

And in what way are uncertain cases different from the certain, etc. – ומאי שנא מן הודאי וכו' – Some commentaries maintain that this question does not concern the matter at hand, but since the *baraita* was cited, the Gemara clarified it (*Tosafot*). Conversely, others claim that this statement is the conclusion of the first proof. If it were not proven that the entire *baraita* reflects the opinion of Rabbi Shimon and that they did not refrain from marriage in unspecified cases, one might have thought that due to the affection between the two schools Beit Shammai did not act on their opinions at all, so as not to increase the dispute. However, the statement of Rabbi Shimon clearly indicates that they did in fact act in accordance with their opinion, and that they would notify the other school when a conflict arose (*Tosefot HaRosh*; see *Sukkat David*).

The offspring will be a *mamzer*, etc. – הולד ממזר וכו' – Why does the Gemara refer only to the status of the child and not the actual prohibition involving the rival wife herself? After all, it is the marriage to this woman that entails *karet*, in the opinion of Beit Hillel, or involves the violation of a prohibition if performed by a man outside the family, according to Beit Shammai. It is likely that the Gemara preferred this formulation because although the prohibition with regard to a rival wife is transgressed at the time, the disqualification of a child from marriage bears ramifications for generations (*Rashash*).

ומאי שנא מן הודאי – דאיסורא הוא, ספק נמי איסורא הוא!

The Gemara asks further: **And in what way** are uncertain cases **different from the certain^N** cases, such as forbidden rival wives? If you say **that** certain cases are undoubtedly **prohibited** in the opinion of Beit Hillel, the cases involving **uncertain circumstances**, e.g., one who divorced his wife and then stayed with her in the same inn, **are also prohibited**. Even if Beit Hillel render these cases prohibited only due to some uncertainty, the ruling is the same.

לא תימא מן הספק, אלא אימא: מן הסתם, דמודעי להו ופרשי.

The Gemara answers: **Do not say: In the uncertain cases**, i.e., that the *halakha* involved doubtful circumstances. **Rather, say: From the unspecified case**. In other words, barring clear knowledge of an uncertain betrothal within a specific family, they would take women from that family in marriage. The reason is **that** Beit Shammai **would notify** Beit Hillel of the prohibition according to their opinion, **and** they would **refrain** from the marriage. If there was no notification, this was a clear sign that no doubt was involved in this case at all.

ומאי קא משמע לן – דאבהה וריעות נהגים זה בזה – היינו רישא! הא קא משמע לן דכולה רבי שמעון היא.

The Gemara asks: **But if so, what does this come to teach us?** Is it **that** they had **relations of affection and camaraderie between them**, i.e., that each trusted that the other side would never cause them to err with regard to something they held to be prohibited? **This is the same as the first clause** of the *baraita*. What is Rabbi Shimon adding by his statement? The Gemara answers: This comes to **teach us that the entire baraita is the opinion of Rabbi Shimon**. This is not a dispute between two Sages. Rather, Rabbi Shimon's opinion elucidates the earlier statement.

תא שמע, דאמר רבי יוחנן בן נורי: היאך הלכה זו רוחות בישראל? נעשה בדברי בית שמאי – הולד ממזר לדברי בית הלל, נעשה בדברי בית הלל – הולד פגום לדברי בית שמאי, בואו ונתקן להן לצרות

S The Gemara offers an alternative resolution: **Come and hear, as Rabbi Yoḥanan ben Nuri said: How should one act with regard to this halakha of rival wives?** In what form should it become **widespread among the Jewish people?** If we act in accordance with the statement of Beit Shammai and permit a rival wife in levirate marriage, **the offspring will be a mamzer^N according to the statement of Beit Hillel**. If we act in accordance with the statement of Beit Hillel and grant full exemption to the rival wives, **the offspring will be of flawed lineage according to the opinion of Beit Shammai**, as he is the child of a woman prohibited in marriage by a regular prohibition. Although he is not a *mamzer*, his lineage is nevertheless defective. Instead, **let us enact a general decree for rival wives**

Perek I
Daf 15 Amud a

שיהו חולצות ולא מתייבמות, לא הספיקו לגמור את הדבר עד שנטרפה השעה.

that they should perform *halitza* and not enter into levirate marriage. If they act in this manner, they will be permitted to marry others and the problem will be solved according to all opinions. **They were unable to finalize the matter** according to the proposition raised by Rabbi Yoḥanan ben Nuri **before times of trouble** arrived. Due to the outbreak of war they were unable to gather together to vote and establish an accepted halakhic ruling.

אמר ליה רבן שמעון בן גמליאל: מה נעשה להם לצרות הראשונות מעתה?

Sometime later, when they returned to discuss the issue, **Rabban Shimon ben Gamliel said to the other Sages: What shall we do with those earlier rival wives^N from now onward?** Since in the meantime some rival wives had entered into levirate marriage, if we issue a collective ruling that rival wives may not do so, their children will be declared *mamzerim*. Therefore, it is better not to establish this *halakha* at all.

מה נעשה – להם לצרות הראשונות: There is also a concern for the children of flawed lineage born from these unions (see Maharsha). Some commentaries explain that it is impossible that children born from relations permitted by the ruling of the Sages at the time, as is the case here, would later be deemed of flawed lineage (*Yosef Lekah*). It is likewise stated in *Arza DeVei Rav* that provided that there is no conclusive halakhic ruling, these children cannot be considered definite *mamzerim*, as the status of a *mamzer* cannot be determined solely on the basis of a majority opinion. Rather, an established decision of the court is necessary.

Let them perform *halitza* – לִיחֲלוּצוּ: Another reason can be suggested as to why they cannot perform *halitza* at this late stage: This would mean that any of those women who were married to priests would be rendered forbidden to their husbands. The commentaries explain that the Gemara did not mention this reason because it preferred to cite an explanation that applies in all circumstances (*Sukkat David*).

Her ways are ways of pleasantness – דְּרִכֶּיהָ דְּרִבֵּי נֹעִם: This verse is cited with regard to several halakhic rulings. For example, in the case of a doubt over a *halakha*, if one option entails suffering or unpleasantness, the Gemara will say that “her ways are ways of pleasantness” and the Torah does not desire that its mitzvot be fulfilled through pain and suffering.

