

בטלו דיני קנסות מישראל – penalty judgments would have been abolished among Jewish people.<sup>[1]</sup>

The Gemara explains what R' Yehudah ben Bava did:

שפעם אחת גזרה מלכות הרשעה גזירה על ישראל – For one time the evil empire, i.e. the Romans, enacted the following oppressive decrees against the Jewish people: שכל הסומך יהרג – Anyone who confers ordination would be killed, וכל הנסמך – and anyone who accepts ordination would be killed, ועיר שסומכין בה תיחרב – and any town in which ordination is conferred would be destroyed, ותחומין שסומכין בהן יעקרו – and the *techum* boundaries of a town<sup>[2]</sup> within which ordination was conferred would be eradicated.<sup>[3]</sup>

מה עשה יהודה בן – What did Yehudah ben Bava do? הלך וישב לו בין שני הרים גדולים ובין שני תהומי שבת – He went and sat between two large mountains, and between two large cities, and between their two Sabbath *techum* boundaries,<sup>[4]</sup> וסמך שם – between Usha and Shifarum, and he ordained five elders there. – ואלו הן – and these are they: רבי מאיר ור' יהודה ור' שמעון ור' יוסי ור' – R' Meir and R' Yehudah and R' Shimon and R' Yose and R' Elazar ben Shammai.

רב אביא מוסיף אף ר' נחמיה – Rav Avya added that R' Nechemiah was ordained there as well. – When their enemies discovered them, [R' Yehudah ben Bava] said to [his students]: [The students] said to him: רבי מה תהא עליך – Our teacher, what will become of you? – אמר להן – He responded to [his students]: – הריני מוטל לפניכם כאבן שאין לה הופכים – I am placed before [my enemies] like a rock that cannot be turned,<sup>[5]</sup> i.e. I will not turn and flee from them.<sup>[6]</sup> – אמרו – It was said: לא זו משה עד שנעצו בו שלש מאות לנביאות של ברזל – [The soldiers] did not leave [the spot] where they found R' Yehudah ben Bava until they had driven through him three hundred iron spears and made him like a sieve. This incident refutes the earlier Baraisa's contention that ordination must be conferred by three, for R' Yehudah ben Bava ordained his students himself. – ? –

The Gemara answers:

– רבי יהודה בן בבא אחריו היו בהדיה – There were in fact two others with R' Yehudah ben Bava when he ordained the students. – והאי דלא חשיב להו משום קבורו דרבי יהודה בן בבא – And the reason that they were not mentioned was out of respect for R' Yehudah ben Bava.<sup>[6]</sup>

The Gemara digresses to question the accuracy of the above incident:

– ורבי מאיר ר' יהודה בן בבא סמכיה – Now, did R' Yehudah ben Bava ordain R' Meir, as the above story suggests? – ורבה בר בר חנה אמר רבי יוחנן – But Rabbah bar bar Chanah said in the name of R' Yochanan: – עקיבא אינו אלא טועה – Anyone who says that R' Meir was not ordained by R' Akiva is simply mistaken. This contradicts the story that R' Yehudah ben Bava ordained him. – ? –

The Gemara answers:

– סמכיה ר' עקיבא ולא קיבלו – R' Akiva indeed ordained [R' Meir] but [his colleagues] did not accept him as an ordained judge.<sup>[7]</sup> – Subsequently, R' Yehudah ben Bava ordained him, and he was then accepted.

The Gemara returns to discussing the laws of ordination:

– אמר רבי יהושע בן לוי – R' Yehoshua ben Levi said: אין סמיקה בחוצה לארץ – There is no ordination outside the Land of Israel.

The Gemara explains:

– מאי אין סמיקה – What does “There is no ordination” mean? – אילימא דלא דייני קנסות קלל בחוצה לארץ – If you say it means that [a court] cannot adjudicate cases of penalties outside the Land of Israel at all,<sup>[8]</sup> this presents a difficulty, – וקא תנן – for we have learned in a Mishnah:<sup>[9]</sup> – בחוצה לארץ – The SANHEDRIN FUNCTIONS BOTH IN THE LAND OF ISRAEL AND OUTSIDE THE LAND OF ISRAEL. Why, then, should cases involving penalties not be adjudicated outside Eretz Yisrael? – אלא דלא סמכין בחוצה לארץ – Rather, it must mean that we cannot ordain outside the Land of Israel.<sup>[10]</sup>

R' Yehoshua ben Levi's ruling is examined further:

– כשיטא – It is obvious what the law is – סומכין בחוצה לארץ – It is obvious what the law is

#### NOTES

1. As stated above, only ordained judges can hear cases involving penalties. Had R' Yehudah ben Bava not guaranteed the continuation of ordination, adjudication of such cases would have ceased (*Rashi*).

2. On the Sabbath, a person may walk approximately two thousand *amos* beyond a town's boundary. The term “*techum* boundary” refers to the 2,000 *amah* area extending beyond the town. Thus, the decree stated that if ordination was conferred in a town, this area surrounding the town would be destroyed (*Maharsha*) and the inhabitants of the area banished (*Margaliyos HaYam*).

*Yad Ramah* interprets the decree somewhat differently. He notes that identifying markers were driven into the ground at the end of a town's *techum* boundary so that people would not mistakenly walk past it on the Sabbath. According to *Yad Ramah*, the decree threatened to uproot these markers.

3. See *Ben Yehoyada*, who explains why the authorities chose to outlaw ordination more than any other Jewish ritual and why they imposed such severe penalties for breaking this law.

4. *Yad Ramah* renders the account as follows. R' Yehudah ben Bava sat between two large mountains that separated the two thousand-*amah* boundaries of two large cities, and ordained his students. He chose to ordain his students in a mountainous area because the Romans were incapable of destroying the mountains. Moreover, he stayed far from any town so that the Romans would not destroy the town on his account.

5. Rather, I will submit to my fate without feeling pain, as a rock feels no pain (*Maharsha*).

Several reasons are advanced to explain why R' Yehudah ben Bava did

hoping that this would defuse their wrath and thus enable his students to escape (see *Rashi* printed in *Ein Yaakov*).

6. Since R' Yehudah ben Bava was so much greater than his two colleagues, it was inappropriate to mention them together with him.

There is some question as to whether all three judges conferring ordination must be ordained themselves or whether it suffices for one of the three to be ordained. *Ran* maintains that our Gemara resolves the question. In our Gemara's case, *Ran* asserts, R' Yehudah ben Bava's colleagues (who sat on a court with him to ordain his students) must not have been ordained, for if they had been, they surely would have been mentioned together with him. This proves that only one member of an ordination panel must be ordained himself. Others reject this proof, asserting that if R' Yehudah ben Bava was much greater than his two colleagues, the three would not have been mentioned together in any case (see *Rambam Hil. Sanhedrin* 4:3, *Einayim LaMishpat*, *Chamra VeChayei* and note 15 below).

7. Because of his youth (*Rashi*; see *Margaliyos HaYam* and *Einayim LaMishpat*).

8. “There is no ordination outside the Land of Israel” would then mean: Ordination is meaningless outside Eretz Yisrael since the privilege of ordination (presiding over a case involving penalties) cannot be exercised there anyway.

9. *Makkos* 7a. The Mishnah there asserts that a lesser sanhedrin may preside even over capital cases, not to mention cases involving penalties, outside of Eretz Yisrael. This proves that ordained judges may adjudicate penalty cases anywhere in the world (*Yad Ramah*).

The narrative is resumed:

He sent against them (to) Nero Caesar.<sup>[14]</sup> Nero set out to attack Jerusalem. As he<sup>[15]</sup> approached Jerusalem, he shot an arrow towards the east, and it fell in Jerusalem. He shot one towards the west, and it fell in Jerusalem. He shot an arrow towards each of the four directions of the compass and [each one] fell in Jerusalem.<sup>[16]</sup> Then he asked a young boy, "Tell me your verse" [i.e. the verse you are currently studying].<sup>[17]</sup> [The boy] recited to him, "I will take My revenge against Edom through the agency of My people Israel etc.,"<sup>[18]</sup> i.e. God will ultimately punish Edom<sup>[19]</sup> (for its treatment of the Jewish nation) through the agency of His people. He said to himself: קודשא בריך הוא בעי להרוגי ביתיה - The Holy One, Blessed is He, wants to destroy His House and he wants to wipe His hands clean on that man [myself].<sup>[20]</sup> He ran away and converted to Judaism,<sup>[21]</sup> and R' Meir was descended from him.

[Caesar]<sup>[22]</sup> sent him, Vespasian Caesar,<sup>[23]</sup> against [the Jews]. אָתָּא צַר עֲלֵהּ תַּלְתָּ שָׁנִי - [Vespasian] came and besieged [Jerusalem] for three years. There were three wealthy men in [Jerusalem]: נַקְדִּימוֹן בֶּן גִּירִיּוֹן - Nakdimon ben Gurion, and Ben Kalba Savua - וְבֶן צִיצִית הַכֶּסֶּת - Ben Tzitzis Hakeses.

The Gemara explains these names:

Nakdimon ben Gurion was so called שְׁנָקְדָה - because it once happened that the sun miraculously pierced (*nakdah*) the clouds on his behalf.<sup>[24]</sup> Ben Kalba Savua was so called שֶׁכַּל הַנֶּכֶס - because anyone who entered his house - left - יוֹצֵא כְּשֶׁהוּא שָׁבַע - as hungry as a dog (*kalba*)<sup>[25]</sup> - satisfied (*savua*). Ben Tzitzis Hakeses was so called שֶׁהָיְתָה יוֹצֵאתוֹ נִגְרָרֶת עַל גְּבֵי כִסֵּי - because wherever he walked, his tzitzis trailed behind him on cushions (*keses*); he walked only on cushions fashioned from fine fabric. Some say that he was given this name - איבא דאמרי - because his seat cushion (*keses*) was placed among those of the nobles of Rome

#### NOTES

14. [This sentence is very obscure. It could be translated "he sent against them Nero Caesar," or "he sent against them to Nero Caesar." The first translation is problematic, because it is difficult to imagine who the subject of the sentence ("he") might be who "sent" the emperor Nero. For this reason, the second translation seems more plausible. The meaning would then be that following Bar Kamtza's ploy with the animal, and the rejection of the sacrifice by the Temple authorities, he - Bar Kamtza - sent a report of the rejection to Nero in Rome. This report convinced Nero that a rebellion was afoot and he set out toward Jerusalem.

There are various other explanations of this phrase. *Seder HaDoros* (3829) explains it as follows: *Nero Caesar sent [a general] against them.* *Yuchasin* (s.v. מאיר) has a variant text of the Gemara, which reads: שָׁרְרָא עֲלֵיהֶוּ לְגִירִיּוֹן שֶׁר צָבָא, *He [Caesar] sent Nero his general against them.* *Ein Yaakov* has the reading שָׁרְרָא עֲלֵיהֶוּ נִירו קִיסָר, *Nero Caesar sent [an army] against them* (see also *Tzemach David* part 2, year 3830; *Maharsha*; *Maharam Schiff*).

15. From *Maharsha* it is apparent that this pronoun signifies Nero Caesar. According to the views cited in the second paragraph of the previous note, the reference is to a Roman general.

16. [Nero made use of these divinations to see whether his campaign would be successful.]

What message was conveyed by the arrow that was shot in the direction of Jerusalem?

Nero was not close enough to the city for the arrow to reach it naturally. The arrow was amazingly carried by the wind all the way to Jerusalem (*Maharsha*).

An alternative approach: Nero was afraid that although the Jews had sinned, God, out of His love for His people, might interfere with the natural course of events to save them. Nero therefore shot an arrow towards Jerusalem to see whether it would keep its course. The fact that this arrow reached its target and was not diverted by some miracle signified to Nero that God was not going to intervene on the Jews' behalf. Then he shot arrows in the other directions. When they miraculously fell in Jerusalem, Nero divined that, on the contrary, it was God's will that Jerusalem be destroyed (*Anaf Yosef*).

17. Having ascertained that the destruction of Jerusalem had been decreed by God, Nero now wished to know whether he would be rewarded for fulfilling God's will in this matter. To this end, he asked a

enslavement of the Jewish people in Egypt: Considering that this slavery had been Divinely ordained - as God said to Abraham (*Genesis* 15:13), נֶעֱבְדוּם וְעָנּוּ אֹתָם, *They will enslave them and oppress them* - why were Pharaoh and the Egyptians punished?

The following is a synopsis of some of the approaches to this problem:

*Rambam* (*Hil. Teshuvah* 6:5) explains that God's decree did not apply to any particular individual. Each Egyptian could have chosen not to abuse the Jews. Thus, each one who did harm a Jew was deserving of punishment.

*Ramban* (*Genesis* 15:13), though not disputing the premise that an individual can choose to avoid carrying out a preordained Divine decree, disagrees with the general approach of *Rambam*. For, he argues, if God issues a decree (through a prophet), it is surely meritorious to obey the decree, and an individual who ignores it transgresses God's will. Rather, Pharaoh and the Egyptians were punished because they oppressed the Jews to a greater extent than mandated by the decree. Alternatively, one who fulfills such a decree for ulterior motives, rather than for the sake of Heaven, is deserving of punishment. [Thus, since Nero's reasons for destroying Jerusalem had nothing to do with God's will, he would have been punished for destroying it.]

*Raavad* (*Hil. Teshuvah* *ibid.*) seems to be of the opinion that once a decree has been passed, the individual who was chosen to carry it out is unable to refrain from doing so. However, God arranges that a decree of a harmful nature is performed only by one who is anyway deserving of punishment. (As an alternative, *Raavad* mentions an approach similar to that of *Ramban*.)

21. [According to some opinions, the Gemara refers to Nero Caesar (see note 14). Although secular history records Nero Caesar as having died in office in the year 68 C.E. (two years before the destruction of the Temple), it is possible that in fact he disappeared and it was merely assumed that he had died. (*Maharsha* to *Taanis* 23a gives a similar explanation for certain historical accounts of the death of Choni HaMe'agel; see *Schottenstein Edition* *ibid.* note 32).]

22. [From *Doros HaRishonim* it seems that the reference is to Nero Caesar. If this is so, it is clear that Nero did not run away and convert to Judaism until after he dispatched Vespasian.]

23. At that time, Vespasian was not yet the emperor. He is identified

וְנִמְלֵךְ – AND HE CHANGED HIS MIND, and decided not to divorce her, וְנִמְצָאוּ בֶן עִירוֹ וְאָמַר – AND A FELLOW RESIDENT OF HIS CITY, who wished to divorce his own wife, MET HIM, AND SAID: שְׁמֶךָ – YOUR NAME IS THE SAME AS MY NAME AND YOUR WIFE'S NAME IS THE SAME AS MY WIFE'S NAME, therefore let me use the bill of divorce that you had written for your wife, since it contains all the elements that I need,<sup>[1]</sup> – פָּסוּל לְגִרְשָׁהּ בּוֹ – [THE BILL OF DIVORCE] IS INVALID for the second husband TO DIVORCE his wife WITH IT, because a bill of divorce must be written specifically for the woman who is being divorced with it. Similarly, shouldn't the parchment written for one suspected adulteress be invalid for another, unlike R' Achai bar Yoshiyah's ruling?<sup>[2]</sup>

The Gemara replies:

הָתָם, וְכַתֵּב לָהּ – Now, what comparison is this?! – הִיא הַשְׂתָּא – There in the case of divorce it is written: *And he shall write unto her*<sup>[3]</sup> – which teaches – בְּעֵינָן כְּתִיבָהּ לְשִׁמָּה – that we require the actual writing of the bill to be specifically for her.

הִיא, וְעָשָׂה לָהּ – Here in the case of a suspected adulteress, however, it is written: *And he shall perform unto her*<sup>[3]</sup> – which teaches only that – בְּעֵינָן עֲשִׂיָּהּ לְשִׁמָּה – that we require the performance to be done specifically for her, עֲשִׂיָּהּ יָדָהּ – and the 'performance' in her case is erasing the writing into the water. This erasing must indeed be done specifically for the woman who is to drink the water. But the Torah never mandates that the writing of the parchment be done specifically for her.<sup>[4]</sup>

Having touched upon R' Meir's career as a student, the Gemara describes the heights to which he eventually rose:

גְּלוֹי וְיָדוּעַ – R' Acha bar Chanina said: אָמַר ר' אַחָא בַר חֲנִינָא – It is revealed and known before Him Who spoke and the world came into being, i.e. before God, – שָׂאִין בְּדוֹרוֹ שֶׁל רַבִּי מֵאִיר כְּמוֹתוֹ – that there was none in the generation of R' Meir like him, i.e. as great as he. – וּמִפְּנֵי מָה לֹא – Why, then, did they not fix the halachah in accordance with his view?<sup>[5]</sup> – קָבְעוּ הַלָּכָה כְּמוֹתוֹ – Because his colleagues could not fathom the depths of his reasoning.<sup>[6]</sup> – שְׂהוּא אוֹמֵר עַל טָמֵא וּמִרְאָה לּוֹ כְּנִים – for he

would assert that something *tamei* was *tahor* and make it seem plausible, – עַל טָהוֹר טָמֵא וּמִרְאָה לּוֹ כְּנִים – and he would assert that something *tahor* was *tamei* and make it seem plausible.<sup>[6]</sup>

A Baraisa taught: HIS NAME WAS NOT actually R' MEIR, – תָּנָא לֹא ר' מֵאִיר שְׁמוֹ – RATHER, R' NEHORAI WAS HIS NAME. – וְלָמָּה נִקְרָא שְׁמוֹ ר' מֵאִיר – THEN WHY WAS HE CALLED R' MEIR? – שְׂהוּא מֵאִיר עֵינֵי חֲכָמִים בְּהִלָּכָה – BECAUSE HE WOULD MAKE THE EYES OF THE SAGES SHINE IN THE LAW.<sup>[7]</sup>

This Baraisa continues:

– AND similarly, NEHORAI WAS NOT HIS NAME,<sup>[8]</sup> RATHER, R' NECHEMYAH WAS HIS NAME – וְאָמְרִי – AND OTHERS SAY – ר' עֶלְזָר בֶּן עֶרְךָ שְׁמוֹ – THEN WHY WAS HE CALLED NEHORAI? – שְׂמֵנְהִיר עֵינֵי חֲכָמִים בְּהִלָּכָה – BECAUSE HE LIT UP THE EYES OF THE SAGES IN THE LAW.

Rebbi said: The reason that I am sharper than my colleagues מאִיר מֵאַחֵרֵיהֶּ – is that I saw R' Meir from behind him, i.e. I attended his lectures, if only to be seated behind him where I was unable to observe his face. – וְאִילוּ חִוִּיתִיהָ מִקִּדְמָה הָיִיתִי מִחֲדָרָא טָפִי – and if I had seen him from his front, I would be even sharper, – דְּכִתְבִּיב: – as it is written (Isaiah 30:20): *And your eyes shall behold your teachers.*<sup>[9]</sup>

R' Abahu said in the name of R' Yochanan: תִּלְמִיד הָיָה לוֹ לְר' מֵאִיר וְסוּמְכוֹס שְׁמוֹ – R' Meir had a disciple whose name was Sumchus, שְׂהוּא אוֹמֵר עַל כָּל דָּבָר וְדָבָר – who would state for every item of *tumah* – שֶׁל טוּמְאָה – forty-eight reasons that it should be *tamei*, – וְעַל כָּל דָּבָר וְדָבָר שֶׁל טָהָרָה – and for every item of ritual purity he would state – אַרְבָּעִים וְשִׁמּוֹנָה טַעְמֵי טָהָרָה – forty-eight reasons that it should be ritually pure.

A Baraisa taught: תִּלְמִיד וְנִתִּיק הָיָה בְּיָבְנָה – THERE WAS A CONSCIENTIOUS STUDENT IN the academy of YAVNEH שְׂהוּא מְטַהֵר – WHO COULD PURIFY A *SHERETZ* WITH ONE HUNDRED FIFTY REASONS.<sup>[10]</sup>

## NOTES

1. A bill of divorce must state the name of the husband, wife, their city, and the divorce formula. Since the names of the second couple are identical to those of the first, and they are residents of the same city, the bill of the divorce written by the first husband for his wife is the identical bill needed by the second husband to divorce his wife.

2. The comparison has a strong basis. The rule that a bill of divorce be written specifically for the woman being divorced is derived from the Torah's statement (Deut. 24:1) that in order for a husband to divorce his wife: וְכָתֵב לָהּ סֵפֶר כְּרִיתָתָהּ, he shall write 'unto her' a bill of divorce – that is, specifically for her. Similarly, the Torah states regarding a *sotah*'s procedure (Num. 5:30): וְעָשָׂה לָהּ כְּכָל אֲתַלְתְּלוֹתָהּ הַזֹּאת, and the Kohen shall perform 'unto her' this entire law. Thus, the Gemara reasons that the words 'unto her' written in regard to a *sotah* should also be taken to indicate that the elements of a *sotah*'s procedure must be made specifically for her (Rashi).

3. The context of these verses has been explained in note 2.

4. Even those who hold that the limitation *and he shall perform 'unto her'* does not refer to the actual writing of the *sotah* scroll might still disqualify using a Torah scroll for this purpose, since the Torah does indeed mandate (Num. 5:23): וְכָתֵב אֶת-הָאִלּוּל הַזֶּה, and he shall write these curses, which can be taken to indicate that the verses must be written specifically as curses [i.e. for the purpose of the *sotah* procedure] (Tos.).

5. [See Gemara 46b.]

he was able to reason to depths that they could not fully comprehend. Consequently, they were unable to evaluate whether his final line of reasoning was correct or incorrect (see Rashi).

7. [The word מאִיר means literally: gives light.] Although R' Meir's colleagues could not decide which of his reasonings was correct, they nevertheless benefited greatly from his argumentation, which brought many aspects of the conflicting positions to light. This assisted them in arriving at a final decision (see Maharsha).

8. This is not a continuation of the previous passage, but refers rather to a different Tanna who is generally called R' Nehorai. The Baraisa observes that in his case as well, this was not his original name (Toras Chaim; see also Seder HaDoros ר' נְהוֹרַי).

Others, however, explain that this part of the Baraisa also refers to R' Meir, and that his popular appellation evolved through several stages (see Anaf Yosef and Rambam's Introduction to the Mishnah [towards the end]).

