

One who severs his snow-white leprous mark – תקיץ: The Ritva explains that this is a case where one severs the mark with his plow as he plows the furrow, as were he to sever it in a separate action, one could reject this challenge by saying: That is not a prohibition of the same category as the others. All the other prohibitions raised by the Gemara are also performed in the course of plowing.

מתקיף לה רב הנניא: וליחשוב נמי המוחק את השם בהליכתו, ואזהרתיה מהכא: "ואבדתם את שמם וגו' (ו) ולא תעשון כן לה' אלהיכם!"

מתקיף לה רבי אבהו: וליחשוב נמי תקיץ את בהרתו, ואזהרתיה מהכא: "השומר בנגע הצרעת!"

מתקיף לה אביי: וליחשוב נמי המזיח החושן מעל האפוד והמסיר בדי ארון, ואזהרתיה מהכא: "ולא יסרו", "ולא יזח החושן!"

מתקיף לה רב אשי: וליחשוב נמי החורש בעצי אשירה, ואזהרתיה מהכא: "ולא ידבק בידך מאומה" וגו'!

מתקיף לה רבינא: וליחשוב נמי תקיץ אילנות טובות, ואזהרתיה מהכא: "כי ממנו תאכל ואתו לא תכרת!"

אמר ליה רבי זעירא לרבי מני: וליחשוב נמי כגון דאמר "שבועה שלא אחרוש ביום טוב!" התם לא קא חלה שבועה, מושבע ועומד מהר סיני הוא. אמר ליה: כגון דאמר "שבועה שלא אחרוש בין בחול בין ביום טוב", דמגו דחלה עליה שבועה בחול – חלה עליה נמי ביום טוב! מידי דאיתיה בשאיילה לא קתני.

Rav Hananya objects to this: And let the *tanna* also enumerate one who erases the name of God^H in the course of his walking and plowing, and its prohibition is from here: "And you shall destroy their names...you shall not do so to the Lord your God" (Deuteronomy 12:3-4).

Rabbi Abbahu objects to this: And let the *tanna* also enumerate one who severs his snow-white leprous mark^{NH} in the course of his plowing, and its prohibition is from here: "Take heed of the plague of leprosy" (Deuteronomy 24:8), indicating the prohibition against severing the mark.

Abaye objects to this: And let the *tanna* also enumerate one who loosens the breastplate^H from upon the ephod in the course of plowing, or one who removes the staves of the Ark^H of the Covenant. And its prohibition is from here: "The staves shall be in the rings of the Ark; they shall not be removed from it" (Exodus 25:15), while the relevant verse with regard to the breastplate is: "And the breastplate shall not be loosened from the ephod" (Exodus 28:28).

Rav Ashi objects to this: And let the *tanna* also enumerate one who plows with a plow crafted from the wood of an *ashera*,^H and its prohibition is from here: "And there shall cleave nothing of the dedicated item to your hand" (Deuteronomy 13:18).

Ravina objects to this: And let the *tanna* also enumerate one who chops down beautiful fruit trees^H in the course of plowing, and its prohibition is from here: "For you may eat of it, and you shall not chop it down" (Deuteronomy 13:18).

Rabbi Zeira said to Rabbi Mani: And let the *tanna* also enumerate a case where one says: On my oath I will not plow on the Festival, and then proceeds to violate his oath. Rabbi Mani said: There, the oath does not take effect, as he is already under oath from Mount Sinai not to plow on a Festival, and an oath does not take effect when another oath is already in effect. Rabbi Zeira said to him: The oath can take effect in a case where one says: On my oath I will not plow whether during the week or on a Festival, as in that case, since the oath takes effect in his regard during the week, it takes effect in his regard on a Festival as well. Rabbi Mani replied: The mishna did not include that prohibition because the *tanna* is not teaching a matter that is in the category of those matters subject to dissolution by means of posing a request to a Torah scholar. As oaths fall into that category, this case is not enumerated in the mishna.

HALAKHA

One who erases the name of God – המוחק את השם: Whoever erases or destroys one of the seven sacred names of God, is liable to receive lashes, as it is written with regard to idolatry: "And their *asherim* you shall burn in fire and you shall hew down the graven images of their gods; and you shall destroy their names out of that place; you shall not do so to the Lord your God" (Deuteronomy 12:3-4). This prohibition does not apply to appellations for God mentioned in the Torah or in rabbinic literature (Rambam *Sefer HaMadda*, *Hilkhot Yesodei HaTorah* 6:3).

One who severs his snow-white leprous mark – תקיץ את בהרתו: One who severs his snow-white leprous mark or any other symptom of leprosy, whether on his body, his garment, or his house, violates a prohibition. If his actions prevent the priest from declaring him impure, he is also liable to receive lashes (Rambam *Sefer Tahara*, *Hilkhot Tumat Tzara'at* 10:1).

One who loosens the breastplate – המזיח החושן: One who loosens the breastplate from the ephod and severs their connection in a destructive manner is liable to receive lashes (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 9:10).

One who removes the staves of the Ark – המסיר בדי ארון: One who removes the staves of the Ark of the Covenant from its rings is liable to receive lashes (Rambam *Sefer Avoda*, *Hilkhot Kelei HaMikdash* 2:13).

Wood of an *ashera* – עצי אשרה: Deriving benefit from idol worship, any offerings sacrificed to it, and any item utilized in its worship is forbidden. Anyone who derives benefit from them is liable to receive two sets of lashes, one for violating the prohibition (Deuteronomy 7:26): "You shall not bring an abomination into your house" and one for violating the prohibition (Deuteronomy 13:18): "And there shall cleave nothing of the dedicated item to your hand" (Rambam *Sefer HaMadda*, *Hilkhot Avoda Zara* 7:2).

One who chops down beautiful fruit trees – תקיץ אילנות טובות: It is prohibited to chop down fruit trees. It is likewise prohibited to cause them to die by withholding irrigation, as it is written: "You shall not destroy its trees" (Deuteronomy 20:19). Anyone who chops down a fruit tree in a destructive manner is liable to receive lashes. It is permitted to chop down a fruit tree whose existence harms other trees or damages the field of another, or which is worth more as wood than it is as a producer of fruit, as the Torah prohibited only a destructive act (Rambam *Sefer Shofetim*, *Hilkhot Melakhim UMilhemoteihem* 6:8).

ולא? והרי הקדש! בבכור. והרי נזיר! בניזיר שמשון.

Rabbi Zeira asked: **And** did the *tanna* not teach matters subject to dissolution by means of a Torah scholar? **But isn't there** the matter of **consecrated** animals, whose sanctity can be repealed by means of dissolution of the vow by a Torah scholar, which was included in the mishna? Rabbi Mani answered: The *tanna* is referring to a **first-born** animal, which is consecrated from the womb. Since it was not consecrated by means of a vow, the sanctity cannot be dissolved by a Torah scholar. Rabbi Zeira asked: **But isn't there** the matter of the impurity of a **nazirite**, whose vow of naziriteship can be dissolved by a Torah scholar, which was included in the mishna? Rabbi Mani answered: The reference in the mishna is to one who is a **nazirite** like **Samson**, for whom there is no dissolution.

נזיר שמשון בר איטמווי למתים הוא?! אלא. האי תנא איסור בולל לית ליה.

Rabbi Zeira asked: **Is a nazirite like Samson** subject to the prohibition of **contracting impurity** imparted by **corpse**s? He is not. As the *tanna* enumerated the prohibition of a nazirite becoming impure with impurity imparted by a corpse, clearly he is not a nazirite like Samson. **Rather**, the *tanna* does not enumerate the case of one who violated an oath not to plow both during the week and on a Festival, because **this tanna is not** of the opinion that a more **inclusive prohibition** takes effect when the standard prohibition does not take effect. Just as with regard to one who takes an oath not to perform labor on a Festival, the oath does not take effect, so too, even if he adds to it an oath not to plow during the week, it does not take effect, because he is already under oath from Sinai not to plow on a Festival.

אמר רבי הושעיא: המרביע שור פסולי המוקדשים לוקה שנים. אמר רבי יצחק: המנהיג בשור פסולי המוקדשים – לוקה. שהרי גוף אחד הוא ועשאו הכתוב כשני גופים.

Rabbi Hoshaya says: One who breeds a disqualified consecrated ox^h with a female even of the same species is flogged with two sets of lashes, one for labor with a disqualified consecrated animal, and one for breeding two animals of diverse kinds. Even after the animal is desacralized through redemption, it remains prohibited to perform labor with it. It is considered diverse kinds because the Torah accorded disqualified consecrated animals the status of two animals, one consecrated and one non-sacred. If one breeds such an animal with an ox, it is as though he bred it with an animal of a different species, thereby violating the prohibition. Likewise, **Rabbi Yitzhak says: One who drives a disqualified consecrated oxⁿ to plow the field is flogged**, as it is **one body**, and the **verse** accorded it the status of **two bodies**. One who plows with two different species of animals together is liable to receive lashes.

מתני' כמה מלקין אותו – ארבעים חסר אחת, שנאמר "במספר ארבעים" – מנין שהוא סמוך לארבעים. רבי יהודה אומר: ארבעים שלימות הוא לוקה, והיכן הוא לוקה את היתירה – בין כתפיו.

MISHNA With **how many lashes does one flog** a person sentenced to receive lashes?^h One flogs him with **forty lashes less one**, as it is stated: "And he shall strike him before him, in accordance with his wickedness, **by number**. **Forty** he shall strike him, he shall not add" (Deuteronomy 25:2–3). The mishna joins the end of the first verse and the beginning of the second, forming the phrase: "By number, forty," which is interpreted as: **A sum adjacent to forty.**ⁿ **Rabbi Yehuda says: He is flogged with a full forty lashes. And where is he flogged the extra lash?** As the mishna proceeds to explain, the thirty-nine lashes are divided into three and administered in three places on the body of the person being flogged; according to Rabbi Yehuda there is one lash that remains. That lash is administered **between his shoulders**.

אין אומדין אותו אלא במכות ראויות להשתלש. אמדוהו לקבל ארבעים ולוקה מקצת.

One assesses the number of lashes that the one being punished is capable of withstanding **only^h with a number of lashes fit to be divided into three** equal groups. If the assessment was that he can survive twenty lashes, he is flogged with eighteen. Likewise, if doctors **assessed concerning him** that he is able to **receive forty lashes^h** and survive, **and he is then flogged some** of those forty lashes,

פסולי המוקדשים – Disqualified consecrated animals – Although a disqualified consecrated animal is a single entity, the Torah ascribes it the halakic status of two entities, one consecrated and one non-sacred. Therefore, plowing or breeding with that animal is tantamount to doing so with a kosher and non-kosher animal, e.g., an ox and a donkey, and one is liable to receive lashes for violating the prohibition of plowing or breeding with diverse kinds. This prohibition is learned through tradition (Rambam *Sefer Zera'im, Hilkhot Kilayim* 9:11, and see Ra'avad and commentaries there).

How many lashes does one flog a person sentenced to receive lashes – כמה מלקין אותו – One liable to receive lashes for violating a prohibition receives no more than thirty-nine lashes (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 17:1).

One assesses the number of lashes that one is capable of withstanding only, etc. – אין אומדין אותו אלא וכו' – After the court assesses the number of lashes that the one to be punished is able to withstand, he is flogged with a number of lashes divisible by three. Therefore if, for example, he was deemed capable of withstanding twenty lashes, he is flogged with eighteen (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 17:2).

Assessed concerning him that he is able to receive forty lashes, etc. – אמדוהו לקבל ארבעים וכו' – With regard to one who was sentenced to receive lashes and was initially assessed to be able to withstand all the lashes he was sentenced to receive, if once the flogging began it was discovered that he is unable to withstand that many lashes, he is exempted from the rest of the lashes and his punishment is limited to the lashes that he already received. If he was initially assessed to be capable of receiving fewer than forty lashes, and when they began administering the lashes it was discovered that he could withstand more, he receives only the number of lashes of the initial assessment (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 17:2).

NOTES

One who drives a disqualified consecrated ox, etc. – המנהיג בשור: Tosafot explain that the reference here is to an ox pulling a wagon or an ox laden with a burden.

