

EXTERNAL SOURCES: MISHNA 3:1

ON AQAVIJAH BEN MAHALALEL

GAVRIEL Z. BELLINO

MISHNAH EDUYOT, CHAPTER 5

משנה מסכת עדיות פרק ה

Aqavijah ben Mahalalel testified concerning four things. They said to him: Aqavijah, retract these four things which you say, and we will make you the head of the court in Israel. He said to them: it is better for me to be called a fool all my days than that I should become [even] for one hour a wicked man before God; So they shouldn't say: "he withdrew his opinions for the sake of power." . . . Whereupon they excommunicated him; and he died while he was under excommunication, and the court stoned his coffin. Rabbi Judah said: God forbid [that one should say] that Aqavijah was excommunicated; for the courtyard is never locked for any man in Israel who was equal to Aqavijah ben Mahalalel in wisdom and the fear of sin. But whom did they excommunicate? Eliezer the son of Hanoch who cast doubt against the laws concerning the purifying of the hands. And when he died the court sent and laid a stone on his coffin. This teaches that whoever is excommunicated and dies while under excommunication, his coffin is stoned.

עֲקָבְיָא בֶּן מַהֲלֵלָאֵל הֵעִיד אַרְבַּעַה דְּבָרִים. אָמְרוּ לוֹ, עֲקָבְיָא, חֲזֵר בְּךָ בְּאַרְבַּעַה דְּבָרִים שְׁהֵיִיתְ אֹמֵר וְנַעֲשֶׂךָ אֵב בֵּית דִּין לְיִשְׂרָאֵל. אָמַר לְהוֹן, מוּטָב לִי לְהִקְרָא שׁוֹטֵה כָּל יְמֵי, וְלֹא לַעֲשׂוֹת שְׁעָה אַחַת רָשָׁע לְפָנֵי הַמֶּקוֹם, שְׁלֹא יִהְיוּ אֹמְרִים, בְּשִׁבִיל שְׂרָרָה חֲזֵר בּוֹ. . וְנִדְוָהוּ, וּמַת בְּנִדְוִיו, וְסִקְלוּ בֵּית דִּין אֶת אָרוֹנוֹ. אָמַר רַבִּי יְהוּדָה, חַס וְשְׁלוֹם שְׁעָבְיָא נִתְנַדָּה, שְׁאִין עֲזָרָה נִנְעֶלֶת בְּפָנֵי כָּל אָדָם מִיִּשְׂרָאֵל בְּחֻכְמָה וּבִירָאת חֹטָא כְּעֲקָבְיָא בֶּן מַהֲלֵלָאֵל. וְאֵת מִי נִדּוּ, אֵלִיעֶזֶר בֶּן חֲנוּךְ, שְׁפָקֶפֶק בְּטַהֲרַת יָדַיִם. וְכִשְׁמַת, שְׁלַחוּ בֵּית דִּין וְהִנִּיחוּ אָבֵן עַל אָרוֹנוֹ. מִלְּמַד שְׁכָּל הַמִּתְנַדָּה וּמַת בְּנִדְוִיו, סוֹקְלִין אֶת אָרוֹנוֹ:

At the time of his death he said to his son, "Retract the four opinions which I used to declare." He (the said to him, "Why did not you retract them?" He said to him, "I heard them from the mouth of the many, and they heard [the contrary] from the mouth of the many. I stood fast by the tradition which I heard, and they stood fast by the tradition which they heard. But you have heard [my tradition] from the mouth of a single individual and [their tradition] from the mouth of the many. It is better to leave the opinion of the single individual and to hold by the opinion of the many." He said to him, "Father commend me to your colleagues." He said to him, "I will not commend you." He said to him, "Have you found in me any wrong?" He said, "No; your own deeds will cause you to be near, and your own deeds will cause you to be far."

בְּשַׁעַת מִיתָתוֹ אָמַר לְבָנוּ, בְּנִי, חֲזֵר בְּךָ בְּאַרְבַּעַה דְּבָרִים שְׁהֵיִיתִי אֹמֵר. אָמַר לוֹ, וְלָמָּה לֹא חֲזַרְתָּ בְּךָ. אָמַר לוֹ, אֲנִי שָׁמַעְתִּי מִפִּי הַמְרַבִּים, וְהֵם שָׁמְעוּ מִפִּי הַמְרַבִּים. אֲנִי עֲמַדְתִּי בְּשִׁמוּעָתִי, וְהֵם עֲמַדוּ בְּשִׁמוּעָתָן. אֲבָל אֶתָּה שָׁמַעְתָּ מִפִּי הַיְחִיד, וּמִפִּי הַמְרַבִּין. מוּטָב לְהִנִּיחַ דְּבָרֵי הַיְחִיד, וְלֶאחֹז בְּדְבָרֵי הַמְרַבִּין. אָמַר לוֹ, אָבָא, פְּקֹד עָלַי לְחַבְרִיךָ. אָמַר לוֹ, אֲנִי מִפְּקִיד. אָמַר לוֹ, שְׁמָא עִילָה מְצָאת בִּי. אָמַר לוֹ, לֹא. מַעֲשֶׂיךָ יִקְרְבוּךָ וּמַעֲשֶׂיךָ יִרְחֲקוּךָ: