

## NOTES

**Are frightened** – דְּבִעֵיתִי: Rashi explains that had there been no forest the bears would have been too frightened to attack the youths. The Maharsha, however, maintains that since the appearance of the bears was miraculous, ordinary animal behavior is irrelevant. Instead, he explains that if the bears would have attacked in the open, the lads would have seen them, become frightened, and ran away. The forest was therefore necessary to prevent them from observing the bears' approach.

רַב וּשְׁמוּאֵל, חֵד אָמַר: נֵם, וְחֵד אָמַר: נֵם  
בְּתוֹךְ נֵם. מֵאֵן דְּאָמַר נֵם – יַעַר הָהוּא, דּוּבִים  
לֹא הוּוּ; מֵאֵן דְּאָמַר נֵם בְּתוֹךְ נֵם – לֹא יַעַר  
הָהוּא וְלֹא דּוּבִים הָווּ. וְלִיהוּי דּוּבִים וְלֹא  
לִיהוּי יַעַר! דְּבִעֵיתִי.

Rav and Shmuel had a dispute with regard to this episode. **One** says there was a **miracle**, and **one** says there was a **miracle within a miracle**. The Gemara explains: **The one who says there was a miracle** claims that **there was already a forest** in that place but **there were no bears**, and the miracle was the appearance of bears. **The one who says it was a miracle within a miracle** claims that **neither was there a forest nor were there bears** in that area. The Gemara asks with regard to the second opinion: Why was a double miracle required? **And let there be bears and no forest**; the forest served no role in the story, so why was it created? The Gemara explains: The forest was necessary, **as bears are frightened<sup>NB</sup>** to venture into open areas but will attack people in their natural habitat, a forest.

## BACKGROUND

**Are frightened** – דְּבִעֵיתִי: Despite the fact that bears are large, strong animals that are quite capable of killing people, it is not common for bears, especially the species that were found in Eretz Yisrael, to attack human beings. Generally, when a bear

encounters a person it will turn aside and try to avoid confrontation. When a person enters the territory of the bear, especially the territory of a female bear protecting her young, the bear will overcome its fear of humans and will attack.

Due to forty-two, etc. – בשביל ארבעים ושנים וכו' – Balak's aim in bringing those offerings was to curse Israel and decrease their population, and this occurred with the death of those children (Maharsha).

Rabbi Hanina says: Due to forty-two<sup>N</sup> offerings that Balak, king of Moab, brought when he tried to have Balaam curse the Jewish people, **forty-two children were broken off from Israel**, in that incident involving Elisha. The Gemara asks: **Is that so?** Was that the reward for his offerings?

But didn't Rav Yehuda say that Rav says: **A person should always engage in Torah study and in performance of mitzvot, even if he does so not for their own sake, as through such acts performed not for their own sake, one will come to perform them for their own sake.** He proves the value of a mitzva done not for its own sake: **As in reward for the forty-two offerings that Balak, king of Moab, brought, he merited that Ruth descended from him, from whom King Solomon descended, about whom it is written that he brought many offerings: "A thousand burnt-offerings did Solomon offer up"** (1 Kings 3:4). And Rabbi Yosei ben Hōni similarly says: **Ruth was the daughter of Eglon, son of Balak.** These Sages state that Balak's reward was to have Ruth descend from him, not that a number of Jewish people perish. The Gemara answers: **His desire, in any event, was to curse the Jewish people, and his reward for sacrificing his offerings was that the curse was fulfilled in the incident involving Elisha, as well.**

The Gemara returns to discussing the incident involving Elisha: **"And the men of the city said to Elisha: Behold, please, the situation of this city is pleasant, as my lord sees, but the water is bad and the land miscarries"** (II Kings 2:19). The Gemara asks: **But if the water is bad and the land causes women to miscarry, what is pleasant about it?** Rabbi Hanin says: **The grace of a place is upon its inhabitants, i.e., people are fond of their hometown despite its shortcomings.** Rabbi Yoḥanan says: **There are three graces that have a similar impact: The grace of a place upon its inhabitants; the grace of a woman upon her husband, despite her faults; and the grace of a purchased item upon its buyer, as one who has bought something views it in a positive light.**

§ The Sages taught: **Elisha fell ill three times. One was a punishment for inciting the bears to attack the children; and one was a punishment for pushing Gehazi away with both hands, without leaving him the option to return; and one was the sickness from which he died, as an expression of illness is stated three times in the verse about Elisha: "And Elisha became sick [hala] with his illness [holyo] from which he would die"** (II Kings 13:14). The root *het, lamed, heh*, which indicates illness, is used twice in this verse, and it is stated once that Elisha will die.

The Sages taught: **It should always be the left, weaker, hand that pushes another away and the right, stronger, hand that draws him near.** In other words, even when a student is rebuffed, he should be given the opportunity to return. This is not like Elisha, who pushed Gehazi away with both hands, and not like Yehoshua ben Perahya, who pushed Jesus the Nazarene, one of his students, away with both hands.

The Gemara specifies: **What was that incident with Elisha? As it is written: "And Naaman said: Pray, take talents"** (II Kings 5:23). Naaman offered Gehazi payment for the help Elisha had given him, and when the verse recounts Elisha's words to Gehazi, it is written: **"And he said to him: Did not my heart go, when the man turned back from his chariot to meet you? Is it a time to take money, and to take garments, and olives, and vineyards, and sheep, and oxen, and servants, and maidservants?"** (II Kings 5:26). Here Elisha criticizes Gehazi for taking the payment.

אמר רבי חנינא: בשביל ארבעים ושנים קרבנות שהקריב בלק מלך מואב, הובקעו מישראל ארבעים ושנים ילדים. איני?

והאמר רב יהודה אמר רב: לעולם יעסוק אדם בתורה ובמצוות ואף על פי שלא לשמה, שמתוך שלא לשמה בא לשמה, שבשכר ארבעים ושנים קרבנות שהקריב בלק מלך מואב, זכה ויצתה ממנו רות, שיצא ממנו שלמה שכתוב ביה "אלף עלות יעלה שלמה", ואמר רבי יוסי בן חוני: רות בתו של עגלון בנו של בלק היתה! תאנתו מיהא לקללה הוי.

"ויאמרו אנשי העיר אל אלישע הנה נא מושב העיר טוב כאשר אדני ראה" וגו'. וכי מאחר דמים רעים וארץ משבולת, אלא מה טובתה? אמר רבי חנין: חן מקום על יושביו. אמר רבי יוחנן, שלשה חינויות הן: חן מקום על יושביו, חן אשה על בעלה, חן מקח על מקחו.

תנו רבנן, שלשה חלאין חלה אלישע: אחד שגירה דובים בתנינוקות, ואחד שדחפו לגחזי בשתי ידים, ואחד שמות בו, שנאמר: "ואלישע חלה את חליו אשר ימות בו".

תנו רבנן: לעולם תהא שמאל דוחה וימין מקרבת, לא כאלישע שדחפו לגחזי בשתי ידיו, ולא ביהושע בן פרחיה שדחפו לישו הנוצרי מתלמידיו בשתי ידיו.

אלישע מאי היא? דכתיב: "ויאמר נעמן הואיל קח בכרים", וכתיב: "ויאמר אליו לא לבי הלך כאשר הפך איש מעל מרכבתו לקראתך העת לקחת את הכסף ולקחת בכרים וזיתים וכרמים וצאן ובקר ועבדים ושפחות?"

The eight creeping animals – שְׁמֹנֶה שְׂרָצִים: These are eight creeping animals, small mammals and lizards, whose carcasses impart ritual impurity upon contact (Leviticus 11:29–30). As there is no clear oral tradition with regard to the identity of these animals, determination of their identity involves educated conjecture. Even commonly accepted identifications, such as the dab lizard [tzav] and the mouse [akhbar], are subject to debate, and the Talmud's description of these animals is insufficient to provide definitive identifications.

