that b. Avodah Zarah presents some material in the form of baraitot that y. Avodah Zarah attributes to amoraim. This raises the possibility that this allegedly amoraic material in y. Avodah Zarah was originally baraita-material quoted by amoraim that over time came to be attributed to

11. See Hayes, Between the Babylonian and Palestinian Talmuds, 88–91 for a discussion of the Greco-Roman sources concerning rituals surrounding the shaving of the beard and forelock.
amoraim directly. And if that is so, then perhaps we can speak of a shared tannaitic layer in both Talmuds’ sequences of sugyot. But even if this reconstruction is correct it does not prove that a shared set of tannaitic materials accounts for all the structural similarities between b. and y. Avodah Zarah. This hypothesized shared set of tannaitic sources accounts neither for the fact that both Talmuds open their considerations of this mishnah with versions of the same aggadah, nor for the fact that both Talmuds include similar anonymous discussions of the aggadah, as well as two versions of the origin of Kalends.

Early talmud is also inadequate as an explanation of these similarities. First, the lengthy sequence of sugyot in both Talmuds is clearly the product of an editorial hand. No y. Avodah Zarah amora is demonstrably aware of the shifts in topic from Adam to the month in which the world was created and then on to the second etiology of Kalends and a discussion about whether an Israelite is forbidden to interact commercially with the legal dependents of Gentiles observing the festivals. These topical shifts—which show y. Avodah Zarah’s discussion of the mishnah opening with aggadah and then moving on to halakhah—are more likely the work of redactors, who reproduce here a literary pattern that we can observe elsewhere in that tractate. For example, at y. AZ 1:1, 39a–b the Yerushalmi presents a lengthy aggadic composition dealing with the biblical king Jeroboam b. Nebat and his surrender to the temptations of idolatry, followed by halakhic consideration of m. AZ 1:1. We can observe a similar transition from aggadah to halakhah at y. AZ 3:1–2, 42b–c, which discusses whether or not an Israelite can derive benefit from images and broken pieces of images he happens to find. Putting this all together, we may reasonably conclude that since no amora is demonstrably aware of the orchestration of sources in y. AZ 1:2, 39c and since that orchestration of sources displays a pattern we see elsewhere in the editing of y. Avodah Zarah, y. AZ 1:2, 39c is more likely the product of the Yerushalmi redactors than an example of early talmud.

Turning to b. AZ 8a, we also fail to see amoraic awareness of the sequence of sugyot qua sequence of sugyot. The more reasonable explanation

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12. See Avraham Weiss, Le-heqer ha-Talmud (New York: Feldheim, 1954), 59. Judith Hauptman subsequently revisited these and other conclusions of Weiss (and others) on the subject of baraitot and amoraic memrot that seem to repeat them in her Development of the Talmudic Sugya.

13. We will examine y. AZ’s halakhic consideration of m. AZ 1:1 in detail at the beginning of chapter 3.
of the inter-Talmudic similarities is that b. AZ 8a has relied on the editorial choices made in the earlier Talmud.14

I.b. B. Avodah Zarah 53a || Y. Avodah Zarah 4:5, 44a

Y. Avodah Zarah 4:5, 44a

A. R. Zeirah said: "That which it [the mishnah] says [in quoting the opinion of the Sages, according to whom selling or pawning an idol does not invalidate it], [applies to a situation] in which he [the worshiper] sold it out of [a feeling of] calm [that is, he did not sell it because of negative feelings toward the idol]. But if he sold it out of anger, everyone [the Sages and Rabbi] agrees that it is invalidated."

B. "And it shall be that when he is hungry, he will become angry and curse his king and his god. . . . (Isa 8:21). [And thus, since the worshiper cursed the god in anger, it must be invalidated]."15

C. Zeorah b. Hinena in the name of R. Hananiah: "[Rabbi and the Sages] are disputing [about a situation] in which he sold it to a smelter.16 But all agree that if he sold it to a [fellow-]worshiper, it is not invalidated." R. Yirmiyah in the name of Rav: "They are disputing [about a situation] in which he sold it to its [the idol’s] worshipers. But if he sold it to a smelter, all agree that it is invalidated."

14. More detailed consideration will be given to issues of early talmud in the micro analyses to be undertaken in chapters 3 ("B. Avodah Zarah Sugyot as Secondary Reworkings of Y. Avodah Zarah Sugyot") and 4 ("B. Avodah Zarah’s Awareness of Y. Avodah Zarah’s Editing").

15. P’nei Moshe, s.v. תוספות אמר מעמד רבי, reads into this verse the interpretation given it by the Bavli at 53a, to wit, that the verse is quoted to explain the mishnah’s counterintuitive ruling that spitting or urinating in the face of the idol does not invalidate it. The problem with his interpretation is that it seems imposed on the Yerushalmi rather than explicative of it. Moreover, P’nei Moshe’s interpretation implies that the Yerushalmi is interpreting the clauses of the mishnah out of order, since the mishnah discussed “spitting” and “urinating” prior to the “selling” and “pawning” discussed in §A. On the other hand, nothing in the text indicates that R. Zeirah himself cited the verse as a proof text for his position as to selling and pawning. Nevertheless, it is more reasonable to assume that either R. Zeirah himself—or the Yerushalmi on his behalf—cited the verse as support for his position than to assume that it is to be interpreted as the P’nei Moshe does. Consequently I have appended commentary to the verse which connects it to R. Zeirah.

16. The Venice and Kratoschin editions read "for need" ("(pfûתא") instead of “to a smelter” ("(pfûתא") in each of the places in which the latter word appears. The Leiden ms. reads “to a smelter,” as we have translated. Interestingly the Bavli’s version of the sugya also reads “to a smelter,” demonstrating that the Bavli is preserving a more accurate version of the y. AZ sugya than what we currently find in printed editions of the Yerushalmi.
D. R. Yaaqov b. Aha in the name of R. Yohanan: “All agree.” R. Hila in the name of R. Shimon b. Laqish: “It is a matter of disagreement” [the Yerushalmi does not yet specify what these observations mean]. And that which R. Hanina [=Hananiah] said [that Rabbi and the Sages were disputing about a worshiper who sold the idol to a smelter, but that if he sold it to a worshiper, all agree it is not invalid] is consistent with R. Yohanan, and that [statement] of R. Yirmiyah [that Rabbi and the Sages were disputing about a sale to a worshiper, but that both agree that a sale to a smelter renders the idol invalid] is like [the statement of] Resh Laqish. What is the result? They [Rabbi and the Sages] were disputing about a situation in which he sold it to a smelter, but if he sold it to its worshipers, all agree that it is not invalidated.

B. Avodah Zarah 53a

A. [The mishnah rules that] If he smashed it [the idol], even though he did not diminish it [none of the idol itself was lost in the process], he has invalidated it. [Now the anonymous voice asks:] If he did not diminish it, how has he invalidated it? R. Zera said: “In that he smashed it in its face” [and thus ruined its features. Even though all of the pieces of the idol may be recoverable, smashing the idol’s face certainly should be seen as invalidation].

B. [Citing the mishnah:] If he spit in its face, or urinated in its face [it is not invalidated]. From where do these words [that such behavior does not invalidate the idol] derive? Hezekiah said: “The verse says: ‘And it shall be that when he is hungry, he will become angry and curse his king and his god, and turn upward’ (Isa 8:21–22). [Out of his anger and frustration, the idolater will reject his idol and turn upward toward God.] And it is written after that: ‘And he [the idolater] will look toward the ground, and behold, it is narrow and dark.’ [That is, even though initially the idolater rejected his god out of anger, he will once again “look to the ground,” turn away from God, and return to the worship of the idol. Thus, cursing the idol, or in the mishnah’s terms “spitting” or “urinating” on it, does not signify complete rejection.] For even though he cursed his king and his god and faced upward—he will look toward the ground.”

C. Zeiri said in the name of R. Yohanan, and R. Yirmiyah b. Abba said in the name of Rav. One said: “The dispute [between Rabbi and the Sages] is about an idolatrous smelter. But all agree [that if we are dealing with the sale of the idol to an Israelite] that with respect to an Israelite smelter, he has invalidated it.” And one said: “The dispute is about an Israelite smelter.” They asked [about this last statement]: “Is there a dispute about an Israelite smelter, but all agree that as to an idolatrous smelter he did not invalidate it; or perhaps is there a dispute in both situations?” [The Bavli goes on to discuss this question, but the issue is unresolved.]

M. Avodah Zarah 4:5 discusses how an idol is invalidated. Among the behaviors that indisputably invalidate the idol is smashing its face. Spitting
at it, urinating in its presence, and rolling it around in dung do not invalidate it. The latter part of the mishnah is a dispute between Rabbi and the Sages about whether selling or pawning an idol is sufficiently disrespectful behavior so that the idol is thereby invalidated. Rabbi claims that it is, while the Sages disagree.

The commonality between the Talmuds is the citation of Isa 8:21 (y. AZ 4:5, 44a at §B) or 8:21–22 (b. AZ 53a at §B), followed by the dispute between similarly-named sets of amoraim about selling to a “smelter” (רֻמֵּק). Nothing in the mishnah calls for the citation of the verse or for the juxtaposition of the amoraic dispute and the verse. Nor are any other tannaitic sources cited which may have led to this similarity in selection and sequence of topics. Moreover, no amora in either Talmud is demonstrably aware of the orchestration of topics and sugyot in this way. The reasonable conclusion is that the Bavli was influenced in its selection and sequence of topics by the earlier arrangement of these materials in y. Avodah Zarah.

I.c. B. Avodah Zarah 24a–b || Y. Avodah Zarah 2:1, 40c

Before leaving section I, we should mention one other lengthy and noteworthy example of b. Avodah Zarah’s tendency to appropriate from y. Avodah Zarah sugya or sequences of y. Avodah Zarah sugya attached to the same mishnah. It opens (in the Bavli) with R. Ami and R. Yitshaq Napha discussing R. Eliezer’s view about purchasing animals from Gentiles (m. Par 2:1) in light of Isa 60:7. The Bavli then moves on to a related discussion of this topic by R. Yosef and Abaye (based on Zeph 3:9), followed by a mini-review of biblical precedents for purchasing or accepting sacrificial animals from Gentiles. This review begins with Moses and Jethro, and moves on to Saul and then David’s interaction with Aravannah the Jebusite. Objections based on 1 Sam 6:15 are then raised and reconciled.

This sugya opens in y. Avodah Zarah with anonymous discussion of R. Liezer’s (=Eliezer) view in light of Isa 60:7, followed by further discussion along this line by R. Hoshaya and R. Abin. Y. Avodah Zarah then represents R. Yitshaq and R. Ami as the scholars engaged in the mini-review of biblical history, beginning with 2 Chr 15:11, moving back to 1 Sam 6:15, Saul, David and Aravannah, and then relevant verses from Leviticus.

M. Avodah Zarah 2:1 does not call for this similar developmental path, and there are no other tannaitic sources cited which could account for it either. Early talmud is an appealing explanation because the biblical history review is attributed to amoraim in y. Avodah Zarah, and hence might be thought of as early talmud in b. Avodah Zarah. But this material is part of a larger structural similarity that undermines this explanation: in
both Talmuds, the biblical history review is placed after a sugya (b. AZ 22b–23a || y. AZ 2:1, 40c) which, as we will show in chapter 3, b. Avodah Zarah appropriated from y. Avodah Zarah and improved upon. This structurally similar macro-ordering of the material in both Talmuds—of which no amora is represented as being aware—is therefore more likely the work of redactors reflecting upon the work of redactors than early talmud.17

II

B. Avodah Zarah Builds a Complex Sugya Using Some Materials Marked as Relevant by the Y. Avodah Zarah Redactors

We find only one example of this type of b. Avodah Zarah appropriation of y. Avodah Zarah, and it deserves careful scrutiny because it shows the editors of b. Avodah Zarah creating a complex sugya from a simpler early amoraic one by utilizing (in part) materials explicitly marked by the y. Avodah Zarah redactors as relevant to the early amoraic dispute.18 These other relevant materials are found elsewhere in y. Avodah Zarah, although not necessarily in connection with m. AZ 3:2, to which this Yerushalmi sugya and its Bavli embellishment are linked.

