

“AMRE INSHE” – THE VOICE OF THE PEOPLE AS AUTHORITY IN THE TALMUD

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WITH APPRECIATION -- To Rabbi Judith Abrams for direction and encouragement

INTRODUCTION

We have all heard what “They said”. Unsolicited “they” will offer you advice or warnings for most anything you encounter. “They” have the hottest stock tips and the juiciest gossip. But “they” also are the repository for collected folk wisdom and long lost explanations. If you want to know how to cut an onion without crying, “they” will teach you the best way.

No one knows who “they” are, of course. It is simply the way we pass on that anonymous, public body of knowledge that resides in the community. At the high end of the scale are proverbs, adages and explanations. The low end holds the gossip and rumor that characterizes tabloid journalism. In any realm you explore you can find what “they say”.

It is no surprise, then, that “they” find a way to express their voice in the Talmud. The Talmudic phrase, “amre inshe” (or the people say) serves as the equivalent to our usage of “they say”. This phrase appears approximately 130 times in the Babylonian Talmud. It is not used in the Yerushalmi at all and its use in the Bavli is primarily limited to the later generations. Most often the phrase mirrors our contemporary usage; that is, it speaks authoritatively for itself without further explanation.

This paper explores the usage of the phrase “amre inshe”. Each passage is presented with a running explanation and a commentary following. Our phrase, with a variety of prefixes, shows up on a computer search 139 times, several of which are part of other grammatical constructions. A cursory review of all these passages shows that Rav Papa is the speaker 20 times, of which 8 are in the pages of Sanhedrin 95-106. Raba (4th generation Babylonian Amora) uses the phrase 20 times, 13 of them in Baba Kamma 92-93. In that section of Baba Kamma Raba is looking for the Biblical origin of various popular phrases, a substantially different use of the term from others explored in this paper. Abaye (4th generation Babylonian Amora) uses the phrase 4 times. The other instances are either attributed to various sages or included anonymously.

The phrase is used in all six orders, with the greatest concentration showing up in the Orders of Nezikin (63) and Z’manim (33). It appears in 29 different tractates, with the greatest concentration in Baba Kamma (15), Baba Metzia (15), Sanhedrin (19), Baba Batra and Yevamot (9 each) and Yoma (8). In most passages the phrase appears as one step, often the last step, in the argumentation. The comment “they” offer is not explained; it usually shows up one statement at a time.

Most of the passages reviewed in this paper stand alone – 13 passages that use the phrase “amre inshe” 15 times. There is an extended section from Chapter 11 of Sanhedrin, 95-106, in which Rav Papa invokes the phrase 8 times. Finally there is a longer section at Baba Kamma 92-3, a unified piece in which Raba asks about the scriptural parallel to the folk wisdom of 13 adages

The passages reviewed in this paper are arranged in 5 groupings. (1) There is one clearly Midrashic passage (Menachot 85A). (2) One passage provides an etiology to support a teaching of a sage (Betza 15b). (3) There are 2 passages in which the folk saying serves a rhetorical purpose; that is they are part of the exchange between sages. (4) Three passages are concerned with Domestic issues. (5) There are 6 passages in which the folk saying is part of a halakhic discussion having to do with commercial relations. (6) The extended section of

Sanhedrin 95-106 will be discussed separately. (7) The unique section at Baba Kamma 92-3 will be discussed separately.

(I) MIDRASHIC USAGE

(1) MENACHOT 85a AND COMMENTARY: COALS TO NEWCASTLE

MISHNAH: All the [meal] offerings of the congregation or of the individual may be offered from [produce grown] in the Land [of Israel] or outside the land, from the new [produce] or from the old, excepting the omer-offering and the two loaves, which must be offered only from the new produce and from [produce grown] in the land. All [offerings] must be offered from the choicest produce and which is the choicest? Michmas and Zanotha rank first for the quality of their fine flour; second to them is Hafaraim in the valley. The [produce of the] whole land was valid, but they used to bring it from these places.

Gemara:

ALL [OFFERINGS] MUST BE OFFERED FROM THE CHOICEST PRODUCE, etc. Johana and Mamre said to Moses, "Would you take straw to Hafaraim? He answered them, "There is a **common saying**, "Bring herbs to Herbtown."

COMMENTARY:

This passage is paralleled in other places: Tanhuma B II, 27-28, and Dibre ha-Yamim 5, though Menachot is the earliest. (As listed in Louis Ginsberg, **Legends of the Jews**, Vol. 5, Philadelphia: Jewish Publication Society, 1925, page 425, note 162. Ginsberg states that the names of the Egyptian magicians originate in this passage in Menachot. In other places they are identified as the sons of Balaam.)

The Mishnah asserts that all offerings must be from the choicest produce. The Gemara does not respond directly to that statement, but brings a brief midrash on the encounter between Moses and the Egyptian magicians. The Midrash stands alone; it is not part of a longer explication of the Moses story either in what precedes or follows.

The Egyptian magicians, Johana and Mamre, challenge Moses – Why would you think your magic would impress us? Egypt is filled with the best magicians! Bringing magic to Egypt is as useless as "bringing coals to Newcastle." If this is your best claim to authority or recognition, it fails.

Moses responds with a folk saying: "Bring herbs to Herbtown", which is quite the opposite of "bringing coals to Newcastle." That is to say that if this is where the market is made, then the demand will be greatest here. Or, if this is the center of the best magic, it is here that my art will be best appreciated. The "amre inshe" is anonymous. It serves as a rhetorical retort to the magicians. It coincidentally teaches a bit about the importance of the central commodity market in the economic system.

The gemara offers a surprising interpretation of the Mishnah. You might expect the Gemara to discuss the export of goods from these towns that are cited as the choice production centers. The midrash, however, offers an example of importing goods to the recognized commercial center. In effect we have two different economic systems described in this brief section. The Mishnah speaks of towns that are production centers, while the gemara describes them as market hubs – the site to which all the commodities are gathered and from which they are sold.

(II) ETIOLOGY

(1) BETZA 15B & COMMENTARY – A TREE STANDS FIRM

GEMARA:

The Mishnah discusses setting up eruv tavshillin, a mechanism that allows one to prepare food for a festival occurring immediately at the end of Shabbat. The text has just quoted a saying from R. Yohanan in the name of R. Eliezer b. R. Shimon and now goes on to quote a second, unrelated saying.

- 1) R. Yohanan said in the name of R. Eliezer b. R. Shimon: If someone wishes his property to last he should plant an Eder tree on it.
 - The concern is to protect one's claim to a piece of property. The advice is to plant this distinctive tree. Presumably people in the area will know that this person planted the tree and so owns the property.
- 2) As it says (Psalms 93:4) God is strong (adir) in the heavens.
 - The gemara offers proof that this tree is protective based on the verse from Psalms. The word strong (adir) is matched with the tree – Eder.
- 3) Or, it follows its name, **as people say**, "What is "adara, something that lasts for generations."
 - A second explanation for why this tree is protective comes from a folk saying. The tree, eder, gets its name from the word adara which is understood as meaning something that lasts for generations. The folk saying accounts for the etiology of the term.
- 4) This was also taught in a baraita: A field which has in it an eder tree is not stolen or forcibly taken and its fruits are guarded.
 - A third explanation.

COMMENTARY:

This passage is a straightforward attempt to explain a tradition that is not well understood. R. Yohanan in the name of R. Eliezer b. R. Shimon says that planting an Eder tree will provide protection. The protective quality of the Eder tree is acknowledged even though the reason it should provide the protection is unknown. The gemara offers proof of the statement on three levels – from Scripture, from folk wisdom, and from tradition. It is significant in this instance that the three levels of proof seem to be equivalent one to the other.

(III) RHETORICAL USAGE

(1) YOMA 20A & COMMENTARY: ONE PULLS WOOL

The Mishnah states that the ashes are removed from the altar at "keriat ha-gever", an ambiguous term. Two opinions as to its meaning are expressed.

What is the meaning of "Keriat ha-Gever"?

Rav said: The call of a man, R. Shila: The call of the cock.

- l) Rav came to the place of R. Shila. There happened to be no interpreter to stand next to R. Shila. Rav took the stand next to him and interpreted '*keriat hagever*' as 'the call of the man'.
 - The scene is set. Rav finds himself drafted as an interpreter (really translator) for the teacher who expresses the opposing point of view. The two of them

are identified as the two possible opinions of how to understand this ambiguous term of “keriat ha-gever” He chooses to insert his own version. According to the text in Sanhedrin 5a they are relatives (see below), is it possible that they did not know of their opposing positions? Is this perhaps the story of Shila enforcing his opinion on Rav – similar to Rabban Gamaliel forcing R. Joshua to appear before him on the day he declared to be Yom Kippur (Mishnah Rosh Hashanna 2.9)?

- II) R. Shila said to him: Sir, let it be interpreted as: Cockcrow!
 ■ As the teacher of the moment, Shila corrects Rav.
- III) Rav replied: ‘A flute is musical to nobles, but give it to weavers, they will not accept it.’ When I stood before R. Hiyya and interpreted ‘*keriat hagever*’ as the ‘call of the man’ he did not object to it. Yet you say to me: Say the cock’s crow!
 ■ Rav objects. His ‘proverb’ conveys a meaning similar to “throwing pearls before swine” – the music of his translation is wasted on Shila. (Marcus Jastrow, **A Dictionary of the Targumim, The Talmud Babli and Yerushalmi, and the Midrashic Literature**, New York: Pardes Publishing House, 1950, page 3, expresses the thought as “fools criticise where sages admire”.) Then to further back up his translation he invokes the name of R. Hiyya, brother of Shila and uncle to Rav, in an attempt to reinforce his own position. Hiyya was born in Babylonia and went to Palestine where he spent most of his life and taught and judged. (Jacob Neusner, **A History of the Jews of Babylonia: II. The Early Sasanian Period**, Atlanta: Scholars Press, 1999, pg. 144, also pg. 109) He attempts to trump Shila’s view by invoking his brother’s opinion.
- IV) He [Shila] said: Sir, you are Rav [meaning, out of order]. Would you sit down, Sir!
 ■ Shila both asks the man to sit down while simultaneously suggesting that he has overstepped his bounds. By dismissing him Shila asserts his own, greater authority.
- V) He [Rav] replied: **People say:** If you have hired yourself away [to someone], pull his wool!
 ■ Rav invokes the proverb. One pulls wool as a part of getting it ready for spinning, separating the strands and preparing it for the spinner. The adage implies that if you have hired yourself to someone, you are obliged to do the work they need. In doing so he retreats from his earlier position and accepts the more passive role he stepped into as translator. He indicates his willingness to represent Shila’s teaching and to forgo his own. It is an acknowledgement of the role he accepted. In stepping back from his rebuke of Shila he also restores Shila’s role as master of this venue.
- VI) Some say: Thus did he reply to him: One may promote a man in holy things, but not demote him.
 ■ This is ending number two for the story. Is there any way to determine which is earlier? I personally like the first ending better, and assume it is earlier. This ending is a bit more pious and too neat and it uses a well-established formula to resolve the conflict, which is why I think it may be added later.