Magnetic rock – אָבֶן שׁוֹאֵבֶת: People were already aware in ancient times that certain compounds, such as iron oxide, attract chunks of iron. The use of ruses such as this to purport to demonstrate the power of idols was common in that time and in the Near East, especially in Egypt.

King Yannai was killing the Sages – קַאָּ קַטִּיל יַנַּאי: King Yannai, who tended, as did his father, toward the camp of the Sadducees, had an open break with the Sages after his defeat in the battle with the Nabateans. According to Josephus (Antiquities of the Jews, book 13), the split was deepened after he refused to perform the ritual of the water libation in the Temple. He was then pelted with *etrogim* from the crowd that was present there, and he had his army kill those who were in the Temple. This led to a civil war, lasting several years. After Yannai was victorious in this war, he killed many of his opponents, including many of the leaders of the Pharisees. Several of those leaders, Rabbi Yehoshua ben Peraḥya among them, escaped to outside Eretz Yisrael, while others, among them Rabbi Shimon ben Shataḥ, hid within Eretz Yisrael. Although there was a period of calm in the later years of Yannai's reign, it seems that only after his death, when control had passed into the hands of the Pharisees, did all of the Sages return to Eretz Yisrael.

Alexandria of Egypt – אֶלֶכְסַנְדְּרִיָּא שֶׁל מִצְרַיִם: Since there were many cities in Asia and Africa that were called Alexandria, the Gemara specified that this refers to the Alexandria in Egypt. There was a large and important Jewish community in Alexandria for many generations, and its central synagogue was famous for its tremendous size. Many of the great Sages visited there and discussed many issues that arose in connection with that community. This community was apparently destroyed in the cruel crushing of the Jewish rebellion in the years 66 and 115 CE.

Jesus the Nazarene – יֵשׁוּ הַנּוֹצְרִי: Many scholars, first and foremost several of the Tosafists, have pointed out that Rabbi Yehoshua ben Peraḥya and Yannai lived, at the latest, around the year 76 BCE. This means that it is impossible that the Jesus referred to in the story was the founder of Christianity. He must have been a different person with the same name. It may be that the other talmudic references to Jesus are to this person, or it may be that some of those references are to the founder of Christianity.

וּמִי שֶׁקָּל כּוֹלֵי הָאֵי? בְּסָף וּבְגֵדִים הוּא דְשִׁקְלוּ! אָמַר רַבִּי יִצְחָק: בְּאוֹתָהּ שָׁעָה הָיָה אֵלֶי שָׁעָ עוֹסֵק בְּשִׁמְנֵה שְׂרָצִים. אָמַר לוֹ: רְשָׁעִי! הֲגִיעַ עֵת לִישׁוֹל שִׁבְרֵי שְׁמֹנֶה שְׂרָצִים. "וְאַרְבַּעַה אֲנִישִׁים תִּדְבֹּק בָּךְ וּבְיֹרְעֶךָ לְעוֹלָם." "וְאַרְבַּעַה אֲנִישִׁים הָיוּ מִצְרָעִים" – אָמַר רַבִּי יוֹחָנָן: זֶה גְּחָזִי וּשְׁלֹשֶׁת בָּנָיו.

"וַיָּבֵא אֵלָיו שָׁעָ דְמִשְׁקָ" – לְמָה הִלֵּךְ? אָמַר רַבִּי יוֹחָנָן: שֶׁהִלֵּךְ לְהַחֲזִירוֹ לְגִחְזִי בְּתַשְׁבּוּהָ, וְלֹא חָזַר. אָמַר לוֹ: חָזוּר בְּךָ! אָמַר לוֹ, כִּךְ מְקוּבְלָנִי מִמֶּךָ: כָּל מִי שֶׁחָטָא וְהִחְטִיא אֶת הָרַבִּים – אֵין מְסַפְקִין בִּידוֹ לַעֲשׂוֹת תְּשׁוּבָה.

מַאי עֲבַד? אֵיכָּא דְאָמְרִי: אָבֶן שׁוֹאֵבֶת תִּלָּה לֹא לְחֻטָּאת יִרְבַּעַם וְהַעֲמִידוּ בֵּין שְׁמַיִם לְאַרְצָא. וְאֵיכָּא דְאָמְרִי: שֵׁם חֶקֶק לָהּ אַפּוּמָה, וְהִיתָה אוֹמְרַת "אֲנֹכִי," וְלֹא יִהְיֶה לָךְ.

וְאֵיכָּא דְאָמְרִי: רַבָּנִי דְחָה מִקְמֵיהּ, דְכָתִיב: "וַיֹּאמְרוּ בְנֵי הַנְּבִיאִים אֶל אֱלֹהֵי שָׁעָ הֲנֵה נָא הַמְקוֹם אֲשֶׁר אֲנַחְנוּ יֹשְׁבִים שָׁם לְפָנֶיךָ צָר מִמֶּנּוּ," מִכְּלָל דְעַד הָאֵינְנָא לֹא הָיָה דְחִיק.

יְהוֹשֻׁעַ בֶּן פְּרָחְיָה מַאי הָיָה? בְּדַהֲוָה קַאָּ קַטִּיל יַנַּאי מְלָכָא לְרַבָּנִי שְׁמַעוֹן בֶּן שִׁטָּח אֲטַמְיָהוּ אַחֲתֵיהּ. רַבִּי יְהוֹשֻׁעַ בֶּן פְּרָחְיָה אָזַל עָרַק לְאַלְכְסַנְדְּרִיָּא שֶׁל מִצְרַיִם. כִּי הָיָה שְׁלָמָא שְׁלַח לֵיהּ שְׁמַעוֹן בֶּן שִׁטָּח: מִנֵּי יְרוּשָׁלַיִם עִיר הַקּוֹדֶשׁ לָךְ אֶלְכְסַנְדְּרִיָּא שֶׁל מִצְרַיִם: אַחֲזִיתִי בְעַלִּי שְׂרׁוּי בְּתוֹכְךָ, וְאֲנִי יוֹשֵׁבֶת שׁוֹמְמָה! אָמַר: שְׁמַע מִינָּה הָיָה לֵיהּ שְׁלָמָא.

כִּי אֲתָא אֶקְלַע לָהּ הוּא אוֹשְׁפִיּוּא. קָם קַמְיָהוּ בִיקְרָא שְׁפִיר. עֲבַדִּי לֵיהּ יִקְרָא טוֹבָא. יְתִיב וְקַאָּ מְשִׁתְּבַת: כְּמָה נָאֶה אֲכַסְנָא?! אָמַר לֵיהּ יֵשׁוּ הַנּוֹצְרִי: רַבִּי עֵינֵיהּ טְרוּטוֹת! אָמַר לֵיהּ: רְשָׁע, בְּכֶךָ אֲתָה עוֹסֵק! אֲפִיק אַרְבַּע מֵאָה שְׁפׁוּרִי וְשִׁמְתֵיהּ. כָּל יוֹמָא אֲתָא לְקַמְיָהּ, וְלֹא קַבְּלֵיהּ.

