

RABBI SIMEON BEN LAKISH

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JACOB J. HONIG  
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### BIBLIOGRAPHY

1. Bacher - Agadath Amoraer Eretz Yisroel
2. Frankel - Mebo Ha-Yerushalmi
3. Graetz - Geschichte der Juden
4. Halevy - Doroth Ha-Rishonim
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## CHAPTER 1

### Life and Character of Rabbi Simeon Ben Lakish

Among all the sages of the Talmudic Age Rabbi Simon ben Lakish (better known as Resh Lakish from the initials that make up his name) is one of the most interesting because of the numerous legends associated with his name. All legend and tradition, having within them the core of truth and fact, we may as accurately as possible reconstruct the details of his life. Resh Lakish belonged to the second generation of Palestinian Amoraim. He was considered the second greatest scholar of his day. Rabbi Jochanan bar Napacha, his colleague, teacher and friend, was deemed the most learned and attained the position of the head of the academy in Tiberias. These two, therefore, were the Talmudic leaders of their day.<sup>1</sup>

אמר ר' בר כ'ה כק  
בבב שני עבד'י  
עבד'י כה' ווחנן ורה'  
שמעון הן עקיף

"R. Berachiah said: So have the two world famous scholars interpreted it. (R. Jochanan and R. Simon ben Lakish)



Nothing of the early life of Resh Lakish is known except the name of his father. According to Graetz,<sup>2</sup> he was born in Bostra, east of the Jordan. Weiss contends that his birthplace was Lachish of Biblical mention.<sup>3</sup> By this fact, Weiss accounts for his name. Bacher,<sup>4</sup> however, disagrees with Weiss that לַקִּישׁ is the name of a locality.

Resh Lakish was too young to have learned from the patriarch, Judah, as did Rabbi Jochanan. However, he remembers the patriarch very faintly and says of himself and R. Jochanan that they attained scholarship in Torah because "we saw the toes of R. Judah from his Roman sandals."<sup>5</sup>

אין בחנין אלבדתי  
בבית מן עולמי  
בבית

Also <sup>6</sup>

א"ל ריש לקיש אנו רב ומנו  
רב ואל יבצא ליה א"ר  
יחנן ולא נהירא ליה לאורו  
הלל ר' רב' רב' רב' רב'  
ורב' חייא ור' אלעזר כח אורו  
שניק שמש אורו הלל ר' רב' רב'  
אני שמש ר' רב' רב' רב' רב'  
פגח ר' ר' ר' ר' ר' ר' ר' ר'  
כוכב אורו ר' ר' ר' ר' ר' ר'  
למורה אביו

"Resh Lakish said, "Who is Rab, and I do not know him." R.Jochanan answered, "Do you not remember that pupil who learned from ~~Rabbi~~, Rabbah and R. Hayya. By God! All those years that he learned from the patriarch, I was a pupil in the academy. He sat and I stood since his status was higher." Immediately, Resh Lakish began and said, "Indeed! May that man be remembered for a blessing and I recall him because of the principle they said in his name."

Resh Lakish was therefore not included as R. Jochanan, among the pupils of the Patriarch Judah, because of his extreme youth.

He only faintly remembers when Rab sat before the patriarch and halakic opinions were expressed in Rab's name. From this it can be inferred that Resh Lakish was about ten years of age at the death of the Patriarch Judah who died about 220 C.E. Therefore, he was born about 210 C.E.

Resh Lakish spent his youth in the study of Torah but he had to discontinue his studies because of financial deprivations, before he could possibly become a scholar of wide recognition. Talmudic legends describe to him superhuman strength and physical prowess of unequal match, so that his livelihood was gained through his divinely endowed gift of "strong man."

The most famous reference to his crude physical strength is related in <sup>7</sup>

יומאן חז פור סחי רבי  
 יוחנן בירבנא חזיה ריש  
 לקיש זירבנא אבריה אף  
 חילק פאור"ל

"One day R.Jochanan was swimming in the Jordan. When Resh Lakish saw him, he leaped into the Jordan after him. R.Jochanan said to him, "Your strength ought to be devoted to the study of the Torah."

In this same vein the Talmud tells how through dauntlessness in the face of danger, Resh Lakish saved R.Issi from certain death. <sup>8</sup>

ר' איסי איתלד בסבספר  
 אמר ר' יוחנן יכרך המא  
 בסבין אמר רב  
 צאנא קטיל אנא מית קטיל  
 אנא אייל ומשכיה ליה בחילא  
 אליל אפ"סון ויהאעיה ליה

"R.Issi was caught in a riot. R.Jochanan said, "Let the dead one (referring to R.Issi) be wrapped in shroud." So R.Simon ben Lakish said, "Either I shall kill (in my attempt to save R. Issi) or I shall be killed. I shall go and save him through my strength. He went and pacified the thieves and they delivered R.Issi into Resh Lakish's hands."

With intrepid daring Resh Lakish pursued some bandits who fled with the possessions of R.

Jochanan, and he recovered the loot. 9

ר' יוחנן אמר איך פחח הוציא  
 קנ"ה סליק לביה וואסא וואו  
 כ"ש בן זקש שאיל ליה וואו לא  
 מליה א"ל כל האברים תליין ביה  
 ופחח הכיס א"ל ואם כן א"ל  
 ואם את כן א"ל איך פחח בצי  
 קנ"ה א"ל חמי ל' כו"תא נפיק  
 מחו' ליה חמיתון מן כחוק ושר  
 מצלצל אמרין אין ר' יוחנן הוא  
 יסל פלגא אמר לון ח"כ  
 כזה אנא נסיה ונסיה כולה

"R.Jochanan said, "I was robbed by the men of Kanyah." He went to the house of study; Resh Lakish asked him (a question of law). He did not answer (because of anguish over the loss of his possessions). Again he asked but R.Jochanan did not answer. So Resh Lakish asked, "What is the matter?" R.Jochanan answered, "All the organs of the body depend upon the heart and the heart depends upon the pocket (material possessions). Resh Lakish said, "What is the matter?" R.Jochanan answered, "Did you not know? The men of Kanyah robbed me. Resh Lakish then said, "Show me the direction (they went). He (R.Jochanan) went out and showed him. He (R.L.) saw them from afar and began to shout. They replied, "If it is R.Jochanan's, we shall return half." Said he to them, "I swear that I will take it all"; and he took it all."

This unusual physical power stood Resh Lakish in good stead while through the coercion of material need he was forced to cease his studies. This fact is indicated by the Talmudic incident of how he joined a circus band called the Luda<sup>10</sup>.

כ"ף פקיד חבין נפשיה ללודאי  
 פקיד ההפיה ח"תא ופגמתיא אמר  
 למירי פילמא בתרא כל בעצי  
 מנ"הו עבדי עליה כי הכי בעליהו  
 אצמיה יואא בתרא אמרו עליה  
 מאי ניהא לך אמר עליה בערנא  
 אקמטנכו ואותבנכו וכל חב מנ"הו  
 אצמי ח"תא ופגמתיא קמטניהו  
 ואותבניהו כל חב מנ"הו כב מתיא  
 חב ח"תא נבך נפמתיא חתקניה  
 לשניה אל אחיכי קא מח"תא ה'  
 אכתי פס זק עבי פגמתיא  
 קמטניהו כולו נבך יואא ותיא  
 וקיוכ וטתי

"Resh Lakish sold himself to the Luda<sup>10</sup>. He took with him a pouch with a round stone in it. He said, "It is a custom that on the last day (before one risks his life) the Luda<sup>10</sup> are ready to fulfill all the desires of the man who risks his life, in order to be forgiven for the blood of him who is to die." On the last day they said to him, "What do you desire?" He said to them, "I want to bind and set you down and to each of you I shall give one blow and a half." Agreeing to this suggestion, he tied and set them down, and when he had dealt one blow to one of them (with the stone in the pouch) his victim gnashed his teeth in agony and died. Whereupon Resh Lakish remarked, "You are laughing at me, there is still one half blow coming to you." He then killed every one of them. He then came out, sat down and partook of a good meal."

Rashi explains that the Ludae were cannibals who ate the flesh of men פאק אסר פ'אכ. However, this interpretation of Ludae would make the above incident quite fantastic and unfit for exegetical work. However, Graetz<sup>11</sup> has shown that the פ'אכ were gladiators who fought against wild beasts at the Roman games. Jastrow<sup>12</sup> logically defines the Ludae as those people who hired men for gladiatorial contests. It also seems incredible to me that Rashi is correct since Ludae at all observations comes from the Latin word "Ludus" meaning sport or games. The "last day" mentioned in the incident is not the day before he was to be eaten but the day before he was to risk his life in battling with the wild beasts.

Resh Lakish himself makes allusion to the time when he sold himself to the Ludae. When asked in conversation if one should endanger himself by drinking uncovered water lest a snake drank from it and its poison entered therein, he answered jestingly.<sup>13</sup>

אין זאגט ארמא פאק  
 פ'אכ אסר פ'אכ  
 פ'אכ אסר פ'אכ  
 פ'אכ אסר פ'אכ

"If thou hast sold thyself  
to the Ludae thou wouldst  
have sold thyself at a high  
price but here thou hast  
risked thyself for a trifle."

It does not seem that Resh Lakish in his  
love for Torah would have sold himself to the  
Ludae if necessity would not have caused him.  
There was a custom in Palestine to sell oneself  
to the Ludae because of poverty. The Talmud con-  
firms this statement.<sup>14</sup>

אמר ר' אבהו  
אמר ר' אבהו  
אמר ר' אבהו  
אמר ר' אבהו  
אמר ר' אבהו  
אמר ר' אבהו  
אמר ר' אבהו  
אמר ר' אבהו

"A case of one who sold  
himself to Ludae came before  
Rev Abbahu. Said he, "What  
could he do, it is for a live-  
lihood that he did so."

In several of the parables of Resh  
Lakish there are signs of the times when  
fighting animals in the circus was a very  
popular sport.<sup>15</sup>

It is apparent therefore, that Resh Lakish  
out of necessity sold himself as a gladiator to  
a band of circus people whose work it was to  
fight the wild animals and protect the spectators







"One day there arose a dispute in college about the time at which different new iron weapons, like swords, knives, etc. became subject to Levitical uncleanness. R.Jochanan said: "From the time they are taken from the furnace" while Resh Lakish said: "From the time they are taken out of the cooling water." R.Jochanan remarked: "The robber knows his trade." Whereupon Resh Lakish answered: "And what good have you done me? When in my old profession, I was also called master, as in my new profession." "I have done much good to you, as I have brought you under the wings of the Shechinah," said R.Jochanan. R.Jochanan was nevertheless dejected, and Resh Lakish became ill. (The wife of Resh Lakish, who was) the sister of R.Jochanan, came to the latter and wept, saying: "Pray for his health, for the sake of my son." And in response he cited the following verse: (Jer.49, 11) "Leave thine orphan to me, I will give them their livelihood." She continued weeping. "Do pray, for my sake, that I am not left a widow." And in answer he cited to her the end of the same verse, "and thy widow must trust in Me." Finally, R.Simon Ben Lakish's soul went to rest, and R. Jochanan grieved very much after him ..... Finally R.Jochanan tore his garments and wept, and cried: "Where are thou, bar Lakish? Where are thou, bar Lakish?" He continued crying until he became demented. The rabbis then prayed for his death, and his soul went to rest."

From the incident quoted above, many scholars have deduced the fact Resh Lakish was the leader of a band of brigands. In Pirke Rabbi Eliezer this same opinion finds expression in the mouth of Ben Azzai

(he lived at least one hundred years before Resh Lakish)

46  
 אֵלֶּיךָ וְיָהוָה כִּי הִתְחַלְּתָּ  
 לַהֲבִיחַ וְלִשְׁלֹף כֶּסֶף  
 מִכָּל אִישׁ אֲשֶׁר עָבַר  
 בְּיָדְךָ אֶתְּחַבֵּא

"Come and see how great the power of repentance is from the incident of Resh Lakish. He and his two companions were wont to rob and loot from everyone who would pass them on the road."

It is obvious that the author bases this statement on the reference in Baba Mesia 84a. Others have contended that אֶתְחַבֵּא quoted above is similar to גִּלְדִּית (gladiator) so that Resh Lakish was never a robber but perhaps one whose duty it was to capture thieves.

47

Resh Lakish in a capacity of a thief catcher helped the Roman government just as R. Eleazer b. R. Simeon and R. Ishmael b. R. Jose had done.

However, nowhere except in this one reference in the Babylonian Talmud is there any mention of Resh Lakish having been a rober.

It therefore seems to me that אֶתְחַבֵּא אֶתְחַבֵּא "a robber knows his trade" is a saying which was certainly used figuratively but was taken literally



the reunion of the two colleagues prior to the return of Resh Lakish to the first interest, the Torah. In the same reference quoted above, when Resh Lakish leapt after R.Jochanan into the Jordan, the following is told.<sup>18</sup>

א"ל חזק א"ל חזק  
 א"ל חזק א"ל חזק  
 א"ל חזק א"ל חזק  
 א"ל חזק א"ל חזק  
 א"ל חזק א"ל חזק  
 א"ל חזק א"ל חזק  
 א"ל חזק א"ל חזק  
 א"ל חזק א"ל חזק

"Said (R.Jochanan) to him, "Your strength should be for Torah." Your beauty," he replied, "should be for women." "If you will repent," said he, "I will give you my sister (in marriage) who is more beautiful than I." He undertook (to repent); then he wished to return to collect his ~~clothes~~, but could not.(19) Subsequently (R.Jochanan) taught him (Bible and Mishnah) and made him into a great man.

On the phrase א"ל חזק (if you will repent) Rabbenu Iam says that

חזק א"ל חזק  
 חזק א"ל חזק  
 חזק א"ל חזק  
 חזק א"ל חזק

"Resh Lakish knew much previously but he removed the yoke of Torah and became an unlettered person."

(19) His mere decision to turn to the study of the Torah had so weakened him that he lacked the strength to do his heavy equipment.

It therefore can be assumed that R.Jochanan, by tutoring his colleague in his forgotten studies, was the impetus in the continuation of Resh Lakish in the further research in Torah. With his regained knowledge of Torah, Resh Lakish was able to continue his studies with R. Hanina, the successor of R. Ephes in Sepphores.<sup>20</sup>

אמר ר' שמעון בן  
לקיsh ב' שמעון  
הנביא

"R.Simon ben Lakish said in the name of R. Hanina. (21)

אמר ר' שמעון בן  
לקיsh ב' שמעון  
הנביא

"R.Simon ben Lakish asked a question of law of R. Hanina (22)

It seems that R.Hanina was also his teacher before Resh Lakish discontinued his studies. The Talmud tells us that he, together with other pupils of R.Hanina, (before he stopped learning) applied to R.Ephus for information on a ritualistic point.<sup>23</sup>

אמר ר' שמעון בן  
לקיsh ב' שמעון  
הנביא

אמר להן ר"ל נלכו וכו'  
 וכל ע"ז א"ל וכו' וכו'  
 וכו' וכו' וכו' וכו'  
 וכו' וכו' וכו' וכו'

"Resh Lakish and the students of R.Hanina came upon an ~~inn~~. Resh Lakish said to them, "Let us hire, etc., and when we shall reach our teachers in the south we shall ask them." They went and asked R.Ephes.

R.Ephes at this time was head of an academy in Southern Judea until he took over the seat of presidency in the academy at Sepphoris as the successor of the Patriarch Judah. ( ר"ל )

The dying Patriarch had order the appointment of R.Hanina ben Hama to that position but the latter refused to supercede Ephes who was his elder by 2 1/2 years.<sup>24</sup>

However, it does not seem probable that Resh Lakish himself was a pupil of R.Ephes although he states opinions in his name.

In a short time he made such progress that he, together with R.Jochanan, became the students of R.Hoshaiah.<sup>25</sup>

בא א"ל ר"ל וכו' וכו'  
 אוש"ל וכו' וכו' וכו'  
 וכו' וכו' וכו' וכו'  
 וכו' וכו' וכו' וכו'  
 וכו' וכו' וכו' וכו'

"R.Jochanan inquired of R.Hoshaiah .....  
 ..., the other remained silent and  
 made no reply at all. Later,  
 another great man came and asked  
 him a different question which he  
 answered. And who was that man?  
 Resh Lakish."

Resh Lakish was the first to name his  
 teacher, R.Hoshaiah, "Father of the Mishnah";  
 not so much because of his collections and  
 editions of Mishnayot as because of the ability  
 with which he explained and interpreted them.<sup>26</sup>

אמר ר"ל כן פירש  
 ר' אושע'ה אהי הוה

"Resh Lakish said, "So has R.  
 Hoshaiah, the Father of the  
 Mishnah, interpreted the verse."

