YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Talmudic Aggadot**

**By Rav Dr. Yonatan Feintuch**

**Shiur #24: Amon and Moav and the Story of the Roman Officers**

**Part I**

1. **Introduction**

**The view of Amon and Moav taken by the *Bavli* in *Bava Kama***

On Shavuot, it is customary to read *Megillat Rut.* There are many *midrashim* on the *megilla*, scattered in various different rabbinic sources. These offer a range of attitudes toward Rut’s Moabite origins. For instance, in a *midrash* that appears in the *Bavli* (*Bava Kama* 38a), the following is taught by Ulla:[[1]](#footnote-1)

“… ‘And God said to me, Do not harass Moav, nor contend with them in battle…’ (*Devarim* 2) – Why would it even have occurred to Moshe to wage war without [Divine] permission? Moshe made the following logical deduction: Concerning the Midianites, who came only to lend aid to Moav, the Torah commanded, ‘… and smite them’ (*Bamidbar* 25). Surely, then, this applies to an even greater degree with regard to the Moabites themselves! But the Holy One, blessed be He, told him: The way you see it is not the way I see it. I will still bring forth two pearls from them – Rut, the Moabite, and Na’ama, the Amonite….”

The point of departure for the *midrash* is the apparent difficulty arising from the verse in which God commands Moshe not to wage war against Moav. Surely no-one would imagine Moshe initiating such a war of his own volition, without first being commanded by God. The midrash solves this puzzle by suggesting that the decision to wage war against Moav might seem entirely logical and even obligatory. Moshe had already been commanded to strike the Midianites, who had merely aided the Moabites in their efforts to cause harm to Bnei Yisrael (the episode of Balak and Bil’am). Thus, it would make sense that the Moabites, who had been the primary offenders, should certainly be attacked. God therefore intervenes to make it clear that even if this logic is sound, there are other considerations that dictate refraining from war. Within Moav, unlike Midian, there is a certain potential for goodness. That potential, the midrash explains, will be realized in the future by Rut, who will join the Jewish People and play an important role. Likewise in the case of Amon, the future birth of Na'ama projects on the whole nation.

Further on in the *sugya* there is another teaching about Moav and Amon:

“R. Chiyya bar Abba said in the name of R. Yochanan: The Holy One, blessed be He, does not withhold from any creature its due reward – even for nothing more than a worthy choice of expression. For concerning the [descendants of Lot’s] elder daughter, who named her son ‘Moav’ [literally, ‘from father’, dishonoring Lot by alluding to the incestuous circumstances of the child’s birth – *Bereishit* 19], the Holy One, blessed be He, told Moshe: ‘…nor contend with them in battle…’ (*Devarim* 2) – implying that while waging war was forbidden, requisitioning from them was permitted. But concerning the [descendants of Lot’s] younger [daughter], who named her son ‘Ben-Ami’ [literally, ‘son of my people’, with no explicit allusion to Lot’s dishonor], the Holy One blessed be He told Moshe, ‘harass them not’ – [meaning,] in any way; [implying] that even requisitioning from them was not permitted.

R. Chiyya bar Abba also said in the name of R. Yehoshua ben Korcha: A person should always try to be first to perform a mitzvah. For on account of the one night that the elder [daughter of Lot] preceded the younger [in her well-intentioned attempt at procreation, believing that her father was the only man left alive], she preceded her by having four generations as part of the Jewish People….”

The two parts of the midrash reflect differing views on which nation is more worthy: Moav or Amon. The answer depends on how one regards the actions of the daughters of Lot, the matriarchs of these nations. The first opinion (cited by R. Chiyya bar Abba, in the name of R. Yochanan) awards greater weight to the euphemistic language adopted by Lot’s younger daughter in naming her son. While the elder sister chose a name that is more explicit in disclosing the identity of her own father as the father of her child, the younger sister chooses the name Ben-Ami, which is more modest concerning the child’s problematic parentage. Therefore, to this view, Amon is more worthy. The second opinion (also cited by R. Chiyya bar Abba, in the name of R. Yehoshua ben Korcha) praises the promptness of the elder daughter in doing what (to her mistaken view) needed to be done. This righteous deed finds expression in the fact that the future proselyte from Moav (Rut) joins the Jewish People four generations before the parallel descendant from Amon (Na’ama, wife of King Shlomo and mother of Rehavam).