The Gemara clarifies the criticism: **And did he take all that?** But it was only money and garments that he took. Rabbi Yitzḥak says: **At that time, Elisha was engaged in the study of the topic of the eight impure creeping animals.**<sup>b</sup> He said to Gehazi: **Wicked one, it is time for you to receive now, in this temporal world, the reward for studying the topic of the eight impure creeping animals.** This is why the verse lists eight items. The Gemara adds parenthetically that Elisha also said to Gehazi: **"And the leprosy of Naaman shall cleave to you and to your descendants forever"** (II Kings 5:27), and that the verse later states: **"Now there were four leprous men"** (II Kings 7:3), about whom Rabbi Yoḥanan says: **This is referring to Gehazi and his three sons.**

The verse states: **"And Elisha came to Damascus"** (II Kings 8:7). The Gemara asks: **For what purpose did he go there?** Rabbi Yoḥanan says: **He went to help Gehazi in repentance, but Gehazi would not agree to repent from his evil ways. Elisha said to him: Return from your sins. Gehazi said to him: This is the tradition that I received from you: Whoever sins and caused the masses to sin is not given the opportunity to repent.**

The Gemara asks: **What did Gehazi do that caused the masses to sin?** **There are those who say that he hung a magnetic rock<sup>b</sup> on Jeroboam's calf, the golden calf that Jeroboam established as an idol, and used a magnet to pull the calf off the ground so that he suspended it between heaven and earth, i.e., caused it to hover above the ground.** This seemingly miraculous occurrence caused the people to worship it even more devoutly. **And there are those who say: He engraved the sacred name on its mouth, and it would say: "I am the Lord your God" and: "You shall not have other gods"** (Exodus 20:2). The idol would quote the two prohibitions from the Ten Commandments against idol worship, causing people to worship it even more devoutly.

**And there are those who say:** Gehazi pushed the Sages away from coming before him, preventing them learning from Elisha, as it is written, after the aforementioned incident: **"And the sons of the prophets said to Elisha, behold this place where we are staying before you is too cramped for us"** (II Kings 6:1). This proves by inference that until that time the place was not cramped, as Gehazi would turn people away.

The Gemara returns to the incident in which Yehoshua ben Peraḥya turned away Jesus the Nazarene: **What is this incident?** **When King Yannai was killing the Sages,**<sup>b</sup> Shimon ben Shataḥ was hidden by his sister, Yannai's wife, while Rabbi Yehoshua ben Peraḥya went and fled to Alexandria of Egypt.<sup>b</sup> **When peace was made between Yannai and the Sages, Shimon ben Shataḥ sent him the following letter: From myself, Jerusalem the holy city, to you, Alexandria of Egypt. My sister, my husband dwells within you, and I am sitting desolate. Rabbi Yehoshua ben Peraḥya said: I can learn from it that there is peace, and I can return.**

**When he came back to Eretz Yisrael, Rabbi Yehoshua arrived at a certain inn. The innkeeper stood before him, honoring him considerably, and overall they accorded him great honor.** Rabbi Yehoshua ben Peraḥya then sat and was praising them by saying: **How beautiful is this inn. Jesus the Nazarene,**<sup>b</sup> one of his students, said to him: **My teacher, but the eyes of the innkeeper's wife are narrow [terutot].**<sup>l</sup> **Rabbi Yehoshua ben Peraḥya said to him: Wicked one, is this what you are engaged in, gazing at women? He brought out four hundred shofarot and excommunicated him. Every day Jesus would come before him, but he would not accept his wish to return.**

LANGUAGE

Narrow [terutot] – טְרוּטוֹת: It may be that the source of this word is from the Greek *δηρός*, *dēros*, which means long or excessively long. It may also be from the Latin *teretis*, which means with rounded corners, smooth, or polished. In this context, it seems to mean that her eyes were extremely narrow.

Stood up a brick – יָקַח לְבִינְיָא: It is not known if this was a common form of idol worship, or if he, in anger, simply picked up an item at hand. There are bricks that have been found with the image of idols carved into them, and perhaps in this incident he took a brick that had the image of an idol on it.

## NOTES

יצר. תינוק ואשה – Evil inclination, a child, and a woman – Most understand the term evil inclination to be referring to sexual desire. The *ge'onim* explain that if one attempts to repress his sexual desire entirely, he will be unable to sustain this in the long term and will end up transgressing actual prohibitions. The Meiri similarly writes that a person cannot maintain the sublimation of his sexual desire, as it is an essential part of human nature. Others state that a person should not suppress sexual desire completely, as it is necessary to populate the world (see Rashi).

The left should reject, etc. – שְׂמָאל דְּחָה וְכוּ: The inference is that one should use the weaker hand for rejecting, indicating that it should not be done with full force (see *lyyun Ya'akov*).

תצא ותרעה – Shall go out and graze among the herd – *תצא ותרעה*: Rashi writes, based on *Karetot* 25a, that the *tanna* of this mishna disagrees with the opinion that it is prohibited to benefit from a heifer whose neck is broken from the time it is brought down to the valley, even before being killed, and that is why it may rejoin the flock. The Jerusalem Talmud, however, states the reverse, that this mishna offers support for the opinion that the heifer is forbidden while it is yet alive, as the term: Shall go out, indicates that it was previously sacred and now goes back to its previous, non-sacred status. The Rambam cites both rulings as *halakha*: It is prohibited to benefit from the heifer once it enters the valley and it may go out to graze.

I saw the killer – ראייתי את ההורג – The wording of the mishna indicates that the ritual is not performed if a witness merely saw the killer, even if he does not know who he is. However, it is stated in the Jerusalem Talmud that the witness must be aware of the identity of the killer, and *Tosefot HaRosh* explains similarly.

Tehina ben Perisha, etc. – ותחינה בן פרישה וכו' – *Tosefot Yom Tov* expresses puzzlement at this, as it is unclear from the mishna why this man was given two names. He therefore prefers a version of the text according to which the mishna discusses two people, Eliezer ben Dinai and someone else named Tehina ben Perisha, the latter of which was later called son of a murderer. Other commentaries explain that he was first called ben Dinai because he would sue [*mitdayen*] and fight people, and later he was given the nickname of ben Perisha, as he was separated [*parush*] and estranged from human society. When his behavior deteriorated further, they simply called him: Son of a murderer (*Tiferet Yisrael*). Alternatively, he was initially dubbed Tehina ben Perisha because he acted for the sake of Heaven, as *tehina* means supplication and *perishut* means asceticism, but when he became corrupt they called him son of a murderer (*Ben Yehoyada*).

## PERSONALITIES

Ben Dinai – בן דינאי: Ben Dinai, or ben Dunai, is also mentioned as a famous murderer in tractate *Ketubot*. He is also mentioned by his contemporary, Josephus Flavius, who tells that ben Dinai led a band of armed robbers and murderers in the Galilee for twenty years, until the Romans, using subterfuge, captured him and brought him to judgment in Rome. Although it is not explicitly stated, it seems, based on the context of Josephus's writings, that ben Dinai was also active politically, a type of partisan leader who fought against the Roman rule. This would also explain why he was brought to Rome for judgment and not judged in Eretz Yisrael.

One day, Rabbi Yehoshua ben Perahya was reciting *Shema* when Jesus came before him. He intended to accept him on this occasion, so he signaled to him with his hand to wait. Jesus thought he was rejecting him entirely. He therefore went and stood up a brick<sup>8</sup> and worshipped it as an idol. Rabbi Yehoshua ben Perahya said to him: Return from your sins. Jesus said to him: This is the tradition that I received from you: Anyone who sins and causes the masses to sin is not given the opportunity to repent. The Gemara explains how he caused the masses to sin: For the Master said: Jesus the Nazarene performed sorcery, and he incited the masses, and subverted the masses, and caused the Jewish people to sin.

It is taught in a *baraita* that Rabbi Shimon ben Elazar says: With regard to the evil inclination, to a child, and to a woman,<sup>n</sup> the left hand should reject<sup>n</sup> and the right hand should welcome. If one pushes too forcefully, the damage might be irreversible.

**MISHNA** If the killer is found<sup>h</sup> before the heifer's neck was broken, the heifer shall go out and graze among the herd.<sup>n</sup> It is not considered sacred at all, and it may rejoin the other animals. If the killer is found from the time when the heifer's neck was broken, even if the rest of the ritual has not yet been performed, it is prohibited to benefit from the animal, despite the killer having been found; it should be buried in its place. This is because the heifer initially came for uncertainty, as the killer was unknown, and it atoned for its uncertainty and left, i.e., it fulfilled its purpose of bringing atonement and is considered a heifer whose neck is broken in all regards. If the heifer's neck was broken and afterward the killer was found, he is killed. The ritual does not atone for him.

