



כָּל מַחֲלָקֶת שֶׁהִיא לְשֵׁם שָׁמַיִם, סוֹפָהּ לְהִתְקַיֵּם. וְשֵׁי אֵינָהּ לְשֵׁם שָׁמַיִם,
 אֵין סוֹפָהּ לְהִתְקַיֵּם. אֵיזוֹ הִיא מַחֲלָקֶת שֶׁהִיא לְשֵׁם שָׁמַיִם, זֶה מַחֲלָקֶת
 הַלֵּל וְשַׁמַּי. וְשֵׁי אֵינָהּ לְשֵׁם שָׁמַיִם, זֶה מַחֲלָקֶת קֹרַח וְכָל עֲדָתוֹ:

Every argument that is [for the sake of] heaven's name, it is destined to endure. But if it is not [for the sake of] heaven's name -- it is not destined to endure. What [is an example of an argument for the sake of] heaven's name? The argument of Hillel and Shammai. What [is an example of an argument not for the sake of] heaven's name? The argument of Korach and all of his followers.

Sanhedrin 109B-110A

כי הוה מתרמי להו עניא יהבו ליה כל חד וחד דינא, וכתוב שמייה עליה, וריפתא לא הו ממטי ליה. כי הוה מית, אתי כל חד וחד שקיל דידיה.

When a poor person would happen to come to Sodom, each and every person would give him a dinar, and the name of the giver was written on each dinar. And they would not give or sell him bread, so that he could not spend the money and would die of hunger. When he would die, each and every person would come and take his dinar.

הכי אתני בנייהו: כל מאן דמומין גברא לבי הילולא – לשלח גלימא. הוי האי הילולא, אקלע אליעזר להתם, ולא יהבו ליה נהמא. כי בעי למסעד, אתא אליעזר ויתוב לסיפא דכולהו. אמרו ליה: "מאן אומנך להכא?" אמר ליה להווא [דיתבי]: "אתה ומנתן". [אמר: "דילמא שמעי בי דאנא אומינתיה ומשלחי ליה מאניה דהאי גברא"]. שקל גלימיה ההוא דיתבי גביה, ורהט לברא. וכן עבד לכולהו עד דנפקי בוליהו ואכלא איהו לסעודתא.

This is what the people of Sodom stipulated among themselves: Whoever invites a man to a wedding, his cloak will be removed. There was this wedding, and Eliezer, servant of Abraham, arrived there and they did not give him bread. When he sought to dine, Eliezer came and sat at the end, behind everyone. They said to him: Who invited you to here? He said to the one sitting next to him: You invited me. That man said to himself: Perhaps they will hear that I invited him and they will remove the garment of that man, referring to himself. The one who sat next to him took his cloak and ran outside. And likewise, Eliezer did the same for all of them until they all left, and he ate the meal.

הווא הדיא רביתא דהות קא מפקא ריפתא לעניא בחצבא. איגלאי מלתא. שפיוה דובשא ואוקמוה על איגר שורא. אתא זיבוי ואכליה. והיינו דכתבי: "ויאמר ה' ועקת סדם ועמדה כי רעה". ואמר רב יהודה אמר רב: על עיסקי ריבה.

There was a young woman who would take bread outⁿ to the poor people in a pitcher so the people of Sodom would not see it. The matter was revealed, and they smeared her with honey and positioned her on the wall of the city, and the hornets came and consumed her. And that is the meaning of that which is written: "And the Lord said: Because the cry of Sodom and Gomorrah is great [rabba]" (Genesis 18:20). And Rav Yehuda says that Rav says: Rabba is an allusion to the matter of the young woman [riva] who was killed for her act of kindness. It is due to that sin that the fate of the people of Sodom was sealed.

"מרגלים אין להם חלק לעולם הבא, שנאמר: 'וימתו האנשים מוצאי דבת הארץ רעה במגפה'. וימתו – בעולם הזה. 'במגפה' – לעולם הבא."

§ The mishna teaches: The spies who spread an evil report of their visit to Canaan have no share in the World-to-Come, as it is stated: "And those men who spread the evil report about the land died by plague before the Lord" (Numbers 14:37). "And... died" indicates in this world, and "by plague" indicates for the World-to-Come.ⁿ

"עדת קרח אין להם חלק לעולם הבא, שנאמר: 'ותכס עליהם הארץ' – בעולם הזה. ויאבדו מתוך הקהל – לעולם הבא. דברי רבי עקיבא. רבי אליעזר אומר: עליהם אמר הכתוב: 'ה' ממית ומחיה מוריד שאול ויג'על'."

The members of the assembly of Korah have no share in the World-to-Come, as it is stated: "And the earth closed upon them" (Numbers 16:33), meaning in this world, and also: "And they perished from among the assembly" (Numbers 16:33), meaning in the World-to-Come; this is the statement of Rabbi Akiva. Rabbi Eliezer says: About the assembly of Korah, the verse states: "The Lord kills and makes alive; He lowers to the grave, and raises" (1 Samuel 2:6), indicating that the assembly of Korah has a share in the World-to-Come.

תנו רבנן: "עדת קרח אין להם חלק לעולם הבא, שנאמר: 'ותכס עליהם הארץ' – בעולם הזה. ויאבדו מתוך הקהל – לעולם הבא. דברי רבי עקיבא. רבי יהודה בן בתירא אומר: הרי הן כאבידה המתבקשת, שנאמר: 'תעיתי כשה אבד בקש עבדך כי מצותיך לא שכחתי'."

The Sages taught in a baraita (Tosefta 13:9): The members of the assembly of Korah have no share in the World-to-Come, as it is stated: "And the earth closed upon them" (Numbers 16:33), meaning in this world, and also: "And they perished from among the assembly" (Numbers 16:33), meaning in the World-to-Come; this is the statement of Rabbi Akiva. Rabbi Yehuda ben Beteira says: Although it says that they perished, they are like a lost item that is sought, ultimately found, and rehabilitated, as it is stated: "I have gone astray like a lost sheep; seek out your servant, for I do not forget your mitzvot" (Psalms 119:176).

NOTES

Who would take bread out – דהות קא מפקא ריפתא: In the midrash, this young woman is identified as one of the daughters of Lot. The Sages explain that the verse: "I will go down now, and see whether they have done altogether according to the cry of her, which is come to me" (Genesis 18:21), was written with regard to the cry of this young woman.

By plague for the World-to-Come – במגפה לעולם הבא: On what basis is the term "by plague," interpreted as a reference to the World-to-Come? Apparently, this explanation is not based on the term "by plague," but on the entire phrase "by plague before the Lord." This indicates that they were stricken from before God, and that they no longer exist before Him (Hayyim Shenayim Yeshalem).

“ויקח [קרח].” אמר ריש לקיש: שלקח מקח רע לעצמו. “קרח” – שנעשה קרח בישראל. “בן יצהר” – בן שהרתיח עליו את כל העולם בצחרים. “בן קהת” – בן שהקחה שיני מולידי. “בן לוי” – בן שנעשה לוי בגיהנם.

ולחשוב נמי בן יעקב – בן שעקב עצמו לגיהנם! אמר רב שמואל בר רב יצחק: יעקב ביקש רחמים על עצמו, שנאמר: “בסדרם אל תבא נפשי בקהלם אל תחד כבדי.” “בסדרם אל תבא נפשי” – אלו מרגלים. “בקהלם אל תחד כבדי” – זה עדת קרח.

“דתן” – שעבר על דת אל, “אבירם” – שאיבר עצמו מעשות תשובה, “ואון” – שישב באינות, “פלת” – שנעשו לו פלאות, “בן ראובן” – בן שראה והבין.

אמר רב: און בן פלת אשתו הצילתו. אמרה ליה: “מאי נפקא לך מינה? אי מר רבה, אנת תלמידא. ואי מר רבה, אנת תלמידא.” אמר לה: “מאי אעביד? הואי בעצה, ואשתבעי לי בהדיהו.” אמרה ליה: “ידענא דכולה בנישתא קדישתא גינהו, דכתיב: ‘כי כל העדה כלם קדשים.’” אמרה ליה: “תוב, דאנא מצילנא לך.” אשקיתיה חמרא, ואריתיה, ואגיתיה גואי. אותבה על בבא.

Apropos Korah, the Gemara proceeds to interpret the verses written concerning him. “And Korah, son of Izhar, son of Kohath, son of Levi, took [vayikkah]” (Numbers 16:1), Reish Lakish says: He purchased [lakah] a bad acquisition for himself, as through his actions he drove himself from the world. “Korah” alludes to the fact that because of him a void [korha] was created in the children of Israel. “Son of Izhar,” is referring to a son who incited the wrath of the entire world upon him like the heat of the afternoon [tzorhayim]. “Son of Kohath,” is referring to a son who blunted [hik’ha] the teeth of his parents, i.e., he shamed them with his conduct. “Son of Levi,” is referring to a son who became an escort [levaya] in Gehenna.

The Gemara asks: But if Korah’s lineage is being interpreted disparagingly, why not let the Torah also include: Son of Jacob [Ya’akov], and interpret it: A son who contorted [she’akav] himself until he reached Gehenna? Rav Shmuel bar Rav Yitzhak says: Jacob prayed for mercy for himself that his name would not be included in the lineage of Korah, as it is stated: “Let my soul not come into their council; to their assembly let my honor not be united” (Genesis 49:6). “Let my soul not come into their council”; these are the spies. Jacob prayed that his name would not be mentioned in their regard. “To their assembly let my honor not be united”; this is referring to the assembly of Korah.

The Gemara proceeds to interpret the names of Korah’s cohorts: “Dathan and Abiram, the sons of Eliab, and On, the son of Peleth, sons of Reuben” (Numbers 16:1). “Dathan” is one who violated the precepts [dat] of God. “Abiram” is one who braced [iber] himself from repenting. “And On” indicates one who sat in acute mourning [aninut] over the sin that he committed, and he repented and was spared. “Peleth” is one for whom wonders [pelaot] were performed. Son of Reuben [Reuven], is a son who saw and understood [ra’a vehevin] the nature of what was transpiring and repented.

Rav says: On, son of Peleth, did not repent on his own; rather, his wife saved him. She said to him: What is the difference to you? If this Master, Moses, is the great one, you are the student. And if this Master, Korah, is the great one, you are the student. Why are you involving yourself in this matter? On said to her: What shall I do? I was one of those who took counsel and I took an oath with them that I would be with them. She said to him: I know that the entire assembly is holy, as it is written: “For all the assembly is holy” (Numbers 16:3), and they observe the restrictions of modesty. She said to him: Sit, for I will save you. She gave him wine to drink and caused him to become drunk and laid him on a bed inside their tent. She sat at the entrance of the tent

Perek XI
Daf 110 Amud a

NOTES

Since it is all for his own prominence – בִּין – דְּכֹלָהּ וּבֹתָא דִּינִיה: Some explain: Since his prominence and reign are recognized by all, shaving will not lead others to disparage him. The rest of the Levites, whose standing is not as prominent, will be disparaged (Maharsha).

