

כאן בכרכום¹ של אותה מלכות – Here it is the כרכום of that kingdom

OVERVIEW

משנה in the name of ר' יצחק בר אלעזר resolves the contradiction between our משנה (פסולות כהנות, which states that a city that was conquered by the כרכום, all the כהנות are פסולות), and the other משנה (which states when a בלשת enters a city in the time of war, all the wine remains מותר); that one משנה is discussing a כרכום of that kingdom, and the other משנה is discussing a כרכום of another kingdom. There is a dispute between רש"י (who maintains that by מלכות של אותה מלכות, the wine and the women are מותר) and תוספות (who maintains that by אותה מלכות, the wine and women are אסור), as to how to explain this answer.

פירוש² שיושבין בטח לפי שאין אחריהן מחנה³ ויש פנאי לנסך ולבעול -

The explanation of the answer is that the כרכום של אותה מלכות, **are resting securely for there is no other camp** of enemy soldiers coming **after them** (for they are in their מלכות and therefore **there is time to pour** wine to their ע"ז **and to be בועל** the (Jewish) women -

אבל בלשת של מלכות אחרת שאימת מלכות שבאו בגבולה עליהם אין להן פנאי⁴ -

However the raiding soldiers of another kingdom, who are afraid of the soldiers of the kingdom they invaded, have no time לנסך ולבעול.

וכן פירש רבינו חננאל ורבינו תם וכן מוכח בירושלמי⁵ -

And the ר"ה and the ר"ת also explained it in this manner and this is also evident in the תלמוד ירושלמי that by מלכות של אותה מלכות everything is אסור and מלכות אחרת everything is מותר.

⁶גמרא explains the continuation of the תוספות

ופריך כרכום של אותה מלכות אי אפשר דלא ערקא חדא⁷ מיניהו -

¹ כרכום means a siege (see רש"י ד"ה כרכום). The army which laid siege on a city captured it and entered into the city.

² The word פירוש is the customary manner in which תוספות implies that he is negating another interpretation; in our case, פרש"י, as mentioned later in this תוספות (see footnote # 13).

³ Let us assume the כרכום captured a rebellious city within their country; no one is coming after these soldiers; they just defeated their enemies and there is no longer any opposition.

⁴ They are in a rush to take whatever booty they can and run away before the local soldiers come.

⁵ In our פרק ה"ט. See there (in our editions ידב, ב) that the rule of the משנה is 'ובלבד כרקום של אותו מלכות אבל כרקום של מלכות אחרת כלסטים הם'.

⁶ According to פרש"י that מותרות של אותה מלכות they are מותרות, the question of the גמרא that 'וכן' is understood, that there is always the possibility that one soldier would leave his company and either be בועל or מנסך. However according to תוספות that by אותה מלכות they are אסורות, what is the question of 'וכן'.

And the גמרא asks, why is it that by **כרכום של אותה מלכות** all the women are אסורות, **since it is impossible that none of the women escaped** from the כרכום - **והוה לן למשרינהו לכולהו ולמיתלי לקולא⁸ דבשבויה הקילו⁹ -**

And on account of this one woman **we should permit all the women** לכהונה **and assume the lenient** view regarding each woman, **for the חכמים were lenient regarding a שבויה –**

תוספות proves his point that it is appropriate to say בשבויה הקילו in this instance (even though the majority of the women did not escape):

כדאמרינן בסמוך¹⁰ אם יש מחבואה אחת מצלת על כל הכהנות כולן -

As ר' יצחק בן אשיאן says **shortly** in the name of רב אידי בר אבין **if there is one hiding place** in the city, **it 'saves' all the כהנות** that they are all מותרות (even though not all the כהנות can hide in this מחבואה, only a minority [at most]), similarly here since (at least) one will have escaped, all the women should be permitted.

תוספות responds to an anticipated difficulty with this proof:

אף על גב דמספקא לן באינה מחזקת אלא אחת¹¹ הכא פשיטא לן דשרו -

Even though ר' ירמיה **poses a question** if the מחבואה **can contain only one** woman, is it מציל on the rest, **nevertheless here** (by escaping), **it is obvious to us that all the women should be permitted;** the difference is -

דהתם לא ודאי נחבאת אבל הכא ודאי ערקא¹² -

That there by the מחבואה **it is not certain** that even one woman **hid** in this מחבואה, therefore there is room for doubt whether it is מצלת על כולן, **however here** (at least) **one woman certainly escaped**, therefore we can judge each woman that she is the escapee.

¹³פירש"י now challenges תוספות

⁷ The text in our גמרא reads חד מינייהו (לפי הב"ח) חד מינייהו in the masculine, (seemingly) referring to the soldiers, not to the women. See מהרש"ל (and the הגהות וצינונים אות ד' on the margin of the (newer) גמרות).

