

IV.

BAVLI SANHEDRIN CHAPTER FOUR

FOLIOS 32A-39B

4:1-2

- A. The same [laws] apply to property cases and capital cases with respect to examination and interrogation [of witnesses],
- B. as it is said, “You will have one law” (Lev. 24:22).
- C. What is the difference between property cases and capital cases?
- D. Property cases [are tried] by three [judges], and capital cases by twenty-three.
- E. In property cases they begin [argument] with the case either for acquittal or for conviction, while in capital cases they begin only with the case for acquittal, and not with the case for conviction.
- F. In property cases they decide by a majority of one, whether for acquittal or for conviction, while in capital cases they decide by a majority of one for acquittal, but only with a majority of two [judges] for conviction.
- G. In property cases they reverse the decision whether in favor of acquittal or in favor of conviction, while in capital cases they reverse the decision so as to favor acquittal, but they do not reverse the decision so as to favor conviction.
- H. In property cases all [judges and even disciples] argue either for acquittal or conviction. In capital cases all argue for acquittal, but all do not argue for conviction.
- I. In property cases one who argues for conviction may argue for acquittal, and one who argues for acquittal may also argue for conviction. In capital cases the one who argues for conviction may argue for acquittal, but the one who argues for acquittal has not got the power to retract and to argue for conviction.
- J. In property cases they try the case by day and complete it by night. In capital cases they try the case by day and complete it [the following] day.
- K. In property cases they come to a final decision on the same day [as the trial itself], whether it is for acquittal or conviction. In capital cases they come to

a final decision for acquittal on the same day, but on the following day for conviction.

- L. (Therefore they do not judge [capital cases] either on the eve of the Sabbath or on the eve of a festival.)

M. 4:1

- A. In cases involving questions of [B. adds: property] uncleanness and cleanness they begin [voting] from the eldest. In capital cases they begin from the side [with the youngest].
- B. All are valid to engage in the judgment of property cases, but all are not valid to engage in the judgment of capital cases,
- C. except for priests, Levites, and Israelites who are suitable to marry into the priesthood.

M. 4:2

- I:1 A. [The same laws apply to property cases and *capital cases with respect to examination and interrogation of witnesses*:] *Do property cases require examination and interrogation of witnesses? An objection was raised [to that proposition]: If the date was inscribed on the writ, "On the first of Nisan, in the year of release," and others came along and said to them [the witnesses to the writ], "How in the world can you have signed that writ, for lo, you were with us on that day in such and such a place," their testimony remains valid, and the writ remains valid, for we take into account the possibility that they postdated the writ [wrote the writ earlier but] when they wrote it out" [T. Mak. 1:2G-I]. Now if you maintain that we require examination and interrogation of the witnesses, how can we take account of the possibility that they postdated the writ when they wrote it out? [That would have come out in the interrogation, and in any event if we accept such a claim, why interrogate the witnesses at all?]*
- B. *And by your reasoning you should find a problem in the following passage of the Mishnah: Antedated bonds are invalid. [By antedating the document, the creditor gains rights, to which he is not entitled, against the property of the debtor. But postdated bonds are valid. [By postdating the document, the creditor voluntarily restricts his own legal rights against his debtor's property] [M. Sheb. 10:5C-D, trans. Newman, p. 206]. Now if you maintain that we require examination and interrogation of witnesses to the bond, why should postdated bonds be regarded as valid? [These too could be forgeries. Schachter p. 201, n. *: Hence even if the loan itself is attested as having taken place, it should rank as only a verbal loan, which cannot be collected from property sold even after it was incurred.]*
- C. *[The fact that we raise the issue on the basis of the passage of the Tosefta, of secondary authority, rather than of the Mishnah, of primary authority] poses no problem, since we raise our objection on the basis of a stronger issue. Specifically, even in the case of a date of the first of Nisan in the Sabbatical Year, on account of which it would not be common for people to make loans [which would be nullified in the Seventh Year] and so would not likely claim, "Perhaps they postdated it when they wrote it," for one would not want to weaken the force of his bond, even in such a case, since the Seventh Year only at the end nullifies*

existing debts, we declare the bond valid [Schachter, p. 202, n. 3: by assuming its writing has been postponed to the Sabbatical Year. Thus, this assumption, since it is possible, is made in spite of its improbability, a loan in the Sabbatical Year still being rare. How much more so is the assumption to be made in normal cases. Why then should the witnesses be examined on the date, since even if it is disproved, their testimony holds good?]

D. *In any event the cited passage presents a problem [to the rule of the Mishnah before us].*

I.2 A. Said R. Hanina, “As a matter of Torah-law, **the same [rules] apply to property cases and capital cases with respect to the examination and interrogation of witnesses as it is said, ‘You will have one law.’ (Lev. 24:22) [M. 4:1A-B].**

B. “Then on what account did they rule that property cases do not require examination and interrogation of witnesses?

C. “It is so that you will not shut the door before those who wish to take out loans [by making it difficult for the lender to collect.”

D. *But deal with the following:* **[32B]** If the judges made an error in their verdict, they should not have to make restitution. [Why not make this rule too?]

E. All the more so will you turn out to shut the door before those who wish to take out loans.

I.3 A. *Raba said, “The rule at hand [which requires examination and interrogation of witnesses in property cases] deals with cases involving judicial penalties, while the other passages [which do not require examination of witnesses] deal with cases of admission that a debt exists and cases of transactions in loans. [In such cases the procedure would discourage creditors from lending money.]”*

B. *Said R. Pappa, “Both rules [that of the Mishnah, requiring interrogation, and the others cited, not requiring it] deal with matters of admissions of existing debts and transactions of loans. The former speak of a case involving suspicious circumstances, the latter does not.”*

C. *That accords with the statement of R. Simeon b. Laqish. For R. Simeon b. Laqish contrasted [apparently conflicting verses of Scripture]. “It is written, ‘In justice you shall judge your neighbor’ (Lev. 19:15). And elsewhere it is written, ‘Justice, justice shall you follow’ (Deu. 16:20. [The repetition of ‘justice’ indicates that strict justice must be followed, hence rules such as interrogation of witnesses]. Why [does the word justice appear twice in one verse but only once in the other]? The verse [that repeats the word justice] refers to a case involving suspicious circumstances [therefore interrogation of witnesses is necessary]. The other verse refers to a case in which there are no suspicious circumstances [hence no interrogation is required].*

D. *R. Ashi said, “The Mishnah-passage may be reconciled with the contradictions pointed out above as we have now explained. As to the verses of Scripture, one refers to strict justice, the other to arbitration.”*

E. *So has it been taught on Tannaite authority:*

F. “Justice, justice shall you follow” (Deu. 16:20): One reference to “justice” speaks of the strict justice of a trial, the other of arbitration.

- G. How so? Two boats going on a river which meet — if both of them pass together, they will both sink. If they go one after another, they will both pass safely.
- H. So too two camels going up the ascent at Bet Horon which meet — if they both try to go onward together, they will both fall. If they go up one after the other, they both will make it safely.
- I. How [do they proceed]?
- J. If one of the asses was loaded and one of them was not loaded, the one that was not loaded gives way to the one that was loaded.
- K. If one of the asses was nearer [its destination] and the other not near, the one that was nearer gives way before the one that was not near.
- L. If both of them were near or both far, they should make a compromise among them and the one will pay compensation to the next [for the loss]. [T. **B.Q. 2:10B-I**].

I.4 A. *Our rabbis have taught on Tannaite authority:*

- B. “Justice, justice shall you follow” (Deu. 16:20):
- C. [This means] seek out a well-qualified court,
- D. [such as] R. Eliezer in Lydda, [or] Rabban Yohanan b. Zakkai in Beror Hayyil.
- E. *It was taught on Tannaite authority:*
- F. If you hear the sound of the grinding of the wheel in Boreni, it is a sign that the week following the birth of a son has been fulfilled [and the circumcision is at hand].
- G. [If you see] the light of a lamp in Beror Hayyil, it is the sign that there is a banquet there.
- H. *Our rabbis have taught on Tannaite authority:*
- I. “Justice, justice shall you follow” (Deu. 16:20):
- J. [This means] seek out sages in session,
- K. [such as] R. Eliezer in Lydda, Rabban Yohanan ben Zakkai in Beror Hayyil, R. Joshua in Peqiin, Rabban Gamaliel in Yabneh, R. Aqiba in Bene Beraq, R. Mattia in Romi, R. Hanania b. Teradion in Sikhni, R. Yosé in Sepphoris, R. Judah b. Beterah in Nisibis, R. Joshua in the Exile, Rabbi in Bet Shearim, sages in the hewn-stone chamber.

II.1 A. **In property cases they begin [argument with the case either for acquittal or for conviction, while in capital cases they begin only with the case for acquittal and not with the case for conviction] [M. 4:1E]:**

- B. *What do they say [for the defense]?*
- C. *Said R. Judah, “This is what we say [to the witnesses for the prosecution], ‘Who will say that matters are as you claim?’”*
- D. *Said Ulla to him, “And lo, we should shut them up!”*
- E. *And let them be shut up! Has it not been taught on Tannaite authority:*
- F. **R. Simeon b. Eleazar says, “They move the witnesses from place to place to confuse them so that they will retract” [T. **San. 9:1A**]:**

- G. *Are the cases parallel? In that case the witnesses are put off in the natural course of events, while here, by our own act we put them off.*
- H. *Rather, said Ulla, "This is what we say to them, 'Do you [the defendant] have witnesses to prove that they form a conspiracy for perjury?'"*
- I. *Said Rabbah to him, "But do we open the trial with an argument for the acquittal for this party which also constitutes an argument for the conviction of the other party?"*
- J. *But does this encompass an argument for conviction? Have we not learned in the Mishnah: **Witnesses who have conspired to commit perjury are not put to death [for their perjury] unless the court process has been completed [M. Mak. 1:6A]**? [Here, by contrast, the trial is just beginning, and the perjured witnesses can go off free if the accused is not convicted.]*
- K. *This is the sense of my statement: If this one remains silent until the end of the court process and then brings witnesses and demonstrates that the witnesses against him form a conspiracy to commit perjury, it turns out to be the conviction of the other party!*
- L. *Rather, said Rabbah, "We say to him, 'Do you have witnesses to contradict [the witnesses against you]?"*
- M. *R. Kahana said, "[We say], 'From what you have said, it would appear that the accused is innocent.' [Schachter, p. 206, n. 2: The judges start by pointing out the weak features of the prosecution, e.g., even if certain statements of the prosecution are proved true, they do not show the guilt of the accused.]"*
- N. *Both Abbaye and Raba say, "We say to him, 'If you did not kill anyone, do not be afraid'"*
- O. *R. Ashi said, "Let anyone who has any information for the acquittal of this party come and present it in his behalf."*
- P. *It has been taught on Tannaite authority along the lines of the position of Abbaye and Raba:*
- Q. *Rabbi says, "'If no man have lain with you and if you have not gone aside...' (Num. 5:19).*
- R. *"[33A] On the basis of this verse we learn that in capital trials the court begins first with arguments for acquittal."*

III.1 A. In property cases they reverse the decision [whether in favor of acquittal or in favor of conviction, while in capital cases they reverse the decision so as to favor acquittal but they do not reverse the decision so as to favor conviction] [M. 4:1G]:

- B. *An objection was raised on the basis of the following: **If one judged a case, declaring a liable person to be free of liability, declaring the person free of liability to be liable, declaring what is clean to be unclean, declaring what is unclean to be clean, what he has done is done. But he pays compensation from his own funds [M. Bekh. 4:4D-F].** [Why not retract the decision, in line with M. 4:1G ?]*
- C. *Said R. Joseph, "There is no contradiction. Here [where the decision may be changed] we deal with the decision of an expert, and there [where the decision*

cannot be changed but the judge has to pay compensation for his error], it is the decision of one who was not an expert.”

- D. *But in the case of the decision of a judge who was an expert, do we retract the decision? And lo, it has been taught on Tannaite authority: **But if he was an expert recognized by a court, he is free from the liability of paying [M. Bekh. 4:4G]** [but the decision holds good. So the expert-judges’ decision also cannot be reversed].*
- E. Said R. Nahman, “In the one case [where the decision may be retracted] it is where there is a court superior in learning and in numbers, and where [the decision may not be retracted] it is where there is no superior court in wisdom and in numbers [to reverse the decision].”
- F. R. Sheshet said, “Here we speak of a case in which the error was in a teaching in the Mishnah [and the decision may be revoked], while there we deal with an error in critical reasoning [in which case the decision may not be revoked].”
- G. For R. Sheshet said R. Assi said, “If one has erred in a matter that is taught in the Mishnah, the decision is to be retracted. If the error lay in critical reasoning, the decision is not to be retracted.”
- H. *Said Rabina to R. Ashi, “Even if one has erred in a matter attributed to R. Hiyya and R. Oshaia [e.g., in materials assembled in collections of Tosefta imputed to their authorship]?”*
- I. *He said to him, “Yes”.*
- J. *[He asked] “And even in a matter attributed to Rab and Samuel?”*
- K. *He said to him, “Yes.”*
- L. *“And even in matters attributed to me and to you?”*
- M. *He said to him, “Are we hackers of swamp-reeds? [Of course!]”*

III.2 A. What is an example of “a matter of critical reasoning”?