Rabbi Tarfon said, I yearn, etc. – אָמַר רַבִּי טַרְפוֹן תֶּאֱבְגֵנּוּ וְכוּ': In *Tosafot Yeshanim* the following question is raised: If one assumes, as Rashi does, that Rabbi Tarfon was a disciple of Beit Shammai, then according to those who maintain that Beit Shammai acted on their opinion, there is in fact no novelty in his marrying a rival wife, as this is precisely in accordance with their ruling. Furthermore, according to this opinion, the solution that he wished to act in opposition to the statement of Rabbi Yohanan ben Nuri is also somewhat problematic, as this is not sufficient reason for him to disobey the ruling of Beit Shammai. Consequently, some commentaries reverse the text so that it first states: I yearn to marry her off, from which the Gemara sought to prove that the disciples of Beit Shammai did not act on their opinions, and the ensuing answer is that he actually said: I yearn to marry her. In other words, he desired to act according to the opinion of Beit Shammai, and although there is nothing novel in his desire to follow the ruling of his masters, his action would serve to exclude the statement of Rabbi Yohanan ben Nuri. Some commentaries raise a different question: How could Rabbi Tarfon yearn for his daughter's rival wife to come before him for levirate marriage, as this effectively means that he desires his brother's death (*Rosh*)? The *Rosh* therefore states in the name of his teacher that Rabbi Tarfon was not referring to his own daughter's rival wife, but rather the rival wife of someone else's daughter. Accordingly, he meant to say that he yearned to act against the opinion of Beit Shammai and marry a daughter's rival wife without levirate marriage or *halitza* (see *Arukh LaNer*).

But he said, I yearn – וְהָא תֶּאֱבְגֵנּוּ קָאָמַר: Some commentaries explain that this expression is appropriate only with regard to something one performs in person and that provides him with benefit. If Rabbi Tarfon meant that he wished to marry her off to others, this is apparently not something he would do for himself. The Gemara therefore explains that by instructing that she be married off to another he would actually be doing something himself, as he would be actively negating the opinion of Rabbi Yohanan ben Nuri.

אִי אָמַרְתָּ בְּשִׁלְמָא עָשׂוּ – הֵינּוּ דְקָאָמַר
“מַה נַּעֲשֶׂה”, אֲלָא אִי אָמַרְתָּ לֹא עָשׂוּ –
מֵאִי “מַה נַּעֲשֶׂה”?

אָמַר רַב נַחֲמָן בַּר יִצְחָק: לֹא נִצְרְכָה אֲלָא
לְעֵרָה עֲצֻמָּה, וּמַה נַּעֲשֶׂה – הֲכִי קָאָמַר:
הֲנֵךְ צְרוֹת דְּבֵית הַלֵּל לְבֵית שְׁמַאי הֵיכִי
נַעֲבִיד לְהוּ?

לִיחֲלוּצוּ – מִימָאִסִּי אֲגַבְרִיָּהּ, וְכִי תִמְאָ
לְיִמְאָסֶן – “דְּרִכֶּיהָ דְּרִבֵּי נֹעִם וְכָל
נְתִיבוֹתֶיהָ שְׁלוֹם”!

תָּא שְׁמַע, דְּאָמַר רַבִּי טַרְפוֹן: תֶּאֱבְגֵנּוּ, מְתִי
תְּבֵא צְרוֹת דְּבֵית לִידִי וְאֶשְׂאֲנָה! אִימָא:
וְאֶשְׂאֲנָה.

וְהָא “תֶּאֱבְגֵנּוּ” קָאָמַר! לְאִפּוּקֵי מְדַרְבֵּי
וְיִתְנֵן בְּן נֹרִי.

תָּא שְׁמַע: מַעֲשֶׂה בְּבֵתוֹ שֶׁל רַבִּן גַּמְלִיאֵל
שֶׁהָיְתָה נְשׂוּאָה לְאַבָּא אֲחִיו, וּמֵת בְּלֵא
בָּנִים, וַיִּיבֶם רַבִּן גַּמְלִיאֵל אֶת צְרוֹתָהּ.
וְתִסְבְּרָא, רַבִּן גַּמְלִיאֵל מִתְלַמְּיָדֵי בֵּית
שְׁמַאי הוּא?!

אֲלָא: שְׂאֵנִי בְּתוֹ שֶׁל רַבִּן גַּמְלִיאֵל
דְּאִילוּנִית הוּא. הָא מְדַקְתָּנִי סִיפָא:
אֲחֵרִים אֲמִרִים בְּתוֹ שֶׁל רַבִּן גַּמְלִיאֵל
אִילוּנִית הִיְתָה, מִכְּלָל דְּתַנָּא קָמָא
סָבַר לֹא אִילוּנִית הִיְתָה!

The Gemara analyzes this episode in relation to the matter at hand. **Granted, if you say that Beit Shammai did act** in accordance with their own opinion, **this is the meaning of what Rabban Shimon ben Gamliel said: What shall we do?** Since these rival wives had already entered into levirate marriage, it was impossible to change the status of their children retroactively. **However, if you say that they did not act** in accordance with their opinion, **what is the meaning of: What shall we do?** If Beit Shammai did not act upon their ruling, they never actually permitted a *yavam* to take a rival wife in levirate marriage.

Rav Nahman bar Yitzhak said: This amendment was necessary, not for the benefit of the children of rival wives, as Beit Shammai never in fact acted on their ruling; rather, it was necessary **only for the rival wife herself**. If these rival wives married others, in the opinion of Beit Shammai their marriages were flawed, as they did not perform *halitza*. And as for the question: **What shall we do, this is what Rabban Shimon ben Gamliel is saying:** With regard to those rival wives who were entirely exempt according to Beit Hillel, what should we do with them according to Beit Shammai, as these rival wives had already married others without performing *halitza*?

The Gemara elaborates: If you say let them perform *halitza*,^N they will be repulsive to their husbands, as it will seem to the husband that the woman he has been living with for some time suddenly requires a permit for marriage. **And if you would say, let them be repulsive to their husbands**, as that is not our concern, this is not the case, as the Torah says: “Her ways are ways of pleasantness,^N and all her paths are peace” (Proverbs 3:17).

¶ The Gemara suggests further: **Come and hear another source, as Rabbi Tarfon said: I yearn^N for the following scenario: When shall my daughter's rival wife come before me and I will marry her?** In other words, in this hypothetical case I would act in accordance with the opinion of Beit Shammai and take her in levirate marriage. This statement indicates that those who held by the traditions of Beit Shammai did indeed act upon their opinion. The Gemara amends this statement. **Say: And I will marry her off**, i.e., I shall act in accordance with the opinion of Beit Hillel and marry her off to others.

