כאן בכרכום[[1]](#footnote-1) של אותה מלכות – of that kingdom כרכוםHere it is the

Overview

ר' יצחק בר אלעזר in the name of חזקיה resolves the contradiction between our משנה (which states that a city that was conquered by the כרכום, all the כהנות are פסולות), and the other משנה (which states when a בלשת enters a city in the time of war, all the wine remains מותר); that one משנה is discussing a כרכום of that kingdom, and the other משנה is discussing a כרכום of another kingdom. There is a dispute between רש"י (who maintains that by כרכום של אותה מלכות, the wine and the women are מותר) and תוספות (who maintains that by אותה מלכות, the wine and women are אסור), as to how to explain this answer.

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פירוש[[2]](#footnote-2) שיושבין בטח לפי שאין אחריהן מחנה[[3]](#footnote-3) ויש פנאי לנסך ולבעול -

The explanation of the answer is that the כרכום של אותה מלכות, are resting securely for there is no other camp of enemy soldiers coming after them (for they are in their מלכות and therefore there is time to pour wine to their ע"ז and to be בועל the (Jewish) women -

אבל בלשת של מלכות אחרת שאימת מלכות שבאו בגבולה עליהם אין להן פנאי[[4]](#footnote-4) -

However the raiding soldiers of another kingdom, who are afraid of the soldiers of the kingdom they invaded, have no time לנסך ולבעול.

וכן פירש רבינו חננאל ורבינו תם וכן מוכח בירושלמי[[5]](#footnote-5) -

And the ר"ח and the ר"ת also explained it in this manner and this is also evident in the תלמוד ירושלמי that by כרכום של אותה מלכות everything is אסור and של מלכות אחרת everything is מותר.

תוספות explains the continuation of the גמרא:[[6]](#footnote-6)

ופריך כרכום של אותה מלכות אי אפשר דלא ערקא חדא[[7]](#footnote-7) מינייהו -

And the גמרא asks, why is it that by כרכום של אותה מלכות all the women are אסורות, since it is impossible that none of the women escaped from the כרכום -

והוה לן למשרינהו לכולהו ולמיתלי לקולא[[8]](#footnote-8) דבשבויה הקילו[[9]](#footnote-9) -

And on account of this one woman we should permit all the women לכהונה and assume the lenient view regarding each woman, for the חכמים were lenient regarding a שבויה –

תוספות proves his point that it is appropriate to say בשבויה הקילו in this instance (even though the majority of the women did not escape):

כדאמרינן בסמוך[[10]](#footnote-10) אם יש מחבואה אחת מצלת על כל הכהנות כולן -

As רב אידי בר אבין says shortly in the name of ר' יצחק בן אשיאן, if there is one hiding place in the city, it ‘saves’ all the כהנות that they are all מותרות (even though not all the כהנות can hide in this מחבואה, only a minority [at most]), similarly here since (at least) one will have escaped, all the women should be permitted.

תוספות responds to an anticipated difficulty with this proof:

אף על גב דמספקא לן באינה מחזקת אלא אחת[[11]](#footnote-11) הכא פשיטא לן דשרו -

Even though ר' ירמיה poses a question if the מחבואה can contain only one woman, is it מציל on the rest, nevertheless here (by escaping), it is obvious to us that all the women should be permitted; the difference is -

דהתם לא ודאי נחבאת אבל הכא ודאי ערקא[[12]](#footnote-12) -

That there by the מחבואה it is not certain that even one woman hid in this מחבואה, therefore there is room for doubt whether it is מצלת על כולן, however here (at least) one woman certainly escaped, therefore we can judge each woman that she is the escapee.

