

XII.

THE STRUCTURE OF BABYLONIAN TALMUD SANHEDRIN

Whether or not the Talmud of Babylonia is carefully organized in large-scale, recurrent structures and guided by a program that we may call systematic forms the principal question addressed by an academic commentary. The preceding chapters therefore have pointed toward the presentation set forth here. By “structure” I mean, a clearly-articulated pattern that governs the location of fully-spelled out statements. By “system,” I mean, a well-crafted and coherent set of ideas that explain the social order of the community addressed by the writers of a document, a social philosophy, a theory of the way of life, world view, and character of the social entity formed by a given social group. I see a collective, anonymous, and political document, such as the one before us, as a statement to, and about, the way in which people should organize their lives and govern their actions. At issue then in any document such as the remarkable one before us is simple: does this piece of writing present information or a program, facts to whom it may concern, or a philosophically and aesthetically cogent statement about how things should be?

The connection between structure and system is plain to see. From the way in which people consistently frame their thoughts, we move to the world that, in saying things one way rather than in some other, they wish to imagine — the world in which they wish to live, to which they address these thoughts. For if the document exhibits structure and sets forth a system, then it is accessible to questions of rationality. We may ask about the statement that its framers or compilers wished to make by putting the document together as they did. But if we discern no structure and perceive no systematic inquiry or governing points of analysis, then all we find here is inert and miscellaneous information, facts but no propositions, arguments, viewpoints.

Now the Talmud commonly finds itself represented as lacking organization and exhibiting a certain episodic and notional character. That view moreover characterizes the reading and representation of the document by learned and experienced scholars, who have devoted their entire lives to Talmud study and exegesis. It must follow that upon the advocate of the contrary view — the one implicit in the representation of the document for academic analysis — rests the burden of proof. I set forth the allegation that the Talmud exhibits a structure and follows a system and therefore exhibits a commonly-intelligible rationality. The claim to write an academic commentary explicitly states that proposition. For the tractate before us, I have therefore to adduce evidence and argument.

I maintain that through the normal procedures of reasoned analysis we may discern in the tractate a well-crafted structure. I hold that the structure made manifest, we may further identify the purpose and perspective, the governing system of thought and argument, of

those who collected and arranged the tractate's composites and put them together in the way in which we now have them. By "structure" I mean, how is a document organized? and by "system," what do the compilers of the document propose to accomplish in producing this complete, organized piece of writing? The answers to both questions derive from a simple outline of the tractate as a whole, underscoring the types of compositions and composites of which it is comprised. Such an outline tells us what is principal and what subordinate, and how each unit — composition formed into composites, composites formed into a complete statement — holds together and also fits with other units, fore and aft. The purpose of the outline then is to identify the character of each component of the whole, and to specify its purpose or statement. The former information permits us to describe the document's structure, the latter, its system.

While the idea of simply outlining a Talmud-tractate beginning to end may seem obvious, I have never made such an outline before, nor has anyone else.* Yet, as we shall now see, the character of the outline dictates all further analytical initiatives. Specifically, when we follow the layout of the whole, we readily see the principles of organization that govern. These same guidelines on organizing discourse point also to the character of what is organized: complete units of thought, with a beginning, middle, and end, often made up of smaller, equally complete units of thought. The former we know as composites, the latter as compositions.

I have provided complete outlines for the Mishnah and for the Tosefta in relationship to the Mishnah, and, not always in outline form, for the Midrash-compilations of late antiquity as well.

Identifying and classifying the components of the tractate — the composites, the compositions of which they are made up — we see clearly how the document coheres: the plan and program worked out from beginning to end. When we define that plan and program, we identify the facts of a pattern that permit us to say in a specific and concrete way precisely what the compilers of the tractate intended to accomplish. The structure realizes the system, the program of analysis and thought that takes the form of the presentation we have before us. From what people do, meaning, the way in which they formulate their ideas and organized them into cogent statements, we discern what they proposed to do, meaning, the intellectual goals that they set for themselves.

These goals — the received document they wished to examine, the questions that they brought to that document — realized in the layout and construction of their writing, dictate the points of uniformity and persistence that throughout come to the surface. How people lay out their ideas guides us into what they wished to find out and set forth in their writing, and that constitutes the system that defined the work they set out to accomplish. We move from how people speak to the system that the mode of discourse means to express, in the theory that modes of speech or writing convey modes of thought and inquiry.

We move from the act of thought and its written result backward to the theory of thinking, which is, by definition, an act of social consequence. We therefore turn to the matter of intention that provokes reflection and produces a system of inquiry. That statement does not mean to imply I begin with the premise of order, which sustains the thesis of a prior system that defines the order. To the contrary, the possibility of forming a coherent outline out of the data we have examined defines the first test of whether or not the document exhibits a structure and realizes a system. So everything depends upon the

possibility of outlining the writing, from which all else flows. If we can see the order and demonstrate that the allegation of order rests on ample evidence, then we may proceed to describe the structure that gives expression to the order, and the system that the structure sustains.

The present work undertakes the exegesis of exegesis, for the Talmud of Babylonia, like its counterpart in the Land of Israel, is laid out as a commentary to the Mishnah. That obvious fact defined the character of my academic commentary, since we have already faced the reality that our Bavli-tractate is something other than a commentary, though it surely encompasses one. The problems that captured my attention derived from the deeper question of how people make connections and draw conclusions. To ask about how people make connections means that we identify a problem — otherwise we should not have to ask — and what precipitated the problem here has been how a composition or a composite fits into its context, when the context is defined by the tasks of Mishnah-commentary, and the composition or composite clearly does not comment on the Mishnah-passage that is subjected to comment.

The experience of analyzing the document with the question of cogency and coherence in mind therefore yields a simple recognition. Viewed whole, the tractate contains no gibberish but only completed units of thought, sentences formed into intelligible thought and self-contained in that we require no further information to understand those sentences, beginning to end. The tractate organizes these statements as commentary to the Mishnah. But large tracts of the writing do not comment on the Mishnah in the way in which other, still larger tracts do. Then how the former fit together with the latter frames the single most urgent question of structure and system that I can identify.

Since we have already examined enormous composites that find their cogency in an other than exegetical program, alongside composites that hold together by appeal to a common, prior, coherent statement — the Mishnah-sentences at hand — what justifies my insistence that an outline of the document, resting on the premise that we deal with a Mishnah-commentary, govern all further description? To begin with, the very possibility of outlining Babylonian Talmud tractate Sukkah derives from the simple fact that the framers have given to their document the form of a commentary to the Mishnah. It is in the structure of the Mishnah-tractate that they locate everything together that they wished to compile. We know that is the fact because the Mishnah-tractate defines the order of topics and the sequence of problems.

Relationships to the Mishnah are readily discerned; a paragraph stands at the head of a unit of thought; even without the full citation of the paragraph, we should find our way back to the Mishnah because at the head of numerous compositions, laid out in sequence one to the next, clauses of the Mishnah-paragraph are cited in so many words or alluded to in an unmistakable way. So without printing the entire Mishnah-paragraph at the head, we should know that the received code formed the fundamental structure because so many compositions cite and gloss sentences of the Mishnah-paragraph and are set forth in sequence dictated by the order of sentences of said Mishnah-paragraph. Internal evidence alone suffices, then, to demonstrate that the structure of the tractate rests upon the Mishnah-tractate cited and discussed here. Not only so, but the sentences of the Mishnah-paragraphs of our tractate are discussed in no other place in the entire Talmud of Babylonia in the sequence and systematic exegetical framework in which they are set forth here; elsewhere we may find bits or pieces, but only here, the entirety of the tractate.

That statement requires one qualification, and that further leads us to the analytical task of our outline. While the entire Mishnah-tractate of Sukkah is cited in the Talmud, the framers of the Talmud by no means find themselves required to say something about every word, every sentence, every paragraph. On the contrary, they discuss only what they choose to discuss, and glide without comment by large stretches of the tractate. A process of selectivity, which requires description and analysis, has told the compilers of the Talmud's composites and the authors of its compositions* what demands attention, and what does not. Our outline has therefore to signal not only what passage of the Mishnah-tractate is discussed, but also what is not discussed, and we require a general theory to explain the principles of selection ("making connections, drawing conclusions" meaning, to begin with, making selections). For that purpose, in the outline, I reproduce the entirety of a Mishnah-paragraph that stands at the head of a Talmudic composite, and I underscore those sentences that are addressed, so highlighting also those that are not.

This statement requires refinement. I do not know that all available compositions have been reproduced, and that the work of authors of compositions of Mishnah-exegesis intended for a talmud is fully exposed in the document as we have it. That is not only something we cannot demonstrate — we do not have compositions that were not used, only the ones that were — but something that we must regard as unlikely on the face of matters. All we may say is positive: the character of the compositions that address Mishnah-exegesis tells us about the concerns of the writers of those compositions, but we cannot claim to outline all of their concerns, on the one side, or to explain why they chose not to work on other Mishnah-sentences besides the ones treated here. But as to the program of the compositors, that is another matter: from the choices that they made (out of a corpus we cannot begin to imagine or invent for ourselves) we may describe with great accuracy the kinds of materials they wished to include and the shape and structure they set forth out of those materials. We know what they did, and that permits us to investigate why they did what they did. What we cannot know is what they did not do, or why they chose not to do what they did not do. People familiar with the character of speculation and criticism in Talmudic studies will understand why I have to spell out these rather commonplace observations. I lay out an argument based on evidence, not on the silences of evidence, or on the absence of evidence — that alone.

It follows that the same evidence that justifies identifying the Mishnah-tractate as the structure (therefore also the foundation of the system) of the Talmud-tractate before us also presents puzzles for considerable reflection. The exegesis of Mishnah-exegesis is only one of these. Another concerns the purpose of introducing into the document enormous compositions and composites that clearly hold together around a shared topic or proposition, e.g., my appendix on one theme or another, my elaborate footnote providing information that is not required but merely useful, and the like. My earlier characterization of composites as appendices and footnotes signalled the fact that the framers of the document chose a not-entirely satisfactory way of setting out the materials they wished to include here, for large components of the tractate do not contribute to Mishnah-exegesis in any way at all. If these intrusions of other-than-exegetical compositions were proportionately modest, or of topical composites negligible in size, we might dismiss them as appendages, not structural components that bear much of the weight of the edifice as a whole. Indeed, the language that I chose for identifying and defining these composites — footnotes, appendices, and the like — bore the implication that what is not Mishnah-commentary also is extrinsic to the Talmud's structure and system.

But that language served only for the occasion. In fact, the outline before us will show that the compositions are large and ambitious, the composites formidable and defining.

Any description of the tractate's structure that dismisses as mere accretions or intrusions so large a proportion of the whole misleads. Any notion that "footnotes" and "appendices" impede exposition and disrupt thought, contribute extraneous information or form tacked-on appendages — any such notion begs the question: then why fill up so much space with such purposeless information? The right way is to ask whether the document's topical composites play a role in the re-presentation of the Mishnah-tractate by the compilers of the Talmud. We have therefore to test two hypotheses:

- 1** the topical composites ("appendices," "footnotes") do belong and serve the compilers' purpose, or
- 2** the topical composites do not participate in the re-presentation of the Mishnah-tractate by the Talmud and do not belong because they add nothing and change nothing.

The two hypotheses may be tested against the evidence framed in response to a single question: is this topical composite necessary? The answer to that question lies in our asking, what happens to the reading of the Mishnah-tractate in light of the topical composites that would not happen were we to read the same tractate without them? The outline that follows systematically raises that question, with results specified in due course. It suffices here to state the simple result of our reading of the tractate, start to finish: the question of structure, therefore also that of system, rests upon the position we identify for that massive component of the tractate that comprises not Mishnah-commentary but free-standing compositions and composites of compositions formed for a purpose other than Mishnah-commentary.

The principal rubrics are given in small caps. The outline takes as its principal rubrics two large-scale organizing principles.

The first is the divisions of the Mishnah-tractate to which the Talmud-tractate serves as a commentary. That simple fact validates the claim that the tractate exhibits a fully-articulated structure. But the outline must also underscore that the Mishnah-tractate provides both more and less than the paramount outline of the Talmud-tractate. It is more because sentences in the Mishnah-tractate are not analyzed at all. These untreated Mishnah-sentences are given in bold face lower case caps, like the rest of the Mishnah, but then are specified by underlining and enclosure in square brackets.

Second, it is less because the structure of the tractate accommodates large composites that address topics not defined by the Mishnah-tractate. That brings us to the second of the two large-scale modes of holding together both sustained analytical exercises and also large sets of compositions formed into cogent composites. These are treated also as major units and are indicated by Roman numerals, alongside the Mishnah-paragraphs themselves; they are also signified in small caps. But the principal rubrics that do not focus on Mishnah-commentary but on free-standing topics or propositions or problems are not given in boldface type. Consequently, for the purposes of a coherent outline we have to identify as autonomous entries in our outline those important composites that treat themes or topics not contributed by the Mishnah-tractate.

I. Mishnah-Tractate Sanhedrin 1:1

A. PROPERTY CASES ARE DECIDED BY THREE JUDGES; THOSE CONCERNING THEFT AND DAMAGES, BEFORE THREE:

1. I:1: Property cases are decided by three judges; those concerning theft and damages, before three: do not cases concerning theft and damages fall within the classification of property cases that they have to be singled out?

a. I:2: Clarification of a fact taken for granted in the foregoing: Explaining the matter of three judges in cases involving loans, R. Aha, son of R. Iqa, said, “On the basis of the rules of the Torah itself, a single judge also would be suitable to judge the case. For it is said, ‘In justice you singular shall judge your neighbor’ (Lev. 19:15). But on account of idle folk who pass their opinion without knowing the law, three are required.”

B. CASES INVOLVING COMPENSATION FOR FULL-DAMAGES, HALF-DAMAGES, TWOFOLD RESTITUTION, FOURFOLD AND FIVEFOLD RESTITUTION, BY THREE:

1. II:1: Cases involving compensation for full damages fall into the category of cases involving damages. Why then make explicit the fact that these two are tried by three judges?

2. II:2: How on the basis of Scripture do we know that trials of this classification take place before three judge courts?

3. II:3: Our rabbis have taught on Tannaite authority: Property cases are brought before three judges. Rabbi says, “Before five, so that the decision may be reached by three” (T. **San. 1:1A-B**).

a. II:4: Amplification of the exegetical principle of the foregoing: Said R. Isaac bar Joseph said R. Yohanan, “Rabbi, R. Judah b. Roes, the House of Shammai, R. Simeon, and R. Aqiba, all take the view that we read Scripture in the way in which the supplied vowels direct it to be read.”

4. II:5: Our rabbis have taught on Tannaite authority: Property cases are to be tried by a court of three judges. But if the judge was recognized by the community as an expert, he may judge even all by himself.

5. II:6: Said Rab, “One who wants to judge cases with the proviso that, if he makes a judicial error, he is exempt from having to make restitution, had best get authorization from the house of the exilarch.” And so said Samuel, “Let such a one gain authorization from the house of the exilarch.”

6. II:7: It is self-evident that authorization granted here for judging cases here, or that granted there for judging cases there in the Land of Israel, or authorization granted here for judging cases there in the Land of Israel is valid. The real question is this: Is authorization granted there valid for judging cases here?

a. II:8: Gloss of foregoing: what is authorization?

I. II:9: Illustrative case.

II. II:10: As above.

III. II:11: It is self-evident that if authorization is granted only in part for one purpose, not for some other, that is valid as in the case of Rab. What is the rule on authorization granted on the basis of a condition?

C. JUDGMENT OF CASES BY FEWER THAN THREE JUDGES

b. II:12: Gloss of I:2: Reverting to the body of the text cited above at I.2: Said Samuel, “Two who judged a case produce a valid judgment, but they are called ‘a presumptuous court.’”

c. II:13: Reverting to the text cited above: R. Abbahu said, “If two persons judged a property case, all parties concur that their judgment is invalid.”

l. II:14: May we propose that the issue between Samuel’s and Abbahu’s views of whether two persons may judge a case follows lines of a dispute between Tannaite authorities?

D. COMPOSITE ON ARBITRATION AS ALTERNATIVE TO A LEGAL CONTEST

1. II:15: Just as judgment is done before three judges, so an arbitration is reached by three judges. Once the court process has been completed, one has not got the right to arbitrate.

2. II:16: R. Eleazar, son of R. Yosé the Galilean, says, “It is forbidden to arbitrate, and whoever arbitrates a case after judgment has been passed — lo, this one sins. And whoever praises the arbitrator — lo, this one curses the Omnipresent.”

3. II:17: R. Joshua b. Qorha says, “It is a religious duty to arbitrate, as it is said, ‘Execute the judgment of truth and peace in your gates’ (Zec. 8:16).’

a. II:18: Gloss of a detail of the foregoing. What marks the conclusion of the trial?

b. II:19: As above. What is the sense of “religious duty” as it was used by R. Joshua b. Qorha?

c. II:20: As above. There is a difference of opinion concerning Psa. 10: 3, cited above on the part of R. Tanhum bar Hanilai.

d. II:21: As above. Now as to the other Tannaite authorities cited above, who favor arbitration even after a case has been heard, how do they interpret the verse, “The beginning of strife is as one that lets out water” (Pro. 17:14)?

l. II:22: Further interpretation of a proof-text used in the foregoing.

A. II:23: Gloss of foregoing.

E. ANTHOLOGY IN PRAISE OF JUSTICE AND TRUE JUDGES

1. II:24: Said R. Samuel bar Nahmani said R. Jonathan, “Every judge who renders a true and faithful judgment brings the Presence of God to rest on Israel, as it is said, ‘God stands in the congregation of God, in the midst of the judges he judges’ (Psa. 82: 1). And every judge who does not render a true and faithful judgment drives the Presence of God to abandon Israel, as it is said, ‘Because of the oppression of the poor, because of the sighing of the needy, now will I arise, says the Lord’ (Psa. 12: 6).”

2. II:25: R. Josiah, and some say R. Nahman bar Isaac, gave an exposition, “What is the meaning of the verse of Scripture, ‘O house of David, thus says the Lord, Execute justice in the morning and deliver the spoiled out of the hand of the oppressor’ (Jer. 21:12)? Now is it only in the morning that judges work, and do

they not work throughout the day? But if a matter is clear to you as the morning light, then state it, and if not, do not state it.”

3. II:26: Said R. Joshua b. Levi, “When ten judges go into session to judge a case, an iron chain is hanging on the neck of all of them since responsibility for the decision is shared equally by them.”

4. II:27: When R. Dimi came, he said that R. Nahman bar Kohen gave an interpretation, “What is the meaning of that which is written, ‘The king by justice established the land, but he who loves gifts overthrows it’ (Pro. 29: 4)? If the judge is like a king, who needs nothing from anyone else but knows the law on his own, he will establish the land. But if the judge is like a priest who goes begging at the threshing places to collect the priestly gifts, he will destroy it.”

5. II:28: The administration of the patriarchate appointed a judge who had not studied the law. They said to Judah bar Nahmani, the spokesman for R. Simeon b. Laqish, “Stand at his side as the spokesman who repeats in a loud voice what the master wishes to say to the assembled throng.”

6. II:29: Said R. Simeon b. Laqish, “Whoever appoints a judge who is unworthy is as if he plants an asherah in Israel.”

7. II:30: It is written, “You shall not make with me gods of silver or gods of gold” (Exo. 20:23). Gods of silver and gods of gold are what one may not make, but is it permitted to make ones of wood? Said R. Ashi, “The verse refers to a judge who comes on account of silver or a judge who comes on account of gold.”

8. II:31: When Rab would come to court, he would say this, “With a bitter soul he goes forth to death. The needs of his house he has not attended to. He goes home empty-handed. Would that his coming home should be as is his going forth.”

a. II:32: Complement to foregoing.

9. II:33: Bar Qappara gave an exposition, “Whence in Scripture do we derive the basis for the rabbis’ saying, Be deliberate in judgment M. Abot 1:1?”

10. II:34: “And I shall command your judges at that time” (Deu. 1:16): Said R. Yohanan, “This concerns the rod and strap, to be used cautiously.” “Hear the causes between your brothers and judge righteously” (Deu. 1:16): Said R. Hanina, “This is a warning to the court not to listen to the claim of one litigant before the other comes to court, and a warning to the litigants not to plead before the judge before the other party comes to court. The word for ‘hear’ may also be read ‘announce.’”

11. II:35: It has been taught on Tannaite authority: A summons is by the authority of three.

F. CASES INVOLVING...TWOFOLD RESTITUTION, FOURFOLD AND FIVEFOLD RESTITUTION, BY THREE:

1. III:1: As to cases involving the imposition of penalties fines, how many judges are required?

G. “CASES INVOLVING HIM WHO RAPES, HIM WHO SEDUCES, AND HIM WHO BRINGS FORTH AN EVIL NAME (DEU. 22:19), BY THREE,” THE WORDS OF R. MEIR. AND

SAGES SAY, “HE WHO BRINGS FORTH AN EVIL NAME IS TRIED BEFORE TWENTY-THREE, FOR THERE MAY BE A CAPITAL CASE.”

1. IV:1: And should a case involving a case involving a capital crime come forth, what difference would it make?

a. IV:2: Illustrative problem.

H. CASES INVOLVING THE PENALTY OF FLOGGING ARE BEFORE THREE.

1. V:1: What is the scriptural source for this rule

I. IN THE NAME OF R. ISHMAEL THEY SAID, “BEFORE TWENTY-THREE:”

1. VI:1: What is the scriptural basis for the position of R. Ishmael?

J. THE DECISION TO INTERCALATE THE MONTH IS BEFORE THREE.

1. VII:1: The word choice of the Mishnah-sentence at hand is not “calculation” of the time at which the new month begins, let alone “sanctification” of the new month, when it begins, but rather “intercalation” of the new month. Let the court not sanctify the new month on the thirtieth day, and then, on its own, it will be automatically intercalated.

K. “THE DECISION TO INTERCALATE THE YEAR IS BEFORE THREE,” THE WORDS OF R. MEIR. RABBAN SIMEON B. GAMALIEL SAYS, “WITH THREE DO THEY BEGIN, WITH FIVE MORE THEY DEBATE THE MATTER, AND THEY REACH A FINAL DECISION WITH SEVEN MORE JUDGES. BUT IF THEY REACHED A DECISION TO INTERCALATE THE YEAR WITH THREE JUDGES, THE YEAR IS INTERCALATED.”

1. VIII:1: It has been taught on Tannaite authority: How is a case in which, as Rabban Simeon b. Gamaliel has said, “With three do they begin to intercalate the year, with five more they debate the matter, and they reach a final decision with seven judges?”

2. VIII:2: The year is intercalated only by people who are specifically appointed for that task.

a. VIII:3: Supplementary story about a hero in the illustrative story of the foregoing.

3. VIII:4: Our rabbis have taught on Tannaite authority: The year is intercalated only if the patriarch approves.

4. VIII:5: Our rabbis have taught on Tannaite authority: They intercalate the year only when it needs it, because of the condition of the roads, because of the bridges, because of the passover ovens, and because of the residents of the Exile, who have left home and not been able to reach Jerusalem.

5. VIII:6: Our rabbis have taught on Tannaite authority: They do not intercalate the year because the season of the kids, lambs, or pigeons has not yet come. But in the case of all of them, they regard it as a support for intercalating the year. But if they declared the year to be intercalated on the basis of their condition, lo, this is deemed intercalated.

6. VIII:7: Our rabbis have taught on Tannaite authority: On account of three signs do they intercalate the year, because of the premature state of the grain, because of

the condition of the produce of the trees, and because of the lateness of the spring equinox.

7. VIII:8: Our rabbis have taught on Tannaite authority: On account of evidence of conditions in three regions viewed as distinct districts do they intercalate the year: Judea, TransJordan, and Galilee.

8. VIII:9: Our rabbis have taught on Tannaite authority: They intercalate the year only in Judah, and if they intercalated in Galilee, lo, it is deemed to have been intercalated.

9. VIII:10: Our rabbis have taught on Tannaite authority: The court may intercalate the year only by day, and if they have conducted the rite at night, it is not deemed to have been intercalated.

10. VIII:11: Our rabbis have taught on Tannaite authority: They do not intercalate the year in a time of famine.

11. VIII:12: Our rabbis have taught on Tannaite authority: They do not intercalate the year before the New Year, and if they did intercalate it, it is not deemed intercalated.

12. VIII:13: Our rabbis have taught on Tannaite authority: They do not intercalate a year in advance.

13. VIII:14: Our rabbis have taught on Tannaite authority: They do not intercalate the year either in the case of the Seventh Year or in the case of the year after the Seventh Year.

14. VIII:15: Our rabbis have taught on Tannaite authority: They do not intercalate the year when there is uncleanness.

15. VIII:16: Said R. Judah, said Samuel, “People intercalate the year only if the summer season is short of completion by the larger part of the month of Tishri so that, in the year that is a candidate for intercalation, if we do not add a month, then the bulk of Tishri will pass before the autumnal equinox has been reached. In simple terms, it means that the larger part of Tishri, must fall prior to September 21.

L. “THE LAYING OF HANDS ON A COMMUNITY SACRIFICE BY ELDERS...DONE BY THREE JUDGES,” THE WORDS OF R. SIMEON. R. JUDAH SAYS, “BY FIVE:”

1. IX:1: Our rabbis have taught on Tannaite authority: With reference to Lev. 4:15: “And the elders of the congregation shall lay their hands upon the head of the bull before the Lord...”: Since it says, “And the elders... shall lay hands,” is it possible to suppose that elders from any source whatsoever will suffice? Scripture says, “of the congregation.”

2. IX:2: It is taught on Tannaite authority: Laying on of hands and laying on of hands for elders are done with three judges (T. [San. 1:1E](#)).

3. IX:3: Since the Mishnah-rule states that the laying on of hands is done by three, we now ask: And can not a single individual lay hands?

4. IX:4: Said R. Joshua b. Levi, “The rite of laying on of hands does not apply outside of the Land.”

a. IX:5: R. Hanina and R. Hoshaia did R. Yohanan aim to subject to the laying on of hands, but the opportunity did not arise. This bothered him very much. They said to him, “Let the master not be troubled about this.

b. IX:6: Further story.

c. IX:7: As above.

d. IX:8: As above.

M. AND THE BREAKING OF THE HEIFER’S NECK ...DONE BY THREE JUDGES,” THE WORDS OF R. SIMEON. R. JUDAH SAYS, “BY FIVE.”

1. X:1: Our rabbis have taught on Tannaite authority: “‘Then your elders and your judges shall come forth’ (Deu. 21: 1-2): ‘Your elders’ indicate that two are required. ‘Your judges’ indicates that another two are required. A court cannot be of an even number, so they add on to their number yet another, lo, there are five,” the words of R. Judah.

1. X:2: The formulation of the Mishnah-paragraph at hand when it specifies that we deal with members of the sanhedrin does not accord with the view of R. Eliezer b. Jacob.

N. THE RITE OF REMOVAL OF THE SHOE BREAKING THE LEVIRATE BOND (DEU. 25: 7-9) AND THE EXERCISE OF THE RIGHT OF REFUSAL ARE DONE BEFORE THREE JUDGES.

THE EVALUATION OF FRUIT OF FOURTH-YEAR PLANTINGS TO BE REDEEMED (LEV. 19:23-25)

1. XI:1: Our rabbis have taught on Tannaite authority: What is the definition of second tithe, the value of which is not known? It is, for example, wine which has formed a film, produce which has begun to rot, or coins which are rusty (M. M.S. 4:26). Produce in the status of second tithe, the value of which is not known is redeemed according to the valuation of three bidders and not according to the valuation of three who are not bidders even if one of the bidders is a non-Israelite, even if one of the bidders is the owner of the produce (T. M.S. 3:5A-D).

O. AND OF SECOND TITHE (DEU. 14:22-26) WHOSE VALUE IS NOT KNOWN IS DONE BEFORE THREE JUDGES.

ASSESSMENT OF THE VALUE, FOR PURPOSES OF REDEMPTION, OF THINGS WHICH HAVE BEEN CONSECRATED IS DONE BEFORE THREE JUDGES.

1. XII:1: Our version of the Mishnah-law does not accord with the version of the following Tannaite authority.

P. PROPERTY PLEDGED AS SECURITY FOR VOWS OF VALUATION, IN THE CASE OF MOVABLES, IS EVALUATED BY THREE JUDGES.

1. XIII:1: What is the meaning of evaluating property pledged as security for vows in the case of movables?

Q. R. JUDAH SAYS, “ONE OF THEM MUST BE A PRIEST.”

1. XIV:1: Said R. Pappa to Abbaye, “Now there is no problem to the position of R. Judah in Scripture’s referring to a priest in this connection. But as to rabbis

who do not require a priest on the board of assessors, why should Scripture have referred to a priest?"

R. AND EVALUATION OF PROPERTY PLEDGED AS SECURITY FOR VOWS FOR VALUATION IN THE CASE OF REAL ESTATE IS DONE BY NINE AND A PRIEST:

1. XV:1: Whence in Scripture do we derive this rule?

S. AND SO FOR THE VALUATION-VOW COVERING MEN.

1. XVI:1: But can a man be declared sanctified for purposes of evaluation for dedication of his value to the Temple?

2. XVI:2: R. Abin raised the question, "As to hair that is ready for shearing, how is it assessed? Is it assessed as if it were already sheared, and therefore by a court of three assessors? Or is it regarded as fully attached as immovable property and therefore assessed by a court of ten?"

T. CASES INVOLVING THE DEATH PENALTY ARE JUDGED BEFORE TWENTY-THREE JUDGES. THE BEAST WHO COMMITS OR IS SUBJECTED TO AN ACT OF SEXUAL RELATIONS WITH A HUMAN BEING IS JUDGED BY TWENTY-THREE, SINCE IT IS SAID, "AND YOU WILL KILL THE WOMAN AND THE BEAST" (LEV. 20:16). AND IT SAYS, "AND THE BEAST YOU WILL SLAY" (LEV. 20:15)

1. XVII:1: The framer of the passage states as a final judgment that there is no distinction between the case of a beast having sexual relations as with a man and one having sexual relations with a woman.

U. AN OX WHICH IS TO BE STONED IS JUDGED BY TWENTY-THREE, SINCE IT IS SAID, "AND THE OX WILL BE STONED, AND ALSO ITS MASTER WILL BE PUT TO DEATH" (EXO. 21:29). JUST AS THE CASE OF THE MASTER, LEADING TO THE DEATH-PENALTY, IS ADJUDGED, SO IS THE CASE OF THE OX, LEADING TO THE DEATH-PENALTY:

1. XVIII:1: Said Abbaye to Raba, "How do we know that the verse, 'And the ox will be stoned and also its master will be put to death' (Exo. 21:29) serves to make the point that just as the case of the master, leading to the death-penalty, is judged, so is the case of the ox, leading to the death-penalty is judged by a court of twenty-three judges?"

2. XVIII:2: The question was raised, "An ox that sinned by coming near Mount Sinai cf. (Exo. 19:13) — by what sort of court was it judged?"

V. THE WOLF, LION, BEAR, PANTHER, LEOPARD, AND SNAKE A CAPITAL CASE AFFECTING THEM IS JUDGED BY TWENTY-THREE. R. ELIEZER SAYS, "WHOEVER KILLS THEM FIRST ACQUIRES MERIT."

1. XIX:1: Said R. Simeon b. Laqish, "Eliezer's view applies to a case in which they have killed someone, but otherwise that is not the rule."

W. R. AQIBA SAYS, "THEIR CAPITAL CASE IS JUDGED BY TWENTY THREE."

1. XX:1: R. Aqiba says the same thing as the first authority.

X. THEY JUDGE A TRIBE...ONLY ON THE INSTRUCTIONS OF A COURT OF SEVENTY-ONE MEMBERS.

1. XXI:1: As to the tribe at hand, what was the sin that it committed?

Y. THEY JUDGE ... A FALSE PROPHET AND A HIGH PRIEST, ONLY ON THE INSTRUCTIONS OF A COURT OF SEVENTY-ONE MEMBERS.

1. XXII:1: What is the scriptural source for this rule?

Y. THEY JUDGE ...A HIGH PRIEST, ONLY ON THE INSTRUCTIONS OF A COURT OF SEVENTY-ONE MEMBERS.

1. XXIII:1: What is the scriptural source for this rule?

2. XXIII:2: R. Eleazar raised the question, “What sort of court would be required to judge the case involving the ox of a high priest that had gored and killed a man? Do we place it into the classification of the court involving the trial for the death-penalty of its master? Or do we place it into the category of the court involving the trial for the death penalty of any sort of master without reference to the status of the high priest?”

Z. THEY BRING FORTH THE ARMY TO WAGE A WAR FOUGHT BY CHOICE ONLY ON THE INSTRUCTIONS OF A COURT OF SEVENTY-ONE:

1. XXIV:1: What is the scriptural source for this rule?

AA. THEY MAKE ADDITIONS TO THE CITY OF JERUSALEM AND TO THE COURTYARDS OF THE TEMPLE ONLY ON THE INSTRUCTIONS OF A COURT OF SEVENTY-ONE:

1. XXV:1: What is the scriptural basis for this rule?

BB. THEY SET UP SANHEDRINS FOR THE TRIBES ONLY ON THE INSTRUCTIONS OF A COURT OF SEVENTY-ONE.

1. XXVI:1: What is the basis for this rule?

CC. THEY DECLARE A CITY TO BE “AN APOSTATE CITY” ONLY ON THE INSTRUCTIONS OF A COURT OF SEVENTY-ONE:

1. XXVII:1: What is the scriptural basis for this rule?

DD. AND THEY DO NOT DECLARE A CITY TO BE “AN APOSTATE CITY” ON THE FRONTIER:

1. XXVIII:1: What is the scriptural basis for this rule?

EE. NOR DO THEY DECLARE THREE IN ONE LOCALE TO BE APOSTATE CITIES, BUT THEY DO SO IN THE CASE OF ONE OR TWO.

1. XXIX:1: For it is written, “Concerning one of the cities” (Deu. 13:13 — but they do declare one or two, as it is written, “of your cities” (Deu. 13:13).

FF. THE GREAT SANHEDRIN WAS MADE UP OF SEVENTY-ONE MEMBERS, AND THE SMALL ONE WAS TWENTY-THREE.

1. XXX:1: What is the reason for the position of rabbis who hold that it was seventy-one, as against Judah, who says that it was only seventy, for they say that Moses was in addition to them M. 1:6E?

2. XXX:2: Our rabbis have taught on Tannaite authority. “But there remained two men in the camp” (Num. 11:26). But there are those who say, “Their names, Eldad’s and Medad’s remained in the urn. For when the Holy One, blessed be he, said to Moses, “Gather to me seventy of the elders of Israel” (Num. 11:16), Moses

thought to himself, “How shall I do it? If I choose six from each of the twelve tribes, there will be two extra. If I choose five from each tribe, there will be ten too few. If I choose six from one tribe and five from another, I shall cause jealousy among the tribes.”

3. XXX:3: R. Simeon says, “They remained in the camp. When the Holy One blessed be he said to Moses, ‘Gather for me seventy men’ (Num. 11:16), Eldad and Medad said, ‘We are not worthy of that high position.’ Said the Holy One, blessed be he, ‘Since you diminished yourselves, lo, I shall add greatness to your greatness.’”

GG. AND HOW DO WE KNOW THAT THE GREAT SANHEDRIN WAS TO HAVE SEVENTY-ONE MEMBERS? SINCE IT IS SAID, “GATHER TO ME SEVENTY MEN OF THE ELDERS OF ISRAEL” (NM. 11:16). SINCE MOSES WAS IN ADDITION TO THEM, LO, THERE WERE SEVENTY ONE. R. JUDAH SAYS, “IT IS SEVENTY.” AND HOW DO WE KNOW THAT A SMALL ONE IS TWENTY-THREE? SINCE IT IS SAID, “THE CONGREGATION SHALL JUDGE, AND THE CONGREGATION SHALL DELIVER” (NUM. 35:24, 25) — ONE CONGREGATION JUDGES, AND ONE CONGREGATION SAVES — THUS THERE ARE TWENTY. AND HOW DO WE KNOW THAT A CONGREGATION IS TEN? SINCE IT IS SAID, HOW LONG SHALL I BEAR WITH THIS EVIL CONGREGATION OF THE TEN SPIES (NUM. 14:27) — EXCLUDING JOSHUA AND CALEB. AND HOW DO WE KNOW THAT WE SHOULD ADD THREE MORE? FROM THE IMPLICATION OF THAT WHICH IS SAID, YOU SHALL NOT FOLLOW AFTER THE MANY TO DO EVIL (EX: 23:20), I DERIVE THE INFERENCE THAT I SHOULD BE WITH THEM TO DO GOOD. IF SO, WHY IS IT SAID, AFTER THE MANY TO DO EVIL? YOUR VERDICT OF ACQUITTAL IS NOT EQUIVALENT TO YOUR VERDICT OF GUILT. YOUR VERDICT OF ACQUITTAL MAY BE ON THE VOTE OF A MAJORITY OF ONE, BUT YOUR VOTE FOR GUILT MUST BE BY A MAJORITY OF TWO. SINCE THERE CANNOT BE A COURT OF AN EVEN NUMBER OF MEMBERS TWENTY-TWO, THEY ADD YET ANOTHER — THUS TWENTY-THREE:

1. XXXI:1: But in the end in a sanhedrin of twenty-three judges you will never come up with a majority of two for a verdict of guilt. If eleven vote for acquittal and twelve for guilt, still it is a majority of one one and that is null, since two are needed for a verdict of guilty. If ten vote for innocence and thirteen for guilt, there is a majority of three for guilt.

2. XXXI:2: Said R. Kahana, “A sanhedrin every member of which reached the conclusion that the accused is guilty must dismiss the accused right away.”

3. XXXI:3: Said R. Yohanan, “They seat on a sanhedrin only people of stature, wisdom, good appearance, mature age, who can recognize sorcery, and speak seventy languages, so that there should be no need of a sanhedrin to listen to testimony through an interpreter.”

4. XXXI:4: Said R. Judah said Rab, “In any town in which there are not two who can speak and one who can understand seventy languages people may not set up a sanhedrin.”

5. XXXI:5: “Those who derive arguments before sages” refers to Levi before Rabbi. “Those who argue before sages” refers to Simeon b. Azzai and Simeon b. Zoma, Hanan the Egyptian and Hananiah b. Hakhinai. R. Nahman bar Isaac

repeated the matter in terms of five names: Simeon, Simeon, Simeon, Hanan, and Hananiah.

HH. AND HOW MANY RESIDENTS MUST THERE BE IN A TOWN SO THAT IT MAY BE SUITABLE FOR A SANHEDRIN? ONE HUNDRED TWENTY.

1. XXXII:1: What do these one hundred twenty do?

II. R. NEHEMIAH SAYS, “TWO HUNDRED AND THIRTY, EQUIVALENT IN NUMBER TO THE CHIEFS OF GROUPS OF TEN:”

1. XXXIII:1: and the law is in accord with his opinion. Rabbi says, “Two hundred and seventy-seven” (T. [San. 3:9F-G](#)).

1. XXXIII:2: “And place such over them to be rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens” (Exo. 18:21): “The rulers of thousands” were six hundred. “The rulers of hundreds” were six thousand. “The rulers of fifties” were twelve thousand. “The rulers of tens” were sixty-thousand. The total number of judges in Israel was seventy-eight thousand six hundred.

II. Mishnah-Tractate Sanhedrin 2:1-2

A. A HIGH PRIEST JUDGES, AND OTHERS JUDGE HIM;

1. I:1: That is self-evident. It was necessary to make that point in the context of the statement that others judge him.

B. ...GIVES TESTIMONY, AND OTHERS GIVE TESTIMONY ABOUT HIM:

1. II:1: And has it not been taught on Tannaite authority: “And hide yourself from them” (Deu. 22: 4) — There are times in which you do hide yourself, and there are times that you do not hide yourself. In the case of a priest, if the man who needs help is in a grave yard where a priest may not go, for fear of contracting corpse uncleanness, or if it is an elder and the work involved is not in accord with the honor owing to him, or if it is a case in which his own work is greater in value than that of his fellow, for such a case it is written, “And you shall hide yourself.

a. II:2: Gloss of a detail of the foregoing.

C. ...PERFORMS THE RITE OF REMOVING THE SHOE DEU. 25:7-9, AND OTHERS PERFORM THE RITE OF REMOVING THE SHOE WITH HIS WIFE. OTHERS ENTER LEVIRATE MARRIAGE WITH HIS WIFE, BUT HE DOES NOT ENTER INTO LEVIRATE MARRIAGE, BECAUSE HE IS PROHIBITED TO MARRY A WIDOW:

1. III:1: Does the Tannaite authority at hand take the view that there is no difference whether the widow was merely betrothed or was partner to a fully consummated marriage?

D. IF HE SUFFERS A DEATH IN HIS FAMILY, HE DOES NOT FOLLOW THE BIER:

1. IV:1: Our rabbis have taught on Tannaite authority: “Neither shall he go out of the sanctuary” (Lev. 21:12): He should not go out with them, but he may go out after them.

E. “BUT WHEN THE BEARERS OF THE BIER ARE NOT VISIBLE, HE IS VISIBLE; WHEN THEY ARE VISIBLE, HE IS NOT. AND HE GOES WITH THEM TO THE CITY GATE,” THE

WORDS OF R. MEIR. R. JUDAH SAYS, “HE NEVER LEAVES THE SANCTUARY, SINCE IT SAYS, ‘NOR SHALL HE GO OUT OF THE SANCTUARY’ (LEV. 21:12):”

1. V:1: Has R. Judah given a good argument?

F. AND WHEN HE GIVES COMFORT TO OTHERS THE ACCEPTED PRACTICE IS FOR ALL THE PEOPLE TO PASS ONE AFTER ANOTHER, AND THE APPOINTED PREFECT OF THE PRIESTS STANDS BETWEEN HIM AND THE PEOPLE:

1. VI:1: Our rabbis have taught on Tannaite authority: And when he stands in the line to give comfort to others, the prefect of the priests and the anointed high priests who has now passed out of his position of grandeur are at his right hand, and the head of his father’s house, the mourners, and all the people are at his left. When he stands in the line to receive comfort from others as a mourner, the prefect of the priests is at his right hand, and the head of the father’s houses the priestly courses and all the people are at his left hand (T. **San. 4:1 I, F**).

a. VI:2: Said R. Pappa, “The present teaching on Tannaite authority yields three points: First, the prefect is the same as the one called in the Mishnah’s version ‘the one who is appointed.’ Second, the mourners stand and the people pass by them. Third, the mourners are to the left of those who come to give comfort.”

2. VI:3: Our rabbis have taught on Tannaite authority: The original practice was for the mourners to stand still and all the people to pass by them. There were two families in Jerusalem who competed with one another.

G. AND WHEN HE RECEIVES CONSOLATION FROM OTHERS, ALL THE PEOPLE SAY TO HIM, “LET US BE YOUR ATONEMENT.” AND HE SAYS TO THEM, “MAY YOU BE BLESSED BY HEAVEN.” AND WHEN THEY PROVIDE HIM WITH THE FUNERAL MEAL, ALL THE PEOPLE SIT ON THE GROUND, WHILE HE SITS ON A STOOL.

1. VII:1: The question was raised: When he comforts others, what does he say to them?

H. THE KING DOES NOT JUDGE, AND OTHERS DO NOT JUDGE HIM; DOES NOT GIVE TESTIMONY, AND OTHERS DO NOT GIVE TESTIMONY ABOUT HIM:

1. VIII:1: Said R. Joseph, “That law applies only to Israelite kings. But as to the kings of the house of David, such a king judges and others judge them.”

I. HE DOES NOT PERFORM THE RITE OF REMOVING THE SHOE, AND OTHERS DO NOT PERFORM THE RITE OF REMOVING THE SHOE WITH HIS WIFE; DOES NOT ENTER INTO LEVIRATE MARRIAGE, NOR DO HIS BROTHER ENTER LEVIRATE MARRIAGE WITH HIS WIFE. R. JUDAH SAYS, “IF HE WANTED TO PERFORM THE RITE OF REMOVING THE SHOE OR TO ENTER INTO LEVIRATE MARRIAGE, HIS MEMORY IS A BLESSING.” THEY SAID TO HIM, “THEY PAY NO ATTENTION TO HIM IF HE EXPRESSED THE WISH TO DO SO.”

1. IX:1: Is what R. Judah says true?

J. OTHERS DO NOT MARRY HIS WIDOW.

R. JUDAH SAYS, “A KING MAY MARRY THE WIDOW OF A KING. FOR SO WE FIND IN THE CASE OF DAVID, THAT HE MARRIED THE WIDOW OF SAUL, FOR IT IS SAID,

‘AND I GAVE YOU YOUR MASTER’S HOUSE AND YOUR MASTER’S WIVES INTO YOUR EMBRACE’ (2SA. 12: 8).”