A sum adjacent to forty – ארבעים – מנין שהוא סמוך לארבעים: Most early commentaries cite a variant reading: A sum that completes the forty. The reference is to a number that facilitates completion of the forty, i.e., the number that precedes it (Rivan; Meiri; see Ritva).

וְאָמְדוּ שֶׁאֵין זְכוּל לְקַבֵּל אַרְבָּעִים – פְּטוּר.
אֲמָדוּהוּ לְקַבֵּל שְׁמוֹנֶה עָשָׂר, וּמִשְׁלָקָה
אֲמָדוּ שֶׁיְכוּל הוּא לְקַבֵּל אַרְבָּעִים – פְּטוּר.

and then they assessed him again and concluded that he cannot receive forty lashes and survive, he is exemptⁿ from the additional lashes. If the doctors initially assessed concerning him that he is able to receive only eighteen lashes, and once he was flogged eighteen times they assessed that he is able to receive forty, he is exempt from receiving additional lashes.

גַּמ' מַאי טַעְמָא? אִי בְתִיב "אַרְבָּעִים
בְּמִסְפָּר" הוּא אֲמִינָא: אַרְבָּעִים בְּמִנְיָנָא,
הִשְׁתָּא דְכְתִיב "בְּמִסְפָּר אַרְבָּעִים" – מִנְיָן
שֶׁהוּא סוֹכֵם אֶת הָאַרְבָּעִים. אָמַר רַבָּא:
כַּמָּה טַפְשָׁאֵי שָׂאֵר אֵינְשֵׁי דְקִיָּיְמֵי מִקַּמֵּי
סַפְּר תּוֹרָה וְלֹא קִיָּיְמֵי מִקַּמֵּי גְבֵרָא רַבָּה,
דְּאֵילוּ בְּסַפְּר תּוֹרָה כְּתִיב אַרְבָּעִים – וְאֵתוּ
רַבְּנָן בְּצִירוּ חֲדָא.

GEMARA The Gemara begins with a discussion of the number of lashes. What is the reason that the Rabbis said that he receives forty lashes less one? If it had been written: **Forty by number**, I would say that it means forty as a precise sum; now that it is written: "By number, forty," the reference is to a sum that approaches forty. Likewise, Rava said: **How foolish are the rest of the people who stand before a Torah scroll that passes before them, and yet they do not stand before a great man**, when a Sage passes before them; as in a Torah scroll, forty is written and the Sages came and subtracted one, establishing the number of lashes as thirty-nine. Apparently, the authority of the Sages is so great that they are able to amend an explicit Torah verse.

"רַבִּי יְהוּדָה אָמַר אַרְבָּעִים שְׁלִימוֹת" וכו'.
אָמַר רַבִּי יִצְחָק: מַאי טַעְמָא דְרַבִּי יְהוּדָה –
דְּכְתִיב "מִהַּ הַמַּכּוֹת הָאֵלֶּה בֵּין יָדָיו וְאָמַר
אֲשֶׁר הִכְתִּי בֵּית מֵאֵהָבִי". וְרַבְּנָן: הֵהוּא
בְּתִינּוּקוֹת שֶׁל בֵּית רַבָּן הוּא דְכְתִיב.

The mishna teaches: **Rabbi Yehuda says**: He is flogged with a full forty lashes, with the additional lash administered between his shoulders. **Rabbi Yitzhak says**: What is the reason for the opinion of Rabbi Yehuda? It is as it is written: "And one shall say to him: What are these wounds between your arms? Then he shall answer: Those with which I was wounded in the house of my friends" (Zechariah 13:6).ⁿ Rabbi Yehuda understands that this verse is referring to one with wounds from lashes administered between his arms, indicating that there is one lash administered between the shoulders. And how do the Rabbis, who hold that one is flogged only thirty-nine lashes, explain this verse? They explain that this verse is written with regard to schoolchildren struck by their teacher for laxity in their studies, and is not referring to lashes administered by the court.

"אֵין אוֹמְדִין אֶלְא בְּמַכּוֹת הָרְאוּיּוֹת" וכו'.
לָקָה – אֵין, לֹא לָקָה – לֹא.

The mishna teaches: **One assesses** the number of lashes that the one being punished is capable of withstanding only with a number of lashes fit to be divided into three equal groups. If doctors assessed concerning him that he is able to receive forty lashes and survive, and he is then flogged some of those forty lashes, and they then assessed him again and concluded that he cannot receive forty lashes and survive, he is exempt from any additional lashes. If the doctors initially assessed concerning him that he is able to receive only eighteen lashes, and once he was flogged with eighteen lashes they assessed that he is able to receive forty, he is exempt from receiving further lashes. The Gemara infers: **If he was flogged in practice, yes, he is exempt; if he was not flogged, no, he is not exempt from the rest of the forty lashes.**

NOTES

שֶׁאֵין זְכוּל לְקַבֵּל...פְּטוּר – He cannot receive...he is exempt – Rabbeinu Yehonatan of Lunel cites a variant reading of the text: He is liable. He explains that the first assessment is not voided; rather, one waits until the one receiving lashes recovers, and then one completes flogging him with the outstanding lashes. See the Ramban, who rejects this version.

בֵּית מֵאֵהָבִי – The house of my friends – This indicates that the beatings in question, which are court-administered floggings, or, according to the Rabbis, striking of schoolchildren, are not administered in a cruel manner; rather, they are beatings of love, whose objective is to restore the one beaten to the path of good and to atone for his sins. Therefore, they are performed in a manner that does not threaten the life of the one being beaten (Maharsha).

This is where doctors assessed his fitness for that day – **הא דאמרוהו ליומי**: Most early commentaries understand this to mean that the mishna is dealing with a case where there was a second assessment on the same day, and: For that day, means on that day, and: For the next day, means on the following day. The Rivan and the Ramban explain that the question is whether the initial assessment remains valid. If there were two assessments on the same day, apparently the first assessment was mistaken, as it is unlikely that there was a change in his status in an interval that brief. Therefore, if he was flogged and left the court, he is not brought back to court. If he was not yet flogged, since the original assessment was incorrect, he is flogged on the basis of the second assessment (see *Tosafot* and *Ba'al HaMaor*).

ורמינהו: אמרוהו לקבל ארבעים, וחזרו
ואמרו שאין יכול לקבל ארבעים –
פטור. אמרוהו לקבל שמונה עשרה
וחזרו ואמרוהו שיכול לקבל ארבעים –
פטור!

And the Gemara raises a contradiction from a *baraita*: If doctors assessed concerning him that he is able to receive forty lashes and survive, and they then assessed him again and concluded that he cannot receive forty lashes and survive, he is exempt. If the doctors initially assessed concerning him that he is able to receive only eighteen lashes, and they then assessed that he is able to receive forty, he is exempt. Apparently, even if he did not receive any lashes, if the assessment changes, it is as though he was flogged.

אמר רב ששת: לא קשיא, הא –
דאמרוהו ליומי, הא – דאמרוהו למחר
וליומא אחרא.

Rav Sheshet said: This is not difficult, as this case in the mishna is one where doctors assessed his fitness to receive lashes for that day,^{MH} and there was no change in his condition; rather, it was discovered that the initial assessment was mistaken. He is exempt only if he was already flogged; if not, another assessment is performed. That case in the *baraita* is one where doctors assess his fitness to receive lashes for the next day or for a different day. In that case, the initial assessment was accurate; it is his condition that changed. Therefore, if it is determined that he is unable to receive lashes, he is exempt.

מתני' עבר עבירה שיש בה שני
לאוין, אמרוהו אומד אחד – לוקה
ופטור, ואם לאו – לוקה ומתפרא,
וחזרו ולוקה.

MISHNA If one performed a transgression that involves two prohibitions,^H and they assessed concerning him a single assessment of the number of lashes that he could withstand in punishment for both transgressions, he is flogged in accordance with their assessment and is exempt from any additional lashes. And if not, if he was assessed with regard to the lashes that he could withstand for one transgression, he is flogged and is allowed to heal, and then is flogged again for violating the second prohibition.

גמ' והתניא: אין אומדין אומד אחד
לשני לאוין!

GEMARA The case in the mishna is one where there is one assessment performed for two sets of lashes. The Gemara asks: **But isn't it taught in a *baraita*: One does not perform one assessment for two prohibitions?**

אמר רב ששת: לא קשיא, הא –
דאמרוהו לארבעים וחדא, הא –
דאמרוהו לארבעים ותרת.

Rav Sheshet said: This is not difficult; this ruling in the *baraita* that one does not perform a single assessment for two prohibitions is in a case where doctors assessed concerning him that he is able to receive forty-one lashes, two lashes beyond a full set. Since those two additional lashes are not divisible by three, which is a requirement based on the previous mishna, he receives only thirty-nine lashes. That constitutes just one set of lashes. He remains liable to receive another set of lashes after he recovers, requiring another assessment and another set of lashes. That ruling in the mishna that one performs a single assessment for two prohibitions is in a case where doctors assessed concerning him that he is able to receive forty-two lashes. In that case, it is possible to ascribe thirty-nine lashes to one prohibition and three additional lashes to the second prohibition. That is tantamount to two separate assessments, although in practice only one assessment was performed.

HALAKHA

This is where doctors assessed his fitness for that day, etc. – **הא דאמרוהו ליומי וכו'**: If a person was assessed for lashes that he was to receive that day, and he was found to be capable of receiving no more than twelve, and his punishment was postponed until the following day, at which point it was discovered that he is capable of withstanding eighteen lashes, he is flogged with only twelve lashes. If the initial assessment was that he is capable of withstanding twelve on the following day, and they flogged him on the third day and discovered that he is capable of withstanding more, he is flogged with as many lashes as he can withstand at that time. This is the Rambam's understanding of Rav Sheshet's opinion (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 17:3).

If one performed a transgression that involves two prohibitions, etc. – **עבר עבירה שיש בה שני לאוין וכו'**: With regard to one who is liable to receive multiple sets of lashes, whether he

performed multiple transgressions or whether he performed a single action for which one is liable to receive several sets of lashes, if he underwent one assessment to determine the number of lashes he could withstand for all the sets of lashes and was deemed capable of receiving a certain number of lashes, he is flogged with that number of lashes and is exempt from any additional lashes. If the assessment was for one set of lashes, he is flogged, and then after he recovers he is assessed and flogged with the second set of lashes. How so? If he was liable to receive two sets of lashes, and was assessed that he is able to withstand forty-five lashes, once he is flogged that number of lashes, he is exempt. If he was assessed for only one of the sets of lashes, and he was flogged with e.g., the three, nine, or thirty lashes that he was deemed able to withstand, once he has recovered, he is assessed again and is flogged for the second set of lashes, in accordance with the opinion of Rav Sheshet (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 17:4).

NOTES

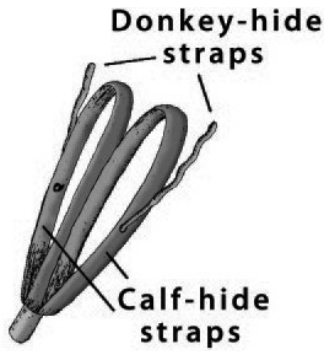
On... a post – על העמוד: This post was shorter than the height of a man. The person being flogged would lean on the post, with his hands bound round its two sides (Rivan; Meiri). Rabbeinu Yehonatan of Lunel explains that there were two small posts, with each of his hands tied to one of them.

The top of his abdomen – על פי כריסו: Since the attendant was required to strike the person being flogged across the width of the back, the court would adjust the strap so that its length would reach no farther than the beginning of his abdomen as it wrapped around his body (Rivan). The Ritva cites an opinion that the lashes were administered across the height of his back, and the strap had to be of a length that it would reach no farther than his abdomen when coming over his shoulder.

And then returns to the beginning of the verse – וחזר לתחלת המקרא: There are two primary explanations of the recitation of the verses. According to the version of the mishna presented by the Rambam, only the verses beginning “if you do not observe” are recited, and the crier returns to the beginning of those verses if he finishes reciting them before the flogging is completed. According to the version of the mishna that cites the other two verses, it seems that one must remove from the mishna the first instance of the phrase: And then he returns to the beginning of the verse, as if that directive were followed, there would be no opportunity to recite the subsequent verses (see *Arukh LaNer*).