There is no reference to the fact that Bar  
 Kappara was a teacher of R.Simon ben Lakish,  
 despite the fact that he learned in Southern  
 Judea in his youth. Yet Resh Lakish must have  
 been well acquainted with the legal opinions of  
 Bar Kappara as he mentions many statements in his  
 name.<sup>27</sup>

אמר ר' ל' פירש  
 בר קפרא

"Resh Lakish said in the name  
 of Bar Kappara."



Resh Lakish was not satisfied to learn only from the Palestinian sages, and so in his great zeal for Torah he sought to inquire into the teaching of the sages of Babylonia and other foreign lands.<sup>28</sup>

ר"ל הו' מתיחמין  
למיהא ופ' זלמא

"Resh Lakish desired to see the face of Mar Samuel." (a Babylonian Amora of his day.)

His zeal for Torah was so unusual that he wished to conjure up R.Hiyya (of another generation) from the dead to ask a question of him.<sup>29</sup>

ר"ל פ' חזק מאותן צומין  
למיהא ו' ח"א רובא ופ'א  
הצליח וחסידא שרא מצטצ  
אמא מ' ה'א פ'א באורי"א סגין  
מינא אמרין ליה ר'א תורה בישלמ  
יולת אמא ופ'א צוב אלא דהי' אפי'  
אמרין [ואו נא] לא הינא אפי' -- אמרין  
ליה דה' ה'א אפי' מינא ופ'א ה'א אפי' אמא

"Resh Lakish fasted 300 fasts in order to see R.Hiyya, his master, but he was not successful. Finally he became very grieved. He said, "Is delving into the Torah too much for me?" They said, "He (R.Hiyya) spread the study of Torah more than you



and besides he went from  
place to place." "And did I  
not go from place to place,"  
Said they to him, "You traveled  
to learn and he traveled to  
teach."

The above quotation also leads us into the  
stories of his travels. Mention was made before  
of his desire to learn from sages outside of  
Palestine. This desire drove him to travel in  
many lands where he became quite famous. His  
influence was great in Bostra where the leaders  
of the Jewish community turned to him with the  
request that he choose for them a man who could  
be their religious leader.<sup>29</sup>

ר' לוי אבולר'ה  
אמין לעב'ה אמר ל'ה  
חמ' ל' ה' נ' דר'ל  
צ"ל ספר חנן עב'ד  
כ' צור' כ'נן

"Resh Lakish came to Bostra.  
They (heads of the community)  
approached him. One said,  
"Show us a man who can be an  
interpreter of law, a judge,  
a scribe, and a cantor, one  
who can perform all our needs."

It is also told that his presence in Bostra was sufficient to clothe him with authority in that locality.<sup>30</sup>

היה אלקיזר לבו צרה  
הוא ישראל צקאנא פירי  
צאקא מיצער ואסר להו  
הוא א' צסר להו  
נכריס ישתו ישראל ואסר  
להו

"Resh Lakish chanced to be in Bostra. Then he saw a Hebrew who was eating ~~fruit~~ which was not tithed, and he forbid it to be eaten. He saw that the Israelite drank from a stream of water which the heathens worship so he forbid it (according to ritual law)."

According to Yer. SHEbi'ITH, end 31  
the second incident concerned itself with a bath house before the statue of Aphrodite.

His travels took him to Tripolis where he was engaged in teaching.<sup>32</sup>

רשבא בורי באטראים  
אנייה קטנה מותר  
לשמש

"R. Simeon Ben Lakish taught in Tripolis, one is permitted to handle a small lamp on Sabbath."

Resh Lakish also visited Tyre and Caesaria according to his praise of these cities.

33

אין איינצורג הי"פ אל  
 זיך וואס ווארטיק וק'ס'ן  
 וואס ווארטיק זיך  
 זיך וואס ווארטיק

"There are no cities more full of life than Tyre and her towns and Caesaria and her towns; there everything is expensive, there is plenty."

However, it wasn't until he, together with R.Jechanan in Sepphoris, came under the guidance of R.Hanina that Resh Lakish became a scholar of outstanding proportions. In time, Resh Lakish became second to R.Jechanan his colleague. When R.Jechanan left Sepphoris to become the head of the academy in Tiberias, Resh Lakish accompanied him to be second in importance at this seat of learning.

In the sight of the sages of his generation, Resh Lakish was not less in scholarship than R.Jechanan, his colleague. ( )<sup>34</sup>

Their contemporaries refer to them as *שני גדולי העולם* "Two great men of the world." When they sat before R.Hanina as students in Sepphoris, Resh Lakish and R.Jechanan were of equal standing.

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ה' יצקא בר אכא ר' יוסא  
 בשם ר' יוחנן לצבור הולכין  
 אחר המינוי לבית הוועד הולכין  
 אחר הכסף והוא עש כל אהב  
 ואהב מצבי המקומות והולך כיון  
 ר' חנינא פהח ר' יוחנן ור' יצקא  
 ליהמין ר' אבא בר רב פהח  
 ר' יוסא ור' אמ' ליהמין

"R. Jacob Bar Acha and R. Yassa  
 in the name of R. Jochanan said:  
 to proclaim an intercalation  
 we go by the dates of ordination  
 (the oldest voting first); we go  
 by ~~what is customary~~ and that is when  
 everyone speaks (in order of his  
 standing) and signs his name as a  
 witness, as for example, R. Hanina  
 begins the investigation - R.  
 Jochanan and Resh Lakish finish  
 (by sealing the document) it."

From the above quotation we can apparently see  
 that both Resh Lakish and R. Jochanan, according to  
 their equal footing, had the same function in the  
 intercalation of the year.

At the beginning of Rab Jochanan's occupancy  
 of the president's seat in Tiberias, Rab Cahana sent  
 by Rab to Eretz Israel, found Resh Lakish reviewing  
 the daily lecture given by the academy head.

אג' אשכחיה אריש לקי  
 פהח וקא מסמא מליהא  
 צימא אריש לקי

"Rab Cahana came and he found  
 Resh Lakish sitting and review-  
 ing the daily lecture (of R.  
 Jochanan)."

From the Talmud *BaBa* *BaTana* <sup>37</sup> ~~26~~ we learn that *לחזקת פ"ק* refers to the review of the lesson of R. Jochanan since it is stated there that R. Ada who heard the review of the lesson was requested by R. Papa and R. Huna to repeat the last lesson of Raba because they were not present at its deliverance. Both phrases *לחזקת פ"ק* <sup>38</sup> and *פ"ק* <sup>39</sup> refer to the review of the lesson which was an important function ascribed only to one of great scholarship. We, therefore, assume that Resh Lakish reviewed the lecture of the day and set it clearly in the minds of the scholars.

The fame of Resh Lakish reached Babylonia so that scholars from that country came to inquire of him on the Law. When Rab Cahana came to Tiberias from Babylonia he immediately began seeking out Resh Lakish of whom he had heard but never met. He asked to be directed to Resh Lakish for an explanation of Halachah.

40

אמר ר' לוי ר' חייא אמר לוי  
אמר ר' חייא ר' לוי אמר ר' חייא  
והא' ק' לוי ר' חייא ר' לוי  
ר' חייא ר' לוי ר' חייא ר' לוי

"He inquired where Resh Lakish was and when he was asked why he needed him he replied, "Concerning such and such a question; about this and that explanation."

The relationship between Resh Lakish and R. Jochanan was a very cordial and intimate one. First of all they were related in marriage in that Resh Lakish took the sister of R. Jochanan as a wife.

(see ref. 41)

Secondly, the two men from youth, before either became a famous scholar, learned from the same teachers. Thirdly, R. Jochanan was considered the teacher of his supposedly recalcitrant colleague, who had strayed from the portals of Torah. Finally, these two comrades continued on together, one as the head of the academy and the other as his associate. It is apparent, therefore, that Providence bound these two men in their inseparable existence.

The Talmud speaks of the esteem in which Resh Lakish was held by his indispensable associate.

יְהוֹכָנָן בֶּן־חֲנָנִי  
 רֵשִׁי לָקִישׁ בֶּן־רַחֲמֵי  
 כִּי הָיָה רֵשִׁי לָקִישׁ בֶּן־רַחֲמֵי  
 כִּי הָיָה רֵשִׁי לָקִישׁ בֶּן־רַחֲמֵי

"(Rab Judah Mesiah) said to him (R. Jochanan): "Does one clap with one hand?" R. Jochanan replied, "No! But when Resh Lakish is absent one cannot (clap with his other hand)"

Footnote: R. Jochanan considered Resh Lakish as indispensable as his right hand.

The Talmud relates another incident where R.Jochanan goes so far as to retract his own decision in fa vor of that of Resh Lakish.

43

אמרו לקמי' רב' יוחנן  
אמר להו' שפיר תבש תהו'  
אמרו לקמי' רב' שמעון בן  
לקי' אמר להו' הילו אהבד  
אמרו לקמי' רב' יוחנן אמר  
להו' מה אעשה בלגבי חולק עלי'

"They came before R.Jochanan. Said he to them, "The seizure (of the property of the orphans) is valid." They came before R. Simon Ben Lakish. He said to them, "Go and return (the property)". Again they came to R.Jochanan (with Resh Lakish's decision). He said to them, "What can I do when my equal differs with me?"

Although Resh Lakish was only second in importance to him, R.Jochanan considered him his equal in scholarship and learning.

Resh Lakish, in his love and reverence for R. Jochanan as a friend and a teacher, arranged his Mishna forty times before he would present it to R. Jochanan.

43a

כי' הא ברש לקי' הו' ר  
אמר מלניתי' ארבעין  
נימנן בלגבי מ' יום מלניתי  
חזיק ודע לקמי' רב' יוחנן

"As Resh Lakish who arranged his Mishna 40 times according to the forty days that the Torah was given, before he came to present it to R.Jochanan."

He refers to his relationship with his colleague of superior standing, in the most pleasant terms.

44

פ'ה'י פ'מ'ה 'מ'ל'ה ז'  
 ל'ל'ה ו'ל'ה ל'ל'ה ז'  
 פ'ל'ה פ'ל'ה ל'ל'ה ז'

"The Holy One, blessed be He, hearkens to two scholars who delight themselves with each other in discussion of halacha."

Hyman very cleverly draws another inference from the same story mentioned on page 11.

He proves that Resh Lakish had two



wives; one was the sister of R.Jochanan and the second he married in his old age when he begot children. At his death, he left small children. Hyman states the fact that when R.Jochanan died, he had no mother or father.<sup>49</sup> Therefore, his sister was older or his twin. R.Jochanan was ten years older than Resh Lakish so at the death of the latter, his wife was too old to have young children. We know that Resh Lakish left young children from reference in the Talmud.

50

אֶלְכָּהִי רַבִּי יוֹחָנָן (לְיוֹקָא)  
 בְּרִיטְלָא לְרֵישׁ לָקִישׁ בִּתְּלִיתָא וְאִמָּהּ  
 אֲנִיחָא אֲבָרָה מִשְׁלָלָא בְּרַבָּא  
 בִּלְרֵישׁ לָקִישׁ וְהָיָא בִּיהּ  
 אֲתִילָא אִמָּהּ אֲבָרָה הָיָא אִמָּהּ  
 לְרֵישׁ לָקִישׁ הָיָא אֲבָרָה בְּרַבָּא לְרֵישׁ לָקִישׁ  
 לְרֵישׁ לָקִישׁ בְּרַבָּא לְרֵישׁ לָקִישׁ

"R.Jochanan met the child of Resh Lakish while sitting and reading the passage: "The folly of man perverteth his way ...." R.Jochanan raised his eyes in a desire to gaze (in admiration) at the child, when the mother of the child immediately took it away, remarking: "Go away from him, or he may do unto thee what he did unto thy father."

It is, therefore, conceivable that this was a second wife. As for the story of his death in *Baba Mezia 84a* the word אֲתִילָא 'his sister' may be a mistake for אֲתִילָא 'his wife.'

However, it seems to me, that although *קטן* commonly means a suckling, we cannot take it too literally as the incident in Taanith seems to relate a too precocious tale for one so young. Generally, in Talmudic sources, I believe we can apply the principle of

*אין תורה חכמה* *אין תורה* *אין תורה* *אין תורה*

"There is no chronological order in the Torah."

From Gittin 47a it is also known that Resh Lakish had a daughter. Little more is known about specific facts of his life. Resh Lakish died about 280 C.E., approximately three years before R. Jochanan.

During his lifetime, Resh Lakish had many friends and admirers but he also made enemies by his aggressive honesty and lack of diplomacy. He felt that the truth must find expression at any cost, even to his own detriment. He did not hesitate to show his dislike for the patriarch, Judah Nesiah, the grandson of Rabbi Judah HaNasi. The former did not have the *כתר תורה* 'the crown of knowledge' and *כתר חכמה* 'crown of patriarchal authority' combined in him. Only through hereditary succession did Judah II merit his position and not through his knowledge. Therefore, Resh Lakish, as his contemporaries, did not regard the patriarch as his equal in scholarship.

51

In a discourse delivered in the house of study,  
R.Simeon boldly stated that

52  
אם יחטא  
הקדוש ברוך  
הוא יתן  
לפניו שלוש  
פסוקים

"If a patriarch sins, he  
is given stripes before a  
tribunal of three judges."

This audacity aroused the ire of Judah II and  
Resh Lakish fled lest he be the victim of the  
patriarch's wrath. Jochanan, however, induced the  
patriarch to visit Simeon and invite him to return  
to the academy (in Tiberias). However, Resh Lakish  
ironically replied,

53  
אם אתה חושש  
לפניו של הקדוש  
ברוך הוא יתן  
לפניו שלוש  
פסוקים

"Do you think because of  
the fear of you I shall  
desist from learning the  
Torah of God?"

At another time when he was exhorted by the  
patriarch to pray for him because the Roman government  
did much evil, Resh Lakish answered

54  
למה אתה  
חושש לרומא  
כי אם אתה  
חושש לרומא  
כי אם אתה  
חושש לרומא

"Take nothing (no bribe), so  
that you will have to give  
nothing (to the Roman authori-  
ties)."

When R.Jochanan presented an halakic demonstration before R.Yannai and the latter praised him for it, Simeon boldly declared:

55

ג'ה'ג'    כ'ס'    א'י'ן    פ'ס'ן  
 פ'ס'ן    א'י'ן    כ'ס'    ג'ה'ג'  
 פ'ס'ן    א'י'ן    כ'ס'    ג'ה'ג'

"After all these sentences of praise, he (R.Jochanan) could have interpreted it (the Mishna) according to R.Akiba."

On another occasion Resh Lakish succeeded in softening Judah's indignation toward a daring preacher, Jose of Maon, who had denounced the rapacity of the patriarchal house.

56

It seems that the breach between the two men did not continue, for Resh Lakish and the patriarch later became associated in questions of law. In carrying out his decisions, R.Simeon would have the agents of the patriarch at his disposal.

He undoubtedly survived Judah II as he handed down a whole series of halakic sentences in his name.

From the incidents quoted above, we see that Resh Lakish had a strong love of truth and unusual courage.

Neither did he hesitate to revoke decisions of his colleagues including R. Jochanan, even when action had already been taken in accordance with these decisions.<sup>57</sup>

קני'ה<sup>57</sup> דברה יוחנן הוה  
 אלו איתת אבא דהוה  
 קמבסבא מלונ' אלו אלו  
 דברה יוחנן אמר אלו אלו  
 ואמרו ליה לאבוכין דנ"כ  
 איבא למלונ' אלו אלו  
 דניש לקיש אמר אלו כל  
 שכן גמיה אלו מלונ'ת  
 אמר ליה יהא נבי יוחנן  
 אלו אמר הכי אמר אלו  
 מי ליה הבו אלו ווי אלו מלונ'ת  
 אלו רבי יוחנן מאוניכו אלו  
 אלו אלו דברה יוחנן אמר אלו  
 אלו אלו כטגדי חולק דלי

"Relatives of R.Jochanan had  
 (the responsibility of main-  
 taining their) father's wife  
 who was in the habit of consuming  
 much food. When they came to R.  
 Jochanan he told them, 'Go and  
 ask your father that he should  
 assign a plot of land for her  
 maintenance.' When they subse-  
 quently came before Resh Lakish,  
 he said to them, '(By such an  
 assignment) he has increased all  
 the more (the allowance) for her  
 maintenance. But they said to  
 him, 'R.Jochanan did not say so.'  
 "Go," he told them, "and give her  
 proper maintenance; otherwise I  
 shall remove R.Jochanan out of  
 your ears." When they came to  
 R.Jochanan again, he said to  
 them, 'What can I do when one of  
 equal standing differs from me?"