9. A teacher's facial expressions convey meanings that are not conveyed in his words alone (see Maharsha).

10. Tos. initially assume this to mean that his reasoning was so acute that he could supply one hundred fifty reasons that a *sheretz* should not be *tamei*, were it not that the Torah clearly states that it is (see also Talmid HaRashba here, and Tos. R' Peretz cited in Shitah to Sanhedrin 17b [printed at end of Chamra VaChayei]). Rabbeinu Tam, however, rejects this understanding as untenable, and presents a rather involved explanation.

לְאִי אֶרְעָא קָא מְשַׁמֵּעַ לָן – he is informing us of proper manners. One should not hurry and eat an animal before it is skinned and dismembered so as not to seem like a glutton<sup>[1]</sup> – בְּתִנְיָא – similar to what was taught in a Baraisa:<sup>[2]</sup> לֹא יֵאָכֵל אֶדָם שׁוֹם – A PERSON SHOULD NOT EAT A GARLIC OR ONION FROM ITS TOP, אֶלָּא מֵעֲלֵיו – ONLY FROM the side of ITS LEAVES [i.e. the bottom]; וְאִם אָכַל הָרִי זֶה רֵעֵבָתָן – AND IF HE DID EAT from its top, HE IS considered A GLUTTON.<sup>[3]</sup> בּוֹצֵא בּוֹ – SIMILARLY, לֹא יִשְׁתֶּה אֶדָם בּוֹסוּ בִּבְתָּ אֶחָת – A PERSON SHOULD NOT DRINK HIS CUP of wine<sup>[4]</sup> IN ONE SWALLOW; וְאִם שָׁתָה הָרִי זֶה – AND IF HE DID DRINK it in one swallow, HE IS considered A GUZZLER.

The Gemara elaborates on the proper way to drink wine: הַשּׁוֹתֶה בּוֹסוּ בִּבְתָּ – The Rabbis taught in a Baraisa: תִּנּוּ רַבָּנִן – SOMEONE WHO DRINKS HIS CUP IN ONE SWALLOW – אֶחָת – IS A GUZZLER; שְׁנֵים דְּרַךְ אֶרְץ – in TWO swallows, he is following PROPER MANNERS; שְׁלֹשָׁה מְנַסֵּי הָרוּם – in THREE swallows, he is AMONG THE HAUGHTY.

Having cited one statement of Rami bar Abba at the beginning of the previous section, the Gemara digresses to cite another of his statements:

וְאָמַר רַמִּי בַר אַבְבָּא – And Rami bar Abba also said: חֲצוּבָא מְקַטֵּעַ – *Chatzuva*<sup>[5]</sup> cuts the legs of the wicked. רִגְלֵיהוֹן דְּרִשְׁיָעִיָּא – The law of young trees<sup>[6]</sup> cuts the legs of butchers who eat meat before skinning and dismembering the animal to ascertain that it is not a *treifah*,<sup>[7]</sup> וְדִבּוּעֵי גִידוֹת – and of those who cohabit with *niddahs*.<sup>[8]</sup> תּוֹרְמוּסָא מְקַטֵּעַ – *Turmus*<sup>[9]</sup> cuts the legs of “the enemies of” the Jews,<sup>[10]</sup> שְׁנָאֵמַר – as it states:<sup>[11]</sup> וְיִסְיֹכּוּ בְנֵי־יִשְׂרָאֵל – And the Israelites continued to do that which is evil in the eyes of HASHEM, וַעֲבָדוּ אֶת־הַבְּעָלִים

– and they served the Baals and the Ashtaros – וְאֶת־אֱלֹהֵי אֲרָם וְאֶת־אֱלֹהֵי צִידוֹן וְאֶת־אֱלֹהֵי מוֹאָב – and the gods of Aram and the gods of Sidon and the gods of Moav – וְאֶת־אֱלֹהֵי אַמּוֹן וְאֶת־אֱלֹהֵי פְּלִשְׁתִּים – and the gods of the people of Ammon and the gods of the Philistines. A *turmus* forces its owner to bother cooking it seven times, but then becomes sweet. These Jews “bothered” God to punish them seven times by worshipping the idols of the seven nations mentioned in the verse; yet, they did not become sweet by repenting.

The Gemara elaborates on the end of the previous verse:<sup>[12]</sup> “וַעֲבָדוּ אֶת־ה' וְלֹא עָבְדוּהוּ” – And they forsook Hashem and they did not serve Him. “וַיַּעֲזֹבוּ אֶת־ה'” – From the implication of the first clause that states: *And they forsook Hashem*, אֵינִי יוֹדֵעַ שֶׁלֹּא עָבְדוּהוּ – do I not know that they did not serve Him? וְכֵן תְּלִמּוֹד לִימַר, וְלֹא עָבְדוּהוּ” – So what does the verse teach when it concludes *and they did not serve Him*? אָמַר הַקָּדוֹשׁ בְּרוּךְ הוּא – R' Elazar explained: אָמַר רַבִּי אֱלֶעָזָר – The Holy One, Blessed is He, said: אֲפִילוּ בְּתוֹרְמוּסֵי הָהָא – Even like this *turmus*, שֶׁשּׁוֹלֵקִין אוֹתוֹ שֶׁבַע פְּעָמִים – which is boiled seven times, וְאִיכְלִין אוֹתוֹ בְּקִנּוּם סְעוּדָה – and then eaten for dessert, לֹא עָשָׂאנוּ בְּנֵי – my children did not make Me. Thus, God complains about those Jews that worshiped the idols: They provoked and made My anger burn seven times by worshipping the seven idols enumerated in the verse as they would cook a *turmus*. Yet, after all that, I am still not valuable in their eyes.<sup>[13]</sup>

The Gemara digresses to show a related aspect of the Jews' nature:

תָּנָא בְּמִשְׁמֵיהּ דְּרַבִּי מַעֲיָר – A Baraisa was taught in R' Meir's name: מַכְפִּי מַה נִּתְּנָה תּוֹרָה לְיִשְׂרָאֵל – WHY WAS THE TORAH GIVEN TO ISRAEL? מַכְפִּי שֶׁהֵן עֲזִין – BECAUSE THEY ARE STRONG WILLED.<sup>[14]</sup>

## NOTES

1. [Rami bar Abba was teaching good manners.] He was not concerned with the possibility of violating the commandment against eating a *treifah* (Rashi; see also *Tosafos*, cited in note 7 below).

2. The Gemara cites this Baraisa to prove that Tannaim, too, taught proper manners to prevent a person from acting like a glutton. In the same way, Rami bar Abba taught that one should not hurry and eat a slaughtered animal before it is skinned and dismembered so as not to appear like a glutton (Rashi).

3. By doing so he appears to be a glutton who does not want to wait until the leaves are taken off before he eats. If he eats from the side where the leaves grow, he will be forced to remove the leaves before eating the vegetable (*Chidushei HaMeiri*; cf. *Orach Chaim* 170:9).

4. This refers to an average-sized person drinking one *reviis* (3-4 oz.) of normal wine (*Mishnah Berurah* 170:22; see there regarding other drinks).

5. *Chatzuva* is a type of grass whose roots pierce deep down into the ground without spreading to the sides at all. It is therefore used as a boundary marker between fields. Joshua used it when he divided Eretz Yisrael among the Jews, as the Gemara states in *Bava Basra* (56a). When the Day of Judgment comes, thieves will be taken to task for not emulating the *chatzuva*, which does not encroach a field that is not its own (Rashi; cf. *Maharsha*).

6. This refers to the mitzvah of *orlah*, in which the Torah requires that when a tree is planted, its fruits not be used for the first three years. Rami bar Abba teaches that one should learn patience from this mitzvah.

7. Rashi. [Now, it is true that Rami bar Abba previously taught that once an animal has been properly slaughtered it can be presumed to be legally permitted for consumption. But Rami bar Abba now teaches that if someone ate the meat before the animal was skinned and the animal was subsequently found to be a *treifah*, he is culpable for eating *treifah*, since if he had acted with proper manners and not eaten the animal right away, he would have discovered its *treifah* condition. He is therefore not considered to be absolutely blameless but guilty of an unintentional

transgression (*Tos. above*, אֶרְעָא; see *Koveitz Shiurim*).]

8. *Niddah*: A woman from the time she has menstruated until she has completed her purification process, which concludes with immersion in a *mikveh*. Until purification, she is prohibited to have marital relations with her husband. Someone who does not wait for his wife to immerse herself before having marital relations did not learn the lesson of restraint that can be derived from the mitzvah of *orlah*.

9. *Turmus* is a round, bitter-tasting bean. It must be boiled in water seven times to remove its bitter taste. After this preparation, however, the *turmus* becomes sweet and tasty and can be used as a dessert food (Rashi).

10. This is a euphemistic way of referring to the Jews who worshiped idols; the Gemara, though, does not want to explicitly state a misfortune befalling the Jews.

11. *Judges* 10:6.

12. This follows *Maharam Shif's* understanding of the Gemara, based on a careful reading of Rashi.

13. *Maharsha* explains this to mean that they did not even worship God in conjunction with their idolatrous pursuits; hence the simile of dessert food.

According to the homiletic interpretation of R' Elazar, *turmus* is used as a metaphor for God, as if to say that He was still not valued by the Jews after having been provoked seven times. In the previous interpretation of Rami bar Abba, the *turmus* was used as a metaphor for the Jews who did not repent after their seven punishments (see *Maharam Shif*; cf. *Maharsha*). [Perhaps, R' Elazar means to account for the extra words וְלֹא עָבְדוּהוּ by interpreting them as *and they did not "make" Him*. (The root עָבַד in Aramaic is the equivalent of the Hebrew root עָשָׂה.) Thus, he explains that not only did the Jews fail to imitate the *turmus* (Rami bar Abba's exposition), but they did not even “make” God like the *turmus* that they failed to imitate.]

14. God therefore gave the Jews the Torah so that through their constant study of it, it would subdue them and humble their hearts (Rashi).

SOAKED THEM IN WATER AND PLACED THEM OVER [R' CHANINA'S] HEART, כְּרִי שֶׁלֹא תֵצֵא נִשְׁמָתוֹ - SO THAT HIS SOUL WOULD NOT DEPART THE BODY QUICKLY.<sup>37</sup> אֲמָרָהּ לוֹ בָּתוּ - [R' CHANINA'S] DAUGHTER SAID TO HIM: אָבִי, אֲרָאָה בְּכֶךָ - FATHER! I SEE YOU IN SUCH A STATE!<sup>38</sup> אָמַר לָהּ - HE ANSWERED HER: אִילֻמְלִי אֲנִי נִשְׂרָפְתִּי - IF I ALONE WERE BEING BURNED, לִי - IT WOULD BE A DIFFICULT THING FOR ME. עֲבָשִׁי שְׂאֵנִי נִשְׂרָף וְסִפֵּר - However, NOW THAT I AM BEING BURNED AND THE TORAH SCROLL IS WITH ME,<sup>39</sup> מִי שֶׁמְבַקֵּשׁ עֲלֻבוֹנָה שֶׁל סֵפֶר תּוֹרָה - HE WHO WILL SEEK retribution FOR THIS INSULT OF THE TORAH SCROLL - הוּא יִבְקֹשׁ עֲלֻבוֹנִי - HE WILL SEEK retribution ALSO FOR MY INSULT.<sup>40</sup> אָמְרוּ לוֹ תַלְמִידָיו - AS THE FIRE RAGED, [R' CHANINA'S] DISCIPLES SAID TO HIM: רַבִּי מָה אַתָּה רֹאֶה - MASTER, WHAT DO YOU SEE?<sup>41</sup> אָמַר לָקֵן - HE ANSWERED THEM: גִּלְיוֹן (גִּלְיוֹן) - THE BLANK PARCHMENT IS BURNING AND THE LETTERS ARE TAKING FLIGHT!<sup>42</sup> אַף אַתָּה פֶּתַח - The disciples urged him: YOU TOO OPEN YOUR MOUTH, AND THE FIRE WILL ENTER YOU!<sup>43</sup> אָמַר לָקֵן - [R' CHANINA] SAID TO THEM: מוֹטֵב שְׂוִיטָלָהּ מִי שֶׁנָּתַןָהּ - IT IS BETTER THAT HE WHO GAVE [THE SOUL] SHOULD TAKE IT - וְאֵל יִחְבֹּל הוּא - AND THAT [A PERSON] NOT INFLICT HARM ON HIMSELF.<sup>44</sup>

The Baraisa now comes to the climax of the story:

As the fire continued to rage, THE official Roman executioner said to [R' CHANINA]: רַבִּי אִם אֲנִי מַרְבֶּה - MY MASTER, IF I INCREASE THE FLAME וְנוֹטֵל סְבוּגִין שֶׁל - AND REMOVE THE TUFTS OF WOOL FROM OVER YOUR HEART,<sup>45</sup> אָמַר מַעַל לְבָבְךָ - WILL YOU BRING ME WITH YOU TO THE LIFE OF THE WORLD TO COME?<sup>46</sup> אָמַר לוֹ הֵן - [R' CHANINA] ANSWERED HIM: YES. הַשֶּׁבַע לִי נִשְׁבַּע לוֹ - The executioner then said, SWEAR TO ME that you will, and [R' CHANINA] SWORE TO HIM. מִיָּד הִרְבֶּה בִּשְׁלֵהֶבֶת - IMMEDIATELY, [THE EXECUTIONER] INCREASED THE FLAME שֶׁל אָמַר מַעַל לְבָבוֹ - AND REMOVED THE TUFTS OF WOOL FROM OVER [R' CHANINA'S] HEART, וְצָאָה נִשְׁמָתוֹ בְּמַהֲרָה - and [THE LATTER'S] SOUL DEPARTED THE BODY QUICKLY. אָף הוּא קָפַץ וְנָפַל לְתוֹךְ הָאֵשׁ - Then ALSO [THE EXECUTIONER] JUMPED AND FELL INTO THE FIRE, וְצָאָה - whereupon A HEAVENLY VOICE ISSUED FORTH AND PROCLAIMED: רַבִּי חֲנִינָא בֶן תֶּרְדִּיּוֹן וְקִלְעִטְיוֹרִי מוֹמְנִין הָיוּ לְחַיֵּי הָעוֹלָם - R' CHANINA BEN TERADYON AND THE EXECUTIONER HAVE NOW BEEN READIED FOR THE LIFE OF THE WORLD TO COME.

The Gemara reports one Tanna's reaction to the conclusion of this story:

Rebbi cried and said: יֵשׁ קוֹנֵה עוֹלָמוֹ בְּשִׁעָה - There is one who acquires his place in the World to Come in a single moment, as this Roman executioner did, וְיֵשׁ קוֹנֵה עוֹלָמוֹ בְּכַמָּה שָׁנִים - and there is another who acquires his place in the World to Come only through several years of spiritual striving or suffering.<sup>47</sup>

An epilogue to the tragic story of R' Chanina ben Teradyon's family:

Beruria, the wife of R' Meir, בְּרוּרְיָא דְּבִיתָהּ דְּרַבִּי מַעֲרִי - was another daughter of R' Chanina ben Teradyon. אֲמָרָהּ לוֹ - Some time after her sister's punishment was carried out, she said to [her husband]: רִיתָא אֲחֵתִי - It is a disgraceful thing for me that my sister dwells in a tent of prostitutes (a brothel). Can you do something? שָׁקֵל תִּרְקַבֵּא דְּרִינְרִי - [R' Meir] thereupon took a *tarkav*<sup>48</sup> of gold *dinar* coins וָאֵל - and went to the brothel. אָמַר - Along the way he said to himself: אִי לֹא אֵיתְעִבִּיד בְּהָ אִיסוּרָא - If a forbidden act of immorality has not been performed with her, מִיָּתְעִבִּיד נִיפָא - a miracle will be performed for her, and she will be released. אֵי עֲבָדָה אִיסוּרָא - But if she has performed a forbidden act, מִיָּתְעִבִּיד לָהּ - a miracle will not be performed for her. I must therefore assess the situation. אֵל נָקַט נִפְשִׁיהּ בְּחַד פְּרָשָׁא - [R' Meir] then went and disguised himself<sup>49</sup> as one of the Roman horsemen. אָמַר לוֹ - When he entered the brothel, pretending to be a customer, he said to [his sister-in-law]: הִשְׁמִיעֵנִי לִי - Submit to me. אֲמָרָהּ לוֹ - She replied to him: אֲנִי אֵלֵךְ - I am in the way [of women].<sup>50</sup> אָמַר לוֹ - He said to her: מְתַרְקָנָא - I shall wait for you until your menstruation has stopped. אֲמָרָהּ לוֹ - She replied to him: וְאִיכָא - But there are very many girls here that are prettier than I. אָמַר - Upon hearing all her demurrals, [R' Meir] said to himself: שְׂמַע מִיָּהּ לֹא עֲבָדָה אִיסוּרָא - Derive from this that she has not performed any forbidden act in this impure place; כִּל רְאֵתִי אֲמָרָהּ לִיהָ רַבִּי - she undoubtedly speaks in this manner to all men that come to the brothel. אֵל לָגַבִּי - [R' Meir] therefore went to [his sister-in-law's] guard and said to him: הֵבָה (נִיחֵלָה) [נִיחֵלָה] - Give

## NOTES

37. They planned a long and agonizing death for him.

38. I.e. is this the reward for learning and teaching Torah? (*Rashi*; cf. *Maharsha*, *Ben Yehoyada*).

39. Which indicates that I am not being punished for any sin (*Maharal*).

40. Just as God will exact punishment for the egregious act committed against the Torah scroll, so He will requite the injustice committed against me (*Maharal*). [Emendation follows *Mesoras HaShas* and *Dikdukei Soferim*.]

41. The disciples presumed that in these moments of his departing the world R' Chanina would be privy to an astonishing sight, such as angels or something similar. Alternatively, they heard the strange sound of the Torah scroll's letters taking flight (below), but did not know what it was (*Tosafos*; cf. *Maharsha*).

42. I.e. the physical part of the Torah scroll - the parchment - is burning, but the spiritual part - the letters, which impart holiness to the Torah scroll - is soaring to Heaven, returning to the source of all holiness (*Maharal*; see also *Maharsha*).

43. I.e. let the fire destroy your physical part, the body, while your soul soars to the highest level Above, where the letters have gone (*Maharal*; see also *Maharsha*).

44. However, in times of persecution, when idolaters resort to physical force to coerce Jews to transgress the Torah's laws, it is a mitzvah for a person to commit suicide if he feels that he will be unable to withstand

the torture and will commit the transgression (*Tosafos*; but see *Iyun Yaakov* and *Seder Yaakov*).

45. So as to hasten the end of your suffering. See *Igros Moshe*, *Yoreh Deah* II §174 and *Choshen Mishpat* II §73 with respect to the halachic permissibility of such an act.

46. See *Maharsha*.

47. See above, 17a note 61.

48. A *tarkav* (תִּרְקָב) is a measure of volume that equals 3 *kav*s, which amount to one-half of a *se'ah*. The word תִּרְקָב (*tarkav*) is an acronym for תְּרֵי (trei) *kav*s and one *kav* (*Rashi*). One *tarkav* is equivalent to between 4.5 and 8 quarts, depending on the halachic opinion followed.

See *Ben Yehoyada* for why R' Meir selected this particular amount of gold *dinarim*.

49. Literally: took himself.

50. That is, she informed him that she was menstruating, and was thus unavailable. [The word הִשְׁמִיעֵנִי means *way* or *course*, and is a euphemism for "menstruant." See below, 24b (and *Rashi* רִשְׁתָּהּ there), and *Shabbos* 110a, where the word is similarly used.]

51. *Mesoras HaShas* emends this to מְתַרְקָנָא, but *Rashi*'s text was apparently identical to our own.

52. Emendation follows *Mesoras HaShas* and *Dikdukei Soferim*.



[the girl] to me! אָמַר לֵיהּ - [The guard] said to him:  
 מִיִּסְתַּפֵּינָא מִמְלָכוּתָא - I am afraid of the government. אָמַר  
 לֵיהּ - [R' Meir] thereupon said to [the guard]: שְׂקוּל תַּרְקָבָא  
 דְּרִינָרָא - Take this *tarkav* of *dinar* coins; פְּלָגָא פְּלַח -  
 distribute half to the Roman authorities as bribes,<sup>[53]</sup> וּפְלָגָא  
 לְהוֹנִי לָךְ - and the other half shall be yours. אָמַר לֵיהּ - [The

guard] said to him: וְכִי שְׂלָמִי מְאִי אֵינְעִיד - But when [the  
*dinar* coins] are exhausted, what shall I do? From what funds  
 shall I pay out the bribes? אָמַר לֵיהּ - [R' Meir] answered him:  
 אֵימָא אֱלֹהָא דְּמֵאִיר עֲנֵנִי - Say, "God of Meir, answer me!"  
 וּמַתְּצִלָּךְ - and you will be saved.<sup>[54]</sup> אָמַר לֵיהּ - [The guard]  
 asked [R' Meir]:

## NOTES

53. Whenever they harass you and accuse you of setting the girl free, appease them with a payment from these funds (*Rashi*; cf. *Tosafos*).

54. R' Meir first offered the guard a practical means of saving himself -- the tried and true bribe. Only when that option is exhausted is it

appropriate to rely on a miracle (*Maharsha*; cf. *Maharal*).

God's Name is usually never associated with a living *tzaddik* (see e.g. *Genesis* 32:10). See *Maharsha*, who questions why it is permitted here. See also *Hagahos Yavetz* (below, 18b ד"ה רד"ט), and note 6 there.