COMMENTARY –

These two sages were relatives, according to Sanhedrin 5a where it says: "...a Master said that Aibu [Rav's father] and Hana [Rabbah's father], Shila and Martha and R. Hiyya were the sons of Abba b. Aha Karsela of Kafri." Shila was the brother of Hiyya who taught Rav in Palestine and an uncle to Rav. Further they were rivals as described by Neusner. "When Rav returned to Babylonia, he served under R. Shila, who treated him without the respect due to his learning, as the two disputed the meaning of the Mishnah. After R. Shila's death, however, Rav inherited his title as "chief of the Rabbis". (Jacob Neusner, **A History of the Jews of Babylonia: II. The Early Sasanian Period**, Atlanta: Scholars Press, 1999, Pg. 109-110)

Based on that description this encounter carries more significance than it may first appear. The issue may not be one of mere deference of one teacher yielding, but an instance of the struggle for authority between the two of them. This is still early in the history of the Babylonian community (Rav studied under Judah Ha-Nasi in Palestine and returned to Babylonia where he founded the Rabbinic school at Sura by the year 219, according to H. L. Strack and Gunter Stemberger, **Introduction to the Talmud and Midrash**, Minneapolis: Fortress Press, 1992, pg. 85.) and these two men have brought back the Tannaitic teachings they learned in Palestine. In this encounter the two differing traditions clash, and R. Shila prevails.

This exchange is reminiscent of the work done by Deborah Tanner on language in her books: **You Just Don't Understand** (New York: Ballantine, 1990); and **Talking from 9 to 5** (New York: Morrow, 1994). Here you have two accomplished teachers who occupy an almost similar status. R. Shila seems to be a step ahead of Rav in Babylonia (perhaps a generation older if he is the brother of Hiyya), though they bring a similar background with them from Palestine. Now they find themselves face to face, and there is a struggle for dominance. R. Shila is teaching, but Rav wants to slip in his own tradition. Rav goes "one-up" on R. Shila by inserting his own understanding of the word, and then tries to secure his position by invoking the name of R. Hiyya, Shila's brother. R. Shila, not to be outdone, reasserts his superior position by dismissing Rav. Rav recovers his position (albeit still lower than that of R. Shila), re-establishing the homeostasis by invoking the proverb as face saving device.

The "amre inshe" in this passage serves a rhetorical purpose, not a legal one. It defuses the standoff by redefining the relationship between the two – this one is teacher and this one is working for him as translator. Rav acknowledges that he is serving as Shila's voice, not his own. In doing so he does not need to concede his point of view. The retreat to the proverb allows each to take up a role while preserving their dignity and status.

(2) YEVAMOT 45A & COMMENTARY: A FAMILY AFFAIR

Mishnah (44a) "A man who remarried his divorced wife, or married his halutzah, or married the relative of his halutzah must divorce her, and the child is a mamzer; these are the words of R. Akiba. But the sages said: The child is not a mamzer. They agreed, however, that where a man married the relative of his divorcee the child is a mamzer."

The discussion that leads to our immediate passage begins on (44b) – "Rabbah b. Bar Huna said in the name of R. Johanan: All agree that where a slave or an idolater had intercourse with a daughter of an Israelite the child is a mamzer."

The discussion proceeds trying to ascertain who is the authority behind this teaching. On 45a the discussion shifts to examine the opposite point of view: "Said R. Joseph: Is it a great thing to enumerate persons? [Meaning that creating long lists of authorities doesn't help.] Surely it was Rav and Samuel in Babylon and R. Joshua b. Levi and Bar Kappara in the Land of Israel ... who stated that if an idolater or a slave had intercourse with a daughter of an Israelite the child is born untainted!"

- The first set of positions holds that a Jewish mother and a father who is either an idolater or a slave produces a mamzer. The second holds that the

child is untainted. Those who hold the second position are earlier than those who proclaim the first.

There are further efforts to come to a clarification of either the logic or the authority who declares the offspring of a union between an idolater or a slave with a daughter of an Israelite. Then

- 1) And Rav also ruled that the child is legitimate.
 - This is part of a list of authorities who rule that the child is legitimate, but in this instance it is also the opening for an account of how Rav acted when confronted with the question.
- 2) Once a man appeared before Rav. He said to him [to Rav]: If an idolater or a slave had intercourse with the daughter of an Israelite – what is the status of the offspring?
 - This could be either an academic question or one of the man's personal status. So far the story does not distinguish between the two.
- 3) The child is legitimate, the Master replied.
 - The answer to a legal inquiry is given.
- 4) Give me then your daughter, said the man.
 - Now it is clear that the question is a real and immediate concern about the man's status. At this point of the story, however, it is only first becoming evident how vital this question is for the man.
- 5) I will not give her to you, [Rav replied].
 - Who could blame Rav. Would you give your daughter to a man off the street?
- 6) Said Shimi b. Hiyya to Rav,
 - The focus shifts. The man has faded temporarily into the background while Rav and Shimi debate.
- 7) **People say:** that “in Media a camel can dance on a kav.” Here is the kav, here is the camel and here is Media, why is there no dancing?
 - The proverb is clear. For a camel to dance on a kav, a small measure of grain, would take a miracle. Shimi challenges Rav to act on his lenient ruling – “Everything is in place, just as you have ruled. What's wrong?” When confronted with the reality of the decision, there is no dancing. Rav's halakhic ruling to permit this man to marry within the community does not translate to his personal desire for his daughter to marry such a person.
 - On a more profound level, Shimi expresses his disagreement with the initial ruling and charges that it would take a miracle to transform this person into someone who was legitimate for marriage.
- 8) Had he been equal to Joshua the son of Nun I would not have given him my daughter, the Master replied.
 - Rav is now responding not to the character of the man, but to his status. As a child of such a union he would never meet Rav's approval for marriage into his family.
- 9) Had he been like Joshua the son of Nun, the other retorted, others would have given him their daughters, if the Master had not given him his; but with this man, if the Master will not give him, others also will not give him.
 - Shimi draws the contrast even more sharply. If it were only a matter of character, there would be no problem. The issue is status, and without Rav's positive action the man would not be able to marry within the community. Rav could have affirmed his halakhic decision but declined.
- 10) When the man refused to go away, Rav fixed his eyes on him and he died.

- The focus returns to the man who initially asked the question. At the end of a story the author must get all of the players off the stage in order to bring the story to a full resolution. Even Shakespeare occasionally resorted to killing off the players to end the story. This is not neat, but it is effective.

COMMENTARY

As the text continues other sages are confronted by individuals who are also of questionable lineage, and they offer other, less dramatic remedies. Rav Judah counsels, “Go and conceal your identity or marry one of your own kind. Similarly Rava suggests: Either go abroad or marry one of your own kind.

What a wonderfully contemporary story – I found a book and a web site (www.halfjew.com) devoted establishing an identity for HalfJews. The problem of what to do with individuals of questionable status remains. In the contemporary world the issue is patrilineality, or more broadly what to do with individuals who have a self-understanding of themselves as Jews but their self-understanding does not match the community definition of Jewishness.

A contemporary parallel to this story is easy to construct. Many Rabbis preside over congregations where mixed marriages are numerous and a significant number of Rabbis agree to read marriage ceremonies between a Jew and a non-Jew. But would these Rabbis volunteer their children as proof of the acceptability of these marriages? There is a contrast, I suspect, between what they are willing to sanction and what they would enact in their family.

Rav is confronted with the uncomfortable circumstance of a man who insists that Rav confirm his status by acting to betroth his daughter. This is the political made personal. Rav refuses, and is taken to task by Shimi ben Hiyya. Shimi uses a proverb to argue that Rav could have changed everything, but failed. His critique may be more pointed, if you are unwilling to marry your own daughter to this man, perhaps the entire ruling is wrong.

The proverb here is used as a rhetorical device to underscore a point. It does not serve as a tool for making a decision or to balance a quote from another source.

(IV) DOMESTIC ISSUES

(1) BABA METZIA 59A & COMMENTARY: A WIFE’S ADVICE

Mishnah (58b) Just as there is overreaching in buying and selling, so is there wrong done by words. Thus one must not ask another, “what is the price of this article?” if he has no intention of buying. If a man was a repentant sinner, one must not say to him, “Remember your former deeds.” If he was a son of proselytes one must not taunt him, “Remember the deeds of your ancestors.” Because it is written, thou shalt neither wrong a stranger, nor oppress him (Ex 22:20) (vs. 22: if you wrong him, and his cry comes up to me, I will indeed hear his cry)

Gemara 59a

A)

1) R. Hanina, son of R. Idi, said: What is meant by the verse, *You shall not wrong one another [amitho]?*—(Lev. 25:17) Do not wrong the people who are with you in learning and good deeds.’

- Introduces a section on “not wronging”. First response, those who dwell with you in Torah. Also seems to look to define and expand a boundary to the prohibition.

2) Rav said: One should always beware of wronging his wife. Since her tears are close at hand, divine punishment for wronging her is also close by.

- Continuing: the one who dwells most with you is your wife – the link between tears and divine punishment comes from the Exodus verse quoted in the Mishnah. Also, Steinsaltz notes that “while it is reprehensible to cause people anguish, it is even more serious to drive them to tears.” (Adin Steinsaltz, **The Talmud: The Steinsaltz Edition, Baba Metzia**, vol. 3, New York: Random House, 1990, Pg. 230)

3)R. Elazar said: Since the destruction of the Temple, the gates of prayer are locked, for it is written, *Also when I cry out, he shuts out my prayer* (Lamentations 3:8). Though the gates of prayer are locked, the gates of tears are not, for it is written, *Hear my prayer, O Lord, and give ear unto my cry, do not disregard my tears.*(Psalm 39:13)

- A student of Rav, he expands on his teaching about tears. There is also a theological expansion – tears now equated with, or linked to, prayer. He raises the ante on Rav’s statement.