Y. Avodah Zarah 3:2, 42d

A. An idol that was broken: R. Yohanan said: “[The broken pieces of the idol are] forbidden”; R. Shimon b. Laqish said: “[The broken pieces of the idol are] permitted.” With what sort of situation are we dealing? If he [the idol’s owner] will in the future return them [the broken pieces] to their [state of] wholeness, all agree [that the broken pieces are] forbidden. If he will not in the future return them to their [state of] wholeness, all agree [that the broken pieces are] permitted. Rather, we are dealing with a situation [in which] [the owner’s intention] is undefined. R. Yohanan said that “undefined” [intentions are] like the [intentions of one] who will in the future return them [the broken pieces] to their [wholeness]. R. Shimon b. Laqish said that “unde-

17. For yet another example (b. AZ 30a–31a || y. AZ 2:3, 41a–b), see chapter 6, pp. 214–215.

18. The only material marked as relevant by the y. AZ editors that does not appear in the Bavli sugya is at y. AZ 3:8, 43b (the relationship of the R. Yohanan/Resh Laqish dispute to the case of a person whose house, located next to an idolatrous temple, fell apart. Such a person is not permitted to rebuild).
fined” [intentions are] like the [intentions of one] who will not in the future return them [the broken pieces] to [their state of] wholeness.

B. R. Yudan the father of R. Matanya said: “If they [the broken pieces] were resting in their places [where they had fallen upon breaking]—this is like [the situation of] one who will in the future return them to their wholeness.” [By having left the pieces where they fell, the owner is indicating his intention to re-assemble them at some point.]

C. Resh Laqish raised an objection to Rabbi [=R. Yohanan]: “And is it not written, ‘For this reason, the priests of Dagon do not step on the threshold of Dagon’ (1 Sam 5:5).” [That the priests paid honor only to the smashed Dagon’s threshold and not to his broken pieces shows that the broken pieces were no longer considered holy and thus should be permitted.]

D. [R. Yohanan] said to him: “This [verse] teaches that they paid the threshold more honor than Dagon [himself].” [Since the priests were paying more honor to the threshold, they obviously had no intention of rebuilding Dagon on that spot. Thus, this was a case of “one who will not in the future return them to their wholeness,” as to which even R. Yohanan agrees that the pieces are permitted.]

E. R. Yirmiyah in the name of R. Hiyya b. Ba said: “The nations of the world made one threshold [that of Dagon, which was as much of an object of worship as Dagon himself] and Israel made a number of thresholds [one for each idol they worshiped. Like other nations, Israel turned these thresholds into objects of worship]. The reason [i.e., the verse on which this observation is based]: ‘I will punish all who avoid stepping on the threshold’” (Zeph 1:9).

The following sugya is the first one marked by y. Avodah Zarah’s redactors as relevant to the R. Yohanan/Resh Laqish dispute:

Y. Avodah Zarah 4:1, 43d

F. [From m. AZ 4:1:] And the Sages say, “That which appears with [near] it [the Mercurius19] is forbidden; and that which does not appear with it is permitted.”

G. And that which appears with it is forbidden?! Does that not conflict with [the view of] Resh Laqish? For Resh Laqish said: “An idol that broke is permitted.” No—thus do we hold: if [the owner] will not in the future return them [the broken idols] to their [state of] wholeness, then everyone [R. Yohanan and Resh Laqish] says that [they are] permitted.20 [Thus, since the object or


20. The text reads: “If he is in future to return them to their state of wholeness, everyone agrees that they are permitted,” which makes no sense since if the idol is
stone is found with the Mercurius, Resh Laqish would agree that the owner probably intends to put it together with the idol, and the object or stone should therefore be forbidden.]

The following is the next sugya marked by y. Avodah Zarah’s redactors as relevant to this amoraic dispute:

Y. Avodah Zarah 3:13, 43b–c

H. And does this [R. Yose’s statement in m. AZ 3:13 that one should not plant vegetables in the shade of a sacred tree even in winter because the rain will cause foliage to drop on them and serve as fertilizer] not even conflict with [the view of] R. Yohanan [who agreed that if an owner was not going to return a broken idol to its state of wholeness, the pieces would be permitted]? Did we not hold that if the owner would not return [the idol] to its state of wholeness in the future, everyone [R. Yohanan and Resh Laqish] agrees that it is permitted? [And so, since the foliage of the sacred tree will not be returned to the tree once it falls off, even R. Yohanan would have ruled that the foliage is permitted. Yet in m. AZ 3:13, R. Yose nevertheless declares it forbidden!]

I. Resolve [that m. AZ 3:13 is dealing] with an Israelite’s idolatry [which can never be invalidated].

J. And does this [R. Yose’s view in m. AZ 3:13] not disagree with [the view of] Rav? For Rav said: “If the sacred tree was groomed for its need [in order to help the plant grow, but not in order to beautify it for idolatrous worship, then] it is forbidden and its trimmings are permitted.” [Thus, Rav would also hold that if rain caused foliage to fall from the sacred tree, that foliage would be permitted since it was not deliberately removed in order to beautify the tree for idolatrous worship. Rav thus disagrees with R. Yose’s view in m. AZ 3:13.]

K. Once again resolve [the contradiction by saying that m. AZ 3:13 deals] with an Israelite’s idolatrous object [which can never be invalidated].

With all of this material in view, we now proceed to b. Avodah Zarah.

returned to a state of wholeness it should be forbidden. The glosses to the Kratoschin edition of the Yerushalmi actually suggest emending “permitted” to “forbidden,” but adding “will not” (ותם) to the text is a less intrusive emendation.

21. This text is difficult, because R. Yose’s ruling is actually consistent with R. Yohanan’s view as it appears in the Leiden ms. and in the printed editions. R. Yohanan’s view is that the broken idol is forbidden, while R. Yose is, in effect, saying the same thing. Therefore P’nei Moshe s.v. לגבר על ר יוהנן (מילים על ר יוהנן) interprets as follows: “That which [the Yerushalmi] says [that the difficulty is a difficulty as to R. Yohanan’s view] really means that [m. AZ 3:13] conflicts even with R. Yohanan’s view.” P’nei Moshe’s reading is a reasonable way to make sense of a difficult text, and I have translated accordingly.
B. Avodah Zarah 41b

A. It was said: An idol that broke by itself—R. Yohanan said: “Forbidden.” R. Shimon b. Laqish said: “Permitted.” R. Yohanan said “Forbidden” for behold, he [the owner] did not invalidate it. [Since it broke by itself, R. Yohanan assumes that the owner still religiously values it.] R. Shimon b. Laqish said “Permitted” for it is implied that he would invalidate it. [The owner] would surely say: “It [the idol] could not save itself, how can it save that man [me]?”

B. R. Yohanan raised an objection to R. Shimon b. Laqish: “His [Dagon’s] head and hands were broken off and were lying on the threshold’ (1 Sam 5:4), and it is written, ‘For this reason, the priests of Dagon do not step on the threshold’ (1 Sam 5:5).” [That the priests would not step on the threshold on which Dagon’s pieces were lying shows that they still revered the pieces. Thus, the pieces should be forbidden.]

C. He [Resh Laqish] said to him: “Is there proof [for your position] from there? There [in the two verses] they abandoned Dagon and worshiped the threshold. For they [the priests] said thus: ‘Thus divine power has left Dagon and has settled in the threshold.”22

D. He [R. Yohanan] raised an objection to [Resh Laqish]: “If an idolater took stones from a Mercurius and used them to cover roads and theatres, they are forbidden.” Why [should the stones be forbidden according to you, Resh Laqish]? Let them be like the “idol that broke by itself” [which Resh Laqish held was permitted]! Here also [the reason that the stones are forbidden despite Resh Laqish’s view that they ought to be permitted is because we take account of a concern] like that of Rava [who voiced a particular concern about an Israelite’s holding an idol that was improperly invalidated and so remained “an idol in the hands of an Israelite”].

E. He [R. Yohanan] raised an objection to [Resh Laqish]: R. Yose says: “Not even vegetables in winter, because the foliage [of the sacred tree] drops on them.” Why [should R. Yose rule this way in light of your opinion, Resh Laqish]? Let it [the sacred tree] be like the “idol that broke by itself” [which you, Resh Laqish, hold is permitted]!

F. [The situation is] different there [m. AZ 3:13] because the main part of the idol [the tree itself] is standing [and thus the idol is really not considered broken].

G. [But the solution in §F leads to this:] And what about the [tree] trimmings?! For [as to them] the main part of the idol [the tree] is standing, and it was taught: [If the sacred tree was groomed] for its need [to help it grow] it is forbidden and its trimmings are permitted! [Since the main part of the

22. The Bavli includes eight more challenges from R. Yohanan to Resh Laqish, and one from Resh Laqish to R. Yohanan. We will resume with the challenges that reflect borrowings from y. AZ.
idol—the tree—is still standing, then the trimmings should be forbid-
den!]

H. R. Huna b. de-R. Yehoshua said: “[The distinction between the resolution
in §F and the new problem in §G is] because an idol is not invalidated
through normal growth” [thus R. Yose is correct that the foliage of the
sacred tree is forbidden, but since a tree naturally sheds leaves and
branches all the time, the Gentile’s intention in trimming those branches
must have been to invalidate them].

According to y. AZ 3:2, 42d, the “broken shards of vessels” of the
mishnah are those that come from objects that were not idols. Thus, in
y. Avodah Zarah, the mishnah does not call for its presentation of the dis-
pute between R. Yohanan and Resh Laqish about the “idol that was bro-
ken,” with its attendant discussion of the idol owner’s intentions regard-
ing its repair and the proof adduced by Resh Laqish from the biblical case
of the fallen Philistine idol Dagon. By contrast, both Shmuel and the
Bavli’s anonymous voice understand the “images” mentioned in the
Bavli’s version of the mishnah to include idols.

Although the Bavli’s mishnah—unlike the Yerushalmi’s—thus calls
for discussion of broken idols, it does not call for the Bavli to take over the
R. Yohanan/Resh Laqish dispute with their discussion of the issue in
terms of the Philistine idol Dagon.23 But even if this particular similarity is
attributed to early talmud, early talmud cannot explain why, in building
this dispute into a complex sugya that extends from 41b through 42b, the
Bavli draws in relevant materials from elsewhere in y. Avodah Zarah and
creates a much smoother sugya around the R. Yohanan/Resh Laqish dis-
pute than we find in y. Avodah Zarah itself. At 42a, the Bavli includes a
question and answer that relate to the Mercurius statue discussed later in
m. AZ 4:1 (b. §D). The y. Avodah Zarah editors explicitly considered the
Mercurius in light of the R. Yohanan/Resh Laqish dispute at y. AZ 4:1,

23. Moreover, Shamma Friedman points out that the Bavli’s addition of an ex-
planatory note to R. Yohanan’s position (“R. Yohanan said ‘Forbidden’ for behold,
he [the owner] did not invalidate [טבש] it”) is consistent with its tendency to use
the term “invalidation” (טבש) to refer to how it is that an idol can become permit-
ted to an Israelite. The Yerushalmi, by contrast, thinks of the permissiveness as
stemming from the idol’s owners’ desire (or lack thereof) to return to and repair
the broken idol. Friedman finds support for his contention that the two Talmuds
have different perspectives on the permissiveness of idols in his comparison of t.
AZ 5:5 and the parallel at b. AZ 53a–b. This comparison shows that the Bavli adds
the verb root_tc_e to its version of the Toseftan baraita, which originally had de-
clared the idol permitted to an Israelite only if its owners fail to return to it. See
Shamma Friedman, “Ha-baraitot she-be-Talmud ha-Bavli ve-yahas le-Tosefta,”
174–175.
43d (y. §§F–G). Similarly, toward the end of 42b, the Bavli includes a question and answer pertaining to m. AZ 3:8 that the Yerushalmi editors at y. AZ 3:13, 43b–c had explicitly considered in light of this R. Yohanan/Resh Laqish dispute (b. §§E–H).

