YESHIVAT HAR ETZION

ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)

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**Talmudic *Aggadot***

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Shiur #09: The Story of the “Lovesick” Man

*Sanhedrin* ch. 8 (Part I)

Introduction

# In the previous *shiurim*, we examined the reading of *aggada* in the broader context of the Talmudic *sugya* in which it appears. Indeed, in many cases the significant links between aggadic and halakhic content may be found in the relationship between an aggadic passage and the passage in which the *aggada* appears. However, sometimes the *aggada* may connect to a far broader context, such as an entire chapter of Talmud. In the following *shiurim*, we will examine an example of this.

**The Story**

Towards the end of the eight chapter of Tractate *Sanhedrin* (75a) of the Babylonian Talmud, we find a brief tale followed by a discussion:

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.”

This narrative describes a man who becomes so infatuated with a woman that he falls ill; this seems to be a mental disorder. According to the story, the man is in mortal danger. Unless he has sexual relations with the object of his affection, he will perish – at least, this is the initial prognosis of the medical experts. After the Sages refuse to allow the man to follow through with this plan, the doctors offer a slightly more moderate solution – for the woman to stand before the obsessed man naked. However, the Sages are no more amenable to this solution. Ultimately, the doctors offer a modest proposal – for the woman and the man to converse, with a fence between them (so that she will not be visible). To the reader’s great surprise, the Sages refuse even this last option, although it may cost the man his life.

The characters in this story, from the obsessed man to the Sages, are anonymous and have no context of time or place. Similarly, the tale follows a standard three-part literary structure, in that the dialogue between the doctors and the sages consists of three exchanges. In the three parts, the Sages use the same terminology: “Let him die rather…” This formula stresses their unequivocal objection to any contact between the man and the woman. The anonymity of the characters and the formulaic response both indicate that this story is not a precise historical account, but rather a literary text meant to convey a certain message.

This becomes even clearer when we compare the story in the Babylonian Talmud to its parallel in the Jerusalem Talmud:

This recalls that man who fell in love with a woman in the days of R. Elazar, and his life was in danger. They came and asked him: “May she pass before him so that he may live?”

He said: “Rather let him die.”

“May he hear her voice so that he may not die?”

“Rather let him die.”

(Jerusalem Talmud, *Shabbat* 14:4)

The stories are parallel, and we may assume that the Babylonian Talmud’s version is based on tradition from the Land of Israel that is similar to the version of the Jerusalem Talmud. For the sake of comparison, we will set these narratives side-by-side in a table:

|  |  |
| --- | --- |
| **Jerusalem Talmud** | **Babylonian Talmud** |
| This recalls that man  who fell in love with a woman in the day of R. Elazar,  and his life was in danger.  They came and asked him:  “May she pass before him so that he may live?”  He said: “Rather let him die.”  “May he hear her voice so that he may not die?”  “Rather let him die.” | 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 relation 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.” |

This comparison demonstrates a number of prominent distinctions:

1. The version in the Jerusalem Talmud is placed in a realistic context of time and place. While the obsessed man is not named, we do find the name of R. Elazar, a sage in the Land of Israel in the early centuries of the Common Era. Still, there was more than one R. Elazar; this might be the *Tanna* R. Elazar ben Shamua, a student of R. Akiva, or it might be the *Amora* R. Elazar ben Pedat, a student of R. Yochanan, belonging to the third generation of the *Amora’im* of the Land of Israel. The latter possibility is a bit difficult, in light of the fact that the parallel story in the Babylonian Talmud cites Rav, who was of the first generation of the *Amora’im* of Babylonia. In any case, Rav is merely the narrator, as none of the characters in the Babylonian Talmud’s version are named.
2. The version of the Babylonian Talmud includes characters absent from the Jerusalem Talmud – the doctors. It seems that their inclusion heightens the drama of the narrative. Introducing the doctors allows for a conflict between two groups representing conflicting value systems. The doctors are described as being divorced from reality to some extent. Initially, the only way for their patient to survive is to have sexual relations with object of his affections, but it quickly becomes apparent that a much more reasonable solution – conversing with him from behind a fence – would suffice to avoid the fatal prognosis. In any case, the doctors seem to be a literary device added at a later date.
3. The Jerusalem Talmud presents only two stages in the story. Sexual relations are not brought up; the first suggestion is that the woman pass before him (presumably so he can watch her), and the second is that she speak within his earshot. R. Elazar rejects both. On the other hand, as mentioned above, the Babylonian Talmud has three stages, a literary device that is quite common.
4. In the Babylonian Talmud, the various solutions appear in a swiftly declining order of severity. In the Jerusalem Talmud, on the other hand, the two solutions seem to be on a very similar level: to “pass before him” so that he may see her (there is no reference to nudity, nor even the idea that she should dress suggestively) or to hear her voice. This makes the story in the Babylonian Talmud far more literary and dramatic. As mentioned above, there is degree of unreality in the drastic scaling back of the doctors’ prescriptions to save the man’s life. In the Jerusalem Talmud, this difficulty does not exist, as the two proposed solutions are not that different, not in their nature nor in the experience proposed for the patient; there is no difficulty involved in believing that when the first proves to be impermissible, a second might still save the man’s life.