תוספות now challenges פירש"י:[[13]](#footnote-13)

ולפירוש הקונטרס קשה טובא חדא דפריך נתלי לחומרא וגבי מחבואה תלינן לקולא[[14]](#footnote-14) -

And there are many difficulties on פירש"י; firstly (#1), the גמרא initially asks that we should assume the stricter view (that perhaps one soldier managed to leave his group and be בועל or מנסך) and therefore all the women (and wine) should be אסורות on account of one, and on the other hand regarding the מחבואה we assume the lenient view (that perhaps some women hid) and therefore all the woman are מותרות because of the possibility that some hid![[15]](#footnote-15)

An additional question on פירש"י:

ועוד דמה מתרץ[[16]](#footnote-16) דמהדר למתא כולי[[17]](#footnote-17) ואין אדם נכנס לשם והא קתני בלשת שנכנסה לעיר[[18]](#footnote-18) -

And additionally (#2), what does the גמרא answer, that the king placed chains, etc. around the city, etc. so no person can enter the city (and that explains why in ע"ז it is מותר), but how can the גמרא state this when the משנה states, ‘a בלשת which entered the city; it is evident that the soldiers entered the city.

Another question on פירש"י:

ועוד כיון דאההיא דעבודה זרה פריך הוה ליה למימר אי אפשר דלא ערק חד מינייהו ונסך[[19]](#footnote-19) -

And furthermore (#3), since the גמרא is asking the question of א"א דלא ערק וכו', on the משנה of מס' ע"ז (where it states that בשעת מלחמה all the wine is מותר), the גמרא should have phrased the question, ‘it is impossible that one of them did not escape and was מנסך’ –

A further question on פירש"י:

ועוד דהתם מפרש טעמא לפי שאין פנאי לנסך -

And in addition (#4), the משנה there in ע"ז explains the reason why the wine is מותר because the בולשת has no time to be מנסך -

ולית ליה טעמא לפי שאין כרכום של אותה מלכות רוצה להשחית את בני העיר -

And it did not give the reason that the כרכום of the local kingdom does not want to destroy the property of the citizens of the city, as רש"י maintains.

One final question:

[ועוד מאי שנא שעת מלחמה משעת שלום[[20]](#footnote-20)][[21]](#footnote-21) -

And finally (#5) why is there a difference (regarding the בלשת in מס' ע"ז) whether it is a time of war or if it is a time of peace; in all cases all the wine should be מותר since according to רש"י the כרכום של אותה מלכות does not want להשחית את בני העיר?!

תוספות offers an [alternate] explanation [according] to פירש"י:

ויש ליישב לפי שיטת הקונטרס[[22]](#footnote-22) -

And we can explain the גמרא (even) according to פירש"י -

דרבי יצחק בן אלעזר לא אתי לשנויי[[23]](#footnote-23) מתניתין אההיא דעבודה זרה -

That ריב"א did not come to reconcile the contradiction from our משנה (which states אסורות) to the משנה of ע"ז (which states מותרות) -

אלא אית ליה שינוייא דרב מרי ומתניתין דהתם נמי בכרכום של מלכות אחרת -

For rather ריב"א agrees with the answer of ר"מ that there is a difference between ניסוך (for which they have no time) and בעילה (for which they have time since תקיף להו יצרייהו), and the משנה there in ע"ז is also discussing a כרכום of a מלכות אחרת -

ולא בא אלא לפרושי מתניתין[[24]](#footnote-24) -

And ריב"א is only coming to explain our משנה that even though ר"מ answered that לבעול יש להם פנאי (and therefore כולם אסורות) that is only בכרכום של מלכות אחרת, however בכרכום של אותה מלכות, they are מותרות since אינו רוצה להשחית בני עירו. [[25]](#footnote-25)

וכן משמע בפרק בתרא דעבודה זרה (דף עא,א) דפריך התם ממתניתין דהכא אמתניתין דבלשת -

And it also seems this way from the גמרא in the last פרק of מסכת ע"ז, where the גמרא there asks from our משנה here on the משנה there of בלשת (as the גמרא asks here), and the גמרא there offers only the answer of ר"מ -

ולא מייתי התם[[26]](#footnote-26) דרבי יצחק:

But does not mention there the answer of ר"י בר אלעזר; indicating that ריב"א is not reconciling the משניות, but rather qualifying the answer of ר"מ regarding our משנה here.

