

HALAKHA

Which offspring have the status of a mamzer – איזהו ממזר: The offspring born of a forbidden union for which one is liable to *karet* or a court-imposed death penalty is a *mamzer*, irrespective of whether the sexual relations were engaged in willfully or otherwise. This is true with the exception of the offspring of a union with a menstruating woman, which is not a *mamzer*. This is in accordance with the opinion of Shimon HaTimni, since the Gemara rules in accordance with his opinion (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 15:1; *Shulhan Arukh*, *Even HaEzer* 4:13).

If a man's wife died he is permitted to her sister – אשתו ומתה: A man's wife's sister is forbidden to him throughout his wife's lifetime, even if they are divorced. After his wife's death, however, he is permitted to marry her sister. It is all the more true that the sister of a *yevama* is permitted to the *yavam* after the death of the *yevama* (Rambam *Sefer Kedusha*, *Hilkhot Issurei Bia* 2:9; *Shulhan Arukh*, *Even HaEzer* 15:26).

PERSONALITIES

Shimon HaTimni – שמעון התימני: Shimon HaTimni was a *tanna* during the generation of Rabbi Akiva whose title was derived from his home city of Timna in Judea. He was one of the important Sages of the Sanhedrin in Yavne. He numbers among those few Sages who understood seventy languages. However, due to his young age, he was never ordained, and so he is instead referred to as one who deliberated before the Sages. Despite his young age, and even though he was connected to the disciples of Rabbi Akiva, he was nevertheless not his preeminent disciple. In fact, he occasionally disputed Rabbi Akiva's opinions.

Most statements cited in his name in the Mishna and *baraitot* involve matters of *halakha*, and he seldom comments on issues of *aggada*.

מתני' איזהו ממזר? כל שאר בשר שהוא ב'לא יבא', דברי רבי עקיבא. שמעון התימני אומר: כל שחייבים עליו פרת בידי שמים. והלכה כדבריו. ורבי יהושע אומר: כל שחייבין עליו מיתת בית דין.

אמר רבי שמעון בן עזאי: מצאתי מגלת יוחסין בירושלים וכתוב בה: איש פלוני ממזר מאשת איש, לקיים דברי רבי יהושע.

אשתו ומתה – מותר באחותה, גרשה ומתה – מותר באחותה. נשאת לאחר ומתה – מותר באחותה. יבמתו ומתה – מותר באחותה, חלץ לה ומתה – מותר באחותה, נשאת לאחר ומתה – מותר באחותה.

גמ' מאי טעמא דרבי עקיבא? דכתוב 'לא יקח איש את אשת אביו ולא יגלה כנף אביו' – כנף שראה אביו לא יגלה.

MISHNA Which offspring of forbidden relations have the status of a *mamzer*?^{NH} It is the offspring of a union with any next of kin^N that is subject to a Torah prohibition that he should not engage in sexual relations with them; this is the statement of Rabbi Akiva. Shimon HaTimni^P says: It is the offspring of a union with any forbidden relation for which one is liable to receive *karet* at the hand of Heaven. And the *halakha* is in accordance with his statement.^N Rabbi Yehoshua says: It is the offspring of a union with any forbidden relation for which one is liable to receive court-imposed capital punishment.

Rabbi Shimon ben Azzai said: I found a scroll recording people's lineages in Jerusalem, and it was written in it that so-and-so is a *mamzer*^N from an adulterous union with a married woman, a sin punishable by court-imposed capital punishment. The only reason for the scroll to state the reason that this individual is a *mamzer* is in order to support the statement of Rabbi Yehoshua.

The mishna delineates the circumstances in which it is prohibited to engage in relations with the sister of one's wife and the sister of one's *yevama*: If a man's wife died, he is permitted to her sister.^H If he divorced her and then she died, he is permitted to her sister. If he divorced his wife and then she was married to another and then died, he is permitted to her sister. If his *yevama* died, he is permitted to her sister. If he performed *halitza* with her and then she died, he is permitted to her sister. If after *halitza* she was married to another and then died, he is permitted to her sister. The principle underlying all these cases is that the prohibition against engaging in relations with her sister only applies while the wife or *yevama* remain alive, irrespective of their current relationship to the man.

GEMARA What is Rabbi Akiva's reasoning? As it is written: "A man shall not take his father's wife, and he shall not uncover his father's cloak" (Deuteronomy 23:1). This teaches that a cloak that his father saw,^N i.e., a woman with whom his father engaged in sexual relations, the son may not uncover.

NOTES

Which offspring have the status of a mamzer – איזהו ממזר: This mishna is not directly related to the general subject matter of this chapter. However, since the previous mishna cites the dispute between Rabbi Akiva and the Rabbis as to whether or not the offspring from various forbidden unions are *mamzerim*, this mishna cites the basic principles behind that dispute (Meiri).

