YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Talmudic *Aggadot***

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Shiur #10: The Story of the “Lovesick” Man

*Sanhedrin* ch. 8 (Part II)

Introduction

# In the [previous *shiur*](http://etzion.org.il/en/shiur-09-story-%E2%80%9Clovesick%E2%80%9D-man-sanhedrin-ch-8-part-i), we studied the story of the obsessed man. We read the story itself and compared it to its parallel in the Jerusalem Talmud. We also saw the story in its immediate context in the tractate, along with the brief debate about it. In this *shiur*, we will analyze the broader context of the story: the entire eighth chapter of *Sanhedrin* in the Babylonian Talmud (referred to as *Ben Sorer U-Moreh*, The Rebellious Son).

In order to jog our memories, we will begin with the story itself:

**The Story**

R. Yehuda said in Rav's name: A man once fixed his eye upon a certain woman, and his heart became obsessed with her. When the doctors were consulted, they said, “There is no remedy for him except that she have sexual relations with him.”

But the Sages said: “Let him die rather than she have sexual relations with him.”

“Let her stand naked before him!”

“Let him die rather than she stand naked before him.”

“Let her converse with him from behind a fence!”

“Let him die rather than she should converse with him from behind a fence.”

**Context in the *Sugya***

This narrative and the debates about it do not appear in a vacuum, whether in the Babylonian or the Jerusalem Talmud. As interesting as it is to compare the two stories and the discussions about them in each Talmud, it is compelling to see how the two *sugyot* line up and how each treats the narrative.

As we mentioned in the previous *shiur*, the story in the Jerusalem Talmud is part of a *sugya* analyzing the three prohibitions that override the value of human life:

R. Ya’akov bar Idi in the name of R. Yonatan said: Anything is permitted for medical reasons, except for idolatry, illicit relations, and murder…

R. Yonatan’s principle is that human life may be saved by any means, even through violation of a Torah prohibition, unless that prohibition falls into one of these three categories. The *sugya* in the Jerusalem Talmud expands the boundaries of these categories, so that they include far more than the fundamental prohibitions of idolatry, illicit relations, and murder.

This is not true only when a man demands, “Bring me a married woman,” but even to hear her voice.

This is not true only when one demands, “Kill that person,” but even if one says, “Assault that person!”

When we read the story in the Jerusalem Talmud in its broad halakhic context, we encounter two opposing tendencies. One trend is broadening of the categories, so that more and more activities fall under the heading of actions that cannot be done for medical purposes. On the other hand, as we have seen, the Jerusalem Talmud strives to maintain the normative framework. This is why the *sugya* tries so hard to establish that the woman in the story is a married woman; this way, the decision to let the man die emerges from a formal prohibition, not a more general statement of values.

In the Babylonian Talmud as well, the context for the narrative and the discussion about it is the conflict between a human life in peril and these three cardinal prohibitions. This is how it presents the ruling that saving a human life is so paramount as to override every prohibition except this triad of transgressions:

And R. Yochanan reported in the name of R. Shimon ben Yehotzadak that they took a vote and issued a ruling in the upper chamber of the house of Nitza in Lod: For all sins in the Torah, if a person is told to either violate them or to be killed, one should violate rather than be killed, except for idolatry, illicit relations, and murder… (*Sanhedrin* 74a)

Interestingly, the halakhic discussion in the Babylonian Talmud is not quite as unequivocal as that of the Jerusalem Talmud. Not only does the discussion not expand the boundaries of these three prohibitions, it features a dispute about the principle of *yehareig ve-al ya’avor* concerning one of them. The idea that one must die rather than commit any of these prohibitions is quite clearly and unambiguously far from self-evident:

Now is it true that in such cases one may not worship an idol? Has it not been taught that R. Yishmael said: From where do we know that if a person is told, “Worship this idol or be killed,” one should commit the act rather than be killed? For it says, “[You must keep My rules and My laws,] which a person may do *and live in them*” — not die in them. I might think that this holds true even in public, but the verse teaches, “You must not desecrate My holy name; but I shall be sanctified amongst the Israelites.”…

That illicit relations and murder [override the preservation of one’s life] accords with Rabbi's view. For it has been taught that Rabbi said: “[But to the maiden do nothing, as the maiden has committed no capital crime;] this matter is just like when a man rises against his fellow and murders that soul” — But what do we learn from this analogy to a murderer? In fact, this comes to cast a light and is itself illumined. The [case of a] murderer is compared to [that of] a betrothed maiden: just as lethal means are allowed to save a betrothed maiden [from a rapist], so lethal means are allowed to stop a pursuer with murderous intent. Conversely, [the case of] a betrothed maiden is compared to [that of] a murderer: just as one must be killed rather than commit murder, so also must the betrothed maiden allow herself to be killed rather than commit adultery.

And how do we know this of murder itself? It is common sense, as in the incident with Rabba. A person came to him and told him, “The governor of my town has ordered me, ‘Go and kill so-and-so; if not, I will kill you!’” He answered him, “Let him rather kill you than that you should commit murder! Who knows that your blood is redder? Perhaps his blood is redder.”

