

From the Rabbi's Desk
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Stories with a Twist [83]

...Until all of the People Began Murmuring...
Insights into Babylonian Talmud Bechorot 36a



Background to Our Story

Rabbi Zadok ben Eleazar Hakohen

https://en.wikipedia.org/wiki/Rabbi_Zadok

Rabbi Zadok was a [Tanna](#) of the second generation of the Tannaic era, a contemporary of [Joshua ben Hananiah](#) and [Eliezer ben Hurcanus](#), descending from [Tribe of Benjamin](#). Rabbi Zadok was one of the notable Tannaim of his generation, and his opinion on many matters is often cited in the [Talmud](#). Forty years before the destruction of the [Second Temple](#), he observed fasts in order that [Jerusalem](#) might not be destroyed, and would eat only at night.

Rabban Gamliel II (of Yavne)



Koren Talmud Bavli, The Noe Edition. Rosh Hashana. Koren Publishers Jerusalem. Page 368

Rabban Gamliel was Nasi of the Sanhedrin and one of the most important tanna'im in the period after the destruction of the Second Temple. Rabban Gamliel's father, Rabban Shimon ben Gamliel the Elder, also served as Nasi of the Sanhedrin, and was also one of the leaders of the nation during the rebellion against Rome. Rabban Gamliel was taken to Yavne by Rabban Yoĥanan ben Zakkai after the destruction of the Temple, where he became known as Rabban Gamliel of Yavne. After the death of Rabban Yoĥanan ben Zakkai, Rabban Gamliel presided over the Sanhedrin. Under Rabban Gamliel's leadership, Yavne became an important spiritual center, and the greatest of the Sages gathered around him, including Rabbi Eliezer, Rabban Gamliel's brother-in-law; Rabbi Yehoshua; Rabbi Akiva; and Rabbi Elazar ben Azarya.

Rabban Gamliel sought to create a spiritual center for the Jews that would unite the entire people, a role filled by the Temple until its destruction. To this end, he strove to enhance the prominence and central authority of the Sanhedrin and its Nasi. However, his strict and

occasionally harsh leadership eventually led his colleagues to remove him from his post for a brief period, when he was replaced by Rabbi Elazar ben Azarya. Nevertheless, as everyone realized that his motives and actions were intended for the good of the people and were not based on personal ambition, they soon restored him to his position.

There are not many halakhic rulings explicitly attributed to Rabban Gamliel. Nevertheless, in his time and under his influence, the Sages reached some of the most important decisions in the history of Jewish spiritual life. These include the decision to follow the opinion of Beit Hillel, the rejection of the halakhic system of Rabbi Eliezer, and the establishment of fixed formulas for prayers. Those decisions that are attributed to Rabban Gamliel indicate an uncompromising approach to the halakha; in this regard, he was faithful to his principles.

Two of his sons were Sages: Rabban Shimon ben Gamliel, who served as Nasi of the Sanhedrin after him, and Rabbi Ḥanina ben Gamliel.

Rabbi Yehoshua



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This is Rabbi Yehoshua ben Ḥananya the Levite, one of the leading Sages in the generation after the destruction of the Second Temple. Earlier, Rabbi Yehoshua served as one of the Levite singers in the Temple.

After its destruction, he was among the students who accompanied their teacher, Rabban Yoḥanan ben Zakkai, to Yavne. Unlike his colleague Rabbi Eliezer, Rabbi Yehoshua entirely adhered to the opinion of his teacher and that of Beit Hillel. Rabbi Yehoshua was recognized by Jews and gentiles alike as a leading scholar not only in Torah matters, but in general knowledge as well. He was renowned as an expert in science, from astronomy to zoology. Rabbi Yehoshua was unimpressive in appearance, and the Talmud quotes the Caesar's daughter as exclaiming that his brilliant knowledge was contained in an ugly vessel. Despite living a life of poverty, working as a blacksmith, Rabbi Yehoshua was widely recognized as one of the leading religious authorities. Although he disagreed with many of Rabban Gamliel's rulings, he accepted the authority of the *Nasi*. Ultimately, after the death of Rabban Gamliel, he was appointed leader of the Sages

Ḥutzpit the Disseminator - חוֹצְפִיט הַתּוֹרָגְמָן



Koren Talmud Bavli, The Noe Edition. Berakhot. Koren publishers Jerusalem. Page

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Rabbi Ḥutzpit, one of the Sages of the Mishna (see *Shevi'it* ch. 10) is known as Rabban Gamliel's *turgeman*. That position entailed more than merely repeating the Sage's lecture aloud. He also expanded upon the concise, cryptic statements made by that Sage during the lecture. Because of his skill in explaining Rabban Gamliel's lectures, Rabbi Ḥutzpit was called: The mouth that produced pearls. We know nothing else about him, except that he died as one of the ten martyrs at the hands of the Roman empire.

