

JUDAISM

The Talmud

Sanhedrin

A massive, multi-volume compendium of rabbinic debates and commentary on the Torah that forms the basis of Jewish religious law, ethics, and practice. Presents all 37 tractates with Gemara, via Sefaria's William Davidson Talmud (the Koren Talmud Bavli translation, CC BY-NC), plus Avot and Eduyot (which have no Gemara) via Michael L. Rodkinson's 1896-1918 translation.

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Chapter 1

¹ MISHNA: Cases concerning monetary law are adjudicated by three judges. Cases concerning robbery and personal injury are adjudicated by three judges. Cases concerning damage that one is responsible for because he or his property caused the damage are adjudicated by three judges as well. Likewise, cases concerning payment for half the damage, which is paid in the event that an ox whose owner has not been warned that it gored more than two times gores another animal (see Exodus 21:35); cases concerning payment of double the principal by a thief who was caught stealing (see Exodus 22:3); and cases concerning payment of four or five times the principal by a thief who slaughtered or sold a stolen ox or a lamb (see Exodus 21:37) are all adjudicated by three judges.

² Cases concerning one who rapes or one who seduces a virgin girl, and must therefore pay the girl's father fifty silver shekels (see Deuteronomy 22:29, Exodus 22:15); and cases concerning a defamer who falsely asserts that his wife was not a virgin when she married him, and brings false witnesses who testify that she committed adultery while betrothed to him and who must therefore pay the girl's father one hundred silver shekels as well as receive lashes (see Deuteronomy 22:13–19): All of these are adjudicated by three judges; this is the statement of Rabbi Meir.

³ And the Rabbis say: Cases concerning a defamer are adjudicated by a court of twenty-three judges, which is the type of court authorized to judge cases of capital law, because this case includes the possibility of becoming a case of capital law. The husband brings witnesses that his wife committed adultery. If she is found guilty, she is liable to receive the death penalty. This punishment applies to the witnesses if they are exposed as conspiring witnesses.

⁴ Cases concerning the violation of prohibitions that render one liable to receive lashes are adjudicated by three judges. The Sages stated in the name of Rabbi Yishmael: Cases concerning lashes are adjudicated by twenty-three judges.

⁵ The intercalation of the month is performed by a panel of three judges. The intercalation of the year, meaning the decision to add an extra month to the year when necessary, is also decided by a panel of three judges; this is the statement of Rabbi Meir. Rabban Shimon ben Gamliel says: The deliberations begin with three judges, and they debate the matter with five judges, and they conclude the matter with seven judges, due to the significance of the decision. And Rabban Shimon ben Gamliel concedes that if they concluded the matter with only three judges, the intercalation is valid and it is a leap year.

⁶ Both the laying of hands by the Sages and the breaking of the heifer's neck in a case where a person was found murdered and it is not known who killed him (see Deuteronomy 21:1–9) are performed in front of a panel of three judges; this is the statement of Rabbi Shimon. Rabbi Yehuda says: These rituals are performed in front of five judges. Both ḥalitza, the ritual through which the yavam, a surviving brother of a married man who died without sons, frees the yevama, the widow, of

her levirate bond in a case where the yavam does not wish to marry the yevama (see Deuteronomy 25:5–10), and the refusal of a girl before reaching majority to remain married to the man to whom her mother or brother married her off, are performed before a court of three judges.

⁷ The halakha concerning fruit of a fourth-year sapling and second-tithe produce is that they are to be brought to Jerusalem and eaten there. If this is impractical, the produce can be redeemed and the redemption money brought to Jerusalem, where it is used to purchase food and drink. Valuation of fruit of a fourth-year sapling or second-tithe produce in cases where their value is not known is performed by three judges. The valuation of consecrated property for purposes of redemption is performed by three judges, and the valuations that are movable property (see Leviticus 27:1–8) are performed by three judges. Rabbi Yehuda says: One of the three judges must be a priest.

⁸ And the valuation of consecrated land is performed by nine judges and, in addition, one priest. And the valuation of a person for the purpose of a vow is performed in a similar manner to that of land.