וסתרתה למינה. כל דאתא חויה, הדר, אדכהי והכי אבלעו להו.

and exposed her hair as though she were bathing. Anyone who came and saw her stepped back. In the meantime the assembly of Korah was swallowed into the ground, and On, son of Peleth, was spared.

איתתיה דקרח אמרה ליה: “חיו מאי קעביד משה. איהו הוה מלכא; לאחווה שווייה כהנא רבא; לבני אחוהי שווינהו סגני דכהנא. אי אתיא תרומה, אמר: תיהווי לכהן. אי אתו מעשר דשקילתו אתו, אמר: יהבו חד מעשרה לכהן. ועוד, דגייז ליה למזיכו, ומיטלל לבו כי בופתא. עינא יהב במזיכו.” אמר לה: “הא איהו נמי קא עביד!” אמרה ליה: “בין דכולהו רבותא דידיה, אמר איהו נמי: תמת נפשי עם פלשתים!”

Korah’s wife said to him: See what Moses is doing. He is the king, he appointed his brother High Priest, and he appointed his brother’s sons deputy priests. If teruma comes, he says: Let it be for the priest; if the first tithe comes, which you as Levites take, he says: Give one tenth to the priest. And furthermore, he shears your hair and waves you as if you are as insignificant as excrement (see Numbers 8:5–11), as though he set his sights on your hair and wishes you to be shaven and unsightly. Korah said to her: But didn’t he also do so; he shaved his hair like the rest of the Levites? She said to him: Since it is all done for his own prominence,ⁿ he also said metaphorically: “Let me die with the Philistines” (Judges 16:30); he was willing to humiliate himself in order to humiliate you.

ועוד: דקאמר לכו עבדיתו תכלתא. אי סלקא דעתך תכלתא חשיבא [מצוה], אפיק גלימי דתכלתא וכסינהו לכולהו מתבתך. היינו דכתביב: "חכמות נשים בנתה ביתה" – זו אשתו של און בן פלות. וואולת בידה תהרסנה" – זו אשתו של קרח.

She said to him: **And furthermore**, with regard to that **which he said to you, to prepare sky-blue dyeⁿ** for your ritual fringes, one could respond to him: **If it enters your mind**, Moses, that using sky-blue dye is considered a mitzva, take out robes that are made entirely of material colored with sky-blue dye, and dress all the students of your academy in sky-blue robes without ritual fringes; why could one not fulfill the mitzva in that manner? Clearly, Moses is fabricating all this. **This is the meaning of that which is written: "The wisdom of women builds her house"** (Proverbs 14:1); this is referring to the wife of On, son of Peleth. And: **"Folly plucks it down with her hands"** (Proverbs 14:1); this is referring to the wife of Korah.

"ויקמו לפני משה ואנשים מבני ישראל חמשים ומאתים" – מיוחדים שבועדה. "קראי מועד" – שהיו יודעים לעבר שנים ולקבוע חדשים. "אנשי שם" – שהיה להם שם בכל העולם.

It is written: **"And they arose before Moses, with men from the children of Israel, two hundred and fifty princes of the congregation, the elect men of the assembly, men of renown"** (Numbers 16:2). These men were the distinctive people of the assembly. **"The elect men of the assembly [keri'ei moed]"** is referring to those who knew how to intercalate the years and establish the months in order to determine the time for each Festival [*moed*]. **"Men of renown [shem]"**, is referring to those who had a reputation [*shem*] throughout the world.

"וישמע משה ויפל על פניו". מה שמועה שמע? אמר רבי שמואל בר נחמני אמר רבי יונתן: שחשדוהו מאשת איש, שנאמר: "ויקנאו למשה במחנה". אמר רבי שמואל בר יצחק: מלמד שכל אחד ואחד קנא את אשתו ממשה, שנאמר: "ומשה יקח את האהל ונטה לו מחוץ למחנה".

With regard to the verse: **"And Moses heard and he fell on his face"** (Numbers 16:4), the Gemara asks: **What report did he hear that elicited that reaction?** Rabbi Shmuel bar Nahmani says that Rabbi Yonatan says: He heard that they suspected him of adultery with a married woman,ⁿ as it is stated: **"And they were jealous of Moses in the camp"** (Psalms 106:16). Rabbi Shmuel bar Yitzhak says: This teaches that each and every man warned his wife to distance herself from Moses and not enter into seclusion with him, as it is stated: **"And Moses would take the tent and pitch it outside the camp"** (Exodus 33:7). It was due to this slander that he withdrew from the camp.

NOTES

דקאמר – דקאמר – That which he said to you, to prepare sky-blue dye – לכו עבדיתו תכלתא: In the midrash, a more detailed version of this incident is related. After Moses taught the mitzva to have sky-blue wool in the ritual fringes, Korah claimed that a garment woven entirely of sky-blue wool does not require sky-blue ritual fringes. Similarly, after Moses taught the mitzva to place a *mezuzah* on the doorpost, Korah claimed that a house filled with Torah scrolls does not require a *mezuzah* on its doorpost. The connection between ritual fringes and the assembly of Korah is based on the juxtaposition of the portion concerning ritual fringes at the end of Numbers, chapter 15, and the portion of the assembly of Korah, from the beginning of chapter 16.



Robe of the High Priest, woven entirely from sky-blue wool

That they suspected him of adultery with a married woman – שחשדוהו מאשת איש: The early commentaries discuss this suspicion, and ask what led the Sages to arrive at this homiletic interpretation. Some explain that this is an allusion, as the Sages say with regard to the verse: "He who commits adultery with a woman lacks understanding" (Proverbs 6:32), that one who assumes leadership over the community, if he is motivated by his own ambition and is not doing so for the sake of Heaven, is likened to one who commits adultery. That is the meaning of the statement in the Gemara that they suspected him of adultery; they questioned the motivation behind his assumption of leadership (Rabbi Hiyya Rofeh).

The plain meaning of the Gemara is that suspicion was aroused because Moses' tent was pitched outside the camp, and he stayed there alone without his wife. Among those who went there were the women of Israel who came to seek the word of God. To rebuff that claim, the verse (Exodus 23:11) states that Joshua, his servant, never moved from the tent, i.e., Moses was never in seclusion with those women (Riaf).

Some explain that the verse about Moses pitching his tent outside the camp is stated after the sin of the Golden Calf. The Sages say that the women refused to contribute their jewelry to the effort to craft the calf. As a result, the men claimed that the women would obey Moses more than they would obey their husbands (*Margaliyyot HaYam*).

NOTES

שאינ מחזיקין – That one may not perpetuate a dispute – במחלוקת: It is prohibited to perpetuate a dispute, and one must initiate reconciliation, even if he is in the right. The Ramban enumerates this as one of the 613 mitzvot, but the Rambam does not enumerate it in his tally (She'iltot deRav Ahai Gaon; Rif; Rosh).

And the people spoke against God and against Moses – וידבר העם באלהים ובמשה: Some explain this proof in the following manner: The fact that the verse mentions not only the sin that they committed in speaking against God, but also the sin of speaking against Moses, indicates that the sins are equal. Were this not the case, only the more severe sin would have been mentioned (Rabbeinu Yehonatan of Lunel). Another explanation given is that it is inconceivable that the people would have doubted the Divine Presence. Therefore, when the verse says that they spoke against God, it is apparent that their speaking against Moses is interpreted as their speaking against the Divine Presence as well (see Ramah).

LANGUAGE

Keys [aklidei] – אקלידי: From the Greek κλεις, kleis, meaning key, or κλειδίων, kleidion, meaning small key.

BACKGROUND

Keys – אקלידי:



Key from mishnaic era

Leather – גילדיא:



Roman-style leather money bag

“ויקם משה וילך אל דתן ואבירם” אמר ריש לקיש: מכאן שאין מחזיקין במחלוקת. דאמר רב: כל המחזיק במחלוקת עובר בלאו, שנאמר: “ולא יהיה בקרח ובעדתו”.

רב אשי אמר: ראוי ליצטרע. כתיב הכא: “ביד משה לו” וכתוב התם: “ויאמר ה' לו עוד הבא נא ידך בחיקך”.

אמר רבי יוסי: כל החולק על מלכות בית דוד ראוי להכנישו נחש. כתיב הכא: “ויזבח אדניהו צאן ובקר ומריא עם אבן הזחלת” וכתוב התם: “עם חמת זחלי עפר”.

אמר רב חסדא: כל החולק על רבו כחולק על השכינה, שנאמר: “בהצתם על ה'” אמר רבי חמא ברבי חנינא: כל העושה מריבה עם רבו כעושה עם שכינה, שנאמר: “המה מי מריבה; אשר רבו בני ישראל את ה'”.

אמר רבי חנינא בר פפא: כל המתרעם על רבו כאילו מתרעם על השכינה, שנאמר: “לא עלינו תלנתיכם כי אם על ה'” אמר רבי אבהו: כל המהרהר אחר רבו כאילו מהרהר אחר שכינה, שנאמר: “וידבר העם באלהים ובמשה”.

“עשר שמור לבועליו לרעתו” אמר ריש לקיש: זה עושרו של קרח. ואת כל היקום אשר ברגליהם” אמר רבי אלעזר: זה ממונו של אדם, שמעמידו על רגליו. ואמר רבי לוי: משוי שלש מאות פרוזות לבנות היו מפתחות של בית גנזיו של קרח, וכולהו אקלידי וקילפי דגילדיא.

§ With regard to the verse: “And Moses arose and went to Dathan and Abiram” (Numbers 16:25), Reish Lakish says: From here we derive that one may not perpetuate a dispute,^N as Rav says: Anyone who perpetuates a dispute violates a prohibition, as it is stated: “And he will not be like Korah and his assembly, as the Lord spoke by the hand of Moses to him” (Numbers 17:5). Even the aggrieved party must seek to end the dispute. Dathan and Abiram accused Moses and by right should have initiated the reconciliation. Nevertheless, Moses was not insistent on this; he went to them.

Rav Ashi says: One who perpetuates a dispute is fit to be afflicted with leprosy. It is written here: “By the hand of Moses to him,” and it is written there: “And the Lord said furthermore to him: Put now your hand into your bosom. And he put his hand into his bosom; and when he took it out, behold, his hand was leprous, as white as snow” (Exodus 4:6). Based on the verbal analogy based on the term “to him” written in both verses, it is derived that the punishment for perpetuating a dispute is leprosy.

Apropos the prohibition of perpetuating a dispute, Rabbi Yosef says: With regard to anyone who disputes the reign of the house of David, it is fitting for a snake to bite him. As it is written here: “And Adonijah slaughtered sheep and cattle and fatlings by the stone of Zohelath” (1 Kings 1:9); and it is written there: “With the poison of crawling things [zohalei] of the dust” (Deuteronomy 32:24). Adonijah, who rebelled against his father, King David, was fit to be bitten by a snake.

Rav Hisda says: Anyone who disagrees with his teacher is like one who disagrees with the Divine Presence, as it is stated with regard to Dathan and Abiram: “When they strove against the Lord” (Numbers 26:9), although their dispute was with Moses. Rabbi Hama, son of Rabbi Hanina, says: Anyone who initiates a quarrel [meriva] with his teacher is like one who initiates a quarrel with the Divine Presence, as it is stated: “These are the waters of Meribah, where the children of Israel quarreled with the Lord” (Numbers 20:13), although their quarrel was with Moses.