Resh Lakish was considered a keen judge of men  
 by his colleagues. He, therefore, would not associate  
 with anyone of blemished character and beyond the  
 slightest reproach. This fact is indicated by the  
 question which the Talmud asks.

58  
 ור"ל מי מלחץ רבנן רבנן  
 ור"ל מי מלחץ רבנן רבנן  
 ור"ל מי מלחץ רבנן רבנן  
 ור"ל מי מלחץ רבנן רבנן  
 ור"ל מי מלחץ רבנן רבנן  
 ור"ל מי מלחץ רבנן רבנן

"Would Resh Lakish speak to Rabbah  
 BaR Bar Hana? He did not even  
 speak to R.Eleazer who was a  
 scholar in Eretz Israel. Answers  
 (the Talmud) to whomever Resh  
 Lakish speaks in the market-  
 place may be given merchandise  
 (on credit) without the presence  
 of witnesses."

R.Simeon's love of exactness found expression  
 in his reprimanding the sages of his day, who in  
 stating an opinion of law unintentionally omitted the  
 name of the author. When R.El~~ea~~zer omitted the name  
 of R.Jochanan as the author of a legal opinion, Resh  
 Lakish reproached the former.

59  
 רבנן חז"ל ר"ל מי מלחץ  
 רבנן חז"ל ר"ל מי מלחץ  
 רבנן חז"ל ר"ל מי מלחץ  
 רבנן חז"ל ר"ל מי מלחץ

"He (Resh Lakish) went; and  
 looked at R.El~~ea~~zer angrily  
 and said, "You quoted an  
 opinion of Bar Napacha but  
 you did not tell it to us in  
 his name."

At another time, Ben Pedath was interpreting  
 Biblical verses when R.Jochanan approached Resh Lakish  
 and said:

60  
 ראינו זמן פדאט  
 וזכרנו כמשה מבי  
 הגבורה איז ר"ל צידי  
 היא מאתניתין היא

"I have seen Ben Pedath  
 sitting and interpreting the  
 scriptural verses like Moses  
 from the mouth of the Lord.  
 Resh Lakish answered, "It is  
 not his. It is a specific  
 Mishna."

Despite the fact that R. Simeon conducted  
 himself adamantly and inflexibly in serious matters  
 like the Halacha, he, nevertheless, believed that the  
 scholars should, befitting their knowledge, be men of  
 humility and modesty.

61  
 מה כלה זו לנו צד  
 כן חלמיש חכם  
 צדיק יהיה לנו צד

"Just as a bride must be  
 modest, so must a learned  
 man be modest."

62  
 מה כלה זו יולדת  
 הבויה ואומרת כאלו  
 שאני טבורה וזו  
 צמודת למצודה צדי  
 כן חלמיש חכם צדיק  
 לא יאבדו צדיק  
 על צדי

"Just as the bride is seated in her litter and says (is carried in procession as if saying) "Behold I am pure and these are my deeds which do testimony, thus must a learned man be beyond reproach."

Resh Lakish disliked the Babylonians because of their haughtiness and arrogant nature. It seems that they continually boasted about their lineage which was offensive to Resh Lakish.

63

ואם יאמר לי אדם של דברי  
פיגמיון בבבל הכי אני הולך  
ומביא או מלשן צדק או  
מתנבאין כל דברתינו אין  
יכולין להביא מלשן

"If some one will tell me that there is geneology in Babylon, I would go and bring it from there. However, if all the rabbis met together, they could not bring it (geneology to show) from there."

He often rebuked the Babylonians for having remained outside of Palestine after Ezra and Nehemiah entered to rebuild the land. R.Simeon said to Rabah Bar Bar Honah of Babylon.<sup>64</sup>

אז הלא סניא לכו דכתיב -  
אם חומה היא נבנה  
צליה טירת כסף ואם צלה  
היא ניצור צליה לוח  
אכר



חסדך חסדך חסדך חסדך  
 חסדך חסדך חסדך חסדך  
 חסדך חסדך חסדך חסדך  
 חסדך חסדך חסדך חסדך  
 חסדך חסדך חסדך חסדך

"By God, we hate thee as it is  
 written: If she be a wall, we  
 will build upon her a palace  
 of silver and if she be a door,  
 we will enclose her with boards  
 of cedar. (Canticle 89) If  
 you will make yourself like a  
 wall and will go up in the day  
 of Ezra, you will be likened  
 to silver one which rot cannot  
 prevail; now that you have gone  
 up like doors, you are likened  
 to cedar over which rot prevails."

Resh Lakish, nevertheless, respected and  
 praised those sages of Babylon who settled in  
 Palestine. In reverence for R. Hiyya of  
 Babylonia who helped establish the study of  
 Torah in Palestine, R. Simeon said:

חסדך חסדך חסדך חסדך  
 חסדך חסדך חסדך חסדך

"May I be the atonement of  
 R. Hiyya and his sons."



יָתִיב קָא אָכַל וְשָׁתָה

"He sat, ate and drank." as

כֹּחַ יָמָיו כֵּן מָה  
שֶׁהָיָה מְשַׁחֲכֵה לֹא הָיָה  
מְצָמָצֵם עַצְמוֹ לְיוֹם  
מָחָר

"All his life, anything  
he earned would not be  
saved and deposited for  
the morrow."

His earnest and gloomy countenance was  
never brightened by a smile, for he considered  
cheerfulness to be frivolous so long as the holy  
people were subject to the power of the heathens.

אָמַר רֵשִׁי לֵרֵשׁ לְשִׁמְיָא  
לֹא מָלָא שְׂחִיקָא בְּיָדוֹ בְּרַחֲמֵי  
הַקָּדוֹשׁ מִכִּי שְׁמַרְתָּ מֵרֵשׁ  
יְוָה לְרֵשִׁי

"It is said concerning Resh  
Lakish that he never laughed  
in this world from the time  
he heard this opinion from  
R. Jochanan, his teacher."

No one equalled Simeon Ben Lakish in  
diligence and eagerness to learn. As was stated

ה' ה'ה' it was his custom regularly to  
repeat a section from the Mishna 40 times. He  
boasted that R. Hiyya who was renowned for his  
diligence was no more diligent than he.

69

י'ף    ה'ה    מה    נא    כ  
'ה'ה    |'ה'ה    כה"ה    כה"ה

In order to urge his students to continual  
industry, he often quoted a proverb which he  
ascribed to the Torah.

70

י'ה    ה'ה    י'ה    פ'ה  
ה'ה    פ'ה    פ'ה

"If thou leavest<sup>me</sup> for one day,  
I shall leave thee for two."

Rabbi Simeon seems to have been a man of  
even temper who believed that the degree of one's  
wisdom depended upon his ability to control his  
temper.

71

כא דאזל פזק  
 חכא הוא  
 חכא חזק

"When a man becomes angry,  
 if he is a sage, his wisdom  
 departs from him."

He also believed that the mere intention  
 to strike a person was a sign of a wicked  
 character.

72

כא דאזל פזק  
 חכא הוא  
 חכא חזק

"Anyone who raises his hand  
 to another, even though he  
 did not strike him, he is  
 called wicked." (Sanhedrin 58)

In several statements of cogent religiosity,  
 the piety of Resh Lakish is attested. His  
 zealousness in the observance of the daily  
 prayers and religious ceremony is strongly  
 implied.

73

אזל פזק  
 חכא חזק

"Do not utter short prayers.  
 When you offer up prayers."

74

אזל פזק  
 חכא חזק



## CHAPTER II

### The Theology of Rabbi Simeon Ben Lakish

The independence which Simon Ben Lakish manifested in the discussion of halachic questions was equally pronounced in his treatment of haggadic matter. In Haggadah also, he held a prominent position by virtue of his originality and independent views which struck his contemporaries with amazement and which did not win respect until later.

It was often questioned in the schools at what period the sufferings of Job had occurred; the other circumstances of this remarkable drama were also debated, and the most contrary views found expression. Resh Lakish seems to have come to an accurate conclusion in advancing the opinion that Job had never existed, that he never lived, and was simply an imaginary hero, the moral creation of the poet.

לפי דברי ר' לוי  
לפי דברי ר' חזקוני<sup>1</sup>  
לפי דברי ר' חזקוני

"A man like Job never was,  
nor will be."

This view seemed very strange to his contemporaries who were unable to comprehend such a conception.

The names of the angels were regarded by Resh Lakish as not having been originally Hebrew but as being a foreign element transplanted into Judaism - which had, in fact, been brought by the Jewish people from Babylonia. (Yer. Rosh Ha-Shanah 11b2)

From his exegetical and homiletical interpretations of Scriptures and from his maxims and sayings I shall attempt to analyze the views of Resh Lakish in reference to the important fundamental theological questions with which all great teachers of Israel have occupied themselves. These questions particularly concern themselves with God, Israel, the Torah, the world and their mutual relationship to each other.

Resh Lakish through his keen analysis of Scriptural verse proclaims that God is synonymous with the attribute of Truth. God runs the entire gamut of Truth from beginning to end.

וְאֵלֹהִים הוּא הַיָּחִיד  
 אֵלֹהִים אֶחָד וְיֵשׁוּעַ  
 בְּרֵאשִׁית הַיְּמִינוֹת  
 בְּרֵאשִׁית הַיְּמִינוֹת  
 אֵלֹהִים אֶחָד וְיֵשׁוּעַ  
 בְּרֵאשִׁית הַיְּמִינוֹת  
 בְּרֵאשִׁית הַיְּמִינוֹת



"What is the seal of  
the Blessed be he?"  
"Truth." - What is  
"Truth"?

Resh Lakish said, the Aleph (in אלה) is the first letter of the alphabet, the Mem is the middle letter, and the Tov is the last letter; as it is written, "I am the beginning and I am the end."

Resh Lakish like the other Rabbis felt an actual delight in heaping human qualities upon God whenever opportunity was offered by the Scriptures. God, therefore, was possessed of the qualities of Justice and Compassion with which he ruled the world.

3  
 בְּשֶׁמֶרֶשׁ שֶׁהָיָה אֵלֶּיךָ יוֹלֵךְ  
 אֵל כֹּסֵא בִּצְיֹן בִּצְיֹן הוּא  
 עוֹלֵה בִּכְתֹּרֶת (הַיְּהוָה אֱלֹהֵינוּ)  
 אֵלֶּיךָ אֵלֶּיךָ אֵלֶּיךָ אֵלֶּיךָ  
 בְּשֶׁמֶרֶשׁ שֶׁהָיָה אֵלֶּיךָ יוֹלֵךְ  
 יוֹלֵךְ עִיר הַקֹּדֶשׁ עוֹלֵם אֲנִי  
 בִּצְיֹן יוֹלֵךְ אֵל כֹּסֵא  
 הַיְּהוָה בִּכְתֹּרֶת (פֶּל)  
 יְהוָה הַקֹּדֶשׁ אֵלֶּיךָ  
 "When the Blessed be he  
 ascends and sits on his  
 throne of justice, he  
 ascends with justice, as  
 it is written (Ps. 47<sup>6</sup>)  
Elohim ascends with a



God has ministering angels who in the manifestation of the world have definite functions. These angels are the "פ'ק'ל'ג'", "the sons of God." This inseparable association can be observed by the suffix "El" borne by the angels in the names.

5  
 מִכָּאֵל    גַּבְרִיֵּל    רַפָּאֵל  
 מִכָּאֵל    גַּבְרִיֵּל    רַפָּאֵל  
 מִכָּאֵל    גַּבְרִיֵּל    רַפָּאֵל  
 מִכָּאֵל    גַּבְרִיֵּל    רַפָּאֵל  
 מִכָּאֵל    גַּבְרִיֵּל    רַפָּאֵל  
 מִכָּאֵל    גַּבְרִיֵּל    רַפָּאֵל

"Each angel has a tablet on his heart on which his name, combined with the name of God (El) is inscribed."

In Ex. R XXIX, this doctrine is based upon Ps. 68<sup>18</sup> "The Lord dwells in them." "Wherefore they are called MichaEL, GabriEL, and RaphaEL."

Besides individualizing and giving each angel a distinct name, Resh Lakish assigned them a particular charge or position. Therefore, over each force and element of life an angel is placed. Despite the clashing essences of these heavenly elements, there exists a harmonious relationship between them in the divine order.

אמר ר' ל' מיכאל כלל  
 על כלל ואלו אלו  
 ואלו אלו זה אלו זה  
 זה אלו זה אלו זה

"Resh Lakish said, "Michael is all snow and Gabriel is all fire; yet they stand near each other and are not injurious to each other."

In the spirit of Prov. 8<sup>22</sup> FF where there is an identification made between Torah and divine wisdom (Hochmoh) by which the world was created, Resh Lakish states the Torah is premundane in character.

7  
 שני אלפים שנה קדם  
 בברייתא זו  
 אלף

"The Torah was in existence 2000 years before the creation of the world."

Thus it was for the sake of the acceptance of the divine revelation (Torah) by Israel that the world came into existence. God, as it were, is speaking to creation in the following terms:

8  
 אם ישראל מקבלת  
 התורה אחר משה  
 ואם לא תהיה אחר  
 אחר

"If Israel accepts the Torah, you will continue to exist. If not, I shall again make you into chaos."

Man in the scheme of creation has a dual nature. On one side of his nature he is of a celestial substance and on the other man is akin to earthy matter.

9

וְיָצַק לוֹ אֶת הָאָרֶץ  
וְיָצַק לוֹ אֶת הַשָּׁמַיִם

"He created man's body  
from (the earth) below,  
and his soul from (heaven)  
above."

Man, thus, takes his place in creation above the angels or below the creeping things according to his merit and character.

10

אִם יִשְׁכַּח אֱלֹהֵי הַשָּׁמַיִם  
אִם יִשְׁכַּח אֱלֹהֵי הָאָרֶץ  
אִם יִשְׁכַּח אֱלֹהֵי הַיָּם  
אִם יִשְׁכַּח אֱלֹהֵי הַבְּרִיָּה

"If a man is worthy, they  
say to him, thou didst  
precede the ministering  
angels; if not, they say  
to him, Insects and worms  
preceded thee."

Every man has a purpose on earth,  
 despite the fact that he may be unsuited to the  
 higher realms, to those of the intellect. In  
 the scheme of things, all men are dependent upon  
 each other. It is, therefore, incumbent upon  
 the scholars to recognize the worth of those not  
 engaged in the study of the Law.

11

יְהוָה יִשְׁמַע  
 כְּפִי וְיִשְׁמַע  
 מִן "תְּהִי" כִּי  
 יִשְׁמַע יְהוָה

"Let the grapes pray for  
 the leaves (the scholars  
 for the untutored) but  
 for the leaves, the grapes  
 could not exist.

The merit of an Israelite does not depend  
 upon his knowledge but upon the observance of the  
 commandments.

12

אֲפִילוּ  
 כִּי תִּהְיֶה  
 מִלֵּב  
 כְּפִי וְיִשְׁמַע

"Even the untutored among  
 you are full of Mizvoth  
 like a pomegranate."

The relationship between God and Israel is very close and intimate. He is bound up with them so strongly in selected attachments that He must by necessity hazard the contaminating influences of the exile to redeem them. Israel is likened to the tithe which is the special portion of the priest (God).

13  
 גְּדוּלַת חֶבְדֵּן לֵאלֹהֵי יִשְׂרָאֵל  
 שְׂנֵאֲלָהּ הַקְדָּשָׁה הַמִּקּוֹם עֵץ  
 וְהַמִּקּוֹם טְנוּפֹת וְהַמִּקּוֹם  
 טוֹמְאָה הַשְׁבִּיץ לֵאמֹן  
 מִטַּף לְבֶהֱן שְׂנֵאֲלָהּ תְּרוּמָתוֹ  
 לְבֵית הַקְדָּשׁוֹת אִמֵּר מִה  
 אֶעֱשֶׂה לְעַמִּי עֲלֵמִי אִי אֶפְשֶׁר  
 וְלִהְיוֹת תְּרוּמָתִי אִי אֶפְשֶׁר  
 מוֹטֵב עֵי לְעַמִּי אֵל אֵל עֲלֵמִי  
 פָּדָם אֶת וְהוֹצֵר וּמַשְׁכִּיר לֹא  
 אֶאֱבֹד אֵת תְּרוּמָתִי כִּי יִשְׂרָאֵל  
 הֵן תְּרוּמָתִי לֵאלֹהֵי הַקְדָּשָׁה

"Great is the love of God for Israel for he has exiled himself to places of idols and in places of dirt and in places of uncleanness in order to redeem Israel. It is similar to a priest whose tithe lay in the cemetery. He said, "What should I do? I cannot become unclean and yet I cannot leave my tithe. It is better that I make myself unclean just once and then purify myself than lose my tithe." So also Israel is the tithe of God."