BACKGROUND

Strap – רצועה: This sketch represents the opinion of Rashi’s teacher according to one opinion. According to that opinion, the straps of calf hide were two straps folded in two. The straps of donkey hide were suspended from the middle of the length of the calf straps.



Court’s whip according to Rashi’s teacher

מתני' כיצד מלקין אותו? כופה שתי ידיו על העמוד הילך והילך, וחזן הכנסת אוחז בבגדיו, אם נקרעו – נקרעו, ואם נפרמו – נפרמו, עד שהוא מגלה את לבו, והאבן נתונה מאחוריו. חזן הכנסת עומד עליו, ורצועה בידו של עגל, כפולה אחד לשנים ושנים לארבעה, ושתי רצועות של חמור עולות ויורדות ביה. ידה טפה ורחבה טפה, וראשה מגעת על פי כריסו.

ומכה אותו שליש מלפניו ושתי ידות מלאחוריו. ואינו מכה אותו לא עומד ולא יושב, אלא מיטה, שנאמר 'והפילו השפט'.

והמכה מכה בידו אחת בכל כחו, והקורא קורא: "אם לא תשמרו לעשות" וגו' 'והפלא ה' את מכותך ואת מכות' וגו', וחזר לתחלת המקרא: "ושמרתם את דברי הברית הזאת" וגו', וחזרתם: "והוא רחום וכפר עון" וגו', וחזר לתחלת המקרא.

MISHNA How do they flog him?^H He ties the two hands of the person being flogged on this side and that side of a post,^N and the attendant of the congregation takes hold of his garments to remove them. If they were ripped in the process, they were ripped, and if they were unraveled, they were unraveled, and he continues until he bares his chest. And the stone upon which the attendant stands when flogging is situated behind the person being flogged. The attendant of the congregation stands on it with a strap^B in his hand. It is a strap of calf hide, and is doubled, one into two, and two into four, and two straps of donkey hide go up and down the doubled strap of calf hide. The length of its handle is one handbreadth, and the width of the straps is one handbreadth, and the strap must be long enough so that its end reaches the top of his abdomen,^N i.e., his navel, when he is flogged from behind.

And the attendant flogs him with one-third of the lashes from the front of him,^H on his chest, and two one-third portions from behind him, on his back. And he does not flog him when the one receiving lashes is standing,^H nor when he is sitting; rather, he flogs him when he is hunched, as it is stated: “And the judge shall cause him to lie down, and strike him” (Deuteronomy 25:2), which indicates that the one receiving lashes must be in a position that approximates lying down.

And the attendant flogging the one receiving lashes flogs [makeh] him with one hand^H with all his strength, and the court crier recites^H the verses: “If you do not observe to perform all the words of this law that are written in this book, that you may fear this glorious and awesome name, the Lord your God. And the Lord will make your plagues [makkotekha] outstanding, and the plagues of your descendants, and even great plagues, and of long continuance, and severe sicknesses, and of long continuance” (Deuteronomy 28:58–59). And then he returns to the beginning of the verse. He also recites: “And you shall observe the matters of this covenant, and do them, that you may make all that you do to prosper” (Deuteronomy 29:8), and concludes with the verse: “And He is merciful and shall atone for transgression, and destroys not; and many a time does He turn His anger away, and does not stir up all His wrath” (Psalms 78:38), and then returns to the beginning of the verse^N that starts: “If you do not observe to perform.”

HALAKHA

How do they flog him – כיצד מלקין אותו: How do they flog him? After tying the hands of the one to be flogged on either side of a post, the attendant grabs his garments until his chest is bared, and if they tear or unravel it does not matter. He does not flog him on his garments, as it is stated: “And strike him” (Deuteronomy 25:2), and not his garments. The stone upon which the attendant stands is positioned behind the one receiving lashes. He holds a strap of calf hide, folded into two and then into four, with two straps of donkey hide going up and down the strap of calf hide. The width of the strap is one handbreadth, and the strap must be long enough to reach his navel. The length of the handle is one handbreadth (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 16:8).

One-third from the front of him – שליש מלפניו: One-third of the lashes are administered to his chest, and two-thirds are delivered on his back, one-third on each shoulder (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 16:9).

Not...standing, etc. – לא עומד וכי: The person being flogged neither stands nor sits; rather, he is hunched, in accordance with the verse: “And the judge shall cause him to lie down, and strike him” (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 16:10).

Flogs him with one hand – מכה בידו אחת: The attendant raises the strap with both hands and flogs him with one hand with all his strength (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 16:9).

And the crier recites, etc. – והקורא קורא וכי: In the course of the flogging, the most prominent judge recites the verses: “If you do not observe to perform... And the Lord will make your plagues outstanding, and the plagues of your descendants, and even great plagues, and of long continuance, and severe sicknesses, and of long continuance,” synchronizing his recital so that the verses and the lashes coincide. If he completed the verses before the attendant completed administering the lashes, he repeats the verses until all the lashes are completed (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 16:11).

ואם מת תחת ידו – פטור. הוסף לו עוד רצועה אחת ומת – הרי זה גולה על ידו. נתקלקל, בין בריעי בין במים – פטור. רבי יהודה אומר: האיש בריעי, והאשה במים.

If the one being flogged dies at the hand of the attendant,^h the latter is **exempt**, because he acted at the directive of the court. If the attendant **added for him an additional lash with a strap and he died**, the attendant is **exiled to a city of refuge on his account**, as an unwitting murderer. If the one being flogged involuntarily **sullies himself**,^b due to fear or pain, **whether with excrement^h or with urine**, he is **exempt** from further lashes. **Rabbi Yehuda** says that the threshold of shame for men and women is different: **The man is exempted if he sullies himself with excrement, and the woman is exempted even with urine.**

BACKGROUND

Sullies himself – נתקלקל: Both the anus and the urethra are controlled by muscles. As people mature, they learn to regulate those muscles, ensuring that the anus and the urethra open only when necessary. Nevertheless, fear or pain can cause one to lose control of these muscles and to involuntarily discharge urine or excrement.

In the description of one who sullied himself, the loss of control can be attributed either to anticipatory fear, which would cause the discharge even before any lashes are administered, or to the physical or psychological pain resulting from the lashes.

Perek III

Daf 23 Amud a

גמ' מאי טעמא – משום נקלה.

GEMARA The mishna teaches that the attendant rips the garments of the person about to be flogged. The Gemara explains: **What is the reason for this?** It is **due** to the verse: “Forty he shall flog him ... and your brother shall be **debased** before you” (Deuteronomy 25:3), as tearing his garments debases him.

אמר רב ששית משום רבי אלעזר בן עזריה: מנין לרצועה שהיא של עגל – דכתוב ארבעים וכנו, וסמך ליה לא תחסם שור בדישו.

Rav Sheshet says in the name of **Rabbi Elazar ben Azarya**: **From where is it derived with regard to the strap used for flogging that it is a strap from the hide of a calf?** It is as it is written: “**Forty he shall flog him,**” and **juxtaposed to it is written: “You shall not muzzle an ox in its threshing**” (Deuteronomy 25:4), indicating that the strap is from the hide of an ox.

ואמר רב ששית משום רבי אלעזר בן עזריה: מנין לרבמה שנפלה לפני מוכה שחין שאין חוסמין אותה – דכתוב לא תחסם שור בדישו, וסמך ליה כי ישבו אחים יחדיו וגו'.

And Rav Sheshet says in the name of **Rabbi Elazar ben Azarya**: **From where is it derived with regard to a yevama^b who happened before a yavam afflicted with boils,^h that one does not compel her to enter into that levirate marriage?** It is derived from a verse, as it is written: “**You shall not muzzle an ox in its threshing,**” and **juxtaposed to it is written: “When brothers dwell together**” (Deuteronomy 25:5), which is the passage dealing with levirate marriage. The *yevama* is not muzzled, as it were, when she states that she does not want to enter into levirate marriage with him.

ואמר רב ששית משום רבי אלעזר בן עזריה: כל המבזה את המועדים – באילו עובד עבודה זרה, דכתוב אליהי מסכה לא תעשה לך, וסמך ליה את חג המצות תשמור.

And Rav Sheshet says in the name of **Rabbi Elazar ben Azarya**: **Concerning anyone who treats the Festivals with contempt,^{hN} it is as though he is worshipping idols, as it is written: “Molten gods you shall not make for yourself**” (Exodus 34:17), and **juxtaposed to it is written: “The festival of Passover you shall observe**” (Exodus 34:18).

NOTES

Anyone who treats the Festivals with contempt – המבזה את המועדים: The Rivan explains that in this context the term: The Festivals, is referring to the intermediate days of the Festivals. Since the categories of prohibited labor on those days are not clearly defined, the tendency is to treat them lightly. The Meiri maintains that the reference is to the Festivals themselves. Since

the Festivals are fundamentally designed to commemorate miracles that were performed for the Jewish people, one who treats them with contempt demonstrates his lack of belief in the miracles of the Torah, which leads him to deny the existence of God. That explains the analogy to an idolater.

מת תחת ידו – פטור: If the one being flogged dies as a result of receiving lashes, the attendant who administered the lashes is exempt. If the attendant added even one additional lash to the number that was assessed, and the person dies, the attendant is liable to be exiled to a city of refuge (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 16:12).

If he sullies himself, whether with excrement, etc. – נתקלקל בין בריעי וכי: If one whose flogging began sullied himself with excrement or urine, he is exempt from additional lashes. This is the *halakha* with regard to both men and women, in accordance with the unattributed opinion in the mishna (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 17:5).

BACKGROUND

Levirate marriage – יבום: A man whose brother died childless, a *yavam*, is obligated by Torah law to marry his deceased brother's widow, the *yevama*, or perform *halitza*, the ritual through which a *yavam* frees a *yevama* of her levirate bonds (see Deuteronomy 25:5–10). As long as neither levirate marriage nor *halitza* has taken place, it is prohibited for her to marry another man. By Torah law, levirate marriage is effected by means of sexual intercourse. The Sages instituted levirate betrothal, through which the *yavam* betroths the *yevama* with money or a document. Even after the *yavam* betroths the *yevama* with levirate betrothal, the marriage is consummated with intercourse, after which she is his wife in every respect. Today, the custom in most Jewish communities is that the *yavam* is required to perform *halitza*, and he and the *yevama* do not enter into levirate marriage.

HALAKHA

A yevama who happened before a yavam afflicted with boils – יבמה שנפלה לפני מוכה שחין: If a *yevama* happened before a *yavam* afflicted with boils or with any other blemish, he performs *halitza* and she receives payment of her marriage contract. Even if her deceased husband had been afflicted with the same blemishes, she could claim that although she was able to tolerate the boils in her husband she cannot tolerate it in her *yavam*. The *halakha* is in accordance with the opinion of Rabbi Elazar ben Azarya (Rambam *Sefer Nashim*, *Hilkhot Yibbum VaHalitza* 2:14; *Shulhan Arukh*, *Even HaEzer* 165:4).

המבזה את המועדים – המבזה את המועדים: Just as there is a mitzva to show deference to Shabbat, there is a mitzva to show deference to the Festivals. Concerning anyone who treats the Festivals with contempt, it is as though he is worshipping idols (Rambam *Sefer Zemanim*, *Hilkhot Yom Tov* 6:16).

NOTES

One portion of wickedness from the front of him and two portions of wickedness from behind him – רשעה אחת מלפניו שתי רשעות מאחוריו – There are several explanations of the derivation of Rav Kahana. See Rashi in his commentary on the Torah, Rambam's Commentary on the Mishna, and the Rivan.

HALAKHA

The court appoints only attendants, etc. – אין מעמידין תזנין אלא וכו' מעמידין תזנין אלא וכו' The attendant who administers the lashes must be lacking in strength and exceedingly knowledgeable in Torah, in accordance with the opinion of the Rabbis (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 16:9).