Rabbi Hanina bar Pappa says: Anyone who expresses resentment against his teacher for wronging him, it is as though he is expressing resentment against the Divine Presence, as it is stated: “Your murmurings are not against us, but against the Lord” (Exodus 16:8). Rabbi Abbahu says: Anyone who suspects his teacher of wrongdoing, it is as though he suspects the Divine Presence, as it is stated: “And the people spoke against God, and against Moses” (Numbers 21:5).^{NH} The verse likens God and Moses with regard to this matter.

§ With regard to the verse: “Wealth is kept for the owner to his detriment” (Ecclesiastes 5:12), Reish Lakish says: This is referring to the wealth of Korah, which was of no use to him. The fact that Korah was wealthy is derived from the verse: “And all the substance that was at their feet” (Deuteronomy 11:6), as Rabbi Elazar says: This is referring to a person’s property, which stands him on his feet. And Rabbi Levi says: The keys alone to Korah’s treasury were a burden requiring three hundred white mules to transport them, and moreover, all the keys [aklidei]^{LB} and locks were of leather.^B This conveys the vastness of his wealth.

HALAKHA

Honor and fear of one’s teacher – כבוד הרב ומוראו: Anyone who engages in a dispute with his teacher is like one who engages in a dispute with the Divine Presence. Anyone who quarrels with his teacher is like one who quarrels with the Divine Presence. Anyone who speaks badly of his teacher is

like one who speaks badly about the Divine Presence. Anyone who expresses resentment against his teacher is like one who expresses resentment against the Divine Presence (Rambam Sefer HaMadda, Hilkhhot Talmud Torah 5:1; Shulhan Arukh, Yoreh De’a 242:2).

Sanhedrin 84B-88B

Perek X

Daf 84 Amud b

מתני' אלו הן הנחנקין: המכה אביו ואמו; וגויב נפש מישראל; וזקן ממרא על פי בית דין; ונביא השקר; והמתנבא בשם עבודה זרה; והבא על אשת איש; וזוממי בת כהן, ובוועלה.

MISHNA These are the transgressors^N who are strangled^H in the implementation of the court-imposed death penalty: **One who strikes his father or his mother, and one who abducts a Jewish person, and a rebellious elder according to the court, and a false prophet, and one who prophesies in the name of idol worship,^N and one who engages in intercourse with a married woman, and conspiring witnesses who testify that the daughter of a priest committed adultery, even though were she guilty, she would be executed by burning. And her paramour is also executed via strangulation as in any case where a man engages in intercourse with a married woman.**

גמ' "מכה אביו ואמו". מנלן? דכתוב: "וימכה אביו ואמו מות יומת." וכל מיתה האמורה בתורה סתם אינה אלא חנק.

GEMARA The mishna teaches: **One who strikes his father or his mother is executed by strangulation.** The Gemara asks: **From where do we derive this halakha?** The Gemara answers: It is derived from a verse, as it is written: **"One who strikes his father or his mother shall be put to death"** (Exodus 21:15), and every death stated in the Torah without specification is referring to nothing other than strangulation.^H

אימא עד דקטיל ליה מיקטל! סלקא דעתך? קטל חד - בסוּיף, ואביו בחנק?

The Gemara suggests: **Say that one is not executed for striking his father or mother unless he kills him or her.** The Gemara explains: Does it enter your mind to say that if one kills one other person, he is executed by beheading with a sword, but if he kills his father or mother he is executed by strangulation? That is not reasonable.

הניחא למאן דאמר חנק קל. אלא למאן דאמר חנק חמור, מאי איכא למימר?

The Gemara asks: **This works out well according to the one who said that strangulation is a more lenient form of execution than decapitation. But according to the one who said that strangulation is a more severe form of execution than decapitation, what is there to say?** Perhaps one is liable to receive the death penalty for striking his father or mother only if he kills the parent, and the added severity for killing a parent is in terms of the specific form of death penalty.

אלא, מדכתוב: "מכה איש ומת מות יומת", וכתיב: "או באיבה הבהו בידו וימת" - שמע מינה: כל היכא דאיכא הכאה סתם, לאו מיתה הוא.

The Gemara answers: **Rather, prove that one is executed by strangulation for striking his father or mother even if he does not kill them from the fact that it is written: "One who strikes a man and he dies shall be put to death"** (Exodus 21:12), and it is written: **"Or if in enmity he struck him with his hand and he died he shall be put to death"** (Numbers 35:21). Learn from these verses in which it states: Strikes and he dies, that anywhere that there is mention of striking without specifying a resultant death, it is not referring to a case where the blow caused one's death.^N

NOTES

The order of the chapters – סדר הפרקים: According to many early commentaries, the order of the final two chapters of this tractate is reversed. That is the order in which they appear in the Mishna and in the Jerusalem Talmud. There are two reasons why this order is preferable: First, it is only logical that the *tanna* would complete the discussion of those liable to be executed by beheading, the topic of the eleventh chapter, before proceeding to those liable to be executed by strangulation, the topic of this chapter. Since the matter of the idolatrous city, whose residents are executed by beheading, is addressed in the chapter beginning: All of the Jewish people have a share in the World-to-Come, which in the current order is the eleventh chapter, it is logical that it should immediately follow the ninth chapter.

Second, the Talmud states that tractate *Makkot* begins with the topic of conspiring witnesses because tractate *Sanhedrin* concludes with the matter of conspiring witnesses who testified that the daughter of a priest committed adultery. That topic appears in this chapter; therefore, it should be the final chapter. Others say that initially *Sanhedrin* and *Makkot* constituted one tractate that was later separated (Rabbeinu David Bonfils; Ran). Others hold that since the chapter that begins: All of the Jewish people have a share in the World-to-Come, discusses general topics dealing with the fundamentals of faith, and the promise of the resurrection of the dead, it should appear last, to teach which transgressors are rehabilitated in the World-to-Come and which are not (see Meiri).

And one who prophesies in the name of idol worship – והמתנבא בשם עבודה זרה: The reference is not to one who prophesies and incites others to worship idols, as one who commits such a transgression is executed by stoning. Rather, the reference here is to one who prophesies in the name of an idol, even if he does so in support of the fulfillment of mitzvot. One who commits such a transgression is executed by strangulation (Ramban's Commentary on the Torah).

Mention of striking without specifying a death, it is not a case where the blow caused death – הכאה סתם לאו מיתה הוא: With regard to the verse: "And one who strikes any man mortally shall be put to death" (Leviticus 24:17), which, based on the punishment is referring to murder, even though the language in the verse refers only to striking, there is a distinction between striking and striking mortally (Rabbeinu David Bonfils; Ran).

HALAKHA

The transgressors who are strangled – הנחנקין: Execution through strangulation is the punishment for six types of transgressors: One who engages in intercourse with a married woman, including the paramour of the daughter of a priest and the conspiring witnesses who testified that the daughter of a priest committed adultery (Radbaz; *Lehem Mishne*); one who wounds his father or his mother; one who abducts a fellow Jew; a rebellious elder; a false prophet; and one who prophesies in the name of idol worship (Rambam *Sefer Shofetim*, *Hilkhot*

Sanhedrin 15:13 and *Hilkhot Mamrim* 5:5; *Shulhan Arukh*, *Yoreh De'a* 241:1, and in the comment of Rema).

And every death stated in the Torah without specification is referring to nothing other than strangulation – וכל מיתה – האמורה בתורה סתם אינה אלא חנק: Any reference to the death penalty stated in the Torah without specification refers to nothing other than strangulation (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 1:6).

Two say he stole in our presence and two say he ate in our presence – **שנים אומרים בפנינו גנב ושנים אומרים בפנינו – אכל**: If two witnesses in the case of a stubborn and rebellious son testify to the theft and two witnesses testify to the consumption of the stolen items, and the witnesses were rendered conspiring witnesses, they are all executed, in accordance with the opinion of Rabbi Yohanan (Rambam *Sefer Shofetim, Hilkhot Edut* 21:9).

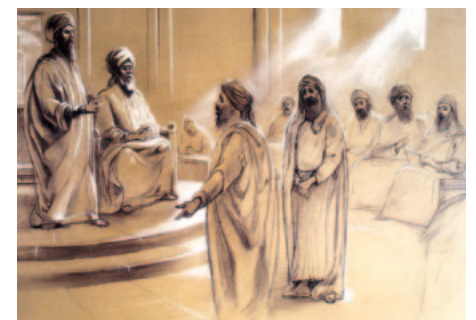
The witnesses to the sale of a person who were rendered conspiring witnesses – **עידי מכירה בנפש שהוזמו**: In a case where a pair of witnesses testify that one sold a fellow Jew, if there are no witnesses to the abduction, even if the witnesses are rendered conspiring witnesses they are not executed. The reason for this is that their testimony is incapable of rendering the accused liable to be executed, since he can claim that the man that he sold was his slave. If witnesses later testify to the abduction, even if it is apparent that the two pairs of witnesses were aware of each other's existence and even if they gesture to each other, the first pair is not liable to be executed (Rambam *Sefer Shofetim, Hilkhot Edut* 21:9).

A rebellious elder – **זקן ממרא**: If a Torah scholar rejects the ruling of his local court, he and those whose ruling he disputes ascend to Jerusalem and appear before the court that convenes at the entrance to the Temple Mount. If the matter remains unresolved, they proceed to the court that convenes at the entrance to the Temple courtyard. If the matter remains unresolved even then, they proceed to the Great Sanhedrin, which convenes in the Chamber of Hewn Stone and where the binding halakhic ruling is determined. If all the judges of the court agree to a ruling contrary to the ruling of the elder, and the elder returns to his city and continues to interpret the *halakha* contrary to the ruling of the Great Sanhedrin, he is not liable to be executed. If he instructs others to act in accordance with his ruling, or if he himself acts in accordance with his ruling, he is liable to be executed and does not require forewarning (Rambam *Sefer Shofetim, Hilkhot Mamrim* 3:8).

NOTES

A rebellious elder according to the court – **זקן ממרא על** – **פי בית דין**: There is an opinion that states that a rebellious elder is liable to be executed only if all his colleagues on the court rule contrary to his opinion, but if only the majority rule contrary to his opinion, although the *halakha* is not in accordance with his opinion, he is not liable to be executed (Meiri).

There were three courts there – **שלושה בתי דיניו היו שם**: Although every lesser Sanhedrin consists of twenty-three judges, whether it was in a small city, a large city, or in Jerusalem, the courts in and around the Temple would choose the most highly qualified judges from the courts throughout the country to fill the openings on the court. Therefore, the courts in Jerusalem were of a higher quality than the courts located throughout the country. The Great Sanhedrin that consisted of seventy-one judges and convened in the Chamber of Hewn Stone was greater than the lesser tribunals that convened in and around the Temple both in terms of wisdom and in terms of authority to establish the *halakha*.



Artist's conception of the Sanhedrin in the Chamber of Hewn Stone

ומחלוקת בן סורר ומורה: שנים אומרים "בפנינו גנב", ושנים אומרים: "בפנינו אכל".