⁹ § Cases of capital law are judged by twenty-three judges. An animal that copulated with a person and an animal that was the object of bestiality are judged by twenty-three judges, as it is stated: “And if a woman approaches any animal to lie with it, you shall kill the woman and the animal” (Leviticus 20:16), and it states: “And if a man lies with an animal, he shall be put to death and you shall kill the animal” (Leviticus 20:15). In cases of bestiality, the verse juxtaposes the execution of the animal to the execution of the person, and therefore the case of the animal is adjudicated in the same way as cases of capital law.

¹⁰ Similarly, an ox that is to be stoned because it killed a person is judged by twenty-three judges, as it is stated: “But if the ox was wont to gore in time past, and warning has been given to its owner, but he did not guard it and it kills a man or a woman the ox shall be stoned and also its owner shall be put to death” (Exodus 21:29). From this verse it is derived that just as the manner of the death of the owner, so is the manner of the death of the ox. The same halakha applies in the case of a wolf or a lion, a bear or a leopard, or a cheetah, or a snake that killed a person: Their death is decreed by twenty-three judges. Rabbi Eliezer says these dangerous animals do not need to be brought to court; rather, anyone who kills them first merits the performance of a mitzva. Rabbi Akiva says: Their death is decreed by twenty-three judges.

¹¹ § The court judges cases involving an entire tribe that sinned, or a false prophet (see Deuteronomy 18:20–22), or a High Priest who transgressed a prohibition that carries a possible death sentence, only on the basis of a court of seventy-one judges, i.e., the Great Sanhedrin. And the king may bring the nation out to an optional war, i.e., a war that was not mandated by the Torah and is not a war of defense, only on the basis of a court of seventy-one judges. They may extend the city of Jerusalem or the courtyards of the Temple only on the basis of a court of seventy-one judges. And they may appoint a lesser Sanhedrin of twenty-three judges for the tribes only on the basis of a court of seventy-one judges.

¹² A city may be designated as an idolatrous city, i.e., a city whose residents all practice idolatry, and therefore according to Torah law all the residents must be killed and the city must be destroyed (see Deuteronomy 13:13–19), only in accordance with the ruling of a court of seventy-one judges. Additionally, the court may not designate a city as an idolatrous city if it is on the frontier, close to the borders of Eretz Yisrael, and three adjoining cities may not be designated as idolatrous cities. But the court may designate one city, or two adjoining cities, as idolatrous cities.

¹³ § With regard to the number of judges in the different courts the mishna presents a halakhic midrash: The Great Sanhedrin was composed of seventy-one judges, and a lesser Sanhedrin was composed of twenty-three. From where is it derived that the Great Sanhedrin was composed of seventy-one judges? As it is stated: “Gather Me seventy men of the Elders of Israel, whom you know to be the Elders of the people and officers over them, and bring them into the Tent of Meeting, and they shall stand there with you” (Numbers 11:16), and together with Moses at the head of this body, there are a total of seventy-one. Rabbi Yehuda says: Moses was indeed at the head of the body, but he is not counted as part of the group. Consequently, a future Great Sanhedrin modeled after these Elders is to be composed of seventy judges.

¹⁴ And from where is it derived that a lesser Sanhedrin is composed of twenty-three judges? As it is stated: “And the congregation shall judge between the assailant and the avenger...and the congregation shall save the manslayer from the hands of the avenger” (Numbers 35:24–25). Therefore, there must be a congregation, which consists of at least ten judges, that judges the accused and attempts to convict him, and there must be a congregation, also consisting of at least ten judges, which attempts to save the accused by finding him innocent. Together, there are twenty judges here.

¹⁵ Before proceeding to derive the requirement for the final three judges, the mishna clarifies: And from where is it derived that a congregation consists of at least ten men? As it is stated concerning the spies: “How long shall I bear with this evil congregation that keep complaining about me?” (Numbers 14:27) There were twelve spies; excluding Joshua and Caleb, who did not complain, there would be ten men who are called: A congregation. Accordingly, the verses describing a congregation that attempts to convict the accused and a congregation that attempts to acquit him together add up to twenty judges.

¹⁶ And from where is it derived to bring three more judges to the court? From the implication of that which is stated: “You shall not follow a multitude to convict” (Exodus 23:2), I would derive that I may not convict a person on the basis of a majority but I should follow the majority to exonerate. If so, why is it stated in the same verse: “To incline after a multitude,” from which it can be understood that the majority is followed in all cases? In order to resolve the apparent contradiction it must be explained: Your inclination after the majority to exonerate is not like your inclination after the majority to convict. Your inclination after the majority to exonerate can result in a verdict by a majority of one judge. But your inclination after the majority to convict a transgressor must be by a more decisive majority of at least two. Therefore, the court must have at least twenty-two judges.

