

Babylonian Talmud: Tractate Baba Mezi'a

Baba Mezi'a 59a

Better it is for man to cohabit with a doubtful married woman¹ rather than that he should publicly shame his neighbour. Whence do we know this? — From what Raba expounded, viz., What is meant by the verse, But in mine adversity they rejoiced and gathered themselves together...they did tear me, and ceased not?² David exclaimed before the Holy One, blessed be He, 'Sovereign of the Universe! Thou knowest full well that had they torn my flesh, my blood would not have poured forth to the earth.'³ Moreover, when they are engaged in studying "Leprosies" and "Tents"⁴ they jeer at me, saying, "David! what is the death penalty of him who seduces a married woman?" I reply to them, "He is executed by strangulation, yet has he a portion in the world to come. But he who publicly puts his neighbour to shame has no portion in the world to come."⁵

Mar Zutra b. Tobiah said in Rab's name — others state, R. Hana⁶ b. Bizna said in the name of R. Simeon the pious — others again state, R. Johanan said on the authority of R. Simeon b. Yohai: Better had a man throw himself into a fiery furnace than publicly put his neighbour to shame. Whence do we know it? — From Tamar.⁷ For it is written, when she was brought forth, she sent to her father-in-law [etc].⁸

R. Hanina, son of R. Idi, said: What is meant by the verse, Ye shall not wrong one another ['amitho]? — Wrong not a people that is with you in learning and good deeds.⁹

Rab said: One should always be heedful of wronging his wife, for since her tears are frequent she is quickly hurt.¹⁰

R. Eleazar said:¹¹ Since the destruction of the Temple, the gates of prayer are locked, for it is written, *Also when I cry out, he shutteth out my prayer.*¹² Yet though the gates of prayer are locked, the gates of tears are not, for it is written, *Hear my prayer, O Lord, and give ear unto my cry; hold not thy peace at my tears.*¹³

Rab also said: He who follows his wife's counsel will descend¹⁴ into Gehenna, for it is written, But there was none like unto Ahab [which did sell himself to work wickedness in the sight of the Lord, whom Jezebel his wife stirred up].¹⁵ R. papa objected to Abaye: But people say, If your wife is short, bend

down and hear her whisper! — There is no difficulty: the one refers to general matters; the other to household affairs.¹⁶ Another version: the one refers to religious matters, the other to secular questions.

R. Hisda said: All gates are locked, excepting the gates [through which pass the cries of] wrong [ona'ah], for it is written, Behold the Lord stood by a wall of wrongs, and in his hand were the wrongs.¹⁷ R. Eleazar said: All [evil] is punished through an agent, excepting wrong, for it is written, And in his hand were the wrongs.¹⁸ R. Abbahu said: There are three [evils] before which the Curtain¹⁹ is not closed: overreaching, robbery and idolatry. Overreaching, for it is written, and in his hand was the overreaching. Robbery, because it is written, Robbery and spoil are heard in her; they are before me continually.²⁰ Idolatry, for it is written, A people that provoketh me to anger continually before my face; [that sacrificeth — sc. to idols — in gardens, and burneth incense upon altars of brick].²¹

Rab Judah said: One should always take heed that there be corn in his house; for strife is prevalent in a house only on account of corn [food], for it is written, He maketh peace in thy borders: he filleth thee with the finest of the wheat.²² Said R. papa, Hence the proverb: When the barley is quite gone from the pitcher, strife comes knocking at the door.²³ R. Hinena b. papa said: One should always take heed that there be corn in his house, because Israel were called poor only on account of [the lack of] corn, for it is said, And so it was when Israel had sown etc., and it is further written, And they [sc. the Midianites and the Amalekites] encamped against them, [and destroyed the increase of the earth], whilst this is followed by, And Israel was greatly impoverished because of the Midianites.²⁴

R. Helbo said: One must always observe the honour due to his wife, because blessings rest on a man's home only on account of his wife, for it is written, And he treated Abram well for her sake.²⁵ And thus did Raba say to the townspeople of Mahuza,²⁶ Honour your wives, that ye may be enriched.²⁷

We learnt elsewhere: If he cut it into separate tiles, placing sand between each tile: R. Eliezer declared it clean, and the Sages declared it unclean;

To Part b

Original footnotes renumbered. See Structure of the Talmud Files

1. E.g., one who was freed with a divorce, as to the validity of which doubts arose.
2. Ps. XXXV, 15.
3. Because of the many insults I am made to bear, which as stated above, drain the flesh of its blood.
4. Two tractates in the sixth order of the Talmud, called 'Purity.' These are tractates of extreme difficulty and complexity, and have no bearing upon adultery or the death penalty. Thus David

