

A Purim Torah:
Analyzing our Favorite *Gemara*
Through the 4 Volumes of *Shulchan Aruch*
By Rabbi Dovid Sukenik

Introduction

The *gemara* states in the name of Rava that a person is obligated to “בסומי” on Purim until he does not know the difference between “ארור המן וברוך מרדכי.”¹

The *gemara* then records a story. One year, Rabba and Rabbi Zeira were sharing a Purim *seuda*. In the height of their drunkenness, Rabba got up and *shechted* Rabbi Zeira. When Rabba became sober the next day, he was upset about what happened and he *davened* that Rabbi Zeira would come back to life. A miracle occurred and Rabbi Zeira was indeed revived. The following year, Rabba invited Rabbi Zeira to his festive Purim meal, but Rabbi Zeira declined, stating that miracles don't happen every year.²

In the spirit of Purim, this article will analyze the halachic implications of this story as it relates to the four volumes of the *Shulchan Aruch*.

¹ *Megilla* 7b.

² The Maharsha (*Chiddushei Aggados*) does not understand this story literally. He writes that it means that Rabbi Zeira was forced by Rabba to drink excessively, to the point of critical illness. See also Meiri, *Hagahot Ya'avetz*, Ben Yehoyada, *Chasam Sofer Niddah* 23a, *Halichos Shlomo* vol. 2 party and happiness 25 and *Divrei Yechezkel* (Parshas Tetzaveh).

חייב איניש לבסומי: אורח חיים

Rabbeinu Ephraim writes that this story teaches that the final *halacha* is that we do not drink wine excessively on Purim. Although Rava believed that it was correct to do so, the *gemara* relates the story of the tragedy that occurred with Rabba and Rabbi Zeira in order to teach that this is not the correct approach.³

There are a few difficulties with this *psak* of Rabbeinu Ephraim. First of all, Rava was a student of Rabba. Presumably, the story with Rabba occurred before the statement of Rava. If so, Rava made his statement even though he was aware of the tragedy; he nevertheless felt that it was appropriate to drink on Purim.

Another difficulty with Rabbeinu Ephraim's *psak* is the conclusion of the *gemara*. Rabbi Zeira says that he doesn't want to join Rabba again for a *seuda* because he doesn't want to rely on another miracle. Why didn't he simply say that he would join him as long as there was no alcohol involved? It seems that drinking is required, so it was impossible to have a *seuda* without drinking.⁴

Chasam Sofer explains that Rabba was born in מזל מאדים which means that he had a propensity for blood and could therefore be a שוחט or a מוהל. One who is born in this מזל mustn't drink on Purim; however, one who was not born then need not worry. Normally, the rule is שומר שומר (one who guards the mitzvos doesn't know of evil). The exception to this rule

³ Cited in Ran and Ba'al HaMa'or, *Megilla* 3b in the *dapei HaRif*.

⁴ *Eshkol*, Purim 8, Yad Efraim and Pri Chadash siman 695.

is מזל שכיחי הזיקא (where damage is common). שכיחי הזיקא only applies for one who was born in מזל שכיחי הזיקא and therefore it is only he who must be careful.

When to Drink

The *gemara* does not explicitly indicate a specific time that one should drink on Purim. *Hisorerus Teshuva*⁵ infers from the story, however, that the *seuda* is indeed the appropriate time to drink, as Rabbi Zeira declined to join Rabba again for the *seuda* specifically. If one could fulfill the requirement to drink at another time during the day, Rabbi Zeira could have simply requested that Rabba refrain from drinking at the *seuda*. The fact that Rabbi Zeira did not want to join Rabba at the *seuda* demonstrates that the *seuda* is the only time to fulfill the *mitzva* of drinking.

חידודה קודם לליבונה ותורבץ הושט: יורה דעה

The *gemara* in *Chullin* (8a) discusses whether a person may slaughter an animal using a סכין מלובן, a knife that is red hot. Rabbi Zeira states in the name of Shmuel that the *shechita* is acceptable. We are not concerned that the heat of the knife killed the animal; rather, we assume that the cut of the blade happened first and that is how the animal was killed. The *gemara* questions this conclusion. Although the initial incision might begin before the heat of the knife, what about the sides of the animals neck, which are affected by the heat? The *gemara* answers that when the neck is cut, it expands and therefore no longer comes in contact with the heat of the knife.

⁵ *Siman* 491.

