

WHY DID R. NAḤMAN PERMIT YALTA TO BE TRANSPORTED ON A PALANQUIN ON A FESTIVAL? A NEW READING OF BAVLI¹ BEṢAH 25B²

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When people are asked to name the constituent elements of the Talmud, they usually think of two—*halakhah* and *aggadah*, law and narrative.³ A third strand, smaller than the other two, generally escapes notice. The texts that make up this third strand may be called halakhic anecdotes. They differ from *halakhah* in that they are not prescriptive but descriptive. A typical *sugya*, or unit of Talmudic discourse, opens with a statement of *halakhah*. After subjecting it to extensive give-and-take, the *sugya* continues, on occasion, with a short narrative that describes how an *amora*⁴—not the one who formulated the *halakhah* but one who lived at a later time—implemented the *halakhah*. If we compare the stated *halakhah* to its actual performance, we see that they often differ from each other in

¹ Bavli (“Babylonian”), as shorthand for the Talmud Bavli (the “Babylonian Talmud”), contrasts with the shorthand of Yerushalmi (meaning “Jerusalemite”), referring to the Talmud Yerushalmi (the Talmud of the Land of Israel).

² This paper was originally presented by the author as “Applying the Findings of the Halakhic Anecdote Study to Three Bavli *Sugyot*” in Hebrew at the 17th World Congress of Jewish Studies, August 9, 2017, at the Hebrew University in Jerusalem. The author’s English translation here preserves the flavor of the original presentation.

³ See recent volumes on this general topic: B. Wimpfheimer, *Narrating the Law, A Poetics of Talmudic Legal Stories* (University of Pennsylvania, 2011); M. Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah* (Oxford 2012).

⁴ *Amoraim* (plural of *amora*) served as scholars of the rabbinic tradition in the period immediately following the compilation of the Mishnah.

small but significant ways. Upon reading hundreds of these halakhic anecdotes, I have reached the conclusion that they were included in the Talmud not to praise the piety of the *amora* who carried out the *halakhah*, but in order to say that implementing the *halakhah* outside the study hall demands adjustment of the *halakhah* to life circumstances.

In this article I will present one extended example of this phenomenon. The *sugya* to be analyzed deals with transport on a sedan chair on a festival. A traditional reading of the *sugya* suggests that its main point is to permit lifting the ban on sedan chair transport on a festival for those who serve the public, the prime example being teachers of Torah. I will argue that the main point of the *sugya* is to permit lifting the ban on sedan chair transport on a festival for women too.

The topic of sedan chair transport on a festival first appears in Tosefta⁵ Beṣah 3:17:

אין יוצאין בכסא אחד האנשים ואחד הנשים ולא סומה במקלו ולא רועה
בתרמילו.

ר' לעזר בי ר' שמעון או' אף אין מנהיגין את הבהמה במקל ביום טוב.

One may not go out in a [sedan] chair [on a festival].
[The same rule applies to] both men and women.
Neither may a blind man go out with his staff, nor a
shepherd with his pack.

R. Lezer the son of R. Shimon said: one may not even
lead an animal with a staff on a festival.

The Tosefta paragraph states that one may not go out in a sedan chair on a festival, that is, in a chair resting on poles that several men carry. It is clear that the *halakhah* does not speak of the Sabbath, when carriage--i.e., transferring items from domain to domain—is forbidden, but rather of a festival, when carriage is permitted. It is true that the Houses of Hillel and Shammai dispute the issue of carriage on a festival in Mishnah Beṣah 1:5, with Beit Hillel permitting it and Beit Shammai prohibiting it. A review of Mishnah

⁵ The Tosefta is a collection that, broadly speaking, parallels the Mishnah (edited circa 200 C.E.). I have argued that many teachings of the Tosefta were compiled earlier than the Mishnah. See my *Rereading the Mishnah* (Tübingen: Mohr Siebeck, 2005).

and Tosefta Beṣah, however, shows that most paragraphs of these two tannaitic works make the assumption that carriage is permitted on a festival, in accord with the opinion of Beit Hillel.