**The view of the Sifri on *Devarim* concerning Amon and Moav**

The positive attitude of the above midrash is not common to all the rabbinic sources. There are different and even opposite views. Many of the midrashim about Lot’s daughters and their offspring present them in a negative light, in contrast to the teachings of R. Chiyya bar Abba. In the Sifri on *Devarim*, *parsahat* *Ve-zot* *Ha-berakha* (*piska* 343) we find another *midrash* that is connected to *Shavuot*: the well-known midrash that describes God going about to all the nations to offer them the Torah. Each of them (except for Bnei Yisrael) rejects the Torah, for different reasons. This midrash offers a different perspective on the story of Lot’s daughters:[[2]](#footnote-2)

“[God] went to the children of Amon and Moav. He said to them, ‘Will you accept the Torah?’ They said to Him, ‘What is written in it?’ He said, ‘You shall not commit adultery.’ They replied, ‘We are of the very essence of sexual immorality, as it is written, ‘Thus Lot’s two daughters were pregnant by their father…’.”

The first midrashim we cited, from the Bavli, offer a more complex or forgiving picture than that arising from the Sifri on *Devarim*, with its origin in Eretz Yisrael. If we take a broader look at the sugya in the Bavli, we find that the attitude toward Amon and Moav is not limited to the midrashim alone, but embodies a more general attitude of the *sugyot* as a whole. We shall examine the *sugyot* in question (*Bava Kama* 38a-b) and compare them with their parallels in the Yerushalmi in order to define more clearly their respective tendencies.

It is important to emphasize that the differences of opinion and attitudes arising from the *sugyot* discussed here are not necessarily representative of the Bavli, the Yerushalmi, or the Sifri. Generalized statements concerning the attitude of each of these sources with regard to Moav and Amon need to be based on a comprehensive review of *all* the references to these two nations in particular, and to non-Jews in general. As a rule, the more sources we take into account, the more complex the picture becomes. In addition, we emphasize that our comments here and further on do not represent any sort of judgment of the different attitudes arising from the different *sugyot* and sources. Rather, our intention is to present them simply as they are.

1. **An ox belonging to a non-Jew – discussion in the Bavli**

The *sugya* in the Bavli that contains the midrashim about Amon and Moav proceeds from a law in the Mishna concerning the ox of a non-Jew that gores the ox of a Jew, and vice versa. The first stage of our discussion will focus on the story of the Roman officers, which appears at the beginning of the *sugya,* and which has parallels in the Sifri *Devarim* and in the Yerushalmi. We will try to identify the general idea arising from the *sugya*, whose point of departure is the proper attitude toward property belonging to non-Jews. We will then develop a broader discussion of the attitude toward non-Jews themselves.

In the Mishna *Bava Kama* 4:3, among the laws pertaining to damages caused by an ox that gores, we find the following:[[3]](#footnote-3)

“If the ox of a Jew gores the ox of a non-Jew – [the owner] is exempt [from paying damages]. If he ox of a non-Jew gores the ox of a Jew, whether [the ox that gored] was tame or known to be dangerous – [the owner] pays full damages.”

Although both laws set down here are distinct from the basic law of a tame ox that gores, where the owner pays half of the damage (i.e., half the value of the ox that was gored), they are not symmetrical. When even a tame ox belongs to a non-Jew, its owner must pay full damages; when an ox belonging to a Jew gores the ox of a non-Jew, the owner is exempt from paying damages. The discrepancy in the law when it comes to the ox of a non-Jew is derived already in the Mekhilta de-Rabbi Yishmael (*massekhta de-nezikin* 12) from the word ‘*re’ehu*’ (“his neighbor” – Ex. 21:35) –

“’His neighbor’ – thus excluding [a case where his ox gores] the ox of a non-Jew, a Cuthite, or a resident foreigner.”

A more detailed teaching in this regard is to be found in the other midrash halakha on *Sefer Shemot*- the Mekhilta deRabbi Shimon bar Yochai (21:35):

“Might we then pay half damages in the case of a tame ox, and full damages in the case of an ox known to be dangerous? [Addressing this possibility,] the text speaks of the ox of ‘his neighbor’: If the ox belongs to a Jew, the law follows this rule; if it belongs to others, it does not follow this rule. Concerning the latter the verse says, ‘He shone forth from Mount Paran’ (*Devarim* 33:2) – He showed His face against everyone in the world.”