- B. *Said R. Pappa, “It would involve, for example, a case in which there is a dispute on an issue between two Tannaite authorities or two Amoraic authorities, in which a statement of the decided law in accord with one or the other of the authorities has not been laid down. The judge at hand happened to make a decision in accord with one of them, but the trend of discussion in point of fact follows the other. This would be the case of an error involving critical analysis.”*
- C. *An objection was raised by R. Hamnuna to R. Sheshet:*
- D. **“There was the precedent of the case of a cow which had had its womb removed. R. Tarfon had the cow fed to the dogs [as invalid for Israelite consumption].”**
- E. **“The case came before sages, and they declared it permitted. Said Todos, the physician, ‘Neither a cow nor a pig leaves Alexandria without their ripping out its womb, so that it will not bear offspring.”**
- F. **“Said R. Tarfon, ‘There goes your ass, Tarfon’ [since he assumed he would have to pay restitution].”**

- G. **“Said to him R. Aqiba, ‘R. Tarfon, you are exempt, for you are an expert recognized by a court, and any expert recognized by a court is free from the liability of paying’ [M. Bekh. 4:4H-M].”**
- H. *“Now is you were right [that an error in a Mishnah-law warrants retracting a decision], then he should have said to him, ‘You have erred concerning a rule of the Mishnah, and one who errs in a rule of the Mishnah may simply retract his decision.’”*
- I. *The sense of [Aqiba’s statement] is to give two reasons [that Tarfon is exempt]: first, “You have erred in a law of the Mishnah and may retract;” and furthermore, moreover, “You have erred in a matter of critical reasoning, and you are an expert publicly acknowledged by the court, and whoever is an expert recognized by a court is free from the liability of paying.”*
- J. *Said R. Nahman bar Isaac to Raba, “How could R. Hamnuna raise an objection to R. Sheshet from the case of the cow? As to the cow, lo, he fed it to the dogs, and there is no possibility of giving it back!”*
- K. *This is what he meant to say to him: “If you claim that if one has erred in the matter of a Mishnah-law, he may not retract, therefore the decision stands, that is why R. Tarfon was concerned. So [Aqiba] said to him, **“You are exempt, for you are an expert recognized by a court, and any expert recognized by a court is free from the liability of paying [compensation].”***
- L. *But if you maintained that if one errs in a matter of Mishnah-law, he may indeed retract the decision, he should have said to him, “If the cow were still available, your decision would not have stood, and you would have done nothing [demanding reparations], now too you have done nothing whatsoever. [Schachter, p. 208, n. 9: Seeing that Aqiba did not argue in that manner, it can be inferred that if one errs regarding a law cited in the Mishnah, the decision may not be reversed.]*
- M. *[Dealing with the contradiction], said R. Hisda, “At that passage [M. Bekh. 4:4] we deal with the case in which a judge personally took the beast from one party and disposed of it [in which case the decision cannot be reversed], and in the present matter [the rule of M. San. 4:1G, in which, in a property case, we may retract the decision], we deal with a case in which the judge did not personally remove [property] from one party and hand it over to the other.”*
- N. *Now [that thesis poses no problem in the case in which] a judge declared one liable who in fact was exempt. For example, it would be a case in which he removed property from one party and personally handed it over to the other party. But if one is supposed to have declared the liable party to be exempt, how can we find an equivalent case? [All the judge has done is to leave the property in the hands of the person who now has it.]*
- O. *It would be a case in which the judge said to him, “You are exempt [from having to make a payment].”*
- P. *But in this case he has not personally taken from the one party and handed it over to the other party!*

- Q. *Since he has said, "You are exempt," it is as if he took property from one party and handed it over to the other party.*
- R. *But what about our Mishnah-paragraph, in which it is taught: **In property cases they reverse the decision whether in favor of acquittal or in favor of conviction [M. 4:1G]?***
- S. *Now in the matter of reversing the decision in a case of acquittal we could find such a case, for example, when the judge said to him, to begin with, 'You are liable,' but he did not personally take property from the one and hand it over to the other.*
- T. *But if it was on the side of the world, how would you find such a case?*
- U. *It would be where the judge said to him, "You are exempt."*
- V. *But you have just said that once the judge has said to him, "You are exempt," it is as if he had taken property from one party and personally handed it over to the other party.*
- W. *The Mishnah-passage makes a single statement [not two]: In property cases they reverse the decision in exemption of the one party, which is a decision of liability to the other party.*
- X. *Along these same lines, in respect to capital cases:*
- Y. **In capital cases they reverse the decision so as to favor acquittal [33B], but they do not reverse the decision so as to favor conviction [M. 4:1G].**
- Z. **They retract the decision so as to favor acquittal — acquittal alone.**
- AA. **And they do not retract the decision to favor conviction — acquittal for one which is conviction for another.**
- BB. *Conviction for whom?*
- CC. *That is no problem, it would be conviction [to the detriment of] the one who is to redeem the blood.*
- DD. *On account of avoiding a decision detrimental to the one who redeems the blood, should we put this one to death?*
- EE. *And moreover, what is the sense of the language, whether...whether... [which indicates that we deal with two statements, not one]?*
- FF. *That is a problem.*
- GG. Rabina said, "[As to R. Hisda's statement that where the guilty party is found innocent, the decision cannot be reversed, since that would involve taking from one and giving to the other], it would be illustrated by a case in which the plaintiff held a pledge in his hand, and the judge took it from him.
- HH. "'If he declared the clean to be unclean' would be illustrated by a case in which a judge [personally made the object unclean himself] by bringing it in contact with a reptile.
- II. "'If he declared the unclean to be clean' would be illustrated by a case in which the judge personally mixed [the fruit he had

declared clean] with the fruit [of the one who had brought the question, in fact thereby rendering the entire lot unclean].”

IV.1 A. In capital cases they reverse the decision [so as to favor of acquittal but not so as to favor conviction] [M. 4:1G]:

- B. How on the basis of Scripture do we know that, if someone goes forth from court having been declared guilty, and one [of the judges] said, “I have arguments to offer in behalf of a verdict of innocence,” that we bring the convicted man back?
- C. Scripture says, “You shall not kill the guiltless” (Exo. 23: 7).
- D. And how do we know on the basis of Scripture that one who goes forth from court having been declared innocent, and one of the judges said, “I have arguments to offer in behalf of a verdict of guilty,” that we do not bring the man back?
- E. Scripture says, “And the one who has been declared righteous you shall not slay” (Exo. 23: 7).
- F. *Said R. Shimi bar Ashi, “And it is the opposite with one who incites [Israelites to commit idolatry]. For it is written, ‘You shall not spare nor shall you conceal him’ (Deu. 13: 9).”*
- H. *R. Kahana derived the same lesson from the verse, “But you shall surely kill him” (Deu. 13:10).*
- I. *R. Zera asked R. Sheshet, “What is the law [about bringing back to court someone who has been held] and sent into exile [for unintentional homicide]? [Can he be brought back to court if one of the judges said ‘I have arguments to offer in behalf of a verdict of innocence’? Yes.]”*
- J. *“For we establish an analogy between that case and the present one through the common use, in both instances, of the word ‘murderer.’” [Just as a murderer can be brought back, so too can a person who committed unintentional homicide.]*
- K. *“What is the law concerning those who are liable to be flogged?”*
- L. *“It comes through establishing an analogy between the one and the other area of law through the use, in common, of the word ‘wicked.’”*
- M. *So too has it been taught on Tannaite authority:*
- N. How do we know that the same rule applies in cases of those liable to exile?
- O. We establish an analogy through the common use of the word “murderer.”
- P. And how do we know that that is the law in the case of those liable to a flogging?
- Q. From the use of the word “wicked” in both contexts.

V.1 A. But they do not reverse the decision so as to favor conviction [M. 4:1G]:

- B. Said R. Hiyya bar Abba said R. Yohanan, “And that applies if one has made a mistake about a matter about which the Sadducees do not concur [something not in Scripture], but if one has erred in a matter about which the Sadducees concur [which is to say, something actually written out in Scripture], *then it is something you learn in school [and there is no reason to reverse the conviction].*”
- C. *R. Hiyya bar Abba asked R. Yohanan, “If one made an error in a law about an adulterer or an adulteress, what is the law? [Schachter, p. 211, n. 12: Whereas other criminal cases lend themselves to mistakes in judgment, owing to the*

investigation of the manifold details accompanying the act, in cases of illicit intercourse, once the act is done, there is no room for error.]”

- D. *He said to him, “While the fire is lit, go harvest your pumpkin and roast it.”*
- E. *So too it has been stated on Amoraic authority:*
- F. *Said R. Ammi said R. Yohanan, “If one made an error in a case involving an adulterer, the decision is retracted.”*
- G. *In what sort of cases do they not retract a decision?*
- H. *Said R. Abbahu said R. Yohanan, “In a case, for instance, in which one made an error about sodomy [for this would be something on which the Sadducees do not concur, Scripture not being explicit about it].”*

VI.1 A. In property cases all [argue either for acquittal or conviction, in capital cases all argue for acquittal, but all do not argue for conviction] [M. 4:1H]:

- B. All encompasses even the witnesses.
- C. *May we say that the Mishnah-paragraph represents the view of R. Yosé b. R. Judah and not rabbis?*
- D. *For it has been taught on Tannaite authority:*
- E. “‘But one witness shall not testify against any person’” (Num. 35:30) — whether to testify for a verdict of innocence or for guilt.
- F. R. Yosé b. R. Judah says, “One may testify for innocence, but may not testify for a verdict of guilt.” [So Yosé would concur with the statement of the Mishnah, as interpreted at B, and rabbis would not.]
- G. *Said R. Pappa, “The Mishnah-paragraph refers to one of the disciples [not one of the witnesses], and it represents the view of all parties.”*
- H. **[34A]** *What is the Scriptural basis for the view of R. Yosé b. R. Judah?*
- I. *It is because Scripture has said, “But one witness shall not testify against any person that he die” (Num. 35:30).*
- J. “‘So that he die’ he may not testify, but so as to acquit the accused he may testify.
- K. And rabbis?
- L. *Said R. Simeon b. Laqish, “It is because the witness would appear to have a personal interest in his testimony [for acquittal, to avoid being convicted as a part of a conspiracy for perjury, and that is why he changes his testimony].”*
- M. *And how do rabbis interpret the language, “...that he die”?*
- N. *They apply that verse to the case of testimony from one of the disciples.*
- O. *For it has been taught on Tannaite authority:*
- P. If one of the witnesses said, “I have an argument to offer in favor of the defendant,” how do we know that we pay no attention to him?
- R. And how do we know that if one of the disciples said, “I have an argument against the defendant,” we do not pay attention to him?
- S. Scripture says, “One shall not testify against any person that he die” (Num. 35:30) [but he may do so for acquittal (Schachter)].

VII.1 A. In capital cases one who argues [for conviction may argue for acquittal, but the one who argues for acquittal has not got the power to retract and to argue for conviction] [M. 4:11]:

- B. Said Rab, “The rule applies only to the time of the give and take of argument in the case. But when the verdict has been reached, one who has argued in favor of innocence may retract and argue in favor of guilt.”
- C. *An objection was raised on the basis of the following: And the next day they would get up and come to court. The one who favors acquittal says, “I declared him innocent yesterday, and I stand my ground and declare him innocent today.” And the one who declares him guilty says, “I declared him guilty yesterday, and I stand my ground and declare him guilty today.” The one who argues in favor of guilt may now argue in favor of acquittal, but the one who argues in favor of innocence may not now go and argue in favor of guilt [M. 5:5C-F].* Now “the next day” is the time at which the verdict has been reached [and the one who voted for innocence cannot then change his vote, contrary to Rab’s statement].
- D. *But according to your reasoning [and the position you have taken], on the next day is there no more give and take? In point of fact the rule before us speaks of a time of give and take.*
- E. *Come and take note: [If thirty-six vote for conviction and thirty-five vote for acquittal,] they debate the matter, until one of those who voted for conviction accepts the arguments of those who vote for acquittal [M. 5:5S].* Now if it is the case [that even at the point of a verdict, one who favors innocence may change his mind], the passage should also repeat matters in the reverse [so that one of those who voted for innocence may then accept the arguments of those who vote for guilt].
- F. *The Tannaite framer of the passage will go back and refer to a verdict of innocence while not doing so for a verdict of guilt.*
- G. *Come and take note of the following that was said by R. Yosé bar Hanina, “If one of the disciples voted in favor of innocence and then died, they regard him as though he were still alive and standing in his place [taking the same position, and so they count his vote].” And why should this be the case? May we not claim that, if he were alive, he might have reversed himself?*
- H. *But now, at any rate, he has not reversed himself [so we could count his original vote].*
- I. *And lo, they have sent from there, “In accord with the view of R. Yosé bar Hanina, the opinion of our master [Rab] is excluded. [Schachter, p. 214, n. 1: Therefore his ruling not to consider an eventual change of opinion is due to the fact that he holds that at the promulgation of the decision one cannot retract].”*
- J. *What was said was, “Do not exclude [the opinion of our master, Rab].”*
- K. *Come and take note: And two judges’ clerks stand before them, one at the right and one at the left. And they write down the arguments of those who vote to acquit and of those who vote to convict [M. 4:3C].* Now there is good reason to write down the premises of those who vote to convict, since the next day they may perceive a fresh argument and it may be necessary to postpone

judgment over night [to give the judges a chance to change their minds. Hence the necessity of recording their statements to show that they have changed their grounds for conviction, so necessitating a further postponement (Schachter, p. 214, n. 4). *But why write down the premises of those who vote to acquit? Is it not because, if they should perceive a fresh argument, we pay no attention to them at all?*