If one witness says: I saw<sup>h</sup> the killer,<sup>n</sup> and one other witness says: You did not see him; or if a woman says: I saw, and another woman says: You did not see, they would break the neck of the heifer, as without clear testimony about the identity of the killer the ritual is performed. Similarly, if one witness says: I saw the killer, and two witnesses say: You did not see,<sup>h</sup> they would break the neck of the heifer, as the pair is relied upon. If two witnesses say: We saw<sup>h</sup> the killer, and one witness says to them: You did not see, they would not break the neck of the heifer, as there are two witnesses to the identity of the killer.

The mishna further states: From the time when murderers proliferated,<sup>h</sup> the ritual of the heifer whose neck is broken was nullified. The ritual was performed only when the identity of the murderer was completely unknown. Once there were many known murderers, the conditions for the performance of the ritual were no longer present, as the probable identity of the murderer was known. From the time when Eliezer ben Dinai,<sup>p</sup> who was also called Tehina ben Perisha,<sup>n</sup> came, they renamed him: Son of a murderer. This is an example of a publicly known murderer.

## HALAKHA

If the killer is found – נמצא ההורג: If the killer is found before the heifer's neck is broken, it goes out to graze with the rest of the herd. If he is found after the breaking of the neck, the animal is buried where it is, as it was brought only due to uncertainty in the first place. The killer is executed even if he is found after the heifer's neck was broken (Rambam *Sefer Nezikim, Hilkhot Rotze'ah UShmirat HaNefesh* 9:14).

One witness says: I saw, etc. – עד אחד אומר ראיתי וכו' – In a case where one witness said: I saw the killer, while another witness contradicts his claim, saying: You did not see him, if the two witnesses came to the court together, the ritual would be performed (Rambam *Sefer Nezikim, Hilkhot Rotze'ah UShmirat HaNefesh* 9:13).

And two say: You did not see – ושנים אומרים לא ראית – If one witness came and said: I saw the killer, and two others said

to him: You did not see him, they would break the neck of the heifer (Rambam *Sefer Nezikim, Hilkhot Rotze'ah UShmirat HaNefesh* 9:14).

And two say: We saw, etc. – שנים אומרים ראינו וכו' – If two witnesses said: We saw the killer, and one other witness said: You did not see him, they would not break the neck of the heifer (Rambam *Sefer Nezikim, Hilkhot Rotze'ah UShmirat HaNefesh* 9:14).

From the time when murderers proliferated – משרבו הרוצחנין – Once murderers openly proliferated, the ritual of the heifer whose neck is broken was nullified, as the court would not perform the ritual if anyone saw the killer, and it is assumed that someone must have witnessed him (Rambam *Sefer Nezikim, Hilkhot Rotze'ah UShmirat HaNefesh* 9:12).

יומא חד הוה קרי קרית שמע, אָתָא לְקַמֵּיהּ. הוּהּ בְּדַעְתֵּיהּ לְקַבּוּלֵיהּ. אָחֳוֵי לֵיהּ בִּידֵיהּ. סָבַר מִדְּחָא דְחֵי לֵיהּ. אָוּל זְקַף לְבִינְיָא פְּלָחָא. אָמַר לֵיהּ: חֲזוּר בְּדָן! אָמַר לֵיהּ: כִּן מְקוּבְלִי מִמֶּךָ, כֹּל הַחוּטָא וּמַחְטֵיָא אֶת הַרְבִּים – אֵין מְסַפֵּיקִין בִּידוֹ לְעֵשׂוֹת תְּשׁוּבָה. דְּאָמַר מַר: יֵשׁוּ הַנוּצְרֵי בִישׁוֹף וְהִסִּית וְהִדְיָח וְהַחְטִיא אֶת יִשְׂרָאֵל.

תנא, רבי שמעון בן אלעזר אומר: יצר, תינוק ואשה, תהא שמאל דוחה ומימין מקרבת.

מתני' נמצא ההורג, עד שלא נערפה העגלה – תצא ותרעה בעדר. משנערפה העגלה – תקבר במקומה, שעל ספק באתה מתחילתה, כיפרה ספיקה והלכה לה. נערפה העגלה ואחר כך נמצא ההורג – הרי זה יהרג.

עד אחד אומר: ראיתי את ההורג, ועד אחד אומר: לא ראית, אשה אומרת: ראיתי, ואשה אומרת: לא ראית – היו עורפין. עד אחד אומר: ראיתי, ושנים אומרים: לא ראית – היו עורפין. שנים אומרים: ראינו, ואחד אומר להן: לא ראיתם – לא היו עורפין.

משרבו הרוצחנין – בטלה עגלה ערופה. משבא אליעזר בן דינאי ותחינה בן פרישה היה נקרא – חזרו לקרותו בן הרצחן.

From the time when adulterers proliferated, etc. – מִשְׂרֵבוּ הַמְּנַאֲפִים וְכוּ': Once adulterous men openly proliferated, the Sanhedrin nullified the rite of the bitter waters, in reliance upon the prophet's words: "I will not punish your daughters when they commit harlotry, nor your daughters-in-law when they commit adultery." The Ramban writes that the waters would not be effective in testing a man's wife even if his son or a member of his household was an adulterer (Rambam *Sefer Nashim, Hilkhot Sota* 3:19).

NOTES

There is no cluster to eat – אֵין אֶשְׂבֹּל לֵאכֹל: In this verse, Micah laments that there are no more great people with whom he can associate, indicating that a great person is called a cluster.

מִשְׂרֵבוּ הַמְּנַאֲפִים – פָּסְקוּ הַמַּיִם הַמְּרִים, וְרַבִּי יוֹחָנָן בֶּן זַכַּי הִפְסִיקוּן שְׁנֵאמַר: "לֹא אֶפְקֹד עַל בְּנוֹתֵיכֶם כִּי תִזְנֶינָה וְעַל בְּלוֹתֵיכֶם כִּי תִנְאַפְנָה בִּי הֵם" וגו'.

מִשְׁמַת יוֹסֵי בֶן יוֹעֵזֶר אִישׁ צְרִידָה וְיוֹסֵי בֶן יְהוּדָה אִישׁ יְרוּשָׁלַיִם – בְּטָלוּ הָאֶשְׂבֹּלוֹת, שְׁנֵאמַר: "אֵין אֶשְׂבֹּל לֵאכֹל בְּפוּרָה אֹתָהּ נִפְשֵׁי". יוֹחָנָן בֶּן זַכַּי גְּדוֹל הָעֵבֶיר הוֹדִינִית הַמַּעֲשֵׂה; אִף הוּא בָטַל אֶת הַמְעוֹרְרִין וְאֶת הַנּוֹקְפִין.

The mishna teaches a similar occurrence: From the time when adulterers proliferated,<sup>14</sup> the performance of the ritual of the bitter waters was nullified; they would not administer the bitter waters to the *sota*. And it was Rabbi Yohanan ben Zakkai who nullified it, as it is stated: "I will not punish your daughters when they commit harlotry, nor your daughters-in-law when they commit adultery; for they consort with lewd women" (Hosea 4:14), meaning that when the husbands are adulterers, the wives are not punished for their own adultery.

From the time when Yosei ben Yo'ezer of Tzereida and Yosei ben Yehuda of Jerusalem died, the clusters ceased, i.e., they were the last of the clusters, as explained in the Gemara, as it is stated: "There is no cluster to eat;<sup>15</sup> nor first-ripe fig that my soul desires" (Micah 7:1). The mishna continues in the same vein: Yohanan the High Priest took away the declaration of the tithe. After his time, no one recited the passage about the elimination of tithes that had previously been said at the end of a three-year tithing cycle. He also nullified the actions of the awakeners and the strikers at the Temple.