By collecting these relevant materials from elsewhere in y. Avodah Zarah and placing them all within one large sugya, the Bavli has improved on the Yerushalmi’s presentation of the R. Yohanan/Resh Laqish dispute, which was scattered about in three different places. Moreover, even within its large sugya, the Bavli’s arrangement of these materials follows a logical order that is missing from the Yerushalmi. After opening the dispute with reference to Dagon (as in y. Avodah Zarah), the Bavli presents the Mercurius challenge as the fifth challenge from R. Yohanan to Resh Laqish. This is a turning point in the sugya since the idols that were the subjects of the first four challenges were solid objects (whether whole statues or images of hands and feet), while the Mercurius is a statue made of a pile of stones. The Bavli follows this challenge with another switch, moving in the sixth through the ninth challenges (with the exception of the eighth) to discussing ever more unrecognizable pieces of worshiped objects. The Bavli presents the challenge based on the dripping foliage of a sacred tree (an asherah) as the ninth challenge from R. Yohanan to Resh Laqish since the separation of drippings from the idolatrous tree is an extreme example of a separated and otherwise-unrecognizable piece of a worshiped object. The Bavli has thus improved upon the presentation of these materials in the Yerushalmi, in which there was no such logical progression at all.24

No other cited tannaitic materials require both Talmuds to take up the R. Yohanan/Resh Laqish dispute and the discussion based on Dagon. Nor do any tannaitic materials require the Bavli to incorporate other materials thought relevant by the y. Avodah Zarah editors into its discussion of this dispute.

Early talmud also fails to persuade because it is not a y. Avodah Zarah amora who calls attention to other halakhic materials relevant to the R. Yohanan/Resh Laqish dispute, but y. Avodah Zarah’s anonymous voice, which cannot be demonstrated in these cases to have an amoraic provenance.25 Y. Avodah Zarah’s anonymous voice here more likely represents the voice of the tractate’s redactors. Moreover, in utilizing the materials marked by the editors in building its own sugya, the Bavli is obviously do-

24. For detailed analyses of the phenomenon of the Bavli improving upon the Yerushalmi’s order of presentation of materials, see chapter 3, pp. 125–136.
25. For a closer look at the Yerushalmi’s anonymous voice and the question of whether or not it has an amoraic provenance, see chapter 5.
ing more than simply sharing sugyot equally available to both rabbinic communities: it is relying on y. Avodah Zarah’s redactors’ reflections on their own halakhic argumentation.26

III

When Material in B. Avodah Zarah
Has a Parallel in Y. Avodah Zarah and in Some Other Rabbinic Compilation, B. Avodah Zarah Tends to More Closely Resemble Y. Avodah Zarah

Examples of this type are important because they clearly undermine the notion that all observable similarities between y. and b. Avodah Zarah are due simply to the Talmuds’ shared reliance on a common pool of rabbinic traditions. These examples show that there are cases of multiple parallels in which b. Avodah Zarah more closely resembles y. Avodah Zarah in some specific way(s), thus strongly suggesting that the similarity between them is due not to the hypothesized common pool, but to Bavli appropriation of the Yerushalmi material. We will begin with a fairly simple example, and then move on to one of greater complexity.

III.a. T. Hullin 2:22–23 || B. Avodah Zarah 27b || Y. Avodah Zarah 2:2, 40d–41a

T. Hullin 2:22–23

It once happened that a snake bit R. Eleazar b. Dama, and Yaaqov of Kefar Sama came to heal him in the name of Yeshua b. Pantera, but R. Yishmael would not allow it. He said, “You are not permitted [to accept healing from Yaaqov], Ben Dama.” He said to him, “I will bring you a proof that he can heal me.” But [Eleazar b. Dama] did not manage to bring the proof before he died.

26. The Talmuds’ sharing of this Palestinian sugya has been noticed by other scholars. M. A. Tennenblatt pointed to the attachment of this R. Yohanan/Resh Laqish dispute to the same mishnah in both Talmuds, and to the Bavli’s use of other Palestinian materials in building its complex sugya, as a key proof for his own conviction that the Bavli (in toto) relied on the Yerushalmi. See Tennenblatt, Peraqim hadashim, 265–268. While David Kraemer convincingly pointed out that the Bavli’s expansion of the originally small, shared Palestinian sugya was probably late, he failed to take into account that the Bavli’s expansion was done using other y. AZ materials marked by the y. AZ editors as relevant to the dispute. See his “Stylistic Characteristics of Amoraic Literature,” 190–192.
R. Yishmael said, “Happy are you, Ben Dama, for you exited [the world] in peace and did not break the fence\(^2\) of the Sages, for afflictions will eventually come upon anyone who breaks the fence of the Sages, as it is said, ‘A snake bites the one who breaks the fence’” (Eccl 10:8).\(^2\)

Y. Avodah Zarah 2:2, 40d–41a

A. It once happened that a snake bit Eleazar b. Dama, and Yaaqov of Kefar Sama came to heal him. [Yaaqov] said to him: “Let us say to you [=heal you] in the name of Jesus b. Pandera.” R. Yishmael said to him: “Ben Dama, you are not permitted [to be healed by Yaaqov].” He said to him: “I will bring a proof that he may heal me,” but he did not succeed in bringing the proof before he died. R. Yishmael said to him: “Happy are you, Ben Dama, for you left the world in peace and did not break the fence of the Sages [that they erected around the Torah], as it is said, ‘A snake will bite the one who breaks the fence’” (Eccl 10:8).

B. But did not a snake bite him? [And so how did Ben Dama escape the fate the verse predicted for one who disobeys the Sages?] Rather [his adherence to the Sages’ fence ensures that a “snake” will not bite him in the coming future [the afterlife].

C. And what would he have said [to R. Yishmael to defend his right to treatment]? [He would have cited Lev 18:5:] “That a man may do them [the commandments] and live by them” [the implicit point being that a person is supposed to live by, and not die by, the commandments. Thus Ben Dama would have reasoned that he should be permitted to relax the prohibition of idolatry in order to continue to live].

B. Avodah Zarah 27b

A. It once happened that a snake bit Ben Dama the nephew of R. Yishmael, and Yaaqov of Kefar Sakanya came to heal him but R. Yishmael did not allow him. He [Ben Dama] said to him: “R. Yishmael my brother, leave him [Yaaqov] be [to treat me] and let me be healed by him, and I will bring you a verse from the Torah [to prove that] it is permitted.” He did not manage to complete the matter [of quoting the verse] before his soul departed and he died. R. Yishmael recited concerning him: “Happy are you, Ben Dama, for your body is pure and your soul departed in purity. And you did not transgress the words of

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27. The correct reading should be “fence” (דרכי) rather than “decree” as appears in the text, especially since another reference to “fence” immediately follows and Eccl 10:8 itself refers to a “fence.”

your colleagues, who say: ‘A snake bites the one who breaks the fence.’” (Eccl 10:8).

B. Heresy [minut] is different [from other transgressions] because it pulls, and he [the one who falls in with heresy] will come to be pulled after them [the heretics].

C. The Master said: “You did not transgress the words of your colleagues . . .” He [Ben Dama] was bitten by a snake anyway! [And so how did he escape the punishment decreed by the verse for one who transgresses a fence erected by the Sages, as R. Yishmael said he did? Rather, Ben Dama escaped being bitten by the] “snake of the Rabbis,” for [the bite of] which there is no cure at all. And what could he [Ben Dama] have said? “And he shall live by them”—and not that he should die by them (Lev 18:5).

D. And to R. Yishmael, these words [Lev 18:5] apply in private [a person may choose transgression over death if the transgression will take place in private], but in public, no. As it was taught in a baraita: R. Yishmael would say: “From where do we know that if they say to a person ‘Serve idols and do not be killed’ that he may serve and not be killed? The verse teaches ‘And he shall live by them’—and not that he should die by them. Is that true even in public? The verse teaches: ‘And do not desecrate My holy Name [in public]’” (Lev 22:32) (Sifra to Leviticus, Aharei Mot, pereq 13).

The story of the hapless Eleazar b. Dama holds immense fascination for the window it opens into the relationship of the Rabbis to the world of the minim (heretics; sing. min), who may have been Jewish-Christians. From a literary perspective, the different versions of the story are also valuable for the light they shed on the Bavli redactors’ characteristic methods of reworking and revising older sources, especially materials appropriated from the Yerushalmi. But at the moment our concern is to point out that b. Avodah Zarah’s version of the Eleazar b. Dama story is indeed

29. This statement actually resolves an implicit objection, for was Ben Dama not bitten by a snake? The answer is that heresy is a different sort of “breaching of the fence,” one which will result in the heretic’s being “bitten by a snake,” or pulled after heresy. We will say more about §B in chapter 3, when we focus on the differences between y. and b. AZ.


31. As noted, we will analyze how the Bavli redactors introduce Babylonian cultural and halakhic perspectives into the y. AZ version of this story below in chapter 3, pp. 134–136.
an appropriation of y. Avodah Zarah’s version, not an independent appropriation of either the Toseftan story or some other tannaitic version of the story now lost to us.

Both Talmuds attach their versions of the Eleazar b. Dama story to m. AZ 2:2, which provides that Jews may accept medical services from Gentiles that fall into the category of “healing of money” (יְעָרָפֶת הָעִם) but not of “healing of lives” (יְעָרָפֶת הָעִיס). Although there is a clear link between יְעָרָפֶת הָעִיס and the story of Eleazar b. Dama, who died rather than accept healing from a min, the mishnah does not call for such a story and could certainly have been fully explicated without it. The more interesting question is: Is t. Hul 2:22–23 responsible for the Talmuds’ versions of the story, or did b. Avodah Zarah derive its version from y. Avodah Zarah?

In the Toseftan version, no anonymous editorial voice intervenes to ask what proof Eleazar could have offered R. Yishmael, let alone to suggest one. Nor does the Tosefta ask the rather obvious question of how Eleazar—who was dying of snake-bite—had avoided the fate predicted by Eccl 10:8 (“A snake bites the one who breaches the fence”) for one who breaches the “fence of the Sages.” By contrast, both y. Avodah Zarah (§C) and b. Avodah Zarah (§C) ask the latter question and offer resolutions. Both Talmuds (y. Avodah Zarah at §C and b. Avodah Zarah at §§C–D) then move on to inquire about the scriptural verse that Eleazar could have cited to R. Yishmael to establish his right to treatment, and both Talmuds point to Lev 18:5—“and he shall live by them”—as understood through the lens of the rabbinic midrash “and not die by them.” Far from being an independent interpretation of t. Hul 2:22–23, then, b. Avodah Zarah was clearly drawing its version of the Eleazar b. Dama story from y. Avodah Zarah. Moreover, given the close relationship between y. and b. Avodah Zarah’s versions of the story, it is more logical to conclude that b. Avodah Zarah drew its version from y. Avodah Zarah than that it drew its version from a now-missing rabbinic text that formed part of the hypothesized “pool” of rabbinic materials shared by the rabbinic communities.

