תוכן העניינים

CONTENTS

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The Story-Cycle in Bavli Nedarim 91a-b

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This paper analyzes the "story-cycle" in Nedarim 91a-b, focusing on its literary qualities, structure and poetics. Eli Yassif called attention to the story-cycle in rabbinic literature in a pioneering article published in 1990. He argued that sequences of three or more stories appear throughout rabbinic literature and comprise a distinct literary phenomenon.[1] Yassif identified 44 story-cycles overall, with 24 appearing in the Bavli, which contained 228 stories. He sought to understand, "In what manner were the groupings organized and edited, and by what artistic and ideological motivations were they inspired?," and "How can we describe the literary or ideational rationale which led the compiler to collect in one place a given set of tales and none other, in that particular order."[2] In Yassif's view, the story cycle "constitutes a transitional stage" between "two modes of literary expression … from folktale to literary work." The stories, Yassif theorized, originated in disparate settings and were later collected into a literary unit by the compiler of the story-cycle. The rabbinic story-cycle was therefore a precursor of the independent collections of narratives compiled in the Middle Ages such as *Ḥibbur Yafeh Mehayeshua* [An Elegant Composition Concerning Relief after Adversity] and *Sefer Hama'asim* [The Book of Exempla]."[3]

1 Eli Yassif, "The Cycle of Tales in Rabbinic Literature" [Hebrew], *Jerusalem Studies in Hebrew Literature* 12 (1990): 103–45. The article appeared with minor changes in Yassif's *Sippur Ha-am Ha-ivri: Toldotav, Sugav, uMashma'uto* (Jerusalem: Bialik Institute, 1994), 232-69; English translation: *The Hebrew Folktale: History, Genre, Meaning*, trans. Jacqueline S. Teitelbaum (Bloomington: Indiana University Press, 1999), 209-44. In 2004 Yassif republished the article, again with minor changes, in *The Hebrew Collection of Tales in the Middle Ages* [Hebrew] (Tel-Aviv: Hakibbutz Hame'uchad, 2004), 31-75, with a revised list that now numbered 44 stories—the original list had 37.

2 Yassif, *Hebrew Folktale*, 210, 213.

3 Ibid., 243.

Yassif integrated his article into his magnum opus, *The Hebrew Folktale*, and into a later study, *The Hebrew Collection of Tales in the Middle Ages,* with minor revisions.[4] His study was brilliant, insightful, and extremely wide-ranging in scope, covering all of rabbinic literature and discussing a vast quantity of material, though he could not comment on each and every story-cycle in detail. However, Yassif wrote from the perspective of a scholar of folklore, concentrating on issues of interest to folklorists, and treated "rabbinic literature" in its entirety, thereby obscuring differences between individual rabbinic compilations. Several years ago, I began a study of the story-cycles of the Bavli, attempting to address Yassif's questions as well as the relationship of Bavli story-cycles to earlier sources, their literary and halakhic contexts, the role of the redactors in their compilation, and other issues.[5] I analyzed four story-cycles from Yassif's list and an additional story-cycle not identified by Yassif. This article continues that study with a detailed analysis of the story-cycle in Nedarim 91a-b, #22 on Yassif's list, the 13th in the Bavli, which he designates as: "4 stories, suspicion of adultery" (חשד ניאוף). Yet Yassif does not say anything more about this story-cycle in his initial article or in his subsequent republications.[6] Nor am I aware of any detailed studies of these stories.

The text presented here is based on ms. Munich 95 (M), with minor changes. The footnotes provide variant readings from four other text witnesses, the Vilna printing (P), the Venice printing (V), ms. Moscow, Guenzburg 1134 (A), and ms. Vatican 110-111 (R = Rome), as well as variants attested in the medieval commentaries. Only the main variants are included here, and I have not recorded orthographic variants; complete presentation of variants can be found in *The Babylonian Talmud with Variant Readings.*[7]

4 See n. 1.

5 Jeffrey L. Rubenstein, "The Story-Cycles of the Bavli: Part 1," in *Studies in Rabbinic Narratives, Volume 1*, ed. J.L. Rubenstein (Providence: Brown Judaic Studies, 2021), 227-80. Henceforth, *SCB1*.

6 Yassif, "Story-Cycle," and *The Hebrew Folktale*.

7 Moshe Hershler, ed., *The Babylonian Talmud with Variant Readings collected from fragments of the Genizah etc., Tractate Nedarim (II)* [Hebrew] (Jerusalem: Institute for the Complete Israeli Talmud, 1972), 316-22.

נדרים צא ע"א-ב, כתב-יד מינכן 95	Nedarim 95a-b, Ms. Munich 95
[א1] ההיא איתתא דכל יומא דתשמיש מקדימא ומשיא ידיה לגברה.	[A1] A certain woman, who, every day she had sex, would rise early in the morning and wash her husband's hands.
[א2] יומא חד אייתיאת ליה מיא למימשא.	[A2] One day she brought him water to wash.
[א3] אמר לה הדא מילתא לא הוות האידנא.	[A3] He said to her: This matter (sex) did not happen now.
[א4] אמרה ליה אם כן חד מן[8] אהלויי דהוו הכא[9] האידנא. אי את לא דילמא חד מינהון הוה.	[A4] She said to him: "If so, then one of the aloe dealers[10] who were here now—if not you, perhaps one of them.
[א5] אמר רב נחמן עיניה נתנה באחר ולית מששא במילה.	[A5] Rav Naḥman said: She set her eyes on another, and there is no substance to her words.
[ב1] ההיא איתתא דלא הוה בדיחא דעתא בהדי גברא.	[B1] A certain woman who showed displeasure[15] towards her husband.
[ב2] אמר לה האידנא מאי <דשנית>?[11] אמרה ליה מעולם לא ציערתני בדרך ארץ כי האידנא.	[B2] He said to her: What is <different> now? She said to him: You never hurt me during marital relations as now.
[ב3] אמר לה לא הות האידנא הדא מילתא.	[B3] He said to her: This matter (=sex) did not occur now.
[ב4] אמרה ליה[12] אם כן הלין[13] גוים[14] נפטויי דהוו הכא האידנא. אי אנת לא דילמא חד מינהון הוה.	[B4] She said to him: If so, one of the gentile oil dealers (naphtha-dealers) who were here now—if not you,

