

תלמוד בבלי מסכת פסחים דף נג עמוד א – ב

אמר רבי יוסי: תודוס איש רומי הנהיג את בני רומי לאכול גדיים מקולסין בלילי פסחים. שלחו לו: אלמלא תודוס אתה, גזרנו עליך נדוי, שאתה מאכיל את ישראל קדשים בחוץ. קדשים סלקא דעתך?! אלא אימא קרוב להאכיל את ישראל קדשים בחוץ.

...

איבעיא להו:

תודוס איש רומי גברא רבה הוה, או בעל אגרופין הוה?

תא שמע:

(עוד) [את]¹ זו דרש תודוס איש רומי:

מה ראו חנניה מישאל ועזריה שמסרו [עצמן] על קדושת השם לכבשן האש?

נשאו קל וחומר בעצמן **מצפרדעים**:

ומה צפרדעים, שאין מצווין על קדושת השם, כתיב בהו (שמות ז) "ובאו [ועלו] בביתך [וגו'] ובתנורך ובמשארותיך" –

אימתי משארות מצויות אצל תנור? הוי אומר בשעה שהתנור חם –

אנו, שמצווין על קדושת השם, על אחת כמה וכמה!

רבי יוסי בר אבין אמר: מטיל מלאי לכיס של תלמידי חכמים היה,

דאמר רבי יוחנן: כל המטיל מלאי לכיס תלמידי חכמים זוכה ויושב בישיבה של מעלה,

שנאמר (קהלת ז) "כי בצל החכמה בצל הכסף".

Pesachim 53b

Said Rabbi Yose:

Todos of Rome instituted a custom among the Jews of Rome to eat roasted goats on the night of Pesach.

They sent to him: Were you not Todos, we would decree ostracism upon you, as you are feeding Israel sacred meat outside the Temple.

Actual sacred meat?! Rather, say "close to feeding Israel sacred meat outside the Temple."

...

They asked:

Todos of Rome – was he a great man, or was he a powerful man?

The following text is evidence:

And this (further) expounded Todos of Rome:

What did Chananiah Misha'el and Azaryah see, that they gave themselves over to the fiery furnace for the Sanctity of the Name?

They applied an argument a fortiori from the frogs to themselves –

If frogs, who are not commanded regarding sanctification of the Name, have written about them "and they will come and go up into your house . . . and into your ovens and your kneading-troughs" –

when are kneading troughs found next to an oven? When the oven is hot–

we, who are commanded regarding sanctification of the Name, how much more so!

Rabbi Yose bar Avin said: He provided merchandise for scholars to do business with,

for Rabbi Yochanan said: All who provide merchandise for scholars to do business with merit sitting in the Academy Above,

as Scripture says: "for in the shadow of wisdom, in the shadow of money".

¹ The word עוֹד here is replaced by אֵת in parallels, and while Chatam Sofer is characteristically brilliant in his reconstruction of the preceding derashah of Todos, I think that אֵת is correct, as עוֹד is far less common in rabbinic literature than אֵת. But see Tosefta Bava Kamma 9:7, which deserves its own discussion, and of course Mishnah Rosh HaShannah 4:2.

תוס' פסחים דף נג עמוד ב

מה ראו חנניה מישאל ועזריה פ"ה מה ראו שלא דרשו וחי בהם ולא שימות בהן . . .
ור"י מפרש מה ראו שלא ברחו שהרי קודם המעשה היו יכולים לברוח

Tosafot Pesachim 53b

Rashi explained: "What did they see" that caused them not to apply "and live by them' – and not die by them" . . .

But Rabbeinu Yitzchak explained: "What did they see" that cause them not to flee, as before the event they could have fled . . ."

ספר הישר לר"ת (חלק החידושים) סימן שנד

מה ראו חנניה מישאל ועזריה שמסרו עצמן לתוך כבשן האש. זהו פירו' כלומ' על מה סמכו שבטחו בנס שינצלו מן הכבשן שלא יזוקו כלום שהיו אומ' לנבוכד נצר אלהא דאנחנא פלחין ליה יכיל לשיזבותנ' מאתון נורא יקידתא. שנשאו קל וחומר **מצפרדעים** ומה צפרדעי' שמסרו עצמן לכבשן האש לא ניזוקו כלום אנו על אחת כמה וכמה.

Rabbeinu Yonah, Sefer HaYashar (chiddushim) 354

"What did they see that caused them to give themselves up to the fiery furnace?" – meaning, on what did they rely to have confidence that they would be miraculously saved from the furnace without any harm, as they said to Nevuchadnezzar: "The G-d Whom we serve is capable of removing us from that burning furnace"? They made an argument a fortiori from the frogs to themselves – if the frogs who gave themselves up to the fiery furnace were not injured at all, how much more so we!

