

See discussions, stats, and author profiles for this publication at: <https://www.researchgate.net/publication/256053523>

Talmudic Humor and the Establishment of Legal Principles: Strange Questions, Impossible Scenarios, and Legalistic Brainteasers

Article · March 2004

CITATIONS

4

READS

846

1 author:



[Hershey H. Friedman](#)

City University of New York - Brooklyn College

467 PUBLICATIONS 3,343 CITATIONS

[SEE PROFILE](#)

Some of the authors of this publication are also working on these related projects:



Leadership Principles for all Time: Lessons from Biblical Leaders [View project](#)



Business Ethics [View project](#)

**Talmudic Humor and the Establishment of Legal Principles:
Strange Questions, Impossible Scenarios,
and Legalistic Brainteasers**

by

Hershey H. Friedman, Ph.D.

Professor of Business

Brooklyn College of the City University of New York

E-mail: x.friedman@att.net

*Originally published in *Thalia: Studies in Literary Humor*, Vol. 21, 2004, 14-28.

Abstract

Humorous cases, improbable scenarios, and brainteasers are excellent pedagogic tools for those studying law and even for other disciplines. They make the lectures more interesting and help clarify matters; they make it possible to determine what should be done in more routine cases. Talmudic scenarios and questions are as interesting today as they were almost 2,000 years ago and have ensured that the Talmud will continue to be used as a source to help solve new questions that arise as society becomes more and more complicated.

Keywords: Talmud, humor, pedagogy, legal principles, and law.

**Talmudic Humor and the Establishment of Legal Principles:
Strange Questions, Impossible Scenarios,
and Legalistic Brainteasers**

The Jewish written law is contained in the Pentateuch (the Five Books of Moses, *i.e.*, the Torah). The Talmud, which is the compilation of ancient Jewish oral law, explains, expounds, and elaborates on the Hebrew Bible and consists of the *Mishna* and *Gemara*. The *Mishna*, originally an old oral tradition, was compiled and redacted by Rabbi Yehuda HaNasi, known as Rebbi, about the year 189 C.E. The canon of the *Gemara*, which consists mainly of commentaries and discussions on the *Mishna*, was put into written form about 1500 years ago. The Talmud is mainly concerned with *halacha* (Jewish law) but also provides a detailed record of the beliefs of the Jewish people, their philosophy, traditions, culture, and folklore, *i.e.*, the *aggadah* (homiletics). It is replete with legal, ethical, and moral questions. The Midrash, a separate scripture, records the views of the Talmudic sages and is mainly devoted to the exposition of Biblical verses.

Academies in both Israel and Babylon independently studied the *Mishna*. Thus, there are two versions of the Talmud: the Jerusalem Talmud, a product of the academies in Israel, and the Babylonian Talmud, a product of the academies in Babylon. The Babylonian Talmud is considerably larger than the Jerusalem Talmud, and is more authoritative. The *Mishna* consists of 63 tractates dealing with such matters as the Sabbath (*Shabbos*), Passover (*Pesachim*), festival offerings (*Chagigah*), idolatry (*Avodah Zarah*), marriage (*Kiddushin*), and divorce (*Gittin*).

The Talmud and Midrash have had a profound impact on the Jewish people, even in the area of humor. Friedman discusses the reason that Jewish humor and Chassidic tales are quite unique in how God is depicted.¹ Many Talmudic and Midrashic stories involve God and he is often “bested” by mortals. Satan is also seen in a very different light in Jewish literature because of how he is depicted in the Talmud.² In fact, Satan in rabbinic literature is the ultimate trickster, not an antagonist to God.