Note that not just men but also women are warned not to go out in a sedan chair. Why did the author of this Tosefta rule find it necessary to mention women explicitly? Most halakhot of the Tosefta are addressed to both men and women and yet do not mention women explicitly. Why is this one different? I will return to this point below.

A question that arises is: if carriage is permitted on a festival, why is going out in a sedan chair prohibited? The Talmud does not present a clear answer to this question. One possible rationale is that on a festival a person should not perform even a permitted action “in the same manner in which it is performed on an ordinary day.”⁶ Alternatively, carriage by means of a staff or poles is prohibited on a festival. But even without knowing why going out in a sedan chair is forbidden, we can still analyze the *sugyot* that deal with this issue. We read in Yerushalmi Beṣah 1:7:

מתני' ב"ש אומרים אין מוציאין לא את הקטן ולא את הלולב ולא את ספר תורה לר"ה וב"ה מתירין:
גמ' . . .

רב חונה הורי לריש גלותא לצאת בכסא.
רב חסדא בעי לא כן תני אין יוצאין בכסא אחד אנשים ואחד נשים
אפילו תלמיד חכם אינו טועה בדבר הזה ורב חונה טעי!
רבי ירמיה הורי לבר גירנטי אסיא מיטענה בסדינא מיעול מבקרא
ביישיא בשובתא
מיישא בר בריה דרבי יהושע בן לוי מיטעון בסדינא מיעול מידרוש
בציבורא בשובתא
אמר ר' זריקן לרבי זעירה כד תיעול לדרומא את שאיל לה. אשתאלת
לרבי סימון. אמר לון ר' סימון בשם ר' יהושע בן לוי לא סוף דבר
שצורך לרבים בו אלא שמא יצרכו לו הרבים.
דלמא: רבי ליעזר ור' אבא מרי ורבי מתניה הורי פיתא לארסקינס
בשובתא שמא יצרכו לו הרבים.

Mishnah: Beit Shammai says, “[On a festival] one may not take out a child, a lulav, or a Torah [from a private domain] to a public domain but Beit Hillel permit [one to do so].”

⁶ See, for instance, Tosefta Shabbat 13:17 and 14:4.

R. Ḥuna⁷ instructed [*i.e.*, gave permission to] the exilarch to go out in a sedan chair [on a festival].

R. Ḥisda asked: do we not have a tannaitic teaching that says, “One may not go out in a sedan chair [on a festival], neither men nor women?!” Even a young scholar does not err regarding this rule but R. Ḥuna did!

R. Jeremiah instructed Bar Giranti, a physician, to be carried in a sheet to go and visit the sick on a *shubta*.

Meisha, the grandson of R. Joshua b. Levi, was carried in a sheet to go and teach in public on a *shubta*⁸.

Said R. Zeriḡan to R. Zeira, “When you travel to the South, ask him [about going out in a sedan chair on a *shubta*].” He [R. Zeira] asked R. Simon [this question]. He said to them in the name of R. Joshua b. Levi: not only [is it permitted] if the public needs him [now] but [it is permitted] even if the public may possibly need him [in the future].

Lemma: R. Liezer, R. Abba Mari and R. Matanya instructed [the bakers to bake] bread for Ursicinus on a *shubta* for perhaps the public may need him [in the future].

Unlike the Tosefta, which addresses the topic of going out in a sedan chair in Chapter 3, the Yerushalmi addresses this topic in Chapter 1, Mishnah 5. Beit Shammai holds that one is only permitted to transport a child from domain to domain on a festival, but Beit Hillel even permits transport of an adult. The passage goes on to relate that R. Ḥuna permitted the exilarch to go out in a sedan chair on a festival. R. Ḥisda cites a baraita⁹ that prohibits such an action. He chides R. Ḥuna, saying that the [senior] scholar made a mistake that even a young scholar would not make. His sharp words provide

⁷ This is not R. Huna of the Babylonian Talmud but R. Ḥuna (חונה) of the Land of Israel.

