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Avodah Zarah Daf 36

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Daf Notes is currently being dedicated to the neshamot of

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

The Mishnah had stated: And their oil (is forbidden).

Regarding oil, Rav said that Daniel decreed against it (as a way of preventing intermarriage), but Shmuel says that the emission from their tamei vessels [which they pour into the oil-container] renders it prohibited.

The Gemora asks: Is this to say that people generally are concerned to eat their food in a state of ritual purity!

Rather [must Shmuel's statement be amended to:] the emission from their prohibited vessels [which they pour into the oil-container] renders it prohibited.

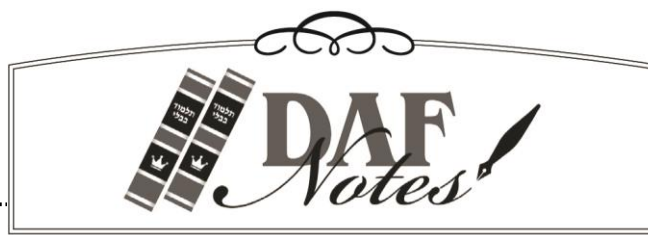
Samuel said to Rav: According to my explanation that the emission from their prohibited vessels renders it prohibited, it is quite right that when Rav Yitzchak bar Shmuel bar Marta came [from Eretz Yisroel] he related that Rabbi Simlai expounded in Nisibis: Regarding oil Rabbi Yehudah and his Court took a vote and declared it permitted, holding the opinion that [when the forbidden element] imparts a worsened flavor [the mixture] is permitted. But according to your statement that [it is prohibited because] Daniel decreed against it, [can it be thought that] Daniel made a decree and Rabbi Yehudah the Prince then came and annulled it? For have we not learned: A Court is unable to annul the decisions of another Court, unless it is superior to it in wisdom and numerical strength! Rav replied to him: You quote Simlai of Lud; but the inhabitants of Lud are different because they are neglectful [of Rabbinical ordinances]. [Shmuel] said to him:

Shall I send for him? [Rav] thereupon grew alarmed and said: If [Rabbi Yehudah and his Court] have not made proper research, shall we not do so? Surely it is written: But Daniel purposed in his heart that he would not defile himself with the king's meat nor with the wine which he drank — the verse speaks of two drinkings, viz. the drinking of wine and the drinking of oil! Rav was of the opinion that Daniel purposed in his own heart [not to drink the oil] and decided similarly for all Israel; whereas Shmuel was of the opinion that he purposed in his own heart [not to drink the oil] but did not decide similarly for all Israel.

The Gemora asks: But did Daniel decree against oil? Behold Bali declared that Avimi the Nabatean said in the name of Rav: The bread, wine and oil of idol worshippers and their daughters are all included in the eighteen things! Should you argue that Daniel came and made the decree but it was not accepted, and then the disciples of Hillel and Shammai came and made the decree which was accepted, in that case what was the purpose of Rav's testimony?

The Gemora answers: Rather [Rav's contention is that] Daniel decreed against the use of the oil in a city, and [the disciples] came and decreed against its use even in a field.

The Gemora asks: How, then, was it possible for Rabbi Yehudah the Prince to permit [what was forbidden by] the ordinance of the disciples of Shammai and Hillel, seeing that we have learned: A Court is unable to annul the decisions of another Court, unless it is superior to it in wisdom and numerical strength! Furthermore, Rabbah bar Bar Chanah has said in the name of Rabbi Yochanan: In all



matters a Court can annul the decisions of another Court except the eighteen things [prohibited by the Schools of Hillel and Shammai], for even were Elijah and his Court to come [and declare them permitted] we must not listen to him!

Rav Mesharsheya said: The reason [that these eighteen things form an exception] is because their prohibition has spread among the large majority of Israelites, but the prohibition concerning oil did not so spread; for Rabbi Shmuel bar Abba said in the name of Rabbi Yochanan: Our masters sat and made investigation concerning [the use of idol worshippers'] oil [and found] that its prohibition had not spread among the large majority of Israelites; they accordingly relied upon the dictum of Rabban Shimon ben Gamliel and Rabbi Eliezer bar Tzadok who declared: We make no decree upon the community unless the majority are able to abide by it. For Rav Adda bar Ahavah said: What Scriptural verse supports this rule? You are cursed with the curse; for you rob Me, even this whole nation — i.e., when the whole nation has [accepted an ordinance, then the curse which is the penalty of its infraction] does apply, otherwise, it does not.

The above text stated: Behold Bali declared that Avimi the Nabatean said in the name of Rav: The bread, wine and oil of idol worshippers and their daughters are all included in the eighteen things?'

What does it mean 'their daughters'? — Rav Nachman bar Yitzchak said: [The Schools of Hillel and Shammai] decreed that their daughters should be considered as in the state of niddah from their cradle; and Geneva said in the name of Rav: With all the things against which they decreed the purpose was to safeguard against idolatry. For when Rav Acha bar Adda came [from Eretz Yisroel] he declared in the name of Rabbi Yitzchak: They decreed against [idol worshippers'] bread on account of their oil. But how is oil stricter than bread! — Rather [should the statement read that they made a decree] against their bread and oil on

account of their wine; against their wine on account of their daughters; against their daughters on account of another matter, and against this other matter on account of still another matter.