The Gemara asks: **But he said: I yearn^N** and if he meant that he would follow the ruling of Beit Hillel, which is the common practice, what is the novelty of Rabbi Tarfon's statement? The Gemara responds: Rabbi Tarfon comes to **exclude** the statement of **Rabbi Yohanan ben Nuri**, who maintains that all rival wives perform *halitza*. Rabbi Tarfon yearned for an opportunity to demonstrate that the *halakha* is not in accordance with the opinion of Rabbi Yohanan ben Nuri.

The Gemara suggests: **Come and hear an incident involving Rabban Gamliel's daughter, who was married to Abba, his brother, and Abba died childless, and Rabban Gamliel entered into levirate marriage with her rival wife.** This is apparently conclusive proof that the rival wife of a daughter may enter into levirate marriage. The Gemara asks: **And how can you understand it that way? Was Rabban Gamliel among the disciples of Beit Shammai?** In fact, Rabban Gamliel, who was a descendant of Hillel himself, certainly followed the opinion of Beit Hillel.

Rather, the case of Rabban Gamliel's daughter is different, as she was a sexually underdeveloped woman [*aylonit*], and therefore the prohibition against marrying her rival wife does not apply, as explicitly stated in the mishna. The Gemara asks: **But from the fact that it is taught in the latter clause of the same baraita: Others say that Rabban Gamliel's daughter was an aylonit**, it can be derived by inference that the first *tanna* holds that she was not an *aylonit*.

Collected an *etrog* – לִיקַט אֶתְרוֹג – The *etrog* differs from other fruits in that the decisive moment for the determination of its tithes is the removal of the fruit from the tree, as is the case with vegetables (*Shulhan Arukh, Yoreh De'a* 331:126).

הַכִּיר בָּהּ וְלֹא הַכִּיר בָּהּ אֵיכָּא
בִּינְיָהוּ.

The Gemara answers: The dispute between the *tanna'im* was not about whether or not she was an *aylonit*, as she certainly was. Rather, the practical difference **between them** is whether **he knew** that she was an *aylonit* at the time of marriage and decided to marry her regardless. Some maintain in general that if the husband was aware of her condition prior to marriage, her rival wife is forbidden, **but if he did not know about her** status, the rival wife is permitted.

וְאִיבְעִית אִימָא: כְּנֶס וּלְבִסּוּף גִּירָשׁ
אֵיכָּא בִּינְיָהוּ.

And if you wish, say that the practical difference **between them** concerns a different case, that of one who **married and ultimately divorced**. This is referring to an issue discussed above of whether a woman is considered the rival wife of a forbidden relation simply by virtue of her marriage to the specific man or whether she must be married to him at the time when the mitzva of levirate obligation takes effect, i.e., at the time of the brother's death.

אִיבְעִית אִימָא: יֵשׁ תְּנַאי בְּבִיאָה
אֵיכָּא בִּינְיָהוּ.

And if you wish, say that the practical difference **between them** concerns a case where **there is a condition in sexual relations**.^N In other words, the first *tanna* holds that Rabban Gamliel's daughter was married only conditionally, and since the condition was never fulfilled the marriage was nullified. Consequently, Rabban Gamliel could marry the other wife regardless of his daughter's status as an *aylonit*, as she was never married to his brother at all. However, according to the other *tanna*, even if the marriage was dependent upon a condition that was not fulfilled, because the man engaged in sexual relations with her the act of intercourse itself serves to nullify the condition. Accordingly, he maintains that the only reason Rabban Gamliel could enter into levirate marriage with his daughter's rival wife was not because of the condition, but due to the fact that his daughter was an *aylonit*. Whichever explanation is accepted, this case provides no proof with regard to the issue of whether or not Beit Shammai acted in accordance with their ruling.

מְתִיב רַב מֶשְׁרֵשִׁיא: מַעֲשֶׂה בְּרַבִּי
עֲקִיבָא שְׁלִיקַט אֶתְרוֹג בְּאָחָד בְּשַׁבָּת,
וְנָהַג בּוֹ שְׁנֵי עֶשְׂרִינָן;

§ Rav Mesharshiyya raised an objection against those who claim that Beit Shammai did not act in accordance with their opinion. It is taught in a mishna: There was **an incident involving Rabbi Akiva, who collected an *etrog*^{HN} on the first of the month of Shevat and performed with it two tenths**.^N In other words, he separated two tithes from the fruit, as though it belonged to two different tithing years. He removed both the second tithe and the poor man's tithe at the same time, two tithes that should not be separated in the same year.

NOTES

יש תנאי בבִּיאָה – There is a condition in sexual relations – According to some commentaries, this is referring to the dispute as to whether one who betroths a woman by sexual intercourse and not with money can do so conditionally, a dispute that appears in *Ketubot* 74a (Rashba; Ritva, citing Ra'avad).

Collected an *etrog* – לִיקַט אֶתְרוֹג – The commentaries in tractate *Rosh HaShana* and elsewhere explain that the term: Collected, is used with regard to an *etrog* because these fruits do not all ripen at the same time. Consequently, this is comparable to collecting vegetables in a garden. Others state that the tree itself is called an *etrog* and therefore it means that he took the tree's fruits (Rivan).

נָהַג בּוֹ שְׁנֵי עֶשְׂרִינָן – Performed with it two tenths – In addition to the first tithe, which is given to the Levites and is separated every year, there is also a second tithe, which is removed and taken by the owner to be eaten in Jerusalem in the first, second, fourth, and fifth years of the Sabbatical cycle. In the third and sixth years of the cycle, the poor man's tithe is separated.

Since this incident occurred between the second and third years, it was unclear to Rabbi Akiva which of these additional tithes should be separated. *Tosafot* cite the explanation in the Jerusalem Talmud as to how Rabbi Akiva solved other difficulties arising from this double tithing.

HALAKHA

The year of tithes for trees – שנת מעשר לאילנות – The fifteenth of Shevat is the beginning of the New Year for the tithing of trees, in accordance with the opinion of Beit Hillel (Rambam *Sefer Zera'im, Hilkhot Teruma* 5:11; *Shulhan Arukh, Yoreh De'a* 331:57, 125).

The Yehu water trough – שוקת יהוא – Any body of water mixed with a ritual bath has the status of the ritual bath itself and may be used for immersion in the same manner as the ritual bath (*Shulhan Arukh, Yoreh De'a* 201:57).