⁸ It is virtually certain that (at least) one woman escaped and is certainly מותרת. We should therefore rule that each woman is מותרת for perhaps she is the one (of the few) who escaped.

⁹ The rule that a שבויה is אסורה לכהונה is (merely) a דין דרבנן, since we are not certain that she was נבעלה לעכו"ם. Therefore the חכמים ruled that if there is a ספק in their שבויה status, we assume the lenient position and she is מותרת.

¹⁰ See later on this עמוד.

¹¹ תוספות explained that the question was since one can escape, they should all be מותרות. However we see from this איבעיא of אחת אלא אחת מחזקת, that we are in doubt whether we say that since one woman can hide, therefore all should be מותרות. Why should the possibility of escaping be different than the possibility of hiding?!

¹² We are not certain if any of the women were aware of this מחבואה and additionally we are not aware that any woman actually had the opportunity to hide in this particular מחבואה (see 'Thinking it over # 1). However it is a virtual certainty that in an entire city (at least) one woman managed to escape entirely from the soldiers. The גמרא answered that there was extremely tight security and no one was able to escape.

ולפירוש הקונטרס קשה טובא חדא דפריך נתלי לחומרא וגבי מחבואה תלינן לקולא¹⁴ -
And there are many difficulties on פירש"י (#1), the גמרא initially asks
that we should assume the stricter view (that perhaps one soldier managed to
leave his group and be בועל or מנסך) and therefore all the women (and wine) should
be אסורות on account of one, and on the other hand **regarding the מחבואה we**
assume the lenient view (that perhaps some women hid) and therefore all the woman are
מותרות because of the possibility that some hid!¹⁵

An additional question on פירש"י:

ועוד דמה מתרץ¹⁶ דמהדר למתא כולי¹⁷ ואין אדם נכנס לשם והא קתני בלשת שנכנסה לעיר¹⁸ -
And additionally (#2), what does the גמרא answer, that the king placed chains,
etc. around the city, etc. so no person can enter the city (and that explains why
in ע"ז it is מותר), but how can the גמרא state this **when the משנה states, 'a בלשת**
which entered the city; it is evident that the soldiers entered the city.

Another question on פירש"י:

ועוד כיון דאהיהא דעבודה זרה פריך הוה ליה למימר אי אפשר דלא ערק חד מינייהו ונסך¹⁹ -
And furthermore (#3), since the גמרא is asking the question of 'וכו' א"א דלא ערק וכו',
on the משנה of ע"ז מס' (where it states that בשעת מלחמה all the wine is מותר), the
גמרא should have phrased the question, 'it is impossible that one of them did
not escape and was מנסך' -

A further question on פירש"י:

ועוד דהתם מפרש טעמא לפי שאין פנאי לנסך -

¹³ תלנין לקולא and מחבואה are both מותרות נשים, for the king wants to protect them. (ד"ה כרכום in) רש"י ¹³

¹⁴ According to תוספות, however, both the question of 'וכו' א"א דלא ערקא חדא וכו' and מחבואה are both מותרות. תוספות ¹⁴

¹⁵ If we are permitting all the women on account of the one (or few) that hid; how can we possibly be אסור all the women on account of one who was maybe נבעלה?! See 'Thinking it over' # 2. ¹⁵

¹⁶ The גמרא asked why by מותרות (רש"י according to ע"ז in משנה) כרכום של אותה מלכות (the גמרא asked why by מותרות, perhaps one of the soldiers was able to escape, enter the city, and be בועל. ¹⁶

¹⁷ It would seem (according to [תוספות understanding of] פירש"י), that the war was waged outside the city and (once the city was conquered) efforts were made that no one should enter the city. ¹⁷

¹⁸ According to תוספות, however, the chains in our משנה, we placed inside the city to assure that no woman escapes; however (even if we assume that in the משנה of בלשת there were also chains, nevertheless) they were not made (that secure) to assure that no one enters (especially raiding soldiers). ¹⁸

¹⁹ According to רש"י (ד"ה ולא קשיא in) רש"י the question (on the משנה in ע"ז) is why is it מותר, perhaps one soldier left his post and was בעיל (and others maintain that גורם is רש"י in the גמרא that ובעיל [א"א דלא ערק חד] however the גמרא should have mentioned ניסוך (not בעילה) since that is what the משנה in ע"ז is discussing. [Alternately the גמרא should have clarified what this soldier is doing (when he escapes); i.e. that he is מנסך. Otherwise it is not that clear. However according to תוספות that the question is on our משנה, there is no need to explain what she did; if she escapes she is obviously מותרת.] ¹⁹

And in addition (#4), the משנה there in ע"ז explains the reason why the wine is מותר because the בולשת has no time to be מנסך -

ולית ליה טעמא לפי שאין כרכום של אותה מלכות רוצה להשחית את בני העיר -

And it did not give the reason that the כְּרוֹם of the local kingdom does not want to destroy the property of the citizens of the city, as רש"י maintains.

