

Why Was Rabbi Yirmiyah Thrown out of the Beit Midrash? Measurements, in Theory and in Practice

On Bava Batra 23b, R. Yirmiyah gets thrown out of the beit midrash for questioning the standard measurement established for determining ownership of a fallen bird by offering an theoretical exception. In at least three other places in the Talmud Bavli, R. Yirmiyah is also found questioning legal measurements or standards by offering theoretical exceptions or outlier test cases. What is this questioning about, and what do R. Zeira's answers teach us about rabbinic understanding of the halakhic system?

Questions? Comments? Email dinanddaf@gmail.com

1. בבא בתרא כג.

בְּעֵי רַבִּי יִרְמְיָהּ: רָגְלוֹ אַחַת בְּתוֹךְ חֲמִשִּׁים אַמָּה, וְרָגְלוֹ אַחַת חוּץ מִחֲמִשִּׁים אַמָּה – מֵהוּ? וְעַל דָּא אֶפְקוּהוּ לְרַבִּי יִרְמְיָהּ מִבֵּי מִדְרָשָׁא.

Rabbi Yirmeya raises a dilemma: If one leg of the chick was within fifty cubits of the dovecote, and one leg was beyond fifty cubits, what is the *halakha*? The Gemara comments: And it was for his question about this far-fetched scenario that they removed Rabbi Yirmeya from the study hall, as he was apparently wasting the Sages' time.

2. רבינו גרשום ב"ב כג.

ועל דא אפקוהו לר' ירמיה מבי מדרשא. משום דמטריד להו בשאלות שאין בהן ממש:
He was kicked out from the beit midrash because he bothered them with nonsensical questions.

3. תוספות ב"ב כג. ד"ה ועל דא

ונראה לרבינו תם דמשום הכי אפקוהו משום דמדדה אינו מדדה כלל יותר מחמשים אמה אפילו רגלו אחת דכל מדות חכמים כן הוא:
And it seems to Rabbeinu Tam that this is what they kicked him out of the beit midrash: because more than fifty amot, even just a foot, is not a rabbinic measurement, for all rabbinic measurements are such.

4. בן יהוידע ("בן איש חי", ר' יוסף חיים, בגדד, אירעק 19th c.) ב"ב כג.

בְּעֵי רַבִּי יִרְמְיָהּ רָגְלוֹ אַחַת בְּתוֹךְ חֲמִשִּׁים אַמָּה, וְרָגְלוֹ אַחַת חוּץ מִחֲמִשִּׁים אַמָּה מֵהוּ? וְעַל דָּא אֶפְקוּהוּ לְרַבִּי יִרְמְיָהּ מִבֵּי מִדְרָשָׁא. הנה כתב רבינו מורנו הרב רבי חיים ויטאל ז"ל (בשער הגלגולים) דרבי ירמיה תמיד היה שואל שאלות כמו שאמרו הרבה פעמים 'בְּעֵי רַבִּי יִרְמְיָהּ' ולהיות כי הוא נתכוון לטובה להגדיל תורה ולהאדיר בשאלותיו וביישוהו ואפקוהו מבי מדרשא לכן יש לו שכר טוב למעלה כי כל שאלות הנשאלות במתיבתא דרקייעא הוא שואל אותם ונשאלות על ידו...

Behold our teachers the master Rabbi Hayyim Vital z"l taught that R. Yirmiyah would always ask questions, as they said many times: "Rabbi Yirmiya asked," and he intended it positively, to expand the beauty and majesty of Torah with his questions. Yet, they shamed him and kicked him out of the beit midrash. Therefore, he has great reward Above, for all questions that are asked in the Yeshiva of the Heavens, he asks them...

5. בבלי ראש השנה יב:יג.

אמר רב אסי אמר רבי יוחנן, ומטו בה משמיה דרבי יוסי הגלילי, אמר קרא: "מקץ שבע שנים במועד שנת השמיטה
בחג הסוכות", שנת השמיטה מאי עבידתיה בחג הסוכות? שמינית היא!
אלא, לומר לה: קל תבואה שהביאה שליש בשביעית לפני ראש השנה — אתה נוהג בו מנהג שביעית בשמינית

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א"ל ר' ירמיה לר' זירא: וקים להו לרבנן בין שליש לפחות משליש?
א"ל: לאו אמינא לך לא תפיק נפשך לבר מהלכתא? כל מדות חכמים כן הוא בארבעים סאה הוא טובל, בארבעים
סאה חסר קורטוב אינו יכול לטבול בהן. כביצה מטמא טומאת אוכלין, כביצה חסר שומשום אינו מטמא טומאת
אוכלין. שלשה על שלשה מטמא מדרס, שלשה על שלשה חסר נימא אחת אינו מטמא מדרס.

Rav Asi said in the name of R. Yohanan, and they also brought it in the name of R. Yose the Galilean: the verse states, "At the end of 7 years during the time of the shemitta on Sukkot (Devarim 31:10, regarding the mitzvah of hakhel, gathering everyone to hear the Torah in the 8th year)" - what is the reason the shemitta year is mentioned regarding Sukkot? It's already the 8th year!