Any next of kin – כל שאר בשר: The mishna here appears to state that Rabbi Akiva regards only the offspring of forbidden unions between next of kin as *mamzerim*; however, the offspring of other forbidden unions would not be *mamzerim*. This would seem to contradict the mishna on 44a that states that Rabbi Akiva holds that with regard to one who remarries his divorcée after she had been married to another man, the offspring from that union is also a *mamzer*. Rashi suggests that the two *mishnayot* reflect the two different opinions with regard to Rabbi Akiva's position, and the mishna on 44a is in accordance with the understanding of Rabbi Simai. Others reject this suggestion because it would be highly unseemly for the Mishna to cite two statements in the name of a single Sage based on two opposing opinions of what his position is, especially when the two statements are cited in close proximity to each other. The Rashba therefore explains that one must conclude that one's divorcée who remarried is also considered next of kin because the prohibition is based on his close relationship to her.

From the Rambam's Commentary on the Mishna it would appear that he read Rabbi Akiva's statement in this mishna as comprising two clauses: The offspring of a union with any next of kin, or of a union that is subject to a Torah prohibition, is a *mamzer*. His interpretation is supported by the discussion of this mishna in the Jerusalem Talmud. According to this reading, there is no contradiction at all to the previous mishna.

And the halakha is in accordance with his statement – והלכה כדבריו: Some early commentaries, including the Rif and Rabeinu Hananel, note that there is a principle, cited in the Jerusalem Talmud on tractate *Pe'a*, that the *halakha* is not decided based on rulings in a mishna. Therefore, despite the fact that this mishna explicitly states that the *halakha* is in accordance with the opinion of Shimon HaTimni, that itself has no force in deciding the ultimate ruling. Some explain that the reason for this is that when Rabbi Yehuda HaNasi redacted the Mishna, he collected and arranged many tannaitic statements that already existed. He would sometimes cite those statements without modification, even if they included claims about what the *halakha* should be. Accordingly, when a mishna includes a statement about the ruling of a *halakha*, it cannot be assumed that it reflects Rabbi Yehuda HaNasi's own opinion, and therefore it does not carry any halakhic weight.

And it was written in it that so-and-so is a *mamzer*, etc. – וכתוב בה: איש פלוני ממזר וכו': The purpose of keeping a record of lineages is so that people are aware of whom they may marry and whom they may not. Therefore, it is unnecessary for the scroll to detail the circumstances that led to one gaining a certain status. Accordingly, the fact that this scroll explicitly stated why a certain individual was a *mamzer* suggests that it meant to teach something about who is to be regarded as a *mamzer* (Yosef Lekah; see *Tosafot*).

A cloak that his father saw, etc. – כנף שראה אביו וכו': The Gemara explains that this refers to a woman raped by his father. However, it is difficult to understand why the offspring from a union with her would be a *mamzer*, since Rabbi Akiva states in the mishna that only the offspring of a union with a next of kin is a *mamzer*. Some resolve this question by saying that the essence of the condition that the union be with a next of kin is that the prohibition is a function of one's relationship to her. If so, even though a woman his father rapes is not actually a next of kin, since ultimately the prohibition against engaging in relations with her is due to the father's relationship to her, Rabbi Akiva will agree that the offspring of a union with her will be a *mamzer* (Rashash).

And in close proximity to that verse is: “A *mamzer* shall not enter” – וְסָמֵךְ לִיה לֹא יָבֵא מִמּוֹר – Generally, when a derivation is based on the fact that two verses are in close proximity to each other, the two verses are actually juxtaposed with nothing between them. However, in this case, the two verses are separated by a verse that states that a man whose sexual organs have been damaged is prohibited from marrying into the congregation. *Tosafot* note this difficulty and explain that since a man whose sexual organs have been damaged is unable to father any children, that verse can certainly not be utilized to identify which kinds of forbidden unions result in the offspring being a *mamzer*. Therefore, in this case it is acceptable to base the derivation on the proximity of the verse about a *mamzer* to the verse about a woman with whom one’s father engaged in relations (see Ritva and *Nimmukei Yosef*).

The opinion of Shimon HaTimni – שיטת שמעון התימני – From an opinion in the Jerusalem Talmud, as well as from many early commentaries (see Ramban and Rashba), it would appear that Shimon HaTimni arrived at his opinion based on the hermeneutical principle that if a case was included as part of a general category but was singled out to teach something, what it teaches is to be applied not only to that case but to all of the cases in that general category. As applied to this case, it indicates that since the prohibition with regard to one’s father’s wife appears in Leviticus as part of the general category of incestuous relationships for which one is liable to receive *karet*, and then it is mentioned alone in Deuteronomy in order to teach that the offspring of a union with one’s father’s wife is a *mamzer*, it therefore teaches that this is true of all the cases in Leviticus, i.e., that the offspring from any one of those relationships is a *mamzer*.