From the language of the Scriptures  
 Resh Lakish finds endearing terms which express  
 the deep love of God for Israel.

<sup>14</sup>  
 אלהים ואמרו אל אלה  
 אלהים אלהים אלהים  
 אלהים אלהים אלהים  
 אלהים אלהים אלהים

"God expresses his love for  
 Israel in three terms -  
 attachment, affection,  
 fidelity."

So great is this divine affection for  
 Israel that God does not punish his people until  
 he has created the healing for the wound inflicted.

<sup>15</sup>  
 אלהים אלהים אלהים  
 אלהים אלהים אלהים  
 אלהים אלהים אלהים

"God does not smite Israel  
 unless he first creates the  
 cure."

The Talmud relates that the study of the  
 Torah is disciplinary in character and acts as a  
 check to an unrestrainable and impetuous people in  
 the person of Israel. In this connection Resh  
 Lakish states that Israel among the nations is like  
 those of vehement temper among the birds and beasts.



16  
 שמואל אמר אין נחמה חסד  
 וישראל אין כל אומה ואמין  
 יכול אומה בלתי חסד וישראל  
 בלא חסד כלל אומה בלא חסד  
 חסד חסד חסד  
 "If the Torah was not  
 given to Israel, no nation  
 or people could stand before  
 them and that is what Resh  
 Lakish said: There are three  
 of fierce strength - Israel  
 among the nations - the dog  
 among the beasts and the cock  
 among the fowl."

In the spirit of Isaiah<sup>17</sup> Resh Lakish  
 believes that there are two types of Israel, -  
 the 'remnant' or spiritual Israel and the common  
 rabble in Israel. The latter through her evil  
 deeds causes the suffering of the ideal Israel or  
 the true "servant of God". The implication is that  
 all Israel is bound up with one another so that  
 the good must suffer in exile because of the bad.

18  
 אמרה בנות ישראל  
 לפני ה' אלהי  
 ה' כחולצה ח' הדבר  
 ה' ח' ח' ח'  
 "The Congregation of Israel  
 (ideal Israel) says to God:  
 "Almighty God, the children  
 (common Israel) have made me  
 as this weasel who lives  
 among the uprooted houses."

The true Israelite is the spiritual one and not the Hebrew who is only of the blood. Hence, proselytes are more precious than Israel who stood at Sinai, for the latter would not have taken the 'kingdom' upon himself had not miracles accompanied 'revelation', while the former assume the 'kingdom' without having seen even one miracle.

19 בא  
 חביה בער שנתג"ר  
 יוהר משהו בעצמית  
 על הכ סני למה עמי שאילול  
 שראו קולות וברקים  
 והרים רועלים וקול  
 למברות לא היו מקבלין  
 את התורה וזה שלא  
 נאה אחרי מהם בה  
 והשלישית עמו להקבה  
 וקבל מלכות שמים יל  
 לק חביה מנה

Resh Lakish many years ago seems to have given expression to the opinion that is held by many scholars today, that Israel is the thermometer of the world's ills. Therefore, disastrous condition or the prevalence of prosperity is first felt by Israel. The condition of Israel is the index of the world's normalcy or feverishness.

20

כשהפניות באה אל  
 אין מרגיש בה תחילה  
 אלא יצוק וכשהשאה  
 באה אליו אז מרגיש  
 בה תחילה אלא יצוק

"When punishment visits the world, the first one to feel it is Jacob (Israel) and when joy visits the world, again Jacob is the first to feel it."

Israel is not in her native habitat living in foreign lands among the nations. She, therefore, cannot find peace and rest unless transferred to her home in Palestine. If Israel had been comfortable in the exile, she would not have returned to Eretz Yisroel.

21

היא יושבת בגלות לא  
 מצאה מנוח אלו מצאה  
 מנוח לא ביתה חוקת  
 ובכותיה (בראשית ח"ט) ולא  
 מצאה הילנה מנוח ובכותיה  
 (דברים כא:יג) והגויים הם  
 לא תבא יצוק והיא יהיה  
 מנוח אלא יצוק

"She dwelleth among the nations, she findeth no rest. (Lament 13) If she would have found rest she would not have re-  
turned. As it is similarly stated - "And the dove (Israel) could not find a resting place" (Gen.8:9). And as it is written "And among these nations you will not find relaxation and there will not be a resting for the sole of your foot."

The efforts of Israel outside of Palestine are not conducive to material success. This people is closely knitted to her natural environment and divine blessing can only come there.

22  
 אלה אלה ארץ אבותיך  
 ואמלכתך וארץ צמח  
 נכסי חילך לארץ ארץ  
 אלה אלה ארץ אבותיך  
 ארץ אבותיך  
 ארץ צמח

"Return to the land of your fathers and to your birthplace and I will be with thee.  
 "Your prosperity outside Palestine has blessing but when you will return to the land of your fathers, I shall be with thee."

To Resh Lakish, man is inherently good. His misdeeds are attributed to the Evil Yezer within that seduces him into doing what is repugnant to his better judgment. This evil force is a demonic power other than his conscious self which overmasters his will to good and blinds him to the consequences of his acts. The Evil Yezer constantly attempts to entice man into sin and thereby bring about his death as a consequence of his transgressions. Only through the divine protection of God can man escape from the powerful clutches of this satanic spirit.

23

יְצֵר טוֹב אֵל אָדָם מֵהַבֶּטֶן  
 אֵלָיו כָּכָא יוֹסֵף וְאַבְרָהָם  
 וְהַמִּיתָו שְׂמֵאֵל צִוְּהָ  
 כִּלְשׁ אֶצְבִּיק וְאַבְרָהָם  
 וְהַמִּיתָ (תִּהְיֶה לְךָ: אֵל) וְאַלְהֵי  
 הַקֶּבֶד שְׂמֵאֵל לֹא אֵלָיו  
 יְכֹחַ יְ

"The Yezer of man assaults him every day, endeavoring to kill him; as it is written, "The wicked watcheth the righteous and seeketh to slay him" and if God would not support him, man could not resist him (Evil Yezer)."

Personified as the tempter, the evil impulses may be identified with Satan; and since by their activities they cause the death of the sinner, they can, by further association, become the angel of death. Thus, Satan and the Evil Yezer and the Angel of Death are one and the same.

24

יְהוָה אֱלֹהֵינוּ  
 אֱלֹהֵינוּ אֱלֹהֵינוּ  
 אֱלֹהֵינוּ אֱלֹהֵינוּ  
 אֱלֹהֵינוּ אֱלֹהֵינוּ  
 אֱלֹהֵינוּ אֱלֹהֵינוּ

"So Satan went forth from the presence of the Lord, and smote Job (Job 2). Resh Lakish said, "He is Satan, the Evil Yezer and the Angel of Death."

In the conflict of impulses on equal terms, the evil is stronger than the good. Therefore, man must make a conscious appeal to the latent powers of good within himself to overcome the evil forces lest he be led to sin. However, if man does not succeed in overcoming Evil, more potent means are at his command, such as immersion in the study of law.

25

יְהוָה אֱלֹהֵינוּ  
 אֱלֹהֵינוּ אֱלֹהֵינוּ  
 אֱלֹהֵינוּ אֱלֹהֵינוּ

אדם צריך תמיד  
להאבק עם הרע  
באמצעות הטוב

"A man should always stir  
up his good impulse  
against the evil impulse,  
for it is said "Be stirred  
up and sin not (Ps.4,5).  
If he conquers it, well;  
if not, let him occupy  
his mind with the Law."

Despite the potency of the evil impulse,  
man is capable of choosing between right and  
wrong. Should he, through the freedom of will  
ordained for him, choose to do righteously, he  
is aided to continue in this path through God's  
help.

26

אדם צריך תמיד  
להאבק עם הרע  
באמצעות הטוב

"If a man comes to defile  
himself, the opportunity  
is given him (by God);  
if to purify himself, he  
is helped to do it."

Should man, however, defile himself  
through sin, he may make redress by repentance  
which is the prerequisite of all atonement. Resh  
Lakish divides repentance into two categories.

Men may be moved to repentance by experience of the consequences of sin and by the fear in the world to come - repentance induced by fear. The second is repentance that springs from a nobler motive - love to God; and this is more highly esteemed by God and brings a larger grace. The former causes wilful sins to be treated as unwitting; the latter causes wilful sins to be treated as righteous deed.

27  
אמר כ"ל גדולה תשובה  
שפלות נחמה לו  
כשגלות שנאמר שמה  
'שכאל' עד ה' אלהיך  
כ' כשל ה' הצניק  
(הושע י"ב) הוא חן מניב  
הוא וקא קרי ליה מכלל  
אין' והאמר כ"ל גדולה  
תשובה שפלות נחמה  
לו כהכיוון שנאמר ואלה  
כש' מרשחא ואלה מכלל  
וצדק ה' צדקתו י"ה  
(יהונתן פ"ג)

"Resh Lakish said, 'Great is repentance since pre-meditated sins are accounted as errors' as it is written, 'O Israel, return into the Lord, thy God; for thou hast fallen (unwittingly) by thine



"iniquity." (Hosea 14:2)  
 This is presumptuous sin  
 and yet you call it un-  
 witting? It is not so  
 for Resh Lakish said,  
 'Great is repentance for  
 premeditated sins become  
 as righteous acts 'as it  
 is written'. But if the  
 wicked turn from his  
 wickedness and do that  
 which is lawful and right,  
 he shall live thereby."  
 (Ezek. 39<sup>9</sup>) There is  
 contradiction. The latter  
 case speaks of premeditated  
 sins becoming righteous acts  
 when repentance is induced  
 by love to God. The former  
 speaks of premeditated sins  
 as unintentional sins when  
 repentance is induced by  
 fear." (Yoma 86 b)

Resh Lakish combats the Gnostic view that  
 repentance is inefficacious.

28

אִם יִאמְרוּ לֵךְ הַמִּצִּי  
 לֵאמֹר הִקְדָּה מִקְדָּה  
 לֵבִיךָ אֲדֹר לְפָנֶיךָ  
 כִּי מִן הַמִּצְוֹת קִבַּלְתָּ  
 אֹתוֹ בְּחֶשְׁבֶּךָ לְפָנֶיךָ  
 (שֶׁהָיָה לְפָנֶיךָ) וְיִתְבַּר  
 אִלֹּהֵינוּ וְיִצְחָק וְיִשְׂרָאֵל  
 וְיִשְׂרָאֵל יִבְרָכְךָ לְעוֹלָמְךָ

"If the Gnostics feel  
 that God does not accept  
 repentance, answer them  
 that Menasseh bears witness  
 that I accepted his  
 repentance as it is written

"( Chron.33:13)  
 'and he prayed unto him;  
 and he was entreated of  
 him ----- and brought  
 him again to Jerusalem."

On the age old question of 'why the  
 righteous suffer and the wicked prosper'  
 Resh Lakish replies that reward or punishment  
 is not visited upon man on this earth but in  
 the world to come. The righteous may therefore  
 expect divine grace in the heavenly abode.

29

אלהים אלהינו  
 מן העולם הזה  
 פנה חזק ואמרו  
 אליו

"Although God despairs  
 of granting the righteous  
 their reward in the world,  
 he returns and has com-  
 passion upon them (in  
 another world).

Although death is the inevitable lot of  
 all men - the righteous as well as the wicked must  
 taste of its flavor. Death for the righteous marks  
 the beginning of their unpaid reward. For the  
 wicked, death brings rightful punishment in payment  
 for the transgressions wrought on earth.

30 מִכֵּן מֵהַ לַחַיִּים  
 מֵהַ חַיִּים הַצְּבִי' פ'  
 וְהַ חַיִּים הַשְּׂרִים לִיחַן לִכֵּן  
 לִכֵּן בִּכְכָּל פ' וְהַפְּנִי  
 מֵהַ חַיִּים בִּכְכָּל פ'

"Why does death take  
 its toll of both the  
 righteous and the wicked?  
 To give a double reward to  
 these (righteous) and to  
 pay a double retribution  
 to these (wicked)."

"Despite the fact that  
 death comes equally to  
 the good and evil, there  
 is a separate domain set  
 aside for each man ac-  
 corrding to his deeds."

31  
 וְהַ חַיִּים הַשְּׂרִים לִיחַן לִכֵּן  
 מֵהַ חַיִּים הַצְּבִי' פ'  
 וְהַ חַיִּים הַשְּׂרִים לִיחַן לִכֵּן  
 מֵהַ חַיִּים הַצְּבִי' פ'

In the above chapter, I have attempted to  
 touch the highlights of the theological utterances  
 of Rabbi Simeon Ben Lakish. The statements herein  
 quoted represent an aspect of a theological system  
 replete with a deep insight into the spirit of  
 philological exegesis of Biblical verse.

In conclusion, I believe that Resh Lakish has  
 a logical faculty of devising original Midrashic  
 thoughts yet remaining quite close to the literal  
 interpretation of the verse.

### Chapter III

#### R. SIMION BEN LAKISH - THE HALACHIST

#### Introduction

In the study of Halacha, Resh Lakish distinguished himself in the two qualities present in only the greatest Talmudic sages; keen acumen and expert knowledge. His contemporaries considered him equal in intellectual stature to his brother-in-law, R. Jochanan, and called them the "two great authorities" (Yer. Berakoth 8H7). He exceeded even R. Jochanan in acuteness, in accordance with what Ula said of him, "When Resh Lakish discussed halachic questions, it was as if he were uprooting mountains and rubbing them together." (Sanhedrin 24a) The Halachic contests between Resh Lakish and R. Jochanan are the basis of innumerable questions in the Babylonian and Palestinian Talmud. In the disputes with R. Jochanan he displayed the profundity of his logic and his extensive knowledge of the Mishna and Beraithoth.

Resh Lakish

Resh Lakish has a tendency to obstinately maintain his view despite a Tannaitic refutation presented by R. Jochanan. He does this by disregarding the literal meaning of the Tannaitic source and adapting it to his view. The following case will serve to illustrate this point.

"Is half the legal minimum of forbidden food, prohibited by the Torah ~~or~~ by a Rabbinical injunction?" R. Jochanan brings a Beraitha to support his view that half a legal minimum is a Biblical prohibition. "I know only, that whatsoever involves punishment is subject to a prohibition; but in case of koy (1) and what is less than the legal

minimum, since they do not involve punishment, I might say that they are not subject to a prohibition either; therefore the text reads: "No fat." (Leviticus 7:23) The plain meaning of the Baraita therefore, shows that there is also a Biblical prohibition on less than the legal quantity.

However, Resh Lakish answers:- This is only Rabbinical and the text is but a mere support.

In Halachic disputes, Resh Lakish shows himself to be of uneven temper and irritability. He is so certain of the infallibility of his opinion, that it becomes almost impossible for him to understand the disagreement of his halachic opponent. Resh Lakish thus speaks of R. Eleazer in the following manner: "Is this he, R. Eleazer of whom people say great things?" (Zebahim 5a) In a similar way, Resh Lakish 'cried out like a crane' when he saw that no one took notice of his analogy between divorce and marriage (אָנאָר וְהַיָּד עֵינָא) (Kiddushin 43b) Resh Lakish, through the strength of his arguments, forces R. Jochanan to accept his view and surrender his own (2) (Yer. Yoma 191)

In another reference, the Gemara states that R. Jochanan retracted his opinion before that of Resh Lakish and he said to him, "Do not anger me as I learn the Mishna in the singular." (Pesachim 84a) R. Jochanan gives vent to the same expression in another case. (Hullin 134a) (3). However, I could find only one reference where Resh Lakish abandoned his opinion when he could find no support for it. (Yer. Gittin 391).

There are many legal opinions and statements of Resh Lakish which cannot be placed under a definite system. However, we can discern in his disputes with R. Jochanan a halachic system which is peculiar to him. It is characteristic of Rabbi Simion to compare one subject to another. When he finds a relationship between two subjects, he transfers the Tannaitic dispute of one, to the other. Whereas, R. Jochanan makes a distinction between subjects although they have a fundamental relationship. I shall further explain this point and bring examples in the body of my work.