In this *sugya*, the requirement to die rather than sin is somewhat limited – at least when it comes to idolatry – to a matter of dispute. Moreover, the Talmud works hard to find sources from the Torah for the view that advocates *yehareig ve-al ya’avor*. Ultimately, the Talmud must rely on a logical argument to establish this principle in the case of murder: it is unreasonable to allow one to take another human life in order to save one’s own, as there is no way of knowing whose life is worth more: “Who knows that your blood is redder? Perhaps his blood is redder.”

It is interesting to read the story against the background of this discussion. After all, the narrative takes a much more stringent line than the preceding halakhic discussion. In this tale, the sages take an unambiguous approach, an absolutist tack that requires the obsessed man to give up his life even when it could be saved by an act that does not conform to the halakhic definition of “illicit relations” – for example, conversing with the woman from behind a fence. This ruling of the sages seems to defy the guidelines mandated by the preceding halakhic discussion, in which only a true act of illicit relations (i.e. adulterous or incestuous) would be worth dying for.

The discussion after the story suggests that the sages may, under certain circumstances, issue a ruling that defies the formal legal framework – which allows a person to violate prohibitions aside from these three in order to save a human life – in order to safeguard certain values, such as family honor or societal standards of modesty. This is true even though someone may die, such as the lovesick man in the story.

We saw above that in the theoretical legal discussion in the Babylonian Talmud, the absolute disregard for human life is somewhat tempered, while in the tale and the following halakhic discussion, this absolutism is broadened to include new values. This allows the Babylonian Talmud to create a dynamic between halakha and *aggada* that is different and, to a certain extent, opposed to that which appears in the Jerusalem Talmud.

**The Story in the Context of the Chapter**

We may shed even more light on this narrative by considering it within the broader Talmudic count of the eighth chapter of *Sanhedrin*. The rebellious son, *ben sorer u-moreh*, gives the chapter its title and occupies most of its discussions. The *ben sorer u-moreh* is executed by the court without having committed any crime that would warrant the death penalty by the standard rules of the Torah.

The law in its essence is confounding,[[1]](#footnote-1) and it reminds us of the story of the lovesick man that concludes the chapter, as the formal halakhic rules of preserving human life would not justify letting a man die simply to avoid a minor personal interaction between him and a woman, such as speaking with her from behind a fence.

There are other connections between the story of the lovesick man and the discussions of *ben sorer u-moreh* in the chapter. From the literal point of view, we may consider the prominent refrain in the story of the obsessed man, the threefold proclamation, “Let him die rather than she…” This chorus is the absolute verdict of the sages to eschew any solution that might save the man’s life, as long as he seeks any interpersonal contact with the woman. The sages determine unambiguously: “Let him die!” This formulation recalls a statement that recurs in the discussion of the *ben sorer u-moreh*: “Let him die innocent rather than guilty!” The *ben sorer u-moreh* is also condemned to die to prevent some future crime.

Another connection between the two cases is the idea that *Chazal* often mention in the Mishna and other Tannaitic sources: The *ben sorer u-moreh* is executed because of the bad end he will undoubtedly come to. There is a dispute among the Tannaitic sources about the meaning of this concept. The *Sifrei*, for example, says the following:

R. Yossei says: Did the Torah decree that this one be stoned merely because he ate half a pound of meat and drank a cup of Italian wine? Rather, the Torah foresaw his ultimate situation. Therefore it said: Let him die innocent rather than guilty! For the death of the wicked benefits them and benefits the world… (*Sifrei*, *Devarim*, ch. 220)

The parallel passage, from the School of R. Yishmael, offers a different explanation:

You may say: Should this one die because he consumed his father’s money? Say that the rebellious son is judged for his end, as it is revealed and known before the Creator, Who spoke and brought the universe into being, that at the end, after dissipating his father's wealth, he would still seek to satisfy his accustomed [gluttonous] wants, but being unable to do so — as it says, “The leech has two daughters. 'Give! Give!' [they cry]” (*Mishlei* 30:15) — so he will go forth at the crossroads and take many lives.Therefore, the Torah said, “Let one life be taken rather than many!” (*Midrash Tanna’im*, *Devarim*)

The difference between these two midrashic sources is whose soul the court seeks to save. According to the *Sifrei*, it is the *ben sorer u-moreh* himself who is being saved from ethical and spiritual deterioration, from the ultimate destiny of dying as a guilty man: “Let him die innocent rather than guilty!” According to *Midrash Tanna’im*, on the other hand, it is society as a whole that the court saves; stoning the *ben sorer u-moreh* saves his future victims from harm: “Let one life be taken rather than many.” When he grows up, this youth is destined to harm many people and cause grievous injury to society as a whole. This forecast justifies executing him in the present, even though he has yet to commit a serious crime of this type. Essentially, according to the former source, we are trying to save the innocence of the *ben sorer u-moreh* in the present, while according to the latter source, we are trying to save the innocents that the *ben sorer u-moreh* will inevitably slay in the future.