1. X:1: It has been taught on Tannaite authority: They said to R. Judah, “David married women of the royal family who were permitted to him, Merab and Michal, but these were not his widows.”

a. X:2: Gloss of foregoing.

b. X:3: As above.

III. Mishnah-Tractate Sanhedrin 2:3

A. IF THE KING SUFFERS A DEATH IN HIS FAMILY, HE DOES NOT LEAVE THE GATE OF HIS PALACE. R. JUDAH SAYS, “IF HE WANTS TO GO OUT AFTER THE BIER, HE GOES OUT, FOR THUS WE FIND IN THE CASE OF DAVID, THAT HE WENT OUT AFTER THE BIER OF ABNER, SINCE IT IS SAID, ‘AND KING DAVID FOLLOWED THE BIER’ (2SA. 3:31).” THEY SAID TO HIM, “THIS ACTION WAS ONLY TO APPEASE THE PEOPLE:”

1. I:1: Our rabbis have taught on Tannaite authority: In a place in which women are accustomed to go forth after the bier, they go forth in that way. If they are accustomed to go forth before the bier, they go forth in that manner. R. Judah says, “Women always go forth in front of the bier.

a. I:2: Secondary expansion of foregoing.

b. I:3: As above.

B. AND WHEN THEY PROVIDE HIM WITH THE FUNERAL MEAL, ALL THE PEOPLE SIT ON THE GROUND, WHILE HE SITS ON A COUCH.

1. II:1: What is the couch?

IV. Mishnah-Tractate Sanhedrin 2:4A-D

A. THE KING CALLS OUT THE ARMY TO WAGE A WAR FOUGHT BY CHOICE ON THE INSTRUCTIONS OF A COURT OF SEVENTY-ONE:

1. I:1: But has not the point of M. 2:4A already been made on Tannaite authority: They bring forth the army to wage a war fought by choice only on the instructions of a court of seventy-one?

2. I:2: Said R. Judah said Samuel, “Everything included in the chapter 1Sa. 8 on the king the king is permitted to do.”

a. I:3: Gloss of a detail of the foregoing: It has been taught on Tannaite authority: R. Yosé says, “Three commandments were imposed upon the Israelites when they came into the land. They were commanded to appoint a king, to cut off the descendants of Amalek, and to build the chosen House” (T. **San. 4:5K-L**).

I. I:4: Said R. Simeon b. Laqish, “At first Solomon ruled over the creatures of the upper world, as it is said, ‘Then Solomon sat on the throne of the Lord as king’ (1Ch. 29:23). Then he reigned over the

creatures of the lower world, as it is written, ‘For he had dominion over all the region on this side of the river, From Tifsah even to Gaza’ (1Ki. 5: 4).”

B. HE MAY EXERCISE THE RIGHT TO OPEN A ROAD FOR HIMSELF, AND OTHERS MAY NOT STOP HIM. THE ROYAL ROAD HAS NO REQUIRED MEASURE.

ALL THE PEOPLE PLUNDER AND LAY BEFORE HIM WHAT THEY HAVE GRABBED, AND HE TAKES THE FIRST PORTION.

1. II:1: With reference to M. 2:4D: All the people plunder... and he takes the first portion, our rabbis have taught on Tannaite authority: The royal treasuries of a defeated foe belong to the king, and as to the rest of the spoil that the army takes, half is for the king and the other half is for the people.

V. Mishnah-Tractate Sanhedrin 2:4E-I

A. “HE SHOULD NOT MULTIPLY WIVES TO HIMSELF” (DEU. 17:17) — ONLY EIGHTEEN. R JUDAH SAYS, “HE MAY HAVE AS MANY AS HE WANTS, SO LONG AS THEY DO NOT ENTICE HIM TO ABANDON THE LORD (DEU. 7: 4).” R. SIMEON SAYS, “EVEN IF THERE IS ONLY ONE WHO ENTICES HIM TO ABANDON THE LORD — LO, THIS ONE SHOULD NOT MARRY HER.” IF SO, WHY IS IT SAID, “HE SHOULD NOT MULTIPLY WIVES TO HIMSELF”? EVEN THOUGH THEY SHOULD BE LIKE ABIGAIL 1SA. 25: 3.

1. I:1: Does the dispute at M. 2:4F, G bear the implication that R. Judah seeks out the reasoning behind a verse of Scripture, and R. Simeon does not seek out the reasoning behind a verse of Scripture?

2. I:2: As to the number of eighteen specified at M. 2:4E, what is the source for that number?

a. I:3: Gloss of a detail of the foregoing. Said R. Judah said Rab, “David had four hundred sons, all of them born of beautiful captive women. All grew long locks plaited down the back. All of them seated in golden chariots.”

VI. Mishnah-Tractate Sanhedrin 2:4J-N

A. “HE SHOULD NOT MULTIPLY HORSES TO HIMSELF” (DEU. 17:16) — ONLY ENOUGH FOR HIS CHARIOT:

1. I:1: Our rabbis have taught on Tannaite authority: “He shall not multiply horses to himself” (Deu. 17:16). Is it possible to suppose that he may not possess even sufficient animals for his chariots and horsemen? Scripture says, “To himself,” meaning, for his own use he does not multiply them, but he does have a multitude for his chariots and horsemen.

B. “NEITHER SHALL HE GREATLY MULTIPLY TO HIMSELF SILVER AND GOLD” (DEU. 17:16) — ONLY ENOUGH TO PAY HIS ARMY:

1. II:1: Our rabbis have taught on Tannaite authority: “Neither shall he greatly multiply to himself silver and gold” (Deu. 17:16): Might one suppose that the

prohibition covers even enough to pay his army? Scripture says, “To himself” — to himself he may not multiply silver and gold, but he may multiply silver and gold sufficient to pay his army.

2. II:2: R. Judah contrasted verses as follows: “It is written, ‘And Solomon had forty thousand stalls of horses for his chariots’ (1Ki. 5: 6), and elsewhere, ‘And Solomon had four thousand stalls for horses and chariots’ (2Ch. 9:25). How so? If he had forty thousand stables, each one of them had four thousand horse stalls, and if he had four thousand stables, each one of them had forty thousand horse stalls.”

C. “AND HE WRITES OUT A SCROLL OF THE TORAH FOR HIMSELF” (DEU. 17:17):

WHEN HE GOES TO WAR, HE TAKES IT OUT WITH HIM; WHEN HE COMES BACK, HE BRINGS IT BACK WITH HIM; WHEN HE IS IN SESSION IN COURT, IT IS WITH HIM; WHEN HE IS RECLINING, IT IS BEFORE HIM, AS IT IS SAID, “AND IT SHALL BE WITH HIM, AND HE SHALL READ IN IT ALL THE DAYS OF HIS LIFE” (DEU. 17:19).

1. III:1: It has been taught on Tannaite authority: But that is one the condition that he not take credit for one made by his ancestors.

D. COMPOSITE ON THE WRITING AND REVELATION OF THE TORAH

1. III:2: Said Mar Zutra, and some say Mar Uqba, “In the beginning the Torah was given to Israel in Hebrew writing and in the Holy Language of Hebrew. Then it was given to them in the time of Ezra in Assyrian writing and in the Aramaic language. The Israelites chose for themselves Assyrian letters and the Holy Language and they left for common folk Hebrew letters and the Aramaic language.”

2. III:3: It has been taught on Tannaite authority: R. Yosé says, “Ezra was worthy for the Torah to have been given by him, had not Moses come before him.”

VII. Mishnah-Tractate Sanhedrin 2:5

A. OTHERS MAY NOT RIDE ON HIS HORSE, SIT ON HIS THRONE, HANDLE HIS SCEPTER:

1. I:1: Said R. Jacob said R. Yohanan, “Abishag would have been permitted to be married to Solomon, but was forbidden to be married to Adonijah.”

a. I:2: And what is the story of Abishag (and Bath Sheba)?

B. THE EVILS OF DIVORCE, PARTICULARLY OF AN AGING WIFE

1. I:3: Said R. Eliezer, “Whoever divorces his first wife — even the altar weeps tears on that account, for it is said, ‘And this further did you do, you cover the altar of the Lord with tears, with weeping and with sighing, in so much that he regards not the offering any more, nor receives it with good will at your hand’ (Mal. 2:13). And it is written, ‘Yet you say, Why? Because the Lord has been witness between you and the wife of your youth, against whom you have dealt treacherously, though she is your companion and the wife of your covenant’ (Mal. 2:14).”

2. I:4: Said R. Yohanan, and some say, R. Eleazar, “A man’s wife dies only if people ask for money from him and he does not have it, as it is said, ‘If you have not wherewith to pay, why should he take away the bed from under you’ (Pro. 22:27).”

a. I:5: Said Rabbah bar bar Hannah said R. Yohanan, “And it is as difficult to match people up as it is to split the Red Sea, as it is said, ‘God sets the solitary in families, he brings prisoners into prosperity’ (Psa. 68: 7).”

3. I:6: Said R. Samuel bar Nahman, “Everything can be replaced except for the wife of one’s youth.”

4. I:7: R. Judah repeated on Tannaite authority to his son, R. Isaac, “A man finds true serenity only with his first wife, as it is said, ‘Let your fountain be blessed and have joy of the wife of your youth’ (Pro. 5:18).”

5. I:8: Said R. Samuel bar Onia in the name of Rab, “A woman is unformed, and she makes a covenant only with him who turns her into a utensil.”

C. AND OTHERS MAY NOT WATCH HIM WHILE HE IS GETTING A HAIRCUT, OR WHILE HE IS NUDE, OR IN THE BATH-HOUSE, SINCE IT IS SAID, “YOU SHALL SURELY SET HIM AS KING OVER YOU” (DEU. 17:15) — THAT REVERENCE FOR HIM WILL BE UPON YOU.

1. II:1: Our rabbis have taught on Tannaite authority: A king gets a haircut every day, a high priest on Fridays, an ordinary priest once in thirty days.

a. II:2: Said Rabina to R. Ashi, “As to this teaching that priests whose hair is too long should not officiate and are subject to the death-penalty if they do, before Ezekiel came along, who stated it?”

VIII. Mishnah-Tractate Sanhedrin 3:1

A. PROPERTY-CASES ARE DECIDED BY THREE JUDGES: THIS LITIGANT CHOOSES ONE JUDGE, AND THAT LITIGANT CHOOSES ONE JUDGE, AND THEN THE TWO OF THE LITIGANTS CHOOSE ONE MORE,” THE WORDS OF R. MEIR:

1. I:1: What is the meaning of the statement, This litigant chooses one and that litigant chooses one? Surely three judges should be enough? It is assumed each litigant selects a court, and the two courts choose a third court, which tries the case. Why such a clumsy proceeding? Cannot the two litigants jointly select one court which shall try the action?

2. I:2: May even a debtor hold up matters in the way just described? Or must he go to the court chosen by the creditor?

3. I:3: But does the stated procedure not apply to court-certified experts? Can these too not be disqualified by the debtor?

4. I:4: We have learned in the Mishnah: And sages say, The two judges choose a third” — Now if it should enter your mind that matters are as we have proposed, that is, that we speak of each litigant’s choosing a court, after the litigants have invalidated a court, will that court go and select yet another court! Surely this is absurd.

B. AND SAGES SAY, “THE TWO JUDGES CHOOSE ONE MORE:”

1. II:1: May we say that at issue is the view stated by R. Judah in the name of Rab? For R. Judah said Rab said, “Witnesses are not to sign a bond unless they know who is going to sign with them.”

C. “THIS PARTY HAS THE RIGHT TO INVALIDATE THE JUDGE CHOSEN BY THAT ONE, AND THAT PARTY HAS THE RIGHT TO INVALIDATE THE JUDGE CHOSEN BY THIS ONE,” THE WORDS OF R. MEIR. AND SAGES SAY, “UNDER WHAT CIRCUMSTANCES? WHEN HE BRINGS EVIDENCE ABOUT THEM, THAT THEY ARE RELATIVES OR OTHERWISE INVALID. BUT IF THEY ARE VALID JUDGES OR COURT-CERTIFIED EXPERTS, HE HAS NOT GOT THE POWER TO INVALIDATE THEM. THIS PARTY INVALIDATES THE WITNESSES BROUGHT BY THAT ONE, AND THAT PARTY INVALIDATES THE WITNESSES BROUGHT BY THIS ONE,” THE WORDS OF R. MEIR. AND SAGES SAY, “UNDER WHAT CIRCUMSTANCES? WHAT HE BRINGS EVIDENCE ABOUT THEM, THAT THEY ARE RELATIVES OR OTHERWISE INVALID. BUT IF THEY ARE VALID TO SERVE AS WITNESSES, HE HAS NOT GOT THE POWER TO INVALIDATE THEM.”

1. III:1: Does a litigant have the power to invalidate a judge?

a. III:2: Secondary expansion of the development of the foregoing: May we say that at issue is the same principle debated between Rabbi and Rabban Simeon b. Gamaliel: at issue is whether it is necessary for the defendant to validate his claim.

2. III:3: When Rabin came, he said R. Yohanan said, “The first clause of the Mishnah speaks of a case in which the witnesses are invalid but the judges are valid. The litigant proposes to reject both the witnesses and the judges, and since he proves his case against the witnesses, we accept his claim also against the judges. The latter clause of the Mishnah speaks of a case in which the judges are invalid and the witnesses valid. The litigant here proves his case against the judges and not the witnesses, so that, since the judges are invalid, the witnesses also are treated as invalid. That is why, from Meir’s position, in both instances we allow one litigant to dismiss the evidence or the judges produced by the other.”

a. III:4: Gloss of a detail of the foregoing.

I. III:5: As above. Illustrating the point of III:4.

II. III:6: As above.

IX. Mishnah-Tractate Sanhedrin 3:2

A. “IF ONE LITIGANT SAID TO THE OTHER, ‘I ACCEPT MY FATHER AS RELIABLE,’ ‘I ACCEPT YOUR FATHER AS RELIABLE,’ ‘I ACCEPT AS RELIABLE THREE HERDSMEN TO SERVE AS JUDGES,’” R. MEIR SAYS, “HE HAS THE POWER TO RETRACT.” AND SAGES SAY, “HE HAS NOT GOT THE POWER TO RETRACT.” IF ONE OWED AN OATH TO HIS FELLOW, AND HIS FELLOW SAID, “INSTEAD OF AN OATH, TAKE A VOW TO ME BY THE LIFE OF YOUR HEAD,” R. MEIR SAYS, “HE HAS THE POWER TO RETRACT.” AND SAGES SAY, “HE HAS NOT GOT THE POWER TO RETRACT:”

1. I:1: Said R. Dimi, son of R. Nahman, son of R. Joseph, “We deal with a case at M. 3:2A-C in which one of the parties accepted such a person as one of the judges.” Said R. Judah said Samuel, “The dispute concerns a case in which the creditor has agreed to say, should the judges favor the debtor, ‘The debt is forgiven to you.’ But in a case in which the debtor said to the creditor, should the judges favor the creditor, ‘I shall pay you,’ all parties concur that the debtor has the power to retract his agreement.” R. Yohanan said, “The dispute pertains to a case in which the debtor said to the creditor, if the judges rule in favor of the creditor, ‘I shall pay.’”

2. I:2: Said R. Simeon b. Laqish, “There is a dispute about the rule pertaining before the completion of the court decision, but after the completion of the court decision, all agree he cannot retract.” And R. Yohanan said, “About retraction after the completion of the court decision there is a dispute.”

3. I:3: R. Nahman bar Rab sent a message to R. Nahman bar Jacob, “May our master teach us: Is the dispute applicable only to the period prior to the completion of the trial, or does it apply as well to the period after the completion of the trial so that the litigants may retract even then? And in accord with which authority is the decided law?”

X. Mishnah-Tractate Sanhedrin 3:3

A. AND THESE ARE THOSE WHO ARE INVALID TO SERVE AS WITNESSES OR JUDGES: HE WHO PLAYS DICE;

1. I:1: He who plays dice: What does a dice-player do wrong that he should be invalid as a witness or judge?

B. ...HE WHO LOANS MONEY ON INTEREST;

1. II:1: Said Raba, “One who borrows money on interest is invalid to serve as a witness.”

a. II:2: Two witnesses gave testimony against Bar Binithos. One said, “In my presence he lent money on interest.” The other party said, “To me he lent money on interest.” Raba accepting the evidence of both declared Bar Binithos to be invalid.

b. II:3: There was a butcher who was found to be selling terefah-meat under his own authority. R. Nahman declared the man invalid as a butcher and sent him out.

C. ...THOSE WHO RACE PIGEONS:

1. III:1: What are pigeon-racers?

2. III:2: A Tannaite authority stated: They added to the list robbers and those who impose a sale by force even though they pay a fair market value. But a robber is prohibited on the basis of the law of the Torah.

3. III:3: A Tannaite authority taught: They further added to the list cowboys, tax-collectors, and tax-farmers.

4. III:4: Said R. Judah, "A shepherd under ordinary circumstances is invalid. A tax-collector under ordinary circumstances is valid."

D. ...AND THOSE WHO DO BUSINESS IN THE PRODUCE OF THE SEVENTH YEAR.

SAID R. SIMEON, "IN THE BEGINNING THEY CALLED THEM, 'THOSE WHO GATHER SEVENTH YEAR PRODUCE.' WHEN OPPRESSORS BECAME MANY WHO COLLECTED TAXES IN THE SEVENTH YEAR, THEY REVERTED TO CALL THEM, 'THOSE WHO DO BUSINESS IN THE PRODUCE OF THE SEVENTH YEAR:'"

1. IV:1: What is the sense of this statement?

2. IV:2: R. Hiyya bar Zaranoqi and R. Simeon b. Yehosedeq were going to intercalate the year in Assya. R. Simeon b. Laqish met them and joined them. He said, "I shall go along and see how they do it." He saw a man ploughing. He said to them, "He is a priest, and he is ploughing." They said to him, "He can claim, I am an imperial employee in the property."

a. IV:3: Gloss of a detail of the foregoing: What is a conspiracy of wicked men?

E. SAID R. JUDAH, "UNDER WHAT CIRCUMSTANCES? WHEN THE AFORE-NAMED (B) HAVE ONLY THAT AS THEIR PROFESSION. BUT IF THEY HAVE A PROFESSION OTHER THAN THAT, THEY ARE VALID TO SERVE AS WITNESSES OR JUDGES."

1. V:1: Said R. Abbahu said R. Eleazar, "The decided law accords with the view of R. Judah."

a. V:2: There was the case of a deed of gift that bore the signature of two thieves. R. Pappa bar Samuel considered declaring it valid, for lo, no announcement had been made concerning their status as known thieves.

2. V:3: Said R. Nahman, "Those who 'eat something else' accept charity from gentiles are invalid for testimony. That applies when they do so in public, but if it is in private, the rule does not apply.

a. V:4: Case.

3. V:5: As to a witness who is proved to have conspired to commit perjury, Abbayye said, "When between the time he gave his testimony and the time he was proved a perjurer, some days have elapsed, his status as a witness is treated as invalid retrospectively, from the time he began to give his evidence in court, and all the evidence he has given in the intervening period becomes invalidated." And Raba said, "It is only from that point onward that he becomes an invalid witness."

4. V:6: As to an apostate who eats carrion because he is hungry, all parties concur that he is invalid as a witness.

XI. Mishnah-Tractate Sanhedrin 3:4-5

A. AND THESE ARE RELATIVES PROHIBITED FROM SERVING AS ONE'S WITNESSES OR JUDGES: (1) ONE'S FATHER:

(2) BROTHER, (3) FATHER'S BROTHER, (4) MOTHER'S BROTHER, (5) SISTER'S HUSBAND, (6) FATHER'S SISTER'S HUSBAND, (7) MOTHER'S SISTER'S HUSBAND:

1. I:1: And these are relatives prohibited from serving as one's witnesses or judges: one's father: What is the scriptural basis for the rule at hand?

2. I:2: We have found proof, therefore, that fathers may not testify against children and children against fathers, all the more so fathers that is, brothers cannot testify against one another. How do we know that sons cannot testify against sons that is, cousins, sons of fathers who are brothers? We have found proof, therefore, that sons may not testify against one another. How do we know that sons brothers may not testify together in a case involving a third party?

3. I:3: We now have proven that people related through the father may not give evidence together. How do we know that people related through the mother may not do so?

B. ...AND THEIR SONS-IN-LAW:

1. II:1: Said Rab, "My father's brother my paternal uncle may not give testimony for me, nor may his son or son-in-law, and so too, I may not testify for him, nor my son or son-in-law. But why should this be the case? Would this not involve relationships of the third and first removes? But we have learned in the Mishnah at hand that relatives of the second remove are forbidden to testify for relatives of the second remove e.g., first cousins, and relatives of the second remove cannot testify for those of the first remove uncles, but not that relatives of the third remove may not testify for relatives of the first remove."

2. II:2: Said R. Nahman, "The brother of my mother-in-law may not testify for me; the son of the sister of my mother-in-law may not testify for me."

3. II:3: Said R. Ashi, "When we were at Ulla's house, the question troubled us: As to the brother of one's father-in-law, what is his status? As to the son of the brother of one's father-in-law, what is his status? As to the son of the sister of one's father-in-law, what is his status?"

4. II:4: Rab went to buy parchment. People asked him, "What is the law on a man's testifying concerning the wife of his step-son?"

C. ...MOTHER'S HUSBAND, (9) FATHER-IN-LAW, AND (10) WIFE'S SISTER'S HUSBAND — THEY, THEIR SONS, AND THEIR SONS-IN-LAW:

1. III:1: The mother's husband's son is one's brother so this is not a new item, and why should the Mishnah repeat itself?

2. III:2: Said R. Hisda, "The father of the groom and the father of the bride may give testimony concerning one another."

3. III:3: Said Rabbah bar bar Hannah, "A man may testify concerning his betrothed wife prior to the consummation of the marriage."

D. ...BUT THE STEP-SON ONLY BUT NOT THE STEP-SON'S OFFSPRING:

SAID R. YOSÉ, "THIS IS THE VERSION OF R. AQIBA. BUT THE EARLIER VERSION IS AS FOLLOWS: HIS UNCLE, THE SON OF HIS UNCLE LEV. 25:49 AND ANYONE WHO STANDS TO INHERIT HIM." AND ANYONE WHO IS RELATED TO HIM AT THAT TIME, IF ONE WAS A RELATIVE BUT CEASED TO BE RELATED, LO, THAT PERSON IS VALID."

1. IV:1: Our rabbis have taught on Tannaite authority: The step-son only. R. Yosé says, "A brother-in-law the wife's sister's husband."

2. IV:2: There was a deed of gift which bore as signatories two brothers-in-law. R. Joseph considered validating it, for R. Judah said Samuel said, “The law accords with R. Yosé.”

E. R. JUDAH SAYS, “EVEN IF HIS DAUGHTER DIED, IF HE HAS SONS FROM HER, LO, THE SON-IN-LAW IS DEEMED A RELATIVE.

1. V:1: Said R. Tanhum said R. Tabela said R. Barona said Rab, “The decided law accords with the view of R. Judah.”

a. V:2: The sons of the father-in-law of Mar Uqba, who were no longer related to him since their sister, Mar Uqba’s wife, had died came to him for a trial. He said to them, “I am not valid to try your case.”

F. “ONE KNOWN TO BE A FRIEND AND ONE KNOWN TO BE AN ENEMY — “ONE KNOWN TO BE A FRIEND — THIS IS THE ONE WHO SERVED AS HIS GROOMSMAN:

1. VI:1: For how long does the relationship last?

G. “ONE KNOWN TO BE AN ENEMY — THIS IS ONE WHO HAS NOT SPOKEN WITH HIM FOR THREE DAYS BY REASON OF OUTRAGE.”

THEY SAID TO JUDAH, “ISRAELITES ARE NOT SUSPECT FOR SUCH A FACTOR.”

1. VII:1: Our rabbis have taught on Tannaite authority: “And he was not an enemy” (Num. 35:23) — then he may give testimony for him. “Neither sought his harm” (Num. 35:23) — then he may judge his case.

XII. Mishnah-Tractate Sanhedrin 3:6-7

A. HOW DO THEY TEST THE WITNESSES? THEY BRING THEM INTO THE ROOM AND ADMONISH THEM:

1. I:1: How do they speak to the witnesses, when they admonish them?

B. THEN THEY TAKE EVERYONE OUT AND KEEP BACK THE MOST IMPORTANT OF THE GROUP. AND THEY SAY TO HIM, “EXPLAIN: HOW DO YOU KNOW THAT THIS ONE OWES MONEY TO THAT ONE.”

IF HE SAID, “HE TOLD ME, ‘I OWE HIM,’ ‘SO-AND-SO TOLD ME THAT HE OWES HIM,” HE HAS SAID NOTHING WHATSOEVER, UNLESS HE SAYS, “IN OUR PRESENCE HE ADMITTED TO HIM THAT HE OWES HIM TWO HUNDRED ZUZ.” AND AFTERWARD THEY BRING IN THE SECOND AND TEST HIM IN THE SAME WAY. IF THEIR TESTIMONY CHECKS OUT, THEY DISCUSS THE MATTER.

1. II:1: This supports the position of R. Judah, for R. Judah said Rab said, “One has to say to the witnesses to a transaction, ‘You are my witnesses’ at which point the testimony is valid.”

a. II:2: Gloss of a detail of the foregoing: Said R. Samuel bar Nahman said R. Jonathan, “How do we know that a plea is not entered in behalf of an inciter?”

2. II:3: Said Abbaye, “The ruling that one can plead he was joking unless he explicitly recognized the witnesses and validated their testimony of what he was about to do is the case only if the man says, ‘I was only joking with you.’ But if he

had said, 'The incident never happened at all,' he is assumed to be a confirmed liar."

a. II:4: Someone hid witnesses against his neighbor behind bed-curtains. He said to him, "You have a maneh of mine."

b. II:5: Someone hid witnesses against his neighbor in a grave. He said to him, "You have a maneh of mine."

3. II:6: Said Rabina, and some say R. Pappa, "From what R. Judah said Rab said, 'One has to say to the witnesses, "You will be my witnesses,"' it follows that there is no difference whether the debtor said it, or the creditor said it and the debtor is silent."

a. II:7: Someone had the name "A basket of debts." He said, "Who has a claim against me except for Mr. A and Mr. B?"

b. II:8: There was a man who was called, "A mouse lying on money" that is, a miser. When he lay dying, he said, "Mr. A and Mr. B have a claim of money against me." After he died, they came and laid claim against the estate.

4. II:9: If someone admitted the claim before two witnesses, and this was confirmed by an act of acquisition, they may then prepare a bond covering the debt, even though the debtor did not instruct the scribe to do so. But if not, they do not do so.

5. II:10: Said R. Ada bar Ahbah, "Sometimes a deed of acknowledgement of a debt before three witnesses, without an act of acquisition may be written up, sometimes not."

6. II:11: If the debtor conceded a claim for movables and the witnesses effected a formal title given over by the debtor, they write a writ of record, and if not, they do not write one.

7. II:12: Rabina came to Damharia. Said to him R. Dimi, son of R. Huna of Damharia, to Rabina, "What is the law concerning movables that are as his in the domain of the debtor?"

a. II:13: There was a deed of acknowledgement of debt that lacked the phrase, "He said to us, 'Write and sign and deliver to him...'"

b. II:14: A deed of acknowledgement had written it, "An aide memoire of the statements of so-and-so," rather than the requisite, "an aide memoire of testimony by witnesses", and was worded wholly as a court document though signed by two, not three men, but omitted the phrase, "We were in session as three judges, and one of them then withdrew."

8. II:15: Our rabbis have taught on Tannaite authority: If someone said to the heirs, "I saw your father hiding money in a box, chest, or cupboard," and he said, "They belong to so-and-so," or "they are in the status of second title to be brought to Jerusalem and there spent on the purchase of food," if the money was in the house, the statement is null. If the money was in the field, his statement is valid.

C. IF TWO JUDGES SAY, "HE IS INNOCENT," AND ONE SAYS, "HE IS GUILTY," HE IS INNOCENT. IF TWO SAY, "HE IS GUILTY," AND ONE SAYS, "HE IS INNOCENT," HE IS

GUILTY. IF ONE SAYS, “HE IS INNOCENT,” AND ONE SAYS, “HE IS GUILTY,” — OR EVEN IF TWO DECLARE HIM INNOCENT AND TWO DECLARE HIM GUILTY — BUT ONE OF THEM SAYS, “I DON’T KNOW,” THEY HAVE TO ADD JUDGES.

1. III:1: Where the judges differ, how do they word the court order? R. Yohanan said, “‘He is innocent.’” R. Simeon b. Laqish said, “‘Judge X and Judge Y declare him innocent, Judge Z declares him liable.’”

D. WHEN THEY HAVE COMPLETED THE MATTER, THEY BRING THEM BACK IN. THE CHIEF JUDGE SAYS, “MR. SO-AND-SO, YOU ARE INNOCENT,” “MR. SO-AND-SO, YOU ARE GUILTY.”

1. IV:1: Whom do they bring back?

a. IV:2: Gloss of foregoing.

b. IV:3: Gloss of a cited passage of IV:1: Under no circumstances is their testimony confirmed unless both of them are heard at the same time. R. Nathan says, “They hear out the testimony of this one on one day, and when his fellow comes on the next day, they give a hearing to what he has to say as well” (T. **San. 5:5H-I**).

c. IV:4: R. Simeon b. Eliaqim was watching for an occasion on which to ordain R. Yosé, son of R. Hanina, but nothing came up. One day he was in session before R. Yohanan. He said to them, “Does anybody know whether or not the law follows the view of R. Joshua b. Qorha?”

d. IV:5: Said R. Hiyya bar Abin said Rab, “The law is in accord with R. Joshua b. Qorha’s view, both in respect to real estate and in respect to movables.”

e. IV:6: Said R. Joseph, “I say in the name of Ulla, ‘The law accords with R. Joshua b. Qorha both as to real estate and as to movables.’”

2. IV:7: Said R. Judah, “Testimony of two witnesses who contradict one another under examination in respect to peripheral issues, e.g., details of the weather that day is valid in property-cases.”

a. IV:8: Illustration of foregoing: If one witness says, “It was a jug of wine,” and the other witness says, “It was a jug of oil” — there was a case of this kind, which came before R. Ammi. R. Ammi imposed upon the defendant the requirement to pay the value of the jug of wine out of the value of a jug of oil since oil is more expensive, the smaller of the two claims was proved.

b. IV:9: Illustration of foregoing: One says, “It was in the upper room,” and the other says, “It was in the lower room.” Said R. Hanina, “A case of this kind came before Rabbi, who joined the testimony of the two witnesses.”

E. NOW HOW DO WE KNOW THAT WHEN ONE OF THE JUDGES LEAVE THE COURT, HE MAY NOT SAY, “I THINK HE IS INNOCENT, BUT MY COLLEAGUES THINK HE IS GUILTY, SO WHAT CAN I DO? FOR MY COLLEAGUES HAVE THE VOTES!” CONCERNING SUCH A PERSON, IT IS SAID, “YOU SHALL NOT GO UP AND DOWN AS A TALEBEARER AMONG YOUR PEOPLE” (LEV. 19:16). AND IT IS SAID, “HE WHO GOES

ABOUT AS A TALEBEARER AND REVEALS SECRETS, BUT HE THAT IS FAITHFUL CONCEALS THE MATTER” (PRO. 11:13).

1. V:1: Our rabbis have taught on Tannaite authority: How do we know that when one of the judges leaves the court, he may not say, “Lo, I think he is innocent, but my colleagues think he is guilty, so what can I do? For my colleagues have the votes!”?

XIII. Mishnah-Tractate Sanhedrin 3:8

A. SO LONG AS A LITIGANT BRINGS PROOF, HE MAY REVERSE THE RULING. IF THEY HAD SAID TO HIM, “ALL THE EVIDENCE WHICH YOU HAVE, BRING BETWEEN THIS DATE AND THIRTY DAYS FROM NOW,” IF HE FOUND EVIDENCE DURING THE THIRTY-DAY-PERIOD, HE MAY REVERSE THE RULING. IF HE FOUND EVIDENCE AFTER THE THIRTY-DAY-PERIOD, HE MAY NOT REVERSE THE RULING. SAID RABBAN SIMEON B. GAMALIEL, “WHAT SHOULD THIS PARTY DO, WHO COULD NOT FIND THE EVIDENCE DURING THE THIRTY-DAY-PERIOD, BUT FOUND IT AFTER THIRTY DAYS?”

1. I:1: Said Rabbah bar R. Huna, “The decided law accords with the view of Rabban Simeon b. Gamaliel.”

B. IF THEY HAD SAID TO HIM, “BRING WITNESSES,” AND HE SAID, “I DON’T HAVE WITNESSES,” IF THEY HAD SAID, “BRING PROOF,” AND HE SAID, “I DON’T HAVE PROOF” AND AFTER A TIME HE BROUGHT PROOF, OR HE FOUND WITNESSES — THIS IS OF NO WEIGHT WHATSOEVER. SAID RABBAN SIMEON B. GAMALIEL, “WHAT SHOULD THIS PARTY DO, WHO DID NOT EVEN KNOW THAT HE HAD WITNESSES ON HIS SIDE BUT FOUND WITNESSES? OR WHO DID NOT EVEN KNOW THAT HE HAD PROOF, BUT WHO FOUND PROOF?” IF THEY HAD SAID TO HIM, “BRING WITNESSES,” AND HE SAID, “I HAVE NO WITNESSES,” “BRING PROOF,” AND HE SAID, “I HAVE NO PROOF,” IF HE SAW THAT HE WOULD BE DECLARED LIABLE IN COURT AND SAID, “LET MR. SO-AND-SO AND MR. SUCH-AND-SUCH NOW COME ALONG AND GIVE EVIDENCE IN MY BEHALF,” OR IF ON THE SPOT HE BROUGHT PROOF OUT OF HIS POCKET — LO, THIS IS OF NO WEIGHT WHATSOEVER

1. II:1: Said Rabbah bar R. Huna said R. Yohanan, “The decided law accords with the opinion of sages.”

a. II:2: A minor boy was called to court before R. Nahman. He said to him, “Do you have witnesses?”

b. II:3: There was a woman trustee appointed by creditor and debtor of a bond who produced a bond against a given debtor but said to him, “I know that this bond has been paid off.”

2. II:4: When R. Dimi came, he said R. Yohanan said, “One may go on producing proof to contradict the decision, until he runs out of arguments and then says, ‘Let Mr. X and Mr. Y come near and testify in my behalf.’ This implies that, having stated he has no more evidence, he asks that witnesses be heard.”

3. II:5: When R. Dimi came, he said R. Yohanan said, “He who drags his fellow to court — one says, ‘Let us have the trial here,’ and the other says, ‘Let us go to the place of the assembly,’ they force him to go to the place of the assembly.”

a. II:6: They sent a message from the court in the Land of Israel to Mar Uqba, “To him whose splendor is like that of the son of Bithia Moses, Peace to you. Uqban, the Babylonian, complained before us, ‘Jeremiah, my brother, has placed obstacles in my path.’ Speak judge, order to him and get him moving so that he will appear before us in Tiberias.”

XIV. Mishnah-Tractate Sanhedrin 4:1-2

A. THE SAME LAWS APPLY TO PROPERTY CASES AND CAPITAL CASES WITH RESPECT TO EXAMINATION AND INTERROGATION OF WITNESSES, AS IT IS SAID, “YOU WILL HAVE ONE LAW” (LEV. 24:22). WHAT IS THE DIFFERENCE BETWEEN PROPERTY CASES AND CAPITAL CASES?

1. I:1: 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?

2. I:2: 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). Then on what account did they rule that property cases do not require examination and interrogation of witnesses? 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.”

3. I:3: 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.”

4. I:4: Our rabbis have taught on Tannaite authority: “Justice, justice shall you follow” (Deu. 16:20): This means seek out a well-qualified court.”

B. PROPERTY CASES ARE TRIED BY THREE JUDGES, AND CAPITAL CASES BY TWENTY-THREE. 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.

1. II:1: What do they say for the defense?

C. 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.

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

1. III:1: 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**?

a. III:2: Gloss of a detail of the foregoing.

D. 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.

1. IV:1: 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?

E. ...BUT THEY DO NOT REVERSE THE DECISION SO AS TO FAVOR CONVICTION:

1. V:1: 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.”

F. IN CAPITAL CASES ALL ARGUE FOR ACQUITTAL, BUT ALL DO NOT ARGUE FOR CONVICTION:

1. VI:1: “All” encompasses even the witnesses. May we say that the Mishnah-paragraph represents the view of R. Yosé b. R. Judah and not rabbis?

G. 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.

1. VII:1: 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.”

a. VII:2: Amplification of a tangential detail of the foregoing.

H. IN PROPERTY CASES THEY TRY THE CASE BY DAY AND COMPLETE IT BY NIGHT:

1. VIII:1: What is the scriptural basis for this rule?

2. VIII:2: The Mishnah-passage before us does not accord with the view of R. Meir.

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

I. IN CAPITAL CASES THEY TRY THE CASE BY DAY AND COMPLETE IT THE FOLLOWING DAY.

1. IX:1: What is the scriptural basis for this rule?

a. IX:2: Further exegesis of a point tangential in the foregoing proof.

J. 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:

1. X:1: What is the scriptural basis for this rule?

K. THEREFORE THEY DO NOT JUDGE CAPITAL CASES EITHER ON THE EVE OF THE SABBATH OR ON THE EVE OF A FESTIVAL:

1. XI:1: 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.

a. XI:2: Secondary expansion of a tangential detail of the foregoing: 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: 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.

L. IN CASES INVOLVING QUESTIONS OF PROPERTY UNCLEANNES AND CLEANNESS THEY BEGIN VOTING FROM THE ELDEST.

1. XII:1: Said Rab, "I was among those who voted in the house of Rabbi, and it was from me that they began to count."

a. XII:2: Further on the house of Rabbi.

M. IN CAPITAL CASES THEY BEGIN FROM THE SIDE WITH THE YOUNGEST.

1. XIII:1: What is the scriptural basis for this rule?

2. XIII:2: 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."

3. XIII:3: 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. 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."

N. ALL ARE VALID TO ENGAGE IN THE JUDGMENT OF PROPERTY CASES:

1. XIV:1: What classification of persons does the specification of "all" serve to include?

O. BUT ALL ARE NOT VALID TO ENGAGE IN THE JUDGMENT OF CAPITAL CASES, EXCEPT FOR PRIESTS, LEVITES, AND ISRAELITES WHO ARE SUITABLE TO MARRY INTO THE PRIESTHOOD.

1. XV:1: What is the reason for this rule?

XV. Mishnah-Tractate Sanhedrin 4:3-4

A. THE SANHEDRIN WAS ARRANGED IN THE SHAPE OF A HALF OF A ROUND THRESHING-FLOOR THAT IS, AS AN AMPHITHEATER, SO THAT THE JUDGES SHOULD SEE ONE ANOTHER, 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. 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." AND THREE ROWS OF DISCIPLES OF SAGES SIT BEFORE THEM. EACH AND EVERY ONE KNOWS HIS PLACE. IF THEY FOUND NEED TO ORDAIN A DISCIPLE TO SERVE ON THE COURT, THEY ORDAINED ONE WHO WAS SITTING IN THE FIRST ROW. 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. AND THEY SELECT FOR THEMSELVES SOMEONE ELSE FROM THE CROWD AND SET HIM IN THE THIRD ROW. 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.

1. I:1: What is the scriptural source for the rule at M. 4:3A?

a. I:2: Gloss of a detail tangential in the foregoing.

b. I:3: As above.

c. I:4: As above.

I. I:5: Illustrative story.

2. I:6: Said Abbaye, "We may infer from this rule that, when they move, all of them move."

XVI. Mishnah-Tractate Sanhedrin 4:5

A. HOW DO THEY ADMONISH WITNESSES IN CAPITAL CASES? THEY WOULD BRING THEM IN AND ADMONISH THEM AS FOLLOWS: "PERHAPS IT IS YOUR INTENTION TO GIVE TESTIMONY

1. I:1: Our rabbis have taught on Tannaite authority: What is the sense of "conjecture"? 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. If this is what you have seen, you have seen nothing you must be admonished that this is not valid evidence."

B. ON THE BASIS OF SUPPOSITION, HEARSAY, OR OF WHAT ONE WITNESS HAS TOLD ANOTHER:

1. II:1: 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. ...OR YOU MAY BE THINKING, ‘WE HEARD IT FROM A RELIABLE PERSON’” OR, YOU MAY NOT KNOW THAT IN THE END WE ARE GOING TO INTERROGATE YOU WITH APPROPRIATE TESTS OF INTERROGATION AND EXAMINATION. YOU SHOULD KNOW THAT THE LAWS GOVERNING A TRIAL FOR PROPERTY CASES ARE DIFFERENT FROM THE LAWS GOVERNING A TRIAL FOR CAPITAL CASES. 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.

“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). 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.” ANOTHER MATTER: ‘THE BLOODS OF YOUR BROTHER’ — FOR HIS BLOOD WAS SPATTERED ON TREES AND STONES:

1. III:1: 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.”

a. III:2: Said R. Judah said Rab, “Exile atones for three things.”

l. III:3: 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.”

c. III:4: 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)? Because ‘the Lord is righteous’ ‘does he hasten the evil and bring it upon us’” “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. 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. AND WHOEVER SAVES A SINGLE SOUL IS DEEMED BY SCRIPTURE AS IF HE HAD SAVED A WHOLE WORLD.

1. IV:1: Our rabbis have taught on Tannaite authority: On what account was man created alone? So that the minim should not say, “There are many domains in heaven.’

E. 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.”

AND IT WAS ALSO ON ACCOUNT OF THE MINIM, SO THAT THE MINIM SHOULD NOT SAY, “THERE ARE MANY DOMAINS IN HEAVEN.”

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:

1. V:1: Our rabbis have taught on Tannaite authority: Why was he created one and alone? To show the grandeur of the king of the kings of kings, blessed be he. For if a man mints many coins with one mold, all are alike. But the Holy One, blessed be he, mints every man with the mold of the first man for with a single seal, he created the entire world, and not one of them is like another from a single seal all those many diverse seals have come forth

F. THE CREATION OF MAN. THE MINIM. DEBATES WITH UNBELIEVERS. THE EMPEROR AND THE PATRIARCH.

1. V:2: It has been taught on Tannaite authority: R. Meir would say, “The first man was formed out of dust gathered from every part of the world.”

2. V:3: Said R. Yohanan bar Hanina, “The day on which Adam was made was twelve hours. 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.”

3. V:4: 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?’ They said to him, ‘Lord of the ages, what sort of things will he do?’ He said to them, ‘These are the sorts of the things he will do.’ 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)?”

4. V:5: 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). When he turned rotten, the Holy One, blessed be he, put his hand on him and cut him down to size.”

5. V:6: And said R. Judah said Rab, “The first man spoke Aramaic.”

6. V:7: And R. Judah said Rab said, “The first Man was a min heretic.”

7. V:8: 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**. Said R. Yohanan, “That rule applies to a gentile unbeliever. But as to an Israelite unbeliever, all the more is he beyond the rule.”

- 8.** V:9: 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."
- 9.** V:10: 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."
- 10.** V:11: 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.'"
- 11.** V:12: Said the emperor 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)."
- 12.** V:13: The emperor said to Rabban Gamaliel, "I know what your God is doing."
- 13.** V:14: 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."
- 14.** V:15: 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)."
- 15.** V:16: 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."
- 16.** V:17: Caesar said to R. Tanhum, "Come, we shall all be one people." He said, "Well and good. But we who are circumcised cannot become like you, so you circumcise and become like us."
- 17.** V:18: 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?"
- 18.** V:19: Said a min to R. Abbahu, "Your God is a joker ridiculing the prophets. 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)."
- 19.** V:20: 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. Now when he buried Moses, in what did he immerse to remove the corpse-uncleanness he contracted through the burial?"
- 20.** V:21: Said a min to R. Abina, "It is written, 'Who is like your people, Israel, a unique people on earth' (2Sa. 7:23)? 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)."
- 21.** V:22: 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). The matter may be compared to the case of a man who has an orchard. When he waters it, he waters the whole thing. When he prunes it, he prunes only the good trees."