8 So RA. P adds נכרים. V adds גוים. See [B4].
9 R omits.
10 Michael Sokoloff, *A Dictionary of Jewish Babylonian Aramaic* (Ramat-Gan: Bar Ilan University Press; Baltimore: Johns Hopkins University Press, 2002; henceforth: *DJBA*), 83 translates, "a dealer in alkaline plants."
11 So PVRA. M omits. The meaning is the same, as M translates: "What now (that you are displeased)?"
12 R omits.
13 A reads הני.
14 P reads נכרים.
15 See Sokoloff, *DJBA*, 186, and the similar phrase in Shab 77b, MQ 17a.

	perhaps one of them?
[ב5] אמר להו[16] רב נחמן לא תשגחון בה. עיניה נתנה באחר ולית בה משׁשׁא.[17]	[B5] Rav Naḥman said to them: Take no notice of her. She set her eyes upon another, and there is no substance (in her words).
[ג1] ההוא גברא דהוה מיהרזק בביתא הוא ואיתתיה.	[C1] A certain man who was confined together with a (married woman) in a house.[21]
[ג2] חדא <זימנא>[18] עייל ואתא מריה דביתא	[C2] One <time> the owner of the house entered (and) came in,
[ג3] ופרטיה ההוא נואף להוצא וערק.	[C3] The adulterer breached the (fence of) palm leaves[22] and fled.
[ג4] אמר רבא[19] אינתתה שריא דאם איתא דעבד איסורא ההוא גברא[20] אירכוסי הוה מירכס.	[C4] Rava said: The woman is permitted (to her husband). Were it so that he committed a transgression, that man would have hidden (in the house).
[ד1] ההוא נואף דעל לגבה דההיא איתתא.	[D1] A certain adulterer who entered (the house) of a certain (married) woman.
[ד2] אתא גברא	[D2] The husband came.
[ד3] סליק נואף ויתיב בב<ל>אי אבבא.[23] והוה מחתך תחלי לתמן וטעימינון חיויא. בעא	[D3] The adulterer went up and sat among the curtains by the door. There was some cress [*taḥlei*] placed there

16 So PRA, which suggests that Rav Nahman was present and spoke directly to the protagonists. V omits להו as in [A5], which could mean that the case was later brought before Rav Nahman.

17 So A. R, Alfasi add במילה as in [A5]. PV omit ולית משׁשׁא במילה.

18 So RA, Alfasi. M omits זימנא. PV omit חדא זימנא.

19 R reads א"ל omitting the Rabbi's name.

20 PVR omit ההוא גברא.

21 Or "room." But the next line suggests that a house is meant.

22 See Sokoloff, *DJBA*, 373: "fence of palm leaves." See too Taan 24a where the הוצא seems to be a hedge of palms surrounding a yard that prevents others from seeing in. From the context, however, it seems to refer to the partitions or walls of the house fashioned from palm leaves or branches.

23 So R. M reads בבראי אבבא, "outside the door," although the syntax is clumsy. PVA read כלי / כלאי. Tosafot, ad loc., read בבא דכפא, "the arch of the doorway."

מריה דביתא למיכל מהנך <תחלי>[24] בלא דעתא דאיתתיה. אמר ליה ההוא נואף לא תיכול מינהון דטעימינון חויא.	and a snake had eaten from it. The master of the house wanted to eat from that cress, without the woman being aware. The adulterer said to him: Do not eat from it, as a snake ate from it.
[ד4] אמר רבא אינתתיה שריא אם איתה דעבד איסור ההוא נואף[25] ניחא ליה דליכול ההוא גברא[26] ולימות דכתיב *כי נאפו ודם בידיהם*.	[D4] Rava said: His wife is permitted. Were it so that he had committed a transgression, it would have been preferable for that adulterer that that man eat and die, as it is written, *For they have committed adultery and blood is on their hands (Ezek 23:45)*.
[ה] פשיטא מהו דתימא מהוה הוה איסורא והאי דאמר ליה דלא ליכלינון דניחא ליה לנואף דלא לימות בעל ותהא אנתתיה <מזניא>[27] עלויה דכתיב מים גנובים ימתקו ולחם סתרים ינעם קא משמע לן דלא.	[E] That is obvious! You might have thought that there was a transgression, and the reason he told him not to eat is because it is preferable to the adulterer that the husband not die, in order that his wife should be an adulteress to him, as it is written, *Stolen waters are sweet, and bread eaten in secret is pleasant (Prov 9:17)*. He (Rava) therefore informs us that this is not the case.