אמר רב אסי: עידי מכירה בנפש שהוזמו אין נהרגין, מתוך שיכול לומר עבדי מכרתי.

אמר רב יוסף: במאן אולא הא שמעיתא דרב אסי? פרבי עקיבא, דאמר: "דבר" – ולא חצי דבר. אמר ליה אבוי: דאי פרבנן, נהרגין? הא "מתוך" קאמר!

אולא, אפילו תימא רבנן, ובדלא אתו עידי גניבה. אי הכי מאי למימרא? לא צריכא דאף על גב דאתו לבסוף.

ואבתי מאי למימרא? לא צריכא דקא מרמזי רמוזי מהו דתימא רמיוא מילתא היא. קא משמע לן רמיוא לאו בלום הוא.

And there is a dispute with regard to a stubborn and rebellious son in a case where two of the final witnesses, who testify after the son was already flogged for engaging in gluttonous and drunken conduct, say: **He stole in our presence, and two other witnesses say: He ate in our presence.**^H The dispute is whether the testimony of these two pairs of witnesses is testimony concerning an entire matter or testimony concerning half a matter.

Rav Asi says: The witnesses to the sale of a person who were rendered conspiring witnesses^H are not executed, due to the fact that the one against whom they testified could say: Although they testified that I sold an individual, it was my slave that I sold. In that case, the witnesses are not testifying that he violated a capital transgression, as they cannot attest to the fact that the individual he sold was first abducted.

Rav Yosef says: In accordance with whose opinion is that *halakha* of Rav Asi? It is in accordance with the opinion of Rabbi Akiva, who says: The testimony of witnesses is valid only when they attest to an entire matter and not to half a matter. Abaye said to Rav Yosef: According to your explanation, it is in accordance with the opinion of Rabbi Akiva, as, if it were in accordance with the opinion of the Rabbis, who hold: The testimony is valid when they testify to an entire matter and even when they testify to half a matter, are the conspiring witnesses executed? Doesn't Rav Asi say that they are not executed due to the fact that the one against whom they testified could say: Although they testified that I sold an individual, it was my slave that I sold? According to that reasoning, even the Rabbis would concede that they are not executed.

Rather, you may even say that Rav Asi's statement is in accordance with the opinion of the Rabbis, and it is concerning a case where only witnesses to the sale came to testify and witnesses to the abduction did not come to testify. In that case the accused can avoid punishment; therefore, the conspiring witnesses are not executed. The Gemara asks: If so, what is the purpose of stating that *halakha*? Obviously, in that case they are not executed, as there is no way to determine that the one he sold is not a slave. The Gemara answers: No, it is necessary to teach that they are not executed even if witnesses to the abduction ultimately came after the witnesses to the sale had testified and testified that he sold a freeman, not his slave.

The Gemara asks: But still, what is the purpose of stating that *halakha*? When the witnesses to the sale testified, their testimony was not sufficient to execute the accused. The Gemara answers: No, it is necessary to teach the *halakha* in a case where they are not executed even where the first and second pairs of witnesses gesture to one another, ostensibly indicating that the conspiring witnesses to the sale were aware that the witnesses to the abduction would follow and that therefore the initial witnesses are part of the conspiracy to testify and execute the accused. And consequently, it is necessary to teach this *halakha* lest you say: Gesturing is a significant matter, and the legal status of the two testimonies is that of a single testimony. Therefore, Rav Asi teaches us that gesturing is nothing of significance.

MISHNA A rebellious elder^H according to the court,^N who does not observe the ruling of the court, is executed by strangulation, as it is stated: "If there shall be a matter too hard for you in judgment... and you shall arise and ascend unto the place that the Lord your God shall choose... and you shall do according to the matter that they shall declare unto you... and the man that shall do so intentionally, not to listen... and that man shall die" (Deuteronomy 17:8–12). There were three courts there^N in Jerusalem. One convenes at the entrance to the Temple Mount, and one convenes at the entrance to the Temple courtyard, and one convenes in the Chamber of Hewn Stone.

מתני' זקן ממרא על פי בית דין, שנאמר: "כי יפלא ממך דבר למשפט" שלשה בתי דיניו היו שם, אחד יושב על פתח הר הבית, ואחד יושב על פתח העזרה, ואחד יושב בלשכת הגזית.

NOTES

This is what I interpreted...this is what I taught – כִּךְ – דְּרִשְׁתִּי...כִּךְ לִימְדֵתִי: Some explain this phrase as follows: This is what I taught in public lectures; this is what I taught to students in a more intimate setting. Another possible distinction is: This is what I interpreted through logical analysis of the verses; this is what I taught through application of hermeneutical principles (Tosefot Yom Tov).

HALAKHA

A student who instructs others to act – תְּלִמִיד שְׁהוֹרָה – לַעֲשׂוֹת: A rebellious elder is liable to be executed only if he is a Torah scholar capable of issuing halakhic rulings and is authorized to do so. If he is a student who is not yet capable of issuing halakhic rulings, and he instructs others to act contrary to the ruling of the Great Sanhedrin, he is exempt from liability and is not executed (Rambam Sefer Shofetim, Hilkhot Mamrim 3:5).

בְּאֵין לְוָה שְׁעַל פֶּתַח הַר הַבַּיִת, וְאוֹמֵר: "כִּךְ דְּרִשְׁתִּי, וְכִךְ דְּרִשׁוּ חֲבֵירֵי כִךְ לִימְדֵתִי, וְכִךְ לִימְדוּ חֲבֵירָי." אִם שָׁמְעוּ – אָמַר לָהֶם,

An elder who issues a ruling contrary to the ruling of his colleagues and his colleagues **come to that court that is at the entrance to the Temple Mount, and the elder says: This is what I interpreted and that is what my colleagues interpreted; this is what I taught^N and that is what my colleagues taught.** If the members of the court heard a clear halakhic ruling in that case, the court **says it to them.**

וְאִם לֹא – בְּאֵין לָהֶן לְאוֹתָן שְׁעַל פֶּתַח עוֹרָה. וְאוֹמֵר: "כִּךְ דְּרִשְׁתִּי וְכִךְ דְּרִשׁוּ חֲבֵירֵי כִךְ לִימְדֵתִי, וְכִךְ לִימְדוּ חֲבֵירָי." אִם שָׁמְעוּ, אָמַר לָהֶם.

And if not, they come to those judges who are convened at the entrance to the Temple courtyard, which is a more significant tribunal. And the elder says: **This is what I interpreted and that is what my colleagues interpreted; this is what I taught and that is what my colleagues taught.** If the members of the court heard a clear halakhic ruling in that case, the court **says it to them.**

וְאִם לֹא, אֵלּוּ וְאֵלּוּ בְּאֵין לְבֵית דִּין הַגָּדוֹל שֶׁבְּלִשְׁבַת הַגּוֹיִת, שְׁמַמְנוּ יוֹצֵא תוֹרָה לְכָל יִשְׂרָאֵל, שְׁנֵאֲמַר: "מִן הַמָּקוֹם הַהוּא אֲשֶׁר יִבְחַר ה'." תוֹר לְעִירוֹ, שְׁנֵה וְלִמְד בְּדֶרֶךְ שֶׁהִיא לְמִד, פְּטוֹר. וְאִם הוֹרָה לַעֲשׂוֹת, חַיִּיב, שְׁנֵאֲמַר: "וְהָאִישׁ אֲשֶׁר יַעֲשֶׂה בְּדוֹן" – אִינוּ חַיִּיב עַד שְׁיִוְרָה לַעֲשׂוֹת.

And if not, these judges and those judges come to the High Court, the Sanhedrin of seventy-one judges that is in the Chamber of Hewn Stone, from which Torah emerges to the entire Jewish people, as it is stated: "And you shall do according to the matter that they shall declare unto you from that place that the Lord shall choose and you shall observe to perform according to all that they shall teach you" (Deuteronomy 17:10). They are the ultimate arbiters who establish the *halakha* that is binding. If they ruled contrary to the ruling of the elder and the elder then returned to his city, and nevertheless, **he taught in the manner that he was teaching** previously, he is **exempt** from punishment. **But if he instructed others to act on the basis of his ruling that stands contrary to the ruling of the Sanhedrin, he is liable to be executed, as it is stated: "And the man that shall do so intentionally not to listen"** (Deuteronomy 17:12), meaning that **one is not liable unless he instructs others to act.**

תְּלִמִיד שְׁהוֹרָה לַעֲשׂוֹת פְּטוֹר. נִמְצָא חוֹמְרוֹ קוּלוֹ.

A student who is not yet an elder, i.e., he has not been ordained, **who instructs others to act^H contrary to the ruling of the Sanhedrin, is exempt**, as a ruling given prior to ordination is not a valid ruling. **It follows that his stringency is his leniency.** The stringency imposed upon the student that he is not sanctioned to issue rulings results in the leniency that if he instructs others to act on the basis of his ruling that is contrary to the ruling of the Sanhedrin, he is exempt.

גַּמ' תְּנוּ רַבְּנָן: "כִּי יִפְלֵא מִמֶּךָ דְבָר'

GEMARA The Sages taught with regard to that which is stated: "If there shall be a matter too hard for you in judgment, between blood and blood, between plea and plea, and between mark and mark, even matters of controversy within your gates, then you shall arise, and ascend to the place that the Lord your God shall choose" (Deuteronomy 17:8). **"If there shall be a matter too hard [yippaleh] for you";**

Perek X
Daf 87 Amud a

HALAKHA

With regard to the most distinguished member of the court – בְּמוֹפְלֵא שְׁבִיבֵית דִּין – מִמְּכָה: A rebellious elder is liable to be executed only if he is a Torah scholar who is qualified to issue halakhic rulings (Rambam Sefer Shofetim, Hilkhot Mamrim 3:5).

בְּמוֹפְלֵא שְׁבִיבֵית דִּין הַכְּתוּב מְדַבֵּר. 'מִמְּכָה' – זֶה יוֹעֵץ. וְכֵן הוּא אוֹמֵר: 'מִמְּכָה יִצָּא חֹשֶׁב עַל ה' רַעְיָה יַעֲזֵר בְּלִיעֵל. 'דְּבָר' – זוֹ הַלְכָה. 'לְמַשְׁפֵּט' – זֶה הַדִּין.

it is with regard to the most distinguished [*mufla*] member of the court,^H an ordained, expert judge, that the verse is speaking. "For you [*mimmekha*];" this is a reference to an adviser, who is consulted with regard to significant matters, e.g., intercalation of the year; and likewise it says: "From you [*mimmekh*] he emerged, who devised evil against the Lord, an adviser of wickedness" (Nahum 1:11). "A matter"; this a *halakha* transmitted to Moses from Sinai. "In judgment"; this is a logical inference, which is one of the hermeneutical principles.

בן סורר ומורה שרצו אביו ואמו למחול לו – מוחלין לו.

The second matter is that in the case of a **stubborn and rebellious son whose father and mother sought to forgive him^H** for his gluttonous and drunken conduct and decided not to bring him to court, **they can forgive him.**

זקן ממרא שרצו בית דינו למחול לו – מוחלין לו. וכשבאתי אצל חברי שבדרום, על שנים הודו לי על זקן ממרא – לא הודו לי, כדי שלא ירבו מחלוקת בישראל! תיובתא.