The points raised in this comparison contribute to the assessment that the story in the Babylonian Talmud is not a meant to be a historical account, but rather a literary creation, which we may assume was based on a true story such as the one recorded in the Jerusalem Talmud. This literary creation is told in order to sharpen the lesson to be derived from it.

One aim of the literary design is to strengthen the positon of the Sages in the story. The plummeting severity of the doctors’ prescriptions is illogical, as we have explained above; they are presented ironically, not quite seriously. In light of this, the Sages’ hardline response in opposition is buttressed.

Indeed, we find another source in rabbinic literature that uses medical professionals for a critical or ironic purpose in much the same way, In the Tosefta of *Bava Kama* (8:13), the doctors and the sages are arrayed against each other:

They tell about Yehuda ben Bava that all of his deeds were dedicated to the glory of Heaven, except that he kept small cattle [in defiance of a rabbinic injunction against raising such livestock]. One time he fell ill, **and a doctor entered to examine him**. He said to him, “There is no remedy for you except for boiling milk*.”* So he went out and got himself a goat and tied it to the leg of his bed, and he would suck, whenever he would groan.

One time, Sages wanted to come in to him, but they said, "How is it possible to come to him, when he hosts thieves in his home?"

When he died, the Sages examined carefully all of the things he had ever done, and they found in him no sin except for this one alone. Indeed, he said when he was dying, “I know that there is against my account only this sin alone, which I have done in transgressing the opinion of my colleagues.”

The Babylonian Talmud (*Bava Kama* 80a) tells a parallel story:

The rabbis taught: A pious man was once groaning from his heart, so they consulted **the doctors, who said, “There is no remedy for him except** suckling boiling milk every single morning.”

Here as well, the characters are anonymous, the illness pertains to the heart, and “the doctors” prescribe a treatment with the same formula: “There is no remedy for him except…” It may be that the motif of the doctors in our story in *Sanhedrin* is based on the story in *Bava Kama*.

**The Debate in the Story**

In the story itself, the reasoning of the Sages is never explained, as they reject all the solutions suggested by the doctors and rule that there is no possibility of saving the patient from death. Intuitively, a number of ethical questions arise in the story.

In the simplest analysis, there are two dueling values here. On the one hand, there is a human life in danger. Granted, there is a certain amount of justice in his suffering; after all, he is the one who brought it upon himself when “he fixed his eye upon her.” This is a transgression not only on the formal plane (“And you shall not explore after your eyes and after your hearts” (*Bamidbar* 15:39), but also on the ethical plane. Nevertheless, we must wonder if death is really the most appropriate punishment for such a sin.

On the other hand, we have a woman’s dignity and privacy, which is worthy of protection. Even the suggestion that she converse with him from behind the fence impinges on her dignity, as this is done against her will; apparently, there is also injury done to the norms of modesty as accepted among people who are not married to each other.

The dilemma that arises here, in any case, is whether saving a man’s life is a good enough reason to impinge on a woman’s dignity or her free will, or to undermine the norms of modesty of an entire society.

In the story itself, the question does not remain open. The consistent refusal of the Sages to accept any of the proposed solutions – even the final, relatively mild option – appears to be a declaration that they will not accept any indignity to this woman or to society’s norms of modesty, even if the price is a human life.

But there is some ambiguity in the Sages’ reasoning. Is their intransigent position based on the value of these ethical principles, or is it born of the belief that the patient has brought the malady and its mortal consequence upon himself through sinning (such that the sages are not preventing **him** from doing anything per se)? Or is it some combination of these two?

In both Talmuds, after the story is recounted, there is a debate concerning the halakhic issues at hand, which returns us to formal, recognized halakhic conventions, at least initially. We will begin by looking at the discussion in the Jerusalem Talmud.

**Analysis in the Jerusalem Talmud**

What were the circumstances? R. Ya’akov bar Idi and R. Yitzchak bar Nachman [argue[: One said that she was a married woman, the other that she was single.