Perek IX  
Daf 47 Amud b

NOTES

Does not exempt him – שָׂאִין פּוֹטְרֵת אוֹתוֹ: Why would one think the ritual of breaking the heifer's neck should exempt the murderer from punishment? One answer is that there are verses indicating that in the execution of a murderer there is also an element of bringing atonement for the land upon which the murder has taken place. It might be thought that the ritual of the breaking the heifer's neck could obviate this need, and as for the punishment of the murderer, that could be left to the hand of God. The mishna needs to teach that this is not the case, and the court still needs to execute him (*Devar Shaul*).

Even one at the end of the world – אֶפִּילוֹ אֶחָד בְּסוֹף: Although the murderer cannot be convicted based on the testimony of a lone witness, the ritual of the heifer whose neck is broken is performed only if the murderer's identity is not known by anyone. The later commentaries discuss the issue of how the court would know that there is one witness at the end of the world, and whether the court can rely on mere rumor in this matter (*Nahal Eitan*).

HALAKHA

Consequently if it was known, etc. – הֵיא נֹדַע וְכוּ': If the identity of the murderer was known they would not break the heifer's neck (Rambam *Sefer Nezikin, Hilkhot Rotze'ah UShmirat HaNefesh* 9:1).

עַד יָמָיו הָיָה פְּטִישׁ מִכָּה בִירוּשָׁלַיִם; וּבְיָמָיו אֵין צְרִידָה לְשֹׂאֵל עַל הַדְּמָאִי.

גַּמ' תִּנּוּ רַבָּנַן: מִמֶּנּוּ שָׂאִין נִעְרַפָּה הָעֵגְלָה וְאַחַר כֵּן נִמְצָא הַהוֹרֵג, שָׂאִין פּוֹטְרֵת אוֹתוֹ? תִּלְמוּד לֹאמַר: "וְלֹאֲרָץ לֹא יִכְפֹּר לְדָם אֲשֶׁר שִׁפַּךְ בָּהּ כִּי אִם בַּדָּם שִׁפְכוּ."

"עַד אֶחָד אוֹמֵר רְאִיתִי אֶת הַהוֹרֵג" כו'. טַעַמָּא דְּמַכְחִישׁ לֵיהּ, הָא לֹא מַכְחִישׁ לֵיהּ – עַד אֶחָד מֵהֵימָן.

מִנְהֵי מִיֵּלִי? דִּתְנִי רַבָּנַן: "לֹא נֹדַע מִי הִכָּהוּ", הָא נֹדַע מִי הִכָּהוּ – אֶפִּילוֹ אֶחָד בְּסוֹף הָעוֹלָם – לֹא הָיָה עוֹרְפִין; רַבִּי עֲקִיבָא אוֹמֵר: מִמֶּנּוּ לְסַנְהֶדְרִין שָׂרְאוּ אֶחָד שְׁהָרַג אֶת הַנֶּפֶשׁ וְאֵין מַכְיָרִין אוֹתוֹ, שְׂלֵא הָיָה עוֹרְפִין? תִּלְמוּד לֹאמַר: "וְעֵינֵינוּ לֹא רָאוּ", וְהֵלֵא רָאוּ.

הַשְׁתָּא דְּאִמְרַת עַד אֶחָד מֵהֵימָן, אֵינְךָ תֵּד הֵיכִי מִצֵּי מַכְחִישׁ לֵיהּ? וְהָאֵמַר עוֹלָא: כֵּל מְקוּם שְׁהֵאֲמִינָה תוֹרָה עַד אֶחָד הָרִי כְּאֵן שְׁנַיִם, וְאֵין דְּבָרֵיו שְׂלֵא אֶחָד בְּמְקוּם שְׁנַיִם! אֵמַר לָךְ עוֹלָא, תִּנּוּ: לֹא הָיָה עוֹרְפִין. וְכֵן אֵמַר רַבִּי יִצְחָק, תִּנּוּ: לֹא הָיָה עוֹרְפִין.

Until his days the hammer of smiths would strike in Jerusalem on the intermediate days of a Festival, but he banned the practice. And furthermore, in his days there was no need to inquire about doubtfully tithed produce [*demai*], as everyone was careful to tithe.

**GEMARA** The Sages taught: From where is it derived that if the heifer's neck was broken and afterward the killer was found, then the breaking of the neck does not exempt him<sup>16</sup> from punishment? The verse states: "And the land shall not be atoned, for the blood that was spilled in it, but by the blood of he who spilled it" (Numbers 35:33).

The mishna taught that if one witness says: I saw the killer, and another testifies: You did not see him, they would break the heifer's neck. The Gemara infers: The reason they break the neck is because the second witness contradicts him, but if no one contradicts him, one witness is relied upon, and they do not break the heifer's neck.

From where are these matters derived? The Gemara answers that it is as the Sages taught in a *baraita*: It states with regard to the heifer whose neck is broken: "It is not known who has smitten him" (Deuteronomy 21:1). Consequently, if it was known<sup>17</sup> who smote him, even if it was only one person at the end of the world<sup>18</sup> who knew, they would not break the neck of the heifer. Rabbi Akiva says: From where is it derived that if the members of the Sanhedrin themselves saw one person kill someone, but they do not recognize him, then they would not break the neck of the heifer? The verse states: "Nor did our eyes see" (Deuteronomy 21:7), and did they not see? Seeing the murder alone obviates the need for the performance of the ritual.

The Gemara poses a question: Now that you have said that in this case one witness is relied upon, if so, how is the other one able to contradict him? Didn't Ulla say: Wherever the Torah relies on one witness, there is the equivalent of the testimony of two witnesses here, and the statement of one witness has no standing in a place where it is contradicted by two witnesses. The Gemara answers: Ulla could have said to you that the text of the mishna should be emended and teach the mishna in this way: They would not break the neck of the heifer. And Rabbi Yitzhak also said to teach: They would not break the neck.

Here, simultaneously – כִּאֵן בְּבֵת אֶחָת – If one witness came and said: I saw the murderer, and another witness, who arrived together with the first, contradicts his claim and states: You did not see him, they would break the neck. If, however, the testimony of the first witness was accepted before the second one came and contradicted his claim, the court disregards the testimony of the second witness and they do not break the heifer's neck, in accordance with the opinion of Ulla (Rambam *Sefer Nezikin, Hilkhhot Rotze'ah UShmirat HaNefesh* 9:13).

And Rabbi Ḥiyya said that one should teach: They would break the neck. The Gemara asks: And according to Rabbi Ḥiyya, the above ruling of Ulla is difficult. The Gemara answers: This is not difficult, as here, in the mishna, the case is discussing when two witnesses came simultaneously,<sup>h</sup> and therefore both of their testimonies are rejected; whereas there, with regard to the statement of Ulla, it is referring to a case when they testified one after the other. Ulla rules that once the testimony of the first witness has been accepted the testimony of the second witness cannot nullify it.

We learned in the mishna: If one witness says: I saw the killer, and two say: You did not see, they would break the neck. This cannot be stated just to teach us this *halakha*, as the fact that two witnesses override one witness is well known. The Gemara assumes that it is stated for the following inference: Therefore, if one testified, and the other one then testified, they would not break the neck. This appears to be a conclusive refutation of Rabbi Ḥiyya, who has the text of: They would break the neck.

The Gemara answers: And according to your reasoning that the mishna states its cases in order to teach an inference, say the latter clause of the mishna: If two witnesses say: We saw, and one witness says: You did not see, they would not break the neck. The Gemara makes an inference from this clause: Therefore, if one came and then the other one came, i.e., they did not come simultaneously, they would break the neck. The two inferences from the different clauses of the mishna consequently contradict one another, and the mishna needs to be explained differently.

Rather, the correct understanding is that the entire mishna is not dealing with valid witnesses and stating an obvious *halakha* in order to enable an inference, but instead it is dealing with people who are disqualified from bearing witness and is also teaching us a novel ruling. And the mishna is in accordance with the opinion of Rabbi Nehemya, who says: Wherever the Torah relies on one witness, follow the majority of opinions. In other words, if the testimonies of two disqualified witnesses conflict, the court rules in accordance with the testimony provided by more witnesses, whether or not they are qualified to testify. And they established that with regard to the testimony of two women, who are usually disqualified from testifying, when they testify against one man, it should be like that of two men against one man, and the court will rule in accordance with the testimony of the two women.