III.b. Y. Sheviit 8:6, 38b || B. Avodah Zarah 62a–b || Y. Avodah Zarah 5:1, 44c

Let us begin by comparing the two Yerushalmi versions of this sugya to each other:

Y. Sheviit 8:6, 38b

A. It was taught: The donkey-drivers and the shoulder-bearers and all those who work with Sabbatical year produce—their wage is השיעות (t. A Talmud in Exile
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Shevi 6:26. [There is an ambiguity in this baraita. Does “their wage is
שכרם ייחשע” mean that it is forbidden to the workers, since it is unlawful to do
business with Sabbatical year produce? Or does it mean that their wage
will somehow be paid from Sabbatical year produce?]

B. R. Zeirah said: “Our baraita is dealing with permitted fruits. What is
‘their wage is שכרם ייחשע’? That they should take [their pay] from what they
were working with [that is, they should take their produce in kind from
whatever they were working with].

C. “And let that which R. Yohanan ruled for those of the house of R.
Yannai—that they should take their payment in hand not as oil, but as
money—be considered in accordance with R. Yudan and R. Nehemiah.”32

D. R. Hila said: “Our baraita is dealing with those who carry fruits of trans-
gression. And what does ‘their wage is שכרם ייחשע’ mean? [It is interpreted]
in accordance with what R. Abbahu said in the name of R. Yohanan: ‘[As
to] libation wine, [the Sages] penalized him [the person who unlawfully
transacts business in libation wine] with a penalty [in that he cannot re-
tain his wage].’” [Thus the meaning of “their wage is שכרם ייחשע” is that the
donkey-drivers, shoulder-bearers, and all who work with Sabbatical year
produce may not retain their wage as a penalty for their unlawful con-
duct].

Y. Avodah Zarah 5:1, 44c

A. And is it not his [the worker’s] wage he [the master] is giving him? [So why
should the wage be forbidden?]

B. R. Abbahu in the name of R. Yohanan: “[The Sages] penalized him with a
penalty [for working with an item, libation wine, that is forbidden in ben-
efit].”

32. The reference to R. Yudan and R. Nehemiah is a reference to an earlier sugya
at y. Shevi 8:4, 38a. There, a baraita (t. Shevi 6:21) was quoted according to which R.
Yudan and R. Nehemiah forbade a person to accept a loaf of bread worth a dupon-
dium from a bakery in the Sabbatical year on the condition that he would pay for it
with the “ownerless” vegetables of the field.” Their concern was that since many
people were scrambling to gather and eat the ownerless produce, the bakery
would not rely on the buyer’s word (since he might not be able to acquire any
ownerless produce), but would instead consider that the buyer owed them a debt
for the bread. If this was the bakery’s thought process, reasoned R. Yudan and R.
Nehemiah, then it would be forbidden for the buyer subsequently to bring them
produce in exchange for the bread, since he would be considered to be one who is
paying his debts with Sabbatical year produce. In our sugya, R. Zeirah has distin-
guished his position from R. Yohanan’s by claiming that the latter—like R. Yudan
and R. Nehemiah—holds that payment in kind during the Sabbatical year is for-
bidden, while payment in money is not.
C. It was taught: The donkey-drivers and the shoulder-bearers, and all those who work with Sabbatical year produce—their wage is מַלְפֹּתָה.

D. R. Zeirah said: “The baraita is dealing with permitted fruits. And as to that which R. Yohanan ruled for the house of R. Yannai—that they should not take [their] wage into their hands [in the form of] wine but rather [as money]—he ruled for them in accordance with R. Yehudah and R. Nehemiah.”

E. R. Yeli said: “The baraita is dealing with fruits of transgression. As R. Abbahu said in the name of R. Yohanan concerning libation wine: ‘[The Sages] penalized [the worker] with a penalty.’”

The sugyot are largely similar, with one critical difference. The similarity and difference are illustrated in this outline:

y. AZ → The anonymous voice asks the opening question of the sugya (§A).

y. AZ → There is a statement by R. Abbahu in the name of R. Yohanan (§B).


y. Shevi ¼ y. AZ → R. Zeirah initially attempts to read t. Shevi 6:26 permissively.

y. Shevi ¼ y. AZ → R. Zeirah deals with a potential challenge to his reading by interpreting t. Shevi 6:26 as referring to R. Yohanan’s conflicting ruling for the house of R. Yannai. He answers the potential challenge by claiming that R. Yohanan ruled for them in accordance with two particular tannaim.

y. Shevi ¼ y. AZ → The sugya ends with R. Hila’s (=Yeli’s) restrictive reading of the baraita, which is confirmed by R. Abbahu’s statement.

The clear differences between the two sugyot are that y. Avodah Zarah links its version of the sugya to its local mishnah (m. AZ 5:1) and places R. Abbahu’s statement (that the Sages penalized the laborer who works with libation wine) early in the sugya. The pertinent part of the mishnah rules that if an employer hires a worker to work with libation wine, the worker’s wage is forbidden to him. Y. Avodah Zarah’s consideration of the mishnah begins in §A with a logical question: Is it not the worker’s wage the mishnah is talking about? Why is the worker not entitled to his wage? R. Abbahu in the name of R. Yohanan provides the answer: the worker is not entitled to his wage because the Sages (in m. AZ

33. We have translated according to the parallel at y. Shevi 8:6, 38b because y. AZ here reads “fruits of idols,” which makes no sense.
5:1) penalized him for working with libation wine, from which an Israelite is forbidden to derive benefit, presumably including the benefit of a wage. The odd point about y. Avodah Zarah is why it requires §§C–E at all. Does not R. Abbahu’s response in §B adequately answer the opening question? The answer is that it does, and that y. Avodah Zarah §§C–E originated in y. Sheviit as the argumentation leading up to R. Abbahu’s statement. In y. Sheviit (as in y. Avodah Zarah) R. Hila (=Yeli) cites what R. Abbahu in the name of R. Yohanan said about libation wine in connection with his restrictive reading of t. Shevi 6:26 at the end of the sugya. As it is R. Hila’s statement (including that of R. Abbahu) that ends the y. Sheviit sugya, the y. Avodah Zarah redactors understood it as the conclusion. They therefore lifted out R. Abbahu’s statement about a penalty on a wage earned from working with libation wine, formulated a rhetorical question to which it would be an appropriate answer, and only then incorporated the rest of the y. Sheviit sugya which had originally led up to that result. Y. Avodah Zarah is thus an editorial construction built upon the more original y. Shevi 8:6, 38b. Y. Sheviit and y. Avodah Zarah are not simply contemporaneous alternative versions of the same sugya; y. Avodah Zarah is a reworking of y. Sheviit. Now let us turn to the Bavli.

**B. Avodah Zarah 62a–b**

A. *What is the reason his [the worker’s] wage is forbidden? If it is said, since libation wine is forbidden in benefit its wage should likewise be forbidden—behold [the cases of] orlah\(^{34}\) and mixed seeds of a vineyard,\(^{35}\) which are forbidden in benefit and [concerning which] it is taught in a mishnah: If he sold [them] and betrothed [a woman] with their monetary value, she is betrothed (m. Qid 2:9). [Thus, just because an item is forbidden in benefit does not mean that monies obtained through it are also forbidden in benefit. So too the wages of a worker who worked with libation wine should not be forbidden in benefit].

B. *Rather, [the reason the wage of the worker is forbidden is that] since it [libation wine] “holds its monies like idolatry” [that is, just as monies obtained through selling an idol never lose their status as idols, so do monies obtained through selling libation wine never lose their status as libation wine].

C. *But behold Sabbatical year produce, which “holds its monies” and [concerning which] it is taught in a mishnah: One who says to a worker: “Here is this dinar, gather a vegetable for me today with it”—his wage is forbidden;*  

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34. Lev 19:23 states that the fruit a tree produces during its first three years of life is to be considered אֵלֶּה, or “uncircumcised,” and hence forbidden.
35. Deut 22:9 forbids planting seeds of different species of plants in the same vineyard.
“Gather a vegetable for me today”—his wage is permitted (m. Shevi 8:4)? [Thus, there is a case in which a worker’s wage is permitted as to something which “holds its monies.” So too should the worker’s wage in m. AZ 5:1 be permitted].

R. Abbahu said in the name of R. Yohanan: “It is a penalty that the Sages imposed with respect to donkey-drivers and libation wine.”

Thus, there is a case in which a worker’s wage is permitted as to something which “holds its monies.” So too should the worker’s wage in m. AZ 5:1 be permitted.

D. R. Abbahu said in the name of R. Yohanan: “It is a penalty that the Sages imposed with respect to donkey-drivers and libation wine.”

E. [The penalty as to] libation wine: as we have stated. [The penalty as to] donkey-drivers, what is it? As it was taught in a baraita: The donkey-drivers who were working with Sabbatical year fruits—their wage is sanctified בֵּיתֵי שֵׁבִיאָה (t. Shevi 6:26).

F. What does “their wage is בֵּיתֵי שֵׁבִיאָה” mean? If it is said that we give them a wage from Sabbatical year fruits, it turns out that this one [the master] is paying his debt from Sabbatical year fruits, and the Torah said: “to eat it” (Lev 25:22)—and not [to use the fruits of the Sabbatical year] for commerce.

G. But rather, [the reason there is a penalty on wages earned through working with Sabbatical year produce] is that their wage is sanctified with the holiness of the Sabbatical year.

H. And is it sanctified? Was it not taught in a mishnah: One who says to a worker: “Here is this dinar, gather a vegetable for me today”—his wage is permitted; [if he says instead,] “Gather a vegetable with it for me today”—his wage is forbidden (m. Shevi 8:4)?

I. Abaye said: “Really, [the meaning of ‘their wage is בֵּיתֵי שֵׁבִיאָה’ in t. Shevi 6:26] is that we give him a wage from Sabbatical year fruits. . . .”

J. And Rava said: “Really, [the meaning of t. Shevi 6:26] is that [the wage] is sanctified with the holiness of the Sabbatical year.” And concerning your difficulty with [m. Shevi 8:4’s ruling that] the worker [can at times be paid with Sabbatical year produce], the Sages did not penalize the worker [of m. Shevi 8:4] whose fee is not great; the Sages did penalize the donkey-drivers [of t. Shevi 6:26] whose fee is great.

K. And as to our mishnah [m. AZ 5:1]—the stringency of libation wine is different [thus, even though our mishnah also deals with a worker like that in m. Shevi 8:4, the law is stricter and the worker penalized because our mishnah deals with libation wine].

The pertinent part of m. AZ 5:1 (to which both Avodah Zarah tractates attach these sugyot), provides as noted that if a master37 hires a worker to work with him in transporting libation wine, the worker’s wage for this activity is forbidden. On the other hand, if the worker was hired to do other work, then he is permitted to retain his wage even if the master also incidentally asked him to move a jug of libation wine from one place to another.

36. Abaye engages in a harmonization that temporarily digresses from the forward progress of the underlying argument.

37. The mishnah does not specify that the master must be a Gentile, but that certainly must be assumed because how could one Israelite hire another to assist in
Both y. and b. Avodah Zarah present variations of the same sugya in which they examine the issue of the worker’s wage. The sugyot follow the same basic five-step pattern:

1. The anonymous voice asks the opening question of the sugya (y. and b. Avodah Zarah at §A);
2. There is a statement by R. Abbahu in the name of R. Yohanan (y. Avodah Zarah at §B and b. Avodah Zarah at §D);
3. T. Sheviit 6:26 (y. Avodah Zarah at §C and b. Avodah Zarah at §E);
4. There is an attempt to read the Toseftan phrase “their wage is ...” permissively (y. Avodah Zarah at §D and b. Avodah Zarah at §I); and

While the mishnah unquestionably calls for discussion of the worker’s wage, nothing there requires both Talmuds to present sugyot that unfold in such a strikingly similar way. Further, no other tannaitic sources provide for this similarity either. The Bavli cites m. Qid 2:9, t. Shevi 6:26, and m. Shevi 8:4. The only one of these sources the Talmuds hold in common—t. Shevi 6:26—is integrated into both Talmuds’ sugyot at an equivalent place in the discussion, and both Talmuds use it in the same way. It therefore does not generate the similarity between the sugyot, but is a result of it.