G. THEREFORE EVERYONE IS OBLIGATED TO MAINTAIN, “ON MY ACCOUNT THE WORLD WAS CREATED.” NOW PERHAPS YOU WITNESSES WOULD LIKE NOW TO SAY, “WHAT BUSINESS HAVE WE GOT WITH THIS TROUBLE?” 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). AND PERHAPS YOU MIGHT WANT TO CLAIM, “WHAT BUSINESS IS IT OF OURS TO CONVICT THIS MAN OF A CAPITAL CRIME?” BUT HAS IT NOT ALREADY BEEN SAID, “WHEN THE WICKED PERISH THERE IS REJOICING” (PRO. 11:10).

H. “AND THERE WENT OUT A SONG THROUGHOUT THE HOST” (1KI. 22:36): EXEGESIS OF THE STORY OF AHAB’S DEATH AT RAMOTH IN GILEAD.

1. VI:1: “And there went out a song throughout the host” (1Ki. 22:36) at Ahab’s death at Ramoth in Gilead. Said R. Aha b. Hanina, “‘When the wicked perish, there is song’ (Pro. 11:10). When Ahab, b. Omri, perished, there was song.”
2. VI:2: “And dogs licked his blood and harlots washed themselves, according to the word of the Lord which he spoke” (1Ki. 22:38): Said R. Eleazar, “This was to carry out two visions, one of Micaiah, the other of Elijah.”
3. VI:3: It is written, “And Ahab called Obadiah, who was in charge of the household. Now Obadiah fear the Lord very much” (1Ki. 18: 3): What did he say?
4. VI:4: Said R. Isaac, “On what account did Obadiah have the merit of receiving prophecy? Because he hid a hundred prophets in a cave. 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).”
5. VI:5: “The vision of Obadiah. Thus said the Lord God concerning Edom” (Obad. 1: 1): What made Obadiah in particular the appropriate choice of a prophet to speak against Edom?
6. VI:6: “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): Rab and Samuel: One said, “It was an offering for the sake of heaven.” The other said, “It was an offering to idolatry.”
7. VI:7: “And they departed from him and returned to the earth” (2Ki. 3:27): Said R. Hanina bar Pappa, “At that moment the wicked ones of Israel descended to the lowest rung of depravity.”

XVII. Mishnah-Tractate Sanhedrin 5:1-5

A. THEY INTERROGATED THE WITNESS WITH SEVEN POINTS OF INTERROGATION: (1) IN WHAT SEPTENNATE? (2) IN WHAT YEAR? (3) IN WHAT MONTH? (4) ON WHAT DAY OF THE MONTH? (5) ON WHAT DAY OF THE WEEK? (6) AT WHAT TIME? (7) IN WHAT PLACE? .

1. I:1: What is the source of this rule concerning seven points of interrogation?
2. I:2: Continuation of the foregoing, exegetical argument: Since trials covering idolatry, punished by stoning, and perjury, punished by decapitation in the case of perjury in a murder trial, now have been shown to require cross-examination through seven questions, we proceed to deal with other cases, in which the two

further modes of inflicting the death penalty are invoked. We may infer the requirement to cross-examine witnesses in cases in which the death penalty is through strangulation, on the basis of an argument a fortiori from the requirement of the same in cases ending in the death penalty through stoning or decapitation. The former are regarded as milder modes of execution than strangulation. And we infer by an argument a fortiori that the same mode of careful cross examination is required for cases involving the death penalty of burning, on the basis of the fact the same is required in cases ending in stoning. Here, stoning is regarded as more severe mode of execution than burning; decapitation is less severe. If we require cross examination for the one, we surely should do so in the other.

B. R. YOSÉ SAYS, “(1) ON WHAT DAY? (2) AT WHAT TIME? (3) IN WHAT PLACE:”

1. II:1: It has been taught on Tannaite authority: Said R. Yosé to sages, “In accord with your view, if someone came and said, ‘Last night he killed him,’ one says to him, ‘In what septennate? In what year? In what month? On what day of the month?’” They said to him, “But in accord with your position, if someone came and said, ‘He killed him just now,’ one still has to say to him, ‘On what day? At what time? In what place?’”

C. “DO YOU KNOW HIM? (5) DID YOU WARN HIM OF THE CONSEQUENCES OF HIS DEED? IN CASE OF ONE WHO WORSHIPS AN IDOL, WHOM DID HE WORSHIP, AND WITH WHAT DID HE WORSHIP THE IDOL?”

1. III:1: Our rabbis have taught on Tannaite authority: “Do you know him? Did he kill a gentile? Did he kill an Israelite? Did you admonish him? Did he accept the admonishment? Did he Shachter: admit his liability to the death penalty? Did he commit murder within the span of the utterance that he made, admitting his liability?

2. III:2: Said Ulla, “How on the basis of the Torah do we know that it is necessary to admonish the felon prior to his act, so that we may know that what he did was with full knowledge of the consequences?”

3. III:3: “Did he admit his liability to the death penalty?” How do we know that this is a requirement?”

4. III:4: Said R. Hanan, “Witnesses who have testified against a betrothed maiden that she has been unfaithful, who then were proved to have been formed conspiracy for perjury, are not to put to death. Though had the woman been found guilty, she would have been put to death, in this case the perjurers do not suffer retaliation. Why not? Because they can plead, “Our intent was to prohibit her from consummating the marriage to her betrothed husband but not to have her put to death.”

5. III:5: Said R. Hisda, “If one said, ‘He killed him with a sword,’ and the other said, ‘He killed him with a dagger,’ this is ‘not certain’ testimony in line with Deu. 13:15, 17:4: ‘Behold, if it be truth and the thing certain’. If one says, ‘His clothing was black,’ and the other says, ‘His clothing was white,’ lo, this is ‘certain.’ These statements do not refer to the act, but only to the circumstances.”

D. THE MORE THEY EXPAND THE INTERROGATION, THE MORE IS ONE TO BE PRAISED. THE PRECEDENT IS AS FOLLOWS: BEN ZAKKAI EXAMINED A WITNESS AS

TO THE CHARACTER OF THE STALKS OF FIGS UNDER WHICH THE INCIDENT TOOK PLACE.

1. IV:1: If we should propose that it is R. Yohanan ben Zakkai, did he ever sit in a sanhedrin that tried a murder case

E. THE PRECEDENT IS AS FOLLOWS: BEN ZAKKAI EXAMINED A WITNESS AS TO THE CHARACTER OF THE STALKS OF FIGS UNDER WHICH THE INCIDENT TOOK PLACE.

1. V:1: What is the meaning of, “even if both of them say ...”? Surely it is obvious that, if one of them says, “I don’t know,” the testimony is validated, so if both of them say so, the testimony obviously will be valid? For if one is ignorant on a certain point, the other’s knowledge therefore is valueless. Hence whatever evidence is valid when one is ignorant is also valid when both are ignorant.

F. WHAT IS THE DIFFERENCE BETWEEN INTERROGATION ABOUT THE DATE, TIME, AND PLACE AND EXAMINATION ABOUT THE CIRCUMSTANCES? IN THE CASE OF INTERROGATION, IF ONE WITNESS SAYS, “I DON’T KNOW THE ANSWER,” THE TESTIMONY OF THE WITNESS IS NULL. IN THE CASE OF EXAMINATION, IF ONE OF THE WITNESSES SAYS, “I DON’T KNOW,” OR EVEN IF BOTH OF THEM SAY, “WE DON’T KNOW,” THEIR TESTIMONY NONETHELESS STANDS. ALL THE SAME ARE INTERROGATION AND EXAMINATION: WHEN THE WITNESSES CONTRADICT ONE ANOTHER, THEIR TESTIMONY IS NULL.

1. VI:1: R. Kahana and R. Safra were repeating rules of the sanhedrin in the house of Rabbah. Rami bar Hama met them. He said to them, “What is it that you people say about the laws of the sanhedrin at the house of Rabbah?” They said to him, “And what should we say about the rules of sanhedrin by themselves without respect to what Rabbah has to teach us? What’s your problem?” He said to them, “On the basis of this passage: What is the difference between interrogation about the date, time and place and examination about the circumstances, in the case of interrogation, if one witness says, ‘I don’t know the answer,’ the testimony of the witness is null. In the case of examination, if one of the witnesses says, ‘I don’t know,’ or even if both of them say, ‘We don’t know,’ their testimony nonetheless stands, I have the following problem: since the requirement to conduct both procedures rests on the authority of the Torah, what validates the distinction between interrogation and examination?”

G. IF ONE OF THE WITNESSES SAYS, “IT WAS ON THE SECOND OF THE MONTH,” AND ONE OF THE WITNESSES SAYS, “IT WAS ON THE THIRD OF THE MONTH,” THEIR TESTIMONY STANDS, FOR ONE OF THEM MAY KNOW ABOUT THE INTERCALATION OF THE MONTH, AND THE OTHER ONE MAY NOT KNOW ABOUT THE INTERCALATION OF THE MONTH. IF ONE OF THEM SAYS, “ON THE THIRD,” AND ONE OF THEM SAYS, “ON THE FIFTH,” THEIR TESTIMONY IS NULL.

1. VII:1: Until what day of the month do we assume that people may not know whether it is a full month of thirty days or a defective one of twenty-nine days?

H. TOPICAL APPENDIX ON RECITING THE BLESSING OVER THE NEW MOON

1. VII:2: And said R. Aha bar Hanina said R. Assi said R. Yohanan, “Up to what point in the month do people say the blessing over the new month?”

2. VII:3: And said R. Aha bar Hanina said R. Assi said R. Yohanan, “Whoever says a blessing for the new moon at the proper time is as if he receives the Presence of God.’

3. VII:4: Tannaite authority of the house of R. Ishmael stated, “If Israel had had the sole merit of receiving the presence of their father in heaven month by month, it would have been enough for them.”

4. VII:5: Said R. Aha to R. Ashi, “In the West, they say the blessing, ‘Blessed ... is he who renews the months.’”

a. VII:6: “For with wise advice you shall make your war” (Pro. 24: 6): Said R. Aha bar Hanina said R. Assi said R. Yohanan, “In whom do you find ability to conduct the ‘war of the Torah’ of rigorous reasoning? He who possesses ‘the wise advice’ of Mishnah-learning.”

I. IF ONE OF THEM SAYS, “AT TWO,” AND ONE OF THEM SAYS, “AT THREE,” THEIR TESTIMONY STANDS. IF ONE OF THEM SAYS, “AT THREE,” AND ONE OF THEM SAYS, “AT FIVE,” THEIR TESTIMONY IS NULL. R. JUDAH SAYS, “IT STANDS.”

IF ONE OF THEM SAYS, “AT FIVE,” AND ONE OF THEM SAYS, “AT SEVEN,” THEIR TESTIMONY IS NULL. FOR AT FIVE THE SUN IS AT THE EAST, AND AT SEVEN THE SUN IS AT THE WEST.

1. VIII:1: Said R. Shimi bar Ashi, “The rule applies only to differences in hours of the day for there is a margin of error. But if one of them says, ‘It was before dawn,’ and the other says, ‘It was after dawn,’ their testimony is null.”

J. AND AFTERWARD THEY BRING IN THE SECOND WITNESS AND EXAMINE HIM. IF THEIR STATEMENTS CHECK OUT, THEY BEGIN THE ARGUMENT IN FAVOR OF ACQUITTAL. IF ONE OF THE WITNESSES SAID, “I HAVE SOMETHING TO SAY IN FAVOR OF ACQUITTAL,” OR IF ONE OF THE DISCIPLES SAID, “I HAVE SOMETHING TO SAY IN FAVOR OF CONVICTION,” THEY SHUT HIM UP. IF ONE OF THE DISCIPLES SAID, “I HAVE SOMETHING TO SAY IN FAVOR OF ACQUITTAL,” THEY PROMOTE HIM AND SEAT HIM AMONG THE JUDGES, AND HE DID NOT GO DOWN FROM THAT POSITION THAT ENTIRE DAY. IF THERE IS SUBSTANCE IN WHAT HE SAYS, THEY PAY ATTENTION TO HIM. AND EVEN IF THE ACCUSED SAID, “I HAVE SOMETHING TO SAY IN MY OWN BEHALF,” THEY PAY ATTENTION TO HIM, SO LONG AS THERE IS SUBSTANCE IN WHAT HE HAS TO SAY.

1. IX:1: That day and no more?

K. IF THEY FOUND HIM INNOCENT, THEY SENT HIM AWAY. IF NOT, THEY POSTPONE JUDGING HIM TILL THE NEXT DAY. THEY WOULD GO OFF IN PAIRS AND WOULD NOT EAT VERY MUCH OR DRINK WINE THAT ENTIRE DAY, AND THEY WOULD DISCUSS THE MATTER ALL THAT NIGHT. 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. IF THEY MADE AN ERROR IN SOME

MATTER, THE TWO JUDGES' CLERKS REMIND THEM OF WHAT HAD BEEN SAID. IF THEY NOW FOUND HIM INNOCENT, THEY SENT HIM OFF. AND IF NOT, THEY ARISE FOR A VOTE. IF TWELVE VOTE FOR ACQUITTAL AND ELEVEN VOTE FOR CONVICTION, HE IS ACQUITTED. IF TWELVE VOTE FOR CONVICTION AND ELEVEN VOTE FOR ACQUITTAL, AND EVEN IF ELEVEN VOTE FOR ACQUITTAL AND ELEVEN VOTE FOR CONVICTION, BUT ONE SAYS, "I HAVE NO OPINION," AND EVEN IF TWENTY-TWO VOTE FOR ACQUITTAL OR VOTE FOR CONVICTION, BUT ONE SAYS, "I HAVE NO OPINION, THEY ADD TO THE NUMBER OF THE JUDGES. HOW MANY DO THEY ADD? TWO BY TWO, UNTIL THERE ARE SEVENTY-ONE. IF THIRTY-SIX VOTE FOR ACQUITTAL AND THIRTY-FIVE VOTE FOR CONVICTION, HE IS ACQUITTED:

1. X:1: What is the reason for not drinking wine?

L. IF THIRTY SIX VOTE FOR CONVICTION AND THIRTY-FIVE VOTE FOR ACQUITTAL, THEY DEBATE THE MATTER, UNTIL ONE OF THOSE WHO VOTES FOR CONVICTION ACCEPTS THE ARGUMENTS OF THOSE WHO VOTE FOR ACQUITTAL.

1. XI:1: And if they do not accept the arguments?

2. XI:2: Our rabbis have taught on Tannaite authority: In property cases the court may rule, "The case is stale." In capital cases the court may not rule, "The case is stale (T. [San. 7:7A-B](#)).

XVIII. Mishnah-Tractate Sanhedrin 6:1A-G

A. WHEN THE TRIAL IS OVER, AND THE FELON IS CONVICTED, THEY TAKE HIM OUT TO STONE HIM. THE PLACE OF STONING WAS WELL OUTSIDE THE COURT, AS IT IS SAID, "BRING FORTH HIM WHO CURSED TO A PLACE OUTSIDE THE CAMP" (LEV. 24:14).

1. I:1: Now was the place of stoning merely outside the court?

2. I:2: What is the scriptural basis for the rule that the place of stoning must be outside the three camps?

a. I:3: Further proof of the same proposition.

b. I:4: As above.

B. ONE PERSON STANDS AT THE DOOR OF THE COURTHOUSE, WITH FLAGS IN HIS HAND, AND A HORSEMAN IS SOME DISTANCE FROM HIM, SO THAT HE IS ABLE TO SEE HIM:

1. II:1: Said R. Huna, "It is obvious to me that the same rule applies to the stone which is used for the stoning, the tree on which the corpse is hung, the sword with which the criminal is put to death, and the scarf with which he is strangled. All of them are paid for by the funds of the community. What is the reason? Because we cannot say to a man to go and supply his own property so that he may be put to death."

C. IF ONE OF THE JUDGES SAID, "I HAVE SOMETHING TO SAY IN FAVOR OF ACQUITTAL," THE ONE AT THE DOOR WAVES THE FLAGS, AND THE HORSEMAN RACES OFF AND STOPS THE EXECUTION:

1. III:1: R. Aha bar Huna asked R. Sheshet,” If one of the disciples said, ‘I have an argument to make in behalf of a verdict of innocence,’ and then the disciple was struck dumb, what is the law?”

D. AND EVEN IF THE CONVICTED PARTY SAYS, “I HAVE SOMETHING TO SAY IN FAVOR OF MY OWN ACQUITTAL,” THEY BRING HIM BACK, EVEN FOUR OR FIVE TIMES, SO LONG AS THERE IS SUBSTANCE IN WHAT HE HAS TO SAY

1. IV:1: Must there be substance in what he has to say even the first and the second time?

2. IV:2: How do the judges know whether or not there is substance?

XIX. Mishnah-Tractate Sanhedrin 6:1H-J

A. IF THEY THEN FOUND HIM INNOCENT, THEY DISMISS HIM, AND IF NOT, HE GOES OUT TO BE STONED.

1. I:1: Said Abbayye, “And it is necessary to say at M. 6:1J, ‘On such and such a day, at such and such an hour, in such and such a place.’ Perhaps there are people who have knowledge of the matter and they will come and prove the witnesses against the man to be perjurers.”

B. AND A HERALD GOES BEFORE HIM, CRYING OUT, “MR. SO-AND-SO, SON OF MR. SO-AND-SO, IS GOING OUT TO BE STONED BECAUSE HE COMMITTED SUCH-AND-SUCH A TRANSGRESSION, AND MR. SO-AND-SO AND MR. SO-AND-SO ARE THE WITNESSES AGAINST HIM. NOW ANYONE WHO KNOWS GROUNDS FOR ACQUITTAL — LET HIM COME AND SPEAK IN HIS BEHALF!”

1. II:1: Just before the execution, but not prior to that time. This implies, only immediately before the execution, but not previous thereto. In contradiction to this it was taught: On the eve of the Passover Yeshu was hanged. For forty days before the execution took place, a herald went forth and cried, ‘He is going forth to be stoned because he has practiced sorcery and enticed Israel to apostasy. Any one who can say anything in his favor, let him come forward and plead on his behalf.’ But since nothing was brought forward in his favor he was hanged on the eve of the Passover!

a. II:2: Exegesis of a verse cited in the foregoing.

XX. Mishnah-Tractate Sanhedrin 6:2

A. WHEN HE WAS TEN CUBITS FROM THE PLACE OF STONING, THEY SAY TO HIM, “CONFESS,” FOR IT IS USUAL FOR THOSE ABOUT TO BE PUT TO DEATH TO CONFESS. FOR WHOEVER CONFESSES HAS A SHARE IN THE WORLD TO COME. FOR SO WE FIND CONCERNING ACHAN, TO WHOM JOSHUA SAID, “MY SON, I PRAY YOU, GIVE GLORY TO THE LORD, THE GOD OF ISRAEL, AND CONFESS TO HIM, AND TELL ME NOW WHAT YOU HAVE DONE; HIDE IT NOT FROM ME. AND ACHAN ANSWERED JOSHUA AND SAID, TRULY HAVE I SINNED AGAINST THE LORD, THE GOD OF ISRAEL, AND THUS AND THUS I HAVE DONE” (JOS. 7:19):

1. I:1: The word, “I pray you,” at Jos. 7:19 means only supplication. When the Holy One, blessed be he, said to Joshua, “Israel has sinned” (Jos. 7:11), he said to

him, "Lord of the world, Who sinned?" He said to him, "Am I a squealer? Go and cast lots."

2. I:2: This matter of sins such as Achan's that have been concealed and then revealed is subject to dispute among Tannaite authorities: "The hidden things belong to the Lord our God, but the things that are revealed belong to us and our children for ever" (Deu. 29:28): Why in the Hebrew version are the words "to us and to our children" as well as the first letter of the word "for ever" dotted on the top? "This teaches that punishment was not inflicted on account of hidden sins until Israel had crossed the Jordan," the words of R. Judah.

3. I:3: "Yes, they have even transgressed my covenant which I have commanded them, yes, they have even taken of the devoted thing and have also stolen it, and dissembled also, and they have even put it among their own property" (Jos. 7:11): Said R. Ilai in the name of R. Judah bar Misparta, "This teaches that Achan violated all five books of the Torah, for the word 'yes' 'even' is used five times."

4. I:4: "And because he has wrought a wanton deed in Israel" (Jos. 7:19): Said R. Abba bar Zabeda, "This teaches that Achan had sexual relations with a betrothed girl. It is written here, 'Because he has wrought a wanton deed,' and it is written elsewhere, 'For she has wrought a wanton deed in Israel' (Deu. 22:21)."

5. I:5: Said the exilarch to R. Huna, "It is written, 'And Joshua took Achan the son of Zerah and the silver and the mantle and the wedge of gold and his sons and his daughters and his oxen and his asses and his sheep and his tent and all that he had' (Jos. 7:24). While he had sinned, how had his sons and daughters sinned?"

6. I:6: And they burned them with fire and stoned them with stones" (Jos. 7:25): By two modes of inflicting the death penalty?

7. I:7: "And I saw among the spoil a goodly mantle of Shinar and two hundred shekels of silver" (Jos. 7:21): Rab said, "It was Shachter: a silk mantle." Samuel said, "It was a cloak dyed with alum."

8. I:8: "And they laid them down before the Lord" (Jos. 7:23): Said R. Nahman, "He came and threw them down before the Lord. He said, 'Lord of the world, on account of these will as many people as constitute a majority of the great sanhedrin thirty-six of seventy-one be put to death?'"

9. I:9: Said R. Nahman said Rab, "What is the sense of the verse of Scripture, 'The poor uses entreaties, but the rich answers insolently' (Pro. 18:23)? 'The poor uses entreaties' refers to Moses. 'The rich answers insolently' refers to Joshua."

10. I:10: "And the Lord said to Joshua, Get you up" (Jos. 7:10): R. Shila expounded this verse, "Said the Holy one blessed be he to him, 'Your sin is more weighty than theirs. For I commanded, 'And it shall be when you have passed over the Jordan you shall set up these stones' (Deu. 27: 4), but you went a distance of sixty miles to Gerizim and Ebal after crossing the Jordan before setting them up.'"

11. I:11: "And it came to pass when Joshua was by Jericho that he lifted up his eyes and looked ... And he said, No, but I am captain of the host of the Lord, I am now come. And Joshua fell on his face to the earth and bowed down" (Jos. 5:13-14): How did he do this? And has not R. Yohanan said, "It is forbidden for

someone to greet his fellow by night, for we take account of the possibility that it might be a shade”? So how did Joshua greet the man and talk with him?

12. I:12: Said Abbayye to R. Dimi, “How in the West do you apply this verse: ‘Go not forth hastily to strife, for what will you do in the end of it, when your neighbor has put you to shame. Debate your cause with your neighbor, but do not reveal the secrets of another’ (Pro. 25: 8-9)?” He said to him, “When the Holy One, blessed be he, said to him, ‘Go and tell Israel, An Amorite was your father, and a Hittite was your mother’ (Eze. 16: 3), the Shachter: intercessory spirit Gabriel said before the Holy One, blessed be he, ‘Lord of the world, if Abraham and Sarah come and stand before them, will you speak this way to them and humiliate them? “Debate your cause with your neighbor, but do not reveal the secret of another!””

B. AND HOW DO WE KNOW THAT HIS CONFESSION ACHIEVED ATONEMENT FOR HIM? FOR IT IS SAID, “AND JOSHUA SAID, WHY HAVE YOU TROUBLED US? THE LORD WILL TROUBLE YOU THIS DAY” (JOS. 7:25):

1. II:1: And how do we know that his confession achieved atonement for him? For it is said, “And Joshua said, Why have you troubled us? The Lord will trouble you this day” (Jos. 7:25).

C. THIS DAY YOU WILL BE TROUBLED, BUT YOU WILL NOT BE TROUBLED IN THE WORLD TO COME:

1. III:1: And it is written, “And the sons of Zerah are Zimri, Ethan, Heman, Calcol, Darda, five in all” (1Ch. 2: 6). What is the sense of “five in all”?

D. AND IF HE DOES NOT KNOW HOW TO CONFESS, THEY SAY TO HIM, “SAY AS FOLLOWS: ‘LET MY DEATH BE ATONEMENT FOR ALL OF MY TRANSGRESSIONS.’”

R. JUDAH SAYS, “IF HE KNEW THAT HE HAD BEEN SUBJECTED TO PERJURY, HE SAYS, ‘LET MY DEATH BY ATONEMENT FOR ALL MY SINS, EXCEPT FOR THIS PARTICULAR SIN OF WHICH I HAVE BEEN CONVICTED BY FALSE TESTIMONY!’” THEY SAID TO HIM, “IF SO, THEN EVERYONE IS GOING TO SAY THAT, SO AS TO CLEAR HIMSELF.”

1. IV:1: And why not let them clear themselves?

2. IV:2: Our rabbis have taught on Tannaite authority: There was the case of a man who went out to be executed. He said, “If I have committed this sin, then let my death not be atonement for all my sins. But if I did not commit this sin, let my death be atonement for all my sins, and the court and all Israel are guiltless, but let the witnesses against me not enjoy forgiveness forever.”

XXI. Mishnah-Tractate Sanhedrin 6:3

A. WHEN HE WAS FOUR CUBITS FROM THE PLACE OF STONING, THEY REMOVE HIS CLOTHES. “IN THE CASE OF A MAN, THEY COVER HIM UP IN FRONT, AND IN THE CASE OF A WOMAN, THEY COVER HER UP IN FRONT AND BEHIND,” THE WORDS OF R. JUDAH. AND SAGES SAY, “A MAN IS STONED NAKED, BUT A WOMAN IS NOT STONED NAKED.”

1. I:1: Our rabbis have taught on Tannaite authority: “When he was four cubits from the place of stoning, they remove his clothes. “In the case of a man, they cover him up in front in part, and in the case of a woman, in front and in back in part. For a woman is wholly subject to licentious thoughts,” the words of R. Judah T. adds: which he said in the name of R. Eliezer. And sages say, “A man is stoned naked, but a woman is not stoned naked” (T. **San. 9:6B-D**).

2. I:2: Does this then imply that rabbis take account of licentious thoughts, while R. Judah does not?

XXII. Mishnah-Tractate Sanhedrin 6:4A-G

A. THE PLACE OF STONING WAS TWICE THE HEIGHT OF A MAN:

1. I:1: It has been taught on Tannaite authority: And with his own height, lo, the place of stoning was three heights of a man (T. **San. 9:6F**).

B. ONE OF THE WITNESSES WOULD PUSH HIM OVER FROM THE HIPS, SO HARD THAT HE TURNED UPWARD IN HIS FALL. HE TURNED HIM OVER ON HIS HIPS AGAIN TO SEE WHETHER HE HAD DIED. IF HE HAD DIED THEREBY, THAT SUFFICED.

1. II:1: Our rabbis have taught: How do we know that the death penalty is executed by throwing someone down? Scripture says, “And he shall be cast down” (Exo. 19:13). And how do we know that the death penalty is executed by stoning? Scripture says, “He shall be stoned” (Exo. 19:13) Cf. Deu. 22:24. And how do we know that it is executed both by stoning and by throwing down? Scripture says, “Stoning, he shall be stoned or thrown down” (Exo. 19:13).

C. IF NOT, THE SECOND WITNESS WOULD TAKE A STONE AND PUT IT ON HIS HEART. IF HE DIED THEREBY, IT SUFFICED.

1. III:1: Takes it? All by himself?! And has it not been taught on Tannaite authority: R. Simeon b. Eleazar says, “There was a stone there, a load so heavy that it was a burden for two to carry. One would take it and put it on his heart. If he died thereby, it sufficed” (T. **San. 9:6G-H**).

D. AND IF NOT, STONING HIM IS THE DUTY OF ALL ISRAELITES, AS IT IS SAID, “THE HAND OF THE WITNESSES SHALL BE FIRST UPON HIM TO PUT HIM TO DEATH, AND AFTERWARD THE HAND OF ALL THE PEOPLE” (DEU. 17: 7).

1. IV:1: But has it not been taught on Tannaite authority: It was never necessary for someone to do it a second time.

2. IV:2: Said Samuel, “If after they have testified, the hand of the witnesses should be cut off, the condemned is exempt from the penalty of stoning.”

XXIII. Mishnah-Tractate Sanhedrin 6:4H-M

A. “ALL THOSE WHO ARE STONED ARE HUNG ON A TREE AFTERWARD,” THE WORDS OF R. ELIEZER. AND SAGES SAY, “ONLY THE BLASPHEMER AND THE ONE WHO WORSHIPS AN IDOL ARE HUNG.”

1. I:1: Our rabbis have taught on Tannaite authority: “And if he be put to death, then you shall hang him on a tree” (Deu. 21:22). Might one not think that all those

who are put to death are hung? Scripture states, “For he is hanged because of a curse against God” (Deu. 21:23). “Just as the one who blasphemes is executed by stoning, so all who are subject to execution by stoning are hung,” the words of R. Eliezer =M.6:4H.

B. “AS TO A MAN, THEY HANG HIM FACING THE PEOPLE, AND AS TO A WOMAN, HER FACE IS TOWARD THE TREE,” THE WORDS OF R. ELIEZER. AND SAGES SAY, “THE MAN IS HUNG, BUT THE WOMAN IS NOT HUNG.”

1. II:1: What is the scriptural basis for the position of rabbis?

C. SAID TO THEM R. ELIEZER, “AND DID NOT SIMEON B. SHETAH HANG WOMEN IN ASHKELON?” THEY SAID TO HIM, “HE HUNG EIGHTY WOMEN, AND THEY DO NOT JUDGE EVEN TWO ON A SINGLE DAY.”

1. III:1: Said R. Hisda, “That teaching applies only when there are two different modes of inflicting the death penalty, but if it is a single mode of inflicting the death penalty, they do judge any number of capital cases in a single day.

2. III:2: It has been taught on Tannaite authority: R. Eliezer b. Jacob says, “I heard that a court may inflict floggings and penalties not in accord with the law of the Torah.”

XXIV. Mishnah-Tractate Sanhedrin 6:4N-S, 6:5

A. HOW DO THEY HANG HIM? THEY DRIVE A POST INTO THE GROUND, AND A BEAM JUTS OUT FROM IT, AND THEY TIE TOGETHER HIS TWO HANDS, AND THUS DO THEY HANG HIM. R. YOSÉ SAYS, “THE POST LEANS AGAINST A WALL, AND THEN ONE SUSPENDS HIM THE WAY BUTCHERS DO IT.” AND THEY UNTIE HIM FORTHWITH. AND IF HE IS LEFT OVERNIGHT, ONE TRANSGRESSES A NEGATIVE COMMANDMENT ON HIS ACCOUNT, AS IT IS SAID, “HIS BODY SHALL NOT REMAIN ALL NIGHT ON THE TREE, BUT YOU WILL SURELY BURY HIM ON THE SAME DAY, FOR HE WHO IS HANGED IS A CURSE AGAINST GOD” (DEU. 21:23):

1. I:1: Our rabbis have taught on Tannaite authority: Had Scripture stated, “If he has sinned, then you shall hang him,” I might have maintained that first the felon is hung, and then he is put to death, just as the government does it. Scripture accordingly says, “And he be put to death, then you shall hang him” (Deu. 21:22). The felon is put to death and afterward hung.

2. I:2: Our rabbis have taught on Tannaite authority: “Then you shall hang him on a tree” (Deu. 21:22). May I suppose that that would apply whether the tree is cut down from the ground or whether it is attached to the ground? Scripture says, “You shall surely bury him” (Deu. 21:22). That applies to a tree that now lacks only burial, excluding use of one that lacks both felling and burial. So the tree has to have been cut down before it is used.

B. THAT IS TO SAY, ON WHAT ACCOUNT HAS THIS ONE BEEN HUNG? BECAUSE HE CURSED THE NAME, SO THE NAME OF HEAVEN TURNED OUT TO BE PROFANED.

1. II:1: It has been taught on Tannaite authority: R. Meir says, “Why does Scripture say, ‘For one who is hanged is cursed by God’ (Deu. 21:23)?

C. SAID R. MEIR, “WHEN A PERSON IS DISTRESSED, WHAT WORDS DOES THE PRESENCE OF GOD SAY? AS IT WERE: ‘MY HEAD IS IN PAIN, MY ARM IS IN PAIN’. IF THUS IS THE OMNIPRESENT DISTRESSED ON ACCOUNT OF THE BLOOD OF THE WICKED WHEN IT IS SHED, HOW MUCH THE MORE SO ON ACCOUNT OF THE BLOOD OF THE RIGHTEOUS!”

1. III:1: What is the basis of Meir’s interpretation of the word ‘a curse of ...’ (QLLT)?

D. AND NOT THIS ONLY HAVE SAGES SAID, BUT WHOEVER ALLOWS HIS DECEASED TO STAY UNBURIED OVERNIGHT TRANSGRESSES A NEGATIVE COMMANDMENT BUT IF ONE KEPT A CORPSE OVERNIGHT FOR ITS OWN HONOR, E.G., TO BRING A BIER FOR IT AND SHROUDS, HE DOES NOT TRANSGRESS ON ITS ACCOUNT.

1. IV:1: Said R. Yohanan in the name of R. Simeon b. Yohai, “How on the basis of Scripture do we know that one who keeps his deceased overnight violates a negative commandment? Because Scripture says, ‘You shall surely bury him’ (Deu. 21:23). On the basis of the cited verse we learn that one who keeps his deceased overnight violates a negative commandment.”

E. BURIAL AS THE PREFERRED MODE OF DISPOSITION OF THE DECEASED

1. IV:2: Said King Shapur to R. Hama, “When in the Torah is there proof that one has to bury the deceased?”
2. IV:3: The question was raised: Is burial performed for the purpose of avoiding disgrace or for the sake of atonement?
3. IV:4: The question was raised: Is the eulogy for the sake of the living or for the sake of the dead?

F. AND THEY DID NOT BURY THE FELON IN THE BURIAL GROUNDS OF HIS ANCESTORS. BUT THERE WERE TWO GRAVEYARDS MADE READY FOR THE USE OF THE COURT, ONE FOR THOSE WHO WERE BEHEADED OR STRANGLED, AND ONE FOR THOSE WHO WERE STONED OR BURNED. E. WHEN THE FLESH HAD ROTTED, THEY THEY DO COLLECT THE BONES AND BURY THEM IN THEIR APPROPRIATE PLACE. AND THE RELATIVES OF THE FELON COME AND INQUIRE AFTER THE WELFARE OF THE JUDGES AND OF THE WITNESS. AS IF TO SAY, “WE HAVE NOTHING AGAINST YOU, FOR YOU JUDGED HONESTLY.” AND THEY DID NOT GO INTO MOURNING. BUT THEY OBSERVE A PRIVATE GRIEF, FOR GRIEF IS ONLY IN THE HEART.

1. V:1: Why such arrangements as having two burial grounds, M. 6:5F?
2. V:2: And why not set up four burial grounds to cover the four modes of execution?
3. V:3: Essay on the problem, if a wicked person dies in his wicked state, he gains atonement through his death? If he dies in his wicked state, he does not gain atonement through his death. This long essay both cites our Mishnah-rule as part of its corpus of evidence and also serves as a prologue for the following.
4. V:4: R. Ashi said, “At what point do the rites of mourning commence? It is from when the grave is closed with the grave-stone. When is atonement achieved? When the body has seen a bit of the pain of the grave. Therefore, if the rites have

been suspended as in the case of the convicted felon, they are suspended and not required.’

5. V:5: As to the grave of Rab, people would take dirt from it for an attack of fever on the first day.

6. V:6: He who weaves a shroud for a corpse — Abbayye said, “It is forbidden to use for some other purpose.” Raba said, “It is permitted.”

7. V:7: Our rabbis have taught on Tannaite authority: Those put to death by the court — their property goes to their heirs. But those put to death by the king — their property goes to the king. And R. Judah says, “Those put to death by the king — their property goes to their heirs.”

a. V:8: Secondary development of a theme tangential in the foregoing.

I. V:9: As above.

XXV. Mishnah-Tractate Sanhedrin 7:1

A. FOUR MODES OF EXECUTION WERE ASSIGNED TO THE COURT, LISTED IN ORDER OF SEVERITY:

1. I:1: Said Raba said R. Sehora said R. Huna, “Any passage stated by sages in numerical order in fact does not list matters in order of priority or posteriority except for the matter of the seven substances. As we have learned in the Mishnah: Seven substances do they pass over a bloodstain to see whether it is blood or dye: tasteless spit, water from boiled grits, urine, nitre, soap, Cimolian earth, and lion’s leaf (M. **Nid. 9:6A-B**). And it is taught at the end of the same passage: If one rubbed them on out of order, or if one rubbed on all seven substances at once, he has done nothing whatsoever (M. **Nid. 9:7K**).”

B. (1) STONING, (2) BURNING, (3) DECAPITATION, AND (4) STRANGULATION:

1. II:1: Stoning is a more severe mode of execution than burning as listed in sequence at M. 7:1B, against Simeon’s order at M. 7:1C. because it is assigned to the blasphemer and idolator.

C. R. SIMEON SAYS, “(2) BURNING, (1) STONING, (4) STRANGULATION, AND (3) DECAPITATION:”

1. III:1: Burning is a more severe mode of execution than stoning, for it is assigned to a priest’s daughter who fornicated.

2. III:2: A betrothed girl, a priest’s daughter, who committed adultery is executed by stoning. R. Simeon says, “By burning.” If she committed adultery with her father, she is executed by stoning. R. Simeon says, “By burning” (T. San. 12: 2).

3. III:3: What evidence is there concerning the view of R. Simeon that the daughter of a priest, whether betrothed or married, is executed for the crime of adultery by burning? It is accord with that which has been taught on Tannaite authority: R. Simeon says, “Two encompassing principles have been stated with reference to the priest’s daughter.” One encompassing principle refers to a betrothed girl, the other to a married woman. When the Torah states, “And the man who commits adultery with another man’s wife, even he who commits

adultery with his neighbor's wife, the adulterer and the adulteress shall surely be put to death" (Lev. 20:10). This is a general law regarding a married woman, in which a priest's daughter should be included. Likewise the law in Deu. 22:23f.: "If a damsel that is a virgin be betrothed to a husband, and a man find her in the city and lie with her, then you shall bring them both out to the gate of the city and stone them." This is a general principle for an adulterous betrothed girl, which should embrace the priest's daughter too.

4. III:4: Our rabbis have taught on Tannaite authority: "And the daughter of any priest, if she profane herself" (Lev. 21: 9): Might one think that that is the case even if she had profaned the Sabbath? Scripture states, "by playing the whore" (Lev. 21: 9): It is concerning the profanation that involves whoredom that Scripture speaks.

5. III:5: "The daughter of a priest" (Lev. 21: 9): I know only that that rule applies if she is married to a priest as will be explained. If she is married to a Levite, an Israelite, an idolator, one of impaired priestly stock, one born of a union of a couple not legally permitted to wed at all, or to a Temple slave, how do we know that the same rule applies?

6. III:6: "And the daughter of a priest, if she profanes herself by playing the harlot, she profanes her father; she shall be burned in fire" (Lev. 21: 9). Interpret the latter phrase to mean as follows: She shall be burned but the man who had intercourse with her shall not be burned. She shall be burned, but the witnesses who testify falsely against her shall not be burned.

7. III:7: "'The daughter of a priest' (Lev. 21: 9): 'I know only that the rule applies if she was married to a priest. If she was married to a Levite, an Israelite, an idolator, one of impaired priestly stock, one who was born of a union of a couple not legally permitted to wed at all, or to a Temple slave, how do we know that the same rule applies? "Scripture says, 'And the daughter of a man who is a priest' (Lev. 21: 9) — even though she is herself not of the priestly caste."

8. III:8: The ruling that a priest's daughter married to the offspring of a union of parents who cannot legally married is put to death through burning does not accord with the view of R. Meir who says the penalty is by strangling.

9. III:9: R. Eliezer says, "If she committed adultery with her father, she is put to death through burning, and is if she did so with her father in law, it is through stoning."

10. III:10: What is the source for R. Ishmael's statement?

D. THIS PROCEDURE IS HOW THE RELIGIOUS REQUIREMENT OF STONING IS CARRIED OUT:

1. IV:1: What is the sense of the Tannaite authority in saying, This procedure is how the religious requirement of stoning is carried out?

XXVI. Mishnah-Tractate Sanhedrin 7:2

A. THE RELIGIOUS REQUIREMENT OF BURNING IS CARRIED OUT AS FOLLOWS: THEY WOULD BURY HIM UP TO HIS ARMPITS IN MANURE, AND PUT A TOWEL OF

HARD MATERIAL INSIDE ONE OF SOFT MATERIAL, AND WRAP IT AROUND HIS NECK. THIS WITNESS PULLS IT TO HIM FROM ONE SIDE, AND THAT WITNESS PULLS IT TO HIM AT THE OTHER SIDE, UNTIL HE OPENS UP HIS MOUTH.

AND ONE KINDLES A WICK AND THROWS IT INTO HIS MOUTH, AND IT GOES DOWN INTO HIS BOWELS AND BURNS HIS INTESTINES.

1. I:1: What is a wick?

2. I:2: How do we know that death through burning is carried on in this way, rather than in that posited at M. 7:2H?

a. I:3: Now Moses and Aaron were walking on the way, and Nadab and Abihu were walking behind them, with all Israel after them. Said Nadab to Abihu, “When will these two elders die, so that you and I may become leaders of the generation?” Said the Holy One, blessed be he, to them, “Now let us see who will bury whom.”

I. I:4: Said R. Eleazar, “What is a disciple of a sage like in the view of an ordinary person? At the outset he is like a gold ladle. If he talks with him, he is like a silver ladle. If he accepts some sort of benefit from him, he is like an earthenware ladle.

3. I:5: Imrata, daughter of Teli, was the daughter of a priest who committed an act of adultery. R. Hama bar Tubiah had her surrounded by twigs and burned.

B. R. JUDAH SAYS, “ALSO THIS ONE: IF HE DIED AT THEIR HANDS THROUGH STRANGULATION, THEY WILL NOT HAVE CARRIED OUT THE RELIGIOUS REQUIREMENT OF BURNING IN THE PROPER MANNER. BUT: THEY OPEN HIS MOUTH WITH TONGS, AGAINST HIS WILL, KINDLE A WICK, AND THROW IT INTO HIS MOUTH, AND IT GOES DOWN INTO HIS BOWELS AND BURNS HIS INTESTINES.”

SAID R. ELEAZAR B. SADOQ, “THERE WAS THE CASE OF A PRIEST WHO COMMITTED ADULTERY. AND THEY PUT BUNDLES OF TWIGS AROUND HER AND BURNED HER.” THEY SAID TO HIM, “IT WAS BECAUSE THE COURT OF THAT TIME WAS NOT EXPERT IN THE LAW.”

1. II:1: Said R. Joseph, “It was a court made up of Sadducees.”

XXVII. Mishnah-Tractate Sanhedrin 7:3A-F

A. THE RELIGIOUS REQUIREMENT OF DECAPITATION IS CARRIED OUT AS FOLLOWS: THEY WOULD CUT OFF HIS HEAD WITH A SWORD, JUST AS THE GOVERNMENT DOES.

R. JUDAH SAYS, “THIS IS DISGUSTING. BUT THEY PUT HIS HEAD ON A BLOCK AND CHOP IT OFF WITH AN AX.” THEY SAID TO HIM, “THERE IS NO FORM OF DEATH MORE DISGUSTING THAN THIS ONE.”

1. I:1: It has been taught on Tannaite authority: Said R. Judah to sages, “I too recognize that it is a disgusting form of death, but what shall I do? For lo, the Torah has said, ‘You will not follow their ordinances’ (Lev. 18: 3)” (T. **San. 9:11C-H**).

2. I:2: And as to what we have learned in the Mishnah: And these are those who are put to death through decapitation: the murderer and the townsfolk of an

apostate town (M. [San. 9:1D-E](#)), What is the scriptural basis for decapitation in these crimes?

XXVIII. Mishnah-Tractate Sanhedrin 7:3G-J

A. THE RELIGIOUS REQUIREMENT OF STRANGULATION IS CARRIED OUT AS FOLLOWS: THEY WOULD BURY HIM IN MANURE UP TO HIS ARMPITS, AND PUT A TOWEL OF HARD MATERIAL INSIDE ONE OF SOFT MATERIAL, AND WRAP IT AROUND HIS NECK. THIS WITNESS PULLS IT TO HIM FROM ONE SIDE, AND THAT WITNESS PULLS IT TO HIM AT THE OTHER SIDE, UNTIL HE PERISHES.

1. I:1: Our rabbis have taught on Tannaite authority: “And the man who commits adultery with another man’s wife, even he who commits adultery with his neighbor’s wife, the adulterer and the adulteress shall surely be put to death” (Lev. 20:10). “A man” — excluding a minor. “... who commits adultery with another man’s wife” — excluding the wife of a minor.