4)Rav also said: He who follows his wife’s counsel will descend into *Gehenna*, for it is written, (1 Kings 21:25) *But there was none like Ahab [who gave himself over to do what was displeasing in the sight of the Lord, at the instigation of his wife Jezebel].*

- Counsel is now differentiated from honor. Rav had an awful marriage; whatever he asked, his wife did the opposite. (See Yevamot 63a) Certainly his experience was that his wife’s counsel could not be trusted.
- Boyarin notes (Daniel Boyarin, **Carnal Israel: Reading Sex in Talmudic Culture**, Berkeley & Los Angeles: University of California Press, 1993, Pg. 108-9), “The same Rav who just above produced a strong statement and a strong incentive for husbands not to cause their wives tears, now equally as strongly counsels them to ignore their wives advice. Here is an almost perfect emblem of a benignly patronizing formation.”

5)R. Papa objected (to the statement of Rav, saying) to Abaye: **But people say**, If your wife is short, bend down and hear her whisper!

- R. Papa challenges Rav’s teaching, relying on the authority of the proverb as proof that one should go out of their way to listen to one’s wife.
- Boyarin continues the note above: “On the other hand, the latter statement is challenged by Rav Pappa and, interestingly, the challenge comes from a popular proverb that indicates that a man should pay very great attention to what his wife is saying.”

6)There is no difficulty: the one refers to general matters; the other to household affairs.

-- Another version: the one refers to religious matters, the other to secular questions.

- The stamma finds a way to resolve the conflict.

There is a shift in the discussion, focusing on other teachings concerning the consequences of ona’ah, before the discussion returns to the question of how a husband should behave toward his wife.

B)

1)Rav Judah said: One should always assure that there is grain in his house; for strife is prevalent in a house only on account of grain [food], for it is written, *He makes peace in your borders: he fills you with the finest of the wheat.*(Psalms 147:14)

- The husband should act to prevent strife or anguish within his household. Judah asserts that one source of strife comes when there is insufficient food in the house – not enough wheat equals no peace within your borders.

2) Said R. Papa, **Therefore the people say**: When the barley is quite gone from the pitcher, strife comes knocking at the door.

- This time Rav Papa uses a proverb to substantiate Rav Judah's conclusion and to bolster the proof of the verse from Psalms.

COMMENTARY

This section uses the phrase “amre inshe” twice in this discussion of domestic matters. While the broader discussion has to do with the application of the Torah's command “lo tonu” – do not oppress another person – the specific instance focuses on relations between a husband and wife. Both times it is Rav Papa who uses the phrase, but the usage is different. The first time the phrase is used to counter a prooftext from I Kings while the second time he uses it to bolster a prooftext from Psalms.

The first time Rav Papa speaks out, objecting to a teaching by Rav that one should not take counsel from one's wife. While Rav teaches that one should take care not to wrong one's wife or to cause her tears, he cautions against taking her advice. Rav cites the example of King Ahab as a husband who relied on the advice of his wife, who led him to do evil and paved his way to Gehenna. Rav Papa counters the Biblical prooftext with the folk saying that challenges Rav's teaching. The text seems to accept Rav Papa's prooftext as an equivalent of Rav's biblical proof. Indeed, since it is listed last, Rav Papa's statement, the “amre inshe”, has more authority than the verse from Kings. The Stamma finds a way to balance the two teachings, assigning them to different occasions.

The second time Rav Papa speaks out it is to support the teaching of Rav Judah. The theme is similar – not causing one's wife anguish – but the setting is different. This time Rav Judah teaches that a husband should assure that there is sufficient food (or financial resources) in a house as a way to avoid causing anguish within the home. He cites a verse from Psalms as a support, and Rav Papa further supports his position with a folk saying.

In both instances the “amre inshe” speaks with authority alongside a Biblical verse – once to counter it and once to support it. Both times it addresses domestic realities – how one honors a wife and how one avoids domestic strife. These are practical matters, the people on the street have a wealth of knowledge in this area.

(2) YEVAMOT 63A & COMMENTARY: THE HUSBAND'S TALE

The Mishnah (61b) decrees that a man should not desist from family relations unless he has fathered children, and Bet Hillel and Bet Shammai set their standards for how many children are sufficient. The Gemara discusses the need of a man for a proper wife.

- 1) Rav was once taking leave of R. Hiyya.
 - R. Hiyya is Rav's uncle. Hiyya was born in Babylonia, but lived in Tiberias. Rav traveled to Palestine to study with Rabbi Judah Ha-Nasi. Perhaps this incident takes place as he is leaving Palestine to return to Babylon. (Biographical description from H. L. Strack and Gunter Stemberger, **Introduction to the Talmud and Midrash**, Minneapolis: Fortress Press, 1992, page 85)
- 2) The latter said to him, 'May the All Merciful deliver you from that which is worse than death'. 'But is there' [Rav wondered] 'anything that is worse than death'? He went out, investigated and found [the following text]: *And I find more bitter than death the woman (she is all traps, her hands are fetters and her heart is snares....As for what I sought further*

but did not find, I found only one human being in a thousand, and the one I found among so many was never a woman....) (Ecclesiastes 7:26-28)

- The parting comment from Hiyya seems intended as a simple blessing for the road; a protection from evil. Rav, however, contemplates the blessing and couples it with a verse describing his own unhappy marriage. This serves as the introduction to his story.

- 3) Rav was constantly tormented by his wife. If he told her, 'Prepare me lentils', she would prepare him small peas; [and if he asked for] small peas, she prepared him lentils. When his son Hiyya grew up he gave her [his father's instruction] in the reverse order. Rav said to him, Your mother has improved. Hiyya said to his father, I am the one who reversed [your orders] to her.
 - The story is straightforward. Whatever Rav requests, his wife gives him the opposite. Rav eventually stops making requests of his wife, sending them instead through his son, Hiyya, who plays the trick on his parents by reversing the request so his father would get what he wants. The trick works until his father comments on how much better things are, and Hiyya claims credit.

- 4) Rav said to his son, 'This is what **people say**', "Your own offspring teaches you reason." You, however, must not continue to do so; for it is said, *They have taught their tongue to speak lies, they weary themselves (out working iniquity.)* etc' (Jeremiah 9:4)
 - Rav is pleased and displeased at the same time. His son has accomplished what he could not and life at home has been more pleasant. But the cost has been that Hiyya learned to lie. The verse from Jeremiah teaches that lying will lead one to become a liar, leading a life of deceit. So Rav tells his son that he must not continue such lies.

COMMENTARY

This story provides a window into the life of Rav, but also serves as a cautionary tale.

Throughout this section the Gemara has taught that a man must marry, in line with the Mishnah's understanding of the command to be fruitful and multiply. The Gemara, however, goes beyond that to teach that a man is not complete without a wife. For example, "R. Eleazar said: Any man who has no wife is no proper man; for it is said, *Male and female He created them ...and called their name Adam.* (Genesis 5:2)." The Gemara, however, also presents another side of the coin as it recounts a number of bad marriages.

Rav's relationship with his wife was problematic. Whatever he requests, he gets the opposite. His situation improves a bit when his son assumes the task of tailoring his father's requests of his mother. Rav marvels at the change, but is surprised to learn that his son has engineered it all; his son has figured out what he could not. At first he praises his son, using a popular adage that has a bit of the flavor of "a chip off the old block". There is a pride in his voice as he concedes that he has much to learn from his own son.

His pride is tempered, however. In order to succeed at this ploy his son must lie, and continue to lie. Rav does not want to accustom his son to lying, even if the result is good for him. He fears that if his son becomes accustomed to lying, he will find yet more occasions to use this illicit skill. So Rav quotes Jeremiah to advise his son to stop and to avoid lying for any purpose.

The two quotes balance one another – the popular adage and the Biblical verse. The verse from Jeremiah serves as a moral instruction to the son. The adage offers praise, a pat on the back, for the son's cleverness. The two seem to have equal authority, though there is no issue of halakha present here.

It may be worth noting that other texts refract Rav's marriage through a different lens. Two notes: From Hagiga 5b (and Berachot 62a) we learn that Rav was overheard by Rav Kahana "talking and laughing and having sexual intercourse" with his wife. One might infer that they had a more cooperative marriage at some point. We also know that (Ketubot 62a) Rav supported the view of Rabbi Eliezer that a student may not absent himself for more than 30 days from his wife, a view that was more restrictive than other late Babylonian authorities. (Daniel Boyarin, **Carnal Israel: Reading Sex in Talmudic Culture**, Berkeley & Los Angeles: University of California Press, 1993, page 144). It might be concluded that he did not take the easy out of simply absenting himself from the home for long periods without his wife's permission, despite the opinion of some of his contemporaries that this was acceptable.

(3) MOED KATAN 9B & COMMENTARY

A WOMAN'S JOY

MISHNAH (8a) : One may not marry during Hol HaMoed (intermediate days of a holiday), whether a virgin or a widow, nor effect a leverite marriage, as it is a rejoicing for the groom; but one may remarry his divorced wife. And a woman may prepare her adornments [for a wedding] during Hol HaMoed. R. Judah says: She may not use lime, since this is a disfigurement.

Gemara:

- 1) Our rabbis taught: These are permitted in women's adornment. She paints her eyes with kohl, puts rouge on her face; some say she may use a razor for her privy parts.
 - The baraita provides details to explain the Mishnah.
- 2) The wife of R. Hisda was adorning herself in front of her daughter-in-law [during Hol HaMoed].
 - Presumably in accord with the Mishnah.
- 3) At the time Rav Huna b. Hinena was sitting before R. Hisda and said, They taught this [that a woman may prepare her adornments] for a young woman, but not for an older woman.
 - R. Huna objects to R. Hisda that his wife should not be adorning herself in this way since the ruling was intended for younger women.
- 4) R. Hisda said to him: By God, Your mother, your mother's mother even a woman on her own grave [can do so]. **As people say:** A 60-year-old is like a 6-year-old when they run to the sound of the bells.
 - R. Hisda corrects R. Huna, who doesn't seem to know women very well. And R. Hisda quotes a proverb to support him. The proverb is clear – women are enthusiastic and youthful as they approach such joyous occasions.

COMMENTARY –

Almost no commentary is needed for this passage. R. Hisda is commenting on, correcting his colleague on, the nature of women and he uses a popular adage to support his view. It is a lovely image of how a joyous event makes a woman feel youthful.