⁸ See below for discussion of the meaning of *shubta*.

⁹ A baraita, though not included in the Mishnah, comes from a tanna, a sage from the era of those whose teachings were compiled in the Mishnah.

evidence of the controversy surrounding the issue of festival transport. Two anecdotes report that people were in fact transported in a sheet on a *shubta*. In the first, R Jeremiah instructs a physician to go out in a sheet on a *shubta* in order to visit sick patients. The second reports that R. Joshua b. Levi's grandson was transported in a sheet on a *shubta* in order to give a public lecture. As these anecdotes suggest, the rules forbid an ordinary person from going out in a sedan chair on a *shubta* but permit one who serves the public to do so. R. Zeriqa requests of R. Ze'irah to ask R. Simon in the south if going out in a chair is permitted on a *shubta*. R. Simon responds, in the name of R Joshua b. Levi, that not only a person who currently serves the public, but even one who may serve the public in the future, is permitted to go out in a sedan chair on a *shubta*. The *sugya* ends with one more anecdote. Three *amoraim* permitted baking bread on a *shubta* for Ursicinus, a Roman officer, with the justification that the public may seek favors from him in the future.

To understand the anecdotes, we need to establish the meaning of the word "*shubta*." In other contexts it means "Sabbath," and that is how Qorban Ha'edah and P'nei Moshe, two eighteenth century commentators, interpret this word here. R. Eleazar Azikri,¹⁰ a sixteenth century commentator, claims that the two anecdotes about transport in a sheet on a *shubta* refer to a town surrounded by a wall that locks all its gates on the Sabbath. In such circumstances transport on the Sabbath within the town walls is permitted because the entire town is considered to be one domain. The likely reason Azikri superimposed these unusual conditions on the three anecdotes is that, unlike the other commentators, he holds that transporting a person on the Sabbath, even if he serves the public, is forbidden.

I concur with R. Eleazar Azikri. I find it hard to imagine that permission was given to desecrate the Sabbath in order to bring a rabbi to give a public lecture. There is no hint whatsoever in the various anecdotes that the setting is a walled town. Moreover, this tractate and this chapter deal with festivals, on which carriage is

¹⁰ He is the author of a commentary on two tractates of the Yerushalmi — Berakhot and Beṣah — and is called, after a different composition of his, *Ba'al Sefer Haredim* ("the author of *Sefer Haredim* ['The Book of the Trembling Ones']").

permitted, and not with the Sabbath, on which it is forbidden. I therefore do not think that the word *shubta* in the Yerushalmi anecdotes means Sabbath. This word, in my opinion, means “festival day.” The root of *shubta*, *sh-b-t*, means to cease from labor. Labor is forbidden on festival days just as it is forbidden on the Sabbath, with the exception of preparing food, which is permitted on a festival. So *shubta* is an accurate descriptive term for a festival.¹¹ It follows that the physician and the scholar were transported not on the Sabbath but on a festival. As stated in the Tosefta, transporting a person in a sedan chair on a festival is prohibited, but if the person serves the public, assert the anecdotes, it is permitted.

I similarly hold that the last anecdote, in which Jewish bakers baked bread for a Roman officer on a *shubta*, did not take place on a Sabbath but on a festival. The standard interpretation of this report is that the bread was baked on a Sabbath because they, apparently the rabbis, thought that such a gesture would protect the Jewish community in the future, keep them in the good graces of the Roman officer. It is hard for me to accept that rabbis would permit such outright desecration of the Sabbath in a case in which “maybe they would need him in the future.” The Tosefta states elsewhere in this same tractate (Tosefta Beṣah 2:6) that one is permitted to bake on a festival for a Jew, but not for a non-Jew. If so, this Yerushalmi anecdote does not speak of baking for a non-Jew on the Sabbath, a serious violation, but of baking for a non-Jew on a festival, a far milder violation.