One final question:

[ועוד מאי שנא שעת מלחמה משעת שלום²⁰]-²¹

And finally (#5) why is there a difference (regarding the בלשת in ע"ז מס' ע"ז) **whether it is a time of war** or if it is **a time of peace**; in all cases all the wine should be מותר since according to רש"י the מלכות של אותה מלכות does not want בני העיר להשחית את?

פירש"י offers an [alternate] explanation [according] to

וּשׁ לַיִּשָּׁב לְפִי שִׁיטַת הַקּוֹנְטֵרס²² -

And we can explain the גמרא (even) according to פירש"י

דְּרַבִּי יִצְחָק בֶּן אֱלֶעָזָר לֹא אָתִי לְשׁוּנִי²³ מִתְּנִיתִין אֵהֵיָּא דְעִבּוּדָּה זָרָה -

That ריב"א did not come to reconcile the contradiction from our משנה (which states (אסורות) to the משנה of ע"ז (which states (מותרות) -

אלא אית ליה שינוי דרב מרי ומתניתין דהתם נמי בכרכוס של מלכות אחרת -

For rather ר"מ agrees with the answer of ריב"א that there is a difference between תקיר (for which they have time since בעילה) and ניסוך (for which they have no time) **and the משנה there in ע"ז is also discussing a מרכוב of a אחרת of a מלכות** - (להו יצרייהו)

ולא בא אלא לפרושי מתניתין²⁴ -

And ריב"א is only coming to explain our משנה that even though ר"מ answered that בכרומ של מלכות אחרת (כולם אסורות) לבעול יש להם פנאי (and therefore בכרומ של מלכות אחרת, however) אינו רוצה להשחית בני עירו since מותרות אותה, they are מותרות since they are מותרות.

וכן משמע בפרק בתרא דעבודה זרה (דף עא,א) דפריך התם ממתניתין דהכא אמתניתין דבלשת -

²⁰ On the contrary during peace time the כרכום certainly does not want להשחית את בני העיר!

²¹ However according to תוספות that we are discussing our משנה, and the distinction is whether there is פנאי or not; the above mentioned questions are not relevant, and there is very good reason to distinguish between שעת מלחמה where there is no פנאי and שעת שלום where there is פנאי.

²² The following explanation will answer all the question on פירש"י [except for the first one (see [however] (מהרש"ל)].

²³ See marginal note that others amend this to read, **רומיא דמתניתין**.

²⁴ Question #2 is answered because we are not discussing the משנה בלשת and therefore indeed in our משנה the city is secure and no one can enter. The גמרא could not have said לנסך (question # 3) since we are discussing our משנה regarding בעילה. There is no question (#4) why we do not mention פנאי לנסך because in our משנה we are not discussing ניסוך. And indeed there is no difference in our משנה whether it is a שעת מלחמה or שעת שלום (#5).

²⁵ It will be necessary to say that the לשון of וכו' כאן וכו' does not refer to the two משניות, but rather to two cases regarding our משנה.

And it also seems this way from the גמרא in the last פרק of ע"ז מסכת, where the גמרא there asks from our משנה here on the משנה there of בלשת (as the גמרא asks here), and the גמרא there offers only the answer of ר"מ -

ולא מייתי התם²⁶ דרבי יצחק:

But does not mention there the answer of בר אלעזר; ר"י indicating that ריב"א is not reconciling the משניות, but rather qualifying the answer of ר"מ regarding our משנה here.

SUMMARY

מלכות אחרת (תוספות) maintains that our משנה discusses רש"י (according to) אותה מלכות ע"ז in משנה. However תוספות maintains the exact opposite. It is possible that רש"י maintains that both משניות are מלכות אחרת and ריב"א is differentiating in our משנה whether it is מלכות אחרת (where it is אסור) or אותה מלכות (where it is מותר).

THINKING IT OVER

1. It appears from תוספות that in the ירמיה of איבעיא regarding a מחבואה which is מחבאה²⁷, that we are not certain if even one woman hid in the אחת. However the phrase, מי אמרינן כל חדא וחדא היינו הא, indicates that one certainly hid!

2. תוספות asks on רש"י (#1), how can the גמרא ask regarding the בלשת that we should be תולה לקולא²⁸. Seemingly by בלשת we are discussing wine (ניסוך לע"ז), therefore the גמרא asks that we should be תולה לקולא, however by מחבואה we are discussing שבוייה; therefore we are תולה לקולא, since בשבוייה הקילו!²⁹

3. How will תוספות explain why (according to תוספות [own] view) the גמרא in ע"ז did not offer the answer³⁰ of בר אלעזר?!³¹

²⁶ See 'Thinking it over' # 3.

²⁷ See footnote # 12.

²⁸ See footnote # 15.

²⁹ See מהרש"א.

³⁰ See footnote # 26.

³¹ See רמב"ן.