Summary

רש"י (according to תוספות) maintains that our משנה discusses מלכות אחרת, and the משנה in ע"ז discusses אותה מלכות. However תוספות maintains the exact opposite. It is possible that רש"י maintains that both משניות are מלכות אחרת and ריב"א is differentiating in our משנה whether it is מלכות אחרת (where it is אסור) or אותה מלכות (where it is מותר).

Thinking it over

1. It appears from תוספות that in the איבעיא of ר' ירמיה regarding a מחבואה which is אינה מחזקת אלא אחת, that we are not certain if even one woman hid in the מחבאה.[[27]](#footnote-27) However the phrase, מי אמרינן כל חדא וחדא היינו הא; indicates that one certainly hid!

2. תוספות asks on רש"י (#1), how can the גמרא ask regarding the בלשת that we should be תולה לחומרא, when by מחבואה we are תולה לקולא.[[28]](#footnote-28) Seemingly by בלשת we are discussing wine (ניסוך לע"ז), therefore the גמרא asks that we should be תולה לחומרא, however by מחבואה we are discussing a שבויה; therefore we are תולה לקולא, since בשבויה הקילו![[29]](#footnote-29)

3. How will תוספות explain why (according to תוספות [own] view) the גמרא in ע"ז did not offer the answer[[30]](#footnote-30) of ר' יצחק בר אלעזר?![[31]](#footnote-31)

