

Talmud Brachot Top Ten Teachings, Daf 19:

1. **Can you embarrass dead people?** If the dead are aware of what's going on in the living world, it would probably be inappropriate to say negative things about them, because that would be hurtful. Rabbi Yitzchak says that talking about a dead person is like talking about a stone. There are two ways of understanding this opinion: either the dead person cannot hear us, or they can hear us but what we say doesn't matter to them at all. Either way, there would be nothing wrong with saying negative things about them. However, Rav Papa says that at Shmuel's funeral someone was saying negative things about him, and a pole fell and killed that person. This suggests that it is in fact inappropriate to speak negatively of the dead. But maybe that only applies when the person was a great sage. Perhaps it was not Shmuel who was offended by what the person at his funeral was saying, but G-d Who was upset on Shmuel's behalf. This raises another question: who should be considered a great sage, that we should be careful even after he dies not to speak negatively about him? Would this apply only to the most learned scholars, or also to people who do good deeds?
2. **Must we assume that a scholar who sinned did teshuva?** It was taught in the academy of Rabbi Yishmael: If you see a Torah scholar who sins in the evening, don't continue to think he's a sinner during the day, because he might have repented. The gemara asks, do we assume that it is a possibility that he repented, or a certainty? In fact, when a scholar sins, we assume that he has done teshuva (repented) by the next day. However, this is only for sins relating to the body. When it comes to monetary sins, we don't assume the scholar did teshuva until we get verification that the money was returned. So if a scholar has a moment of ego and insults someone, do we automatically assume he has repented or do we wait until we see him apologize to the person? It is always best to give the benefit of the doubt when we can.
3. **Was Akavia ben Mehalalel excommunicated for insulting dead sages?** There was a debate over whether or not a convert can be made to drink the sotah water. Akavia ben Mehalalel said no, and other rabbis responded with a proof that Shemaya and Avtalyon, who had been heads of the Sanhedrin hundreds of years earlier, at the end of the Second Temple period, had brought a convert to drink the water. Akavia ben Mehalalel replied that they wanted her to drink because they were like her (also converts), and therefore their ruling cannot be taken as binding. This was an insulting thing to say. There is actually a rule that a convert can't have this type of position of power, so how did Shemaya and Avtalyon get to be heads of the Sanhedrin? There are three possibilities: either they were not converts themselves but simply descended from converts, there was no one else in their time who was even close to their level of greatness, or the ruling that a convert can't have this type of position had not been made yet. Whatever the reason, they were great men and Akavia ben Mehalalel should not have degraded them. However, Rabbi Yehuda says that Akavia ben Mehalalel was the most G-d-fearing Jew of his time and could not possibly have been excommunicated. It was actually a different rabbi who was excommunicated, because he made fun of the mitzvah of *netilat yadayim*.
4. **Choni the Circle Drawer.** Choni was famous for drawing circles around himself and making demands of G-d. There was once a drought, and he said he wouldn't come out of his circle until G-d brought rain - and G-d brought rain. But isn't it disrespectful to make demands of G-d in this way? Shimon ben Shetach actually says that if Choni hadn't been such a special person, he would have deserved excommunication for his circle drawing. But Choni was a rebel who pushed boundaries with G-d. The Ishbitzer Rebbe says that people like Yehuda and David Hamelech were like court jesters. If a regular person mocks the king, he is put to death. But the court jester often mocks the king as part of his routine, and if he's good enough at his job he makes the king laugh. There is always a risk that the king will get angry at the jester for his

mocking and decide to execute him, but the jester takes that risk and is able to do things that most people cannot. Similarly, Yehuda, David Hamelech, and Choni the Circle Drawer took risks and pushed boundaries. Because of who these people were, G-d loved them and liked what they were doing. They were rewarded for things that most of us regular people wouldn't, and shouldn't, dare try.