From the word “*re’ehu*” in the verse, the midrashim deduce that when it comes to a non-Jew, who is not included in the category of “his neighbor,” the rules of ox goring are different. However, the deduction from “the ox of his neighbor,” which excludes any instance involving the ox of a non-Jew from the regular laws pertaining to damages caused by a goring ox, fails to explain the lack of symmetry between the first and second parts of the Mishna. As the Gemara immediately points out (Bavli, Bava Kama 38a):

“But logically the distinction should either be made in full or not at all: if we insist on the implications of ‘his neighbor’ [in the case that the ox of a Jew gores the ox of a non-Jew], then should there not also be an exception in the case of the ox of the non-Jew goring the ox of the Jew? And if the implications of ‘his neighbor’ are not upheld, then surely in [the case of the ox of a Jew] goring the ox of a non-Jew there should be [the same level of] liability!”

In other words, if the midrash halakha excludes instances where the ox of a non-Jew gores or is gored from the usual laws of damages, then the exclusion should work both ways: either the non-Jewish owner should be exempt if his ox gores an ox belonging to a Jew, or otherwise a Jewish owner should bear full liability if his ox gores the ox of a non-Jew. The response that the Gemara offers to this question is not on the level of the midrash halakha. Instead, the Gemara launches into an aggadic discussion that addresses the status of non-Jews and their property on the theological-moral level.[[4]](#footnote-4) It is this aggadic unit that we wish to address, but first we will review its parallel in the Yerushalmi.

1. **The ox of a non-Jew – the Yerushalmi and the Sifri**

**Yerushalmi**

The Yerushalmi (4b; chapter 4, halakha 4) features a short *sugya* on the above Mishna:

“Rav said: ‘He beholds and causes the nations to tremble (*vayater goyim*)’ (*Chavakuk* 3) – He made permissible (*hetir*) the property of the nations. Chizkiya said: ‘He shone forth from the Mountain of Paran’ - and showed His face against the nations of the world. R. Yosi ben Chanina said: ‘He stripped them of their wealth.’ R. Abahu said in the name of R. Yochanan: ‘[He judges them] in accordance with their own laws.’”

Rabbi said: ‘It was not in that regard (i.e., the matter of the ox of the non-Jew goring the ox of the Jew) that R. Yochanan’s statement was made, but rather in this regard (the ox of a non-Jew that gores the ox of another non-Jew. It was concerning this instance that R. Abahu taught in the name of R. Yochanan that the non-Jews are judged in accordance with their own laws – which recognize no obligation to pay half damages in the case of an ox that is tame- and not in accordance with the laws pertaining to Israel.) For R. Chiyya taught: In the case of the ox of a non-Jew that gores the ox of another non-Jew, even if he accepted upon himself to be judged in accordance with the laws of Israel, whether the ox is tame or known to be dangerous he pays full damages. It was in this regard that R. Abahu cited the teaching of R. Yochanan: ‘In accordance with their own laws.’

It once happened that the Roman authorities sent two officers to study Torah from Rabban Gamliel. They learned from him Torah, Mishna, Talmud, halakha and *aggadot*. Eventually, they told him: ‘Your entire Torah is fine and praiseworthy, except for these two things that you teach: that a Jewish woman should not attend a gentile woman as a midwife, but a gentile woman may attend a Jewish woman; and a Jewish woman should not nurse the son of a gentile woman, but a gentile woman may nurse for a Jewish woman with her permission; property stolen from a Jew may not be used, while that stolen from a non-Jew may be used.’

At that time Rabban Gamliel decreed that property stolen from a non-Jew was prohibited for use, owing to the desecration of God’s Name.

‘If an ox belonging to a Jew gores the ox of a gentile, he is exempt’ – concerning this matter we will not notify the authorities.

And even if they did, by the time they reached the ascent of Tyre they would forget everything.”

This sugya consists of two parts:

1. A series of aggadic teachings that serve as the source for the different status of property belonging to a non-Jew
2. The story of the “officers” and Rabban Gamliel

The two teachings comprising the first part of the *sugya* share the same message. These teachings do not seek to deny the different status of the non-Jew in monetary matters, but rather to justify it: the property of non-Jews is “permitted” by God, or, as R. Yosi ben Chanina formulates his exegetical addendum to one or both teachings, God “strips them of their wealth.”[[5]](#footnote-5) These teachings serve, in the context of the *sugya*, as religious justification for the law in the Mishna, which attributes this law to a Divine decree[[6]](#footnote-6) (with no explanation – at least not in the teachings here).[[7]](#footnote-7)

**The story of the officers in the Sifri**

The second part of the *sugya* recounts the dispatch of the representatives of the Roman authorities to the *beit midrash* of Rabban Gamliel in order to examine at closer quarters the Torah studied by the Jews. The story also appears, in slightly different form, in a Tannaitic source – the Sifri on *Devarim* (*piska* 344):

“A different interpretation: ‘Although He loves [all] peoples’ (*Devarim* 33) – indicating that the Holy One, blessed be He, did not extend His love to the nations of the world in the way that He did toward Israel.