1. כרכום means a siege (see רש"י ד"ה כרכום). The army which laid siege on a city captured it and entered into the city. [↑](#footnote-ref-1)
2. The word פירוש is the customary manner in which תוספות implies that he is negating another interpretation; in our case, פרש"י, as mentioned later in this תוספות (see footnote # 13). [↑](#footnote-ref-2)
3. Let us assume the כרכום captured a rebellious city within their country; no one is coming after these soldiers; they just defeated their enemies and there is no longer any opposition. [↑](#footnote-ref-3)
4. They are in a rush to take whatever booty they can and run away before the local soldiers come. [↑](#footnote-ref-4)
5. In our פרק ה"ט. See there (in our editions יד,ב) that the rule of the משנה is 'ובלבד כרקום של אותו מלכות אבל כרקום של מלכות אחרת כלסטים הם’, and the women are מותרות. [↑](#footnote-ref-5)
6. According to פרש"י that בכרכום של אותו מלכות they are מותרות, the question of the גמרא that א"א דלא עקר חד וכו' is understood, that there is always the possibility that one soldier would leave his company and either be בועל or מנסך. However according to תוספות that by כרכום של אותו מלכות they are אסורות, what is the question of א"א דלא ערק וכו'. [↑](#footnote-ref-6)
7. The text in our גמרא reads דלא ערק (עקר, לפי הב"ח) חד מינייהו in the masculine, (seemingly) referring to the soldiers, not to the women. See מהרש"ל (and the הגהות וציונים אות ד' on the margin of the (newer) גמרות). [↑](#footnote-ref-7)
8. It is virtually certain that (at least) one woman escaped and is certainly מותרת. We should therefore rule that each woman is מותרת for perhaps she is the one (of the few) who escaped. [↑](#footnote-ref-8)
9. The rule that a שבויה is אסורה לכהונה is (merely) a דין דרבנן, since we are not certain that she was נבעלה לעכו"ם. Therefore the חכמים ruled that if there is a ספק in their שבויה status, we assume the lenient position and she is מותרת. [↑](#footnote-ref-9)
10. See later on this עמוד. [↑](#footnote-ref-10)
11. תוספות explained that the question was since one can escape, they should all me מותרות. However we see from this איבעיא of אינה מחזקת אלא אחת, that we are in doubt whether we say that since one woman can hide, therefore all should be מותרות. Why should the possibility of escaping be different than the possibility of hiding?! [↑](#footnote-ref-11)
12. We are not certain if any of the women were aware of this מחבואה and additionally we are not aware that any woman actually had the opportunity to hide in this particular מחבואה (see ‘Thinking it over # 1). However it is a virtual certainty that in an entire city (at least) one woman managed to escape entirely from the soldiers. The גמרא answered that there was extremely tight security and no one was able to escape. [↑](#footnote-ref-12)
13. רש"י (in ד"ה כרכום) maintains that by כרכום של אותו מלכות the נשים are מותרות, for the king wants to protect them. [↑](#footnote-ref-13)
14. According to תוספות, however, both the question of א"א דלא ערקא חדא וכו' and מחבואה are both תלינן לקולא. [↑](#footnote-ref-14)
15. If we are permitting all the women on account of the one (or few) that hid; how can we possibly be אוסר all the women on account of one who was maybe נבעלה?! See ‘Thinking it over’ # 2. [↑](#footnote-ref-15)
16. The גמרא asked why by כרכום של אותה מלכות (the משנה in ע"ז according to רש"י) they are מותרות, perhaps one of the soldiers was able to escape, enter the city, and be בועל. [↑](#footnote-ref-16)
17. It would seem (according to [תוספות understanding of] פרש"י), that the war was waged outside the city and (once the city was conquered) efforts were made that no one should enter the city. [↑](#footnote-ref-17)
18. According to תוספות, however, the chains in our משנה, we placed inside the city to assure that no woman escapes; however (even if we assume that in the משנה of בלשת there were also chains, nevertheless) they were not made (that secure) to assure that no one enters (especially raiding soldiers). [↑](#footnote-ref-18)
19. According to רש"י (in ד"ה ולא קשיא) the question (on the משנה in ע"ז) is why is it מותר, perhaps one soldier left his post and was בעיל (and others maintain that רש"י is גורס in the גמרא that [א"א דלא ערק חד] ובעיל; however the גמרא should have mentioned ניסוך (not בעילה) since that is what the משנה in ע"ז is discussing. [Alternately the גמרא should have clarified what this soldier is doing (when he escapes); i.e. that he is מנסך. Otherwise it is not that clear. However according to תוספות that the question is on our משנה, there is no need to explain what she did; if she escapes she is obviously מותרת.] [↑](#footnote-ref-19)
20. On the contrary during peace time the כרכום certainly does not want להשחית את בני העיר! [↑](#footnote-ref-20)
21. However according to תוספות that we are discussing our משנה, and the distinction is whether there is פנאי or not; the above mentioned questions are not relevant, and there is very good reason to distinguish between שעת מלחמה where there is no פנאי to שעת שלום where there is פנאי. [↑](#footnote-ref-21)
22. The following explanation will answer all the question on פירש"י [except for the first one (see [however] מהרש"ל)]. [↑](#footnote-ref-22)
23. See marginal note that others amend this to read, לשנויי רומיא דמתניתין. [↑](#footnote-ref-23)
24. Question #2 is answered because we are not discussing the משנה of בלשת and therefore indeed in our משנה the city is secure and no one can enter. The גמרא could not have said לנסך (question # 3) since we are discussing our משנה regarding בעילה. There is no question (#4) why we do not mention שאין פנאי לנסך because in our משנה we are not discussing ניסוך. And indeed there is no difference in our משנה whether it is a שעת מלחמה or שעת שלום (#5). [↑](#footnote-ref-24)
25. It will be necessary to say that the לשון of כאן וכו' כאן וכו' does not refer to the two משניות, but rather to two cases regarding our משנה. [↑](#footnote-ref-25)
26. See ‘Thinking it over’ # 3. [↑](#footnote-ref-26)
27. See footnote # 12. [↑](#footnote-ref-27)
28. See footnote # 15. [↑](#footnote-ref-28)
29. See מהרש"א. [↑](#footnote-ref-29)
30. See footnote # 26. [↑](#footnote-ref-30)
31. See רמב"ן. [↑](#footnote-ref-31)