ואמר רב ששית משום רבי אלעזר בן עזריה: כל המספר לשון הרע, וכן המקבל לשון הרע, וכל המעיד עדות שקר – ראוי להשליכו לכלבים, דכתוב "לכלב תשליכו אתו", וסמך ליה "לא תשא שמע שוא" וגו', קרי ביה גמי "לא תשאי".

And Rav Sheshet says in the name of Rabbi Elazar ben Azarya: Concerning anyone who speaks malicious speech, and anyone who accepts malicious speech as the truth, and anyone who testifies a false testimony, it is fit to throw him to the dogs, as it is written: "To the dog you shall cast it" (Exodus 22:30), and juxtaposed to it is written: "You shall not accept [lo tissa] a false report; do not join with the wicked to be a false witness" (Exodus 23:1). In addition to prohibitions against false testimony and against accepting malicious speech, Rav Sheshet also reads into the verse the meaning: You shall not relate [lo tassi] a false report.

"ושתי רצועות" וכו'. תנא: של חמור. בדריש ההוא גלילאה עליה דרב חסדא: "ידע שור קנהו וחמור אבוס בעליו ישראל לא ידע" וגו', אמר הקדוש ברוך הוא: יבא מי שמכיר אבוס בעליו ויפרע ממי שאינו מכיר אבוס בעליו.

§ The mishna teaches: And two straps go up and down the doubled strap of calf hide. The Sage taught: And they are straps of donkey hide. As a certain Galilean interpreted before Rav Hisda: It is written: "The ox knows its owner, and the donkey its master's trough; but Israel does not know, My people does not consider" (Isaiah 1:3). The Holy One, Blessed be He, says: Let the one who recognizes its master's trough, an ox and donkey, come and exact retribution, through lashes with a strap of ox and donkey hide, from one who does not recognize his Master's trough and performs transgressions.

"ידה טפח" וכו'. אמר אביי: שמע מינה כל חד וחד לפום גביה עבדינן ליה. אמר ליה רבא: אם כן נמיש להו רצועות טובא! אלא אמר רבא: אבקתא אית ליה, כי בעי – מיקטר ביה, כי בעי – מרפה בה.

The mishna teaches: The length of its handle is one handbreadth, and the width of the straps is one handbreadth, and the strap must be long enough so that its end reaches the top of his abdomen. Abaye said: Conclude from it that for each and every one, we craft the strap according to the size of their back. Rava said to him: If so, there will be numerous straps in court for them. Rather, Rava said: It has loops; when the attendant wants, he ties the loops to shorten the strap, and when the attendant wants, he loosens the loops to lengthen the strap. The length of the strap can be adjusted to correspond to the height of the person being flogged.

"מלקין אותו" וכו'. מנא הני מילי? אמר רב כהנא: דאמר קרא "הפילו השפט והכהו לפניו כדי רשעתו במספר" – רשעה אחת מלפניו, שתי רשעות מאחוריו.

§ The mishna teaches: One flogs him with one-third of the lashes from the front of him and two one-third portions from behind him. The Gemara asks: From where are these matters derived? Rav Kahana said: It is derived from a verse, as the verse states: "And the judge shall cause him to lie down, and strike him before him in accordance with his wickedness, by number" (Deuteronomy 25:2), indicating that the attendant strikes him in accordance with one portion of wickedness from the front of him, and two portions of wickedness from behind him.^N

"אין מלקין אותו" וכו'. אמר רב חסדא אמר רבי יוחנן: מנן לרצועה שהיא מוכפלת – שנאמר "הפילו". והא מיבעי ליה לגופיה! אם כן לכתוב קרא "ישיהו", מאי "הפילו"? שמע מינה תרתני.

The mishna teaches: And he does not flog him when the one receiving lashes is standing, nor when he is sitting; rather, he flogs him when he is hunched, as it is stated: "And the judge shall cause him to lie down." Rav Hisda says that Rabbi Yohanan says: From where is it derived with regard to the strap that it is doubled? It is derived from a verse, as it is stated: And he shall cause him to lie down [vehippilo], which is interpreted based on the similar Aramaic root *ayin, peh, peh*, meaning double. The Gemara asks: But doesn't he require that verse for the fundamental halakha itself, as the mishna teaches: He flogs him when he is hunched. The Gemara answers: If so, let the verse write: Shall bend him. What is the meaning of: "Shall cause him to lie down"? Conclude two conclusions from it: The halakha that the person being flogged must be hunched, and the allusion to the doubling of the strap.

"המכה מכה בידו". תנו רבנן: אין מעמידין תזנין אלא חסירי כח ויתירי מדע, רבי יהודה אומר: אפילו חסירי מדע ויתירי כח.

§ The mishna teaches: And the attendant flogging the one receiving lashes flogs him with one hand with all his strength. The Sages taught: For the administration of lashes, the court appoints only attendants^H who are lacking in strength and are exceedingly knowledgeable in Torah. Rabbi Yehuda says: The court may appoint even those who are lacking in knowledge and are exceedingly strong.

The most prominent of the judges recites the verses – **הגדול שבדיינין קורא**: During the flogging, the most prominent judge recites the verses, the second most prominent judge counts the lashes, and the third most prominent says to the attendant: Strike him. Each blow is administered at the directive of this third judge (Rambam *Sefer Shofetim*, *Hilkhot Sanhedrin* 16:11).

אמר רבא: כוותיה דרבי יהודה מסתברא. דכתיב "לא יוסיף ויוסיף"; אי אמרת בשלמא חסירי מדע – היינו דצריך לאזהורי, אלא אי אמרת יתירי מדע – מי צריך לאזהורי? ורבנן: אין מרוזין אלא למרוז.

Rava said: It is reasonable to rule in accordance with the opinion of Rabbi Yehuda, as it is written: "Forty he shall flog him; he shall not exceed, lest he continue to beat him" (Deuteronomy 25:3). He explains: **Granted, if you say that even people lacking in halakhic knowledge are appointed, that is why it is necessary to warn him not to add lashes. But if you say only people who are exceedingly knowledgeable are appointed, does the Torah need to warn the attendant?** Apparently, even a person lacking in knowledge can be appointed as an attendant. **And according to the Rabbis, that is no proof, as there is an expression that one implores only one who is already implored.** In other words, only one who is already cognizant of a *halakha* can be effectively warned to observe it.

תנא: בשעה שאר מנגביה – מנגביה בשתי ידיו, וכשהוא מכה – מכה בידו אחת, כי היכי דליתא מדידיה.

It is taught: **When the attendant raises the strap to administer the lashes, he raises it with both hands, and when he flogs the one receiving lashes, he flogs with one hand, so that the lashes will come from him in a deliberate manner.**

"והקורא קורא" וכו'. תנו רבנן: הגדול שבדיינין קורא, השני מונה, והשלישי אומר "הכהו". בזמן שמכה מרובה – מאריך, בזמן שמכה מועטת – מקצר. והא אגן תנו: חוזר לתחלת המקרא! מצוה לצמצם, ואי לא צמצם – חוזר לתחלת המקרא.

§ The mishna teaches: **And the court crier recites the verse beginning: "If you do not observe to perform," as well as other verses. The Sages taught: The most prominent of the judges recites the verses,¹¹ the second most prominent judge counts the lashes, and the third most prominent says to the attendant: Strike him. When the lashes are numerous, the one reciting the verses extends his recitation; when the lashes are few, he curtails his recitation by reciting it faster.** In both cases, he does so to coordinate the recitation with the duration of the lashes. The Gemara asks: **But didn't we learn in the mishna: And then he returns to the beginning of the first verse, indicating that one could read the passage several times?** The Gemara answers: **The mitzva is to precisely coordinate the verses with the flogging, and if he did not precisely coordinate between them, and he completed the recitation of the verses before completing the lashes, he returns to the beginning of the first verse.**

תנו רבנן: "מכה רבה", אין לי אלא מכה רבה, מכה מועטת מנין – תלמוד לומר "לא יוסיף". אם כן, מה תלמוד לומר "מכה רבה" – לימוד על הראשונות שהן מכה רבה.

The Gemara cites another *baraita* with regard to the number of lashes. **The Sages taught:** From the verse: "He shall not exceed, lest he continue to beat him beyond these, a great flogging" (Deuteronomy 25:3), **I have derived only a prohibition with regard to a great flogging; from where do I derive that even a minimal excessive flogging is prohibited?** I derive it from the verse that states: "He shall not exceed," at all. The Gemara asks: **If so, why must the verse state: "A great flogging"?** This teaches that the initial lashes must be administered as a great flogging, with all of the attendant's strength.

"נתקלקל" וכו'. תנו רבנן: אחד האיש ואחד האשה בריעי ולא במים, דברי רבי מאיר. רבי יהודה אומר: האיש בריעי והאשה במים. וחכמים אומרים: אחד האיש ואחד האשה בין בריעי בין במים.

§ The mishna teaches: **If the one being flogged sullies himself, with excrement or urine, he is exempt from further lashes.** Rabbi Yehuda says: **The man is exempted with excrement, and the woman is exempted even with urine. The Sages taught in a baraita: For both a man and a woman, they are exempted if they sully themselves with excrement, but not if they do so with urine; this is the statement of Rabbi Meir.** Rabbi Yehuda says: **The man with excrement, and the woman even with urine. And the Rabbis say: Both a man and a woman are exempt from further lashes whether they sullied themselves with excrement or with urine.**

והתנא, רבי יהודה אומר: אחד האיש ואחד האשה בריעי אמר רב נחמן בר יצחק: שניהם שוין בריעי.

The Gemara asks with regard to the opinion attributed to Rabbi Yehuda: **But isn't it taught in a baraita that Rabbi Yehuda says: Both a man and a woman are exempted with excrement, indicating that Rabbi Yehuda holds that a woman is not exempted with urine. Rav Nahman bar Yitzhak said:** There is no contradiction; that *baraita* is merely stating that according to Rabbi Yehuda **both are equal with regard to excrement.** That does not mean that Rabbi Yehuda holds that a woman is not exempted with urine.

There, he fled – **התם רץ**: Since he left the court without punishment, he is no longer liable to receive it, as in cases of capital law. Rashi (*Shevuot* 28a) explains that his flight from the court is demeaning and debases him.

Are exempted from their punishment of *karet* – **נפטרו**: In Rambam's Commentary on the Mishna it says that the lashes exempt him from the more severe penalty at the hand of Heaven only if he repents; if he fails to repent he remains liable to receive *karet*. Rabbeinu Yehonatan of Lunel and the Ba'al HaMaor hold that the punishment of lashes exempts him from any punishment at the hand of Heaven, even without repentance.

אמר שמואל: כפתוהו ורץ מבית דין – פטור. מיתבי: קלה, בין בראשונה בין בשנייה – פטורין אותו. נפקקה רצועה, בשנייה – פטורין אותו, בראשונה – אין פטורין אותו; אמאי להו ברץ! התם רץ, הכא לא רץ.

תנו רבנן: אמרוהו לכשילקה קלה – פטורין אותו, לכשיצא מבית דין קלה – מלקין אותו. ולא עוד, אלא אפילו קלה בתחלה – מלקין אותו, שנאמר "והכהו וגו' ונקלה", ולא שלקה כבר בבית דין.

מתני' כל חייבי כריתות שלקו – נפטרו ידי כריתתם, שנאמר "ונקלה אחיך לעיניך" – בשלקה הרי הוא כאחיד, דברי רבי חנניה בן גמליאל.

ואמר רבי חנניה בן גמליאל: מה אם העובר עבירה אחת נוטל נפשו עליה, העושה מצוה אחת – על אחת כמה וכמה שתנתן לו נפשו. רבי שמעון אומר: ממקומו הוא למד, שנאמר "ונכרתו הנפשות העשות" וגו', ואומר

Shmuel says: If they bound him to be flogged and he fled from the court,¹¹ he is exempt. The Gemara raises an objection from a *baraita*: If he was debased with excrement, whether during the first lash¹² or during the second lash, the court exempts him. But in a case where the strap was severed¹³ during the course of the flogging, if this occurred during the second lash they exempt him, but if it happened during the first lash, they do not exempt him. Why is he not exempted during the first lash? Let his status be like one who fled from the court before the flogging began, in which case he is exempt. The Gemara answers: **There**, in that case, he fled^N from the court and he is not compelled to return; **here**, he did not flee, and therefore he is not exempted without being flogged.