The third is that in the case of a **rebellious elder whom his court sought to forgive^H** for his deviation from their ruling, **they can forgive him. And when I came to my colleagues in the South, with regard to two of the cases they agreed with me, but with regard to a rebellious elder they did not agree with me, so that discord would not proliferate in Israel.** This supports the opinion of Rabbi Elazar and is a **conclusive refutation** of the opinion of Rav Kahana.

תנא: "אמר רבי יוסי: מתחילה לא היו מרבין מחלוקת בישראל. אלא בית דין של שבעים ואחד יושבין בלשכת הגזית, ושני בתי דינים של עשרים ושלשה, אחד יושב על פתח הר הבית ואחד יושב על פתח העזרה, ושאר בתי דינים של עשרים ושלשה יושבין בכל עירות ישראל."

It is taught in a *baraita* that Rabbi Yosei said: **Initially, discord would not proliferate among Israel.^N Rather, the court of seventy-one judges would sit in the Chamber of Hewn Stone. And there were two additional courts each consisting of twenty-three judges; one would convene at the entrance to the Temple Mount, and one would convene at the entrance to the Temple courtyard. And all the other courts consisting of twenty-three judges would convene in all cities inhabited by the Jewish people.**

הוצרך הדבר לשאול, שואלין מבית דין שבעירן. אם שמעו, אמרו להן, ואם לאו – באין לזה שפמוך לעירן. אם שמעו, אמרו להם, ואם לאו, באין לזה שעל פתח הר הבית. אם שמעו, אמרו להם, ואם לאו, באין לזה שעל פתח העזרה.

If the matter was unclear and it was necessary to ask and clarify it, those uncertain of the *halakha* would ask the court that is in their city. If the members of the court heard a clear halakhic ruling with regard to that matter, **they said it to them, and if not, they would come to a court that is adjacent to their city. If the members of the court heard a clear halakhic ruling with regard to that matter, they said it to them, and if not, they would come to the court at the entrance to the Temple Mount. If the members of the court heard a clear halakhic ruling with regard to that matter, they said it to them, and if not, they would come to the court at the entrance to the Temple courtyard.**

ואומר: כך דרשתי וכך דרשו חברי, כך למדתי וכך למדו חברי. אם שמעו, אמרו להם, ואם לאו, אלו ואלו באין ללשכת הגזית, ששם יושבין מתמיד של שחר עד תמיד של בין הערבים.

And the elder whose ruling deviated from the ruling of his colleagues says: **This is what I interpreted and that is what my colleagues interpreted; this is what I taught and that is what my colleagues taught. If the members of the court heard a clear halakhic ruling with regard to that matter, they said it to them, and if not, these judges and those judges would come to the Chamber of Hewn Stone, where the Sanhedrin would be convened from the time that the daily morning offering is sacrificed until the time that the daily afternoon offering is sacrificed.^{HB}**

HALAKHA

A stubborn and rebellious son whose father and mother sought to forgive him – וְאָמוּ לְמַחֹל לוֹ: If the father and mother of a stubborn and rebellious son seek to forgive him before his verdict is issued, he is exempt from punishment. The Rambam bases his ruling on the Jerusalem Talmud in order to determine the stage of the trial beyond which the parents can no longer forgive their son (Rambam *Sefer Shofetim, Hilkhot Mamrim* 7:8 and *Maggid Mishne* there).

Rebellious elder whom his court sought to forgive – זָקֵן מִמְרָא שֶׁרָצוּ בֵּית דִּינֵי לְמַחֹל לוֹ: Even if the court seeks to forgo its honor and forgive the rebellious elder, they may not do so, so that discord does not proliferate among Israel (Rambam *Sefer Shofetim, Hilkhot Mamrim* 3:4).

Time of the Sanhedrin's session – מִזְמַן מוֹשֵׁב סְנֵהֲדֵרִין: Judges convene the court from the end of the morning prayers until midday. The judges of the Sanhedrin would convene from the time that the daily morning offering was sacrificed until the daily afternoon offering was sacrificed (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 3:1).

NOTES

לא היו – לֹא הָיוּ: From the start of the tannaitic era, there were unresolved halakhic disputes, e.g., the dispute between the Sages who constituted the pairs with regard to whether one places his hands on the heads of animal offerings sacrificed on the Festival (see *Hagiga* 16a). Since there were always a small number of disputes, the Gemara employs the term proliferate.

BACKGROUND

Times of the daily offering – זְמַנֵּי הַקֶּרֶבֶת הַתְּמִיד: The daily morning offering was sacrificed before sunrise, when the entire eastern side of the sky was illuminated. This was approximately one seasonal half hour prior to sunrise, which during the autumnal and vernal equinoxes occurred at approximately five thirty in the morning. The daily afternoon offering was typically sacrificed at nine-and-a-half seasonal hours of the day, at approximately three thirty in the afternoon during the autumnal and vernal equinoxes.



Priest outside the Temple announcing the time of dawn

Time of the Sanhedrin's session on *Shabbatot* and Festivals – מושב סנהדרין גדולה בשבתות וימים טובים – On *Shabbatot* and Festivals, the Great Sanhedrin did not convene in the Chamber of Hewn Stone; rather, it assembled in the study hall that was on the Temple Mount. According to the Radbaz, this study hall was located in the rampart. Some explain that the Rambam's ruling is based on the Jerusalem Talmud and on the *Tosefta*, which disagree with the opinion of the Gemara here (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 3:1 and *Lehem Mishne* there).

The process of appointing judges – מגוי הדיינים – The members of the Great Sanhedrin would send emissaries throughout Eretz Yisrael seeking wise, God-fearing, humble, and well-regarded men to serve as judges on the court in their city. If they distinguish themselves in terms of stature and wisdom on the local court, they are recruited to serve on the court at the entrance to the Temple Mount, the court in the Temple courtyard, and the Great Sanhedrin in the Chamber of Hewn Stone (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 2:8).

When is a rebellious elder liable – מתי חייב יקן ממרא – A rebellious elder who heard the ruling of the Great Sanhedrin, returned to his city, and continued to teach contrary to that ruling is liable only if he instructs others to act on the basis of his ruling, or if he acts on the basis of his opinion. In those cases, he is liable to be executed (Rambam *Sefer Shofetim*, *Hilkhot Mamrim* 3:5).

ובשבתות ובימים טובים יושבין בחיל. נשאלה שאלה בפניהם. אם שמעו, אמרו להם, ואם לאו – עומדין למנין. רבו המטמאים, טמאו. רבו המטהרין, טהרו.

משרבו תלמידי שמאי והלל שלא שמשו כל צרכן – רבו מחלוקת בישראל. ונעשית תורה כשתי תורות.

משם כותבין ושו לחין בכל מקומות: כל מי שהוא חכם ושפל ברוך ודעת הבריות נוחה הימנו – יהא דין בעירו. משם מעלין אותו לחר הבית, משם לעזרה, משם ללשכת הגזית.

שלחו מתם: איזהו בן העולם הבא? ענוותן ושפל ברוך, שייף עייל שייף ונפיק, וגרים באורייתא תדירא, ולא מחזיק טיבותא לנפשיה. יהבו ביה רבנן עיניהון ברב עולא בר אבא.

“חזר לעירו ושנה.” תנו רבנן: “אינו חייב עד שיעשה בהוראתו, או שיורה לאחרים ויעשו בהוראתו.”

בשלמא “ורה לאחרים ויעשו בהוראתו” – מעיקרא לאו בר קטלא הוא, והשתא בר קטלא הוא. אלא “שיעשה בהוראתו”, מעיקרא נמי בר קטלא הוא! התינח היכא דאורי בחלב ודם, דמעיקרא לאו בר קטלא הוא, והשתא בר קטלא הוא. אלא היכא דאורי בחיבי מיתות בית דין, מעיקרא נמי בר קטלא הוא!

And on *Shabbatot* and Festivals, when court is not in session, the members of the court would sit at the rampart.^h When a question was asked before them, if the members of the court heard a clear halakhic ruling with regard to that matter, they would say it to them, and if not they would stand for a vote on the matter. If the judges who deemed the item in question ritually impure outnumbered those who deemed it pure, the court would deem the item impure. If the judges who deemed the item in question ritually pure outnumbered those who deemed it impure, the court would deem the item pure.ⁿ

From the time that the disciples of Shammai and Hillel grew in number, and they were disciples who did not attend to their masters to the requisite degree, dispute proliferated among the Jewish people and the Torah became like two Torahs. Two disparate systems of *halakha* developed, and there was no longer a halakhic consensus with regard to every matter.

The *baraita* continues its discussion of the workings of the Sanhedrin: From there, the Sanhedrin writes and dispatches the following statement to all places: Anyone who is wise and humbleⁿ and the minds of people are at ease with him shall be a judge in his city. If he is successful in his city, from there, they promote him to the court at the entrance to the Temple Mount if there is a vacant seat on the court, and from there they promote him to the court at the entrance to the Temple courtyard, and from there to the court in the Chamber of Hewn Stone.^h

Apropos the appointment of judges, the Gemara relates that they sent the following statement from there, i.e., Eretz Yisrael: Who is the one destined to receive a place in the World-to-Come? It is one who is modest and humble, who bows and enters and bows and exits,ⁿ and who studies Torah regularly, and who does not take credit for himself. The Sages cast their eyes on Rav Ulla bar Abba, as they perceived him as the embodiment of all these characteristics.

The mishna teaches: If the rebellious elder returned to his city and he taught in the manner that he was teaching previously, he is exempt from punishment, unless he instructs others to act on the basis of his ruling. The Sages taught: He is not liable unless he acts in accordance with his ruling, or he instructs others and they act in accordance with his ruling.^h

The Gemara challenges: Granted, if he instructs others and they act in accordance with his ruling there is a novel element in the fact that he is liable to be executed, as initially, before he was deemed a rebellious elder, he is not liable to receive the death penalty for instructing others to perform the transgression, and now, he is to receive the death penalty. But if he acts in accordance with his ruling, initially, before he was deemed a rebellious elder, he is also liable to receive the death penalty for performing that action. The Gemara clarifies the difficulty: This works out well in a case where he ruled with regard to forbidden fat and blood, as initially he would not have been liable to receive the death penalty; rather, he would have been liable to receive *karet*, and now he is liable to receive the death penalty. But in a case where he ruled with regard to a transgression for which one is liable to receive a court-imposed death penalty, initially, he is also liable to receive the death penalty.

NOTES

If the judges who deemed it ritually pure outnumbered those who deemed it impure they would deem it pure – רבו המטהרין טהרו: Several early commentaries write that with regard to the rebellious elder, one does not follow the majority. If even one of the members of the Great Sanhedrin supports his ruling, the rebellious elder is not executed. He is executed only if every member of the Great Sanhedrin disagrees with his ruling (Rabbeinu Yehonatan of Lunel; Meiri).