- L. *No, it is so that two judges should not give a single reason based on two different verses of Scripture.*
- M. *That accords with what R. Assi asked R. Yohanan, "If two judges gave a single argument on the basis of two different verses of Scripture, what is the law?"*
- N. *He said to him, "They count them only as one [vote]."*
- O. *How do we know on the basis of Scripture that that is the fact?*
- P. *Said Abbaye, "It is because Scripture has said, 'God has spoken once, but I have heard two [different things] because strength belongs to God' (Psa. 62:12).*
- Q. *"One verse of Scripture may yield a number of arguments, but one argument cannot derive from a number of verses of Scripture."*
- R. *The house of R. Ishmael's Tannaite authority [taught as follows:] "'And like a hammer that breaks the rock in pieces' (Jer. 23:29). Just as a hammer splits a rock into many pieces, so a verse of Scripture may yield a number of arguments."*

VII.2 A. *What would be an example of how a single argument may emerge from two different verses of Scripture?*

- B. *Said R. Zebid, "It would be exemplified by that which we have learned in the Mishnah: **The altar sanctifies that which is appropriate to it. R. Joshua says, 'Whatever is appropriate to the altar-fires, if it has gone up on to the fires, should not go down, since it is said, "This is the burnt-offering, that which goes up on the hearth on the altar" (Lev. 6: 9). Just as the burnt-offering, which is appropriate to the altar-fires, if it has gone up, should not go down, so whatever is appropriate to the altar-fires, if it has gone up, should not go down.'** Rabban Gamaliel says, 'Whatever is appropriate to the altar, if it has gone up, should not go down, as it is said, "This is the burnt-offering on the hearth on the altar" (Lev. 6: 2). Just as the burnt-offering, which is appropriate to the altar, if it has gone up, should not go down, so whatever is appropriate to the altar, if it has gone up, should not go down.' [M. Zeb. 9:1A-C]. Now what is it that both authorities include [among things not to be removed from the altar]? It is invalid objects. One authority [Joshua] brings proof of that fact from the word 'firewood' and the other [Gamaliel] proves it from the word 'altar.' [Schachter, p. 215, n. 10: Now at this stage it is assumed that since both deduce the same general principle from two different verses, there is not real disagreement between them. This affords an illustration of 'one law drawn from two different verses.']"*
- C. *But in the case at hand, do the two authorities differ at all? Note the concluding part of the same Mishnah-paragraph: **Rabban Gamaliel and R. Joshua differ only on the matter of the blood and the drink***

offerings. For Rabban Gamaliel says, “They should not [having been placed on the altar] be taken down,” and R. Joshua says, “They should be taken down” [M. Zeb. 9:1D-F].

- D. *Rather, said R. Pappa, “[The example derives from a Tannaite teaching.] For it has been taught on Tannaite authority: R. Yosé the Galilean says, “Since it is said, [34B] ‘Whatever touches the altar shall be holy’ (Exo. 29:37), I might draw the inference that that is the case whether the substance is suitable for the altar or not suitable for the altar. Scripture then says, ‘[Now this is what you shall offer on the altar: two] lambs’ (Exo. 29:37). This implies that just as lambs are suitable for the altar, so everything suitable [for the altar goes up and is not removed.]” R. Aqiba says, “...burnt-offering...” (Exo. 29:38). Just as a burnt-offering is suitable, so anything that is suitable [goes up and does not come down].” What is it that both then exclude? It is invalid substances. One authority derives proof from the reference to “lambs,” and the other authority derives proof from the reference to “burnt-offering.”*
- E. *But has not R. Adda bar Ahba stated, “At issue between the authorities is a bird in the status of a burnt-offering that is in fact invalid. The one who derives proof from the reference to ‘lambs’ then rules that the law applies to lambs but not to birds in the status of a burnt-offering. And the one who derives his proof from the reference to ‘burnt-offering’ will conclude that even a bird offering as a burnt-offering is covered by the law at hand.”*
- F. *Rather, said R. Ashi, “It is in accord with that which has been taught on Tannaite authority: “Blood shall be imputed to that man he has shed blood” (Lev. 17: 4). This serves to include the one who sprinkles [blood of a sacrifice outside of the Temple courts within the liability of extirpation,” the words of R. Ishmael. R. Aqiba says, “...Or a sacrifice’ (Lev. 17: 4), serving to encompass the case of one who sprinkles [the blood, as above].” And what is it that both encompass with these distinct proof-texts? It is the matter of sprinkling. One authority derives proof from the words, “Blood shall be imputed,” and the other from, “Or a sacrifice.”*
- G. *But has not R. Abbahu stated, “At issue between them is the one who both slaughtered and sprinkled the blood of the sacrifice outside of the Temple. [The person who did so acted unwittingly. He must bring a sin-offering in atonement. Does he bring one offering, covering both deeds, or two offering, one for each?] In the view of R. Ishmael, he is liable for only one sin-offering [since the same verse that covers the prohibition for sprinkling outside the court also prohibits slaughtering outside the court], R. Aqiba maintains that he is liable for two sin-offerings [on both counts, since the penalty for sprinkling and the penalty for slaughtering outside the Temple court come from different verses].”*
- H. *But lo, it has been stated in this regard, Said Abbaye, “Even in the view of R. Aqiba, he is liable for only a single sin-offering, for Scripture has said, ‘There you shall offer your burnt offerings and there you shall do all that I command you’ (Deu. 12:14). In this way the All-merciful has treated all*

acts [of the sacrificial rite in the same classification]. [Schachter, p. 217, n. 10: Hence there is only this one verse which commands that all acts of sacrifice, which includes slaughtering and sprinkling, shall be done in the prescribed fashion. Therefore transgression of both involved only one sacrifice.]”

VIII.1 A. In property cases they try the case by day [and complete it by night. In capital cases they try the case by day and complete it the following day] [M. 4:1J]:

- B. *What is the scriptural basis for this rule?*
- C. Said R. Hiyya bar Pappa, “It is because Scripture has said, ‘And let them judge the people at all times’ (Exo. 18:22) [even by night].”
- D. *If that is the case, then why not begin the trial by night too?*
- E. *The answer accords with the statement of Raba. For Raba contrasted verses: “It is written, ‘And let them judge the people at all times’ (Exo. 18:22). And it is written, ‘And in the day that he causes his sons to inherit’ (Deu. 21:16). [In the latter verse, we are told that a civil suit is taken up by day. How do [we resolve the apparent discrepancy between the two verses]? The day is the time for the beginning of the trial, and the night may well serve for the end of the trial and the delivery of the verdict.”*

VIII.2 A. The Mishnah-passage before us does not accord with the view of R. Meir. For it has been taught on Tannaite authority:

- B. R. Meir would say, “What is the meaning of the verse of Scripture, ‘According to their words shall every controversy and every leprosy be’ (Deu. 21: 5)? What have controversies [about civil matters] to do with [considerations of] leprosy? Scripture links civil suits to decisions on leprosy [to make the following points]. Just as decisions on the status of lepers are made by day, as it is written, ‘And in the day on which the raw flesh appears in him’ (Lev. 13:14), so decisions in civil suits are taken by day.
- D. “And just as decisions on leprosy cannot be made by blind men, as it is written, ‘Wherever the priest looks’ (Lev. 13:12), so civil suits may not be decided by blind men.
- E. “The text further links decisions on leprosy to decisions on civil suits [imposing on the former rules governing the latter], thus, just as civil suits may not be tried by relatives, so decisions on leprosy may not be made by relatives.
- F. “Should you further propose that, just as civil suits must be decided by three judges, so decisions on matters of leprosy must be settled by three priests,
- G. “and it is a matter of logic: if a person’s property is disposed of by three, should not the status of his own body all the more so be settled by three?
- H. “to forestall this conclusion, Scripture states, ‘When he shall be brought to Aaron, the priest, to one of his sons, the priests’ (Lev. 13: 2), in which you learn that even a single priest may inspect leprosy-signs.”

VIII.3 A. There was a blind man in the vicinity of R. Yohanan, who would judge cases, and R. Yohanan did not object in any way.

- B. *How could he have done so, for has not R. Yohanan stated, "The decided law is in accord with the Mishnah when it is stated anonymously [not in the name of a specific authority]"? And we have learned in [an anonymous passage] of the Mishnah: **Whoever is suitable to judge is suitable to give testimony, but there is one who is suitable to give testimony but is not suitable to judge** [M. **Nid. 6:4G**]. And R. Yohanan stated, "That statement serves to encompass one who is blind in one eye [who can give testimony but not judge a case]."*
- E. *R. Yohanan took note of a different passage of the Mishnah, one that is given anonymously, namely: **In property cases they try the case by day and complete it by night** [M. **4:1J**].*
- F. *What makes one anonymous Mishnaic rule more reliable than some other?*
- G. *If you like, I shall say that an anonymous statement of the law that conforms to collective opinion is preferable [to one which, we know from other evidence, speaks only for an individual. Meir's view and the anonymous version of Meir's view therefore must take second place.]*
- H. *And if you like, I shall propose that the framer of the Mishnah has cited the [anonymous version of the law in accord with the opposition to Meir] in the context of laws on the conduct of trials [and not merely incidentally].*
- I. *And how does R. Meir deal with the verse, "And let them judge the people at all times" (Exo. 18:22)?*
- J. *Said Raba, "It serves to include a cloudy day [in the proper time for holding civil cases or for examining leprosy-signs]." For we have learned in the Mishnah: **They do not examine leprosy-signs at dawn or at sunset, or inside the house; or on a cloudy day, because the dim appears bright; or at noon, because the bright appears dim** [M. **Neg. 2:2A-D**]. [But, in Meir's view, they would try a civil case on a cloudy day, and in that aspect he would distinguish the one sort of procedure from the other.]*
- M. *And how does R. Meir interpret the verse of, "And in the day that he causes his sons to inherit" (Deu. 21:16)? [Since Meir proves his point from the analogy of trials of civil cases to examination of leprosy-signs, how does he deal with the alternative proof for day-time trials, supplied here?]*
- N. *He requires that to serve as a proof-text for the following teaching on Tannaite authority given by Rabbah b. Hanina before R. Nahman:*
- O. *"And in the day that he causes his sons to inherit" (Deu. 21:16):*
- P. *"By day you divide up an estate, and you do not divide up an estate by night."*
- Q. *He said to him, "But would you then say that one who dies in daytime may leave his estate to his children, while one who dies in the nighttime may not leave his estate to his children? Perhaps you refer to lawsuits concerning legacies [that these like any other civil suits must take place by day [Schachter, p. 219, n. 15)]?" For so it has been taught on Tannaite authority: "And it shall be for the children of Israel a statute of judgment" (Num. 27:11). [This sentence refers to inheritance-laws.] That statement*

imposes upon all of the laws of the chapter at hand the rules governing civil cases in general.

T. *That accords with what R. Judah said Rab said. For R. Judah said Rab said, "If three people came into visit the sick, [who wished to direct the disposition of his estate for them, if they wish, they write out [his instructions as a will], and if they wish, they serve as a court [and carry out the instruction directly]. But if two were there [not three], they write out [and witness] the will, but they can not serve as a court."*

V. And R. Hisda said, "That has been taught only if they came by day. But if they came by night, they write out a will and do not serve as a court, because they constitute witnesses, and a witness cannot serve as a judge."

W. *He said to him, "Yes indeed, that is just what I meant."*

IX.1 A. In capital cases, they try the case by day [and complete it the following day] [M. 4:1J]:

B. *What is the scriptural basis for this rule?*

C. *Said R. Shimi bar Hiyya, "Scripture has said, 'And hang them up unto the Lord in the face of the sun' (Num 25: 4) [thus, by day, not by night]."*

D. *Said R. Hisda, "How do we know that the word at hand means 'hanging'? As it is written, 'And we will hang them up to the Lord in Gibeah of Saul, the chosen of the Lord' (2Sa. 21: 6), and it is written [35A], 'And Rizpah, the daughter of Aiah, took sack-cloth and spread it for her upon the rock, from the beginning of harvest' (2Sa. 21: 6). [Schachter: So they must have been hanged on trees]."*

IX.2 A. It is written, "And the Lord said to Moses, take all the chiefs of the people" (Num. 25: 4).