2. I:2: Said R. Zira to Abbaye, “As to the rest of those who are put to death through stoning, in connection with those cases Scripture does not explicitly specify that stoning is the mode of inflicting the death penalty, so that stoning is the choice mode of execution is a proposition we derive by analogy to the case of the necromancer or wizard put to death through stoning, on the basis of which relevant phrase of those specified at B do we derive that fact?”

XXIX. Mishnah-Tractate Sanhedrin 7:4A-R

A. THESE ARE THE FELONS WHO ARE PUT TO DEATH BY STONING: HE WHO HAS SEXUAL RELATIONS WITH HIS MOTHER,

1. I:1: It has been taught on Tannaite authority: R. Judah says, “If his mother was not fit to be married to his father, he is liable only on the count of her being his mother but not on the count of her being a married woman, (T. [San. 10:1A](#)). What is the meaning of his statement if she was not fit to be married to his father?”

B. WITH THE WIFE OF HIS FATHER, WITH HIS DAUGHTER-IN-LAW, WITH A MALE, AND WITH A COW; AND THE WOMEN WHO BRINGS AN OX ON TOP OF HERSELF; AND HE WHO BLASPHEMES, HE WHO PERFORMS AN ACT OF WORSHIP FOR AN IDOL, HE WHO GIVES OF HIS SEED TO MOLECH, HE WHO IS A FAMILIAR SPIRIT, AND HE WHO IS A SOOTHSAYER; HE WHO PROFANES THE SABBATH, HE WHO CURSES HIS FATHER OR HIS MOTHER. HE WHO HAS SEXUAL RELATIONS WITH A BETROTHED MAIDEN, HE WHO BEGUILLES ENTICES A WHOLE TOWN TO IDOLATRY, A SORCERER, AND A STUBBORN AND INCORRIGIBLE SON. HE WHO HAS SEXUAL RELATIONS WITH HIS MOTHER IS LIABLE ON HER ACCOUNT BECAUSE OF HER BEING HIS MOTHER AND BECAUSE OF HER BEING HIS FATHER’S WIFE LEV. 18: 6-7, 20:11.

R. JUDAH SAYS, “HE IS LIABLE ONLY ON ACCOUNT OF HER BEING HIS MOTHER ALONE.”

HE WHO HAS SEXUAL RELATIONS WITH HIS FATHER’S WIFE IS LIABLE ON HER ACCOUNT BECAUSE OF HER BEING HIS FATHER’S WIFE AND BECAUSE OF HER BEING A MARRIED WOMAN, WHETHER THIS IS IN THE LIFETIME OF HIS FATHER OR AFTER

THE DEATH OF HIS FATHER, WHETHER SHE IS ONLY BETROTHED OR ALREADY MARRIED TO THE FATHER:

1. II:1: When R. Isaac came, he repeated the Mishnah passage as we have learned it: 'R. Judah says, "He is liable only on account of her being his mother" M. 7:4L.' He then said, "And what is the scriptural basis for his view that the rule applies not only when she is forbidden to the father, but under all circumstances?"

C. HE WHO HAS SEXUAL RELATIONS WITH HIS DAUGHTER-IN-LAW IS LIABLE ON HER ACCOUNT BECAUSE OF HER BEING HIS DAUGHTER-IN-LAW AND BECAUSE OF HER BEING ANOTHER MAN'S WIFE, WHETHER THIS IS IN THE LIFETIME OF HIS SON OR AFTER THE DEATH OF HIS SON LEV. 20:12, WHETHER SHE IS ONLY BETROTHED OR ALREADY MARRIED TO THE SON:

1. III:1: While the Mishnah imposes liability on the count of her being his daughter-in-law and on the count of her being another man's wife, why not in addition impose a penalty on the count of her being his son's wife?

XXX. Mishnah-Tractate Sanhedrin 7:4S-V

A. HE WHO HAS SEXUAL RELATIONS WITH A MALE:

1. I:1: How do we know on the basis of Scripture that the penalty of pederasty is stoning?

B. ...OR A COW:

1. II:1: How on the basis of Scripture do we know that the rule applies to a beast?

a. II:2: He who has sexual relations with a male or serves as a passive partner of a male — Said R. Abbahu, "In the view of R. Ishmael, he is liable on two counts, one on the count of, 'You shall not lie with mankind,' and the other on the count, 'There shall not be a sodomite of the sons of Israel. But on the view of R. Aqiba, he is liable on only one count, 'You shall not lie' and 'you shall not be lain with' constitute a single statement each one based on revocalization of a single passage."

b. II:3: He who is a passive partner for a male and for a beast — Said R. Abbahu, "In the view of R. Aqiba, he is liable on two counts, one on the count of, 'You shall not lie with mankind' (Lev. 18: 2), and the other on the count, 'You shall not lie with any beast' (Lev. 18:23). But in the view of R. Ishmael, he is liable on only one count, both items deriving from the verse, 'There shall be no sodomite' (Deu. 23:18)."

2. II:4: Our rabbis have taught on Tannaite authority: As to sexual relations with a male, sages have not treated a minor boy as equivalent to an adult, but as to sexual relations with a beast, sages have treated a minor girl as equivalent to an adult.

C. AND THE WOMAN WHO BRINGS AN OX ON TOP OF HERSELF:

IF THE HUMAN BEING HAS COMMITTED A SIN, WHAT SIN HAS THE BEAST COMMITTED? BUT BECAUSE A HUMAN BEING HAS OFFENDED THROUGH IT, THEREFORE THE SCRIPTURE HAS SAID, "LET IT BE STONED." ANOTHER MATTER: SO THAT THE BEAST SHOULD NOT AMBLE THROUGH THE MARKET PLACE, WITH

PEOPLE SAYING, “THIS IS THE ONE ON ACCOUNT OF WHICH MR. SO-AND-SO GOT HIMSELF STONED.”

1. III:1: R. Nahman son of R. Hisda expounded, “In the case of a woman there are two ways in which sexual relations may take place, but in the case of a beast, only one.”
2. III:2: It has been taught on Tannaite authority: A male nine years and one day old who has sexual relations with a beast, whether via the vagina or the anus, And a woman who has sexual relations with a beast, whether via the vagina or the anus, is liable
3. III:3: Said Rabina to Raba, “As to him who commits the first stage of sexual relations with a male, what is the law?”
4. III:4: R. Ahadboi bar Ammi asked R. Sheshet, “He who reaches the first stage of sexual activity through masturbation — what is the law?”
5. III:5: The question was asked of R. Sheshet, “As to an idolator who had sexual relations with a beast — what is the law? For the stoning of the beast, we require both a stumbling stock and disgrace, and while the beast indeed is a stumbling block, there is no consideration of disgrace since gentiles do this sort of thing routinely.”

XXXI. Mishnah-Tractate Sanhedrin 7:5

A. HE WHO BLASPHEMES IS LIABLE ONLY WHEN HE HAS FULLY PRONOUNCED THE DIVINE NAME:

1. I:1: A Tannaite authority states, “... When he has cursed the divine Name by Name.” What is the source of this rule?

B. THE RELIGIOUS OBLIGATIONS OF THE CHILDREN OF NOAH: IDOLATORS AND SLAVES

1. I:2: Our rabbis have taught on Tannaite authority: “Any man who curses his God shall bear his sin” (Lev. 24:15)”: It would have been clear had the text simply said, “A man.” Why does it specify, “Any”? It serves to encompass idolators, who are admonished not to curse the Name, just as Israelites are so admonished
2. I:3: Our rabbis have taught on Tannaite authority: Concerning seven religious requirements were the children of Noah commanded: setting up courts of justice, idolatry, blasphemy, cursing the Name of God, fornication, bloodshed, thievery, and cutting a limb from a living beast (T. **A.Z. 8: 4**). R. Hananiah b. Gamaliel says, “Also on account of blood deriving from a living beast.” R. Hidqa says, “Also on account of castration.” R. Simeon says, “Also on account of witchcraft.”
3. I:4: Said R. Joseph, “Disciples of the house of one master said, ‘On account of violating three religious duties are children of Noah put to death: on account of adultery, murder, and blasphemy.’”
4. I:5: R. Huna, R. Judah, and all the disciples of Rab say, “On account of seven commandments a son of Noah is put to death. The All-Merciful revealed that fact of one of them, and the same rule applies to all of them.”

5. I:6: R. Jacob bar Aha found that it was written in the book of the lore of the house of Rab, “A son of Noah is put to death by a court consisting of a single judge, on the testimony of a single witness, not after appropriate admonition, on the testimony of a man but not on the testimony of a woman, but even if the witness is a relative.”

6. I:7: Said R. Abia the elder to R. Pappa, “Might I propose that a daughter of Noah who committed murder should not be put to death? ‘At the hand of man who committed murder’ — and not the hand of woman’ is what is written at Gen. 9: 6.”

7. I:8: Our rabbis have taught on Tannaite authority: “A man, a man shall not approach any who is near of kin to him, to uncover their nakedness” (Lev. 18: 6): As to the word, “A man,” why does Scripture say it twice? It serves to encompass Samaritans gentiles, indicating that they are admonished, just like Israelites, against sexual relations with close relatives.

a. I:9: Gloss of a detail of the foregoing: “In the case of any form of prohibited sexual relationship for which an Israelite court inflicts the death penalty, the children of Noah are subject to warning. If an Israelite court does not inflict the death penalty in the case at hand, a son of Noah is not subject to warning with respect to it,” the words of R. Meir. And sages say, “There are many prohibited relationships with respect to which an Israelite court does not inflict the death-penalty, and the children of Noah are warned with respect to them. If one has had sexual relations with a woman prohibited by Israelite law, he is tried in accord with Israelite law. If he had sexual relations in violation of Noahide law, he is judged in accord with Noahide law. But only the prohibition of sexual relations with a betrothed maiden falls into the category at hand, in which Israelite law prohibits such a relationship and Noahide law does not” (T. **A.Z. 8:G-I**).

9. I:10: Said R. Hisda, “A slave is permitted to marry his mother and permitted to marry his daughter, for he has ceased to fall into the category of the Samaritan gentile and has not yet entered the category of Israelite.”

10. I:11: When R. Dimi came, he said R. Eliezer said R. Hanina said, “A Noahide who set aside a slave-girl for his slave-boy and then had sexual relations with her is put to death on her account.”

11. I:12: Said R. Eleazar said R. Hanina, “A son of Noah who had anal intercourse with his wife is liable, for it is said, ‘And he shall cleave’ (Gen. 2:24) — by vaginal and not by anal intercourse.”

12. I:13: Said R. Hanina, “An idolator who hit an Israelite is liable to the death penalty.”

a. I:14: Said R. Simeon b. Laqish, “He who raises his hand against his fellow, even though he did not actually hit him, is called a wicked man.”

b. I:15: And R. Simeon b. Laqish said, “What is the meaning of the verse of Scripture, ‘He who serves his land meaning: tills his plot shall be satisfied with bread’ (Pro. 12:11)? If a man turns himself into a slave for

his property, he shall have enough bread, and if not, he shall not have enough bread.”

13. I:16: And R. Simeon b. Laqish said, “An idolator who keeps the Sabbath incurs the death penalty.”

14. I:17: And R. Yohanan said, “An idolator who takes up study of the Torah incurs the death penalty.”

15. I:18: R. Hanina says, “Also children of Noah must not eat blood drawn from a living beast.”

16. I:19: Why was it necessary to state the commandments just cited to the sons of Noah and then to repeat them at Sinai?

17. I:20: Said R. Judah said Rab, “As to the first man, he was not permitted to eat meat.”

18. I:21: R. Simeon says, “Also witchcraft is forbidden to the children of Noah” (T. **A.Z. 8:6M**).

19. I:22: R. Eleazar says, “Also as to mixed seeds” (T. **A.Z. 8:8A**): What is the scriptural basis for this position?

C. SAID R. JOSHUA B. QORHA, “ON EVERY DAY OF A TRIAL THEY EXAMINE THE WITNESSES WITH A SUBSTITUTED NAME, SUCH AS, ‘MAY YOSÉ SMITE YOSÉ.’ ONCE THE TRIAL IS OVER, THEY WOULD NOT PUT HIM TO DEATH ON THE BASIS OF EVIDENCE GIVEN WITH THE SUBSTITUTED EUPHEMISM, BUT THEY CLEAR THE COURT AND ASK THE MOST IMPORTANT OF THE WITNESSES, SAYING TO HIM, ‘SAY, WHAT EXACTLY DID YOU HEAR IN DETAIL?’ AND HE SAYS WHAT HE HEARD:”

1. II:1: Said R. Aha bar Jacob, “One is liable only if he curses the name made up of four letters, thus excluding a name made up of two letters, which is not subject to a curse and use of which is not punishable.”

D. ...AND THE JUDGES STAND ON THEIR FEET AND TEAR THEIR CLOTHING:

1. III:1: How do we know that the judges rise to their feet?

E. AND NEVER SEW THEM BACK UP.

1. IV:1: How do we know this?

2. IV:2: Our rabbis have taught on Tannaite authority: All the same are the one who actually hears the blasphemy and the one who hears it from the one who heard it. Both are liable to tear their garments.

3. IV:3: Said R. Judah said Samuel, “He who hears the name of God blasphemed by an idolator does not have to tear his clothes, whose blasphemy the king and court tore their clothes, in point of fact, he was an Israelite apostate. And R. Judah said Samuel said, “People tear their clothes only on account of the four-lettered name of God used as a curse.”

F. AND THE SECOND WITNESS SAYS, “ALSO I HEARD WHAT HE HEARD:”

1. V:1: Said R. Simeon b. Laqish, “It follows from this rule that the language, ‘Also I heard what he heard,’ is valid in property cases as well as in capital cases.”

G. AND THE THIRD WITNESS SAYS, “ALSO I HEARD WHAT HE HEARD:”

1. VI:1: The unattributed statement at hand accords with the principle of R. Aqiba, who treats three witnesses as equivalent to two.

XXXII. Mishnah-Tractate Sanhedrin 7:6

A. HE WHO PERFORMS AN ACT OF WORSHIP FOR AN IDOL — ALL THE SAME ARE THE ONE WHO PERFORMS AN ACT OF SERVICE, WHO ACTUALLY SACRIFICES, WHO OFFERS UP INCENSE, WHO POURS OUT A LIBATION OFFERING, WHO BOWS DOWN:

1. I:1: What is the meaning of all the same are the one who performs an act of service?

2. I:2: What is the biblical source for the fact that these acts of worship impose guilt?

a. I:3: Gloss of a detail of the foregoing.

b. I:4: Said Raba bar R. Hanan to Abbaye, “Might I say that prostration is subjected to explicit discussion to impose its traits on the general rule at hand the view that prostration was singled out to testify to its own traits, not to impose its traits on the definition of other culpable actions?”

2. I:5: R. Hamnuna’s oxen got lost on him. While searching for them he met Rabbah and laid out for him two passages of the Mishnah which he deemed to contradict one another: “We have learned in the Mishnah: he who performs an act of worship for an idol, meaning that if he actually performed such an act, he is liable but if he merely said, ‘I shall do it,’ he is not liable. But we have also learned in the Mishnah: He who says, ‘I am going to worship,’ ‘I shall go and worship,’ ‘Let’s go and worship’ . This bears the implication that merely saying, not doing, also is penalized.”

3. I:6: It has been stated on Amoraic authority: He who does an act of worship for an idol, whether from love or from fear, Abbaye said, “He is liable.” Raba said, “He is exempt.”

4. I:7: R. Zakkai repeated on Tannaite authority before R. Yohanan, “If a person sacrificed, burned incense, poured out a libation, and prostrated himself to an idol in one spell of inadvertence not knowing that any form of service to an idol is forbidden, he is liable on only one count.”

B. ...AND THE ONE WHO ACCEPTS IT UPON HIMSELF AS A GOD, SAYING TO IT, “YOU ARE MY GOD:”

1. II:1: Said R. Nahman said Rabbah bar Abbuha said Rab, “Once one has said to it, ‘You are my god,’ he is liable.”

C. BUT THE ONE WHO HUGS, IT, KISSES IT, POLISHES IT, SWEEPS IT, AND WASHES IT, ANOINTS IT, PUTS CLOTHING ON IT, AND PUTS SHOWS ON IT, MERELY TRANSGRESSES A NEGATIVE COMMANDMENT EXO. 20: 5.

1. III:1: When R. Dimi came from Palestine, he said R. Eleazar said, “On account of all of the actions listed at M. 7:6Dff. one is given a flogging, except for the one who takes a vow in its name or who carries out a vow made in its name

D. HE WHO TAKES A VOW IN ITS NAME, AND HE WHO CARRIES OUT A VOW MADE IN ITS NAME TRANSGRESS A NEGATIVE COMMANDMENT.

HE WHO UNCOVERS HIMSELF TO BAAL PEOR IS STONED, FOR THIS IS HOW ONE PERFORMS AN ACT OF SERVICE TO IT. HE WHO TOSSES A PEBBLE AT MERKOLIS HERMES IS STONED, FOR THIS IS HOW ONE PERFORMS AN ACT OF SERVICE TO IT.

1. IV:1: How do we know that this is the case for him who vows in its name or who carries out a vow made in its name?
2. IV:2: When Ulla came, he stayed at the City of Nebo. Said Raba to him, “And where did the master lodge?” He said to him, “In the City of Nebo.” He said to him, “Is it not written, ‘And do not mention the name of other gods’ (Exo. 23:13)?”
3. IV:3: Said R. Nahman, “Any form of mockery is forbidden except for mockery of idolatry, which is permitted.”
4. IV:4: Said R. Isaac, “What is the meaning of the following verse of Scripture: ‘And now they sin more and more and have made for themselves molten images of their silver and idols in their image’ (Hos. 13: 2)? What is the meaning of ‘idols in their image’? This teaches that each one of them made an image of his god and put it in his pocket. When he called it to mind, he took it out of his pocket and embraced it and kissed it.”
5. IV:5: Said R. Judah said Rab, “‘And the men of Babylonia made Succoth-benoth’ (2Ki. 17:30) among idols brought by gentiles who resettled Samaria after the deportation. What was it? It was a chicken.”
6. IV:6: Said R. Judah said Rab, “The Israelites know that idolatry was of no substance and did not perform acts of idolatry except with the intent of allowing themselves publicly to engage in consanguineous sexual relations.”
7. IV:7: Said R. Judah said Rab, “There was the case of a gentile woman who was very sick. She said, ‘If that woman I survive this illness, she will go and worship every idol in the world.’ She recovered from the illness and went and worshipped every idol in the world...”
8. IV:8: Our rabbis have taught on Tannaite authority: There is the case of Sabta of Eles, who hired his ass to a gentile woman. When she came to Peor, she said to him, “Wait for me while I go in and come out.”
 - a. IV:9: Illustration of a secondary detail of the foregoing. R. Menassia was going along to Be Torta. They pointed out to him, “There is an idol standing here.” He took a stone and threw it at it. They said to him, “It is Mercury.”

XXXIII. Mishnah-Tractate Sanhedrin 7:7A-E

A. HE WHO GIVES OF HIS SEED CHILD TO MOLECH IS LIABLE ONLY WHEN HE WILL BOTH HAVE GIVEN HIM TO MOLECH AND HAVE PASSED HIM THROUGH FIRE. IF HE GAVE HIM TO MOLECH BUT DID NOT PASS HIM THROUGH FIRE, PASSED HIM THROUGH FIRE BUT DID NOT GIVE HIM TO MOLECH, HE IS NOT LIABLE — UNTIL

HE WILL BOTH HAVE GIVEN HIM TO MOLECH AND HAVE PASSED HIM THROUGH FIRE.

1. I:1: The Mishnah at M. 7:4 refers to both idolatry in general and giving to Molech in particular treating them as separate. This would imply that giving a child to Molech is not an act of idolatry.
2. I:2: Said R. Yannai, “One is liable only if he hands his son over to the worshippers of an idol.”
3. I:3: Said R. Aha, son of Raba, “If one passed all of his children through fire, he is exempt.”
4. I:4: R. Ashi raised the question, “If one passed a blind son through fire, what is the law? If he passed through a son who was asleep, what is the law? If he passed through the son of his son or the son of his daughter, what is the law?”
5. I:5: Said R. Judah, “One is liable only when he will have passed him through fire in the usual way (T. **San. 10:4B**).”
6. I:6: Said R. Yosé bar Hanina, “The three references to extirpation on account of idolatry serve what purpose? These are at Lev. 20: 2-5, ‘Whoever gives of his seed to Molech will I cut off from among his people,’ ‘And if the people of the land kill him not, then I will set my face against that man... and will cut him off,’ and, at Num. 15:30: ‘But the soul that does something presumptuously... shall be cut off from among his people.’ One serves to state the penalty for worship in the normal way, one serves to state the penalty for idol worship not in the normal way, and one states the penalty for worship of Molech.”

XXXIV. Mishnah-Tractate Sanhedrin 7:7F-I

A. HE WHO HAS A FAMILIAR SPIRIT — THIS IS A VENTRILOQUIST, WHO SPEAKS FROM HIS ARMPITS; AND HE WHO IS A SOOTHSAYER — THIS IS ONE WHOSE SPIRIT SPEAKS THROUGH HIS MOUTH — LO, THESE ARE PUT TO DEATH BY STONING. AND THE ONE WHO MAKES INQUIRY OF THEM IS SUBJECT TO A WARNING:

1. I:1: What is the reason that, in the present passage, the framer of the passage refers to both one who has a familiar spirit and also a soothsayer at M. **7:7F, G**, while at the list of those who are put to their death through extirpation, the one who has a familiar spirit is included in the list, but the one who is a soothsayer is omitted at M. **Ker. 1:1**? Said R. Yohanan, “It is because both of them are encompassed in a single negative commandment at Lev. 19:31, ‘Do not recognize those who have familiar spirits or soothsayers’.” R. Simeon b. Laqish said, “The soothsayer is omitted at M. **Ker. 1:1**, because there is no concrete deed that he does.”
2. I:2: He who has a familiar spirit — this is one who has a ventriloquist which speaks from between his joints and from between his elbows. A soothsayer — this one who has the bone of a familiar spirit in his mouth, and it speaks on its own (T. **San. 10:6A-B**).
3. I:3: Our rabbis have taught on Tannaite authority: He who inquires of the dead (Deu. 18:11) — all the same are the one who raises up the dead by divining and

the one who makes inquiry of a skull. What is the difference between one who makes inquiry of a skull and one who raises up the dead by witchcraft? For the one who raises up the dead by witchcraft — the ghost does not come up in his normal way and does not come up on the Sabbath. But the one who makes inquiry of a skull — the spirit comes up in the normal way and comes up on the Sabbath (T. **San. 10:7A-D**).

a. I:4: And so too did Turnus-rufus ask R. Aqiba, “What distinguishes one day the Sabbath from all other days?”

5. I:5: One who asks a question of a familiar spirit — is this not the same as one who seeks after the death?

6. I:6: Our rabbis have taught on Tannaite authority: One who observes the times (Deu. 18:10) — R. Simeon says, “This is one who rubs the semen of seven sorts of men in his eyes.” And sages say, “This is one who holds peoples’ eyes giving them hallucinations.”

XXXV. Mishnah-Tractate Sanhedrin 7:8A

A. HE WHO PROFANES THE SABBATH M. 7:4E — IN REGARD TO A MATTER, ON ACCOUNT OF THE DELIBERATE DOING OF WHICH THEY ARE LIABLE TO EXTIRPATION, AND ON ACCOUNT OF THE INADVERTENT DOING OF WHICH THEY ARE LIABLE TO A SIN-OFFERING.

1. I:1: This statement bears the implication that there is a form of profanation of the Sabbath on account of which people are not liable to a sin-offering should they do it inadvertently, or to extirpation if they do it deliberately.

XXXVI. Mishnah-Tractate Sanhedrin 7:8B-E

A. HE WHO CURSES HIS FATHER AND HIS MOTHER M. 7:4F IS LIABLE ONLY WHEN HE WILL HAVE CURSED THEM BY THE DIVINE NAME. IF HE CURSED THEM WITH A EUPHEMISM, R. MEIR DECLARES HIM LIABLE. AND SAGES DECLARE HIM EXEMPT.

1. I:1: Who are the sages of M. 7:8E?

2. I:2: Our rabbis have taught on Tannaite authority: “For any man that curses his father of his mother shall surely be put to death; his father and his mother he has cursed; his blood shall be upon him” (Lev. 20: 9). Why does Scripture say “any man”? It serves to encompass a daughter, one of undefined sexual traits, and one who exhibits the traits of both sexes.

3. I:3: “He shall surely be put to death” (Lev. 20: 9). That is, by execution through stoning. You say that it is through stoning. But perhaps it is by any one of the other modes of execution that are listed in the Torah.

XXXVII. Mishnah-Tractate Sanhedrin 7:9

A. HE WHO HAS SEXUAL RELATIONS WITH A BETROTHED MAIDEN IS LIABLE ONLY IF SHE IS A VIRGIN MAIDEN, BETROTHED, WHILE SHE IS YET IN HER FATHER’S HOUSE.

IF TWO DIFFERENT MEN HAD SEXUAL RELATIONS WITH HER, THE FIRST ONE IS PUT TO DEATH BY STONING, AND THE SECOND BY STRANGULATION. THE SECOND PARTY, B. HAS NOT HAD INTERCOURSE WITH A VIRGIN (M. 11: 1). THE MAIDEN IS BETWEEN TWELVE YEARS AND ONE DAY AND TWELVE YEARS SIX MONTHS AND ONE DAY OLD.

1. I:1: Our rabbis have taught on Tannaite authority: “If a girl that is a virgin is betrothed to a husband” (Deu. 22:23): “Girl” and not either a minor, under twelve years, or a mature woman. “A virgin” — and not one who has had sexual relations. “Betrothed” and not one in a fully consummated marriage. “In her father’s house” — excluding a case in which the father has given the girl over to the agent of the husband.

2. I:2: R. Jacob bar Ada asked Rab, “If one has had sexual relations with a minor who was betrothed, in R. Meir’s view, what is the law? Does he exclude such an act entirely from any sort of punishment or is it from the penalty of stoning that he excludes the action by the exegesis given at unit I.1?”

a. I:3: The foregoing follows the lines of the following dispute among Tannaite authorities

a. I:4: Our rabbis have taught on Tannaite authority: “And the daughter of any priest, if she profane herself by playing the whore” (Lev. 21: 9). Rabbi says, “The verse refers to the first such action. And so it is written, ‘Then the man only who lies with her shall die’ (Deu. 22:25).”

XXXVIII. Mishnah-Tractate Sanhedrin 7:10A-N

A. HE WHO BEGUILES OTHERS TO IDOLATRY M. 7:4H — THIS REFERS TO AN ORDINARY FELLOW:

1. I:1: The one who beguiles others is an ordinary fellow (M. 7:10A) so he is put to death through stoning. But if he were a prophet, he would be put to death through strangulation.

B. ...WHO BEGUILES SOME OTHER ORDINARY FELLOW:

IF HE SPOKE IN SUCH A WAY TO TWO, AND THEY SERVE AS WITNESSES AGAINST HIM, THEY BRING HIM TO COURT AND STONE HIM. IF HE SPOKE IN SUCH A WAY TO ONLY ONE PERSON, THE LATTER THEN SAYS TO HIM, “I HAVE SOME FRIENDS WHO WILL WANT THE SAME THING.” IF HE WAS CLEVER AND NOT PREPARED TO SPEAK IN THE FRIENDS’ PRESENCE, THEY HIDE WITNESSES ON THE OTHER SIDE OF THE PARTITION, AND HE SAYS TO HIM, “TELL ME WHAT YOU WERE SAYING TO ME NOW THAT WE ARE BY OURSELVES.” AND THE OTHER PARTY SAYS TO HIM WHAT HE HAD SAID, AND THEN THIS PARTY SAYS, “NOW HOW ARE WE GOING TO ABANDON OUR GOD WHO IS IN HEAVEN AND GO AND WORSHIP STICKS AND STONES?” IF HE REPENTS, WELL AND GOOD. IF HE SAID, “THIS IS WHAT WE ARE OBLIGATED TO DO, AND THIS IS WHAT IS GOOD FOR US TO DO,” THOSE WHO STAND ON THE OTHER SIDE OF THE PARTITION BRING HIM TO COURT AND STONE HIM. HE WHO BEGUILES OTHERS IS ONE WHO SAYS, “I AM GOING TO WORSHIP,” “I SHALL MAKE AN OFFERING,” “I SHALL OFFER INCENSE,” “I SHALL GO AND OFFER INCENSE,” “LET’S GO AND OFFER INCENSE,” “I SHALL MAKE A LIBATION,” “I

SHALL GO AND MAKE A LIBATION,” “LET’S GO AND MAKE A LIBATION,” “I SHALL BOW DOWN,” “I SHALL GO AND BOW DOWN,” “LET’S GO AND BOW DOWN.” IF HE SAID TO HIM, “THERE IS A GOD IN SUCH A PLACE, WHO EATS THUS, DRINKS THUS, DOES GOOD IN ONE WAY, AND HARM IN ANOTHER” — AGAINST ALL THOSE WHO ARE LIABLE TO THE DEATH PENALTY IN THE TORAH THEY DO NOT HIDE WITNESSES FOR THE PURPOSES OF ENTRAPMENT EXCEPT FOR THIS ONE.

1. II:1: But if it had been a community, he would have been put to death through strangulation. In accord with which authority is the Mishnah-paragraph before us? It is R. Simeon.

2. II:2: R. Pappa said, “When the Mishnah says, He who beguiles others refers to an ordinary fellow who beguiles some other ordinary fellow, it is for the purpose of entrapment.”

XXXIX. Mishnah-Tractate Sanhedrin 7:10/O-7:11

A. HE WHO LEADS A WHOLE TOWN ASTRAY M. 10:4H IS ONE WHO SAYS, “LET’S GO AND PERFORM AN ACT OF SERVICE TO AN IDOL.”

1. I:1: Said R. Judah said Rab, “Subject to the present statement of the Mishnah are those who entice a whole town to apostasy.”

B. THE SORCERER — HE WHO DOES A DEED IS LIABLE, BUT NOT THE ONE WHO MERELY CREATES AN ILLUSION:

1. II:1: Our rabbis have taught on Tannaite authority: “You shall not permit a sorceress to live” (Exo. 22:17). The same rule applies to a sorcerer and to a sorceress. Why then does Scripture speak of a sorceress? It is because it is mainly women who practice sorcery.

2. II:2: How are they put to death? R. Yosé the Galilean says, “Here it is stated, ‘You shall not permit a sorceress to live’ (Exo. 22:17) and elsewhere it is written, ‘You shall not allow anything that breathes to live’ (Deu. 20:17) Just as in that context the Canaanite nations, everything is put to death through decapitation, so here it is through decapitation.” R. Aqiba says, “Here it is stated, ‘You shall not permit a sorceress to live’ (Exo. 22:17), and elsewhere it is stated, ‘There shall not a hand touch it, but he shall surely be stoned or shot through, whether it be beast or man it shall not live’ (Exo. 19:13). Just as in that passage having to do with the avoidance of Sinai before the giving of the Torah, the penalty is through stoning, so here too the penalty is through stoning.”

3. II:3: R. Yohanan said, “Why are they called sorcerers? Because they deny the power of the family above a play on the word for sorcery.”

4. II:4: Said Abbaye, “If the sorcerer uses exact methods, it is through a demon. If the sorcery does not work through exact methods, it is through enchantment.”

a. II:5: Case: Said R. Ashi, “I saw the father of Qarna blow his nose hard and ribbons of silk came out of his nostrils.”

b. II:6: Case: “Then the magicians said to Pharaoh, This is the finger of God” (Exo. 8:19). Since the reference is to the creation of lice, which the Egyptian sorcerers could not do, said R. Eleazar, “On the basis of that

statement we learn that a demon cannot make a creature smaller than a barley seed.”

c. II:7: Case: Yannai came to an inn. He said to them, “Give me some water to drink.” They brought him a flour-and-water drink. He saw that the woman’s lips were moving. He poured out a little of the drink, and it turned into scorpions. He said to them, “I drank something of yours, now you take a drink of mine.”

d. II:8: “And the frog came up and covered the land of Egypt” (Exo. 8: 6): Said R. Eleazar, “It was one frog, and it multiplied into a swarm and filled the whole land of Egypt.”

C. R. AQIBA SAYS IN THE NAME OF R. JOSHUA, “TWO MAY GATHER CUCUMBERS. ONE GATHERER MAY BE EXEMPT, AND ONE GATHERER MAY BE LIABLE. LIKEWISE: HE WHO DOES A DEED IS LIABLE, BUT HE WHO MERELY CREATES AN ILLUSION IS EXEMPT.”

1. III:1: Did R. Aqiba learn his knowledge of magic from R. Joshua? And have we not learned in a Tannaite teaching that he learned his magic from R. Eleazar?

XL. Mishnah-Tractate Sanhedrin 8:1

A. A REBELLIOUS AND INCORRIGIBLE SON — AT WHAT POINT DOES A CHILD BECOME LIABLE TO BE DECLARED A REBELLIOUS AND INCORRIGIBLE SON? FROM THE POINT AT WHICH HE WILL PRODUCE TWO PUBIC HAIRS:

1. I:1: How do we know on the basis of Scripture that a minor is exempt?

B. ...UNTIL THE ‘BEARD’ IS FULL — (THAT IS THE LOWER PUBIC, NOT THE UPPER FACIAL, BEARD, BUT THE SAGES USED EUPHEMISMS). AS IT IS SAID, “IF A MAN HAS A SON” (DEU. 21:18)

1. II:1: R. Hiyya taught on Tannaite authority, “Until it surrounds the corona.”

2. II:2: Said R. Hisda, “If a minor male produced a child, his son is not subject to the law of a wayward and rebellious son, for it is said, ‘If a man has a son’ (Deu. 21:18), meaning, when a man has a son, and not ‘when a son has a son.’”

3. II:3: Now as to the Tannaite authority of the house of Ishmael, who taught, ‘If a man has a son’ (Deu. 21:18) means, a son but not a father so that if the son is himself a father already, the law does not apply, how would such a case be possible? We recall that the Mishnah has defined the period of liability as that interval between the appearance of two pubic hairs and the completion of the pubic corona, a relatively brief span of time.

a. II:4: Gloss of foregoing.

4. II:5: Our rabbis have taught on Tannaite authority: A woman who commits lewdness with her minor son, who entered into the first state of cohabitation with her — the House of Shammai invalidate her from marriage into the priesthood. And the House of Hillel declare her valid (T. **Sot. 5:7A-C**). Said R. Hiyya, son of Rabbah bar Nahmani, said R. Hisda, and some say, said R. Hisda said Zeiri, “All

concur in the case of a son nine years and one day old, that his act of sexual relations is entirely valid.'

C. (1) A SON, NOT A DAUGHTER; (2) A SON, NOT AN ADULT MAN. AND A MINOR IS EXEMPT, SINCE HE HAS NOT YET ENTERED THE SCOPE OF THE COMMANDMENTS.

1. III:1: It has been taught on Tannaite authority: Said R. Simeon, "By strict law a daughter also should have been appropriate to fall into the category of the wayward and rebellious child, for everyone comes around to her to commit a sin and she may turn out to be a whore. But it is the decree of Scripture: 'a son,' not a daughter" (T. [San. 11:6C](#)).

XLI. Mishnah-Tractate Sanhedrin 8:2

A. AT WHAT POINT IS HE LIABLE? ONCE HE HAS EATEN A TARTEMAR OF MEAT AND DRUNK A HALF-LOG OF ITALIAN WINE. R. YOSÉ SAYS, "A MINA OF MEAT AND A LOG OF WINE:"

1. I:1: Said R. Zira, "As to this tartemar, I do not know what it is, but since R. Yosé doubles the measure applying to wine, it follows that he doubles the measure in regard to meat. So it turns out that a tartemar is a half mina."

2. I:2: Said R. Hanan bar Moledah said R. Huna, "He is liable only if he buys meat cheaply and eats it, buys wine cheaply and drinks it, for it is written, 'He is a glutton and a drunkard' (Deu. 21:20) a play on words, since the root for 'glutton' yields 'cheap.'"

3. I:3: We have learned there: On the eve of the ninth of Ab a person should not eat two prepared dishes, nor should one eat meat or drink wine (M. [Ta. 4:7D](#)). In this regard a Tannaite authority taught, "But one may eat salted meat and drink wine fresh from the vat. As to salted meat, how long must it be salted?"

B. THE EVILS OF WINE AND STRONG DRINK

1. I:4: Said R. Hanan, "Wine has created in this world only for comforting the bereaved and for requiting the wicked."

2. I:5: Said R. Amram, son of R. Simeon bar Abba, said R. Hanina, "What is the meaning of the verse of Scripture, 'Who has woe? who has sorrow? who has contentions? who has babbling? who has wounds without cause? who has redness of eyes? They who tarry long at wine, they who go to seek mixed wine' (Pro. 23:29-30)?"

3. I:6: Ubar, the Galilean, expounded as follows: "The word 'and' is stated thirteen times with respect to wine: 'And Noah began to be a husbandman, and he planted a vineyard, and he drank of the wine and was drunken, and he was uncovered within his tent. And Ham the father of Canaan saw the nakedness of his father and told his two brothers outside. And Shem and Japheth took a garment and laid it upon their shoulders and went backward and covered the nakedness of their father, and their faces were backward, and they did not see their father's nakedness. And Noah awoke from his wine and knew what his younger son had done to him' (Gen. 9:20-24). The converseive waw occurs thirteen times. The

combination of waw yod means woe, thus there were thirteen woes; so great are the sorrows caused by drunkenness.”

4. I:7: “And Noah began to be a husbandman and he planted a vineyard” (Gen. 9:25): Said R. Hisda said R. Uqba, and some say, Mar Uqba said R. Zakkai said, “The Holy One, blessed be he, said to Noah, ‘Noah, you should have learned from the first man, for whom it was only wine that was the cause of all his troubles.’”

5. I:8: “The words of King Lemuel, the burden wherewith his mother admonished him” (Pro. 31: 1): Said R. Yohanan in the name of R. Simeon b. Yohai, “This verse teaches that his mother had him bound on a post to be flogged. She said to him, ‘What, my son? and what, the son of my womb? and what, the son of my vows?’ (Pro. 31: 1). ‘What my son? Everybody knows that your father feared heaven, and now people will say that his mother was the cause of his corruption.’”

C. IF HE ATE IN AN ASSOCIATION FORMED FOR A RELIGIOUS DUTY:

1. II:1: Said R. Abbahu, “He is liable only if he eats in an association that is made up entirely of louts.”

D. IF HE ATE ON THE OCCASION OF THE INTERCALATION OF THE MONTH:

1. III:1: Does this bear the implication that on such an occasion they eat meat and wine?

E. IF IN JERUSALEM HE ATE FOOD IN THE STATUS OF SECOND TITHE:

1. IV:1: Since he eats it in the correct way, he will not be led astray.

F. IF HE ATE CARRION AND TEREFAH-MEAT, FORBIDDEN THINGS OR CREEPING THINGS:

1. V:1: Said Raba, “If he ate chicken, he is not condemned as a wayward and rebellious son.”

G. IF HE ATE UNTITHED PRODUCE, FIRST TITHE, THE HEAVE-OFFERING OF WHICH HAD NOT BEEN REMOVED, SECOND TITHE OR CONSECRATED FOOD WHICH HAD NOT BEEN REDEEMED BY MONEY, IF HE ATE SOMETHING WHICH FULFILLED A RELIGIOUS DUTY OR WHEREBY HE COMMITTED A TRANSGRESSION,

1. VI:1: Something which fulfilled a religious duty is a meal served to comfort mourners. Something whereby he committed a transgression is a meal on a public fast.

H. IF HE ATE ANY SORT OF FOOD EXCEPT MEAT, DRANK ANY SORT OF LIQUID EXCEPT WINE —

1. VII:1: If he ate any sort of food except meat — “meat” here is meant to include even Keilah-figs. If he drank any sort of liquid except wine — “wine” here is meant to include even honey and milk.

I. ...HE IS NOT DECLARED A REBELLIOUS AND INCORRIGIBLE SON — UNLESS HE EATS MEAT AND DRINKS WINE, SINCE IT IS SAID, “A GLUTTON AND A DRUNKARD” (DEU. 21:20):

AND EVEN THOUGH THERE IS NO CLEAR PROOF FOR THE PROPOSITION, THERE IS AT LEAST A HINT FOR IT, FOR IT IS SAID, “DO NOT BE AMONG THE WINE-DRINKERS, AMONG GLUTTONOUS MEAT-EATERS” (PRO. 23:20).

1. VIII:1: Our rabbis have taught on Tannaite authority: If he ate any sort of food but did not eat meat, drank any sort of liquid but did not drink wine, he is not declared a rebellious and incorrigible son, unless he eats meat and drinks wine, since it is said, “A glutton and a drunkard” (Deu. 21:20). Even though there is no clear proof for the proposition, there is at least a hint for it, for it is said, “Do not be among the wine-drinkers, among gluttonous meat-eaters” (Pro. 23:20). And it says, “For the drunkard and glutton shall come to poverty, and drowsiness shall clothe a man with rags” (Pro. 23:21).

XLII. Mishnah-Tractate Sanhedrin 8:3

A. IF HE STOLE SOMETHING BELONGING TO HIS FATHER BUT ATE IT IN HIS FATHER’S DOMAIN, OR SOMETHING BELONGING TO OTHERS BUT ATE IT IN THE DOMAIN OF THOSE OTHERS, OR SOMETHING BELONGING TO OTHERS BUT ATE IT IN HIS FATHER’S DOMAIN, HE IS NOT DECLARED A REBELLIOUS AND INCORRIGIBLE SON — UNTIL HE STEALS SOMETHING OF HIS FATHER’S AND EATS IT IN THE DOMAIN OF OTHERS:

1. I:1: If he stole something belonging to his father but ate it in his father’s domain, even though he has ready access to what belongs to his father, he will be afraid and not do this very often. If he stole something belonging to others but ate it in the domain of those others, even though he is not afraid, he does not have ready access and so will not do this very often. And all the more so if he stole something belonging to others but ate it in his father’s domain, in which case he does not have ready access, and, further, is afraid so he will not do this often. Until he steals something of his father’s and eats it in the domain of others, in which case he has ready access and will not be afraid and so will make this theft a habitual practice.

B. R. YOSÉ B. JUDAH SAYS, “...UNTIL HE STEALS SOMETHING BELONGING TO HIS FATHER AND HIS MOTHER.”

1. II:1: Whence would his mother get domain over property? What a wife buys is as if her husband bought it.

XLIII. Mishnah-Tractate Sanhedrin 8:4A-E

A. IF HIS FATHER WANTED TO PUT HIM TO JUDGEMENT AS A REBELLIOUS AND INCORRIGIBLE SON BUT HIS MOTHER DID NOT WANT TO DO SO, IF HIS FATHER DID NOT WANT AND HIS MOTHER DID WANT TO PUT HIM TO JUDGMENT, HE IS NOT DECLARED A REBELLIOUS AND INCORRIGIBLE SON — UNTIL BOTH OF THEM WANT TO PUT HIM TO JUDGMENT.

R. JUDAH SAYS, “IF HIS MOTHER WAS UNWORTHY OF HIS FATHER, HE IS NOT DECLARED TO BE A REBELLIOUS AND INCORRIGIBLE SON.”

1. I:1: What is the sense of unworthy of his father at M. 8:4E? May I say that it was a marriage that produced liability to extirpation or even to the death penalty at the hands of an earthly court e.g., an incestuous union?

a. I:2: In accord with which authority is the following Tannaite teaching: There has never been, and there never will be, a wayward and rebellious son. So why has the passage been written? To tell you, “Expound and receive a reward” (T. **San. 11:6A-B**).

XLIV. Mishnah-Tractate Sanhedrin 8:4F-O

A. IF ONE OF THEM WAS MAIMED IN THE HAND, LAME, DUMB, BLIND, OR DEAF, HE IS NOT DECLARED A REBELLIOUS AND INCORRIGIBLE SON, SINCE IT IS SAID, “THEN HIS FATHER AND HIS MOTHER WILL LAY HOLD OF HIM” (DEU. 21:20) — SO THEY ARE NOT MAIMED IN THEIR HANDS; “AND BRING THEM OUT” — SO THEY ARE NOT LAME; “AND THEY SHALL SAY” — SO THEY ARE NOT DUMB; “THIS IS OUR SON” — SO THEY ARE NOT BLIND; “HE WILL NOT OBEY OUR VOICE” — SO THEY ARE NOT DEAF.