Interpreting *shubta* as a festival is not just logically necessary, as argued above, but can be supported by talmudic texts.

תנו רבנן, מעשה ברבי אלעאי שהלך להקביל פני רבי אליעזר רבו בלוד
ברגל, אמר לו: 'אלעאי, אינך משובתי הרגל?'
והאמר רבי יצחק: מניין שחייב אדם להקביל פני רבו ברגל, שנאמר
מדוע את הולכת אליו היום לא חדש ולא שבת (מלכים ב' ד:כג), מכלל
דבחדש ושבת מיחייב איניש לאקבולי אפי רביה.

A tannaitic teaching: It once happened that R Il'ai went to Lydda on a festival to greet his teacher R. Eliezer. He said to him, “Il'ai, are you not among those who cease [from travel] on a festival?”

¹¹ In the Torah, Yom Kippur, a fast day, is called “*shabbat shabbaton*” (Leviticus 16:31).

But did not R Yizhaq say: from where do we learn that a student is obligated to greet his teacher on a festival, for it says, "Why are you going to [visit] him [the prophet Elisha] today? It is neither a new moon nor a Sabbath" (2 Kings 4:23), which implies that a student is obligated to greet his teacher on a new moon and a festival?!¹²

As stated above, the root *sh-b-t* means to refrain from labor. For R. Yizhaq to interpret the word "Shabbat" in the verse as "festival," therefore, makes sense. Similarly, R. Eliezer employs the phrase *shov'tei haregel*, to refer to those who cease from labor on a festival, with the word *shov'tei*, from the same root as Sabbath, indicating cessation of labor. I am therefore claiming that, correspondingly, the word *shubta* in the three Yerushalmi anecdotes is likely to mean festival, not Sabbath.

In sum, the Yerushalmi *sugya* on the topic of transport on a festival shows that the ban was interpreted over time to apply to ordinary people only. Scholars and others who serve the public were permitted to be transported. It is important to note that the exceptions to the rule of forbidden transport on a festival are presented by anecdotes, not by prescriptive *halakhah*.

We can now turn to the Bavli, but we will keep the Tosefta and Yerushalmi in mind.

שחטה בשדה לא יביאנה במוט.
תנו רבנן: אין הסומא יוצא במקלו, ולא הרועה בתרמילו, ואין יוצאין
בכסא, אחד האיש ואחד האשה.
איני? והא שלח רבי יעקב בר אידי: זקן אחד היה בשכונתינו והיה יוצא
בגלודקי שלו, ובאו ושאלו את רבי יהושע בן לוי, ואמר אם רבים
צריכין לו מותר.
וסמכו רבותינו על דברי אחי שקיא, דאמר אנא אפיקתיה לרב הונא
מהיני לשילי ומשילי להיני.
ואמר רב נחמן בר יצחק: אנא אפיקתיה למר שמואל משמשא לטולא
ומטולא לשמשא.
התם כדאמר טעמא אם היו רבים צריכין לו מותר.

¹² Bavli Sukkah 27b.

אמר לו רב נחמן לחמא בר אדא שליח ציון: כי סלקת להתם, אקיף וזיל
 אסולמא דצור, וזיל לגבי דרבי יעקב בר אידי, ובעי מיניה: כסא מה
 אתון ביה?

אדאזל להתם נח נפשיה דרבי יעקב בר אידי.
 כי סליק, **אשכחיה** לרבי זריקא, אמר ליה: כסא מה אתון ביה?
 אמר ליה: הכי אמר רבי אמי ובלבד שלא יכתף.
 מאי ובלבד שלא יכתף?
 אמר רב יוסף בריה דרבא: באלונקי.
 איני? והא רב נחמן שרא לה לילתא למיפק אאלונקי!
 שאני ילתא דבעיתא.