Textual variants: The text is fairly stable, and the minor variations do not alter the meaning substantially. The comments by Rav Nahman and Rava in sections [5] are ambiguous as to whether the sages were present and speaking to the parties involved or whether the case came before them later and they issued rulings elsewhere. Only in [B5] does Rav Nahman speak "to them" in ms. M (though the word is omitted in ms. V, as in [A5]; see n. 15). This issue is not insignificant, as locating the sage together with the

24 So PVR. MA omit תחלי.
25 PV omit ההוא נואף.
26 PV omit ההוא גברא.
27 So RV. Alfasi. M reads מגנא, which is unclear to me, maybe "disgusting" or "debased."

characters contributes to the degree of narrativity and makes for a more robust story.[28]

In [D3] the potential adulterer hid either "among the curtains by the door" (ms. R) or "outside the door" (ms. M). The printings seem to read כלאי, perhaps a mistake for the original בלאי, or a form of כלי, referring to the garments/fabric by the door, that is, "curtains" or "screen."[29]

Interpretive issues. The main issue raised by almost all medieval commentaries is why the wives would be forbidden to their husbands in the first two stories even if their claims were true and they had sex with the aloe/oil dealers. These would still be cases of unintentional transgression (*ones/shogeg*), as the women did not intend to commit adultery. (Or, if they are to be considered a *sotah*, they would need to have been warned by the husband and then the seclusion with another man witnessed.[30]) The commentaries therefore explain that these cases deal with a priest, as a priest must divorce his wife even in cases of rape or unintentional sexual transgression.[31] Some commentators add that the case may be that of a non-priest who aspires to priestly standards or

28 That the husband and wife are discussing such intimate matters may suggest they were not in the presence of the rabbi when conducting the conversation, hence the reading without "to them" (להו) is preferable. Alternatively, we can understand the word to refer to anonymous students attending him

29 See Ra"N, ad loc., who takes it as a "screen before the door." Tosafot, ad loc., read בבא דכפא, "the entranceway."

30 See e.g. Meiri, ad loc., who adds that some commentators explain that the husband had indeed warned the wife against secluding herself prior to this event.

31 See e.g. Tosafot, Rosh, Meiri, and Rashba ad loc., and Ra"N on Alfasi, Qid. 29b (of the Alfasi pagination), s.v. *hahi* (Alfasi cites the four stories from Nedarim here.) Some commentaries relate to the first story alone, but the same logic applies to the second. Tosafot, Ket 63b, s.v. *aval*, commenting on the third story, explain that "she is permitted" means that she is permitted to the adulterer after the husband divorces her or dies (which is not the ruling in a typical case of adultery, where she is henceforth forbidden to both husband and adulterer.) But this is a forced explanation, and the Tosafot only propose it to resolve the contradictory implications of several Talmudic passages, as is typical. In Tosafot, Yev 24b, s.v. *amar*, R. Isaac of Dampierre understands our stories in the straightforward manner, and not as the Tosafot propose in Ket 63b.

supererogatory piety.[32] However, the storyteller may be concerned less by the technical halakhic question than by the matter of the veracity of the wife's claims (although the rulings by Rav Nahman that the wives are "permitted" does suggest an halakhic issue.) Alternatively, the women may be manipulating their husbands into divorcing them, hoping that the men are disgusted by the thought of extramarital sex, even if they are technically permitted. When actors feel that they suffer from a legal disability, they may attempt to deceive the system and other agents to accomplish their goal, and the point of the rabbinic ruling is that "there is no substance in her words."[33]

Several commentaries suggest that in the third story the husband, not the adulterer, flees.[34] However, this entails an abrupt switch of subject, which seems unlikely, and does not really impact the didactic point.

The concern with the cress is that the snake deposited or injected venom when it ate. This is related to the law of "exposure" (*gilui*), which generally pertains to liquids, but sometimes is extended to food.[35]

The aloe-dealers and oil-dealers do not appear to be stock characters like traveling salesmen in contemporary stories of adultery.[36] A story in Qid 40a relates that Rav Kahana sold baskets woven from palm leaves, was propositioned by a woman (*matronita*), avoided sin only with Elijah's miraculous intervention, and complained to the prophet that his poverty was responsible for his close-call. The story concludes with Elijah giving the

32 See e.g. Rashba, ad. loc.

33 *Shita mequbetset*, ad loc., s.v. *shelo*, explains that the woman in the second story means that she never enjoyed sex as much as the previous night, and employs "hurt me" as a euphemism so that she not appear to desire sex. I have not seen this explanation elsewhere, nor found the term used in this way.

34 See Alexander Kaplan (1815-84), *Shalmei Nedarim* (reprint; New York, 1944 [1881]), ad loc. *Shita Mequbetset* ad loc. adds that the adulterer pushed the husband as he fled. His text seems to have read "outside" (לברא) for "fence" (להוצא): the adulterer pushed aside the husband and fled outside. See too Herschler, *Nedarim*, 319 n. 24.

35 See AZ 30b. See too Pes 111b. And see Tosafot, Shab 110a, s.v. *veleitei*, and the sources cited there.

36 The aloe-dealers only appear in BM 81a, and the oil-dealers are not mentioned elsewhere. Of course generic "merchants" and merchants of other products appear in many Talmudic sources.

rabbi a basketful of coins. The implication is that he had to sell baskets, presumably in a market or public place, to survive, and this resulted in the interaction with wanton women. Markets are sometimes considered places of danger, where encounters take place with menacing or undesirable others. Our story perhaps picks up on such cultural sensibilities but otherwise does not focus on the identity or details of the (hypothetical) paramours.

The explanation of the final non-narrative comment [E], according to most commentaries, is as follows: one might have thought the adulterer prefers the husband to live, despite having committed adultery, because he would rather have other opportunities to enjoy illicit sex than have sex with the same woman as his lawfully wedded wife.[37] Rava teaches that this is not the case: had there been adultery, the adulterer would have wanted the husband to die so as to have the woman for himself.