¹⁷ And since there is a principle that a court may not be composed of an even number of judges, as such a court may be unable to reach a decision, therefore they add another one to them, and there are twenty-three judges here.

¹⁸ And how many men must be in the city for it to be eligible for a lesser Sanhedrin? One hundred and twenty. Rabbi Nehemya says: Two hundred and thirty, corresponding to the ministers of tens, as outlined by Moses and Yitro in the wilderness (Exodus, chapter 18). That is to say, each member of the Sanhedrin can be viewed as a judge with responsibility for ten residents. If there are not enough men in the city to enable this calculation, it would not be honorable to appoint a Sanhedrin, as their members will each preside over less than the minimum of ten residents.

¹⁹ GEMARA: The mishna states that cases of monetary law are adjudicated by three judges, and that cases of robbery and personal injury must also be adjudicated by three judges. The Gemara asks: Is

that to say that cases of robbery and personal injury are not cases of monetary law? Obviously they are; why did the mishna delineate them separately? Rabbi Abbahu says: The mishna teaches this clause employing the style: What are these, meaning that the expression: Cases of monetary law, is a description of a category, followed by the specification. Accordingly, the mishna should be read as follows: What are these cases of monetary law that are adjudicated by three judges? Cases of robbery and personal injury. But cases of admissions, where one party admits that he owes another money, and cases of loans that were not repaid are not included in this halakha.

²⁰ And this specification is necessary, as had the tanna taught only that cases of monetary law are adjudicated by three judges, I would say that this applies even to cases of admissions and loans. Therefore, to avoid this misunderstanding, he taught: Cases of robbery and personal injury, in order to clarify that only they are included in the halakha. And had he taught only cases of robbery and personal injury and had not taught cases of monetary law, I would say that the same is true even with regard to admissions and loans, that they are adjudicated in the same manner. And I would understand this fact, that the mishna teaches specifically cases of robbery and personal injury, by saying that these are mere examples and that the mishna mentions them because in the primary cases in which the requirement for three judges is written in the Torah, it is written with regard to cases of robbery and personal injury.

²¹ The Gemara explains this assertion. With regard to cases of robbery, as it is written with regard to a bailee who accepted a deposit from another and then claims that it was stolen: “The owner of the house shall come near the court [ha’elohim], to see whether he has not put his hand upon his neighbor’s property” (Exodus 22:7). And with regard to cases of personal injury, they are adjudicated in the same manner as cases of robbery, because what difference is there to me if another injured one’s body and what difference is there to me if another injured one’s property? Therefore, in order to clarify that the halakha applies only to cases of robbery and injury, the tanna taught: What are these cases of monetary law? Cases of robbery and personal injury. But this halakha does not apply with regard to cases of admissions and loans.

²² The Gemara asks: And with regard to which halakha are cases of admissions and loans unlike cases of robbery and injury? If we say that we do not need a court of three judges to adjudicate such cases, but doesn’t Rabbi Abbahu say: With regard to a court of two judges that adjudicated cases of monetary law of any type, which would include cases of admissions and loans, everyone agrees that their judgment is not a valid judgment, as a court with fewer than three judges is invalid?

²³ The Gemara answers: This is not the difference between the categories; rather, the difference is that for cases of admissions and loans we do not require expert, ordained judges who have studied extensively and received permission to judge; any three laymen can serve as a court for these types of cases. The mishna singled out cases of robbery and personal injury in order to indicate that for those cases expert judges are necessary.

²⁴ The Gemara clarifies: What does the tanna hold? If he holds that a merging of Torah portions is written here, then he should also require expert judges for cases of admissions and loans. The passage from which the halakha requiring three judges is derived (Exodus 22:6–8) discusses several different halakhot. According to the understanding that these portions should be considered as merged, they are interpreted to indicate equivalence between those halakhot. And if he holds that there is no merging of Torah portions written here, meaning that the halakhot are to be derived only

from verses that discuss them directly, then why do I need three judges for admissions and loans? The requirement for three judges is derived from the repetition of the word *elohim* three times in the context of cases of robbery and personal injury.