The Gemora asks: [But the prohibition against marrying] their daughters is a Biblical ordinance, for it is written: Neither shall you make marriages with them!

The Gemora answers: The Biblical ordinance is restricted to the seven nations [of Canaan] and does not include other idol worshippers; and [the Schools of Hillel and Shammai] came and decreed against these also.

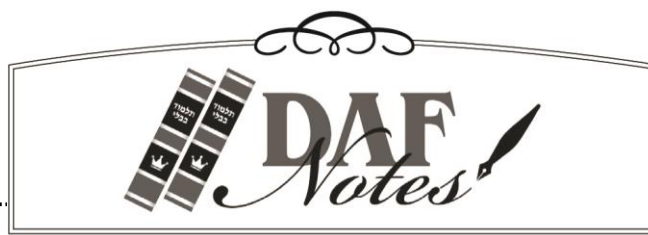
The Gemora asks: But according to Rabbi Shimon ben Yochai who declared that the words: For he will turn away your son from following Me, include all women who would turn [their husbands aside from the worship of God], what is there to say?

The Gemora answers: Perhaps [the explanation is that] the Biblical ordinance is against intercourse through marriage, and they came and decreed even against immoral connection with them.

The Gemora asks: But the decree against such connection had already been made by the Court of Shem, for it is written: And Yehudah said, Bring her forth and let her be burnt!

The Gemora answers: Perhaps, then, [the explanation is that] the Biblical ordinance refers to an Israelite woman in intercourse with an idol worshipper since she would be drawn after him, but not against an Israelite having intercourse with an idolatress, and they came and decreed even against the latter.

The Gemora asks: But [the prohibition against] an Israelite having intercourse with an idolatress is an Oral law transmitted to Moshe at Sinai, for a Master has said: If [an



Israelite] has intercourse with an idolatress, zealots may kill him!

The Gemora answers: The Biblical ordinance refers to a public act even as the incident that had happened; but they came and decreed even against a private act.

But the Court of the Hasmoneans had already decreed also against a private act; for when Rav Dimi came [from Eretz Yisroel] he declared: The Court of the Hasmoneans decreed that an Israelite who had intercourse with an idolatress is liable on four counts, viz., she is regarded as niddah, a slave, a non-Jewess, and a married woman; and when Ravin came [from Eretz Yisroel] he declared: On the following four counts, viz., she is regarded as niddah, a slave, a non-Jewess, and a harlot!

The Gemora answers: The decree of the Court of the Hasmoneans was against intercourse but not against seclusion [with an idolatress]; so they came and decreed even against this.

The Gemora asks: But the Court of David had already decreed against seclusion, for Rav Yehudah said: At that time they made a decree against seclusion!

The Gemora answers: It may be replied [that the decree of the Court of David] there referred to seclusion with an Israelite and not an idolatress, and they came and decreed even against secluding with an idolatress.

The Gemora asks: But [the prohibition against] secluding with an Israelite woman is a Biblical ordinance; for Rabbi Yochanan said in the name of Rabbi Shimon ben Yehotzedek: From where is there an indication in the Torah against such seclusion? As it is said: If your brother, the son of your mother... entices you — can, then, the son of the mother, and not the son of the father, entice! But the intention is, a son may seclude himself with his mother,

and nobody else may seclude themselves with any woman whom the Torah disallows him in marriage!

The Gemora answers: [The correct explanation is that] the Biblical ordinance against such seclusion refers to an [Israelite] married woman; David came and extended the law to seclusion with an unmarried woman; and the disciples of the Schools of Shammai and Hillel came and extended it still further to seclusion with an idolatress.

What is the meaning of the phrase used above: 'and against this other matter on account of still another matter'? — Rav Nachman bar Yitzchak said: They decreed in connection with an idolater boy that it should cause defilement as if he was in a state of being a zav so that a Jewish boy should not become accustomed with him for the purpose of sodomy. For Rabbi Zeira said: I experienced great pain with Rav Assi, and Rav Assi with Rabbi Yochanan, and Rabbi Yochanan with Rabbi Yannai, and Rabbi Yannai with Rabbi Nassan ben Amram, and Rabbi Nassan ben Amram with Rebbe over this question: From what age does an idolater boy cause defilement as if he was in a state of being a zav? — He replied to me: From a day old; but when I came to Rabbi Chiyya, he told me: From the age of nine years and one day. When I then came and discussed the matter with Rebbe, he said to me: Abandon my reply and adopt that of Rabbi Chiya who declared: From what age does an idolater boy cause defilement as if he was in a state of being a zav? From the age of nine years and one day, for it is then that he is capable of cohabitation, and therefore he causes defilement as if he was in a state of being a zav.