B. While the people had sinned, how had the chiefs of the people sinned?

C. Said R. Judah said Rab, "Said the Holy One, blessed be he, to Moses, 'Divide them up into courts' [to try sinners]." [Schachter, p. 221, n. 3: The verse is accordingly translated: Take the chief chiefs of the people and appoint them as judges and hang up them whom they shall condemn].

D. *What is the reason [for this instruction]? If we say that it is because **two are not to be judged on a single day [and condemned to death] [M. San. 6:4M]**, has not R. Hisda stated, "The rule applies only to two different forms of inflicting the death penalty, but if it is a single form of the death penalty, they do judge any number of cases in one day"? Rather it is so that "God's wrath may turn away from Israel" (Num. 25: 4).*

X.1 A. In property cases they come to a final decision on the same day as the trial itself, [whether it is for acquittal or conviction. In capital cases they come to a final decision for acquittal on the same day but on the following day for conviction] [M. 4:1K]:

B. *What is the scriptural basis for this rule?*

C. *Said R. Hanina, "It is in line with this verse of Scripture: 'She that was full of justice, righteousness lodged in her, but now murderers' (Isa. 1:21) [Schachter, p.*

221, nos. 8-9: Judgment was held over [‘lodged over night’] lest points for acquittal might be found. But now they do not postpone the verdict until the next day and so are murderers.]”

- D. *And Raba said, “Proof is from here: ‘Relieve the oppressed’ (Isa. 1:17). [We have a play on words, that yields] [Schachter:] ‘Bless the judge who reserves his verdict.’”*
- E. *And the other? “Relieve the oppressed [by attending to the plaintiff] and not the oppressor [the defendant].”*
- F. *And as to [Raba], how does he interpret the verse, “And she that was full of justice” (Isa. 1:21)?*
- G. *He interprets that verse as does R. Eleazar in the name of R. Isaac. For R. Eleazar said R. Isaac said, “In the case of any fast day on which gifts to the poor are kept overnight, it is as if one sheds blood, as it is said, ‘She that was full of justice, but now that charity [is made to lodge therein (and postponed overnight), they are as murderers]’ [Schachter] (Isa. 1:21).”*
- I. *And that rule pertains specifically to postponing distribution of bread and dates, but as to money, wheat, or barley, there is no objection [to postponing distribution by a day].*

XI.1 A. Therefore they do not judge [capital cases either on the eve of the Sabbath or on the eve of a festival] [M. 4:1L]:

- B. *What is the reason? Because it is impossible. How could someone do it? If someone were to try a case on Friday and complete the verdict on that day, perhaps they might find reason to convict the accused, in which case they would have to postpone the judgment overnight.*
- C. *But have the trial on Friday and complete the decision on the Sabbath, and if he is guilty put him to death on the Sabbath.*
- D. Capital punishment does not override the restrictions of the Sabbath.
- E. *Then why not put him to death in the evening?*
- F. *We require that the execution take place “in the face of the sun” (Num. 25: 4) [in daytime].*
- G. *Then complete the trial on the Sabbath and put the convicted felon to death on Sunday.*
- H. You will turn out to delay the course of justice [Schachter] [by postponing the execution].
- I. *Then why not conduct the trial on Friday and complete the verdict on Sunday?*
- J. *The judges might forget their reasons [for taking the positions that they did].*
- K. **Even though two judges’ clerks stand before them, one at the right and one at the left, and they write down the arguments of those who vote to acquit and of those who vote to convict [M. M. 4:3C-D]?**
- L. *Granted that they write down what they say, still, once the heart forgets, it is forgotten. Therefore it is not possible.*

XI.2 A. Said R. Simeon b. Laqish to R. Yohanan, “The burial of a neglected corpse should override the restrictions of the Sabbath, on the basis of the following argument a fortiori:

- B. “Now if the performance of the Temple cult, which overrides the Sabbath is set aside on account of the burial of a neglected corpse, [the Sabbath, restrictions of which are abrogated for the Temple service, all the more so should be overridden for the burial of a neglected corpse].
- C. *“[And how do we know that observance of the Sabbath is set aside on account of the requirement to bury a neglected corpse?]*
- D. *“It is learned from the teaching concerning “And on account of his sister” (Num. 6: 7). [A Nazirite may not render himself unclean even should his father, mother, brother, or sister die.]”*
- E. *So it has been taught on Tannaite authority: “On account of his father, his mother, brother, and sister” [a Nazirite should not contract corpse-uncleanness, in connection with the necessity of burying them], (Num. 6: 7).*
- F. What is the purpose of this statement?
- G. Lo, if on a Nazirite was going to slaughter his Passover-sacrifice or to circumcise his son, [35B] and he heard that a relative had died, is it possible that to bury that person, the Nazirite should contract corpse-uncleanness?
- H. You say, “He shall not become unclean.”
- I. Is it possible that, just as he may not contract corpse-uncleanness to bury his sister, so he may not contract corpse-uncleanness to bury a neglected corpse?
- J. Scripture states, “And on account of his sister” (Num. 6: 7). For his sister he may not contract corpse uncleanness, but he must contract corpse-uncleanness on account of a neglected corpse.
- K. [Simeon b. Laqish reverts to the original argument,] if the restrictions of the Sabbath are set aside on account of the conduct of the sacrificial cult, is it not logical that the burial of a neglected corpse should override the restrictions of the Sabbath [which overrides the cult]?”
- L. He said to him, “Executing a condemned criminal should prove the contrary, for it will override the requirements of the sacrificial cult but it will not override the restrictions of the Sabbath.”
- M. [He replied,] But executing a convicted criminal should override the restrictions of the Sabbath, on the basis of an argument a fortiori:
- N. “Now if the conduct of the Temple cult, which overrides the restrictions of the Sabbath, is itself overridden by the requirement to execute a murderer, as it is said, ‘You shall take him from my altar that he may die’ (Exo. 21:14), the Sabbath restrictions which are overridden by the Temple cult, surely should give way to the execution of the condemned criminal.
- O. *Said Raba, “The matter has already been settled by a Tannaite authority of the house of R. Ishmael.”*
- P. *For a Tannaite authority of the house of R. Ishmael [said], “You shall not kindle a fire [on the Sabbath]’ (Exo. 35: 3). What is the purpose of this statement?”*
- Q. What is the purpose of this statement?! [We all know the answer]. If we speak from the viewpoint of R. Yosé, [that one should not kindle a flame] is singled out so as to indicate that [kindling a flame] is simply a negative commandment [violation of which is

punished by flogging. Other violations of the Sabbath are punished by execution through stoning.]

R. If we speak from the viewpoint of R. Nathan, it is singled out in order to indicate that we treat a singular and punishable act each distinct violation of Sabbath-law [not grouping all of them and penalizing the whole].

S. *For it has been taught on Tannaite authority:*

T. “Specification of kindling a flame [as a prohibited act] serves to place such an act in the category of a negative commandment,” the words of R. Yosé.

U. R. Nathan says, “It serves to treat as a distinct act [punished by itself] that deed [or any other deed in violation of the Sabbath].”

- V. Rather, said Raba, “What posed a problem to the Tannaite authority was the word ‘habitations’ [at Exo. 35:3, not to kindle a flame ‘in all of Israel’s habitations’]. Why is that word included?”
- W. “[Here is what troubled the Tannaite authority at hand:] Since the Sabbath is an obligation that pertains to the person, and since an obligation pertaining to the person applies both in the Land and outside of the Land, why did the All-Merciful include the word ‘habitations’ [which speaks of the Land of Israel in particular]?”
- X. In the name of R. Ishmael a disciple said, “It is because it is written, ‘And if a man has committed a sin worthy of death and he be put to death’ (Deu. 21:22). I might then take the view that that may be done whether on a weekday or on the Sabbath. In that case how shall I carry out the verse, ‘Those who profane [the Sabbath] shall certainly be put to death’ (Exo. 31:14)? It would refer to other forms of labor prohibited on the Sabbath, but not carrying out the death penalty imposed by a court.
- Y. “Or perhaps that statement encompasses also the execution of criminals convicted by a court.
- Z. “In that case how shall I interpret ‘And he shall be put to death’ (Deu. 21:22)?
- AA. “It would speak of weekdays, and not the Sabbath.
- BB. “Or perhaps it means that the execution is carried out even on the Sabbath?
- CC. “Scripture states, ‘You shall not kindle a fire throughout your habitations’ (Exo. 35: 3), and elsewhere it is written, “And these things shall be for a statute of judgment for you throughout your generations in all your habitations’ (Num. 35:29).
- DD. “Just as ‘habitations’ in that context speaks of matters pertaining to courts, so ‘habitations’ here speaks of matters pertaining to courts.
- EE. “Now when the All-Merciful has said, ‘You shall not kindle a fire in all your habitations’ (Exo. 35: 3) [that must encompass not imposing the death penalty for the Sabbath, since one form of the death penalty is through ‘burning.’ So one cannot inflict the death penalty on the Sabbath, despite

the argument a fortiori given above. And it further follows that one may not bury a neglected corpse on the Sabbath either.]"

- FF. *Said Abbaye, "Now that you have shown that the death penalty does not override the restrictions of the Sabbath, it should follow that the death penalty does not override the requirements of the Temple cult. This would be based on an argument a fortiori.*
- GG. *"Now, if the Sabbath, which is set aside in favor of the requirements of the Temple cult, does not give way to the need to inflict the death penalty, the Temple cult, itself, which does override the restrictions of the Sabbath, surely should not give way before the requirement to inflict the death penalty.*
- HH. *"And as to the verse of Scripture, 'You shall take him from my altar that he may die' (Exo. 21:14) [which contradicts the foregoing proposition], that speaks of an offering made in behalf of an individual, which also would not override the restrictions of the Sabbath. [On the Sabbath offerings in behalf of individuals, as distinct from the community as a whole, are not prepared.]"*
- II. *Said Raba, "Inflicting the death penalty should not override the offering of a sacrifice in behalf of an individual, on the basis of an argument a fortiori:*
- JJ. *"[36A] Now if a festival, prohibitions of which are set aside on account of the requirement of an individual to bring an offering [e.g., the Passover, the appearance-offering, and the like], does not give way before the requirement to inflict the death penalty on a convicted felon, the offering of an individual, which does override the restrictions of the festival day, surely should not give way before the requirement to inflict the death penalty."*
- KK. *[The contrary view, that inflicting the death penalty does override the offering of a sacrifice in behalf of an individual] poses no problems to the position of him who has said, "Offerings brought in fulfillment of vows and freewill offerings are not offered on a festival day."*
- LL. *But from the viewpoint of him who has said, "Offerings brought in fulfillment of vows and freewill offerings are offered on the festival day," what is there to say [to the argument just now presented?] [Schachter, p. 226, n. 6: The premise being correct, the deduction is likewise correct, viz., that an execution cannot supersede a private offering. How then can the verse, "You shall take from my altar," be reconciled with this conclusion?]*
- MM. *Rather, said Raba, "[The position of Abbaye is not acceptable] from the viewpoint of him who has said that offerings brought in fulfillment of vows and freewill offerings are offered on the festival day, for in such a case, the cited verse, 'From my altar' simply does not apply [Schachter, p. 226, n. 7: for as shown above, if Abbaye's reasoning is accepted, execution does not suspend even private offerings. To what then can 'From my altar' refer?]*
- NN. *"But even from the viewpoint of him who has said, 'Offerings brought in fulfillment of vows and freewill offerings are not offered on the festival day,*

[in which case the cited verse may refer to private offerings, nonetheless, Abbayye's view is not acceptable].

- OO. "For is it not written, 'From my altar' with the sense of 'my altar in particular. What is that altar? It is the altar on which the daily whole offering is made.
- PP. "*And in that connection, the All-Merciful has stated, 'You shall take him from my altar that he may die' (Exo. 21:14). [Schachter, p. 226, n. 11: Thus Scripture expressly stands in the way of the argument a fortiori proposed by Abbayye (Schachter, p. 226, n. 11)].*"

XII.1 A. In cases involving questions of property, uncleanness and cleanness, [they begin voting from the eldest, In capital cases they begin from the side (with the youngest)] [M. 4:2A]:

- B. *Said Rab, "I was among those who voted in the house of Rabbi, and it was from me that they began to count."*
- C. *But have we not learned in the Mishnah: They begin voting from the eldest [Rabbi should count first]?*
- D. *Said Rabbah, son of Raba, and some say, R. Hillel, son of R. Vallas, "The voting in the house of Rabbi was different, For there all votes began from the side [as an act of humility on the part of Rabbi]."*

XII.2 A. And said Rabbah, son of Raba, and some say, R. Hillel, son of R. Vallas, "From the time of Moses to Rabbi, we do not find the combination of foremost status in learning in Torah and preeminence in worldly greatness joined in a single person."