Rabbi Yehoshua’s proof – הוכחת רבי יהושע – The commentaries suggest different interpretations of Rabbi Yehoshua’s proof here. Rashi explains that since it is unnecessary to state both: “he shall not take” and “he shall not uncover,” it is apparent that only the offspring of relations with the woman mentioned in between those phrases, i.e., one’s father’s wife, is a *mamzer*, as well as all similar cases where one would be liable for a court-imposed death penalty. The *ge’onim*, based on a different version of the text also cited by *Tosafot*, explain that since it is repetitious to state both “he shall not take” and “he shall not uncover,” it must be that one should derive the *halakha* of a *mamzer* from the more stringent of the two.

Rabbeinu Hananel appears to have had a version of the Gemara in which the continuation: Rather is it not, etc., does not appear at all. Based on that version, he explains that since the expressions “he shall not take” and “he shall not uncover” are repetitious, their use must come to teach that only those prohibitions that are formulated in these ways are included.

All agree with regard to one who engages in sexual relations with a menstruating woman, etc. – הכל מודים בבא על הנדה – וכי: In the Jerusalem Talmud it is explained that the offspring from relations with a menstruating woman is not a *mamzer* because the woman is not forbidden on account of being a next of kin, which the mishna here states is one of the conditions for the offspring to be a *mamzer*. This fits well with the explanation found in the Jerusalem Talmud that the specific case of one’s father’s wife teaches about the entire category of forbidden relations recorded in Leviticus. The prohibition against engaging in relations with a menstruating woman is not included in that category. Furthermore, that category of cases is introduced by the statement: “None of you shall approach to any that is next of kin to him, to uncover their nakedness” (Leviticus 18:6), which serves to emphasize that only the offspring from relations with those who are next of kin is a *mamzer*.

Rabbi Yehuda al-Madari notes that in addition to the Gemara’s reasoning that betrothal with a menstruating woman takes effect, further proof can be derived from the fact that when a woman menstruates, the betrothal bond is not dissolved. This point, already mentioned by *Tosafot*, serves to prove that a menstruating woman is not to be fully classified in the same manner as other forbidden relations.

וְסָבַר לָהּ כְּרֵבִי יְהוּדָה, דְּאָמַר: בְּאֲנוּסַת אָבִיו הִתְּבוּב מְדַבֵּר, דְּהוּיָא לָהּ חַיִּיבִי לְאוּיָן.

And in this interpretation of the verse, Rabbi Akiva holds in accordance with the opinion of Rabbi Yehuda, who said: The verse states only that such relations are forbidden, but they would not render him liable to receive *karet*; perforce the verse speaks of a woman raped by one’s father, since she is one of the women with whom relations render one liable for violating a prohibition. The verse could not refer to one’s father’s wife since relations with her render one liable to receive *karet*.

וְסָמֵךְ לִיה לֹא יָבֵא מִמּוֹר בְּקִהֵל הָ. אֶלְמָא: מִהֵנִי הוּי מִמּוֹר.

The Gemara completes its explanation of Rabbi Akiva’s opinion: And in close proximity to that verse is the verse: “A *mamzer* shall not enter^N into the congregation of the Lord” (Deuteronomy 23:3). Apparently, even from these forbidden relations, which render one liable for the violation of a prohibition, the offspring is a *mamzer*.

וְלִרְבִי סִימַאי דְּמַרְבָּה שְׂאָר חַיִּיבִי לְאוּיָן דְּלֹאֵו דִּשְׂאָר, וְלִרְבִי יִשְׁבֵּב דְּמַרְבָּה אֶפְיִלוּ חַיִּיבִי עֲשֵׂה –

The Gemara asks: But according to Rabbi Simai, who holds that Rabbi Akiva includes as a *mamzer* the offspring of all other forbidden relations for which one is liable for violation of a prohibition, even those that are not with his next of kin; and also according to Rabbi Yesheav,^P who holds that Rabbi Akiva includes even the offspring of relations for which one is liable for the violation of a positive mitzva; since according to them, Rabbi Akiva includes cases that are not similar to the case a woman raped by his father, what is his source?

נִפְקָא לְהוּ מִוִּלְאָ.

The Gemara answers: They derive it from the verse that states: “And he shall not uncover his father’s cloak” (Deuteronomy 23:1). The word “and” is superfluous and serves to include additional cases.

וְשִׁמְעוֹן הַתִּימְנִי סָבַר לָהּ כְּרֵבִי, דְּאָמַר: בְּשׁוּמְרַת יָבִם שֶׁל אָבִיו הִתְּבוּב מְדַבֵּר, דְּהוּיָא לָהּ חַיִּיבִי כְּרִיתוֹת, וְסָמֵךְ לִיה לֹא יָבֵא מִמּוֹר, אֶלְמָא: מִחַיִּיבֵי כְּרִיתוֹת הוּי מִמּוֹר.