(V) COMMERCIAL RELATIONSHIPS

(1) BABA METZIA 104B & COMMENTARY: SESAME FIELD

(Mishnah on 104a) – If one leases a field [at a percentage] from his neighbor and neglects it, we assess it how much it ought to produce, and he must pay him [the agreed percentage]. For thus he writes him: Should I neglect and not till it, I will pay of the best.

{What follows are a series of stories about common use of language. The problem being that there can be a difference of understanding between contractual language and ordinary language. So these stories are about the weight of the common language to have the force of law. The first several tales have to do with the giving of a ketubah. Then they move on to tales about the leasing of fields.}

- 1) A certain man leased a field for cultivating sesame, but sowed wheat.
 - The contract was for sowing sesame, but he sowed a different crop. Rashi notes that there are two issues: sesame is a more lucrative crop but it also impoverishes the soil more than wheat. The question is how to value the changed conditions.
- 2) The wheat performed like sesame.
 - The wheat crop produced a similar price to sesame, removing that issue. But the second issue remains – since the soil has not been impoverished as greatly, should the tenant benefit.
- 3) Rav Kahana thought to rule: The tenant can make a deduction from the percentage due on account of the diminished impoverishment of the soil.
 - Rav Kahana grants a financial benefit to the tenant since he did not damage the soil as much he might have done with a sesame crop.
- 4) But R' Ashi said to R' Kahana: **People say** – Let the soil become impoverished rather than its owner.
 - Rav Ashi contradicts Rav Kahana, the owner should not receive less than expected. The saying is that it is better to let the land be depleted a bit more rather than have the owner receive less, and thereby suffer a loss.

Commentary

This text comes in the midst of a series of teachings that attempts to unravel the difference between contractual and ordinary language. It recognizes that there are instances in which the declaration made at the time of the contract, sometimes written and sometimes not, includes ordinary language and even exaggerated language. Several examples are presented having to do with Ketubot, marriage contracts. Here the exaggeration of the bride price is certainly understandable, since it honors the bride.

The Talmud then moves to a series of instances dealing with leased fields. This marks a return to the subject of the Mishnah where the concern is with the appropriate rental and repayment for the use of the field. It seems that the rental is tied to the use intended by the one leasing the land. Neusner makes the point (in Jacob Neusner, **The Mishnah: An Introduction**, Northvale, NJ: Jason Aronson, 1994, throughout chapter 3) that the Mishnah establishes a barter economy, not a market economy. He notes (pg. 84) that “each party must maintain that he has received something of equivalent value to what he has handed over.” Our case tries to establish equivalent value when the terms of the agreement have changed after the fact.

The case under consideration concerns a tenant who contracted to plant sesame, but planted wheat. Wheat depletes the soil less than does sesame, but it also commands a lower price. When the wheat crop matched the expectations of the sesame crop, Rav Kahana suggests that

the tenant should be able to modify the amount due the owner since the land was in better condition. He recognizes that in the long run the owner comes out ahead with a field that can better sustain crops. He maintains an equivalent value on the land that was used.

R' Ashi objects to Rav Kahana, relying on the wisdom of the people: "Let the soil become impoverished rather than the owner." This position recognizes that the tenant, not the owner, took the risk of planting the cheaper crop. In this instance he won the bet, but in taking the risk he might have put the owner at risk as well. As a practical matter the tenant is responsible for doing what he stated. Since the owner contracted to give the tenant the use of the field for a specified use, he is assured an equivalent return.

The Talmud accepts the position of the people, and rejects the position of Rav Kahana.

(2) HULIN 97B & COMMENTARY: THE FLAVOR OF AN EGG

[From the introduction to the **Soncino** edition (Eli Cashdan, **The Babylonian Talmud, Hullin**, vol. I, London: The Soncino Press, 1948 pg. xiv)

Chapter VII deals with the prohibition of the sciatic nerve and of nerves in general, and with the prohibition of the blood and the forbidden fat of beasts. These subjects lead to the discussion on the effect of cooking forbidden substances with permitted foodstuffs and in what circumstances the neutralization of a forbidden foodstuff is effected.]

The Mishnah (7:4) is concerned with whether the unacceptable food that falls into the cooking pot conveys a flavor to the cooking food. If it does, then the food is forbidden; if not, then it is usable. The Gemara discusses what is the proper measure at which the dish is declared forbidden.

- 1) R' Nahman said, The [sciatic] nerve [is neutralized] in sixty-fold, but the nerve is not included in this number. The udder is neutralized in sixty-fold, but the udder is to be included. An egg [of an unclean bird] is neutralized in sixty-fold, but the egg is not to be included.
- 2) R. Isaac the son of R. Mesharsheya said, 'But the udder itself is forbidden,' and if it fell into another pot it renders [the contents] forbidden.
- 3) R. Ashi said, When we were at R. Kahana's the question was put before us: When measuring, do we measure the mixture by the actual size of the mix, or by what has come out of it [and been absorbed by the mixture]? It is obvious that one should measure the actual size. If we only measured what came out of it, how would we determine the amount? — But according to this, if it fell into another pot, it would not render [the contents] forbidden?
- 4) Since R. Isaac the son of R. Mesharsheya had said that the udder itself was forbidden, the Rabbis declared it to be considered as a piece of *nebelah*.
- 5) 'An egg is neutralized in sixty-fold, but the egg itself is not to be included [to make up this number]'.
 - The preceding discussion listed a number of items that were neutralized in a mixture of sixty-fold. In some instances the object was to be included in measuring the volume, in other cases not. Now the gemara returns to examine the issue of the egg.
- 6) R. Idi b. Abin said to Abaye, Can it be said that it imparts a flavor?
 - The threshold of one-sixtieth is the general point at which the forbidden substance adds flavor to the mixture, therefore making it

forbidden. These rabbis of the 4th generation of Babylonian amoraim ask if the contents of an egg would impart any flavor to the mixture. (It is not clear whether they assume the egg to be in the shell or if we are talking about the liquid contents of the egg.)

7) but **people say**, 'But it is only the water of an egg!

- The people object. The "amre inshe" expresses the common understanding that the liquid of an egg is no different than water. If the contents of the egg, regardless of the bird from which it comes, are simply the equivalent of water, there is no flavor or essence to transfer. Depending on how I break the text this statement could be anonymous or a continuation of the statement from R. Idi b. Abin.

8)—He replied, 'We are dealing here [98a] with an egg which contained a chicken,' but not with an egg of an unclean bird.

- This shifts the problem. The first case, a simple egg is from an unclean bird, has been rejected, so the gemara moves on to suggest a second understanding – that there is a chicken in the egg. The gemara then proceeds to try to unravel this puzzle of the chicken and egg.

COMMENTARY

The gemara addresses the question – why should an egg need to be neutralized in a sixty-fold mixture. The first attempt at a solution is to suggest that the egg imparts the flavor of a forbidden bird to the mixture. Presumably the suggestion is that the contents of the egg would mix with the prepared food. But the opinion expressed by the "amre inshe" is that the liquid contents are "mere water". The suggestion that the liquid contents of the egg would make the contents of the pot forbidden is rejected. The authority of the people's common understanding prevails.

This seems to have some parallel to the experience described in Shabbat 40a where the rabbis attempted to forbid the use of the hot springs of Tiberias on Shabbat, but failed when the common people continued to use the springs and did not consider them waters heated on Shabbat. Here, as there, the common understanding of the people seems to have set the standard.

(3) AVODAH ZARA 22B & COMMENTARY: BUYER BEWARE

MISHNAH: One should not place cattle in heathen's inns, because they are suspected of immoral practice with them. A woman should not be alone with them, because they are suspected of lewdness, nor should a man be alone with them, because they are suspected of bloodshed.

GEMARA –

A) A contradiction: "One may buy from them cattle for sacrifice without worry over whether it had committed or had been used for an immoral act, or that it had been set aside for an offering [to idols], or that it had been worshipped."

- Quoted from the Tosefta, Avodah Zarah, 2:1

B) Certainly there is no fear that it had been set aside for an offering [to idols], or that it had been worshipped, for if it had been set aside or had been worshipped, they wouldn't sell it. But we should worry over whether it had committed or had been used for an immoral act.

C) Said R' Tahlifa in the name of R' Shila ben Avina in the name of Rav: A heathen would worry that their cattle would become barren.

D) This holds in the case of female cattle, but for males, what would you say?

E) Said Rav Kahana: [One need not worry] since it weakens the flesh.

F) But what about the Baraita that teaches: “One may buy cattle from a heathen shepherd.” Let them worry that the shepherd used the cattle for immoral purposes. He would be afraid of losing his fee.

G) But it is taught [in a Baraita]: “One should not entrust cattle to a heathen shepherd.” Let them say here also -- He would be afraid of losing his fee. They who know one another’s ways are afraid (of detection); but of us who do not know their ways, they are not afraid. Rabba said: This is the **popular saying**: As the stylus splits the stone, the one accustomed [to cunning or deception] knows his fellow’

- Takes one to know one.

H) If so, then we should not buy male cattle from women, for fear lest she used it for immoral acts. Because the animal would follow her, she would be afraid of detection.

I) But R’ Joseph taught: “A widow should not raise a dog or offer lodging to a student.” Of course, a student is due to modesty. But a dog, since it would follow her, wouldn’t she be afraid [of detection]? Since she would throw out thick pieces of meat, he would follow after her, leading people to say that is why it is following after her.

COMMENTARY:

As a whole this passage is concerned with the question of whether Jews may acquire cattle from heathens. There are a variety of concerns over the ways in which the heathens may have used the cattle – whether for immoral sexual purposes or for various idolatrous purposes. The passage moves forward by taking one case at a time and asking about concerns with that case – setting the case against various baraitot and balancing that against common understandings.

The use of the phrase, by Rabba, offers a presentation of a popular proverb. The question is whether the heathen shepherd would treat a Jewish owner differently than a heathen owner.

G) But it is taught [in a Baraita]: “One should not entrust cattle to a heathen shepherd.”

Let them say here also -- He would be afraid of losing his fee.

- If this logic worked before, why doesn’t it work now?

Of they who know them they are afraid [of detection], but we do not know them so they do not fear.

- There is a difference. They know that their fellow heathens would be alerted to this and might detect them, while we Jews are more gullible.

Rabba said: This is the **popular saying**: As the stylus splits the stone, the one accustomed [to cunning or deception] knows his fellow’

- The saying sounds a lot like our favorite playground saying of “Takes one to know one.” At any rate, this provides a support for the anonymous response to the Baraita, but from the opposite point of view. The initial response is that we don’t know what to look for. This argues that the heathen knows who to be wary of (and we don’t qualify.)