אמר ליה — But who can say that it is so?!!<sup>[1]</sup> — וְיִמָּר דְּהָבִי אִיכָא — השתא חזית — [R' Meir] said to him: You shall see now. — הָנִחוּ בִלְבִי דְּהָוָה קָא אִכְלִי אִינְשֵׁי — There were these dogs in the vicinity that would bite people. — שְׁקַל קָלָא שְׂרָא בְּהוּ — [R' Meir] took a clod of earth and threw it at them, — הָוּ קָאִתּוּ לְמִיכְלִיָּה — and when they were coming to bite him — אָמַר אֱלֹהָא דְּמֵאִיר עֲנֵנִי — he said, "God of Meir, answer me!" — שְׂבָקוּהּ וְהִבְהִי לֵיהּ — [The dogs] let him alone and, duly convinced of the efficacy of the prayer, [the guard] handed [the sister-in-law] over to [R' Meir]. — אֲתִיבָה אֲסָקוּהּ לְזִיקָפָה — Ultimately, the matter became known in the halls of the government. — אֲתִיבָה אֲסָקוּהּ לְזִיקָפָה — [The Romans] brought up [the guard] for trial, and after convicting him of unlawfully freeing a prisoner, they took him up to the gallows to be hanged. — אָמַר אֱלֹהָא דְּמֵאִיר עֲנֵנִי — As he stood there, he exclaimed, "God of Meir, answer me!" A miracle occurred, and they could not hang the guard.<sup>[2]</sup> — אֲחִתּוּהּ אָמְרוּ לֵיהּ — [The Romans] brought him down from the gallows and asked him, "What is the meaning of this?"<sup>[3]</sup> — אָמַר לְהוּ דְּבִי — [The guard] said to them: This is what happened, and he proceeded to relate the episode with R' Meir. — אָתּוּ חֲקֵקוּ — They thereupon came [and] engraved the likeness of R' Meir on the gates of Rome.<sup>[4]</sup> — אָמַר — and proclaimed: — כֹּל דְּחָוּ לְפָרְצוּקָא דְּתִין לִיְהִיָּה — Whoever sees someone with this face, bring him to the authorities! — יוֹמָא — One day [some Romans] saw him, — חָרָא חֲזִינְהּ — [R' Meir] ran away from them, and entered a brothel.<sup>[5]</sup> — אִיכָא — There are those who say that just then he fortuitously saw some cooked food of idol worshipers (which is forbidden for a Jew to eat). — טַמְשׁ בְּהָא וּמָתָא בְּהָא — טַמְשׁ בְּהָא וּמָתָא בְּהָא — He dipped into the food with this finger and sucked on this other finger.<sup>[7]</sup> — אִיכָא דְּאִמְרֵי אֲתָא אֲלֵיהּ — And there are still others

who say that the prophet Elijah came, — אָרְמִי לְהוּ בְּזוּזָה — appearing to [the pursuers] as a harlot, — בְּרַבְרִיָּה — and he embraced [R' Meir].<sup>[6]</sup> — אָמְרוּ — [The Romans] exclaimed: — חַס וְשָׁלוֹם אִי רַבִּי מֵאִיר הָוּ — Heaven forbid! If he were R' Meir, he would not have acted in this manner. — קָם עֲרַק אֲתָא לְבָבֵל — Spared this time but still a wanted man, [R' Meir] arose and fled, eventually coming to Babylonia. — אִיכָא דְּאִמְרֵי מֵהָא מַעֲשֶׂה — There are those who say that he fled Eretz Yisrael because of this episode of freeing his sister-in-law, — וְאִיכָא דְּאִמְרֵי מֵהָא מַעֲשֶׂה דְּבִירוּרְיָא — and there are others who say that he fled because of the episode involving Beruria.<sup>[9]</sup>

Our Mishnah ruled that one may not participate with idolaters in building a stadium. A Baraisa adds that one should avoid even visiting a stadium:

הוּלֵךְ לְאִינְצִטְרִינִי — Our Sages taught in a Baraisa: — תַּנּוּ רַבִּנּוּ — ONE WHO GOES TO A STADIUM<sup>[10]</sup> OR AN ENCIRCLEMENT,<sup>[12]</sup> — וְנִרְאָה שָׁם אֶת הַחֲשִׁימִים — AND SAW THERE CONJURERS<sup>[13]</sup> AND SNAKE CHARMERS,<sup>[14]</sup> — וּבִקְיִין וּמוֹקִיִּין — BUKION AND MUKION, AND MULION AND LULION, BLORIN AND SALGURIN,<sup>[15]</sup> — הָרִי נֶה מוֹשֵׁב לַצִּים — THIS IS A SESSION OF JESTERS. — וְנִלְיָהֶם תְּהִיבָה אוֹמֵר — AND OF THEM THE VERSE SAYS, — "אֲשֶׁר־יִהְיֶה אִשָּׁר לֹא הָלַךְ וְגו' " — PRAISEWORTHY IS THE MAN WHO WALKED NOT etc. in the counsel of the wicked ... and sat not at a session of jesters.<sup>[16]</sup> The passage continues: — בִּי אִם בְּתוֹרַת ה' חָפְצוֹ — BUT HIS DESIRE IS IN THE TORAH OF HASHEM;<sup>[17]</sup> Torah is represented as the contrast to, and thus incompatible with, a session of jesters. — הֵנַּח לְמִדָּה — HENCE YOU LEARN — שְׂבָרִים הֵלְלוּ מִבְּיָאִין אֶת הָאָדָם לִיְדֵי בִישׁוּל תּוֹרָה — THAT THESE THINGS (frivolous entertainments) LEAD A PERSON TO NEGLECT OF TORAH.<sup>[18]</sup>

## NOTES

- Who can assure me that you speak truthfully, and that I will be saved with this prayer? (*Rashi*).
- [Perhaps the rope kept snapping, or the trap door failed to open.]
- Why are we unable to hang you? (*Rashi*).
- See above, 18a note 13.
- Emendation follows *Rashash*.
- To fool people from thinking that it was he, since everyone knew that R' Meir would never enter such a place (*Rashi*).  
R' Meir refrained from uttering "God of Meir, answer Me!" because it was improper for him to associate God with himself to save himself (see above, 18a note 54), especially since he could initially attempt a mundane method of escape (*Hagahos Yavetz*).
- Thus giving the false impression that he was tasting a forbidden food, something that R' Meir would never do.
- To give the impression that R' Meir was a regular client (*Rashi*).
- Beruria, R' Meir's wife, once disparaged the Sages' dictum, נָשִׁים דְּעָקִין, *the minds of women are easily swayed* (*Kiddushin* 80b). R' Meir warned her that she would ultimately acknowledge its truth. He then ordered one of his disciples to test her fidelity, and after many days of resisting his importunings she finally consented. When the matter became known, she hanged herself and R' Meir fled Eretz Yisrael out of shame (*Rashi*).
- See note 12.
- A place where bulls are incited to gore [men] (*Rashi*). The Mishnah in *Bava Kamma* 39a speaks of "a bull of the stadium," which *Rashi* to our Mishnah (16a אינצטריי) explains as "[a bull that] gores and kills people, and this is an entertainment of theirs."  
The Romans built two types of stadiums: the *circus* and the *amphitheater*. "Stadium" here apparently refers to the amphitheater, a round or oval building with a central arena surrounded by banks of seats for spectators. Gladiatorial combats to the death were held in the amphitheaters, pitting animals against animals, men against animals, and men against men (see *Aruch* אַמְטוֹנִין). The gladiators were usually drawn from

- among captives of war, criminal prisoners, or slaves. Occasionally, amphitheaters were used for performances of pantomimes and acrobatics.
- Rashi* renders כְּרִכּוּב as a *siege*, and explains that besieging forces would commonly stage entertainments and engage in revelry. *Rashi* to *Kesubos* 27a כְּרִכּוּב, notes that *Targum* to *Deuteronomy* 20:20 translates כְּרִכּוּב, an *encirclement*, as כְּרִכּוּבָא (our common version of *Targum* has כְּרִכּוּבָא). *Ran* here also adduces *Targum* *ibid.*, but explains that in our *Gemara* כְּרִכּוּב (orthography follows *Ran*'s variant) means "a building built like an encirclement and devoted to entertainments." Presumably, this refers to the Roman *circus*, a stadium that partially enclosed an oblong track where chariot races were held. The typical *circus* was dug out of the side of a hill, with the excavated earth used to construct an embankment on the opposite side which supported the seats. Such a structure would be reminiscent of the graded siege ramparts erected by an encircling army around the walls of a besieged town.
13. נְקֻשִׁים may also include fortune-tellers; see *Rashi* here and to *Deuteronomy* 18:10 מְנַחֵשׁ דָּרָה מְנַחֵשׁ; *Sanhedrin* 65b-66a; *Rambam*, *Hil. Avodah Zarah* 11:4.
14. *Rashi*; see *Rashi* to *Deuteronomy* 18:11 וְחָבֵר חָבֵר *Yevamos* 121b with *Rashi* שָׂאָה דָּרָה; see also *Sefer HaChinuch* 512; *Meiri* to *Sanhedrin* 65b.
15. *Bukion*, *mukion*, *mulion*, *lulion*, *blorin*, *salgurin*: *Rashi* comments that "these are all various kinds of clowns (or jesters)." *Aruch* בִּקְיִין (ע' לולין) explains it this way as well. [Some may be names for acrobats and jugglers. בִּקְיִין וּמוֹקִיִּין apparently refer to *Buccio* and *Macchus*, stock characters in Roman farce. סַלְגוּרִין is a variant reading found also in *Aruch*; see *Dikdukei Soferim*] are possibly *Ludi Saeculares*, the *Secular Games* celebrated in ancient Rome at widely spaced intervals (from the Latin *saeculum*, a century).]
16. *Psalms* 1:1.
17. *Ibid.* v. 2.
18. The clause *But his desire is [rather] in the Torah of Hashem* immediately follows the praise of a man who walked not ... and sat not at a session of jesters. We may infer that a person who does visit such

## Yalkut Shimoni

אמרו מעשה היה בו מאיר שהיה יושב במנחה בשבת ודורש ומתו שני בניו, מה עשתה אמן הניחה שניהם על המטה ופירשה סדין עליהם, במוצאי שבת בא רבי מאיר מבית המדרש אמר לה היכן שני בני אמרה לו לבית המדרש הלכו, אמרו לה צפיתי בבית המדרש ולא ראיתים, נתנה לו הכוס של הבדלה והבדיל וחזר, ואמר לה היכן שני בני אמרה לו פעמים שהלכו למקום פלוני ועכשו הם באים, הקריבה לפניו לאכול, לאחר שאכל אמרה לו רבי שאלה יש לי לשאול, א"ל אמרי שאלתך, אמר לו רבי קודם היום בא אחד ונתן לי פקדון ועכשו בא ליטול אחזיר לו או לאו, אמר לה בתי מי שיש לו פקדון אינו צריך להחזיר לרבו, אמרה לו חוץ מדעתך לא הייתי מחזרת אותו, מה עשתה תפשה אותו בידו והעלהו לחדר והקריבה אותו למטה, נטלה הסדין מעליהם וראה שניהם מתים מונחים על המטה, התחיל בוכה ואומר בני רבי רבי, בני בדרך ארץ ורבי שהיו מאידין עיני בתורתן, באותה שעה אמרה ליה רבי לא כך אמרת לי שאנו צריכין להחזיר פקדון לרבו, כך הנתן והלקח יהי שם ה מבורך, א"ר חנינא בדבר זה נחמתו ונתישבה דעתו לכך נאמר אשת חיל מי ימצא, א"ר חמא בר חנינא מפני מה מתו בניו של ר מאיר בבת אחת מפני שהיו רגילים להניח בית המדרש ועוסקים באכילה ושתייה, (ד"א) א"ר יצחק בר נחמיה כשם שנתן הקב"ה תורה לישראל בעשרים ושתים אותיות כך הוא משבח הנשים הכשרות בעשרים ושתים אותיות:

היתה כאניות סוחר ממרחק תביא לחמה, כגון ר אלעזר בר שמעון דסליקו הנך ספנאי עיול ליה שתין עבדי כי נקיטין שתין ארנקי עבדון ליה שתין מיני לפדא, אמרה לה דביתהו לברת אזלי בקרי באבוק מאי קא עביד האידנא, אתאי אמר לה זילי אמרי לאמך שלנו גדול משלה, קרי אנפשיה היתה כאניות סוחר ממרחק תביא לחמה. ו

One day on Shabbat, while her husband was away teaching Torah, her two sons suddenly died. Beruriah covered the boys with sheets and laid them on a table, without telling her husband. When her husband got home he asked for his two sons, she said, "Rebbi, O have a question to ask you....A while ago. a person game me a pikadon (something to watch for him). Now he came for it, should I return it to him or not?" He said that someone who is watching another's possession must return it to the owner. She took her husband into the room and lifted the sheets off her died sons. He husband started to cry, but she said to him, "Rebbi, didn't you tell this to me, that we need to return the pikadon to its owner? The Lord gave and the Lord has taken away." And with that Rabbi Meir was comforted. The Midrash concludes: "For this it says, 'A woman of valor, who can find!'" (Mid. Mishlei 31:1).



אֲשֶׁק שְׁלֵמָה עַל רִחַ  
נִרְאָה לִי מִקּוֹם שְׁמוֹנִין  
אֲשֶׁר נִשְׁמַע מִשָּׁם עֲבוֹדָה  
כְּבִידָה וּמִקּוֹם שֶׁאֵין מְנוּחָה  
לְאִשְׁרֵי נֶשְׁמָה מִשָּׁם לֵאמֹר.

[illegible][illegible]

וְיָמִי יִימֵר דְּחֵבִי אִיכָא [א"ל הַשְׁתָּא חוּתִּי]  
 חוּתִּי וְהָנוּ כְּלָבִי דְּהוּוּ קָא אֲכָלִי אִינְשֵׁי  
 שְׁקֵל קָלָא שְׂרָא בְּתוּ דְּהוּוּ קָטְרוּ לְמִכְלִיה  
 אֲמַר • אֵלֶּהָ דְּמֵאִיר עֲנִי שְׁבִקוּהָ וְיִהְיֶה לִּיה  
 לְסוּפָא אֲשִׁמְשֵׁמָה מִלְּתָא בִּי מְלָכָא אֲחִיּוּהָ  
 אֲשִׁקּוּקָא לְקִיפָה אֲמִר אֵלֶּהָ דְּמֵאִיר עֲנִי  
 וְאֲחִיּוּתָהּ אֲמִר לִיה מָאִי הָאִי אֲמִר לְהוּ דְּהוּ  
 לְהוּ מַעֲשֵׂה אֲתוּ חֲקֵקוּ לְדִמּוּתֵיהָ דְּרָ  
 דְּמֵאִיר אֲפִתְרָה דְּרוּמִי אֲמִר כֹּל דְּחִוּ  
 לְפִרְצוּפָא דְּרִין לִיתִיה יוֹמָא דְּרָא חֲוִיּוּ  
 דְּרָמָא אֲבִתְרִיהָ דְּרָמָא מְקַמִּיּוּהָ עַל לְבִי וְזוּת  
 אִיכָא דְּמֵאִיר בְּשׁוּלִי עֻבְרִי כּוֹכְבִּים חוּא  
 מְשִׁמְשֵׁמָה דְּרָא וְיִתֵּן כְּהָא אִיכָא דְּמֵאִיר אֲתָה  
 אֲאִלְהוּ אֲדָמִי לְהוּ כּוֹנֵנָה כְּרַכְתִּיהָ אֲמִר חֶסֶן  
 שְׁלֹמֹס אִי ר' מֵאִיר הוּא לֹא הוּא עֲבִיד הִבִּי  
 קָם עֵרָק אֲתָה לְבַבְלִי אִיכָא דְּמֵאִיר מֵרָאִי  
 דְּבִרּוּרָאִי: תְּנוּ רַבִּין • הַחֹלְבִין לְאִיצְמְרִינִן  
 וְאֵת הַדְּבָרִין מְבִקְוִין וּמְקוּזִין לְמֵאִיר וְלִזְלִין  
 לְצִים וְעֵלְמֵהּ הַכְּתוּב אֲמִר • אֲשִׁירִי הָאִישׁ  
 מִן ה' חֲפָצוֹ הָא לְמֵרֵת שְׂרָבִים הִלְלוּ מִבְּיָאִן  
 וְזִמְנִי • [הַחֹלְבִין] לְאִיצְמְרִינִן מוֹתֵר מִפְּנֵי  
 מִפְּנֵי יִשׁוּב מְרִינָה וּבְלִבְדִּי שְׁלֹא יִתְחַשֵּׁב  
 אֲסוּרִי קִשְׁיָא אִיצְמְרִינִן אִיצְמְרִינִן קִשְׁיָא  
 אֲכָרְקוּם ל"ק כָּאֵן כְּמַתְּשָׁא עֲמֵהּ כָּאֵן  
 אִיצְמְרִינִן אִיצְמְרִינִן קִשְׁיָא תְּנָאִי הָאִישׁ  
 מִפְּנֵי (6) מוֹשֵׁב לְצִים וְר' נִתָּן מוֹתֵר מִפְּנֵי  
 כִּמְצִיל וְאַחֵר מִפְּנֵי שְׁמַעִיד עֲדוּת אִשֶּׁה  
 לְמִשְׁרִיאוֹת וּלְקִרְסִיאוֹת מִפְּנֵי שְׁמֻבְלִין  
 דְּבִרִּי ר' מֵאִיר וְחֻכְמִים אֲמִרִים מְקוּם  
 כּוֹכְבִּים וּמְקוּם שְׁאֵין מוֹבְלִין שֵׁם אֲסוּר  
 אֲמִר ר' הֲנִינָא מְסוּרָא • אֲשִׁרִי וְנָתַן אִיכָא  
 מֵאִיר דְּכִתִּיב • אֲשִׁירִי הָאִישׁ שְׂגָר אֵל הַלֵּךְ  
 לֹא עֲמִיד וּכְמוֹשֵׁב לְצִים לֹא יִשֵּׁב וְכִי  
 נִמְאָרֵר שְׁלֹא עֲמִיד הִכֵּן יִשֵּׁב וּמֵאִירֵר שְׁלֹא  
 שְׁאֵם הַלֵּךְ סוּפֵר לְעֹמֵד וְאֵם עֲמִיד סוּפֵר  
 וְאֵם לֵץ עֲלִי הַכְּתוּב אֲמִר • אֵם חֲכַמָּה  
 שְׁאֵם אִיד • [אַלְעוּר] כֹּל הַמְּחַלּוּצִין יִסְרִין  
 תְּחַלּוּצִין פִּן יִחוּק מוֹסְרִים אֲמִר לְהוּ  
 תְּחַלּוּצִין דְּלֹא תְּחַלּוּצִין דְּלֹא לִיתֵּן עֲלֵיכִי  
 תְּחַלּוּצִין מוֹנּוֹתוֹי מְתַמַּעֲמִין שְׁנֵאֲמִר • מִשְׁךְ  
 שְׁמַעוֹן בִּן לֵקִישׁ כֹּל הַמְּחַלּוּצִין גּוֹפֵל  
 שְׁמַעוֹן עוֹשֶׂה בַּעֲבַרְת דְּרִין וְאֵין עֲבַרְתִּי אֵלָּא  
 כִּי הָרָא אֲמִר ר' אֲשִׁשְׁעִי • כֹּל הַמְּחִיתִירִי  
 לֵץ שְׁמוֹ עוֹשֶׂה בַּעֲבַרְתִּי דְּרִין וְאֵין עֲבַרְתִּי  
 הַיּוֹם הָרָא אֲמִר רַבִּי • תְּחִלָּאִי בִּי תְּחִלָּאִי  
 שְׁנֵאֲמִר • וְעֵתָה אֵל תְּחַלּוּצִין פִּן יִחוּק  
 מְשִׁמְשֵׁמָה אֲמִר רַבִּי • [אַלְעוּר] קִשְׁיָא הָאִישׁ  
 יִשֵּׁר לִי שְׁמַעוֹן בִּן פּוֹי • אֲשִׁירִי הָאִישׁ אֲשֶׁר  
 אֲתוּת שֶׁל עוֹבְדֵי כּוֹכְבִּים וּבִדְרֵךְ חֲמָאִים אֲשֶׁר  
 אֲתוּת לְצִים לֹא יִשֵּׁב שְׁלֹא יִשֵּׁב בְּרַחֲמֵיכֶם  
 לְמִשְׁרִיאוֹת וּלְקִרְסִיאוֹת וְלֹא עֲמִירִי  
 וְעַל • וּבְתוֹרָתוֹ הִגֵּה יוֹמֹם וְלִילָה אֲמִר רַב  
 שְׁרִי הָאִישׁ אֲשֶׁר לֹא הַלֵּךְ בְּעֵצַת רְשָׁעִים וְהָ