Since the major purpose of the Talmud was to elaborate on the written laws of the Bible, there are a great number of legal disputes recorded in the Talmud, and sage is pitted against sage in attempting to demonstrate that the law agrees with his view. These disputes often take up many pages in the Talmud and it takes many years to master Talmudic logic. Not surprisingly, there is quite a bit of humor that involves Talmudic logic.³ Berger⁴ claims that yeshiva (Jewish school) study which emphasizes Talmud dialectics has produced “not only rabbis and religious scholars but also comedy writers and comedians.” Telushkin believes that parodies of Talmudic reasoning are the basis of numerous Jewish jokes.⁵ Indeed, Spalding, in his work on Jewish humor, devotes an entire section to “Logic and Deduction.”⁶ Novak and Waldoks also dedicate a portion of their classic work on Jewish humor to Talmudic logic.⁷ They note:

If classic Jewish jokes share anything with the Talmud, it is in their process rather than their content. Improbable logic, slightly convoluted arguments, skepticism, and a remarkable desire to equate intelligence with common sense — these are some of the characteristics of the rabbinic mind, as well as of Jewish humor. (51)

Sometimes, Talmudic cases may seem quite farfetched, and even humorous, but they are actually being used to illustrate some fine legal points. There is no question that many of the cases and questions discussed in the Talmud are rather bizarre and quite unusual. There are three major reasons the Talmud considers so many strange cases:

(1) As a pedagogic device. Whether a situation is possible or not is immaterial when the Talmud is trying to establish legal principles. Purely theoretical (at least in their days) cases are discussed because the sages felt that principles derived from these discussions would clarify the law and thus provide a more thorough understanding of it. Discussions of theoretical cases in the Talmud have allowed scholars of today to use the Talmudic logic and principles to solve current legal questions. One example of this is the Talmudic discussion (Babylonian Talmud, Chagigah 15b) of a “tower flying through the air.” Obviously, in Talmudic times the idea of an airplane did not even exist in theory. This case, however, could serve as a device to answer the question as to whether the ritual impurity of certain places only affects those walking directly over them since the ground is the problem; or whether those

flying above these areas are affected because the impurity also hovers over these places.

Or consider the argument in the Talmud regarding an individual who throws a knife into a wall and the flying knife inadvertently slaughters an animal in the legally correct manner (Babylonian Talmud, Chullin 31a). *Shechitah* (ritual method of slaughtering animals to make them kosher) consists of swiftly cutting through the majority of the animal's windpipe and esophagus. It is quite complicated and can be invalidated in several ways including pausing during the *shechitah*, pressing the knife down into the neck of the animal rather than cutting, or using a knife with a nick. The purpose of *shechitah* was to ensure that the animal died in a quick and painless manner. It is therefore quite unlikely that proper *shechitah* can be accomplished by accident. Whether this case is physically possible or not is unimportant to the Talmudic sages. What matters is determining whether or not slaughtering requires intent. Interestingly, this case would be quite possible today with a machine that slaughters animals.

(2) A second reason that the Talmudic sages discussed some rather bizarre and unusual cases might have been to entertain and to make the lectures more interesting and stimulating. One sage, as we shall see, used humorous questions as a way of getting his teacher to laugh. Rabbah⁸, a prominent Talmudic sage, started his lectures with something humorous to get his students to laugh (Babylonian Talmud, Shabbos 30b).

The following passage, which shows that the sages were curious about everything and asked questions about any subject, was included in the Talmud even though it does not appear to explain or enhance any law or legal principle. It may have been included purely to entertain.⁹

Rabbi Zera encountered Rabbi Yehuda standing by the door of his father-in-law's house. He observed that Rabbi Yehuda was in a very cheerful mood and understood that if he asked him the secrets of the universe, he would tell him. Rabbi Zera asked: Why do the goats go first at the head of the flock and then the sheep? Rabbi Yehuda replied: It is in accordance with the creation of the world. First there was darkness and then there was light [the goats are dark colored and the sheep are white]. Rabbi Zera asked: Why do the sheep have [thick] tails which cover them, and the goats do not have tails which cover them? He answered: Those with whose material we cover ourselves [i.e., wool of sheep] are themselves covered, while those with whom we do not cover ourselves are themselves not covered. Rabbi Zera asked: Why does a

camel have a short tail? He answered: Because the camel eats thorns [and a long tail would get entangled in the thorns]. Rabbi Zera asked: Why does an ox have a long tail? He answered: Because it grazes in the marshland and has to chase away the gnats with its tail. Rabbi Zera asked: Why are the antennae of locust soft [i.e., flexible]? He replied: Because it dwells among willows and if the antenna were hard it would be broken off when it bumped against trees and the locust would go blind. For Shmuel said: If one wishes to blind a locust, let him remove its antennae. Rabbi Zera asked: Why is the chicken's lower eyelid bent upwards? He answered: Because it lives on the rafters, and if smoke entered its eyes it would go blind. (Babylonian Talmud, Shabbos 77b)