- complained that even when engaged on totally different matters which required all their thought, they yet diverted their attention in order to humiliate him (Tosaf.). In Sanh. 107a, the reading is: 'when they are engaged in the study of the four modes of death imposed by the Court, etc.
5. Now Bath Sheba was a doubtful married woman, because every soldier of David's army gave his wife a conditional divorce before he left for the front, to take retrospective effect from the time of delivery in case he was lost in battle. So that when David took Bath Sheba it was doubtful whether she would prove a married woman at the time or not; and David maintained that his offence was not so grave as that of his companions.
 6. *Var. lec.*: Huna.
 7. Judah's daughter-in-law, with whom he unwittingly cohabited. Subsequently, on her breach of chastity being discovered, he ordered her to be burnt, and only rescinded the order when she privately sent proof to him of his own complicity; v. Gen. XXXVIII.
 8. Ibid. 25. She left it to him to confess but did not openly accuse him, choosing death rather than publicly putting him to shame.
 9. This is a play of words on [H] ('his fellowman') reading it as two words, [H], the 'people that is with him.'
 10. Lit., 'her wronging is near;' — a woman is very sensitive, and therefore quick to feel and resent a hurt.
 11. [MS.M. 'For R. Eleazar said,' the statement of R. Eleazar being thus added in elucidation of Rab's dictum.]
 12. Lam. III, 8.
 13. Ps. XXXIX, 13; the idea is that the destruction of the Temple may have made it more difficult to commune with God, yet earnest prayer from the depths of the heart is always accepted.
 14. Lit., 'fall'.
 15. I Kings, XXI, 25; thus Ahab's downfall is ascribed to his action in allowing himself to be led astray by Jezebel.
 16. A man should certainly consult his wife on the latter, but not on the former, — not a disparagement of woman; her activities lying mainly in the home.
 17. [H] Amos VII, 7(E.V. '*plumblin*') is here connected with [H], 'overreaching', 'wronging', i.e., God is always ready to plead the cause of one who has been wronged.
 18. I.e., God in person punishes these.
 19. The Curtain of Heaven. [Hiding. so to speak, human failings from the Divine gaze.]
 20. Jer. VI, 7.
 21. Isa. LXV, 3.
 22. Ps. CXLVII, 14: the two halves of the verse are parallel to each other.
 23. Lit., 'house'.
 24. Jud. VI, 3, 4, 6.
 25. Gen. XII, 16.
 26. A large Jewish commercial town, situate on the Tigris. Raba had his academy there.
 27. The foregoing passages are instructive on the Talmudic attitude to women. Though recognising the evil influence a bad woman can wield upon her husband, as evidenced by Ahab and Jezebel, these sayings breathe a spirit of tenderness and honour. As she is highly sensitive, the greatest care must be taken not to wound her feelings, and a husband must adapt himself to his wife; whilst it is emphatically asserted that prosperity in the home, as well as the blessings of home life, are to a great extent dependent upon her.

¹Rabbi Eliezer declares the resulting oven ritually pure — i.e., not susceptible to ritual impurity — because in his opinion the oven is no longer regarded as a complete utensil and is therefore no longer susceptible to ritual impurity.

While the pieces have indeed been joined together once more, the oven is nevertheless regarded as built of broken fragments, and such a structure is not susceptible to ritual impurity. The Sages, on the other hand, declared it to be sufficiently reconstructed to be ritually impure — i.e., subject to ritual impurity. In their opinion, although the oven was reconstructed from separate pieces, it is to be viewed as a repaired and whole vessel, because of the clay that has been spread over it on the outside. Notwithstanding the sand that separates its pieces, it is a single, whole unit, and is susceptible to ritual impurity like any other oven. [59B] And such an oven was called 'the

oven of Akhnai.'" (*Akhnai* means a type of snake.)

²The Gemara asks: What is "Akhnai"? Why was the oven named after a snake?

³The Gemara replies: Rav Yehudah said in the name of Shmuel: The Mishnah is hinting at the fierce argument between Rabbi Eliezer and the Sages, described in the Baraita below. The Rabbis who disputed Rabbi Eliezer's view entwined Rabbi Eliezer with words, like a snake wrapping itself around its prey, and they succeeded in having the oven declared ritually impure.

⁴The details of the dispute were taught in the following Baraita: "On that day, Rabbi Eliezer used all the arguments in the world. He produced powerful arguments to justify his position that the oven should be considered unreconstructed and not susceptible to ritual impurity. But the Sages did not accept his arguments, and insisted that the oven was susceptible to ritual impurity. ⁵After Rabbi Eliezer saw that he was not able to persuade his colleagues with logical arguments, he said to them: 'If the Halakhah is in accordance with me, let this carob tree prove it.' ⁶The carob tree immediately uprooted itself and moved one hundred cubits — and some say four hundred cubits — from its original place. ⁷The Sages said to him: 'Proof cannot be brought from a carob tree.' ⁸Rabbi Eliezer then said to the Sages: 'If the Halakhah is in accordance with me, let the channel of water prove it.' The channel of water immediately flowed backward, against the direction in which it usually

¹Rabbi Eliezer declares it ritually pure and the Sages declare it ritually impure. [59B] And this is the oven of Akhnai."

²What is Akhnai?

³Rav Yehudah said in the name of Shmuel: Because they encircled [him with] words like this snake, and declared it ritually impure.