The Chasam Sofer⁶ discusses how the *gemara* knows this concept. He quotes his teacher, the *Hafla'ah*, who explained that Rabbi Zeira knew this *halacha* because of his experience at Rabba's Purim *seuda*, when he was the victim of a *shechita*. The *Hafla'ah* suggested that the knife that Rabba used was a סכין מלובן, a heated knife. Thus, Rabbi Zeira actually experienced the *halacha* discussed in this *gemara* and he was able to properly address the issue.⁷

The Chasam Sofer quotes the *gemara* in *Yevamos*,⁸ which states that one can survive a wound from a סכין מלובן. If so, why did Rabbi Zeira initially die and only subsequently come back to life? The Chasam Sofer explains that the reason one can survive a cut from a סכין מלובן is because the heat of the knife can singe the wound and seal it off, preventing further damage. However, that is true only of a regular wound. A wound in the בית השחיטה is מירווח רווח, it expands, and the heat of the knife is not able to seal off the wound in time. Thus, Rabbi Zeira initially died from the wound.

There is perhaps another *gemara* which we could understand better based on Rabbi Zeira's life experiences. The *gemara* in *Chullin* (43b) has a three way machlokes as to the placement of the *turbatz haveshet* (the place where the veshet attaches to the jaw). Mari bar Mar Ukva says that it is the area of the *veshet* where if sliced it expands. If however, it doesn't expand then it is the actual *veshet*. Rav Pappi says that if the area is sliced and it stays as is then

⁶ Chiddushei Chasam Sofer Chulin 8a. Chasam Sofer says that although his rebbi only said this as a joke at the Purim meal, since it came from his holy mouth there must be something to it.

⁷ It is interesting that the *gemara* in *Chullin* is actually a statement of Rabbi Zeira in the name of Shmuel, meaning that Rabbi Zeira was passing on a teaching of Shmuel. Although Rabbi Zeira was not the originator of this halachic decision, perhaps he was able to verify it and thus pass it on.

⁸ 120b.

it is the *turbatz haveshet*. If however, it contracts then it is the actual *veshet*. The last opinion is Rabbi Yona⁹ in the name of Rabbi Zeira (according to the girsa of Shitah Mekubetzes). They say that it is the area where a person swallows.

The first two answers of the gemara don't provide the area where the *turbatz haveshet* is located but rather a way of identifying its location. The third opinion, however, gives a precise location. Why is there a difference? Perhaps the reason is because the third opinion belongs to Rabbi Zeira. He knew exactly where it was because he was shechted. The *gemara* quotes a machlokes between Rav and Shmuel as to whether a shechita in the *turbatz haveshet* is a valid shechita. Rav says it is and Shmuel says it is not. As a rule, we follow Rav in matters of issur v'heter, so it is a valid shechita.¹⁰ Perhaps Rebbi Zeira had first-hand experience with that halacha because that was where he was shechted and therefore knew its exact location.

אשת רבי זירא: אבן העזר

According to the simple understanding of the story, Rabbi Zeira died and then came back to life the next day. If so, wonders the Birkei Yosef,¹¹ was Rabbi Zeira still married to his wife, or did he have to make a new kiddushin? On the one hand, death is one of the ways that a woman

⁹ Beis Yosef Yoreh Deah siman 20 assumes that Yona was not the name of a rabbi but rather Rebbi Zeira was teaching this halacha as it pertains to a dove. Meiri quotes both opinions.

¹⁰ See Rambam Hilchos Shechita 6:2, Tur and Shulchan Aruch Yoreh Deah 20:2, 33:3.

¹¹ Even Haezer siman 17.

is freed from a marriage. On the other hand, perhaps the fact that Rabbi Zeira came back to life indicates that the original death was not permanent, like most such occurrences.

The Birkei Yosef attempts to resolve this conflict based on a statement of the Talmud Yerushalmi. The Yerushalmi¹² discusses a situation in which a man writes a get and states that if he doesn't return within thirty days, it is effective immediately, and then the man dies soon thereafter. Rabbi Yossi says that his wife may not remarry until thirty days have passed because a miracle may happen and he will come back to life. The Talmud Bavli poses a similar query and leaves the question unanswered. The Rishonim do not accept this suggestion of the Yerushalmi. The Birkei Yosef suggests that although we do not follow the Yerushalmi on a practical level, it is because it is highly unlikely that such an event will occur and we are therefore not concerned about it. Nonetheless, in principle, we see that if someone dies and comes back to life through some miracle, they are still bound in their original marriage. The Birkei Yosef concludes that this is a suggestion that should be evaluated and analyzed properly.