(3) A third reason for outrageous questions and cases may have been as brainteasers. They sharpened the minds of both the students and teachers and often helped clarify the law. The sages of the Talmud enjoyed parables and riddles so it is not surprising that many of the Talmudic legal questions are similar to riddles, i.e., brainteasers.¹⁰ Many Talmudic questions are so scabrous that they do not have any answers, and the Talmud concludes: *taiku* (the question stands).

As we shall see from the examples that follow, these three reasons are by no means mutually exclusive. A brainteaser presented as an intellectual challenge can at the same time be an entertaining part of the lecture as well as a conduit to the development of abstract principles of law.

Strange Questions: What is the Law if . . .

On the night before Passover, one is obligated to clean out one's home and rid it of all leavened products such as bread. In the following passage, Rava's original question is not so improbable but it leads to a string of questions, one less probable than the other. These questions are not only legalistic brainteasers but also help establish legal principles. Unfortunately, the questions are so abstruse that they cannot be answered.

Rava asked: What is the law if a mouse enters a house [that has already been cleared of all leavened products] with a piece of bread in its mouth and [subsequently] a mouse leaves with a piece of bread in its mouth?

Do we say that the same mouse that entered left, or perhaps it is a different mouse?

This question is important because if we assume the same mouse goes in the house and out again carrying the bread in its mouth, the house is still ready for Passover; if it is a different mouse, the bread is probably different too and the house has to be searched all over again. Even today this is not an improbable scenario as children and toddlers have been known to scamper back and forth with food of all kinds. Now Rava makes the question even more complex:

Should you say that we assume that the same mouse that entered left, what is the law if a white mouse enters a house with a piece of bread in its mouth and then a black one leaves with a piece of bread in its mouth? This is definitely a different mouse, or perhaps one mouse snatched the bread from the other?

If it is a different mouse then the house must be cleaned again – unless we can assume that one mouse snatched the bread from the other's mouth! In case we are a little skeptical on this point, Rava continues:

Should you say that mice do not snatch away food from each other, what is the law if a mouse enters a house with a piece of bread in its mouth and a weasel leaves with a piece of bread in its mouth? The weasel will certainly snatch food away from the mouse, ...

If we assume that the weasel snatched the bread from the mouse's mouth, then the house does not have to be cleaned again.

... or perhaps it is a different piece of bread, since if this bread was snatched from the mouse, then the mouse itself would have also been in the weasel's mouth. Should you say that had the weasel snatched the bread from the mouse, then the mouse itself should have been in the weasel's mouth, what then is the law if a mouse enters a house with a piece of bread and then a weasel leaves with both a mouse and a piece of bread in its mouth? Here, it is certainly the same ...

If the weasel has both the bread and the mouse in its mouth it must be the same piece of bread and, therefore, the house is still ready for Passover. Or is it?

... or perhaps, if it were the same, then the bread should have been in the mouth of the mouse. But perhaps because of fear, the mouse dropped the piece of bread from its mouth? The question is left unresolved. (Babylonian Talmud, Pesachim 10b)

One is not surprised that Rava's questions could not be answered. Rava was a pedagogue. This

brainteaser was probably a way of both entertaining his students and challenging them at the same time.

We know that the high priest was only permitted to marry a virgin. The question was asked (Babylonian Talmud, Chagigah 14b-15a): “May a high priest marry a virgin who has become pregnant?” The conclusion, predicated on the belief that it was possible for a virgin to become pregnant if she bathed in water into which a man had discharged his sperm, was yes. The question seems outlandish in and of itself, but consider this: when it was asked the Temple had already been destroyed and there were no more high priests. The question, about a very practical-sounding, though strange, problem was actually a theoretical exercise.