Rabba uses the proverb to support the anonymous legal justification provided in response to the Baraita. No Biblical proof is offered for that position, but Rabba brings a common wisdom to bear on the question. The transaction is not safe because the heathen knows we can be deceived.

(4) BERACHOT 59A & COMMENTARY – A FLASH OF LIGHTNING

The Mishnah recounts numerous occasions for individuals to recite blessing for uncommon events, including natural events like the weather.

The gemara seeks to define each of the events and so looks at each one individually. So it moves in turn to lightening.

- (A) Over lightnings [berakim] one says, Blessed is He whose strength and might fill the world:
- The question from the Mishnah.
- (B) Why does it say Berakim?
- Opening the discussion by noting the plural where one might expect a singular.
- (C) Rava said: Lightning. Rava also said: A single flash, white lightning, blue lightning, clouds that rise in the west and come from the south, and two clouds that rise facing one another – all are [signs of] trouble.
- Rava begins noting a preferred reading of the singular – lightning. He then precedes to answer his own question by noting the several different possibilities included in the term – lightnings. He acknowledges that these storms can cause damage. The prayer praises God.
- (D) What is the practical bearing of this remark? That prayer (rachame) is needed [to avert the omen].
- The Stamma questions Rava's teaching and then provides an answer. In answer to its own question it opens the door to alternate interpretations. If an omen is embedded in the threat of thunder or storm, then the meaning can branch out into either meteorological or symbolic interpretations.
- (E) These words concern the night; but in the daytime there is no substance in them.
- Rava doesn't define why there is a difference between day and night. But that becomes the lead-in to the next step of the discussion.
- (F) R. Samuel b. Isaac said: Those morning clouds have no significance (m'shasha), as it is said: [*What can I do for you, Ephraim, What can I do for you, Judah,*] *When your goodness is like the morning clouds, Like dew so early gone?* (Hosea 6:4)
- The prooftext from Hosea asserts that the morning cloud is here and gone with no impact. R. Samuel b. Issac may be from Palestine and of the generation of Rav or one earlier. (see Jacob Neusner, **A History of the Jews of Babylonia: II. The Early Sasanian Period**, Atlanta: Scholars Press, 1999, pg. 166, footnote)
- (G) Said R. Papa to Abaye (objecting to the statement): But there is a **popular saying**: "If it rains when the doors are opened [in the morning], lay down your bag, ass driver, and sleep"
- Marcus Jastrow, **A Dictionary of the Targumim, The Talmud Babil and Yerushalmi, and the Midrashic Literature**, New York: Pardes Publishing House, 1950, page 741, interprets this to say: do not export, for provisions will be cheap.
 - The proverb advises the merchant who wakes to a morning rain to go back to sleep, because the rain will persist. In contrast to the spiritual tone of Hosea, Rav Papa quotes a very practical, marketplace-based adage.

(H) There is no contradiction; in the one case the sky is covered with thick clouds, in the other with light clouds.

- The stamma tries to maintain both positions.

COMMENTARY

There is a differentiation here of both time and geography. R. Samuel b. Issac is a Palestinian amora while Rava and Rav Papa live in Babylonia. Rav Papa is younger than the Palestinian amora by at least 2 generations.

R. Samuel b. Issac describes a gentle morning rain and supports his description with a verse from Hosea. Rav Papa proposes a much more practical measure, the experience on the marketplace. The two feel quite different in tone. Rav Papa's description seems very close to that of Rava who also gives a very concrete definition to the question of what is lightning. Both assess the practical impact of the storm. Rava asserts that the storm clouds signal a danger (kushi'in). Rav Papa supports that point of view with a proverb that details the impact of a morning storm on the marketplace.

By placing Rav Papa's proverb after R. Samuel b. Issac's teaching it takes on a different role. Now the "amre inshe" counters the quote from Hosea.

(5) TA'ANIT 6B & COMMENTARY:

RAIN, RAIN, COME AGAIN

MISHNAH (From the end of Mishnah 1:2)

Until when should they pray for rain? R' Judah says: Until Passover is over. R' Meir says: Until Nisan passes, as it says: (Joel 2:23) For He causes rain to come down for you, the former rain and the latter rain in the first month.

Gemara

The Gemara opens with a series of midrashim on various verses that focus on issues of curse (famine, Saul) and blessing (the story of the blessing of the tree). It then moves into a discussion defining the yoreh (former rain) and the malkosh (latter rain). After an extended discussion on the particulars of the *Yoreh* the Gemara shifts. In the 2nd paragraph of the Shema it states that if you do not follow the commandments, then "God will be angry with you and He will shut up the heavens and there will be no rain". But when does that curse apply?

1) R' Hisda said: When it has rained sufficient to make [of the soil] a stopper for a cask then [the curse contained in the words] *'and God will be angry with you and He will shut up the heavens and there will be no rain'* (Deut 11:17) does not apply.

- Hisda states an objective measure; this volume of rain is sufficient. Steinsaltz, noting the opposite side of the argument, (Adin Steinsaltz, **The Talmud: The Steinsaltz Edition, Ta'anit**, vol. 1, New York: Random House, 1995, page 72) says that "even if rain falls, an inadequate quantity is a reflection of God's anger."

2) R' Hisda further said: If rain came down before [the time for reciting in the *Shema*], *'and He will shut up'* then the curse contained in these words does not apply.

- Hisda provides an alternate measure based on time instead of volume. If Any measure of rain falls before the daily recitation of the Shema it implies that God's anger is not aroused and the curse does not apply.

3) R' Abaye thereupon interjected: This only holds good when the rain fell before [the time for the recital of the words,] *'and He will shut up'* in the evening [*Shema'*], but if rain fell before [the time for their recital in] the morning [*Shema'*] then the curse can still be said to apply.'

- Abaye distinguishes between the evening and morning Shema. He suggests that Hisda's teaching only applies to an evening rain, since a morning rain can swiftly evaporate, as illustrated by the quote from R. Judah b. Issac.

4) For R. Judah b. Isaac said: The morning clouds have no substance, for it is written, *What can I do for you, Ephraim, What can I do for you, Judah, When your goodness is like the morning clouds, Like dew so early gone?* (Hosea 6:4)

- R. Judah b. Issac is quoted as a support for the distinction made by Abaye. Based on the verse from Hosea he argues that the morning cloud just blows away, leaving nothing behind. Similarly a morning rain can leave only a small amount of rain and quickly evaporate, which would not be a good sign.

1) Said R. Papa to Abaye: But people say, "If it rains when the doors are opened [in the morning], lay down your bag, ass driver, and sleep"

- Marcus Jastrow, **A Dictionary of the Targumim, The Talmud Babli and Yerushalmi, and the Midrashic Literature**, New York: Pardes Publishing House, 1950, page 741, interprets this to say: do not export, for provisions will be cheap.
- R. Papa draws on a saying of the marketplace to contradict R. Judah b. Issac. The adage suggests that morning rains will persist, so there is no need to go out for the day if you make your living as a peddler or ass-driver. The day is washed out.

6) This is no contradiction. In the one case the heavens are overcast with thick clouds and the other with light clouds.

- The stamma tries to reconcile the two, assigning them to different conditions.

[The text gives a few more definitions by R. Hisda and then moves into a lengthy discussion of what rain may be compared to: the Revival of the Dead, the Giving of Torah, the Learning of Torah, the Creation of Heaven and Earth, and Salvation. Then the reverse is explored – the withholding of rain signifies....]

Commentary –

The exchange in this section is the same as that in Berachot 59a (although there it is R. Samuel ben Issac rather than R. Judah ben Issac). The "amre inshe" quoted by Rav Papa describes the practice of the marketplace where early rains are considered a sign that no work will get done today if you need to be out on the road.

Rav Papa quotes that adage to counter the teaching of R. Judah b. Issac who characterizes morning clouds as of no consequence, they blow away without significant rain. R. Judah b. Issac supports his position with a verse from Hosea.

It is significant that R' Papa relies on the popular wisdom of the people to contradict the R' Judah ben Issac's verse-based declaration. The two positions stand with equal weight – as we see when the Gemara seeks to reconcile the two opposing opinions. Since Rav Papa's position is stated last, however, it seems the Gemara gives it preference.

It seems a bit far-fetched, but is it possible to take the exchange between R' Judah and R' Papa in a different, symbolic way? If the giving of rain can be understood as the giving of or teaching of Torah, then perhaps their teaching could be applied to the teaching of the young. R' Judah

eschewing the teaching of the young as a waste of time – since they will not retain their learning; R' Papa endorsing it with the promise that it will bring a large yield in its wake. If this reading has any validity, it may echo the teaching in Avot 4:20 – Elisha ben Avuya said: He that learns as a child, to what is he like? To ink written on new paper. He that learns as an old man, to what is he like? To ink written on paper that is blotted out. Etc.

(6) BABA METZIA 69A & COMMENTARY: BUSINESS DECISIONS

The Mishnah (from 68a) is concerned with the rate which one pays for the services of another. In particular, there is a concern that the tradesman or worker is fairly compensated for his labor. Also, care is taken that the owner does not pass on his risk to the worker.

Jacob Neusner (Jacob Neusner, **The Mishnah: An Introduction**, Northvale, NJ: Jason Aronson, 1994, page 110-1) describes the concerns of this Mishnah in these terms:

“The conception before us involves interest in the form of personal service, which is also prohibited.... [The Mishnah states the case] in the context of a factor, who commissions a rancher to raise his cattle.... The farmer receives half the profits. He also bears full responsibility for half the loss. It follows that he must be paid a salary.... If there is no assessment in advance of the fixed value for which the rancher bears full responsibility, however, then there is a genuine partnership.”