- B. *And is that not so? And there was the case of Joshua?*
- C. *With him was Eleazar [equal in learning].*
- D. *There was Phineas? With him were the elders.*
- E. *There was Saul? With him was Samuel.*
- F. *But lo, [Samuel] died before him? We refer to the entire lifetime [of such a unique figure].*
- G. *There was David? With him was Ira the Jairite [2Sa. 20:26].*
- H. *But lo, [Ira] died before him? We refer to the entire lifetime [of such a unique figure].*
- I. *There was Solomon? With him was Shimei, son of Gera [2Sa. 19:18].*
- J. *But lo, [Solomon] killed [Shimei]? We refer to the entire lifetime.*
- K. *There was Hezekiah? With him was Shebna.*
- L. *But he was killed [during Hezekiah's lifetime]? We refer to the entire lifetime.*
- M. *There was Ezra? No, with him was Nehemiah, son of Hachaliah.*
- N. *Said R. Ada bar Ahbah, "I too say, 'From the time of Rabbi to R. Ashi, we do not find the combination of learning in Torah and worldly greatness joined in a single person.'"*
- O. *Do we not? And lo, there was Huna bar Nathan.*
- P. *Huna bar Nathan was subordinate to R. Ashi.*

XIII.1 A. In capital cases they begin from the side [M. 4:2A]:

- B. *What is the scriptural basis for this rule?*
- C. Said R. Aha bar Pappa, “Said Scripture, ‘You shall not speak in a case (ryb)’ (Exo. 23: 2), meaning “do not speak against the chief judge (rb)” [a shift in meaning attained by supplying the consonants of “in a case” with different vowels].”
- D. *Rabbah b. b. Hannah said R. Yohanan [said], “Proof derives from here, ‘And David said to his men, gird you on every man his sword, and they girded on every man his sword; then David also girded on his sword’ (1Sa. 25:13). [Schachter, p. 228, n. 3: The question whether Nabal the Carmelite’s act was to be treated as rebelliousness against the king was here discussed and a vote taken in the form of girding on the sword. David was the last to express his opinion.]”*

XIII.2 A. Said Rab, “A person may teach his disciple [the rule on capital offenses] and then vote right along side of him in capital cases [with master and disciple each having a separate vote].”

- B. *An objection was raised on the basis of the following passage:*
- C. **And in matters pertaining to questions of uncleanness or of cleanness, as to the father and his son, the master and his disciple, both of them are counted as two votes.**
- D. **In property and capital cases and cases involving flogging, the sanctification of the new month, or the intercalation of the year, they count as only one [T. San. 7:2 O-R].**
- E. **[36B]** *When Rab made that statement, he referred to such disciples as R. Kahana and R. Assi, who required Rab’s mastery of traditions but did not need help in reasoning about them.”*

XIII.3 A. Said R. Abbahu [speaking of M. 4:1-2], “There are ten points of difference in the rules governing trials for property cases from those for capital cases.

- B. **“And none of those differences pertains to the trial of an ox that is to be stoned, except for the requirement of a court of twenty-three judges, that alone.”**
- C. *What is the scriptural source for that rule [B]?*
- D. *Said R. Aha bar Pappa, “It is because Scripture has said, ‘You shall not bend the judgment of your poor in his cause’ (Exo. 23: 6) [Schachter, p. 228, n. 13: This is interpreted to mean that judgment must not be inclined in favor of conviction by a majority of only one].*
- E. **“The judgment of your poor you may not bend, but you may bend the judgment in the case of an ox that is to be stoned. [Schachter, p. 229, n. 2: From this it may be inferred that the procedure in the trial of an ox to be stoned is other than that of capital cases, except in the number of judges, and that difference is extended to all the other peculiarities of capital procedure, since the object of particularly applying that procedure in capital cases was to achieve the acquittal of the accused — not so with an ox].”**
- F. *Do you say there are ten? But they are only nine. But ten are listed.*
- G. *It is [nine] because the rule that not everyone is valid to serve and the requirement that there be twenty-three judges constitute a single rule.*

- H. *And lo, there is another. For it has been taught on Tannaite authority:*
- I. **The eunuch and one who has never had children are [T.: suitable for judging property cases but are not suitable for judging capital cases] not to be seated on a Sanhedrin.**
- J. **R. Judah adds [to the list] also the one who is too harsh or too forgiving [M. 4:2B-C] [T. San. 7:5A-B].**
- K. And the opposite to these rules apply in the case of one who incites [Israel to commit idolatry], for the All-Merciful has said, “Neither shall you spare, nor shall you conceal him” (Deu. 13: 9).
- XIV. A. All are valid to engage in the judgment of property cases, [but all are not valid to engage in the judgment of capital cases] [M. 4:2B].**
- B. *What classification of persons does the specification of “all” serve to include?*
- C. *Said R. Judah, “It includes children of prohibited marriages.”*
- D. *Lo, we have learned that in the Mishnah in a different context: **Whoever is worthy to judge capital cases is worthy to judge property cases, and there is one who is worthy to judge property cases and is not worthy to judge capital cases [M. Nid. 6:4F].** And in reflection on that passage, it was asked, “...to include what classification of persons?” And [in that connection], said R. Judah, “It includes children of prohibited marriages.”*
- E. *In point of fact, one such reference includes a proselyte, the other, the child of a forbidden union.*
- F. *And it was necessary to make both points explicit. For had we the rule concerning the proselyte, I might have supposed that [he may judge property because] he can enter the congregation [marrying Israelite], but the child of an illegal union [who may not enter the congregation and marry an Israelite] may not judge [property cases]. And had we learned the rule governing the child of an illegal union, I might have supposed that that is because he derives from valid seed, but a proselyte, who does not derive from a valid seed, would not be suitable [for judging property cases]. So it was necessary to specify both facts.*
- XV.1 A. But all are not valid to engage in the judgment of capital cases [M. 4:2B]:**
- B. *What is the reason for this rule?*
- C. *It accords with what R. Joseph repeated on Tannaite authority, “Just as a court must be clear in righteousness, so it must be clear of all blemishes.”*
- D. *Said Amemar, “What is the verse of Scripture that says so? ‘You are fair, my love, and there is no blemish in you/ (Song 4: 7).’*
- E. *But perhaps this refers to the absence of physical blemishes [on the persons of the judges]?*
- F. *Said R. Aha bar Jacob, “Scripture has said, ‘That they may stand there with you’ (Num. 11:16). ‘With you’ means those who are equivalent to you.”*
- G. *But then perhaps the rule in that case is [in particular] on account of the Presence of God [with Moses] [and the rule would not apply now]?*
- H. *Rather, said R. Nahman bar Isaac, “Scripture has said, ‘And they shall bear with you’ (Exo. 18:22), meaning, they must be like you.”*

In the aggregate we must conclude that the organizer of the Talmud has simply arranged his materials to serve as line by line expansions of the Mishnah's rules. The outline in Chapter Twelve shows how this works.

4:3-4

- A. The sanhedrin was [arranged in the shape of a half of a round threshing-floor [that is, as an amphitheatre],
- B. so that [the judges] should see one another,
- C. And two judges' clerks stand before them, one at the right and one at the left.
- D. And they write down the arguments of those who vote to acquit and of those who vote to convict.
- E. R. Judah says, "Three: One writes the opinion of those who vote to acquit, one writes the opinion of those who vote to convict, and the third writes the opinions both of those who vote to acquit and of those who vote to convict."

M. 4:3

- A. [37A] And three rows of disciples of sages sit before them.
- B. Each and every one knows his place.
- C. [If] they found need to ordain [a disciple to serve on the court],
- D. they ordained one who was sitting in the first row.
- E. [Then] one who was sitting in the second row joins the first row, and one who was sitting in the third row moves up to the second row.
- F. And they select for themselves someone else from the crowd and set him in the third row.
- G. [The new disciple] did not take a seat in the place of the first party [who had now joined in the court] but in the place that was appropriate for him [at the end of the third row].

M. 4:4

- I.1 A. *What is the scriptural source for the rule [at M. 4:3A]?*
- B. Said R. Aha bar Hanina, "It is because Scripture has said, 'Your navel is like a round goblet, wherein no mingled wine is wanting' (Son. 7: 3).
- C. "'Thy navel' refers to the sanhedrin.
- D. "Why is it called 'navel'?"
- E. "Because it is in session [on the Temple mount] at the navel of the world.
- F. "Why is it called 'round'?"
- G. "Because [like a round shield] it protects the entire world.
- H. "Why is it called 'goblet'? Because it is shaped like the moon [as is the goblet]. [Schachter, p. 231, n. 11: They were seated in circular form like a moon.]
- I.2 A. "Wherein no mingled wine is wanting:"
- B. [If] one of them had to go out, he looks around to see whether there would be twenty-three left [after he departs]. If there would be twenty-three left, enough for a small Sanhedrin, he goes out, and if not, he does not go out.
- C. [T.: unless there would be twenty-three left] [T. San. 7:1J-K].

- I.3** A. “Your belly is like a heap of wheat” (Son. 7: 3): just as in the case of a heap of wheat, everyone derives benefit,
 B. so with the sanhedrin everyone benefits from their deliberations.
- I.4** A. “Set about with lilies” (Son. 7: 3): For even through a fence made up only of lilies [the members of the sanhedrin] will make no breaches.
 B. *That is in line with what a min said to R. Kahana, “You say that a menstruating woman may be alone with her husband. Is it possible that there can be fire near two without singeing it?”*
 C. He said to him, “The Torah has given testimony in our regard:
 D. “‘Set about with lilies.’ For even through a fence made up only of lilies [Israelites] will make no breaches.”
 E. *R. Simeon b. Laqish said, “Proof derives from here: ‘Your temples are like a pomegranate split open’ (Son. 6: 7): Even the empty-heads among you [play on the consonants that serve for both ‘temple’ and ‘empty’] are as full of the accomplishment of religious duties as a pomegranate.”*
 F. *R. Zira said, “Proof derives from here: ‘And he smelled the scent of his raiment’ (Gen. 27:27). Do not read it as ‘remain’ but as ‘his traitors.’ [Schachter, p. 232, n. 10: Even those who are traitors to Judaism diffuse the fragrance of good deeds].”*
- I.5** A. *There were some transgressors who lived in the neighborhood of R. Zira, who tried to draw them near so that they would return in penitence. Rabbis criticized him [for this relationship]. When R. Zira died, [the wicked men] said, “Up to now, the burned man with dwarfed legs would pray for mercy for us. Now who will pray for mercy for us?”*
 B. *They reflected on the matter in their hearts, and they carried out an act of repentance.*
- I.6** A. *Said Abbaye, “We may infer from this rule that, when they move, all of them move.”*
 B. *But cannot [the one who moves up a row] now say to them, “Up to now I was sitting at the head [of my row], and now you have seated me at the tail]”?*
 C. *Said Abbaye, “They may say this to him: ‘Be a tail to lions and not a head to foxes’” [M. Abot 4:15].”*
 Once the proof-text, Son. 7:3, is introduced in unit I, the remainder of the passage at hand carries forward the exegesis of that verse, mostly in the context of the present theme.

4:5

- A. **How do they admonish witnesses in capital cases?**
 B. **They would bring them in and admonish them [as follows]: “Perhaps it is your intention to give testimony on the basis of supposition, hearsay, or of what one witness has told another;**
 C. **“[or you may be thinking], ‘We heard it from a reliable person’”**
 D. **“Or, you may not know that in the end we are going to interrogate you with appropriate tests of interrogation and examination.**

- E. “You should know that the laws governing a trial for property cases are different from the laws governing a trial for capital cases.
- F. “In the case of a trial for property-cases, a person pays money and achieves atonement for himself. In capital cases [the accused’s] blood and the blood of all those who were destined to be born from him [who was wrongfully convicted] are held against him [who testifies falsely] to the end of time.
- G. “For so we find in the case of Cain who slew his brother, as it is said, ‘The bloods of your brother cry’ (Gen. 4:10).
- H. “It does not say, ‘The blood of your brother,’ but, ‘The bloods of your brother’ — his blood and the blood of all those who were destined to be born from him.”
- I. Another matter: ‘The bloods of your brother’ — for his blood was spattered on trees and stones.
- J. Therefore man was created alone, to teach you that whoever destroys a single Israelite soul is deemed by Scripture as if he had destroyed a whole world.
- K. And whoever saves a single Israelite soul is deemed by Scripture as if he had saved a whole world.
- L. And it was also for the sake of peace among people, so that someone should not say to his fellow, “My father is greater than your father.”
- M. And it was also on account of the minim, so that the minim should not say, “There are many domains in Heaven.”
- N. And to portray the grandeur of the Holy One, blessed be He. For a person mints many coins with a single seal, and they are all alike one another, But the King of kings of kings, the Holy One, blessed be He, minted all human beings with that seal of his with which he made the first person, yet not one of them is like anyone else. Therefore everyone is obligated to maintain, “On my account the world was created.”
- O. Now perhaps you [witnesses] would like now to say, [37B] “What business have we got with this trouble?”
- P. But it already has been written, “He being a witness, whether he has seen or known, if he does not speak it, then he shall bear his iniquity” (Lev. 5: 1).
- Q. And perhaps you might want to claim, “What business is it of ours to convict this man of a capital crime?”
- R. But has it not already been said, “When the wicked perish there is rejoicing” (Pro. 11:10).