The Sages taught: If they assessed concerning him that when he is flogged he will be debased¹⁴ with excrement, they exempt him, as the court does not administer a punishment that will lead to debasing the one being flogged beyond the shame generated by the lashes themselves. But if they assessed concerning him that it is only when he will leave the court that he will be debased with excrement, they flog him. Moreover, even if he was debased initially, before any lashes were administered, they nevertheless flog him, as it is stated: "And strike him ... and your brother shall be debased" (Deuteronomy 25:2-3), indicating that the reference is to one debased as a result of the lashes, and not to one who was already debased in court prior to being flogged.

MISHNA All those liable to receive *karet*¹⁵ who were flogged are exempted from their punishment of *karet*,^N as it is stated: "And your brother shall be debased before your eyes" (Deuteronomy 25:3), indicating: **Once he is flogged he is as your brother**, as his sin has been atoned and he is no longer excised from the Jewish people; this is the statement of Rabbi Hananya ben Gamliel.

And Rabbi Hananya ben Gamliel says: And if for one who performs one transgression his soul is taken for it, as one's soul can be uprooted from the world for one transgression, for one who performs a single mitzva, it is all the more so the case that his soul will be given to him, as the reward for performing mitzvot is greater than the punishment for performing transgressions. Rabbi Shimon says: It is derived from its own place in the Torah, as it is stated at the conclusion of the passage discussing intercourse with forbidden relatives, which is punishable with *karet*: "And the souls that perform them shall be excised" (Leviticus 18:29), and it states toward the beginning of that chapter:

HALAKHA

כפתוהו ורץ – מבית דין: If one was bound in preparation for flogging, and he severed the ropes and fled, he is exempt from receiving lashes and is not returned to the court (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 17:6).

If he was debased with excrement, whether during the first lash, etc. – קלה בין בראשונה וכו' – If they assessed that the one receiving punishment is able to withstand two sets of lashes and he sullied himself, he is exempt from any further lashes, whether he sullied himself during the first set of lashes or during the second set of lashes. The Rambam understands the terms first and second in the *baraita* as referring to different sets of lashes (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 17:5).

The strap was severed – נפקקה רצועה – If the strap used for flogging was severed during the first set of lashes, the one being flogged is exempt from receiving the rest of those lashes, but he remains liable to receive the second set of lashes (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 17:5).

If they assessed concerning him that when he is flogged he will be debased – אמרוהו לכשילקה קלה – If one was assessed with regard to his capability to withstand lashes, and after absorbing a blow he sullied himself with excrement or urine, he is exempt from additional lashes. This is in accordance with the verse: "And your brother shall be debased before your eyes" (Deuteronomy 25:3), as he has already been debased. If he sullied himself before he was flogged, in anticipation of the lashes, then even if it occurred after he was taken from the court to be flogged, and even if it was in the evening, he is flogged with the number of lashes that the court assessed that he could withstand, in accordance with the Rambam's version of the *baraita* (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 17:5).

כל חייבי כריתות וכו' – כל: All those liable to receive *karet* are exempt from *karet* once they are flogged (Rambam *Sefer Shofetim, Hilkhot Sanhedrin* 17:7).

“אִשׁוֹר יַעֲשֶׂה אֹתָם הָאָדָם וְחַי בָּהֶם”, הַאִשׁוֹר הַיּוֹשֵׁב וְלֹא עָבַר עֲבִירָה נוֹתֵנִין לוֹ שְׂכָר כְּעוֹשֶׂה מִצְוָה.

“That a person shall perform and live by them” (Leviticus 18:5). It is inferred that with regard to one who sits and did not perform a transgression, God gives him a reward like that received by one who performs a mitzva.

רַבִּי שִׁמּוֹן בֶּן רַבִּי יְהוּדָה הַנָּסִי אָמַר: הֵרִי הוּא אוֹמֵר “רַק חֹזֵק לְבַלְתִּי אֲכַל (אֶת) הַדָּם כִּי הַדָּם הוּא הַנֶּפֶשׁ” וְגו'. וְיָמָּה אִם הַדָּם, שֶׁנִּפְשׂוּ שֶׁל הָאָדָם קֶצֶה מִמֶּנּוּ – הַפּוֹרֵשׁ מִמֶּנּוּ מִקְבֵּל שְׂכָר, גּוֹל וְעֵרִוּוֹת, שֶׁנִּפְשׂוּ שֶׁל אָדָם מִתְאַוָּה לָהֶן וּמְחַמְדָתָן – הַפּוֹרֵשׁ מֵהֶן עַל אַחַת כַּמָּה וְכַמָּה שְׂוִיבָה לוֹ וְלְדוֹרוֹתָיו וְלְדוֹרוֹת דּוֹרוֹתָיו עַד סוֹף כָּל הַדּוֹרוֹת.

Rabbi Shimon bar Rabbi Yehuda HaNasi says that as the verse states: “Only be steadfast to not eat the blood, as the blood is the soul” (Deuteronomy 12:23), it can be derived *a fortiori*: And if with regard to the blood, which a person’s soul loathes, one who abstains from its consumption receives a reward for that action, as it is written in a subsequent verse: “You shall not eat it, so that it shall be good for you and for your children after you” (Deuteronomy 12:25); then concerning robbery and intercourse with forbidden relatives, which a person’s soul desires and covets, one who abstains from their performance and overcomes his inclination, all the more so that he and his descendants and the descendants of his descendants until the end of all generations will merit a reward.

רַבִּי חֲנַנְיָא בֶּן עֲקִישָׁי אוֹמֵר: רָצָה הַקְּדוֹשׁ בְּרוּךְ הוּא לְזַכּוֹת אֶת יִשְׂרָאֵל, לְפִיכָךְ הִרְבָּה לָהֶם תּוֹרָה וּמִצְוֹת, שֶׁנֶּאֱמַר “ה’ חָפֵץ לְמַעַן צְדָקוֹ יַגְדִּיל תּוֹרָה וַיֵּאדָר.”

Rabbi Hananya ben Akashya says: The Holy One, Blessed be He, sought to confer merit upon the Jewish people; therefore, He increased for them Torah and mitzvot, as each mitzva increases merit, as it is stated: “It pleased the Lord for the sake of His righteousness to make the Torah great and glorious” (Isaiah 42:21). God sought to make the Torah great and glorious by means of the proliferation of mitzvot.

גַּמְ' אָמַר רַבִּי יוֹחָנָן: חֲלוּקִין עָלָיו חֲבֵרָיו עַל רַבִּי חֲנַנְיָא בֶּן גַּמְלִיאֵל. אָמַר רַב אֲדָא בְרַ אֲהֵבָה: אָמְרִי בִי רַב, תִּנְיִן: אֵין בֵּין שַׁבַּת לְיוֹם הַכִּפּוּרִים אֶלָּא שְׁוָה זְדוּנָה בִּיּוֹדֵי אָדָם וְזֶה זְדוּנָה בְּהַכְרַת; וְאִם אֵיתָא – אִידֵי וְאִידֵי בִּיּוֹדֵי אָדָם הוּא.

GEMARA Rabbi Yohanan says: Rabbi Hananya ben Gamliel’s colleagues are in disagreement with him and hold that lashes do not exempt the sinner from *karet*. Rav Adda bar Ahava said that this is so, as they say in the school of Rav that we learned in a mishna (*Megilla* 7b): The difference between Shabbat and Yom Kippur with regard to the labor prohibited on those days is **only** that in this case, Shabbat, its intentional desecration is punishable by human hands, as he is stoned by a court based on the testimony of witnesses who forewarned the transgressor, and in that case, Yom Kippur, its intentional desecration is punishable at the hand of God, with *karet*. And if the statement of Rabbi Hananya ben Gamliel is so, in both this case, Shabbat, and that case, Yom Kippur, the punishment would be by human hands. Apparently, the *tanna* of the mishna, the Rabbis, disagrees with Rabbi Hananya ben Gamliel.

רַב נַחֲמָן בֶּר יִצְחָק אוֹמֵר: הָא מַנִּי – רַבִּי יִצְחָק הִיא, דְּאָמַר: מְלֻקוֹת בְּחַיִּיבֵי כְרִיתוֹת לֵיכָא. דְּתַנָּא, רַבִּי יִצְחָק אוֹמֵר: חַיִּיבֵי כְרִיתוֹת בְּכָלֵל הִי, וְלִמָּה יִצְאָת כְּרִית בְּאַחֲתוֹ – לְדוּנָה בְּכְרִית וְלֹא בְּמְלֻקוֹת.

Rav Nahman bar Yitzhak says: There is no proof from here that Rabbi Hananya ben Gamliel’s colleagues disagree with him, as in accordance with whose opinion is this mishna taught? It is in accordance with the opinion of Rabbi Yitzhak, who says: There are no lashes in cases of those liable to receive *karet*. As it is taught in a *baraita* that Rabbi Yitzhak says: All those liable to receive *karet* in cases of forbidden relations were included in the principle: “For whoever shall commit any of these abominations, even the people who commit them shall be cut off from among their people” (Leviticus 18:29). And why was *karet* in the case of relations with one’s sister excluded from this verse and mentioned independently (Leviticus 20:17)? It is to sentence one who transgresses a prohibition punishable with *karet* to be punished with *karet* alone, and not with lashes. Other Sages disagree with Rabbi Yitzhak (see 13b).

HALAKHA

The difference between Shabbat and Yom Kippur is only, etc. – Shabbat, one is liable to receive *karet* for performing it on Yom Kippur (Rambam *Sefer Zemanim, Hilkhot Shevitat Asor* 1:2; *Shulhan Arukh, Orah Hayyim* 611:2). With regard to any prohibited labor for which one is liable to be stoned for performing it on

And bringing the first tithe – והבאת מעשר – There was an ordinance issued during the reign of King Hezekiah that all tithes were to be brought to the Temple treasury for distribution, replacing the previous practice where each person would give his first tithe to the Levite of his choice.

רב אשי אומר: אפילו תימא רבנן, זה – עיקר זדונו בידי אדם, וזה – עיקר זדונו בידי שמים.

Rav Ashi said: Even if you say that the mishna is in accordance with the opinion of the Rabbis, who disagree with Rabbi Yitzhak and hold that there are lashes even in cases where there is liability for *karet*, there is no proof that Rabbi Hananya ben Gamliel's colleagues disagree with him. The mishna can be understood as follows: In this case, Shabbat, the primary punishment for its intentional desecration is by human hands, and in that case, Yom Kippur, the primary punishment for its intentional desecration is *karet*, which is a punishment at the hand of Heaven. If he was flogged, he is exempt from *karet*.

אמר רב אדא בר אבהו אמר רב: הלכה כרבי חנניא בן גמליאל. אמר רב יוסף: מאן סליק לעילא ואתא ואמר? אמר ליה אבמי: אלא הא דאמר רבי יהושע בן לוי: שלשה דברים עשו בית דין של מטה והסכימו בית דין של מעלה על ידם, מאן סליק לעילא ואתא ואמר? אלא קראי קא דרשינן – הכא נמי קראי קא דרשינן.

Rav Adda bar Ahava says that Rav says: The *halakha* is in accordance with the opinion of Rabbi Hananya ben Gamliel, who ruled that lashes exempt the sinner from *karet*. Rav Yosef said: Who ascended on high and came and said to you that one who is flogged is exempted from *karet*? That is not dependent upon the decision of an earthly court. Abaye said to Rav Yosef: But according to your reasoning, then with regard to that which Rabbi Yehoshua ben Levi says: There are three matters that the earthly court implemented and the heavenly court agreed with them, the same question applies: Who ascended on high and came and said to him that this is so? Rather, in arriving at Rabbi Yehoshua ben Levi's conclusion we homiletically interpret verses. Here too, with regard to lashes and *karet*, we homiletically interpret verses.

גופא. אמר רבי יהושע בן לוי: שלשה דברים עשו בית דין של מטה והסכימו בית דין של מעלה על ידם, [אלו הן]: מקרא מגילה, ושאיילת שלום [בשם] והבאת מעשר.