Know that this is so, for it is taught: ‘The stolen property of a non-Jew is permissible, while that of a Jew is forbidden.’

And the authorities sent two officers and told them, ‘Go and make yourselves Jews, and see what the nature of their Torah is.’ They went to Rabban Gamliel in Usha, and learned Chumash, and studied Mishna, midrash, *halakhot* and *aggadot*. When they were leaving they said to him: ‘The entire Torah is fine and praiseworthy, except for this one matter – that you maintain that the stolen property of a non-Jew is permissible, while that of a Jew is forbidden. But we shall not inform the authorities of this matter.’”

The midrash in the Sifri is one of three teachings on the verse, ‘Although He loves [all] peoples…’ (*Devarim* 33:3). The common message of the three teachings is God’s special love for the Jewish People, over all other nations. These teachings, in their broader context, belong to a series of teachings on the first verses of *parashat Vezot Haberakha* (343-345 in the Sifri). A large portion of them deal with the uniqueness of Israel, as expressed in their acceptance of the Torah and their exclusive ownership of it.[[8]](#footnote-8) One of the expressions of God’s love for Israel, in contrast to His negative attitude toward the other nations, is the story of the Roman officers, which addresses the difference between Israel and the gentiles in the realm of the laws of theft. The idea of Israel’s exclusive ownership of the Torah, which, as noted, is strongly present in the surrounding teachings, may shed light on a particular detail of the story that appears only in the version in the Sifri: the instruction that the representatives receive to “make themselves” Jews, meaning to disguise themselves as Jews (or actually to convert?). Since the general trend in the surrounding teachings is negative toward the idea of the other nations studying Torah, it is difficult to accept the idea of Romans being welcomed, in their usual appearance, to study in Rabban Gamliel’s *beit midrash*. When the story is brought in other contexts, the disguise is of less significance.

In the Yerushalmi, the story is slightly different. The instruction to the officers to disguise themselves is absent. Additionally, aside from the law concerning property stolen from a non-Jew, which appears also in the Sifri, there are also additional laws in the Yerushalmi. However, these discrepancies have no significant impact on the general message of the story.

**The general perspective of the Yerushalmi and the Sifri**

The story of the Roman officers speaks to the “international” ramifications of the lack of symmetry of the law with regard to Jews and non-Jews. The appearance of the story in both sources – the Sifri and the Yerushalmi – within a midrashic context that adopts a mostly negative attitude toward non-Jews, is surprising at first; the story sheds light on the perspective of the non-Jews themselves, who are disturbed by this asymmetry and view it as one of the only areas in which the Jewish Torah is not “fine and praiseworthy.” However, upon further consideration, it must be remembered that the arguments of the non-Jews remain, in essence, unresolved – both on the theoretical level and on the practical level (except for the matter of stolen property). Admittedly, the story in the Yerushalmi does add Rabban Gamliel’s decree concerning property stolen from a non-Jew. His decree, however, is described there as founded on the possibility of *chilul Hashem* – in other words, concern for the ramifications of the non-Jewish perspective; his decree does not question the actual morality of the law.

A general view of the Sifri and the Yerushalmi, therefore, reveals a collection of teachings that justify the discrepancy in the law between Jew and non-Jew and present it as a Divine decree; in most of the teachings it does not even require any explanation or further reason.[[9]](#footnote-9) The story does offer a certain amount of room for the non-Jews to speak out, but their argument is ultimately not accepted. Moreover, in the Yerushalmi the story concludes with the words, “And even if they did, by the time they reached the ascent of Tyre they would forget everything.” In other words, even though the officers had promised that they would not report to the authorities the asymmetry that they had discovered in the various laws, they would forget it all in any case by the time they reached the ascent of Tyre.[[10]](#footnote-10) This addition conveys criticism of these officers. Their declaration that they would not make the problematic laws known to the authorities is not accepted in good faith and confidence, and on their way home they would forget the laws – seemingly, through the intervention of Divine Providence. This conclusion is an addendum to the original story, as is clear both from a comparison with the Sifri and from the Aramaic formulation of the sentence, in contrast to the Hebrew narration of the rest of the story. The addition, which exists only in the Yerushalmi, contributes to the integration of the story within the generally negative view of non-Jews of the *sugya* as a whole.