וְחָלַל בְּחַפְזָהּ וְזוֹ שָׁקַל קֶלֶאָה פִּיטִים  
 אֶסְקוּהָ דִּיקוּשָׁתָּהּ תְּחִלָּה וְקוּפָּה  
 יֵד הָאֵל מִנְהָל לְמַחֲקֶיהָ: אִתָּא  
 כּוֹל לְחִיּוֹ לֹא הוּא עֵינִי: שִׁטְט בְּרָא  
 וּמִתְקַן בְּהָא. עֵבֶל אֶחָד מֵאֲנֻכְעוּשֵׁי  
 וּמִנְקָן מִכִּימֶה: מִכִּימֶה: בְּרַבְרִיָּה  
 מִיבְּבֻקֹּת כְּאֵלֶּיָּה הִיא רְגִיל אֶלְלֶה:  
 אִיכָא דְאִמְרִי. מָשׁוּם הֵאָד מַעֲשֵׂה  
 עֵרָק: וְאִיכָא דְאִמְרִי טוֹשׁוּם מַעֲשֵׂה  
 דְּבִרְבּוּרָא. פִּשְׁטֵּם אֶחָד לִיגְלִינָה עֵד  
 שְׁאִמְרוּן כְּמִשְׁמֵם (קִמְס 97 ע"ב) נָשִׁים  
 דְּעָלְמוּ קָלוֹת מִן עֵלְיֵיהוּ וְזִמְרָן לֹא  
 חִיָּךְ סוֹפֵךְ לְהוֹדוֹת לְבִרְיֵיהֶם וְזוֹה  
 לִנְחָד מִתְּחַלְמִלְדֵּי לְנִקְמוֹת דְּבִדְר  
 בִּיבְרָה וְהַפְלִיר הֵאָד יִמְרֵם דְּרִיט עֲזִינָה  
 שְׁמִרְלִית וְכַשְׁתַּדְעָה לֹא חִקָּה עֲזִינָה  
 וְעֵרָק דְּרִי מֵאִיר מִתְּחַמֵּם כְּסוּפֵם:  
 אֲרִיאֲדִינְרִי. מָקוּם שְׁמַנְמָן אֶחָד  
 הַשְׂזֵר: וְלִבְרָקוּם. מִלְּזוֹר וְעוֹשֵׁן שֶׁ  
 שְׁחֹק וְלִינִטוֹ: אֵת הַנּוֹחָשִׁים.  
 מִמַּחֲשֵׁם וּמִכְסָפִים: וְאֵת הַחֲרָבִים.  
 לְחַשֵׁי מַחֲשֵׁם: בּוֹקִין וְקוֹרִין לְחִיָּין  
 סְלִירִין. כּוֹלֵן מִינִי לְגִלְסִין כֵּן:  
 הָא דְרָתָה. מִדְּמַקְוִין לֵיהּ כֵּן אֶחָד  
 בְּחֹרֶת וְגַר מִכְּלֵל דְּלֹאִיל לֹאִי וְלֹא  
 בְּחֹרֶת ה' הַכְּסֵל: שְׁחֹזוֹ וּמִצִּיל.  
 אֶחָד רֹחֵשׁ שִׁיגִיּוֹ שֶׁם יְהוּדִי לֹעֵק  
 וְיִתְחַנֵּן לְהֵס וּמְעִילֹ: מִפְּנֵי יִשׁוּב  
 מִדִּינָה. יִשְׂרָאֵל הָדִירִים בְּחֹזֵק הָעִיר  
 שׁוֹם וּבִקְשָׁם עֵי (א) [יִצְחָק] הִקְרָקוֹם  
 לְהִלְסֵם: שְׁלֹא יִתְחַשֵּׁב עֲמֵהֶם. לְחֹק  
 עֲבָדֵי כּוֹכְבִּים וְהַשְׁמֹת עֲמֵהֶם מִזֹּר:  
 שְׁעִירֵי דְעוֹת אֲשֶׁר. אֶחָד בְּחֹזֵק  
 יִשְׂרָאֵל הִרָק שֶׁם מִיִּשְׂרָאֵל בְּחֹזֵק  
 וּמִשְׁאֵלֶה: שְׁמוּבָאִים שֶׁם. מִתְּקַדְרִין גְּרָבִי  
 עֲבֻדוֹת כּוֹכְבִּים לְהַתְּגַדֵּר בֵּהֶם. מִתְּחַנְּלִין  
 לָקוֹן יִזְכְּלוּ אִשִּׁי (בְּחַפְזָהּ) עֵי מִיִּשְׁתֵּיהֶם  
 שֶׁל חִיּוֹר וְאִסְפִּיָּה אֲמִישְׁנִי בְּלַעֲזִי:  
 מִפְּנֵי חֲשֵׁד. עֲבֻדוֹת כּוֹכְבִּים שְׁלֹא  
 יִתְחַדְּשׁוּ יִבְּלֹן בְּחֻקָּתָם יִבְּלֹן לְעֻבְדוֹת  
 כּוֹכְבִּים: הֵאָד בִּיבְרִיָּה. לְרִי"מ מִי  
 כּוֹלֵל אֲקִירֵי דֵהָא לִרִי מֵאִיר כּוֹלֵל  
 חֻקָּתָם יִבְּלֹן לְעֻבְדוֹת כּוֹכְבִּים: יִנְהִי:  
 נִשְׁאֵת תַּתָּן. לְרִי"מ נִשְׁאֵת וְנִתְּן <sup>ע</sup> (לְעֻבְדוֹת  
 כּוֹכְבִּים) אֲקִירֵי דֵהָא מִפְּנֵי שְׁמֻנְלִין  
 לְעֻבְדוֹת כּוֹכְבִּים כְּמִתְּחָא קֶלְהָר וְסָגֵר  
 דּוּלְחִי מִתְּחַנְּלִין לְעֻבְדוֹת כּוֹכְבִּים שֶׁם  
 אִיכָא לְחִיָּשׁ לְרִימֵם עֲבֻדוֹת כּוֹכְבִּים  
 בִּידוֹ וְקוֹרִין מִיִּשְׂרָאֵל אֶל לְאֹדָךְ  
 מִשְׁמֵם חֲשֵׁד כּוֹכְבִּים וְרִבְנָן אֲחִרְיִין  
 לֹא חִיָּשׁ נִשְׁאֵת וְנִתְּן מִתְּחָא לֵהָא חִיָּשִׁין  
 לְרִימֵם עֲבֻדוֹת כּוֹכְבִּים: אֵם הָדָךְ סוֹפֵר  
 אֲשֶׁמֶד. לֹא שְׁמַעַת הַשְׁבַּעֲנִים בְּעִמְלָה  
 סוֹפֵר לְעוֹד וְלִשְׁמַעַת בְּיִיבֵיהֶם מַעֲט  
 וְהִ"ק עֲשִׂירֵי שְׁלֹשׁ הֵלֵךְ וּמִתְּחַנֵּן שְׁלֹשׁ הֵלֵךְ  
 לֹא עֲמַד וּמִתְּחַנֵּן שְׁלֹשׁ עֲמַד לֹא יִסַּב הֵאָד  
 אֶת הֵלֵךְ סוֹפֵר לְעֻבְדוֹת כִּי: לֹא  
 שְׁחִלּוּלָא מִן חִקּוֹן מִסְרִיִּים שֶׁם אֵל  
 וּמְלַחֵם מַעֲשִׂיָּה: מִסְרִיִּים. יִסְרִיִּים:  
 מִשְׁר. הַקְּבִי"ה: דִּי. הַפְּתוּחָה יִדוֹ לֹון  
 אֶת הַכֵּל מִדְּמֵהֶם מִן הַלְלִיָּקִין: יִיִּם  
 עֲבֵרָה עוֹשֵׂה הָהוּא. חִיָּשִׁין דִּין  
 מַעֲשִׂיָּה קֶרֶא שְׁעִירֵיוֹן עֲבָדֵי דִין  
 לְהִנְסֵם: אֲשֶׁר־יִשְׂאִיָּה. פִּלְטוֹן וְלֹא  
 דְּבִרְיִין כְּשֶׁן אֲסָסִין לְשֹׁחַן וְלִלְלָן:  
 הָא חֲזִינֵי הָיוֹ: לְנִתְן <sup>ע</sup> לְנִתְן לְגִרְמִיָּה הָא:

[illegible]

גמ' אלהא דמאיר  
ענני, עי' מ"ט הרמ"ע  
נמאמר חיקור הדין סוף  
ח"א:

(א) אֲשֶׁר־הָיָה אֲשֶׁר  
לֹא הָלַךְ בְּעֵצַת רָשָׁעִים  
וּבְכַדְרֵד חֲסִידִים לֹא עָמַד  
וּבְמִוֶּשֶׁב לְצִידִים לֹא יָשָׁב:  
כִּי אִם בְּחֹרֶת יְיָ חָפְצוֹ  
וּבְחֹרָתוֹ יִהְיֶה יוֹמָם  
(לְיָלָה: [תהלים א, א-ב])

(ב) אִם חֲסִידָה חֲסִידָה  
לֵךְ וּלְעֵת לְכָד חֲסִידָה:  
(משלי ג, יב)

(ג) וְעַתָּה אֵל תִּתְּלוּצְצוּ  
פֶן יִחַזְקוּ מִסְרִיבֵם כִּי  
כָדָה וְנִחְרָצָה שְׁמִיעֵתִי  
מֵאֵת אֲרָנִי אֱלֹהִים  
צָבָאוֹת עַל כָּל הָאָרֶץ:  
[יִשְׁעִית סו, כב]

(ד) יום מלכנו החלו  
שורים חממת מין משך  
ירו את לצצים:  
[משנה ג.]

(ח) וְיָהוּד לֵץ שָׂמֵן  
עוֹשֶׂה בְּעֵבֶרֶת וְדוֹן:  
[מסעי בא, נד]

(ו) יום עֲבֵדָה הַיּוֹם  
הַהוּא יוֹם צָרָה וּמַצָּוָה  
יוֹם שְׂאֵהָ וּמִשְׁוֹאֵה יוֹם  
חֹשֶׁךְ וְאִפְלָה יוֹם עֵנָן  
וְעֹרָפִל: [מִנְחָה א' ב']

THE NEED to relieve himself,<sup>[38]</sup> זָכַנְס וְיֵשֵׁב בְּמָקוֹמוֹ – HE MAY REENTER AND SIT IN HIS PLACE.<sup>[39]</sup> בְּנֵי תַלְמוּדֵי חֻכְמִים – Regarding the SONS OF TORAH SCHOLARS,<sup>[40]</sup> שְׂמֻמּוֹתֵיהֶם אֲבִיהֶם פָּרְנָס עַל הַצִּבּוֹר – specifically those sons WHOSE FATHERS ARE APPOINTED A LEADER OVER THE COMMUNITY,<sup>[41]</sup> בְּזֶמַן שֶׁיֵּשֵׁב לָהֶם דַּעַת לְשִׁמוּעַ – WHEN THEY HAVE THE INTELLECTUAL MATURITY TO UNDERSTAND the Sages' discourses, נִכְנָסִים וְיוֹשְׁבִים לִפְנֵי אֲבִיהֶם – THEY MAY ENTER the study hall AND SIT IN FRONT OF THEIR FATHERS הָעָם – WITH THEIR BACKS TO THE PEOPLE.<sup>[42]</sup> בְּזֶמַן שֶׁאֵין לָהֶם דַּעַת לְשִׁמוּעַ – WHEN THEY DO NOT HAVE THE INTELLECTUAL MATURITY TO UNDERSTAND discourses, נִכְנָסִים וְיוֹשְׁבִים לִפְנֵי אֲבִיהֶם – THEY MAY ENTER the study hall AND SIT IN FRONT OF<sup>[43]</sup> THEIR FATHERS וּפְנֵיהֶם לְפָנֵי הָעָם – WITH THEIR FACES TO THE PEOPLE.<sup>[44]</sup> רַבִּי אֶלְעָזָר בֶּר רַבִּי צְדוֹק אָמַר – R' ELAZAR THE SON OF R' TZADOK SAYS: אַף בְּבֵית הַמִּשְׁקָה עוֹשִׂים אוֹתָם סְנִיפִין – ALSO AT A WEDDING FEAST WE MAKE THEM<sup>[45]</sup> ATTACHMENTS to the elders.<sup>[46]</sup>

The Gemara qualifies one of the Baraisa's rulings:

אָמַר מַרְיָא – [אָמַר מַרְיָא] – Master stated in the Baraisa: If [A SCHOLAR] LEFT the study hall FOR THE NEED to relieve himself, HE MAY REENTER AND SIT IN HIS PLACE. אָמַר רַב – Rav Pappa said: לֹא אָמְרוּ אֵלָּא לְקֻטְנִים – They stated this ruling only if he left for the minor [wastes] (i.e. to urinate).<sup>[47]</sup> אָבָל לְגִדּוּלִים לֹא – However, if he left for the major [wastes] (i.e. to defecate) he may not return to his seat, הָיָה לֵיהֶם – for he should have checked himself earlier in the day, before coming to the study hall. דָּאָמַר רַב – For Rav Yehudah has stated in the name of Rav: לְעוֹלָם וְלָמָד אָדָם עֲצֻמוֹ לְהִשָּׁעֵר בַּיּוֹם – In all cases a person should teach himself to rise early, and to await evening, to defecate, בְּרִי שְׂלֵא וְתִרְחַק – so that he will not

need to distance himself from others.<sup>[48]</sup>

The Gemara repeals the qualification:

הַיּוֹמָא דְחֵלְשָׁא עָלְמָא – Nowadays, when everyone has become weak,<sup>[50]</sup> אָפִילוּ לְגִדּוּלִים נָמוּ – the Baraisa's leniency applies even when one leaves the study hall for the major [wastes].

The Gemara now qualifies the Baraisa's final ruling, which stated:

רַבִּי אֶלְעָזָר בֶּר רַבִּי צְדוֹק אָמַר – R' ELAZAR THE SON OF R' TZADOK SAYS: אַף בְּבֵית הַמִּשְׁקָה עוֹשִׂים אוֹתָם סְנִיפִים – ALSO AT A WEDDING FEAST WE MAKE THEM ATTACHMENTS to the elders. אָמַר רַבָּא – Rava said in explanation thereof: בְּחַיֵּי אֲבִיהֶם בְּפְנֵי אֲבִיהֶם – This applies only during the lifetimes of their fathers and in the presence of their fathers.<sup>[51]</sup>

The Gemara relates the history of the Baraisa under discussion:

בִּימֵי רַבִּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל – R' Yochanan said: אָמַר רַבִּי יוֹחָנָן – This halachah<sup>[52]</sup> was taught in the days of Rabban Shimon ben Gamliel. At that time Rabban Shimon ben Gamliel was the *Nasi*,<sup>[53]</sup> רַבִּי רַבִּי מֵאִיר הָכֵם – R' Meir was the greatest sage of his generation<sup>[54]</sup> רַבִּי בִּי הָהָא – and R' Nassan was the *Av Beis Din*.<sup>[55]</sup> When Rabban Shimon ben Gamliel would enter there, the study hall, הָיוּ קוֹיְמֵי בּוֹלֵי עָלְמָא מִקְמֵיהּ – everyone stood up before him. כִּי הָיוּ עוֹלֵי רַבִּי מֵאִיר וְרַבִּי נָתָן – When R' Meir and R' Nassan would enter, הָיוּ קוֹיְמֵי בּוֹלֵי עָלְמָא – everyone stood up before them as well. אָמַר רַבִּן – Rabban Shimon ben Gamliel eventually said to himself: לֹא בָעוּ לְמִיָּהוּ הֵיכְרָא בֵּין דִּילִי לְדִידְהוּ – Should there not be a distinction between my honor and theirs?<sup>[56]</sup> תָּקִין הָא

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38. *Be'er Sheva*; cf. *Meromei Sadeh*.

39. Even though he lacks the stature to justify his stepping over his colleagues to return to his place, the involuntary nature of the exit permits his doing so (*Meiri*). [Implied by the Baraisa's ruling is that the exit itself is certainly permitted.]

40. *Yosher Horai* points out that *Rashi's* text apparently stated בְּנֵי חֻכְמִים, sons of sages (from *ר"ה עושין אותן*). See also note 45 below.

41. Thereby elevating the father to the status of a sage who serves the public [רַבִּים צְרִיכִים לוֹ] (*Derishah* *ibid.*).

42. [Even though the son may be of lesser stature than the scholars behind him, it is important for the full comprehension of a discourse that one observes the lecturer's face (see above, 12a note 55). We therefore grant the sons that privilege.]

43. A variant text reads: behind (*Mesoras HaShas* §5).

44. [To sit with their backs to the scholars would in that case be disrespectful. Nevertheless, we allow the children to sit next to their fathers for the fathers' honor.]

45. The sons of "sages who are appointed leaders of the community" (*Rashi*).

46. I.e. we seat them at the elders' side – in the manner that extra sections are attached to a large beam [see *Taanis* 25a] – for their fathers' honor (*Rashi*). However, we do this only when the father is present at the feast (*Meiri*, citing Gemara below).

47. Here we do not penalize him because urinating during the day is unavoidable, and so he is not at fault (*Rashi*).

48. One who defecates in the middle of the day must distance himself from the road for the sake of privacy (*Rashi*), and the delay this causes can be dangerous to him (see *Berachos* 62b). It is therefore better to avoid distancing by accustoming oneself to defecate in the early morning (before daybreak) and in the evening (after nightfall), when it is dark outside and immediate privacy is ensured.

A scholar who does not heed this advice is negligent, and so we prohibit him to trouble his colleagues and return to his seat if he leaves

themselves. This was the situation in Babylonia, where the Sages of the Gemara lived. Nevertheless, even nowadays – when we have bathrooms in our homes – it is still proper to accustom oneself to defecate in the morning and in the evening, in order to recite the *Shema* and to pray in a state of cleanliness. See Schottenstein ed. *Berachos* 62a note 36 for further discussion of this point.

49. The following, dissenting dictum is mentioned by neither *Rif* nor *Rosh* in the first chapter of *Kiddushin*, and apparently should be deleted from the text of our Gemara, for the reason that Rava was Rav Pappa's teacher and thus would not likely respond to his student's ruling (*Be'er Sheva*). *Chok Nasan* notes, however, that *Rambam* (*Hil. Talmud Torah* 6:7) does appear to rule like Rava – precisely because the Gemara cites Rava's opinion last and *Rambam* customarily gives greater weight to the last-cited opinion (לְשׂוֹנָא בְּתֵרָא). According to *Meromei Sadeh* there is no difficulty at all, for this "Rava" is not the well-known Amora and mentor of Rav Pappa, but a sage of the early Geonic period similarly named.

50. [And thus cannot regulate themselves to defecate at certain times.]

51. See notes 45 and 46 above; but see *Rashi*.

52. I.e. the halachos taught in the Baraisa we have been discussing: "When the *Nasi* enters etc." (*Rashi*).

53. R' Yochanan refers to the second Rabban Shimon ben Gamliel. He was a great-great-grandson of Hillel, who was descended from King David. By tradition the office of *Nasi* was filled by a male of Davidic lineage.

54. And for that reason the Gemara mentions him before R' Nassan, the *Av Beis Din* (see *Chasdei David*, quoted by *Yosher Horai*; see note 33 above). R' Meir descended from the Roman emperor Nero, who converted to Judaism (*Maharsha*, end of *אסיקו*).

55. R' Nassan's father was the *Reish Galusa* (exilarch), the head of Babylonian Jewry. R' Nassan subsequently immigrated to Eretz Yisrael, where the following episode transpired (*Be'er Sheva* קמרא *ר"ה*).

56. Rabban Shimon ben Gamliel held that since he as *Nasi* was distin-

מְהִינָא – He thereupon instituted the laws contained in this Baraisa, whereupon the *Nasi* is accorded more honor than the *Av Beis Din*, and the *Av Beis Din* more honor than the sage. **הָיָא לֹא הָוּ** – Now, on that day of the issuance of the Baraisa **רַבִּי מֵאִיר וְרַבִּי נָסָן הָיוּ** – R' Meir and R' Nassan were not there in the study hall. **לְמַחֲרָא בִּי אֲתוּ** – When they came on the following day **וְהָיוּ דְלֵא קָמוּ מִקְמֵיהוּ בְּדֶרְגוּלָא מִלְתָּא** – they saw that [the scholars] did not stand up before them in the usual manner. **אָמְרֵי מַאי הָאֵי** – They exclaimed: What is the meaning of this?! **אָמְרוּ לְהוּ הָכִי פָקִין רַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל** – [The scholars] told them: Thus Rabban Shimon ben Gamliel instituted. **אָמַר רַבִּי מֵאִיר לְרַבִּי נָסָן** – R' Meir thereupon said to R' Nassan: **אֲנָא חָכֵם וְאַתָּה אַב בֵּית דִּין** – I am a Sage and you are an *Av Beis Din*. **נִתְקִין מִלְתָּא בִּי לְדִידֵן** – Let us initiate something against Rabban Shimon like that which he did to us.<sup>[57]</sup> **מַאי נַעֲבִיד** – Now, what should we do to him? **נִימָא לֵיהּ גַּלְי עוֹקְצִים דְּלִית** – Let us say to him, “Expound for us Tractate *Uktzin*,” for he does not have it fully mastered.<sup>[58]</sup> **וְנִינֵן דְּלֵא אָמַר נִימָא לֵיהּ** – And since he has not learned it well enough to teach it, we shall say to him: **„מִי נִמְלֵל גְּבוּרוֹת דִּי יִשְׁמִיעַ כָּל-תְּהֵלְתוֹ”** – Inasmuch as Scripture states, *Who shall utter the mighty acts of God, [who] can declare all of His praise?*<sup>[59]</sup> **לְמִי נָאָה לְמַלֵּל גְּבוּרוֹת דִּי** – which we understand to mean: For whom is it fitting to utter the mighty acts of God in public Torah discourse? **מִי שִׁיבֹל לְהַשְׁמִיעַ** – Only one who can declare *all His praise*<sup>[60]</sup> – Scripture thereby excludes you, Rabban Shimon ben Gamliel, who have not mastered the Talmud in its entirety, for you are deficient in the final tractate, *Uktzin*. **וְעַבְרִיָּה** – And with this argument, concluded R' Meir, we shall remove [Rabban Shimon ben Gamliel] from office, **וְהָוִי אֲנָא אַב בֵּית דִּין וְאַתָּה נָשִׂיא** – and I shall become *Av Beis Din* and you *Nasi*.<sup>[62]</sup>

The Gemara now relates what transpired when R' Meir attempted to implement his scheme:

**וְשָׁמְעִיהוּ רַבִּי יַעֲקֹב בֶּן קָרְשִׁי** – It just so happened that R' Yaakov ben Karshi overheard [R' Meir and R' Nassan] plotting against Rabban Shimon. **אָמַר** – He said to himself: **דְּלָמָא חָס וְשָׁלוֹם** – Perhaps, Heaven forbid, this matter will lead to Rabban Shimon's disgrace. **אֲנִי לְיָתִיב אַחֲרֵי עִילָתִּיהּ** – He therefore went and sat behind

Rabban Shimon ben Gamliel's upper chamber **פֶּשֶׁט** – and elucidated Tractate *Uktzin* aloud, **וְגַרְסָא וְתַנָּא** – and then recited and reviewed it, recited and reviewed it – all within Rabban Shimon's earshot. **אָמַר מַאי דְקָמָא** – Alerted by this unusual signal, [Rabban Shimon] said to himself: What is transpiring before us? **דְּלָמָא חָס וְשָׁלוֹם אִיכָא בִּי מִדְּרָשָׁא מִידִּי** – Perhaps, Heaven forbid, there is something mischievous afoot in the study hall! **וְהָב דַּעֲתִיָּה וְנִרְסָה** – He thereupon put his mind to the task of foiling the plot – which apparently involved his knowing Tractate *Uktzin* – and recited it over and over until he had mastered it. **לְמַחֲרָא אָמְרוּ לֵיהּ** – On the following day [R' Meir and R' Nassan] said to him: **נִינֵי מַר וְנִיתְנֵי בְּעוֹקְצִין** – Come, master, and teach us *Uktzin*! **פְּתַח וְאָמַר** – [Rabban Shimon] thereupon commenced and discoursed on the tractate. **בְּתַר דְּאוֹקִים אָמַר לְהוּ** – After he finished he said to them: **אִי לֹא נִמְיִרְנָא בְּסִפְיֵיתָנִן** – If I had not learned the tractate yesterday, you would have shamed me. **פָּקִיד וְאַפְקִינְהוּ מִבֵּי** – He thereupon instructed and had [R' Meir and R' Nassan] expelled from the study hall.