And Shimon HaTimni^N holds in accordance with the opinion of the Rabbis, who say: It is with regard to the widow waiting for his father to perform levirate marriage that the verse is speaking, and it indicates that she is one of the women with whom relations render one liable to receive *karet*. And in close proximity to that verse is the verse: “A *mamzer* shall not enter into the congregation of the Lord” (Deuteronomy 23:3). Apparently, only the offspring of a union for which one is liable to receive *karet* is a *mamzer*.

וְרַבֵּי יְהוֹשֻׁעַ: לְכַתּוּב רַחֲמֵנָא לֹא יִגְלֶה, לֹא יִקַּח” (וְלֹא יִגְלֶה) לְמַה לֵּיזֵי אֶלְא לֹאֵו הִכִּי קָאָמַר: מִלֹּא יִקַּח” עַד לֹא יִגְלֶה” – הוּי מִמּוֹר, טַפִּי – לֹא הוּי מִמּוֹר.

And how does Rabbi Yehoshua^N derive his opinion? If the verses should be derived as Rabbi Akiva and Shimon HaTimni suggest, let the Merciful One write only: “He shall not uncover his father’s cloak.” It is unnecessary for the verse to mention the prohibition with regard to one’s father’s wife, as the fact that the offspring of that union is a *mamzer* would be known through an *a fortiori* inference, since that prohibition is more stringent than the one derived from the verse: “And shall not uncover his father’s cloak.” Why do I need both the clause “a man shall not take his father’s wife” and the clause “and shall not uncover his father’s cloak”? Rather, is it not that this is what the Torah is saying: Only the offspring of relations with the woman mentioned in the verse after the words “a man shall not take” until the words “he shall not uncover,” i.e., his father’s wife, is a *mamzer*, but the offspring of relations with the woman mentioned beyond that point, i.e., the woman referred to as “his father’s cloak,” is not a *mamzer*.

אָמַר אַבְיִי: הַבַּל מוֹדִים בְּבֵא עַל הַנְּדָה

Abaye said: All *tanna'im* in the mishna agree with regard to one who engages in sexual relations with a menstruating woman,^N

PERSONALITIES

Rabbi Yesheav – רַבֵּי יִשְׁבֵּב: Rabbi Yesheav was a third-generation *tanna* and scribe who was a disciple of Rabbi Yehoshua and a contemporary of Rabbi Akiva. He was exceedingly generous, and Rabbi Akiva criticized him for giving too much of his money to charity. Rabbi Yesheav was one of the

ten martyrs who were killed by the Romans during the bar Kokheva rebellion, and according to tradition (*Midrash Eleh Ezkera*), the ninety-year-old Sage told his disciples to support each other and uphold justice and peace. He was then thrown to the dogs and did not merit to be buried.

HALAKHA

The offspring of a menstruating woman – ילד הנדה: All agree that a child born from a menstruating woman is not a *mamzer* and is even permitted to marry into the priesthood (*Beit Shmuel*). However, he is considered to be of a sullied status and his family is not held to be of distinguished lineage (Rambam *Sefer Kedusha, Hilkhoh Issurei B'ia* 15:1; *Shulhan Arukh, Even HaEzer* 4:3).

Betrothal of a menstruating woman – קידושי נדה: If one betroths one of the forbidden relations whom, were he to engage in relations with them, he would be liable to receive *karet* or a court-imposed death penalty, then the betrothal does not take effect. The exception to this principle is a menstruating woman, in whose case the betrothal does take effect. Nevertheless, it is not appropriate to betroth a menstruating woman. The *Taz* writes that nowadays, due to the significant monetary loss involved in rescheduling a wedding if the bride is menstruating, people are not particular about avoiding this situation, but nevertheless one should try to prevent the situation *ab initio* (Rambam *Sefer Nashim, Hilkhoh Ishut* 4:12; *Shulhan Arukh, Even HaEzer* 44:6).

ועל הסוטה שאין הולך ממזר.

נדה – דהא תפסי בה קידושין, שנאמר "ותהי נדתה עליו" – אפילו בשעת נדתה – תפסי בה קידושין.

סוטה נמי – דהא תפסי בה קידושין.

תנא נמי הכי: הכל מודים בבא על הנדה, ועל הסוטה, ועל שומרת יבם – שאין הולך ממזר.

ואביי: שומרת יבם מספקא ליה, אי ברב אי בשמואל.

