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פסחים דף נ"ג עמוד א'
סימן לנחלים קנים ... נפק"מ לנחל איתן

◆ **The attributes of a נחל איתן**

If the body of a slain person is discovered between two cities, and the murder is unknown, the תורה instructs the elders of the nearest city to behead a young calf at a נחל איתן, in order to atone for the murder. This דין is known as "עגלה ערופה". The גמרא discusses the attributes of a נחל איתן in a number of places:

- ☞ Our גמרא states:
 סימן לנחלים קנים
 A hallmark of a נחל איתן is reeds.
- ☞ The משנה in סוטה (on דף מ"ה עמוד ב' on) states:
 איתן כמשמעו קשה
 A נחל איתן is as its name implies – hard.
- ☞ The גמרא in סוטה (on דף מ"ז עמוד ב' on) states:
 מנין לאיתן שהוא קשה, שנאמר (במדבר כד:כא) איתן מושבך ושים בסלע קנך, ואומר (מיכה ו:ב) שָׁמְעו הָרִים אֶת רִיב ה' וְהָאֲתָנִים מְסָדֵי אָרֶץ, אחרים אומרים מנין לאיתן שהוא ישן, שנאמר (ירמיהו ה:טו) גוי איתן הוא גוי מעולם הוא.

From where do we know that "איתן" means "hard"? As it states, "Your residence is strong, and your nest is set in a rock", and it states "Listen, O mountains, the the controversy of Hashem; and you mighty ones, the foundations of the earth." Others say, from where do we know that "איתן" means "old"? As it states, "It is a mighty nation, it is an ancient nation."

- ☞ The גמרא in נדה (on דף ח' עמוד ב' on) states:
 ג' בתולות הן ... בתולת קרקע ... כ"ז שלא נעבדה ... נפקא מינה לנחל איתן ... איזוהי בתולת קרקע, כל שמעלה רשושין ואין עפרה תיחוח, נמצא בה חרס בידוע שנעבדה, צונמא הרי זו בתולת קרקע.
 There are three kinds of virgins ... virgin ground ... that has never been cultivated, the practical ramification being whether it is suitable as "נחל איתן" ... What is virgin ground? All that turns up clods, and whose earth is not loose. If a potsherd is found in it, it is known that it had once been cultivated; if flint-stone (is found in it), it is virgin ground.

◆ **The dual meaning of נחל**

It is well known that the term נחל has a dual meaning; it means either a valley or a stream. It means a valley, as evidenced in the following פסוקים, which only make sense if נחל means a valley:

- ☞ The פסוק in בראשית (כו:יט):
 וַיַּחְפְּרוּ עֲבָדֵי יִצְחָק בְּנַחַל וַיִּמְצְאוּ שָׁם בְּאֵר מַיִם חַיִּים
 And יצחק's servants dug in the valley, and there they found a well of living waters.

❧ The פסוק in (ב:לו) דברים:
וְהָעִיר אֲשֶׁר בְּנַחַל
And the city in the valley.

At the same time, נחל also means a stream or river, as evidenced in the following פסוקים, which only make sense if נחל means a stream or river:

❧ The פסוקים in (יא) ויקרא:
ט) אֵת זֶה תֹאכְלוּ מִכֹּל אֲשֶׁר בַּמַּיִם כֹּל אֲשֶׁר לוֹ סַנְפִיר וְקַשְׁקֶשֶׁת בַּמַּיִם בַּיַּמִּים וּבַנְּחָלִים אֹתָם תֹאכְלוּ: (י) וְכֹל אֲשֶׁר אֵין לוֹ סַנְפִיר וְקַשְׁקֶשֶׁת בַּיַּמִּים וּבַנְּחָלִים מִכֹּל שֶׁרֶץ הַמַּיִם וּמִכֹּל נֶפֶשׁ הַחַיָּה אֲשֶׁר בַּמַּיִם שֶׁקֶץ הֵם לָכֵם:
[9] This you may eat from all that are in the water; all that have fins and scales in the water, in the seas or in the rivers, them you may eat. [10] And all that do not have fins and scales, in the seas or in the rivers, among all the creeping creatures of the water and among all living creatures of the water, they shall be an abomination to you.

❧ The פסוק in (ה:כא) שופטים:
נַחַל קִישׁוֹן גָּרַפָם
The river קישון swept them away.

