

Zera Shimshon

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Chapter XV: Bo (Ex. 10:1–13:16)

Essay 17. Avoiding roasted meat at the Passover seder

Exodus 12:1–28 discusses the Paschal lamb that Israel is to ritually slaughter on the eve of Passover, and to eat on the first night. The practice was discontinued following the destruction of the Second Temple, and the rabbis instructed Jews not to eat roasted meat during the Passover seder, as it might give the appearance of eating a sacrifice which was not properly offered in the Temple.

פְּסַחִים פָּרַק ד' תּוֹדוֹס אִישׁ רוֹמִי הִנְהִיג אֶת בְּנֵי רוֹמִי לְאָכּוֹל גְּדִיִּים מְקוֹלְסִים בְּלֵילֵי פֶסַח. שְׁלַחוּ לוֹ: אֵלֶּמְלֵא תּוֹדוֹס אִתָּהּ גּוֹזְרֵנוּ עָלֶיךָ גִּידוּי, שְׂאִתָּהּ קְרוֹב לְהֶאֱכִיל אֶת יִשְׂרָאֵל קִדְשִׁים בַּחוּץ וְכוּלֵי. וּמֵאֵי הַשִּׁבּוּתִיָּה דְתּוֹדוֹס ר' יוֹסֵי בַר אֲבִין אָמַר: מְטִיל מְלֵאֵי לְכִיס שֶׁל תַּלְמִידֵי תַּכְמִּים הָיָה וְכוּלֵי עכ"ל.

Pesachim, chapter 4:

Rabbi Yosei said: **Theodosius of Rome** [leader of the Jewish community there], **instituted the custom for the Roman [Jews] to eat kids roasted whole on the evenings of Passover** [as was the custom in the Temple]. [The Sages] **sent** [a message] **to him: If you were not Theodosius, we would have decreed excommunication upon you, as [it appears as if] you are feeding Israel consecrated food** [which may be eaten only in and around the Temple itself], **outside** [the permitted area]. . . .

A dilemma was raised before [the Sages]. **What was the importance of Theodosius?** Was Theodosius of Rome a great man [in terms of his Torah scholarship, and the Sages refrained from excommunicating him in deference to the Torah that he studied]? Or, was he a violent man [who could not be punished due to his local influence]? . . .

Rabbi Yosei bar Avin said: [Theodosius] **cast** [profits from] **merchandise into the pocket of Torah scholars** [i.e., he provided them with financial support].

- Pesachim 53a-b

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מקשים העולם וכי חס ושלום הִתְנַיֵפוּ לוֹ רַבָּנָן לְפִי שֶׁהָיָה מְטִיל מְלָאֵי לְכִיסָם, וְעוֹד מָה עָנְנוּ זֶה לְזֶה? וַיֵּשׁ לֹאמֵר דְּבַפְרָק ו' מֵהַלְכוֹת תַּלְמוּד תּוֹרָה מִנְּהַר מִבְּ"ם הַכ"ד דְּבָרִים שְׁמַנְדִּין אֶת הָאָדָם, וּבְכָלֵם הַמְזוּלָל בְּדָבָר אֶחָד מִדְּבָרֵי סוֹפְרִים. וְהַקְשָׁה שֶׁם הַפְסָק מִשְׁנֵה בְּשֵׁם הַר"ן דְּבַמְקָצַת דְּכֹתֵי אֲמַרִינוּ דְּמֵאֵן דְּעָבַר אֲדַרְבָּנוּ לְמִי, מִשְׁמַע אֲבָל שְׁמוֹתֵי לֹא מִשְׁמַתִּינוּ לִיָּהּ. וְתִרְיַץ הוּא זֶה לְשׁוֹנוֹ דְּמִפְקָפֵק אוֹ הַמְזוּלָל בְּדָבָר אֶחָד מִדְּבָרֵי סוֹפְרִים חֲמִיר טְפִי מְעוֹבֵר עַל דְּבָר מִדְּבָרֵיהֶם, וּלְפִיכָּהּ אַף עַל פִּי שֶׁהַעוֹבֵר אֵינוֹ חַיֵּיב אֲלָא מַפְת מְרָדוֹת, הַמְפַקֵּק אוֹ הַמְזוּלָל חַיֵּיב גְּדוּי עַכ"ל.

Everyone asks, if G-d forbid the rabbis had flattered him because he cast merchandise into their pockets, and further what connection this has to that. It can be said that in the sixth chapter of the Mishneh Torah's Laws of Torah Study (halacha 14), the Rambam enumerates the 24 things that lead a man to be excommunicated, and included among them are those who despise even one word of Rabbinic law. The Kessef Mishneh¹ asks there in the name of the Ran² that some say that one who violates a decree of the Sages is lashed, meaning that the Sages do not excommunicate him. The solution is, and this is the language [of the Kessef Mishnah], "that one who questions or despises even one word of the rabbis, is worse than one who violates a word of the rabbis, and therefore even though one who violates Rabbinic law is only liable for lashes of disobedience, one who questions or despises Rabbinic law is liable to excommunication."