Another characteristic found in the halachic study of Resh Lakish is to single out the specific condition upon which a statement in a Mishna or a Baraita depends. Whereas R. Jochanan extends the sphere of these Tannaitic laws rather than narrow them down to specific circumstances or conditions. This general tendency on the part of Resh Lakish to limit the inclusiveness of the Mishnaic law is but a reflection of his aim to allow for the fullest development of man's mental, as well as physical, potentialities. His halachoth dealing with the woman, the proselyte and the ascetic clearly substantiate this fact.

It should be pointed out that R. Simion was strongly opposed to ascetism or any other form of self-privation. As a man of great bodily strength, he exhorts man to develop his physical powers. This characteristic of Resh Lakish, as an exponent of physical health, is manifest in his haggadic parables. Here he usually makes use of similes



some of which recall the days when he earned a livelihood in the circus. (4)

In his attitude toward proselytes, the sinner and repentant, Rabbi Simon shows his inextinguishable faith in human nature. Let me quote some of his dicta:

"The fire of Gehinnom cannot affect even the sinners in Israel."

"Even the illiterate in Israel is as full of good deeds as a pomegranate."

"The proselyte is like a new-born child."

"Great is repentance for presumptuous sins are accounted as merits."

In the movement for civil rights for women, Resh Lakish came under the influence of Rab who visited Judea. Thus, many of the halachoth and opinions of Resh Lakish can be explained by the fact that he stems from southern Palestine where the spirit of liberal reform prevailed. R. Jochanan, on the other hand, is counted among the sages of Galilee. (5)

Rabbi Isaac Hirsh Weiss, in his book "Dor Dor Ve-Dorshov" Vol. 3, pg. 82 writes the following:

"Resh Lakish opposed most of his contemporaries by disregarding the Baraithoth." As is known, his was the generation devoted to assembling the Baraithoth and deciding which were authoritative. However, Resh Lakish was very scrutinous in his study and did not easily accept any Baraitha brought to him in the name of the Tannaim without much research into its authenticity.

Under no circumstances would Resh Lakish accept a Baraitha handed down in the name of one Tanna. Thus he established the rule that "Every Baraitha that is not ratified by an authoritative body of redactors is not acceptable" (Yer. Erubin 1H6) Resh Lakish refused to accept a Baraitha from R.Jochanan with the statement that it was not necessary because Rabbi had taught it in a perfectly indisputable Mishna.

Weiss believes, therefore, that the attitude of Resh Lakish toward the Baraithoth is the reason that his opinion is accepted only in three cases in his halachic disputes with R.Jochanan(6)

In opposition to Weiss, Halevy (7) rightly contends that the rule of Resh Lakish that כל אגדה שאין בה שם רבי אינה נאמרת is not any more startling than the accepted view that "Any Baraitha that has not been taught in the school of R.Hiyya and R.Oshaiyah is faulty and we cannot make deduction from it" (Hallin 141 a-b) (8).

It seems to me that Halevy is justified in his criticism of Weiss for the following reasons:

- 1) In all those cases mentioned in the Talmud, when R.Jochanan brings a Baraitha to refute the view of Resh Lakish, the latter does not disregard it as valueless but rather attempts to explain it in accordance with his own views.
- 2) In the examination of Tannaitic sources, it can be said - that R.Jochanan more frequently finds the Baraithoth and even the Mishnoth faulty and so changes their version. Whereas, Resh Lakish criticizes the Tannaitic sources only in a few places. (9)



For the above reasons, I do not believe as Weiss, that Resh Lakish regarded the Baraithoth of little authority, any more than did his contemporaries.

Why do we find that in his halachic disputes with R.Jochanan, that the view of Resh Lakish is accepted only in three cases? To the above question I suggest the following answers:

- 1) R.Jochanan was Resh Lakish's senior in years and was also considered the latter's teacher. Thus, we find that Resh Lakish often turns to his teacher-colleague with questions of law.
- 2) Perhaps his wordly occupation of earlier years in the Haggadic story was a stigma to his reputation. Perhaps also, Raba disagreed with the statement that " חכמים חזקו חכמים" (Sages are strong sages)
- 3) It was Raba who established the rule that the law is in accordance with R.Jochanan except in three cases.

According to Zuri ("Rab" p.128) Rab and Resh Lakish have many similarities, one being that they are constantly opposed to the views of R.Jochanan and Samuel. We now can clearly understand why Raba, who was a pupil and follower of Samuel should make the above rule.

I shall now mention the three cases where Raba specified that the opinion of Resh Lakish prevails and give the reasons thereof.

- 1) In the question of whether "title to usufruct is like title to the principal", Raba expressly states that a Scriptural verse and a Baraitha support the view of Resh Lakish (Gittin a -b)
- 2) Raba says that Resh Lakish is justified in saying that the halizah of a pregnant woman is not valid since there is a support for this view from a Baraitha. (Yebamoth 36a)

I shall discuss the following case in greater detail since Raba does not expressly say why the opinion of Resh Lakish prevails:

3) If a man apportioned his property in equal shares among his sons by word of mouth and says it should be by inheritance, he has said nothing. The reason is that he has deprived the first-born of a double portion and has thereby laid down a condition contrary to what is written in the law. However, if he apportioned it in the form of a gift, his words remain valid.

What is the law, if a man apportioned one field to a son, as "a gift" and to another two as an inheritance? Do they to whom the field is apportioned as "an inheritance" acquire it? R.Elizezer says that they do not acquire it and Resh Lakish also holds the same opinion. However, it is not clear what opinion R.Jochanan holds; for some say in his name, that they acquire it and others say they do not.

In the above instance, Raba says the opinion of Resh Lakish prevails. Raba's reason is not clear since R.Elizezer expresses the same view as Resh Lakish. R.Jochanan's opinion is in question. (Baba Bathra 129a).

After this general introduction, I shall attempt to enter into a more detailed discussion. Thus, this chapter is divided into the three following divisions:

- I. Resh Lakish as the expounder of Mishnoth and Baraithoth
- II. Resh Lakish as a legislator
- III. Resh Lakish derives the reasons for the accepted laws of the Mishnoth and Baraithoth.

## I. R. Simeon Ben Lakish as the Expounder of Mishnoth and Baraithoth

The style of expression in the Mishna and Baraithoth, is very brief and concise, well calculated to impress itself upon the memory. However, in its terseness, the Mishna at times is not clearly defined in its scope and language. It was, therefore, necessary for the Amoraim to elaborate and explain the meaning of the Mishnoth and Baraithoth. Among the sages who engaged themselves in this study were R. Jochanan and Rabbi Simeon Ben Lakish (1)

### A. Definition of the Language of the Mishna

At times R. Simeon defines the literal meaning of certain words that are not exactly clear.

#### Example 1 - Peah 8M1

"From what time are all men permitted to glean in the field? After the last of the gopers ( הקונים ) have gone." (Baba Mesia 21b)

What is הקונים? Resh Lakish says: "The last in the procession of gleaners."

It is difficult to understand the etymology in the interpretation of Resh Lakish. This word is derived from the word קין as Rashi states "They glean and touch everything that is before them." However, this interpretation is forced. (2)

#### Example 2 - Pesachim 2M5

These are the things by which at Passover a man fulfils his obligation: wheat, barley, her habina"  
.....etc.

Pesahim 39 a

"Herbarbina" - Resh Lakish said: It is the creeper of the palm tree.

Example 3 - Zebahim 12M5.

"If the bullocks are not burnt according to the prescribed rite, they are burnt in the Bath Birah."

Yoma 2a, Zebahim 104b

What is Birah? - R. Jochanan said: There was a place on the Temple Mount called "Birah". Resh Lakish said: The whole sanctuary is called Birah.

Example 4 - Nedarim 9M2

"If a man says Konam or Konah or Konas, these are substitute vows for an offering."

Nedarim 10a

R. Jochanan said: These substitute vows are foreign equivalents of the Hebrew. Resh Lakish said: They are forms devised by the sages for the purpose of making vows. (3)

B. There are many times when the subject matter of the Mishna must be explained. Here too, Resh Lakish shows his ability in its clarification.

Example 1 - Peah 1M1

"Reayon |וְכִי is included among those things for which no measure is prescribed in the written law."

Hagigah 7a

Resh Lakish states that the |וְכִי alludes to the burnt offering which has no prescribed measure, as it is written (Deut. 16:16) 'and they shall not appear before the Lord empty.' In short, every time an appearance is made in the Temple, a burnt offering must be brought.

Example 2 - Hallah 1M4

"Cakes made in a mould are exempt from dough-offering."

Pesahim 37 a

What are cakes made in a mould?

R.Lakish said: These are prepared in an "ilpes." (4)  
R.Jochanan said: Those which are prepared in an  
"ilpes" are liable to hallah but these are exempt  
because they were prepared in the sun.

Example 3 - Baraita Kethubboth 74a

"A Halizah under false pretext is valid. What is  
Halizah under false pretext?"

Resh Lakish explains that the levir is told by  
her brother-in-law that through submission to  
Halizah she thereby becomes wed. R.Jochanan says:  
"Halizah under false pretext is not valid." R.  
Jochanan explains that Halizah under false pretext  
refers to a case where a levir was promised that  
she would be given a gift to perform the Halizah  
and the promise was not fulfilled.

Example 4 - Sanhedrin 9M3

"If a murderer was confused among others, none of  
them is culpable. R.Judah says: They are all  
brought into prison!"

Sanhedrin 97b

The Gemara asks how is it possible that innocent  
men are brought into prison and left to die on  
account of one murderer? Resh Lakish said: If  
this happened to human beings, all agree that they  
are exempt. But here in the Mishna the reference  
is to an ox that gored but was not yet condemned,  
which was mixed up with other oxen already con-  
demned, and it is not permitted to condemn an ox  
except in its presence. In this case, the first  
quoted authority says they are all exempt and R.  
Judah says they are brought into prison (5).

Example 5 - Zebahim 14M1

'If a man burnt the Sin-offering of the Red-Heifer  
outside its pit ..... '

Zebahim 113a

It is not clear to what place 'outside the pit'  
refers. R.Lakish explained that there is a marked  
off space where the cow was slaughtered. The  
Mishna, therefore, ~~means~~ that 'outside its pit'  
is outside of that place selected for the purpose.

Example 6 - Menhoth 7M3

'If a man slaughtered the Thank-offering within  
the Temple Court and the Bread-offering thereof was  
outside the wall, the bread is not made holy.'



Zebahim 113a

It is in doubt whether the walls of the City or the wall of the Temple Court is intended. R. Jochanan explains it as the wall of Bethphage. (b) Resh Lakish says it means outside the wall of the Temple Court.

### C. Criticism of the Text

Resh Lakish generally adhered to the Mishna and Baraita texts as he received them. In fact he opposed R. Jochanan's tendency to delve into a study of text correction (6a) However, at times he himself felt it necessary ~~nt~~ to make but a small emendation in order to better understand the Mishna.

#### Example 1 - Sanhedrin 3M1

"Each may refuse to admit the other's witnesses. So said R. Meir."

Sanhedrin 24a

R. Lakish said: Imagine such a holy mouth (R. Meir) uttering such a thing, for how is it possible for a litigant to refuse the testimony of his opponent's witnesses. He therefore says the Mishna should read, 'The witness' in the singular; that is, if a litigant said to his opponent that the testimony of one witness would be acceptable as two, the former may retract.

This changed version of Resh Lakish is not in accordance with the Mishna.

#### Example 2 - 7M2

"Among the thirty-nine main classes of work forbidden on Sabbath is that of ~~חֲסִין~~ and ~~תַּרְסֵן~~, salting and an animal hide.

Sabbath 75b

R. Jochanan and Resh Lakish says that both these words refer to the same act. They, therefore, take out either of the two words and insert (among the forbidden acts) ~~חֲסִין~~, the 'tracing of outlines on the hide before cutting.' (7)

At other times we find that R. Jochanan and Resh Lakish dispute with each other on the correct reading of the Mishna.

Example 3 - Orlah 3M7

"R.Meir used to say: What a man is wont to count (when he sells them) can (when it is forbidden produce) render forbidden (other produce with which they are mixed, so that they all must be burned)"

Bezah 3b

Resh Lakish says the Mishnah should be read as follows: "Whatsoeverone is wont to count when selling renders forbidden." This implies that whatever is even at times counted when sold, renders forbidden other produce with which they are mixed. R.Jochanan said: The Mishna is correctly read according to the words of R.Meir.

Example 4 - Gittin 2M4

If a Get is written on something attached to the soil and detached, signed, and given to her, it is valid.

Gittin 21b

Does not the Mishna say just before this that it must not be written on something attached to the soil?

R.Jochanan said: It may be so written if a place is left blank for the substantive part ( קנין ). And our Mishna follows R. Eleazer who says that it is the witnesses to delivery that make the Get effective; and it is to be interpreted as follows: The form part ( אניני ) of the Get must not be written on something attached to the soil lest one should come to write thereon the substance part also. If, however, the formal part was written on something still attached to the soil and then detached, and the substantive part was then filled in and the Get given to her, it is valid.

Resh Lakish, however, said: Our Mishnah says distinctly, (8) 'And signed'. This shows that it follows the view of R.Meir who said that the signatures of the witnesses made the Get effective, and it is to be interpreted as follows: The substantive part must not be written on something still attached to the soil for fear lest the signatures should be affixed to it in that state. If, however, the substantive part was written and the Get was then detached and signed and given to her, it is valid.

D. Definition of the Conditions upon which the Mishnoth and Baraithoth Rest

The Mishnoth and Baraithoth being laconic in form at times did not thoroughly elucidate the circumstances and conditions of their halachoth. It, therefore, fell to the task of the Amoraim to elaborate upon the texts of the Mishnoth and Baraithoth. In this study, Resh Lakish shows a tendency to limit and confine the subject matter to a single condition or circumstance. On the other hand, his scholarly opponent, R. Jochanan extends the meaning of these halachic sources to include more than a single condition.

Example 1 - Shebuth 10M1

The Seventh Year brings release from a debt whether contracted with a bond or without a bond.

Git 37a - R. Lakish explains that 'with a bond' means a bond that does not contain a lien clause, i.e. a mortgage on his property. However, if there is a lien clause in the bond, the Seventh Year does not cancel the loan.

Example 2 - Baraita Yerushalmi Terumoth 8H4

'A caravan of men were traveling on the way and (they) said to them, 'Give us one of you and we will kill him, if not we will kill you all. Even if all of them should be killed, they should not deliver up one soul in Israel. If they designated the one they wished to kill as in the case of Sheba, son of Bichri (2 Samuel 20:13-22), they should hand him over and not suffer death.'

Resh Lakish said that the designated one may be handed over only when the government has condemned him to death like Sheba, son of Bichri. R. Jochanan maintains, even if the designated one is not guilty of a death punishment, he may be handed over. (9)

Example 3 - Sabbath Tosefta 12

"He who puts an empty pot on a fire on the Sabbath is guilty of a sin offering."



Bezzah 34a

Resh Lakish explains that the Tosefta speaks of a new pot which when put on a fire becomes finished and glazed. On an old pot no guilt offering is incurred.

Example 4 - Yebamoth 8m5

"If a priest was a hermaphrodite and he married the daughter of an Israelite he gives her the right to eat Terumah."

Yebamoth 8la

Resh Lakish says that the Mishna refers to the permissibility of eating the Terumah of today (after the destruction of the Temple) which is Rabbinical in origin, but the breast and the foreleg; the priestly gifts, may not be eaten by the wife of a hermaphrodite priest (10).

Example 5 - Yebamoth 15m5

"If a man heard women saying, Such-a-one is dead, it is sufficient evident to permit the widow to marry another. R. Judah says, 'Even if he only heard children saying, 'We are going to bewail such-a-one, that suffices, whether or not he had intention to give evidence thereof. Rabbi Judah Ben Baba says, 'If it was an Israelite, even though he had the intention to give evidence, his evidence would be valid; but if it was a gentile and he had the intention to give evidence, it would be invalid."

Yebamoth 121 b - Resh Lakish says the evidence of the Gentile is not valid only when his intention is to marry her but if his intention is to offer evidence of the death of her husband, it is valid. (11)

Example 6 - Nazir 4m1

"If a man said, 'I will be a Nazirite', and his fellow heard and said, 'I too,' (and another heard him and said) 'I too,' they all become Nazirites."

Nazir 20b

Resh Lakish says the above Mishna speaks only of a case where 'I too' was uttered immediately (the space of time it takes to greet one's teacher) after the Nazirite vow. It seems that Resh Lakish gets this interpretation from the Baraita which is in the above stated reference of the Gemara.

Example 7 - Gittin 2M2

"If a Get was written by day and signed by night it is invalid. R.Simeon pronounces it valid."