❧ The פסוקים in (יז) מלכים א':
ד) וְהָיָה מִהֲנַחַל תִּשְׁתֶּה וְאֵת הָעֵרְבִים צִוִּיתִי לְכַלְפֹּלֶךְ שָׁם: (ה) וַיֵּלֶךְ וַיַּעַשׂ כַּדְבָר ה' וַיֵּלֶךְ וַיֵּשֶׁב בְּנַחַל כְּרִית אֲשֶׁר עַל פְּנֵי הַיַּרְדֵּן: (ו) וְהָעֵרְבִים מְבִיאִים לוֹ לֶחֶם וּבָשָׂר בְּבֹקֶר וּלְחֶם וּבָשָׂר בְּעֶרֶב וּמִן הַנַּחַל יִשְׁתֶּה: (ז) וַיְהִי מִקֵּץ יָמִים וַיִּיבֶשׂ הַנַּחַל כִּי לֹא הָיָה גֶשֶׁם בְּאֶרֶץ:

[4] "And it shall be that from the stream you shall drink, and I have commanded the ravens to feed you there". [5] He went and did as the word of the 'ה, and he went and resided in the stream of כרית which is before the ירדן. [6] And the ravens brought him bread and meat in the morning and bread and meat in the evening, and from the stream he would drink. [7] And it came to pass at the end of some time; the stream dried up because there was no rain in the land.

❧ The פסוק in (לה:ו) ישעיה:
כִּי נִבְקְעוּ בַמִּדְבָּר מַיִם וּנְחָלִים בְּעֶרְבָה
For water has broken out in the desert, and streams in the plain.

❧ The פסוק in (קי:ז) תהילים:
מִנַּחַל בַּדֶּרֶךְ יִשְׁתֶּה
From the stream on the way he would drink.

❧ The פסוק in (יח:ד) משלי:
נַחַל נֹבֵעַ
Flowing stream.

❧ The פסוק in (א:ז) קהלת:
כָּל הַנְּחָלִים הֹלְכִים אֶל הַיָּם וְהַיָּם אֵין מֵלֵא אֶל מְקוֹם שֶׁהַנְּחָלִים הֹלְכִים שָׁם הֵם שֹׁבִים לְלֶכֶת
All the rivers flow to the sea, yet the sea is not full; to the place where the rivers flow, there they repeatedly go.

What exactly is a "נחל איתן"; does it refer to a valley or to a stream?

❖ The opinion of the רמב"ם

The רמב"ם (in רוצח ושמירת הנפש ט:ב) writes:

ומורידין אותה אל נחל שהוא שוטף בחוקה, וזהו איתן האמור בתורה.

They bring the calf down to a river that flows forcefully; this is the meaning of the term "איתן" which is stated in the תורה.

Similarly, the words of the רמב"ם in פירוש המשניות indicate that "נחל איתן" refers to a river whose water flows forcefully.

The חזקוני (in דברים כא:ו) writes that the רמב"ם's explanation is supported by the פסוק (in עגלה ערופה) which requires the elders of the city to wash their hands in the נחל at the conclusion of the procedure. As the תורה תמימה explains, the פסוק states "וְכָל זְקֵנֵי הָעִיר ... יִרְחֲצוּ אֶת יְדֵיהֶם ... בְּנַחַל" ("all the elders of the city... shall wash their hands... in the נחל"). The פסוק does not specify with what they should wash their hands. According to the רמב"ם, the reason is simple; since נחל means a river, it is self-understood that they wash their hands with water from the river.

◆ Our סוגיא – According to the רמב"ם

The מאירי (beginning of מסכת סוטה פרק ט') notes that the opinion of the רמב"ם is consistent with our גמרא, which states that a נחל is a place where reeds grow. It is well-known that reeds grow along rivers or in places of water, and the חכם צבי (in שו"ת סי' ל"ב) quotes a number of פסוקים and סוגיות that indicate this:

- ☞ The פסוק in שמות (ב:ג):
וַתִּשֶׂם בְּסוּף עַל שְׂפַת הַיָּאָר
And she placed him among the reeds at the edge of the river.
- ☞ The פסוק in ישעיהו (יט:ו):
וְהָאֲזִנְיָחוּ נְהָרוֹת הַלָּלוּ וְחָרְבוּ יְאֲרֵי מְצוֹר קָנָה וְסוּף קָמְלוּ
And they shall abandon the rivers; the deep canals shall become impoverished and dried up; reeds and rushes shall be cut off.
- ☞ The פסוק in מלכים א' (יד:טו):
וְהִכָּה ה' אֶת יִשְׂרָאֵל כַּאֲשֶׁר יִנּוּד הַקָּנָה בַּמַּיִם
And Hashem shall smite Israel as a reed sways in the water.
- ☞ The סנהדרין (דף ק"ה עמוד ב') and תענית (דף כ' עמוד א') גמרא in מה קנה זה עומד במקום מים
Just as this reed stands in a place of water.

