

# Encyclopaedia Judaica by Fred Skolnik (Second Ed, Vol 1) Quotes

ABDUCTION (or Manstealing; *genevat nefesh*), stealing of a human being for capital gain. According to the Bible, abduction is a capital offense. "He who kidnaps a man – whether he has sold him or is still holding him – shall be put to death" (Ex. 21:16); and, "If a man is found to have kidnapped a fellow Israelite, enslaving him or selling him, that kidnapper shall die" (Deut. 24:7). The first passage appears to prohibit the abduction of any person, while the latter is confined to Israelites only; the first appears to outlaw any abduction, however motivated (cf. Codex Hammurapi, 14), while the latter requires either enslavement or sale as an essential element to constitute the offense. Talmudic law, in order to reconcile these conflicting scriptural texts or to render prosecution for this capital offense more difficult (or for both purposes), made the detention, the enslavement, and the sale of the abducted person all necessary elements of the offense, giving the Hebrew "and" (which in the translation quoted above is rendered as "or") its cumulative meaning (Sanh. 85b, 86a). Thus, abduction without detention or enslavement or sale, like enslavement or sale or detention without abduction, however morally reprehensible, was not punishable (even by flogging), because none of these acts was in itself a completed offense. On the other hand, even the slightest, most harmless, and casual use of the abducted person would amount to "enslavement"; and as for the "sale," it does not matter that the sale of any human being (other than a slave) is legally void (bk 68b). In this context, any attempt at selling the person, by delivering him or her into the hands of a purchaser, would suffice. However, the attempted sale has to be proved in addition to the purchaser's custody, because giving away the abducted person as a gift would not be a "sale" even for this purpose (Rashba to bk 78b). The term rendered in the translation quoted above as "kidnap" is *ganov* ("steal"). The injunction of the Decalogue, "Thou shalt not steal" (Ex. 20:13), has been interpreted to refer to the stealing of persons rather than the stealing of chattels. The reason for this is both because the latter is proscribed elsewhere (Lev. 19:11), and because of the context of the command next to the interdictions of murder and adultery, both of which are capital offenses and offenses against the human person (Mekh. Mishpatim 5). It has been said that this interpretation reflects the abhorrence with which the talmudic jurists viewed this particular crime; alternatively, it has been maintained that the reliance on the general words "Thou shalt not steal" made the interdiction of manstealing applicable also to non-Jews and hence amounted to a repudiation of slave trading, which in other legal systems of the period was considered wholly legitimate. There is no recorded instance of any prosecution for abduction – not, presumably, because no abductions occurred, but because it

proved difficult, if not impossible, to find the required groups of witnesses. These would have been required not only for each of the constituent elements of the offense, but also for the prescribed warnings that first had to be administered to the accused in respect of the abduction, the detention, the enslavement, and the sale, separately. The classical instance of abduction reported in the Bible is Joseph's sale into slavery (Gen. 37; cf. 40:15, "I was kidnapped from the land of the Hebrews"). In the Talmud there is a report from Alexandria that brides were abducted from under the canopy (BM 104a; Tosef. Ket. 4:9), not necessarily for enslavement or sale, but (as it appears from the context) for marriage to the abductors.<sup>1</sup>

ABOMINATION. Three Hebrew words connote abomination: (to'evah), (shekez, sheqez) or shikkuz, shiqquz), and (piggul); to'evah is the most important of this group. It appears in the Bible 116 times as a noun and 23 times as a verb and has a wide variety of applications, ranging from food prohibitions (Deut. 14:3), idolatrous practices (Deut. 12:31; 13:15), and magic (Deut. 18:12) to sex offenses (Lev. 18:22 ff.) and ethical wrongs (Deut. 25:14–16; Prov. 6:16–19). Common to all these usages is the notion of irregularity, that which offends the accepted order, ritual, or moral. It is incorrect to arrange the to'evah passages according to an evolutionary scheme and thereby hope to demonstrate that the term took on ethical connotations only in post-Exilic times. For in Proverbs, where the setting is exclusively ethical and universal but never ritual or national, to'evah occurs mainly in the oldest, i.e., pre-Exilic, passages of the book (18 times in ch. 10–29; 3 in the remaining chapter). Moreover, Ezekiel, who has no peer in ferreting out cultic sins, uses to'evah as a generic term for all aberrations detestable to God, including purely ethical offenses (e.g., 18:12, 13, 24). Indeed, there is evidence that to'evah originated not in the cult, and certainly not in prophecy, but in wisdom literature.<sup>2</sup>