⁴It has been taught: "On that day, Rabbi Eliezer used (lit., 'replied') all the arguments (lit., 'replies') in the world, but they did not accept [them] from him.

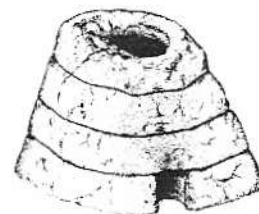
⁵He said to them: 'If the Halakhah is in accordance with me, let this carob tree prove [it].' ⁶The carob tree was uprooted from its place one hundred cubits — and some say four hundred cubits. ⁷They said to him: 'One does not bring proof from a carob tree.' ⁸He then said to them: 'If the Halakhah is in accordance with me, let the channel of water prove [it].' The channel of water turned

therefore interested in any advice that might make them rich.



REALIA

The oven of Akhnai. An oven of Akhnai (based on an oven found in Masada). According to Rabbi Eliezer, if such an oven was cut into pieces horizontally (cf. the lines in the illustration), it could not become susceptible to ritual impurity even if the pieces were later cemented together.



LANGUAGE

Snake. This is the Aramaic form of the Greek word *ἐχίς*, or *ἐχιδνα*, *echis* or *echidna*, meaning "snake," "viper." Some authorities believe that Akhnai was the name of the man who made the oven (*Tosafot* and others). Several people mentioned in the sources bear this name, especially in the form current in Eretz Israel, *Hakhinai* (חֲכִינַי). According to this interpretation, the words of the Gemara here are a homiletic addition, indicating that the name of the oven was appropriate.

NOTES

Because they entwined him with words like a snake. Just as a snake winds itself round its prey and does not permit it to escape, so too the Sages offered such cogent proof of their viewpoint that Rabbi

Eliezer was unable to refute their objections (*Rabbenu Nissim Gaon*).

The carob tree and the channel of water. The commentators explain that God performs miracles for

SAGES

Rabbi Eliezer. רַבִּי אֱלִיעֶזֶר. When the name "Rabbi Eliezer" occurs in the Talmud without a patronymic, it refers to Rabbi Eliezer ben Hyrcanus (also known as Rabbi Eliezer the Great), who was one of the leading scholars in the period after the destruction of the Second Temple.

Rabbi Eliezer was born to a wealthy family of Levites, which traced its descent back to Moses. Rabbi Eliezer began studying Torah late in life, but quickly became an outstanding and beloved disciple of Rabban Yohanan ben Zakkai. Indeed, Rabban Yohanan remarked that "if all the Sages of Israel were on one side of the scale and Eliezer ben Hyrcanus on the other, he would outweigh them all."

Rabbi Eliezer was known for his remarkable memory, and was famed for faithfully reporting and following the traditions of others without altering them. He himself leaned towards the views of Bet Shammai, even though he studied with Rabban Yohanan ben Zakkai, who was a follower of Bet Hillel. Rabbi Eliezer's principal opponent, Rabbi Yehoshua ben Hananiah, generally followed the views of Bet Hillel, and many basic Halakhic disputes between these scholars are reported in the Mishnah.

Because of his staunch and unflinching adherence to tradition, Rabbi Eliezer was unwilling to accede to the majority view where his own views were based on tradition. Indeed, Rabbi Eliezer's conduct generated so much tension among the Sages that his own brother-in-law, Rabban Gamliel, eventually excommunicated him, to prevent controversy from proliferating. This ban was lifted only after Rabbi Eliezer's death.

All the Sages of the next generation were Rabbi Eliezer's students. Most prominent among them was Rabbi Akiva. Rabbi Eliezer's son, Hyrcanus, was also a Sage.

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flowed. ¹The Sages said to him: 'Proof cannot be brought from a channel of water either.' ²Rabbi Eliezer then said to the Sages: 'If the Halakhah is in accordance with me, let the walls of the House of Study prove it.' The walls of the House of Study then leaned and were about to fall. ³Rabbi Yehoshua, one of Rabbi Eliezer's chief opponents among the Sages, rebuked the falling walls, saying to them: 'If Talmudic scholars argue with one another in their discussions about the Halakhah, what affair is it of yours?' ⁴The walls did not fall down, out of respect for Rabbi Yehoshua, nor did they straighten, out of respect for Rabbi Eliezer, and indeed those walls still remain leaning to this day. ⁵Rabbi Eliezer then said to the Sages: 'If the Halakhah is in accordance with me, let it be proved directly from Heaven.' ⁶Suddenly a heavenly voice went forth and said to the Sages: 'Why are you disputing with Rabbi Eliezer? The Halakhah is in accordance with him in all circumstances!' ⁷Rabbi Yehoshua rose to his feet and quoted a portion of a verse (Deuteronomy 30:12), saying: 'The Torah is not in heaven!'"

the righteous in every generation, just as He did in Biblical times for the Prophets. Accordingly, God demonstrated His agreement with Rabbi Eliezer's view by performing these wonders (see *Rabbenu Hananel* and *Rabbenu Nissim Gaon*). *Rabbenu Hananel*, however, maintains that these miracles did not actually occur. Rather, they took place in a dream witnessed by one of Rabbi Eliezer's contemporaries (which was nevertheless taken seriously by the Rabbis).