In the next *shiur*, we will examine the *sugya* as it appears in the *Bavli*.

Translated by Kaeren Fish

1. The broader context of the *midrash* within the *sugya* will be addressed in the next *shiur*. [↑](#footnote-ref-1)
2. See also the deliberation concerning Moav arising from the discussion in *Bereishit Rabba* 51:36 (Theodor-Albeck edition, pp. 537-541) and Sifri *Devarim* 343 (Finkelstein edition p. 396). [↑](#footnote-ref-2)
3. The Mishna is brought here in accordance with the manuscripts (“ox of a non-Jew [*nokhri*]”, rather than the formulation in the printed editions of the Mishna and Talmud (“ox of a Canaanite [*kena’ani*],” apparently changed for fear of censorship.) The same distinction (manuscripts vs. printed editions) is carried over into the Talmudic discussion of the Mishna. [↑](#footnote-ref-3)
4. Rabbi Dr. Yehuda Brandes commented on this sharp transition in an address that he delivered as part of a conference on Rabbinic Thought held at Beit Morasha in 5764. My thanks to him for aiding my understanding of this sugya. [↑](#footnote-ref-4)
5. Chizkiya’s teaching, “He showed His face against the nations of the world” is a more general and opaque statement, but considering its context in the *sugya*, and the words of R. Yossi ben Chanina following immediately afterward, it would appear that it is meant in the sense of Rav’s teaching. [↑](#footnote-ref-5)
6. A different explanation, which does not claim that the discrimination is theologically justified but rather tries to explain the law in the Mishna practically, is offered by the Rambam in his Laws of Monetary Damages 8:5. [↑](#footnote-ref-6)
7. Only R. Yochanan’s position blurs this argument slightly, by offering a perhaps more neutral interpretation of the law in the Mishna: “In accordance with their own laws.” In other words, he attributes the law concerning non-Jews in the Mishna to their own legal system (see Tosefta Bava Kama 4:2). However, immediately afterward we find the opinion of Rabbi, who explains that R. Yochanan’s words are actually meant in connection with something else. The general impression arising from this part of the sugya, then, is that there is indeed discrimination regarding the property of non-Jews. [↑](#footnote-ref-7)
8. See, for example, Sifri *Devarim* 343: “A different interpretation: ‘And he said, The Lord came from Sinai…’ – Likewise He went to each and every nation, asking them if they accepted the Torah, as it is written… Perhaps they listened and accepted it? [They did not,] as proved by the text… Not only did they not listen, but they were unable to observe even the seven laws that the descendants of Noach accepted upon themselves… Upon seeing this, the Holy One, blessed be He, gave [the commandments] to Israel.”

This parallels the discussion that appears at the beginning of the *sugya* in the Bavli, but the Bavli arrives at a more moderate conclusion concerning the seven Noahide laws. In *piska* 345 the Sifri teaches:

“A different interpretation [for the words, ‘the inheritance of the congregation of Yaakov’]: Do not read ‘*morasha’* (inheritance), but rather ‘*me’orasa*’ (betrothed). This teaches that the Torah is ‘betrothed’ to Israel, and [to be regarded as] a married woman in the eyes of the nations of the world.”

 [↑](#footnote-ref-8)
9. The preceding unit in the Sifri (343), which interprets the verse “The Lord came from Sinai…”, does include the midrash about the refusal of the nations to accept the Torah and its commandments. However, in the teachings in *piska* 344, in which our story appears, the verse ‘Although He loves [all] peoples…’ is understood as a special love that God has towards Israel, in comparison with the other nations, with no explanation offered for this love. [↑](#footnote-ref-9)
10. The narrator does not make it clear whether they would forget only the “problematic” laws, or all the laws that they had studied. If the second option is correct, then the story in the Yerushalmi in fact goes even further in its anti-gentile view, denying the non-Jews any knowledge of the Torah. This sits well with the teachings in the Sifri mentioned above. [↑](#footnote-ref-10)