§ With regard to the matter itself, Rabbi Yehoshua ben Levi says: There are three matters that the earthly court implemented and the heavenly court agreed with them, and these are they: Reading the Scroll of Esther on Purim, and greeting another with the name of God, and bringing the first titheⁿ to the Temple treasury in Jerusalem. From where is it derived that the heavenly court agreed with them?

מקרא מגילה – דכתוב "קמו וקבלו היהודים", קיימו למעלה מה שקבלו למטה.

Reading the Scroll of Esther is derived from a verse, as it is written: "The Jews confirmed, and they took upon themselves" (Esther 9:27). The verse could have simply said: They took upon themselves. From the formulation of the verse it is interpreted: They confirmed above in Heaven that which they took upon themselves below on earth.

ושאיילת שלום – דכתוב "והנה בעו בא מבית לחם ויאמר לקוצרים ה' עמכם", ואומר "ה' עמך גבור החיל". מאי "ואומר"? וכי תימא, בועו הוא דעביד מדעתיה, ומשמאי לא אסכימו על ידו – תא שמע: ואומר "ה' עמך גבור החיל".

And greeting another with the name of God is derived from a verse, as it is written: "And presently Boaz came from Bethlehem and said to the harvesters: The Lord is with you, and they said to him: May the Lord bless you" (Ruth 2:4). And it states: "And the angel of the Lord appeared to him and said to him: The Lord is with you, mighty man of valor" (Judges 6:12). The Gemara asks: What is the reason that the Gemara cites the additional source about Gideon, introduced with the phrase: And it states? Why was the proof from Boaz's statement to the harvesters insufficient? The Gemara explains: And if you would say: It is Boaz who did so on his own, and from Heaven they did not agree with him; come and hear proof, and it says: "The Lord is with you, mighty man of valor." The angel greeted Gideon with the name of God, indicating that there is agreement in Heaven that this is an acceptable form of greeting.

הבאת מעשר – דכתוב "הביאו את כל המעשר אל בית האוצר ויהי טרף בביתי ובחגוני נא בואת אמר ה' צבאות אם לא אפתח לכם את ארבות השמים והריקתי לכם ברכה עד בלי די". מאי "עד בלי די"? אמר רמי בר רב: עד שיבולו שפתותיכם מלומר "די".

From where is it derived that the heavenly court agreed to the bringing of the first tithe to the Temple treasury in Jerusalem? It is derived from a verse, as it is written: "Bring you the whole tithe into the storehouse, that there may be food in My house, and try Me now with this, says the Lord of hosts, if I will not open for you the windows of heaven and pour you out a blessing, that there shall be more than sufficiency [*ad beli dai*]" (Malachi 3:10). This indicates that the heavenly court agreed that the first tithe should be brought to the Temple treasury. The Gemara asks: What is the meaning of "*ad beli dai*"? Rami bar Rav says: It means that the abundance will be so great that your lips will be worn out [*yivlu*], from saying enough [*dai*].

The court of Shem – בית דינו של שם – The Sages received a tradition that Tamar was judged in a court that followed procedures predicated on truth. It followed the traditions of Shem, son of Noah, although Shem was no longer alive (Rivan).

From Me [mimmenni] these secrets emerged – מִמֶּנִּי – This homiletic interpretation is based on the term from the verse “than I [mimmenni],” which appears anomalous with Judah’s statement, as there was no reason for him to make this comparison.

BACKGROUND

Divine Voice [bat kol] – בת קול – Many explanations have been suggested for this concept. Some explain that a Divine Voice is a subcategory of prophecy; even now, when prophecy has ceased, the Divine Presence remains (*Ge'anim; Tosafot*). Others suggest that a Divine Voice is an echo or sound whose source cannot be determined. In certain cases, it refers to when people overhear a conversation between others that happens to resolve a difficulty with which they were grappling. Similar cases are found in the Jerusalem Talmud (Maharatz Hayyut). Another possibility is that the term *bat* in this expression is referring to a biblical measure of liquid volume. *Bat kol*, then, is a voice heard by those who measure up, who are deemed worthy (Rosh; *Sefer HaNitzahon*).

LANGUAGE

Numerical value [gimatriyya] – גִּמְטְרִיָּא – Apparently from the Greek γεωμετρία, *geometria*, meaning geometry or land measurement. The Sages employed the term in the broad sense of mathematics in general, and in the narrow sense of the numerical value of letters.

אמר רבי אלעזר: בשלשה מקומות הופיע רוח הקודש: בבית דינו של שם, ובבית דינו של שמואל הרמתי, ובבית דינו של שלמה. בבית דינו של שם – דכתיב “ויבר יהודה ויאמר צדקה ממני.” מנא ידע? דלמא כי היכי דאזל איהו לגבה – אזל נמי אינש אחרינא [לגבה]? יצאת בת קול ואמרה: ממני יצאו כבושים.

The Gemara cites a somewhat similar statement. Rabbi Elazar says: In three places the Divine Spirit appeared before all to affirm that the action taken was appropriate: In the court of Shem,^N in the court of Samuel the Ramathite, and in the court of Solomon. The Gemara elaborates: This occurred in the court of Shem, as it is written in the context of the episode of Judah and Tamar: “And Judah acknowledged them and said: She is more righteous than I [mimmenni]” (Genesis 38:26). How did Judah know that Tamar’s assertion that she was bearing his child was correct? Perhaps, just as he went to her and hired her as a prostitute, another person went to her and hired her as well, and he is not the father. Rather, a Divine Voice⁸ emerged and said: It is from Me [mimmenni] that these secrets emerged.^N God affirmed that her assertion was correct and that it was His divine plan that Judah would father a child from Tamar.

Likewise, this occurred in the court of Samuel, as it is written: “Here I am; testify against me before the Lord and before His anointed: Whose ox have I taken... And they said: You have neither defrauded us nor oppressed us... And he said to them: The Lord is witness against you, and His anointed is witness this day, that you have not found anything in my hand. And he said: He is witness” (1 Samuel 12:3–5). Based on the context, instead of the singular: “And he said,” the plural: And they said, should have been written, as the verse appears to be the reply of the Jewish people to Samuel’s challenge, attesting to the truth of his statement. Rather, a Divine Voice emerged and said: I, God, am witness to this matter.

This occurred in the court of Solomon, when the Divine Spirit appeared in the dispute between two prostitutes over who was the mother of the surviving child, as it is written: “And the king answered and said: Give her the living child, and do not slay him; she is his mother” (1 Kings 3:27). How did Solomon know that she was the mother? Perhaps she was devious and was not the mother of the surviving child at all. Rather, a Divine Voice emerged and said: She is his mother.

Rava said: From where do you draw these conclusions? None of these proofs is absolute. Perhaps in the case of Judah, once he calculated the passage of the months and the days from when he engaged in intercourse with Tamar and it happened to correspond with the duration of her pregnancy, he realized that her assertion is correct. There is no room to suspect that another man was the father, as the principle is: Based on that which we see, we establish presumptive status; based on that which we do not see, we do not establish presumptive status.

With regard to Samuel too, no proof may be cited from the use of the singular, as on occasion the entire Jewish people is referred to in the singular, as it is written, e.g.: “The Jewish people is saved by the Lord” (Isaiah 45:17).

With regard to Solomon too, perhaps he reasoned that due to the fact that this woman is merciful and seeks to spare the baby and this woman is not merciful, it is evident that the former is its mother. Rather, Rava concludes: There is no proof from the verses that a Divine Spirit appeared in those circumstances; rather, there is a tradition that this is the case.

§ Rabbi Simlai taught: There were 613 mitzvot stated to Moses in the Torah, consisting of 365 prohibitions corresponding to the number of days in the solar year, and 248 positive mitzvot corresponding to the number of a person’s limbs. Rav Hammuna said: What is the verse that alludes to this? It is written: “Moses commanded to us the Torah, an inheritance of the congregation of Jacob” (Deuteronomy 34:4). The word Torah, in terms of its numerical value [gimatriyya],^L

בבית דינו של שמואל – דכתיב “הנני ענו בי נגד ה’ ונגד משיחו את שור מי לקחתי... ויאמרו לא עשקתנו ולא רצוננו... ויאמר עד ה’ ועד משיחו... כי לא מצאתם בידי מאומה ויאמר עד;” ויאמר? “ויאמר” מיבעי ליה! יצאת בת קול ואמרה: אני עד בדבר זה.

בבית דינו של שלמה – דכתיב “ויען המלך ויאמר תנו לה את הילד החי והימת לא תמיתהו (כי היא אמו); מנא ידע? דלמא איערומא מיערומא! יצאת בת קול ואמרה: “היא אמו.”

אמר רבא: ממאי? דלמא יהודה, כיון דחשיב ירחי ויומי ואיתרמי – דחיוני מחוקיני. דלא תיוני לא מחוקיני.

שמואל נמי – כולהו ישראל קרי להו בלשון יחיד, דכתיב “ישראל נושע בה.”

שלמה נמי – מדהא קא מרחמתא והא לא קא מרחמתא! אלא גמרא.

דרש רבי שמלאי: שש מאות ושלש עשרה מצות נאמרו לו למשה, שלש מאות וששים וחמש לאוין כמנין ימות החמה, ומאתים וארבעים ושמונה עשה כנגד איברי של אדם. אמר רב המנונא: מאי קרא – “תורה צוה לנו משה מורשה,” “תורה” בגימטריא

NOTES

We heard from the mouth of the Almighty – מפי כפי: These two mitzvot, “I am the Lord your God” and “You shall have no other gods in My presence,” which constitute a separate paragraph in the Torah, are the only ones in the Ten Commandments that God stated in the first person, i.e., “I am,” and “in My presence.”

He who walks wholeheartedly, etc. – הולך תמים וכו': God commanded Abraham to traverse the land, and although Abraham encountered trials and tribulations over the course of his wanderings, e.g., famine, abduction of Sarah, finding a burial spot for her, he remained wholehearted and did not complain to God (*Hakotev*).

Who has no slander, etc. – לא רגל וכו': The Rivan explains that Jacob was initially reluctant to agree to a plan that involved deceit and to obtain the blessings by deceiving his father.

HALAKHA

When he would see a Torah scholar – שבשעה שהיה: There is a mitzva for a king to treat with deference those who study Torah. When members of the Sanhedrin and the Sages of Israel appear before him, the king stands before them and seats them alongside him. Jehoshaphat, king of Judea, would treat every Torah scholar in that manner; he would arise and embrace him and kiss him. This is appropriate conduct in private. In public, in the presence of his subjects, the king must neither stand nor speak softly, so that his subjects will fear him (Rambam *Sefer Shofetim, Hilkhot Melakhim UMilhemoteihem* 2:5).

שית מאה וחד קרי הוי, “אנכי” ו”לא יהיה לך” – מפי הגבורה שמענום.

(סימן דמשמ”ק ס”ק).

בא דוד והעמידן על אחת עשרה, דכתיב “מזמור לדוד [ה'] מי גזר באהלך מי ישכן בהר קדשך. הולך תמים ופועל צדק ודבר אמת בלבבו, לא רגל על לשנו לא עשה לרעהו רעה וחרפה לא נשא על קרבו. נבזה בעיניו נמאס ואת יראי ה' יכבד נשבע להרע ולא ימר. כספו לא נתן בנשך ושחד על נקי לא לקח עשה אלה לא מוט לעולם”.

“הולך תמים” – זה אברהם, דכתיב “התהלך לפני ה' והיה תמים”.

“פועל צדק” – כגון אבא חלקיהו.

“ודובר אמת בלבבו” – כגון רב ספרא.

“לא רגל על לשנו” – זה יעקב אבינו, דכתיב “אולי ימשני אבי והייתי בעיניו כמתעתע”.

“לא עשה לרעהו רעה” – שלא ירד לאומנות חבירו.

“וחרפה לא נשא על קרבו” – זה המקרב את קרוביו.

“נבזה בעיניו נמאס” – זה חזקיהו המלך שגירר עצמות אביו במטה של חבלים.