BACKGROUND

Removed the mortar [*ma'aziva*] – פּיחת את המעיבה – Houses in the mishnaic period were mainly built of stone, but their roofs sat on large wooden logs in between wooden planks fastened and sealed by mortar and pebbles. This covering was called a *ma'aziva*, apparently from the root *a-z-v*, which means to strengthen. When this covering was removed, only the planks remained, and these could easily be converted into the roofing of a *sukka*.

אָחַד כְּדַבְּרֵי בֵּית שְׁמַאי וְאָחַד כְּדַבְּרֵי בֵּית הֵלֵל, שָׁמַע מִיָּמָּה: עָשׂוּ!

The mishna explains: **One** tithe he removed in accordance with the statement of Beit Shammai, who hold that the new year for trees occurs on the first of Shevat, which means that the *etrog* required tithing according to the regulations of the upcoming year. **And one** tithe was in accordance with the statement of Beit Hillel, who hold the new year for trees is on the fifteenth of Shevat, and therefore the *etrog* required tithing in accordance with the previous year. The Gemara infers: **Conclude from here** that Beit Shammai **did act** in accordance with their opinion, as Rabbi Akiva took care to act in accordance with the ruling of Beit Shammai.

רַבִּי עֲקִיבָא גְּמַרְיָה אֶסְתַּפֵּק לֵיהּ, וְלֹא יָדַע אִי בֵּית הֵלֵל בְּאָחַד בְּשַׁבָּט אָמּוּר אוּ בַחֲמִשָּׁה עָשָׂר בְּשַׁבָּט אָמּוּר.

The Gemara answers: **Rabbi Akiva was uncertain as to his tradition, and he did not know if Beit Hillel said that the New Year for trees occurs on the first of Shevat or if they said it is on the fifteenth of Shevat.**¹ He did not act in accordance with the opinion of Beit Shammai at all; rather, he sought to act in accordance with the ruling of Beit Hillel but was uncertain about their opinion on this matter.

מְתִיב מֶר זוּטְרָא: מַעֲשֶׂה וְיִלְדָה בְּלָתוּ שָׁל שְׁמַאי הִזְקֵן וּפִיחַת אֶת הַמַּעֲזִיבָה, וְסִיבֵךְ עַל גְּבִי מִטָּה בְּשִׁבִיל קָטָן. שָׁמַע מִיָּמָּה: עָשׂוּ! הֵתָם הַרְוָאָה אוֹמְרֵי לְאִפּוּשֵׁי אֲוִיר קָעֲבִיד.

Mar Zutra raised an objection to this issue from a different source: There was an incident in which the daughter-in-law of Shammai the Elder² gave birth to a son. In Shammai's opinion this newborn baby is immediately obligated in the mitzva to sit in a *sukka*, and he therefore removed the mortar [*ma'aziva*]³ covering the ceiling and he placed *sukka* covering over the bed for the minor. **Conclude from here** that Beit Shammai **did act**⁴ in accordance with their opinions. The Gemara answers: There is no proof from there, as anyone watching would say that he did it merely to increase the air. Since people would not necessarily think that he removed the mortar as a ruling of *halakha*, this behavior is not considered the formation of a faction.

מְתִיב מֶר זוּטְרָא: מַעֲשֶׂה בְּשׁוֹקֵת יְהוּא שְׁהִיְתָה בִירוּשָׁלַיִם וְהִיְתָה נְקוּבָה לְמִקְוֵה, וְכָל טְהוּרוֹת שְׁהָיוּ בִירוּשָׁלַיִם נַעֲשִׂים עַל גְּבֵה. וְשָׁלְחוּ בֵּית שְׁמַאי וְהִרְחִיבוּהָ, שְׁבִית שְׁמַאי אוֹמְרִים: עַד שֶׁתִּפְתַּח בְּרוּבָה.

Mar Zutra raised a further objection: There was an incident involving the Yehu water trough⁵ in Jerusalem, which had a hole that connected it to a ritual bath, and all the ritual purifications in Jerusalem were performed in it, i.e., people immersed their utensils in this trough. **And Beit Shammai sent messengers and they widened** the opening in the water trough, as in the opinion of Beit Shammai the hole was not large enough for the trough to be considered connected to the adjacent ritual bath as **Beit Shammai say**: The two areas are not connected **unless the majority of it is opened**. In other words, they require the major portion of the barrier between the ritual bath and the nearby trough to be open.

NOTES

Conclude from here that Beit Shammai did act – שָׁמַע מִיָּמָּה – Since Beit Shammai's decision to act in accordance with their own ruling can be viewed as merely the adoption of a stringency, this does not provide conclusive proof with regard to the basic dilemma of a division into factions, as in a different case they might not have acted leniently in accordance with their own opinion against that of Beit Hillel. One explanation is that as these actions were performed publicly, the concern over

breaking into factions is relevant, despite the fact that their ruling was a stringency (Ritva).

The Yehu water trough – שׁוֹקֵת יְהוּא: Rashi apparently maintains that this trough was connected to a spring. Others raise several difficulties with this interpretation, and most commentaries explain instead that the water trough was attached to a valid ritual bath (Ritva).

PERSONALITIES

Shammai the Elder – שְׁמַאי הַזֶּקֶן – Shammai, occasionally called the Elder, formed a pair with Hillel; he served as deputy *Nasi* while Hillel was the *Nasi* of the Sanhedrin. Hillel and Shammai, the last of the pairs of Sages, lived about one hundred years prior to the destruction of the Temple, at the beginning of the reign of Herod. Despite the fact that the pair founded two schools, Beit Hillel and Beit Shammai, which lasted for many years after their passing, they themselves disagreed about only three or four issues. The difference between Hillel and Shammai themselves

was mainly one of personality. Hillel treated himself and others in an easygoing manner, avoiding conflict whenever possible. Shammai, in contrast, took a more severe approach, attempting to scrutinize people's motivations and habits. Nevertheless, it was Shammai who coined the phrase: One should receive every person with a pleasant countenance (*Avot* 1:15). Little is known about Shammai's personal life, but he was apparently an architect or builder by trade, as he is portrayed on several occasions standing with a builder's measuring rod in hand.

Joining of ritual baths – עירוב מקואות – If one wishes to join an invalid ritual bath and an adjacent valid ritual bath so that both can be used, he must bore a hole between them the size of the tube of a wineskin. This is a size that enables the insertion and freedom of movement for the first two fingers of the hand (*Shulhan Arukh, Yoreh De'at* 42, 50).