Rather it is to teach you that all grain that grew 1/3 at the end of the sabbatical (shemitta) year before the New Year of the following year (and thus was able to be harvested on Sukkot on the 8th year), must be treated like produce that grew fully during the sabbatical year (i.e., you may not harvest it, sell it, or throw it away; instead, it should be left wild for anyone to collect on their own to show that the land belongs ultimately to God rather than to farmer)...

R. Yirmiyah said to R. Zera: And were the rabbis certain that there was a difference between 1/3 and less than 1/3?

R. Zera said to him: Haven't I told you not to take yourself outside of the tradition? All the measurements of the sages are like this: one immerses in [a ritual bath of] 40 se'ot, where one may not immerse in 40 se'ot minus even a little bit. An egg-size transmits food impurity; an egg-size minus even a sesame seed sizes does not transmit food impurity. Three by three [handbreadths] transmits impurity by treading; three by three minus even one hair does not transmit impurity by treading.

6. ריטב"א ר"ה יג.

א"ל ר' ירמיה וכו'. פ"י וכי קים להו לרבנן כ"כ בשיעורא דאלו הוה פחות כלל אינה נקצרת בחג עד שסמכו בזה
לחלק בכמה דינין בין שליש לפחות משליש:

And do the rabbis know so perfectly that if it grew less than a 1/3 it wouldn't be able to be harvested on Sukkot that they came to rely on this is a distinguishing measure - 1/3 vs. less than 1/3?

כל שיעורי חכמים כך הם. פ"י עכ"פ כל מדות חכמים כך הם שא"א לדקדק בשיעורם על השיעור הצריך ממש לא פחות ולא יתר ואם באנו לדקדק כן א"א לתת שום שיעור ידוע לשום דבר כי לעולם היה לאדם יכולת לדקדק ולומר בכל שיעור שאין מעלה ומוריד בו לפחות או להוסיף ממנו משהו ונמצאו כל השיעורין מתבטלין וכדמפרש ואזיל ממקוה וטומאת אוכלין:

Meaning that all rabbinic measurements are such that you cannot completely be precise - no less or no more. If we tried to do that it would be impossible to offer any general standard of measurement because a person could always suggest that a little less or a little more would not make a difference. And thus all measurements would be null, as it goes on to explain from mikveh and the ritual impurity of foods.

7. בבלי סוטה טז:

תנו רבנן, שלשה צריכין שיראו: עפר סוטה, ואפר פרה, ורוק יבמה. משום רבי ישמעאל אמרו: אף דם צפור.
The Sages taught (Tosefta 1:8): Three items are required to be seen: The dust of the *sota* must be visible in the water, the ashes of the red heifer must be visible when placed in the waters of purification, and the spittle of a woman whose husband, who has a brother, died childless [yevama] must be visible. In the name of Rabbi Yishmael they said: Even the blood of the bird used in a leper's purification ritual is required to be visible in the vessel.

מאי טעמא דרבי ישמעאל, דכתיב: "וטבל אותם בדם הצפר וגו'", ותניא: "בדם", יכול בדם ולא במים — תלמוד לומר: "במים". אי מים, יכול במים ולא בדם — תלמוד לומר: "בדם". הא כיצד? מביא מים שדם ציפור ניכר בהן, וכמה — רביעית...

The Gemara asks: What is the reasoning of Rabbi Yishmael? As it is written with regard to the process of the purification of a leper: "(And he shall take the cedar wood, and the hyssop, and the scarlet, and the living bird) and dip them in the blood of the slain bird (and in the running water)" (Leviticus 14:51). And it is taught in a *baraita*: "in the blood," one might have thought that these items must be dipped only in the blood; therefore, the verse also states: "in the water." If the verse had stated only the phrase "in the water," one might have thought they should be dipped only in the water and not be dipped in the blood at all. Therefore, the verse also states: "in the blood." How can these texts be reconciled? One must bring little enough water so that the blood of the bird will still be recognizable within it. And how much water is this? It is a quarter-log...

בעא מיניה רבי ירמיה מרבי זירא: גדולה ומדחת את המים, קטנה ונדחית מפני המים, מהו? אמר ליה: לאו אמינא לך לא תפיק נפשך לבר מהילכתא, בצפור דרור שיערו רבנן. אין לך גדולה שמדחת את המים, ואין לך קטנה שנדחית מפני המים.

R. Yirmiyah asked R. Zeira: What about large one that [has enough blood that it] displaces the water, or a small one that [has blood that] is displaced by the water? He said to him: Haven't I told you not to "take yourself outside of hilkheta"? The rabbis measured based on a swallow. You do not have a large one that displaces the water or a small one that is displaced by the water.