“ואת יראי ה' יכבד” – זה יהושפט מלך יהודה, שבשעה שהיה רואה תלמיד חכם היה עומד מכסאו ומחבקו ומנשקו וקורא לו “אבי אבי, רבי רבי, מרי מרי”.

is 611, the number of mitzvot that were received and taught by Moses our teacher. In addition, there are two mitzvot: “I am the Lord your God” and: “You shall have no other gods” (Exodus 20:2, 3), the first two of the Ten Commandments, that we heard from the mouth of the Almighty,ⁿ for a total of 613.

The Gemara provides a mnemonic for the biblical figures cited in the course of the discussion that follows: *Dalet, mem, shin, mem, kuf; samekh, kuf*; representing David, Micah, Isaiah, Amos, Habakkuk, Amos, and Ezekiel.

Rabbi Simlai continued: King David came and established the 613 mitzvot upon eleven mitzvot, as it is written: “A Psalm of David. Lord, who shall sojourn in Your Tabernacle? Who shall dwell upon Your sacred mountain? He who walks wholeheartedly, and works righteousness, and speaks truth in his heart. Who has no slander upon his tongue, nor does evil to his neighbor, nor takes up reproach against his relative. In whose eyes a vile person is despised, and he honors those who fear the Lord; he takes an oath to his own detriment, and changes not. He neither gives his money with interest, nor takes a bribe against the innocent. He who performs these shall never be moved” (Psalms, chapter 15). Eleven attributes that facilitate one’s entry into the World-to-Come appear on this list.

The Gemara analyzes these verses: “He who walks wholeheartedly”;ⁿ this is referring to one who conducts himself like our forefather Abraham, as it is written concerning him: “Walk before Me and be wholehearted” (Genesis 17:1).

“Works righteousness”; this is referring to one such as Abba Hilkiyyahu, a laborer who would not pause from his labor even to greet people; he righteously continued working.

“And speaks truth in his heart”; this is referring to one such as Rav Safra, who was reciting *Shema* when a person approached him to purchase an item. He intended to accept the man’s offer, but he was unable to respond because it is prohibited to interrupt the recitation of *Shema*. The buyer misinterpreted Rav Safra’s silence and concluded that Rav Safra demanded a higher price, so he raised his offer. Rav Safra insisted on selling him the item for the sum that he was offered initially.

“Who has no slanderⁿ upon his tongue”; this is referring to one who conducts himself like our forefather Jacob, who did not want to mislead his father in order to receive his blessings, as it is written: “Perhaps my father will feel me, and I will be in his eyes like a fraud” (Genesis 27:12).

“Nor does evil to his neighbor”; this is referring to one who did not infringe upon another’s trade, constituting illegal competition.

“Nor takes up reproach against his relative”; this is referring to one who draws his relatives near, and does not distance them when they embarrass him.

“In whose eyes a vile person is despised”; this is referring to one who conducts himself like King Hezekiah, who dragged the bones of his evil father, King Ahaz, in a bed of ropes, because he despised those considered vile by God.

“And he honors those who fear the Lord”; this is referring to one who conducts himself like Jehoshaphat, king of Judea, who when he would see a Torah scholar^h would arise from his throne and hug him and kiss him, and call him: My father, my father, my teacher, my teacher, my master, my master.

I shall fast – אֶהְיֶה בְּתַעֲנִית – Even though this commitment does not have the authority of a vow, and he said it only to avoid eating in the house of the Nasi, he was meticulous in observing his commitment (see *Etz Yosef*).

”נִשְׁבַּע לְהִרְעוֹת וְלֹא יִמַר” – כְּרַבִּי יוֹחָנָן, דְּאָמַר רַבִּי יוֹחָנָן: אֵיחָא בְּתַעֲנִית עַד שְׂאָבָא לְבֵיתִי.

“He takes an oath to his own detriment, and changes not”; this is in accordance with the conduct of Rabbi Yohanan, as Rabbi Yohanan would say in the form of a vow when seeking to refrain from eating in another’s home: **I shall fastⁿ until I will come to my house.** He would fulfill that vow and refrain from eating, even though he took the vow only to avoid eating in that place.

”כִּסְפוֹ לֹא נָתַן בְּנִשְׁךְ” – אֶפִּילוּ בְּרַבִּית גּוֹי.

“He neither gives his money with interest”; meaning he does not lend money with interest even to a gentile, which is permitted by Torah law.

”וְשׁוֹד עַל נְקִי לֹא לָקַח” – בְּגוֹן רַבִּי יִשְׁמַעֵאל בְּרַבִּי יוֹסֵי.

“Nor takes a bribe against the innocent”; this is referring to one such as Rabbi Yishmael, son of Rabbi Yosei, who refused to sit in judgment in a case involving his sharecropper. Since the latter would bring him a basket of fruit, he was concerned that he might unconsciously favor him.

כְּתִיב “עֲשֵׂה אֱלֹהִים לֹא יִמוּט לְעוֹלָם”, כְּשֶׁהָיָה רַבֵּן גַּמְלִיאֵל מְגִיעַ לְמִקְרָא הַזֶּה הָיָה בּוֹכֵה, אָמַר: מֵאֵן דְּעֵבִיד לְהוֹ לְבוֹלְהוּ – הוּא דְלֹא יִמוּט, הָא חֲדָא מִיַּנְיֵהוּ – יִמוּט!

At the conclusion of the verses, it is written: “He who performs these shall never be moved.” The Gemara relates: When Rabban Gamliel would reach this verse he would cry, and he said: It is one who performed all these actions who shall never be moved; but if he performed only one of them, he shall be moved.

אָמְרוּ לֵיהּ: מִי כְּתִיב “עֲשֵׂה כָּל אֱלֹהִים?” “עֲשֵׂה אֱלֹהִים” כְּתִיב, אֶפִּילוּ בְּחֲדָא מִיַּנְיֵהוּ. דְּאֵי לֹא תִימָא הָכִי – כְּתִיב קְרָא אַחֲרֵינָא “אֵל תִּטְמָאוּ בְּכָל אֱלֹהִים”, הָתָם נִמְי הַנּוֹגַע בְּכָל אֱלֹהִים הוּא דְמִטְמָא. בְּחֲדָא מִיַּנְיֵהוּ לֹא? אֱלֹא לֹא, בְּאַחַת מִכָּל אֱלֹהִים, הֲכָא נִמְי – בְּאַחַת מִכָּל אֱלֹהִים.

The Sages said to him: Is it written: He who performs all these? Rather, the phrase “he who performs these” is written, indicating that one is blessed even in a case where he performed one of them. As if you do not say so, compare that to a different verse that is written with regard to severe transgressions punishable by *karet* : “Do not impurify yourselves with all these” (Leviticus 18:24). Would you say that there too it means that it is one who comes into contact with all these who becomes impure, but one who comes into contact with one of these, no, he does not become impure? Rather, is it not that the phrase “with all these” means: With one of all these? Here too it means that one who performs one of all these has a place in the World-to-Come.

כָּא יִשְׁעִיהוּ וְהֶעֱמִידוּן עַל שֵׁשׁ, דְּכְתִיב “הֲלֹךְ צְדָקוֹת וְדַבֵּר מִיִּשְׂרָאֵל מֵאֵם בְּבָצַע מַעֲשֵׂקוֹת נֵעַר כַּפּוֹ מִתְמַדְּ בְּשׂוֹד אֵטֶם אוֹנּוֹ מִשְׁמַע דְּמִים וְעֵצִים עֵינָיו מִרְאוֹת בְּרַע”.

Rabbi Simlai’s exposition continues: Isaiah came and established the 613 mitzvot upon six, as it is written: “He who walks righteously, and speaks uprightly; he who despises the gain of oppressions, who shakes his hands from holding of bribes, who stops his ears from hearing blood, and shuts his eyes from looking upon evil” (Isaiah 33:15).

”הֲלֹךְ צְדָקוֹת” – זֶה אַבְרָהָם אָבִינוּ, דְּכְתִיב “כִּי יִדְעֲתוּ לְמַעַן אֲשֶׁר יֵצֵא וְגו’

The Gemara elaborates: “He who walks righteously”; this is referring to one who conducts himself like our forefather Abraham, as it is written concerning him: “For I have known him, that he will command his children ... to perform righteousness and justice” (Genesis 18:19).

”וְדַבֵּר מִיִּשְׂרָאֵל” – זֶה שְׂאִינוּ מִקְנִיט פְּנֵי חֲבֵירוֹ בְּרַבִּים,

“And speaks uprightly”; this is referring to one who does not shame another in public.

”מֵאֵם בְּבָצַע מַעֲשֵׂקוֹת” – בְּגוֹן רַבִּי יִשְׁמַעֵאל בֶּן אֵלִישָׁע.

“He who despises the gain of oppressions”; this is referring to one such as Rabbi Yishmael ben Elisha, who refused to sit in judgment in a case involving one who gave him priestly gifts, to avoid the appearance of impropriety.

”נֵעַר כַּפּוֹ מִתְמַדְּ בְּשׂוֹד” – בְּגוֹן רַבִּי יִשְׁמַעֵאל בְּרַבִּי יוֹסֵי,

“Who shakes his hands from holding of bribes”; this is referring to one such as Rabbi Yishmael, son of Rabbi Yosei, who, as explained above, refused to sit in judgment in a case involving his sharecropper.

”אֵטֶם אוֹנּוֹ מִשְׁמַע דְּמִים” דְּלֹא שְׁמַע בְּוִילוּתָא דְּצוֹרְבָא מִרְבֵּנּוּ וְשִׁתִּיק בְּגוֹן רַבִּי אֶלְעָזָר בְּרַבִּי שִׁמּוֹן.

“Who stops his ears from hearing blood”; this is referring to one who would not hear derision of a Torah scholar and remain silent, such as Rabbi Elazar, son of Rabbi Shimon, who was well known for this.

נשים – שים – Women when they stand over the laundry – It is prohibited to watch women when they are standing over their laundry (Rambam Sefer Kedusha, Hilkhot Issurei Bia 21:21; Shulhan Arukh, Even HaEzer 21:1).

BACKGROUND

Stand over the laundry – עומדות על הכביסה – Garments were typically laundered in a river or another water source. In order to avoid wetting their clothes, the women laundering the garments would raise their skirts and roll up their sleeves.

“וְעָצַם עֵינָיו מִרְאוֹת בְּרָע” כְּרַבִּי חִיָּיא בַר אֲבָא דְאָמַר רַבִּי חִיָּיא בַר אֲבָא: זֶה שְׂאֵינוּ מִסְתַּכְּל בְּנָשִׁים בְּשָׂעָה שְׁעוֹמְדוֹת עַל הַכְּבִיסָה.

“And shuts his eyes from looking upon evil” is to be understood in accordance with the statement of Rabbi Hiyya bar Abba, as Rabbi Hiyya bar Abba says: This is referring to one who does not look at women when they stand over the laundry^{8b} at the river. The women would lift the garments they were wearing to keep them out of the water, and thereby expose part of their bodies.

וְכָתִיב “הוּא מְרוֹמִים יִשְׁכֹּן”.

And it is written with regard to one who performs these matters: “He shall dwell on high; his fortress shall be the munitions of rocks; his bread shall be given, his waters shall be sure” (Isaiah 33:16).

בֵּא מִיכָה וְהֶעֱמִידָן עַל שְׁלֹשׁ, דְּכָתִיב “הַגִּיד לְךָ אָדָם מַה טוֹב וּמָה ה’ דּוֹרֵשׁ מִמֶּךָ כִּי אִם יַעֲשׂוֹת מִשְׁפָּט וְאֶהְבֵּת חֶסֶד וְהִצַּנֵּעַ לְכַת עִם (ה’) אֱלֹהֶיךָ”.

Micah came and established the 613 mitzvot upon three, as it is written: “It has been told to you, O man, what is good, and what the Lord does require of you; only to do justly, and to love mercy, and to walk humbly with your God” (Micah 6:8).