The Biblical source for divorce is in Deuteronomy 24:1-4. The Scripture states: “he writes for her a document of severance and places it in her hand.” Thus, in Jewish law, divorce can only be performed via a document with a specific format that is written by the husband or his agent. This document is called a *get*. If a man gives his wife a *get* (a bill of divorce) and says that the paper on which the document is written is his, then the wife is not divorced. By retaining ownership of the paper, the husband has, in effect, not given anything to his wife. Rabbi Papa, a brilliant pedagogue who liked to challenge his students and colleagues, took this one step further into the realm of the outlandish when he asked (Babylonian Talmud, Gittin 20b): “If one gives his wife a *get* and says ‘this is your divorce, but the paper between each line or each word is mine,’ what is the law?” The Talmud’s conclusion? The question stands.

The Bible (Deuteronomy 22:10) prohibits plowing a field with an ox and a donkey together. The Talmud (Babylonian Talmud, Bava Kama 54b-55a) explains that this law applies to any kind of work and any two species of animal. The reason probably had to do with the fact that pairing a large animal, such as an ox, with a smaller animal, such as a donkey, would cause unnecessary pain for both. It is much easier for animals of the same species and size to work in tandem. Rechaba, in a seemingly serious fashion, asked (Babylonian Talmud, Bava Kama 55a): “What is the law if someone drives his wagon

using a goat and a fish?" More important than the possibility of this exact pairing above is that Rechaba was trying to establish the parameters of the law. Does the law only prohibit pairing two land-based animals?

The Talmud discusses the situations when the townspeople have a right to prevent outsiders from competing with them in their local marketplace. Generally, the townspeople have priority in their own marketplace. However, in the case of scholars who have merchandise to sell, this rule is waived and they are given preference in the marketplace. This was done to provide them with sufficient time to study and teach. Of course this would necessarily bring up the question of, who is a scholar? Anyone can answer a simple question; to be considered a scholar one must be able to answer an esoteric question. The Talmud (Babylonian Talmud, Bava Bathra 22a) relates the following incident, in which the question used to test Rabbi Dimi's scholarship was rather strange.

Rabbi Dimi of Nehardea brought dried figs in a ship and wanted to sell them in the marketplace in the exilarch's town. The exilarch [the leader of the Babylonian Jews] asked Rava to examine Rabbi Dimi and determine whether he was indeed a scholar and was thus entitled to special market privileges. Rava then said to Rabbi Adda b. Abba¹¹: Go and smell the vessel [i.e., check him out]. Rabbi Adda went and asked Rabbi Dimi the following question: If an elephant swallows a basket made of willow twigs and evacuates it through its rectum, can the basket become ritually unclean [i.e., is it a basket or dung]? He could not provide an answer. Rabbi Dimi asked Rabbi Adda: Are you Rava? Rabbi Adda struck him on his sandal and said: Between Rava and me there is a great difference. However, I am your teacher and Rava is the teacher of your teacher. Rabbi Dimi did not get special preference in selling his figs and his figs spoiled. He then went to Rabbi Yosef and said: See how they mistreated me. Rabbi Yosef said: The One who did not delay in avenging the wrong inflicted on the king of Edom will not delay avenging the wrong done to you... Shortly thereafter, Rabbi Adda died.

The Talmud adds that everyone blamed himself for the death of Rabbi Adda. Rabbi Yosef was upset because he thought that his curse caused the untimely death of Rabbi Adda. Rabbi Dimi felt that Rabbi Adda died because he caused financial loss to him over the spoiled figs. Other rabbis found reasons to blame themselves. It would seem that Rabbi Adda could have asked a more relevant question.

Even the strange questions of heretics may be discussed in the Talmud as the next selection (Babylonian Talmud, Sanhedrin 39a), a piece of witty repartee between Rabbi Abuhu and an unnamed heretic, illustrates.

A certain heretic said to Rabbi Abuhu: Your God is a priest, since it is written (Exodus 25:2): "And take for Me *terumah* [the priestly tithing on produce]." Now, when God buried Moses (Deuteronomy 34:6) in what did He immerse Himself?

