# Mafsikim

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We studied Arvé Pesahim in high school. However, we didn’t get very far; I don’t think we ever got past the following, which occurs right at the beginning of the chapter:

*Rabban Shimon b Gamliel, R. Yehuda and R. Yose were reclining in Acre. The Sabbath arrived. Rabban Shimon b Gamliel said to R Yose: With your permission, let us interrupt [our meal] and respect the words of our colleague Yehuda? R. Yose responded: all your life you admire my words more than Yehuda’s, and now you admire Yehuda's words more than mine, “Will he rape the queen with me at home”* (Esther 7:8). *Let’s not interrupt lest the students see and establish the halakha for generations (in agreement with the opinion of Rabbi Yehuda.)* – Pesahim 100a [1]

The showstopper for us was of course the quote from the book of Esther. No one could figure out how it was relevant or how to connect the three sages with Ahasuerus Haman and Esther.

A bit of background: According to the Talmud, there is a difference of opinion about when to say Kiddush if a meal starts late Friday afternoon and continues into Shabbat. R. Yehuda’s opinion is to say Kiddush in the middle of the meal and R. Yose opines that you finish the meal first and then say Kiddush afterwards. [2]

The Gemarah is usually explained this way: Rabban Shimon b Gamliel normally followed the view of R. Yose and made Kiddush after the meal. Since R. Yehuda was now present, R Shimon b Gamliel asked R. Yose’s permission to act in accordance with the opinion of R. Yehuda. R. Yose emphatically refused. He feared (or according to most versions Rabban Shimon b Gamliel feared) that the students would think the Halakha was decided according to R. Yehuda’s opinion.

The explanation is a bit difficult. Prior to this Shabbat, the students always saw Rabban Shimon b Gamliel follow the opinion of R. Yose. Next week they will see him revert back to the view o f R. Yose. This and this week alone, they’ll watch as Rabban Shimon b Gamliel honors R. Yehuda. Why assume that the students will make a mistake about this Halakha? [3]

Then again, another question—not so relevant to the current discussion but we might as well get it out of the way. Why were the sages and their students at home at the start of Shabbat. Why weren’t they in Shul like the rest of us?

Dr. Daniel Goldschmidt writes [4], with regard to the latter question, in those days the evening prayer was voluntary. Therefore (almost) no one attended synagogue on Friday nights.

Interestingly, Rabban Gamliel, (Rabban Shimon’s father) is the one who ruled in a dramatic way that the evening prayer is obligatory. [5] You would think that his son, (R. Shimon) would agree with his father. Yet we see the son didn’t have to agree with his father.

There is another conclusion that one can draw from Dr. Goldschmidt’s article. Since it was obligatory to read the Shema and the four accompanying blessings (even though the evening prayer was voluntary) , the participants, at some point during the meal, recited the shema and its blessings, without getting up or making a fuss. If so, we can answer a well-known question on the first Mishna in Berakhot. The time that you recite the evening shema is the time that the Kohanim go in to eat their evening meal. Question: when do the kohanim recite shema? No problem, they paused and recited shema and its blessings at some point during the meal.

Returning now to the main problems:

Rabbi Yehua lived in Usha.[6 Ry lived in usha, he probably wasn’t born there although he is called a ben usha ; he was probably born in the south like the other studends of RA. See R Aaron Hyman]

רבי יהודה מוריינא דבי נשיאה  
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R.

Judah was the Master [in regard to all matters of religious law] in the house of the Nasi,3

There it’s referring to R. Yehuda Hanasi

Sc. Rabbi, in whose house the above incident about the mule occurred. Chronologically it is very difficult to accept

that R. Judah b. Ila'i held a position in the household of R. Judah the prince (or Rabbi). V. however Tosaf. s.v.

Thus, in the Nasi's home, and in R Yehuda's territory (Usha), one followed R Yehuda's opinions. Elsewhere one followed the generally agreed upon opinion which may not accord with R Yehuda.

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Some (later) sages considered R Yose a greater authority than R Yehuda. See for example, (Eruvin 46b), R. Yakob and R. Zriqa both said: the law follows ... R Yose (when he argues) with his colleagues...R Yaakov b Idi said in the name of R Yohanan... (in a dispute between) R Yehuda and R Yose the law is according to R Yose. See also (Gittin 67a) where Rabbi answers his son, "hush, you have never seen R Yose. Had you seen him, (you would have seen) that reason is with him." Nevertheless, when it comes to practice there are often other considerations.

Rabban Shimon b Gamliel was the Nasi (president) of the Sanhedrin. The seat of the Sanhedrin was in Usha. Usha was also the home of R Yehuda. In fact (according to Menahot 104a) R Yehuda was "moryana debe nesia", the halachic authority in the house of the Nasi (all their practices followed his decisions - Rashi). Thus, in the Nasi's home, and in R Yehuda's territory (Usha), one followed R Yehuda's opinions. Elsewhere one followed the generally agreed upon opinion which may not accord with R Yehuda.

The talmud mentions similar examples: (Shabbat 130a) In **R Eliezer's place** they chopped trees to make charcoal to make an iron (circumcision knife) on the Sabbath (for a Sabbath circumcision). In **R Yose Ha Galili's place** they ate fowl with dairy.

R Yose lived in Tzipori. In fact, (Sabbath 33) R Yose was exiled by the Romans to his home town of Tzipori (for 12 years?). If he ever did come to Usha he never objected there, since Usha was the place of R Yehuda.

But our story takes place in Acco (Acre). The Nasi asked R Yose if they could follow the opinion of R Yehuda, which was the opinion that the Nasi himself usually followed. (And R Yehuda was present.) In other words, R Shimon b Gamliel saw the meal in Acco as some sort of extension of a meal in the house of the Nasi. R Yose, however, refused. He explained his position this way: Rabban Shimon b Gamliel *cherishes* his words over the words of R Yehuda. The Nasi doesn't usually have the opportunity to *follow* his words but now that they are in Acco, there's no reason to follow R Yehuda. R Yose quotes from the book of Esther to support his argument.

Dr. Amos Hakham (p47) Daat Mikra esther summary of the end of chapter 7 writes:

We usually think that the drunk (foolish) king attributed an intent to haman that Haman didn’t have . . . But even if the king understood and knew that Haman was begging for his life from Queen Esther, he still had the right to punish Haman. In falling on the Queen’s couch, and holding on to her legs, Haman acted against the self-respect of the Queen.

Dr. Hakham continues, Odysseus faced a similar situation (in Book IV). He debated whether to clasp the knees of the princess as a suppliant, or whether to keep his distance and speak with courteous words . . . Odysseus finally decided to keep his distance from her.

We can argue along the lines of Dr. Hakham’s explanation (and maybe this is included in Dr. Hakham’s words), that Haman's mistake consisted of begging for his life from the queen instead of pleading from the king. The sense of the king's words is something like "If I'm not here, I understand that you'll go and petition the queen for your life, but since I am here you should petition me because I'm the real authority."

R Yosi's argument is similar. "In Usha where I'm not present, it’s correct that you follow R Yehuda’s view. However since you admit that you cherish my words over R. Yehuda’s, then everywhere else it is I that is the authority and you should follow my ruling.

R Yosi is in playing the role of Asheverus. Esther is R. Yehuda. R. Shimon b Gamliel is identified with Haman since he is putting more weight on R. Yehuda’s ruling rather than R. Yosi’s.

This was a good argument and R Shimon b Gamliel accepted it.