And there are those who say a different version of Rabbi Nehemya's opinion: Anywhere that one valid witness came<sup>h</sup> at the outset, even one hundred women who later contradict him are considered like one witness, and do not override his testimony. And with what are we dealing here in the mishna? A case where a woman came at the outset,<sup>h</sup> and testified that she saw the killer. Then two other women arrived to contradict her statement. And according to this interpretation you must emend the statement of Rabbi Nehemya so that it reads like this: Rabbi Nehemya says: Wherever the Torah relies on one witness, follow the majority of opinions. And they established that two women<sup>h</sup> against one woman are like two men against one man. But two women in opposition to one man who is a valid witness is like half of a pair of witnesses and half of a pair of witnesses, and the mishna did not address that case.

HALAKHA

ורבי חייא אמר, תני: היו עורפין, ולרבי חייא קשיא דעולא! לא קשיא: כאן בבית אחת, כאן בזה אחר זה.

תני: עד אחד אומר "ראיתי את ההורג" ושנים אומרים "לא ראית" – היו עורפין; הא חד וחד – לא היו עורפין. תיובתא דרבי חייא!

ולייטעמיד, אימא סיפא: שנים אומרים "ראינו" ועד אחד אומר "לא ראיתם" – לא היו עורפין; הא חד וחד – היו עורפין!

אלא, מתניתין כולה בפסולי עדות, וכדרכי נחמיה, דאמר: כל מקום שהאמינה תורה עד אחד – הלך אחר רוב דעות, ועשו שתי נשים באיש אחד כשני אנשים באיש אחד.

ואיכא דאמרי: כל היכא דאתא עד אחד כשר מעיקרא – אפילו מאה נשים כי אחד דמיון, והכא במאי עסקינן – בגון דאתאי אשה מעיקרא, ותראה לרבי נחמיה הכי, רבי נחמיה אומר: כל מקום שהאמינה תורה עד אחד – הלך אחר רוב דעות, ועשו שתי נשים באשה אחת כשני אנשים באיש אחד, אבל שתי נשים באיש אחד – כי פלגא ופלגא דמי.

כִּלְהֵיבָא דְאֶתָּא – כל היכא דאתא עד אחד כשר וכו' – If one witness came and said: I saw the murderer, and two women or other disqualified witnesses came and said: You did not see him, they do not break the heifer's neck (Rambam *Sefer Nezikin, Hilkhhot Rotze'ah UShmirat HaNefesh* 9:15).

Where a woman came at the outset – רִאֵתַי אִשָּׁה מְעִיקְרָא – If a woman says: I saw the murderer, and another woman says: You did not see him, whether they came simultaneously or one after the other they would break the heifer's neck. The Ra'avad maintains that the court follows the first witness in that case even if the others are disqualified male witnesses (Rambam *Sefer Nezikin, Hilkhhot Rotze'ah UShmirat HaNefesh* 9:14).

They established that two women, etc. – עִשׂוּ שְׁתֵּי נָשִׁים וכו' – If two women or two disqualified witnesses say: We saw the murderer, and one valid witness says: You did not see him, they would break the heifer's neck. Even if one hundred disqualified witnesses were contradicted by a single valid witness, they are relied upon equally. The Ra'avad states that if the valid witness came before the court after the disqualified witnesses had testified, the court follows the majority opinion (Rambam *Sefer Nezikin, Hilkhhot Rotze'ah UShmirat HaNefesh* 9:16).

We follow the majority opinion – אֲלוּיִן בְּתֵר רֹב – דְּעוֹת: If three invalid witnesses came and said: We saw the murderer, and four other invalid witnesses stated that the first group did not see him, they break the heifer's neck. The principle is that the court follows the majority opinion in a case of disqualified witnesses (Rambam *Sefer Nezikin, Hilkhot Rotze'ah UShmirat HaNefesh* 9:17).

וְתִרְתִּי פְסוּלֵי עֵדוֹת לָמָּה לִּי? מֵהוּ דְתִימָא:  
כִּי אֲלוּיִן בְּתֵר רֹב דְּעוֹת – לְחֻמְרָא. אֲבָל  
לְקוּלָּא – לָא. קָא מְשַׁמְעֵ לָן.

”מְשַׁרְבוּ הַרוֹצְחִין” כּו'. תְּנִי רַבָּנָן: מְשַׁרְבוּ  
הַרוֹצְחִין – בְּטֻלָּה עֲגֻלָּה עֲרוּפָה, לְפִי שְׂאִינָה  
בְּאָה אֵלָא עַל הַסְּפֵק. מְשַׁרְבוּ הַרוֹצְחִין  
בְּגֻלְיָ – בְּטֻלָּה עֲגֻלָּה עֲרוּפָה.

”מְשַׁרְבוּ הַנּוֹאֲפִין” כּו'. תְּנִי רַבָּנָן: וְנִקָּה הָאִישׁ  
מֵעוֹן, בְּזִמְן שֶׁהָאִישׁ מְנוּקָה מֵעוֹן – הַמִּים  
בוֹדְקִין אֶת אִשְׁתּוֹ. אִין הָאִישׁ מְנוּקָה מֵעוֹן –  
אִין הַמִּים בוֹדְקִין אֶת אִשְׁתּוֹ. וְאוֹמֵר: “לֹא  
אֶפְקוֹד עַל בְּנוֹתֵיכֶם כִּי תִזְנֶינָה” כּו'.

מֵאִי “וְאוֹמֵר”? וְכִי תִימָא, עוֹן דִּידִיָּה – אִין,  
דְּבִנְיָה וְדִבְנִיָּה – לָא, תָּא שְׁמַע: “לֹא אֶפְקוֹד  
עַל בְּנוֹתֵיכֶם כִּי תִזְנֶינָה וְעַל בְּלוֹתֵיכֶם כִּי  
תִנְאַפְנָה”.

וְכִי תִימָא, עוֹן אִשְׁתֵּי אִישׁ – אִין, עוֹן דְּפְנוּיָה –  
לָא, תָּא שְׁמַע: “כִּי הֵם עִם הַזְנוּת יִפְרְדוּ וְעִם  
הַקְדָּשׁוֹת יִזְבְּחוּ” וּגו'.

The Gemara poses a question on these two interpretations of the mishna: **And why do I need two cases in the mishna to teach the halakha that the majority opinion of those disqualified from bearing witness is followed?** The Gemara explains: It is necessary, **lest you say that when we follow the majority opinion<sup>n</sup>** in the case of invalid witnesses, this is when it results in a decision **to be stringent** and require the performance of the ritual. **But** when it results in a decision **to be lenient** and say that the ritual is not required, we do **not** follow the majority opinion, and the performance of the ritual is required even if there is one witness saying that the killer was not seen. Therefore, the mishna **teaches us** that there is no difference in this regard, and the majority opinion is followed in any case.

**S** The mishna taught that **from the time when murderers proliferated**, the ritual of the heifer whose neck is broken was nullified. **The Sages taught: From the time when murderers proliferated**, the ritual of the heifer whose neck is broken was nullified, because it comes only for a case involving uncertainty with regard to the identity of the murderer. Therefore, **when there was an increase of murderers acting openly<sup>n</sup>** so that their identities were known, the ritual of the heifer whose neck is broken was nullified.