אמימר ומר זוטרא מכתפי להו בשבתא דרגלא משום ביעתותא, ואמרי
 לה משום דוחקא דצבורא

[Mishnah Beṣah 3:3:] “If he slaughtered it [an animal] in a field, he may not bring it in [to town] on a pole.”

[Gemara:] A tannaitic teaching: [On a festival,] a blind man may not go out with his staff, nor a shepherd with his pack, nor may a person go out in a sedan chair, neither a man nor a woman.

Is that so?! But [did not] R. Ya’akov bar Idi send [to us in Babylonia saying], “There was an old man in our neighborhood who used to go out in his sedan chair [on a festival] and they came and asked R. Joshua b. Levi, and he said, if he serves a public need, it is permitted?!”

And [is it not so that] our rabbis relied on the words of Aḥi Shaqia who said, “I transported R. Ḥuna from Hini to Shili and from Shili to Hini?!”

And [is it not so that] R. Naḥman bar Yizhaq said, “I transported Mar Sh’muel from sun to shade and from shade to sun?!”

The reason [for permitted transport in these three cases] is as was stated: if the [people who were transported] met a public need, it is permitted.

R. Naḥman said to Hama bar Ada, a messenger of Zion, “When you go up there [to the Land of Israel], go around to Sulama of Tyre and go to R. Ya’akov bar Idi and ask him, ‘What do you [hold] regarding [going out in] a chair [on a festival]?’”

By the time he left [for the Land of Israel], R. Ya'akov bar Idi had passed away.

When he arrived [there], he encountered R. Zeriqa and said to him, "What do you [hold] regarding a sedan chair?"

He said to him, "Thus said R. Ammi: so long as he does not carry it on his shoulders."

What does "so long as he does not carry it on his shoulders" mean?

Said R. Yosef the son of Rava: [not] on a palanquin [which is carried on the shoulders].

Is that so? But, behold, R. Naḥman permitted Yalta to go out on a palanquin [on a festival]!

The case of Yalta is an exception because she was afraid.

Amemar and Mar Zutra were carried on the shoulders on the Sabbath of the festival because of fear, or, some say, because of the pressing crowds.¹³

A discussion of transporting people on a festival appears in Bavli Beṣah Chapter 3, in conjunction with a Mishnah that forbids bringing a slaughtered animal from the field to town on a pole. The *sugya* opens with the same tannaitic teaching that we already saw in the Tosefta and Yerushalmi, *i.e.*, that neither man nor woman may go out in a sedan chair on a festival. Three halakhic anecdotes follow: in the first, a land-of-Israel *amora*, R. Ya'akov bar Idi, sends [a message] to Babylonia that R. Joshua b. Levi, his teacher, permitted an old man to go out on a festival in a *guludki*, a chair, because he served a public need. In the second Aḥi Shaqia relates that he transported R. Ḥuna from place to place on a festival, presumably in a chair. In the third, R. Naḥman bar Yizhaq, or more accurately R. Shemen b. Abba,¹⁴ reports that he moved Sh'muel from sun to shade and from shade to sun, presumably from one domain to another, in a chair. In all of these cases the person transported was someone whom the public needed, in most cases to teach them Torah.

¹³ Bavli Beṣah 25b.

¹⁴ The *amora* R. Naḥman bar Yizhaq lived too late to have done so. The mss. read R. Shemen bar Abba.