וּמַעֲתָה יוֹבֵן הַאי עוֹבְדָא דְּתוֹדוֹס, וְיוֹבֵן גַּמִּי הַלְשׁוֹן שֶׁל גּוֹזְרָנוּ עֲלֵיךְ גְּדוּי, שֶׁהָיָה לוֹ לֹאמֵר אֲנִי הֵיִינוּ מְנַדִּין אוֹתָךְ וּמִדְּקָאֵמַר גּוֹזְרָנוּ עֲלֵיךְ גְּדוּי מִשְׁמַע שֶׁהָיוּ רוֹצִים לְגַזּוֹר גְּזִירָה חֲדָשָׁה שֶׁהָיָה בָּר גְּדוּי הַעוֹשָׂה כָּךְ. וְהֵיִינוּ מְשׁוּם דְּלִפִּי הָאֲמַת תּוֹדוֹס לֹא הָיָה נִקְרָא מְזוּלָל עַל דְּבָרֵי חֲכָמִים, לְפִי שֶׁלֹּא הָיָה עוֹשָׂה אוֹתוֹ דְּרָף זְלוּל, אֲלָא הָיָה עוֹבֵר עַל דְּבָרֵי חֲכָמִים שֶׁאֶסְרוּ לְאָכּוֹל גְּדֵי מְקוּלָס בְּלִילֵי פֶסַחִים. וּמְשׁוּם הַכִּי, לֹא הָיָה בָּר גְּדוּי, אֲלָא לְפִי שֶׁהִנְהִיג אֶת הַרְבִּים לַעֲשׂוֹת כָּךְ, יֵשׁ לָנוּ לֹאמֵר שֶׁהוּא כְּמוֹ מִי שֶׁעוֹשָׂה כְּדֵי לְזַלְזֵל בְּדְבָרֵי חֲכָמִים, וְעוֹד שֶׁהַזְלוּל בָּא מִעֲצָמוֹ כְּשֶׁרְבִים עוֹבְרִים עַל דְּבָרֵי חֲכָמִים.

Now this incident with Theodosius will be understood, and the language of "we would have decreed excommunication upon you" will also be understood. For it could have said, "we would have excommunicated you," and from the fact that it said "decreed excommunication upon you," the meaning is that they wanted to make a new decree that one who acts thus is deserving of excommunication. This was because, in truth, Theodosius wasn't called one who despised the words of the Sages, for he didn't act in a way of despising, rather he violated the words of the Sages, who forbade eating a kid roasted whole on the evenings of Passover. Because of this, he was not deserving of excommunication, rather because he led the public to act thus, we can say that he is like one who acts in order to despise the words of the Sages, and moreover that the contempt comes of itself when the public violate the words of the Sages.

¹ Rabbi Joseph Karo (1488–1575), author of the Beit Joseph and Shulchan Aruch. The Kessef Mishneh (Venice, 1574–75) was a commentary on the Rambam's *Mishneh Torah*.

² Rabbi Nissim ben Reuven (the "Ran") (1320–76), Spanish Talmudist.

אָמַנְם לְפִי שְׁתוּדוֹס הִנֵּה מְטִיל מְלֵאֵי וְכוּ', אִין לְנוּ לֹמֵר שְׁמוֹזְזֵל בְּדַבְרֵיהֶם, שְׁהָרִי אֲדַרְבָּא אָנוּ רוֹאִים שְׁהַחֲכָמִים חֲשׂוּבִים
הֵם בְּעֵינָיו. וְלִכֵּן שְׁלַחוּ לוֹ אֶלְמֵלֵא תוֹדוֹס אַתָּה הִיָּינוּ גּוֹזְרִים נְדוּי, שְׁאַף עַל פִּי שְׁאִין כְּנוֹנְתָהּ לְזַלְזֵל מִכָּל מְקוֹם נִרְאָה כְּמוֹ
זַלְזוּל. אָמַנְם לְפִי שְׁהַכֵּל יוֹדְעִים שְׁהַחֲכָמִים חֲשׂוּבִים הֵם בְּעֵינָהּ, וְאִין אַתָּה מְזַלְזֵל בְּדַבְרֵיהֶם חֲלִילָה, מִשּׁוּם הֶכִי, לֹא גְזַרְנוּ
עָלֶיךָ נְדוּי. אֲבָל מִכָּל מְקוֹם אָנוּ לוֹמְדִים מִכָּאן שְׁאַם אָדָם אַחַר יַעֲשֶׂה כֵן, יִהְיֶה חַיִּיב נְדוּי, וְגַם זֶה הוּא מְהַכֵּ"ד דְּבָרִים.

Although as Theodosius would cast merchandise into the pockets of Torah scholars, we don't say that he despised their words, for to the contrary, we see that the Sages were important in his eyes. Therefore, [the Sages] sent [a message] to him: If you were not Theodosius, we would have decreed excommunication upon you, because even though it wasn't your intention to despise the words of the Sages, nevertheless it appears as despising. But because all know that the Sages are important in your eyes and you would not, G-d forbid, despise their words, because of this, we do not decree excommunication upon you. But nevertheless, we learn from this that if another man would act in this way, he would be liable for excommunication, and this is also among the 24 things that the Rambam lists that lead a man to be excommunicated.

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