The commentators suggest various explanations as to why Rabbi Eliezer appealed to a carob tree, to a stream of water, and to the walls of the House of Study to prove that he was correct (see *Maharsha* and others). *Rabbi Shlomo Molkho* explains that these items symbolized the various elements of which the world is composed.

A heavenly voice went forth. The commentators attempt to explain how the heavenly voice could be wrong (as shown by the fact that the Rabbis

LITERAL TRANSLATION

backward. ¹They said to him: 'One does not bring proof from a channel of water.' ²He then said to them: 'If the Halakhah is in accordance with me, let the walls of the House of Study prove [it].' The walls

of the House of Study leaned to fall. ³Rabbi Yehoshua rebuked them, [and] said to them: 'If Talmudic Sages argue with one another about the Halakhah, what affair is it of yours (lit., "what is your nature")?' ⁴They did not fall, out of respect for Rabbi Yehoshua; but they did not straighten, out of respect for Rabbi Eliezer, and they still remain leaning. ⁵He then said to them: 'If the Halakhah is in accordance with me, let it be proved from Heaven.' ⁶A [heavenly] voice went forth and said: 'Why are you [disputing] with Rabbi Eliezer, for the Halakhah is in accordance with him everywhere?' ⁷Rabbi Yehoshua rose to his feet and said: 'It is not in heaven.'"

הַמִּיָּם לְאַחֲרֵיהֶם. אָמְרוּ לוֹ: 'אֵין מְבִיאִין רָאִיָּה מֵאֵמֶת הַמִּיָּם.' חֲזַר וְאָמַר לָהֶם: 'אִם הִלָּכָה בְּמוֹתַי, כּוֹתְלֵי בֵּית הַמִּדְרָשׁ יוֹכִיחוּ. הֵטוּ כּוֹתְלֵי בֵּית הַמִּדְרָשׁ לִיפּוֹל. גָּעַר בָּהֶם רַבִּי יְהוֹשֻׁעַ, אָמַר לָהֶם: 'אִם תִּלְמִידֵי חֻקִּים מְנַצְּחִים זֶה אֶת זֶה בְּהִלָּכָה, אַתֶּם מַה שִּׁיבְכֶם? לֹא נָפְלוּ, מִפְּנֵי כְבוֹדוֹ שֶׁל רַבִּי יְהוֹשֻׁעַ, וְלֹא זָקְפוּ, מִפְּנֵי כְבוֹדוֹ שֶׁל רַבִּי אֱלִיעֶזֶר, וְעַד הַיּוֹם מֵטִין וְעוֹמְדִין. חֲזַר וְאָמַר לָהֶם: 'אִם הִלָּכָה בְּמוֹתַי, מִן הַשָּׁמַיִם יוֹכִיחוּ. יִצְאָתָהּ בַּת קוֹל וְאָמְרָה: 'מַה לָּכֶם אֵצֶל רַבִּי אֱלִיעֶזֶר שֶׁהִלָּכָה בְּמוֹתוֹ בְּכָל מְקוֹם? עָמַד רַבִּי יְהוֹשֻׁעַ עַל רַגְלָיו וְאָמַר: 'לֹא בַּשָּׁמַיִם הִיא.'"

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refused to accept it). *Rabbenu Nissim Gaon* suggests that, since the heavenly voice declared that "the Halakhah is in accordance with Rabbi Eliezer everywhere," without specifically mentioning the case of the "oven of Akhnai," the Sages felt that this case might be an exception. Moreover, the heavenly voice might have been a divine attempt to test the Rabbis, to see whether they could be induced to deviate from their original decision, which was binding (because it was arrived at by majority rule).

Rabbi Shlomo Molkho claims that the disputed oven was indeed ritually pure, as Rabbi Eliezer had said. But the Rabbis declared it impure, so as to prevent confusion with other types of ovens, which are susceptible to ritual impurity according to all opinions. The Sages' ruling thus constituted a "protective measure" intended to prevent inadvertent violation of the law.

HALAKHAH

It is not in heaven. "The Torah states of itself: 'It is not in heaven,' and from here we learn that a prophet is not authorized to introduce new laws which do not appear in the Torah. Even if a prophet performed signs

and wonders, declaring that God sent him to introduce new laws or cancel existing ones, or to suggest novel Halakhic interpretations, he is a false prophet." (*Rambam, Sefer HaMada, Hilkhoh Yesodei HaTorah* 9:1.)

¹The Gemara interrupts the Baraita and asks for a clarification: What did Rabbi Yehoshua mean when he quoted the Scriptural verse that "the Torah is not in heaven"?