In the continuation of the *sugya*, R. Naḥman requests of Hama bar Ada, a messenger of Zion, when he is next in the Land of Israel, to ask R. Ya'akov bar Idi what is his opinion regarding going out in a chair on a festival. By the time Hama bar Ada leaves for the Land of Israel, R. Ya'akov bar Idi had died. Hama bar Ada instead asks R. Zeriqa his opinion regarding a chair. The *amora* answers in the name of R. Ammi, just not on the shoulders. This means that it is permitted to transport a person on a chair on a festival, just not on one's shoulders. R. Ammi does not explicitly limit permission for transport to someone who serves the public but that appears to be his intention. A different *amora* then explains that the prohibition against carrying a person on the shoulders means not to transport on a palanquin. According to the Babylonian Aramaic dictionary of M. Sokoloff, a palanquin is the same as a sedan chair. It is possible to place the poles that support a palanquin on one's shoulders and raise the palanquin high, or to extend one's arms downwards and hold the poles close to one's body, thereby keeping the palanquin low. The new rule is that transport on a festival in a chair is permitted so long as it is kept low.

The anonymous voice of the Talmud, *s'tam hatalmud*, asks: but didn't R. Naḥman permit Yalta to be carried on a palanquin on a festival, which means she was carried high, on the shoulders?! The *s'tam hatalmud* responds that Yalta is an exception to the rule because she was afraid. The gemara does not reveal what she was afraid of. Rashi (c. 1040-1105 C.E., northern France) (s.v. *d'ba'ita*) comments that she was afraid she would fall. His suggestion is hard to understand because he seems to be saying that the reason they hoisted her high is that she was afraid of falling if transported low.

The *sugya* ends with one more anecdote: on the *shabta* of the festival, Amemar and Mar Zutra, seventh generation *amoraim*, were carried on the shoulders, either because they were afraid or because of the pressing crowds.¹⁵

This passage is difficult. First, why did R. Naḥman request the messenger of Zion to ask R. Ya'akov bar Idi what he holds regarding going out in a chair on a festival? An earlier anecdote reported that R. Ya'akov bar Idi transmitted in the name of his

¹⁵ It is likely that avoiding crowds was also Yalta's reason for wanting to be transported on a palanquin on a festival.

teacher that permission to go out in a sedan chair on a festival is given to those who serve the public. It therefore stands to reason that R. Naḥman already knew that *amora's* opinion on the matter. It also stands to reason that R. Naḥman had heard that Sh'muel and R. Ḥuna were, in fact, transported in a sedan chair on a festival. If so, what more did R. Naḥman want to learn about this matter from R. Ya'akov bar Idi?

A second difficulty is that R. Naḥman permitted Yalta, his wife,¹⁶ to be transported on the shoulders on a festival, even though he was told by the messenger of Zion that carrying on the shoulders on a festival is forbidden. That is, even those who serve the public may not be carried on the shoulders. And yet R. Naḥman permitted Yalta, who did not teach Torah in public, not only to be transported on a festival, but to be carried on the shoulders! Tosafot (a 12th-14th century collection of Western European Talmudic commentary) notes this difficulty and resolves it by saying that, since she was the daughter of an exilarch, she served the public.¹⁷ But that is merely conjecture on their part.

A third difficulty is similar to one noted in the Yerushalmi *sugya*: how can we understand that two *amoraim*, Mar Zutra and Amemar, were carried on the shoulders on the Sabbath? True, they serve the public; however, that does not mean that one may desecrate the Sabbath for them.

¹⁶ Since the Talmud calls her Yalta, but does not use the word wife, there is a possibility that she is a female relative. Rashi says that Yalta is R. Naḥman's wife (*s.v. Yalta*).

¹⁷ See Tosafot, *s.v. shani Yalta d'ba'ita*.



Reconstruction of Roman litter; image courtesy of <http://www.vroma.org/~araia/litter.html> and VROMA: A Virtual Community for Teaching and Learning Classics as accessed at www.vroma.org on October 30, 2017.

