

From the Rabbi's Desk  
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## **Mishnah with a Twist** **[9]**

### **And Such is the Halakha; But ...**

Insights into Mishnah Avodah Zarah Chapter 1: 1 & 2 (and Rabbi Ovadiah ben Abraham of Bartenura there).



**Background to Our Story** (What you need to know to better understand the story)

**Introduction to Avodah Zarah (Idolatry)**

 Sefaria

"Avodah Zarah" is the Hebrew word for idolatry. It literally means "foreign worship". Tractate Avodah Zarah discusses the prohibition of Jews using objects that non-Jews may have used while worshipping idols. The central idea is that once an object has been used in idol worship the object is forbidden to be used by Jews. There are many passages in the Torah which strictly forbid Jews from worshipping idols and enjoin them to destroy any of the objects used in idol worship (see for instance Exodus 23:24, 32-33; 34:12-16; Deuteronomy 7:1-5, 25-26; 12:1-3). The Rabbis went further in these prohibitions and created an entire system of law meant to keep Jews away from non-Jews and their idolatrous practices. Throughout Jewish history these laws aided in preserving the distinct identity of the Jewish people. However, they also were a primary cause in anti-Semitism, with non-Jews frequently scorning Jews for their separatist practices.

Rabbi Menahem Meiri, a Talmudic commentator who lived in Provence in the 14th century recognized that Christianity and Islam were not the same as the pagan religions that existed in the time of the Mishnah and the Talmud. Christianity and Islam are both monotheistic religions with systems of law and many shared values with Judaism. He therefore stated that most of the laws regarding non-Jews do not apply to the members of these religions. Other Rabbis disagreed with Rabbi Menahem Meiri. Even the Meiri often insisted that the Jews had to continue to distance themselves from non-Jews, based on Talmudic law.

Whether or not we agree with Rabbi Menahem Meiri or with his detractors, while learning this tractate I think we should keep in mind the vast differences between the circumstances in which we live and in which the rabbis lived. The Rabbis were surrounded by a hostile culture from which they wanted to keep as great of a distance as possible. Often times they were creating a "straw" non-Jew, one whose behavior does not reflect how non-Jews actually acted.

This is often a strategy adopted by a group that wishes to differentiate itself from other groups.

In today's world our surrounding culture is thankfully much more respectful of Jewish differences. We do, and should, celebrate and learn from our contacts with people from all cultures, and certainly, I believe we should be respectful of the customs, practices and beliefs that differentiate Jews from non-Jews. However, we should also keep in mind that the ultimate goal of the Rabbis was to preserve Jewish identity and religion. The problem of how we accomplish this today when most of these laws are no longer observed and contact between Jews and non-Jews is great, is probably the greatest problem that modern Jews face.

## Relationship with Christianity

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Rabbi Avrohom Yeshaya Karelitz and David Berger hold that the tractate does include Christianity as a form of idolatry:

Even medieval Jews understood very well that Christianity is *avodah zarah* of a special type. The tosafists assert that although a Christian pronouncing the name of Jesus in an oath would be taking the name of "another god," it is nonetheless the case that when Christians say the word "God," they have in mind the Creator of heaven and earth. Some later authorities took the continuation of that *Tosafot* to mean that this special type of *avodah zarah* is forbidden to Jews but permissible to gentiles, so that a non-Jew who engages in Christian worship commits no sin.

An Aggadic legend from tractate *Avodah Zarah* 8a contains contemporary observations regarding the Roman mid-winter holidays Saturnalia and Calenda and, a talmudic hypothesis about the pre-historic origin of the winter solstice festival, that would later become the day of Sol Invictus and Christmas.

In the Middle Ages, the entire tractate was expunged from many European editions by Christian censors, and it was considerably difficult to obtain a copy.

### Rabbi Ovadiah ben Abraham of Bartenura

R' Ovadiah ben Abraham of Bartenura (c. 1445-c.1515) wrote a commentary of the Mishnah that has been printed in almost every edition of the Mishnah since it was first published in Venice in 1548. The commentary, popularly called "The Bartenura" is mainly based on discussions in the Gemara and the Rambam's Mishnah commentary. The Bartenura is particularly valuable to Mishnah learners due to the inclusion of a summary of the Talmudic discussions along with the accepted opinions.

### The Text: Mishnah Avodah Zarah Chapter 1: 1 & 2

לְפָנַי אֵיִדִּיָּהוּ שֶׁל גּוֹיִם שְׁלֹשָׁה יָמִים אֲסוּר לְשֹׂאת וּלְתַת עִמָּהֶן, לְהִשְׁאִילָן וּלְשֹׂאֵל מֵהֶן, לְהִלְוֹתָן וּלְלוֹת מֵהֶן, לְפָרְעוֹן וּלְפָרַע מֵהֶן. רַבִּי יְהוּדָה אוֹמֵר, נִפְרָעִין מֵהֶן מִפְּנֵי שֶׁהוּא מֵצֵר לוֹ. אָמְרוּ לוֹ, אַף עַל פִּי שֶׁמֵּצֵר הוּא עֲבָשִׁיו, שֶׁמַּח הוּא לְאַחַר זְמַן:

On the three days before the festivals of gentiles the following actions are prohibited, as they would bring joy to the gentile, who would subsequently give thanks to his object of idol worship on his festival: It is prohibited to engage in business with them; to lend items to them or to borrow items from them; to lend money to them or to borrow money from them; and to repay debts owed to them or to collect repayment of debts from them. Rabbi Yehuda says: One may collect repayment of debts from

them because this causes the gentile distress. The Rabbis said to Rabbi Yehuda: Even though he is distressed now, when he repays the money, he is happy afterward that he is relieved of the debt, and therefore there is concern that he will give thanks to his object of idol worship on his festival.