Structure and Literary Aspects

The story-cycle is comprised of four stories that divide into two pairs. The first two stories share a common five-part structure: following the expositions (A1,B1), the wife takes an action (A2) or says something (B2) that indicates that she had sex with her husband. In the third sections of both stories the husband denies that sex took place (A3, B3), and in the fourth the wife suggests that an itinerant merchant was responsible instead (A4, B4). In both stories Rav Nahman rules that the wife is lying about the sex; she is seeking a pretense for her husband to divorce her so that she can marry another man (A5, B5).

In the third and fourth stories, which share a common four-part structure, a potential adulterer is in a house (C1, D1) when the husband unexpectedly returns home (C2, D2). In both the adulterer avoids a confrontation: in the third he flees (C3), while in the fourth he hides (D3). In both stories the husband learns of the presence of the adulterer: in the third he sees the adulterer flee and presumably hears the fence break, while in the fourth the adulterer speaks directly to him. In both Rava makes an inference from the adulterer's actions to conclude that no sex act had taken place (C4, D4).

37 See Tosafot and Maharsha ad loc. for slightly different understandings, and Sanh 75a, where this idea occurs.

The first two stories are extremely similar and involve copious verbal repetition, as indicated by the underlined phrases. Both begin "A certain woman"; in both the husband responds with the verbatim words, "This matter (=sex) did not occur now;" the wife makes the identical suggestion except for the variation of "aloe dealers/gentile oil dealers"; and in both Rava responds with almost identical language, the only difference that in the second story, he adds another phrase, "take no notice of her."[38] The main distinction between the stories is in the second section, the variation in the wife's tactics, from action purportedly indicating sex (bringing water to wash) to affect and speech purportedly indicating sex (displeasure and assertion of painful intercourse). This difference is precisely what creates a distinct story that makes for a story-cycle.

There is somewhat more variation in the second pair of stories and less verbal repetition, which appears mainly in the rulings of Rava in the final sections: both rulings begin "Rava said: His wife is permitted. Were it so that he had committed a transgression… (C4, D4)." Nevertheless, the first two sections of both stories are very similar albeit using different phrasing: both start with an adulterer in the house with the wife (C1, D1), and continue with the husband arriving home (C2, D2). Again, the main variation is in the circumstances potentially indicating that no intercourse has taken place, which vary from the adulterer fleeing (C3) to the adulterer warning the husband not to eat (D3). A secondary variation is the source of Rava's ruling: in the third story it comes from reasoning, while in the fourth it comes from scripture. In these two stories, the wife, who had played such a central role in the first stories, all but disappears as a character; she neither speaks nor acts. Apparently, the storyteller believes that asking her what happened in such circumstances is futile, as she would obviously deny that anything inappropriate occurred. Or her testimony is simply not the interest of this storyteller, who focuses now on the implications of the (potential) adulterer's behavior, rather than that of the wife, which was the focus of the first pair of stories.

38 The variation from aloe-dealers to oil-dealers (naphtha-dealers) is perhaps meant to vary the merchants from those who sell pleasant-scented substances to foul-scented substances. See below.

All four stories contain vivid and dramatic elements. Particularly dramatic are the machinations of the wives in the first two stories, which produce the bewilderment of the husbands as they deny that sex took place, followed by the shocking suggestions that other men crept into their wives' beds and did the deed (while the husbands were there too? Or were the husbands sleeping in a separate bed?). The second story has the least degree of narrativity, as it consists entirely of dialogue. But there is so much conflict and tension to qualify as a story by almost all definitions. The third and fourth stories featuring an adulterous tryst surprised by the return of the husband are likewise suffused with dramatic tension: will the adulterer be discovered and what will happen then? There is perhaps a comedic current in the ironic reversal of the fourth story of a hidden adulterer warning the husband and potentially saving his life.

These stories, like most talmudic stories, are extremely compact, but nevertheless contain several literary features worthy of note. The first story offers fine paronomasia with the words *tashmish* (sex), *mashia*, *le-mimsha* (wash), and *meshasha* (substance). As it turns out, there was in fact no *meshasha* in the *mashia* that signaled *tashmish*. In the second story the word *ha-idana* (now) is repeated four times, used by the husband of his wife's present demeanor, the wife of the (purported painful) sex, the husband of the absence of sex, and the wife of the presence of oil dealers. The story poses the question of exactly what happened *ha-idana* and how you know. The fourth story involves the obvious symbolism of the snake, both a phallic symbol and the primordial Edenic serpent, evoking both sex and death.

Taken together, the four stories form an artfully constructed story-cycle that centers on the question of, in Yassif's terms, "suspicion of adultery," namely what circumstances indicate that adultery has or has not taken place. In the first two it is the woman's behavior that suggests adultery occurred, while in the second two it is the behavior of the male paramour. Within each pair, as noted, the nature of the evidence moves from action to speech: in the first story the evidence derives primarily from the woman's action (bringing water), whereas in the second story the evidence comes from her words (assertion of painful intercourse). Likewise in the third story, the evidence derives from the adulterer's action (flight and breaking the palm fence), whereas in the fourth, the evidence comes from his speech (warning the husband). The main conceptual issue

shifts from seeing truth behind deception to seeing truth behind plausible appearance. In the first pair of stories the wife is deliberately lying or misrepresenting matters so as to deceive her husband (and the sages), while in the second pair, there is no misrepresentation: the adulterer is indeed present, and in the fourth story he honestly speaks the truth. Thus in the first two stories, the sage perceives the true state of affairs despite the lies and deception, whereas in the second two stories, the sage perceives the true state of things despite the true appearance to the contrary.[39]