Before I suggest solutions to these problems, let me provide some ancient Roman context. Sources indicate that the wives of Roman officers and of wealthy Romans were regularly transported on a palanquin, both on weekdays and on festivals, often with curtains drawn. These women of high social status were afraid of mixing with crowds. They may also have feared for their own safety. We can therefore assume that upper class Jewish women in the Land of Israel were also transported on chairs on a regular basis and that they similarly sought to avoid large crowds. Tosefta Beṣah 3:17's statement on chairs now makes more sense. The author of the *halakhah*, in a departure from his usual practice, mentions women explicitly because he knew that women of high social status, including the wives of rabbis, traveled on a palanquin on a regular basis. Even so, he forbade them from going out on a palanquin on a festival. He mentioned women so that it would be clear that the ban applied to them too, and not just to men. The *sugya* above from

Yerushalmi Beṣah 1:7, as it appears in the manuscripts, does not mention women at all. But Rabbenu Ḥananel (11th century, North Africa) and a number of medieval commentators have a version of the Yerushalmi which says that R. Huna permitted not the exilarch, but the wife of the exilarch, to go out in a sedan chair on a festival.

Returning to Bavli Beṣah 25b and its difficulties: what did R. Naḥman seek to learn from R. Ya'akov bar Idi? In my opinion, the question he wanted to ask this *amora* was “Would you permit a woman to be transported on a chair on a festival?” Here is the logic that leads to this assertion: R. Naḥman already knew that R. Ya'akov bar Idi permitted those who served the public to go out in a sedan chair on a festival. Further, he also knew that Sh'muel and R. Huna, two prominent Bavli sages, actually did go out in a sedan chair on a festival. If so, all that was left for R. Naḥman to ascertain was: Could the baraita's prohibition on sedan chairs be lifted not just for Torah scholars but for women too?¹⁸ Moreover, after he received an answer from R. Zeriqa that carrying on the shoulders was prohibited – instead of stopping Yalta from being carried on the shoulders, or stopping her from being transported altogether, as we would have expected him to do – he permitted her to be carried on a palanquin on the shoulders. This decision, which flies in the face of the answer he received to his question, suggests that his goal, from the outset, was to get permission from the sage in the Land of Israel for Yalta to go out in a chair on a festival.

R. Naḥman's action is consistent with what I have found regarding halakhic anecdotes in general. The *amora* who carries out the *halakhah* feels free to adapt it to the circumstances of his own life. Why did R. Naḥman flagrantly violate a ban that he himself was informed of? Probably because Yalta's standard practice, like other women of high social status, was to be transported on a palanquin

¹⁸ It is true that the Yerushalmi *sugya* also includes a question by one *amora* of another as to his opinion of going out in a chair on a festival, and yet, as noted, there is no mention of women in the Yerushalmi. But there, too, there is a good reason for the question to be asked: two *amoraim* disagreed about whether or not one may go out in a sedan chair on a festival. R. Simon decided the matter in favor of R. Huna, that transport in a sedan chair is permitted for public servants, and against R. Hisda.

on ordinary days. She would therefore want to be transported on the shoulders on a festival too.¹⁹

It is important to note that the resolution of the *s'tam hatalmud*, that R. Naḥman permitted Yalta to be carried on a palanquin on a festival “because she was afraid,” creates a precedent. Not only may serving the public justify a departure from the ban on transport, but even a personal predilection may do so. In the words of R. Aharon Halevi, a 13th century commentator, Yalta was permitted to be transported on a palanquin “even for her own pleasure.” And similarly Amemar and Mar Zutra, according to the Talmud, were transported on the shoulders because of a personal preference—either they were afraid to mix with the crowd, or they were concerned that they would be pushed by the throngs.²⁰ In addition, R. Naḥman himself did not offer any justification for his ruling. Apparently he saw no need to do so. Until his day, whoever wanted to go out in a sedan chair on a festival had to serve a public purpose. From the time of R. Naḥman and on, one could justify transport on a palanquin either with a personal or public reason, or even no reason at all.