²Rabbi Yirmeyah said in reply: Since God already gave the Torah to the Jewish people on Mount Sinai, we no longer pay attention to heavenly voices that attempt to intervene in matters of Halakhah. For You, God, already wrote in the Torah at Mount Sinai (Exodus 23:2), "After the majority to incline." From this verse we learn that Halakhic disputes must be resolved by majority vote of the Rabbis. God could not contradict His own decision to allow Torah questions to be decided by free debate and majority vote.

³The Gemara relates that generations later Rabbi Nathan met the Prophet Elijah. (Several of the Talmudic Sages had visions of Elijah the Prophet, and discussed Halakhic questions with him.) Rabbi Nathan asked Elijah about the debate between Rabbi Eliezer and Rabbi Yehoshua. He said to him: "What did the Holy One, blessed be He, do at that time when Rabbi Yehoshua refused to heed the heavenly voice?" ⁴In reply, Elijah said to Rabbi Nathan: "God smiled and said: 'My sons have defeated Me, My sons have defeated Me!'" God's sons "defeated Him" with their arguments. Rabbi Yehoshua was correct in his contention that a view confirmed by majority vote must be accepted, even where God Himself holds the opposite view.

⁵The Rabbis who related this story in the Baraita continued and said: "That day, Rabbi Eliezer would not accept the Sages' decision. They, therefore, decided to make a public demonstration of their decision. They brought all the foodstuffs that had been prepared in an Akhnai oven and which Rabbi Eliezer had declared ritually pure, and burned them in a fire, to show that Rabbi Eliezer's position was rejected by the Halakhah. Afterwards they met and took a vote and excommunicated Rabbi Eliezer ('blessed' here is a euphemism for 'excommunicated') for refusing to accept the majority view." The Baraita continues to describe the consequences of this momentous act. Even though the Sages thought they were justified, they could expect Rabbi Eliezer to be sorely offended. They wished to mitigate the anguish he would feel as much as possible, in view of the gravity of hurting the feelings of another person. (It is because of this section of the Baraita that this story is related here.) ⁶"The Sages said: 'Who will go and inform Rabbi Eliezer that he has been excommunicated?' ⁷Rabbi Akiva said to them: 'I will go, since I am his student and I will inform him in the most tactful

¹What does "it is not in heaven" [mean]?

²Rabbi Yirmeyah said: That the Torah was already given on Mount Sinai, [and] we do not pay attention to a [heavenly] voice, for You already wrote in the Torah at Mount Sinai: "After the majority to incline."

³Rabbi Nathan met Elijah [and] said to him: "What did the Holy One, blessed be He, do at that time?" ⁴He said to him: "He smiled and said: 'My sons have defeated Me.' My sons have defeated Me."

⁵They said: "That day they brought all the objects that Rabbi Eliezer had declared ritually pure and burned them in a fire, and they voted (lit., 'were counted') about him and they excommunicated (lit., 'blessed') him." ⁶And they said: 'Who will go and inform him?' ⁷Rabbi Akiva said to them: 'I will go, lest

RASHI

כל טהרות שטיהר רבי אליעזר על ידי מעשה שאירע נשאלה הלכה זו בנית המדרש, שנפלה טומאה לאחר מזור זה, וחזרו ועשאו על גביו טהרות, וטיהרו רבי אליעזר. והביאום וטרפום לפניו.

¹מאי "לא בשמים היא"?

²אמר רבי ירמיה: שפבר נתנה תורה מהר סיני, אין אנו משגיחין בבית קול, שפבר כתבת בהר סיני בתורה: "אחרי רבים להטות".

³אשכחיה רבי נתן לאליהו, אמר ליה: "מאי עביר קודשא בריך הוא בהיהא שעפא?" ⁴אמר ליה: "קא חייך ואמר: 'נצחוני בני, נצחוני בני'".

⁵אמר: "אותו היום הביאו כל טהרות שטיהר רבי אליעזר ושקפום באש, ונמנו עליו ובכרבוהו." ⁶ואמר: "מי ילך ויודיעו?" ⁷אמר להם רבי עקיבא: "אני אלה, שמא

A heavenly voice. The Hebrew expression employed here (בית קול) has two different meanings: (1) An echo (literally, בית קול means "daughter of a voice"), and (2) a heavenly voice, i.e., a quasi-prophetic voice which a person hears within himself, although he perceives it as coming from outside himself. Hearing such a "heavenly voice" was regarded as a type of revelation, albeit of lesser clarity and force than actual prophecy. Hence the expression בית קול, because such a voice is an "echo" of true prophecy.

It is not in heaven. Even though it is explicitly forbidden to deviate from Torah law (and indeed, a prophet who advocates the abrogation of Torah law is punishable by death), the Torah itself recognized the outstanding Torah scholars of each generation as the authoritative interpreters of the law, and hence the Gemara's statement that the Torah is "not in heaven."

NOTES

¹My sons have defeated Me. The commentators attempt to explain why God smiled when "His sons defeated Him." Some authorities explain that God was happy because the Sages, by refusing to accept the heavenly voice, affirmed their belief in the eternity of the Torah, demonstrating that even a prophet is not authorized to alter Torah laws (see Rambam's introduction to *Mishneh Torah*).