Wise and humble, etc. – חכם ושפל ברוך וכו': The attributes of a judge enumerated here are derived from the verse describing the judges appointed by Moses: “Get you, from each one of your tribes, wise men, and understanding, and well known, and I will place them at your head” (Deuteronomy 1:13). Well known in this context means well regarded by the public. The fact that the judges must be humble, a quality that does not appear in

the verse, was derived from Moses himself, who was the most humble of men (see Numbers 12:3 and Rambam).

Who bows and enters and bows and exits – שייף ועייל שייף – ונפיק: Some explain that bowing here refers to the residence of the praiseworthy Torah scholar. It is a modest residence into which one must bow his head in order to enter and exit (Maharsha).

Had I seen him from the front – אילו תזיתיה – מקמיה: Students must sit before their teacher so that they can all see him (Shulhan Arukh, Yoreh De'a 246:9).

תנא: לא רבי מאיר שמו, אלא רבי נהוראי שמו. ולמה נקרא שמו רבי מאיר – שהיא מאיר עיני חכמים בהלכה. ולא נהוראי שמו, אלא רבי נחמיה שמו, ואמרי לה: רבי אלעזר בן ערך שמו. ולמה נקרא שמו נהוראי – שמנהיר עיני חכמים בהלכה.

It was taught in a *baraita*: Rabbi Meir was not his name; rather, Rabbi Nehorai was his name. And why was he called by the name Rabbi Meir? It was because he illuminates [*meir*] the eyes of the Sages in matters of the *halakha*. And Rabbi Nehorai was not the name of the *tanna* known by that name; rather, Rabbi Neḥemya was his name, and some say: Rabbi Elazar ben Arakh was his name. And why was he called by the name Rabbi Nehorai? It is because he enlightens [*manhir*] the eyes of the Sages in matters of the *halakha*.

אמר רבי: האי דמתדנא מתבראי – דחזיתיה לרבי מאיר מאחוריה. ואילו חזיתיה מקמיה – הוה מתדנא טפי. דתיב: "והיו עיניך רואות את מוריך".

The Gemara relates that Rabbi Yehuda HaNasi said: The fact that I am more incisive than my colleagues is due to the fact that I saw Rabbi Meir from behind, i.e., I sat behind him when I was his student. Had I seen him from the front,^H I would be even more incisive, as it is written: "And your eyes shall see your teacher" (Isaiah 30:20). Seeing the face of one's teacher increases one's understanding and sharpens one's mind.

אמר רבי אבהו, אמר רבי יוחנן: תלמיד היה לו לרבי מאיר וסומכוס שמו, שהיה אומר על כל דבר ודבר של טומאה ארבעים ושמונה טעמי טומאה, ועל כל דבר ודבר של טהרה ארבעים ושמונה טעמי טהרה.

And the Gemara stated that Rabbi Abbahu said that Rabbi Yoḥanan said: Rabbi Meir had a disciple, and his name was Sumakhus, who would state with regard to each and every matter of ritual impurity forty-eight reasons in support of the ruling of impurity, and with regard to each and every matter of ritual purity forty-eight reasons in support of the ruling of purity.

תנא: תלמיד ותיק היה ביבנה שהיה מטהר את השרץ במאה וחמשים טעמים.

It was taught in a *baraita*: There was a distinguished disciple at Yavne who could with his incisive intellect purify the creeping animal,^N explicitly deemed ritually impure by the Torah, adducing one hundred and fifty reasons in support of his argument.

אמר רבינא: אני אדון ואטהרנו; ומה נחש שממית ומרבה טומאה – טהור, שרץ שאין ממית ומרבה טומאה לא כל שרץ?

Ravina said: I too will deliberate and purify it employing the following reasoning: And just as a snake that kills people and animals and thereby increases ritual impurity in the world, as a corpse imparts impurity through contact, through being carried, and by means of a tent, is ritually pure and transmits no impurity, a creeping animal that does not kill and does not increase impurity in the world, all the more so should it be pure.

ולא היא, מעשה קוץ בעלמא קעביד.

The Gemara rejects this: And it is not so; that is not a valid *a fortiori* argument, as it can be refuted. A snake is performing a mere act of a thorn. A thorn causes injury and even death; nevertheless, it is not ritually impure. The same applies to a snake, and therefore this *a fortiori* argument is rejected.

אמר רבי אבא, אמר שמואל: שלש שנים נחלקו בית שמאי ובית הלל, הללו אומרים הלכה כמותנו והללו אומרים הלכה כמותנו. יצאה בת קול ואמרה: אלו ואלו דברי אלהים חיים הן, והלכה כבית הלל.

Rabbi Abba said that Shmuel said: For three years Beit Shammai and Beit Hillel disagreed. These said: The *halakha* is in accordance with our opinion, and these said: The *halakha* is in accordance with our opinion. Ultimately, a Divine Voice emerged and proclaimed: Both these and those are the words of the living God.^N However, the *halakha* is in accordance with the opinion of Beit Hillel.

וכי מאחר שאלו ואלו דברי אלהים חיים, מפני מה זכו בית הלל לקבוע הלכה כמותן – מפני שנוחין ועלובין היו ושזינ דברייהו ודברי בית שמאי. ולא עוד אלא שמקדימין דברי בית שמאי לדבריהן.

The Gemara asks: Since both these and those are the words of the living God, why were Beit Hillel privileged to have the *halakha* established in accordance with their opinion? The reason is that they were agreeable and forbearing,^N showing restraint when affronted, and when they taught the *halakha* they would teach both their own statements and the statements of Beit Shammai. Moreover, when they formulated their teachings and cited a dispute, they prioritized the statements of Beit Shammai to their own statements, in deference to Beit Shammai.

NOTES

Purify the creeping animal – מטרה את השרץ: See *Tosafot's* comments on this statement. The plain sense of this idea is that excessive brilliance of this type, a trait listed among the qualities required of the Sages of the Sanhedrin, is a crucial characteristic of great Sages, enabling them to arrive at innovative conclusions. However, it is precisely for this reason that outstanding scholars were regarded with a certain measure of suspicion. Others were unable to discern whether or not they were utilizing their great talents to prove ideas that they themselves did not consider correct.

אלו – Both these and those are the words of the living God: Some commentaries refer to a midrash

that appears in the Jerusalem Talmud to resolve the difficulties raised by this statement: When God gave the Torah to Moses, He gave it to him with forty-nine rationales for purity and forty-nine rationales for impurity, meaning that the Torah itself, from the moment it was given, could be interpreted in either direction. Although the decisions with regard to the disputes were determined by the Sages throughout the generations, all the divergent opinions have their place in the Torah as it was given, and therefore: Both these and those are the words of the living God (Rabbeinu Nissim Gaon; Ritva).

Agreeable and forbearing – נוחין ועלובין: The early commentaries note the fact that the Sages of Beit Hillel were easy-

going and forbearing cannot serve as a rationale to rule in accordance with their opinion. In fact, the scholars of Beit Hillel comprised the majority of the Sages; and while the members of Beit Shammai were more brilliant than their colleagues in Beit Hillel, the *halakha* was decided in accordance with the majority opinion, as dictated by the Torah. It has also been suggested that since the scholars of Beit Hillel were easygoing and forbearing, they would closely analyze the rulings of Beit Shammai, who did not do the same with the rulings of Beit Hillel. Therefore, wherever the members of Beit Hillel disagreed, it is reasonable to assume that they had solid grounds for doing so.

HALAKHA

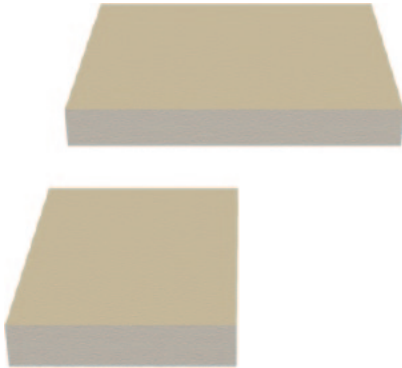
Whose head and most of his body were in the sukka – ראשו ורובו בסוכה: If one sits with his head and most of his body in the sukka, but his table is inside the house, it is as though he were not sitting in the sukka, in accordance with the opinion of Beit Shammai, with whom Beit Hillel ultimately agreed on this matter (Shulḥan Arukh, Oraḥ Ḥayyim 634:4).

The width of the cross beam – רוחב הקורה: A cross beam must be at least a handbreadth wide to render an alleyway fit for one to carry within it on Shabbat (Shulḥan Arukh, Oraḥ Ḥayyim 363:17).

The sturdiness of the cross beam – חזקת הקורה: A cross beam must be sturdy enough to support a small brick. In the Jerusalem Talmud, the criterion is that it be sturdy enough to support bricks lined up along its entire length, up to three handbreadths away from the two sides of the alleyway (Magen Avraham, based on Beit Yosef; Shulḥan Arukh, Oraḥ Ḥayyim 363:17).

BACKGROUND

A small brick and a large brick – אריח ולבנה: A large brick is usually a square of three by three handbreadths. A small brick, which is half a brick, is a rectangle three handbreadths long and one and a half handbreadths wide.



Large brick and small brick

כאותה ששנינו: "מי שהיה ראשו ורובו בסוכה ושלחנו בתוך הבית בית שמאי פוסלין ובית הלל מכשירין. אמרו בית הלל לבית שמאי: לא כך היה מעשה שהלכו וקני בית שמאי וקני בית הלל לבקר את רבי יוחנן בן החורנית, ומצאוהו יושב ראשו ורובו בסוכה ושלחנו בתוך הבית. אמרו להן בית שמאי: אי משם ראיה? אף הן אמרו לו: אם כך היית נוהג לא קנימת מצות סוכה מימך."

ללמדך, שכל המשפיל עצמו – הקדוש ברוך הוא מגביהו, וכל המגביה עצמו – הקדוש ברוך הוא משפילו. כל המחזיר על הגדולה – גדולה בורחת ממנו, וכל הבורח מן הגדולה – גדולה מחזרת אחריו. וכל הדוחק את השעה – שעה דוחקתו, וכל הנדחה מפני שעה – שעה עומדת לו.

תנו רבנן: שתי שנים ומחצה נחלקו בית שמאי ובית הלל, הללו אומרים: נוהג לו לאדם שלא נברא יותר משנברא, והללו אומרים: נוהג לו לאדם שנברא יותר משלא נברא. נמנו וגמרו: נוהג לו לאדם שלא נברא יותר משנברא, עכשיו שנברא – יפשפש במעשיו. ואמרי לה: ימשמש במעשיו.

מתני' הקורה שאמרו – רחבה כדי לקבל אריח. ואריח חצי לבנה של שלשה טפחים. דייה לקורה שתהא רחבה טפח כדי לקבל אריח לרחבו.

רחבה כדי לקבל אריח, ובריאה כדי לקבל אריח. רבי יהודה אומר: רחבה אף על פי שאין בריאה. היתה של קש ושל קנים – רואין אותה כאילו היא של מתכת.

עקומה – רואין אותה כאילו היא פשוטה, עגולה – רואין אותה כאילו היא מרובעת. כל שיש בהיקפו שלשה טפחים – יש בו רוחב טפח.