The Gemara now relates the fate of the banished sages:

**וְהָיוּ כְּתָבֵי קוּשְׁיָתָא [בְּפִתְקָא] וְשָׂרוּ הָתָם** – From outside, [R' Meir and R' Nassan] would write down Talmudic questions on a tablet and throw it there, into the study hall, for the scholars' consideration. **וְהָיוּ מִפְּרִיק מִפְּרִיק** – A question that was answered by the scholars was answered; **וְלֹא הָיוּ מִפְּרִיק** – and as for those that were not answered, **כְּתָבֵי פִירוּקֵי וְשָׂרוּ** – [R' Meir and R' Nassan] wrote down the answers and threw the tablet inside. **אָמַר לְהוּ רַבִּי יוֹסֵי** – Eventually R' Yose said to [his colleagues] in the study hall: **“תּוֹרָה מִבְּחוּץ וְאַנּוּ מִבְּפָנִים** – The Torah is on the outside and we are within?”<sup>[63]</sup> And they went and petitioned Rabban Shimon to readmit R' Meir and R' Nassan. **אָמַר לְהוּ רַבִּין שְׁמַעוֹן בֶּן גַּמְלִיאֵל** – Rabban Shimon ben Gamliel said to them in response: **נִיעִילִינְהוּ** – We shall allow them to enter the study hall. **מִיְהוּ נִיקְנְסִינְהוּ דְּלֵא נִימְרוּ שְׁמַעְתָּא מִשְׁמִינְהוּ** – Nevertheless, we shall penalize them, in that no Torah teaching shall be stated in their names. **אֲסִיקוּ לְרַבִּי מֵאִיר** – Henceforth, they referred to R' Meir as “Others” (as in “Others say”),<sup>[64]</sup> **וְלְרַבִּי נָסָן יֵשׁ אֲמָרִים** – and to R' Nassan as “There are [those who] say.”<sup>[65]</sup>

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(*Maharsha*). Alternatively, the similarity with which the three men were honored indicated to Rabban Shimon that the scholars viewed them as co-equal leaders. Rabban Shimon therefore sought to assert his preeminence, in accordance with the Talmudic dictum (*Chullin* 60b): **[אִין] אָפָּשֶׁר** – לְשֵׁנֵי מַלְכִּים שִׁישְׁתַּפְּשׁוּ בְּכֹתֶר אֲדָנִי (*Iyun Yaakov* in *Ein Yaakov*; see also *Hagahos Yavetz*). See *Chasdei David*, cited by *Yosher Horai*, for another explanation.

57. [Rashi. See there for variant readings of this line.]

R' Meir and R' Nassan were aggrieved by Rabban Shimon's new regulations, for they thought that he acted for personal reasons – to gain one degree of honor over R' Nassan and two degrees over R' Meir (*Maharsha*). Alternatively, although R' Meir and R' Nassan agreed that it was necessary to distinguish one man (the *Nasi*) as the supreme leader, they were offended by Rabban Shimon's methods: Rather than diminishing their prestige, he should have increased his own with some new ceremonial honor (*Iyun Yaakov*). They therefore sought to retaliate by engineering Rabban Shimon's ouster.

58. *Uktzin* is the very last tractate in the Six Orders of the Mishnah, and is very difficult (*Maharsha*).

59. *Psalms* 106:2.

60. Emendation follows *Mesoras HaShas* §10.

61. “Praise” is a sobriquet for “words of Torah” (see *Meromei Sadeh*). Hence, argues R' Meir, only an expert in all branches of Torah knowledge

in *Megillah* 18a, which presents R' Elazar as interpreting the verse as a prohibition against adding blessings to the *Shemoneh Esrei* prayer (see there). Rabban Shimon therefore rejected R' Meir's proof that he was disqualified from being *Nasi* because he failed to master all the tractates (*Maharsha*; cf. explanation of *Be'er Sheva* below, 14a note 11.)

62. Even though R' Meir was a greater sage than R' Nassan (see notes 33 and 54 above), he had to concede the office of *Nasi* to his colleague, for R' Nassan was of Davidic lineage, a prerequisite for the office (see note 53 above), while R' Meir descended from the Roman emperor Nero (*Yosher Horai*, end of *רַבִּי בִּימֵי רִשְׁבִּיג וְשִׁנִּי*).

63. I.e. either R' Meir and R' Nassan reenter the study hall, or we shall go out to them and be with them (*Rashi*). R' Yose deemed the absence of those two superior sages intolerable.

64. That is, even though we find in several places R' Meir arguing with “Others” (e.g. *Berachos* 9b, *Sotah* 12a), both views are R' Meir's. However, the one quoted in his name was issued earlier in his life. He later – after being penalized by Rabban Shimon ben Gamliel – retracted this ruling and issued another. This second opinion was attributed to “Others” (see *Tosafos* to *Sotah* *ibid.* and *Be'er Sheva* here).

65. “Others” is a less respectable appellation than “There are those.” R' Meir deserved the former because he was the instigator of the plot against Rabban Shimon (*Be'er Sheva*). Cf. *Elef HaMagen*.

The commentators discuss why the two individuals, R' Meir and R'

The Gemara concludes its narration of the episode:

אָהוּ לָהוּ בְּחֻלְמֵיהוּ – Subsequently, from Heaven they showed [R' Meir and R' Nassan] the following message in their dreams: וְיָלוּ בְּיִסְטוּהוּ [לְרֶבֶן שְׁמַעוֹן בֶּן גַּמְלִיאֵל] – Go, appease Rabban Shimon ben Gamliel. רַבִּי נָתָן אָוָל – R' Nassan went, רַבִּי מֵאִיר – R' Meir did not go. לֹא אָוָל – but R' Meir did not go. אָמַר רַבִּי חֲלֹמוֹת לֹא מַעֲלִין וְלֹא – He said: The contents of dreams are meaningless.<sup>[66]</sup> מוֹרִידִין – When R' Nassan went to attempt appeasement, Rabban Shimon ben Gamliel said

to him: נָתַן דָּאֲהָנִי לְךָ קַמְרָא דְּאָבוּךָ לְמַהֲרֵי אָב בֵּית דִּין – Granted that your father's golden belt helped you to become *Av Beis Din*, שׁוּיִנִּיךָ נָמִי נָשִׂיא – but shall we make you also *Nasi*?<sup>[67]</sup>

The Gemara records an application of the penalty imposed on R' Meir:

מִתְּנִי לֵיהּ רַבִּי לְרֶבֶן שְׁמַעוֹן בְּרִיהּ – Rabbi taught the following Mishnah<sup>[68]</sup> to Rabban Shimon his son: אֲחֵרִים אוֹמְרִים – “OTHERS”<sup>[69]</sup> SAY: אִילּוּ הָיָה תְּמוּרָה – IF IT WERE A *TEMURAH*,

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author brings salvation to the world (*Avos* 6:6), the disciples would want to identify the author of any anonymous teaching. That would be possible if his pseudonym was in the singular. A plural term, on the other hand, implies: one of many, but his identity has been lost. See *Be'er Sheva* for another explanation.

66. Literally: the words of dreams neither raise nor lower. R' Meir held that often dreams are completely false (see *Berachos* 55b; *Rashba*, *Responsa* 132), and thus he paid no attention to dreams that dissuaded

of the Babylonian Jewish community (see note 55 above), helped you to attain the office of *Av Beis Din* when you immigrated to Eretz Yisrael. But will it help you realize your ambition to become *Nasi* too? We see that it has not. Therefore, be satisfied with what you have (*Rashi*, *Be'er Sheva*).

[See *Doros HaRishonim* 4:764-768 who offers the historical background to this entire incident.]

68. *Bechoros* 60a.

לא הנה קרב – IT WOULD NOT BE OFFERED.<sup>[1]</sup>

Rebbi's attribution of this halachah to "Others" prompted the following dialogue:

אמר לו – מי הם הללו – Said [Rabban Shimon] to [Rebbi]: "Who are these sages, שומייהם אנו שותים – from whose waters we drink, ושמותם אין אנו מזכירים – but whose names we do not mention?"<sup>[2]</sup> אמר לו – קני אדם – [Rebbi] answered him: "These are people who sought to eradicate your honor שבקשו לעקור כבודך – and the honor of your father's

household."<sup>[3]</sup> אמר לו – [Rabban Shimon] cited a verse to [Rebbi]: "גם אהבתם גם שנאתם גם קנאתם כבר אבדה" – "Their love, their hate, their jealousy have already perished."<sup>[4]</sup> אמר לו – [Rebbi] quoted a different verse back to him: "האויב תמו" – "The [lives of the] enemy have ended, [but his] ruins remain forever."<sup>[5]</sup> אמר לו – [Rabban Shimon] replied to [Rebbi]: "הני מלי היבא דאהנו מעשיהו" – "Those words apply only where [the enemies'] deeds were effective, רבנו לא אהנו – but the deeds of these Rabbis were not effective."<sup>[6]</sup>

# NOTES

1. This chapter of *Bechoros* details the obligation of *maaser beheimah* (the animal tithe). The Torah (*Leviticus* 27:32) commands that one set aside one-tenth (*maaser*) of the cattle, sheep and goats born to one's herds and flocks each year. This is done by gathering all the newborn animals into an enclosure that has an opening large enough for only one animal to pass through at a time. The owner counts the animals as they exit in single file, marking every tenth animal with red dye and declaring, "This one is *maaser*" (*Mishnah Bechoros* 58b). The animals thus designated must be brought as offerings in the Temple and their meat is eaten by the owner and his guests in Jerusalem.

The Mishnah cited here discusses a case in which the owner called the ninth animal "tenth," the tenth one "ninth" and the eleventh one "tenth." [The animals left the pen in single file, as required, but the owner mislabeled them in the following way: As the ninth animal passed him, he mistakenly designated it as the tenth. When the next animal (the real tenth) left the pen, he realized his mistake and tried to compensate by labeling it as the ninth. Then, forgetting the reason for calling that animal the ninth, he resumed counting by rote from nine and labeled the next animal (the real eleventh) as tenth. See *Bechoros* 60b.]

The earlier part of this Mishnah states that all three animals gain a degree of sanctity (see Gemara *ibid.* for the Scriptural source). In the case of the ninth animal that left the pen (mistakenly labeled as "tenth"), its degree of sanctity requires only that as long as it is fit to be offered, it may not be eaten. Once it develops a disqualifying blemish, however, it loses its sanctity and becomes permitted for consumption (without any sacrificial procedure). The actual tenth animal (mistakenly labeled as "ninth") is brought as the *maaser* offering. The eleventh animal (mistakenly labeled as "tenth") is brought as a *shelamim* offering.

R' Meir ("Others") rules in that Mishnah that the eleventh animal (which is brought as a *shelamim*) is subject to the law of *temurah*. That is, if one designates another animal as its substitute, the original offering retains its sanctity and the substitute also becomes sanctified (see *Leviticus* 27:10,33). The second animal is known as the *temurah* of the first. Thus, according to R' Meir, if the eleventh animal is thereafter exchanged for another animal, both must be brought as *shelamim* offerings.

To this, R' Yehudah objected (*ibid.*) that the eleventh animal itself is a form of *temurah*, because when the owner designated it as the *maaser*, he was in effect saying, "Let this animal be the *maaser* instead of the tenth." Now, the law is that a *temurah* animal cannot in turn produce another *temurah* (*Mishnah Temurah* 12a; see *ibid.* 13a for the Scriptural source). Therefore, R' Yehudah argued, how can that eleventh animal produce its own *temurah*?

R' Meir responded that the eleventh animal is not a *temurah* of the *maaser* offering. He proves this by noting that, unlike the *temurah* of most offerings, the *temurah* of a *maaser* is not brought as an offering in the Temple (see below for the Scriptural source). Accordingly, as R' Meir states here, "If it [the eleventh animal] were a *temurah*, it would not be offered." Rather, it must be an original *shelamim* offering, which can indeed produce its own *temurah*.

R' Meir's argument is based on the premise that the *temurah* of a

Regarding the *bechor* it is written: וְהַעֲבַרְתָּ כֹל-פֶּסֶחַ רֶחֶם לַיהוָה, You shall "pass" every first issue of the womb to Hashem (*Exodus* 13:12); and regarding the *maaser* it is written: וְכָל-מַעֲשֵׂר בְּקָרָא וְבַצֹּאן כֹּל אֲשֶׁר-יַעֲבֹר תַּחַת הַשֵּׁבֶט, Any tithe (*maaser*) of cattle or flock, any that "passes" under the staff (*Leviticus* 27:32). The use of the same verb *עבר*, *pass*, in reference to both offerings establishes a *gezeirah shavah* between them, from which we derive that just as the *temurah* of a *bechor* is not offered, so too the *temurah* of a *maaser* is not offered (*Rashi* with *Hagahos Mareh Kohen*).

2. Actually, Rabban Shimon was aware that this was R' Meir, and he knew why R' Meir and R' Nassan were not acknowledged by name in the Mishnahs and Baraisos. His point was that since these Sages were teaching Torah to Israel ("we drink from their waters"), it was appropriate to mention their names (*Maharsha*).

3. Rebbi responded that even if Rabban Shimon's argument were valid, it was not fitting for the latter to seek the abolition of the penalty imposed on Rabban Meir and R' Nassan, because their scheme would have wronged not only Rabban Shimon himself, but also his father's household. It was within Rabban Shimon's rights to forgo the honor due him, but not the honor due the rest of his father's family (*Maharsha*).

[Rebbi was the son of Rabban Shimon ben Gamliel, whom R' Meir had attempted to depose from the position of *Nasi*. Had R' Meir been successful, Rebbi, who succeeded his father as *Nasi* (becoming R' Yehudah HaNasi), might never have assumed that office. Moreover, the title of *Nasi*, which was historically held by descendants of Hillel the Elder (a scion of King David), to whom Rebbi's family belonged, might have been lost from them forever.]

4. *Ecclesiastes* 9:6. Evidently, this dialogue took place after R' Meir's death (see *Maharsha*).

An earlier verse (v. 1) states: . . . the righteous and the wise together with their actions are in the hand of God. Based on this, Rabban Shimon argued that once the righteous and the wise have died, it is unbecoming to ascribe their deeds to hatred or jealousy. Rather, whatever they did must be viewed as having been engineered by Divine Providence (*Maharsha*, citing *Aruch*).

Rabban Shimon did not explicitly tell his father to revise the Mishnah; instead, he tactfully quoted a verse from which Rebbi himself could deduce that a change is warranted. This respectful approach conforms with the Gemara in *Kiddushin* (32a), which reports that an Amora was rebuked for telling his father to change the text of a Mishnah. A Baraisa (*ibid.*) instructs a child who sees his father sin not to admonish him directly, but to quote a relevant verse, allowing the father to make the connection himself (*Be'er Sheva*).

5. *Psalms* 9:7. Although they have already died, their "ruins" [i.e. the effects of their wrongdoing] endure. Hence, their names should not be mentioned even after their deaths (*Rashi*; cf. *Ramah*, cited by *HaKoseiv* on *Ein Yaakov*; see also *Meromei Sadeh*).

Whereas Rabban Shimon cited a verse that uses the plural form (*their love, their hate*, etc.), thereby alluding to both R' Meir and R' Nassan, Rebbi responded with a verse written in the singular (*the enemy* etc.), referring to R' Meir alone. Rebbi conceded that R' Nassan was deserving of absolution, since he had regretted his misdeed and sought Rabban Shimon ben Gamliel's forgiveness. R' Meir, by contrast, had

תני תנא קמיה דרב ששת – A Tanna<sup>[1]</sup> taught the above Baraisa in the presence of Rav Sheishess.<sup>[2]</sup> אמר ליה – [Rav Sheishess] said to him: אני שונה – I have learned the following Baraisa: רבי שמעון אומר – R' SHIMON SAYS: עד שיצאנו מרשות – The verse states that the kidnaper stole the victim FROM HIS BRETHREN,<sup>[3]</sup> which teaches that he is not liable UNTIL HE REMOVES [THE VICTIM] FROM THE DOMAIN OF HIS BRETHREN. ואף אמרת חייב – And you say that [a kidnaper] is liable if he sells the victim to his father or brothers.<sup>[4]</sup> That is clearly impossible!

תני פטור – Rather, revise the text of your Baraisa and TEACH it as follows: [THE KIDNAPER] IS EXEMPT if he sells the victim to his (the victim's) relative.

The Gemara asks:

מאי קשיא – What was Rav Sheishess' difficulty reconciling his Baraisa with the one quoted to him? דילמא הא רבי שמעון הא רבנן – Perhaps this Baraisa taught by Rav Sheishess reflects the opinion of R' Shimon, whereas this Baraisa that the Tanna quoted to Rav Sheishess reflects the view of the Rabbis. – ? –

The Gemara answers:

לא סלקא דעתך – Do not let that answer enter your mind, קתם מתניתין רבי מאיר – for R' Yochanan said: דאמר רבי יוחנן – An anonymous Mishnah generally reflects the view of R' Meir.<sup>[5]</sup> קתם תוספתא רבי נחמיה – an anonymous Tosefta generally reflects the view of R' Nechemiah,<sup>[6]</sup> קתם ספרא רבי – an anonymous Sifra generally reflects the view of R' Yehudah,<sup>[7]</sup> קתם ספרי רבי שמעון – an anonymous Sifrei generally reflects the view of R' Shimon.<sup>[8]</sup> וכולהו אליבא דרב – and all these Tannaim stated their opinions based on

the opinion of R' Akiva.<sup>[9]</sup> Thus, the Baraisa quoted to Rav Sheishess, which is codified in *Sifrei* anonymously, clearly reflects the view of R' Shimon and not that of the Sages, and thus should be emended.

The Gemara quotes a section of our Mishnah:

הגונב בנו – If ONE KIDNAPS HIS SON, R' Yishmael the son of R' Yochanan ben Berokah renders him liable, but the Sages exempt him.

The Gemara analyzes the Mishnah's ruling:

מאי טעמא דרבנן – What is the reasoning of the Rabbis? אמר אביי – Abaye said: דאמר קרא „ביימצא“ – For the verse states:<sup>[10]</sup> If a man is found kidnaping a person, פרט למצוי – which excludes a case where [the victim] was readily accessible to the kidnaper, e.g. the kidnaper's own son.<sup>[11]</sup>

The Gemara asks:

אלא מעתה – Rav Pappa said to Abaye: „ביימצא איש שכב עמי אשה בעלת-בעל“ – But now, when discussing adultery, Scripture states:<sup>[12]</sup> If a man is found lying with a woman who is married to a husband; דבי נמי „ביימצא“ – is it indeed so that there too, the expression if a man will be found excludes a case where [the woman] was readily accessible to the adulterer? גגון של בית פלוני – For example, take the married women of the house of So-and-so, who are readily accessible to [men] other than their husbands;<sup>[13]</sup> דבי נמי דפטירי – is it indeed so that [the men] would be exempt if they committed adultery with these women? Surely not! Evidently, then, the expression if a man is found cannot be expounded as was previously suggested.<sup>[14]</sup> – ? –

## NOTES

1. In this context, "Tanna" means a scholar who had memorized the texts of numerous Tannaic teachings.

2. Specifically, the clause stating that a kidnaper is liable for selling the victim to his (the victim's) father [or brothers] (*Rashi*).

3. *Deuteronomy* 24:7.

4. R' Shimon expounds the *mem* prefix of מֵאִתּוֹ, *from his brethren*, to mean that the kidnaper is not liable unless he separates the victim from his family. Hence, he is surely not liable if he sells the victim to his own family.

5. R' Yehudah HaNasi, redactor of the Mishnah, organized the Tannaic teachings and included many of them in that work. Those teachings that he recorded anonymously generally reflect the view of R' Meir.

There are several compilations of Tannaic teachings not included in R' Yehudah HaNasi's Mishnah; see next three notes.

6. *Tosefta* is a collection of Tannaic teachings that explain and elaborate on the Mishnah (*Mevo HaTalmud*). When *Tosefta* anonymously cites a ruling, it generally reflects the opinion of R' Nechemiah. [The *Tosefta* referred to by the Gemara is not the same *Tosefta* printed in the back of the Gemara (see *Kitzur Klalei HaTalmud*, citing *Sefer HaKerisus*).]

7. *Sifra* (also called *Toras Kohanim*) is a collection of Baraisos that expound the Book of *Leviticus*. [It is also known as *Sifra D'vei Rav* – The Book of the *Yeshiva* – because the students in Talmudical academies were well versed in this work (*Rashi* to *Chullin* 66a ר"ה רב רב).] When a *Sifra* anonymously cites a ruling, it generally reflects the opinion of R' Yehudah.

8. *Sifrei* is a collection of Baraisos that expound the Books of *Numbers* and *Deuteronomy*. [It is called *Sifrei* (plural) because it expounds both *Numbers* and *Deuteronomy* in contrast to *Sifra* (singular), which expounds only *Leviticus* (*Aruch* ספר; *Rabbeinu Chananel* to *Yoma* 40b).] When *Sifrei* anonymously cites a ruling, it generally reflects the opinion of R' Shimon. [There is some discussion as to whether R' Yehudah and R' Shimon actually recorded anonymous rulings in the *Sifra* and *Sifrei* respectively, or if the anonymous Baraisos were recorded by others but reflect the view of these Tannaim. See *Sdei Chemed*, *Kelalei HaPoskim* ch. 2:4.]

The anonymous Baraisa on 85b, which a Tanna quoted to Rav Sheishess, expounds a verse in *Deuteronomy* and is found in *Sifrei*. Since it is anonymous, it presumably reflects the opinion of R' Shimon rather than, as previously suggested, the Rabbis who dispute his view (*Rashi*).