"אמר רבי שמעון בן עזאי" כו'. תני, שמעון בן עזאי אומר: מצאתי מגלת יוחסין בירושלים, וכתוב בה: איש פלוני ממזר מאשת איש. וכתוב בה: משנת רבי אליעזר בן יעקב קב ונקי. וכתוב בה: מנשה הרג את ישעיהו.

or with a *sota*,^N that the offspring is not a *mamzer*.^H

With regard to a menstruating woman the offspring is not a *mamzer* because one's betrothal of her takes effect,^H as it is stated: "And her impurity shall be upon him" (Leviticus 15:24). The phrase "shall be" alludes to the fact that a betrothal with her takes effect. The verse teaches that even at the time of her menstrual impurity, betrothal with her takes effect.

With regard to a *sota*, too, the offspring is not a *mamzer* because one's betrothal of her takes effect.

The Gemara notes: This teaching of Abaye is also taught in a *baraita*: All agree with regard to one who engages in sexual relations with a menstruating woman, or with a *sota*, or with a widow waiting for her *yavam* to perform levirate marriage, that the offspring is not a *mamzer*.

The Gemara explains: And Abaye did not mention the case of a widow waiting for her *yavam* because he is uncertain^N whether, if someone other than the *yavam* betrothed her, the *halakha* is in accordance with the opinion of Rav that it does not take effect or in accordance with the opinion of Shmuel that it might take effect.

S The mishna states: Rabbi Shimon ben Azzai said: I found a scroll recording people's lineages. The Gemara cites an expanded version of the contents of the scroll. It is taught in a *baraita* that Rabbi Shimon ben Azzai said: I found a scroll recording people's lineages, in Jerusalem, and it was written in it^N that so-and-so is a *mamzer* from an adulterous union with a married woman. And it was also written in it: The teachings of Rabbi Eliezer ben Ya'akov measure only a *kav* but are clean and accurate, and so the *halakha* is decided in accordance with his opinions. And it was written in it: Manasseh, king of Israel, killed Isaiah the prophet.

NOTES

Sota – סוטה: The term *sota* is used to describe both a wife who was suspected by her husband of having been unfaithful and a wife who is known to have been unfaithful. In both cases, she is prohibited from engaging in relations with her husband.

Rashi explains that the Gemara here is referring to a case where it is known that she was unfaithful and nevertheless she remained married to her husband. Rashi explains that in this case the reason that everyone agrees that the offspring is not a *mamzer* is because the marriage bond is not abrogated despite the fact that the marriage is prohibited. *Tosafot* argue that the fact that the marriage bond is not abrogated is itself insufficient to explain why the offspring is not a *mamzer*. Therefore, they explain that the case here is where the husband divorced his adulterous wife and then remarried her. It is therefore apparent that his betrothal of her takes effect, and it is this fact that explains why the offspring is not a *mamzer*. Apparently, *Tosafot* assume that the key factor in defining whether the offspring will be a *mamzer* is whether or not the prohibition is a function of the familial relationship between them, i.e., only the offspring of forbidden relations between next of kin is a *mamzer*, and it is this factor that expresses itself in the fact that one cannot effect a betrothal between these relatives.

Rabbeinu Hananel writes that although the Gemara here states clearly that the offspring is not a *mamzer*, that is true only according to Torah law. However, by rabbinic law, the offspring is rendered a *mamzer*. He draws proof for his claim from the case of a woman who remarries after a single witness testified that her husband had died. In such a case, if it later emerges that in fact her original husband is still alive, she is prohibited by rabbinic decree from returning to him. If she does

return to him and has a child by him, the Sages decreed that it is considered a *mamzer*. Rabbeinu Hananel understands that this provides a paradigm for other cases where the marriage is forbidden by rabbinic decree, and that in those cases as well the offspring is rendered a *mamzer* by the Sages. *Tosafot* cite the opinion of Rabbeinu Hananel and explain that this decree is a penalty on the couple for ignoring the rabbinic prohibition against their marrying.

Other authorities disagree with Rabbeinu Hananel's opinion and claim that the case of a woman who remarried based on the testimony of a single witness is unique because in that case she married her new husband under the assumption that it was a valid course of action. Since the new marriage has the appearance of a valid one, the Sages prohibited her from returning to her original husband. However, in the case of adultery, no such concern exists, and therefore there is no need to render the offspring a *mamzer* (*Tosafot Had Mikamma'e*; Meiri; see Rashi, *Tosafot*, and Ramban).

He is uncertain, etc. – מספקא ליה וכו': The connection made by the Gemara between whether to rule in accordance with Rav or Shmuel and the status of the offspring as a *mamzer* is far from simple because the prohibition against a *yevama* engaging in relations with someone other than her *yavam* is of an entirely different nature than other forbidden relations (see *Tosafot*). Some explain that even according to the opinion of Rav the betrothal does not take effect; there is no actual negative mitzva against the *yevama* engaging in relations with someone other than her *yavam*. Rather, the reason that betrothal does not take effect is because she is already bound to the *yavam* through a levirate bond, and that bond prevents any other

marital bond from taking effect upon her. The offspring of such a union is a *mamzer* for the same reason that some opinions hold that the offspring of a gentile and a Jewish woman is a *mamzer*. Whenever it is not possible to effect a betrothal between two people, the offspring from a union between them is a *mamzer* irrespective of the nature of the prohibition that applies to them.