ליקוטי שושנים

וקשה:

הלא הק"ו הוא פריכא, דשאני צפרדעים דלא כתיב בהו "וחי בהם"?!
וי"ל:

דיש לפרש הקרא "וחי בהם" על חיוב דוקא, שלא ימות,
ויש לפרש ולומר דקרא לאו דוקא קאמר, רק דהרשות נתנה לכ"א לעשות כרצונו, או למסור על
קדושת השם או לאו,
רק דעל פי' השני יש להקשות:
לא ליכתב "וחי בהם", וממילא הסברא נותנת דהברירה ביד כ"א לעשות כרצונו?!
וצ"ל:

דאיצטריך "וחי בהם" דה"א דחייב למסור עצמו למיתה בשביל קדושת השם, דק"ו הוא
מצפרדעים, ולכן כתב רחמנא "וחי בהם", ללמדנו דרשות ביד כ"א לעשות כרצונו,
וזו דדרש תודוס דלמדו ק"ו מצפרדעים, וא"כ י"ל ד"וחי בהם" לאו דוקא, ולכן מסרו חמ"ו עצמן
לכבשן האש, ודו"ק.

Likkutei Shoshanim Va'era (R. Meir ben Levi, late 19th century; my edition was published in 1879, Warsaw, at which point he was apparently living; anyone with more information is encouraged to contact me)

But this is difficult: The argument a fortiori can be shattered, as frogs are otherwise not comparable, as "and live by them" was not written with regard to them!?

We can say:

The verse "and live by them" can be interpreted strictly as imposing an obligation not to die,

but it can also be interpreted loosely to mean only that each person is given the authority to act as they please, either to give their lives up for the sanctity of the Name or not.

But one can pose a difficulty for the second reading as follows:

Let the verse not say "and live by them", and reason would naturally indicate that the choice is in each person's hand to act as they please!

So we must say:

"and live by them" is necessary, as otherwise I would have thought that one was obligated to give himself up to death for the sake of sanctifying the Name, as a result of the a fortiori from the frogs, and therefore the Merciful wrote "and live by them", to teach us that each person has the authority to act as they please, and this is what Todos expounded that they learned a fortiori from the frogs, thereby deriving that "and live by them" can be interpreted loosely, and therefore Chananiah Misha'el and Azaryah (voluntarily) gave themselves over to the fiery furnace.

שו"ת משיב דבר חלק ג סימן יד ד"ה ועתה נבוא

מעתי תודוס האף שלא היה אדם גדול בתורה מכ"מ האציל לו הקב"ה בחייו דבר מצער לדרוש
ק"ו מצפרדעים. כדי שלא יהא בוש בישיבה של מעלה בעוה"ב.

Netziv, Responsa Meishiv Davar 14

So it turns out that Todos, although he was not a man great in Torah, nonetheless G-d radiated to him in his lifetime a small thing, that he could expound an argument a fortiori from frogs, so that he would not be shamed in the Academy Above in the Coming World.

If Fred jumped off the Empire State Building, would you jump off too? For the many of us who grew up with this argument against conformity ringing in their ears, it is disconcerting to find a beraita cited on Pesachim 53b endorsing a version of this decision algorithm - so long as Fred is a frog. Todos of Rome teaches that the prophets Chananiah, Mishael, and Azaryah allowed Nevuchadnezzar to (publicly) throw them into a burning furnace, rather than agreeing to worship an idol, because they took as binding halakhic precedent the willingness of (at least some of) the plague frogs to enter hot Egyptian ovens.

We are not privy to how the frogs arrived at their decision, but Rashi tells us that Chananiah et al were not simply following their understanding of natural law, but rather engaged in Scriptural exegesis. They were considering whether the verse “and you shall live by them”, with the rabbinic corollary “and not die by them”, applied to their situation, and the evidence of the frogs convinced them that it did not.

Rabbeinu Yitzchak the Tosafist, however, notes that they should have known this without the frogs – after all, the normative halakhah is that one must die rather than transgress *any* commandment in public! Rather, he concludes, Chananiah et al learned from the frogs that one need not seek to avoid confrontations that will force one to sanctify the Name at the risk of death.

Rabbeinu Tam rejects this understanding as well. He argues (and the version of the story in Midrash Tehillim agrees) instead that the lesson of the frogs lies not in their decision but rather in its consequences. The three prophets, remembering that the frogs had survived in the ovens (a midrash says that they were the only frogs to survive the end of the plague), concluded that G-d protects those who are willing to enter fires for the sake of His Name, and thus had the confidence to challenge Nevuchadnezzar. In Rabbeinu Tam’s reading, Chananiah Mishael and Azarayah are praiseworthy for their faith that G-d will save them rather than for their willingness to die for Him.

Now there are clear and serious halakhic repercussions to these different readings. For example, Rabbeinu Yitzchak’s frogs may² serve as precedent for the Tosafist position, opposed by Rambam, that permits one to give up one’s life for mitzvot even when doing so is not halakhically required, but Rabbeinu Tam’s reading provides no support for that position. How seriously are we to take the frogs as halakhic authorities?

On one level the answer to me is clear: not at all. Frogs do not have free will, or moral responsibility, and one who thinks this midrash believes otherwise – whether or not they are willing to believe along with the midrash - would, as Rambam says, defame Chazal. Froggish willingness to accept martyrdom can no more teach us proper human behavior than froggish diet can teach us that insects are kosher. In other words, this beraita requires us to engage in a willing suspension of practical disbelief – assuming that frogs were as free and responsible as humans, what can we learn from their behavior?