The mishna also taught that **from the time when adulterers proliferated**,<sup>n</sup> the performance of the ritual of the bitter water of a *sota* was nullified. **The Sages taught:** It states: “**And the man shall be cleared of transgression**, and that woman shall bear her transgression” (Numbers 5:31), which indicates that **when the man is clear of transgression the waters evaluate if his wife was unfaithful**, but **if the man is not clear of transgression the waters do not evaluate if his wife was unfaithful**. **And it states: “I will not punish your daughters when they commit harlotry**, nor your daughters-in-law when they commit adultery; for they consort with lewd women, and they sacrifice with prostitutes; and the people that is without understanding is distraught” (Hosea 4:14).

The Gemara clarifies: **What is the purpose of the addition of: And it states?** What is lacking in the exposition from the verse of the Torah? The Gemara explains: **And if you would say** that based on the verse: “**And the man shall be cleared of transgression**,” the *halakha* would be that with regard to **his transgression, yes**, it will cause the waters to be ineffective, but the transgression of **his sons and daughters<sup>n</sup>** does not impact the effectiveness, **come and hear** the verse: “**I will not punish your daughters**,” i.e., I will not punish your wives, due to your daughters, “**when they commit harlotry, nor your daughters-in-law when they commit adultery**.”

**And if you would say:** With regard to the **transgression of adultery with a married woman, yes**, it will cause the waters to be ineffective, but the **transgression of one who engaged in sexual intercourse with an unmarried woman does not** impact the effectiveness, **come and hear** the continuation of the verse: “**For they consort with lewd women, and they sacrifice with prostitutes**.”

## NOTES

**Murderers acting openly** – הַרוֹצְחִין בְּגֻלְיָ: The reason for the ritual of the heifer whose neck is broken is in order to help discover the killer's identity, so that the court can then bring him to justice. The Gemara (*Avoda Zara* 8b) teaches that once murder became commonplace the courts no longer applied the death penalty. Therefore, the ritual was nullified, as it could no longer serve its purpose (Rashash).

**When adulterers proliferated, etc.** – מְשַׁרְבוּ הַנּוֹאֲפִין וכו': The Jerusalem Talmud states that the verse “**And the woman shall be a curse in the midst of her people**” (Numbers 5:27) indicates that the *sota* ritual is performed only in a society where an act of adultery would be cause for the transgressor to be cursed by all. When adultery became commonplace and this objective was no longer achievable, the ritual was nullified. The Rambam follows the explanation of the

Gemara here, which says that the increase of adulterers caused the bitter water of the *sota* frequently to be ineffective. Since this led people to doubt the power of the bitter water, Rabban Yohanan ben Zakkai relied on the words of the prophet Hosea and nullified the ritual.

**Of his sons and daughters, etc.** – דְּבִנְיָה וְדִבְנִיָּה וכו': Why should the transgressions of the members of the household be reflective of whether the head of the household has transgressed? The Meiri explains that if a person sees the members of his household acting improperly and fails to reprimand them, this raises suspicion that he too is lax with regard to the same transgression. The *Tosefot HaRosh* states that if he does not object, he is considered a partner to their deeds and is therefore a sinner himself.

The Gemara turns its attention to the end of the verse. What is the meaning of: "And the people that is without understanding is distraught"? Rabbi Elazar says: The prophet said to the Jewish people: If you are particular about yourselves, the water evaluates your wives; but if not, the water does not evaluate your wives. This would make people distraught, as they would not know how to overcome their suspicion if they are concerned that their wives have been unfaithful.

**S** The Gemara cites statements similar to those of the mishna. From the time when those who accept benefit<sup>n</sup> from others proliferated, the laws became twisted and deeds became corrupted, and there was no comfort in the world. From the time when those who look at the faces of the litigants in judgment, in order to rule based on the appearance of the litigants, proliferated, the fulfillment of the verse: "You shall not fear the face of any man" (Deuteronomy 1:17), ceased, and the fulfillment of the verse: "You shall not respect faces in judgment" (Deuteronomy 1:17), halted, and they removed the yoke of Heaven from themselves, and placed upon themselves the yoke of flesh and blood.

From the time when those who whisper whisperings in judgment, advising judges surreptitiously, proliferated, fierce anger proliferated in Israel, and the Divine Presence departed, because it is stated: "God stands in the congregation of God; in the midst of the judges He judges" (Psalms 82:1). The Divine Presence that dwells among judges leaves if they judge improperly. From the time when those who are referred to in the verse: "Their heart goes after their covetousness" (Ezekiel 33:31), proliferated, "Those who say to evil good, and to good evil" (Isaiah 5:20) proliferated, i.e., those who treat wicked people as though they were righteous proliferated as a result. From the time when the fulfillment of the verse: "Those who say to evil good, and to good evil," proliferated, the cry of: Woe, woe, proliferated in the world. There was an increase in troubles that cause people to cry out.

From the time when those who show their arrogance by drawing out spittle<sup>n</sup> proliferated, the number of haughty people in general proliferated, and the number of students decreased, as they would say haughtily that there was nothing left for them to learn, and the Torah needs to go around to seek those who study it, as people do not learn of their own initiative. Furthermore, from the time when haughty people proliferated, the daughters of Israel began marrying haughty men, as our generation looks only at the face, i.e., the external aspects of a person, and ignores the inner aspects of a person.

The Gemara raises a difficulty: Is that so? Do women wish to marry arrogant men? But didn't the Master say: One who is haughty is not even accepted by the members of his household, as it is stated: "The haughty man abides not" (Habakkuk 2:5)? "Abides [yinaveh] not" means that even in his abode [naveh], he is not accepted. The Gemara explains: Initially, she jumps at the chance to marry him, because he appears to be a great person to her, but in the end, once she gets to know him, he is demeaned in her eyes.

#### NOTES

Those who accept benefit – בעלי הנאה – Rashi explains that this means people who are enslaved to their pleasures, even permitted pleasures. Such a person will not have the dedication needed to render accurate judgments. The Maharsha maintains that it refers to judges who derive benefit from the money of people in their community, as this will prevent them from analyzing their cases in a fair manner. This interpretation fits in well with the other examples listed by the Gemara.

Drawing out spittle – מושכי הרוק – Rashi writes that this means that they would extend their spittle. He probably means that they were excessively particular about their manners, and would even attempt to spit in a way that seemed to them to be dignified. Others explain it, based on a similar Arabic expression, to mean those who do not keep their word.

מאי וועס לא יבין ויליבט? אמר רבי אלעזר, אמר להם נביא לישראל: אם אתם מקפידין על עצמכם – מים בודקין נשותיכם, ואם לאו – אין המים בודקין נשותיכם.

משורבו בעלי הנאה – נתעונו הדינין, ונתקלקלו המעשים, ואין נוח בעולם. משורבו רואי פנים בדין – בטל "לא תגורו", ופסק "לא תכירו", ופרקו עול שמים ונתנו עליהם עול בשר ודם.

משורבו לוחשי לחישות בדין – רבה חרון אף בישראל, ונסתלקה השכינה, משום שנאמר: "בקרב אלהים ישפט". משורבו "אחרי בצעם לבם הלך" – רבו "האומרים לרע טוב ולטוב רע". משורבו "האומרים לרע טוב ולטוב רע" – רבו "הוי הוי" בעולם.

משורבו מושכי הרוק – רבו היהירים, ונתמעטו התלמידים, והתורה חוזרת על לומדיה. משורבו היהירים – התחילו בנות ישראל להנשא ליהירים, שאין דורינו רואה אלא לפנים.

איני? והאמר מר: האי מאן דמיהר, אפילו אינישי ביתיה לא מיקבל, שנאמר: "גבר יהיר ולא יגוה", לא יגוה אפילו בנהו שלו! מעיקרא קפצה עליה, לסוף מיתויל עליה.



Those greedy for profit – טורפי טרף: According to the Maharsha, this refers to people who deprive others of their livelihood, including those who raise the prices of basic necessities or engage in other such practices.

Who did not serve sufficiently – שלא שימשו כל: Shammai and Hillel themselves disagreed in only three or four cases. With the increase of students who misinterpreted their Rabbi's teachings, two schools of thought were formed who disputed many issues of halakha.