Wineskin made from an intact hide

ותנן: עירוב מקואות כשפופרת הנוד, בעובייה, ובחללה כשתי אצבעות חוזרות למקומן. שמע מינה: עשו! התם

And we learned in a mishna: Beit Hillel hold that a joining of ritual baths⁴ is effective if the hole has the width of the tube used to pour water in and out of a wineskin,⁵ and in its open space there is enough room for about two fingers that can return to their place. In other words, if it is possible to insert into the hole two fingers that can move around on all sides, the cavity is sufficiently large to be considered a connection. According to Beit Shammai, however, the hole must open up the majority of the barrier between the two areas. If so, conclude from this that Beit Shammai did act in accordance with their opinions. The Gemara rejects this contention: There,

BACKGROUND

The tube of a wineskin – שפופרת הנוד: Wineskin canteens were prepared from whole animal skins. These sacks served various purposes, primarily containing objects of different kinds, but also storing provisions. When these were used as canteens for liquids such as water, wine, or oil, precautions were usually

taken to ensure that the skin of the animal remained whole and did not tear. Furthermore, the skin of the legs was left intact. A tube, usually fashioned from cane, would subsequently be inserted into one of the legs, through which the liquid was poured inside.

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הרואה אומר: לאפוישי מיא הוא דקא עביד.

anyone watching would say that he did it to increase the water flow, and he did not intend to change the halakha. Rather, they would think that he widened the water trough only because there was not enough water flow.

תא שמע, דאמר רבי אלעזר בר צדוק: כשהייתי לומד תורה אצל רבי יוחנן החורני ראיתי שהיה אוכל פת חריבה במלח בשני בעורת. באתי והודעתי את אבא. אמר לי: הולך לו ייתים, והולכתי לו. ראה אותן שהן לחין, אמר לי: אין אני אוכל ייתים.

The Gemara cites another relevant source. Come and hear, as Rabbi Elazar bar Tzadok said: When I studied Torah with Rabbi Yohanan the Horani,⁶ who was a disciple of Beit Shammai, I saw that he would eat dry bread in salt in years of drought. I went and informed my father of his meager meal, and he said to me: Take olives for him, and I took for him some olives. Rabbi Yohanan saw that they were moist with the liquid that oozes from olives, which renders them susceptible to ritual impurity. Concerned that they had already become ritually impure, he said to me: I do not eat olives.⁷ He spoke politely and stated that he did not eat olives because he did not wish to embarrass his benefactor by disclosing that he feared they had become ritually impure.

PERSONALITIES

Rabbi Yohanan the Horani – רבי יוחנן החורני: Rabbi Yohanan the Horani, or Horonite, is mentioned in several places as one of the important Sages of the generation before the destruction of the Temple. He was highly regarded by both Beit Shammai, of which he was a member, and Beit Hillel. His opinion on the disputes between the schools was similar to that of other Sages from Beit Shammai, e.g., Baba ben Bota from

the previous generation. In general, they sought to act in accordance with the opinion of Beit Hillel. This explains why Rabbi Tzadok of Beit Hillel would send his son to study with Rabbi Yohanan the Horani. Nothing is known of Rabbi Yohanan the Horani's life or activities, although certain sources indicate that he was destitute and lived in conditions of severe poverty.

NOTES

I do not eat olives – אין אני אוכל ייתים: If one receives a gift from an important individual but fears that it may be in some way prohibited, for reasons of courtesy it is not appropriate to say so explicitly. Rather, one should speak indirectly, so as not to insult the giver (Meiri). With regard to this particular matter, some commentaries claim that, according to Rashi, Rabbi Yohanan was concerned that Rabbi Tzadok might not be careful about the ritual impurity of an am ha'aretz, a common, uneducated individual (Tosafot). This is certainly the interpretation of Rivan, a disciple of Rashi. Since Rashi states that the concern was that the olives had contracted ritual impurity through their earthenware container, which had been touched by an am ha'aretz, some later commentaries inquire how that earthenware container itself became ritually impure, as an earthenware vessel cannot contract ritual impurity from the outside; it contracts impurity only if a ritually impure object is placed inside it. Some explain that there is a specific decree that an earthenware vessel can contract ritual impurity through contact with impure liquids. See Arukh LaNer and Sukkat David, who attempt to explain that Rabbi Tzadok acted in accordance with his own opinion in this regard.

Alternatively, the concern might refer to ritual impurity contracted by movement, which would render both the barrel and its contents impure (Rashash). Some state that since people are generally not careful to crush olives in a state of ritual purity, it is simply assumed that a ritually impure individual touched them (Ritva).

HALAKHA

חֲבֵית שֶׁל זֵיתִים מְגוּלְגָלִים – A barrel of preserved olives – If a barrel of preserved olives is not perforated to allow the juices to escape, the olives are rendered susceptible to ritual impurity. If the barrel was pierced and then the hole clogged with sediments, the olives are not rendered susceptible to ritual impurity (Rambam *Sefer Tahara, Hilkhot Tumat Okhalin* 11:7).

BACKGROUND

Clogged by sediments – **סִתְמוּהַ שְׁמֵרִים**: The term sediments is imprecise in this context, as oil does not actually contain sediments. However, the oil that comes out of olives does thicken partially, due to contact with oxygen in the air, particularly when it is not refined. As a result, it can form masses that could clog up the hole in a barrel.

בְּאֵתִי וְהוֹדַעְתִּי אֶת אָבִיא. אָמַר לִי: לֵךְ וְאָמַר לוֹ: חֲבֵית נִקְוָה הִיְתָה, אֲלָא שְׁסִתְמוּהַ שְׁמֵרִים. וְתַנּוּ: חֲבֵית שֶׁל זֵיתִים מְגוּלְגָלִים, בֵּית שְׂמַאי אוֹמְרִים אִין צְרִיכָה לְנִקְבּוֹ,

Rabbi Elazar bar Tzadok continued his account. **I went and informed my father. He said to me: Go and say to him that the barrel containing the olives was perforated, but it was clogged by sediments in the oil and therefore some moisture remained inside. However, due to the presence of the hole, the olives were not rendered susceptible to ritual impurity. And we learned this in a mishna: With regard to a barrel of preserved olives,^{NH} Beit Shammai say it does not need to be perforated, as the juice issuing from the olives does not render them susceptible to ritual impurity.**

וּבֵית הֵלֵל אוֹמְרִים: צְרִיכָה לְנִקְבּוֹ, וּמוֹדִים שְׂאֵם נִיקְבָה וְסִתְמוּהַ שְׁמֵרִים – שְׂהִיא טְהוֹרָה.