Moreover, the Bavli redactors were working with a sugya that more closely resembled y. Avodah Zarah than y. Sheviit. As we established, the y. Avodah Zarah editors lifted R. Abbahu’s statement about the penalty on workers who work with libation wine out of R. Hila’s statement, and deployed it as the answer to a rhetorical question with which they opened their sugya. They then reinserted the rest of the y. Sheviit sugya, which in y. Sheviit had originally led up to R. Abbahu’s statement. When we examine the Bavli, we see that b. Avodah Zarah opens as well with a rhetorical question (albeit one that is considerably more expansive than that in y. Avodah Zarah), and then proceeds to R. Abbahu’s statement. B. and y. Avodah Zarah’s shared early placement of R. Abbahu’s statement in their shared sugya demonstrates b. Avodah Zarah’s greater reliance on y. Avodah Zarah than on y. Sheviit.

the libation wine trade? See Rashi to b. AZ 62a, s.v. ו어서, and the Ran’s commentary to the Rif on Avodah Zarah, s.v. ו어서 (p. 30a in the pages of the Rif).
Since we have traveled a long way in studying this example, let us summarize. We began by comparing two versions of the same sugya found in y. Sheviit and y. Avodah Zarah, and noted the key differences between them. In comparing these sugyot to the parallel in b. Avodah Zarah, we saw that b. Avodah Zarah was clearly more similar to y. Avodah Zarah’s version and can even be seen to be a version that takes the conclusion of the y. Avodah Zarah sugya into account. The importance of this example, like the previous one, is that it shows that b. Avodah Zarah does not simply utilize Palestinian sugyot generally (as per early talmud); it can be demonstrated to bear a greater similarity to y. Avodah Zarah specifically.

III.c. B. Avodah Zarah 15a, 16a–b || Y. Avodah Zarah 1:6, 39d–40a
|| Y. Avodah Zarah 1:7, 40a || Y. Pesahim 4:3, 30d–31a

At y. AZ 1:6, 39d–40a the Yerushalmi presents a sugya about an Israelite’s selling a beast to a Gentile. The sugya closes with some consideration of a non-final sale of the animal to the Gentile for testing purposes as compared to a final sale. At y. AZ 1:6, 40a the Yerushalmi continues with Rabbi’s teaching that Israelites may not sell horses to Gentiles and a brief discussion of that based on a baraita that equates a large wild animal to a large domesticated animal. Y. Avodah Zarah then moves seamlessly to 1:7, 40a, which opens with the anonymous voice’s observation that “Behold, it is permitted [to sell to Gentiles] something in which there is no danger to the public,” and the quotation of t. AZ 2:6.

Y. Pesahim 4:3, 30d–31a is a parallel to this material. There is a parallel to the discussion of a non-final sale of a beast for testing at 30d that is followed (after a digression into other matters) at 31a by the discussion of Rabbi’s view on selling horses to Gentiles. The discussion of Rabbi’s view also raises the issue of the equation of large wild animals to large domesticated ones, or to small domesticated animals.

Like these Yerushalmi sources, the Bavli moves first (at 15a) into a sugya about selling beasts, including non-final sales for testing as well as other impermanent transfers of ownership (such as leasing). After an interruption for other issues, the Bavli returns at 16a to Rabbi’s views on selling horses to Gentiles, and then after some discussion of the large wild animal in relation to the small domesticated one, b. Avodah Zarah’s anonymous voice declares, “The reason [for not selling bears or lions to Gentiles] is that there is in them [the possibility of] danger to the public. Behold, if there is no danger to the public, it is permitted [to sell them such items].” The point is that b. Avodah Zarah—like y. Avodah Zarah and unlike y. Pesahim—includes the anonymous observation about there being no legal obstacle to selling non-dangerous items to Gentiles. Although the
three tractates share this large selection and ordering of materials, y. and b. Avodah Zarah share a similar feature that is missing from y. Pesahim.

Although m. AZ 1:6 does call for discussion of “small beasts,” “large beasts,” and “horses,” it does not call for the precise selection of topics we see, especially the treatment of non-permanent sales of animals followed by the comparison of large wild animals to large domesticated ones. No other tannaitic sources cited can reasonably be construed as calling for the material, either. And the fact that y. and b. Avodah Zarah share a similarity that is missing from the third parallel at y. Pesahim militates against the conclusion that b. Avodah Zarah’s similarity to y. Avodah Zarah is due simply to the two Talmuds’ shared reliance on a common pool of rabbinic traditions. B. Avodah Zarah is more similar to y. Avodah Zarah—once again suggesting that the b. Avodah Zarah redactors were relying on that Yerushalmi tractate specifically.

Another example of the Bavli’s greater similarity to a y. Avodah Zarah parallel than to a parallel found elsewhere may be found at y. AZ 2:9, 41d b. AZ 35b–36a (the prohibition of Gentile oil). This example is a particularly rich illustration of how the Bavli redactors reworked their prior sources, and we will defer a detailed discussion of it to chapter 3.

IV
Y. Avodah Zarah And B. Avodah Zarah Place Similar Material at a Similar Point in the Tractate, Although Not Attached to the Same Mishnaic Passage

IV.a. B. Avodah Zarah 19b–20a || y. Avodah Zarah 1:9, 40a–b

This example illustrates a structural similarity between y. and b. Avodah Zarah that would be missed were we to adhere too closely to the divisions of mishnayot that we find in our printed editions of the Talmuds. These divisions are late conventions, and by no means should they be allowed to obscure structural similarities visible around them. In b. Avodah Zarah, m. AZ 1:8 is divided into two. The first part consists of the prohibition against an Israelite’s fashioning of ornaments for idols and a dispute about selling a Gentile plants that are attached to the ground (b. AZ 19b). The second part of the mishnah (a discussion about renting houses and fields to Gentiles in the Land of Israel, Syria, and the Diaspora) is found at 20b–21a. Y. Avodah Zarah does not include the mishnaiyot material on fashioning ornaments for idols, although it does include the dispute about selling attached plants. All this is significant because the Bavli attaches its version of y. AZ 1:9, 40a–b to the portion of m. AZ 1:8 that deals with sell-
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ing a Gentile attached plants, while Y. Avodah Zarah attaches its own version to the portion of m. AZ 1:8 that discusses renting houses and fields to Gentiles. The similarity we will observe between the Talmuds is thus not called for by the mishnah because no one mishnaic passage calls for it.38 After presenting the text, we will give further consideration to the causes of the similarity.

Y. Avodah Zarah 1:9, 40a–b

A. R. Zeirah in the name of R. Yose b. Hanina; R. Abba, R. Hiyya in the name of R. Yohanan: “Do not show them mercy (לֹא תַחֲמוּם, Deut 7:2) [means] do not give them grace (לֹא תָּמְנוּ)—do not give them a free gift (לֹא תָּמְנוּ)—do not give them settlement (לֹא תָּמְנוּ) in the Land [of Israel].”

B. לֹא תָּמְנוּ—do not give them a free gift. But was it not taught in a baraita [t. Pes 2:1540]:

C. It once happened that R. Gamliel was traveling along the way, and he saw a loaf of fine bread ( unidad) cast aside on the road. He said to his slave Tavi: “Pick up this loaf.” He [R. Gamliel] saw a Gentile coming towards him. He said: “Mabgai [presumably the name of that Gentile], take this loaf.” R. Ilai ran after him [the Gentile Mabgai]. He said to him: “What is your name?” He said to him: “Mabgai.” “And from where are you?” He said to him: “I am one of the station-guards [of the stations leading to royal vineyards].” “And had you ever met R. Gamliel before?” He said to him: “No.” R. Gamliel had discerned this [that the Gentile’s name was Mabgai] with the holy spirit. And we learned from him three things: We learned that we do not pass by [abandoned] foods, and that the leaven of a Gentile is permitted immediately after Passover, and that we assume that most passers-by are Gentile.”

38. And hence, this lengthy sugya is not necessary to fully explicate any particular part of the mishnah.

39. The intervening material—R. Yose’s view that houses may be rented to Gentiles in Palestine and R. Yose b. R. Bun’s view that Gentiles may not be buried there—is omitted because it has no Bavli parallel.


41. Further discussion of this Toseftan passage, as well as more Toseftan material about R. Gamliel’s release of a vow, has been omitted because it has no parallel in the Bavli.
D. “‘Do not show them mercy’—do not give them ‘grace.’” But was it not taught: It once happened that R. Gamliel was strolling on the Temple Mount and saw a Gentile woman there, and blessed her. And was it R. Gamliel’s practice to look at women? Rather, it was an extremely crooked path on which he encountered her, like Pesaurus, and he looked at her unwittingly. “And he blessed her”—and did not R. Zeirah say in the name of R. Yose b. Hanina, and R. Ba in the name of R. Hiyya in the name of R. Yohanan: “Do not show them mercy”—do not give them ‘grace’?

E. What did he say? He did not say “abascanta,” but rather, “Blessed is He Who has such beautiful creatures in His world.” For similarly, even if one saw a nice donkey, camel, or horse, one would say, “Blessed is He Who has such beautiful creatures in His world.”

B. Avodah Zarah 19b–20a

A. From where are these words of the mishnah derived? R. Yose b. Hanina said: “For the verse [Deut 7:2] says: ‘Do not show them mercy’—do not give them ‘settlement’ in the Land.”

B. This “אל תתןיכולת” is required for that which the Merciful says: “Do not give them ‘grace.’”

C. If that is so, then let the verse read “אל תתןיכולת.” What is the significance of the fact that the verse reads “אל תתןיכולת”? Learn both from it [no “settlement” and no “grace”].

D. But now [Deut 7:2] is needed for that which the Merciful One said: “Do not give them a free gift.”

E. If that is so, let the verse read אל תתןיכולת What is אל תתןיכולת? Learn from it all three of them [all three interpretations].

F. It is also taught thus in a baraita...

G. And the [prohibition against giving a free gift to a Gentile is] a tannaitic dispute. As we learn in a baraita:

H. Do not eat anything that dies by itself. Give it to the stranger [ Meaning, the Gentile who adheres to the Noahide laws] in your gates and he will eat it, or sell it to the Gentile [הידי] (Deut 14:21). This teaches only that [the animal that dies by itself] is to be “given” to the stranger and “sold” to the Gentile [idolater]. From where do we know that it can be “sold” to the stranger?—Scripture says, “Give it” or “sell.” From where do we know that it can be “given” to the Gentile?—Scripture says, “Give it and he will eat it,” or “sell to the Gentile.” It turns out that you can say


43. Repeating the three definitions of אל תתןיכולת.
that the stranger and the Gentile are the same in that both “giving” and “selling” apply to each—the words of R. Meir. R. Yehudah says: “The matters are as written. To the stranger by ‘giving,’ and to the idolater by ‘selling.’”

I. Another interpretation: “Do not show them mercy”—do not give them “grace.” This [tannaitic teaching] assists Rav, for Rav said: “It is forbidden for a man to say: ‘How beautiful is this Gentile [woman].’”

J. They raised an objection: It once happened that R. Shimon b. Gamliel was on a step on the Temple Mount and he saw one particularly beautiful idolatress. He said: “How many are Your works, Lord!”

K. And even R. Aqiva [gave grace to a beautiful Gentile woman, for he] saw the wife of the evil Turnus Rufus [and] spat, laughed, and wept. He spat—because she came from a putrid drop. He laughed—because in the future she would convert and he would marry her. He wept—that this beauty would be buried in the dust.