9. That is, all quoted teachings that they heard from R' Akiva (*Rashi*).

10. *Deuteronomy* 24:7.

11. [Generally the term נמצא, *is found*, connotes that a person or thing was found by chance, not that it was readily accessible. Since we would not expect the Torah to use this expression in connection with a kidnaper, we apply it to the victim. In other words, if someone chanced upon a victim, kidnaped, used and sold him, he is liable to execution. If the victim was readily accessible, however, such as when one kidnaped his son, the kidnaper is not liable to execution. See *Ran* אג"ד.]

12. *Deuteronomy* 22:22.

13. There was a certain house where several married couples lived. The men, of course, never secluded themselves with other people's wives, but those wives were nonetheless accessible to them.

The Gemara refers to these people simply as the residents of the house of So-and-so rather than identifying them, because they were reputable people who were lax in one area; they all lived in the same house, which made the men and women accessible to each other. Thus, the Talmudic Sages looked askance at these living arrangements, but they saw no reason to publicize the identities of the people involved (*Rashi*).

14. The Gemara's point is as follows: The Torah uses the expression „ביימצא איש“, *if a man will be found*, in two verses, one dealing with a kidnaper and the other with an adulterer; presumably, the expression means the same thing in both contexts. Thus, if we derive that the kidnaper must chance upon his victim in order to be liable, then the same must be true of an adulterer; an adulterer, too, must not be liable unless he chanced upon the adulteress. But this second derivation is absolutely illogical; a man is surely liable to execution if he commits adultery with any married woman, whether she was readily accessible or not. We must therefore conclude that „ביימצא איש“, *if a man will be found*, does not mean to stipulate that the kidnaper or adulterer must chance upon the victim, as previously suggested.



Any chapter of *Psalms* that was especially dear to King David, פתח בה באשרי וסוים בה – he opened with a verse containing the word “praiseworthy” and concluded with a verse containing the word “praiseworthy.” פתח באשרי דבתיב – He therefore opened the first chapter of *Psalms* with the word “praiseworthy,” as it is written: “אשרי האיש” – *Praiseworthy is the man*, וסוים באשרי דבתיב – and concluded it with a verse containing the word “praiseworthy,” as it is written: “אשרי כל” – *praiseworthy are all who trust in Him*.<sup>[1]</sup> Now the phrase *praiseworthy are all who trust in Him* actually appears at the close of the second chapter of *Psalms*, not the first! Evidently, the first two chapters are in reality one long chapter.

Having mentioned the verse *Let sinners cease from the earth*, the Gemara goes on to recount an incident regarding the correct explication of this verse:

There were certain boors<sup>[2]</sup> in R' Meir's neighborhood, והיו קא מצערין ליה טובא – and they caused [R' Meir] considerable distress. הנה קא בעי – Once, R' Meir was praying for mercy regarding them, so that they would die.<sup>[3]</sup> אמהרה ליה ברורא דביתיה – His wife, Beruria, said to him: “What is your reasoning to pray for their deaths?” – Because it is written: *Let sinners (chataim) cease from the earth*.<sup>[4]</sup> You therefore emulate King David – just as he prayed for the death of sinners, so too do you pray for their deaths. מי בתיב חוטאים – But is it then the word *chotim* that is written in the verse, in which case the verse would refer to sinners? No!<sup>[5]</sup> “חטאים” בתיב – [The word] written is

*chataim*, which refers to that which causes one to sin, i.e. the Evil Inclination!<sup>[6]</sup> Accordingly, King David is not praying for the death of sinners, but for an end to the Evil Inclination that leads them into sin! ועוד שפיל לסיפיה דקרא – And furthermore, go down to the end of the verse, which states: “וירשעים עוד אינם” – *and let the wicked be no more*. בינן דיתמו חטאים וירשעים עוד – Now, is it definitely the case that once sinners cease from the world, the wicked will be no more? But the cessation of present-day sinners does not ensure that future wicked men will not appear on the scene!<sup>[8]</sup> Evidently, then, the term *chataim* refers not to sinners, but to that which causes sin – the Evil Inclination.<sup>[9]</sup> אלא בעי רחמי עליוהו דלקהרו בתשובה – Therefore, you should rather pray for mercy regarding [these boors] that they should repent of their wickedness, and turn away from their Evil Inclination! וירשעים עוד אינם – In the absence of any urge to sin, the wicked will indeed be no more! בעא רחמי – [R' Meir] heeded her advice and prayed for mercy regarding [these boors], and they indeed repented of their wickedness.<sup>[10]</sup>

The Gemara continues with another incident involving Beruria:

A certain heretic once said to Beruria: “It is written regarding the desolate city Jerusalem: *Sing out, O barren one who has not given birth*.<sup>[11]</sup> But should she then sing because she has not given birth? But surely barrenness is cause only for sadness, not for rejoicing!<sup>[12]</sup> אמהרה ליה – [Beruria] said to him: שטא שפיל לסיפיה דקרא – Fool! Go down to the end of the verse, and see what is written there! “כי רבים” – *For in conclusion it is written: for the children of the desolate one (Jerusalem) are more*

## NOTES

1. *Tosafos* ask: By stating that King David employed this formulation with any chapter that was dear to him, the Gemara implies that this occurs several times in *Psalms*. But the first chapter of *Psalms* is in fact the only instance of a chapter that begins and ends with a verse containing the word *אשרי*, *praiseworthy*! *Tosafos* explain that this rule is not limited to psalms beginning and ending with the word *praiseworthy*, but includes all psalms that conclude with the identical expression with which they begin – any psalm possessing this formulation can be assumed to be one especially dear to King David [e.g. the many chapters that begin and end with the word *הללוקה*, *Praise God*!]. The Gemara cites the case of the first chapter as one example of this phenomenon (see *Ben Yehoyada* for another way to resolve this difficulty).

[King David set a precedent by concluding many psalms with the identical idea with which they begin. His style was adopted by the Rabbis in their formulation of lengthier blessings, in that the conclusions of these blessings express the same idea as their introductions (מצין פתיחתן סמוך לסתימתן) (*Rashba*; *Ritva*; see *Pesachim* 104a).]

2. These were *amei haaretz* [people ignorant of Torah, and careless of its laws] (see *Rashi* here, to *Sanhedrin* 37a ברייני, and to *Taanis* 23b (ריי) משום ברייני). Alternatively, these individuals were bandits (*Tos. HaRosh*; see *Aruch* ברייני).

3. There are people who are of such surpassing wickedness that God metes out to them the ultimate punishment – He repays them in this world for the good deeds they perform, causing them thereby to forfeit the eternal reward they might have garnered in the World to Come (see *Rashi* to *Deuteronomy* 7:10). R' Meir felt that these boors were of this category and he wished to redeem them from this punishment! He therefore prayed for God to bestow mercy upon them by punishing them for their deeds in this world. God would thus kill them immediately, thereby safeguarding whatever portion they had earned in the World to Come (*Tzalach*; see above, 7a; see *Tos. HaRosh*; *Meiri*). [This is in line with the statement of the Mishnah in *Sanhedrin* (71b): “...and beneficial to the world”]

Teradyon. The Gemara (*Pesachim* 62b) indicates that she was a Torah scholar of exceptional sagacity.

5. *Psalms* 104:35.

6. The unvowelized word חטאים can be read either as *chataim* (חטאים) or as *chotim* (חוטאים). While the translation of *chotim* is “sinners,” *chataim* carries another connotation (see following note). Beruria maintained that [since the word was not written as חוטאים (which can only mean “sinners” – with or without vowels),] its proper reading is evidently *chataim*. She therefore objected to R' Meir's action (*Rashi*; see *Maharshal*).

7. The word חטאים, *chataim*, when vowelized with an ordinary *patach* vowel beneath the *ches* (ח) and a *dagesh* inside the *tes* (ט), is an example of the *פעיל* form, which sometimes carries a causative connotation. It accordingly refers to that which causes others to sin – namely, the *yetzer hara*, the Evil Inclination. King David was thus praying for an end to the influence of the *yetzer hara* (*Rashi*, as explained by *Gra*, *Imrei Noam*; see *Maharshal*; see *Pnei Yehoshua* ריי; cf. *Hagahos Yavetz*'s interpretation of *Rashi*; cf. *Maharsha*; cf. *Emes LeYaakov* by R' Yaakov MiLissa; cf. also *Ben Yehoyada*).

[Note that *Gra*'s version of *Rashi* (דיי חטאים כתיב) differs slightly from that of the standard text.]

8. *Iyun Yaakov*; cf. *Beurei HaGra*.

9. See *Beurei HaGra*.

10. See *Taanis* 23b for a similar incident. [*Maharsha* questions this incident on the basis of the Talmudic dictum (below, 33b): *All is in the hands of Heaven but fear of Heaven*, which clearly precludes God's involvement in one's choice of whether or not to sin. How then did R' Meir pray for these boors to repent? See *Emes LeYaakov* by R' Yaakov MiLissa; *Anaf Yosef*, for various explanations; see also *Megadim Chadashim* at length. (See *Maharsha* for a distinction between one who prays for God's aid in his own repentance, and one who prays for another to repent.)]

11. *Ieriah* 44:1 [The regarding חטא heretic follows *Dikdukei Soferim* –

let him go out and indulge his pleasures in this world.” — **Acher thus strayed to the ways of bad society.**<sup>[30]</sup> — **He went out, found a harlot and asked for her services.**<sup>[31]</sup> — **She said to him, “But are you not the great Sage, Elisha ben Avuyah?!”** — **In response, [Acher] uprooted a radish from a radish patch on the Sabbath, which is a capital offense, and gave the radish to her.** — **She said, “This must be someone else.”**<sup>[32]</sup>

The Gemara cites the first of several incidents involving Acher and his disciple in Torah studies, R' Meir:

Acher once asked R' Meir a question after [Acher] had already strayed to the ways of bad society. — [Acher] said to [R' Meir], — **“What is the meaning of that which is written:”**<sup>[33]</sup> — **“God has made the one as well as the other?”** — [R' Meir] replied to him, — **“Whatever thing the Holy One, Blessed is He, created, He created something else corresponding to it: He created mountains, He created hills; He created seas, He created rivers: and so on.”**<sup>[34]</sup> — [Acher] said to him, — **“That is not what R' Akiva your teacher said. Rather, he taught you that [God] created righteous persons and He created wicked persons;”**<sup>[35]</sup> — **He created the Garden of Eden and He created Gehinnom. Each and every person has two portions, one in the Garden of Eden and one in Gehinnom. When a righteous person merits, he takes his portion and his peer's portion in the Garden of Eden; when a wicked person becomes guilty, he takes his portion and his peer's portion in Gehinnom.”**<sup>[36]</sup>

The Gemara comments on the teaching cited by Acher:

— **Rav Mesharshiya said: “What is that teaching's source in Scripture? There are actually two verses: In regard to the righteous, it is written:”**<sup>[37]</sup> — **“therefore, they will**

**inherit a double portion in their land, and eternal gladness will be theirs.** — **And in regard to the wicked, it is written:”**<sup>[38]</sup> — **“Bring upon them a day of evil and devastate them with double disaster.”**

Another dialogue between Acher and R' Meir:

Acher asked R' Meir a question after he had already strayed to the ways of bad society. Acher asked him, — **“What is the meaning of that which is written:”**<sup>[39]</sup> — **“gold and glass cannot approximate it, nor can its exchange be [in] golden articles?”** — [R' Meir] replied to him, — **“This refers to matters of Torah that are as difficult to acquire as gold vessels and fine gold vessels, but are as easy to lose through forgetfulness as glass vessels.”**<sup>[40]</sup> — [Acher] said to him, — **“That is not what R' Akiva, your teacher, said. Rather, he taught you that just as there is a remedy for gold vessels and glass vessels even if they break,”**<sup>[41]</sup> — **so too a Torah scholar; even if he sours, there is a remedy for him: He can repent.”**<sup>[42]</sup> — [R' Meir] said to [Acher], — **“So, you too, as a great Torah scholar, return to your earlier devotion!”** — [Acher] said to him, — **“It is of no use: I have already heard from behind the Partition, except for Acher.”**

A subsequent incident involving Acher and R' Meir;

— **AN INCIDENT OCCURRED WITH ACHER, WHO WAS RIDING ON A HORSE ON THE SABBATH, AS R' MEIR WAS WALKING BEHIND HIM IN ORDER TO LEARN TORAH FROM HIS MOUTH.** — **At a certain point, [ACHER] SAID TO HIM, “MEIR, GO BACK, FOR I HAVE ALREADY CALCULATED THROUGH THE FOOTSTEPS OF MY HORSE THAT THE SABBATH BOUNDARY extends UNTIL HERE.”**<sup>[43]</sup> — [R' MEIR] REPLIED TO HIM, — **“YOU TOO, GO BACK TO YOUR earlier Torah observance!”**

#### NOTES

30. He forsook the observance of the mitzvos. Apparently, though, he still studied and taught Torah (see Gemara below). R' Tzadok explains (*Sefer HaZichronos* p. 63) that after his *Merkavah* experience, Acher thought that his connection with the upper worlds made his observance of halachah unnecessary (see there at length).

31. This was his first open sin (see *Ben Yehoyada*).

32. That is how Elisha ben Avuyah received the name by which our Gemara calls him: Acher, the Other, or Someone Else (*Tashbetz* in *Magen Avos* to *Pirkei Avos* 4:20).

[Except here, our Gemara does not refer to him by his original name. It appears that the Heavenly Voice actually said, “except for Elisha ben Avuyah,” and the Gemara altered this to “except for Acher,” so as not to mention his name. Indeed, the *Yerushalmi* quotes the Heavenly Voice as saying, “except for Elisha ben Avuyah.”]

33. *Ecclesiastes* 7:14.

34. The word *לעצמא* thus implies two things that are similar to each other in kind [but differ in degree: God created the great mountains and the smaller hills; the great seas and the smaller rivers] (see *Maharsha*).

35. According to this interpretation, the word *לעצמא* indicates an opposite relationship (*Maharsha*).

36. A righteous person introduces virtue into the world and thereby

did as well as those good deeds he helped to bring about. Conversely, a wicked person brings evil into the world and indirectly induces others to sin. He is held to account for both his sins and the sins of those affected by him. Now, the wicked person is rewarded in this world for his few good deeds; thus, his portion in the Garden of Eden is given to the righteous, who are responsible for introducing virtue into the world. Conversely, the righteous are punished for their few wicked acts in this world; thus, their portion in Gehinnom is passed on to the wicked (see *Beis HaLevi*, *Noach*).

37. *Isaiah* 61:7.

38. *Jeremiah* 17:18.

39. *Job* 28:12, 13, 17.

40. [If one is careless with a glass vessel, it will slip from one's hand and shatter. If one is careless with one's Torah knowledge, it likewise will slip away.]

41. They can be re-melted and re-formed.

42. Acher had his mind on his own predicament; that is why he asked these questions (*Maharsha*).

43. Even though Acher himself no longer observed the Sabbath, he did not want to cause R' Meir any anguish. If R' Meir would find out that he had unwittingly violated the Sabbath, he would be distressed. Alternately, Acher was trying to test R' Meir's knowledge of the Sabbath (see *Yerushalmi*).

אמר לו – [ACHER] SAID TO HIM, ולא כבר אמרתי לך – “AND HAVE I NOT ALREADY TOLD YOU, כבר שמעתי מאחורי הפרגוד – I HAVE ALREADY HEARD FROM BEHIND THE PARTITION, שובו בנים – RETURN O WAYWARD SONS – EXCEPT FOR ACHER.”” חוץ מאחר – Unwilling to leave matters as they were, [R’ MEIR] GRABBED [ACHER] AND THRUST HIM INTO A BEIS MEDRASH.<sup>[44]</sup> אמר ליה לינוקא – [ACHER] SAID TO A YOUNG BOY standing outside, פסוק לי פסוקא – “RECITE YOUR VERSE FOR ME.”<sup>[45]</sup> אמר לו – [THE BOY] SAID TO [ACHER],<sup>[46]</sup> אין שלום – “THERE IS NO PEACE, HASHEM SAID, TO THE

WICKED.”<sup>[47]</sup> עייליה לבי בגישהא אחריתי – [R’ MEIR] BROUGHT HIM INTO A DIFFERENT SYNAGOGUE. אמר ליה לינוקא – [ACHER] SAID TO A BOY nearby, פסוק לי פסוקא – “RECITE YOUR VERSE FOR ME.”<sup>[48]</sup> אמר לו – [THE BOY] SAID TO HIM,<sup>[49]</sup> כי אם תבבסי – “EVEN IF YOU WERE TO WASH WITH NITER AND USE MUCH SOAP, נבתם עונך לפני – YOUR INIQUITY REMAINS STAINED BEFORE ME.”<sup>[49]</sup> עייליה לבי בגישהא אחריתי – [R’ MEIR] BROUGHT HIM INTO A DIFFERENT SYNAGOGUE. אמר ליה – [ACHER] SAID

## NOTES

44. [Perhaps the setting would inspire him to repent.]

45. I.e. recite the verse that you studied most recently. Acher, who had heard a Divine decree that his repentance would not be accepted, as the Gemara related above, wanted to prove it to R’ Meir by the child’s verse (*Rabbeinu Chananel*). It was common in earlier times to make this request of schoolchildren, because the verse cited by a child would

46. *Isaiah* 48:22.

47. Normally, if someone comes to the study hall, it is appropriate to greet him, to say to him, “*Shalom aleichem!*” When Acher came, though, God told him “*Ein shalom*” – there are no warm greetings for you.

אָמַר לֵיהּ – TO A YOUNG BOY there, פֶּסוּק לִי פֶסוּקָךְ – “RECITE YOUR VERSE FOR ME.” אָמַר לֵיהּ – [THE BOY] SAID TO HIM,<sup>[1]</sup> וְאַתָּה,, שְׂדוּד מִהַרְפָּעִשִׁי – “AND YOU, O PLUNDERED ONE, WHAT WILL YOU DO? – בִּי-תִלְבְּשִׁי שָׁנִי – IF YOU WEAR SCARLET, – בִּי-תִקְרָעִי בָּפוֹר עֲצִינָךְ – IF YOU DON A GOLDEN ORNAMENT, – בִּי-תִרְשָׁמִי – IF YOU PAINT YOUR EYES WITH MASCARA, “ – לְשׂוֹא תִתְנַפֵּי וְגו' – YOU WILL BE BEAUTIFYING YOURSELF IN VAIN etc.”<sup>[2]</sup> לְבִי עֲיִילָהּ – [R' MEIR] BROUGHT [ACHER] INTO still ANOTHER SYNAGOGUE and then another, עַד דְּעִיִּילָהּ לְתִלְסַר בֵּי בְּנֵי־שָׁתָא – UNTIL HE HAD BROUGHT HIM INTO THIRTEEN different SYNAGOGUES. אִלְלָהּ פֶּסְקוֹ לֵיהּ בֵּי הָאֵי גֻּוֹנָא – ALL OF THE [YOUNG BOYS] he met RECITED VERSES TO HIM ALONG THESE LINES.<sup>[3]</sup> פֶּסוּק לֵיהּ – TO THE LAST boy, [ACHER] SAID, פֶּסוּקָךְ – “RECITE YOUR VERSE FOR ME.” אָמַר לֵיהּ – [THE BOY] SAID TO HIM,<sup>[4]</sup> וְאַתָּה,, וְלִרְשָׁעָא אָמַר אֱלֹהִים – “BUT TO THE WICKED (v'larasha), GOD SAID, “ – מַה־לָּךְ לְסַפֵּר דְּקָרְוִי וְגו' – TO WHAT PURPOSE DO YOU RECOUNT MY DECREES, etc.” הָדוּא יְנוּקָא הָדָא – THAT PARTICULAR BOY WAS PRONE TO MUMBLE his words, and when he recited this verse לֵיהּ – IT SOUNDED AS IF HE TOLD [ACHER], וְלִרְשָׁעָא אָמַר אֱלֹהִים – “BUT TO ELISHA (v'le'elisha), GOD SAID, To what purpose do you recount My decrees?” – אִיבָא דְאַמְרֵי – There is a dispute as to Acher's reaction: SOME SAY that סְבִינָא הָדָא בְּהַרְיָה וְקָרְעִיהּ – [ACHER] HAD A KNIFE WITH HIM AND HE DISMEMBERED [THIS BOY] – וְשָׁרְרִיהּ לְתִלְסַר בֵּי בְּנֵי־שָׁתָא – AND SENT [HIS PIECES] TO THE THIRTEEN SYNAGOGUES.<sup>[5]</sup> וְאִיבָא דְאַמְרֵי – BUT SOME SAY THAT [ACHER] MERELY SAID, – אִי הָנָא בְּנִי סְבִינָא – “IF I WOULD HAVE A KNIFE IN HAND, לֵיהּ – I WOULD DISMEMBER [THIS BOY].” However, Acher did not in fact cause the boy any harm.