1. I:1: Does this passage prove that the Scripture must be read in a literal way, just as it is written?

B. THEY WARN HIM BEFORE THREE JUDGES AND FLOG HIM:

1. II:1: Why? Should two not suffice?

2. II:2: Whence is it stated that a wayward and rebellious son is flogged?

C. IF HE WENT AND MISBEHAVED AGAIN, HE IS JUDGED BEFORE TWENTY-THREE JUDGES. HE IS STONED ONLY IF THERE WILL BE PRESENT THE FIRST THREE JUDGES, SINCE IT IS SAID, “THIS, OUR SON” — THIS ONE WHO WAS FLOGGED BEFORE YOU:

1. III:1: Is the cited verse, “This our son...” not used to make the point at M. 8:4K, “This is our son” — so they are not blind?

XLV. Mishnah-Tractate Sanhedrin 8:4P-Q

A. IF HE FLED BEFORE HIS TRIAL WAS OVER, AND AFTERWARD WHILE HE WAS A FUGITIVE, THE LOWER “BEARD” BECAME FULL, HE IS EXEMPT. IF AFTER HIS TRIAL WAS DONE HE FLED, AND AFTERWARD THE LOWER BEARD BECAME FULL, HE IS LIABLE.

1. I:1: Said R. Hanina, “A son of Noah who cursed the divine Name and afterward converted to Judaism is exempt from penalty, since the mode of trying him has undergone a change, so too the mode of inflicting the death penalty.”

XLVI. Mishnah-Tractate Sanhedrin 8:5

A. A REBELLIOUS AND INCORRIGIBLE SON IS TRIED ON ACCOUNT OF WHAT HE MAY END UP TO BE. LET HIM DIE WHILE YET INNOCENT, AND LET HIM NOT DIE WHEN HE IS GUILTY. FOR WHEN THE EVIL FOLK DIE, IT IS A BENEFIT TO THEM AND A

BENEFIT TO THE WORLD. BUT WHEN THE RIGHTEOUS FOLK DIE, IT IS BAD FOR THEM AND BAD FOR THE WORLD.

WINE AND SLEEP FOR THE WICKED ARE A BENEFIT FOR THEM AND A BENEFIT FOR THE WORLD. BUT FOR THE RIGHTEOUS, THEY ARE BAD FOR THEM AND BAD FOR THE WORLD. DISPERSION FOR THE EVIL IS A BENEFIT FOR THEM AND A BENEFIT FOR THE WORLD BUT FOR THE RIGHTEOUS, IT IS BAD FOR THEM AND BAD FOR THE WORLD. GATHERING TOGETHER FOR THE EVIL IS BAD FOR THEM AND BAD FOR THE WORLD. BUT FOR THE RIGHTEOUS, IT IS A BENEFIT FOR THEM AND A BENEFIT FOR THE WORLD. TRANQUILITY FOR THE EVIL IS BAD FOR THEM AND BAD FOR THE WORLD. BUT FOR THE RIGHTEOUS, IT IS A BENEFIT FOR THEM AND A BENEFIT FOR THE WORLD.

1. I:1: It has been taught on Tannaite authority: R. Yosé the Galilean says, “And is it the case that merely because this one has eaten a tartemar of meat and drunk a half-log of Italian wine, the Torah has said that he should be taken to court and tried for the penalty of stoning? Rather, it is because the Torah has plumbed the depths of the psychology of the wayward and rebellious son. For in the end, he will use up his father’s wealth and then will want to satisfy his gluttony. Not finding the means, he will go out to the crossroads and mug people. The Torah has said, Let him die while yet innocent, and let him not die when he is guilty.

XLVII. Mishnah-Tractate Sanhedrin 8:6

A. HE WHO BREAKS IN IS JUDGED ON ACCOUNT OF WHAT HE MAY END UP TO BE. IF HE BROKE IN AND BROKE A JUG, IF BLOOD-GUILT APPLIES TO HIM, HE IS LIABLE. IF BLOOD-GUILT DOES NOT APPLY, HE IS EXEMPT.

1. I:1: Said Raba, “What is the reason that the householder may kill one who breaks in? It is because we make the assumption that no one restrains himself when it comes to protecting his property. And this one the thief must have taken the view, ‘If I go there, the householder will resist me and not let me take what I want, so if he resists, I shall kill him.’ And the Torah has said, ‘If he comes to kill you, you kill him first’ cf. Exo. 22: 1.”

2. I:2: Our rabbis have taught: “If a thief be found breaking in, and he be smitten that he die, there shall no blood be shed for him, if the sun be risen upon him” (Exo. 22: 1-3). Did the sun rise on him alone? But if it is as clear to you as the sun that he was not at peace with you, then kill him, but if not, do not kill him (T. 11:9F-H).

a. I:3: Said Rab, “I would kill anyone who broke in on me, except for R. Hanina bar Shila. What is the reason? Should I say that it is because he is a righteous man and therefore no threat to life but, lo, in the cited possibility, he is by definition a housebreaker!...”

3. I:4: Our rabbis have taught on Tannaite authority: “If the sun be risen upon him, there shall be blood shed for him” (Exo. 22: 1): That is the case whether on a weekday or on the Sabbath. “If the thief be found breaking in, there shall be no blood shed for him” (Exo. 22: 2). That is the case whether on a weekday or on the Sabbath.

4. I:5: Our rabbis have taught on Tannaite authority: “If a thief be found breaking in and be smitten” (Exo. 22: 1) — by any one. “And he die” (Exo. 22: 1) — by any mode of death by which you can kill him.

5. I:6: Our rabbis have taught on Tannaite authority: “If a thief be found breaking in” (Exo. 22: 1): I know that only that the rule applies to a break-in through one’s walls. How do I know that the same rule applies to a break-in through one’s roof, courtyard, or outer buildings? Scripture says, “If the thief be found” — any where he is found as a thief.

6. I:7: Said R. Huna, “In the case of a minor who is pursuing one, it is permitted to kill him and so to save him at the cost of his own life.”

XLVIII. Mishnah-Tractate Sanhedrin 8:7

A. AND THESE ARE THOSE WHO ARE TO BE SAVED FROM DOING EVIL EVEN AT THE COST OF THEIR LIVES: HE WHO PURSUES AFTER HIS FELLOW IN ORDER TO KILL HIM — AFTER A MALE, OR AFTER A BETROTHED GIRL:

1. I:1: Our rabbis have taught on Tannaite authority: How do we know that in the case of one who pursues his fellow to kill him, it is permitted to save such a person from sinning at the cost of his life? Scripture says, “You shall not stand by the blood of your neighbor” (Lev. 19:16).

a. I:2: Gloss of a detail of the foregoing.

2. I:3: Our rabbis have taught on Tannaite authority: All the same are the cases of one who pursues his fellow to kill him, a male, a betrothed girl, other sorts of deeds punishable by death inflicted in the court, and those punishable by death inflicted as extirpation, people save such persons committing these crimes at the cost of their own lives. But if it was a widow married to a high priest, or a divorcee or a woman who had performed the rite of removing the shoe married to an ordinary priest, they do not save him at the cost of his life.

a. I:4: Analysis of the foregoing.

b. I:5: As above.

a. I:6: As above.

B. BUT HE WHO PURSUES A BEAST, HE WHO PROFANES THE SABBATH, HE WHO DOES AN ACT OF SERVICE TO AN IDOL — THEY DO NOT SAVE THEM EVEN AT THE COST OF THEIR LIVES.

1. II:1: It has been taught on Tannaite authority: R. Simeon b. Yohai says, “If one performs an act of service to an idol, it is permitted even at the cost of his own life to save him from sin.”

2. II:2: Said R. Yohanan in the name of R. Simeon b. Yehosedeq, “They took a vote and decided in the upper room of the house of Nitzeḥ in Lod, as follows: ‘In the case of all transgressions that are listed in the Torah, if people say to a person, “Commit a transgression and so avoid being executed,” one should commit a transgression and avoid execution, except for the matters of idolatry, sexual immorality, and murder.”’

3. II:3: When R. Dimi came, he said R. Yohanan said, “The cited rule about having to give up one’s life on account only of the three sins listed applies solely in the time in which there is no royal decree to violate the Torah. But if there is a royal decree, then even on account of the most inconsequential religious duty, one should be put to death and not violate the law.”

4. II:4: The question was addressed to R. Ammi, “Is a son of Noah commanded to accept martyrdom in the sanctification of God’s name, or is he not commanded to accept martyrdom in the sanctification of God’s name?”

5. II:5: Said R. Judah said Rab, “There was the case of a man who gazed upon a woman and whose heart become sick with desire for her. They came and asked physicians, who said, ‘He has no remedy unless he has sexual relations with her.’ Sages ruled, ‘Let him die but not have sexual relations with her. The physicians proposed, ‘Let her stand nude before him.’ Sages ruled, ‘Let him die, but let her not stand nude before him.’ ‘Let her talk with him behind a wall.’ ‘Let him die and let her not talk with him behind a wall.’”

XLIX. Mishnah-Tractate Sanhedrin 9:1A-C

A. AND THESE ARE THOSE WHO ARE PUT TO DEATH THROUGH BURNING: HE WHO HAS SEXUAL RELATIONS WITH BOTH A WOMAN AND HER DAUGHTER, AND A PRIEST’S DAUGHTER WHO COMMITTED ADULTERY: IN THE SAME CATEGORY AS A WOMAN AND HER DAUGHTER ARE THE FOLLOWING: HIS DAUGHTER, HIS DAUGHTER’S DAUGHTER, HIS SON’S DAUGHTER, HIS WIFE’S DAUGHTER, THE DAUGHTER OF HER DAUGHTER, THE DAUGHTER OF HER SON, HIS MOTHER-IN-LAW, THE MOTHER OF HIS MOTHER-IN-LAW, AND THE MOTHER OF HIS FATHER-IN-LAW.

1. I:1: The framer of the passage does not say, “He who has sexual relations with a woman whose daughter he has married,” but rather, He who has sexual relations with both a woman and her daughter (M. 9:1B). What follows is that both of them are prohibited. And who are they? They are his mother-in-law and the mother of his mother-in-law.

2. I:2: What is the source of the rule at hand? It is in accord with what our rabbis have taught on Tannaite authority: “And if a man takes a woman and her mother it is wickedness, they shall be burned with fire, both he and they” (Lev. 20:14). I know only that the law applies to marriage with both a woman and her mother. How do I know that the same law applies to marriage with the daughter of the woman, the daughter of her daughter, or the daughter of her son?

a. I:3: Gloss of a detail of the foregoing.

b. I:4: As above.

l. I:5: Gloss of a detail of I:3.

3. I:6: How do we know that one’s own daughter born of a woman one has raped is forbidden?

4. I:7: Further on the question, How do we know that one’s own daughter born of a woman one has raped is forbidden?: The father of R. Abin taught on Tannaite authority, “It is because have we have not derived from Scripture that a man’s

incest with his daughter produced by a rape is punishable that it was necessary for Scripture to state, ‘And the daughter of a man and a priest, if she profane herself through her father, she profanes him, she shall be burned with fire’ (Lev. 21: 9) (cf. T. **San. 12:1H**).

a. I:8: Expansion on the foregoing: Whence do we derive the admonition that a man not commit incest with his daughter produced by his act of rape?

B. MARRYING OFF ONE’S CHILDREN IN THE PROPER MANNER

1. I:9: Said R. Kahana in the name of R. Aqiba, “You have none who is poor in Israel except because of one who is clever in acting wickedly and one who delays marrying off his daughter once she has passed puberty.”

2. I:10: Our rabbis have taught on Tannaite authority: He who loves his neighbors, he who draws his relatives near, he who marries his sister’s daughter, and he who lends a sela to a poor person when he needs it — concerning such a person Scripture says, “Then you will call, and the Lord will answer” (Isa. 58: 9).

3. I:11: Our rabbis have taught on Tannaite authority: “And if a man take a wife and her mother, it is wickedness; they shall be burned with fire, both he and they” (Lev. 20:14). “He and one of them,” the words of R. Ishmael. R. Aqiba says, “He and both of them.”

L. Mishnah-Tractate Sanhedrin 9:1D-M

A. AND THESE ARE THOSE WHO ARE PUT TO DEATH THROUGH DECAPITATION: THE MURDERER, AND THE TOWNSFOLK OF AN APOSTATE TOWN. A MURDERER WHO HIT HIS NEIGHBOR WITH A STONE OR A PIECE OF IRON:

1. I:1: Said Samuel, “Why at Num. 35:16-18, where we take up murder with iron, stone, or wooden weapons the word ‘hand’ is not stated when we speak of an iron weapon indicating that the weapon must be sufficiently large to be held in the hand only when it is a weapon of stone or wood, but not of iron? It is because an iron weapon may inflict death no matter its size.”

B. ...OR WHO PUSHED HIM UNDER WATER OR INTO FIRE, AND THE OTHER PARTY CANNOT GET OUT OF THERE AND SO PERISHED, HE IS LIABLE. IF HE PUSHED HIM INTO THE WATER OR INTO THE FIRE, AND HE CAN GET OUT OF THERE BUT NONETHELESS HE DIED, HE IS EXEMPT:

1. II:1: The first of the two statements makes its own point, and the second of the two statements makes its own point, too. The former of the two statements makes its own point, namely, even though he is not the one who pushed the other into the water, since the other cannot get up from there and so dies, he is liable. The latter of the two statements makes its own point, namely, even though he is the one who pushed the other into the water, since the other can climb up out of the water and nonetheless dies, he is exempt from penalty.

2. II:2: How do we know that one keeps the other under is liable?

3. II:3: A man confined the beast of his fellow in the sun, and it perished. Rabina declared him liable to pay the value of the beast. R. Aha, son of Rab, declared him exempt.

4. II:4: Said Raba, "If one tied up another person and the latter dies of starvation, he is exempt." And Raba said, "If one tied up a beast in the heat and it died, or if he did so in the cold and it died, he is liable. If he did so when the sun was going to come but had not yet risen, or that the cold had not yet taken effect, he is exempt. In this case he is merely an indirect cause."

5. II:5: It has been stated on Amoraic authority: If one turned a vat over upon someone who died of suffocation or broke open a ceiling above him and he caught cold and died, Raba and R. Zira: One said, "He is liable," and the other said, "He is exempt."

6. II:6: Said Raba, "If one pushed someone into a pit, and there was a ladder in the pit, and someone else came along and took it away, or even if he himself removed the ladder, he still is exempt. For at the point at which he threw the man into the pit, the victim could climb out of it."

7. II:7: R. Tahalipa of the West repeated on Tannaite authority before R. Abbahu, "In a case of people playing ball, if the one who was killed was within four cubits of the wall, the player is exempt. If he was outside of four cubits, he is liable."

8. II:8: Said R. Papa, "If someone tied up his fellow and inundated him with a column of water, it is as if it was done by his arrows and he is liable. That is the case if the death was due to the first flow of the water directly, but if it was through the second flow of the water, he is merely a secondary cause of death."

9. II:9: Our rabbis have taught on Tannaite authority: If ten men hit someone with ten sticks and the victim died, whether they did so simultaneously or sequentially, they are exempt. R. Judah b. Betera says, "If they did so sequentially, the last one is liable, because he brought the death nearer."

10. II:10: A Tannaite authority repeated before R. Sheshet: "And he that kills all of the life of man' (Lev. 24:17): This serves to encompass the case of one who hits his fellow, and in his blow there is not sufficient force to inflict death, and then another party comes along and actually delivers the death blow, indicating that the latter is liable."

11. II:11: Said Raba, "He who kills someone afflicted with an incurable disease is exempt. And someone inflicted with an incurable disease who committed murder in the presence of a court is liable. If it was not in the presence of a court, he is exempt."

C. IF HE SICKED A DOG ON HIM, OR SICKED A SNAKE ON HIM, HE IS EXEMPT. IF HE MADE A SNAKE BITE HIM, R. JUDAH DECLARES HIM LIABLE. AND SAGES DECLARE HIM EXEMPT.

1. III:1: Said R. Aha bar Jacob, "When you look into the matter at M. 9:1K-M, you will find that, in R. Judah's opinion who holds one liable who makes a snake bite a man, the poison of a snake is between its teeth. Therefore the one who makes the snake bite a man is put to death through decapitation, while the snake itself is exempt."

LI. Mishnah-Tractate Sanhedrin 9:1N-T

A. HE WHO HITS HIS FELLOW, WHETHER WITH A STONE OR WITH HIS FIST, AND THEY DIAGNOSED HIM AS LIKELY TO DIE, BUT HE GOT BETTER THAN HE WAS, AND AFTERWARD HE GOT WORSE AND HE DIED HE IS LIABLE. R. NEHEMIAH SAYS, “HE IS EXEMPT, FOR THERE IS A BASIS TO THE MATTER OF THINKING THAT HE DID NOT DIE FROM THE ORIGINAL INJURY:”

1. I:1: Our rabbis have taught on Tannaite authority: And this is yet another exegesis which R. Nehemiah stated, “When men quarrel, and one strikes the other with a stone or with his fist, and the man does not die but keeps his bed, then if the man rises again and walks abroad 78B with his staff, he that struck him shall be clear; only he shall pay for the loss of his time, and shall have him thoroughly healed (Exo. 21:18-19) Now would it enter one’s mind that this one should walk around in the market, while the other should be put to death on his account? But the meaning is that, if he should recover somewhat, then get worse, and finally even if he should die on account of the original blow, the other is exempt,” (T. **B.Q. 9:7A-C**).

2. I:2: Our rabbis have taught on Tannaite authority: “He who hits his fellow, and the court made an assessment that the man would die but he lived — they free the accused. If they assessed that he would die and he got somewhat better, they make a second assessment as to the monetary compensation that he is to pay. If after a while the ailment grew worse and the man died, one is guided by the second assessment and the accused pays for the monetary claim, as originally assessed, but is not liable to death,” the words of R. Nehemiah. And sages say, “There is no assessment after the original one.”

LII. Mishnah-Tractate Sanhedrin 9:2

A. IF HE INTENDED TO KILL A BEAST AND KILLED A MAN, A GENTILE AND KILLED AN ISRAELITE, AN UNTIMELY BIRTH AND KILLED AN OFFSPRING THAT WAS VIABLE, HE IS EXEMPT. IF HE INTENDED TO HIT HIM ON HIS LOINS WITH A BLOW THAT WAS NOT SUFFICIENT TO KILL HIM WHEN IT STRUCK HIS LOINS, BUT IT WENT AND HIT HIS HEART, AND THERE WAS SUFFICIENT FORCE IN THAT BLOW TO KILL HIM WHEN IT STRUCK HIS HEART, AND HE DIED, HE IS EXEMPT. IF HE INTENDED TO HIT HIM ON HIS HEART, AND THERE WAS IN THAT BLOW SUFFICIENT FORCE TO KILL WHEN IT STRUCK HIS HEART, AND IT WENT AND HIT HIM ON HIS LOINS, AND THERE WAS NOT SUFFICIENT FORCE IN THAT BLOW TO KILL HIM WHEN IT STRUCK HIS LOINS, BUT HE DIED, HE IS EXEMPT. IF HE INTENDED TO HIT A LARGE PERSON, AND THERE WAS NOT SUFFICIENT FORCE IN THAT BLOW TO KILL A LARGE PERSON, BUT IT WENT AND HIT A SMALL PERSON, AND THERE WAS SUFFICIENT FORCE IN THAT BLOW TO KILL A SMALL PERSON, AND HE DIED, HE IS EXEMPT. IF HE INTENDED TO HIT A SMALL PERSON, AND THERE WAS IN THAT BLOW SUFFICIENT FORCE TO KILL A SMALL PERSON, AND IT WENT AND STRUCK THE LARGE PERSON, AND THERE WAS NOT SUFFICIENT FORCE IN THAT BLOW TO KILL THE LARGE PERSON, BUT HE DIED, HE IS EXEMPT. BUT: IF HE INTENDED TO HIT HIM ON HIS LOINS, AND THERE WAS SUFFICIENT FORCE IN THE BLOW TO KILL HIM WHEN IT STRUCK HIS LOINS, AND IT

WENT AND HIT HIM ON HIS HEART AND HE DIED, HE IS LIABLE. IF HE INTENDED TO HIT A LARGE PERSON, AND THERE WAS IN THAT BLOW SUFFICIENT FORCE TO KILL THE LARGE PERSON, AND IT WENT AND HIT A SMALL PERSON AND HE DIED, HE IS LIABLE.

R. SIMEON SAYS, “EVEN IF HE INTENDED TO KILL THIS PARTY, AND HE ACTUALLY KILLED SOME OTHER PARTY, HE IS EXEMPT.”

1. I:1: To what passage does R. Simeon make reference
2. I:2: What is the Scriptural basis for the position of R. Simeon?
3. I:3: Now from the viewpoint of rabbis, there is no problem, for they maintain that if one intended to kill one party and killed another, he is liable, for it is written, “If men strive and hurt a woman with child: (Exo. 21:22). In this connection, said R. Eleazar, “Scripture addresses the case of a fight involving intent to kill, for it is written, ‘And if any accident follow, then you shall give life for life’ (Exo. 21:23). But how does R. Simeon deal with the clause, “You shall give life for life” (Exo. 21:23) Since the murder of the woman was unintentional, according to Simeon there is no death penalty?
 - a. I:4: Amplification of a detail of the foregoing.

LIII. Mishnah-Tractate Sanhedrin 9:3

A. A MURDERER WHO WAS CONFUSED WITH OTHERS — ALL OF THEM ARE EXEMPT. R. JUDAH SAYS, “THEY PUT THEM ALL IN PRISON.”

1. I:1: Who are the others mentioned at M. 9:3A?
 - a. I:2: Gloss of a detail of the foregoing.

B. ALL THOSE WHO ARE LIABLE TO DEATH WHO WERE CONFUSED WITH ONE ANOTHER ARE JUDGED TO BE PUNISHED BY THE MORE LENIENT MODE OF EXECUTION.

1. II:1: That indicates that admonition not to commit a crime which serves for a more severe infringement of the law applies as an admonition for a less severe infringement of the law. The criminals had been admonished with a statement on the mode of execution that applies to the crime they had been about to commit. The admonition referred to a more severe mode of execution. The stated law then indicates that admonition served for a less severe mode of execution.

C. IF THOSE TO BE STONED WERE CONFUSED WITH THOSE TO BE BURNED — R. SIMEON SAYS, “THEY ARE TO BE JUDGED TO BE EXECUTED BY STONING, FOR BURNING IS THE MORE SEVERE OF THE TWO MODES OF EXECUTION.” AND SAGES SAY, “THEY ARE ADJUDGED TO BE EXECUTED BY BURNING, FOR STONING IS THE MORE SEVERE MODE OF EXECUTION OF THE TWO.” SAID TO THEM R. SIMEON, “IF BURNING WERE NOT THE MORE SEVERE, IT WOULD NOT HAVE BEEN ASSIGNED TO THE DAUGHTER OF A PRIEST WHO COMMITTED ADULTERY.” THEY SAID TO HIM, “IF STONING WERE NOT THE MORE SEVERE OF THE TWO, IT WOULD NOT HAVE BEEN ASSIGNED TO THE BLASPHEMER AND TO THE ONE WHO PERFORMS AN ACT OF SERVICE FOR IDOLATRY.”

THOSE WHO ARE TO BE DECAPITATED WHO WERE CONFUSED WITH THOSE WHO ARE TO BE STRANGLER — R. SIMEON SAYS, “THEY ARE KILLED WITH THE SWORD.” AND SAGES SAY, “THEY ARE KILLED BY STRANGLING.”

1. III:1: R. Ezekiel repeated the passage at hand for Rami, his son, as follows: ‘If those to be burned were confused with those to be stoned, R. Simeon says, ‘They are judged to be executed by stoning, for burning is the more severe of the two modes of execution.’”

LIV. Mishnah-Tractate Sanhedrin 9:4

A. HE WHO IS DECLARED LIABLE TO BE PUT TO DEATH THROUGH TWO DIFFERENT MODES OF EXECUTION AT THE HANDS OF A COURT IS JUDGED TO BE EXECUTED BY THE MORE SEVERE.

1. I:1: It is self-evident that he is subject to the more severe mode of execution. For, after all, should he profit from committing the further crime?

2. I:2: The brother of R. Joseph bar Hama asked Rabbah bar Nathan, “What is the source of this view of rabbis: He who is declared liable to be put to death through two different modes of execution at the hands of a court is judged to be executed by the more severe ?” The reply: “As it is written, ‘If the righteous man beget a son who is a robber, a shedder of blood...who has eaten upon the mountains and defiled his neighbor’s wife’ (Eze. 18:10-11).

a. I:3: R. Aha, son of R. Hanina, interpreted Scripture, “What is the meaning of the verse, ‘But if a man be just and do what is lawful and right..., and has not eaten upon the mountains’ (Eze. 18:16)? It means that he did not eat only on account of the merit of his ancestors but on his own merit.

B. IF HE COMMITTED A TRANSGRESSION WHICH IS SUBJECT TO THE DEATH PENALTY ON TWO SEPARATE COUNTS, HE IS JUDGED ON ACCOUNT OF THE MORE SEVERE. R. YOSÉ SAYS, “HE IS JUDGED BY THE PENALTY WHICH FIRST APPLIES TO WHAT HE HAS DONE.”

1. II:1: It has been taught on Tannaite authority: Said R. Yosé, “He is judged by the penalty which first applies to what he has done: If he had sexual relations with her when she was his mother-in-law, and then she got married and so was a married woman, he is judged on the count of her being his mother-in-law. If she was a married woman and then became his mother-in-law, he is judged on the count of her being a married woman” (T. [San. 12:5D-I](#)).

LV. Mishnah-Tractate Sanhedrin 9:5A-B

A. HE WHO WAS FLOGGED AND DID THE SAME DEED AND WAS FLOGGED AGAIN — IF HE DID IT YET A THIRD TIME THE COURT PUTS HIM IN PRISON AND FEEDS HIM BARLEY UNTIL HIS BELLY EXPLODES.

1. I:1: Merely because he was flogged and flogged again does the court put him in prison?

2. I:2: He did it twice and not a third time. Then may we say that the Mishnah-passage at hand does not accord with the view of R. Simeon b. Gamaliel? For in the view of Rabban Simeon b. Gamaliel, lo, he has said, “Only in the case of three occurrences of a given phenomenon do we recognize a presumption that such a thing is regularly going to happen.”

a. I:3: And what is a cell?

LVI. Mishnah-Tractate Sanhedrin 9:5C

A. HE WHO KILLS A SOMEONE NOT BEFORE WITNESSES THEY PUT HIM IN PRISON:

1. I:1: How do we know that this man has killed someone?

B. AND FEED HIM THE BREAD OF ADVERSITY AND THE WATER OF AFFLICTION (ISA. 30:20):

1. II:1: Why does the passage at hand frame matters as, And they feed him the bread of adversity and the water of affliction , while the other passage states, The court puts him in prison and feeds him barley until his belly explodes ?

LVII. Mishnah-Tractate Sanhedrin 9:6

A. HE WHO STOLE A SACRED VESSEL OF THE CULT:

1. I:1: What is a sacred vessel M. 9:6A?

B. AND HE WHO CURSES USING THE NAME OF AN IDOL, AND HE WHO HAS SEXUAL RELATIONS WITH AN ARAMAEAN WOMAN — ZEALOTS BEAT HIM UP ON THE SPOT:

1. II:1: R. Joseph taught on Tannaite authority, “May the idol smite its enchanter.”

2. II:2: R. Kahana asked Rab, “What is the law if the zealots do not beat him up?”

3. II:3: Said R. Hiyya bar Abbuyah, “Whoever has sexual relations with a Samaritan woman is as if he marries an idol.”

4. II:4: When R. Dimi came, he said, “The court of the Hasmoneans made a decree that one who has sexual relations with a Samaritan woman is liable on her account on the counts of having sexual relations with a menstruating woman, a gentile maid servant, a gentile woman, and a married woman.”

5. II:5: Said R. Hisda, “If a zealot comes to take counsel as to punishing a law violator, such as is listed at M. 9:6A, they do not give him instructions to do so.”

C. THE ZEALOTRY OF PHINEAS

a. II:6: And Moses said to the judges of Israel, Slay every one his men that were joined to Baal Peor” (Num. 25: 5). The tribe of Simeon went to Zimri b. Salu and said to him, “Lo, the judges are judging capital cases, and you sit silent.” What did he do? He went and called together twenty-four thousand Israelites and went to Kozbi and said to her, “Listen to me and have sexual relations with me.”

b. II:7: Said R. Nahman said Rab, “What is the meaning of the verse of Scripture, ‘A greyhound, a he-goat also, and a king, against whom there is no rising up’ (Pro. 30:31)? Four hundred twenty-four acts of sexual

relations did that wicked man have that day. Phineas waited for him until he grew weak, for he did not know that ‘a king, against whom there is no rising up’ is God.”

c. II:8: Said R. Sheshet, “Her name was not Cosbi but Shewilani, daughter of Zur. Why was she called Kozbi? Because she violated her father’s instructions in having sexual relations with someone as unimportant as Zimri.”

d. II:9: Said R. Yohanan, “Zimri had five names: Zimri, son of Salu; Saul, son of the Canaanite woman; and Shelumiel, son of Zurishaddai.”

D. A PRIEST WHO PERFORMED THE RITE IN A STATE OF UNCLEANNESS — HIS BROTHERS, THE PRIESTS, DO NOT BRING HIM TO COURT. BUT THE YOUNG PRIESTS TAKE HIM OUTSIDE THE COURTYARD AND BREAK HIS HEAD WITH CLUBS.

1. III:1: R. Aha, son of R. Huna, asked R. Sheshet, “Is a priest who performed an act of service while in a state of uncleanness liable to the death penalty at the hands of heaven, or is he not liable to the death penalty at the hands of heaven?”

a. III:2: Gloss of a detail of the foregoing.

E. A NON-PRIEST WHO SERVED IN THE TEMPLE — R. AQIBA SAYS, “HE IS PUT TO DEATH BY STRANGLING NUM. 18:7.” AND SAGES SAY, “HE IS PUT TO DEATH AT THE HANDS OF HEAVEN.”

1. IV:1: It has been taught on Tannaite authority: R. Ishmael says, “Here it is said, ‘And the non-priest who comes near shall be put to death’ (Num. 18: 7), and elsewhere, ‘Whosoever comes anything near to the tabernacle of the Lord shall die’ (Num. 17:28). Just as in the latter case the rebellion of Korah and the subsequent plague, it is death at the hands of heaven, so here it is death at the hands of heaven.”

LVIII. Mishnah-Tractate Sanhedrin 10:1A-C

A. THESE ARE THE ONES WHO ARE TO BE STRANGLLED: HE WHO HITS HIS FATHER AND HIS MOTHER; HE WHO STEALS AN ISRAELITE; AN ELDER WHO DEFIES THE DECISION OF A COURT, A FALSE PROPHET, A PROPHET WHO PROPHECIES IN THE NAME OF AN IDOL;

HE WHO HAS SEXUAL RELATIONS WITH A MARRIED WOMAN, THOSE WHO BEAR FALSE WITNESS AGAINST A PRIEST’S DAUGHTER AND AGAINST ONE WHO HAS SEXUAL RELATIONS WITH HER.

1. I:1: He who hits his father and his mother: How on the basis of Scripture do we know that such a one is strangled?

a. I:2: It was necessary for Scripture to state, “He who smites a man” (Exo. 21:12), and it also was necessary for Scripture to state, “Who kills any soul” (Num. 35:30). For if the All-Merciful had written, “He who smites a man that he die” (Exo. 21:12), I might have maintained that that rule pertains to smiting by an adult, who is subject to the obligation to carry out the commandments, but it would not apply to smiting by a minor, who is not.

2. I:3: And might I propose that one who smites his parents is put to death even though he does not make a bruise on them?

a. I:4: For the question was raised: What is the law on a son's letting blood for his father? R. Mattena said, "And you shall love your neighbor as yourself" (Lev. 19:18). The son surely may do so, since he would do the same for himself. Just as the one who smites a beast for purposes of healing is exempt, so one who smites a man for purposes of healing is exempt."

3. I:5: The following question was addressed to R. Sheshet: "What is the law on appointing a son to be an agent of a court as to his own father, to inflict a flogging on him or to curse him?" He said to them, "And have they permitted an outsider to do so except for the honor owing to heaven? It is a superior obligation, and here too, the honor owing to Heaven is a superior obligation. So a son may act for the court."

LIX. Mishnah-Tractate Sanhedrin 10:1D-G

A. HE WHO HITS HIS FATHER AND HIS MOTHER IS LIABLE ONLY IF HE WILL MAKE A LASTING BRUISE ON THEM. THIS RULE IS MORE STRICT IN THE CASE OF THE ONE WHO CURSES THAN THE ONE WHO HITS THEM. FOR THE ONE WHO CURSES THEM AFTER THEY HAVE DIED IS LIABLE. BUT THE ONE WHO HITS THEM AFTER THEY HAVE DIED IS EXEMPT.

1. I:1: Our rabbis have taught on Tannaite authority: "His father or his mother he has cursed" (Lev. 20: 9). This applies even after they have died. For one might have thought to the contrary that since one is liable for hitting them and also liable for cursing them, just as one who hits them is liable only if he does so while they are alive, so the one who curses them is liable only if he does so while they are alive.

a. I:2: May we say that the dispute at hand follows the course of the Tannaite dispute which follows?

LX. Mishnah-Tractate Sanhedrin 10:1H-P

A. HE WHO STEALS AN ISRAELITE B2 IS LIABLE ONLY WHEN HE WILL HAVE BROUGHT HIM INTO HIS OWN DOMAIN. R. JUDAH SAYS, "ONLY IF HE WILL HAVE BROUGHT HIM INTO HIS OWN DOMAIN AND WILL HAVE MADE USE OF HIM, AS IT IS SAID, 'AND IF HE DEAL WITH HIM AS A SLAVE OR SELL HIM' (DEU. 24: 7)."

1. I:1: Does not the first of the two Tannaite authorities at M. 10:1H-I require utilization of the victim as a prerequisite to liability for kidnapping?

2. I:2: R. Jeremiah raised this question, "If one stole and sold a person while he was sleeping, what is the law? If one sold a woman for the sake of enslaving the foetus, what is the law?"

3. I:3: Our rabbis have taught on Tannaite authority: "If a man be found stealing any of his brethren of the children of Israel" (Deu. 24: 7): I know only that the law

applies to a man who stole someone. How do I know that the law applies to a woman's doing so?

4. I:4: It has further been taught on Tannaite authority: "If a man be found stealing any of his brethren" (Deu. 24: 7): All the same are the one who steals a man and the one who steals a woman, a proselyte, a freed slave, and a minor. One is liable on any of these counts. If one stole someone but did not sell him, sold him but he is yet within his domain, he is exempt from liability. If he sold him to his father or his brothers or to any of his relatives, he is liable. He who steals slaves is exempt (T. **B.Q. 8:1A-I**).

B. HE WHO STEALS HIS SON — R. ISHMAEL, SON OF R. YOHANAN B. BEROQAH, DECLARES HIM LIABLE. AND SAGES DECLARE HIM EXEMPT:

1. II:1: What is the scriptural basis for the view of rabbis?

C. IF HE STOLE SOMEONE WHO WAS HALF SLAVE AND HALF FREE — R. JUDAH DECLARES HIM LIABLE. AND SAGES DECLARE HIM EXEMPT.

1. III:1: If he stole someone who was half slave: We have learned in the Mishnah: R. Judah says, "Slaves do not receive payment for being humiliated" M. **B.Q. 8:3G**. What is the scriptural basis for the position of R. Judah?

2. III:2: Where in Scripture do we find an admonition against kidnapping since Deu. 24: 7 and Exo. 21:16 state only the penalty for doing so?

3. III:3: Our rabbis have taught on Tannaite authority: "You shall not steal" (Exo. 20:15). Scripture speaks of kidnapping persons.

4. III:4: Further teaching on Tannaite authority: "You shall not steal" (Exo. 20:15): Scripture speaks of stealing money. You say that it speaks of stealing money, but perhaps it speaks only of stealing persons?

5. III:5: It has been stated on Amoraic authority: If one set of witnesses said that there had been a kidnapping and another set of witnesses said that there had been a sale of a kidnap-victim, and both were proved a conspiracy of perjurers — Hezekiah said, "They are not put to death." R. Yohanan said, "They are put to death."

6. III:6: Said R. Assi, "Witnesses against one on account of selling someone, who were proved to form a conspiracy for perjury, are not put to death."

LXI. Mishnah-Tractate Sanhedrin 10:2

A. AN ELDER WHO DEFIES THE DECISION OF A COURT, AS IT IS SAID, "IF THERE ARISE A MATTER TOO HARD FOR YOU IN JUDGMENT, BETWEEN BLOOD AND BLOOD, BETWEEN PLEA AND PLEA" (DEU. 17: 8) —

1. I:1: Our rabbis have taught on Tannaite authority: "If a thing be outstandingly difficult for you" (Deu. 17: 8): Scripture speaks of an outstanding figure on a court and not a disciple. "You" — this refers to a counsellor, and so it is said, "There is one come out from you, who imagines evil against the Lord, a wicked counsellor" (Nah. 1:11). "A thing" — refers to a law. "In judgment" — refers to a ruling based on an influential argument.

2. I:2: Our rabbis have taught on Tannaite authority: “A presumptuous sage is liable only on account of a ruling concerning a matter, the deliberate violation of which is subject to the penalty of extirpation, and the inadvertent violation of which is subject to the penalty of bringing a sin-offering,” the words of R. Meir. R. Judah says, “It involves a matter, the principle of which derives from the teachings of the Torah, and the elaboration of which derives from the teachings of scribes.” R. Simeon says, “It involves even the most minor detail among the details contributed by scribes.”

3. I:3: Said R. Huna bar Hinena to Raba, “Explain to me the teaching on Tannaite authority of unit I in accord with the view of R. Meir about what is at issue, that is, distinctions based on types of penalty.”

a. I:4: Systematic exegesis of the proof of I.1.

B. THERE WERE THREE COURTS THERE. ONE WAS IN SESSION AT THE DOOR GATE OF THE TEMPLE MOUNT, ONE WAS IN SESSION AT THE GATE OF THE COURTYARD, AND ONE WAS IN SESSION IN THE HEWN-STONE CHAMBER.

THEY COME TO THE ONE WHICH IS AT THE GATE OF THE TEMPLE MOUNT AND SAY, “THUS I HAVE EXPLAINED THE MATTER, AND THUS MY COLLEAGUES HAVE EXPLAINED THE MATTER. THUS I HAVE RULED IN THE MATTER, AND THUS MY COLLEAGUES HAVE RULED.” IF THEY HAD HEARD A RULING, THEY TOLD IT TO THEM, AND IF NOT, THEY COME ALONG TO THAT COURT WHICH WAS AT THE GATE OF THE COURTYARD. AND HE SAYS, “THUS I HAVE EXPLAINED THE MATTER, AND THUS MY COLLEAGUES HAVE EXPLAINED THE MATTER. “THUS I HAVE RULED IN THE MATTER AND THUS MY COLLEAGUES HAVE RULED.” IF THEY HAD HEARD A RULING, THEY TOLD IT TO THEM, AND IF NOT, THESE AND THOSE COME ALONG TO THE HIGH COURT WHICH WAS IN THE HEWN-STONE CHAMBER, FROM WHICH TORAH GOES FORTH TO ALL ISRAEL, AS IT IS SAID, “FROM THAT PLACE WHICH THE LORD SHALL CHOOSE” (DEU. 17:12).

1. II:1: With reference to M. 10:2E-F, said R. Kahana, If he says, “I heard it from tradition, and they say, ‘We heard it from tradition,’ he is not put to death. If he says, ‘Thus matters appear to me on this basis of reasoning,’ and they say, ‘Thus matters appear to us on the basis of reasoning,’ he is not put to death. And all the more so if he says, ‘I heard it from tradition,’ and they say, ‘Thus matters appear to us,’ he is not put to death. He is put to death only if he says, ‘Thus it appears to me,’ while they say, ‘We have heard on the basis of tradition.’ You may know that that is the case, for lo, they did not put Aqabia b. Mehallel to death.”

2. II:2: It has been taught on Tannaite authority: Said R. Yosé, “At first there were dissensions in Israel only in the court of seventy in the hewn-stone chamber in Jerusalem. And there were other courts of twenty-three in the various towns of the land of Israel, and there were other courts of three judges each in Jerusalem, one on the Temple mount, and one on the Rampart. If someone needed to know what the law is, he would go to the court in his town...”

a. II:3: They sent from there, “Who is someone who will inherit the world to come? It is one who is meek and humble, who bends when he comes and and bends when he goes out, who always is studying the Torah, but does not take pride in himself in on that account.”

C. IF HE WENT BACK TO HIS TOWN AND AGAIN RULED JUST AS HE HAD RULED BEFORE, HE IS EXEMPT. BUT IF HE INSTRUCTED OTHERS TO DO IT IN THAT WAY, HE IS LIABLE, AS IT IS SAID, “AND THE MAN WHO DOES PRESUMPTUOUSLY” (DEU. 17:12). HE IS LIABLE ONLY IF HE WILL GIVE INSTRUCTIONS TO PEOPLE ACTUALLY TO CARRY OUT THE DEED IN ACCORD WITH THE NOW-REJECTED VIEW. A DISCIPLE OF A SAGE WHO GAVE INSTRUCTION TO CARRY OUT THE DEED WRONGLY IS EXEMPT. IT TURNS OUT THAT THE STRICT RULING CONCERNING HIM THAT HE CANNOT GIVE DECISIONS ALSO IS A LENIENT RULING CONCERNING HIM THAT HE IS NOT PUNISHED IF HE DOES GIVE DECISIONS.

1. III:1: Our rabbis have taught on Tannaite authority: He is liable only if he will act in accord with the instruction that he has given, or unless he instructs others to do so and they act in accord with his instruction (T. [San. 14:12](#)).

LXII. Mishnah-Tractate Sanhedrin 10:3

A. A MORE STRICT RULE APPLIES TO THE TEACHINGS OF SCRIBES THAN TO THE TEACHINGS OF TORAH. HE WHO, IN ORDER TO TRANSGRESS THE TEACHINGS OF THE TORAH, RULES, “THERE IS NO REQUIREMENT TO WEAR PHYLACTERIES,” IS EXEMPT. BUT IF, IN ORDER TO ADD TO WHAT THE SCRIBES HAVE TAUGHT, HE SAID, “THERE ARE FIVE PARTITIONS IN THE PHYLACTERY, INSTEAD OF FOUR, HE IS LIABLE.

1. I:1: Said R. Eleazar, said R. Oshaia, “The liability applies only to a case in which the principle derives from the teachings of the Torah, the amplification derives from words of scribes, there is a possibility of adding, but if, should there be addition, it constitutes diminution. The only example of such a matter is the case of the phylacteries. The fundamental law of wearing phylacteries is biblical. By rabbinic interpretation, the phylactery for the head must contain four compartments, with inscriptions in each. Hence it is possible to rule that it should consist of a greater number. But if this is done, the phylactery is unfit, so that the addition amounts to subtraction of its fitness.”

LXIII. Mishnah-Tractate Sanhedrin 10:4

A. “THEY PUT HIM TO DEATH NOT IN THE COURT IN HIS OWN TOWN OR IN THE COURT WHICH IS IN YABNEH, BUT THEY BRING HIM UP TO THE HIGH COURT IN JERUSALEM. AND THEY KEEP HIM UNTIL THE FESTIVAL, AND THEY PUT HIM TO DEATH ON THE FESTIVAL, AS IT IS SAID, ‘AND ALL THE PEOPLE SHALL HEAR AND FEAR AND NO MORE DO PRESUMPTUOUSLY’ (DEU. 17:13),” THE WORDS OF R. AQIBA. R. JUDAH SAYS, “THEY DO NOT DELAY THE JUDGMENT OF THIS ONE, BUT THEY PUT HIM TO DEATH AT ONCE. AND THEY WRITE MESSAGES AND SEND THEM WITH MESSENGERS TO EVERY PLACE: ‘MR. SO-AND-SO, SON OF MR. SO-AND-SO, HAS BEEN DECLARED LIABLE TO THE DEATH PENALTY BY THE COURT.’”

1. I:1: Our rabbis have taught on Tannaite authority: “They put him to death not in the court in his own town or in the court which is in Yabneh, but they bring him up to the high court in Jerusalem. And they keep him until the festival, and they put

him to death on the festival, as it is said, ‘And all the people shall hear and fear and no more do presumptuously’ (Deu. 17:13),” the words of R. Aqiba M. 10:4A-C.