The heretic here alluded to the Jewish law requiring that a priest coming into contact with a corpse must ritually purify himself by immersing in a *mikveh* (ritual bath).

If you wish to say that God immersed Himself in water, it is written (Isaiah 40:12): "Who measured the waters with His fist" [i.e., there is not enough water in the whole world to accommodate God]. Rabbi Abuhu answered: He bathed in fire, for it is written (Isaiah 66:15): "For behold, the Lord shall come in fire." The heretic asked: is then immersion in fire effective? Rabbi Abuhu replied: On the contrary, the primary method for purification is by fire as it is written (Numbers 31:23): "and all that cannot go through fire, you shall make go through water."

Rabbi Abuhu was apparently teasing the questioner. The verse he cited in Numbers refers to vessels and not to individuals. Thus, vessels used for roasting unkosher foods directly over fire must be purified in fire, i.e., burned out; vessels used for cooking unkosher foods in hot water are cleansed with boiling water.

The heretic is the prototype for many skeptics today, who present impossible questions – e.g., Can God, who is omnipotent, kill Himself? – to show their own superiority to the believer. What this particular heretic did not count on was that Rabbi Abuhu, like the other Talmudic sages, was used to outlandish and challenging questions, and was quite capable of using his own razor sharp wit to respond to the seemingly serious question with a seemingly serious response.

Rabbi Zera did not believe in laughing in this world since he was of the opinion that one should not laugh until the Messiah comes and creates a world of peace and justice. He, therefore, must have

been serious when asking the following question (Babylonian Talmud, Sanhedrin 59b).

Rabbi Shimon b. Chalafta was walking on the path when he encountered lions. They roared at him. He quoted the verse (Psalms 104:21), “The young lions roar for their prey,” and two pieces of meat miraculously fell from heaven. The lions ate one of the pieces and left over the other piece. Rabbi Shimon took the piece of meat to the academy and asked whether it was clean or unclean [i.e., is it kosher and allowed to be eaten]. He was told: Nothing unkosher descends from heaven. Rabbi Zera asked Rabbi Abuhu: If a piece of meat resembling a donkey [an unkosher animal] falls from heaven, may it be eaten? Rabbi Abuhu replied: Foolish *yarod* [a desert bird possibly related to an ostrich], they already told you that nothing unkosher descends from heaven.

It is good to know that if pork chops rain down from heaven observant Jews will be allowed to eat them. Have you ever heard the expression “raining cats and dogs”? Well, if this happens in the form of meat, they may be kosher.

Rabbi Eliezer was presented with a challenging question by one of the earliest Christians, at a time when Christianity was still a Jewish sect. Rabbi Eliezer was once arrested by the Romans under suspicion of heresy. It may be that the Romans, who were pagans at that time, suspected him of being a Christian. After his release, he and the other sages tried to figure out what had prompted his ordeal. He relates (Babylonian Talmud, Avodah Zarah 16b-17a):

Once, I was walking in the upper market of Sepphoris when I encountered someone by the name of Yaakov of Kefar Sekania. He said to me: It says in your Torah (Deuteronomy 23:19), “Do not bring a prostitute’s fee or the price of a dog into the house of your Lord.” May one use such a donation for the purpose of building a toilet for the high priest? I did not answer him. He then said to me: This is what I was taught. It says (Micah 1:7): “From the prostitute’s fee it gathered and to the prostitute’s fee shall they return,” the money came from a filthy place so let it return to a filthy place.

Yaakov of Kefar Sekania was a disciple of Jesus and has been identified with either James, son of Alphaeus or James the little (Soncino Avodah Zarah 17a, note 3a). It seems that early Christians also employed strange questions as a studying device.

Not all strange questions were tolerated. Rebbi was of the opinion that one should not laugh in this world. Some of his colleagues would try to make him laugh (see Babylonian Talmud, Nedarim 50b-51a)

Plimo asked Rebbi: If one has two heads, on which one should he place his phylacteries? Rebbi responded: Either go into exile or accept excommunication. Meanwhile, a man came to the academy saying that he just begotten a two-headed son and wanted to know how much must be given to the priest for the redemption of the first-born (Babylonian Talmud, Menachos 37a).