As in the mishna that we learned: In the case of one whose head and most of his body were in the sukka,¹ but his table was in the house, Beit Shammai deem this sukka invalid; and Beit Hillel deem it valid. Beit Hillel said to Beit Shammai: Wasn't there an incident in which the Elders of Beit Shammai and the Elders of Beit Hillel went to visit Rabbi Yoḥanan ben HaḤoranit, and they found him sitting with his head and most of his body in the sukka, but his table was in the house? Beit Shammai said to them: From there do you seek to adduce a proof? Those visitors, too, said to him: If that was the manner in which you were accustomed to perform the mitzva, you have never fulfilled the mitzva of sukka in all your days. It is apparent from the phrasing of the mishna that when the Sages of Beit Hillel related that the Elders of Beit Shammai and the Elders of Beit Hillel visited Rabbi Yoḥanan ben HaḤoranit, they mentioned the Elders of Beit Shammai before their own Elders.

This is to teach you that anyone who humbles himself, the Holy One, Blessed be He, exalts him, and anyone who exalts himself, the Holy One, Blessed be He, humbles him. Anyone who seeks greatness, greatness flees from him, and, conversely, anyone who flees from greatness, greatness seeks him. And anyone who attempts to force the moment and expends great effort to achieve an objective precisely when he desires to do so, the moment forces him too, and he is unsuccessful. And conversely, anyone who is patient and yields to the moment, the moment stands by his side, and he will ultimately be successful.

The Sages taught the following baraita: For two and a half years, Beit Shammai and Beit Hillel disagreed. These say: It would have been preferable had man not been created than to have been created. And those said: It is preferable for man to have been created than had he not been created. Ultimately, they were counted and concluded:² It would have been preferable had man not been created than to have been created. However, now that he has been created, he should examine his actions that he has performed and seek to correct them. And some say: He should scrutinize his planned actions³ and evaluate whether or not and in what manner those actions should be performed, so that he will not sin.

MISHNA The cross beam, which the Sages stated may be used to render an alleyway fit for one to carry within it, must be wide enough to receive and hold a small brick.⁴ And this small brick is half a large brick, which measures three handbreadths,⁵ i.e., a handbreadth and a half. It is sufficient that the cross beam will be a handbreadth in width, not a handbreadth and a half, enough to hold a small brick across its width.

And the cross beam must be wide enough to hold a small brick and also sturdy enough to hold a small brick⁶ and not collapse. Rabbi Yehuda says: If it is wide enough to hold the brick, even though it is not sturdy enough to actually support it, it is sufficient. Therefore, even if the cross beam is made of straw or reeds, one considers it as though it were made of metal.

If the cross beam is curved, so that a small brick cannot rest on it, one considers it as though it were straight,⁷ if it is round, one considers it as though it were square. The following principle was stated with regard to a round cross beam: Any beam with a circumference of three handbreadths is a handbreadth in width, i.e., in diameter.

NOTES

They were counted and concluded – נמנו וגמרו: Some commentaries explain that the question was whether or not the potential positive actions of a person are greater than his opportunities for failure. Ultimately, they counted the mitzvot and concluded that there are more negative precepts than positive precepts, which means that the danger of transgressing negative commandments is greater than the possibility of fulfilling positive ones. Due to this danger, it would have been preferable had a person not been created (Maharsha).

Examine and scrutinize – יפשפש וימשמש: Some explain that

a person should examine the actions that he has already performed and scrutinize the actions that he plans to undertake (Ritva). Others suggest that one should examine the totality of one's actions and scrutinize each individual action (Mesillat Yesharim).

Enough to receive a small brick – כדי לקבל אריח: In the Jerusalem Talmud, it is explained that the cross beam must be sturdy enough to bear a complete row of bricks along its entire length, with the bricks laid out lengthwise or widthwise. The rationale

is that otherwise the cross beam would look as though it were a small wooden plank not placed permanently in that spot.

Curved...as though it were straight – ...כאילו היא פשוטה היא כאילו היא עקומה: It is said in the Jerusalem Talmud that the entire latter section of the mishna is stated in accordance with the opinion of Rabbi Yehuda. According to most commentaries, that is not the understanding in the Babylonian Talmud, although some commentaries, including Rabbeinu Yehonatan, dispute this.

HALAKHA

Every person recites as he is – כל אדם כפי אדם – קורא כדרכו: One may recite *Shema* while walking, standing, reclining, or riding on an animal, but one may not do so while lying on his back. One who wishes to be stringent and who, when seated, stands in order to recite the *Shema* is called a transgressor, in accordance with the opinion of Beit Hillel (Rambam *Sefer Ahava, Hilkhot Keriat Shema* 2:2; *Shulhan Arukh, Orach Hayyim* 63:1–2).

LANGUAGE

Highwaymen [*listim*] – לִסְטִים: The source of the word is from the Greek ληστής, meaning thief or robber. The word originated in a misspelling.

In rabbinic literature, when used in the singular it generally refers to an unarmed thief. However, when used in the plural it refers to gangs of armed robbers, who primarily threaten travelers.

מתני' בית שמאי אומרים: בערב – כל אדם יטה ויקרא, ובבקר יעמוד, שנאמר: "ובשכבך ובקומך".

MISHNA Beit Shammai and Beit Hillel disputed the proper way to recite *Shema*. **Beit Shammai say: One should recite *Shema* in the manner indicated in the text of *Shema* itself. Therefore, in the evening every person must recline on his side and recite *Shema*, in fulfillment of the verse: "When you lie down," and in the morning he must stand and recite *Shema*, in fulfillment of the verse: When you rise, as it is stated: "When you lie down, and when you rise."**

ובית הלל אומרים: כל אדם קורא כדרכו, שנאמר: "ובלכתך בדרך".

And Beit Hillel say: Every person recites *Shema* as he is,^h and he may do so in whatever position is most comfortable for him, both day and night, as it is stated: "And when you walk along the way," when one is neither standing nor reclining (*Me'iri*).

אם כן, למה נאמר: "ובשכבך ובקומך"? – בשעה שבני אדם שוכבים ובשעה שבני אדם עומדים.

If so, according to Beit Hillel, why was it stated: "When you lie down, and when you rise"? This is merely to denote time; at the time when people lie down and the time when people rise.

אמר רבי טרפון: אני הייתי בא בדרך והייתי לקרות כדברי בית שמאי, וסכנתו בעצמי מפני הלסטים.

With regard to this *halakha*, Rabbi Tarfon said: Once, I was coming on the road when I stopped and reclined to recite *Shema* in accordance with the statement of Beit Shammai. Although Rabbi Tarfon was a disciple of Beit Hillel, he thought that fulfilling the mitzva in accordance with the opinion of Beit Shammai would be a more meticulous fulfillment of the mitzva, acceptable to all opinions. Yet in so doing, I endangered myself due to the highwaymen [*listim*]^l who accost travelers.

אמרו לו: כדי היית לחוב בעצמך, שעברת על דברי בית הלל.

The Sages said to him: You deserved to be in a position where you were liable to pay with your life, as you transgressed the statement of Beit Hillel. This statement will be explained in the Gemara.

Perek I

Daf 11 Amud a

HALAKHA

One who marries a virgin – הַבְּנוּם אֶת – הַבְּתוּלָה: One who marries a virgin is exempt from reciting *Shema* for the first three days and four nights following his wedding (*Magen Avraham*) if he has not yet consummated the marriage. It was customary to exempt a groom from the recitation of *Shema* on his wedding night, but that is no longer the practice; see below (Rambam *Sefer Ahava, Hilkhot Keriat Shema* 4:1; *Shulhan Arukh, Orach Hayyim* 70:3).

גמ' בשלמא בית הלל קא מפרשי טעמייהו וטעמא דבית שמאי, אלא בית שמאי – מאי טעמא לא אמרי בבית הלל?

GEMARA The Gemara begins by clarifying the rationale for Beit Shammai's opinion. **Granted, Beit Hillel explain the rationale for their opinion and the rationale for Beit Shammai's opinion.** Beit Hillel explain both the verse that ostensibly supports Beit Shammai's opinion: When you lie down, at the time when people lie down, etc., and the verse that proves that their own explanation is more reasonable: "And when you walk along the way." **However, what is the reason that Beit Shammai do not state their opinion in accordance with the opinion of Beit Hillel?**

אמרי לך בית שמאי: אם כן, נימא קרא בבקר ובערב, מאי 'בשכבך ובקומך', בשעת שכיבה – שכיבה ממש, ובשעת קומה – קומה ממש.

The Gemara answers, **Beit Shammai could have said to you: If so that the verse means only to denote the time for the recitation of *Shema*, as claimed by Beit Hillel, then let the verse say: "In the morning and in the evening."** What is the meaning of the ambiguous formulation: "When you lie down, and when you rise"? It must mean that at the time of lying down one must recite *Shema* while actually lying down, and at the time of arising one must recite *Shema* while actually risen.

ובית שמאי, האי זבלכתך בדרך, מאי עביד להו?

The Gemara continues, asking: **And what do Beit Shammai do with this verse: "And when you walk along the way," which Beit Hillel use to prove that every person recites *Shema* as he is?**

ההוא מבני להו לכדתנא: ב'בשבתך בביתך' – פרט לעוסק במצוה, 'ובלכתך בדרך' – פרט לחתן, מכאן אמרו: הבונים את הבתולה – פטור, ואת האלמנה – חייב.

The Gemara answers: Beit Shammai **need this verse** in order to derive other *halakhot*, as it was taught in a *baraita* which interpreted this verse that the obligation to recite *Shema* applies when you sit in your home, to the exclusion of one who is engaged in performance of a mitzva, who is exempt from the recitation of *Shema*; and when you walk along the way, to the exclusion of a groom, who is also exempt from the recitation of *Shema*. The *baraita* adds that from here, from this interpretation of the verses, they said: **One who marries a virgin^h is exempt from the recitation of *Shema* on his wedding night, but one who marries a widow is obligated.**

Rav Yehezkel – רב יחזקאל: Rav Yehezkel was a first generation Babylonian *amora*. Much is not known about Rav Yehezkel aside from certain details that were preserved primarily on account of his famous sons. He was apparently one of the Babylonian Sages who learned all of his Torah in Babylonia, and was not influenced by the Torah of Eretz Yisrael. Therefore he was well-versed in traditions transmitted by the Sages of Babylonia who preceded him. While Rav Yehezkel was not renowned for his Torah knowledge, he was acclaimed for his performance of mitzvot, and due to his piety, even Shmuel, one of the greatest *amora'im* of his generation, respected him greatly.

Rav Yehezkel had two famous sons. One of them was Rav Yehuda ben Yehezkel, the Rav Yehuda frequently cited, a student of Shmuel, and one of the outstanding Sages of the Talmud. His other son, Rami, Rav Ami bar Yehezkel, was one of the sharpest Sages of his generation, who occasionally is cited disagreeing with his famous brother.