An alternative reading is also possible, namely that in each case the sex act has indeed taken place: in the first two stories the dealers actually snuck into the wives' beds, and in the second two the adultery occurred prior to the husband's arrival, or the presence of the adulterer points to a regular tryst that had been consummated many times in the past. The fact that the omniscient third-person narrator refers to the men as adulterers (C3, D4) may point in this direction. The rabbinic rulings, then, are a type of legal fiction, a counterfactual assertion of the halakhic reality as opposed to the real state of affairs. The women are permitted because the sages pronounce them to be permitted, not because no sex act took place. In this case, the rabbis are motivated by the desire to preserve marriages and avoid the divorces that would be required in cases of adultery, and for priests in cases of rape or unintentional violation (see above.) Or possibly the husbands wish to remain married, even knowing of the adultery, due to love of their wives, concern for their children, or some other reason, and the sages recognize that desire—this scenario in fact occurred in medieval times as attested in many

39 Judith Z. Abrams, *The Women of the Talmud* (Lanham: Rowman & Littlefield, 1992), 82 suggests that the rabbis' rulings favor the more virtuous party, namely the husband, by permitting the marriages to continue: "We note that all four of these rulings have the effect of preserving the marriages in question. It appears that the first two women may have been attempting to manipulate the law in order to force their husbands to grant them divorces because they have apparently fallen in love with other men. Who has power in this situation? The spouse who wants to continue the marriage or the spouse who is no longer faithful (at least psychologically)? The sages rule on the side of the existing relationship, perhaps hoping to discourage unfaithful behavior by not rewarding it. In these cases, as in all those we have seen in the relationship between a woman and a man, virtue is power." This may well be the case, though I do not think the main concern of the passage is virtue, which is not mentioned or thematized.

responsa.[40] At the same time, the stories underscore rabbinic authority over the bedroom, as the sages determine which marriages endure and which require dissolution, whatever the "facts."

In my view, this reading, based on a type of hermeneutic of suspicion, is less plausible, as it is unlikely that Talmudic rabbis would cater to a husband's wishes knowing that a transgression had occurred.[41] The term "adulterer" can also be understood as "would be adulterer" or "potential-adulterer," and not probative of past adultery.[42] In addition, the fact that the women opine that they may have had sex with aloe-dealers and oil-dealers (naphtha-dealers) perhaps is intended to preclude this reading, as we might suspect that such merchants have a distinctive scent as a function of their wares—a pleasant smell from the aloe-dealers and a displeasing scent from the oil/naphtha-dealers.[43] If so, the storyteller may be hinting to the audience that the women cannot be telling the truth; had these merchants crawled into their beds, they would have known from the aroma that the men were not their husbands. Admittedly, this is a very subtle clue and may be reading in too much. This second reading, however, may connect with aspects of the broader halakhic context, to which we now turn.[44]

40 See Edward Fram, "Two Cases of Adultery and the Halakhic Decision-Making Process," *AJSR* 26 (2002), 277-300.

41 Though see Fram's discussion, ibid., in which some medieval rabbis seemed to do precisely this.

42 Nor can we conclude with certainty that his presence, apparently with the wife's knowledge, points to a regular tryst. This may be the first time they tried to consummate the act, in which case "she is permitted."

43 See Yom 38b-39a, which contrasts the bad smell of naphtha with the pleasing smell of *afarsimon* (balsam). On the pleasant smell of aloe, see Ps 45:9, Prov 7:17, Song 4:14 and Num 24:6 with the commentary *Aderet Eliyahu* of Yosef Hayyim.

44 A third reading is also possible, that the story intentionally obscures the truth. Compare the story of R. Yehoshua and the Matronita in Shab 127b. The rabbi removes his tefillin and then enters a room alone with an upper-class, Roman woman, perhaps a courtesan. Upon emerging he immerses himself before teaching Torah. He then asks his students "What did you suspect me of?" and when they provide innocent explanations for his behavior, he responds "So it was. And you—just as you judged me favorably, so may the Omnipresent judge you favorably." Here too the rabbi affirms that no sex act took place, that the students' reconstruction of the events was accurate. But the audience might wonder whether the rabbi is

Context: The story-cycle appears in connection with mNedarim 11:12:

משנה נדרים יא:יב	Mishnah Nedarim 11:12
[א] בראשונה היו אומרים, שלש נשים יוצאות ונוטלות כתבה, האומרת טמאה אני לך, שמים ביני לבינך, נטולה אני מן היהודים.	[A] At first they said: Three women are divorced and receive their ketubah. One who says "I am defiled to you," and "The heavens are between me and you," and "I am removed from the Jews."
[ב] חזרו לומר, שלא תהא אשה **נותנת עיניה באחר** ומקלקלת על בעלה.	[B] They retracted and said: Lest a woman **set her eyes on another man** and behave corruptly towards her husband—
[ג] אלא האומרת טמאה אני לך, תביא ראיה לדבריה. שמים ביני לבינך, יעשו דרך בקשה. נטולה אני מן היהודים, יפר חלקו, ותהא משמשתו, ותהא נטולה מן היהודים.	[C] She who says "I am defiled to you" must bring proof for her words. "The heavens are between me and you"—let them act by pleading. "I am removed from the Jews"—let him (the husband) nullify his share, and she can have sex with him, and she is removed from the [other] Jews.

The Mishnah rules that wives who make three types of claims were at first believed such that their husbands had to divorce them and pay their ketubah [A]. The law was subsequently changed such that these claims were no longer believed and hence the women did not receive a divorce or payment [B]. This is a complex Mishnah, the meaning of certain clauses of which are not totally clear, and here is not the place for a detailed discussion. However, one can immediately see connections between the first case of the Mishnah together with the justification for the retraction [B] and the first two stories. In this Mishnaic case the wife claims that she had been "defiled," that is, she had been raped. The Talmud (Ned 91a)

telling the truth. However, here the rabbi is testifying to what he himself did, as opposed to ruling on what took place among other people.

explains that the Mishnah deals with the wife of a priest, since a non-priest need not divorce his wife in the case of rape (and were this a case of willful adultery, the wife would not receive her *ketubah*), much as the medieval commentaries explain the first two stories (see above).[45] According to the revised ruling, such a claim is not believed lest the wife has "set her eyes on another man," the same phrase as in Rav Nahman's rulings in the first two stories: she is lying about the sex to trick her husband into divorcing her.