This question may actually be important in establishing the parameters of the law regarding Phylacteries. For example, is the requirement on the head or on the person? If it is on the head, then each head should have its own. Rebbi presumably thought that Plimo asked this question in order to deride him. It is doubtful, however, that Plimo would ask a question to taunt or annoy Rebbi.

In Jewish law, the first-born cattle have special status and belong to the priests. The following is another example of “impossible” questions with possibly important repercussions for today.

What is the law if a weasel inserts its head into a pregnant animal’s womb, takes the fetus into its mouth and pulls it out of the womb and then the weasel reinserts its head into the womb of another animal and spits out the fetus, who then emerges naturally [and is now the first-born]? What is the law if the wombs of two animals become attached and the fetus leaves one womb and enters the other womb, and then emerges from the latter womb [is it a first-born or not]? (Babylonian Talmud, Chullin 70a)

The first question deals with a situation in which the first-born had emerged from the womb previously through unnatural means. The second case deals with a situation in which the fetus would have been a first-born had it stayed in its original womb. Today’s technology actually enables the transfer of a fetus to a surrogate mother. A somewhat related issue is: if an egg donated by one woman is fertilized in vitro and implanted in another woman, who is the mother?

The Bible (Deuteronomy 22: 6-7) does not allow an individual to take both the mother bird and the chicks. The mother bird must be chased away and then the chicks can be taken. This rule only

applies in the wild so, for example, a nest in one's pigeon coop would be exempted. What if one finds a bird's nest in a very unusual place (Babylonian Talmud, Chullin 139b)?

A Pappunian asked Rabbi Mattenah: What is the law if one finds a bird's nest on a person's head. Does he have to send away the mother bird before taking the chicks?

The Talmud concludes that the mother bird must be chased away if one wishes to remove the chicks from a nest on the top of one's head.

The following is an example of one of the absurd questions asked by Rabbi Yirmiyah in his attempt to get his teacher to laugh. As noted above, Rabbi Zera was of the opinion that one should not laugh until the Messiah comes and creates a world of peace and justice.

Rabbi Yirmiyah asked Rabbi Zera: According to Rabbi Meir, who says that if a woman aborts a fetus that looks like an animal it is considered a valid abortion [and the woman becomes ritually unclean just as if she had aborted a human], what is the law if the father receives for the "animal" born from a woman a token of betrothal. Is the person considered married to the "animal?" ...To such an extent did Rabbi Yirmiyah try to make Rabbi Zera laugh, but he would not laugh. (Babylonian Talmud, Niddah 23a)

The Talmud states that this is clearly an absurd question because it is impossible for an animal-like fetus born to a human being to survive.

Even Rabbi Yirmiyah could go too far. He was once temporarily expelled from the academy for one of his questions (Babylonian Talmud, Bava Bathra 23b):

A baby pigeon that is found within fifty cubits of a coop belongs to the coop's owner [the assumption is that it came from the coop]. If it is found outside the fifty cubits, then it belongs to the finder [the assumption being that it came from the wild]. Rabbi Yirmiyah asked: If one foot of the pigeon is within the fifty cubits and one foot is outside, to whom does it belong?...It was for this that they expelled Rabbi Yirmiyah from the academy.

Rabbi Yirmiyah was reinstated to the academy when his colleagues became aware of his great humility

after sending him a difficult question. Rabbi Yirmiyah was quite pious and was a fervent believer in the imminent arrival of the Messiah as his unusual death bed request indicates: “Dress me in a nice white garment, put socks and shoes on my feet and a staff in my hand. Place me on my side so that when the Messiah comes, I will be ready.” (Jerusalem Talmud, Kelaim 9:3).