²They excommunicated him. Rashi explains that a ban of *niddui* — "ostracism" — was pronounced against

Rabbi Eliezer, such ostracism being the standard penalty for people who treated other scholars disrespectfully. A person ostracized in this manner was not permitted to wear leather shoes or cut his hair, and other people were required to keep at least four cubits away from him.

Ramban and other commentators, however, explain that a more severe type of ban, *herem* — "excommunication" — was pronounced against Rabbi Eliezer. Unlike *niddui*, *herem* entails a prohibition against doing business with the

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manner possible, lest someone else who is unsuitable will go and inform him in a rude, insulting manner, and as a result Rabbi Eliezer will become so angry that he will cause the entire world to be destroyed in divine retribution for the anguish caused him.¹ What did Rabbi Akiva do in order to inform Rabbi Eliezer? ²He dressed in black garments and wrapped himself in black, and sat before Rabbi Eliezer at a distance of four cubits, since it is prohibited to stand or sit within four cubits of a person who has been excommunicated. ³Rabbi Eliezer said to Rabbi Akiva: 'Akiva, what is the difference between today and yesterday? Why are you acting so strangely today, dressing in black and sitting at a distance from me?' ⁴Rabbi Akiva said to Rabbi Eliezer: 'My teacher, it seems to me that your colleagues are staying away from you.' In this way Rabbi Akiva delicately informed Rabbi Eliezer that he had been excommunicated. ⁵Rabbi Eliezer understood the message, so he too rent his garments and took off his shoes as a sign of mourning, and he slipped down from his chair and sat on the ground like a mourner. ⁶Rabbi Eliezer's eyes streamed with tears of shame and anguish. ⁷Rabbi Eliezer's anguish had immediate consequences. The world was smitten: One-third of the olives, one-third of the wheat, and one-third of the barley were destroyed. ⁸Indeed, some say that even the dough in women's hands swelled and spoiled."

⁹The Gemara now quotes another Baraita that describes the consequences of Rabbi Eliezer's excommunication: A Tanna taught: "There was great divine wrath on the day Rabbi Eliezer was excommunicated and a great calamity befell the world, for whatever Rabbi Eliezer laid his eyes upon was burnt. ¹⁰Rabban Gamliel, too, was affected; he was traveling on a ship, and a huge wave rose over him to drown him. As Nasi and head of the central yeshivah at Yavneh, Rabban Gamliel was the leading Sage of the period. Therefore he was personally responsible for the measures taken against Rabbi Eliezer. ¹¹When Rabban Gamliel realized that he was about to drown, he said to himself: 'It seems to me that this can only be happening to me because of the anguish caused to Rabbi Eliezer ben Hyrcanus.' ¹²Rabban Gamliel rose to his feet

excommunicated person. To be sure, people were ordinarily not put into *herem* unless repeated *niddui* proved ineffective. But Rabbi Eliezer was treated especially strictly, since his defiant attitude bordered on outright rebellion against the Sages.

He dressed in black garments. *Maharsha*

LITERAL TRANSLATION

someone who is unsuitable will go and inform him, and as a result he will destroy the entire world.'

¹What did Rabbi Akiva do? ²He dressed in black [garments] and wrapped himself in black, and sat

before him at a distance of four cubits. ³Rabbi Eliezer said to him: 'Akiva, what is [the difference between] today and any other day (lit., 'what is one day from two days')?' ⁴He said to him: 'Rabbi, it seems to me that [your] colleagues are staying away from you.' ⁵He, too, rent his garments and took off his shoes, and he slipped down and sat on the ground. ⁶His eyes streamed with tears. ⁷The world was smitten: one-third of the olives, and one-third of the wheat, and one-third of the barley. ⁸And some say [that] even the dough in a woman's hands swelled."

⁹[A Tanna] taught: "There was a great calamity on that day, for every place upon which Rabbi Eliezer laid his eyes was burnt.

¹⁰And Rabban Gamliel, too, was coming on a ship, [and] a wave rose up against him to drown him. ¹¹He said: 'It seems to me that this is only because of Rabbi Eliezer ben Hyrcanus.'

¹²He rose to his feet

RASHI

לבש שחורים — ענין צער ואכל. אף הוא קרע בגדיו — שהמנוחה חייב נקריעה. חלץ מנעליו — שהמנוחה אסור ננעילת הסנדל, נמועד קטן (טו, ב). ונשמת — מן הכסף. טפח — נתקלקל. אך גדול = מכה גדולה. רבן גמליאל — נשיא היה, ועל פיו נעשה.

NOTES

explains that Rabbi Akiva did this out of respect for Rabbi Eliezer, acting as if he, Rabbi Akiva, had been excommunicated, rather than his teacher. For the same reason, Rabbi Akiva euphemistically said that "it seems to me that your colleagues are staying away from you," rather than "have excommunicated you."