L. And Rav certainly agrees [that one can praise God upon seeing a beautiful Gentile], for the Master said: “One who sees beautiful creations says: ‘Blessed is He Who created such in His world.’”

B. Avodah Zarah 19b–20a offers a series of interpretations of the command “Do not show them [Gentiles] mercy” (Deut 7:2). At §§A–F, the Bavli interprets “Do not show them mercy” in three ways: as a prohibition against giving Gentiles settlement (טביה; a play on תיב) in the Land; not giving them grace (תבילה); and not giving them free gifts (בשריה). The Bavli points out in §H that the “no free gifts” interpretation is actually a matter of tannaitic dispute. Finally, at §§I–L, the Bavli points out that the “no grace” interpretation supports a view of Rav, and presents two stories of Sages (R. Shimon b. Gamliel and R. Aqiva) encountering Gentile women. It closes with the blessing of God “Who created such [beautiful people] in His world.”

The thematic link between this material and the portion of m. AZ 1:8 to which the Bavli attaches it (the mishnaic discussion of selling a Gentile plants that are attached to the ground) is the interpretation of Deut 7:2 as prohibiting Gentiles from settling in the Land of Israel. But the Bavli clearly goes far beyond what that mishnah calls for in presenting a lengthy discussion of Deut 7:2, most of which does not concern Gentile settlement in the Land at all.

44. Further discussion of the dispute between R. Meir and R. Yehudah is omitted because there is no parallel in the Yerushalmi.
Y. Avodah Zarah places a very similar sequence of interpretations of Deut 7:2 in relation to the portion of m. AZ 1:8 that deals with selling and/or leasing houses or fields in the Land of Israel, Syria, or the Diaspora. Once again, we see a clear thematic link between the mishnaic material and the interpretation of Deut 7:2 as a prohibition against Gentile settlement in the Land. But y. Avodah Zarah’s discussion of Deut 7:2 ranges far beyond its portion of m. AZ 1:8, and is largely similar to b. Avodah Zarah’s: the same three understandings of Deut 7:2, a tannaitic discussion of “no free gifts,” a story about R. Gamliel’s encounter with a Gentile woman, and the blessing of God for creating “such beautiful creatures in His world.”

Since y. and b. Avodah Zarah have attached these similar sugyot to different parts of m. AZ 1:8, there is no particular mishnaic language that can be said to call for the sugyot. Nor can the similarity be attributed to other tannaitic materials: the other tannaitic materials cited in the sugyot are well integrated into the unfolding discussion, and their presence is more likely the result, rather than the cause, of the overall similarity between the sugyot. Early talmud also does not suffice as an explanation of the similarities. Y. Avodah Zarah 1:9, 40a–b and b. AZ 19b–20a are the only two places in which all these elements—the discussion of Deut 7:2, the stories about R. (Shimon b.) Gamliel, the dispute about “no free gifts,” and the blessing over beauty—appear together in this order. Although y. Avodah Zarah’s story about R. Gamliel (§§D–E) is also found at y. Ber 9:2, 13b–c, the story lacks the overall redactional context there that we see here. It is not reasonable, therefore, to attribute this lengthy structural similarity to early talmud when we can more reasonably conclude that it is due to b. Avodah Zarah’s reliance on y. Avodah Zarah. Moreover, the fact that b. Avodah Zarah placed this similar material at a similar point in the tractate despite the difference in the mishnaic language used as the “hook” for the material strongly suggests that the redactors of b. Avodah Zarah made this editorial choice after reflecting upon the overall editing and arrangement of materials in the earlier tractate.

Y. Avodah Zarah and B. Avodah Zarah Use the Same Mishnah as the Occasion to Explore the Same Legal Issue (Or Present Similar Genres of Materials)

Shlomo Yehudah Rappaport and Martin Jaffee noted the Bavli’s tendency to use the same mishnayot as the Yerushalmi as opportunities for the
presentation of aggadah. We find two examples of this in the Avodah Zarah tractates. The first is the Talmuds’ presentations of lengthy aggadic sequences attached to m. AZ 1:1 (b. AZ 2a–5b y. AZ 1:1, 39a–b), which itself contains neither aggadah nor scriptural verses and thus does not call for aggadah. The second example, which we studied earlier, is the Talmuds’ common use of versions of the story of the biblical Adam’s institution of the days that come to be known as Kalends and Saturnalia (b. AZ 8a y. AZ 1:2, 39c).

We can also observe a related phenomenon: the Talmuds’ tendency to use the same mishnayot as the opportunity to present stories about sages. At b. AZ 48b y. AZ 3:13, 43b both Talmuds conclude their discussions about the permissibility or not of walking in front of, or under, idols and/or sacred trees with stories about sages’ conduct in those situations. In both Talmuds, the sages conclude that they are permitted to pass in front of images or under the branches of a sacred tree that extend into the public domain. At b. AZ 58b–59a y. AZ 4:10, 44b both Talmuds use m. AZ 4:9 as the opportunity to present stories about Palestinian amoraim who observe and respond to perceived popular violations of rabbinic law. In neither case does the local mishnah call for these stories, since both mishnayot can be explicated without resort to the genre of sage-stories. Moreover, as to the second case, the apparent violations of law the rabbis remark upon go far beyond the subject matter of m. AZ 4:9. Nor are these stories called for by any other tannaitic source.

We will now look more closely at an example in which both Talmuds use the same mishnah as the opportunity to explore the same legal issues using a similar selection and sequence of topics. The significant point here is less the presence of specific shared materials by both Talmuds than the presence in both of a shared selection and sequence of topics. Thus our presentation will be in the form of a summary of the Talmuds’ sequences of topics rather than translations of texts.

V.a. B. Avodah Zarah 46a–47a y. Avodah Zarah 3:6, 42d–43a

Y. Avodah Zarah 3:6, 42d–43a

A. Dispute about whether a person can render only his own property forbidden if he uses it in the religious service of an idol (rendering the object

46. For more on this see Richard Kalmin, Sages, Stories, Authors, and Editors, 87–91.
“worshiped” (לָעַב), or whether he can also render someone else’s property forbidden by that means.

B. Dispute between Hezekiah and R. Yohanan about whether one who bows to a “הָעָב” renders it forbidden. R. Zeirah claims that they are arguing about an egg (הָעָב), while the Scholars say that they are arguing about the rocks found on both sides of a swamp (הָעָב). This dispute clearly is a more specific illustration of the dispute in §A as to whether the act of worship renders the הָעָב forbidden as a worshiped object.

C. At this point, y. Avodah Zarah moves from consideration of לָעַב to the related but distinct issue of whether or not a change to the worshiped object will result in a change in its legal status. Since the physical change makes the object into a different object, should what was forbidden now be permitted? Y. Avodah Zarah opens its consideration of this issue with the question of the “idolatrous egg” that hatched and therefore became (literally, “was made”) a young bird. Is the bird permitted or not?

D. Y. Avodah Zarah considers the same issue with respect to the “וללה nut” that was planted (thus yielding fruit that will eventually be permitted after three years), and the “consecrated egg” (belonging to the Temple) that hatched, yielding a young bird.

B. Avodah Zarah 46a–47a

A. Dispute between the sons of R. Hiyya and R. Yohanan about whether the detached stones of a worshiped mountain are permitted or forbidden. The Talmud is initially unable to decide who holds what.

B. The Talmud uses Hezekiah’s question about one who sets up an egg (הָעָב) to bow to it, in an attempt to resolve the unanswered question in §A.

C. Rami b. Hama asks whether the detached stones of a worshiped mountain may be used for the altar of the Jerusalem Temple. He specifically wonders whether something that was worshiped when attached to the ground is disqualified from divine service or not.

D. Rami b. Hama asks whether a sheaf of wheat to which someone had bowed (thus rendering it “worshiped”) can be used for meal offerings in the Temple. He asks whether or not the legal doctrine of “change” applies to worshiped objects or not (that is, whether a physical change to the idolatrous object can render it fit for Temple use).

E. Resh Laqish asks whether one may use a palm branch on Sukkot that is taken from a palm tree to which someone had bowed.

F. R. Papa asks whether one can fashion the thread of blue required by the Torah in the ritual fringes attached to four-cornered garments47 from the wool of an animal that had been worshiped.

47. Num 15:38–41 requires the placement of fringes (לָעָב) at the corners of four-cornered garments.
G. Rabbah asks whether water libations in the Temple may be poured using water from a spring that had been worshiped.

[§§E–G are, in essence, questions about whether a change to a worshiped object can render the item permissible for Israelite sacred use.]

M. Avodah Zarah 3:5’s basic concern is to distinguish between the legal effect of worship of a fixed, natural object untouched by human hands—such as mountains and hills—and that of objects that have either been created or embellished by human beings. Worship renders the latter forbidden, but not the former.

The mishnah employs the Hebrew root סֵכִּי, which means “worship.” Thus it is unsurprising that both Talmuds take up the issue of worshiped objects, which they refer to as “שֵׁכִי” (worshiped). What is not called for by the mishnah is the similar selection and sequence of topics the Talmuds use to discuss the שֵׁכִי, especially the transition that both make from discussing the שֵׁכִי to discussing the case of שִׁלְוָה (a change to a worshiped object) and how, if at all, a change to a worshiped object will or will not alter its prohibited status.

Y. Avodah Zarah §B is a dispute between Hezekiah and R. Yohanan about the legal effect of bowing to a שִׁלְוָה, the meaning of which is itself a disputed matter. Similarly, b. Avodah Zarah §B refers to Hezekiah’s question about a שִׁלְוָה (egg). The Bavli has clearly chosen one of the two alternative interpretations of שִׁלְוָה offered in the Yerushalmi, while the latter keeps the matter in dispute. In y. Avodah Zarah §§C–D and b. Avodah Zarah §§C–G, both Talmuds move from this discussion of a worshiped object to discussion of the possible legal effect of a change (שִׁלְוָה) to it. Y. Avodah Zarah considers the issue of change with reference to three cases: the egg dedicated to an idol which then hatched, the orlah nut, and the egg dedicated to the Temple which subsequently hatched. B. Avodah Zarah deals with the issue of change by presenting a series of five questions: whether the detached stones of a worshiped mountain can be used for God’s altar, whether a worshiped sheaf of wheat can be used for meal offerings in the Temple, whether a worshiped palm branch can be used to fulfill the commandment of waving the palm branch on Sukkot, whether a worshiped animal’s wool can be used to make the ritual thread of blue required in ritual fringes, and whether water from a worshiped stream can be used for water libations in the Temple.

Although the mishnah rules that human crafting of a natural object to make it suitable for worship renders the object itself forbidden, nothing in the mishnah requires the precise sort of “change” discussion we see in both Talmuds. In the mishnah, the effect of human intervention is to make a natural object that would be permitted (although it had been worshiped) forbidden, while the underlying issue in most of the Talmuds’ examples...
of “change” is whether the change—which may not even be due to human intervention—can render an otherwise forbidden object permitted. Nor do any other tannaitic sources cause the Talmuds to move along this path from סנהה to hubha, since there is nearly total dissimilarity in the mix of mishnayot and baraitot cited in both Talmuds. The hypothesis of early talmud is undermined in this case because it is not necessarily the texts themselves which are similar in the two Talmuds, but rather the selection and sequence of topics. Unless one wishes to argue that the Babylonian and Palestinian rabbinic communities drew from a common pool of topics appropriate to various mishnayot (a sort of sharing of protocols of mishnaic exegesis, as it were)—for which there is no proof—the more reasonable conclusion is that b. Avodah Zarah followed the lead of y. Avodah Zarah in choosing to use this mishnah as the opportunity for an exploration of the legal effect of a change to a forbidden object.

VI
Did Y. Avodah Zarah Rely on Babylonian Sugyot in B. Avodah Zarah?