The phrase “amre inshe” is used twice in this section. The two seem closely linked both in the structure of the passage and in the concerns expressed.

l)

- 1) Rav said: [If the owner says to the breeder,] “Whatever profit it yields over one-third [of its present value] will be your payment”, it is permitted. But Samuel said, If there was no excess above a third, shall he go home empty handed? Rather Samuel said, He [the owner] must stipulate a denar [for his labor].
 - The two state their positions. Remuneration for the breeder is necessary. Rav argues that a contract is sufficient if it promises the breeder will receive any profit beyond a 1/3 profit margin. Samuel objects that if there is no profit the breeder loses – thereby absorbing part of the risk of the owner. So he demands that the breeder must be guaranteed at least a dinar..
- 2) Now, is it Rav’s opinion that a denar need not be stipulated? But Rav said: The calf’s head is the breeder’s. Doesn’t that mean that he said to him, “Whatever profit it may bring over one-third [of its present value] will be your payment? No, it means that he [the owner] said to him [the breeder], Either the excess above a third, or the calf’s head for the breeder.
 - When Rav’s position is tested, he notes that the breeder receives the head of the animal regardless of all else, and that seems to be parallel to Samuel’s insistence on the payment of a dinar.
- 3) Alternatively, when did Rav rule that [a stipulation], “Receive the excess above a third as your payment is permitted -- when he [the breeder] has a cow of his own, for **people say**, Mix fodder for one, mix fodder for two – it is all the same.
 - A clarification of Rav’s position is offered, with support from the “amre inshe”. Rav’s intent is now stated for a specific instance, i.e. when the breeder owns a cow of his own. And the popular saying implies that there is no extra work in caring for the second animal, and so there is no need for extra pay.

COMMENTARY

The “amre inshe” provides the sole proof that such a transaction may be valid. It does not serve as a counterweight to any other proof-text – neither from scripture nor from earlier Rabbinic

literature. It simply provides a support from the marketplace for one reading of Rav's secondary teaching in this passage.

The "alternate opinion" offered in the name of Rav has a very different focus than the first opinion cited in his name. It also changes the nature of the exchange; now the two are speaking of different events rather than debating one issue. Perhaps this "alternate opinion" is added by the stamma. If that were so, the "amre inshe" would come as a late addition to this selection.

II)

- 2) R. Eleazar of HaGrunia bought a cow and gave it to his aris [breeder or tenant farmer]. The breeder fattened it, and received the head in payment and also half the profit. Said his [the aris'] wife to him, Had you been in partnership with him, he would have given you the tail too [as your share].
 - This section begins as a illustrative follow-up story to the previous paragraph. So we see the division when the relationship is between owner and breeder. The wife of the aris urges him to enter a (presumably) more lucrative contract as partner.
- 3) So he went and bought [a cow] in partnership with him, he [R. Eleazar] divided the tail, and then said: "Come let us divide the head too."
- 4) "What! Shall I not receive even as much as before?", he exclaimed.
 - The new relationship, between partners, does not yield as much as the earlier contract.
- 5) Until now, he [R. Eleazar] replied, the money was [altogether] mine; had I not given you a little more than half, it would have looked like usury. Now, however, we are partners; what will you plead? I have worked rather more? But **people say**, The average aris binds himself to the landowner to find him pasture.
 - R. Eleazar explains the difference between the two contracts, why the aris actually earned more as a breeder than a partner. Whereas before he needed to care for him as a laborer, the division between partners is simply 50/50. His position is supported by the "amre inshe" who note the commonly accepted relationship when aris and owner become partners.

COMMENTARY

As in the previous selection the "amre inshe" is not provided to counter or bolster a teaching from another source. It serves to support a common understanding of commercial relationships between owner and aris.

Both take place in Babylonia and deal with the open marketplace. Rav and Samuel are from the 1st generation of Amoraim, dating the first of these two selections as early. According to Strack and Stemberger (pg. 85) Rav dies in 247, Samuel in 254. This is an early date for the use of the phrase "amre inshe".

It is possible that the "amre inshe" were used as supportive proofs at an early date when no other proof was available, or in specific kinds of circumstances. In the absence of a verse from the Tanach the wisdom of the people would suffice. Both Rav and Samuel served as "judges of the exile" and were appointed by the exilarch. (Jacob Neusner, **A History of the Jews of Babylonia: II. The Early Sasanian Period**, Atlanta: Scholars Press, 1999, pg. 111-2) As such they needed to make rulings in accord with local law and practice. One source for local standards may have been found in the wisdom preserved in popular adages.

A clear precedent for relying on the wisdom of the people exists in the story of Hillel recorded in Pesachim 66a. Hillel is speaking with the Bene Batyra, the people appointed by Herod to the

Sanhedrin after the death of Shemaiah and Avtalyon. The question, what should be done if the people forget to bring knives for the Pesach sacrifice when it falls on Shabbat, remained without an answer. Hillel taught that they should wait and see what the people would do because “if they themselves are not prophets, they are the children of prophets!” And when he saw what the people were doing, he declared that they were following the tradition he learned from his teachers. As in our case the people provide the authority for halakhic action.

(V) SANHEDRIN 95-106 – A SPECIAL CASE

SANHEDRIN 93A-106A

Overview

Chapter 11 of Sanhedrin is primarily made up of aggadic passages. The Mishnah states that “all Israel has a place in the world-to-come”, but then proceeds to detail those who have forfeited that place. The topics and personalities considered in this chapter include Daniel, Sennacherib, Nebuchadnezzar, those who despise the Torah, those who will never enter the world-to-come, and the coming of the Messiah. According to Steinsaltz (Adin Steinsaltz, **Talmud Bavli – Sanhedrin**, vol.2, Hebrew Edition, Jerusalem: Israel Institute for Talmudic Publications, page 398,) this chapter deals with a variety of matters of faith and lifestyle. “This chapter is concerned to clarify all of these matters [of faith and lifestyle] and with the assessment of individuals and time periods which are exemplary”. This chapter provides a philosophy of the history of Judaism.

The phrase “amre inshe” is used 12 times in this chapter, out of 19 usages in the entire tractate. Rav Papa is cited as the source 9 times, out of 19 times that Rav Papa is noted as using this phrase in the entire Talmud. Rav is cited twice and one usage is anonymous.

The phrase appears at large intervals within this chapter, so it is tempting to treat them as individual, disconnected appearances. There is, however, a consistency in the tone and style of these usages. The Gemara presents a verse and its aggadic explication. At or near the end of the exploration Rav Papa cites a brief proverb, amre inshe, which serves as a summary comment on the discussion. His comments are often harsh. Among the proverbs he cites are some that are certainly internal and specific to the Jewish community. Four passages which include 5 uses of the phrase, one from Rav, one from Mar Zutra b. Tobiah in Rav’s name and three from Rav Papa, will serve as representative of the whole.

94A – If you don’t have anything nice to say...

At the beginning of this passage it states, “The Holy One sought to appoint Hezekiah as messiah and Sennacherib as Gog and Magog.” The passage follows through the dissent by the Attribute of Justice and the support offered by the earth. The objection voiced by the Attribute of Justice is that Hezekiah offered no song of praise to God and that serves as the basis for the what follows.

- 1) A Tanna reported in the name of R. Pappais: It was to the discredit of Hezekiah and his company’ that they uttered no song [to God] until the earth broke into song, as it is written, *From the uttermost part of the earth have we heard songs, even glory to the righteous.* (Isaiah 24:16)
 - R. Pappais (H. L. Strack and Gunter Stemberger, **Introduction to the Talmud and Midrash**, Minneapolis: Fortress Press, 1992, pg. 69) is identified as an older member of the 2nd generation of Tannaites who transmitted halakhot from the time of the Temple.
 - The meaning is that Hezekiah and his company should have been offering songs of praise, but had not thought of it until the earth raised its voice on his behalf (as described earlier in this passage).

- 2) Similarly we read, *And Jethro said, Blessed be the Lord who hath delivered you* (Ex. 18:10) whereon a Tanna taught in the name of R. Pappais: It was to the discredit of Moses and the six hundred thousand [Israelites] that they did not bless [the Lord] until Jethro came and did so.
- R. Pappais notes the same lack in Moses and the generation of the desert. The import of his teaching seems to be that just as Moses and the generation of the desert did not merit the privilege of entering the Promised Land, so Hezekiah did not merit the privilege of being appointed Messiah.
- 3) *And Jethro rejoiced [va-yiheid]* (Ex. 18:9). Rav and Samuel [dispute its meaning]. Rav said: He caused a sharp knife [herev hadah] to pass over his flesh. Samuel said: His flesh was covered in goosebumps [hidudim hidudim].
- After the suggestion that Jethro recognized and acted on the impulse to bless God where Moses did not, there is a need to comment on Jethro's character. Rav praises Jethro and suggests that he circumcised himself in solidarity with the newly freed Jews. Samuel is less convinced and finds in Jethro's reaction a discomfort with the fall of Egypt.
- 4) Rav observed: **Thus people say**, Before a proselyte, even unto the tenth generation, insult not an Aramean.
- Despite the ruling of the Talmud (Yevamot 47b) that a proselyte is like a Jew in all respects, the reality that they have Gentile parentage and lineage remains. Cohen discusses the implications of this ambiguous status. (Shaye J. D. Cohen, **The Beginning of Jewishness: Boundaries, Varieties, Uncertainties**, Berkeley: University of California Press, 1999, pg. 325)
 - The Yalkut names Rav Papa as the speaker in place of Rav, according to **Soncino**, page 632, note 6.
 - This proverb blends the perspective of Rav and Samuel. Even though Jethro could praise God and opt to circumcise himself for the sake of conversion, nonetheless he felt a discomfort over the destruction of Egypt. So it does not matter how fervent a proselyte may be, they maintain a feeling for and link with their past. This is one of the few proverbs that is clearly internal to and specific to the Jewish community.

98B – Waiting for Messiah

This passage opens with the declaration by Ulla, repeated by Rav, "Let [the Messiah] come, but let me not see him." The discussion proceeds exploring the reasons why they might fear this promised event. The pangs of the Messiah, the great sorrows and suffering that will proceed the coming of the Messiah, are noted as one reason. A second is the fear that Israel's sin might interfere. Resh Lakish argues that the situation in the current world is already as bad as it will be in the time of the Messiah, so why worry?

R. Johanan's reluctance to see the coming of the Messiah is described by means of a midrash on Jeremiah 30:6.

- 1) But [his unwillingness to see the Messiah] is because it is written: (Jeremiah 30:6) *Ask and see: Surely males do not bear young! Why then do I see every man (gever) with his hands on his loins, like a woman in labor? Why have all faces are turned pale?*
- 2) What is meant by *Why do I see every gever?* Raba b. Issac said in Rav's name: It refers to Him to whom all Gevurah belongs.
 - God will be the one with hands on hips, feeling the labor pains.