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and said: 'Master of the Universe, You know full well that I did not excommunicate Rabbi Eliezer for my own personal honor, nor for the honor of my father's house. Rather, Rabbi Eliezer was excommunicated for Your honor, because it is essential that no individual, great as he may be, should reject a decision reached by the majority, so that controversies will not multiply in Israel.' ¹Swayed by Rabban Gamliel's explanation, the sea then rested from its wrath.

²The Gemara continues with one final story in relation to Rabbi Eliezer's excommunication, which connects the incident to the prohibition against verbal *ona'ah*: Imma Shalom, Rabbi Eliezer's wife, was also Rabban Gamliel's sister. ³From this incident — Rabbi Eliezer's excommunication — onward, she would not let Rabbi Eliezer fall on his face when he recited his prayers. On weekdays, it is customary to recite supplicatory prayers, called "falling on one's face." Imma Shalom did not allow her husband to recite these prayers, lest he pray for divine assistance to overcome the tragedy that had befallen him, and Rabban Gamliel, her brother, might be punished. ⁴One day, Imma Shalom thought that it was the day of the New Moon (*Rosh*

Hodesh), the first day of the month according to the lunar calendar, when these supplicatory prayers are not recited. Imma Shalom therefore assumed that her husband would not recite this prayer on that day, and did not take care to keep him from "falling on his face." But in fact Imma Shalom had erred in her calculations, and she mistook a full month for a short one. The moon takes about twenty-nine-and-a-half days to revolve around the earth. Accordingly, some months (called "short" or "defective" months) are twenty-nine days long, while others (called "full" months) are thirty days long. Imma Shalom thought that the preceding month had been short (i.e., only twenty-nine days long), when in fact it was "full" (thirty days long). Thus, the day that she thought was Rosh Hodesh was really the last day of the previous month, when it was customary to offer special supplications. ⁵Some say that the incident happened in a slightly different manner: A poor person came and stood at the door, and Imma Shalom brought out bread for him, as a result of which she was temporarily distracted. ⁶For whichever reason, she was distracted and she found Rabbi Eliezer fallen on his face in prayer. She said to him: "Rise! You have killed my brother." She was certain that Rabban Gamliel had died, since she assumed that Rabbi Eliezer had given expression to the pain he felt because of his excommunication, and that this had led to divine retribution against Rabban Gamliel. ⁷Meanwhile, as Imma Shalom was talking to her husband, the sound of a horn came from Rabban Gamliel's house and an announcement was made confirming the fact that he had died. ⁸Rabbi Eliezer said to Imma Shalom: "How did you know that Rabban Gamliel had died?" ⁹She said to him: "I have the following

LITERAL TRANSLATION

and said: 'Master of the Universe, it is revealed and known before You that I did not do [this] for my [own] honor, nor did I do [it] for the honor of my father's house, but for Your honor, so that controversies will not multiply in Israel.' ¹The sea rested from its wrath."

²Imma Shalom, Rabbi Eliezer's wife, was Rabban Gamliel's sister. ³From that incident onward she did not let Rabbi Eliezer fall on his face. ⁴One day it was the New Moon, and she mistook a full [month] for a short one. ⁵Some say: A poor person came and stood at the door, [and] she brought out bread for him. ⁶She found him fallen on his face, [and] she said to him: "Rise! You have killed my brother." ⁷Meanwhile the sound of a horn came from Rabban Gamliel's house that he had died. ⁸He said to her: "From where did you know?" ⁹She said to him: "I have

RASHI

שלא ירבו מחלוקות — שלא ירגיל היחד לחלוק על המדין. אימא שלום — כך שמה. בין מלא לחסר — סגורה הימה שיהא החדש חסר וקבוע ביום שלשים, ולא יפול ביום החדש על פניו. והיה מלא, ולא נקבע עד יום שלשים ואחד, ולא מהרה בו ביום שלשים ונפל על פניו.

BACKGROUND

אימא שלום Imma Shalom (lit., "Mother Shalom"). "Imma" is apparently an honorific title applied to distinguished women, either because of their age or their personal status. Like other women from important families, Imma Shalom was learned; and in other places as well she reports the teachings of her brother and traditions from her father's house.

למיפל על אפיה To fall on his face. "Falling on one's face" is an act of private prayer consisting of supplications and requests recited following the Eighteen Benedictions in the synagogue, and it is also part of the service on fast days. During Talmudic times people actually used to prostrate themselves — "to fall on their faces" — on the floor. Afterwards it became the practice to perform this action symbolically, by placing one's head on one's hand. Today this prayer is known as *Tahanun* (תחנון — "supplication") and has a standard form, the main portion of which is a passage from Psalms.

The sound of a horn came. In Talmudic times a person's death was announced by a blast of the shofar, so that everyone would be informed in advance of the funeral. It was particularly necessary to announce the death of the Nasi, because of the great honor with which he was regarded, and everyone had to take part in mourning for him.

BACKGROUND

המאנה אר Someone wrongs a convert. As Gemara indicates here, special prohibition applies to wronging and oppressing converts (in addition to more general prohibition against oppressing any Jew). Although converts are considered full-fledged Jews, special laws apply to them: converts cannot look to families for support (and are fully dependent upon God alone), they are more sensitive to insult, and hence need special protection. Moreover, converts are entitled to special privileges: they willingly chose to leave their non-Jewish background to join the Jewish people.