Bechor (firstborn) Animal

A bechor (firstborn animal) must be given to a kohen who then offers it as a sacrifice. After the destruction of the Beit Hamikdash the only way in which the kohen would be entitled to consume the bechor would be if it had a physical flaw which would have disqualified it as a

sacrifice. It was strictly forbidden, however, for a kohen or anyone else to inflict such a flaw on a consecrated animal such as a bechor.

◆ AI Overview

A bechor (firstborn) animal is the first male to open the womb of a kosher species (ox, sheep, or goat) owned by a Jew, carrying inherent sanctity as a *Torah-mandated gift to a Kohen* (priest). In Temple times, these were sacrificed; today, they are given to a Kohen to be eaten or, more commonly, sold to a non-Jew before birth to avoid complex laws.

Key Aspects of Animal Bechorot

- Definition: The very first male offspring of a cow, sheep, or goat.
- Sanctity: The animal is born with holiness and belongs to the Kohen (priest).
- Temple Times: Unblemished firstborns were sacrificed in the Temple, while blemished ones were given to the Kohen for food.
- Modern Day Practice: Because the Temple does not exist and it is forbidden to create a *blemished holy animal*, it is customary to sell the pregnant mother to a non-Jew, thus exempting the offspring from bechor status.
- Donkeys (Peter Chamor): A specific, separate commandment requires redeeming a firstborn donkey with a sheep.
- Significance: The law stems from the Exodus, where God spared the firstborn of Israel, sanctifying them.

Exemptions and Rules

- If a female animal has already given birth (e.g., via C-section), the next offspring is not a bechor.
- If a bechor develops a permanent blemish, it may be eaten by the Kohen outside the Temple.

From: Talmud Bavli: Tractate Bechoros, The Schottenstein Edition (Artscroll)

A firstborn becomes sanctified as a bechor only when it has passed through the birth canal, as it is stated (Deuteronomy 15:19): "Any bechor that will be born." Thus, one who blemishes a fetus has not violated the prohibition against blemishing a bechor. Rather, he has prevented it from becoming sanctified as an offering upon its birth. It will have the status of a bechor inasmuch as the owner will have to give it to a Kohen, but it will immediately be permitted for private slaughter.

The Gemara in Temurah (24b) explains that this permit applies only when the Temple is not standing. Since the bechor cannot be offered on the Altar in any event, and the Kohen who receives it will have to let it graze until it develops a blemish, it is actually preferable to inflict a blemish before its birth. This way, the Kohen will be able to slaughter it immediately, and he will not come to transgress the prohibitions against shearing or working it while awaiting the development of a blemish. In the times of the Temple, it is forbidden to inflict a blemish even prior to the bechor's birth, because one may not do anything that will preclude its being sanctified as an offering.

There is a suspicion directed toward the Kohen who owns the bechor and thus stands to benefit from a blemish in the bechor. The Kohen is suspected of inflicting blemishes to avoid having to keep the bechor until it develops a blemish on its own, which can entail considerable toil and expense.

From Rambam (Hil. Bechoros 2:17) it seems that the suspicion existed even in the times of the Temple. Although the Kohen could eat the meat of even an unblemished bechor by taking it to the Temple and offering it as a sacrifice, Kohanim much preferred being able to

eat it away from the Temple wherever they were. However, Maharit Algazi considers this point at length and inclines to the view that the Kohanim did not become suspect until the post-Temple era. This is apparently Rashi's position as well.

Any blemish that can be the result of human action - for example, a blinded eye, an amputated foreleg, or a split ear - is suspect, and the bechor is not permitted without proper testimony that the blemish was not intentionally inflicted. The only blemishes excluded from this requirement are those that cannot possibly have been inflicted by man, such as an animal having five legs or one having a greatly enlarged eye or an unusually small one.

A blemished bechor must be examined by an authority before being permitted for slaughter. Now, it has been established that if a blemish was intentionally inflicted, the bechor may not be slaughtered. Therefore, in addition to evaluating the extent and permanence of the blemish, the authority must also determine whether the blemish occurred naturally or was inflicted by a person.

The Mishnah (Bechorot 5:4) discusses when it is necessary to have a witness testify that a blemish occurred naturally, and whose testimony may be relied upon.