And Beit Hillel say that it does need to be perforated, as they maintain that the juice of olives is considered oil and it therefore renders the olives susceptible to ritual impurity. And Beit Hillel concede that if the barrel was perforated and subsequently clogged by sediments^B it is ritually pure, despite the moisture on the olives. Since liquids render food susceptible to ritual impurity only if they were placed on them intentionally, the hole in the barrel clearly shows that one did not intend for the juice to be there. By boring a hole in the barrel he has rendered it obvious that he did not desire the presence of the olive juices, and therefore it does not matter that the hole became blocked.

וְאֵף עַל פִּי שְׁתַּלְמִיד שְׂמַאי הִיָּה – כֹּל מַעֲשֵׂיו לֹא עָשָׂה אֲלָא כְּדַבְרֵי בֵּית הֵלֵל. אִי אֶמְרַת בְּשִׁלְמָא עָשׂוּ – הֵיִינוּ רְבוּתִיָה, אֲלָא אִי אֶמְרַת לֹא עָשׂוּ – מַאי רְבוּתִיָה?

The *baraita* adds: **And although Rabbi Yoḥanan the Ḥorani was a disciple of Shammai, he always acted only in accordance with the statements of Beit Hillel.** The Gemara infers: **Granted, if you say that Beit Shammai acted in accordance with their opinions, this is Rabbi Yoḥanan the Ḥorani's greatness, i.e., he is praised for acting in accordance with the opinion of Beit Hillel. However, if you say that Beit Shammai did not act in accordance with their own rulings, what is the greatness and uniqueness of Rabbi Yoḥanan the Ḥorani?** From here it can be inferred that Beit Shammai generally did act in accordance with their opinions.

תָּא שְׁמַע: שְׂאֵלוּ אֶת רַבִּי יְהוֹשֻׁעַ: צָרַת הַבַּת מְהוּזָה? אָמַר לָהֶם: מַחְלֻקַּת בֵּית שְׂמַאי וּבֵית הֵלֵל. וְהִלְכָה כְּדַבְרֵי מִי? אָמַר לָהֶם: מִפְּנֵי מַה אַתֶּם מְכַנְסִין רֵאשִׁי בֵּין שְׁנֵי הָרִים גְּדוֹלִים, בֵּין שְׁתֵּי מַחְלֻקוֹת גְּדוֹלוֹת, בֵּין בֵּית שְׂמַאי וּבֵין בֵּית הֵלֵל, מִתְיַירָא אֲנִי שְׂמַאי יְרוּצוּ גְלִגְלָתִי.

S The Gemara adds: **Come and hear a different proof. They asked^N Rabbi Yehoshua: What is the *halakha* with regard to the rival wife of a daughter? He said to them: It is a matter of dispute between Beit Shammai and Beit Hillel. They continued to ask him: And in accordance with whose statement is the *halakha*? He said to them: Why are you inserting my head between two great mountains, i.e., between two great disputing opinions, between Beit Shammai and Beit Hillel? I fear lest these two mountains break my skull.^N**

NOTES

A barrel of preserved olives – **חֲבֵית שֶׁל זֵיתִים מְגוּלְגָלִים**: The commentaries discuss whether or not the juice that issues from olives is considered a form of liquid that renders foods susceptible to contract ritual impurity (*Tosafot*). Some write that olive juices do not render foods susceptible to ritual impurity at the time of harvest, but only from the moment they are prepared for pressing (Meiri). Since this barrel was filled with preserved olives, it is obvious that the owner wants the juice to be there, as it assists in the pressing of the olives. Others explain that although olive juice generally does render foods susceptible to ritual impurity, these olives were designated exclusively for consumption. Consequently, the juice was undesirable, and a liquid that is not desired by the owner does not render foods susceptible to impurity (Rivan).

Come and hear, they asked, etc. – **תָּא שְׁמַע שְׂאֵלוּ וכו'**: Some commentaries inquire about the need for this additional source. After all, the Gemara already proved from the previous story involving Rabbi Yoḥanan the Ḥorani that Beit Shammai indeed acted in accordance with their rulings. Some explain that the

previous proof can be refuted by saying that Rabbi Yoḥanan the Ḥorani was praised for acting in all cases in accordance with the rulings of Beit Hillel, not only in those cases in which the opinion of Beit Hillel was the more stringent (*Otzar HaShitot*).

I fear lest they break my skull – **מִתְיַירָא אֲנִי שְׂמַאי יְרוּצוּ גְלִגְלָתִי**: The commentaries ask: By his very admission of fear, Rabbi Yehoshua is indicating that he holds in accordance with the opinion of Beit Hillel, which means the children of rival wives who entered into levirate marriage are *mamzerim*. If so, he did in fact reveal his opinion and harmed those affected by this ruling (Maharsha). The Maharsha suggests that perhaps Rabbi Yehoshua did not answer those who asked him in this manner. Rather, he said this privately to his disciples in explanation of why he did not provide a precise response. Some commentaries explain, in a homiletic vein, that since Rabbi Yehoshua was the Sage who declared that we pay no attention to a Divine Voice (see *Bava Metzia* 59b), if he were to say here that the *halakha* is in accordance with the opinion of Beit Hillel due to a Divine Voice he would be contradicting himself (*Iyyun Ya'akov*).

אָבֵל אֲנִי מְעִיד לָכֶם וְכוּ' – However, I shall testify to you, etc. This indicates that rival wives who married other men are not disqualified from the priesthood. Clearly, this is not the opinion of Rabbi Yohanan ben Nuri (see 14b), who states that Beit Shammai maintain that the child is disqualified. It is possible that Rabbi Yehoshua witnessed that in practice Beit Shammai were not concerned about disqualification in this case, whereas Rabbi Yohanan ben Nuri was not aware of this fact. Alternatively, Beit Shammai did object to these High Priests, but the opinion of Beit Hillel prevailed. If so, this case provides no conclusive evidence with regard to the actual opinion of Beit Shammai (Ramban).

HALAKHA

Who is a *mamzer* – אִיְהוּ בְּמִזְרָא: A child born from a forbidden union is a *mamzer*, whether that relationship entails court-imposed capital punishment or *karet*, with the exception of a union with a menstruating woman, in accordance with the opinion of Shimon the Temanite on 49a (*Shulhan Arukh, Even HaEzer* 4:13).