8. משנה נדה ג:א

...המפלות מין בהמה, חיה ועוף, בין טמאין בין טהורים, אם זכר, תשב לזכר. ואם נקבה, תשב לנקבה. ואם אין ידוע, תשב לזכר ולנקבה, דברי רבי מאיר. וחכמים אומרים, כל שאין בו מצורת אדם, אינו ולד:
[If a woman] miscarries something that looks like a domestic animal, wild animal, or bird, whether pure or impure, if it is male she sits [days of ritual impurity] for a male and if it is female she sits for a female. If it is not known, she sits for a male. These are the words of R. Meir. And the sages say: Whatever does not have in it [anything] of the shape of a human being is not [human] offspring...

9. בבלי נדה כג.

בעא מיניה רבי ירמיה מר' זירא לר"מ דאמר בהמה במעי אשה ולד מעליא הוא קבל בה אביה קידושין מהו למאי נפקא מינה לאיתסורי באחותה

Rabbi Yirmeya asked Rabbi Zeira: According to Rabbi Meir, who said that an animal in the womb of a woman is considered a full-fledged offspring, what is the *halakha* in a case where it is a female, and her father accepted betrothal for her, i.e., he married her off by accepting betrothal money from a man, or a document of betrothal? Is such a betrothal valid? What practical difference is there whether it is valid? The difference is with regard to whether it is prohibited for the man to marry her sister. If the betrothal is valid, it is prohibited for the husband to marry her sister, as one may not marry his wife's sister.

למימרא דחיי והאמר רב יהודה אמר רב לא אמרה ר"מ אלא הואיל ובמינו מתקיים אמר רב אחא בר יעקב עד כאן הביאו רבי ירמיה לר' זירא לידי גיחוך ולא גחין

Is this to say that such an offspring can live? (A man is prohibited from marrying his wife's sister only during his wife's lifetime.) But doesn't Rav Yehuda say that Rav says: Rabbi Meir said that a woman who discharges an item that has the form of an animal is impure only since there are other animals of its type that can live, i.e., there are animals similar to the discharged item that do survive, but not that fetus itself. Rav Aḥa bar Ya'akov says: Rabbi Yirmeya tried this hard to cause Rabbi Zeira to laugh, but he did not laugh. In other words, Rabbi Yirmeya was not asking his question seriously.

10. Dr. Sarah Wolf, *The Rabbinic Legal Imagination: Narrativity and Scholasticism in the Babylonian Talmud* (PhD. dissertation), 95-98

A question at Rosh Hashanah 13a and its parallel at Sotah 16b address the ability of standardized rabbinic measurements to either account for anomalies or accurately assess a particular situation at all, while another pair of questions, at Bava Batra 23b and Niddah 23a, ask about the proper legal rulings for some unlikely liminal (in one case literally so) situations. The responses to the questions also differ: in the Rosh Hashanah and Sotah passages he receives a specially formulated rebuke; in the Bava Batra passage he is thrown out of the beit midrash; and in the Niddah passage his question is met with a typical counter-question about its legal significance, followed by R. Aha b. Yaakov's statement that R. Yirmiyah had been attempting to make a joke.

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Several modern scholars have also attempted to find a critical motivation behind R. Yirmiyah's questions in these stories that can explain his colleagues' extreme disapproval. Like their medieval predecessors, they too often read the R. Yirmiyah stories in conjunction with each other in an attempt to discern an overarching theme that links them. Moshe Silberg reads R. Yirmiyah as expressing criticism of the rabbinic legal project, asking questions that are designed to point out the limits of halakhic formalism.⁴ On the basis of a fifth story, in which R. Yirmiyah is reinstated to the beit midrash after submitting very humbly worded responses to rabbinic queries, Adin Steinsaltz argues that the problem with the amora's questions to begin with was a lack of humility towards his fellows.⁵ More recently, Eliezer Diamond has argued that R. Yirmiyah's questions are deemed unacceptable because they are either parodic or satirical forms of mockery.⁶

(4 Moshe Silberg, "R. Yirmiyah's Questions: Methodology or Personality?" in *Kitve Moshe Silberg* (Jerusalem: Magnes, 1998), 151-159. See also Silberg, *Kakh Darko Shel Talmud* (Jerusalem: Mif'al Ha-shikhpul, 1961), 46-47. 5 Adin Steinsaltz, "Why Was Rabbi Yirmiyah Removed from the Beit Midrash?" *Sinai* 54 (1963-1964). 6 Eliezer Diamond, "But Is it Funny? Identifying Humor, Satire, and Parody in Rabbinic Literature" in *Jews and Humor* (ed. Leonard J. Greenspoon; West Lafayette: Purdue University Press, 2007), 33-50)

11. Wolf, 100

R. Yirmiyah's questions in this group of legal stories all treat the law as an object for hypothetical contemplation rather than real-life application. They also share an overarching concern: the ability of rabbinic law to describe the natural world, especially when it manifests in a messy or unusual way. Each of the questions pits legal fictions— about determining ownership, quantifying grain growth, or determining the status of an anomalous birth—against the possibility that reality may be either too complex or too unknowable for those legal fictions to accurately judge. Additionally, the story of R. Yirmiyah's return to rabbinic favor seems to imply that one of his "crimes" was insufficient deference in his exchanges with colleagues, perhaps thus expressing a critique of scholastic verbal sparring.