R. Chaim Elazar Wocks¹³ disagrees with the Birkei Yosef's suggestion. He writes that the Yerushalmi is not concerned that coming back to life demonstrates that the original death was not a permanent one. Rather, death only permits a woman to remarry as long as the husband is truly dead. If he were to come back to life (like the people that Elisha and Eliyahu resurrected), the marriage would automatically reestablish itself. Normally, we are not concerned about such an unlikely occurrence, and we therefore allow widows to remarry. However, the specific case in

¹² Gittin 7:3.

¹³ Shut Nefesh Chaya *Even Ha'ezer* 3

the Talmud Yerushalmi is concerned with a stipulation in the divorce document, which we are concerned for regardless of the likelihood of the occurrence of the stipulated factor.

Irrespective of the dispute regarding this statement of the Yerushalmi, if we were to except the statement of Yerushalmi, Rabbi Zeira's marriage to Mrs. Rabbi Zeirah would be binding, either because we retroactively recognize that the death of Rebbi Zeira was not permanent (Birkei Yosef) or because his marriage was reestablished once he came back to life (R. Wocks).¹⁴

A further proof that the marriage remains intact is mentioned by the Ben Yehoyada based on the gemara in Masseches Shabbos (88b). The gemara says that at *Har Sinai* every time Hashem uttered a statement, the people's souls left them and they needed to be revived, implying that they died after each *dibur*. The *pasuk* subsequently states that Hashem told Moshe to tell the Jewish people that they can return to their tents, meaning that they were once again permitted to their wives.¹⁵ The fact that the Torah permits husbands and wives to be together after they died shows that if someone is revived they do not need to make a new *kiddushin*.¹⁶

¹⁴ See Siach Hasadeh Kuntres Halikutim siman 4 where R. Chaim Kanievsky discusses whether someone who dies and is revived by miracle is still considered related to his family. See also Kemetze Shallal Rav Purim p. 209 for a discussion between the Aderes and R. Chaim Berlin as to whether Rebbi Zeira lost his status of kehuna after he was shechted.

¹⁵ Devarim 5:27 and Targum Yonasan ibid.

¹⁶ See Shut Tiferes Shlomo siman 6 for further discussion of this proof. One of the issues with this proof is that the gemara Beitzah 2b learns from this *pasuk* that "דבר שבמנין צריך מנין אחר להתירו". According to this explanation, the *pasuk* would have been necessary to teach that the husband and wife may return to their tent without performing a

הלכות נזיקין: חושן משפט

When Rabba *shechted* Rabbi Zeira, he undoubtedly caused some damage, even though he was miraculously revived. We can only speculate as to how he felt afterwards. Did he need medical attention and time to recuperate, or was the miracle that he was as healthy as before the incident? The rule of damage is that there are five potential payments that a damager might pay: Damages (נזק), cost of pain (צער), doctor bills (ריפוי), losses due to unemployment (שבת), and cost of suffering through embarrassment (בושת). Do any of these apply in this case?

The *poskim* discuss the *halacha* regarding someone who damages another person in jest. There was an ancient custom for young men to ride horses and to fight with each other as a form of making a *chassan* and *kalla* happy. The Rama¹⁷ quotes an opinion (of the Mordechai, Tosafos, Rosh, and Agudah) that if someone were to be injured during such a game, the destructive party would not be obligated to pay for the damages because it was unintentional damage and the behavior is deemed acceptable.

Rama includes this ruling in *Hilchos Purim*,¹⁸ citing the *Terumas HaDeshen*. The *Magen Avraham* cites a *machlokes* whether this leniency applies to physical harm as well, or only to

new act of *kiddushin*? Additionally, Ben Yehoyada offers proof from the case of the son of the Shunamite woman
עין שם.

¹⁷ *Choshen Mishpat* 378:9.

¹⁸ 695:2.

monetary damage. The Bach writes that this leniency only applies to small damages; large amounts of damage are not included in this *halacha*.¹⁹

Nonetheless, the *Pischei Choshen*²⁰ quotes various sources²¹ that indicate that if one damages due to intoxication, he is certainly responsible to pay for any damages caused.

According to the simple understanding of the story, it would seem that the damages were caused due to excessive drinking. Thus, Rabba would be obligated to pay for any damages, irrespective of whether they were large or small, monetary or physical.

סיכום:

נגיל ונשיש בזאת התורה כי היא לנו עוז ואורה

א פריילעכין פורים!!

¹⁹ See also Rama 696:8; *Mishna Berura* 698:31; *Aruch HaShulchan* 695:10 and 696:12.

²⁰ *Hilchos Nezikin* 1:10.

²¹ See Rambam *Hilchos Choveil U'mazik* 1:11.