Those who accept charity from gentiles – מקבלי תרומה מן הנכרי: Accepting handouts from gentiles constitutes a desecration of the Divine Name, as it indicates that the Jewish people cannot, or will not, support their own poor, and are in need of others. When many people act in this manner, the Jewish people's image as a whole is tarnished.

LANGUAGE

Boastful [zehuhei] – זחתי: Other versions of the text read zehuhei. The root of this word is to be haughty or boastful, similar to the Arabic زهي, zuhiya.

Clusters [eshkolot] – אשכולות: The comparison of Sages to a cluster is made in other places as well (see Hullin 92a). Shmuel here added to the comparison through the exposition of Eshkol to mean ish kol, meaning a man with all. Some say that this word also alludes to the Greek σχολή, scholē, meaning study or logic. It is also the source of the English word scholar.

מְשֻׁרְבוּ מְטִילֵי מְלֵאֵי עַל בְּעֵלֵי עֵינַיִם – רַבֵּה הַשְׂוֹחַד וְהַטֵּיית מִשְׁפָּט, וּפְסָקָה טוֹבָה. מְשֻׁרְבוּ “מְקַבְּלֵי טוֹבָתְךָ” וְ“מַחֲזִקֵי טוֹבוֹתֶיךָ” – רַבּוֹ “אִישׁ הַיִּשָּׁר בְּעֵינָיו יַעֲשֶׂה”, שְׁפָלִים הוֹגְבֵהוּ וְהַגְבוּהֵם הוֹשִׁפְלוּ, וּמְלֹכּוֹתָא אֲזֵלָא וְנִלְא. מְשֻׁרְבוּ צְרִי עֵין וְטוֹרְפֵי טֶרֶף – רַבּוּ מֵאֲמָצֵי הַלֵּב וְקוֹפְצֵי יָדִים מִלְּהַלּוֹת, וְעִבְרוּ עַל מַה שְׁכָתוֹב בַּתּוֹרָה: “הַשְּׂמֹר לְךָ פֶּן” וְגו’.

מְשֻׁרְבוּ “נְטוּיּוֹת גְּרוֹן וּמְשֻׁקְרוֹת עֵינַיִם” – רַבּוּ מִיַּם הַמָּרִים, אֲלֵא שְׁפָסְקוּ. מְשֻׁרְבוּ מְקַבְּלֵי מַתְנֹת – נִתְמַעְטוּ הַיָּמִים וְנִתְקַצְרוּ הַשָּׁנִים, דְּכָתוּב: “וְשׂוֹנֵא מַתְנַת יְחִיהֵ” מְשֻׁרְבוּ זְחוּחֵי הַלֵּב – רַבּוּ מַחְלֻקֹת בְּיִשְׂרָאֵל. מְשֻׁרְבוּ תַלְמִידֵי שְׂמַאי וְהִלֵּל שְׂלֵא שִׁמְשׁוּ כָל צוּרְכָן – רַבּוּ מַחְלֻקֹת בְּיִשְׂרָאֵל, וְנַעֲשִׂית תּוֹרָה בְּשִׁתֵּי תּוֹרוֹת. מְשֻׁרְבוּ מְקַבְּלֵי צְדָקָה מִן הַנְּכָרִי – הֵיוּ יִשְׂרָאֵל לְמַעֲלָה וְהֵם לְמַטָּה, יִשְׂרָאֵל לְפָנִים וְהֵם לְאַחֹר.

“מִשְׁמַת יוֹסֵי בֶן יוֹעֶזֶר” כּו’. מַאי אֲשָׁכּוּלוֹת? אָמַר רַב יְהוּדָה אָמַר שְׂמׁוֹאֵל: אִישׁ שֶׁהֵבֵל בּוּ. “יוֹחֲנָן בְּהֵן גְּדוֹל הָעֵבִיר הַיְּהוּדִית הַמַּעֲשֵׂר” כּו’. מַאי טַעְמָא? אָמַר רַבִּי יוֹסֵי בְּרַבִּי חֲנִינָא: לְפִי שָׂאִין נוֹתֵנִן אוֹתוֹ בְּתִיקוֹנוֹ, דְּרַחֲמָנָא אָמַר דִּיהִבֵי לְלוּיִם.

The baraita continues: From the time when there was an increase in those who placed upon homeowners the obligation to designate the profits from merchandise for the upkeep of judges, bribery and corruption of judgment proliferated and good ceased. From the time when those judges and leaders who say: I accept your favor, and: I hold your favor, proliferated, the fulfillment of the verse: “Every man did that which was right in his eyes” (Judges 17:6), proliferated. Lowly ones were raised and lofty ones were lowered, and the monarchy is increasingly on the decline. From the time when misers and those greedy for profit<sup>n</sup> proliferated, those hardened of heart and who closed their hands from lending proliferated, and they transgressed that which is written in the Torah: “You shall not harden your heart, nor shut your hand from your needy brother... Guard yourself in case there is a base thought in your heart... and you do not give him” (Deuteronomy 15:7, 9).

From the time when women with “stretched-forth necks and wanton eyes” (Isaiah 3:16) proliferated, the bitter waters of a sota proliferated, as more people were suspected of committing adultery; but they eventually ceased when licentiousness became too widespread. From the time when those who accept gifts proliferated, the days decreased and the years shortened, as it is written: “And he who hates gifts lives” (Proverbs 15:27). From the time when those with boastful [zehuhei]<sup>l</sup> hearts proliferated, dispute proliferated in Israel. From the time when the students of Shammai and Hillel<sup>p</sup> who did not serve their Rabbis sufficiently<sup>n</sup> proliferated, dispute proliferated in Israel, and the Torah became like two Torahs. From the time when those who accept charity from gentiles<sup>n</sup> proliferated, the Jewish people were above and they below; the Jewish people ahead and they behind. This last statement is a euphemism; it was the Jewish people that were below and behind, but the Gemara did not want to say so explicitly.

§ The mishna taught that from the time when Yosei ben Yo’ezer died the clusters ceased. The Gemara poses a question: What is the meaning of clusters [eshkolot]?<sup>l</sup> Rav Yehuda says that Shmuel says: It means a man who contains all [ish shehakol bo] elements of Torah and mitzvot. The mishna further taught that Yohanan the High Priest took away the declaration of the tithe. The Gemara poses a question: What is the reason he did this? Rabbi Yosei, son of Rabbi Hanina, says: Because they did not give the tithe in the proper manner<sup>h</sup> as stated by the Torah. In what way is that? As the Merciful One states in the Torah that they should give the first tithe to the Levites,

PERSONALITIES

The students of Shammai and Hillel – תַלְמִידֵי שְׂמַאי וְהִלֵּל: Shammai and Hillel, the last of the pairs of Sages, lived about one hundred years prior to the destruction of the Temple, at the beginning of Herod's reign. Shammai and Hillel were noted as having different personalities. Shammai took a severe approach and held others to a high standard in terms of their actions and motivation (see, e.g., Shabbat 31a). Nevertheless, it was Shammai who coined the phrase: One should receive all people with a pleasant countenance (Avot,

chapter 1). Hillel, by contrast, treated himself and others in an easy-going manner, and exhibited extreme flexibility to avoid conflict. While Shammai and Hillel themselves engaged in only a handful of halakhic disputes, tanna'im who studied at the academies they established, known as Beit Shammai and Beit Hillel, did not attend to their masters as much attention as necessary and engaged in many more disputes (see Sanhedrin 88b).

HALAKHA

Before they did not give it in the proper manner – לְפִי שָׂאִין: The gifts from one's produce must be separated in the proper order or else the owner cannot recite the declaration. If he gave, for instance, the second tithe before the first one, he can-

not recite it. During the period when the first tithe was given to the priests instead of the Levites they would not recite the declaration, as the verse was not fulfilled in the proper manner (Rambam Sefer Zera'im, Hilkhot Ma'aser Sheni 11:13).