- 3) And what is the meaning of *Why have all faces are turned pale?* R. Johanan said: [This refers to God's] heavenly family and his earthly family when God says, These [the Gentiles] are my handiwork, and so are these [the Jews]; how shall I destroy the former on account of the latter"
- This is a shocking statement that makes the faces of those listening, both in heaven and earth, blanch. The midrash supposes God saying, both Jews and Gentiles are my creatures, so how can I displace one (the Gentiles) to benefit the other (the Jews). The promise of a miraculous return to glory in the days of the Messiah could be lost.
- 4) Rav Papa said: The **people say**: When the ox runs and falls, the horse is put into his stall.
- This proverb provides an example that parallels the fear expressed in the midrash. The horse may not be as strong or effective as an ox. Nonetheless, if the ox is disabled, the horse will replace him. Israel which has fallen through sin is now replaced by the Gentiles. The fear is that the displacement may be permanent.

102B – Ah, Vengeance

This passage focuses on Ahab by a midrashic exploration of I Kings 22: 20-23. The section opens with a comment by R. Nahman: "Ahab was balanced [between good and evil]."

I Kings 22:20 asks: "Who shall persuade Ahab" and notes that there are competing voices for his allegiance. The Gemara identifies these competing voices with the money he gives out to support idolatry but also to support scholars of Torah.

In I Kings 22:21 a spirit comes forth to say, "I will persuade him," by putting "a lying spirit in the mouth of his prophets." The Gemara identifies the voice as that of Naboth the Jezreelite. I Kings 21 recounts the story of how Ahab sought Naboth's vineyard. After Naboth refused to sell the vineyard to Ahab, Jezebel, the king's wife, conceived and carried out a plot to have Naboth accused of blasphemy and put to death. It is Naboth's spirit who now comes forth to volunteer to bring down Ahab.

- 1) *And there came forth the spirit, and stood before the Lord, and said, I will persuade him. And the Lord said unto him, How? And he said, I will go forth, and I will be a lying spirit in the mouth of his prophets. And he said, you will persuade him, and prevail also: go forth, and do so. (I Kings 22:21ff)*
- 2) Which spirit is meant? R. Johanan said: the spirit of Naboth the Jezreelite.
 - Naboth, framed and murdered, volunteers looking to take vengeance on the one who had him murdered.
- 3) What is meant by *go forth*? Rabina said: Go forth from within my barrier, as it is written: *He that tells lies shall not stand in my sight (Psalms 101:7)*
 - "Go forth and do so" could be understood as an endorsement by God of the spirit's intention to place lying words in the mouth of his prophets. Rabina turns the meaning, relying on the verse from Psalms, so it becomes a warning – If you choose to persuade him through this trick, the cost will be that you are expelled from the Divine Presence.
- 4) Rav Papa said: Thus **people say**, He who takes vengeance destroys his own house.
 - The proverb supports Rabina. By choosing to take his vengeance on Ahab Naboth forfeited his place in Heaven.

106A -- How The Mighty Are Brought Low!

The Mishnah lists four commoners who have no place in the world-to-come, Balaam, Doeg, Ahitophel and Gehazi. The Gemara begins to examine the story of Balaam on Sanhedrin 105A. Our passage, which focuses on Balaam's death, comes at the end of the examination of the story of Balaam.

- 1) "And they slew the kings of Midian, beside the rest of them that were slain.... Balaam also the son of Beor they slew with the sword." (Numbers 31:8)
 - This records Balaam's death, but it also raises the question that follows – why is Balaam included in this listing.
- 2) What business had Balaam there?
 - After all, it states at the end of Numbers 24 that Balaam set out on his journey back home. What brought him back?
- 3) R. Johanan said: He went to receive his reward for the twenty-four thousand Israelites whose destruction he had encompassed.
 - These are the 24,000 who died at Shittim as recorded in Numbers 25. Balaam is the one who advised Balak to seduce the men of Israel in this manner, so he is coming to collect his consultation fee.
- 4) Mar Zutra b. Tobiah remarked in Rav's name: This is what **men say**: When the camel went to demand horns, they cut off the ears he had.
 - In line with the proverb Balaam demanded his fee. He did not receive his fee, but lost his life instead. The proverb seems to imply that Balaam wanted something more than he had originally been promised, after all the camel does not normally have horns.
- 5) Balaam also the son of Beor, the soothsayer, [did the children of Israel slay with the sword.] (Joshua 13:22)
- 6) A soothsayer? He was a prophet!
 - Balaam is acknowledged in Numbers as a prophet, so why is he referred to in Joshua only as a soothsayer?
- 7) R. Yohanan said: At first he was a prophet, but then he was a soothsayer.
 - For his misuse of the Divine gift he was demoted to the status of a mere soothsayer.
- 8) Rav Papa said: **Thus people say**: She who was the descendant of princes and governors played the harlot with carpenters.
 - A contemporary version of this proverb might be, "How the mighty are brought low!"

COMMENTARY –

The examples in this section, like others surveyed in this paper, stand alone and serve as authoritative voices in the text. That said, these four passages each add to the picture of how this tool of the "amre inshe" is used.

In the first example, 94A, the proverb serves to blend the perspective of Rav and Samuel. It goes a step beyond providing support for a position to stake out a new position which is inclusive of what came before. The proverb demonstrates an understanding of human psychology; that even after choosing Judaism a proselyte retains a feeling for his people of origin.

The second example, 98B, expresses the shocking theology of replacement in surprisingly homey terms. The teaching of R. Johanan that God might choose not to displace the gentiles in

order to return Israel to her former glory is unthinkable. But the down-on-the-farm logic of replacing an ox that has fallen translates his teaching into understandable terms.

The cautionary tale of Naboth the Jezreelite is summarized nicely in the third text, 102B. Here the proverb supports the lesson derived by Rabina from the verse in Psalms.

The two proverbs in the last selection, 106A, provide a graphic representation of what can happen when one pushes too far. Balaam is acknowledged as a prophet, but cannot resist the temptation offered by Balak. In the end it is his undoing and his death. The two proverbs complement one another well.

These selections offer an insight into the place of the Jewish people and others within the sweep of history. Will Israel return to her former glory, or is it possible that the world will stay as it is? Should Israel choose to seek vengeance – it will only bring about disaster. Balaam overreaches and is destroyed – will that be the fate of the gentiles? It would take a longer study to determine if there is a consistent philosophy expressed by the “amre inshe” texts found in this chapter of Sanhedrin. But these examples suffice to demonstrate that they serve as an effective tool to bring these lessons into focus.

(VI) BABA KAMMA 92-3 – A SPECIAL CASE

(1) BABA KAMMA 92-3 & COMMENTARY – WHERE DOES THIS COME FROM

Mishnah (92a)

Even though the offender pays him compensation, the offence is not forgiven until he ask him for pardon, as it says: Now therefore restore the man's wife (Genesis 20:7). Whence can we learn that should the injured person not forgive him he would be [stigmatized] as cruel? From the words: So Abraham prayed to God and God healed Avimelech... (Genesis 20:17)

Gemara:

- 1) Raba said to Rabbah b. Mari: Whence can be derived the lesson taught by our Rabbis that one who solicits mercy for his fellow while he himself is in need of the same thing, [will be answered first]?
 - This question, while linked to the discussion at hand, opens a long, patterned series of exchanges between Raba and Rabbah b. Mari, both 4th generation sages from Babylonia. This passage includes 17 exchanges between the two, thirteen of which ask the Biblical source of a folk proverb (amre inshe).
- 2) He [Rabba b. Mari] replied: As it is written: *And the Lord changed the fortune of Job when he prayed for his friends.* (Job 42:10)
 - Rabba b. Mari presents his answer.
- 3) He said to him: You say it is from that text, but I say it is from this text: *'And Abraham prayed unto God and God healed Abimelech and his wife and his maid-servants,'* (Genesis 20:17) and immediately after it says: *And the Lord remembered Sarah as he had said,* etc., (Genesis 21:1) [i.e.] as Abraham had [prayed and] said regarding Abimelech.
 - Raba counters with a different verse. In 12 of the exchanges there is no rebuttal from Raba. Of the five in which he offers an alternate proof-text, three are concerning folk proverbs.
- 4) Raba [again] said to Rabbah b. Mari: Whence can be derived **the proverbial saying** that together with the thorn the cabbage is smitten? He replied: As it is written, *Therefore will ye*

contend with Me, ye all have transgressed against Me, says the Lord.(Jeremiah 2:29) He said to him: You derive it from that text, but I derive it from this, *How long refuse ye to keep My commandments and My laws.* (Exodus 16:28)

- This is the first of the passages that seek a Biblical source for the sentiment expressed in the folk proverb. Note that Raba offers a verse from Torah in preference to the source offered by Rabbah b. Mari. This pattern holds every time Raba offers an alternate verse. Raba does not do this every time Rabbah b. Mari's source is outside the Torah.

5) (Skipping to 92b) Raba [again] said to Rabbah b. Mari: Whence can be derived the saying of the Rabbis: 'If thy neighbor calls you an ass put a saddle on thy back?' He replied: As it is written: *And he said: Hagar, Sarai's handmaid; Whence comest thou and whither goest thou? And she said: I flee from the face of my mistress Sarai* (Genesis 16:8)

Raba [again] said to Rabbah b. Mari: Whence can be derived **the popular saying**: 'If there is any matter of reproach in thee be the first to tell it?' —He replied: As it was written: *And he said, I am Abraham's servant.* (Genesis 24:34)

Raba again said to Rabbah b. Mari: Whence can be derived **the popular saying**: 'Though a duck keeps its head down while walking its eyes look afar'? —He replied: As it is written: *And when the Lord shall have dealt well with my lord then remember thy handmaid.* (I Samuel 25:31)

- These three selections give a feel of the rapid-fire pace at which these exchanges proceed. There does not seem to be one theme that connects these, though the sentiment is often very appealing.

COMMENTARY

These five exchanges between Raba and Rabbah b. Mari are sufficient to illustrate the longer passage. Of the approximately 130 times that the phrase "amre inshe" is used in the Babylonian Talmud, 13 are included in this collection, which is atypical in comparison to the other 90% of the passages.

This passage seems to be a set piece, a preserved collection of exchanges between Raba and Rabbah b. Mari. It seems that the entire piece was inserted into the text as opposed to selecting only the one exchange that applied to the current discussion.

The pattern is consistent throughout the collection, leading one to think that this may have been a study text. The pattern is as follows:

Raba said to Rabbah b. Mari

Whence can be derived the [lesson of the rabbis, proverbial saying] that...

Rabbah b. Mari answers, drawing his proof from various verses in the Tanach, with one proof coming from Mishnah Bikkurim.