Unusual Scenarios

Using scenarios to teach is an approach used today. For instance, courses in business ethics are often taught using scenarios. Students are presented with scenarios consisting of ambiguous ethical situations and are asked to provide their opinions as to the proper response. Talmudic scenarios are also used for teaching. However, the scenarios may be totally improbable. The following are a small sample of some very unusual scenarios:

A Koy is a species of deer and the rabbis of the Talmud were uncertain as to whether it falls into the category of cattle (*behemah*) or wild beast (*chayah*). One who vowed to become a Nazirite was prohibited from three basic things: (1) cutting his hair, (2) becoming ritually impure by coming into contact with the dead, and (3) drinking wine (i.e., intoxicants) or even eating grapes. One could become a Nazirite for a period ranging from a minimum period of thirty days to a lifetime. The Nazirite is described in Numbers 6: 1-21.

If a person saw a Koy and said [i.e., vows]: I am a Nazirite if that is a wild beast; a second person said: I am a Nazirite if that is not a wild beast; a third person said: I am a Nazirite if that is cattle; a fourth person said: I am a Nazirite if that is not cattle; a fifth person said: I am a Nazirite if that is both a wild beast and cattle; a sixth person said: I am a Nazirite if that is neither wild beast or cattle; a seventh person said: I am a Nazirite if one of you is a Nazirite; an eighth person said: I am a Nazirite if none of you is a Nazirite; a ninth person said: I am a Nazirite if all of you are Nazirites; then they all become Nazirites. (Babylonian Talmud, Nazir 34a)

This strange case illustrates in a rather colorful way that one can become a Nazirite even in a case where there is doubt.

The Talmud states that if a husband gives his wife a *get* the divorce has to be a complete “severance” and there should not be any lifelong conditions. If a husband says:

This is your *get* on condition that you ascend up into heaven, on condition that you descend down into the depths, on condition that you swallow a reed four cubits long, on condition that you bring me a reed 100 cubits long, or on condition that you walk across the Great Sea [Mediterranean], this is not a valid *get*. Rabbi Yehuda b. Taima says that a *get* such as this is valid. (Babylonian Talmud, Gittin 84a)

The above are examples of impossible conditions. The Talmud (Babylonian Talmud, Gittin 84a) also considers possible conditions that are in violation of Jewish law, such as if the condition is that the wife must eat pig meat, an unkosher food prohibited to Jews.

The next selection involves a rather unusual way of presenting one’s wife with a *get*.

Rabbi Chisda stated: If a man gives his wife a *get* and the *get* is in her hand but the end of a string which is attached to the *get* is in the husband’s hand, then the law is: If the string is so strong that the husband could pull the *get* and bring it to himself, then the *get* is not valid. If not [i.e., the string is too weak], then the divorce is valid. (Babylonian Talmud, Gittin 78b)

The reason for the above is that the Bible refers to the bill of divorce as a “document of severance.”

Therefore, the break must be complete and there should not be any lifelong conditions and the delivery of the *get* to the wife must be done in such a way that the husband does not have physical control of the bill of divorce.

The Talmud discusses the laws of indirect causality and attempts to determine who is guilty of murder in the following case:

If one throws a child from the top of the roof and someone else comes and kills the child with a sword [right before he hits the ground and dies from the impact] there is a dispute between Rabbi Yehuda of Bathyra and the Rabbis. (Babylonian Talmud, Bava Kama 26b)

The dispute is whether only the person with the sword is guilty or whether no one can be punished for the crime. The one who threw the child from the roof is not considered the murderer because the child was actually killed by the sword.

Even in modern law, distinctions are made between first-degree murder, second-degree, etc.

This case is probably not in any law books.

Rava said: If one shot an arrow at another and the target had a shield in his hand and someone else came along and took the shield away; or even if the shooter himself went and removed it [after shooting the arrow], he is not liable. Because at the moment he shot the arrow at his victim the shield would have stopped it. (Babylonian Talmud, Sanhedrin 77b)

Rava is of the opinion that one cannot be executed in certain cases of murder that involve indirect causation. Some commentaries have come up with a clever way of explaining how the shooter of the arrow can remove the target's shield after firing: There was a long rope attached to the shield and the shooter pulled on it immediately after firing the arrow. Rava discusses another case involving indirect causation (Babylonian Talmud, Sanhedrin 77b). One throws another person into a pit and there is a ladder in the pit so that the victim can climb out of the pit. However, someone else comes along and takes away the ladder and the person in the pit dies. This is also a case where both parties are not liable for execution.