The stories can therefore be seen as a narrative explanation of, or even justification for, the revision of the Mishnaic ruling. Why was it necessary to revise the law? Why should we not believe women who claim that other men had sex with them? Because women do the sorts of things depicted in the stories, having "set their eyes on another" as the Mishnah and Rav Nahman both state. Granted, the cases in the stories are not exactly congruent to the wife's claim in the Mishnah. In the stories the wives go to more elaborate maneuvers to lead their husbands to believe that they had sex with other men, and the purported sex acts are not forcible rape but unintentional adultery due to mistaken identity (although the Mishnah's phrase "I am defiled" could potentially include such violations too.) Nevertheless, the stories substantiate the very concern in the Mishnah that led to a retraction of the earlier law.

The stories also have several other connections to the halakhic passage following the Mishnah and immediately preceding the story-cycle (Ned 90b-91a). First, Rava and his students are among the sages in the Talmud who explain the Mishnah in terms of the wife of a priest. Second, the passage raises an additional case, that of a woman who claims that her husband divorced her, and Rava rules that she is not believed, i.e., that she

45 However, some modern scholars suggest that the Mishnah reflects an earlier rabbinic law according to which even the wife of a non-priest who was raped must be divorced. This understanding of the Mishnah, about a wife who was "defiled" either through rape or "unintended" sex (e.g., she did not know the partner was not her husband), would be a clearer match for the straightforward explanation of the stories as not being limited to the wife of a priest. See Hanokh Albeck, *The Mishnah, Seder Nashim*, "Additions and Supplements," p. 369 and the sources quoted there.

may be lying. Again, the stories portray lying women, and in one Talmudic case, as in the third and fourth stories, Rava issues the halakhic ruling.[46]

A broader context is the entirety of Tractate Nedarim. The tractate deals with oaths and vows, verbal utterances with the power to impact reality. In the first two stories the issue also concerns whether the wife's assertion about extra-marital sex is accepted and therefore she must be divorced, that is, whether her words impact the halakhic reality. Similarly, in the fourth story the adulterer's words warning the husband influence the halakhic reality in demonstrating that no adultery occurred. In addition, a number of legal and narrative passages within the tractate deal with whether marriages should endure despite the utterances of one party or whether divorce is required. Those three stories connect to these passages too.[47]

Another context is tales of trickster-women and adulterous men in rabbinic sources. Tractate Sotah centers on the question of whether a sex-act took place when a man and a woman were secluded together, as in the second pair of stories. Numbers Rabbah 9:3 tells of a man who propositioned another woman and set a place to meet. The woman told the man's wife, and she proceeded to that place and had sex with her husband, who subsequently felt remorse and wished to die. His wife then disclosed to him "you ate from your own bread and drank your own cup," but rebuked him for his sinful desire. In cases such as this the utter darkness that prevailed at night with the absence of electric lights (and even kerosene lamps), made such liaisons more plausible. (This story recalls that of R. Hiyya bar Ashi, seduced by his wife who dressed up as a prostitute, though in that case it was the disguise, not the darkness, that allowed for the (il)licit union.[48]) Of course Gen 29:25 tells of Jacob sleeping with Leah believing her to be Rachel, and the midrash goes into

46 See too the interesting comments of Aryeh Botwinick, "Underdetermination of Meaning by the Talmudic Text," in Daniel H. Frank, ed., *Commandment and Community: New Essays in Jewish Legal and Political Philosophy* (Albany: Suny Press, 1995), 118, about the Talmudic *sugya* and the Mishnah, although he does not engage the stories.

47 See e.g. the stories in Ned 66b-67a.

48 Qid 81b.

detail to explain how such a mistake could have occurred.[49] So the wives' reports in the first pair of stories would have some inherent plausibility to the sages.[50]

Cross-Cultural Context: Stories of adultery, cuckolds, and trickster wives appear in folklore and literature throughout the world. Among Stith-Thompson K1500-K1599, "Deceptions connected with adultery," are "K1501. Cuckold. Husband deceived by adulterous wife," "K1521.5. Paramour hidden behind a screen," and "K1549. Adulteress outwits husband—miscellaneous motifs." Many stories have the husband return home to find his wife in bed or otherwise occupied with an adulterer, as in [C]-[D]. There are also numerous stories of men and women having sex with someone else, believing their bedmate to be their spouse.[51] As noted,

49 See GenR 70:19, Meg 13b. For other sources and commentaries see Zev Farber, "How is it Possible that Jacob Mistakes Leah for Rachel," https://www.thetorah.com/article/how-is-it-possible-that-jacob-mistakes-leah-for-rachel; accessed April 2023. See too Git 23a (=Hul 96a): "How is a blind person permitted to [have sex with] his wife? How are people permitted to their wives at night? Rather, it is through vocal recognition…" (Some biblical commentaries cite this passage in connection with Gen 29:25.) And see Eleazar Landau, *Yad Hamelekh* to Maimonides, *Mishneh Torah, Ishut*, 24:19, who quotes Ned 91a in conjunction with this Talmudic passage, as does Moses Sofer, *Responsa Hatam Sofer*, 4:98; and others. And see Meir Eisenstadter, *Responsa Imrei Esh*, *Even Haezer* 42, who distinguishes a case when the husband knows his wife is alone in the house with him from a case when he does not know.