5. **The excommunication of Rabbi Eliezer.** There was a question about an oven. Rabbi Eliezer ruled that the oven was pure, while the majority of rabbis ruled it impure. Rabbi Eliezer continued to argue with the sages and refused to back down, which is not allowed. When a rabbinic majority makes a decision that decision is law, and individual rabbis cannot argue it. So Rabbi Eliezer was put into *cherem* (excommunication). When *cherem* was first established, it had a purpose. It made people realize that there was something they needed to fix, and once they fixed it they were able to return. But over time, *cherem* became much less effective. People who were excommunicated didn't see the error in their ways and try to change; they just became angry and dug in their heels even more. Many rabbis therefore came to think that *cherem* should no longer be practiced. Spinoza was excommunicated for heretical beliefs, but was this right? Though Spinoza's crime was much worse than Rabbi Eliezer's, by that point in history excommunication was no longer a common practice, and so it probably should not have been used.
6. ***Al tiphtach peh lasatan - Don't open your mouth for the Satan.*** A version of Tzadok Hadin used to be said after a burial: "Master of The World, I've sinned before You, and You haven't paid me back even one out of a thousand. May it be Your will that You be compassionate and repair the breach in our fence and the breaches of your nation the house of Israel." Abaya says we shouldn't speak like that. Why tell G-d that we deserve punishment? That risks arousing the Satan, who will come before G-d and tell Him we admitted that we deserve punishment. We don't want to give the Satan an opening. Speech has power, and so we must be careful with implying that we deserve punishment. In general, the Torah puts a premium on speaking in a positive way with clean and proper language. Therefore, although this prayer is one of humility, it was not adopted. We use a different version that does not leave an opening for the Satan by mentioning that we deserve punishment.
7. **Embarrassing people to prevent a *chillul Hashem*.** Rabbi Yehuda says in the name of Rav, if someone finds *shaatnez* (wool and linen together) in his clothing he should take it off, even in the street. Why is that necessary? It's embarrassing! But there is no wisdom or understanding when something is against G-d. When there is a desecration of G-d's name, you don't respect the teacher. Why the mention of a teacher here? In other versions of this gemara, Rabbi Yehuda is talking about a teacher: if you see your teacher wearing *shaatnez*, you must rip it off him. But others learn that if you see someone in the street wearing *shaatnez*, you should follow them and wait until they get home to say something privately. Why would you have to take off a *shaatnez* garment when you realize you're wearing it, if you didn't realize it was *shaatnez* when you put it on? There is a debate about the actual prohibition of *shaatnez*: Is the problem putting it on or wearing it? Some say that every second you continue to wear *shaatnez* is a sin, so of course as soon as you realize that you are wearing *shaatnez* you must take it off. Why would it be permissible to rip off someone's clothes in the street? Usually we have to respect people's dignity. But in the case of *chillul Hashem*, we do not care about dignity. How is this a case of *chillul Hashem*? Maybe everyone can tell that the garment is *shaatnez*. It's better to embarrass the wearer than to allow the wearer to embarrass G-d's name. Knowing when something is a *chillul Hashem* that trumps the prohibition against embarrassing another person can be very difficult. If someone is talking in Shul, should you make an announcement? It's embarrassing, but maybe it's necessary to prevent the problem of speaking in Shul from getting worse.

8. **Intention can change the mitzvah.** The sages learn: The people sitting in the inner row in the house of a mourner are not required to say the Shema. The people in the next row, not directly next to the mourner, are required to say the Shema. Rabbi Yehuda explains that those who are visiting the mourner because they know him don't have to say the Shema, while those who are there just to honor the person, without a personal connection, have to say the Shema. Though everyone who visits a mourner is doing the same thing, the principle of *osek bemitzvah patur min hamitzvah* only applies to some of them, based on the intention with which they perform the mitzvah. Rabbi Soloveitchik, quoting the Rambam, says that there are actually two aspects to this mitzvah: there is the mitzvah of *nichum aveilim* (comforting mourners), which is rabbinic, and within that there is the mitzvah of *ahavas yisrael* (loving your fellow Jew), which is Biblical. Visiting a shiva house just to be there is a wonderful thing, but it is only a rabbinic mitzvah and does not necessarily exempt you from the Shema. But if you are there out of love for the mourner, you are fulfilling a biblical mitzvah, and while you are doing that you do not have to say the Shema.
9. **When do we violate mitzvot out of respect for people?** The Talmud has an extensive discussion about different mitzvot that can be violated for the sake of respect. One example is the mitzvah of returning a lost object. If a kohen sees a lost object in a cemetery, he is not required to go in to retrieve it. If a Torah scholar sees a lost animal but it would be beneath him to have to deal with the animal, he can simply pretend he didn't see it. This is based on the verse "*vehis'alamta meiheim*" – it is concealed from him, which is interpreted to mean that there are times one can pretend not to see something for the sake of his own honor. Does this extend to other areas of the Torah? It may to some degree extend to other monetary issues but does not apply in non-monetary areas. As another example, in certain circumstances a kohen is permitted to go over a type of cemetery from which he is rabbinically, but not biblically, forbidden, in order to see a king, even a non-Jewish king. Meeting a king is a special opportunity, so it can remove the rabbinic prohibition. Certain other rabbinic prohibitions can also sometimes be violated for the sake of dignity, such as *muktzah* on Shabbos, particularly when it comes to items needed to be clean in the bathroom. This does not hold true for most Biblical mitzvot, other than in rare circumstances such as not saying the Shema in honor of a deceased person or the mourners.
10. **Do not deviate from rabbinic law.** When the rabbis interpret something using the thirteen methodologies for interpreting the Torah, what they say is considered Biblical law, not rabbinic. Violating the rabbinic interpretation in these cases counts as violating Biblical law. When the rabbis add on additional prohibitions to protect Biblical law, these are rabbinic laws, and they must also be followed. We have a prohibition of *lo sassur* - do not deviate from the words of the rabbis. Commentaries such as the Ra'avad and the Ramban understand a section of our gemara to mean that since rabbinic law is of a lower level than Biblical law, it can be violated for the sake of a person's honor and dignity. Maimonides, however, has a different understanding of this section. He says that rabbinic laws are the part of the Biblical prohibition of *lo sassur*, because the Torah tells us to listen to the words of the rabbis. The reason we can sometimes disregard rabbinic laws for the sake of honor is that this was the intention of the rabbis when they made these rulings. The rabbis intended that their rulings wouldn't always apply in the same stringent way that Biblical law applies.