Before concluding our review of the results of the macro analysis of the Avodah Zarah tractates, it is appropriate for us to consider the possibility that perhaps the similarities we have observed are due not to b. Avodah Zarah’s appropriation of y. Avodah Zarah, but rather to y. Avodah Zarah’s appropriation of edited Babylonian sugyot now found in b. Avodah Zarah. There are two pairs of parallel passages that appear more susceptible than others to such an interpretation: b. AZ 15a || y. AZ 1:6, 39d–40a and b. AZ 48b || y. AZ 3:13, 43b.

VI.a. B. Avodah Zarah 15a || Y. Avodah Zarah 1:6, 39d–40a

Y. Avodah Zarah 1:6, 39d–40a

A. In any case, we do not sell them a large beast (במות כותב).
B. A large beast—why [not]?
C. A large beast—it has [can generate for its previous Israelite owner] the obligation of a sin-offering. [If the Israelite sells the animal to a Gentile who works with it on the Sabbath, the Israelite will be obligated to bring a sin-offering in atonement. By working the animal on the Sabbath, the Gentile has caused the Israelite to violate the Torah’s command that animals also be given Sabbath rest.]
D. And a small beast (במות דק) does not have the obligation of a sin-offering? [By selling a small animal to a Gentile, would not the Israelite once again run
the risk of violating the Torah’s law that animals must be allowed to rest? Does he not milk it? Does he not shear it?

E. They said: “There [in the case of the large beast] it is obligated [that is, the beast is said to “bear the obligation of a sin-offering” since it itself does the work that causes its Israelite owner to owe an expiatory sacrifice]. But here [in the case of a small beast] he is obligated [because when a small beast is milked or sheared, the beast itself does not act, but is acted upon. Thus it is the human actor who generates his own obligation to bring the sin-offering].”

F. Once he [the Israelite] sells it, is it not like the Gentile’s beast? [And even with a large beast, why should the Israelite even be liable at all?]

G. R. Ami the Babylonian said in the name of the “Rabbis of There” [=Babylonia]: “At times, he [the Israelite] will sell it to the [Gentile] for testing [just for a limited time to see if the Gentile wants to buy it], and he will return it to him after three days, and it turns out that [the Gentile] did work with an Israelite’s animal [on the Sabbath].”

H. From here [based on this view] let sales for “testing” be forbidden but permanent sales be permitted!

I. This [permanent sales were forbidden] because of this [the possibility that people would move from permanent sales to forbidden temporary sales for “testing”].

J. If he transgressed and sold [permanently], we penalize him [despite the fact that such sales are only forbidden as a “fence against transgression”]. Just as we penalize for [violations of] law, so do we penalize for [violations of] custom.

B. Avodah Zarah 15a

A. What is the reason [that Israelites should not sell large beasts to Gentiles]? [Although] we are not concerned about bestiality, we are concerned that [the Gentile] will do work with the beast [on the Sabbath].

B. And let him do work! [on the Sabbath]. Since [the Israelite] has sold it [to the Gentile, the Gentile] has acquired it!

C. There is a decree [against the Israelite’s selling the animal] because of [the possibility that Israelites will then become accustomed to] renting [their animals to Gentiles, who will then work with them on the Sabbath].

D. Borrowing acquires it [the borrowed item becomes the property of the borrower], renting acquires it. Rather,

E. Rami b. de-R. Yeba said: “There is a decree [forbidding the sale of large beasts to Gentiles] because of [the possibility that an Israelite will give his animal to a Gentile for] testing [prior to an anticipated final sale].” For sometimes [the Israelite] will sell it to [the Gentile for testing purposes] close to sunset on Friday evening. And [the Israelite] will say to him: “Come, test it,” and the beast will hear [the Israelite’s] voice and come, which will be acceptable to the Israelite, [who will turn out to] be directing his beast on the Sabbath. And one who directs his beast on the Sabbath is liable for a sin-offering.
F. [After discussion of rental]: But hear from this that renting does not acquire [the rented item to the renter]. And now that you have said renting does not acquire, [the prohibition against selling a large beast to a Gentile is a] decree on account of renting, a decree on account of borrowing, and a decree on account of “testing” [that is, the prohibition against selling a large beast to Gentiles is a decree designed to prevent an Israelite from renting, lending, or allowing a Gentile to “test” the animal in anticipation of a possible sale].

M. Avodah Zarah 1:6 deals generally with the sorts of animals Israelites may or may not sell to Gentiles. The mishnah permits the sale of a “small beast” (בַּעַרְבָּה דֶּשַׁתָּה) in a place in which people are accustomed to do so, and forbids it in places in which the practice is not to sell them. The sale of a “large beast” (בַּעַרְבָּה נֶפֶשׁ) is categorically forbidden in all places, as is the sale of heifers and foals, whether healthy or not. R. Yehudah disagrees and permits the sales of damaged heifers and foals, while Ben Betiera goes even further and permits sales of horses.

Both Talmuds (y. Avodah Zarah at §§A–J; b. Avodah Zarah at §§A–F) take up the issue of exactly why it is that sales of large beasts are forbidden. While such an inquiry is itself called for by the mishnah, the similarities between the Talmuds’ treatments of the issue make it unlikely that they took it up independently. §C of y. Avodah Zarah’s sugya and §A of the Bavli’s make it clear that the mishnah’s prohibition is due to the concern that the Gentile will work the beast on the Sabbath. Although y. Avodah Zarah digresses in §§D and E to take up the issue of a small beast, it returns in §F to ask why the Sabbath is a concern at all: once the sale takes place the beast is no longer the property of an Israelite and hence is not required to be given Sabbath rest. B. Avodah Zarah, which does not digress on the subject of a small beast, asks the same question in §B. Y. Avodah Zarah answers its own question in §G with the Babylonian tradition about selling the beast for “testing,” and finally concludes in §I that permanent sales to Gentiles were forbidden as a “decree” (הָלְבִּיס) to safeguard against non-permanent “sales” to Gentiles for testing purposes. Similarly, b. Avodah Zarah raises the “testing” rationale in §E, ultimately concluding in §F that the mishnah’s prohibition against selling a large beast to Gentiles was in part intended as a “decree” to prevent non-permanent sales to Gentiles for “testing.” Once again, although the question about the reason for the prohibition could have occurred to both Talmuds independently, their structurally similar development of the issue strongly suggests dependence

48. The Bavli’s extended discussion of whether or not “rental” effects a legally valid acquisition of an object to the renter is omitted.
of the one upon the other. Tannaitic sources other than the mishnah do not account for the similarity, since none are cited in the sugyot themselves.

The early talmud hypothesis draws strength in this case from R. Ami the Babylonian’s quotation of “the Rabbis of There” (=Babylonia) in y. Avodah Zarah §6. This suggests that perhaps the undeniable similarities between the Talmuds are due to y. Avodah Zarah’s appropriation of edited Babylonian material rather than b. Avodah Zarah’s appropriation of y. Avodah Zarah material. But this suggestion is without merit. First, while y. Avodah Zarah presents the Babylonian tradition in the name of “R. Ami the Babylonian” (רבי אמי ברד א쭴), b. Avodah Zarah does so in the orthographically similar name of “Rami b. de-R. Yeba” (רמי בריה דר’ יבין).49 Whether or not the tradent is the same, the tradition itself is, and when we compare the versions we see that neither tradent is aware of the larger context in which his tradition appears. Neither tradent seems aware of the local mishnah under discussion, and neither is aware of the (identical) anonymous questions to which his tradition is the alleged response. That is, while the Palestinians represent themselves as having received this particular tradition from the Babylonians, they most likely did not receive it in this dialectical context. It is more likely that the dialectical context was created in Palestine and subsequently re-appropriated by the Babylonians.50

This argument from context draws further support from the intra-Yerushalmi parallel at y. Pes 4:3, 30d–31a. We discussed earlier how y. Pesahim presents a parallel to the “testing” material at 30d followed (after a digression) by a parallel to the discussion found at y. AZ 1:6, 40a of Rabbi’s views on the legal equivalence of large wild animals and large domesticated beasts. B. Avodah Zarah presents the “testing” material at 15a, while Rabbi’s tradition appears at 16a. We thus see a broadly similar macro-ordering of material which is far larger than any selection of ma-

49. Albeck, in Introduction to the Talmud, assumes Rami b. de-R. Yeba to be a third-generation Babylonian amora, but does not provide any specific information. This amora also appears at b. Betz 8b (where Rabbenu Hananel reads the name as “Yemar”) and b. Arakh 11b. Moreover, the JTS ms. records the amora’s name as “Rami b. R. Yeba,” while b. AZ 15a (DS) records no variation of that name. The orthographic similarity between this name and that of “R. Ami the Babylonian” makes it tempting to see “Rami b. de-R. Yeba” as a corruption of it, or to see “R. Ami the Babylonian” as an attempt to replace an unfamiliar with a familiar name. This issue requires further investigation.

50. Given the highly decentralized nature of the rabbinic movement in Babylonia, it is not at all impossible that a given tradition—such as this “testing” tradition—was known in some places in Babylonia but not in others, became known in Palestine, and eventually returned to Babylonia later as part of a sugya. On Baby-
terial that amoraim were likely to have passed back and forth between Palestine and Babylonia, judging by what we see of their transmission activity.51

In a related vein, it is unlikely that the Palestinians received the entire “testing” sugya from Babylonia in essentially the form in which we now have it. That would mean that the sugya had to be formulated this way and transmitted to Palestine within the amoraic period. But as we noted in chapter 1, amoraic sugyot are typically short52 and typified by amoraic awareness of these sugyot as sugyot.53 This sugya, by contrast, is lengthy, cites only one amora, and neither he nor anyone else preceding or following the sugya is aware of this sugya as an edited sugya. The more plausible conclusion is that b. Avodah Zarah drew this sugya from y. Avodah Zarah.

VI.b. B. Avodah Zarah 48b || Y. Avodah Zarah 3:13, 43b

Y. Avodah Zarah 3:13, 43b

A. There [in Babylonia] they said in the name of R. Hisda: “Its [the sacred tree’s] shade is forbidden; the shade of its shade is permitted.”

B. Which is the shade of its shade and which is its shade? There [in Babylonia], they said: “Every [point such that] if [the tree] falls, [the top of the tree] touches that [point]—that is ‘its shade.’ And every [point such that] if [the tree] falls, [the top of the tree] does not touch [that point]—that is ‘the shade of its shade.’”

C. Why is [the tree’s] shade forbidden? Because [the tree] is forbidden in benefit.

D. Behold the grave is forbidden in benefit and its shade is permitted! Behold the Sanctuary [the Temple] is forbidden in benefit and R. Yohanan b. Zakka used to sit and repeat [traditions] in the shadow of the Sanctuary! Let it be that the reason [the shadow of the sacred tree is forbidden] is not because [the sacred tree] is forbidden in benefit, [but because of the stringency of all matters pertaining to idolatry].

E. R. Abin in the name of the “Rabbis of There” [=Babylonia]: “This [the mishnah’s ruling that if the sacred tree was bending over into the public domain and a person passed under it in the public domain, the person is
ritually clean] means that the ritual impurity of the dead [that is, the reach of the impurity generated by the grave] is not clearly established [from Scripture]. For if it were not so [that is, if the extent of the reach of the impurity generated by the grave were established in Scripture, how could it be that case that] a person who passed under a grave that extended into the public domain is ritually clean?" [R. Abin is implicitly assuming an analogy between the ritual impurities of graves and idols.]