Gittin 18a b

Resh Lakish said: R.Simeon declared the Get valid only if it was signed on the night immediately following, but if it was not signed till ten days afterwards it is not valid since there is a possibility that the husband had made it up with her in the interval. R.Jochanan, however, says the Get is valid even if signed ten days later because people would have got to know if he had made it up with her.

Example 8 - Baraitha Baba Kama 9b

If a man gave something burning to a deaf mute, an idiot, or a minor, he is not liable for the damage that resulted.

Resh Lakish said: This ruling holds good only where he handed over a flickering coal to the deaf mute who fanned it into a flame, but if he handed him something already in flame he would be liable; the reason being that it was his act that was the immediate cause of the damage. R. Jochanan said: Even if it were an object in flame, he is not liable.

Example 9 - Baba Mezia 2M4

If one buys produce from his neighbor or if his neighbor sends him produce and he finds money therein, it belongs to him.

Baba Mezia 26b - 27a

Resh Lakish ruled: This refers to one who purchases from a merchant who himself buys from many people so the original ownership cannot be traced; but if one buys from a private individual he is bound to return the money.

Example 10 - Sanhedrin 1M4

"The ox that is to be stoned for killing a person is judged by twenty-three judges. The wolf, the lion, the bear, the leopard, the panther or serpent that has killed a man, his death is decided upon by twenty-three judges. R.Eliezer says: If anyone killed them before, he has acquired merit."

Sanhedrin 15b

Resh Lakish says the words of R.Eliezer applied to the case where a beast killed a human being but not otherwise. However, according to R. Jochanan, the statement of R.Eliezer, that he who killed them before acquired merit, refers even to the case where they did kill a woman (12)

Example 11 - Sanhedrin 1M5

"Three cities should not be condemned as apostate cities at a time, but only one or two."

Sanhedrin 16b

Resh Lakish said: The Rabbis taught this only if the cities are in a single province (Judea & Gallilee) but if they lie in two or three different provinces, a Baraitha was taught (Tosefta Sanhedrin 4) in agreement with R. Jochanan.

Example 12 - Sanhedrin 3M2

"If one suitor said to the other, 'I accept my father as trustworthy,' or 'I accept thy father as trustworthy,' R.Meir says he may retract; but the sages rule that he cannot retract."

Sanhedrin 24b

R. Simeon b. Lakish says: The dispute (between R.Meier and the rabbis) is over a case where the litigant retracts before the rendering of the legal decision: but once the decision has been given, all, even R. Meier, agree that he cannot retract. R.Jochanan states that R.Meier is of the opinion that even after the rendering of the decision he may retract. (14)

Example 13 - Sanhedrin 9M5

"He who was twice flagellated for two transgressions and then sins again, is placed by the court in a cell and fed with barley until his belly bursts."

Sanhedrin 81b

Resh Lakish said: The above reference is only to flagellation for an offense which is punishable by extinction i.e. kareth.

Example 14 - Shebuoth 3M4

"I swear that I will not eat and he ate foods which are not fit for eating, he is not culpable. 'I swear that I will not eat and he ate carrion or Terefah or forbidden beasts or creeping things, he is culpable."

Shebuoth 22b

The Gemara asks why should one be not culpable when he ate something which is not natural food and he is culpable when he ate food which is prohibited by the Bible?

The Gemara answers that the second clause of the Mishna speaks of a case where he said 'I swear that I will not eat prohibited food.' The Gemara again asks: How can this oath take effect because he stands sworn not to eat it from Mt. Sinai?

Resh Lakish answers that the Mishna refers to a case where he took an oath not to eat half of a legal measure of forbidden food. (15)

Example 15 - Abodah Zorah 1M4

"If there was an idolatrous festival in a city and some shops therein were adorned and others not adorned, - - the sages said: those that are adorned are forbidden and those that are not adorned are permitted."

Abodah Zorah 12 b

Resh Lakish said: This only refers to shops decorated with garlands of roses and myrtle of which he enjoys the odor, but if they are decorated with fruit it is permissible to buy in them. R. Jochanan said: Even if the stores are decorated with fruit, it is also forbidden to buy in them. (16)

Example 16 - Bekhoroth 3M3

"When a man slaughters a firstling, he may prepare a place for the hatchet on either side and pluck out the hair."

E

Bekhoroth 25a

Resh Lakish says that he may pluck out the hair with his hand but it is forbidden to cut it with an instrument.

Example 17 - Niddah 2M4

"When men have come from a journey, their wives may be assumed clean in readiness for them."

Niddah 15a

R. Simeon b. Lakish says: The above ruling applies only to the time of the month between her menstrual attacks. (17)

E. Explanation of Contradictory Mishnoth

Kethuboth 3M1

"If a man seduced his sister or his father's sister (Naarah - between twelve and twelve and one half years of age), a fine of fifty shekels is incurred."

Kethuboth 31b

The Talmud asks a question with the support of a Mishna in Makkoth 13a, which states that a man who seduced his sister or his father's sister incurs the penalty of stripes. How can one be penalized by two punishments; that of stripes and a fine? We have an established law that he who is flagellated does not also pay a fine.

Resh Lakish replied that the first quoted Mishna is in accordance with R. Meir who holds the principle that one may be given both stripes and a fine. (17a)

## II. Resh Lakish as a Legislator

The Halachic activity of R. Simeon B. Lakish was not confined only to the interpretation of Mishnoth and Baraithoth but extended into the field of legal creativity as well. The legal enactments of Resh Lakish emerge from his profound social outlook, from his originality in Scriptural exegeses or are founded on his extension of Tanaaitic sources. Resh Lakish is the author and formulator of legal concepts and principles which later became the basis of many laws and decisions handed down by the court. Some of these legal principles are based on his keen understanding of human psychology.

My first purpose, therefore, is to discuss these principles of psychology and to show how decisions of Talmudic law have rested upon them.

A.           גאמיה ג' ו' א' איהא איהא איהא

"Resh Lakish says: "It is better to dwell in grief than to dwell in widowhood, i.e. a woman prefers an unhappy married life to singleness.

Example 1 - It is permissible for a woman to accept kiddushin from the agents of her intended husband, although she has never seen him. The sages were not fearful of the fact that she would refuse him when they met, for it was established a priori that a woman eagerly assents to betrothal under most circumstances. (Kiddushim 41a)

Example 2 - If a man betroths a woman on condition that she has no physical defects and it is discovered after the marriage that she had, the betrothal is not valid though the doctors have cured her. The reason is that her husband is not content to live with her nor would he wish to divorce her when she comes from a noted family, for divorce would prohibit him from marrying any of her kin.



However, if a woman states that she is betrothed on condition that her husband has no physical blemishes and her husband is healed, the betrothal is valid. This case rests on the same principal of *אין אדם נשוי אלא על דבר* (Ketubboth 75a)

Example 3 - The Talmud asks why should a deceased brother's wife on becoming bound to one affected with leprosy be released even without the act of halizah (Deut.25:9) for surely she would not have consented to betroth herself to become bound to the husband's brother who was a leper. However, in this case it is well established that she was quite prepared to accept the brother who died but had no deformity as we learned from Resh Lakish; for Resh Lakish said: It is better for a woman to dwell as two than to dwell in widowhood. (Baba Kama 110b - 111a)

B. *היךך אלא דאמר ר' יוחנן דבריהם*

Example 1 - If a lender stipulates a date for the repayment of a loan, and the borrower pleads, when the date of payment arrives, that he paid the debt before it fell due, his word is not accepted. This case is judged on the presumption laid down by Resh Lakish that a man does not pay a debt before it falls due. (Baba Bathra 5a-5b)

C. *היךך אין דאמר ר' יוחנן דבריהם*

Example 1 - It is also psychologically founded that witnesses will not sign a document when the parties to the contract are not minors. When a document comes before the attention of the court, it is taken as an accepted principle that the witnesses who affixed their signatures to the contract would not have done so unless the parties involved were adults in the eyes of the law. (Baba Bathra 155a)

Upon this principle of Resh Lakish's, the Talmud bases many questions of law. (2)

D. One of the most frequently quoted legal rules in the Talmud is that concerning positive and negative commands.

*אין אדם נשוי אלא על דבר*

According to the innumerable problems arising in the Mishna and Gemara, it seems obvious that the question of positive

negative commands arose before Resh Lakish. However, Resh Lakish may be credited as being the first to formulate

אלוהי ואלוהיך אלך into a clear legal concept. (3)

Wherever you find a positive command and a negative command in opposition, if you can fulfil them both it is preferable; but if not, let the positive command come and supersede the negative command.

Example 1 - If a child who has a bahereth on his member is to be circumcised, it cannot be done without transgressing the negative command of 'Take heed in the plague of leprosy' (Deut. 24<sup>8</sup>) However, Resh Lakish says that the positive command of circumcision supersedes the negative command of leprosy (Sabbath 133a)

E. Among the principles of Resh Lakish can also be included those which clearly display his deep reverence for religious duties.

אין מוציאין פנים מן המזבח

One must not forego the occasion of performing a religious command in order to first perform another.

Example 1 - The removal of the ashes from the inner altar precedes the trimming of the five lamps. The reason is that as the priest enters the Sanctuary he first comes upon the altar before he reaches the candlesticks. (Yoma 33b)

Rashi states that this principle of Resh Lakish's is taken from the Midrash (Mekilta Bo 9): 'And ye shall observe the (Feast of) Unleavened bread (ha-mazzot) R. Josiah says: Do not read it so, but: "Ye shall observe the commandments (ha - mizvot). Just as one should not be slow when making Mazzah, lest it leaven, so should one not be slow to perform



a religious duty. But if a religious duty comes your way, perform it immediately. Therefore, it seems that the basis of performing a religious duty immediately when it comes your way is derived from Mekilta. However, Resh Lakish extends the meaning of this principle that one should not forego one religious duty to perform another.

In confirmation of this, Tosefot (Yoma 33a) states that this principle of Resh Lakish's concerns only a case where there are two duties at hand and one wishes to perform both.

Example 2 - When the basin containing the blood to be sprinkled on the altar is held out by a priest, the next priest must accept it immediately, before returning the empty one, as the reception of the full basin on the way to the sprinkling is a religious service. This supports R. Simeon, for Resh Lakish said - You must not postpone the precepts but must perform them immediately they come to hand (5) (Pesachim 64b)

F.      שְׁמַח    אֵין    אַחֲרָיו    הָאֵל    הָאֵל

Two blessings have to precede the recital of the Shema. If the first verse is said but the second omitted, then the omission of the second does not invalidate the first.

(Berakot 11b)

It is said in the name of Resh Lakish that 'benedictions do not invalidate each other.

However, in Yerushalmi Berakot 143 Resh Lakish states that "benedictions do not invalidate the Shema omitting the words 'one another.' (6)

G. Halachic contests on legal principles

In connection with the halachic dispute between R. Jochanan and Resh Lakish on the question of *אם אזהרה* (uncertain warning), the Talmud derives the rules of *אם אזהרה* a negative prohibition which does not involve action. In order that this problem may be understood, I shall discuss the subject in detail.

Example 1 - If one said, 'I take an oath that I shall eat this loaf today' and the day passed and he ate it not, both R. Jochanan and Resh Lakish concede that he is not to be flogged. However, they disagree on their reason. R. Jochanan says he is not flogged (because this was transgressing a prohibition without tangible action on his part and ~~a prohibition~~ without tangible action does not involve flogging; Resh Lakish on the other hand says, he is not flogged because the warning in this case was uncertain in character and a dubious warning is not legally regarded as a warning. (Makkoth 15b - 16a) (7)

The Talmud deduces from the fact that Resh Lakish uses the reason of 'uncertain warning' in the above stated argument and not the reason of *אם אזהרה*, that he rules that a negative prohibition not involving action incurs flogging.

However, it seems difficult for me to believe that Resh Lakish is of the opinion that *אם אזהרה* for the following reasons:

- a) the rule that a negative prohibition not involving action does not incur flogging 'is a well established principle.'
- b) In Baba Mesiz 90b - Resh Lakish disputes with R. Jochanan on the same principle.

If one frightened off an ox with his voice or drove heterogeneous animals together with his voice, R. Jochanan held~~s~~ him liable to punishment, the movement of the lips being an action. Resh Lakish rules that voice is not an action and for a prohibition which does not entail action a man is not liable. We therefore see that Resh Lakish concurs with this generally accepted principle of *לפי שכן אין בו מעשה*

However, in Yerushalmi Shebuoth 34b Resh Lakish brings a verse to support the 'punishment of flogging in the case of swearing falsely in God's name or blaspheming Him.' If Resh Lakish maintains the principle that *לפי שכן אין בו מעשה* always incurs flogging, why must he bring a special verse that one who blasphemes God incurs flogging? It therefore seems that to Resh Lakish it is also established that a negative prohibition not involving action does not incur flogging.

The question may then be asked "why did Resh Lakish use the reason of *דבר אלהים* and not that of *אין בו מעשה* in the case of 'I take an oath that I shall eat this loaf today, etc....?' The answer is that since there is a special verse to support "flogging in case of blaspheming or swearing falsely (prohibition not involving action) it is necessary to use the reason of *דבר אלהים* (Temurah 3b)

H. *האזנה של עז של פסח*

The sinews of the neck of a young goat fit for a passover offering are soft, but when it grows older they harden and are unfit for food.



it now despite the fact that the father eats the usufruct.

Example 2 - If one sells his field to his neighbor for its usufruct, R. Jochanan said that he must bring the first fruits and recite the confession (Deut. 26: 1:11) because he holds that title to the usufruct is equal title to the principal itself. Resh Lakish maintained he brings first fruits but does not recite the confessions because a title to usufruct is not a title to the principal itself. (Gittin 47b)

Again it seems that R. Jochanan follows the principle of *לחבול חבול*. He who bought the field for its usufruct is the whole owner now and therefore he must recite. However, Resh Lakish who follows the principle of *בטל חבול* says that the field will consequently return to its original owner and therefore the purchaser does not make the recital over the fruits which do not come from his property

Example 3 - One who borrows property and the owner works together with the borrower, the latter is not responsible for damages through unavoidable accidents. (Ex. 22:14)

What if he borrows the *מגלג* ( *מגלג* ) (8) from a woman and her husband pledges his services? Is this considered 'If the owner thereof be with it' ( *אם יאמר* ), and the borrower is not liable under these circumstances for damage or not?

R. Jochanan says that *אם יאמר* is valid here since the husband who has a right to the usufruct of his wife is considered as part owner. Resh Lakish rules that the husband is not part owner ( *אם יאמר* ) and therefore *אם יאמר* does not include the husband in this case.

Translated into the terms of *אם יאמר* Resh Lakish would rule that the husband is not considered a real owner together with his wife since the principal of *אם יאמר* eventually returns to the wife. - *אם יאמר*  
R. Jochanan would maintain that the right of usufruct makes the husband an owner ( *אם יאמר* ) (Baba Mezeia 96a)



It can be shown that not only in cases involving the questions of <sup>ב</sup>היחיד <sup>א</sup>היחיד R. Jochanan and Resh Lakish disagree on the principle of <sup>א</sup>היחיד <sup>א</sup>היחיד but this seems to be the reason consistently underlying their disputes in other cases as well.

Example 1 - From what time are lepers' birds forbidden?

R. Jochanan says: - From the time of slaughter. Resh Lakish says from the time the birds are set aside for the purpose of purification. Here R. Jochanan says that only slaughter renders them forbidden. Until then one may benefit from them (<sup>א</sup>היחיד <sup>א</sup>היחיד). On the other hand, Resh Lakish would rule setting aside an animal for a sacrifice in the future, renders them forbidden now. ( ) (Kiddushin 57a)

Example 2 - If one said 'Be thou betrothed to me from now and after thirty days, and another came and betrothed her during the thirty days, she is betrothed and not betrothed. (Kiddushin 3M)

What if another does not come and betroth ~~her~~ but she herself retracts? R. Jochanan said: She can retract because words can come and nullify words. Resh Lakish said: She cannot retract, for words cannot come and nullify words. Translating this into the above principle, Resh Lakish would say she may not retract since the betrothal begins now and for thirty days (<sup>א</sup>היחיד <sup>א</sup>היחיד). R. Jochanan maintains her retraction is valid since it invalidates the betrothal which really begins after thirty days ( <sup>א</sup>היחיד <sup>א</sup>היחיד ) (Kiddushin 59a)

I believe this unswerving adherence to the principle of being guided by the logical consequences rather than by the status quo is an inherent psychological bent in Resh Lakish. This tendency may have been stamped into his personality from the incidents which played a large role in his life. At first he left the study of Torah to engage in the lowly occupation



Kilayim. (10). Resh Lakish said: As the rabbis have allowed him its use in respect of Kilayim so have they allowed it to him in respect of Sabbath (to move objects within the enclosed space, poles and rods being treated as valid doorway). R.