50 Tanhuma, *Naso* 6:1 tells of a woman who took the place of her adulterous sister in journeying to Jerusalem and drinking the "bitter waters" that test the Sotah. Being innocent she survived, but when she returned home and kissed her sister, the smell of the bitter waters killed the adulteress. Here too is a story of trickster women who ultimately fail.

51 See e.g. several stories in Boccacio, *Decameron*, including Third Day, Ninth Novella, where a wife contrives to switch places with another woman whom her husband lusts after and had propositioned. The wife sleeps with her husband without him realizing the ruse. He only concedes it was his wife when she produces a ring the husband had given to the other woman as a token of his love, which she had given over to the wife. Similar stories appear for the Eighth Day, Eighth Novella (a maid takes the place of a widow with whom a rector made an assignation; in this case the widow instructed the rector not to utter a word lest her brothers, who sleep nearby, hear their lovemaking). In Third Day, Second Novella, a servant hides and

the darkness of ancient and medieval nights rendered this more likely.

The Sources of the Story-Cycle and the Role of the Bavli Redactors. The first three stories have no parallels known to me. The fourth has a parallel in yTer 8:4, 45c. This is Guggenheimer's translation together with his notes.[52]

> observes the king when he enters the queen's chamber at night. He then dresses in the same clothes, gives the same signals, and adopts the same routine and thereby sleeps with the queen without her realizing it was not the king. In another story a rogue tricks a woman into thinking her husband has made an assignation with the rogue's wife in a certain cabin. The rogue then goes there and gets in bed, and the woman comes in thinking it is her own husband in the bed, waiting for the other woman. She sleeps with him, and then reproves her "husband" for trying to sleep with another woman, and for treating her wrongly, had she not taken these measures. The storyteller emphasizes that the rogue had "a room which was very dark, being without any window to admit the light," and that they slept together "with no word said on either side in a voice that might be recognized" (Third Day, Sixth Novel). In yet another story a newlywed lets his friend into the nuptial chamber, having "extinguished every ray of light," to sleep with his new wife, and the woman does not realize the switch. In Chaucer's *Canterbury Tales*, in "The Reeve's Tale," a clerk hosted by a miller moves a cradle from near the bed of the miller and his wife to a position adjacent to his own bed, which causes the miller's wife to crawl into that bed, believing it to be hers, and have sex with the clerk, thinking him to be her husband. Chaucer emphasizes that the single room in which they all slept was dark, but otherwise says nothing of the mistaken sex partner; apparently such confusion was not surprising. On this story and parallels in the *Decameron* and other medieval tales, see Peter G. Beidler, "Chaucer's 'Reeve's Tale,' Boccaccio's 'Decameron,' IX, 6, and Two 'Soft' German Analogues," *The Chaucer Review* 28 (1994), 237-51. That crawling into bed and having sex with the wrong person can happen even in this day and age, see e.g. https://www.howardforums.com/showthread.php/898081-Man-Accidentally-Has-Sex-With-Wrong-Woman-Charged-With-Rape (accessed 5/7/2023); https://metro.co.uk/2016/05/12/woman-realised-she-was-having-sex-with-wrong-man-so-accused-him-of-rape-5876504/; https://www.ibtimes.co.uk/bride-china-sex-best-man-groomsman-mistake-514315. For a case of collusion and trickery similar to some of these stories, see https://www.pressdemocrat.com/article/news/prosecutor-santa-rosa-woman-tricked-into-sex-with-wrong-man/.

52 Heinrich W. Guggenheimer, *The Jerusalem Talmud: Tractates Terumot and Maʿserot* (Berlin: De Gruyter, 2002), 277; *Talmud Yerushalmi*, ed. Academy of Hebrew Languages (Jerusalem, 2001), 247. Interestingly, the story appears within a story-cycle of three stories about unattended foodstuffs, #6 on Yassif's list. The

ירושלמי תרומות ח:ד, מה ע"ג	yTer 8:4, 45c
חד איתתא הוו רחמנא מצוותא סגי. חד זמן סלק גבה חד מיסכן. יהבת קומוי מיכל. מי אכל ארגשה בעלה. איסלק יהבתיה גו עיליתא. יהבת קומוי בעלה דיוכול. אכל נם ודמך ליה. אתא חיויה אכל מן מה דהוה קומוי והוה מסתכל ביה. מן דאיתער קם בעי מיכל מן מה דהוה קומוי. שרי ההוא דעיליתא מלולי ביה.	[A] A woman loved very much doing good deeds. One time, a poor man came to her and she served him food. While he was eating, she noticed that her husband was coming. She put him [the poor] on the upper floor. She put food before her husband who ate, took a nap, and slept. A snake came and ate from what was before him; he [the poor] saw it. When he awoke and got up he wanted to continue eating what was before him. The one on the upper floor started to talk to him.
הדא אמרה ישן מותר. בריר הוה.	[B] That means, if he was sleeping, it is permitted.[53] It was familiar with it.[54]
ואין אסור משום ייחוד. מכיון דלא חשיד על הדא לא חשיד על הדא. כי נאפו ודם בידיהן (יחז' כג:לז).	[C] Is she not forbidden for being alone [with another man?] Since he is not suspected in one thing, he is not suspected in the other, (Ez. 23:37) "For they committed adultery, blood is on their hands."

The story appears in Tractate Terumot in the context of the laws of uncovered liquids and foods left unattended, specifically whether falling asleep with unattended foods renders them prohibited. It is adduced as

story-cycle and the larger passage also appear in yAZ 2:3, 41a (1386). This location is clearly secondary, as the issue of unattended foodstuffs appears in mTer 8:4.

