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Ah... Chumrah!

On a basic level, *Eduyot* is a collection of debates and testimonies from around *shas* sharing the fact that were taught “on that day” (see Volume 4 Issue 32). Learning at the pace of *Mishnah Yomit*, one identifies groups of *Mishnayot* sharing similar styles and/or participants in the debates. On another level, one must recall that these *Mishnayot* were taught when the *Beit Midrash* was bursting with new *talmidim*. Previously we discussed that it brought with it a new educational philosophy. But despite the technical complexity of the *Mishnayot*, one senses that they also provide *hadracha* (guidance) to the large assembly.

Sometimes the *hadracha* is explicit. For example earlier the *Mishnah* (1:4) asked why we include the opinions of *Shammai* and *Hillel* when we rule like the *Chachamim*. It explains that this teaches us not to stubbornly stick to our opinion, since when the sages identified the truth they annulled the opinions of these great rabbis (*Rambam*) and *Hillel* and *Shammai* similarly followed suit (*Meiri*). The *Rambam* explains that this point is more clear in the *Mishnayot* (1:12-14) where once *Beit Hillel* hears the arguments presented by *Beit Shammai*, explicitly defers (see Volume 3, Issue 9). It is possible that more *Hadracha* comes from a *Mishnah* learnt this week.

The *Mishnah* lists three cases where *Rabban Gamliel* rules in accordance with *Beit Shammai*. The final instance is where *Beit Shammai* rules that one may not bake large thick loaves on *Yom Tov* as this is unnecessary exertion. One can only bake small cakes as only they are required for *Yom Tov* itself. *Beit Hillel* on the other hand maintains that a full oven enhances baking and is therefore permissible.

Rabban Gamliel brought support from his father’s house, *R’ Shimon ben Gamliel ha’Zaken*, who never baked anything larger than these small cakes on *Yom Tov*. The *Chachamim* responded, “What shall we do with your father’s house? For they were stringent on themselves and lenient on Israel to bake small cakes, large loaves and “*chori*” (very large and difficult, coal baked loaves). The straightforward understanding is that the proof was dismissed because despite having acted stringently, in truth he ruled leniently for others.

A few questions arise from this *Mishnah*. We know that *Mishnayot* are necessarily concise. Why does the *Mishnah* include this extra detail in such dramatic language? Furthermore, it seems odd that the *Chachamim* knew that *R’ Shimon ben Gamliel ha’Zaken* really ruled leniently for

Am Yisrael and not his own son. A precise analysis of the language used in the *Mishnah* may reveal its authors intent.

The *Yerushalmi* (*Beitzah* 2:6) investigates the meaning of the term “*chori*”. We already explained that it refers to very large and complex, coal-baked bread. The *Yerushalmi* provides scriptural sources for this understanding. *R’ Acha* points to: “*me chori ha’af ha’gadol ha’ze*” (*Devarim* 29:23) – “why this wrathfulness of great anger?” (*Artscroll*). The commentators on the *Yerushalmi* explains that the implication is that *chori* is something that requires abundant fire. *Rabban Shimon* provides a different source (*Bereishit* 40:16): “*ve’hinei shloshei chori al roshi*” – “behold there were three baskets of bread on my head” (referring to the dream of *Pharo’s* imprisoned baker). The *Torah Temimah* explains that the *Chachamim* tried to understand what *chori* were, and concluded that it was large loaves. The provision of the *psukim* were not sources or proofs, but rather reminders (*simanim*) for their conclusion.

One could however suggest a different direction. Why did *R’ Acha* not select the more direct choice as presented by *Rabban Shimon*? Perhaps, the choice of *p’sukim* was deliberate and not only reveals the meaning of “*chori*”, but what the *Chachamim’s* implication when they chose such a specific term. Unlike above where we understood *chori* to be a description (“wrathfulness”), *Unkalus’s* translation of *R’ Acha pasuk* presents it as a noun (*te’kof*). Consequently the translation would be, “Why the attack, this great anger?” (*Mosad Harav Kook* punctuates *Unkalus* in such a manner.) The term *chori* therefore also implies an “attack”.