F. Gamliel Zuga was leaning upon R. Shimon b. Laqish, and they came upon an image. [Gamliel Zuga] said to him: “What about passing in front of it?” [Is it permitted or not?] [Resh Laqish said to him: “Pass in front of it and blind its eyes [treat it disrespectfully by passing before it without showing honor].” R. Yitshaq b. Matana was leaning on R. Yohanan, and they came upon a statue [standing in front] of the public assembly building. [R. Yitshaq b. Matana] said to him: “What about passing in front of it?” [R. Yohanan] said to him: “Pass before it and blind its eyes.” R. Yaaqov b. Idi was leaning upon R. Yehoshua b. Levi, and they came upon a procession in which an idol was being carried. [R. Yehoshua b. Levi] said: “Nahum the man of the Holy of Holies passed [before an idol in such a situation] and you will not pass? Pass before it and blind its eyes.”

B. Avodah Zarah 48b

A. [From the mishnah:] He shall not sit in its [the sacred tree’s] shade. This is obvious! Rabbah b. Bar Hana said in the name of R. Yohanan: “This is only needed [with reference] to the shade of its shade.” From this [amoraic teaching] may it be inferred that if he sat in the shadow of its trunk, he is unclean? No, for even [if he sat] in the shadow of its trunk, he is ritually clean. And this [clause of the mishnah] comes to teach us that he must not sit in the shade of its shade [ideally, in the first instance, but if he nevertheless did so, the second clause of the mishnah provides that he is ritually clean after the fact].

B. There are those who teach this [sugya that was just set out] in relation to the latter [clause of the mishnah, which reads: If he sat, he is clean. This version of the sugya reads as follows:] This is obvious! Rabbah b. Bar Hana said in the name of R. Yohanan: “This [“If he sat, he is clean”] is only needed with reference to the shade of its trunk.” From this may it be inferred that he may sit in the shade of its shade even in the first instance? No, this [“If he sat, he is clean”] comes to teach us that even if he sat in the shade of its trunk, he is ritually clean.

C. What is the reason [for the mishnah’s ruling that a person should not pass under a sacred tree, and that if he did so he is unclean]? It is impossible that there not be any offerings to idols [under the tree].

D. Whose [teaching is reflected in the mishnaic ruling discussed in §C]? It is R. Yehudah b. Beteira, as it was taught in a baraita: R. Yehudah b. Beteira says: “From where do we know that an offering to an idol conveys tent impurity [like a corpse]? As it is said, ‘They yoked themselves to Baal
Peor, and ate the sacrifices of the dead (Ps 106:28).” Just as a corpse conveys tent impurity, so does a sacrifice offered to an idol convey tent impurity.”

E. They asked [concerning the clause of the mishnah which states that a person is clean if he passed under a sacred tree that was bending over into the public domain: Should the mishnah read] “בער” [if he passed, after the fact], or “עירי” [he may pass under it even in the first instance]? R. Yishaq b. Eleazar in the name of Hezekiah said: “עירי,” and R. Yohanan said: “בער” [if he passed—after the fact], and they do not dispute.

This one, [R. Yohanan, states his view for a situation in which] there is another way [and thus in the first instance he must not go that way, but after the fact, it is alright]; this one, [Hezekiah, states his view for a situation in which] there is no other way [and thus, having no choice, he may pass under the tree even in the first instance].

F. R. Sheshet [who was blind] said to his attendant: “When you get there [to the point in the journey at which they will be passing under a sacred tree that extends into the public domain], cause me to run.” What is the situation? If there is no other way, [why does he need to say] “Cause me to run”? It is permissible [as per Hezekiah]! And if there is another way [by saying “Cause me to run”], does that make it permitted [even in the first instance]? Really, [the situation is one in which] there is no other way, [but R. Sheshet wanted to be hurried along, although that was not legally required, because] an important man is different [and must not appear to be walking in a leisurely manner under a sacred tree that was hanging over into the public domain].

The pertinent part of m. AZ 3:8 rules that although ideally an Israelite should not sit in the shade of a sacred tree, he nevertheless remains ritually pure if he does so. The opposite applies to walking under the tree: once again the Israelite must ideally not walk under it, and doing so renders him unclean. The one exception is that an Israelite will remain ritually pure if he unavoidably walks under a sacred tree that extends into the public domain.

Y. Avodah Zarah’s discussion of this mishnah (§§A–F) is divisible into three parts. In §A the Yerushalmi cites a tradition it identifies as Babylonian according to which the shade of the sacred tree is forbidden while the “shade of its shade” is permitted. Y. Avodah Zarah discusses this tradition in §§B–D. In §E, R. Abin cites another Babylonian tradition that draws an analogy between the uncleanness caused by the sacred tree and that of the grave. §F presents three stories about Palestinian rabbis passing in front of idols.

B. Avodah Zarah 48b (§§A–F) is similarly divisible into three parts. At §A, a tradition of Rabbah b. Bar Hana in the name of R. Yohanan is cited in response to an objection. That tradition establishes that the forbidden “shade” of the mishnah under which an Israelite must not sit is, in reality,
the “shade of its shade.” B. Avodah Zarah discusses this tradition further in §§B–C. At the end of §C, the anonymous voice suggests that walking under the sacred tree renders an Israelite impure because of the likely presence under the tree of offerings made to idols. This observation provides the segue to §D, where the anonymous voice—assuming that its own suggestion about offerings to idols represents the plain sense of the mishnah—attributes its own rationale to R. Yehudah b. Beteira, who equates offerings to idols with corpse-uncleanness. In §§E–F the Bavli discusses walking under a sacred tree that extends into the public domain. Finally, in §F, the Bavli presents a story about R. Sheshet’s concern about walking under a sacred tree that is similar to the stories found in y. Avodah Zarah §F.

Both Talmuds thus follow a similar developmental path. Although the mishnah mentions “shade,” nothing there requires either Talmud to define that forbidden shade as the “shade of its shade,” let alone to move similarly to the other common topics. Nor do tannaitic sources other than the local mishnah require it; y. Avodah Zarah quotes none and the one baraita quoted in b. Avodah Zarah §D is well-integrated into the sugya.

Nevertheless one might argue on the basis of the Babylonian traditions cited in y. Avodah Zarah §§A–B and E that there was indeed inter-Talmudic influence, but that it was y. Avodah Zarah that was influenced by edited Babylonian sugyot now found in b. Avodah Zarah. In order to make a convincing case for this, one would have to show that these Babylonian traditions themselves are the cause of the similarity in the Talmuds’ parallel sugyot. If the traditions are not themselves the cause, but rather are integrated into a dialectical context that was likely created by editors, then one would have to demonstrate (through comparison to other amoraic sugyot) that such a dialectical construction can reasonably be attributed to the amoraic period.

Of the three traditions y. Avodah Zarah attributes to “the Rabbis of There” (=Babylonia), two are also found in b. Avodah Zarah. These traditions, by themselves, are clearly not responsible for the three-step development of the parallel sugya found in both Talmuds. Nothing in y. Avodah Zarah §§A–B would lead us to predict that we would eventually encounter a comparison of the “shade of its shade” to the uncleanness of the grave. Nothing in R. Abin’s Babylonian tradition in §E would lead us to expect that it would be followed by stories of sages passing before idols. Moreover, y. Avodah Zarah’s anonymous editorial voice set the stage for the presentation of R. Abin’s tradition in §E by raising the specter of the grave itself in §D. Thus these Babylonian traditions do not themselves generate the context in which we find them in y. Avodah Zarah; they are embedded in a dialectical context created by y. Avodah Zarah’s redactors.
Nor do these same traditions generate the context in which we find them at b. AZ 48b. The “shade of its shade” tradition at b. Avodah Zarah §A is presented as the answer to an observation made by the anonymous voice. In §D, the anonymous voice quotes a baraita about corpse-uncleanness in order to support the context it created itself at the end of §C. And once again, nothing about these materials requires the story of R. Sheshet in §F.

Since in both Talmuds these “Babylonian” (for the Palestinians, that is) traditions are embedded within their sugya contexts, the question remains whether it is reasonable to assert that such a complex construction was likely transmitted from Babylonia to Palestine during the amoraic period. While there is evidence that editorial activity may have begun in Babylonia during the middle amoraic generations, the editorial activity characteristic of the amoraim is not consistent with the large-scale orchestration of traditions and dialectical context we see here.

VII
Conclusion

Assessing the literary relationship (if any) between a Bavli tractate and its Yerushalmi counterpart requires the first step of “macro” analysis. Macro analysis, as I described it in chapter 1, requires a close study of both Talmuds’ entire treatments of all the mishnayot of the tractate. The purpose

54. See Kalmin, Sages, Stories, Authors, and Editors, 169–173 and the other sources cited there at 170n4. Nevertheless, evidence that the amount of argumentation in Babylonian amoraic material increases toward the middle of the amoraic period does not reasonably support the claim that amoraim are responsible for the sort of three-step sugya under discussion here. Nor does Avraham Weiss’s suggestive theory that R. Yohanan and Resh Laqish originated the amoraic dispute-format that was subsequently adopted in Babylonia support such a claim. Let us take R. Yohanan’s and Resh Laqish’s dispute about “the idol that was broken” (y. AZ 3:2, 42d || b. AZ 41b) as an illustration. Even if Weiss is correct to point to examples like this as proof that the dispute format was a Palestinian innovation exported to Babylonia, we see that this sugya is brief and does not generate a context into which other issues and sugyot will be placed. On the other hand, the example under discussion here from y. AZ 3:13, 43b || b. AZ 48b is a more complex orchestration of attributed and anonymous materials that is unlikely to be anything other than a product of post-amoraic editors. Unless one wishes to argue for an extremely late date for y. AZ by arguing that it could have appropriated post-amoraic editing of b. AZ, the more reasonable conclusion is that it was post-amoraic activity in y. AZ which was appropriated by b. AZ. See Avraham Weiss, Al ha-yetsirah ha-sifrutit shel ha-amoraim (New York: Horeb, 1962), 10–23.
of macro analysis is to identify similarities in the selection and sequence of topics and sugyot in each Talmud’s treatment of the mishnah, and to eliminate those similarities that can reasonably be considered “called for by the [local] mishnah” or “called for by other tannaitic sources.” Similarities which remain must be further analyzed to see if they can be accounted for by the early talmud hypothesis more reasonably than by the hypothesis that they are due to the later Talmud’s reliance on the earlier.

Applying this method to y. and b. Avodah Zarah, I identified nearly fifty passages that are likely examples of b. Avodah Zarah’s appropriation of materials from y. Avodah Zarah. These passages yielded interesting patterns, which we illustrated in this chapter:

1. The largest number of parallel passages are due to b. Avodah Zarah’s appropriation of sugyot from y. Avodah Zarah in the same order and attached to the same mishnah;

2. There is one example of b. Avodah Zarah turning a simple y. Avodah Zarah sugya into a complex sugya by using materials the y. Avodah Zarah editors had marked as relevant to the original, simple amoraic dispute;

3. In some cases in which b. Avodah Zarah has a parallel in y. Avodah Zarah and in some other rabbinic compilation, b. Avodah Zarah tends to more closely resemble y. Avodah Zarah;

4. There is one example of b. and y. Avodah Zarah placing a similar selection and sequence of materials at a similar place in the tractate, although not attached to the same mishnah (which suggests that b. Avodah Zarah was aware of the overall editing and arrangement of y. Avodah Zarah); and

5. B. and y. Avodah Zarah sometimes use the same mishnah as the opportunity to explore a particular legal issue (that is not called for by that mishnah) or to present the same genres of material (such as aggadah or stories about sages).

Now that we have identified the passages that b. Avodah Zarah likely appropriated from y. Avodah Zarah, we must move on to the next analytical step: the micro analysis of just how it is that b. Avodah Zarah reworks its y. Avodah Zarah sources. Whereas our focus in this chapter was the similarities between the Talmuds, our focus in chapters 3 and 4 will be the differences and how these differences demonstrate conscious and careful Babylonian appropriation of y. Avodah Zarah sugyot.