Now, it is all well and good according to the one who says she was a married woman, but according to the one who says she was single, did not Bar Kocha the artisan fall in love with a woman in the days of R. Elazar, and he allowed it? Surely it is because [the object of Bar Kocha’s affections] was single, while here she was a married woman!

Even if you say in both cases [the woman] was single, you may resolve it by saying that he fixed his eye upon her until she became a married woman.

Alternatively, she was a great woman who would never have married him, and so everything he might have done would have been done impermissibly; for this reason, [R. Elazar] forbade it.

The Jerusalem Talmud attempts to define the halakhic situation that the story deals with. The first suggestion is “that she was a married woman.” This makes R. Elazar’s refusal to allow any of the proposed solutions more understandable. However, we still might question whether the suggestions in the Jerusalem Talmud, which do not entail any sexual act, are in fact the sort of “illicit relations” that one is required to give one’s life for rather than violate (*yehareg ve-al ya’avor*). It seems obvious that these suggestions would not be in the category of *yehareg ve-al ya’avor*, so that this consideration should not be that significant.

However, we must consider the boarder context of the story in the *sugya* of the Jerusalem Talmud in order to understand it more thoroughly.[[1]](#footnote-1) Indeed, it appears that this *sugya* broadens the definition of *yehareg ve-al ya’avor*, even declaring this explicitly:

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… Similarly, nothing is allowed that falls in the category of the betrothed maiden, even for medical reasons. **This is true not only when a man demands, “Bring me a married woman,” but even to hear her voice.** This recalls that man who fell in love with a woman in the day of R. Elazar, and his life was in danger…

R. Chanina said: The *mishna* itself teaches us that murder is not permitted for medical reasons, for the *mishna* states there (*Ohalot* 7:6) that “once most of [the baby] emerges, we cannot touch it, because we cannot take a life to save a life.” **This is not true only when one demands, “Kill that person!” but even if one says, “Assault that person!”**

The second view in the Jerusalem Talmud is that the woman was single. This possibility raises a certain difficulty, not just on the theoretical halakhic plane, but on another plane as well; it appears that R. Elazar ruled leniently in a similar case. In order to explain why R. Elazar would in one case prohibit and in another case permit, the Jerusalem Talmud must distinguish between the stories based on the woman’s personal status; in the other case, the woman was single, while in our case she was married. In other words, the Jerusalem Talmud is compelled to retreat from the option that in the first story she was single, determining that in fact she was a married woman. The Jerusalem Talmud, in any case, cleverly rejects the view that she was single by explaining that even according to the view that she was single at the beginning of the story, over the course of it she got married, so there was no possibility of permitting the proposed solutions.

However, the *sugya* does not end with this, as it raises a third possibility. Perhaps the woman in question was not married at the time that the man became infatuated with her, nor at the time these solutions were proposed. Instead, although she was single and there was no formal problem of illicit relations, another problem existed – she was a prominent, distinguished woman, and it was clear that she would never marry such a man. Naturally, there would be no reason to allow temporary solutions at the moment with the assumption that their relations would ultimately reach an equilibrium in a formal manner and they would live happily ever after as a married couple. It would inevitably end in a lifetime of an extra-marital relationship. Even if this does not rise to the technical level of “illicit relations,” R. Elazar was not prepared to permit such a lifestyle, even if it meant that the man’s life could be saved. Although the situation described does not involve a precise, formal violation of illicit relations, a viewpoint taking in the length and breadth of the situation would necessarily see an ongoing injury to the halakhic system of the framework of marriage. This would justify the sweeping prohibition of R. Elazar’s ruling.[[2]](#footnote-2)

However, the essential tendency of the Jerusalem Talmud is to view the woman in question as married, which makes any intimate contact with her problematic in the formal framework of a married woman. If we summarize this *sugya*, we see that the Jerusalem Talmud finds it nigh inconceivable that R. Elazar would condemn a man to die unless there would be significant damage done to formal Halakha by allowing the violation. This damage would first and foremost obtain to a situation in which the woman is married.

**Analysis in the Babylonian Talmud**

R. Ya’akov bar Idi and R. Shemuel bar Nachmani argue: One said that she was a married woman, the other that she was single.

Now, it is all well and good according to the one who says she was a married woman, but according to the one who says she was single, why is it necessary to go so far?

R. Papa said: Because of the disgrace to her family. R. Acha the son of R. Ika said: That the daughters of Israel may not be pervious to illicit relations.

Then why not marry her? For marriage would not assuage his passion, even as R. Yitzchak said: Since the destruction of the Temple, sexual pleasure has been taken and given to sinners, as it is written, “Stolen waters are sweet, and the bread of the secret places is pleasant.”