M. 4:5

- I.1 A.** *Our rabbis have taught on Tannaite authority:* What is the sense of “conjecture”?
- B. He says to them, “Perhaps this is what you saw: he was running after his fellow into a ruin [with a sword in his hand]. [The victim ran in front of him into a ruin, and then the other went after him into the ruin]. You went in after them and found [the victim slain on the floor], with a knife in the hand of the murderer, dripping blood.”
- C. “If this is what you have seen, you have seen nothing [you must be admonished that this is not valid evidence].”

- D. *It has been taught on Tannaite authority:* Said Simeon b. Shatah, “May I [not] see consolation, if I did not see someone run after his fellow into a ruin, [with a sword in his hand, and the pursued man went before him into a ruin, and the pursuer ran in after him,] and then I came in right after him, and saw [the victim] slain, with a knife in the hand of the murderer, dripping blood, and I said to him, ‘You evil person! Who killed this one? [May I [not] see consolation if I did not see him [run in here].] Either you killed him or I did! But what can I do to you? For your blood is not handed over to me, For lo, the Torah has said, ‘At the testimony of two witnesses or at the testimony of three witnesses shall he who is on trial for his life be put to death’ (Deu. 17: 6).
- E. “‘But He who knows the thoughts of man will exact punishment from that man.’
- F. **He did not move from the spot before a snake bit him, and he died” [T. San. 8:3].**
- G. *But is this one subject to death by snake bite?* For has not R. Joseph said, and so too did the house of Hezekiah teach: “From the day on which the house of the sanctuary was destroyed, even though the sanhedrin ceased to be, the four forms of inflicting the death penalty did not cease to be.”
- H. Lo, they surely have ceased!
- I. Rather, “the law governing the four forms of the death penalty has not ceased to be.
- J. “He who became liable to the death penalty through stoning either falls from the roof or is trampled by a wild beast.
- K. “He who became liable to the death penalty through burning either falls into a fire or is bitten by a snake.
- L. “He who became liable to the death penalty through decapitation either is handed over for execution by the government, or thugs attack him [and cut off his head].
- M. “He who becomes liable to the death penalty through strangulation either drowns in a river or dies by a quinsy.”
- N. One may reply that that man was already guilty on account of a different sin as well.
- O. For a master has said, “Someone who is liable to the death penalty on two different counts is subjected to the more severe of the two.”

II.1 A. On the basis of supposition [M. 4:5B]:

- B. *It is in capital cases that we do not accept testimony based on supposition [or conjecture]. Lo, in the case of property cases, we do so.*
- C. *In accord with whose view is that statement made?*
- D. *It accords with R. Aha, for it has been taught on Tannaite authority:*
- E. **R. Aha says, “A camel which was covering females among the camels, and one of the camels was found dead —**
- F. **“[the owner of the one in heat] is liable, in the certainty that this one killed it” [T. B.Q. 3:6Q-R].**

- G. *And in accord with the reasoning just now proposed [B], it is in particular in capital cases that we reject hearsay evidence. Lo, in property cases we accept it. And yet, have we not learned in the Mishnah.*
- H. **If he said, “He told me, ‘I owe him,’ ‘So-and-so told me that he owed him,’” he has said nothing whatsoever, unless he says, “In our presence he admitted to him that he owes him two hundred zuz? [M. 3:6E-F]. Therefore, even though that form of evidence is also invalid in property cases, we state the rule in particular for capital cases. Here too even though that form of evidence is also invalid in property cases, we state the rule in particular for capital cases.**

III.1 A. Know that ... [M. 4:5]:

- B. Said R. Judah, son of R. Hiyya, “[Gen. 4:10, ‘The bloods of your brother cry...’] teaches that Cain made on Abel, his brother, wound after wound, blow after blow, for he did not know from which one the soul would go forth, until he came to his neck.”
- C. And said R. Judah, son of R. Hiyya, “From the day on which the earth opened its mouth to receive the blood of Abel, it has never again opened up, for it is said, ‘From the edge of the earth have we heard songs, glory to the righteous’ (Isa. 24:16).
- D. “‘From the edge of the earth’ and not from the mouth of the earth.”
- E. Hezekiah, his brother, objected, “‘And the earth opened her mouth’ (Num. 16:32).”
- F. He said to him, “For evil the earth opened, but not for good [and it was only to swallow Korah]. [Schachter, p. 237, n. 5: The opening to receive Abel’s blood is accounted for good, to hide Cain’s guilt.]”
- G. And said R. Judah, son of R. Hiyya, “Exile atones for half of one’s transgressions. To begin with, it is written [about Cain], ‘And I shall be a fugitive and a wanderer’ (Gen. 4:14).
- H. “And afterward: ‘And he dwelt in the land of wandering’ (Gen. 4:14). [Schachter, p. 237, n. 7: The other half of the course, ‘to be a fugitive’ was remitted because of his exile.]”

III.2 A. [Since Cain went into exile, the subject is pursued:] Said R. Judah [said Rab,] “Exile atones for three things.

- B. “For it is said, ‘Thus says the Lord, He who abides in this city shall die by the sword, famine, and pestilence, but he who goes out and falls away to the Chaldeans who besiege you shall live, and his life shall be unto him for a prey’ (Jer. 21:8-9). [Schachter, p. 237, n. 8: He who remained at home was subject to these three evils, but wandering and its consequent hardships outweighed them all.]”
- C. Said R. Yohanan, “Exile atones for everything, for it is said, ‘Thus says the Lord, Write this man childless, a man that shall not prosper in his days, for no man of his seed shall prosper sitting upon the throne of David and ruling any more in Judah’ (Jer. 22:30).
- D. “*After [the king] was exiled, it is written, ‘And the sons of Jeconiah, the same is Assir, Shealtiel, his son ... ‘ (1Ch. 3:17). [So he was not childless, and through exile he had atoned for his sins.]”*

- E. “Assir” because his mother conceived in prison [a word using the same consonants].
- F. “Shealtiel” because God planted him in a way different from the way in which people usually are planted. We know that a woman cannot become pregnant through intercourse done standing up, [38A] but she became pregnant through intercourse done standing up.
- G. Another explanation: “Shealtiel” because God consulted [using the same root] [sages] concerning his oath. [So as to have it remitted].
- H. “Zerubbabel” because he was conceived in Babylonia.
- I. And what was his name? It was Nehemiah, son of Hachaliah.

III.3 A. *Judah and Hezekiah, sons of R. Hiyya, were seated at a meal before Rabbi and they were not saying anything. He said to the [waiter], “Give more strong wine to the young men so that they will say something.”*

- B. *When the wine had [Schachter] taken effect, they commenced by saying, “David will not come until the two houses of patriarchal authority come to an end, specifically, the head of the exile in Babylonia and the patriarch in the Land of Israel.*
- C. *“For it is said, ‘And he shall be for a sanctuary, for a stumbling block and for a rock of offense to both houses of Israel’ (Isa. 8:14).”*
- D. He said to them, “You toss thorns into my eyes, my sons.”
- E. Said R. Hiyya to Rabbi, “Do not take offense. The numerical value of the letters composing the word, ‘wine,’ is seventy, and the same is so for the word, ‘secret.’ When wine goes in, secrets come out.”

III.4 A. *Said R. Hisda said Mar Uqba, and some say, said R. Hisda, Mari bar Mar expounded, “What is the meaning of the verse of Scripture, ‘And so the Lord has hastened the evil and brought it upon us, for the Lord our God is righteous’ (Dan. 9:14)?*

- B. *“Because ‘the Lord is righteous’ ‘does he hasten the evil and bring it upon us”*
- C. *“Indeed so. The Holy One, blessed be he, acted in a righteous way with Israel by bringing the exile of Zedekiah while the exile of Jechoniah was still alive.*
- D. *“It is written with reference to the exile of Jechoniah, ‘And the craftsmen and smiths, a thousand’ (2Ki. 24:16).*
- E. *“[Since the word for craftsman may be read as ‘deaf,’ we may say,] as soon as they opened discourse, everyone became as deaf.*
- F. *“[Since the word for smith may be read to mean, ‘close,] as soon as they completed the discussion of a law, it was not again taken up.*
- G. *“How many were they? A thousand.”*
- H. Ulla said, “He put the exile up by two years [Schachter:] as compared with the period indicated by venoshantem. [Schachter, p. 239, n. 6: And ye shall have been long (lit., ‘grown old’), Deu. IV, 25. The numerical value of \ (6+50+6+300+50+400+40) is eight hundred and fifty-two. Subtracting two years according to this Haggadah, there are eight hundred and fifty-two. Subtracting two years according to this Haggadah, there are eight hundred and fifty years left, which is the length of time between Israel’s entry into Palestine and the destruction

of the Temple. The Temple was erected in the four hundred and eightieth year from the Exodus out of Egypt, and it stood for four hundred and ten year. Subtracting forty years for the period of their wanderings in the desert, we reach a total of eight hundred and fifty years. That acceleration by two years is here regarded as a 'righteous' (i.e., charitable) act, since it averted the complete destruction threatened in Deu. IV, 26.]

- I. *Said R. Aha bar Jacob, "That calculation indicates that 'promptness' for the Lord of the world means eight hundred and fifty two years [Schachter, p. 239, n. 7: (7) For the following verse states, Ye shall speedily perish completely from off the land. Thus by 'speedily' God meant 852 years, alluded to by we-noshantem]."*

IV.1 A. Therefore [man was created alone] [M. 4:5J]:

- B. *Our rabbis have taught on Tannaite authority:*
C. **On what account was man created alone?**
D. **So that the minim should not say, "There are many domains in heaven" [M. 4:5].**
E. **Another matter:**
F. **[T:] Man was created one and alone.**
G. **And why was he created one and alone in the world? Because of the righteous and the wicked**
H. **So that the righteous should not say, "We are the sons of the righteous one," and so that the evil ones should not say, "We are the sons of the evil one."**
I. **Another matter: Why was he created one and alone? So that families should not quarrel with one another. For if now, that man was created one and alone, they quarrel with one another, had there been two created at the outset, how much the more so! [cf. M. 4:5L].**
J. **Another matter: Why was he created one and alone? Because of the thieves and robbers. And if now, that he was created one and alone, people steal and rob, had there been two, how much the more so! [T. San. 8:4A-E].**

V.1 A. To portray the grandeur ... [M. 4:5N]:

- B. *Our rabbis have taught on Tannaite authority:*
C. **[T:] Another matter: Why was he created one and alone?**
D. **To show the grandeur of the king of the kings of kings, blessed be he.**
E. **For if a man mints many coins with one mold, all are alike.**
F. **But the Holy One, blessed be he, mints every man with the mold of the first man [T: for with a single seal, he created the entire world], and not one of them is like another [T. from a single seal all those many diverse seals have come forth],**
G. **as it is said, "It is changed as clay under the seal, and all these things stand forth as in a garment" (Job. 38:14) [M. 4:5N] [T. San. 8:5A-D].**
H. **And on what accounts are faces not like one another?**
I. **On account of imposters,**
J. **so no one should see a lovely house or woman and say "It is mine" [T.S: jump into his neighbor's field or jump in bed with his neighbor's wife],**

- K. as it is said, “And from the wicked their light is withheld and the strong arm is broken” (Job. 38:15).
- L. *It has been taught on Tannaite authority: R. Meir says, “The omnipresent has varied a man in three ways: appearance, intelligence, and voice*
- M. *intelligence, because of robbers and thieves, and appearance and voice, because of the possibilities of licentiousness” [T. San. 8:6A-F].*
- N. *Our rabbis have taught on Tannaite authority:*
- O. **Man was created on Friday [T.: last in order of creation.**
- P. **And why was man created last?**
- Q. **So that the minim should not be able to say, “There was a partner with him in his work [of creation]” [cf. M. 4:5M; [T. San. 8:7].**
- R. **Another matter: [Why was he created last]?**
- S. **So that he should not grow proud.**
- T. **For they can say to him, “The mosquito came before you in the [order of the] works of creation.”**
- U. **Another matter: So that he might immediately take up the doing of a religious duty. [T. San. 8:8].**
- V. Another matter: So that he might enter the banquet at once [with everything ready for him].
- W. They have made a parable: To what is the matter is comparable?
- X. To a king who built a palace and dedicated it and prepared a meal and [only] afterward invited the guests.
- Y. And so Scripture says, “The wisest of women has built her house” (Pro. 9: 1).
- Z. This refers to the King of the kings of kings, blessed be He, who built his world in seven [days] by wisdom.
- AA. “She has hewn out her seven pillars” (Pro. 9: 1) — these are the seven days of creation.
- BB. “She has killed her beasts and mixed her wine” (Pro. 9: 2) — these are the oceans, rivers, wastes, and all the other things which the world needs.
- CC. And afterwards: She has sent forth her maidens, she cries on the high places of the city, Who is simple — let him turn in hither, and he who is void of understanding (Pro. 3: 4) — these refer to Adam and Even [T.: mankind and the wild beasts [T. San. 8:9A-H].
- DD. “Upon the highest places of the city” (Pro. 9:14):
- EE. *Rabbah b. b. Hanna contrasted these verses: “It is written, ‘Upon the top of the highest places’ (Pro. 9: 3) and it is written, ‘On a seat on the high places’ (Pro. 9:14).*
- FF. *“At first ‘on top,’ and then, ‘upon a seat.’”*
- GG. “Who is thoughtless, let him turn in hither, as for him who lacks understanding, she says to him” (Pro. 9: 4):
- HH. Said the Holy One, blessed be he, “Who enticed this one?
- II. “It is a woman who spoke to him, for it is written, ‘He who commits adultery with a woman lacks understanding’ (Pro. 6:32).”

