

TALMUD TORAH 6:6

by Rabbi Yitzchak Etshalom

*introductory note: A *Hakham* is a scholar; *Av-Bet-Din* is the chair of the court, second only to the *Nasi* on the hierarchical scale within the *Sanhedrin* - (Jewish legislature/Supreme Court)]*

6. If someone sees a *Hakham*, he does not stand up in his honor until he arrives within 4 Amot - and once [the *Hakham*] passes, he sits down.

If he saw the *Av-Bet-Din*, he should stand in his honor from the time he sees him from a distance and should not sit down until [the *Av-Bet-Din*] passes 4 Amot in back of him.

If he saw the *Nasi*, he should stand in his honor from the time he sees him and should not sit down until [the *Nasi*] sits in his place or until [the *Nasi*] disappears from view.

If the *Nasi* was *Mochel* (forgave) the honor due him, it is forgiven.

When the *Nasi* enters [the study/lecture hall], everyone should stand and not be seated until he says to them: "Sit".

When the *Av-Bet-Din* enters, they make two rows for him, standing on either side until he enters and sits in his place, at which point everyone sits in his place.

Q1: (this question belongs to the last posting but is still relevant...) What is the definition of a *Hakham*? Is there a certain basic breadth of knowledge he must possess? Skills? Reputation? Is it relative to his society or are there objective standards?

YE (Yitz Etshalom): Although the *Hakham* mentioned here is associated with the Sanhedrin (see discussion below on Q2), the general usage does beg a parametric definition.

In the Gemara (BT Shabbat 114a), R. Yohanan gives three definitions:

(a) a Talmid Hakham is one who "is careful to keep his garment turned right side out" - i.e. is careful about the dignity of his appearance in public - to such a scholar, we may return lost items without his providing identification - just by his own recognizing the item (see BT Bava Metzia' 23b);

(b) a Talmid Hakham is one who can respond to a question in any place [in the Talmud], even "Massechet Kalah" (Rashi: a relatively obscure and overlooked piece of Tannaitic literature) - such a scholar may be appointed as a community leader;

(c) a Talmid Hakham is one who ignores his own needs and involves himself in the needs of Heaven

(i.e. study, prayer - perhaps communal concerns) - such a scholar must be supported by his neighbors;

The last definition must be seen in the light of the Gemara in Yoma (72b) - where the same R. Yohanan suggests that the people must support a Talmid Hakham who lives in their town - Rava adds to this that it only applies to a Talmid Hakham whose "inside is as his outside" - i.e. is sincere and has the proper characteristics. RAN (Rabbenu Nissim - page 42a (RIF pages) in RIF - Shabbat) explains the phrase "his inside is not as his outside" as follows: "His intent is not as positive/good as his words".

Put together, we have the picture of someone with great breadth of knowledge, who is aware of his own position as a "representative" of Torah and is totally dedicated, emotionally, intellectually etc. to the pursuit of Torah knowledge and sanctity.

However, it must be noted that each of the definitions has a "relative" component:

(a) It seems that issues of dignity are socially relative and that what is considered dignified dress and deportment changes from one situation/society/time to another;

(b) The body of knowledge which is necessary for a scholar to master changes - and grows - with time. Today, we would scarcely consider someone who knows the entire Gemara - but without any commentaries and/or codes - a real scholar. Conversely, there does seem to be a statement about non-specialization (in that someone who is an expert in one area of law but relatively ignorant in the rest doesn't qualify);

(c) In a society, like ours, which has institutionalized teaching positions etc., we would scarcely expect a scholar to ignore those job opportunities and his own needs and expect that burden to be "picked up" by the community.

All in all, it seems as if there are general character, scholastic and attitudinal traits (see MT De'ot Chapter 5) which typify a Talmid Hakham - but their actual application varies from era to era and from society to society.

Q2: R already codified the "4 Amot" rule for the *Hakham* (6:1) - why repeat it?

YE: The presentation of Halakhot 6&7 raises five other questions, as follows:

(a) Why does R present two series of laws of honor for these three positions (*Hakham*, *Av-Bet-Din*, *Nasi*)?

(b) Why are they presented in opposite order (i.e. *Hakham*, *Av-Bet-Din*, *Nasi*, then *Nasi*, *Av-Bet-Din*, *Hakham*)

(c) Why is the law of *Mechilah* presented in the middle?

(d) Why does the *Nasi* have the only right of *Mechilah* (Q5 below)?

(e) Why is the second "law of honor" of the *Hakham* presented in the next Halakha?

There are two separate *sugyot* (sections in the Gemara) dealing with this three-tiered hierarchy of honor - in Kiddushin and in Horayot.

Kiddushin (33b): If someone sees a *Hakham*, he stands up in his honor within 4 Amot - and once [the *Hakham*] passes 4 Amot, he sits down.

If he saw the *Av-Bet-Din*, he should stand in his honor from the time he sees him from a distance and should not sit down until [the *Av-Bet-Din*] passes 4 Amot in back of him.

If he saw the *Nasi*, he should stand in his honor from the time he sees him and should not sit down until [the *Nasi*] sits in his place.

Horayot: (13b):

When the *Nasi* enters [the study/lecture hall], everyone should stand and not be seated until he says to them: "Sit".

When the *Av-Bet-Din* enters, they make one row for him on either side until he sits in his place, at which point everyone sits in his place.

When the *Hakham* enters, one may sit or stand until he enters and sits in his place.

R quoted these two *sugyot* almost verbatim - and in the same order for each. It seems that the *sugya* in Kiddushin is relating to meeting one of these people outside the study hall/court and how to show them proper honor. In any case, these are all members of the court - *Hakham* refers to a member of the Sanhedrin (or, perhaps, any Beit-Din). It is important to note that a session of the court was also a learning session.

(a) This is why there are two presentations of these laws.

(b) They are presented in the same order as their respective sources.

(c) The *Nasi* can only be *Mochel* his honor outside of the protocol of Beit-Din, as that is his own personal honor; within the protocol of Beit-Din, it is the honor of the court (and, to some extent, the entire legal system -see BT Yevamot 90b, Ketubot 100a, Gittin 33a).

(d) All of the other "honorees" are honored because of their position within the Beit-Din - their honor is a direct extension of the honor for the court AND for the Nasi - it is honor due him, therefore, only he may forgive it.

(e) Perhaps R "broke up" the sugya to demonstrate that, unlike the *Nasi* and *Av-Bet-Din* whose position only exist(ed) within the framework of the Sanhedrin, this Halakha applies to any Hakham (member of Beit-Din (?) / scholar)

Q3: Why the three-tiered hierarchy of honor: Hakham/Av-Bet-Din/Nasi?

YE: See answer to Q2 above.

Q4: Admittedly, there is no *Nasi* position today; what about *Av-Bet-Din*? Is that the chair of any Rabbinical court, or only one which is presided over by a *Nasi* (= Sanhedrin)?

YE: See answer to Q2 above.

Q5: Why does the *Nasi* have the right of *Mechilah* of his honor, unlike the *Hakham*?

YE: See answer to Q2 above.

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