Jochanan differentiates: In respect of Kilayim the rabbis ruled that rods and poles make a valid partition but not in respect of Sabbath (Erubin 11a) (11).

Example 3 - If a heathen wilfully broke his idol, the fragments thereof are permissible to be used. What, however, is the law when an idol was broken by falling? Resh Lakish said that they are permitted because the owner silently annuls its efficacy as he does when he wilfully breaks it. R. Jochanan, however, differentiates between breaking wilfully and breaking by falling. In the latter case he states that the idol has not been annulled wilfully and is therefore prohibited. (Abodah Zara 41a)

Example 4 - On Yom Kippur, what a man eats and drinks does not/<sup>go</sup> together to form the legal minimum. (Yoma M2)

The Talmud brings a similar problem from Meila 4M3 of uncleanness. R. Jochanan laid down a general rule: All things that are alike in the duration of their uncleanness and in the quantity of them required to convey uncleanness combine; if they be equal in duration of uncleanness but not concerning the quantity of them required to convey uncleanness, or only regarding quantity but not in duration of uncleanness; or if they be equal neither in respect of duration of uncleanness nor quantity, they do not combine to make up the minimum quantity, which constitutes the transgression. However, the rabbis say that even if their legal quantities are unequal they combine.

Resh Lakish says: Just as the rabbis and R. Joshua disagree on the subject of uncleanness, so they dispute on the question of Yom Kippur, stated in the first Mishna. Thus, the Mishna in



Yoma is in accordance with R. Joshua. However, R. Jochanan differentiates between 'uncleanness' and 'Yom Kippur,' and says: You may even say our mishna is in accord with the rabbis; there the rabbis present their view only in connection with uncleanness, but here 'coming to' is the point, and this does not enable one to 'come to.' (Yoma 8a)

In his method of halachic interpretation, Resh Lakish also employs the hermenentic system of Hillel, the inference of the  $\text{זמנין}$   $\text{קטן}$  (minor and major).

Example 1 - Resh Lakish said: A Hebrew bondmaid is freed from her master's authority by her father's death, a minori; if evidence of puberty which does not free her from her father's authority, frees her from the authority of her master, then how much more death which frees her from her father's authority (in that he does not transmit his rights to her earning to his heirs), should free her from her master's authority. (Kiddushin 16a)

Example 2 - Resh Lakish said to R. Jochanan: Why should not the burial of a Meth-Mitzvah supersede the laws of Sabbath, reasoning a minori; if the Temple service which sets aside the Sabbath (12) is itself suspended for burial of a Meth-Mitzvah, then the Sabbath which is abrogated in favor of the Temple service should surely be set aside for a Meth-Mitzvah.

#### J. Halachoth on the Basis of Scriptural Interpretation - Derash

Resh Lakish also employs those artificial methods which originated in the urgent desire to ingraft the traditions on the stem of Scripture.

#### זמנין קטן וזמנין גדול - Analogy of Expressions

Although the Torah (Lev. 19:19) refers to terrestrial animals only, he who couples two species of sea creatures becomes liable to be lashed. This rule comes from the expression 'after its kind' (Gen. 1:21) (in the section dealing with fishes),

by comparison 'with after its kind' (Gen 1:25) (in reference to creatures of the dry land. (Baba Kama 55a)

R. Simeon b. Lakish extended the sphere of the law through the method of analogy on the basis of similarity in the subject-matter.

לפי'ן - Analogy on Close Connection of Two Subjects

Example 1 - According to the law, every bill of divorcement must be expressly written for her sake; as it is written 'And he writeth her a bill of divorcement' (Deut. 24:1). Resh Lakish says: the band of betrothal must also be expressly 'for her sake' as we assimilate modes of betrothal to divorce (13) just as divorce must be expressly for her sake so must betrothal be written expressly for her sake. (Kiddushin 9b).

Example 2 - Where an ox killed a slave without proposing to do so, there would be exemption from the payment of thirty shekels since it is written, 'He shall give unto their master thirty shekels of silver and the ox shall be stoned; (Ex. 21:32) implying that where the ox would be liable to be stoned, the owner is to pay thirty shekels but where the ox would not be liable to be stoned (where it killed a human by accident), the owner need not pay thirty shekels. (Baba Kama 43a)

לכך נא - Deduction from Seemingly Superfluous Word

Resh Lakish devises a new law that a judge need not follow the formal dictates of the law when he perceives that one of the litigants or witnesses is trying to prevent justice. He bases this on the verse 'Justice, justice shalt thou pursue' (Deut. 16:20). The repetition of the word justice teaches that it is not sufficient to cling tenaciously to the statutes but one must sometimes decide by the higher law of intuitive justice. (Sanhedrin 32b)

Tosefot likewise says (Baba Bathra 8b) that that in a seemingly false suit a judge must not decide in favor of a litigant although he has witnesses.

ג'י'א - Limitation on the Basis of 'Plenum'

Example 1 - A man who brought an evil name (Deut. 23:19) upon a minor is exempt, for it is said in scripture "And he gave unto the father of the damsel ג'י"; scripture here expressed the term ג'י as plenum with 'he' at the end of the word. As elsewhere ג'י is written ג'י defective, it is assumed that the plenum here was intended to refer to a Na'arah only and not to a minor. (Kettubboth 44b).

ג'י'א - Limitation on the basis of Literal meaning

A man fully satiated who eats on Yom Kippur is not liable to karet as it is written 'for whatever soul it be that shall not be afflicted in that same day, he shall be cut off from his people' (Lev. 23:29) This excludes him who damages himself by overeating. (Yomah 80b)

#### K. Resh Lakish's Attitude Toward Proselytes

Unlike the sages who looked with suspicion upon proselytes, Resh Lakish was favorably disposed towards them; no doubt he learned to understand the heathen during the period when he lapsed into secular pursuits. However, his liberal attitude toward the newly converted to Judaism is manifest in his saying, and halachic opinion.

As has already been seen (p. 51) Resh Lakish regarded the proselyte dearer to God than Israel. Hence, he said: Whoever wrests judgement of the proselyte is as if he wrests the judgement of the All High (Hagigah 5a). His statement that a 'proselyte who has been converted is like a new born child' is the subject of halachic discussions.

Example 1 - If a man had children when he was an idolater and then he became a proselyte, he has fulfilled, R. Jochanan said, the duty of propagation of the race since he had children.

Resh Lakish said he has not fulfilled this duty because one who becomes a proselyte is like a child newly born. (Yebamoth 62a)

Example 2 - If a man had children while he was an idolater and then he became a proselyte, he has, R. Jochanan said, no first born in respect of inheritance, since he already had the 'first fruits' of his strength. (Deut. 21:17)

Resh Lakish however said, He has a first born son in respect of inheritance for a man who becomes a proselyte is like a child newly born.

L. Resh Lakish's Attitude Towards Ascetics

Resh Lakish as a man possessed of bodily strength believes in the principle of 'sana mens in sano corpore'.

As one who loved to eat rich food (p. 36) Resh Lakish strongly opposed the ascetic aberrations of fasting and curbing the flesh.

In accordance with this attitude, Resh Lakish states that a scholar may not afflict himself by fasting because he lessens thereby his heavenly work. (Taanith 11b)

Rabbi Simeon considers the one who does not fast as pious. On this view the verse is rendered. (Prov. 11:17) 'The pious man weans his own soul; but he is cruel who afflicts his flesh.' (Taanith 11b) (14)

It is also interesting to note that in all his halachic disputes with R. Jochanan on the question of naziriteship, Resh Lakish is the more lenient.

Example 1 - Should one say, 'I wish to be a nazirite when I shall have a son and a nazirite on my own account, and he begins to reckon his own naziriteship and then has a son born to him, he must interrupt his own naziriteship, reckon the one account of his son and then complete his own. (Nazir 2M9)

If he contracts ritual defilement through contact with the dead during the period of naziriteship on account of his son, R. Jochanan said: This renders void the first period as well because the whole is one long period of naziriteship.

Resh Lakish said: It is not void since his own naziriteship and the one on account of his son are distinct.



Example 2 - If a nazir contracts ritual defilement with the dead during the period that he is leprous (15), R. Jochanan said: This renders void the earlier period of naziriteship (16); but Resh Lakish said: It is not void. (Nazir 14b)

Example 3 - If a man makes a nazirite vow whilst in a graveyard, then according to R. Jochanan, the naziriteship takes effect, - since it merely is to be suspended in readiness so that whenever he becomes ritually clean it commences to operate; whereas Resh Lakish holds that, the naziriteship does not take effect. However, if he repeats the vow later when he is clean, it will commence to operate but not otherwise. (Nazir 16b) (17)

#### M. Resh Lakish as the Champion for Women's Rights

The period in which Resh Lakish lived may be designated as the era of emancipation in Judea for those who were subject to the legal authority of others; as the wife in relation to her husband, the minor to her father and the Jewish bondmaid to her master (18). It is clear from the halachic opinions of Resh Lakish that he took an important part in advocating a greater breadth of legal freedom for the female sex.

According to R. Jochanan, a master has the authority to give his bondmaid in marriage to his young son, even against her will. However, Resh Lakish says that the master may only give her in marriage to his mature son; and then only with her consent. (Yer. Yebomoth 7H10)

R. Jochanan says that: The Torah asserts that a girl's earnings belong to her father; in a like manner, therefore, all the benefits she may derive, even compensation for her wounds belong to her father. However, R. Simeon b. Lakish says: Only her earnings belong to her father but the compensation for her wounds are hers. (Baba Kama 87b)

Resh Lakish learns a minori, that if the father of a bondmaid died she goes free. (Kiddushin 16a). If she is

married, her husband goes free also (Yers. Kiddushin 142).

If a naarah was betrothed, she or her father can accept her divorce. (Gittin 642)

Resh Lakish teaches: Just as a girl can accept her bill of divorce so can she accept her kiddushin. (Kiddushin 43b).

As was stated before (Thesis p. 30), Resh Lakish forced the relatives of R. Jochanan to continue to provide for their voracious step-mother, in addition to her ketubah.

Why did the Rabbis order that the bill of divorce should be dated? Resh Lakish said that rabbis established this rule so that a man should not **sell** the increment of his wife's <sup>for</sup> property; he might falsely assert that he had sold the increment before the divorce. (Gittin 17a)

A wife may prepare an erub without her husband's knowledge. (Erubin 80a)

### III. His Advancement of Reasons for Accepted Laws.

Resh Lakish played an important role in hanging the laws accepted by the Tanhaim as traditional, on Scriptural or logical pegs. In the following chapter, I have attempted to outline the halachoth and the reasons assigned to them by Resh Lakish.

#### A. Halachic Reasons Founded on Biblical Texts

Example 1 - It is an accepted law that one cannot discharge his obligation on Passover with rice and millet. whence do we know it? Resh Lakish taught, 'Thou shalt eat no leavened bread with it; seven days shalt thou eat unleavened bread therewith, ' (Deut.16:3); with regard to commodities which come to the state of leaven, a man discharges his obligation with unleavened bread made thereof; thus, these are excluded which do not come to the state of leaven but to the state of decay. (Pesachim 35a)

Example 2 - An individual who becomes unclean by reason of a dead body is relegated to the second Passover but a community is not relegated to the second Passover, but they must offer it in a state of uncleanness.

whence do we know it? Resh Lakish said, It is deduced from here: Command the children of Israel that they send out of the camp every leper, and everyone that has an issue, and whosoever is unclean by the dead. (Numbers 5:2) Let Scripture state those who are unclean by the dead are sent out of the camp, how much more the Zabin and the lepers. but it intimates that there is a time when Zabin and lepers are sent out, and those unclean by the dead are not sent out; and when is that?

It is when the Passover is sacrificed in uncleanness by a community (Pesachim 66b - 67a)

Example 3 - If one was defiled with the uncleanness of the deep he may bring the Passover offering and he is not liable to the second offering.

How do we know it? Resh Lakish said, (If any man shall be unclean by reason of the dead body or in a distant road unto you (Num 9:10)



Resh Lakish said: It is as the road; just as the road is manifest, so must the cause of defilement be manifest too. (Pesahim 81b)

- Example 4 - Whatever is susceptible to ritual uncleanness and does not grow from the soil may not be used for the Sukkah covering. Whence do we know this?  
Resh Lakish said: Scripture says but these went up a mist from the earth. (Gen. 2:6) just as a mist is a thing that is not susceptible to ritual uncleanness and originates from the soil, so must the covering of the Sukkah (2) consist of a thing that is not susceptible to ritual uncleanness and that grows from the soil. (Sukkah 11b)

- Example 5 - Baba Bathra 5M1  
"A shopkeeper must allow the scale to sink a handbreadth lower than the scale of the weights.  
Whence is this law to be inferred?  
Resh Lakish said: Scripture says: A perfect and a just measure shalt thou have (Deut. 25:15). This means, make your weight just by giving of your own (3). (Baba Bathra 88b)

- Example 6 - Makkoth 1M1  
"If witnesses said of a priest, "We testify that such-a-one is the son of a divorced woman, or the son of a woman that performed halizah, we cannot say, Let each mendacious witness be made in his stead, the son of a divorced woman, or the son of a woman that performed halizah; but they receive the ~~first~~ forty stripes.  
What is the sanction for the substitute penalty?  
Resh Lakish said it is based on the text: then shall ye do unto him as he purposed to do; (Deut. 19:19), that is to say punish him (the culprit) and not his (innocent) offspring. But should not he alone be stigmatized and not his offspring? We must needs fulfill 'as he had purposed to do' and in such a case we should have failed to do so. (Makkoth 2a)

When R. Jochanan cannot find a scriptural support for a Tanaitic law he states that it is an accepted tradition. However, Resh Lakish seems to know the basis of the law and he brings a biblical verse to prove its authority.

Example 1 - Meilah 3M2

"If he should die, and have a lump sum of money it is to be used for providing free will offering (but money for a single offering is included in it?) R. Jochanan said: This is a traditional rule relating to the Nazirite. Resh Lakish said: 'The Torah says, whether it be any of their vows or any of their free will offering.' (Lev. 22<sup>1</sup> 18). This indicates that anything left over from money subscribed for the vowed offerings be spent on free will offerings; and here there is money left over from naziriteship money. (Nazir 25a)

Example 2 - Nazir 4M6

A man is able to impose a Nazirite vow on his son, but a woman cannot impose a nazirite vow on her son. -- Why? R. Jochanan said it is a traditional ruling with regard to the Nazirite. Resh Lakish said, so as to train him to carry out his religious duties. If so, why should not a woman also be able to do so? Resh Lakish rules that it is a man's duty to train his sons to carry out his religious duties but not a woman's duty to train his sons (4) (Nazir 29a)

Resh Lakish not only deduced the reasons for Mishnaic laws by Scriptural support, but he also confirmed their authority on logical grounds.

Example 1 - It is not permitted to bring wine for a libation from Galilee to Jerusalem. What is the reason?

Resh Lakish said: Because a strip of land inhabited by cutheans separates them. It is therefore not possible to bring the wine in ritually clean state from Galilee for the sages declared heathen territory to be unclean. (Hagigah 25a)

Example 2 - It was taught: If one declares his field heifer, he can retract within the first three days, but not after. (5)

Resh Lakish says that according to a Biblical law he can retract even after three days. However, the Rabbis enacted that one should not be able to retract after three days so that the law of hefker be not forgotten. (Nedarim 44a Baraita).

- Example 3 - Beforetime a man used to set up a court of three elsewhere and disannul (the Get he had sent to his wife through an agent) before them; but Rabban Gamliel the Elder ordained that they should not do so, in order to prevent abuses. (Gittin 4M2)

To prevent abuses: What is referred to?

Resh Lakish said: To prevent wife desertion, e.g. if a man should be able to disannul the Get not in the presence of his agent, he may do so intentionally to make his wife an agunah. His intention, therefore, was to return to her but to prevent her from marrying another. However, if he is required to go himself or send another messenger to the agent delivering the Get, he will not go to the trouble to make his wife an agunah (Gittin 33a) (6)

- Example 4 - Indemnification cannot be exacted for produce consumed and for the betterment of property during wrongful tenure. (Gittin 5M3), e.g. if B wrongfully acquired A's field and sold it to C who did not know that it was stolen, and it produced a crop and C spent money in improving the field, A may seize land, crop, and improvements and if C had already consumed the crop he is liable to A for its value; when C seeks to recover from B he may recover the cost of the field from B's mortgaged property, but the value of crop and improvements only from B's unmortgaged property.