In talmudic times, as in ancient halakhah, abortion was not considered a transgression unless the fetus was viable (ben keyama; Mekh. Mishpatim 4 and see Sanh. 84b and Nid. 44b; see Rashi; ad loc.), hence, even if an infant is only one day old, his killer is guilty of murder (Nid. 5:3). In the view of R. Ishmael, only a Gentile, to whom some of the basic transgressions applied with greater stringency, incurred the death penalty for causing the loss of the fetus (Sanh. 57b). Thus abortion, although prohibited, does not constitute murder (Tos., Sanh. 59a; Hül. 33a). The scholars deduced the prohibition against abortion by an a fortiori argument from the laws concerning abstention from procreation, or onanism, or having sexual relations with one's wife when likely to harm the fetus in her womb – the perpetrator whereof being regarded as "a shedder of blood" (Yev. 62b;

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<sup>1</sup> 241-242

<sup>2</sup> 269

Nid. 13a and 31a; H avvat Ya'ir, no. 31; She'elat Yavez, 1:43; Mishpetei Uziel, 3:46). This is apparently also the meaning of Josephus' statement that "the Law has commanded to raise all the children and prohibited women from aborting or destroying seed; a woman who does so shall be judged a murderess of children for she has caused a soul to be lost and the family of man to be diminished" (Apion, 2:202). The Zohar explains that the basis of the prohibition against abortion is that "a person who kills the fetus in his wife's womb desecrates that which was built by the Holy One and His craftsmanship." Israel is praised because notwithstanding the decree, in Egypt, "every son that is born ye shall cast into the river" (Ex. 1:22), "there was found no single person to kill the fetus in the womb of the woman, much less after its birth. By virtue of this Israel went out of bondage" (Zohar, Ex., ed. Warsaw, 3b). Abortion is permitted if the fetus endangers the mother's life. Thus, "if a woman travails to give birth [and it is feared she may die], one may sever the fetus from her womb and extract it, member by member, for her life takes precedence over his" (Oho. 7:6). This is the case only as long as the fetus has not emerged into the world, when it is not a life at all and "it may be killed and the mother saved" (Rashi and Meiri, Sanh. 72b).<sup>3</sup>

Haskalah in Russia Haskalah was introduced into Russia from Western Europe, particularly Germany. It was brought to the communities of Lithuania and Ukraine by merchants, physicians, and itinerant Jewish scholars from the close of the 18<sup>th</sup> century. As early as the 1780s some Jews in towns of Lithuania and Poland were subscribers to the Biur of Moses Mendelssohn and Ha-Me'assef of the German maskilim. The earliest maskilim in Eastern Europe were Israel Zamosc, Solomon Dubno, Judah Hurwitz, Judah Loeb Margolioth, Baruch Schick, and Mendel Lefin. They maintained direct relations with the maskilim of Berlin, but when spreading Haskalah in their own environment they based themselves formally on the views of Elijah b. Solomon Zalman, the Gaon of Vilna, and regarded themselves as his disciples. Baruch Schick, who published several works on mathematics and astronomy, wrote in his introduction to his translation of Euclid (Amsterdam, 1780) that he had heard the Gaon state that "in proportion to a man's ignorance of the other sciences, he will be ignorant of one hundred measures of the science of the Torah." Solomon Dubno contributed to the Biur, Mendelssohn's commentary on the Bible. Phinehas Hurwitz published the Sefer ha-Berit (Bruenn, 1797), a type of encyclopedia of various sciences, combining ethical observations and research in the spirit of moderate Haskalah. Manasseh b. Joseph of Ilya, who was persecuted by the zealots for his free ideas, also belonged to this circle. As customary at this time, all these authors sought and obtained the written approval of outstanding rabbis for their works.<sup>4</sup>