הָיָה בְּכוֹר רוֹדֵפוֹ, וּבִעֲטוֹ וְעָשָׂה בוֹ מוּם, הָרִי זֶה יִשְׁחוּט עָלָיו. כָּל הַמוּמִין הָרְאוּיִין לְבוֹא בְיַדֵי אָדָם, רוֹעִים וְשָׂרְאֵל נְאֻמִּים, וְרוֹעִים כְּהֻנִּים אֵינָן נְאֻמִּים. רַבֵּן שְׁמַעוֹן בֶּן גַּמְלִיאֵל אוֹמֵר, נְאֻמֵּן הוּא עַל שֵׁל חִבְרוֹ וְאֵינוֹ נְאֻמֵּן עַל שֵׁל עַצְמוֹ. רַבִּי מְאִיר אוֹמֵר, הִתְשׂוּד עַל דָּבָר, לֹא דָנוּ וְלֹא מְעִידוּ:

If one's firstborn offering was pursuing him, and he kicked the animal and caused a blemish in it, he may slaughter the animal on account of that blemish. With regard to all the blemishes that are capable of being brought about by a person, Israelite shepherds are deemed credible to testify that the blemishes were not caused intentionally. But priest-shepherds are not deemed credible, as they are the beneficiaries if the firstborn is blemished.

Rabban Shimon ben Gamliel says: A priest is deemed credible to testify about the firstborn of another, but [he] is not deemed credible to testify about the firstborn belonging to him. Rabbi Meir says: A priest who is suspect about the matter of causing a blemish may neither adjudicate nor testify in cases involving that matter, even on behalf of another.

Ĥaver ("colleague") and Am Ha'aretz (common person/ignoramus)

With regard to various laws pertaining to tithing and purity/impurity laws, the Rabbis differentiated between a *Ĥaver* ("colleague"), a learned person, who is trusted regarding those laws, and an Am Ha'aretz (common person) who is unlearned and not meticulous in the observance of those laws, and thus not trusted in their regard.

Didn't We differentiate? (Halakha)



Koren Talmud Bavli, The Noe Edition. Rosh Hashana. Koren Publishers Jerusalem.

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All priests are suspected of intentionally causing a blemish in a firstborn animal. This applies to a learned priest as well, if he performed an apparent act of subterfuge in order to cause a blemish, e.g., by placing animal fodder in a wicker basket, which is likely to damage the animal while it is eating. If a firstborn animal did develop a blemish in such a case, it may not be slaughtered on its account (Rambam *Sefer Korbanot, Hilkhoh Bekhorot* 2:10; *Shulĥan Arukh, Yoreh De'a* 314:1).

The Text: Babylonian Talmud Bechorot 36a

רבי צדוק הנה ליה בוכרא, רמא ליה שערי בסלי, בהדי דקאכיל איבזע שיפתיה.
 אתא לקמיה דרבי יהושע, אמר ליה: כלום חילקנו בין חבר לעם הארץ? אמר לו רבי יהושע: הן. אתא
 לקמיה דרבן גמליאל, אמר ליה: חילקנו בין חבר לעם הארץ? אמר ליה רבן גמליאל: לא. אמר ליה: והא
 רבי יהושע אמר לי הן! אמר לו: המתן עד שיעלו בעלי תריסין לבית המדרש.
 כיון שזכנסו לבית המדרש, עמד השואל ושאל: כלום חילקנו בין חבר לעם הארץ? אמר ליה רבי
 יהושע: לאו. אמר ליה רבן גמליאל: והלא משמך אמרו לי הן!
 יהושע, עמוד על רגליך ויעידו בך! עמד רבי יהושע על רגליו ואמר: היאך אעשה? אילמלי אני חי והוא
 מת – יכול החי להכחיש את המת, עכשיו שאני חי והוא חי – היאך חי יכול להכחיש את החי?
 והנה רבן גמליאל עומד ודורש, ורבי יהושע עומד על רגליו, עד שריגנו כל העם ואמרו לחוצפתית
 המתורגמן: עמוד, ועמד.

Rabbi Tzadok, an erudite priest, had a firstborn animal. He placed barley in wicker baskets for it, and while it was eating, its lip split, rendering the animal blemished.

Rabbi Tzadok came before Rabbi Yehoshua, to ask whether or not he is suspected of intentionally causing a blemish in his firstborn animal offering. Rabbi Tzadok said to him: Didn't we differentiate between a priest who is a *haver*, i.e., learned, and a priest who is an *ignoramus*, with regard to their credibility about blemishes found on a firstborn animal?

Rabbi Yehoshua said to him: Yes, we did. Since you are a learned priest, you are deemed credible to testify that this blemish was caused inadvertently.

Rabbi Tzadok then came before Rabban Gamliel, the Nasi and head of the academy of Yavne at the time. Rabbi Tzadok said to him: Didn't we differentiate between a priest who is a *haver* and a priest who is an *ignoramus* with regard to credibility about blemishes found on a firstborn animal?