²⁵ The Gemara answers: Actually, the tanna holds that a merging of Torah portions is written here, and by right he should have required expert judges to judge cases of admissions and loans as well. And this fact, i.e., that we do not require expert judges for these cases, is due to the reasoning of Rabbi Ḥanina, as Rabbi Ḥanina says: By Torah law, both cases of monetary law and cases of capital law require inquiry and interrogation of witnesses in order to conclusively determine the time, place, and circumstance of the incident, with the purpose of finding any possible contradiction in the witnesses' testimony.

²⁶ The source for this is as it is stated: "You shall have one manner of law" (Leviticus 24:22), from which it is derived that all judges must judge in the same manner. And since with regard to cases of capital law it is stated: "And you shall inquire and investigate, and ask diligently" (Deuteronomy 13:15), the same should apply to cases of monetary law. And what is the reason that the Sages said that in cases of monetary law we do not require inquiry and interrogation of witnesses? The Gemara answers: The Sages established this exemption so as not to lock the door in the face of potential borrowers. If inquiry and interrogation of the witnesses would be required in order to have the court rule that the lender can collect payment of a loan, lenders would be deterred by the difficulty of proving the matter and might cease to lend money to the poor. For the same reason, the Sages also waived the need for expert judges in these cases.

²⁷ The Gemara asks: If that is so, then if these laymen err they should not be liable to pay compensation to the party unfairly wronged by their judgment, just as expert judges are not liable. The Gemara responds: If this is the halakha, you are all the more so locking the door in the face of potential borrowers; wealthy people will not want to lend money, as they will fear that a court of laymen will judge the case incorrectly.

²⁸ With regard to Rabbi Abbahu's method of explaining the mishna, the Gemara asks: If that is so, then instead of explaining the mishna employing the style: What are these, Rabbi Abbahu could more easily say that two matters are taught in the mishna, and explain it as follows: Cases of monetary law, meaning cases of admissions and loans, are adjudicated by three judges who could be non-ordained laymen [*hedyotot*], and cases of robbery and personal injury are adjudicated by three ordained, expert judges.

²⁹ And furthermore, according to Rabbi Abbahu's explanation that the term: Cases of robbery and personal injury, simply clarifies the meaning of the term: Cases of monetary law, why do I need the repetitive statement that cases of monetary law are adjudicated by three judges and cases of robbery and injury are adjudicated by three judges? The repetition seems to indicate that these are two separate matters.

³⁰ Rather, Rava said: Two matters are in fact taught in the mishna, because of the statement of Rabbi Ḥanina that the Sages instituted leniencies with regard to cases of monetary law so as not to lock the door in the face of potential borrowers. Rav Aḥa, son of Rav Ika, said: By Torah law, the adjudication of one judge is also valid in cases of admissions and loans, as it is stated: "In righteousness shall you judge your neighbor" (Leviticus 19:15), in the singular. But by rabbinic law, three judges are

required, due to the concern that a single judge may be one of those who sit idly on street corners, i.e., unlearned people who are not involved in business and are unlikely to judge the case correctly.

³¹ The Gemara asks: Is that to say that with three judges they will not be among those who sit idly on street corners? How is this concern addressed by increasing the number of judges? The Gemara answers: When there are three judges it is impossible, i.e., highly unlikely, that there is not among them one who is learned. The Gemara asks: If that is so, then if they err they should not be liable to pay compensation, since rabbinic law authorizes laymen to judge cases of this nature. The Gemara answers: If the judges will be exempt from paying compensation in the event that they err in their judgment, this lack of accountability will lead all the more so to having many of those who sit idly on street corners assume the role of judges.

³² The Gemara asks: What are the implications of the difference between the opinion of Rava, who says that cases of monetary law may be adjudicated by three laymen due to the statement of Rabbi Ḥanina, and the opinion of Rav Aḥa, son of Rav Ika, who holds that according to the Torah one judge is sufficient? The Gemara answers: The difference between them is with regard to that which Shmuel says: If two people adjudicated a case, their judgment is a valid judgment, but they are called an impudent court. Rava is of the opinion that the halakha is not in accordance with the opinion of Shmuel, as he holds that three judges are required by Torah law. Rav Aḥa, son of Rav Ika, is of the opinion that the halakha is in accordance with the opinion of Shmuel, as he holds that fundamentally, even one judge may judge a case of monetary law.