One commentary suggests that neither Rav nor Shmuel themselves would hold that the offspring is a *mamzer*, since they hold that only the offspring of forbidden relations for which one is liable to receive *karet* is a *mamzer*. Abaye's uncertainty was in accordance with the opinion of Rabbi Akiva that even the offspring of less stringent forbidden relations is a *mamzer* (see Ramban and Rabbi Avraham min HaHar).

A scroll recording people's lineages... and it was written in it, etc. – מגלת יוחסין... וכתוב בה וכו': Ostensibly, the other matters that were written in the scroll were of no relevance to the scroll's main purpose of recording people's lineages. However, some suggest that a connection may be drawn: The statement that the *halakha* is in accordance with Rabbi Eliezer ben Ya'akov could be understood to refer specifically to the fact that the *halakha* is decided in accordance with his opinion with regard to the *halakhot* of lineages. In fact, the Gemara in *Kiddushin* 77a cites a case of lineages where his opinion was followed. With regard to the statement about Manasseh, the relevance may have been related to the fact that Manasseh was the grandson of Isaiah. The scroll wished to proclaim that although lineage may be of some importance, good lineage it is not necessarily a guarantee for success (*Arukh LaNer*).

Looking glass [*aspaklaria*] – אֲסַפְקְלָרְיָא: Either from the Latin *speculum*, which is a mirror made of metal, or from the Latin *specularis*, meaning transparent, i.e., a transparent window. The word apparently entered Hebrew through the Greek *σπεκλαρίον*, *speklarion*, meaning a small mirror.

In the Gemara, the word has two connotations: It can mean either a mirror made of metal, or a glass window or looking glass. In the context here, the reference is to the latter.



Ancient optical lens possibly used as a magnifying glass



Ancient Greek mirror

אמר רבא: מידן דינייה וקטליה. אמר ליה: משה רבך אמר "כי לא יראני האדם וחי" ואת אמרת "ואראה את ה' וישב על כסא רם ונשא", משה רבך אמר "מי כה' אלהינו בכל קראנו אליו" ואת אמרת "דרשו ה' בהמצאו". משה רבך אמר "את מספר ימיך אמלא" ואת אמרת "והוספתני על ימיך חמש עשרה שנה"!

The Gemara expands on the events surrounding Isaiah's death: Rava said: Manasseh judged him as a false witness for issuing statements contradicting the Torah and only then killed him. Manasseh said to Isaiah: Moses your master said in the Torah: "And He said: You cannot see My face, for man cannot see Me and live" (Exodus 33:20), and yet you said: "I saw the Lord sitting upon a high and lofty throne" (Isaiah 6:1). Moses your master said: "For which great nation is there, that has God so near to it, as the Lord our God is, whenever we call upon Him?" (Deuteronomy 4:7), and yet you said: "Seek the Lord while He may be found, call upon Him while He is near" (Isaiah 55:6), which implies that God is not always near. Moses your master said: "I will fulfill the number of your days" (Exodus 23:26), which implies that each individual has a preordained allotted lifespan that he cannot outlive, and yet you said in a prophecy to King Hezekiah: "And I will add to your days, fifteen years" (II Kings 20:6).

אמר ישעיה: ידענא ביה דלא מקבל מיה דאמא ליה, ואי אמא ליה – אישוניה מזיד. אמר שם, איבלע בארוא. אתיוה לארוא ונסרוה. כי מטא להדי פומא – נח נפשויה, משום דאמר "ובתוך עם טמא שפתים אנכי יושב".

Isaiah said to himself: I know him, i.e., Manasseh, that he will not accept whatever explanation that I will say to him to resolve my prophecies with the words of the Torah. And even if I say it to him,^N I will make him into an intentional transgressor since he will kill me anyway. Therefore, in order to escape, he uttered a divine name and was swallowed within a cedar tree. Manasseh's servants brought the cedar tree and sawed through it in order to kill him. When the saw reached to where his mouth was, Isaiah died. He died specifically as this point due to that which he said: "In the midst of a people of unclean lips,^N I dwell" (Isaiah 6:5). He was punished for referring to the Jewish people in a derogatory manner.

מבל מקום קשו קראי אהדי!

The Gemara asks: In any case, as Manasseh pointed out, these verses contradict each other; how are these contradictions to be resolved?

"ואראה את ה'" – כדתנא: כל הנביאים נסתכלו באספקלריא שאינה מאירה, משה רבינו נסתכל באספקלריא המאירה.