A High Priest to a widow – בִּלְהֵן גְּדוּל בְּאֵלְמְנָה: If a High Priest engages in sexual intercourse with a widow she is disqualified from marrying into the priesthood, and any child born to her, from him or any other man, is likewise disqualified (*Shulhan Arukh, Even HaEzer* 7:12).

אָבֵל אֲנִי מְעִיד לָכֶם עַל שְׁתֵּי מִשְׁפָּחוֹת גְּדוּלוֹת שֶׁהָיוּ בִירוּשָׁלַיִם: מִשְׁפַּחַת בֵּית צְבוּעִים מִבֶּן עֲכָמָאִי, וּמִשְׁפַּחַת בֵּית קוֹפָאִי מִבֶּן מְקוֹשֵׁשׁ, שֶׁהֵם בְּנֵי צְרוֹת וּמֵהֶם כֹּהֲנִים גְּדוּלוֹת, וְשִׁמְשׁוּ עַל גְּבֵי הַמִּזְבֵּחַ.

However, I shall testify to youⁿ about two great families that were in Jerusalem, the Beit Tzevo'im family who came from the town of Ben Akhmai, and the Beit Kofai family from the town of Ben Mekoshesh: They were the descendants of rival wives who married others, in accordance with the opinion of Beit Hillel, and from them came High Priests who served on the altar. Accordingly, I can testify that this was the accepted halakhic practice throughout the generations.

אִי אָמַרְתָּ בְּשִׁלְמָא עָשׂוּ – הֵיינו דְּקָאָמַר מִתְיָרָא אֲנִי, אֵלָּא אִי אָמַרְתָּ לֹא עָשׂוּ – אִמָּאִי קָאָמַר מִתְיָרָא אֲנִי? וְנֵהִי נִמְי דְּעָשׂוּ, מָאִי מִתְיָרָא אֲנִי?

The Gemara infers from this statement: **Granted, if you say that Beit Shammai acted in accordance with their opinions, this is why Rabbi Yehoshua said: I fear**, since a conclusive halakhic ruling would mean that certain children are *mamzerim*, and the descendants of that family might take vengeance upon him. **However, if you say that they did not act in accordance with their opinions, why did he say: I fear?** The Gemara retorts: **And even if Beit Shammai did act in accordance with their rulings, what is the reason that he said: I fear?**

הָא אָמַר רַבִּי יְהוֹשֻׁעַ: אִין מְמוּר אֵלָּא מִחַיֵּיבֵי מִיתוּת בֵּית דִּין! נְהִי נְמִי דְּמְמוּר לֹא הָוִי, פְּגוּם מִיְהוּ הָוִי.

Didn't Rabbi Yehoshua say that in his opinion a *mamzer* is only someone born from a union of those liable to receive the court-imposed capital punishments,^h not from those liable to receive *karet*. If so, in the opinion of Rabbi Yehoshua, the children of rival wives who entered into levirate marriage would not be *mamzerim* at all, and therefore he had no reason to fear reprisals. The Gemara answers: **Even if this is the case, nevertheless, he had something to fear, as, although the child of a rival wife would not be a *mamzer*, he would nevertheless be of flawed lineage and disqualified from the priesthood.**

מְקַל וְחוֹמֵר מֵאֵלְמְנָה: מָה אֵלְמְנָה, שְׂאִין אִיסוּרָה נוֹהֵג בְּכָל – בְּנָה פְּגוּם, וְזוֹ שְׂאִיסוּרָה שְׁוֵה בְּכָל כּוּ.

The Gemara adds that this can be derived by an *a fortiori* inference from the case of a widow: **Just as in the case of a widow, whose prohibition does not apply to all, as she is forbidden in marriage only to a High Priest and not to any other man, and yet the lineage of her son is flawed, as he is disqualified from the priesthood, the son of this rival wife should certainly be disqualified from the priesthood, as her prohibition applies equally to all, even regular Israelites.**

קָבְעוּ מִיְמֵיהּ צְרוֹת וְקִפְּשִׁיט לִיהּ בְּנֵי צְרוֹת! תִּרְתֵּי קָא בְּעֵי מִיְמֵיהּ: צְרוֹת מָאִי, וְאִם תִּמְצְזֵי לִוְמַר צְרוֹת כְּבֵית הֵלֵל – בְּנֵי צְרוֹת דְּבֵית הֵלֵל לְבֵית שְׁמַאִי מֵהוּ?

Incidentally, the Gemara notes a problem with the above discussion: **They asked Rabbi Yehoshua about rival wives, and he answered them about the children of rival wives.** He did not refer to the rival wives themselves. The Gemara explains: **They asked him questions on two matters: First, what is the *halakha* with regard to rival wives? And if you say that the *halakha* in the case of rival wives is in accordance with the opinion of Beit Hillel and they are exempt, what is the *halakha* according to Beit Shammai in the case of the children of rival wives who, following Beit Hillel, married others without *halitza*?**

לְמָאִי נִפְקָא מִיְמֵיהּ? לְמִיפְּשִׁט וְלָד מִחוּזֵי גְרוּשְׁתּוֹ לְבֵית הֵלֵל.

The Gemara asks: **What difference does this question make?** Since Rabbi Yehoshua maintains that the *halakha* is in accordance with the ruling of Beit Hillel, why even discuss Beit Shammai's opinion on this matter? The Gemara explains: His answer enables one to resolve a different issue, the case of a **child of one who remarries his divorcée according to the opinion of Beit Hillel.** Is the child of a divorcée who remarried her previous husband after she had been married to another man fit or disqualified from the priesthood?

מִי קָאָמְרִינֵן קַל וְחוֹמֵר: וּמָה אֵלְמְנָה לְבִלְהֵן גְּדוּל שְׂאִין אִיסוּרָה שְׁוֵה בְּכָל – בְּנָה פְּגוּם, וְזוֹ שְׂאִיסוּרָה שְׁוֵה בְּכָל – אִינוּ דִּין שְׁבִנָּה פְּגוּם?

The Gemara elaborates: **Do we say the following an *a fortiori* inference: And just as with regard to a widow married to a High Priest,^h whose prohibition does not apply to all, as she is prohibited in marriage only to a High Priest, and yet the lineage of her son is flawed as he is disqualified from the priesthood, so too, in the case of this rival wife, whose prohibition applies equally to all men, is it not right that her son should be of flawed lineage?**

NOTES

What about the fact that a widow is different as she herself is disqualified – מה לא למנה שהיא עצמה מתחללת! The Meiri explains that even according to the opinion, which he himself accepts, that every woman who engages in sexual intercourse in violation of a prohibition is disqualified from marrying a priest, including a woman obligated in levirate marriage who marries without *halitza*, she is nevertheless not rendered unfit to eat *teruma* if she is the daughter of a priest. This explains why the Gemara said that she becomes disqualified from marrying a priest, not that she is unfit for eating *teruma* (see *Keren Ora*).