Rabban Gamliel said to him: No, we did not.

Rabbi Tzadok said to him: But Rabbi Yehoshua said to me that yes, we did differentiate in this manner.

Rabban Gamliel said to Rabbi Tzadok: Wait until the masters of the shields [ba'alei terisin], a reference to the Torah scholars who battle in the war of Torah, enter the study hall, at which point we will discuss this issue.

When the Torah scholars entered the study hall, the questioner stood before everyone present and asked: With regard to blemishes found on a firstborn animal, didn't we differentiate between a priest who is a *haver* and a priest who is an *ignoramus*?

Rabbi Yehoshua said to him: No, we did not.

Rabban Gamliel said to him: But they said to me in your name that yes, we did differentiate.

Rabban Gamliel continued: Yehoshua, stand on your feet and they will testify against you that you did, in fact, say that we differentiated in such a case.

Rabbi Yehoshua stood on his feet and said: How should I act in this situation? If I were alive and Rabbi Tzadok were dead, the living can contradict the dead, and I could deny issuing that ruling. Now that I am alive and he is alive, how can the living contradict the living?

In the meantime, Rabban Gamliel was standing and lecturing, and Rabbi Yehoshua all the while was standing on his feet, as Rabban Gamliel did not instruct him to sit.

This continued for some time, until it aroused great resentment against Rabban Gamliel, and all of the people assembled began murmuring and said to Hutzpit the disseminator: Stop conveying Rabban Gamliel's lecture, and he stopped.



Explaining the Story

What's going on in our story? (The sequence of events)

Comprehension and Analysis Questions

? Why did Rabbi Tzadok have a bechor?

Answer 1 _____

Answer 2 _____

Bonus ? Why did Rabbi Tzadok place barley in a wicker basket for his bechor to eat from there?

Answer 1 _____

Answer 2 _____

? What happened to the bechor?

? why would be advantageous for Rabbi Tzadok to have a blemished bechor?

Bonus ? Do you think Rabbi Tzadok wounded his bechor on purpose? Yes? No? Justify your answer!

Extra Bonus ? What was, in essence, the question Rabbi Tzadok was asking from Rabbi Yehoshua?

Bonus ? Why do you think Rabbi Tzadok went to Rabban Gamliel with the same question after Rabbi Yehoshua told him that the bechor was permitted to him?

Answer 1 _____

Answer 2 _____

Answer 3 _____

Bonus ? Why did Rabbi Yehoshua answer “no” publicly (in the Beit Midrash) to the same question to which he had previously answered “yes,” privately?

? *If I were alive and Rabbi Tzadok were dead, the living can contradict the dead, and I could deny issuing that ruling. Now that I am alive and he is alive, how can the living contradict the living?* What did Rabbi Yehoshua mean by these words?

? Why didn't Rabbi Yehoshua sit down?

? Why did all of the people assembled began murmuring and said to Hutzpit the disseminator: Stop conveying Rabban Gamliel's lecture?

Extra Bonus ? Why do you think Rabban Gamliel acted the way he did?

Answer 1 _____

Answer 2 _____

Answer 3 _____

Bonus ? How would you describe the personalities of Rabban Gamliel and Rabbi Yehoshua?

Extra Bonus ? In Mishnah Rosh Hashana (Chapter 2: 8-9) we learned that Rabban Gamliel forced Rabbi Yehoshua to appear before him with his staff and his money on Yom Kippur, according to Rabbi Yehoshua's calculation (See Stories with a Twist # 82). Why did the Sages support Rabban Gamliel's position then, while here, in our story, they instructed Hutzpit the disseminator to stop conveying Rabban Gamliel's lecture?

Answer 1 _____

Answer 2 _____

Answer 3 _____

“The Twist” – Or the Lessons We Can Learn from the Text

! In meaningful relationships the way we relate to each other is always more important than the particular issues at stake!

! When things get stagnant it is up to the bystanders to speak up!



In our story we find (again) an autocratic Rabban Gamliel who asserts his authority at the expense of his second in command, the submissive Rabbi Yehoshua. While reading our story, we can almost feel the humiliation of Rabbi Yehoshua, who was forced to stand in attention, despite his knowledge and position.

The *awkwardness and* tension of the situation is only being broken by the bystanders (the rest of the Sages and students), who understand that it is up to them to “save” Rabbi Yehoshua. By stopping the lecture, they remind all of us, that in meaningful relationships (husband and wife, parents and children, colleagues, co-workers, teachers and students), the way we treat each other is always more important than the particular issue at stake.