Returning to our *Mishnah*, the *Chachamim* may have been arguing against *R’ Shimon ben Gamliel ha’Zaken’s* philosophy. While the intentions were most certainly noble, by ruling stringently for oneself (and perhaps without explicitly stating to ones family that it is a stringency), and ruling leniently for the masses, the result can and will be “attacks” or future debates regarding *halacha*.

This provides a new understanding of end our *Mishnah*. The *Chachamim* express concern “What can we do with your father’s house?”, their approach leads to ambiguity and therefore cannot set a precedent. In truth, he may not have ruled to the masses in this particular case and *Rabban Gamliel* had no reason to be conscious of it. However the result of such a perspective is that we *matir* the small cakes, large loaves and *chori* – even larger bread and the introduction of *machloket*.

David Bankier

Revision Questions

עדינות ג' – ב' – ד' :ג'

- What are the opinions of *R' Dosa ben Harkinas* and *Chachamim* regarding:
 - Pieces of food combining to become a source of *tumah*?
 - Redeeming *ma'aser sheni* with and *asimon*? (What is an *asimon*?)
 - Purifying hands that have become *tameh* for handling *mei chatat*? (ג' :ב')
 - The status of *kenivat yarak terumah*?
 - The minimum measure of *reishit ha'gez*? (ג' :ג')
 - *Chatzalot* and *tumah ve'taharah*?
 - Which type of netting can *mekabel tumah*? (ד' :ג')
- Regarding which part of the *kelah* do they argue? Describe a *kelah*? (ג' :ה')
- Explain the opinion of the *Chachamim* that hold sometimes a *shevuyah* can eat *trumah* and sometimes she cannot. (ג' :ו')
- What are the four *sfeikot* where *R' Yehoshua* is *metameh* and the *Chachamim* are *metaharin*? (ג' :ו')
- What are the three things that *R' Tzadok* is *metameh* and the *Chachamim* are *metaharin*? (ג' :ח')
- What are the four things that *Rabban Gamliel* is *metameh* and the *Chachamim* are *metaharin*? (ג' :ט')
- Which three laws does *Rabban Gamliel* rule stringently like *Beit Shammai*? (ג' :י')
- What where *Rabban Gamliel*'s three *kulot*? (ג' :י"א)
- Which three things it *R' Elazar ben Azarya* permit, yet the *Chamimim* forbid? (ג' :י"ב)
- How many laws listed does *Beit Hillel* rule more stringently than *Beit Shammai*? (ד' :ג')
- What are the opinions of *Beit Shammai* and *Beit Hillel* regarding:
 - An egg that was laid on *Yom Tov*? (ד' :א') For what other items that are "born" on *Yom Tov* does everyone agree is *mutar*? Is *assur*? (ד' :ב')
 - The minimum measure of *se'or* and *chametz* that are *assur* on *Pesach*? (ד' :א')
 - Slaughtering a *chaya* or *ohf* on *Yom Tov*? (ד' :ב')
 - *Hefker*? (ג' :ג')

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Sunday -Thursday
Between mincha & ma'ariv
Mizrachi Shul

Friday & Shabbat
10 minutes before mincha
Mizrachi Shul

Audio Shiurim on-line!

- 613.org/mishnah.html
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Next Week's Mishnayot...

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	שבת קודש
13 th January ו' שבט	14 th January ז' שבט	15 th January ח' שבט	16 th January ט' שבט	17 th January י' שבט	18 th January י"א שבט	19 th January י"ב טבת
Eduyot 4:4-5	Eduyot 4:6-7	Eduyot 4:8-9	Eduyot 4:10-11	Eduyot 4:12-5:1	Eduyot 5:2-3	Eduyot 5:4-5