In truth, this very proof (that reeds grow by the river) seems to present a problem for the רמב"ם. For, if it is true that a נחל איתן refers to a stream or river, why would it be necessary for the גמרא to state that the hallmark of a נחל is reeds? A river or stream is easily identifiable even without reeds! The חכם צבי answers that bodies of water are classified into many different categories, (i.e. נהר, אגם, נחל, מעין, יובל, פלג, יאור,) and an identifying sign is needed to ensure that the particular body of water is a נחל.

◆ The other סוגיא – According to the רמב"ם

According to the רמב"ם, how are we to understand the מסכת סוטה גמרא which clearly states that "איתן" means **hard**, and associates the term איתן with פסוקים that speak of rocks and mountains? The מהרי"ק (in שו"ת סי' קנ"ח) and the כסף משנה both answer that the גמרא equates the term איתן with rocks and mountains in order to demonstrate that the נחל's flow of water must be "strong like a rock".

¹ The תנאים מחלוקת (in סוטה ט:ה) answers this question by innovating that the position of the רמב"ם is subject to a תנאים מחלוקת. Thus, the seeming discrepancies are easily explained, for each particular סוגיא side with a particular opinion. See there at length for more on this approach.

However, the מהרי"ק questions this answer, for there are quite a number of פסוקים which mention the word "איתן" with reference to a body of water. For example:

- ☞ The פסוק in שמות (יד:כז):
 וַיָּשָׁב הַיָּם לְפָנָיו בֶּקֶר לְאִיתָנוּ
 And toward morning the sea returned to its **strength**.
- ☞ The פסוק in תהלים (עד:טו):
 אֶתְּךָ בְּקַעַת מַעֲיָן וְנָחַל אֶתְּךָ הוֹבֵשֶׁת נְהָרוֹת אֵיתָן
 You split fountain and stream; You dried up **mighty** rivers.
- ☞ The פסוק in עמוס (ה:כד):
 וַיִּגַּל כַּמַּיִם מִשְׁפָּט וַיִּצְדָּקָה כְּנַחַל אֵיתָן
 And justice shall be revealed like **water**, and righteousness like a נחל איתן.

In and of themselves, these פסוקים do support the רמב"ם's claim that נחל איתן refers to a body of water. However, if this is so, then why does the גמ' in סוטה cite a פסוק in which איתן is mentioned in association with rocks and mountains, instead of using one of the many פסוקים in which איתן is mentioned in conjunction with a body of water?

The קרן אורה (in סוטה דף מ"ו עמוד א') answers that when the word איתן is used with regards to a body of water, it is not clear whether איתן would mean "large" (i.e. a large body of water) or "strong-flowing" (i.e. a forceful flow of water). This issue cannot be conclusively determined from the פסוקים which mention איתן with regards to a body of water. Therefore, the גמ' in סוטה cites other פסוקים to address this particular issue, even though those פסוקים do not refer to a body of water. Similarly, the חכם צבי notes that the גמ' in סוטה is discussing whether a נחל איתן is "hard" (i.e. a strong-flowing stream) or "old" (i.e. a permanent stream). This issue cannot be conclusively determined from the פסוקים which mention איתן with regards to a body of water. Therefore, the גמ' in סוטה cites other פסוקים to address this particular issue, even though those פסוקים do not refer to a body of water.

In any case, the approach of the מהרי"ק and the כסף משנה leaves other questions unanswered:

- a. How does the רמב"ם explain the גמ' in מסכת נדה, which clearly links נחל איתן with "virgin ground"?
- b. After the עגלה ערופה is beheaded, the פסוק states that the נחל איתן may no longer be used for cultivation. According to the רמב"ם, it is in any case impossible to plant inside a river; why is it necessary for the תורה to forbid it?

Therefore, the מאירי (see also the חזקוני to דברים כא:ו) explains the רמב"ם differently than the מהרי"ק and כסף משנה. According to the מאירי, the רמב"ם does not mean that the actual beheading takes place **in** the river, but rather, by **the banks** of the river – in a place which is as hard as rocks and mountains. This is the explanation of both the גמ' in סוטה and in נדה, which associates the נחל איתן with rocks, mountains and virgin ground. This is also the purpose of the פסוק; to prohibit cultivating the riverbanks upon which the עגלה ערופה ceremony was performed.