The Gemara resolves the first contradiction: "I saw the Lord" is to be understood as it is taught in a *baraita*: All of the prophets observed their prophecies through an obscure looking glass [*aspaklaria*],^{LN} i.e., their prophecies were given as metaphoric visions but were not a direct perception of the matter. However, Moses our master observed his prophecies through a clear looking glass, i.e., he gained a direct and accurate perception of the matter.

NOTES

If I say it to him, etc. – אי אמא ליה וכו' – *Tosafot* cite the interpretation of Rabbeinu Hananel that Isaiah could have easily responded that the Torah itself states with regard to the Elders at the revelation at Sinai: "And they saw the God of Israel" (Exodus 24:10), which justifies the use of the verb: See, with regard to God. The *Otzar HaShitot* explains that the Gemara chose not to raise this issue because ultimately the root of the issue is, as the Gemara explains, due to the difference in the level of prophecy between Moses and others. This, then, also explains the verse: "And they saw the God of Israel," which also describes the prophetic vision of the Elders, whose prophecy was not at the level of Moses'. Isaiah could not explain this matter to Manasseh because it would have been damaging to his mission to state that his level of prophecy was comparable to looking through an obscure looking glass, which Manasseh would have taken to mean that his prophecy was unreliable and inaccurate.

Due to that which he said: In the midst of a people of unclean lips – משום דאמר ובתוך עם טמא שפתים: Although Isaiah issued prophetic warnings to the Jewish people that contained much harsher statements, the commentaries explain that there was no claim against him for that because those statements were simply relaying what God had told him to say. He was punished only for expressing his own opinion about the nature of the Jewish people. See the Meiri and *Yam shel Shlomo* who discuss the halakhic conclusions that can be drawn from this Gemara.

The Ritva points out that in that same chapter in Isaiah, God's angels said to Isaiah: "Your iniquity is taken away and your sin shall be expiated" (Isaiah 7:6). This would seem to imply he was forgiven for his sin; why, then, was he later punished? The Ritva explains that Isaiah was forgiven only for expressing his sentiments before God, but he still had no right to later publicly recount what he had said, and he was punished for that. He also suggests another explanation: The phrase "and your sin shall be expiated" is stated in the future tense; it is not saying that he was already forgiven but that ultimately his sin would be expiated through his unseemly death.

Obscure looking glass – באספקלריא שאינה מאירה: The commentaries (*ge'onim*; Rabbeinu Hananel; Rambam) wrote at length to explain this matter. Primarily they cite passages from *Vayikra Rabba* that include different tannaitic explanations of the subject. The essential idea is that one who does not see with sufficient clarity mistakenly sees things that do not exist or sees distorted forms. The Rambam, in *Sefer HaMadda* and in his Commentary on the Mishna, explains that only Moses could see God "face to face" (Deuteronomy 34:10) without any intervening imagery. The Ramban hints at a different understanding, according to which the other prophets experienced their prophecies as a mental image, whereas the prophecy of Moses was at such a high level that he gained an intimate understanding of the prophecy without the need for it to be diluted and encapsulated in a prophetic vision.

NOTES

This is with regard to the individual and this is with regard to a community – **הָא בְּיַחֲדָא הָא בְּצִבּוּר**: This distinction is evident in the verses themselves as well. The verse: “Whenever we call upon Him” clearly refers to a group of people, i.e., the community of the Jewish people, and the verse: “Seek the Lord while He may be found” continues “and let the wicked one forsake His way” (Isaiah 55:7), which clearly refers to an individual (Maharsha).

HALAKHA

Ten days of repentance – **עֲשֶׂרֶת יָמֵי תְּשׁוּבָה**: While repentance is always effective, repentance of the individual is especially well received during the ten days between Rosh HaShana and Yom Kippur (Rambam *Sefer HaMadda, Hilkhot Teshuva* 2:6).

דְּרִשׁוּ ה' בְּהִמְצָאוֹ – הָא בְּיַחֲדָא הָא בְּצִבּוּר. וַיְחִיד אֵימַת? אָמַר רַב נַחֲמָן אָמַר רַבָּה בַר אֲבוּהֵי: אֵלּוּ עֲשָׂרָה יָמִים שְׁבִין רֵאשֵׁי הַשָּׁנָה לְיוֹם הַכִּפּוּרִים.