Resh Lakish says that the value of the crops and the improvements were not written in the bill of the sale that B gave to C. This is,

therefore, like a verbal loan( *דב ח נא* )  
which is not exacted from mortgaged property  
(Gittin 50b).

- Example 5 - A man is liable for damage done by his fire.  
R. Jochanan said: Fire involves liability  
on account of the human agency that brings it  
about; i.e. it is similar to the damage done  
by shooting an arrow. Resh Lakish said:  
Fire is like a man's property and a man is  
liable for damage caused by his chattel.  
(Baba Kama 22a)
- Example 6 - When witnesses come to testify what they  
have heard from the lips of him who blasphemed  
the Divine Name, Beth Din asks the chief  
witness among them to say expressly what  
he has heard. And the second witness says,  
'I too have heard thus' (but not uttering  
the Name), and the third says, 'I also heard  
the like.' (Sanhedrin 7m5)
- Resh Lakish said: This proves that 'I too  
have heard thus' is valid evidence in civil  
and capital cases (7), but the Rabbis  
imposed a greater degree of stringency,  
insisting that each witness should explicitly  
testify. Here, however, since this is  
impossible on account of the desire to avoid  
necessary blasphemy, they reverted to  
Biblical law. (Sanhedrin 60a).
- Example 7 - Bithynian cheese of the gentile is forbidden.  
(Abodah Zarah 2m4)
- Resh Lakish said: The reason why Bithynian  
cheese has been forbidden is because the  
majority of calves of that place are  
slaughtered as sacrifices to idols. (the  
rennet of these calves is used in preparing  
cheese.

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## REFERENCES

### CHAPTER I

1. Yer. Berachoth 8 H 6
2. Graetz: Geschichte der Juden Vol. IV p.240
3. Dor Dor ~~W~~ Dorshov Vol. II p.80
4. Bachar - Ag. Pal. Ardoraim Vol. I Part 2 pg.130
5. Yer. Bezzah 5 H 2
6. Hullin 54 a
7. Baba Mesi 'a 84 a
8. Yer. Terumoth 8 end.
9. Yer. Terumoth 8 end.
10. Gittin 47 a  
Yer. Terumoth 8 H 5
11. Graetz: Geschichte der Juden Vol. IV. p.261
12. Jastrow: Talmudic Dictionary p.695
13. Yer. Terumoth 4 H 3
14. Yer. Gittin 4 H 9
15. Tanhuma - Ua - Yigash beginning.  
Exodus Rabbah 21 end.
16. Baba Mesi 'a 84 a
17. Moed Katan 17 a
18. Baba Mesi 'a 84 a

20. Aboda Zara 11 b
21. Aboda Zara 11 b
22. Yer. Shevuth 6 H 1
23. Erubim 65 b
24. Kethubboth 103 b
25. Yebamoth 57 a
26. Yer. Baba Kamma 4 H 6
27. Pesahim 15 b
28. Yer. Kil 'aim 6 H 2
29. Yer. Kethubboth 12 H 3
- 29a. Yer. She bi ' th 6 H 1
30. Aboda Zara 58 b
31. Yer. Shebi ' ith end
32. Yer. Shabbath 3 H 7
33. Yer. Kilaim 9 H 4
34. Yer. Berakoth 8 H 7
35. Yer. Sanhedrin 1 H 2
36. Baba Kamma 117 a
37. Baba Bathra 22 a
38. Baba Bathra 22 a
39. Baba Kamma 117 a
40. Baba Kamma 117 a
41. Baba Mesi 'a 84 a
42. Yer. Sanhedrin 2 H 1

43. Kethubbath 84 b
- 43a. Taanith 8 a
44. Shabbath 83 a
45. Baba Mesi 'a 84 a
46. Pirke de Rab Eliezer p.43
47. Weiss: Dor III p.83
48. Sachs: Beitræge zur Sprach- und Altertumsforschung.  
Vol. I p.121
- 48a. Puerst: Glossarium Graeco-Hebraeum P.131 b
49. Kiddeshim 31 b
50. Taanith 9 a
51. Baba Bathra 101 a - 101 b
52. Yer. Sanhedrin 2 H 1
53. Yer. Sanhedrin 2 H 1
54. Berashith Rabbah 78:12
55. Yer. Sotah 2 H 5
56. Yer. Sanhedrin 2 H 4
57. Kethubbath 54 b, 84 b  
Baba Bathra 16 b
58. Yomah 9 b
59. Kethubboth 25 b
60. Yebamoth 72 b
61. Canticle R 4:11
62. ibid
63. Yer. Sanhedrin 10 H 1



- 64. Yomah 9 b
- 65. Succah 20 a
- 66. Zebahim 5 b
- 67. Gittin 47 a
- 67a. Gittin 47 a
- 68. Berakoth 31 a
- 69. Yer. Ketubboth 12 H 3
- 70. Yer. Berakoth 9 H 8
- 71. Pesahim 66 b
- 72. Sanhedrin 58 b
- 73. Yer. Taanith 3 H 6
- 74. Yomah 33 a
- 75. Shabbath 32 b
- 76. Menahoth 44 a

- - - -

CHAPTER II.

1. Yer. Sotah 5 - end
2. Bereshith R 81:2
3. Pesikta 151 b
4. Haggigah 16 b
5. Pesikta 108 b
6. Debarim R 5:12
7. Berashith R 8:2
8. Shabbath 88 a
9. Tanhuma Bereshith 15
10. Leviticus R 14:1
11. Hulin 92 b
12. Erubin 19
13. Exodus R 15:3
14. Bereshit R 80:7
15. Megielah 13
16. Bezzah 25 b
17. Isaiah 50:1
18. Pesahim 118 b
19. Tanhuma 'Lech Lecha'
20. Lamentations P 2:3
21. Lamentations R 1:29
22. Bereshith R 74:1
23. Succah 52 b
24. Baba Bathra 16 a
25. Bera Koth 5 a

CHAPTER II. (cont.)

- 26. Shabbath 104 a
- 27. Yomah 86 b
- 28. Tanhuma 2 Naso 30
- 29. Lamentations P 3:6
- 30. Berashith R 9
- 31. Ecclesiastices R 12:5

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### Chapter III

#### FOOTNOTES

#### Introduction

- 1) Bearded deer or antelope - Jastrow.  
It is left undecided as to whether it belongs to the genus of cattle, the tallow of which is forbidden, or to the beasts of the chase, the tallow of which is permitted.
- 2) On a question involving Sabbath, Resh Lakish, by his logical reasoning, compelled R. Jochanan to carry. (Yer. - Erubin 1H1)
- 3) Thesis pg. 24, 30
- 4) פ'ג'ח'ח' ח'ל' פ'ח' - Tanhuma R. - Beginning of Va-Yiggash, Ex. R. - end of 21.
- 5) Zuri - "Rab" - In his book Zuri discusses this in fuller detail. Pg. 46, 47 94, 95, 128.  
  
See also - R. Akiba - Zuri - pg. 231. Compare with Thesis pg. 95 on Resh Lakish's attempt to extend the civil rights of the wife, young girl, and the Hebrew bondmaid in relation to the husband, father, and master respectively.
- 6) Yebamoth 36a, Baba Bathra 129b.
- 7) Doroth Ha - Rishonim vol. II., p. 364
- 8) This reference to faulty Baraithoth is stated in many places: Pesahim 99a, Menahoth 92a, Kerithoth 28b.
- 9) Sabbath 196b, Bezah 12b, Makkoth 15b.  
Even in the study of the Mishnoth R. Jochanan allows himself the fullest freedom of text criticism, e.g. R. Jochanan said: "The authorities for the Mishna should be reversed." (Bezzah 10A).

Resh Lakish as the Expounder of Mishnoth and Braithoth

- 1) Zuri - R. Jochanan p. 154
- 2) In Yerushalmi Peah 8H1 the same explanation that is quoted by Resh Lakish in Babli is stated by R. Jochanan with no mention of Resh Lakish.
- 3) According to Talmud Yerushalmi the version is just the opposite. Here Resh Lakish says that these substitute vows are foreign equivalents of the Hebrew and R. Jochanan states that they are forms devised by the sages for making vows.

It seems to me that the version of Talmud Yerushalmi is the correct one, for three reasons:

- a) R. Jochanan said that one should not teach his son Greek on account of the informes whose familiarity with Greek tempted them to treason. (Yerushalmi Peah 1H1)
  - b) Resh Lakish on the other hand had a predilection to explain passages by the Greek language. He states that the word 'Lamos' *λαμός* (Job 6:14) is Greek for 'dog' (Sabbath 63a-b).
  - c) Also compare his statement in Rosh Ha-Shanah 26.
- 4) Jastrow - a tightly covered stem pot. - i.e. - it is not bread at all. Resh Lakish holds that only that which is baked in an oven is bread subject to Hallah.
  - 5) The above interpretation of Resh Lakish seems forced and erroneous for the following reasons:
    - a) The Mishna never uses the word 'murderer' in reference to an ox.
    - b) The Mishna speaks of a prison for men but not for an ox.
    - c) The subject matter of the previous Mishnoth concerns itself only with human beings who were condemned to death and not to oxen.

It therefore seems to me that the Mishna, in accordance with its plain meaning, refers to a human murderer who was mixed up with innocent persons. However, R. Judah does not mean that innocent persons be brought into prison to die but rather to detain them there until the court discovers who is the murderer.

I have come to the conclusion that they are kept in prison ly to apprehend the murderer, for it does not state as in the latter mishnoth that they are put in prison and fed with barley until their bellies burst, or fed with the bread of adversity and the water of affliction.

According to Yerushalmi Sanhedrin 9H5, Resh Lakish does not rule that the Mishna speaks of an ox but clearly states that it refers to a condemned human murderer.

- 6) Bethpage marked the limit of the confines of Jerusalem.
- 6a) Zuri - R. Jochanan p. 105.
- 7) Jastrow defines צאן as dressing the hide of a deer to fit it for parchment.
- 8) Sometimes Resh Lakish disagrees with law stated in the Mishna. (Megillah 1M1) 'The scroll of Esther is read on the 11th, the 12th, the 13th, the 14th, or the 15th day of Adar but not earlier or later.'

Yebamoth 13b. Resh Lakish said to R. Jochanan: Apply here the text of צאן (a) 'You shall not form separate sects.' (Deut. 14:1)

Why then was the Scroll allowed to be read on different days by different classes of people?

(a) 'Ye shall not cut yourself,' is here taken as a form of the root צאן 'to bind' implying the formation of separate groups, sects and factions.

- 9) This opinion of Resh Lakish seems to be confirmed by the Tosefta (Yer. Terumoth 7) for it states the following:

"A caravan of men were traveling, etc..... but if they designated one as in the case of Sheba, son of Bichri, they should deliver him and not suffer death--- as it is written. 'Then the woman went unto all the people in her wisdom and they cut off the head of Sheba son of Bichri (II San. 20:22).

Rabbi Simeon says: So said she to them, 'He who rebels against the kingdom of the house of David is guilty of death.' (Perhaps this R. Simeon in the Tosefta is R. Simeon ben Lakish and the statment is a latter insertion.)

Despite the fact that the halachic disputes between R. Jochanan and R. Lakish (except in three instances) only the former's opinion is considered authoritative, (Yab.36a) the Rambam (Yesodei ha-Torah 5H5) states that here T. the opinion of Resh Lakish is the valid one. The Rambam bases his opinion on the above quoted Tosefta.

- 10) According to the version of Yerushalmi Yebamoth 8H6, Resh Lakish holds the opposite opinion, that she may be given even the priestly gifts, the breast and forelegs. R. Jochanan says that she may only be permitted the Tarumah of Rabbinical origin.
- 11) His intention may imply the giving of evidence of death, or in marrying the widow.
- 12) Tosefta Sanhedrin III  
A Baraita is in agreement with Resh Lakish for it explicitly states - R. Eliezer says: Only an ox that killed was tried by twenty-three, but any other animal or beast who killed, whoever is first to them acquires merit in the sight of heaven.
- 13) A father is disqualified to act as a judge.
- 14) The Tosefta is in agreement with the opinion of Resh Lakish for it states: He may retract until he hears the decision of the judge; so says R. Meir.
- 15) This is in accordance with Resh Lakish's opinion (Yoma 73b) that half a legal quantity of forbidden food is not prohibited by the Torah. Therefore the oath takes effects since on less than the legal minimum he does not ~~stand~~ already stand sworn.
- 16) These are strewn before the idols as part of the worship.
- 17) See also Niddah 53b; Hullin 81b.
- 17a) Erubin 98b.



# Resh Lakish, - The Legislator

- 1) Yebamoth 118b, Kiddushin 7a.
- 2) Sanhedrin 29a, Ketubboth 19a.
- 3) Gutman - Sefer Ha-Yobel of M. A. Bloch, page 1 ff.
- 4) The Talmud often brings this principle into play when deciding a halakic case. Bezzab 8b, Ketubboth 40a, Sabbath 25a.
- 5) Yoma 58b, Megilla 6b, Menahoth 64b.
- 6) Mebo Ha Yerushalmi - Zechariah Frankel pg. 43a.
- 7) Sabbath 3b, 21a. Terumah 3b.
- 8) ע'מ'ל ה'ע'ל - goods of plucking - husband enjoys usufruct while principle belongs to the wife.
- 9) Yoma 81a, Pesham 99b: Comp. Zura - R. Jochanan. Der Erste Amorair Galilas, P.97

However, we also find at times that R. Jochanan uses the method of analogy whereas Resh Lakish differentiates between two subjects:

See also Yebamoth 81a - in Yerushalmi Yebamoth 8H5 the opinions are reversed.

- 10) A doorway shaped structure was regarded as a valid partition enabling one to grow vines on one side of his field and corn in close proximity on the other. In the absence of this partition, it is necessary, in accordance with the law of kil'ayim, to leave a distance of four cubits between a vineyard and a cornfield.
- 11) See Yoma 81a - Rabbi Simeon B. Lakish in a certain circumstance makes an analogy between 'uncleanness' and 'Yom Kippur' and R. Nahman differentiates between the two.
- 12) Numbers 28:2, Pesachim 77a.
- 13) We assimilate divorce to marriage as it is written Deut. 24:2.
- 14) Resh Lakish takes למ'ע'ל in the sense of 'to wean' as in Genesis 21:8 and ו'ע'ל instead of ו'ע'ל Rashi gives the reverse interpretation of a pious man refraining from food.'

However, Tosfoth interprets the verse in accordance with the above quoted opinion of Resh Lakish who seems to be correct.

- 15) One who becomes a leper during his naziriteship~~s~~ completes it when the leprosy is cured.
- 16) As is proved by the fact that when he recovers from his leprosy he completes his period.
- 17) Also see how Resh Lakish seeks to justify the opinion of R. Eliezer who is also more lenient in cases involving naziriteship. (Yer. Nazir 3H4, Nazir 3H5, Nazir 6H1.
- 18) "Rab" - Zuri P.47, 128 - Compare this with the statment of Rab. A father is forbidden to give his daughter in marriage while she is yet a minor, until she grows up and says, "This is the one I choose." (Kiddushin 41a).

## His Advancement of Reasons

### For Accepted Laws

- 1) Their uncleanness is more stringent since it emanates from themselves.
- 2) Since the Sukkah is commemorative of the clouds.  
Sukkah 11b
- 3) There was no need for scripture to say just when 'perfect' had already been mentioned. But it teaches that 'perfection alone is not enough. One must also be just' by adding to the 'perfect weight' and, similarly, to the measure.
- 4) She has not the power to impose upon him an obligation involving the offering of sacrifices.
- 5) No tithe was due on produce taken from ownerless fields.
- 6) R. Jochanan says the reason implied in is that the wife may not know her husband disannulled the Get, and marry again, and thereby, bear illegitimate children. We therefore again see that Resh Lakish is concerned for the welfare of the woman, for he says 'in order to save her from being a desert wife.'

Similarly, in the question of why a Get must be dated, Resh Lakish states that the woman should not lose her increment by fraud on the part of the husband who might wrongfully assert that he had sold the increment before the divorce. Gittin 17a.

According to Talmud Yerushalmi (Gittin 4H2) the reason ascribed to Resh Lakish is not 'to prevent desertion' but 'to prevent illegitimacy.' However, in accordance with what has previously been said in referred to the laws enacted by Resh Lakish in behalf of the female sex, the version of Talmud Babli seems to be the correct one.

- 7) In these cases, when the first witness has testified, it is sufficient, by Biblical law, for the second to say, "I too heard or saw thus," without explicitly stating what he had heard or seen.