² One can distinguish voluntarily entering a situation which will halakhically require martyrdom from voluntarily accepting martyrdom where halakhah does not require it.

But on another level, the question is not whether frogs have halakhic authority, but whether texts about responsible frogs have halakhic authority. This is a part of the general issue of the authority of aggadah, but that larger issue tends to be about authority per se. Here I want to ask not whether aggadah correctly interpreted has halakhic authority, but rather whether fantastical aggadot can deliberately and legitimately stretch halakhic as well as physical reality.

Let us now look at our core beraita in Talmudic context. A beraita reports that Todos of Rome once instituted a local custom of eating a faux Paschal sacrifice on the night of Passover. Halakhic authorities of his time³ feel that he has crossed, or at the least come dangerously close to crossing, the thin but critical line separating desirable “*commemoration of the Temple (zekher laMikdash)*”, which emphasizes the necessity and loss of the Temple, from *substitution for the Temple*. They accordingly send Todos a stern message saying that they would have ostracized him were it not for who he was.

But who was Todos, such that he was apparently beyond normal halakhic authority? On Berakot 19a, the Talmud cites the Todos episode alongside the story of Choni HaMeagel, who was sent an identical message by Shim'on ben Shetach. Choni is explicitly spared because of his spiritual greatness. It seems reasonable to suppose that Todos as well was a spiritual giant.

The Talmud, however, frames two alternatives:

- a) he was a great man, whom the rabbis did not wish to ostracize
- b) he was a powerful man, and the rabbis feared retaliation

Our beraita of the frogs is then cited as evidence.

What is our beraita evidence for? The Talmud does not say. Perhaps it shows enough ingenuity to demonstrate that Todos was a great man, but then again perhaps it is implausible and stretched enough to demonstrate that he wasn't. Interestingly, the Talmud then cites the Amora Rabi Yose bar Avin as splitting the difference, asserting that Todos was neither great nor wicked, but rather an assistant to the great⁴. Netziv in Meishiv Davar seemingly understands this position as deriving from our beraita – the fact that Todos is quoted demonstrates that he wasn't evil, but the weakness of the derashah – his only cited statement – demonstrates that he wasn't a scholar.

Netziv's approach, however, seems entirely original, as we noted above that Rashi, Tosafot, and Rabbeinu Tam addressed this sugya with every expectation of rigor. The conversation becomes even more baroque among the Acharonim, with luminaries such as Maharsha and Chatam Sofer offering brilliant and highly involved defenses of Todos' derashah. (I've included one such defense above, apparently an editor's contribution to his own anthology, as a sample, and so that the editor's “lips may speak in the grave”.)

³ In some versions Shim'on ben Shetach sends the message, which would place this story during the Temple era – for the purposes of this essay I am assuming that this version is incorrect, and the name of Shim'on ben Shetach has been accidentally imported from the parallel Choni story cited below.

⁴ I welcome citations of other instances in which the Talmud sets up a two-option ba'aya when a named Amora is on record as taking a third option.

How are we to take these interpreters? Surely every participant in the discourse was aware that frogs have no moral personality in Halakhah, and therefore no one thinks that Chananiah Mishael and Azaryah actually derived norms from the behavior of the frogs. But they seem to be assuming that this is the only fiction that can be countenanced, that the imaginary frogs must act out an actual halakhah. After all, Chananiah Mishael and Azaryah really did go into the furnace!

I wonder if this assumption is necessary, for two reasons:

1) Aggadic heroes do the right thing rather than the halakhic thing; they go lifnim mishurat hadin, (further in - toward G-d? - than the line of the law), and sometimes they act on the basis of hora'at sha'ah (the teleological suspension of the halakhic). For example: If Rabbeinu Tam's reading is correct, Chananiah Mishael and Azaryah defied Nevuchadnezzar only because they were sure they would miraculously survive, and surely no halakhic precedent should be derived from their reliance on a miracle.

2) If aggadists can take liberties with physical reality for the sake of the story, or of the moral, perhaps they can take liberties with halakhic reality as well. This is not a function of carelessness, but rather legitimate poetic license. For example, aggadot may rest on the assumption that a vow to kill one's daughter can be binding, or that disobedience of a royal whim is a capital crime (mored b'malkhut), but perhaps the aggadic authors would have been shocked to discover that anyone took that assumption more seriously than the conceit of philosopher frogs.

So perhaps Todos found a clever precedent for the action of Chananiah Mishael and Azaryah – going into a furnace to fulfill a Divine command – and was willing to pretend that halakhically one may voluntarily enter situations where such risks will be necessary. Or perhaps Todos assumed that the prophets knew halakhah forbade voluntary martyrdom, and so provided them with a precedent for their hora'at sha'ah. Either way, both frogs and prophets can inspire us to self-sacrifice in the service of G-d, but without requiring us to act exactly as they did in parallel situations.

Shabbat Shalom

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