◆ **The opinion of most ראשונים**

תרגום יונתן translates "נחל איתן" as "נחל ביר"; "a desolate נחל". The תרגום אונקלוס translates "נחל איתן" as "חֶקֶל בְּיָר"; "a desolate field". רש"י states (on ויוצאין ד"ה ע"א ד"ה ויוצאין) that the נחל איתן is a valley. This approach is followed by the ר"ש and the רא"ש (in פאה ב:א) and the רשב"ם (in הנחל ב"ב נ"ה ע"א ד"ה הנחל), as well as many other ראשונים (see מהרי"ק) who are all of the consensus that נחל איתן refers to a hard, unploughed valley.

According to these opinions, this is the meaning of the **גמרא** of **סוטה** which states that **"איתן"** means **hard**, and links the term **איתן** with **פסוקים** that speak of rocks and mountains. Their explanation is further supported by the **גמרא** in **נדה** which describes a **נחל איתן** as **"virgin ground"**.

Now, as mentioned above, the **פסוק** states that the **נחל איתן** may no longer be used for cultivation after the **עגלה ערופה** is beheaded. According to these **ראשונים**, it is in any case impossible to plant land which is as dry and hard as a rock! Why is it necessary for the **תורה** to forbid it? The **ריטב"א** (in **מכות דף ע"ב עמוד א'**) answers that the prohibition is still necessary, being that hard land can be cultivated with much effort.

Nevertheless, as the **חכם צבי** and **רעק"א** point out, this explanation is difficult to reconcile with our **גמרא**. For, if a **נחל איתן** refers to a hard and unploughed valley, and it does not need to be near water, why are reeds a characteristic of a **נחל איתן**?

◆ **The approach of several אחרונים**

רש"י writes (in **ישעיהו יטו:**) that when a river dries up, its reeds become parched and broken. Accordingly, several **אחרונים** suggest that a **"נחל איתן"** refers to a dry riverbed which is full of broken and parched reeds.

Indeed, the **תורה תמימה** (in **דברים כא:ד**) suggests that **"נחל איתן"** refers to a wadi, which is the bed of a river that flows only in the rainy season. Wadis are common in desert environments, and they are perpetually dry – except after heavy, albeit infrequent, rainfall. This explanation is consistent with the fact that strong permanent rivers are relatively rare in **ארץ ישראל**, whereas wadis exist near almost every city.



נגב. נחל פארן wadi in the נגב.

Several supports for this explanation:

☞ According to the **מצודת דוד**, this type of river is described in **איוב פרק ו'**:
(טו) אָחִי בְגָדוֹ כְּמוֹ נַחַל כְּאִפְיֵק נְחָלִים יַעֲבְרוּ: (טז) הַקְּדָרִים מִנִּי קָרַח עָלֵימוֹ יִתְעַלְּם שְׁלֵג: (יז) בְּעֵת יִזְרְבוּ נִצְמְתוּ בְּחֶמּוֹ נִדְעְכוּ מִמְּקוֹמָם:

[15] My brethren have betrayed (me) like a stream; like the flow of **נחלים** slips away; [16] (these streams) darken on account of the ice that is upon them; the snow hides them; [17] (yet) when they become warm, they are cut off; when it is hot, they jump from their place.

☞ The **בלק רמז תשע"א** (in **ילקוט שמעוני**) states:
כנחלים נטיו, בקש לכנותן בדבר שאין בו ממש כנחל זה שמושך בימות הגשמים ופוסק בימות החמה, אמר לו הקדוש ברוך הוא רשע לא כן אלא נטיו ואין נטיו אלא נהר ... כשם שהנהר הזה אינו פוסק לא בימות החמה ולא בימות הגשמים כך אין זרעו של אברהם יצחק ויעקב פוסק לא בעולם הזה ולא לעולם הבא.

"They extend like streams." He (i.e. **בלעם** who recited this **ברכה**) sought to compare them (i.e. the **אידן**) to something lacking substance, like a **נחל** which flows in the rainy days and discontinues in the summer days. **Hashem said to him, "Wicked one, it is not so. Rather 'they extend'!** For this term refers to a perpetual **נהר** (river) ... **just as a נהר** does not stop, neither in the summer days nor in the rainy days, so too, the descendants of **יצחק** and **יעקב** will not cease, neither in **עוה"ב** nor in **עוה"ז**.

Thus, all of the סוגיות are easily reconciled. The גמרא of מסכת סוטה which associates the term איתן with rocks and mountains, and the גמרא in מסכת נדה which links a נחל איתן with “virgin ground”, both speak of the wadi when it is dry and arid. Being that water does not usually flow through the wadi, it is necessary for the תורה to prohibit its cultivation. On the other hand, our גמרא states that the hallmark of a נחל is reeds, because when a wadi is dry and arid, it requires an identifiable sign to prove that water occasionally flows there.