**The Creation of Man. The Minim.
Debates with Unbelievers.
The Emperor and the Patriarch.**

V.2 A. *It has been taught on Tannaite authority:*

- B. R. Meir would say, “The first man was [formed out] of dust gathered from every part of the world,
- C. “for it is said, ‘Your eyes saw my unformed substance’ (Psa. 139:16), and it is written, ‘The eyes of the Lord run to and fro through every part of the earth’ (Zec. 4:10).”
- D. Said R. Oshaiah in the name of Rab, “As to the first man, [38B], his body came from Babylonia, his head from the Land of Israel, and his limbs from other lands.”
- E. *As to his private parts? Said R. Aha, “They come from Aqra deAgma.”*

V.3 A. Said R. Yohanan bar Hanina, “The day [on which Adam was made] was twelve hours.

- B. “At the first hour the dust for making him was gathered together. At the second hour he was made kneaded into an unformed mass. At the third hour his limbs were shaped. At the fourth hour breath was poured into him. At the fifth hour he stood on his feet. At the sixth hour he named [the beasts]. At the seventh hour Eve as mated with him. At the eighth hour they went to bed two and came away from bed four. At the ninth hour he was commanded not to eat from the tree. At the tenth hour he went rotten. At the eleventh hour he was judged. At the twelfth hour he was sent off and went his way.
- C. “For it is written, ‘Adam tarries not in honor’ (Psa. 49:13).”
- D. Said Rami bar Hama, “A vicious wild beast can rule over man only if [man] appears to him as a domesticated beast.
- E. “For it is said, ‘Men are overruled when they appear as beasts’ [So Schachter] (Psa. 49:13).”

V.4 A. Said R. Judah said Rab, “When the Holy One, blessed be he, proposed to create man, he created a group of ministering angels. He said to them, ‘Shall we make man in our image?’

- B. “They said to him, ‘Lord of the ages, what sort of things will he do?’
- C. “He said to them, ‘These are the sorts of the things he will do.’”
- D. “They said before him, ‘Lord of the ages, ‘What is man that you are mindful of him, and the son of man that you think of him’ (Psa. 8: 5)?
- E. “He poked his little finger among them and burned them up, and so too did he do with the second group of ministering angels.
- F. “The third group said to him, ‘Lord of the ages, As to the first two groups that spoke to you, what good did they do? The whole world is yours. Whatever you want to do in your world, go and do it.’
- G. “When he reached the time of the men of the generation of the flood and the men of the generation of the division of languages, whose deeds were corrupt, they said to him, ‘Lord of the worlds, did not the first groups of ministering angles speak well to you?’

H. “He said to them, ‘Even to old age, I am the same, and even to hoary hairs will I carry’ (Isa. 46: 4).”

V.5 A. Said R. Judah said Rab, “The first man stretched from one end of the world to the other, as it is said, ‘Since the day that God created man upon the earth, even the one end of heaven to the other’ (Deu. 4:32).

B. “When he turned rotten, the Holy One, blessed be he, put his hand on him and cut him down to size,

C. “for it is said, ‘You have hemmed me in behind and before and laid your hands upon me’ (Psa. 139: 5).”

D. Said R. Eleazar, “The first man stretch from the earth to the firmament, as it is said, ‘Since the day that God created man upon the earth, and from one end of the heaven to the other’ (Deu. 4:32).

E. “When he turned rotten, the Holy One, blessed be he, put his hand on him and cut him down to size,

F. “for it is said, ‘You have hemmed me in behind and before’ (Psa. 139: 5).”

G. *But the two verses are contradictory.*

H. *This refers to its measure, and that to its.*

V.6 A. And said R. Judah said Rab, “The first man spoke Aramaic.

B. “For it is written, ‘How weighty are your thoughts to me O God’ (Psa. 139:17). [Schachter: ‘Weighty’ and ‘thoughts’ are Aramaisms.]”

C. That is in line with what R. Simeon b. Laqish said, “What is the meaning of that which is written, ‘This is the book of the generations of Adam’ (Gen. 5: 1)?

D. “This teaches that the Holy One, blessed be he, showed [Adam] each generation and those who expounded for it, each generation and those who served as its sages.

E. “When he came to the generation of R. Aqiba, he took pleasure in his mastery of Torah and was saddened by the form of his death.

F. “He said, ‘How much a source of grief are your friends to me, O God’ (Psa. 139:17). [‘Weighty’ may take on the meaning of a source of heaviness and grief, and the word for ‘thoughts’ in Aramaic bears the meaning in Hebrew of ‘friends’ (Schachter)].”

V.7 A. And R. Judah said Rab said, “The first Man was a min.

B. “For it is said, ‘And the Lord God called to Adam and said to him, where are you’ (Gen. 3: 9), meaning, ‘Where has your heart gone?’”

C. Said R. Isaac, “He drew out his foreskin [to obliterate the mark of circumcision].

D. “Here it is written, ‘But like Adam, they have transgressed the covenant’ (Hos. 6: 7), and it is written further, ‘He has broken my covenant’ (Gen. 17:14).”

E. R. Nahman said, ‘He denied the very principle [that God ruled]. Here it is written, ‘They have transgressed the covenant’ (Hos. 6: 7), and elsewhere it is written, ‘Because they forsook the covenant of the Lord their God’ (Jer. 22: 9) [speaking of belief in God’s rule].”

V.8 A. *There we have learned in the Mishnah: R. Eliezer says, “Be diligent to study the Torah and know what to say to an unbeliever” [M. Abot 2:14].*

B. Said R. Yohanan, "That rule applies to a gentile unbeliever. But as to an Israelite unbeliever, *all the more is he beyond the rule.*"

V.9 A. Said R. Yohanan, "In every passage in which the minim have found evidence for their heresy, [in which God is spoken of in the plural], a refutation for their position is provided right at hand.

B. "'Let us make man in our image' (Gen. 1:26) — And God created [in the singular] man in his own image' (Gen. 1:27).

C. "'Come, let us go down and there confound their language' (Gen. 11: 7) — 'And the Lord came down [in the singular] to see the city and the tower' (Gen. 11: 5).

D. "'Because there were revealed to him God' (Gen. 35: 7) — 'Unto God who answers me in the day of my distress' (Gen. 35: 3).

E. "'And what great nation is there that has Gad so night [in the plural] into it, as the Lord our God is unto us whenever we call upon him [singular]' (Deu. 4: 7).

F. "'And what one nation in the earth is like your people, Israel, whom God have gone [plural] to redeem for a people unto himself [singular]' (2Sa. 7:23).

G. "'Till thrones were placed and one that was ancient did sit' (Dan. 7: 9)."

H. *And what need was there for all of these passages?*

I. *The answer accords with what R. Yohanan said.*

J. *For* R. Yohanan said, "The Holy One, blessed be he, does nothing unless he consults with the heavenly family.

K. "For it is said, 'The matter is by the decree of the watchers and the sentence by the word of the Holy Ones' (Dan. 4:14)."

L. *Now all of the others are suitably [explained], but how shall we explain* "Till thrones were placed" (Dan. 7: 9)?

M. One is for him, the other for David.

N. *As it has been taught on Tannaite authority:*

O. "One is for him, the other for David," the words of R. Aqiba.

O. Said to him R. Yosé, "Aqiba, how long are you going to treat in a profane way the Presence of God?

Q. "Rather, one is for bestowing judgment, the other for bestowing righteousness."

R. *Did he accept this answer or not?*

S. *Come and take note, for it has been taught on Tannaite authority:*

T. "One is for bestowing judgment and the other for bestowing righteousness," the words of R. Aqiba.

U. Said to him R. Eleazar b. Azariah, "Aqiba, what business have you in matters of lore? Go over to rules governing the skin disease [of Lev. 13] and uncleanness imparted through overshadowing of the corpse [in Ohalot=Num. 19:1ff.].

V. "Rather, one is a throne for a seat, the other for a footstool for his feet."

V.10 A. *Said R. Nahman, "If someone knows how to refute the position of the minim as well as does R. Idit, let him undertake to refute them, and if not, he should not reply to them."*

- B. *Said a min to R. Idit, "It is written, 'And to Moses he said, Come up to the Lord' (Exo. 24: 1). Ought it not have said, 'Come up to me'?"*
- C. *He said to him, "This refers to Metatron, who is called by the name of his master, for it is written, 'For my name is in him' (Exo. 23:21)."*
- D. *"If so, let us worship him."*
- E. *"It is written, 'Be not rebellious against him' (Exo. 23:21). 'Do not exchange me for him.'"*
- F. *"If so, what need do I have for the statement, 'He will not pardon your transgression' [since Metatron has no right to do so anyhow]?"*
- G. *He said to him, "By the faith that we hold ! We should not accept him even as a messenger, for it is written, 'And he said to him, if you personally do not go out with us' (Exo. 33:15)."*

V.11 A. *A min said to R. Ishmael b. R. Yosé, "It is written, 'Then the Lord caused to rain upon Sodom and Gomorrah brimstone and fire from the Lord' (Gen. 19:24). It should have said, 'From him.'"*

- B. *A certain laundryman said to him, "Let me answer him. It is written, 'And Lamech said to his wives, Ada and Zillah, Hear my voice, you wives of Lamech' (gen. 4:23). It should have said, 'my wives.'"*
- C. *"But that just is how Scripture says things, and here too, that just is how Scripture says things."*
- D. *[Ishmael] said to him, "How do you know that?"*
- E. *"I heard it from the public lesson of R. Meir."*
- F. *For said R. Yohanan, "When R. Meir would give a public lecture, he would speak one third of the time on traditions [of law], a third on lore, and a third on parables."*
- G. *And said R. Yohanan, "R. Meir had three hundred parables of foxes, and of them all we have only three. [39A] 'The fathers have eaten sour grapes and the children's teeth are set on edge' (Exo. 18: 2)."*
- H. *"'Just balances, just weights' (Lev. 19:36). 'The righteous is delivered out of trouble and the wicked comes in in his stead' (Pro. 11: 8)."* [Schachter, p. 246-7, n. 14: dawn started here. Rashi gives the parables in question, as follows, combined in a single story. [Cf., however, Ms. M.: 'We have only one.'] A fox once craftily induced a wolf to go and join the Jews in their Sabbath preparations and share in their festivities. On his appearing in their midst the Jews fell upon him with sticks and beat him. He therefore came back determined to kill the fox. But the latter pleaded: 'It is no fault of mine that you were beaten, but they have a grudge against your father who once helped them in preparing their banquet and then consumed all the choice bits.' 'And was I beaten for the wrong done by my father?' cried the indignant wolf. 'Yes,' replied the fox, 'the fathers have eaten sour grapes and the children's teeth are set on edge. However,' he continued, 'come with me and I will supply you with abundant food.' He led him to a well which had a beam across it from either end of which hung a rope with a bucket

attached. The fox entered the upper bucket and descended into the well whilst the lower one was drawn up. 'Where are you going?' asked the wolf. The fox, pointing to the cheese-like reflection of the moon, replied: 'Here is plenty of meat and cheese; get into the other bucket and come down at once.' The wolf did so, and as he descended, the fox was drawn up. 'And how am I to get out?' demanded the wolf. 'Ah' said the fox, 'the righteous is delivered out of trouble and the wicked comes in in his stead. Is it not written, Just balances, just weights'?)