The *mishna* (*Sanhedrin* 8:5) endorses the former view, coming from the School of R. Akiva: “Let him die innocent rather than guilty!” The same is true in the *gemara*, which cites the following *baraita*:

It has been taught that R. Yossei the Galilean said: Did the Torah decree that the rebellious son shall be brought before the court and stoned merely because he ate half a pound of meat and drank a cup of Italian wine? But the Torah foresaw his ultimate mindset. For at the end, after dissipating his father's wealth, he would still seek to satisfy his accustomed [gluttonous] wants, but being unable to do so, go forth at the crossroads and rob the passersby.Therefore the Torah said, “Let him die innocent rather than guilty!” (*Sanhedrin* 72a)

There is another issue discussed later on in the chapter – the case of the home invader (*ba ba-machteret*, literally “one who enters through a tunnel,” cf. *Shemot* 22:1) – that contains a similar principle: “The home invader is judged for his end.” In this case, “his end” is the anticipated violence that the burglar will perpetrate against the homeowner if discovered. This gives the owners the right to stand their ground and kill the home invader, without any legal repercussions for taking the burglar’s life.

Here as well, the home invader has not yet committed a capital crime per se. Nevertheless, the anticipation of the burglar taking such action gives the homeowner the right to use lethal force in the name of self-defense and fully legitimizes such tactics.

To a certain extent, we may say that a similar principle applies to the lovesick man. He has not committed any crime yet, certainly no capital crime. Granted, he is not being executed actively by the court; instead, the panel of sages determines that no action may be taken to save his life, which in effect means certain death for him.

According to the Amoraic explanations cited above, the reason for this death sentence is to prevent harm to others: the woman, her family, or society as a whole. Thus, we may see that the consideration of those being saved in this story is equivalent to the consideration of those being saved in the conceptualization of the *ben sorer u-moreh:* “Let one life be taken rather than many!” However, as we have observed, the *sugya* at its conclusion raises the possibility of marrying the obsessed man to the object of his affections, and this is rejected because the man’s lust will be sated only by an extramarital relationship. This may be an allusion to the parallel idea concerning the *ben sorer u-moreh*: “Let him die innocent rather than guilty!”

Indeed, there is a literal expression of this link. Concerning the *ben sorer u-moreh*, the *gemara* says (in the passage cited above): “But the Torah foresaw his ultimate mindset.” This is an incisive analysis of his personal psychology, guided by the realization that nothing can prevent his moral deterioration.

Similarly, at the end of the discussion about the lovesick man, the *gemara* rejects the proposal of marriage and the idea that they could have a permitted relationship. The obsession, the infatuation of the man with this woman, will never be satisfied. His lust is for the excitement of forbidden passion: “Stolen waters are sweet.” This too is an incisive analysis of his personal psychology, guided by the realization that his future behavior can be predicted based on it.

We can further reinforce this connection by considering the slight variation between the two *baraitot*. The one cited in the Babylonian Talmud declares, “But the Torah foresaw his ultimate mindset,” while the one in the *Sifrei* declares, “But the Torah foresaw his ultimate situation.” The former ties the *ben sorer u-moreh* back to the lovesick man. The explanation given by the *gemara*, "For marriage would not assuage his passion,” is literally phrased, “For marriage would not settle his mind.” At issue is an incisive analysis; just as the sages know what the lovesick man would do, the Torah foresees what the *ben sorer u-moreh* will do.

The placement of the story of the lovesick man in the chapter that primarily discusses the issue of *Ben Sorer U-Moreh* indicates that we should read the former in the broader context of the latter. This story, which concludes the chapter, may best be read as illuminated by the main topic of the eighth chapter of *Sanhedrin*, the rebellious son, which casts the radical ruling of the sages, “Let him die rather than she…” in a new light.

The *ben sorer u-moreh* rule is a new model, in which the Torah, as *Chazal* understand it, defies the formal rules that it itself has established. This exception is justified by specific circumstances in which a given value is at stake – to save the innocence of a young man (“Let him die innocent rather than guilty!”) or to save the innocents in his community. When we read the story of the lovesick man in this context, we cannot help but think that the sages in his case are inspired by the model created by the Torah in the case of *ben sorer u-moreh*. Although the sages do not send this man to the gallows actively, they do forbid any measure which might save his life, condemning him to death in an indirect manner.

Inspired by the approach outlined in the Torah for dealing with the rebellious son, the sages in this story do not take into account only the formal, limited parameters of the actions prescribed to cure this man of his condition. They also take into consideration a broader framework of issues, including the preservation of certain religious values within society.

This appears to be a fine example for of how a narrative within a certain chapter of the Babylonian Talmud may be tied not just to the confines of the *sugya* in which it is located, but to the broader context of the chapter as a whole.

Translated by Yoseif Bloch

1. Similar questions are raised regarding two topics that appear later on in the chapter – the home invader and the pursuer, concerning both of whom the Torah authorizes lethal force. [↑](#footnote-ref-1)