53 "Since without the warning, the husband would have eaten the contaminated food" (=Guggenheimer, n. 98).

54 "The snake was used to the dwellers in the house, otherwise it would not have ventured near a sleeping person. Therefore, food near a sleeping person is permitted except for houses with a house snake. (The text in Rome ms., the Leyden of *Avodah Zarah*, and the quote in *Arukh* read כריך 'used to' instead of ברייר)" (=Guggenheimer, n. 99).

evidence that in such a case the foods are permitted, as can be seen from the discussion immediately following the story [B].

Tal Ilan has noted that the fourth Bavli story is a reworking of this story.[55] The common elements include the husband's return home when another man is in his house, the man hiding, the snake eating from food unbeknownst to the husband and wife, the other man warning him, and the ruling that there is no suspicion of impropriety based on the same biblical verse. There are substantial differences too. Here it is a pious woman not an adulteress, and the man is in the house to receive a charitable meal not to commit a sin. The snake eats unidentified food, rather than cress. The issue in the Bavli is premeditated adultery; in the Yerushalmi it is seclusion with another man (*yihud*). Hence the Bavli identifies the man as "a certain adulterer," whereas in the Yerushalmi he is "the poor." Nevertheless, the similarities are such that we clearly have two versions of the same story.

That the Bavli has reworked the Yerushalmi is most apparent from the motif of the snake depositing venom in unattended foodstuffs. This issue is the primary concern in the larger context in Tractate Terumot, while it is quite foreign to the Bavli context. In addition, the Yerushalmi's unattributed, non-narrative comment about the story, whether the woman should be forbidden [C], answered by Ezek 23:37, has been incorporated within the story itself by the Bavli, in Rava's ruling, whether this took place in the presence of the other characters or later in his school. It is hard to think of the reverse process having occurred, that this element was removed from the original Bavli story and integrated in the unattributed (*stam*) Yerushalmi without Rava's name.

The reworking in the Bavli may draw on Shab 110a, a bizarre passage that offers a remedy for a woman whose body has been infiltrated by a

55 Tal Ilan, "'Stolen Water is Sweet': Women and their Stories between Bavli and Yerushalmi," *The Talmud Yerushalmi and Graeco-Roman Culture III*, ed. P. Schaefer (Tübingen: Mohr-Siebeck, 2002), 185-90. (Ilan was anticipated by Aryeh Leib Yellin in his *Yafeh Enayim,* ad loc.) While Ilan is correct in this assessment, she makes little effort to argue it. She is most interested in, and clearly upset about, the transformation of a pious woman in the Yerushalmi into an unfaithful wife in the Bavli: "A thoroughly positive woman figure of the Yerushalmi is transformed into a thoroughly negative one. A thoroughly complex story in the Yerushalmi is changed into a cheap joke in the Bavli" (p. 189).

snake. After burning fatty meat on coals, the healers bring a bowl of cress and fragrant wine, which the snake will smell and exit her body. As the Tosafot conclude, "this passage implies that a snake loves cress, and likewise at the end of Tractate Nedarim," referring to our story.[56] The parallel story in the Yerushalmi does not mention the type of food that the wife set before her husband and that the snake subsequently ate, so the Bavli storyteller probably identified that food as cress based on this passage.[57]

There is thus some evidence of the role of the Bavli redactors in constructing the story-cycle, mainly the reworking of the fourth story based on the Yerushalmi version with the integration of another Bavli source, and the similarities between the first two stories that suggest one was patterned on the other.[58] Because this evidence is modest, a late Amoraic provenance (obviously post-Rava) cannot be ruled out.

The contextualization with mNedarim 11:12, however, may point to the redactors, because Rav Nahman in the stories articulates the same justification as in the Mishnah. This suggests that whoever composed or reworked the story-cycle did so in order to contextualize it with the Mishnah, to be the "Talmud" to the Mishnah, and the redactors are responsible for this process. Because the phrase "she set her eyes on another" is an idiom that appears elsewhere, it is possible that a Bavli storyteller composed the stories independently, and they were subsequently juxtaposed with the Mishnah, or that Rav Nahman himself employed the phrase, but this seems less likely to me.

Conclusions: This story-cycle is a compact, artfully constructed textual unit, consisting of two pairs of stories. The composer has varied the narrative elements in both pairs to provide for a broader engagement with

56 See too AZ 30b, where types of cress are mentioned in the context of the law of unattended foods, suggesting the rabbis believe snakes had a particular attraction to cress.

57 In Suk 31a we find a woman complaining that her sukkah was stolen, and "Rav Nahman paid no attention to her" (לא אשגח בה רב נחמן), a phrase similar, though not identical to that of [B5].

58 On such patterning see Jeffrey L. Rubenstein, *Stories of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2010), 209-14.

the issue of suspected adultery. The story-cycle is directly related to the halakhic topic of the proximate Mishnah and preceding halakhic material. Indeed, it functions as a narrative justification for the Mishnaic ruling. The cycle should probably be attributed to the Stammaim, though there is no unambiguous evidence.

That taking the Mishnaic and halakhic contexts into account enriches our understanding of the story-cycle, as does the source-critical evidence of the Yerushalmi parallel, suggests that Bavli story-cycles should be analyzed with the methods and tools of critical Talmud study, and not only as folklore. In general, we should understand this story-cycle, and other story-cycles too, as a quasi-philosophical mode of addressing more general questions: What counts as evidence of adultery? What statement and actions indicate a sex-act has taken place? Under what circumstances do we accept a wife's testimony that adultery has occurred? The rabbis approach issues like this not through philosophical essays, as might a philosopher, but through comparison and contrast of narratives.