In 5 instances Raba responds, "You say it is from that text, but I say it is from this text." In all 5 instances he derives his proof from the Torah.

This passage is atypical in a couple of ways. First, the folk sayings are not normally collected as a group. In the vast majority of passages a single folk saying is used to provide proof as part of a brief argument. The folk saying serves as an independent source of proof, in the same way as a verse from Scripture, a baraita, or a reasoned argument. Second, it is unusual for either the Talmudic text or a sage to seek a Biblical parallel for a folk saying. In the normal case the folk saying is simply accepted on its own merit. No effort is taken to find a Biblical parallel. Nor is

there any investigation into the source or import of the saying. It is simply accepted for what it says.

These exchanges are very brief and so it is difficult to know what underlies this search for a Biblical foundation. I will hazard two possible explanations.

The first possibility grows out of the difference between Babylonia and Palestine. Raba studied under R. Nachman bar Jacob and R. Joseph, both 3rd generation sages of Babylonia, and taught at Mahoza. Rabbah b. Mari was a Babylonian who spent some time in Palestine. (According to H. L. Strack and Gunter Stemberger, **Introduction to the Talmud and Midrash**, Minneapolis: Fortress Press, 1992, pg. 95) The phrase, “amre inshe”, is used only in the Babylonian Talmud. I know of no similar usage in the Palestinian Talmud. So perhaps this is an encounter between the Babylonian and Palestinian models. Perhaps it was once preceded by the claim that any wisdom found in true folk sayings can also be found in the Scriptures. What is preserved, by this logic, is the evidence that these folk sayings are indeed supported by the evidence from Scripture.

A second possible explanation. Few, if any, of the sayings I have surveyed show any evidence of being specific to the Jewish community. They could as easily apply to the Persian community as the Jewish or any other. Perhaps there was a discomfort at taking Persian folk sayings, which originated in a non-Jewish culture, and citing them as authoritative proof alongside Scriptural and Rabbinic sources. One strategy for overcoming the reluctance to use these non-Jewish sources might be to illustrate that they have parallels within the Scriptures. Since the rabbis would have assumed that the Torah is always true, demonstrating that the folk sayings have scriptural parallels would validate them and serve as a proof for the truth of these “foreign” proverbs.

CONCLUSIONS

This study reveals many things about how the phrase, “amre inshe”, was used in the Babylonian Talmud. I want to present my conclusions under three headings: text, authority and voice. Under the heading of text I want to note which sages are quoted as using this tool. I also wish to look at the topics that are addressed by these proverbs as well as the content of the proverbs themselves. Under the heading of authority I wish to look at how these texts use the “amre inshe” in relations to other forms of authority, such as scripture, tradition or reasoned arguments. And under the heading of voice I want to consider the provenance and implication of these proverbs.

TEXT

As noted earlier the phrase “amre inshe” is used approximately 130 times in the Babylonian Talmud. (Based on a computer scan.) As listed in the introduction the phrase is used in all six orders of the Talmud, and in 29 tractates. Just over half the usages are anonymous. Of the others, Rav Papa (20) and Rabba (20) are quoted far more often than any other sage. The sages most frequent cited after them are Abaye (5), Rav Ashi (3) and Rav (3). In addition to these five, nineteen other sages, all Babylonian, are cited in the texts.

It is noteworthy that of the five sages cited as using this tool most frequently four are from the latest stages of the Talmud. Rabba and Abaye are the key sages in the 4th generation of Babylonian Amoraim. Rav Papa is central to the 5th generation and Rav Ashi follows him as leader of the academy in Sura in the 6th generation. This would indicate that the use of popular proverbs gained acceptance in the later stages of the development of the Talmud. The appearance of this tool in these late generations may be in accord with the ideas developed by David Kraemer who asserts that in the later generations there was a growing “assertion of human

prerogative.” (David Kraemer, **The Mind of the Talmud**, New York & Oxford: Oxford University Press, 1990, pg. 47)

All three instances in which Rav is cited as the speaker of the proverb are included in this paper (Yevamot 63a on page 9, Baba Metzia 69a on page 18, and Sanhedrin 94a on page 21). The three instances do not fall into any neat category: one on the nature of proselytes, one on family relations and the third of breeder contracts. Two of the proverbs (Yevamot and Sanhedrin) deal with general psychology and so may simply be convenient tools to express the sentiment of the passage. The third (Baba Metzia) is halakhic and concerns agricultural contracts, a topic addressed by other proverbs, and may be a way to express local legal practice concerning contracts.

The passages explored in this paper address a wide range of issues. Several passages are concerned with various aspects of economic rights: property rights (Betza 15b) or agricultural or breeder contracts (Baba Metzia 104b, Baba Metzia 69a, Avodah Zara 22b). Others are concerned with aspects of family life: Baba Metzia 59a, Yevamot 45a, Moed Katan 9b, and Yevamot 63a. A few are concerned with ritual matters: Menachot 85a, Hulin 97b, Berachot 59a and Ta'anit 6b. The extended passage in Sanhedrin is concerned with theology. From this sampling it is clear that there is no obvious limitation on the types of issues which might be addressed by the use of a proverb.

While the issues under discussion range over a wide area, the content of the sayings does not. They are uniformly from the realm of business life, psychology, or domestic relations. A majority reflect the experience of business life: economics (Menachot 85a), business practices (Yoma 20a, Baba Metzia 104b, Avodah Zara 22b, Baba Metzia 69a, Berachot 59a and Ta'anit 6b). A number of sayings express psychological understandings: Moed Katan 9b, Avodah Zara 22b, Sanhedrin 94a. Others express wisdom on domestic relations: Baba Metzia 59a, Yevamot 63a. They are the stuff of everyday life; down home wisdom brought to bear on a broad range of issues large and small.

AUTHORITY

These sayings stand as independent, authoritative statements in every instance with the notable exception of Baba Kamma 92-3. The extended passage in Baba Kamma 92-3 is atypical in structure, usage and in its concern to find a scriptural parallel to the folk sayings that are quoted. As we look at the authority these passages assert the text from Baba Kamma will always be the exception, though I will not repeat that as we go along.

These sayings are not scriptural either in origin or intent. The Talmud does not look for a scriptural source or parallel to these sayings. These sayings are not based on a reasoned logic, and some might be considered to run counter to a reasoned stance, such as Hulin 97a where the contents of an egg are considered simply as water.

Most often the “amre inshe” stands alone as the sole authoritative statement, as it does in the passage from Hulin 97a or Avodah Zara 22b. In one instance it serves to support a position also supported by a Scriptural verse. In several instances (Baba Metzia 59a, Berachot 59a, Ta'anit 6b) it is used to counter a position supported by a Scriptural verse. At Yevamot 63a the folk saying stands with equal authority alongside a Scriptural verse and at Betza 15b it is presented as an equal alongside a Scriptural verse and a proof from tradition.

It is worth noting that the folk saying is often the last position cited, a sign that it is accepted as authoritative by the Talmud. In the passages studied here the “amre inshe” get the last word a dozen times. Four additional times it is the last source listed, though the Stamma intervenes to declare that the opposing opinions address different circumstances. This signifies both that the

“amre inshe” is recognized as authentic and authoritative. Three times the “amre inshe” does not provide the last word in the argument.

VOICE

The sayings all come from everyday life in Babylon, which was quite different from life in Palestine. Among the differences: the government was different, the relationships between the Jewish community and the governing power were different, the legal system and its standards were different, and the climate and agricultural/business conditions were different. It is reasonable that a different logic had to be brought to bear on various questions, and the sayings represented by the “amre inshe” are that voice.

It may be worth considering the provenance of these proverbs. A few seem clearly to come out of a specifically Jewish context. When Rav cites the saying (Sanhedrin 94a), “Before a proselyte, even unto the tenth generation, insult not an Aramean”, it seems unlikely that this saying could have developed anywhere other than within the Jewish community. However when Rav quotes the proverb (Baba Metzia 69a) “Mix fodder for one, mix fodder for two – it is all the same”, it is hard to find a rationale for asserting that this might be a saying restricted to the Jewish community. Overwhelmingly if one looks at the substance of these sayings there seems to be no reason to assume they were specific to the Jewish community. A more logical conclusion would be that these sayings were common to those living in the Persian Empire.

These sayings constitute a distinct voice. They derive from the general wisdom of the people without reference to Scripture, previous tradition or reasoned argument. The source of these folk sayings may originate within the Jewish community, but is perhaps more likely to derive from a general source that need not be Jewish. Z. H. Chajes notes (Z. H. Chajes, **The Student’s Guide Through the Talmud**, New York: Feldheim, 1960, pg. 118), “We again find various rulings ... for which there is no Biblical support and of which the Rabbis have not stated that they were transmitted to them by tradition. These rulings were established purely by the usage of the land.” This folk wisdom seems to be among the elements that constitute the authoritative voice of the Talmud.

This would fit in to the pattern described by David Kraemer (David Kraemer, **The Mind of the Talmud**, New York & Oxford: Oxford University Press, 1990). Kraemer describes the generational development of the Talmud, noting the ways in which each succeeding generation acted to conserve the patterns of the past while adding its own innovative methods. The first and second generations stayed close to the pattern of the Mishnah. By the time of the third and fourth amoraic generations there is “a willingness to define new agendas and directions.” (pg. 45) It is in this time period that other sources of authority are sought. “To put it otherwise, the source of authority now began to shift, modestly at first but then more confidently, to human reason as applied by the amoraic interpreters. Each of these shifts ... was an assertion of human prerogative.” (pg. 47) “Tradition, in its most limited sense, is joined by the creative contributions whose source is human reason.” (pg. 48)

Kraemer does not discuss the use of the “amre inshe” passages I have explored in this paper, but it seems reasonable to place them into the pattern he describes. He describes a system in which “the human endeavor, which had earlier been peripheral, came now, for the first time, to be a legitimate and explicit focus of rabbinic energies.” (pg. 71) As the system accounts for and includes reasoned arguments, it is reasonable that other sources of wisdom – even secular non-Jewish sources – could become possible sources. There is, after all, a great deal of the human endeavor encapsulated in the folk process that creates these proverbs.

The authority for these passages derives from the people and the creative understanding of life they have developed through the reality of everyday life. As Hillel says (Pesachim 66a) when he

stands before the Bene Batyra, “If they themselves [the people of Israel] are not prophets, they are the children of prophets! “ That creative knowledge influenced the last generations of the Talmud. One hopes that the same creative voices may help shape today’s Jewish world.