Perek I

Daf 16 Amud a

NOTES

With regard to the children of rival wives, I testify to you – בני צרות אני מעיד לכם: The early commentaries discuss the meaning of this testimony from different perspectives. One interpretation is that as Rabbi Yehoshua testified that the children of rival wives are undoubtedly qualified, he thereby indicated that the *halakha* is entirely in accordance with the opinion of Beit Hillel, including the status of the rival wives themselves (*Tosefot HaRosh*).

LANGUAGE

Harkinas – הרקינס: The form of this name is Greek, perhaps from the name Ἀρχίνος, Archinos, which means great or head. In the Jerusalem Talmud the name appears as Arginas, perhaps from ἀργεννός, *argennos*, meaning white.

או דלמא איבא למיפרך: מה לא למנה – שהיא עצמה מתחללת! ואמר להו: צרות – מתירא אני

Or perhaps this comparison can be refuted: What about the fact that a widow is different, as she herself is disqualified^N from marrying a priest, i.e., if a High Priest has intercourse with her she is disqualified from marrying any member of the entire priesthood, including common priests, whereas a remarried divorcée herself is not disqualified from marrying into the priesthood? And Rabbi Yehoshua said to them: I fear that if I issue a decisive ruling concerning rival wives this might lead to a conflict,

בני צרות אני מעיד לכם.

whereas with regard to the children of rival wives, I testify to you^N that they are not disqualified, since, as stated, their descendants served as High Priests.

תא שמע: בימי רבי דוסא בן הרקינס הותרה צרת הבת לאחיו. שמע מינה: עשו, שמע מינה.

The Gemara states: Come and hear another source that indicates Beit Shammai did act upon their opinions: In the time of Rabbi Dosa ben Harkinas,^{LP} the rival wife of a daughter was permitted to the brothers. Conclude from this that Beit Shammai did act in accordance with their opinions. The Gemara summarizes these proofs: Indeed, conclude from these sources that Beit Shammai did put their rulings into practice.

גופא, בימי רבי דוסא בן הרקינס התירו צרת הבת לאחיו והיה הדבר קשה לחכמים, מפני שחכם גדול היה ועיניו קמו מלבא לבית המדרש.

Since the last source is only part of a larger incident, the Gemara cites the matter itself. In the time of Rabbi Dosa ben Harkinas the Sages permitted the rival wife of a daughter to the brothers. In other words, it became known that Rabbi Dosa ben Harkinas rendered permitted a daughter's rival wife. And this matter was difficult in the eyes of the Rabbis because he was a great Sage and his decision in favor of Beit Shammai carried great weight. They could not approach him immediately, as he was very old and his eyes had dimmed so much that he was incapable of coming to the study hall.

(אמר: ומי ילך) ויודיעו? אמר להן רבי יהושע: אני אלך. ואחריו מי? רבי אלעזר בן עזריה, ואחריו מי? רבי עקיבא. הלכו ועמדו על פתח ביתו, נכנסה שפחתו, אמרה לו: רבי, חכמי ישראל באין אצלך. אמר לה: יכנסו, ונכנסו.

They said: And who will go and notify him that this matter requires clarification? Rabbi Yehoshua said to them: I will go. They asked: And who shall go after him? They selected Rabbi Elazar ben Azarya, who was one of the great Sages of the generation, notwithstanding his youth. They further inquired: And who after him? Rabbi Akiva.^P They went and stood at the entrance of Rabbi Dosa ben Harkinas's house. His maidservant entered and said to him: Rabbi, the Sages of Israel have come to you. He said to her: Let them enter, and they entered.

PERSONALITIES

Rabbi Dosa ben Harkinas – רבי דוסא בן הרקינס: Rabbi Dosa ben Harkinas was one of the earliest *tanna'im*. He was already considered a Sage of great stature in the period of the Second Temple. He engaged in disputes with Akavya ben Mahalalel and Hananya the deputy High Priest, and he was apparently from the same generation as Rabbi Yohanan ben Zakkai, whom he outlived. As a result of his longevity, he is described as participating in various deliberations during the time of Rabban Gamliel in Yavne, although he would not come to the study hall due to his old age. If this is the case, he lived well over a hundred years. See the Rambam's introduction to the order of *Zera'im*, where his wondrously long life span is recounted. Rabbi Dosa ben Harkinas was universally respected due to his old age and wisdom, and Rabbi Yehoshua asked his advice on several issues. He was apparently an expert in the history of the

Jewish people, and he could recall even small details of events. He possibly preserved for himself relics from earlier eras, such as the mortar of the prophet Haggai. The story recounted here indicates that he was also extremely wealthy, but there are no records of his profession or family, besides the younger brother he himself mentions. His statements, which are also cited in the Mishna, deal with both *aggada* and *halakha*. When the name Rabbi Dosa is mentioned without any qualifiers in the Mishna, the reference is to Rabbi Dosa ben Harkinas.

Rabbi Akiva – רבי עקיבא: Rabbi Akiva, who lived just after the destruction of the Second Temple, was one of the greatest of the *tanna'im*. Unlettered until the age of forty, Akiva was encouraged by his wife, Rachel, to devote himself to the study of Torah. After years of study under the tutelage of Rabbi Eliezer ben Hyrcanus, Yehoshua ben Hananya, and others, he acquired

thousands of students and established his own academy in Benei Berak. Rabbi Akiva systematized and arranged many oral traditions, and it was the tradition of Rabbi Akiva as received by his disciple, Rabbi Meir, that ultimately became the basis of the six orders of the Mishna. Rabbi Akiva was the spiritual leader of the bar Kokheva revolt. He even proclaimed bar Kokheva the Messiah early in the struggle, but he later retracted this opinion. Despite Roman decrees against disseminating Torah, the aged Rabbi Akiva continued to teach. Rabbi Akiva was arrested by the Romans, imprisoned, tried, and sentenced to death. He suffered a martyr's death at the hands of the Romans, and is listed as one of the ten martyrs executed by the Romans. As the Romans were torturing him to death, he explained to his students that he now had the opportunity to fulfill the true meaning of loving God with all of one's soul (*Berakhot* 61b).