The Babylonian Talmud opens in a manner quite similar to the Jerusalem Talmud, with an Amoraic dispute as to whether the woman in question was married or single (R. Ya’akov bar Idi being the first disputant and R. Shemuel/ Yitzchak bar Nachmani/Nachman being the second).

The Babylonian Talmud similarly states that it is easy to understand the view that she was a married woman, but the sweeping ban is more puzzling if she was unmarried.

The *sugya* strives to understand why the Sages would be so strict as to let the man die according to the view that the woman was single. It appears that the question amounts to the following: What value could be so overwhelming when we have a man dying before our very eyes? In my view, the responses only strengthen this reading. The Babylonian Talmud does not try to drive the discussion towards the positon that she is a married woman. Both answers given are on the broad social-ethical plane, and not the specific halakhic-formal plane.

The answers cited are from two *Amora’im*. R. Papa proposes that the issue is family honor; as long as this man had a socially atypical arrangement with this woman, who was not his wife, it would ostensibly undermine the status of her family. In order to prevent this injury to the woman’s family, the Sages prevented any association with her.

R. Acha, on the other hand, invokes “That the daughters of Israel may not be pervious to illicit relations (*hefker*).” This explanation of R. Acha may be understood in a number of different ways, depending on how we define the focus of his statement.

One possibility is that he is speaking generally of the behavior of Jewish girls, which might deteriorate if situations such as that in the story are interpreted improperly in terms of their expected behavior. Another possibility is that the focus is on male behavior, their attitude towards women and the way they think about them. This opposition is about the objectification of women. This appears to be Rashi’s understanding:

“That the daughters of Israel may not be pervious to illicit relations” — to stand before men so that they may be eyed and offered up for sexual relations.

In any case, R. Acha understands that the Sages’ ruling expresses a concern for society in general and the values of modesty within it. Allowing one of these solutions creates a breach in the boundaries between the sexes outside of the framework of marriage. The worry about society as a whole in this context justifies the Sages’ opposition to breaching such boundaries, even if it were to be done with the motive of saving a man’s life.

This is where the Amoraic debate ends, but the *sugya* continues. The *gemara* itself wonder why this matter was not resolved in a more simple way – they should have allowed the man to marry the woman and let them have a relationship within the framework of marriage. The response of the *gemara* is very interesting. It states that this solution is insufficient, as the man’s lust would not have been sated. His burning desire was of the type that could only be quenched — in the era of exile — by violating a prohibition. In this time period, “Stolen waters are sweet, and the bread of the secret places is pleasant.”

The verse quoted by R. Yitzchak is not coincidental, as it comes from the passage in *Mishlei* that discusses relationships between the sexes that are not in the framework of marriage:

A foolish woman is clamorous: she is simple and knows nothing. For she sits at the door of her house, on a seat in the high places of the city, to call passengers who go right on their ways: “Whoever is simple, let him turn in here.” As for him that wants understanding, she says to him, “Stolen waters are sweet, and the bread of the secret places is pleasant.” But he knows not that the dead are there and that her guests are in the depths of hell. (9:13-18)

The comparison to bread in this context is not surprising. We often see in the literature of *Chazal* metaphors of this sort, using the consumption of food and drink as a euphemism for sexual relations.[[3]](#footnote-3)

In the situation obtaining after the destruction of the Temple, reality does not allow a solution that is satisfactory for all sides. In light of this reality, there had to be a sacrifice, as it were, and the Sages chose to sacrifice the opportunity to save this man’s life rather than sacrifice the freedom of this woman or the values of propriety and modesty for society as a whole.

This leave us with a substantial distinction between the Babylonian Talmud and the Jerusalem Talmud, in terms of how each presents this tale. While the latter expends a great deal of effort in order to keep this story within the bounds of recognized halakhic conventions, the former seriously develops and explores the second approach – that the woman was single. The ruling of the Sages in this case was based on different values, even if it defied the known normative rules of Halakha.

In the next *shiur*, we will analyze the story in its broader context in Tractate *Sanhedrin*, namely the entire eighth chapter.

Translated by Yoseif Bloch

1. As B. Wimpfheimer has already noted: Barry Scott Wimpfheimer, *Narrating the Law* (Philadelphia: 2011), p. 49. [↑](#footnote-ref-1)
2. The technical term for such an arrangement would be *zenut*, but the precise definition of such a situation depends on how we parse the prohibition of *zenut*, which the *Rishonim* argue about. This is not the forum for that discussion. [↑](#footnote-ref-2)
3. We explored this in the previous *shiurim*; see *Yoma* 74a. [↑](#footnote-ref-3)