רַבִּי יִשְׁמַעֵאל אוֹמֵר, שְׁלֹשָׁה יָמִים לְפָנֵיהֶם וּשְׁלֹשָׁה יָמִים לְאַחֲרֵיהֶם, אָסוּר. וְחֻכְמַיִם אוֹמְרִים, לְפָנֵי אִידִיָּהוֹן אָסוּר, לְאַחֲרֵי אִידִיָּהוֹן מִתָּר:

Rabbi Yishmael says: On the three days before the festivals of gentiles and on the three days after them, it is prohibited to engage in business with those gentiles. And the Rabbis say: It is prohibited to engage in business with them before their festivals, but it is permitted to engage in business with them after their festivals.

### **Commentary by Rabbi Ovadiah ben Abraham of Bartenura (Selection)**

#### **Mishnah 1**

**לשאת ולתת – to sell and to purchase.** Because they go and praise idolatry on the day of their holidays.

**לפרוען – or to collect repayment** - when they are collected, they go and give praise to idolatry on the day of their holidays.

**מיצר – מפני שהוא מיצר** - One may collect repayment of debts from them **because this causes the gentile distress** - on his money which they do not restore to him, and he does not go and give praise [to idolatry].

**זמן – שמח הוא לאחר זמן** - **he is happy afterward** - on the morrow [after] his holiday, he goes and gives praise [to idolatry]. But the Halakha is not according to Rabbi Yehuda, and specifically a loan [written in a] document is prohibited to collect from them, but an oral loan is permissible, because he is like saves it from their hands.

#### **Mishnah 2**

**לאחר אידיהן מותר – but it is permitted** to engage in business with them **after their festivals.**

And such is the Halakha. But in the Diaspora, where we are unable to prevent ourselves from engaging in business with them, since the principal part of our sustenance is from them, and furthermore, because of fear, it is not prohibited [to do business with them] other than only on the day of their holy days alone. But nowadays, there is the general practice of permission [to engage in business interaction with them] even on the actual day of their festivals, because the Rabbis established regarding them that they do not go and praise [their deities]. [Because

those things that are forbidden in this Tractate speaks about idolatrous worship and actual idolatry].



### Explaining the Story

What is the sequence of events in the story?

### Comprehension and Analysis Questions

**?** Why is it forbidden to engage in business with idol worshipers around the time of their festivals?

**Bonus ?** How can you describe the inner tension in the first mishnayot of tractate Avodah Zarah?

**Bonus ?** What are the three reasons Rabbi Ovadiah ben Abraham of Bartenura gives for doing business with the gentiles before, after, and even on the same day of their holy days?

Answer 1 \_\_\_\_\_

Answer 2 \_\_\_\_\_

Answer 3 \_\_\_\_\_

Answer 4 \_\_\_\_\_

**Bonus ?** Why does Rabbi Ovadiah ben Abraham of Bartenura maintains “And such is the Halakha” - in other words, the law didn’t change – if for all practical purposes did change?

**Bonus ?** If the law didn’t change, even according to Rabbi Ovadiah ben Abraham of Bartenura, what did actually change to allow for a more relaxed practice than the one presented by the Mishnah?

Answer 1 \_\_\_\_\_

Answer 2 \_\_\_\_\_

Answer 3 \_\_\_\_\_

Answer 4 \_\_\_\_\_

**Bonus ?** How is Rabbi Ovadiah ben Abraham of Bartenura able to present his more relaxed interpretation of the Mishnah and be accepted by his community and beyond?

### “The Twist” – Or the Lessons We Can Learn from This Text.



“Legal acrobatics.” – or, when you have to do what you have to do!



Our text exposes the tensions between a sacred text from the 2<sup>nd</sup> century and the reality from the 15<sup>th</sup> century. Rabbi Ovadiah ben Abraham of Bartenura is very familiar with the clear-cut law of the Mishnah, which forbids Jews to have any interaction with gentiles around their holy days. He also understands that the reality of the people he is legislating for in Europe is very different from the one in the Land of Israel 1300 years earlier. The Christians and the Muslims are not the Romans, idol worship is not what it used to be, the Temple in Jerusalem is a memory of a memory, and everyone is trying hard to make a living.

In Rabbi Ovadiah ben Abraham of Bartenura's commentary to Mishnah Avodah Zarah, we see him at his best, displaying legal acrobatics, sticking to the law in theory, while changing it on the ground, to reflect the needs of his struggling community.