Acher's death and the aftermath:

אָמַר – אָמַר – When Acher passed away,<sup>[6]</sup> בֵּי נָח נִפְשִׂיהּ דְאַחַר – they said in Heaven, לֹא מִיִּדְן לִידְוִינָהּ – “We cannot execute a judgment of Gehinnom against him – וְלֹא לְעִלְמָא דְאַתִּי לִיתִי – and we cannot bring him into the World to Come. לֹא מִיִּדְן – We cannot execute a judgment of Gehinnom against

him – מִשּׁוּם דְּעָסַק בְּאַוּרֵי־תָא – because he engaged in the study of the Torah, and this protects him from the fires of Gehinnom.<sup>[7]</sup> וְלֹא לְעִלְמָא דְאַתִּי לִיתִי – At the same time, we cannot bring him into the World to Come, מִשּׁוּם דְּחָטָא – because he sinned.”<sup>[8]</sup> מוֹטָב – R' Meir said, resolving the impasse, מוֹטָב – “It is better that [the Heavenly court] execute a judgment of Gehinnom against him in the first place, so that he will eventually enter the World to Come.”<sup>[9]</sup> אַמְרֵי – Accordingly, when I die, I will raise smoke from his grave, i.e. he will then enter Gehinnom.” – בֵּי נָח נִפְשִׂיהּ דְרַבִּי מַאִיר – When R' Meir passed away, סְלִיק – a pillar of smoke arose from Acher's grave.<sup>[10]</sup> אָמַר רַבִּי יוֹחָנָן – R' Yochanan said, many years later. חָר – “Is it a feat to burn one's teacher? – הָדָא בִּינָא וְלֹא מִצִּינָא לְאַצּוּלָהּ – There was one student among us who stumbled and strayed far from the Torah; but can we not save him?!”<sup>[11]</sup> אִי נִקְטִיָּהּ בְּיָד – If I take him by the hand to lead him to the World to Come, מָאן מִרְמִי לֵיהּ מָאן – who will attempt to take him away from me?” – אָמַר – [R' Yochanan] said subsequently, מְתִי אָמוּת וְאֶבְכָּה עֲשָׂן מִקְבְּרוֹ – “When I die, I will extinguish the smoke from his grave.”<sup>[12]</sup> בֵּי נָח נִפְשִׂיהּ – When R' Yochanan passed away, פֶּסֶק קוֹטְרָא – the pillar of smoke rising from Acher's grave ceased. – פְּתַח עֲלִיהּ הָדוּא סְפָדָא – In reference to R' Yochanan's ability to bring Acher out of Gehinnom, a certain eulogist began his remarks regarding [R' Yochanan] as follows: אֶפְּלוֹ שׁוּמַר – Even the watchman at the entrance to Gehinnom did not stand before you, our teacher, as you entered to withdraw Acher from there!<sup>[13]</sup>

Acher's progeny:

בְּתוּ שֶׁל אַחֵר אָתְנָא לְקַמֵּיהּ דְרַבִּי – The daughter of Acher came before Rebbi. אָמְרָה לֵיהּ – She said to him, רַבִּי פְּרִינְסִי – “My teacher, I am poor; support me.” אָמַר לָהּ – [Rebbi] said to her, בְּתוּ מִי אַתָּה – “Whose daughter are you?”<sup>[14]</sup> אָמְרָה לוֹ – She said to him, “I am the daughter of Acher.”<sup>[15]</sup> אָמַר לָהּ עֲדִינָא יֵשׁ מִרְעוּ בְּעוֹלָם – He said to her in

## NOTES

1. Jeremiah 4:30.

2. The beauty of your Torah is wasted on you (see Maharsha).

3. They were all negative (Ein Yaakov).

4. Psalms 50:16.

5. Based on several reasons, Ben Yehoyada concludes that it was not the boy that Acher sought to cut up, but the scroll of verses from which the boy was reading. To Acher's mind, the scroll provided definitive proof of his view that there was no hope of repentance. He sent the people of the thirteen synagogues pieces of the scroll to explain to them why he would not depart from his evil ways.

6. [Rashi's version of our Gemara reads שָׁכִיב, when [Acher] died, not נִפְשִׂיהּ, when [Acher] passed away. The phrase נִפְשִׂיהּ is a gentler description of death that is typically used in regard to the righteous. The more direct term שָׁכִיב, died, would seem more appropriate for Acher (Dikdukei Soferim).]

7. As the Gemara says near the end of our tractate (27a): Torah scholars are impervious to the fire of Gehinnom (see Nefesh HaChaim 4:17).

8. And he has no merit with which to attain a share in the World to Come (Maharsha). [The Gemara above (15a) states that all of Elisha ben Avuyah's merits were erased.]

9. I.e. God should purge Acher of his sins through the fire of Gehinnom and afterward he could enter the World to Come (Rabbeinu Chananel) in the merit of his Torah (Maharsha).

The Yerushalmi records that people argued with R' Meir. They told him, “Do you think that Heaven will listen to you in this matter? It is one thing for a son to elevate his departed father's station, but why do you expect that Heaven will elevate Acher?” (see Yerushalmi, Chagigah 1:1).

[When a scroll of Scripture is threatened by fire on the Sabbath,] we may rescue the container of the scroll together with the scroll (Shabbos 116b). Thus, Elisha may be rescued in the merit of his Torah study!]

[Furthermore, R' Meir himself did have standing in regard to Acher's status: It is improper for a teacher to be in Gehinnom while his disciples are in Gan Eden (Yoma 87a). Since R' Meir was a disciple of Acher (and since R' Meir was clearly bound for Gan Eden) it would be improper for Acher to forever remain outside Gan Eden (Maharsha).]

10. [This is one of several instances in which the Heavenly court deferred to the ruling of the earthly court.]

The pillar of smoke continued to rise for many, many years. This miraculous phenomenon took place because God acceded to R' Meir's wishes (Maharsha). [The pillar of smoke also warned those that had strayed after Acher that he was being punished for his transgressions, and so would they.]

11. [Elisha ben Avuyah was once one of us. He was part of the community of Torah scholars; is there nothing we can do to help him?]

12. [I will end Acher's purification process and escort him to the World to Come.]

13. R' E.E. Dessler offers two lengthy analyses of how Acher achieved his rectification through R' Meir and R' Yochanan; see Michtav MeEliyahu IV pp. 193-201.

14. [Depending upon her family background, she might have priority in receiving certain funds (see Horayos 13a). Alternatively, she might be entitled to a larger grant if she came from a family that was accustomed to a higher standard of living (see Kesubos 67b).]

amazement, "Are there still any descendants of his left in the world?!" **לא יין לו ולא נכר** – But it is written:<sup>[16]</sup> **בָּעֵשׂוֹ וְאִין שְׂרִיר בְּמִגְוֹרֵיוֹ** – *The light of the wicked flickers out . . . his memory will be lost from the land . . . he will have neither child nor grandchild among his people, no survivor in his habitations.*<sup>[17]</sup> **אָמְרָהּ לוֹ** – She replied to him, **זְכוֹר לְתוֹרָתוֹ** – "My teacher, remember his Torah learning but do not remember his deeds." **וְאֵל תִּזְכֹּר מַעֲשָׂיו** – Immediately, a fire descended from Heaven and singed the bench upon which Rabbi was seated.<sup>[18]</sup> **בָּכָה וְאָמַר** – Now, if those who regard their being associated with [the Torah] a disgrace are so fiercely defended, **לְמַשְׁתַּבְּחִין בָּהּ עַל אַחַת בְּמַה וְכַמָּה** – then those who regard it a compliment should be defended all the more so!"

The Gemara asks:

**וְרַבִּי מַאִיר הֵיכִי נָמַר תּוֹרָה מִפִּי מִיָּאֵחֶר** – But how was R' Meir allowed to learn Torah from the mouth of Acher?<sup>[19]</sup> **וְהָאֵמַר** – **רַבָּה בַּר בַּר חַנָּנָה** – But Rabbah bar bar Channah has said in the name of R' Yochanan: **מֵאִי דְכֶתִיב** – What is the meaning of that which is written:<sup>[20]</sup> **בִּי־שִׁפְתֵי כֹהֵן** – *For the lips of the Kohen*<sup>[21]</sup> **יִבְקְשׁוּ וְתוֹרָה יִבְקְשׁוּ מִפִּיהוּ** – *should safeguard knowledge, and [people] should seek teaching from his mouth;* **כִּי מִלֶּאֱלֹהִים הֵיאָהֳרָה** – *for he is like an angel of Hashem, Master of Legions.* **אִם דּוֹמָה הָרֹב לְמִלֶּאֱלֹהִים** – It means that if the teacher resembles an angel of Hashem, Master of Legions,<sup>[22]</sup> then **יִבְקְשׁוּ תּוֹרָה מִפִּיהוּ** – *[people] may seek Torah instruction from his mouth;* **וְאִם לֹא** – *but if not, then* **אֵל יִבְקְשׁוּ תּוֹרָה מִפִּיהוּ** – *they may not seek Torah from his mouth.* Since Acher was, by his conduct, distant from any semblance to an angel of Hashem, R' Meir should not have studied under him. – ? –

The Gemara answers:

**רַבִּי מַאִיר קָרָא אֲשֶׁכַח וְדָרַשׁ** – **אָמַר רִישׁ לָקִישׁ** – R' Meir found a verse that indicated the opposite and he expounded it as follows:<sup>[23]</sup> **וְהָיָה אֲנֹכִי וְשִׁמְעִי דִּבְרֵי חֲכָמִים** –

*Incline your ear and hear the words of the wise; but set your heart to My outlook.* **לְדַעְתִּי** – *but set your heart to My outlook.* [The verse] does not say you should set your heart to *their* outlook, **אֲלֵא לְדַעְתִּי** – *but rather to My outlook.* The verse must therefore be speaking of wise men whose outlook one should avoid, i.e. wicked scholars. Nevertheless, the verse advises one to incline his ear to their words.

The Gemara presents an alternative source for the above answer:

**רַב חַנִּינָא אָמַר מִכָּאָה** – **שְׁמַעֲבֵת וְרָאִי וְהָיָה אֲנֹכִי** – *Hear, O daughter, and see, and incline your ear;* **וְשָׁכַחְתְּ עַמְּךָ וּבֵית אָבִיךָ וְגו'** – *but forget your people and your father's house, etc.* That is, incline your ear to their teachings but forget their deeds. Do not learn from them.

The Gemara asks:

**וְהַפְסְדוּ אֶחָדֵיהֶם** – **קָשׁוֹ קָרָאִי אֶחָדֵיהֶם** – *The verses contradict one another!* The first verse requires a teacher to be like an angel of Hashem before one may learn from him, whereas the latter two verses advise one to incline his ear to the words of the wise even if the wise men themselves are wicked. – ? –

The Gemara answers:

**הָאֵל בְּגִדּוֹל** – **זֶה הוּא קָשִׁי** – *This is not difficult:* This verse, which encourages one to learn from a wise man despite his wickedness, is addressed to a mature person who will take care not to follow in his wicked ways. **הָאֵל בְּקָטָן** – *But this verse, which requires the teacher to be like an angel of God, is said in reference to a person who has not reached that level of maturity, and who thus might be led astray.*<sup>[25]</sup>

The Gemara cites another explanation of R' Meir's actions:

**כִּי אָתָּא רַב דִּימִי אֶמְרֵי בְּמַעְרְבָא** – **אָמְרֵי בְּמַעְרְבָא** – *When Rav Dimi arrived from Eretz Yisrael, he said:* **אָמְרֵי בְּמַעְרְבָא** – *They say in the West (Eretz Yisrael):* **רַבִּי מַאִיר אָכַל תְּחִלָּה וְשָׂא שִׁיחֲלָא לְבָרָא** – *R' Meir took a date, consumed the edible outside part and threw the pit away.* That is, he learned from Acher whatever was worthwhile and disregarded the rest.

## NOTES

16. Job 18:5,17,19.

17. Although there are many wicked people who have descendants galore (e.g. Esau), Acher was worse than all of them. Acher knew the glory of his Master and nevertheless rebelled against Him. Thus, it came as a surprise to Rabbi that a man of such exceptional evil should have any living descendants (Maharsha).

18. This fire alluded to Acher's Torah learning, for the Torah is called a "Law of Fire" [אֶשׁ תִּתֵּן] in Deuteronomy 33:2 (Maharsha).

19. A Baraisa above (15a) states that R' Meir followed after Acher, who was riding a horse on the Sabbath, in order to learn Torah from him.

20. Malachi 2:7.

21. I.e. a teacher of Torah. The Kohanim were specifically charged with adjudicating the law for and teaching the Torah to the Jewish people (see Deuteronomy 33:10), but this verse applies to any Torah teacher (see Maharsha).

22. I.e. if he has a sterling character.

23. Proverbs 22:17.

24. Psalms 45:11.

25. [Although the words גָּדוֹל וְקָטָן often mean "adult" and "child," here it seems they mean "mature person" and "immature person": Clearly, not every adult is sophisticated enough to avoid being affected by the immoral behavior of a learned teacher.]

There is one type of wicked scholar from whom it is prohibited to learn at all, regardless of one's maturity: If the scholar is a *magoshta* [Magus], a heretic who entices others to practice [his form of] idolatry. It is

[Although Rav Hai Gaon's view was cited above (15a note 23) that Acher believed in a dualistic heresy akin to the belief of the Magi, this does not mean that Acher was a Magus himself, i.e. Acher was not a missionary who attempted to entice others to idolatry. Accordingly, R' Meir could learn from him.]

Rambam cites our Gemara's statement that one should seek instruction in Torah only from a teacher who is like an angel of God (*Hil. Talmud Torah* 4:1). However, he omits our Gemara's distinction between a mature person and an immature person, giving the impression that Rambam rules that even a mature person may not learn from an immoral teacher. Indeed, *Lechem Mishnah* ad loc. states that our Gemara's distinction was offered only in defense of R' Meir, but the halachah does not accord with his view.

However, the *Chida* (in *Pesach Einayim* here) expresses astonishment at this conclusion: How can we say that Rambam did not subscribe to the view that a mature person may learn from an immoral teacher? Rambam himself studied the philosophical works of sages who were distant from any comparison to angels. In one letter, Rambam states that he read all the [available] tracts describing idolatrous belief. Furthermore, *Rivash* (*Responsa* §45) writes explicitly that Rambam relied on our Gemara's distinction to study works of philosophy. Finally at the beginning of Rambam's Preface to *Moreh Nevuchim* (which contains many opinions cited from heretical and immoral thinkers), Rambam quotes the same verse that is our Gemara's source for this distinction: *Incline your ear and hear the words of the wise; but set your heart to My outlook.*

See *Pesach Einayim's* resolution of this issue. See also *Meiri* here; Or

A related teaching:

**Rava expounded:** מאי דכתיב – What is the meaning of that which is written:<sup>[26]</sup> אל-גנת אגוז ונרתי לראות – *I went down to the garden of nut trees, to look at the green plants of the streams, etc.*? This verse is an allegorical description of Torah scholars. למה נמשלו תלמידי – Why are Torah scholars compared to a nut tree? מה אגוז זה אף על פי שמלובלך בטיט – To teach you that just as it is true of a nut, that even though it becomes filthy with mud and dung, just as it is true of a nut, that even though it becomes filthy with mud and dung, אין מה שבתוכו נמאס – nevertheless what is within it does not become repulsive,<sup>[27]</sup> אף תלמיד חכם – so too it is true of a Torah scholar, אף על פי שסרה אין תורתו – even though he sours, his Torah does not become repulsive.

A further discussion of whether it was appropriate for R' Meir to learn Torah from Acher:

**Rabbah bar Shila once came upon Elijah the Prophet.** אמר ליה – [Rabbah bar Shila] said to [Elijah]. מאי קא עביד הקדוש ברוך הוא – “What is the Holy One, Blessed is He, doing?” אמר ליה – [Elijah] replied to him, קאמר שמעתא מפומיהו דכולהו רבנן – “[God] is repeating teachings from the mouths of all the Rabbis, ומפומיה דרבי – but from the mouth of R' Meir He is not repeating any teachings.” אמר ליה אמאי – [Rabbah bar Shila] said to [Elijah], “Why?” אמר ליה גמר שמעתא מפומיה – [Rabbah bar Shila] said to him, “Because [R' Meir] learned teachings from the mouth of Acher.” אמר ליה – [Rabbah bar Shila] said to him, “But why is that reckoned against R' Meir? רבי מאיר רמון מצא – R' Meir found in Acher's teachings

the equivalent of a pomegranate: הובו אכל קליפתו ורק – He ate the insides and threw away the peel.”<sup>[28]</sup> אמר ליה – [Elijah] said to him, השתא קאמר – “God has been persuaded by your argument and He is now saying as follows, מאיר בני – My son, Meir, says:<sup>[29]</sup> בזמן שאדם מצטער – At the time that a person suffers for his sins, שבינה מה לשון אומרת – what expression does the Divine Presence articulate?<sup>[30]</sup> קלני מראשי קלני מרועי – So to speak, God says: “I am burdened by My head; I am burdened by My arm.”<sup>[31]</sup> אם כך הקדוש ברוך – If the Holy One, Blessed is He, is pained so for the spilled blood of the wicked, קל נחומר על דמן – how much more so is He pained for the spilled blood of the righteous!”<sup>[32]</sup>

The Gemara records a dialogue that bears upon the phenomenon of Torah scholars who sour:

**Shmuel once came upon Rav Yehudah** – as [Rav Yehudah] was leaning upon the bolt of a doorway<sup>[33]</sup> and crying. אמר ליה – [Shmuel] said to him, שונא מאי קא בכית – “Sharp one,<sup>[34]</sup> about what are you crying?” אמר ליה – [R' Yehudah] replied to him: מי ונטרא מאי דכתיב בהו ברבנן – “About my future! There are several Torah scholars who went astray: Is that which is written in Scripture regarding the brilliant scholarship of these Rabbis inconsequential? For it is written:<sup>[35]</sup> איה – Where is the one who can count? Where is the one who can weigh? – איה ספר את-המגדלים – Where is the one who can count the towers? The verse can be interpreted in reference to the Rabbis that strayed.<sup>[36]</sup> איה ספר – שהיו סופרים – Where is the one who can count – for

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26. Song of Songs 6:11.

27. Because it is protected by a shell.

28. Above, Acher is compared to a date [edible outside, inedible pit] and here he is compared to a pomegranate [inedible peel, edible inside]. *Iyan Yaakov* comments that each comparison refers to a different stage in Acher's life. At first, Acher was to all appearances a distinguished sage; however, as the Gemara states below, his heart was tainted with spiritual mud. R' Meir [who was aware of his teacher's failings] treated Acher like a date: He consumed Acher's edible outside (his Torah teachings) and avoided the spiritual pit at Acher's center. Later, when Acher desecrated the Torah in public, R' Meir treated him like a pomegranate: He discarded Acher's openly sinful behavior like a peel and drew out the valuable Torah teachings that still remained within him (cf. *Maharsha*).

29. [In every matter, the halachah follows the ruling of the leading sages on earth. Even if the ruling has consequences for Heaven, Heaven follows the lower world's decision. Until the time of Rabbah bar Shila, there had been no clear statement of a Rabbi exonerating R' Meir for studying under Acher. (Although the verses cited above indicate that it was permissible for him to learn Torah from Acher, there was still a complaint against R' Meir: Would it not have been better if he had studied under one of Acher's colleagues who was imbued with a fear of Heaven? [*Rabbeinu Chananel*].) Thus, none of R' Meir's teachings were recited in Heaven. Once, however, Rabbah bar Shila enunciated his position, that R' Meir was blameless, Heaven immediately reversed itself and began to recite one of R' Meir's more popular teachings (see *Otzar HaGeonim, Teshuvos*). This particular teaching appears in a Mishnah in *Sanhedrin*, 46a.

30. I.e. how does the Divine Presence express its anguish for the suffering of that person? (*Rashi* to *Sanhedrin* 46a ad loc.).

31. It is as if the *Shechinah* was exhausted from the weight of its “head” and “arm”: from its “head” which blew a living soul into man (*Iyei HaYam*) and from its “arm” which fashioned [the body of] this person who died on account of his transgression. That is, God is troubled by the punishment of the wicked and would greatly prefer that they repent.

R' Meir had expounded a phrase in the following verses (*Deuteronomy* 21:22-23): *If a man shall have committed a sin whose judgment is death, he shall be put to death, and you shall hang him on a gallows. His body shall not remain for the night on the gallows, rather you shall surely bury him on that day, for a hanging person is a curse of God.* The last words are a translation of *בִּי קָלָהּ אֱלֹהִים תְּלִי*. R' Meir interprets the expression *קָלָהּ* as a compound of the two words *קָל* light and *לֹא* not. Thus, when a person is hung, it is as if God is saying, “I do not feel light”; i.e. “I am burdened.” [The precise explanation of R' Meir's interpretation, however, is subject to a dispute in the Gemara in *Sanhedrin* loc. cit.] The word *קָלָהּ* actually means, *I am light*. The Gemara uses this term as a euphemism for *I am burdened*, since we are speaking of God's reaction (*Rashi*).

[The mentions of God's head and arm could also be understood as allusions to His “tefillin.” God wears tefillin, as it were (*Berachos* 6a). Our tefillin contain praises of God, and God's tefillin contain praises of the Jewish people. God's tefillin thus symbolize His connection with the Jewish people and His kindnesses towards them. When a person is suffering, the connection between him and God is weakened, and the tefillin on God's head and arm are affected (*Nefesh HaChaim* 2:11 in a gloss).]

32. God is pained by the death of a wicked man, for although the person deserved to die, still the life of a sentient human being has been snuffed out. How much more so, then, is God pained by the death of an innocent person (*Rambam, Commentary to Mishnah*).

33. *עֵיֶבְרָא דְּרִשָּׁא* refers to the horizontal bolt that secured the door (see *Eruvin* 102a).]

34. Shmuel often called his disciple, Rav Yehudah, by this name because of the latter's sharp analytical abilities (*Aruch* שׁ ע, first explanation; see another explanation there [cited by *Mesoras HaShas* here]).

35. *Isaiah* 33:18.

36. Such as Doeg and Achithophel, two enemies of David. They were both accomplished Torah scholars who turned sour (see below, note 40). The plain meaning of this verse within its context refers to the punishment that will befall the wicked in the Messianic era. The



[these Rabbis] would count all the letters in the Torah;<sup>[37]</sup> *— Where is the one who can weigh — for they would weigh all the kal vachomers in the Torah;*<sup>[38]</sup> *— Where is the one who can count the towers —* *for they would teach three hundred laws concerning a tower that floats in the air.*<sup>[39]</sup> *— And R' Ami said:* *Doeg and Achithophel*<sup>[40]</sup> *raised three hundred halachic inquiries concerning a tower that floats in the air.*<sup>[41]</sup> *Yet we learned in the Mishnah:*<sup>[42]</sup> *THREE KINGS AND FOUR COMMONERS HAVE NO SHARE IN THE WORLD TO COME . . .* The four commoners are: Bilam, Doeg, Achithophel and Geichazi. If the Torah of such brilliant scholars such as Doeg and Achithophel did

not protect them from sins so severe that they lost their portion in the World to Come, *אֲנִי מִהַ תְּהִי עֲלֵי — then as for us: What fate will befall us?!*<sup>[43]</sup> *— [Shmuel] said to him, שִׁינָא — “Sharp one, you are not as they; טִינָא הָיְתָה בְּלִבָּם — they had impure thoughts in their hearts from their earliest days, but your heart is pure.”*<sup>[44]</sup>

Shmuel has just stated that the spiritual downfalls of Doeg and Achithophel were due to longstanding inner failings. The Gemara inquires:

*אָחֵר מָאי — What impure thoughts were in the heart of Acher?* Why did his Torah scholarship not prevent him from becoming what he became?