2. I:2: Our rabbis have taught on Tannaite authority: The condemnation of four classes of criminals requires public announcement: one who entices a town to apostasy, a wayward and incorrigible son, a rebellious elder, and witnesses who have been proved to form a conspiracy for perjury. And in the case of all of them except for the fourth, it is written, “And all the people ...,” or, “and all Israel”

LXIV. Mishnah-Tractate Sanhedrin 10:5-6

A. A FALSE PROPHET—ONE WHO PROPHESES CONCERNING SOMETHING WHICH HE HAS NOT ACTUALLY HEARD OR CONCERNING SOMETHING WHICH WAS NOT ACTUALLY SAID TO HIM, IS PUT TO DEATH BY MAN. BUT HE WHO HOLDS BACK HIS PROPHECY, HE WHO DISREGARDS THE WORDS OF ANOTHER PROPHET, OR THE PROPHET WHO TRANSGRESSES HIS WORDS IS PUT TO DEATH BY HEAVEN, AS IT IS SAID, “I WILL REQUIRE IT OF HIM:”

1. I:1: Our rabbis have taught on Tannaite authority: Three false prophets are put to death by man, and three are put to death by heaven. He who prophesies concerning something which he has not actually heard or concerning something which was not actually said to him and one who prophesies in the name of an idol — such as these are put to death by man.

2. I:2: What is the source of this rule? Said R. Judah said Rab, “It is because Scripture has said, ‘But the prophet who shall presume to speak a word in my name’ (Deu. 18:20) — this refers to a prophet who prophesies concerning something which he has not actually heard...”

B. ONE WHO PROPHESES CONCERNING SOMETHING WHICH HE HAS NOT ACTUALLY HEARD:

1. II:1: For example, Zedekiah b. Chenaanah T. **San. 14:14A-B**, for it is written, “And Zedekiah, the son of Chenaanah, had made him horns of iron” (1Ki. 22:11).

C. ...OR CONCERNING SOMETHING WHICH WAS NOT ACTUALLY SAID TO HIM, IS PUT TO DEATH BY MAN

1. III:1: for example, Hananiah b. Azor (T. **San. 14:14D**). For Jeremiah was standing in the upper market, and saying, “Thus says the Lord of hosts, Behold I will break the bow of Elam” (Jer. 49:35).

2. III:2: He who prophesies in the name of an idol: for example Jonah b. Amittai (T. **San. 14:15B**).

3. III:3: He who holds back his prophecy: for example for example the friend of Micah, as it is written, “And a certain man of the sons of the prophets said to his fellow in the word of the Lord, Smite me I pray you, and the man refused to smite him” (1Ki. 20:35).

4. III:4: He who disregards the words of another prophet (M. **10:5D**): for example for example, Iddo, the prophet T. **San. 15:15E**, as it is written, “For so it was charged me by the word of the Lord, saying, Eat not bread not drink water nor turn again by the same way that you come” (1Ki. 13: 9).

5. III:5: A Tannaite authority repeated before R. Hisda, “He who holds back his prophecy is flogged.” He said to him, “He who eats dates out of a sieve is flogged! Who warned the prophet who withheld his prophecy, since no one could have known about that fact? No admonition, no flogging!”

6. III:6: He who disregards the words of another prophet: How does one know that the other is a prophet, so that he should be punished? The other gives him a sign.

a. III:7: “And it came to pass after these words that God tested Abraham” (Gen. 22: 1): What is the meaning of “after”?

7. III:8: With reference to M. **10:6A-B**, our rabbis have taught on Tannaite authority: A prophet who enticed people to commit idolatry is put to death through stoning. R. Simeon says, “It is through strangulation” Those who entice a whole town to commit idolatry are put to death through stoning. R. Simeon says, “Through strangulation” (cf. T. **San. 11:5D**).

a. III:9: Our rabbis have taught on Tannaite authority: He who prophesies in such a way as to uproot a teaching of the Torah is liable. If he prophesies so as to confirm part and annul part of a teaching of the Torah, R. Simeon declares him exempt. But as for idolatry, even if one says, “Today serve it and tomorrow annul it,” all parties concur that he is liable.

8. III:10: Said R. Abbahu said, R. Yohanan, “In any matter, if a prophet should say to you, ‘Violate the teachings of the Torah,’ obey him, except for the matter of idolatry. For even if he should make the sun stand still for you in the middle of the firmament, do not listen to him.”

D. HE WHO PROPHESES IN THE NAME OF AN IDOL, AND SAYS, “THUS DID SUCH-AND-SUCH AN IDOL SAY TO ME,” EVEN THOUGH HE GOT THE LAW RIGHT, DECLARING UNCLEAN THAT WHICH IN FACT IS UNCLEAN, AND DECLARING CLEAN THAT WHICH IN FACT IS CLEAN.

HE WHO HAS SEXUAL RELATIONS WITH A MARRIED WOMAN AS SOON AS SHE HAS ENTERED THE DOMAIN OF THE HUSBAND IN MARRIAGE, EVEN THOUGH SHE HAS NOT HAD SEXUAL RELATIONS WITH HIM HE WHO HAS SEXUAL RELATIONS WITH HER — LO, THIS ONE IS PUT TO DEATH BY STRANGLING.

AND THOSE WHO BEAR FALSE WITNESS AGAINST A PRIEST’S DAUGHTER AND AGAINST ONE WHO HAS SEXUAL RELATIONS WITH HER. FOR ALL THOSE WHO BEAR FALSE WITNESS FIRST SUFFER THAT SAME MODE OF EXECUTION, EXCEPT FOR THOSE WHO BEAR FALSE WITNESS AGAINST A PRIEST’S DAUGHTER AND HER LOVER.

M.10:6

1.IV:1: What is the source in Scripture of this rule?

LXV. Mishnah-Tractate Sanhedrin 11:1-2

A. ALL ISRAELITES HAVE A SHARE IN THE WORLD TO COME, AS IT IS SAID, “YOUR PEOPLE ALSO SHALL BE ALL RIGHTEOUS, THEY SHALL INHERIT THE LAND

FOREVER; THE BRANCH OF MY PLANTING, THE WORK OF MY HANDS, THAT I MAY BE GLORIFIED” (ISA. 60:21).

AND THESE ARE THE ONES WHO HAVE NO PORTION IN THE WORLD TO COME: HE WHO SAYS, THE RESURRECTION OF THE DEAD IS A TEACHING WHICH DOES NOT DERIVE FROM THE TORAH:

1. I:1: On Tannaite authority it was stated, “Such a one denied the resurrection of the dead, therefore he will not have a portion in the resurrection of the dead. For all the measures meted out by the Holy One, blessed be he, are in accord with the principle of measure for measure.”

2. I:2: How, on the basis of the Torah do we know about the resurrection of the dead? As it is said, “And you shall give thereof the Lord’s heave-offering to Aaron the priest” (Num. 18:28). And will Aaron live forever? And is it not the case that he did not even get to enter the Land of Israel, from the produce of which heave-offering is given? Rather, this teaches that he is destined once more to live, and the Israelites will give him heave-offering. On the basis of this verse, therefore, we see that the resurrection of the dead is a teaching of the Torah.

a. I:3: A Tannaite authority of the house of R. Ishmael taught, “... to Aaron ..., ‘like Aaron. That is to say, just as Aaron was in the status of an associate who ate his produce in a state of cultic cleanness even when not in the Temple, so his sons must be in the status of associates.”

3. I:4: It has been taught on Tannaite authority: R. Simai says, “How on the basis of the Torah do we know about the resurrection of the dead?”

4. I:5: Minim asked Rabban Gamaliel, “How do we know that the Holy One, blessed be he, will resurrect the dead?”

5. I:6: Romans asked R. Joshua b. Hananiah, “How do we know that the Holy One will bring the dead to life and also that he knows what is going to happen in the future?”

6. I:7: It has also been stated on Amoraic authority: Said R. Yohanan in the name of R. Simeon b. Yohai, “How do we know that the Holy One, blessed be he, will bring the dead to life and knows what is going to happen in the future?”

7. I:8: It has been taught on Tannaite authority: Said R. Eliezer b. R. Yosé, “In this matter I proved false the books of the minim. For they would say, ‘The principle of the resurrection of the dead does not derive from the Torah.’”

a. I:9: This accords with the following Tannaite dispute: “‘That soul shall be utterly cut off’ — ‘shall be cut off’ — in this world, ‘utterly’ — in the world to come,” the words of R. Aqiba. Said R. Ishmael to him, “And has it not been said, ‘He reproaches the Lord, and that soul shall be cut off’ (Num. 15:31). Does this mean that there are three worlds? Rather: ‘... it will be cut off ...,’ in this world, ‘... utterly ...,’ in the world to come, and ‘utterly cut off ...,’ indicates that the Torah speaks in ordinary human language.”

8. I:10: Queen Cleopatra asked R. Meir, saying, “I know that the dead will live, for it is written, ‘And the righteous shall blossom forth out of your city like the grass

of the earth' (Psa. 72:16). But when they rise, will they rise naked or in their clothing?"

9. I:11: Caesar said to Rabban Gamaliel, "You maintain that the dead will live. But they are dust, and can the dust live?"

10. I:12: A Tannaite authority of the house of R. Ishmael taught, "Resurrection is a matter of an argument a fortiori based on the case of a glass utensil. Now if glassware, which is the work of the breath of a mortal man, when broken, can be repaired, A mortal man, who is made by the breath of the Holy One, blessed be he, how much the more so that he can be repaired, in the resurrection of the dead."

11. I:13: A min said to R. Ammi, "You say that the dead will live. But they are dust, and will the dust live?"

12. I:14: A min said to Gebiha, son of Pesisa, a hunchback, "Woe for you! You are guilty! For you say that the dead will live. Those who are alive die, and will those who are dead live?"

B. TOPICAL APPENDIX ON GEBIHA, SON OF PASISA AND ALEXANDER THE GREAT

a. I:15: Our rabbis have taught on Tannaite authority: When the Africans came to trial with Israel before Alexander of Macedonia, they said to him, "The land of Canaan belongs to us, for it is written, 'The land of Canaan, with the coasts thereof (Num. 34: 2), and Canaan was the father of these men.'"

b. I:16: There was another time, and the Egyptians came to lay claim against Israel before Alexander of Macedonia. They said to him, "Lo, Scripture says, 'And the Lord gave the people favor in the sight of the Egyptians, and they lent them gold and precious stones' (Exo. 12:36). Give us back the silver and gold that you took from us."

c. I:17: There was another time, and the children of Ishmael and the children of Keturah came to trial with the Israelites before Alexander of Macedonia. They said to him, "The land of Canaan belongs to us as well as to you, for it is written, 'Now these are the generations of Ishmael, son of Abraham' (Gen. 25:12), and it is written, 'And these are the generations of Isaac, Abraham's son' (Gen. 25:19). Both Ishmael and Isaac have an equal claim on the land, hence so too their descendants."

C. TOPICAL APPENDIX ON ANTONINUS AND RABBI

1. I:18: Antoninus said to Rabbi, "The body and the soul both can exempt themselves from judgment. How so? The body will say, 'The soul is the one that has sinned, for from the day that it left me, lo, I am left like a silent stone in the grave.' And the soul will say, 'The body is the one that sinned. For from the day that I left it, lo, I have been flying about in the air like a bird.'"

2. I:19: Said Antoninus to Rabbi, "Why does the sun rise in the east and set in the west?"

3. I:20: Said Antoninus to Rabbi, "At what point is the soul placed in man? Is it at the moment that it is decreed that the person shall be born or when the embryo is formed?"

4. I:21: And Antoninus said to Rabbi, “At what point does the impulse to do evil take hold of a man? Is it from the moment of creation or from the moment of parturition?”

D. CONTRASTING VERSES OF SCRIPTURE AND THE DEATH OF DEATH

1. I:22: R. Simeon b. Laqish contrasted these two verses: “It is written, ‘I will gather them ... with the blind and the lame, the woman with child and her that trail travails with child together’ (Jer. 31: 8), and it is written, ‘Then shall the lame man leap as a hart and the tongue of the dumb sing, for in the wilderness shall waters break out and streams in the desert’ (Isa. 35: 6). How so will the dead both retain their defects and also be healed? They will rise from the grave bearing their defects and then be healed.”

2. I:23: Ulla contrasted these two verses: “It is written, ‘He will destroy death forever and the Lord God will wipe away tears from all faces’ (Isa. 25: 9), and it is written, ‘For the child shall die a hundred years old ... there shall no more thence an infant of days’ (Isa. 65:20). There is no contradiction. The one speaks of Israel, the other of idolators.” But what do idolators want there in the reestablished state after the resurrection? It is to those concerning whom it is written, “And strangers shall stand and feed your flocks, and the sons of the alien shall be your plowmen and your vinedressers” (Isa. 61: 5).”

3. I:24: R. Hisda contrasted these two verses: “It is written, ‘Then the moon shall be confounded and the sun ashamed, when the Lord of hosts shall reign’ (Isa. 24:23), and it is written, ‘Moreover the light of the moon shall be as the light of seven days’ (Isa. 30:26). There is no contradiction. The one refers to the days of the Messiah, the other to the world to come.”

4. I:25: Raba contrasted these two verses: “It is written, ‘I kill and I make alive’ (Deu. 32:39) and it is written, ‘I wound and I heal’ (Deu. 32:39). The former implies that one is resurrected just as he was at death, thus with blemishes, and the other implies that at the resurrection all wounds are healed. Said the Holy One, blessed be he, ‘What I kill I bring to life,’ and then, ‘What I have wounded I heal.’”

E. HOW ON THE BASIS OF THE TORAH DO WE KNOW ABOUT THE RESURRECTION OF THE DEAD?

1. I:26: Our rabbis have taught on Tannaite authority: “I kill and I make alive” (Deu. 32:39). Is it possible to suppose that there is death for one person and life for the other, just as the world is accustomed now? Scripture says, “I wound and I heal” (Deu. 32:39). Just as wounding and healing happen to one person, so death and then resurrection happen to one person. From this fact we derive an answer to those who say, “There is no evidence of the resurrection of the dead based on the teachings of the Torah.”

2. I:27: It has been taught on Tannaite authority: R. Meir says, “How on the basis of the Torah do we know about the resurrection of the dead?”

3. I:28: Said R. Joshua b. Levi, “How on the basis of Scripture may we prove the resurrection of the dead?”

4. I:29: Said R. Judah said Rab, “Whoever withholds a teaching of law from a disciple is as if he steals the inheritance of his fathers from him, for it is said, ‘Moses commanded us Torah, even the inheritance of the congregation of Jacob’ (Deu. 33: 4). It is an inheritance destined for all Israel from the six days of creation.”

5. I:30: Said R. Sheshet, “Whoever teaches Torah in this world will have the merit of teaching it in the world to come.”

6. I:31: Said Raba, “How on the basis of the Torah do we find evidence for the resurrection of the dead?”

7. I:32: Said R. Eleazar, “Every authority who leads the community serenely will have the merit of leading them in the world to come, as it is said, ‘For he who has mercy on them shall lead them, even by springs of water shall he guide them’ (Isa. 49:10).”

8. I:33: Said R. Tabi said R. Josiah, “What is the meaning of this verse of Scripture: ‘The grave and the barren womb and the earth that is not filled by water’ (Pro. 30:16). What has the grave to do with the womb? It is to say to you, just as the womb takes in and gives forth, so Sheol takes in and gives forth.”

9. I:34: A Tannaite authority of the house of Elisha taught, “The righteous whom the Holy One, blessed be he, is going to resurrect will not revert to dust, for it is said, ‘And it shall come to pass that he that is left in Zion and he that remains in Jerusalem shall be called holy, even everyone that is written among the living in Jerusalem, (Isa. 4: 3). Just as the Holy One lives forever, so they shall live forever.” The passage concludes with the following, which accounts for the inclusion of I.35’s statement on Nebuchadnezzar, thus the entire composite on Hananiah, Mishael, and Azariah: And said R. Yohanan, “From the river Eshel to Rabbath is the valley of Dura. For when Nebuchadnezzar, that wicked man, exiled Israel, there were young men who outshone the sun in their beauty. Chaldean women would see them and reach orgasm from the mere gaze. They told their husbands and their husbands told the king. The king ordered them killed. Still, the wives would reach orgasm merely from laying eyes on the corpses. The king gave an order and they trampled the corpses beyond all recognition.”

a. I:35: Our rabbis have taught on Tannaite authority: When Nebuchadnezzar, the wicked man, cast Hananiah, Mishael, and Azariah, into the fiery furnace, the Holy One, blessed be he, said to Ezekiel, “Go and raise the dead in the valley of Dura.” When he had raised them, the bones came and smacked that wicked man in his face. He said, “What are these things?” They said to him, “The friend of these is raising the dead in the valley of Dura.” He then said, “How great are his signs, and how mighty his wonders. His kingdom is an everlasting kingdom, and his dominion is from generation to generation’ (Dan. 3:23).”

F. TOPICAL APPENDIX ON HANANIAH, MISHAEL, AND AZARIAH

I. I:36: Our rabbis have taught on Tannaite authority: Six miracles were done on that day, and these are they:

II. I:37: A Tannaite authority of the house of R. Eliezer b. Jacob taught, “Even in time of danger a person should not pretend that he does not hold his high office, For it is said, ‘Then these men were bound in their coats, their hose, and their other garments’ (Dan. 3:21). These were garments specially worn by men in their exalted position, and they did not doff them though cast into the furnace.”

III. I:38: Said R. Yohanan, “The righteous are greater than ministering angels. For it is said, ‘He answered and said, Lo, I see four men loose, walking in the midst of the fire, and they are not hurt, and the form of the fourth is like the son of God’ (Dan. 3:25). Thus the angel is mentioned last, as being least esteemed.”

IV. I:39: Said R. Tanhum bar Hanilai, “When Hananiah, Mishael, and Azariah went out of the fiery furnace, all the nations of the world came and slapped the enemies of Israel that is, Israel on their faces.”

V. I:40: Said R. Samuel bar Nahmani said R. Jonathan, “What is the meaning of the verse of Scripture, ‘I said, I will go up to the palm tree, I will take hold of the boughs thereof’ (Son. 7: 9)?” I said I will go up to the palm tree’ refers to Israel. But now ‘I grasped’ only one bough, namely, Hananiah, Mishael and Azariah.”

VI. I:41: And said R. Yohanan, “What is the meaning of the verse of Scripture, ‘I saw by night, and behold a man riding upon a red horse, and he stood among the myrtle trees that were in the bottom’ (Zec. 1: 8).? What is the meaning of, ‘I saw by night’? The Holy One blessed be he, sought to turn the entire world into night. ‘And behold, a man riding’ — ‘man’ refers only to the Holy One, blessed be he, as it is said, ‘The Lord is a man of war, the Lord is his name’ (Exo. 15: 3). ‘On a red horse’ — the Holy One, blessed be he, sought to turn the entire world to blood. When, however, he saw Hananiah, Mishael, and Azariah, he cooled off, as it is said, ‘And he stood among the myrtle trees that were in the deep.’”

VII. I:42: The rabbis Hananiah, Mishael, and Azariah — where did they go?

VIII. I:43: Our rabbis have taught on Tannaite authority: There were three who were involved in that scheme to keep Daniel out of the furnace: the Holy One, blessed be he, Daniel, and Nebuchadnezzar.

IX. I:44: “Thus says the Lord of hosts, the God of Israel, of Ahab, son of Kolaiah, and of Zedekiah, son of Maaseiah, who prophesy a lie to you in my name” (Jer. 29:21) And it is written, “And of them shall be taken up a curse by all the captivity of Judah who are in Babylonia, saying, The Lord make you like Zedekiah and like Ahab, whom the king of Babylonia roasted in fire” (Jer. 29:22). What is said is not “whom he burned in fire” but “whom he roasted in fire.”

X. I:45: “Because they have committed villainy in Israel and have committed adultery with their neighbors’ wives” (Jer. 29:23): What did they do? They went to Nebuchadnezzar’s daughter. Ahab said to her, “Thus said the Lord, ‘Give yourself to Zedekiah.’”

XI. I:46: Said R. Tanhum, “In Sepphoris, bar Qappara interpreted the following verse: ‘These six grains of barley gave he to me’ (Ruth 3:17). What are the six of barley? If we should say that they were actually six of barley, was it the way of Boaz to give out a gift of only six barley grains? Rather it must have been six seahs of barley? And is it the way of a woman to carry six seahs? Rather, this formed an omen to her that six sons are destined to come forth from her, each of whom would receive six blessings, and these are they: David, the Messiah, Daniel, Hananiah, Mishael, and Azariah. David, as it is written, ‘Then answered one of the servants and said, Behold I have seen the son of Jesse, the Bethlehemite, who is cunning in playing and a mighty, valiant man, and a man of war, and understanding in matters, and a handsome man, and the Lord is with him’ (1Sa. 16:18). The six epithets, viz., cunning in playing, mighty, valiant, etc., are regarded as blessings applicable to each of the six persons mentioned.”

XII. I:47: “Now among these were of the children of Judah, Daniel, Hananiah, Mishael, and Azariah” (Dan. 1: 6): Said R. Eleazar, “All of them came from the children of Judah.” And R. Samuel bar Nahmani said, “Daniel came from the children of Judah, but Hananiah, Mishael, and Azariah came from the other tribes.”

XIII. I:48: “And of your sons which shall issue from you, which you shall beget, shall they take away, and they shall be eunuches in the palace of the king of Babylonia” (2Ki. 20:18): What are these “eunuches”? Rab said, “Literally, eunuches.” And R. Hanina said, “The sense is that idolatry was castrated i.e. made sterile in their time.” In the view of him who has said that idolatry was castrated in their time, that is in line with the verse of Scripture, “And there is no hurt in them” (Dan. 3:25). But in the view of him who says that “eunuch” is in its literal sense, what is the meaning of, “And there is no hurt in them” (Dan. 3:25) Since they had been castrated? It is that the fire did them no injury.

XIV. I:49: Now since whatever concerns Ezra was stated by Nehemiah b. Hachlia, what is the reason that the book was not called by his name? Said R. Jeremiah bar Abba, “It is because he took pride in himself, as it is written, ‘Think up on me for good, my God’ (Neh. 5:19).” David also made such a statement, “Remember me, Lord, with the favor that you bear for your people, visit me with your salvation” (Psa. 106: 4). It was supplication that David sought. R. Joseph said, “It was because Nehemiah had spoken disparagingly about his predecessors, as it is said, ‘But the former governors who had been before me were chargeable unto the

people and had taken of them bread and wine, beside forty shekels of silver' (Neh. 5:15). Furthermore, he spoke in this way even of Daniel, who was greater than he was." And how do we know that Daniel was greater than he was?

G. THE MESSIAH. PHARAOH, SENNACHERIB, HEZEKIAH, AND OTHER PLAYERS IN THE MESSIANIC DRAMA

- 1.** I:50: Of the increase of his government and peace there shall be no end" (Isa. 9: 6): R. Tanhum said, "In Sepphoris, Bar Qappara expounded this verse as follows: 'On what account is every M in the middle of a word open, but the one in the word "increase" is closed? 'The Holy One, blessed be he, proposed to make Hezekiah Messiah, and Sennacherib into Gog and Magog. 'The attribute of justice said before the Holy One, blessed be he, "Lord of the world, Now if David, king of Israel, who recited how many songs and praises before you, you did not make Messiah, Hezekiah, for whom you have done all these miracles, and who did not recite a song before you, surely should not be made Messiah."
- 2.** I:51: "The burden of Dumah. He calls to me out of Seir, Watchman, what of the night? Watchman, what of the night?" (Isa. 21:11): Said R. Yohanan, "That angel who is appointed over the souls is named Dumah. All the souls gathered to Dumah, and said to him, "'Watchman, what of the night? Watchman, what of the night?" (Isa. 21:11). Said the watchman, 'The morning comes and also the night, if you will inquire, inquire, return, come' (Isa. 21:11)."
- 3.** I:52: A Tannaite authority in the name of R. Pappias said, "It was a shame for Hezekiah and his associates that they did not recite a song, until the earth opened and said a song, as it is said, 'From the uttermost part of the earth have we hard songs, even glory to the righteous' (Isa. 24:16)."
 - a.** I:53: "And Jethro rejoiced" (Exo. 18: 9) Rab and Samuel — Rab said, "It was that he passed a sharp knife across his flesh circumcising himself." And Samuel said, "All his flesh became goose-pimples because of the destruction of the Egyptians."
- 4.** I:54: "Therefore shall the Lord, the Lord of hosts, send among his fat ones leanness" (Isa. 10:16): What is "among his fat ones leanness"? Said the Holy One, blessed be he, "Let Hezekiah come, who has eight names, and exact punishment from Sennacherib, who has eight names."
- 5.** I:55: "And beneath his glory shall he kindle a burning like the burning of a fire" (Isa. 10:16): Said R. Yohanan, "Under his glory, but not actually his glory."
- 6.** I:56: A Tannaite authority in the name of R. Joshua b. Qorhah taught, "Since Pharaoh blasphemed personally, the Holy One, blessed be he, exacted punishment from him personally. Since Sennacherib blasphemed through a messenger, the Holy One, blessed be he, exacted punishment from him through a messenger."
- 7.** I:57: R. Hanina b. Pappa contrasted two verses: "It is written, 'I will enter the height of his border' (Isa. 37:24), and it is further written, 'I will enter into the lodgings of his borders' (2Ki. 19:23). Said that wicked man, 'First I shall destroy the lower dwelling, and afterward I shall destroy the upper dwelling.'"

8. I:58: Said R. Joshua b. Levi, “What is the meaning of the verse of Scripture, ‘Am I now come up without the Lord against this place to destroy it? The Lord said to me, Go up against this land and destroy it’ (2Ki. 18:25). What is the sense of the passage? He had heard the prophet, who had said, ‘Since this people refuses the waters of Shiloah that go softly and rejoice in Rezina and Ramaliah’s son, now therefore behold the Lord brings up upon them the waters of the river, strong and many, even the king of Assyria and all his glory, and he shall come up over all his channels and go over all his banks’ (Isa. 8: 6). This was understood by Sennacherib as an order to possess Jerusalem.”

9. I:59: Said R. Yohanan, “What is the meaning of this verse: ‘The curse of the Lord is in the house of the wicked, but he blesses the habitation of the just’ (Pro. 3:33)? ‘The curse of the Lord is in the house of the wicked’ refers to Pekah, son of Ramaliah, who would eat forty seahs of pigeons for desert. ‘But he blesses the habitation of the just’ refers to Hezekiah, king of Judea, who would eat a litra of vegetables for a whole meal.”

10. I:60: “Now therefore behold, the Lord brings up upon them the waters of the river, strong and many, even the king of Assyria and all his glory” (Isa. 8: 7). And it is written, “And he shall pass through Judea, he shall overflow and go over, he shall reach even to the neck” (Isa. 8: 8). Then why was Sennacherib punished?

11. I:61: What is the meaning of this verse: “When aforetime the land of Zebulun and the land of Naphtali lightened its burden, but in later times it was made heavy by the way of the sea, beyond Jordan, in Galilee of the nations” (Isa. 8:23)? It was not like the early generations, who made the yoke of the Torah light for themselves, but the later generations, who made the yoke of the Torah heavy for themselves. And these were worthy that a miracle should be done for them, just as was done for those who passed through the sea and trampled over the Jordan.

12. I:62: “After these things, and the truth thereof, Sennacherib, king of Assyria, came and entered Judea and encamped against the fortified cities and thought to win them for himself” (2Ch. 32: 1): Such a recompense to Hezekiah for such a gift? The previous verse relates that Hezekiah turned earnestly to the service of God. Was then Sennacherib’s invasion his just reward?

13. I:63: “And it shall come to pass in that day that his burden shall be taken away from off your shoulders and his yoke from off your neck, and the yoke shall be destroyed because of the oil” (Isa. 10:27): Said R. Isaac Nappaha, “The yoke of Sennacherib will be destroyed because of the oil of Hezekiah, which he would kindle in the synagogues and school houses. What did Hezekiah do? He affixed a sword at the door of the school house and said, ‘Whoever does not take up study of the Torah will be pierced by this sword.’ They searched from Dan to Beer Sheba and found no ignoramus, from Gabbath to Antipatris and found no boy or girl, no man or woman, not expert in the laws of uncleanness and cleanness.”

14. I:64: “And your spoil shall be gathered like the gathering of a caterpillar” (Isa. 33: 4): Said the prophet to Israel, “Gather your spoil.” They said to him, “Is it for individual spoil or for sharing?” He said to them, “‘Like the gathering of a caterpillar’ (Isa. 33: 4): Just as in the gathering of a caterpillar it is each one for himself, so in your spoil it is each one for himself.”

15. I:65: Said R. Huna, "That wicked man Sennacherib made ten marches that day, as it is said, 'He is come to Aiath, he is passed at Migron, at Michmash he has laid up his carriages, they are gone over the passage, they have taken up their lodgings at Geba, Ramah is afraid, Gibeah of Saul is fled, Lift up your voice, O daughter of Gallim, cause it to be heard to Laish, O poor Anathoth, Madmenah is removed, the inhabitants of Gebim gather themselves to flee' (Isa. 10:28-31)."

16. I:66: What is the meaning of the statement, "As yet shall be halt at Nob that day" (Isa. 10:32)? Said R. Huna, "That day alone remained for the punishment of the sin committed at Nob Sam. 22:17-19. When the priests of Nob were massacred. God set a term for punishment, of which that day was the last.

17. I:67: "And Ishbi-benob, who was of the sons of the giant, the weight of whose spear weighed three hundred shekels of brass in weight, being girded with a new sword, thought to have slain David" (2Sa. 21:16): What is the sense of "Ishbi-benob"? Said R. Judah said Rab, "It was a man ish who came on account of the matter of the sin committed at Nob. Said the Holy One, blessed be he, to David, 'How long will the sin committed against Nob be concealed in your hand. On your account, Nob was put to death, the city of priests, on your account, Doeg the Edomite was sent into exile; on your account, Saul and his three sons were killed. 'Do you want you descendants to be wiped out, or do you want to be handed over into the power of an enemy?' He said to him, 'Lord of the world, It is better that I be handed over to an enemy but that my descendants not be wiped out.'"

a. I:68: Our rabbis have taught on Tannaite authority: For three did the earth fold up to make their journey quicker: Eliezer, Abraham's servant, Jacob our father, and Abishai b. Zeruiah. As to Abishai, son of Zeruiah, it is as we have just said. As to Eliezer, Abraham's servant, it is written, "And I came this day to the well" (Gen. 24:42), meaning that that very day he had set out. As to Jacob, our father, as it is written, "And Jacob went out from Beer Sheba and went to Haran" (Gen. 28:10), and it is said, "And he lighted upon a certain place and tarried there all night, because the sun had set" (Gen. 28:11).

18. I:69: And how do we know that the seed of David ceased

19. I:70: Said R. Judah said Rab, "The wicked Sennacherib came against them with forty-five thousand men, sons of kings seated on golden chariots, with their concubines and whores, and with eighty thousand mighty soldiers, garbed in coats of mail, and sixty thousand swordsmen running before him, and the rest cavalry. And so they came against Abraham, and in the age to come so they will come with Gog and Magog."

20. I:71: It was taught on Tannaite authority: The first ones crossed by swimming, as it is said, "He shall overflow and go over" (Isa. 8: 8). The middle ones crossed standing up, as it is said, "He shall reach even to the neck" (Isa. 8: 8). The last group brought up the dirt of the river with their feet and so found no water in the river to drink, so that they had to bring them water from some other place, which they drank, as it is said, "I have digged and drunk water" (Isa. 37:25).

21. I:72: How did the angel smite the army?

22. I:73: How many of Sennacherib's army remained?

23. I:74: Said R. Abbahu, "Were it not that a verse of Scripture is explicitly spelled out, it would not have been possible to say it: For it is written, 'In the same day shall the Lord shave with a razor that is hired, namely, by the riverside, by the king of Assyria, the head and the hair of the feet, and it shall consume the beard' (Isa. 7:20.) The Holy One, blessed be he, came and appeared before Sennacherib as an old man. He said to him, 'When you go against the kings of east and west, whose sons you brought and saw killed, what will you say to them?'"

a. I:75: "And he fought against them, he and his servants, by night, and smote them" (Gen. 14:15): Said R. Yohanan, "That angel who was assigned to Abraham was named 'Night,' as it is said, 'Let the day perish wherein I was born and the Night which said, There is a man-child conceived' (Job. 3: 3). The verse, Gen. 14:15, is translated, and Night fought on their behalf, he and his...." Inserted because of the concluding statement: Said R. Yohanan, "When that righteous man came to Dan, he grew weak. He foresaw that the children of his children were destined to commit acts of idolatry in Dan, as it is said, 'And he set the one in Beth El, and the other he put in Dan' (1Ki. 12:29). And also that wicked man Nebuchadnezzar did not grow strong until he reached Dan, as it is said, 'From Dan the snorting of his horses was heard' (Jer. 8:16)."

25. I:76: Said R. Zira, "Even though R. Judah b. Beterah sent word from Nisibis, 'Pay heed to an elder who has forgotten his learning through not fault of his own and to cut the jugular veins in slaughtering a beast, in accord with the view of R. Judah, 'and take heed of the sons of the ordinary folk, for from them too will Torah go forth,' for such a matter as the following we may convey matters to them and not refrain from teaching this lesson: "'You are righteous, Lord, when I please with you, yet let me talk to thee of your judgments, wherefore does the way of the wicked prosper? Wherefore are all they happy who deal very treacherously? You have planted them, yes, they have taken root, they grow, yes, they bring forth fruit'" (Jer. 12: 1-2).

26. I:77: What is the meaning of the fact that Merodach-Baladan is called "the son of Baladan"? They say: Baladan was king, and his appearance changed into that of a dog, so his son sat on the throne. When he would sign a document, he would write his name and the name of his father, "King Baladan."

27. I:78: Said Raba, "It was bearing three hundred mules loaded with iron axes that could break iron that Nebuchadnezzar sent Nebuzaradan. All of them broke on one gate of Jerusalem, as it is said, 'And now they attack its gate together; with axes and hammers they hit it' (Psa. 74: 6). He wanted to go back. He said, 'I am afraid that they might do to me as they did to Sennacherib. A voice came forth: 'Leaper son of a leaper, leap, Nebuzaradan! The time has come for the sanctuary to be destroyed and the palace burned.'"

a. I:79: Our rabbis have taught on Tannaite authority: Naaman was a resident proselyte. Nebuzaradan was a righteous proselyte. Grandsons of Sisera studied Torah in Jerusalem. Grandsons of Sennacherib taught Torah in public.

28. I:80: Said Ulla, “Ammon and Moab were bad neighbors of Jerusalem. When they heard the prophets prophesying the destruction of Jerusalem, they sent word to Nebuchadnezzar, ‘Go out and come here.’ He said, ‘I am afraid that they will do to me what they did to those who came before me.’ They sent to him, “‘For the man is not at home’ (Pro. 7:19), and “man” can refer only to the Holy One, blessed be he, as it is said, “‘The Lord is a man of war’ (Exo. 15: 3).’ He replied, ‘He is nearby and he will come.’ They sent to him, “‘He has gone on a far journey’ (Pro. 7:19).’ He sent to them, ‘There are righteous men there, who will pray for mercy and bring him back.’”

H. WHEN WILL THE MESSIAH COME?

1. I:81: Said R. Nahman to R. Isaac, “Have you heard when the son of ‘the fallen one’ will come?” He said to him, “Who is the son of ‘the fallen one’?” He said to him, “It is the Messiah.” “Do you call the Messiah ‘the son of the fallen one’?” He said to him, “Yes, for it is written, ‘On that day I will raise up the tabernacle of David, the fallen one’ (Amo. 9:11).”

2. I:82: Our rabbis have taught on Tannaite authority: The seven year cycle in which the son of David will come: As to the first one, the following verse of Scripture will be fulfilled: “And I will cause it to rain upon one city and not upon another” (Amos 4: 7). As to the second year, the arrows of famine will be sent forth. As to the third, there will be a great famine, in which men, women, and children will die, pious men and wonder-workers alike, and the Torah will be forgotten by those that study it. As to the fourth year, there will be plenty which is no plenty. As to the fifth year, there will be great prosperity, and people will eat, drink, and rejoice, and the Torah will be restored to those that study it. As to the sixth year, there will be rumors. As to the seventh year, there will be wars.

3. I:83: It has been taught on Tannaite authority: R. Judah says, “In the generation in which the son of David will come, the gathering place will be for prostitution, Galilee will be laid waste, Gablan will be made desolate, and the men of the frontier will go about from town to town, and none will take pity on them; and the wisdom of scribes will putrefy; and those who fear sin will be rejected; and the truth will be herded away (M. [Sot. 9:15AA-GG](#)).

a. I:84: Said Raba, “To begin with I had supposed that there is no truth in the world. One of the rabbis, R. Tabut by name (and some say, R. Tabyomi by name), who would not go back on his word even though people gave him all the treasures of the world, said to me that one time he happened to come to a place called Truth.”

4. I:85: It has been taught on Tannaite authority: R. Nehorai says, “In the generation in which the son of David will come, children will shame elders, and elders will stand up before children. ‘The daughter rises up against the mother, and the daughter-in-law against her mother-in-law’ (Mic. 7: 6). The face of the generation is the face of a dog, and a son is not ashamed before his father” (M. [Sot. 9:15HH-KK](#)).

5. I:86: It has been taught on Tannaite authority: R. Nehemiah says, “In the generation in which the son of David will come, presumption increases, and dearth

increases, and the vine gives its fruit and wine at great cost. The government turns to heresy, and there is no reproof" (M. **Sot. 9:15W-Z**).

6. I:87: Our rabbis have taught on Tannaite authority: "For the Lord shall judge his people and repent himself of his servants, when he sees that their power has gone, and there is none shut up or left" (Deu. 32:36). The son of David will come only when traitors are many. Another matter: Only when disciples are few. Another matter: Only when a penny will not be found in anyone's pocket.

7. I:88: Said R. Qattina, "The world will exist for six thousand years and be destroyed for one thousand, as it is said, 'And the Lord alone shall be exalted in that day' (Isa. 2:11)." Abbaye said, "It will be desolate for two thousand years, as it is said, 'After two days will he revive us, in the third day, he will raise us up and we shall live in his sight' (Hos. 6: 2)."

8. I:89: A Tannaite authority of the house of Elijah said, "For six thousand years the world will exist. For two thousand it will be desolate, two thousand years will be the time of Torah, and two thousand years will be the days of the Messiah."

9. I:90: Said Elijah to R. Sala the Pious, "The world will last for no fewer than eighty-five Jubilees of fifty years each, and the son of David will come in the last one."

10. I:91: R. Hanan, son of Tahalipa, sent to R. Joseph, "I came across a man who had in hand a scroll, written in Assyrian block letters in the holy language. I said to him, 'Where did you get this?' He said to me, 'I was employed in the Roman armies, and I found it in the Roman archives.' In the scroll it is written that after four thousand two hundred ninety-two years from the creation of the world, the world will be an orphan. As to the years to follow in some there will be wars of the great dragons, and in some, wars of Gog and Magog, and the rest will be the days of the Messiah. And the Holy One, blessed be he, will renew his world only after seven thousand years."

11. I:92: It has been taught on Tannaite authority: R. Nathan says, "This verse of Scripture pierces to the depth: 'For the vision is yet for an appointed time, but at the end it shall speak and not lie; though he tarry, wait for him; because it will surely come, it will not tarry' (Hab. 2: 3)."

12. I:93: What is the meaning of the verse, "But at the end it shall speak and not lie" (Hab. 2: 3)? Said R. Samuel bar Nahmani said R. Jonathan, "Reading the verse as, 'He will blast him who calculates the end,' blasted be the bones of those who calculate the end when the Messiah will come. For they might say, 'Since the end has come and he has not come, he will not come.' Rather, wait for him, as it is said, 'Though he tarry, wait for him' (Hab. 2: 3)."

13. I:94: Said Abbaye, "There are in the world never fewer than thirty-six righteous men, who look upon the face of the Presence of God every day, for it is said, 'Happy are those who wait for him' (Isa. 30:18), and the numerical value of the letters in the word 'for him' is thirty-six."

14. I:95: Said Rab, "All of the ends have passed, and the matter now depends only on repentance and good deeds." And Samuel said, "It is sufficient for a mourner to remain firm in his mourning."

15. I:96: And said R. Abba, “You have no indication of the end more openly stated than the following, as it is said: ‘But you, O Mountains of Israel, shall shoot forth your branches and yield your fruit to my people, Israel, for they are at hand to come’ (Eze. 36: 8).”

16. I:97: Said R. Hanina, “The son of David will come only when a fish will be sought for a sick person and not be found, as it is said, ‘Then I will make their waters deep and cause their rivers to run like oil’ (Eze. 32:14), and it is written, ‘In that day I will cause the horn of the house of Israel to sprout forth’ (Eze. 29:21).” Said R. Hama bar Hanina, “The son of David will come only when the rule over Israel by the least of the kingdoms will come to an end, as it is said, ‘He shall both cut off the springs with pruning hooks and take away and cut down the branches’ (Isa. 18: 5), and further: ‘In that time shall the present be brought to the Lord of hosts of a people that is scattered and peeled’ (Isa. 18: 7).”

17. I:98: Said Ulla, “Jerusalem will be redeemed only through righteousness, as it is written, ‘Zion shall be redeemed with judgment and her converts with righteousness’ (Isa. 1:27).” Said R. Pappa, “If the arrogant end in Israel, the Magi will end in Iran, if the judges end in Israel, the rulers of thousands will come to an end in Iran. If the arrogant end in Israel, the magi will end in Iran, as it is written, ‘And I will purely purge away your haughty ones and take away all your tin’ (Isa. 1:25). If judges end in Israel, the rulers of thousands will come to an end in Iran, as it is written, ‘The Lord has taken away your judgments, he has cast out your enemy’ (Zep. 3:15).”

18. I:99: Said R. Yohanan, “If you see a generation growing less and less, hope for him more and more, as it is said, ‘And the afflicted people will you save’ (2Sa. 22:28).” Said R. Yohanan, “If you see a generation over which many troubles flow like a river, hope for him, as it is written, ‘When the enemy shall come in like a flood, the spirit of the Lord shall lift up a standard against him’ (Isa. 59:19), followed by: ‘And the redeemer shall come to Zion’ (Isa. 59:20).”

19. I:100: Said R. Alexandri, “R. Joshua b. Levi contrasted verses as follows: It is written; “in its time will the Messiah come,” and it is also written; “I the Lord will hasten it.” What is the meaning of the contrast? If the Israelites have merit, I will hasten it, if they do not, the messiah will come in due course.”

20. I:101: Said King Shapur to Samuel, “You say that the Messiah will come on an ass which is a humble way. Come and I shall send him a white horse that I have.”

21. I:102: . Joshua b. Levi found Elijah standing at the door of the burial vault of R. Simeon b. Yohai. He said to him, “Am I going to come to the world to come?” He said to him, “If this master wants.” Said R. Joshua b. Levi, “Two did I see, but a third voice did I hear.” He said to him, “When is the Messiah coming?” He said to him, “Go and ask him.”

22. I:103: His disciples asked R. Yosé b. Qisma, “When is the son of David coming?”

23. I:104: Said Rab, “The son of David will come only when the monarchy of Rome will spread over Israel for nine months.”

24. I:105: Said Ulla, "Let him come, but may I not see him." Said Rabba, "Let him come, but may I not see him." R. Joseph said, "May he come, and may I have the merit of sitting in the shade of the dung of his ass."

25. I:106: So said R. Yohanan, "Let him come, but let me not see him."

26. I:107: Said R. Giddal said Rab, "The Israelites are going to eat and not starve in the years of the Messiah."

27. I:108: Said Rab, "The world was created only for David." And Samuel said, "For Moses." And R. Yohanan said, "For the Messiah."

28. I:109: Said R. Nahman, "If he is among the living, he is such as I, as it is said, 'And their nobles shall be of themselves and their governors shall proceed from the midst of them' (Jer. 30:21)." Said Rab, "If he is among the living, he is such as our Holy Rabbi Judah the Patriarch, and if he is among the dead, he is such as Daniel, the most desirable man."

29. I:110: R. Simlai interpreted the following verse: "What is the meaning of that which is written, 'Woe to you who desire the day of the Lord! to what end is it for you? the day of the Lord is darkness and not light' (Amo. 5:18)? The matter may be compared to the case of the cock and the bat who were waiting for light. The cock said to the bat, 'I am waiting for the light, for the light belongs to me, but what do you need light for?' That is in line with what a min said to R. Abbahu, "When is the Messiah coming?" He said to him, "When darkness covers those men."