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<sup>3</sup> 271

<sup>4</sup> 440-441

AGE AND THE AGED. IN THE BIBLE. Extreme longevity is attributed to the Fathers of Mankind (e.g., Methusaleh, 969 years) and the Fathers of the Israelite People (Abraham, 175; Isaac, 180; Jacob, 147; Moses, 120). By some, Genesis 6:3 is taken to mean that God has set a limit of 120 years to human life (Ḥizzekuni, cf. Ibn Ezra); in accord with this notion is the popular Jewish reckoning of a long life. However, sober reality is reflected in Psalms 90:10: "The days of our years are 70 years, and if by reason of strength, 80 years." The Bible regards longevity (Isa. 65:20; Zech. 8:4; Ps. 92:15), a long life followed by death at "a good old age" (Gen. 15:15; et al.), as a blessing; whereas the opposite is regarded as a curse (I Sam. 2:31–32). Long life is promised as a reward for observing certain commandments (Ex. 20:12; Deut. 22:7; 25:15), or for obeying the Law as a whole (Deut. 6:2). But there are also some grim descriptions of old age (II Sam. 19:33–38). Especially instructive are the descriptions of old age in Ecclesiastes (12:1–7) in which old age is "the calamitous days" in which a man takes no pleasures. It may be noted that a similar view of old age can be found in the Epic of Gilgamesh (See Flood). A realistic observation prompted the moving prayer: "Do not throw me away in the time of old age; when my strength is failing me, do not forsake me" (Ps. 71:9). The experience of the aged caused the belief that old age and wisdom went together (Job. 12:12; cf. *ibid.*, 20). Nevertheless, the Book of Job also stresses that there are young men who are wiser than old men (Job 32:6ff.; Eccles. 4:13). The Bible enjoins respect for the aged: "You shall rise before the aged and show deference to the old" (Lev. 19:32). This was probably the custom throughout the whole ancient Middle East (Ahikar 2:61). Consideration for old age and its disabilities is mentioned frequently in the Bible. Disrespect for the aged was regarded as a sign of a corrupt generation (Isa. 3:5). Ruthlessness toward the aged is a manifestation of extreme harshness by an enemy: "... who will show the old no regard" (Deut. 28:50); "Upon the old man you made your yoke very heavy" (Isa. 47:6); and "He has shown no favor to the elders" (Lam. 4:16; cf. 5:12).<sup>5</sup>

...The Ikkarim is divided into four parts. Part A presents Albo's dogmatic system, namely the system of the main beliefs in what he calls "Divine Law." That system is divided into three hierarchic categories: (a) fundamental principles (Heb. Ikkarim), (b) derivative principles (Heb. Shorashim), and (c) obligatory dogmas (Heb. Anafim). Denying one of the fundamental or the derivative principles, Albo claims, is equivalent to heresy, but not the denial of one of the obligatory dogmas, which is considered by him merely a religious sin. According to Albo there are three fundamental principles of "Divine Law": (1) the existence of God, (2) divine revelation, and (3) reward and punishment.<sup>6</sup>

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<sup>5</sup> 446

<sup>6</sup> 594

The Mishnah (Sanh. 7:5), rules that the death sentence by stoning should be applied only in the case where the blasphemer had uttered the Tetragrammaton and two witnesses had warned him prior to the transgression. In the Talmud, however, R. Meir extends this punishment to cases where the blasphemer had used one of the attributes, i.e., substitute names of God (Sanh. 56a). The accepted halakhah is that only the one who has uttered the Tetragrammaton be sentenced to death by stoning; the offender who pronounced the substitute names is only flogged (Maim., Yad, Avodat Kokhavim, 2:7). In the court procedure (Sanh. 5:7 and Sanh. 60a) the witnesses for the prosecution testified to the words of the blasphemer by substituting the expressions "Yose shall strike Yose" (yakkeh Yose et Yose). Toward the end of the hearing, however, after the audience had been dismissed, the senior witness was asked to repeat the exact words uttered by the blasphemer. Upon their pronouncement (i.e., of the Tetragrammaton), the judges stood up and rent their garments. The act expressed their profound mourning at hearing the name of God profaned. The custom of tearing one's clothes on hearing blasphemy is attested to in II Kings 18:37, where it is told that Eliakim and his associates tore their garments upon hearing the blasphemous words of the Assyrian warlord Rab-Shakeh (Sanh. 60a). It is codified in Shulhan Arukh (YD 340:37) that whoever bears a blasphemy whether with the Tetragrammaton or with attributes, in any language and from a Jew, even from the mouth of a witness, must rend his garment. The second and any successive witnesses only testified: "I have heard the same words" (Sanh. 7:5); according to the opinion of Abba Saul, whoever utters the Tetragrammaton in public is excluded from the world to come (Av. Zar. 18a). Besides the sacrilege of God, vituperation against the king, God's anointed servant, was also considered blasphemy (cf. Ex. 22:27 and I Kings 21:10). Gentiles, too, are obliged to refrain from blasphemy since this is one of the Seven Noachide Laws (Sanh. 56a, 60a). Maimonides also classified as blasphemy the erasure of God's name written on paper or engraved on stone, etc., which was to be punished by flogging (Yad, Yesodei ha-Torah 6:1-6). After Jewish courts were deprived of jurisdiction in those cases where capital punishment was applied, excommunication (see *herem*) was the usual sanction against a blasphemer (J. Mueller (ed.), *Teshuvot Ge'onei Mizrah u-Ma'arav* (1898), 27a, responsum no. 103 by Amram Gaon).<sup>7</sup>

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<sup>7</sup> 741-742