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tradition from my grandfather's house: All the heavenly gates are locked except for the gates through which prayers concerning *ona'ah* pass." And since Rabbi Eliezer had been the victim of verbal *ona'ah*, his wife was certain that his prayers would be answered.

¹The Gemara now presents another Baraita which elaborates on the prohibition against verbal *ona'ah*: Our Rabbis taught: "Someone who wrongs a convert by verbal *ona'ah* violates three prohibitions, and someone who oppresses him in financial matters violates two prohibitions."

²The Gemara challenges the distinction made in this Baraita: Why is someone who verbally wrongs a convert treated differently — more severely — than someone who oppresses him financially? ³Is it because three prohibitions were written in connection with someone who verbally wrongs a stranger (understood in this context as a convert), namely: (1) "And a stranger you shall not wrong" (Exodus 22:2). (2) "And if a stranger dwells with you in your land, you shall not wrong him" (Leviticus 19:33). And (3) "You shall not wrong, each man his fellow" (Leviticus 25:17) — the verse quoted at the beginning of the discussion, above 58b, which prohibits causing anguish to any fellow Jew. ⁴Now, a convert is included in the category of a fellow Jew, therefore, this verse also prohibits causing anguish to converts. ⁵But, argues the Gemara, the same should also apply to a person who oppresses a convert financially! Here, too, three prohibitions are violated. For there are also three prohibitions written about oppressing a convert, namely: (1) "And you shall not oppress him" (Exodus 22:2), the continuation of the first verse cited above, which prohibits causing anguish. (2) "And a stranger you shall not oppress" (Exodus 23:9). And (3) "You shall not be to him as a usurer" (Exodus 22:24), which prohibits forcing a Jew to take desperate measures to repay a debt that he is not in a position to repay. ⁶Now, a convert is included in this prohibition which, once again, applies to all Jews! Thus, it would appear that a person who oppresses a convert financially violates three prohibitions, and not just two, as stated in the Baraita!

LITERAL TRANSLATION

this tradition from my grandfather's house: All the gates are locked except for the gates of *ona'ah*."

¹Our Rabbis taught: "Someone who wrongs a convert violates three prohibitions, and someone who oppresses him violates two."

²Why is someone who wrongs [a convert] different? ³[Is it] because three prohibitions are written: "And a stranger you shall not wrong," "And if the stranger dwells with you in your land, you shall not wrong him," and "You shall not wrong each man his fellow," ⁴and a convert is included in "his fellow." ⁵[If] he oppresses him, too, three [prohibitions] are written: "And you shall not oppress him," "And a stranger you shall not oppress," and "You shall not be to him as a usurer," ⁶and a convert is included!

מקובלני מבית אבי אבא: כל השערים ננעלים חוץ משערי אונאה.

¹תנו רבנן: "המאנה את הגר עובר בשלשה לאוין, והלוחצו עובר בשנים."

²מאי שנא מאנה? דכתיבי שלשה לאוין: "וגר לא תונה," "וכי גור אתה גר בארצכם, לא תונו אותו," ו"לא תונו איש את עמיתו," וגר בכלל "עמיתו" הוא? לוחצו נמי, שלשה כתיבי: "ולא תלחצנו," "וגר לא תלחץ," ו"לא תהיה לו כנשה," וגר בכלל הוא!

RASHI

מבית אבי אבא — מבית אבי המשפחה, שנת נשיאים היה, והם מבית דוד. חוץ משערי אונאה — לפי שער הלז היה, וקרוי להוריד דמעות. המאנה את הגר — אונאת דברים. הלוחצו — דוחקו. לא תהיה לו כנשה — לנחך הוא, שדוחקו לתבוע חובו. הכי גרסינן: מאי שנא מאנה דכתיב ביה תלתא: "וגר לא תונה," "לא תונו אותו," ו"לא תונו איש את עמיתו" — וגר בכלל עמיתו הוא. לוחצו נמי תלתא כתיב ביה — "וגר לא תלחץ," ו"לא תלחצנו," ו"לא תהיה לו כנשה".

NOTES

מבית אבי אבא From my grandfather's house. Rashi and Tosafot explain that Imma Shalom was referring to her descent from the royal House of David. Ritva observes that the reference may be to Rabban Shimon ben Gamliel the first, whose teachings were not so well known as those of other members of the dynasty.

חוץ משערי אונאה Except for the gates of *ona'ah*. Even though the Sages who excommunicated Rabbi Eliezer were apparently justified in doing so, they were punished because they hurt his feelings and caused him unnecessary distress (Rabbi Ya'akov Emden).

HALAKHAH

הגר Wronging a convert. "One must be especially careful not to hurt a convert either by wounding him with unkind words or by defrauding him financially, since the

Torah explicitly forbids this on many occasions." (Shulhan Arukh, Hoshen Mishpat 228:2.)