30. I:111: It has been taught on Tannaite authority: R. Eliezer says, "The days of the Messiah will last forty years, as it is said, 'Forty years long shall I take hold of the generation' (Psa. 95:10)." R. Eliezer b. Azariah says, "Seventy years, as it is said, 'And it shall come to pass in that day that Tyre shall be forgotten seventy years, according to the days of one king' (Isa. 23:15)."

31. I:112: R. Hillel says, "Israel will have no Messiah, for they consumed him in the time of Hezekiah."

32. I:113: A further teaching on Tannaite authority: R. Eliezer says, "The days of the Messiah will last for forty years. Here it is written, 'And he afflicted you and made you hunger and fed you with manna' (Deu. 8: 3), and elsewhere: 'Make us glad according to the days forty years in the wilderness in which you have afflicted us' (Psa. 90:15)." R. Dosa says, "Four hundred years. Here it is written, 'And they shall serve them and they shall afflict them four hundred years' (Gen. 15:13), and elsewhere: 'Make us glad according to the days wherein you have afflicted us' (Psa. 90:15)."

33. I:114: Said R. Hiyya bar Abba said R. Yohanan, "All of the prophets prophesied only concerning the days of the Messiah. But as to the world to come thereafter: 'Eye has not seen, O Lord, beside you, what he has prepared for him who waits for him' (Isa. 64: 3)."

I. AND THESE ARE THE ONES WHO HAVE NO PORTION IN THE WORLD TO COME: HE WHO SAYS...THE TORAH DOES NOT COME FROM HEAVEN:

1. II:1: Our rabbis have taught on Tannaite authority: “Because he has despised the word of the Lord and broken his commandment, that soul shall utterly be cut off” (Num. 15:31): This refers to one who says, “The Torah does not come from heaven.”
2. II:2: It has been taught on Tannaite authority: R. Meir would say, “He who studies the Torah but does not teach it falls under the verse, “Because he has despised the word of the Lord” (Num. 15:31).” R. Nathan says, “Whoever does not pay close attention to the Mishnah.” R. Nehorai says, “Whoever has the possibility of taking up the study of the Torah and does not do so.” R. Ishmael says, “This refers to one who worships an idol.”
3. II:3: R. Joshua b. Qorhah says, “Whoever studies the Torah and does not review it is like a man who sows seed but does not harvest it.” R. Joshua says, “Whoever learns the Torah and forgets it is like a woman who bears and buries.” R. Aqiba says, “A song is in me, a song always” (T. **Ah. 16:8H-I**).
4. II:4: Said R. Eleazar, “Every man was born to work, as it is said, ‘For man is born to work’ (Job. 5: 7). I do not know whether it is for work done with the mouth that he is created, or whether it is for labor done through physical work that he was created. When Scripture says, ‘For his mouth craves it of him’ (Pro. 16:26), one has to conclude that it is for work done with the mouth that he was created. Yet I still do not know whether it was to labor in the Torah or to labor in some sort of other conversation. When Scripture says, ‘This book of the Torah shall not depart out of your mouth’ (Jos. 1: 8), one must conclude that it is for labor in the Torah that he is created.”
5. II:5: “Whoever commits adultery with a woman lacks understanding” (Pro. 6:32). Said R. Simeon b. Laqish, “This refers to one who studies the Torah at occasional intervals.”
6. II:6: Our rabbis have taught on Tannaite authority: “But the soul that does anything presumptuously” (Num. 15:30): This refers to Manasseh, son of Hezekiah, who would go into session and interpret tales seeking flaws in them, saying, “Did Moses have nothing better to do than to write such verses as ‘And Lotan’s sister was Timna’ (Gen. 36:22). ‘And Timna was concubine to Eliphaz’ (Gen. 36:12). ‘And Reuben went in the days of the wheat harvest and found mandrakes in the field’ (Gen. 30:14)?” An echo came forth and said to him, ““You sit and speak against your brother; you slander your own mother’s son. These things you have done, and I kept silence, you thought that I was altogether such a one as yourself, but I will reprove you and set them in order before your eyes’ (Psa. 50:20-21).”
7. II:7: Said R. Alexandri, “Whoever is occupied in study of the Torah for the sake of heaven brings peace to the family above and to the family below.”
8. II:8: Said R. Simeon b. Laqish, “Whoever teaches Torah to the son of his neighbor is credited by Scripture as if he had made him.”
9. II:9: Said R. Abbahu, “Whoever makes his neighbor carry out a religious duty is credited by Scripture as if he himself had done it, as it is said, ‘The Lord said to Moses, Take...your rod, with which you hit the river’ (Exo. 17: 5).”

J. ...AND AN EPICUREAN:

1. III:1: Both Rab and R. Hanina say, "This refers to one who humiliates disciples of sages." Both R. Yohanan and R. Joshua b. Levi say, "It is one who humiliates his fellow before a disciple of a sage."
2. III:2: Levi bar Samuel and R. Huna bar Hiyya were fixing the mantles of the Torah scrolls of the house of R. Judah. When they got to the scroll of Esther, they said, "Lo, this scroll of Esther does not have to have a mantle at all." He said to them, "This sort of talk also appears to be Epicureanism."
3. III:3: R. Nahman said, "It is one who refers to his master by his name."
4. III:4: R. Jeremiah was in session before R. Zira and said, "The Holy One, blessed be he, by which there will be many kinds of delicious produce, as it is said, 'And by the river upon that bank thereof, on this side and on that side, shall grow all trees for meat, whose leaf shall not fade, neither shall the fruit thereof be consumed; it shall bring forth new fruit, according to his months, because their waters they issued out of the sanctuary, and the fruit therefore shall be for meat, and the leaf thereof for medicine' (Eze. 47:12)." "Said to him a certain old man, 'Well said, and so did R. Yohanan say.'" Said R. Jeremiah to R. Zira, "Behavior of this sort condescension to the master likewise appears to be Epicureanism."
5. III:5: R. Judah b. R. Simon interpreted, "Whoever blackens his face in fasting on account of teachings of Torah in this world will find that the Holy One, blessed be he, polishes his luster in the world to come."
6. III:6: It has been taught on Tannaite authority" R. Meir says, "By the same measure by which a mate metes out, do they mete out to him (M. **Sot. 1:7A**), For it is written, By measure in sending her away thou dost contend with her' (Isa. 27: 8)." Said R. Judah, "And can one say so? If a person gives a handful to charity to a poor man in this world, will the Holy One, blessed be he, give him a handful of his, so much larger hand, in the world to come? And has it not been written, 'And meted out heaven with a span' (Isa. 40:12)?"

K. R. AQIBA SAYS, "ALSO: HE WHO READS IN HERETICAL BOOKS:"

1. IV:1: It was taught on Tannaite authority: That is the books of the minim.
2. IV:2: R. Joseph said, "It is also forbidden to read in the book of Ben Sira."
3. IV:3: Said R. Zira said Rab, "What is the meaning of the verse of Scripture, 'All the days of the afflicted are evil' (Pro. 15:15)? This refers to masters of Talmud. 'But he that is of a good heart has a continuous banquet' (Pro. 15:15)? This refers to masters of the Mishnah."
4. IV:4: Our rabbis have taught on Tannaite authority: He who recites a verse of the Song of Songs and turns it into a kind of love-song, and he who recites a verse in a banquet hall not at the proper time but in a time of carousal bring evil into the world (cf. T. **San. 12:10A**). For the Torah puts on sack cloth and stands before the Holy One, blessed be he, and says before him, "Lord of the world, your children have treated me like a harp which scoffers play.

L. "...AND HE WHO WHISPERS OVER A WOUND AND SAYS, 'I WILL PUT NONE OF THE DISEASES UPON YOU WHICH I HAVE PUT ON THE EGYPTIANS, FOR I AM THE LORD WHO HEALS YOU:'"

1. V:1: Said R. Yohanan, "That is the rule if one spits over the wound, for people may not make mention of the Name of heaven over spit."

2. V:2: It has been stated on Amoraic authority: Rab said, "Even 'When the plague of leprosy' (Lev. 1: 1) may not be recited."

3. V:3: Our rabbis have taught on Tannaite authority: People may anoint and massage the intestines on the Sabbath, and whisper to snakes and scorpions on the Sabbath, and place utensils on the eyes on the Sabbath.

4. V:4: Our rabbis have taught on Tannaite authority: People may anoint and massage the intestines on the Sabbath, so long as one not do so as he does on a weekday.

5. V:5: Our rabbis have taught on Tannaite authority: As to the spirits of oil or eggs, it is permitted to address questions to them, except that they prove unreliable. People whisper over oil that is in a utensil but not over oil that is held in the hand.

a. V:6: R. Isaac bar Samuel bar Marta happened to stay at a certain inn. They brought him oil in a utensil, and he anointed himself. He broke out in blisters all over his face. He went to a market place, and a certain woman saw him and said to him, "The blast of Hamath do I see here."

6. V:7: Said R. Abba to Rabba bar Mari, "It is written, 'I will put none of these diseases upon you, which I have brought upon the Egyptians, for I am the Lord who heals you' (Exo. 15:26). But if he does not place those diseases, what need is there for healing anyhow?"

7. V:8: Said Rabbah bar bar Hanah, "When R. Eliezer fell ill, his disciples came in to call on him. He said to them, 'There is great anger in the world to account for my sickness.' They began to cry, but R. Aqiba began to laugh. They said to him, 'Why are you laughing?' He said to them, 'Why are you crying?' They said to him, 'Is it possible that, when a scroll of the Torah such as Eliezer is afflicted with disease, we should not cry?' He said to them, 'For that reason I am laughing. So long as I observed that, as to my master, his wine did not turn to vinegar, his flux was not smitten, his oil did not putrefy, and his honey did not become rancid, I thought to myself, "Perhaps, God forbid, my master has received his reward in this world." But now that I see my master in distress, I rejoice knowing that he will receive his full reward in the world to come.'

a. V:9: Our rabbis have taught on Tannaite authority: When R. Eliezer fell ill, four elders came to call on him: R. Tarfon, R. Joshua, R. Eleazar b. Azariah, and R. Aqiba.

l. V:10: Our rabbis have taught on Tannaite authority: Three came with a self-serving plea, and these are they: Cain, Esau, and Manasseh.

M. ABBA SAUL SAYS, “ALSO: HE WHO PRONOUNCES THE DIVINE NAME AS IT IS SPELLED OUT:”

1. VI:1: On Tannaite authority it was stated: That is the rule in the provinces, and when it is in blasphemous language.

N. THREE KINGS AND FOUR ORDINARY FOLK HAVE NO PORTION IN THE WORLD TO COME. THREE KINGS: JEROBOAM:

1. VII:1: Our rabbis have taught on Tannaite authority: “Jerobam”: for he treated the people as his sexual object. Another matter: “Jeroboam: “for he made strife in the people. Another matter: “Jeroboam: “for he brought strife between the people of Israel and their father in heaven.

2. VII:2: On Tannaite authority it was stated: Nebat is the same as Micah and Sheba son of Bichri. Nebat: Because he saw a vision but did not see its meaning.

3. VII:3: Our rabbis have taught on Tannaite authority: There were three who saw a vision but did not see its meaning, and these are they: Nabat, Ahitophel, and Pharaoh’s astrologers. Nabat saw fire coming forth from his penis. He thought that it meant that he would rule, but that was not the case. It was that Jeroboam would come forth from him who would rule.

4. VII:4: And how do we know that Jeroboam will not come into the world to come?

5. VII:5: Said R. Yohanan, “On what account did Jeroboam have the merit to rule?”

6. VII:6: Said R. Nahman, “The arrogance that characterized Jeroboam is what drove him out of the world.”

7. VII:7: It is written, “And the revolvers are profound to make slaughter, though I have been a rebuke of all of them” (Hos.†5: 2): Said R. Yohanan, “Said the Holy One, blessed be he, ‘They have gone deeper than I did. I said, “Whoever does not go up to Jerusalem for the Festival transgresses an affirmative requirement,” but they have said, “Whoever does go up to Jerusalem for the festival will be stabbed with a sword.””

8. VII:8: “And it came to pass at that time, when Jeroboam went out of Jerusalem, that the prophet Ahijah the Shilonite found him in the way, and he had clad himself with a new garment” (1Ki. 11:20): It was taught on Tannaite authority in the name of R. Yosé, “It was a time designated for punishment. On that occasion Ahijah prophesied the division of the kingdom as a punishment for Solomon’s backsliding.”

9. VII:9: “Now it came to pass at that time that Jeroboam went out of Jerusalem” (1Ki. 11:29)” Said R. Hanina bar Pappa, “He went out of the realm of Jerusalem.”

10. VII:10: “And the prophet Ahijah the Shilonite found him in the way, and he clad himself with a new garment, and the two were alone in the field” (1Ki. 11:29): What is this “new garment”?

11. VII:11: “Therefore shall you give parting gifts to Moresheth-gath, the houses of Achzib shall be a lie to the kings of Israel” (Mic. 1:14): Said R. Hanina bar

Pappa, “An echo came forth and said to them, ‘He who killed the Philistine and gave you possession of Gath — to his sons you will give parting gifts.’”

12. VII:12: Said R. Hinnena bar Pappa, “Whoever derives benefit from this world without reciting a blessing is as if he steals from the Holy One, blessed be he, and the community of Israel.”

13. VII:13: “And Jeroboam drove Israel from following the Lord and made them sin a great sin” (2Ki. 17:21)” Said R. Hanin, “It was like two sticks that rebound from one another.”

14. VII:14: “These are the words which Moses spoke to all Israel in the wilderness and Di Zahab” (Deu. 1: 1): Said a member of the house of R. Yannai, “Moses said before the Holy One, blessed be he, ‘Lord of the world, on account of the silver and gold which you showered on Israel until they said, “Enough,” they were caused to make for themselves gods of gold.’”

15. VII:15: “After this thing Jeroboam did not turn from his evil way” (1Ki. 13:33)” What is the sense of “after”?

16. VII:16: R. Abbahu would regularly give a public interpretation of the three kings of M. 11:2A. He fell ill and undertook not to give such an address since he thought the illness was punishment for speaking about the king’s sins. When he got better, he reversed himself and gave an address. They said to him, “You undertook not to speak about them.” He said to them, “Did they repent, that I should repent!”

17. VII:17: At the house of R. Ashi, the group arose from studying at the teaching of the three kings. He said, “Tomorrow we shall open discourse with the topic of ‘our colleagues’ (M. 11: 2), that is, the three kings, all of whom were held to be disciples of sages.” Manasseh came and appeared in a dream: “Do you call us ‘your colleague’ and ‘your father’s colleague’? If you are as good as we are, then tell me from what part of the bread do you take the piece for reciting the blessing, ‘Who brings forth bread from the earth’?”

O. ...AHAB:

1. VIII:1: The name ‘Ahab’ signifies that he was a brother to heaven (ah) but father of idolatry (ab).

2. VIII:2: “And it came to pass, that it was a light thing for him to walk in the sins of Jeroboam, the son of Nebat” (1Ki. 16:31) Said R. Yohanan, “The lightest sins committed by Ahab were as the most severe ones that were committed by Jeroboam. And on what account did Scripture blame Jeroboam? It was because he was the beginning of the corruption.”

3. VIII:3: “Yes, their altars are as heaps in the furrows of the fields” (Hos. 12:12): Said R. Yohanan, “You have no furrow in the whole of the land of Israel in which Ahab did not set up an idol and bow down to it.”

4. VIII:4: And how do we know that Ahab will not enter the world to come? As it is written, “And I will cut off from Ahab him who pisses against the wall, him that is shut up and forsaken in Israel” (1Ki. 21:21). “Shut up” in this world. “Forsaken” in the world to come.

5. VIII:5: Said R. Yohanan, “On what account did Omri merit the monarchy? Because he added a single town to the land of Israel, as it is written, ‘And he bought the hill Samaria of Shemer for two talents of silver and built on the hill and called the name of the city which he built after the name of Shemer, owner of the hill, Samaria’ (1Ki. 16:24).”

6. VIII:6: Said R. Nahman, “Ahab was right in the middle between wickedness and righteousness, as it is said, ‘And the Lord said, Who shall persuade Ahab, that he may go up and fall at Ramoth-gillean? And one said in this manner, and one said in that manner’ (1Ki. 22:20). This shows that it was a difficult matter to lure him to his fate, and that must have been because his righteousness equalled his guilt.”

7. VIII:7: “And there came forth the spirit and stood before the Lord and said, I will persuade him. And the Lord said to him, With what? And he said, I will go forth and I will be a lying spirit in the mouth of his prophets. And he said, You shall persuade him and also prevail. Go forth and do so” (1Ki. 22:21-23): What spirit was it?

8. VIII:8: “And Ahab made a grove, and Ahab did more to provoke the Lord God of Israel to anger than all of the kings of Israel that were before him” (1Ki. 16:33): Said R. Yohanan, “It was that he wrote on the gates of Samaria, ‘Ahab has denied the God of Israel.’ Therefore he has no portion in the God of Israel.”

9. VIII:9: “And he sought Ahaziah, and they caught him for he hid in Samaria” (2Ch. 22: 9): Said R. Levi, “He was blotting out the mentions of the divine name in the Torah and writing in their place the names of idols.”

P. ...AND MANASSEH.

1. IX:1: Manasseh — Based on the root for the word “forget” for he forgot the Lord. And how do we know that he will not come to the world to come?

Q. R. JUDAH SAYS, “MANASSEH HAS A PORTION IN THE WORLD TO COME, SINCE IT IS SAID, ‘AND HE PRAYED TO HIM AND HE WAS ENTREATED OF HIM AND HEARD HIS SUPPLICATION AND BROUGHT HIM AGAIN TO JERUSALEM INTO HIS KINGDOM’ (2Ch. 33:13).” THEY SAID TO HIM, “TO HIS KINGDOM HE BROUGHT HIM BACK, BUT TO THE LIFE OF THE WORLD TO COME HE DID NOT BRING HIM BACK.”

1. X:1: Said R. Yohanan, “Both authorities who dispute the fate of Manasseh interpret the same verse of Scripture, as it is said, ‘And I will cause to be removed to all the kingdoms of the earth, because of Manasseh, son of Hezekiah, king of Judah’ (Jer. 15: 4).

2. X:2: Said R. Yohanan, “Whoever maintains that Manasseh has no share in the world to come weakens the hands of those who repent.”

3. X:3: Said R. Yohanan in the name of R. Simeon b. Yohai, “What is the meaning of the verse of Scripture, ‘And he prayed to him and an opening was made for him’ (2Ch. 33:13)?”

4. X:4: Said R. Hisda said R. Jeremiah bar Abba, “What is the meaning of the following verse: ‘I went by the field of the slothful and by the vineyard of the man void of understanding. And lo, it was all grown over with thorns and nettles had covered the face thereof, and the stone wall thereof was broken down’

(Pro. 24:30-31)? ‘I went by the field of the slothful’ — this speaks of Ahaz. ‘And by the vineyard of the man void of understanding’ — this speaks of Manasseh. ‘And lo, it was all grown over with thorns’ — this refers to Amon. ‘And nettles had covered the face thereof’ — this refers to Jehoiakim. ‘And the stone wall thereof was broken down’ — this refers to Zedekiah, in whose time the Temple was destroyed.”

5. X:5: Said R. Simeon b. Laqish, “What is the meaning of the following verse of Scripture: ‘And from the wicked their light is withheld, and the high arm shall be broken’ (Job. 38:15)? Why is the letter ayin in the word for wicked suspended in the text, being written above the level of the line, making it read ‘poor,’ rather than ‘wicked’ When a person becomes poor below, he is made poor above. Where one earns the disapproval of man, it is proof that he has earned the disapproval of God too.”

6. X:6: Our rabbis have taught on Tannaite authority: Manasseh would teach the book of Leviticus from fifty-five viewpoints, corresponding to the years of his reign. Ahab did so in eighty-five ways. Jeroboam did so in a hundred and three ways.

a. X:7: It has been taught on Tannaite authority: R. Meir would say, “Absalom has no share in the world to come.”

b. X:8: It has been taught on Tannaite authority: R. Simeon b. Eleazar says in the name of R. Meir, “Ahaz, Ahaziah, and all the kings of Israel concerning whom it is written, ‘And he did what was evil in the sight of the Lord’ will not live or be judged in the world to come.”

7. X:9: “Moreover Manasseh shed much innocent blood, until he had filled Jerusalem from one end to another, beside his sin wherewith he made Judah to sin, in doing that which was evil in the sight of the Lord” (2Ki. 21:16): Here in Babylonia it is explained that he killed Isaiah, and that is the sin at hand. In the West they say that it was that he made an idol as heavy as a thousand men, and every day it killed them all.

8. X:10: It is written, “And he set the graven image” (2Ch. 33: 7), and it is stated, “And the graves and the graven images which he had set up” (2Ch. 33:19). was there one image or were there many? Said R. Yohanan, “In the beginning he made one face for it, and in the end he made four faces for it, so that the Presence of God should see it and become angry. Ahaz set it up in the upper chamber, as it is written, ‘And the altars that were on top of the upper chamber of Ahaz’ (2Ki. 23:13). Manasseh set it in the Temple, as it is written, ‘And he set up a graven image of the grove that he had made in the house, of which the Lord said to David and to Solomon his son, In this house and in Jerusalem which I have chosen out of all tribes of Israel will I put my name for ever’ (2Ki. 21: 7).

9. X:11: Ahaz annulled the sacrificial service and sealed the Torah, for it is said, “Bind up the testimony, seal the Torah among my disciples” (Isa. 8:16). Manasseh blotted out the mentions of the divine Name and destroyed the altar. Amon burned the Torah and let spider webs cover the altar.

R. WICKED MONARCHES WHO NONETHELESS MERIT A PORTION IN THE WORLD TO COME, E.G., JEHOIAKIM, AHAZ, AMON

1. X:12: Said Raba to Rabbah bar Mari, “On what account did they not count Jehoiakim among those who do not get the world to come? For it is written of him, ‘And the remaining words of Jehoiakim and the abomination which he wrought and that which was found up upon him’ (2Ch. 36: 8).”

a. X:13: Said R. Yohanan in the name of R. Yosé b. Qisma, “Great is a mouthful of food, for it set a distance between two families and Israel, as it is written, ‘An Ammonite or Moabite shall not enter the congregation of the Lord ... because they did not meet you with bread and water in the way when you came forth from Egypt’ (Deu. 33: 4-5).”

2. X:14: Why did they not list Ahaz at M. 11:2? Said R. Jeremiah bar Abba, “Because he was positioned between two righteous men, between Hotham and Hezekiah.”

3. X:15: Why did they not list Amon at M. 11:2? On account of the honor owing to Josiah.

4. X:16: And on what account did they not list Jehoiakim? It is on account of what R. Hiyya b. R. Abuyyah said. For R. Hiyya b. R. Abuyyah said, “It was written on the skull of Jehoiakim, ‘This and yet another.’”

S. HEZEKIAH, THE RIGHTEOUS MONARCH ON ACCOUNT OF WHOM ISRAEL WENT INTO EXILE. AND THE EXEGESIS OF LAMENTATIONS

1. X:17: It has been taught on Tannaite authority: R. Simeon b. Eleazar said, “On account of Hezekiah’s statement, ‘And I have done that which was good in your sight,’ (2Ki. 20: 3), he had further to ask, ‘What shall be the sign that the Lord will heal me’ (2Ki. 20: 9).” On account of the statement, ‘What shall be the sign’ (2Ki. 20: 9), gentiles ate at his table. On account of gentiles’ eating at his table, 2Ki. 20:17-18), he made his children go into exile.”

a. X:18: “How does the city sit solitary” (Lam. 1: 1): Said Rabbah said R. Yohanan, “On what account were the Israelites smitten with the word ‘how’ that begins the dirge? Since the numerical value of the letters of the word equals thirty-six, it is because they violated the thirty-six rules in the Torah that are penalized by extirpation.”

b. X:19: “Sit solitary” (Lam. 1: 1)”: Said Rabbah said R. Yohanan, “Said the Holy One, blessed be he, ‘I said, “Israel then shall dwell in safety alone, the foundation of Jacob shall be upon a land of corn and wine, also his heavens shall drop down dew” (Deu. 33:28) so that sitting solitary was supposed to be a blessing (Freedman, p. 708, n. 8), but now, where they dwell will be alone.”

c. X:20: “The city that was full of people” (Lam. 1: 1): Said Rabbah said R. Yohanan, “For they used to marry off a minor girl to an adult male, or an adult woman to a minor boy, so that they should have many children. But two minors would not marry.”

d. X:21: “She is become as a widow” (Lam. 1: 1): Said R. Judah said Rab, “Like a widow, but not actually a widow, but like a woman whose husband has gone overseas and plans to return to her.”

e. X:22: “She was great among the nations and princess among the provinces” (Lam. 1: 1): Said R. Rabbah said R. Yohanan, “Everywhere they go they become princes of their masters.”

i. X:23: Our rabbis have taught on Tannaite authority: There is the case of two men who were captured on Mount Carmel. The kidnapper was walking behind them. One of them said to his fellow, “The camel that is walking before us is blind in one eye, it is carrying two skins, one of wine and one of oil, and of the two men that are leading it, one is an Israelite and the other is a gentile.”

f. X:24: “She weeps, yes, she weeps in the night” (Lam. 1: 2): Why these two acts of weeping? Said Rabbah said R. Yohanan, “One is for the first Temple and the other is for the second Temple.”

g. X:25: “And her tears are on her cheeks” (Lam. 1: 2): Said Rabbah said R. Yohanan, “It is like a woman who weeps for the husband of her youth, as it is said, ‘Lamentation like a virgin girded with sackcloth for the husband of her youth’ (Joe. 1: 8).”

h. X:26: “Her adversaries are the chief” (Lam. 1: 5): Said Rabbah said R. Yohanan, “Whoever persecutes Israel becomes head, as it is said, ‘Nevertheless, there shall be no weariness for her that oppressed her. In the former time he brought into contempt the land of Zebulun and the land of Naphtali, but in the latter time he has made it glorious, by way of the sea, beyond Jordan, the circuit of the nations’ (Isa. 8:23).”

i. X:27: “May it not happen to you, all passersby” (Lam. 1:12).” Said Rabbah said R. Yohanan, “On this basis we find in the Torah support for saying when reciting woes, ‘May it not happen to you.’”

j. X:28: “All passersby” (Lam. 1:12): Said R. Amram said Rab, “They have turned me into one of those who transgress the law. For in respect to Sodom, it is written, ‘And the Lord rained upon Sodom and upon Gomorrah brimstone and fire’ (Gen. 19:24). But in respect to Jerusalem it is written, ‘From above he has sent fire against my bones and it prevails against them’ (Lam. 1:13). Thus Jerusalem was treated as Sodom and Gomorrah.”

k. X:29: “The Lord has trodden under foot all my mighty men in the midst of me” (Lam. 1:15): This is like a man who says to his fellow, “This coin has been invalidated.”

l. X:30: “They eat my people as they eat bread and do not call upon the Lord” (Psa. 14: 4): Said Rabbah said R. Yohanan, “Whoever eats the bread of Israelites tastes the flavor of bread, and who does not eat the bread of Israelites does not taste the flavor of bread.”

II. X:31: “They do not call upon the Lord” (Psa. 14: 4): Rab said, “This refers to judges.” And Samuel said, “This refers to those who teach children.”

T. THE LIST OF THOSE WHO DO NOT ENTER THE WORLD TO COME, KINGS AND COMMONERS: SUMMARY JUDGMENTS

1. X:32: Who counted the kings and commoners of M. 11:2A? Said R. Ashi, “The men of the great assembly counted them.”
2. X:33: Said R. Judah said Rab, “They wanted to count yet another namely, Solomon, but an apparition of his father’s face came and prostrated himself before them. But they paid no attention to him. A fire came down from heaven and licked around their chairs, but they did not pay attention. An echo come forth and as said to them, ‘Do you see a man diligent in his business? He shall stand before kings, he shall not stand before mean men’ (Pro. 22:29). ‘He who gave precedence to my house over his house, and not only so, but built my house over a span of seven years, while building his own house over a span of thirteen years ‘he shall stand before kings, he shall not stand before mean men.’”
3. X:34: Those who interpret signs symbolically would say, “All of them listed at M. 11:2 will enter the world to come, as it is said, ‘Gilead is mine, Manasseh is mine, Ephraim also is the strength of my head, Judah is my lawgiver, Moab is my washpot, over Edom will I cast my shoe, Philistia, you triumph because of me’ (Psa. 60:9-10): ‘Gideon is mine’ speaks of Ahab, who fell at Ramoth-gilead. ‘Manasseh’ — literally. ‘Ephraim also is the strength of my head’ speaks of Jeroboam, who comes from Ephraim.
4. X:35: “Why is this people of Jerusalem slidden back by a perpetual backsliding” (Jer. 8: 5): Said Rab, “The community of Israel answered the prophet with a lasting reply a play on the words for backsliding and answer, using the same root. The prophet said to Israel, ‘Return in repentance. Your fathers who sinned — where are they now?’ They said to him, ‘And your prophets, who did not sin, where are they now? For it is said, “Your fathers, where are they? and the prophets, do they live forever” (Zec. 1: 5)?’ He said to them, ‘They repented and confessed as it is said, “But my words and my statutes, which I commanded my servants the prophets, did they not take hold of your fathers? And they returned and said, Like as the Lord of hosts thought to do unto us, according to our ways and according to our doings, so has he dealt with us” (Zec. 1: 6).’”
5. X:36: “And that which comes into your mind shall not be at all, that you say, We will be as the heathen, as the families of the countries, to serve wood and stone. As I live, says the Lord God, surely with a mighty hand and with an outstretched arm, and with fury poured out, will I rule over you” (Eze. 20:32-33): Said R. Nahman, “Even with such anger may the All-Merciful rage against us, so long as he redeems us.”
6. X:37: “For he chastises him to discretion and his God teaches him” (Isa. 28:26): Said Rabbah bar Hanah, “Said the prophet to Israel, ‘Return in repentance.’ They said to him, ‘We cannot do so. The impulse to do evil rules over us.’ He said to them, ‘Reign in your desire.’ They said to him, ‘Let his God teach us.’”

U. FOUR ORDINARY FOLK: BALAAM:

1. XI:1: The name Balaam means not with the rest of the people — using the same consonants — who will inherit the world to come.
2. XI:2: It was taught on Tannaite authority: Beor, Cushan-rishathaim, and Laban, the Syrian, are one and the same person. Beor: because he had sexual relations with a cow.
3. XI:3: It is written, “The son of Beor” (Num. 22:50), but it also is written, “His son was Beor” (Num. 24: 3). Said R. Yohanan, “His father was his son as to prophecy.”
4. XI:4: Balaam is the one who will not come to the world to come. Lo, others will come.
5. XI:5: “And the elders of Moab and the elders of Midian departed” (Num. 22: 7): It was taught on Tannaite authority: There was never peace between Midian and Moab. The matter may be compared to two dogs who were in a kennel, barking at one another.
6. XI:6: “And the princes of Moab abode with Balaam” (Num. 22: 8): And as to the princess of Midian, where had they gone?
7. XI:7: Said R. Nahman, “Hutzbah, even against heaven, serves some good. To begin with, it is written, ‘You shall not go with them’ (Num. 22:12), and then it is said, ‘Rise up and go with them’ (Num. 22:20).” Said R. Sheshet, “Hutzbah is dominion without a crown.”
8. XI:8: Said R. Yohanan, “Balaam had one crippled foot, for it is written, ‘And he walked haltingly’ (Num. 23: 3).”
9. XI:9: “He knows the mind of the most high” (Num. 24:16): Now if he did not know the mind of his own beast, how could he have known the mind of the most high?
 - a. XI:10: There was a min living in the neighborhood of R. Joshua b. Levi, who bothered him a great deal. One day he took a chicken and tied it up at the foot of his bed and sat down. He said, “When that moment comes at which God is angry, I shall curse him.”
 - b. XI:11: A Tannaite authority in the name of R. Meir said, “When the sun shines and the kings put their crowns on their heads and bow down to the sun, forthwith he is angry.”
10. XI:12: “And Balaam rose up in the morning and saddled his ass” (Num. 22:21): A Tannaite authority taught in the name of R. Simeon b. Eleazar, “That love annuls the order of proprieties we learn from the case of Abraham. For it is written, ‘And Abraham rose up early in the morning and saddled his ass’ (Gen. 22: 3) not waiting for the servant to do so. And that hatred annuls the order of proprieties we learn from the case of Balaam. For it is said, ‘And Balaam rose up early in the morning and saddled his ass’ (Num. 22.21).”
11. XI:13: Said R. Judah said Rab, “Under all circumstances a person should engage in study of Torah and practice of religious duties, even if it is not for their own sake, for out of doing these things not for their own sake one will come to do

them for their own sake.” For as a reward for the forty-two offerings that Balak offered, he had the merit that Ruth should come forth from him.

12. XI:14: Said Raba to Rabbah bar Mari, “It is written, ‘And moreover the king’s servants came to bless our lord king David, saying God make the name of Solomon better than your name, and make his throne greater than your throne’ (1Ki. 1:47). Now is this appropriate to speak in such a way to a king?” He said to him, “What they meant is, ‘as good as’ God make the name of Solomon illustrious even as the nature of your own and make his throne great according to the character of your throne.’ For if you do not say this, then take account of the following: ‘Blessed above women shall be Jael, the wife of Heber the Kenite, be, blessed shall she be above women in the tent’ (Jud. 5:24). Now who are the women in the tent? They are Sarah, Rebecca, Rachel, and Leah. Is it appropriate to speak in such a way? Rather, what is meant is ‘as good as ...,’ and here too the sense is, ‘as good as’”

13. XI:15: “And the Lord put a thing in the mouth of Balaam” (Num. 23: 5): R. Eleazar says, “It was an angel.” R. Jonathan said, “It was a hook.”

14. XI:16: Said R. Yohanan, “From the blessing said by that wicked man, you learn what he had in his heart. He wanted to say that they should not have synagogues and school houses: ‘How goodly are your tents, O Jacob’ (Num. 24: 5).”

15. XI:17: Said R. Samuel bar Nahmani said R. Jonathan, “What is the meaning of the verse of Scripture: ‘Faithful are the wounds of a friend, but the kisses of an enemy are deceitful’ (Pro. 27: 6)? Better was the curse with which Ahijah the Shilonite cursed the Israelites than the blessing with which the wicked Balaam blessed them.”

16. XI:18: “And he looked on the Kenite and took up his parable” (Num. 24:21): Said Balaam to Jethro the Kenite, “Were you not with us in that conspiracy of Pharaoh, Exo. 1:22? Of course you were. Then who gave you a seat among the mighty men of the earth in the sanhedrin?”

17. XI:19: “And he took up his parable and said, Alas, who shall live when God does this” (Num. 24:23): Said R. Yohanan, “Woe to the nation who is at hand when the Holy One, blessed be he, effects the redemption of his children! Who would want to throw his garment between a lion and a lioness when they are having sexual relations?”

18. XI:20: “And ships shall come from the coast of Chittim” (Num. 24:24): Said Rab, “Legions will come from the coast of Chittim”

19. XI:21: “And now, behold, I go to my people; come and I shall advise you what this people shall do to your people in the end of days” (Num. 24:24): Rather than saying, “This people to your people,” it should say, “Your people to this people.” He advised the Moabites to ensnare Israel through uncharity. Thus he was referring to an action by the former to the latter, while Scripture suggests otherwise.

- 20.** XI:22: “And Israel dwelt in Shittim” (Num. 25: 1): R. Eliezer says, “The name of the place actually was Shittim.” R. Joshua says, “It was so called because when there they did deeds of idiocy.”
- 21.** XI:23: R. Yohanan said, “Any passage in which the word, ‘And he abode’ appears, it means suffering. “So: ‘And Israel abode in Shittim, and the people began to commit whoredom with the daughters of Moab’ (Num. 23: 1).
- 22.** XI:24: “And they slew the kings of Midian, beside the rest of them that were slain ... Balaam also , the son of Beor, they slew with the sword” (Num. 31: 8): What was he doing there anyhow?
- 23.** XI:25: “Balaam also, the son of Beor, the soothsayer, did the children of Israel slay with the sword” (Jos. 13:22): A soothsayer? He was a prophet!
- 24.** XI:26: “...Did the children of Israel slay with the sword, among those who were slain by them” (Jos. 13:22): Said Rab, “They inflicted upon him all four forms of execution: stoning, burning, decapitation, and strangulation.”
- 25.** XI:27: A min said to R. Hanina, “Have you heard how old Balaam was?” He said to him, “It is not written out explicitly. But since it is written, ‘Bloody and deceitful men shall not live out half their days’ (Psa. 55:24), he would have been thirty-three or thirty-four years old.”
- 26.** XI:28: Said Mar, son of Rabina, to his son, “In regard to all of those listed as not having a share in the world to come, you should take up the verses relating to them and expound them only in the case of the wicked Balaam. In his case, in whatever way one can expound the relevant passages to his detriment, you do so.”

V. ...DOEG:

- 1.** XII:1: It is written, “Doeg” (1Sa. 21: 8) meaning, “anxious” and it is written, “Doeeg” (1Sa. 22:18) with letters indicating “woe” being inserted. Said R. Yohanan, “To begin with, the Holy One, blessed be he, sits and worries lest such a son one go forth to bad ways. After he has gone forth to bad ways, he says, ‘Woe that this one has gone forth!’”
- 2.** XII:2: Said R. Isaac, “What is the meaning of the verse of Scripture, ‘Why do you boast yourself in mischief, O mighty man? The goodness of God endures forever’ (Psa. 52: 3)? Said the Holy One, blessed be he, to Doeg, ‘Are you not a hero in Torah-learning! ‘Why do you boast in mischief?’ Is not the love of God spread over you all day long?’”
- 3.** XII:3: “Or that you take my covenant in your mouth?” (Psa. 50:16): Said R. Ammi, “The Torah-knowledge of Doeg comes only from the lips and beyond but not inside his heart.”
- 4.** XII:4: Said R. Isaac, “What is the meaning of the verse of Scripture, ‘The righteous also shall see and fear and shall laugh at him’ (Psa. 52: 8)? To begin with they shall fear the wicked, but in the end they shall laugh at him.” And said R. Isaac, “What is the meaning of the verse of Scripture: ‘He has swallowed down riches and he shall vomit them up again, the God shall cast them out of his belly’ (Job. 20:15)? Said David before the Holy One, blessed be he, ‘Lord of the world, let Doeg die.’”

5. XII:5: Said R. Ammi, "Four hundred questions did Doeg and Ahitophel raise concerning the 'tower flying in the air,' and they could not answer any one of them."
6. XII:6: Said R. Mesharshayya, "Doeg and Ahitophel did not know how to reason concerning traditions."
7. XII:7: Said R. Ammi, "Doeg did not die before he forgot his learning, as it is said, 'He shall die without instruction, and in the greatness of his folly he shall go astray' (Pro. 5:23)."
8. XII:8: Said R. Yohanan, "Three injurious angels were designated for Doeg: one to make him forget his learning, one to burn his soul, and one to scatter his dust among the synagogues and school houses."

W. KING DAVID: HIS SIN AND ATONEMENT

1. XII:9: Said R. Judah said Rab, "One should never put himself to the test, for lo, David, king of Israel, put himself to the test and he stumbled. He said before him, 'Lord of the world, on what account do people say, "God of Abraham, God of Isaac, and God of Jacob, "but they do not say, "God of David"?' He said to him, 'They endured a test for me, while you have not endured a test for me.' He said before him, 'Lord of the world, here I am. Test me.' For it is said, 'Examine me, O Lord, and try me' (Psa. 26: 1). He said to him, 'I shall test you, and I shall do for you something that I did not do for them. I did not inform them what I was doing, while I shall tell you what I am going to do. I shall try you with a matter having to do with sexual relations.' Forthwith: 'And it came to pass in an eventide that David arose from off his bed' (2Sa. 11: 2)."
2. XII:10: Raba interpreted Scripture, asking, "What is the meaning of the following verse: 'To the chief musician, a Psalm of David. In the Lord I put my trust, how do you say to my soul, Flee as a bird to your mountain?' (Psa. 11: 1)? Said David before the Holy One, blessed be he, 'Lord of the world, Forgive me for that sin, so that people should not say, "The mountain that is among you that is, your king has been driven off by a bird.'"
3. XII:11: Said R. Judah said Rab, "Even when David was sick, he carried out the eighteen acts of sexual relations that were owing to his eighteen wives, as it is written, 'I am weary with my groaning, all night I make my bed swim, I water my couch with my tears' (Psa. 6: 7)."
4. XII:12: R. Dosetai of Biri interpreted Scripture, "To what may David be likened? To a gentile merchant. Said David before the Holy One, blessed be he, 'Lord of the world, "Who can understand his errors?" (Psa. 19:13).' He said to him, 'They are remitted for you.' "'Cleanse me of hidden faults" (Psa. 19:13).' 'They are remitted to you.' "'Keep back your servant also from presumptuous sins" (Psa. 19:13).' 'They are remitted to you.' "'Let them not have dominion over me, then I shall be upright" (Psa. 19:13), so that the rabbis will not hold me up as an example.'"
5. XII:13: "And I shall be innocent from great transgression: (Psa. 19:13): He said before him, "Lord of the world, forgive me for the whole of that sin as though I had never done it."

6. XII:14: Said R. Judah said Rab, “For six months David was afflicted with saraat, and the Presence of God left him, and the sanhedrin abandoned him.”

X. ...AHITOPHEL AND GEHAZI.

1. XIII:1: As it is written, “And Elisha came to Damascus” (2Ki. 8: 7). Where was he traveling when he came to Damascus?
2. XIII:2: Our rabbis have taught on Tannaite authority: Under all circumstances the left hand should push away and the right hand should draw near, not in the manner of Elisha, who drove away Gehazi with both hands.
3. XIII:3: “Now there were four men who were lepers at the entrance to the gate” (2Ki. 7: 3): R. Yohanan said, “This refers to Gehazi and his three sons.”
4. XIII:4: Our rabbis have taught on Tannaite authority: Elisha bore three illnesses, one because he brought the she-bears against the children, one because he pushed Gehazi away with both hands, and one on account of which he died.
5. XIII:5: Until Abraham there was no such thing as the sign of old age. Whoever saw Abraham thought, “This is Isaac.” Whoever saw Isaac thought, “This is Abraham.” Abraham prayed for mercy so that he might have signs of old age, as it is said, “And Abraham was old, and well stricken in age” (Gen. 24: 1). Until the time of Jacob there was no such thing as illness, so he prayed for mercy and illness came about, as it is written, “And someone told Joseph, behold, your father is sick: (Gen. 48: 1). Until the time of Elisha, no one who was sick ever got well. Elisha came along and prayed for mercy and got well, as it is written, “Now Elisha had fallen sick of the illness of which he died” (2Ki. 13:14) Freedman: This shows that he had been sick on previous occasions too, but recovered.

LXVI. Mishnah-Tractate Sanhedrin 11:3A-CC

A. THE GENERATION OF THE FLOOD HAS NO SHARE IN THE WORLD TO COME, AND THEY SHALL NOT STAND IN THE JUDGMENT, SINCE IT IS WRITTEN, “MY SPIRIT SHALL NOT JUDGE WITH MAN FOREVER” (GEN. 6: 3) NEITHER JUDGMENT NOR SPIRIT:

1. I:1: Our rabbis have taught on Tannaite authority: “The generation of the flood has no share in the world to come, nor will they live in the world to come, as it is said, And he destroyed every living thing that was upon the face of the earth (Gen. 7:23) in this world; and they perished from the earth in the world to come,” the words of R. Aqiba. R. Judah B. Betera says, “They will live nor be judged, as it is said, And the Lord said, My spirit shall not contend with man forever” (Gen. 6: 3). It will not contend, nor will my spirit be in them forever.”
2. I:2: Our rabbis have taught on Tannaite authority: The generation of the Flood acted arrogantly before the Omnipresent only on account of the good which he lavished on them, since it is said, “Their houses are safe from fear, neither is the rod of God upon them” (Job. 21: 9). “Their bull genders and fails not, their cow calves and casts not her calf” (Job. 21:10). “They send forth their little ones like a flock, and their children dance” (Job. 21:11). “They spend their days in prosperity and their years in pleasures” (Job. 36:11). That is what caused them to say to

God, "Depart from us, for we do not desire knowledge of thy ways. What is the Almighty, that we should serve Him, and what profit should we have, if we pray to him (Job. 21:14). They said, "Do we need Him for anything except a few drops of rain? But look, we have rivers and wells which are more than enough for us in the sunny season and in the rainy season, since it is said, And a mist rose from the earth (Gen. 2: 6)." The Omnipresent then said to them, "By the goodness which I lavished on them they take pride before me? By that same good I shall exact punishment from them!" What does it say? "And I, behold, I bring a flood of water upon the earth" (Gen. 6:17)

3. I:3: Said R. Yohanan, "As to the generation of the flood, they corrupted their way 'greatly,' and they were judged 'greatly.' They corrupted their way greatly, as it is said, 'And God saw that the wickedness of man was great in the earth' (Gen. 6: 5). They were judged greatly, as it is said, 'All the fountains of the great deep' (Gen. 7:11)."