The Gemara resolves the second contradiction: Isaiah’s prophecy: “**Seek the Lord while He may be found,**” does not contradict the verse in the Torah that God is near to His nation “whenever we call upon Him,” because **this prophecy of Isaiah was made with regard to the individual** and this verse in the Torah is stated **with regard to a community**,^N as the prayer of the community is always accepted. The Gemara asks: **And when** is the time that God is to be found near **the individual**? Rav Nahman said **Rabba bar Avuh said: These are the ten days between Rosh HaShana and Yom Kippur.**^H

אֶת מִסְפַּר יְמֵיךָ אִמְלֵא – תִּנָּאִי הִיא. דְּתִנָּאִי אֶת מִסְפַּר יְמֵיךָ אִמְלֵא

The resolution of the third contradiction from the verse: “**I will fulfill the number of your days,**” is subject to a dispute between *tanna'im*, as it is taught in a *baraita*: The verse states: “**I will fulfill the number of your days**”;

Perek IV

Daf 50 Amud a

אֵלּוּ שְׁנֵי דוֹרוֹת, זָכָה – מִשְׁלֵימִין לוֹ, לֹא זָכָה – פּוֹחֲתִין לוֹ. דְּבַרֵּי רַבִּי עֲקִיבָא. וְחַכְמִים אֹמְרִים: זָכָה – מוֹסִיפִים לוֹ, לֹא זָכָה – פּוֹחֲתִין לוֹ.

these are the years of the generations,^N i.e., the allotted lifespan that is preordained for each individual before birth. If **he is deserving**, God **completes his** allotted lifespan. If **he is not deserving**, God **reduces his** lifespan; this is **the statement of Rabbi Akiva**. Rabbi Akiva assumes one cannot outlive one’s preordained allotted lifespan. **The Rabbis say: If he is deserving**, God **adds years to his** lifespan.^N If **he is not deserving**, God **reduces his** lifespan. According to the Rabbis, Isaiah’s prophecy is referring to one who deserved to have extra years added to his allotted lifespan, and the verse in the Torah is referring to one who deserved to merely complete his lifespan.

אָמְרוּ לוֹ לְרַבִּי עֲקִיבָא: הֲרֵי הוּא אֹמֵר “וְהוֹסַפְתִּי עַל יְמֵיךָ חֲמִשׁ עֲשָׂרָה שָׁנָה!” אָמַר לָהֶם: מִשְׁלוֹ הוֹסִיפוּ לוֹ. תִּדְעוּ, שְׁהָרִי נִבְיָא עוֹמֵד וּמִתְנַבֵּא “הִנֵּה בֶן נוֹלָד לְבֵית דָּוִד יֵאֱשָׁיָהוּ שְׁמוֹ” וְעַד יוֹן לֹא נוֹלָד מִנְשָׂא.

The Rabbis said to Rabbi Akiva: How can you claim that one cannot outlive one’s allotted lifespan when **there is** a verse that states that Isaiah prophesied to Hezekiah as Hezekiah lay on his deathbed: “**And I will add unto your days fifteen years**”? Rabbi Akiva said to them: Those additional years that God added to his lifespan are **from his own** allotted lifespan. When Hezekiah sinned God decreed that his lifespan be shortened, but when he repented God allowed him to live out those years. **Know** that this is so, as a **prophet** during the reign of King Jeroboam **stood and prophesied**:^N “**Behold, a son shall be born unto the House of David, Josiah is his name**” (1 Kings 13:2). Josiah was the grandson of Manasseh, Hezekiah’s son, and at the time Hezekiah lay on his deathbed, **Manasseh had not yet been born**. Evidently, Hezekiah’s preordained allotted lifespan had still not been completed.

NOTES

The years of the generations – **שְׁנֵי דוֹרוֹת**: Rashi and others interpret this as a reference to the years of life allotted to each generation, which are then divided and are allotted to each individual in that generation. *Tosefot HaRosh* explains that when God makes an accounting of people’s lifespans He does so as part of a general decree relating to the lifespans of the entire generation. This is alluded to by the verse: “He that calls the generations from the beginning” (Isaiah 41:4). The *geonim* explain that the reference is to the number of years one should live based on his physical structure and health (see Meiri and Rabbi Avraham min HaHar). The Rambam wrote an important treatise in Arabic in which he summarized the various opinions on this subject, from both the philosophical and the medical perspectives.

based on one’s actions? The *Tzlah* on *Yoma* 86b suggests that each day has its own unique goals to be fulfilled, and if one did not utilize each day correctly he will be called to account in the World-to-Come. However, if he merits it, he will receive additional days and consequently he will be able to complete the goals that he did not achieve during the amount of time that had been allotted to him.

If he is deserving, God adds years to his lifespan – **זָכָה לֹא מוֹסִיפִים לוֹ**: What is the significance of being given a preordained lifespan if one can merit additional years or lose years

As a prophet stood and prophesied, etc. – **וּמִתְנַבֵּא וכו'**: In a responsum written by Rav Hai Gaon on this matter he proves from here, as well as from Isaiah’s prophecy concerning King Hezekiah’s impending demise, that such prophecies are always conditional on one’s actions and so one can change his fate by amending his ways and through prayer. See the Rambam, who discusses this subject at length when dealing with prophecy in *Mishne Torah* and elsewhere (see also in *Tosafot*).