The Gemara answers:

*וְזָמַר יוֹנוֹן לֹא פָסַק מִפִּימָה — A Greek song never ceased from his mouth, even before he went astray.*<sup>[45]</sup>

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city to determine its requirements? (*Rashi* ad loc.). R' Yehudah, however, applies this verse to Doeg, Achithophel and their ilk.

37. [In numerous instances, the Torah varies the spelling of certain words, by including a letter (such as *vav*) when a word appears in one place, and deleting that letter when the word appears elsewhere. These intentional variations in spelling are known as *חֲסִרוֹת וְיִתְרוֹת*, *deletions and additions*.] These Rabbis were great scholars who had a reliable tradition verifying which words are meant to be written with all the letters included, and which are meant to be written with certain letters absent. Thus, he was able to count accurately the letters in the Torah (*Rashi* to *Sanhedrin* 106b; see *Kiddushin* 30a).

38. A *kal vachomer*, an *a fortiori* argument, is one of the thirteen methods of Biblical hermeneutics (see Glossary). These Rabbis were expert in extracting a minor argument from a major argument and vice versa. Thus, they were able to “weigh” them in the scale of reason and determine which *kal vachomers* were logically sound and which were not (see *Rashi*; see *Maharsha* to *Sanhedrin* loc. cit.).

39. There are numerous interpretations of this phrase. *Rashi* here offers three and *Rashi* to *Sanhedrin* loc. cit. offers two more:

(a) The Hebrew letter *lamed* is composed of a *chaf* with a *vav* on top. (It is, in fact, the only letter in the Hebrew *Ashuris* alphabet with an upper part.) The rule is that the *vav* of the *lamed* should be slanted slightly leftward (see *Beis Yosef* to *Orach Chaim* 36 in the name of *Sefer HaManhig*; see also *Mishnas Sofrim* and *Melech Shamayim* 26:23). Thus, the upper *vav* resembles a tower floating leftward in the air away from the *chaf* to which it is attached at its base. [Some explain that the *head* of the upper *vav* is supposed to tilt downwards, as if it is floating away from its base (see *Mishnas Sofrim* and *Melech Shamayim* *ibid.*).] These Rabbis had such a profound understanding of even the minutest details of Torah law that they knew three hundred reasons why the *vav* of the *lamed* is supposed to slant. [For an additional discussion of this, see *Toras Chaim*'s introduction to the last chapter of *Sanhedrin*.]

(b) They knew three hundred laws regarding the Tower of Babel, built by the Generation of the Dispersion. Presumably, it is called a “tower that floats in the air” because it was so high that it appeared to be doing so. *Rashi* does not indicate what areas these laws regulate.

(c) The Gemara should read: *שְׁלֹשׁ מֵאוֹת הִלְכוֹת בְּמִנְהַל הַעוֹמֵד בָּאֵוִיר*, *three hundred laws concerning a tower standing in the [open] air*. This is a reference to a case cited in *Oholos* 4:1, which discusses the law of *tumah* that is contained in a closet standing in the open air, as opposed to inside a house.

(d) They knew three hundred rules concerning the *tumah* and *taharah* of one who is transported outside of Eretz Yisrael in a closet (an alternative translation of *מִנְהַל*) or in any other sealed container which can act as a barrier against *tumah* (see *Oholos* 8:1). Foreign lands (outside of Eretz Yisrael) were declared *tamei* by the Sages because of their concern for the presence of unmarked graves there. Thus, anyone who walks outside of Eretz Yisrael is automatically considered *tamei*. It is a matter of dispute whether this applies to one who is transported over foreign lands in a sealed container. (See the discussions between the Sages concerning this scenario in *Eruvin* 30b, *Gittin* 8b and *Nazir* 54b.)

practice is prohibited by the Torah. For a similar example of such knowledge, see *Sanhedrin* 68a and the Gaonic responsum quoted by *Margaliyos HaYam* there §14.

*Maharsha* ad loc. understands the “tower” as an allusion to the *Beis HaMikdash*, concerning which there was considerable uncertainty as to where it was supposed to be built. Since its future location was unknown, it is alluded to as “floating in the air.” They knew three hundred laws concerning the determination of its location. For additional interpretations, see *Otzar HaGeonim*, *Teshuvos*, and both *Yad Ramah* and *Maharal* to *Sanhedrin* 106b.

[Note that the number three hundred is often used in the Talmud as a representation of an exaggerated figure (*Rashbam*, *Pesachim* 119a ד”ה במאי; see also *Margaliyos HaYam* to *Sanhedrin* 106b).]

40. Doeg was the advisor of King Saul who slandered David to him and thereby brought about the destruction of Nob, the city of Kohanim (see *I Samuel* 22:9-22). Achithophel was the highly regarded sage and advisor to King David who deserted the king in favor of David's renegade son, Absalom (see *II Samuel* ch. 17).

Note that although Doeg and Achithophel are mentioned together here, they were not contemporaries. As the Gemara states below, Doeg lived in the days of King Saul (i.e. in David's youth) whereas Achithophel lived later, in the days of David's reign. Thus, the Gemara here means that Doeg and Achithophel, each in his own days, raised three hundred inquiries concerning the tower floating in the air.

41. And the inquiries were so profound that not even one was resolved by them (version of this Aggadah in *Sanhedrin* loc. cit.).

42. *Sanhedrin* 90a.

43. How can I be sure that I too will not succumb to my Evil Inclination and go astray?

44. All of the brilliant scholars who went astray were actually predisposed to wickedness from long before. They had a certain rottenness within them that eventually surfaced (see *Rashi*). You, on the other hand, are pure of heart and need not worry. Regarding you and those like you, it is instead the case that the Torah protects and preserves you from sinning (*Hagahos R' Yaakov Emden*, citing *Sotah* 21a).

There is an epilogue to this exchange between Shmuel and Rav Yehudah (recorded in *Sanhedrin* 106b). Many years later, after Rav Yehudah had already passed away, Rava dismissed the scholarship of Doeg and Achithophel, saying, “Is it a sign of greatness to raise inquiries?” Rava pointed out that although his generation excelled over the generation of Rav Yehudah in the breadth of its Torah knowledge, Rav Yehudah's generation was thought of more highly in Heaven: When there was a drought in Rav Yehudah's days, Rav Yehudah would merely remove a single shoe (as a sign of sharing in the suffering of the community) and rain would come immediately. However, in Rava's generation, they cried out profusely in prayer but “no one paid attention” to them. This demonstrates that proficiency in Torah is not necessarily indicative of true greatness. Rather, *הַקָּדוֹשׁ בְּרוּךְ הוּא לֵבָא בְּכִי*, *the Holy One, Blessed is He, desires the heart*, i.e. righteousness. And in the end, God found a pure heart in Rav Yehudah.

45. *Rashi* explains that Acher should have refrained from singing as a

Another answer:

בשעה שהיה עומד – They said about Acher: אָמרוּ עָלָיו עַל אַחֵר – When he would stand up from his seat in the study hall, הרבה ספרי מינין נושרין מחיקו – many heretical tracts would fall from his lap.<sup>[46]</sup>

A dialogue that confirms the points made by Shmuel above:

שאל ניםוס הנדרי את רבי מאיר – Nimos the weaver<sup>[47]</sup> once inquired of R' Meir, כל עמר דנחית ליונה סליק – “Is it not true that all wool that goes into the dyeing pot absorbs the dye? I.e. does the Torah of students under the Sages protect

them from sinning or not?”<sup>[48]</sup> אָמר ליה – [R' Meir] replied to him, כל מאן דהנה נקי אגב אימיה סליק – “Any [wool] that is clean from the [lamb's] mother absorbs the dye;<sup>[49]</sup> however, כל דלא הנה נקי אגב אימיה לא סליק – any wool that is not clean from the [lamb's] mother does not properly absorb the dye. I.e. if a student's reverence for Heaven precedes his scholarship, he will absorb the Torah and he will be protected from sinning. But if his prior waywardness prevents him from absorbing the Torah, he will not be protected from sinning.”<sup>[50], [51]</sup>

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prohibition; see also *Igros Moshe, Orach Chaim* I §166).

*Maharsha* and other commentators raise several problems with *Rashi's* explanation. Why, for example, does the *Gemara* specify that he sang a Greek song? It would seem that any song would be prohibited in remembrance of the Temple. *Maharsha* therefore explains that it was the “Greek” nature of the song that was objectionable. The songs Acher sang recalled Greek culture and gradually inclined their singer to heretical beliefs.

Alternatively, the *Gemara* is saying that the Greek songs themselves were not so objectionable, but they were a symptom of inner rot. A person allows others a glimpse of his inner self through the melodies he voices spontaneously, without prior thought or intent. Noble men tend to sing verses and tunes full of yearning for God's closeness; ordinary people sing regular songs; and those who wish to assimilate into alien cultures sing its songs, including sometimes the songs of anti-Semites. In Acher's generation, the bitter fruit of Greek culture had long since poisoned the Jewish nation and felled its many victims. If Acher was prone to sing Greek songs in his time, this itself was compelling proof of spiritual malaise.

46. This occurred before Acher abandoned himself to evil ways (*Rashi*). When Acher would enter the study hall, he would conceal these tracts on his person so that the students would not see them. However, sometimes after his mind was absorbed in his Torah studies, he would forget about them, and when he stood up, they fell on the floor in front of the students in the study hall (*Maharsha*). These heretical tracts contained philosophical challenges to the concepts of Divine Providence, reward and punishment, etc. (*R' Chaim Shmulevitz, Sichos Mussar*, 5732, §8). This was a sign of internal rot (*Rashi*).

47. A prominent non-Jewish philosopher (*Yalkut HaMeiri*; see *Bereishis Rabbah* 65:20).

48. [Because we find that a rabbi as great as Acher succumbed despite his scholarship.]

49. If the wool is as clean as that of a one-day-old lamb, i.e. it did not become dirty after being shorn, then it will absorb the dye well (*Rashi*).

50. Acher, of course, was in the second category.

We have rendered Nimos' question and R' Meir's response according to *Rashi's* own explanation. *Rashi* cites a different explanation from his teachers: Nimos asked if every person who descends to Gehinnom eventually ascends from there; R' Meir replied that if he is unsullied by mud – i.e. he has merits – then he will ascend.

*Beis HaLevi* (*Derush* §13) elaborates: Gehinnom could conceivably be for either of two purposes: (a) to punish a person for the evil he performed in his lifetime; or (b) to cleanse his soul of his sins, as one cleanses a garment from its dirt. In truth, Gehinnom serves both these purposes. Most persons are in Gehinnom for a maximum of twelve months and then merit entrance into the World to Come. These have been cleansed of the evil with which they stained their souls in their lifetimes and may now enjoy the company of the righteous. There are some consummately sinful men, however, who remain in Gehinnom forever. These are people whose evil remains rooted within them despite constant cleansing.

Nimos asked R' Meir if every person who descends to Gehinnom ascends from it to Gan Eden; R' Meir answered that if a person has some merit or good deeds he will eventually ascend, because Gehinnom will purge him of the bad and leave the good. But if a person has no merits, if he is entirely evil, what can be redeemed from him? There is no part of him that would remain to enter Gan Eden. Therefore, he never ascends from Gehinnom.

*Elisha ben Avuyah* asked R' Meir to explain the verse (*Ecclesiastes* 7:8): The end of a matter is good from its beginning. [Dissatisfied with R' Meir's response, Acher quoted R' Akiva who explained it this way:] The end of a matter is good when it is good from its beginning [however, when it is bad from its beginning it will be bad in its end]. And, [*Elisha continued*] the proof case was with me. Avuyah my father was one of the prominent men of Jerusalem. On the day of my bris, he invited all the prominent men of Jerusalem and seated them in one room, as well as R' Eliezer and R' Yehoshua and seated them in a different room. After they ate and drank, the people in the first room began to sing, clap and dance. R' Eliezer said to R' Yehoshua, “While they are engaged in their activity, let us engage in ours.” They sat down and began to engage in words of Torah – from the Torah to the Prophets, and from the Prophets to the Writings, and a fire descended from Heaven and surrounded them. Avuyah said to them, “My masters! Have you come to burn my house down?!” They told him, “Heaven forbid! We were just sitting and reviewing words of Torah, from the Torah to the Prophets and from the Prophets to the Writings, and the words were as joyous as when they were given at Sinai, and a fire was lapping them up as they were lapped up at Sinai. Furthermore, the main transmission of words of Torah was only through fire, as it says (*Deuteronomy* 4:11): and the mountain was burning with fire to the heart of Heaven.” My father Avuyah replied to them, “My masters! If that is the power of the Torah, then if this child lives, I will set him aside for Torah.” [However,] since his intent was not for the sake of Heaven, [his dream] was not fulfilled in that man [i.e. me].”

The *Yerushalmi* records several other causes for Acher's abandonment of the Torah: (a) He saw one man violate the Torah's commandment not to take a mother bird together with her chicks and the man climbed down from the tree and left in peace. The next day he saw another man observe this commandment and, when that man climbed down from the tree, a snake bit him and he died. The verse (*Deuteronomy* 22:7) promises one who fulfills this mitzvah “good” and “length of days.” Where, Acher asked, is the goodness and the long days of this latter person? (b) He saw the dismembered tongue of a certain Torah scholar seized in a dog's mouth, dripping blood. Acher said, “This is the Torah and this is its reward? This is the tongue that used to express words of Torah as is befitting; this is the tongue that exerted itself in Torah study all his days?! This is the Torah and this is its reward?! It seems that there is no reward nor resurrection of the dead!” (c) When Acher's mother was pregnant with him, she passed by an idolatrous temple and smelled the scent of one of the offerings, and the scent penetrated through her body [to her fetus] like the venom of a snake.

[*R' Chaim Shmulevitz* loc. cit. explains that all of these were contributing factors: A great tree grows from a single seed, but the seed will not sprout if not planted in the ground, and both of them together are of no value without sunshine, water, etc. Similarly, the seed of Acher's evil was planted by his father's ignoble intentions. The seed sprouted as Acher sang Greek songs, and grew more when he began perusing the heretical tracts. Although at this point, Acher probably disagreed with the philosophical challenges to Jewish belief and attempted to resolve them, yet the challenges remained in the category of challenges, but with counterarguments. And when he saw the bloody tongue of the Torah scholar dragged about in disgrace, the heretical challenges he had absorbed were revitalized and he became a heretic himself. The acorn had become a tree.]

The *Yerushalmi* cites other sins of which Acher was guilty (after he

A related ruling:

יחיב רבי חנינא בר פפי ורבי אמי ורבי יצחק נפחא אקילעא דרבי יצחק  
 נפחא — R' Chanina bar Pappi, R' Ami and R' Yitzchak Nafcha  
 were sitting on R' Yitzchak Nafcha's porch; ויהבי וקאמרי —  
 and while they were sitting, they spoke of the following inci-  
 dent: עיר אחת היתה בארץ ישראל — There was a certain town  
 in Eretz Yisrael ולא רצו עבדיה למול — whose slaves did not  
 want to be circumcised. The [residents of the town] bore with them until twelve months  
 had passed, וקורו ומכרום לעובדי בוכבים — and then sold them  
 back to idolaters. כמאן — Now, in accordance with whom  
 did they conduct themselves?<sup>[32]</sup> כי הא תנא — In accordance  
 with this Tanna, דתניא — for it was taught in a Baraisa:  
 If one purchases a slave from an idolater — הלוקח עבד מן העובד בוכבים  
 — AND HE DOES NOT WANT TO BE CIR-  
 CUMCISED, [THE MASTER] MAY BEAR WITH HIM UNTIL TWELVE MONTHS have passed.  
 If [THE SLAVE] IS NOT CIRCUMCISED by then, חוזר ומוכרו לעובדי — [THE MASTER] SELLS HIM BACK TO IDOLATERS.

A dissenting view:

But R' Shimon ben Elazar says: — רבי שמעון בן אלעזר אומר  
 — WE DO NOT RETAIN [AN UNCIRCUM-  
 CISED SLAVE] IN ERETZ YISRAEL — ON AC-  
 COUNT OF THE LOSS OF TOHOROS.<sup>[33]</sup> — AND  
 IN A TOWN THAT IS CLOSE TO THE BORDER,<sup>[34]</sup> אין משהין אותו כל  
 — LEST HE HEAR SOMETHING concerning the defense of Eretz Yisrael  
 — WE DO NOT RETAIN HIM AT ALL, — וילך ויאמר לעבד עובד בוכבים  
 — AND GO AND REPORT it TO HIS FRIEND WHO IS AN IDOLATER.<sup>[35]</sup>

The Gemara returns to the subject of converts:

רבי חנניא בנו של רבן זמליאל — It was taught in a Baraisa:

R' CHANAYA THE SON OF RABBAN GAMLIEL SAID: — מפני מה  
 — WHY, IN THE CURRENT ERA,<sup>[36]</sup> ARE  
 CONVERTS AFFLICTED, ויטורין באין עליהן — AND HARSHIPS ARE  
 frequently VISITED UPON THEM?<sup>[37]</sup> מפני שלא קיימו שבע מצוות בני  
 — BECAUSE THEY DID NOT OBSERVE THE SEVEN NOAHIDE  
 COMMANDMENTS before their conversion.<sup>[38]</sup>

A dissenting view:

But R' YOSE SAYS: — רבי יוסי אומר  
 — A PERSON WHO CONVERTS IS LIKE A NEWBORN CHILD. Thus,  
 he is not punished for his prior transgressions.<sup>[39]</sup> אלא מפני מה  
 — RATHER, WHY ARE [CONVERTS] AFFLICTED? — מפני  
 — BECAUSE THEY ARE NOT AS  
 FAMILIAR WITH THE DETAILS OF THE MITZVOS AS other JEWS are,  
 and therefore do not perform the mitzvot properly.<sup>[40]</sup>

A third opinion:

ABBA CHANAN SAYS IN THE NAME  
 OF R' ELAZAR: — אבא חנן אומר בשם רבי אלעזר  
 — Converts suffer BECAUSE THEY DO NOT PERFORM the mitzvot OUT OF LOVE  
 of God,<sup>[41]</sup> BUT only OUT OF FEAR.<sup>[42]</sup>

A fourth explanation:

OTHERS SAY: — אחרים אומרים  
 — Converts suffer BECAUSE THEY HELD THEM-  
 SELVES BACK FROM ENTERING UNDER THE WINGS OF THE SHECHI-  
 NAH.<sup>[43]</sup>

The Gemara presents Scriptural support for the last opinion:<sup>[44]</sup>  
 R' Abahu — אמר רבי אבהו ואיתימא רבי חנינא  
 — and some report  
 that it was R' Chanina — said: — מאי קראה — What is the verse  
 from which this may be derived? ושלם ה' פגלו יהיה משבחתך  
 — May Hashem reward your deed and may your payment be full from  
 Hashem, the God of Israel, under Whose wings you have come  
 to seek refuge etc.<sup>[45]</sup>

## NOTES

32. [The Gemara above attributed this ruling to R' Yehoshua ben Levi. However, there is a Tannaic dispute whether this leniency applies in Eretz Yisrael, as recorded in the Baraisa that follows.]

33. If the unconverted slave will come into contact with *terumah*, he will render it *tamei* (and unfit for consumption), for the Rabbis decreed that an idolater has the status of a *zav* with regard to *tumah* transmission (*Rashi*, from *Shabbos* 83a and *Niddah* 34a).

For this reason, R' Shimon ben Elazar prohibits the possession of an uncircumcised slave in Eretz Yisrael [where Biblical *terumah* is found]. It emerges that the Tanna Kamma, who permits an uncircumcised slave to be kept for up to twelve months, was also referring to Eretz Yisrael. Thus, the residents of the town in Eretz Yisrael who relied on this leniency (in the narrative recorded above) were following the Tanna Kamma.

It was taught earlier (47b) that R' Shimon ben Elazar deems it possible to accord someone the status of a Canaanite slave even without his consent. Here, however, R' Shimon ben Elazar himself does not propose this option, because although a forced "conversion" is effective, it is nevertheless forbidden (as explained in note 20).

34. It lies adjacent to the border between Eretz Yisrael and a neighboring country (*Rashi*).

35. Since he poses a security risk, he may not be kept "at all." This is in contrast to the previous case, where the owner is given some time to find a buyer (*Bikkurei Yehudah*).

36. I.e. when the Temple is not standing. (See *Rif* on *Ein Yaakov*.)

37. Converts should not suffer as much as born Jews who are punished

for them in the World to Come. But after they converted, God punishes them in this world so that their accounts will be settled [before they enter the next world] (*Rashi*).

39. The principle that a convert is regarded as a "newborn child" is accepted by the Tanna Kamma too, as is evident from the law that a convert is not legally related to his former family (*Tos. HaRosh*). R' Yose, however, takes this idea further, extending it to mean even that a convert's former transgressions are disregarded (see *Aruch LaNer* for two explanations of this dispute).

40. See 47b note 18; see also *Anaf Yosef* here.

41. *Tos. Yeshanim* and *Tos. HaRosh*; see, however, *Tosafos*.

42. Fear of Gehinnom and the retribution [in this world] for one who transgresses God's commandments (*Rashi*).

43. A gentile is not obligated to convert to Judaism. But once he becomes convinced of its truth, he must attempt to convert immediately (see *Hagahos Yavetz*; cf. *Hagahos R' Elazar Moshe Horowitz*; see also *Ahavas Eisan* on *Ein Yaakov*).

The "others" basically agree with R' Yose's opinion that the convert's status as a "newborn child" protects him from punishment for prior transgressions (see note 39). In their view, though, this protection is afforded him only in regard to sins performed before he *intended* to convert (see *Nahor Shraga*, cited by *Bikkurei Yehudah*).

44. *Rashi*; cf. *Ritva* and *Aruch LaNer*.

45. *Ruth* 2:12. [This blessing was bestowed by Boaz on Ruth.] The word