- V.12** A. Said the emperor [printed ed.: infidel] to Rabban Gamaliel, "Your God is a thief, for it is written, 'And the Lord God caused a deep sleep to fall upon Adam, and he slept, and he took one of his ribs' (Gen. 2:21)."
- B. *[The emperor's] daughter said to him, "Let me answer him." She said to [the emperor], "Give me a commander [and troops]."*
- C. He said to her, "What do you need him for?"
- D. He said to him, "A thief invaded us last night and stole a silver goblet and left a gold one."
- E. He said to her, "Would that they should come invade us every day!"
- F. "And was it not good for the first Man, that one rib should be taken for him, and a serving maid should be given to him to serve him?"
- G. *He said to her, "What I meant to say only was that he should have taken [the rib] from him in public."*
- H. *She said to him, "Bring me a piece of meat." They brought it to her. She put it in her armpit and then took it out and said to him, "Eat a piece of this."*
- I. *He said to her, "It disgusts me."*
- J. *She said to him, "And with the first man too, if she had been taken from him in full light of day, she would have been disgusting to him."*
- V.13** A. The emperor said to Rabban Gamaliel, "I know what your God is doing."
- B. *[Gamaliel] was overcome and sighed.*
- C. *He said to him, "Why so?"*
- D. *He said to him, "I have a son overseas, and I miss him and I ask you to tell me about him."*
- E. *He said, "Do I know where he is?"*
- F. *He said to him, "What is going on on earth you do not know, what is going on in heaven are you going to know?"*
- V.14** A. The emperor said to Rabban Gamaliel, "It is written, 'He counts the number of the stars' (Psa. 147: 4). *What's the big deal? I can count the stars.*"
- B. *[Gamaliel] took some quinces and put them into a sieve. He twisted them about. He said to him, "Count them."*
- C. *He said to him, "Keep them still."*
- D. *He said to him, "The firmament goes around this way too."*
- E. *There are those who say that this is what he said to him, "I can count the stars."*
- F. *He said to him, "Tell me how many are your molars and other teeth."*
- G. *He put his hand into his mouth and counted them.*

H. *He said to him, [What is in your mouth you don't know, what is in the firmament are you going to know?]*

V.15 A. The emperor said to Rabban Gamaliel, "He who created the mountains did not create the wind, as it is said, 'For lo, there is one who forms mountains and one who creates wind' (Amo. 4:13)."

B. "But how about this verse having to do with Adam: 'And he created...' (Gen. 1:27) 'and he formed...' (Gen. 2: 7)? Here too, will you claim that the one who created this did not create that one?"

C. "There is an area of a handbreadth square in man, with two apertures [the eye and the ear], and since it is written, 'He who plants the ear, shall he not hear, he who forms the eye, shall he not see' (Psa. 94: 9), here too, will you say that the one who created this did not create that?"

D. He said to him, "Yes."

E. He said to him, "When someone dies, the two [creators] have to be brought to a common opinion."

V.16 A. *Said a magus to Amemar, "The part of you from the middle and above belongs to Hormiz, and the part of you from the middle and downward belongs to Ahormiz."*

B. *He said to him, "If so, how can Ahormiz let Hormiz piss on the ground."*

V.17 A. *Caesar said to R. Tanhum, "Come, we shall all be one people."*

B. *He said, "Well and good. But we who are circumcised cannot become like you, so you circumcise and become like us."*

C. *He said to him, "You have said a good word. But whoever wins an argument with the king has to be thrown to the beasts."*

D. *They threw him to the beasts, who did not eat him.*

E. *A min said to him, "The reason that they did not eat him is that they were not hungry."*

F. *They threw him in, and the animals ate him.*

V.18 A. *An emperor said to Rabban Gamaliel, "You say that wherever there are ten, the Presence of God comes to rest. How many Presences of God are there?"*

B. *He called [Caesar's] servant and struck him with his ladle, saying to him, "Why is there sun in Caesar's house [and you let it in]?"*

C. *He said to him, "The sun fills the whole world."*

D. *"Now if the sun, which is only one of the thousand thousands of myriads of servants of the Holy One, blessed be he, fills the whole world, the Presence of the Holy One, blessed be he, himself, how much the more so!"*

V.19 A. *Said a min to R. Abbahu, "Your God is a joker [ridiculing the prophets]."*

B. *"For he said to Ezekiel, 'Lie down on your left side' (Eze. 4: 4) and it is written, 'Lie on your right side' (Eze. 4: 6)."*

C. *A disciple came along and said to him, "What is the reason for the Sabbatical Year?"*

D. *He said to him, "Now I shall say something to you both which will be appropriate to the question of each of you. Said the Holy One, blessed be he, to Israel, 'sow*

seed for six years, and let the land rest in the Seventh Year, so that you shall know that the land belongs to me.'

- E. "Now they did not do so, and they sinned and went into exile.
- F. "The custom of the world is that when a province rebels against a mortal king, if he is cruel, he kills all of them, if he is merciful, he kills half of them, if he is unusually forgiving, he punishes the greatest ones among them with torture.
- G. "For the Holy One, blessed be he, inflicted pain on Ezekiel so as to wipe away the sins of Israel."

V.20 A. Said a min to R. Abbahu, "Your God is a priest. For it is written, 'That they take heave-offering for me' (Exo. 25: 2) [and that sort of offering is assigned to priests, so God is a priest].

- B. *"Now when he buried Moses, in what did he immerse [to remove the corpse-uncleanness he contracted through the burial]?"*
- C. *"Should you say it was in water, is it not written, 'Who has measured the waters in the hollow of his hand' (Isa. 40:12)? [The water would not suffice]"*
- D. *He said to him, "He immersed in fire, for it is written, 'For lo, the Lord will come in fire' (Isa. 66:15)."*
- E. *"And is immersion in fire effective?"*
- F. *He said to him, "Quite to the contrary, the main point of immersion [for purification] is in fire, for it is written, 'And all that cannot stand fire you shall pass through water' (Num. 31:23)."*

V.21 A. Said a min to R. Abina, "It is written, 'Who is like your people, Israel, a unique people on earth' (2Sa. 7:23)?"

- B. *"What is so good about you? You are joined [in the same category] with us, for it is written, 'All the nations are as nothing before him' (Isa. 40:17)."*
- C. *He said to him, "One of you [Balaam] has testified in our behalf. For it is written, [39B] 'And [Israel] shall not be counted among the nations' (Num. 23: 9)."*

V.22 A. R. Eleazar contrasted verses, "It is written, 'The Lord is good to all' (Psa. 145: 9), and it is written, 'The Lord is good to those who wait for him' (Lam. 3:25).

- B. "The matter may be compared to the case of a man who has an orchard. When he waters it, he waters the whole thing.
- C. "When he prunes it, he prunes only the good trees."

VI.1 A. **Therefore man was created alone [4:5J]:**

"AND THERE WENT OUT A SONG THROUGHOUT THE HOST" (1Ki. 22:36)
EXEGESIS OF THE STORY OF AHAB'S DEATH AT RAMOTH IN GILEAD]

- B. "And there went out a song throughout the host" (1Ki. 22:36) [at Ahab's death at Ramoth in Gilead].
- C. Said R. Aha b. Hanina, "'When the wicked perish, there is song' (Pro. 11:10).
- D. "When Ahab, b. Omri, perished, there was song."
- E. *But does the Holy One, blessed be he, rejoice at the downfall of the wicked?*

- F. *Is it not written*, “That they should praise as they went out before the army and say, ‘Give thanks to the Lord, for his mercy endures forever’ (2Ch. 20:21),
- G. and said R. Jonathan, “On what account are the words in this psalm of praise omitted, ‘Because he is good’? Because the Holy One, blessed be he, does not rejoice at the downfall of the wicked.”
- H. For R. Samuel bar Nahman said R. Jonathan said, “What is the meaning of the verse of Scripture, ‘And one did not come near the other all night’ (Exo. 14:20)?
- I. “At that time, the ministering angels want to recite a song [of rejoicing] before the Holy One, blessed be he.
- J. “Said to them the Holy One, blessed be he, ‘The works of my hands are perishing in the sea, and do you want to sing a song before me?’”
- K. Said R. Yosé bar Hanina, “He does not rejoice, but others do rejoice. *Note that it is written*, [‘And it shall come to pass, as the Lord rejoiced over you to do good, so the Lord] will cause rejoicing over you by destroying you’ (Deu. 28:63) — and not ‘so will the Lord [himself] rejoice’”
- L. *That proves the case.*

- VI.2** A. “And dogs licked his blood] and harlots washed themselves, [according to the word of the Lord which he spoke]” (1Ki. 22:38):
- B. Said R. Eleazar, “This was to carry out two visions, one of Micaiah, the other of Elijah.
 - C. “In regard to Micaiah it is written, ‘If you indeed return whole, the Lord has not spoken by me’ (1Ki. 22:28).
 - D. “As to Elijah, it is written, ‘In the place where dogs licked blood of Naboth’ (1Ki. 21:19).”
 - E. Raba said, “The reference is to actual harlots. Ahab was a cold man, and Jezebel made two pictures of harlots on his chariot, so that he would see them and heat up.”
 - F. “And a certain man drew his bow innocently and smote the king of Israel’ (1Ki. 22:34):
 - G. R. Eleazar said, “It was in all innocence.”
 - H. Raba said, “It was to perfect two visions, the one of Micaiah, the other of Elijah. [‘Perfect’ uses the same root as ‘innocence.’]”

- VI.3** A. It is written, “And Ahab called Obadiah, who was in charge of the household. Now Obadiah fear the Lord very much” (1Ki. 18: 3):
- B. *What did he say?*
 - C. Said R. Isaac, “He said to him, ‘In the case of Jacob it is written, ‘I have observed the signs, and the Lord has blessed me [Laban] on your account’ (Gen. 30:27). In the case of Joseph, it is written, ‘The Lord blessed the Egyptian’s house for Joseph’s sake’ (Gen. 39: 5). The house of ‘that man’ [me] has not been blessed. Is it possible that you do not fear God?’
 - D. “An echo came forth and said, ‘Now Obadiah feared the Lord very much’ (1Ki. 18: 3). But the house of Obadiah is not designated to receive a blessing.”

- E. Said R. Abba, "What is said with regard to Obadiah is greater than what is said with regard to Abraham.
- F. "For with respect to Abraham, the word 'very much' is not written, while with regard to Obadiah, the word 'very much' is written."

VI.4 A. Said R. Isaac, "On what account did Obadiah have the merit of receiving prophecy? Because he hid a hundred prophets in a cave.

- B. "For it is said, 'For it was so when Jezebel cut off the prophets of the Lord that Obadiah took a hundred prophets and hid them, fifty to a cave' (1Ki. 18: 4)."
- C. *Why fifty?*
- D. Said R. Eleazar, "He took to heart the lesson of Jacob, for it is said, 'Then the camp that is left shall escape' (Gen. 32: 9)."
- E. R. Abbahu said, "Because a cave cannot hold more than fifty."

VI.5 A. "The vision of Obadiah. Thus said the Lord God concerning Edom" (Obad. 1: 1):

- B. *What made Obadiah in particular [the appropriate choice of a prophet to] speak against Edom?*
- C. Said R. Isaac, "Said the Holy One, blessed be he, 'Let Obadiah come, who dwelled among two wicked people [Ahab and Jezebel] but did not learn from their deeds, and prophesy against the wicked Esau, who dwelled among two righteous people [Isaac and Rebecca] and did not learn from their deeds.'"
- D. Ephraim the Contentious, disciple of R. Meir, in the name of R. Meir, said, "Obadiah was an Edomite proselyte. *That is in line with what people say, [Schachter:] From the very forest itself comes the handle of the axe that fells it.*"
- E. "And [David] smote Moab and measured them with a line, casting them down to the ground" (2Sa. 8: 2):
- F. *Said R. Yohanan in the name of R. Simeon b. Yohai, "That is in line with what people say, 'From the very forest itself comes the handle of the axe that fells it.'"*
- G. When R. Dimi came, he said, "[Schachter:] The joint putrefies from within."

VI.6 A. "Then he took his first-born son, who should have reigned in his place, and offered him for a burnt offering upon the wall" (2Ki. 3:27):

- B. Rab and Samuel:
- C. One said, "It was an offering for the sake of heaven."
- D. The other said, "It was an offering to idolatry."
- E. *Now in line with the view of the one who said, "It was an offering for the sake of Heaven," that is in line with the following verse of Scripture: "And there came great wrath on Israel" (2Ki. 3:27) [Schachter, p. 254, n. 2: because of their failure to show loyalty to God in comparison with the devotion shown by the Moabite king].*
- F. *But in line with the view of the one who said, "It was an offering for idolatry," why did "great wrath come on Israel"?*
- G. *It is in accord with what R. Joshua b. Levi said.*

- H. *For R. Joshua b. Levi contrasted verses of Scripture:* “It is written, ‘Neither have you done according to the ordinances of the nations that were round about you’ (Eze. 5: 7), but is also is written, ‘But you have done according to the ordinances of the nations that were round about you’ (Eze. 11:12).
- I. “You did not do as did the upright among them, but you did in accord with the deeds of the disreputable ones among them.”

VI.7 A. “And they departed from him and returned to the earth” (2Ki. 3:27):

- B. Said R. Hanina bar Pappa, “At that moment the wicked ones of Israel descended to the lowest rung [of depravity].”
- C. “And the damsel was fair, up to being exceedingly so” (1Ki. 1: 4):
- D. Said R. Hanina b. Pappa, “She did not yet reach even half of the beauty of Sarah, for it is written, ‘up to being... exceedingly so,’ but not attaining ‘exceedingly.’”

The Talmud follows the program of the Mishnah-paragraph, augmenting the theological themes with mostly-relevant illustrative materials, including a large portion of Tosefta’s topical complement. While the units on biblical lore appear to be prolix, in fact they serve the themes of the Mishnah — and in a rather disciplined way at that. I must admit I cannot account for the concluding unit, on Ahab.