The following is a case that actually happened but will probably never occur again.

Rabbi Yehuda in the name of Rav related that once a man lusted after a woman and his heart became seized with such a fervent passion that his life was in danger. They asked the doctors what to do. The doctors said: There is no remedy for him except for sexual intercourse with her. The sages said: Let him die rather than have intercourse with her. The doctors said: Let her stand naked before him. The sages said: Let him die rather than have her stand naked before him. The doctors said: Let her speak to him from behind a partition. The sages said: Let him die rather than have her speak to him from behind a partition. (Babylonian Talmud, Sanhedrin 75a)

There is an argument in the Talmud as to whether this was a married or single woman.

The following scenario may be viewed as the answer to a brainteaser: How can plowing a single furrow result in as many as eight transgressions? The Talmud comes up with a truly unusual scenario (Babylonian Talmud, Maakos 21b). For each transgression, the Biblical source for the relevant violation is indicated in brackets. An individual plows a furrow

- 1: mingling seeds from diverse species such as wheat, barley, and grape [Deuteronomy22:9]
- 2: during a Festival [Leviticus 23:7]
- 3: occurring in a Sabbatical year [Leviticus 25:4]
- 4: using an ox and a donkey yoked together [Deuteronomy 22:10]
- 5-6: each of the animals in question is consecrated, set aside for the benefit of the Sanctuary, and is thus not permissible for ordinary labor [Deuteronomy 15:19]
- 7-8: the person plowing is both a priest and a Nazarite, and the furrow is being plowed in a cemetery, which is off limits to both priests [Leviticus 21:1] and Nazarites [Numbers 6:6].

Conclusion

Humorous cases and brainteasers are excellent pedagogic tools for those studying law and even for other disciplines. They make the lectures more interesting and help clarify matters. Using improbable scenarios is somewhat reminiscent of the way computer programs are tested. Extreme data is used and if the program works with the unusual data it will presumably work with any kind of data. Examining far-fetched, and even impossible, cases enables one to determine what should be done in more routine cases. Talmudic scenarios and questions are as interesting today as they were almost 2,000 years ago and have ensured that the Talmud will continue to be used as a source to help solve new questions that arise as society becomes more and more complicated.

Notes

- ¹ Hershey H. Friedman, “He Who Sits in Heaven Shall Laugh: Divine Humor in Talmudic Literature,” *Thalia* 17, nos. 1, 2 (1997): pp. 36-50.
- ² Hershey H. Friedman and Steve Lipman, “Satan the Accuser: Trickster in Talmudic and Midrashic Literature,” *Thalia* 18, nos. 1, 2 (1998): pp. 31-41.
- ³ Alexander Feinsilver, *The Talmud for Today* (New York: St. Martin’s Press, 1980), p. 288.
- ⁴ Arthur Asa Berger, *The Genius of the Jewish Joke* (Northvale, NJ: Jason Aronson, Inc., 1997), pp. 15-20.
- ⁵ Joseph Telushkin, *Jewish Humor* (New York: William Morrow and Company, 1992), p. 18-19.
- ⁶ Henry D. Spalding, *Joys of Jewish Humor* (Middle Village, New York: Jonathan David Publishers, 1985), pp. 18-26.
- ⁷ William Novak and Moshe Waldoks, eds., *The Big Book of Jewish Humor* (New York: Harper & Row Publishers, 1981), pp. 51-57.
- ⁸ Rabbah, as well as most of the Talmudic sages, lived some time between the years 70 C.E. and 400 C.E.
- ⁹ One major commentary, the Maharsha, sees this passage as a metaphor, and the questions dealing actually with the plight of the Jewish people.
- ¹⁰ David Stern, *Parables in Midrash: Narrative and Exegesis in Rabbinic Literature* (Cambridge: Harvard University Press, 1991).
- ¹¹ b. stands for either *ben* (Hebrew) or *bar* (Aramaic) and means “son of.”