4. I:4: "For all flesh had corrupted its way upon the earth" (Gen. 6:12): Said R. Yohanan, "This teaches that the men of the generation of the flood made a hybrid match between a domesticated beast and a wild animal, a wild animal and a domesticated beast, and every sort of beast with man and man with every sort of beast."

5. I:5: "And God said to Noah, the end of all flesh is come before me" (Gen. 6:13). Said R. Yohanan, "Come and take note of how great is the power of robbery. For lo, the generation of the flood violated every sort of law, but the decree of punishment against them was sealed only when they went and committed robbery, for it is said, 'For the earth is filled with violence through them, and behold I will destroy them with the earth' (Gen. 6:13). And it is written, 'Violence is risen up into a rod of wickedness, none of them shall remain, nor of their multitude, nor any of theirs, neither shall there be wailing for them' (Eze. 7:11)."

6. I:6: A Tannaite authority of the house of R. Ishmael said, "Also the decree of punishment for Noah was issued, but he pleased the Lord."

7. I:7: "And the Lord was comforted that he had made man in the earth" (Gen. 6: 6). When R. Dimi came, he said, "The Holy One, blessed be he, said, 'I did well that I made graves for them in the earth' Freedman, p. 741, n. 6: since the wicked are thereby destroyed.' "How is this indicated? Here it is written, 'And the Lord was comforted' (Gen. 6: 6) and elsewhere: 'And he comforted them and spoke kindly to them' (Gen. 50:21)."

8. I:8: "These are the generations of Noah: Noah was a righteous man, perfect in his generations" (Gen. 6: 9): Said R. Yohanan, "By the standards of his generations, but not by the standards of other generations was he perfect."

9. I:9: "And every living substance was destroyed which was upon the face of the ground, both man and beast" (Gen. 7:23): While man sinned, what sin had beasts committed?

10. I:10: "All that was on the dry land died" (Gen. 7:22) — But not the fish in the sea.

11. I:11: R. Yosé of Caesarea expounded as follows: “What is the sense of the verse, ‘He is swift as the waters, their portion is cursed in the earth, he does not behold the way of the vineyards’ (Job. 24:18)? The verse teaches that Noah, the righteous man, rebuked them, saying to his generation, ‘Carry out an act of repentance, for if not, the Holy One, blessed be he, will bring upon you a flood and your corpses will float on the water like gourds.’”

12. I:12: Raba expounded as follows: “What is the meaning of the verse, ‘He that is ready to slip with his feet is as a stone despised in the thought of him that is at ease’ (Job. 12: 5)? This teaches that the righteous Noah rebuked them, saying to them words as hard as stone, but they despised him, saying, ‘Old man, what is this ark for?’”

13. I:13: Said R. Hisda, “By hot fluid they corrupted their way in transgression, and by hot fluid they were judged.”

14. I:14: “And it came to pass after seven days that the waters of the flood were upon the earth” (Gen. 7:10)” Said Rab, “What is the meaning of these seven days? These are the seven days of mourning for Methuselah, the righteous man. This teaches that lamentation for the righteous held back the retribution from coming upon the world. Another matter: ‘After seven days’ teaches that the Holy One, blessed be he, changed the order of the world for them, so that the sun came up in the west and set in the east. Another matter: It teaches that the Holy One, blessed be he, first set a long a time for them, and then a short time. Another matter: It teaches that he gave them a taste of the world to come, so that they should know how much good he would withhold from them (T. [Sot. 10:3C. 4](#)).”

15. I:15: “Of every clean beast you shall take by sevens, man and wife” (Gen. 7: 2):. Do beasts relate as man and wife?

16. I:16: “Make an ark of gopher wood for yourself” (Gen. 6:14) — What is gopher wood?

17. I:17: “A window (SHR) you shall make in the ark” (Gen. 6:16): Said R. Yohanan, “The Holy One, blessed be he, said to Noah, ‘Put up in its precious stones and pearls, so that they will give light for you as at noon.’”

18. I:18: “And in a cubit you shall finish the above” (Gen. 6:16)” — In what way will it stand firm against the rain.

19. I:19: “And he set forth a raven” (Gen. 8: 7): Said R. Simeon b. Laqish, “The raven gave Noah a victorious reply, saying to him, ‘Your master God hates me, and you hate me.’”

20. I:20: Our rabbis have taught on Tannaite authority: Three species had sexual relations in the ark, and all of them were smitten: the dog, raven, and Ham.

21. I:21: “Also he sent forth a dove from him to see if the waters had abated” (Gen. 8: 8) — Said R. Jeremiah, “On the basis of this verse we learn that the dwelling of the clean fowl was with the righteous man.”

22. I:22: “And lo, in her mouth was an olive leaf as food” (Gen. 8:11): Said R. Eleazar, “The dove said before the Holy One, blessed be he, ‘May my food be as

bitter as an olive leaf but placed in our hand, and let it not be as sweet as honey but placed in the hand of mortals.’

23. I:23: “After their families they went forth from the ark” (Gen. 8:19).: Said R. Yohanan, “‘After their families’ and not they Freedman: alone.” While in the ark, copulation was forbidden. On their exit, it was permitted. That is the significance of “after their families,” which denotes that mating was resumed and they ceased to be a group of single entities.

24. I:24: Said R. Hana bar Bizna, “Said Eliezer Abraham’s servant to Shem, the eldest son, ‘It is written, “After their families they went forth from the ark” (Gen. 8:19). How was it with you? How did you take care of all the animals, given their diverse needs, while you were in the ark?’”

a. I:25: Nahum of Gam Zo “This Too” was accustomed to say, on the occasion of anything that happened, “This too is for the good.” One day, the Israelites wanted to end a gift to Caesar.

B. THE GENERATION OF THE DISPERSION HAS NO SHARE IN THE WORLD TO COME, SINCE IT IS SAID, “SO THE LORD SCATTERED THEM ABROAD FROM THERE UPON THE FACE OF THE WHOLE EARTH” (GEN. 11: 8). “SO THE LORD SCATTERED THEM ABROAD” — IN THIS WORLD, “AND THE LORD SCATTERED THEM FROM THERE” — IN THE WORLD TO COME.

1. II:1: What did they do wrong?

2. II:2: It has been taught on Tannaite authority: R. Nathan says, “All of them went up intending to worship an idol. Here it is written, ‘Let us make us a name’ (Gen. 11: 4), and elsewhere: ‘And make no mention of the name of other gods’ (Exo. 23:13). Just as in the latter passage name stands for idolatry, so here too ‘name’ stands for idolatry.”

3. II:3: Said R. Yohanan, “As to the tower, a third of it burned, a third of it sank into the earth, and a third is yet standing.”

C. THE MEN OF SODOM HAVE NO PORTION IN THE WORLD TO COME, SINCE IT IS SAID, “NOW THE MEN OF SODOM WERE WICKED AND SINNERS AGAINST THE LORD EXCEEDINGLY” (GEN. 13:13) “WICKED” — IN THIS WORLD, “AND SINNERS” — IN THE WORLD TO COME. BUT THEY WILL STAND IN JUDGMENT.

1. III:1: Our rabbis have taught on Tannaite authority: The men of Sodom have no portion in the world to come M. 11:31, since it is said, “And the men of Sodom were wicked sinners” (Gen. 13:13) in this world against the Lord exceedingly” — in the world to come. (T. **San. 13:8A-C**).

2. III:2: Said R. Judah, “‘Wicked’ — with their bodies. “And ‘sinners’ — with their money. “‘Wicked’ — with their bodies, as it is written, ‘How then can I do this great wickedness and sin against God?’ (Gen. 39: 9). ‘Sinners’ — with their money, as it is written, ‘And it be a sin unto you’ (Deu. 15: 9).

3. III:3: Our rabbis have taught on Tannaite authority: The men of Sodom acted arrogantly before the Omnipresent only on account of the good which he lavished on them, since it is said, “As for the land, out of it comes bread...Its stones are the place of sapphires, and it has dust of gold. That path, no bird of prey knows...The

proud beasts have not trodden it” (Job. 28: 5-8). Said the men of Sodom, “Since bread comes forth from our land, and silver and gold come forth from our land, and precious stones and pearls come forth from our land, we do not need people to come to us. They come to us only to take things away from us. Let us go and forget how things are usually done among us.” The Omnipresent said to them, “Because of the goodness which I have lavished upon you, you deliberately forget how things are usually done among you. I shall make you be forgotten from the world.”

4. III:4: Raba expounded the following verse: “What is the sense of this verse: ‘How long will you imagine mischief against a man? You shall be slain, all of you, you are all as a bowing wall and as a tottering fence’ (Psa. 62: 4)? This teaches that the Sodomites would look enviously at wealthy men, so they would set such a man near a tottering fence and push it over on him and come and take away all his money.”

5. III:5: The Sodomites said, “Whoever has one ox must guard the herd one day, and whoever has no oxen must guard the herd two days. There was an orphan, son of a widow, the whom they gave the herd to pasture. He went and killed the oxen. He said to them, “He who has one ox may take one hide. He who has no oxen may take two hides.” “Why so” they asked him?

6. III:6: There were four judges in Sodom, named Liar, Big Liar, Forger, and Perverter of Justice. If someone beat his neighbor’s wife and made her abort, they say to him, “Give her to him, and he will make her pregnant for you.” If someone cut off the ear of his neighbor’s ass, they say to him, “Give it to him, until it grows a new one.” If someone injured his neighbor, they say to the victim, “Pay him the fee for letting blood from you.”

D. R. NEHEMIAH SAYS, “BOTH THESE AND THOSE WILL NOT STAND IN JUDGMENT, FOR IT IS SAID, ‘THEREFORE THE WICKED SHALL NOT STAND IN JUDGMENT, NOR SINNERS IN THE CONGREGATION OF THE RIGHTEOUS’ (PSA. 1: 5) THEREFORE THE WICKED SHALL NOT STAND IN JUDGMENT’ — THIS REFERS TO THE GENERATION OF THE FLOOD. ‘NOR SINNERS IN THE CONGREGATION OF THE RIGHTEOUS’ — THIS REFERS TO THE MEN OF SODOM.” THEY SAID TO HIM, “THEY WILL NOT STAND IN THE CONGREGATION OF THE RIGHTEOUS, BUT THEY WILL STAND IN THE CONGREGATION OF THE SINNERS.”

THE SPIES HAVE NO PORTION IN THE WORLD TO COME, AS IT IS SAID, “EVEN THOSE MEN WHO BROUGHT UP AN EVIL REPORT OF THE LAND DIED BY THE PLAGUE BEFORE THE LORD” (NUM. 14:37) “DIED” — IN THIS WORLD. “BY THE PLAGUE” — IN THE WORLD TO COME.

1. IV:1: Our rabbis have taught on Tannaite authority: “Korah and his company have no portion in the world to come and will not live in the world to come, since it is said, ‘And the earth closed upon them’ (Num. 16:33) — in this world. ‘And they perished from among the assembly’ — in the world to come,” the words of R. Aqiba. R. Judah b. Petera says, “Lo, they are like something lost and searched for. They will come to the world to come. For concerning them it is written, ‘I have gone astray like a perishing sheep; seek your servant’ (Psa. 119:176) ‘Perishing’ is said here, and in the matter of Korah and his company, ‘perishing’ also is said. Just

as ‘perishing’ spoken of later on refers to that which is being sought, so ‘perishing’ spoken of here refers to that which is being sought” (T. **San. 13:9C-I**).

2. IV:2: “Now Korah took...” (Num. 16: 1): He took a bad deal for himself. “Korah” — for he was made a bald-spot “Korah” and “bald-spot” using the same consonants in Israel. “Son of Izhar” — a son who turned the heat of the entire world against himself, as the heat of noon “Izhar” and “noon” use the same consonants.

3. IV:3: Said Rab, “As to On, son of Peleth, his wife saved him. She said to him, ‘What do you get out of this matter? If one master is the greater, you are his disciple, and if the other master is the greater, you are still his disciple!’ He said to her, ‘What should I do? I was in their conspiracy and I took an oath to be with them.’ She said to him, ‘I know that they are all a holy congregation, for it is written, “Seeing all the congregation are holy, every one of them” (Num. 16: 3).’”

4. IV:4: “And they rose up before Moses, with certain of the children of Israel, two hundred and fifty” (Num. 16: 2): They were the distinguished members of the community.

5. IV:5: “And when Moses heard, he fell on his face” (Num. 16: 4): What did he hear?

6. IV:6: “And Moses rose up and went to Dathan and Abiram” (Num. 16:25): Said R. Simeon b. Laqish, “On the basis of this verse we learn that one should not hold on to a quarrel but should be eager to end it, in the model of Moses, who modestly went out to the other side to seek a resolution.”

a. IV:7: Said R. Yosé, “Whoever contends with the kingdom of the house of David is worthy that a snake bite him. Here it is written, ‘And Adonijah slew sheep and oxen and fat cattle by the stone of Zohemoth’ (1Ki. 1: 9), and elsewhere it is written, ‘With the poison of serpents using the same consonants as the word Zohemoth of the dust’ (Deu. 32:24).”

7. IV:8: “Riches kept for the owners to their hurt” (Qoh. 5:12): Said R. Simeon b. Laqish, “This refers to the riches of Korah.” “And all the substance that was at their feet” (Deu. 11: 6)” Said R. Eleazar, “This refers to the wealth of a man, that puts him on his feet.”

8. IV:9: And said R. Yohanan, “Korah was not among those who were swallowed up nor among those who were burned. “He was not among those who were swallowed up, for it is written, ‘And all the men that joined Korah’ (Num. 16:32) — but not Korah.”

9. IV:10: Said Raba, “What is the meaning of that which is written, ‘The sun and the moon stood still in their zebul, at the light of your arrows they went’ (Hab. 3: 1)? There are seven heavens, of which zebul is one. What were they doing in zebul, seeing that they are set in the firmament, a lower heaven? This teaches that the sun and the moon went up to the firmament called Zebul. They said before the Holy One, blessed be he, ‘Lord of the world, if you do justice with the son of Amram, we shall go forth, and if not, we shall not go forth.’”

10. IV:11: Raba interpreted a verse of Scripture, “What is the meaning of what is written, ‘But if the Lord make a new thing and the earth open her mouth’

(Num. 16:30)? Said Moses before the Holy One, blessed be he, ‘If Gehenna has been created, well and good, and if not, let the Lord now create it.’”

11. IV:12: “But the children of Korah did not die” (Num. 26:11): A Tannaite authority taught in the name of our Master, Judah the Patriarch: “A place was set aside for them in Gehenna, and they sat there and recited a song for God.”

12. IV:13: Said Rabbah bar bar Hana, “One time I was going along the way, and a Tai Arab said to me, ‘Come, and I shall show you where the men of Korah were swallowed up.’ I went and saw two crevasses, from which smoke came forth. He took a piece of wool, wet it down, and set it on the tip of his spear and passed it over the spot, and it was singed. I said to him, ‘Listen to what you are going to hear.’”

E. “THE GENERATION OF THE WILDERNESS HAS NO PORTION IN THE WORLD TO COME AND WILL NOT STAND IN JUDGMENT, FOR IT IS WRITTEN, ‘IN THIS WILDERNESS THEY SHALL BE CONSUMED AND THERE THEY SHALL DIE’ (NUM. 14:35), “THE WORDS OF R. AQIBA. R. ELIEZER SAYS, “CONCERNING THEM IT SAYS, ‘GATHER MY SAINTS TOGETHER TO ME, THOSE THAT HAVE MADE A COVENANT WITH ME BY SACRIFICE’ (PSA. 50: 5).”

“THE PARTY OF KORAH IS NOT DESTINED TO RISE UP, FOR IT IS WRITTEN, ‘AND THE EARTH CLOSED UPON THEM’ — IN THIS WORLD. ‘AND THEY PERISHED FROM AMONG THE ASSEMBLY’ — IN THE WORLD TO COME,” THE WORDS OF R. AQIBA. AND R. ELIEZER SAYS, “CONCERNING THEM IT SAYS, ‘THE LORD KILLS AND RESURRECTS, BRINGS DOWN TO SHEOL AND BRINGS UP AGAIN’ (1SA. 2: 6).”

1. V:1: Our rabbis have taught on Tannaite authority: “The generation of the wilderness has no portion in the world to come, and will not live in the world to come, for it is said, ‘In this wilderness they shall be consumed and there they shall die’ (Num. 14:35), ‘In this wilderness they shall be consumed’ — in this world, and there they will die, ‘in the world to come. And it says, ‘Of them I swore in my wrath that they should not enter into my rest’ (Psa. 95:11)”, the words of R. Aqiba. R. Eliezer says, “They will come into the world to come, for concerning them it is said, ‘Gather my saints together to me, those that have made a covenant with me by sacrifice’ (Psa. 50: 5) (T. **San. 13:10**).

LXVII. Mishnah-Tractate Sanhedrin 11:3DD-FF

A. “THE TEN TRIBES ARE NOT DESTINED TO RETURN, SINCE IT IS SAID, ‘AND HE CAST THEM INTO ANOTHER LAND, AS ON THIS DAY’ (DEU. 29:28). JUST AS THE DAY PASSES AND DOES NOT RETURN, SO THEY HAVE GONE THEIR WAY AND WILL NOT RETURN,” THE WORDS OF R. AQIBA. R. ELIEZER SAYS, “JUST AS THIS DAY IS DARK AND THEN GROWS LIGHT, SO THE TEN TRIBES FOR WHOM IT NOW IS DARK — THUS IN THE FUTURE IT IS DESTINED TO GROW LIGHT FOR THEM.”

1. I:1: Our rabbis have taught on Tannaite authority: “The ten tribes have no portion in the world to come T.: and will not live in the world to come, as it is said, ‘And the Lord drove them out of their land with anger and heat and great wrath’ (Deu. 29: 8) — in this world; and cast them forth into another land’ (Deu. 29:28) — in the world to come,” the words of R. Aqiba. R. Simeon b.

Judah of Kefar Akkum says in the name of R. Simeon, “Scripture said, ‘As at this day’ — if their deeds remains as they are this day, they will not reach it, and if not, they will (not) reach it.” Rabbi says, “Both these and those have a portion in the world to come, as it is said, ‘And it shall come to pass in that day that the trumpet shall be blown and those who are perishing in the land of Assyria and those who are driven away in to the Land of Egypt shall come and worship the Lord in the holy mountain, in Jerusalem’ (Isa. 27:13).” (T. [San. 13:12](#)).

a. I:2: It has been stated upon Amoraic authority: As to an infant, at what point does it enter the world to come? R. Hiyya and R. Simeon b. Rabbi: one said, “From the time that it is born.” The other said, “From the time that it spoke.”

2. I:3: “Therefore hell has enlarged herself and opened her mouth without measure” (Isa. 5:15): Said R. Simeon b. Laqish, “For him who leaves over even one law unobserved.” Said R. Yohanan, “It is not a pleasing to their Master that you make such a statement to them. Rather: even if one who has not studied a single statute it will save a person from Gehenna.”

3. I:4: It has been taught on Tannaite authority: R. Simai says, “It is said, ‘I shall take you to me for a people’ (Exo. 6: 7), and it is said, ‘And I will bring you in to the land’ (Exo. 6: 7). Their exodus from Egypt is compared to their entry into the land. Just as, when they came into the land, they were only two out of the original six hundred thousand only Caleb and Joshua, so when they left Egypt, there were only two out of six hundred thousand.”

4. I:5: It has been taught on Tannaite authority: Said R. Eleazar b. R. Yosé, “One time I went to Alexandria, Egypt. I found an old man there, who said to me, ‘Come and I shall show you what my forefathers did to your forefathers. Some of your ancestors did my ancestors drown in the sea, some of them they slew with a sword, some of them they crushed in the buildings.’ And on that account, Moses, our master, was punished, as it is said, ‘For since I came to Pharaoh to speak in your name, he has done evil to this people, neither have you delivered your people at all’ (Exo. 5:23).”

5. I:6: “And Moses made haste and bowed his head toward the earth and worshipped: (Exo. 34: 8): What did Moses see?

6. I:7: R. Hagga was going up the stairs of the house of Rabbah bar Shila. He heard a child saying, “‘Your testimonies are very sure, holiness becomes your house, O Lord, you are for the length of days’ (Psa. 93: 5). And near the same verse: ‘A prayer of Moses’ (Psa. 90: 1). He said, “This proves that he saw the attribute of God’s being’ long-suffering.”

7. I:8: Said R. Eleazar said R. Hanina, “The Holy One, blessed be he, is destined to be a crown on the head of every righteous person, as it is said, ‘In that day shall the Lord of Hosts be for a crown of glory and for a diadem of beauty to the remnant of his people’ (Isa. 28: 5).” What is the meaning of “a crown of glory and a diadem of beauty”?

LXVIII. Mishnah-Tractate Sanhedrin 11:4-6

A. THE TOWNSFOLK OF AN APOSTATE TOWN HAVE NO PORTION IN THE WORLD TO COME, AS IT IS SAID, “CERTAIN BASE FELLOWS SONS OF BELIAL HAVE GONE OUT FROM THE MIDST OF THEE AND HAVE DRAWN AWAY THE INHABITANTS OF THEIR CITY” (DEU. 13:14).

1. I:1: Our rabbis have taught on Tannaite authority: “...have gone out...”(Deu. 13:14) — they and not messengers. “...fellows...” — the plural means there must be two. Another matter: “...fellows...” — and not women. “...fellows...” and not children. “...sons of Belial...” — sons who have broken the yoke of heaven from their shoulders. “From your midst” — and not from the border towns.

2. I:2: It has been stated on Amoraic authority: R. Yohanan said, “They may divide a single town between two tribes if the boundary between tribes runs through it.” R. Simeon b. Laqish said, “They may not divide a single town between two tribes.”

3. I:3: The question was raised: If the inhabitants were led astray on their own, what is the law? Do we say that the All-Merciful has said, “...have seduced the inhabitants” (Deu. 13:14), and not those who were seduced on their own? Or perhaps, even if the inhabitants were induced on their own, the law still applies?

B. AND THEY ARE NOT PUT TO DEATH UNLESS THOSE WHO MISLED THE TOWN COME FROM THAT SAME TOWN AND FROM THAT SAME TRIBE, AND UNLESS THE MAJORITY IS MISLED, AND UNLESS MEN DID THE MISLEADING.

1. II:1: Since each participant is subject to the usual testimony of two witnesses as well as admonition, how do we handle the matter of dealing with the majority of a town? Said R. Judah, “The court judges and imprisons, judges and imprisons again and again, working their way through the population, until a majority has been convicted. Then all are executed.”

C. IF WOMEN OR CHILDREN MISLED THEM, OR IF A MINORITY OF THE TOWN WAS MISLED, OR IF THOSE WHO MISLED THE TOWN CAME FROM OUTSIDE OF IT, LO, THEY ARE TREATED AS INDIVIDUALS AND NOT AS A WHOLE TOWN, AND THEY THUS REQUIRE TESTIMONY AGAINST THEM BY TWO WITNESSES, AND A STATEMENT OF WARNING, FOR EACH AND EVERY ONE OF THEM. THIS RULE IS MORE STRICT FOR INDIVIDUALS THAN FOR THE COMMUNITY: FOR INDIVIDUALS ARE OUT TO DEATH BY STONING. THEREFORE THEIR PROPERTY IS SAVED. BUT THE COMMUNITY IS PUT TO DEATH BY THE SWORD, THEREFORE THEIR PROPERTY IS LOST.

“AND YOU SHALL SURELY SMITE THE INHABITANTS OF THE CITY WITH THE EDGE OF THE SWORD” (DEU. 13:15). ASS-DRIVERS, CAMEL-DRIVERS, AND PEOPLE PASSING FROM PLACE TO PLACE — LO THESE HAVE THE POWER TO SAVE IT:

1. III:1: Our rabbis have taught on Tannaite authority: Ass-drivers, camel-drivers, and people passing from place to place who spent the night in its midst and became apostates with the others of the town, if they spent thirty days in the town, they are put to death by the sword, and their property and the town are prohibited. But if they did not spend thirty days in the town, they are put to death by stoning, but their property is rescued (T. [San. 14:2 A-D](#)).

D. ...AS IT IS SAID, “DESTROYING IT UTTERLY AND ALL THAT IS THEREIN AND THE CATTLE THEREOF, WITH THE EDGE OF THE SWORD” (DEU. 13:17). ON THIS BASIS THEY SAID, THE PROPERTY OF RIGHTEOUS FOLK WHICH HAPPENS TO BE LOCATED IN IT IS LOST. BUT THAT WHICH IS OUTSIDE OF IT IS SAVED.

1. IV:1: Our rabbis have taught on Tannaite authority: “Destroying it utterly and all that is therein” (Deu. 13:17) — excluding the property of the righteous which is outside of it. “And all that is therein” — encompassing the property of righteous folk which happens to be located in it (M. 11:5D). “The spoil that is in it” (Deu. 13:17) — but not the spoil that belongs to heaven. “All the spoil of it” (Deu. 13:17) — encompassing the property of wicked folk that is located outside of it.

2. IV:2: Said R. Simeon, “On what account did they rule, The property of the righteous which is in it is lost? Because that property caused the righteous to live among evil people. And is it not a matter of an argument a fortiori? And if property, which does not see, hear, or speak, because it caused righteous men to live among wicked people, the Scripture has ruled that it must be burned, he who turns his fellow through the way of life to the way of death, all the more so should he be put to death by burning.” (T. [San. 14:4G-K](#)).

a. IV:3: A master said, ““And all the spoil of it you shall gather” (Deu. 13:17) — encompassing the property of evil folk that is outside of it.” Said R. Hisda, “But that applies, in particular, to that which can be gathered together in it.”

3. IV:4: R. Joseph raised the question, “What is the law concerning use of the hair of righteous women in such a city?”

E. AND AS TO THAT OF EVIL FOLK, WHETHER IT IS IN THE TOWN OR OUTSIDE OF IT, LO, IT IS LEFT TO ROT, AS IT IS SAID, “AND YOU SHALL GATHER ALL THE SPOIL OF IT INTO THE MIDST OF THE WIDE PLACE THEREOF” (DEU. 13:17).

IF IT HAS NO WIDE PLACE, THEY MAKE A WIDE PLACE FOR IT. IF ITS WIDE PLACE IS OUTSIDE OF IT, THEY BRING IT INSIDE.

1. V:1: Our rabbis have taught on Tannaite authority: “If it does not have a wide place, it is not declared to be an apostate city,” the words of R. Ishmael. R. Aqiba says, “If it has no wide place, they make a wide place for it.” What is at issue here? One authority takes the view that “its wide place” has the sole meaning of a wide place already present. The other authority maintains that “wide place” also bears the meaning of a wide place existing only at present.

F. “AND YOU WILL BURN WITH FIRE THE CITY AND ALL THE SPOIL THEREOF, (EVERY WHIT, UNTO THE LORD YOUR GOD)” (DEU. 13:17). “THE SPOIL THEREOF” — BUT NOT THE SPOIL WHICH BELONGS TO HEAVEN. ON THIS BASIS THEY HAVE SAID: THINGS WHICH HAVE BEEN CONSECRATED WHICH ARE IN IT ARE TO BE REDEEMED:

1. VI:1: Our rabbis have taught on Tannaite authority: If there were Holy Things in it, things that have been consecrated for use on the altar are left to die; things which are consecrated for the upkeep of the Temple building are to be redeemed; heave-offering left therein is allowed to rot; second tithe and sacred scrolls are

hidden away. R. Simeon says, “‘Its cattle’ — excluding firstlings and tithe of cattle. ‘And its spoil’-- excluding money which has been consecrated, and money which has taken on the status of second tithe” (T. **San. 14:5A-D**).

a. VI:2: A master has said, “If there were Holy Things in it, things that have been consecrated for use on the altar are left to die.” Now why should they be left to die? Rather, let them pasture until they are permanently disfigured, at which point let them be sold, and let the proceeds fall for the purchase of a freewill offering as would be done under ordinary circumstances with such donations.

b. VI:3: R. Simeon says, “‘Its cattle’ — excluding firstlings and tithe of cattle” (T. **San. 14:5C**). With what sort of case do we deal? If we say that we deal with those that are unblemished, then this falls into the category of the spoil belonging to heaven.

G. HEAVE-OFFERING LEFT THEREIN IS ALLOWED TO ROT; SECOND TITHE:

1. VII:1: Said R. Hisda, “That rule applies only to heave offering in the possession of ordinary Israelites, but as to heave-offering in the possession of a priest, to whom the produce actually belongs, it must be burned.”

2. VII:2: It has been taught on Tannaite authority: “Dough prepared from produce in the status of second tithe e.g., grain set aside as second tithe that has been milled into flour and made into dough, is exempt from the requirement of the separation of dough-offering,” the words of R. Meir. And sages declare it liable.

H. ...AND SACRED SCROLLS ARE HIDDEN AWAY:

1. VIII:1: The cited passage of the Mishnah does not accord with the view of R. Eliezer.

I. “EVERY WHIT UNTO THE LORD YOUR GOD” SAID R. SIMEON, “SAID THE HOLY ONE, BLESSED BE HE: ‘IF YOU ENTER INTO JUDGMENT IN THE CASE OF AN APOSTATE CITY, I GIVE CREDIT TO YOU AS IF YOU HAD OFFERED A WHOLE BURNT-OFFERING BEFORE ME.’ AND IT SHALL BE A HEAP FOREVER, IT SHALL NOT BE BUILT AGAIN” IT SHOULD NOT BE MADE EVEN INTO VEGETABLE-PATCHES OR ORCHARDS,” THE WORDS OF R. YOSÉ THE GALILEAN:

1. IX:1: With reference to the dispute of Yosé the Galilean and Aqiba at M. 11:6K-L, may one propose that they dispute about the matter at issue in what R. Abin said R. Ilai said? For said R. Abin said R. Ilai, “In any passage in which you find a generalization concerning an affirmative action, followed by a qualification expressing a negative commandment, people are not to construct on that basis an argument resting on the notion of a general proposition followed by a concrete exemplification only the substance of the concrete exemplification.”

J. R. AQIBA SAYS, “‘IT SHALL NOT BE BUILT AGAIN’ — AS IT WAS IT MAY NOT BE REBUILT, BUT IT MAY BE MADE INTO VEGETABLE PATCHES AND ORCHARDS.”

1. X:1: Our rabbis have taught on Tannaite authority: If the town contained trees that had already been cut down prior to the trial, they are forbidden. If at the time of the verdict they were yet attached to the ground, they are permitted. But as to

the trees of another city, whether they are cut down or attached to the ground, they are forbidden (T. **San. 14:5E-G**).

K. “AND THE CITY SHALL BE HEREM TO THE LORD.” JERICO IN PARTICULAR

a. X:2: “And Joshua adjured them at that time, saying, Cursed be the man before the Lord who rises up and builds this city, Jericho. He shall lay the foundation thereof in his firstborn, and in his youngest son shall he set up the gates of it.” (Jos. 6:17). It has been taught on Tannaite authority: One may not rebuild it and call it by the name of some other town, and one may not build some other town and call it Jericho.” (T. **San. 14:6L**).

b. X:3: It is written, “In his days did Heil the Bethelite build Jericho; he laid the foundations thereof in Abiram his firstborn and set up the gates thereof in his youngest son Segub, according to the word of the Lord which he spoke by Joshua the son of Nun” (1Ki. 16: 4). It has been taught on Tannaite authority: “In Abiram his first born” (1Ki. 16:34): That wicked man! To begin with with Abiram he had no example from which to learn, but in the case of segub, he had an example from which to learn (T. **San. 14:9A-C**). What did Abiram and Segub do that they, who were not wicked, did not learn the reason for the death?

I. X:4: “And the word of the Lord came to him, saying, Go away and turn eastward and hide yourself by the brook Cherith, that is before Jordan...And the ravens brought him bread and flesh in the morning” (1Ki. 17: 2, 6). Where did they get validly slaughtered meat?

II. X:5: A Galilean gave an exposition before R. Hisda, “To what may Elijah be compared? To the case of a man who locked his gate and lost the key. Elijah locked up the rain and could not unlock it”

L. “AND THERE SHALL CLEAVE NOUGHT OF THE DEVOTED THINGS TO YOUR HAND THAT THE LORD MAY TURN FROM THE FIERCENESS OF HIS ANGER AND SHOW YOU MERCY AND HAVE COMPASSION UPON YOU AND MULTIPLY YOU” (DEU. 13:18) FOR SO LONG AS EVIL PEOPLE ARE IN THE WORLD, FIERCE ANGER IS IN THE WORLD. WHEN THE EVIL PEOPLE HAVE PERISHED FROM THE WORLD, FIERCE ANGER DEPARTS FROM THE WORLD.

1. XI:1: Who are these wicked?

2. XI:2: Our rabbis have taught on Tannaite authority: When the wicked come into the world, fierce anger comes into the world, for it is written, “When the wicked comes, then comes also contempt, and with ignominy, reproach” (Pro. 18: 3). When the wicked departs from the world, goodness comes into the world and retribution leaves the world, as it is written, “And when the wicked perish, there is exultation” (Pro. 11:10). When righteous people leave the world, evil comes into the world, as it is said, “The righteous man perishes, and no one lays it to heart, and merciful men are taken away, none considering that the

righteous is taken away from the evil to come” (Isa. 57: 1). When the righteous come into the world, goodness comes into the world, as it is written, “This one will comfort us in our work and in the toil of our hands” (Gen. 5:29) (T. **Sot. 10:1-3**).

Points of Structure

1. DOES BABYLONIAN TALMUD-TRACTATE SANHEDRIN FOLLOW A COHERENT OUTLINE GOVERNED BY A CONSISTENT RULES?

The Talmud-tractate follows the program of the Mishnah-tractate of the same name and rarely diverges from it. Where we have a large composite that does not expound a topic or proposition set forth by the Mishnah-tractate, it complements one that does. This tractate more slavishly adheres to the program of the Mishnah than any other, and that is the fact despite the appearance of prolixity.

2. WHAT ARE THE SALIENT TRAITS OF ITS STRUCTURE?

For the first ten chapters, the Mishnah sets forth topics or propositions inviting analysis. For the eleventh chapter, the Mishnah defines a topical program, which the Talmud richly augments with collections of information.

3. WHAT IS THE RATIONALITY OF THE STRUCTURE?

The Mishnah defines what is orderly and what is not. There is no other organizing principle that governs throughout. What I have marked as secondary or derivative or complementary nearly everywhere carries forward what has begun as Mishnah-commentary. I see only very, very few entries — compositions, never composites — that are parachuted down on their own. All composites and nearly all compositions can be shown to stand in logical or at least topical relationship to the Mishnah's program: propositional or topical.

4. WHERE ARE THE POINTS OF IRRATIONALITY IN THE STRUCTURE?

I have identified a variety of composites that serve a purpose other than that of Mishnah-commentary. These are to be divided into three groups, only one of which requires further comment. The first group is made up of composites that do not directly comment upon a proposition of the Mishnah or deal with a topic introduced by the Mishnah. These I list below, in my discussion of topical composites that the Talmud contributes but that the Mishnah does not require on its own. The second group comprises composites that form appendices to the treatment of a Mishnah-topic or proposition, e.g., clarifying a subsidiary point or otherwise standing in subordinate relationship to the Mishnah. These I list below, indenting the items and so differentiating them from the ones that change the character of the Talmud's re-presentation of the Mishnah. The third set are items that have no clear relationship whatever to the work of Mishnah-commentary, e.g., formal composites, in which an extrinsic trait, not one intrinsic to what is said, accounts for the agglutination of compositions. These I indicate by underlining. Readers are referred to the treatment of topical composites in what follows.

Points of System

1. DOES THE BABYLONIAN TALMUD-TRACTATE SANHEDRIN SERVE ONLY AS A REPRESENTATION OF THE MISHNAH-TRACTATE OF THE SAME NAME?

Enough of the Mishnah is covered by the Talmud to require an affirmative response to this question. Certainly the net effect is to treat the Mishnah as principal and as privileged, and all composites are set into the Talmud in relationship to the Mishnah's requirements. I cannot find a single exception to that rule, and that is now an established fact. That the Talmud must be described as a commentary to the Mishnah and as nothing other than a commentary to the Mishnah is the outcome of this work to date.

2. HOW DO THE TOPICAL COMPOSITES FIT INTO THE TALMUD-TRACTATE SANHEDRIN AND WHAT DO THEY CONTRIBUTE THAT THE MISHNAH-TRACTATE OF THE SAME NAME WOULD LACK WITHOUT THEM?

I.C: The judgment of cases by fewer than three judges is simply a question invited by the law of the Mishnah.

I.D: Arbitration as an alternative to a legal contest falls into the same category as the foregoing.

I.E: In praise of justice and true judges: This entry is invited by the general theme and premise of the Mishnah-rule and does not vastly change our impression of the Mishnah's topic, which is, the judgment of cases and the fair conduct of trials.

VI.D Composite on the Writing and Revelation of the Torah: This is a thematic composite, inserted because of the discussion, by the Mishnah, of the King's writing out a scroll of the Torah and carrying it about with him. I do not see how this composite vastly changes our perception of the Mishnah's rule or its context.

VII.B The evils of divorce, particularly of an aging wife: This composite is inserted without any clear relationship to the Mishnah's rule. Including the set has probably been provoked by the story of Abishad and Bath Sheba.

XVI.F: The creation of man, the minim, debates with unbelievers, the emperor and the patriarch. This is a vast and important composite on a variety of topics. It is added as a complement to the Mishnah's statement that God put his mint-mark on everyone, yet not one is like another. While this passage moves in a variety of directions, it seems to me wholly complementary to the Mishnah's interests and statements and in no way does the composite (or, really, set of composites) reshape the setting or context in which we are to read the Mishnah's statements. To the contrary, what we have is a rich and dense extension of what the Mishnah clearly wishes to emphasize.

XVI.H: The exegesis of the story of Ahab's death illustrates the statement of the Mishnah immediately preceding, which is, "When the wicked perish there is rejoicing." This item then illustrates that point. But of course, the composite moves in its own direction, guided by the requirements of the theme that it pursues.

- XVII.H: Topical appendix on reciting the blessing over the New Moon. The Mishnah's statement introduces this theme, which is then a compendium of useful information, nothing more.
- XXIV.E: Burial as the preferred mode of disposition. This is a clear appendix to the statement that one may not leave the deceased to stay unburied overnight. The composite simply reenforces the Mishnah's premise.
- XXXI.B: The religious obligations of the children of Noah: idolators and slaves. This composite begins with the statement that idolators as much as Israelites are admonished not to curse God, which is precisely the topic that the Mishnah has introduced. The composite goes off in its own direction, but blasphemy remains a principal consideration throughout, even though the governing topic is now not blasphemy but the obligations of non-Israelites.
- XLI.B: The evils of wine: This is a topical composite added after a reference to the rebellious son's drinking a half-log of Italian wine. The Mishnah's general interests thus are advanced, and the premise of Scripture and the Mishnah, that drunkenness is evil, is reenforced.
- XLIX.B: Marrying off one's children in the proper manner: This item forms a positive side to the Mishnah's negative, that is, those put to death for incest and similar sexual crimes. Now we are given the opposite: how matters should be carried on.
- LVII.C: The zealotry of Phineas: This is a first-rate illustration of the Mishnah's interest in how zealots may enforce the law outside the normal framework of court procedures.
- LXV.B: Topical Appendix on Gebiha and Alexander: This is added because of the reference in the foregoing to Gebiha's proof for the resurrection of the dead.
- LXV.C: Topical Appendix on Antoninus and Rabbi: My best guess is that this composite was joined to the foregoing as part of a set on sages and emperors; I see no point of topical, let alone propositional, intersection with our Mishnah.
- LXV.D: The death of Death: Here we really do have a point of extension, beyond the limits of the Mishnah, so as to recast the Mishnah's topic and set forth a proposition that the exegesis of the Mishnah does not require and that greatly changes our sense of the Mishnah's meaning. The Mishnah's interest in the resurrection of the dead is now shown to be part of a larger proposition, which is, in time to come, death itself will die.
- LXV.E: How on the basis of the Torah do we know about the resurrection of the dead. This large composite carries forward the exegesis of the Mishnah, proving in various ways on the strength of Scripture the facticity of the Mishnah's claim.
- LXV.F: Topical appendix on Hananiah, Mishael, and Azariah: Here is an example of how death is overcome.

LXV.G: The Messiah. Pharaoh, Sennacherib, Hezekiah, and other Players in the Messianic drama. Here is the point in our tractate at which the Mishnah's program really comes under considerable revision. The Talmud treats as self-evident the link between the Messiah and the resurrection of the dead, but the Mishnah has not done so, indeed, has not introduced the Messiah-theme at all. The Talmud then wants to know how the Messiah's coming relates to the resurrection of the dead. Various salvific occasions are then introduced, Pharaoh and Moses; Sennacherib and Hezekiah. These form secondary expositions of the general theme of the Messiah.

LXV.H: When will the Messiah come? Here is yet another major revision in the presentation of the Mishnah, a systematic recasting of matters to link the resurrection to that other, and quite separate, issue. The upshot is that Israel's historical fate and its salvation at the end of time form a component in the exposition of the theme of the resurrection of the dead. Since this passage of the Mishnah does not introduce the Messiah-theme, the radical re-presentation of matters emerges with great force.

LXV.R: Wicked monarchs who nonetheless merit a portion in the world to come: This is a clear extension of the Mishnah, since the point of interest is to form a catalogue of kings who, despite their evil, will inherit the world to come.

LXV.S: The special case of Hezekiah. The Exegesis of Lamentations. Since Hezekiah is designated as a player in the Messianic drama, and since the exegesis of Lamentations is introduced as if out of nowhere, it seems to me we should regard this composite, mostly devoted to Lamentations, as a further treatment of the Messiah-theme. Here is why Israel requires the Messiah: the city sits solitary.

LXV.T: Summary judgments. What we have here is yet another secondary amplification of the Mishnah's topic. The composite is situated where it belongs for the purpose of Mishnah-commentary, precisely at the end of the account of the kings who do not merit the world to come, and at the outset of the account of the commoners who likewise lose out.

LXV.W: After Doeg we deal with David, who is matched against Doeg. I am somewhat puzzled by the introduction of this composite, but it does seem to me continuous in its general proposition with the preceding one.

LXVIII.K: Jericho in Particular. Here we have a fine illustration of the one case in which a town really was treated in accord with the law of the Torah governing the apostate city.

3. CAN WE STATE WHAT THE COMPILERS OF THIS DOCUMENT PROPOSE TO ACCOMPLISH IN PRODUCING THIS COMPLETE, ORGANIZED PIECE OF WRITING?

The first ten chapters of the tractate conform to the general rules of sustained, analytical investigation that govern in the Talmud in general. Chapter Eleven contains much information, many well-crafted compositions and purposive composites, but it exhibits singular deficiencies in the analytical process to which we become accustomed. But the rules of large-scale conglomeration remain firm. When we take a second look at Chapter Eleven, we find a sustained effort at recasting the Mishnah's topic by introducing themes

that the Mishnah either omits altogether or treats in a casual way. These emerge in unit LXV: the death of death; the coming of the Messiah — past time; the coming of the Messiah — future time; the special case of Hezekiah and the pertinence of the book of Lamentations. Here in a single set of composites we find introduced a set of propositions concerning the Messiah and Israel's history that the Mishnah has neglected. The Mishnah, after all, has focused upon private persons — specific kings and commoners who have lost the world to come. The Talmud, by contrast, introduces the dimension of the Israelite community seen whole. The Mishnah tells us how individuals lose out, e.g., by denying that the Torah itself teaches that the dead will be raised. The Talmud turns to the more profound question of the death of death, which itself then comes as the prologue to the advent of the Messiah. As though to underscore the main point — the issue is Israel the holy people, not merely individual players in Israelite life — the exegesis of Lamentations is inserted, whole and in no clear connection to what has preceded. The result of this analysis leaves no doubt that the framers of the Talmud have both commented upon the Mishnah in a rich and remarkably profound way but also recast the context in which the Mishnah is to be received and understood. The Talmud truly forms the re-presentation of the Mishnah. And what the Talmud's framers find self-evident in the exposition of the Mishnah's statements that the Mishnah's authors treated casually or not at all speaks for itself.