The last difficulty, how to understand that two *amoraim* were transported on a palanquin on a Sabbath, can be resolved in the same way as in the Yerushalmi. The term “*shabta d'rigla*” does not refer to the seventh day of the week but to the “Shabbat” of the festival, that is, to the festival day itself on which one refrains from work. I am thus suggesting that these two *amoraim* were transported on the shoulders not on a Sabbath but on a festival day.²¹ If one understands the word “*shabta*” not as “Sabbath” but as “festival day,” the difficulty is resolved.

¹⁹ R. Aharon Halevi, a 13th century commentator, already made a similar suggestion.

²⁰ It therefore seems likely that fear of mixing with the crowd was also true for Yalta, and not fear of falling, as suggested by Rashi.

²¹ Rashi comments (*s.v. m'khat'fei leho*) that the *amoraim* were carried not from domain to domain but from the entrance of the study hall to their spot in the front. This is surely not what transport on a festival is referring to. I suspect Rashi interpreted in this manner because he understood the word “*shabta*” as Sabbath, and Sabbath transport from domain to domain is not allowed.

In summary, the *halakhah* that one is forbidden to go out in a sedan chair on a festival appears in the Tosefta, the Talmud Yerushalmi and the Talmud Bavli. This rule, however, did not conform to social realities. In both Talmuds, it changed over time. The Yerushalmi *sugya* permits sick or weak people to be carried in a sedan chair on a festival,²² and also people who fulfill a public need, either who teach Torah or who practice medicine. The Bavli *sugya* agrees that those who serve a public purpose may go out in a sedan chair on a festival. It innovates that even one who has a personal reason for being transported in that manner may also be carried, even on the shoulders. Note that in both Talmuds the exceptions to the ban are presented by means of anecdotes that relate how one or another *amora* implemented the *halakhah*.

According to traditional commentators, the main points of the Bavli *sugya* are that on a festival and even on a Sabbath one who serves a public need, like teaching Torah, may be transported on a sedan chair, although the general public may not. The episode of Yalta and the palanquin, according to these commentators, is just one detail of the *sugya*.

In my opinion, the issue of women going out in a sedan chair on a festival is the central theme of the Bavli *sugya* for the following reasons: 1) A baraita opens the *sugya* and mentions women explicitly, stating that for them, just like for men, going out in a sedan chair on a festival is forbidden. 2) As argued above, a little later in the *sugya*, R. Nahman asks a Land of Israel *amora* what is his opinion about women going out in a sedan chair on a festival. 3) Even though the answer given to R. Nahman was a stringency—that a teacher of Torah may be carried on a festival but not on the shoulders—he went ahead and allowed Yalta not just to be transported on a festival, but even on the shoulders. In short, I am saying that what appears on the surface to be a *sugya* about sedan chairs on a festival for teachers of Torah is, in fact, a *sugya* about sedan chairs on a festival for women. It delineates a remarkable shift in *halakhah*, from not allowing women to be transported, and surely not on the shoulders, to permitting women to be transported, even on the shoulders!

²² In the section cited above, immediately preceding the discussion of public servants.

One last point: unlike the traditional commentators who condone transport of Torah teachers on the Sabbath, in my opinion the *sugya* does not permit sedan transport of anyone on the Sabbath: not women and not Torah teachers.

The reason I arrived at a different interpretation from traditional commentators is that I approached the halakhic anecdotes from the perspective that they often describe a deviation from perfect adherence to *halakhah*. Once one is open to that possibility, it becomes evident that the anecdote about Yalta is the key point of the *sugya*. Since upper class women were used to being transported on a palanquin on other days of the week, it was only logical to allow them to be transported in this manner on festivals too, days on which transport from domain to domain was permitted. That is the lesson of the *sugya*. Many other anecdotes in the Babylonian Talmud accomplish similar goals. They introduce adjustments to the rules as the rules are implemented and change becomes reasonable and necessary. The Talmud itself thus implies that when law meets life, rabbis may alter the law to accommodate it to life circumstances.

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