תנו רבנן, בית הלל אומרים: עומדין וקורין, יושבין וקורין, ומטיין וקורין. הולכין בדרך וקורין, עושין במלאכתן וקורין. ומעשה ברבי ישמעאל ורבי אלעזר בן עזריה שהיו מסובין במקום אחד, והיה רבי ישמעאל מוטה ורבי אלעזר בן עזריה זקוף. בין שהגיע זמן קריאת שמע, הטה רבי אלעזר וזקף רבי ישמעאל. אמר לו רבי אלעזר בן עזריה לרבי ישמעאל: ישמעאל אחי, אמשול לך משל, למה הדבר דומה? – משל לאחד שאומרים לו זקנך מגודל, אמר להם: יהיה כנגד המשחיתים. אף כך אתה, כל זמן שאני זקוף – אתה מוטה, עבשיו בשאני הטה – אתה זקפת!

אמר לו: אני עשיתי כדברי בית הלל, ואתה עשית כדברי בית שמאי, ולא עוד אלא שמא יראו התלמידים ויקבעו הלכה לדורות.

מאי "ולא עוד?"

וכי תימא, בית הלל נמי אית להו מטיין – הני מילי דמטה ואתא מעיקרא, אבל הכא – בין דעד השתא הוית זקוף והשתא מוטה, אמרי שמע מינה כבית שמאי סבירא להו, שמא יראו התלמידים ויקבעו הלכה לדורות.

תני רב יחזקאל: עשה כדברי בית שמאי – עשה, כדברי בית הלל – עשה.

רב יוסף אמר: עשה כדברי בית שמאי – לא עשה ולא כלום, דתנן: מי שהיה ראשו ורובו בסוכה ושלחנו בתוך הבית – בית שמאי פוסלין, ובית הלל מכשירין.

The Sages taught in a *baraita* that Beit Hillel say: One may recite *Shema* in any situation: **Standing and reciting, sitting and reciting, reclining and reciting, walking and reciting and even working and reciting.** And in the *Tosefta* an incident is related where two *tanna'im*, Rabbi Yishmael and Rabbi Elazar ben Azarya, who were both disciples of Beit Hillel, were reclining at a meal in one place together with their students, and Rabbi Yishmael was reclined as was the customary dining position, and Rabbi Elazar ben Azarya was upright. When the time to recite the evening *Shema* arrived, Rabbi Elazar reclined to recite *Shema* in accordance with the opinion of Beit Shammai, while Rabbi Yishmael sat upright to recite *Shema*. Rabbi Elazar ben Azarya appeared to take offense, and said to Rabbi Yishmael: Yishmael, my brother, I will tell you a parable to which this is similar. It is comparable to a situation where one to whom people say as a compliment: **Your beard is full and suits you. That man says to them: May it be against those who shave and destroy their beards, i.e., the only reason I grow my beard is to irritate those who cut their own (Rashba). You are the same. As long as I am upright, you are reclined, and now when I reclined lauding your conduct and emulating you, you sat upright as if to demonstrate that whatever I do, you do the opposite.**

Rabbi Yishmael said to him: I acted in accordance with the opinion of Beit Hillel, according to whom one may recite *Shema* in any position, while you acted in accordance with the opinion of Beit Shammai. I am the one who acted in accordance with the *halakha*. And furthermore, I was concerned lest the students see your conduct and establish the *halakha* for generations accordingly. It was therefore necessary for me to demonstrate that there is no obligation to do so.

The Gemara asks: **What is the meaning of: And furthermore?** Why was it necessary for Rabbi Yishmael to add additional justification for his actions when the reason that he acted in accordance with the opinion of Beit Hillel was sufficient?

The Gemara answers: It was necessary for him to add this reason, as if you say: **Beit Hillel also hold** that one is permitted to recite *Shema* while reclining and Rabbi Yishmael could have remained reclining even in accordance with the opinion of Beit Hillel, but **this only applies when one had already been reclining originally**, in which case it is like any other position. However, here, since until now he had been upright, and now he is reclined, the students will say: **Conclude from this, that they hold in accordance with the opinion of Beit Shammai.** Due to the concern that the students might see and establish the *halakha* for generations in accordance with the opinion of Beit Shammai, it was necessary for Rabbi Yishmael to sit upright.

Rav Yehezkel⁹ taught: **One who acted in accordance with the opinion of Beit Shammai has acted appropriately and is not in violation of the *halakha*.** One who acted in accordance with the opinion of Beit Hillel acted appropriately as well. According to this opinion, Beit Hillel and Beit Shammai agree that one who acted in accordance with the opinion of the other fulfilled his obligation. Although the *halakha* was ruled in accordance with the opinion of Beit Hillel, Beit Hillel would agree that one who acted in accordance with the opinion of Beit Shammai fulfilled his obligation.

However, Rav Yosef said: **One who acts in accordance with the opinion of Beit Shammai has done nothing** and must repeat *Shema* in accordance with the opinion of Beit Hillel, as we learned in the mishna with regard to the *halakhot* of a *sukka*: **One who had his head and most of his body in the *sukka*, and his table upon which he was eating inside the house, Beit Shammai invalidate his action, as he is liable to be drawn after the table and end up eating outside the *sukka*. And Beit Hillel validate his action, since his head and most of his body remain inside the *sukka*.**

חייב מיתה – ליהאב ליהאב: Obviously, this is not to suggest that he would receive a court-imposed death penalty; rather, it is an expression that comes to underscore the severity of this matter. This stems from the fact that establishment of the *halakha* in accordance with the opinion of Beit Hillel is one of the central determinations in the development of *halakha*. Once this determination was made after a harsh, protracted dispute, anyone who does not accept it undermines the very foundation of halakhic decision-making.

And two thereafter – ושתים לאחריה: The Jerusalem Talmud explains that an additional blessing was instituted at night in order to render it parallel to the day. Since in Eretz Yisrael the custom was not to recite the portion of the ritual fringes at night, because the mitzva does not apply at night, the Sages instituted an additional blessing to replace that portion.

אחת ארוכה ואחת קצרה – One long and one short: The question of how to understand this simple phrase, one long and one short, is the subject of a vigorous and unresolved debate between the commentaries. According to Rashi, one long and one short refers to the two blessings recited after the evening *Shema*. However, Rabbeinu Tam shows that although this is the most expedient based on the language of the mishna, it is difficult to accept for other reasons. Therefore, he suggested alternative possibilities. One possibility is that the phrase refers to the blessing of *emet ve'emuna* and states a general principle: Whether a blessing is long or short, one may not alter its formula.

אמרו להם בית הלל לבית שמאי: מעשה שהלכו וקני בית שמאי וקני בית הלל לבקר את רבי יוחנן בן החורנית. מצאוהו שהיה ראשו ורובו בסוכה ושולחנו בתוך הבית, ולא אמרו לו כלום.

אמרו להם: ומשם ראיה? אף הם אמרו לו: אם כן היית נוהג, לא קימת מצות סוכה מימך.

רב נחמן בר יצחק אמר: עשה כדברי בית שמאי – חייב מיתה, דתנן אמר רבי טרפון: אני הייתי בא בדרך והשתי לקרות כדברי בית שמאי, וסכנתני בעצמי מפני הלסטים. אמרו לו: כדאי היית לחוב בעצמך, שעברת על דברי בית הלל.

מתני' בשחר מברך שתים לפניך ואחת לאחריה, ובערב מברך שתים לפניך ושתים לאחריה, אחת ארוכה ואחת קצרה.

מקום שאמרו להאריך – אינו רשאי לקצר, לקצר – אינו רשאי להאריך, להתום – אינו רשאי שלא להתום, שלא להתום – אינו רשאי להתום.

גמ' מאי מברך?

אמר רבי יעקב אמר רבי אושעיא:

Beit Hillel said to Beit Shammai as a proof: There was an incident where the elders of Beit Shammai and the elders of Beit Hillel went on *Sukkot* to visit Rabbi Yoḥanan ben HaḤoranit. They found him with his head and most of his body in the *sukka* and his table inside the house and they said nothing to him. In other words, even Beit Shammai did not object.

Beit Shammai said to them: And is there proof from there? That is not what happened, rather they said to him explicitly: If you have been accustomed to act in this manner, you have never in your life fulfilled the mitzva of *sukka*. We see that Beit Shammai held that anyone who did not act in accordance with their opinion, did not fulfill his obligation at all. Similarly, since Beit Hillel's opinion was accepted as *halakha*, anyone who acts in accordance with the opinion of Beit Shammai fails to fulfill his obligation.

Rav Nahman bar Yitzhak stated an even more extreme opinion: One who acted in accordance with the opinion of Beit Shammai has acted so egregiously that he is liable to receive the death penalty,^h as we learned in our mishna that Rabbi Tarfon said to his colleagues: Once, I was coming on the road when I stopped and reclined to recite *Shema* in accordance with the statement of Beit Shammai. Yet in so doing, I endangered myself due to the highwaymen who accost travelers. The Sages said to him: You deserved to be in a position where you were liable to pay with your life, as you transgressed the statement of Beit Hillel.

MISHNA From the laws of the recitation of *Shema* itself, the mishna proceeds to discuss the blessings recited in conjunction with *Shema*. Here, the order is established: In the morning when reciting *Shema*, one recites two blessings beforehand,^h the first on the radiant lights and the second the blessing on the love of Torah, and one thereafter, which begins with: True and Firm [*emet veyatziv*]. And in the evening one recites two blessings beforehand, on the radiant lights and on the love of God, and two thereafter,ⁿ the blessing of redemption: True and Faithful [*emet ve'emuna*], and the blessing: Help us lie down. With regard to the blessing: True and Faithful, whether one recites it in its long formula and whether one recites it in its shortⁿ formula, he fulfills his obligation (*Tosafot*).

However, the general principle is: Where the Sages said to recite a long blessing, one may not shorten it, and so too, wherever they said to recite a short blessing, one may not lengthen it.^h Where the Sages said that a blessing must conclude with a second blessing at the end, he may not fail to conclude with that blessing. Similarly, if the Sages said that a blessing must not conclude with a second blessing, one may not conclude with a blessing.

GEMARA The Gemara begins by determining the formula of the two blessings preceding the morning *Shema*. The Gemara asks: What blessing does one recite?

Rabbi Ya'akov said in the name of Rabbi Oshaya: The blessing focuses on the verse:

HALAKHA

In the morning when reciting *Shema* one recites two blessings beforehand – בשחר מברך שתים לפניך וכו' – Two blessings are recited before the morning *Shema* and one thereafter. Two blessings are recited before the evening *Shema* and two thereafter, in accordance with the ruling in our mishna (Rambam *Sefer Ahava, Hilkhot Keriat Shema* 1:5; *Shulḥan Arukh, Oraḥ Hayyim* 59:1, 60:1–2, 66:10, 236:1).

Where the Sages said to recite a long blessing – מקום שאמרו – לקצר וכו' – One may not alter the formulas of blessings as for-

mulated by the Sages. For example, one may neither lengthen the formula of a short blessing nor shorten the formula of a long blessing. On this basis, some prohibit adding liturgy in the middle of these blessings (*Tur, Oraḥ Hayyim* 68) although others permit it (*Rema*). Similarly, one may neither begin nor conclude a blessing with *barukh* if the Sages did not include it in the original formula of the blessing (Rambam *Sefer Ahava, Hilkhot Keriat Shema* 1:7; *Shulḥan Arukh, Oraḥ Hayyim* 68:1 and in the comments of the *Rema*).