“עֲשׂוֹת מִשְׁפָּט” – זֶה הַדִּין, “אֶהְבֵּת חֶסֶד” – זֶה גְּמִילוּת חֶסְדִּים, “וְהִצַּנֵּעַ לְכַת” – זֶה הוֹצֵאת הַמֵּת וְהַכְּנָסַת בְּלֵה. וְהֵלֵא דְבָרִים קָל וְחוֹמֵר, וּמָה דְבָרִים שְׂאִין דְּרַכָּן לַעֲשׂוֹתָן בְּצַנְעָא. אָמְרָה תוֹרָה “וְהִצַּנֵּעַ לְכַת”, דְּבָרִים שְׂדֻרְכָם לַעֲשׂוֹתָם בְּצַנְעָא עַל אַחַת כְּמָה וְכְמָה!

The Gemara elaborates: “To do justly,” this is justice; “to love mercy,” this is an allusion to acts of loving-kindness; “and to walk humbly with your God,” this is an allusion to taking the indigent dead out for burial and accompanying a poor bride to her wedding canopy, both of which are to be performed without fanfare glorifying the doer. The Gemara notes: And are these matters not inferred *a fortiori*? If, with regard to matters that tend to be conducted in public, e.g., funerals and weddings, the Torah states “walk humbly” when doing them, then in matters that tend to be conducted in private, e.g., charity and Torah study, all the more so should they be conducted in private.

חֹזֵר יִשְׁעִיהוּ וְהֶעֱמִידָן עַל שְׁתַּיִם, שְׁנֵאֲמַר “כֹּה אָמַר ה’ שְׁמְרוּ מִשְׁפָּט וַעֲשׂוּ צְדָקָה”. בֵּא עֲמוֹס וְהֶעֱמִידָן עַל אַחַת, שְׁנֵאֲמַר “כֹּה אָמַר ה’ לְבַיִת יִשְׂרָאֵל דְּרִשׁוּנִי וְחִיו” מִתְקִיף לֵה רַב נַחֲמָן בַּר יִצְחָק: אֵימָא דְּרִשׁוּנִי בְּכָל הַתּוֹרָה! אֵלֵא בֵּא חִבְקוּק וְהֶעֱמִידָן עַל אַחַת, שְׁנֵאֲמַר “וְצַדִּיק בְּאֲמוֹנָתוֹ יִחְיֶה”.

Isaiah then established the 613 mitzvot upon two, as it is stated: “So says the Lord: Observe justice and perform righteousness” (Isaiah 56:1). Amos came and established the 613 mitzvot upon one, as it is stated: “So says the Lord to the house of Israel: Seek Me and live” (Amos 5:4). Rav Nahman bar Yitzhak objects to this: There is no proof that the verse in Amos is establishing all the mitzvot upon one; say that Amos is saying: Seek Me throughout the entire Torah, as the verse does not specify the manner in which one should seek the Lord. Rather, say: Habakkuk came and established the 613 mitzvot upon one, as it is stated: “But the righteous person shall live by his faith” (Habakkuk 2:4).

אָמַר רַבִּי יוֹסִי בַר חֲנִינָא: אַרְבַּע גְּזֵירוֹת גָּזַר מֹשֶׁה רַבִּינוּ עַל יִשְׂרָאֵל, בָּאוּ אַרְבַּעַה נְבִיאִים וּבִיטְלוּם. מֹשֶׁה אָמַר: “וַיִּשְׁכַּן יִשְׂרָאֵל בְּטַח בְּיַד עֵינֵי יַעֲקֹב”. בֵּא עֲמוֹס וּבִיטְלָה, [שְׁנֵאֲמַר] “חָדַל נָא מִי יַקוּם יַעֲקֹב”, וְכָתִיב “נַחַם ה’ עַל זֹאת”.

§ Rabbi Yosei bar Hanina says: Moses our teacher issued four decrees upon the Jewish people, and four prophets came and revoked them. Moses said: “And Israel dwells in safety, the fountain [ein] of Jacob alone” (Deuteronomy 33:28), indicating that the Jewish people will dwell in safety only when they reach a lofty spiritual level similar to [me’ein] that of Jacob our forefather. Amos came and revoked it, as it is stated: “Lord God, cease, I beseech You; how shall Jacob stand, as he is small” (Amos 7:5), and immediately afterward it states: “The Lord regretted this; it too shall not be, says the Lord God” (Amos 7:6).

מֹשֶׁה אָמַר: “וּבְגוֹיִם הָהֵם לֹא תִרְגָּיעַ”. בֵּא יִרְמְיָה וְאָמַר “הֲלוֹךְ לְהִרְגִיעוּ יִשְׂרָאֵל”.

Moses said: “And among these nations you shall have no repose” (Deuteronomy 28:65). Jeremiah came and revoked it, and said: “Even Israel, when I go to cause him to rest” (Jeremiah 31:1), indicating that the Jewish people will find rest even in exile.

מֹשֶׁה אָמַר: “פִּקְדוֹ עוֹן אָבוֹת עַל בְּנֵים”. בֵּא יְחִזְקֵאל וּבִיטְלָה, “הַנֶּפֶשׁ הַחַטָּאת הִיא תָמוּת”.

Moses said: “He visits the transgression of the fathers upon the sons” (Exodus 34:7). Ezekiel came and revoked it: “The soul that sins, it shall die” (Ezekiel 18:4), and not the children of that soul.

מֹשֶׁה אָמַר “וְאֶבְדְּתֶם בְּגוֹיִם”. בֵּא יִשְׁעִיהוּ וְאָמַר “וְהָיָה בַיּוֹם הַהוּא יִתְקַע בְּשׁוֹפָר גָּדוֹל”.

Moses said: “And you shall be lost among the nations” (Leviticus 26:38). Isaiah came and revoked it, and said: “And it shall be on that day the great shofar shall be sounded, and those lost in the land of Assyria shall come” (Isaiah 27:13).

אכילת קישואין – Consumption of cucumbers – Some explain that this is referring to large cucumbers, as typically one was unable to finish them and some would remain. Alternatively, cucumbers are difficult to digest, and they fight back, as it were, against those who consume them.

המוננה של רומי – The multitudes of Rome – In those days Rome was one of the largest cities in the world, with about one million inhabitants. Relative to the small cities in Eretz Yisrael it was a huge metropolis, whose multitudes could be heard at a great distance.

פלטתה – Puteoli – There are many variant readings of this term. Some say that it is a variation of capitolium, meaning Capitoline Hill, one of the seven hills of Rome. Others maintain that it is the city Potalos or Puteoli in the Campania region in southern Italy. Various sources indicate that the Sages of Israel would reach Rome via southern Italy.

אמר רב: מסתפניא מהאי קרא "ואבדתם בגוים". מתקוף לה רב פפא: דלמא כאבידה המתבקשת, דכתיב "תניתי כשה אבד בקש עבדך". אלא מסיפא [דקרא] "ואבדה אתכם ארץ איביכם". מתקוף לה מר וזטרא: דלמא כאכילת קישואין ודילועין.

Rav says: I am afraid of that verse: "And you shall be lost among the nations." Rav Pappa objects to this: Perhaps it means that the Jewish people will be like a lost item that is sought by its owner, and God will restore those lost in exile, as it is written: "I have gone astray like a lost lamb; seek Your servant" (Psalms 119:176). Rather, Rav was afraid from that which is written in the latter portion of that verse, where it is written: "And the land of your enemies shall consume you." Mar Zutra objects to this: Perhaps it means like the consumption of cucumbers⁸ and gourds, which are not consumed in their entirety. Some is left over, from which additional plants can grow.

§ Apropos tribulations of exile and hope for redemption, the Gemara relates: And it once was that Rabban Gamliel, Rabbi Elazar ben Azarya, Rabbi Yehoshua, and Rabbi Akiva were walking along the road in the Roman Empire, and they heard the sound of the multitudes of Rome⁸ from Puteoli⁸ at a distance of one hundred and twenty mil. The city was so large that they were able to hear its tumult from a great distance. And the other Sages began weeping and Rabbi Akiva was laughing. They said to him: For what reason are you laughing? Rabbi Akiva said to them: And you, for what reason are you weeping? They said to him: These gentiles, who bow to false gods and burn incense to idols, dwell securely and tranquilly in this colossal city, and for us, the House of the footstool of our God, the Temple, is burnt

וכבר היה רבן גמליאל ורבי אלעזר בן עזריה ורבי יהושע ורבי עקיבא מהלכין בדרך ושמעו קול המוננה של רומי מפלטתה [ברחוק] מאה ועשרים מיל, והתחילו בוכין. ורבי עקיבא משחק. אמרו לו: מפני מה אתה משחק? אמר להם: ואתם מפני מה אתם בוכים? אמרו לו: הללו גוים שמשתחוים לעצבים ומקטרים לעבודה זרה וישבין בטח והשקט, ואנו בית הודם רגלי אליהנו שרוף

Perek III

Daf 24 Amud b

באש, ולא נבכה? אמר להן: לכה אני מצחק, ומה לעוברי רצונו כך – לעושי רצונו על אחת כמה וכמה!

by fire, and shall we not weep? Rabbi Akiva said to them: That is why I am laughing. If for those who violate His will, the wicked, it is so and they are rewarded for the few good deeds they performed, for those who perform His will, all the more so will they be rewarded.

שוב פעם אחת היו עולין לירושלים, בין שהגיעו להר הצופים, קרעו בגדיהם. בין שהגיעו להר הבית, ראו שועל שיצא מבית קדשי הקדשים, התחילו הן בוכין ורבי עקיבא מצחק. אמרו לו: מפני מה אתה מצחק? אמר להם: מפני מה אתם בוכים? אמרו לו: מקום שפתוב בו "והר הקרב יומת" ועבשיו שועלים הלכו בו, ולא נבכה?

The Gemara relates another incident involving those Sages. On another occasion they were ascending to Jerusalem after the destruction of the Temple. When they arrived at Mount Scopus and saw the site of the Temple, they rent their garments⁴ in mourning, in keeping with halakhic practice. When they arrived at the Temple Mount, they saw a fox that emerged⁸ from the site of the Holy of Holies. They began weeping, and Rabbi Akiva was laughing. They said to him: For what reason are you laughing? Rabbi Akiva said to them: For what reason are you weeping? They said to him: This is the place concerning which it is written: "And the non-priest who approaches shall die" (Numbers 1:51), and now foxes walk in it; and shall we not weep?

אמר להן: לכה אני מצחק, דכתיב "ואעידה לי עדים נאמנים את אורייה הכהן ואת זכריה בן יברכיהו". וכי מה ענין אורייה אצל זכריה? אורייה במקדש ראשון, וזכריה במקדש שני? אלא, תלה הכתוב נבואתו של זכריה בנבואתו של אורייה;

Rabbi Akiva said to them: That is why I am laughing, as it is written, when God revealed the future to the prophet Isaiah: "And I will take to Me faithful witnesses to attest: Uriah the priest, and Zechariah the son of Jeberechiah" (Isaiah 8:2). Now what is the connection between Uriah and Zechariah? He clarifies the difficulty: Uriah prophesied during the First Temple period, and Zechariah prophesied during the Second Temple period, as he was among those who returned to Zion from Babylonia. Rather, the verse established that fulfillment of the prophecy of Zechariah is dependent on fulfillment of the prophecy of Uriah.

HALAKHA

When they arrived at Mount Scopus they rent their garments – שהגיעו להר הצופים קרעו בגדיהם – One who sees the Temple in ruins recites: Our sacred and glorious House, in which our ancestors praised You, has been burned in fire, and all that is precious to us has become a ruin. He then must rend his garment. From when is one obligated to rend his garment? It is from when he reaches Mount Scopus (Rambam *Sefer Zemanim, Hilkhot Ta'anit* 5:16; *Shulhan Arukh, Orah Hayyim* 561:2).

BACKGROUND

שועל שיצא – Fox that emerged – Based on the Sages mentioned, particularly Rabbi Yehoshua, it appears that this incident occurred near the time of the bar Kokheva revolt. Although the foundation of the Temple was in ruins, parts of it remained standing, and the Holy of Holies was not completely destroyed until the emperor Hadrian did so later. Although foxes typically live in caves, occasionally they reside in ruins as well. As the Temple Mount was desolate, it is not surprising that foxes resided in the location of the Temple.