³³ § The mishna teaches that cases involving payment for damage and payment for half the damage are adjudicated by three judges. The Gemara challenges: Damage is the same as injury, since the term: Injury, includes various damages one causes another directly or by his property. The Gemara explains: Since he needed to teach the halakha with regard to payment of half the cost of the damage, he also taught the halakha with regard to payment of the full cost of the damage.

³⁴ The Gemara challenges: Payment of half the damage is also the same as personal injury, so it did not need to be stated separately. The Gemara explains: There is a difference. The tanna taught the halakha with regard to a case of monetary matters, and he also taught the halakha with regard to a case of a fine, such as payment of half the damage in a case where an innocuous ox gored another animal. Consequently, payment of half the cost of the damage needed to be stated separately from payment for injury, and once he needed to teach the halakha with regard to payment for half the cost of the damage, he first mentioned general payments for damages.

³⁵ The Gemara asks: This works out well according to the one who says that the payment for half the cost of the damage is considered a fine, meaning that according to the standard halakhhot of damages the owner of the goring ox should be exempt, and the Torah instituted a payment of half the cost of the damage as a penalty for not being exceedingly careful. But according to the one who says that the payment for half the cost of the damage is an actual monetary payment, meaning that according to the standard halakhhot of damages the owner of the goring ox should be fully liable but the Torah exempted him from part of his liability due to the unusual nature of the damage, what can be said? Therefore, this explanation must be rejected.

³⁶ Rather, since the tanna needed to teach the halakha with regard to cases involving payment of double the principal and payment of four or five times the principal, which are cases of money

³⁷ that is not paid according to its value, meaning that the payment is not equal to the cost of the damage but is actually more than that amount, he also taught the halakha with regard to payment of half the cost of the damage, which is also money that is not paid according to its value, as he pays less than the full cost of the damage. And since he needs to teach the halakha with regard to payment of half the cost of the damage, he also taught the halakha with regard to payment of the full cost of the damage.

³⁸ § The Gemara asks: From where do we derive the fundamental requirement for three judges? The Gemara answers: This is as the Sages taught: The verse states: “The owner of the house shall come near the court, to see whether he has not put his hand upon his neighbor’s property” (Exodus 22:7), so there is one judge here. The following verse states: “The cause of both parties shall come before the court,” so there are two judges here. And that verse concludes: “He whom the court shall condemn shall pay double to his neighbor,” so there are three judges here, corresponding to the three mentions of the term “the court.” This is the statement of Rabbi Yoshiya.

³⁹ Rabbi Yonatan says: The first instance of the term “the court” is stated first as part of the primary text of the passage, and it is necessary for conveying the straightforward meaning of the verse. And one does not derive tallies for halakhic matters by counting the first mention of a term. Rabbi Yonatan holds that when a tally is derived from the number of instances a certain word appears in the Torah, the first instance is not included in the tally, as it is necessary to teach the mitzva itself; the tally may be counted only from subsequent mentions. Rather, this is how it is derived: “The cause of both parties shall come before the court,” there is one judge here, and the continuation of the verse: “He whom the court shall condemn” teaches that there are two judges here. And since a court may not be composed of an even number of judges, they must add an additional one to them, so there are three judges here.

⁴⁰ Let us say that Rabbi Yoshiya and Rabbi Yonatan disagree with regard to whether one derives tallies for halakhic matters from the first mention of a term in the Torah. As one Sage, Rabbi Yoshiya, holds that one derives tallies from the first mention of the term in the Torah, and one Sage, Rabbi Yonatan, holds that one does not derive tallies from the first mention of the term. The Gemara rejects this suggestion: No, actually everyone holds that one does not derive tallies from the first mention of the term, but in this case there is a separate source for the derivation, as Rabbi Yoshiya could have said to you: If it is true that no halakha is derived from the first mention, let the verse say: The owner of the house shall come near to the judge [hashofet]. What, then, is the significance of the unique expression: “To the court [haelohim]”? Conclude from it that the term elohim was chosen to count toward the tally.

⁴¹ The Gemara asks: And how would Rabbi Yonatan respond to this analysis? The Gemara answers: He would say that the verse employed the common language of the world, as people say: One who has a case, a claim against another, should approach the regular judge, the one who generally judges cases and can be referred to by the term elohim. Consequently, no unique halakha can be derived from this first usage.

⁴² But doesn’t Rabbi Yoshiya accept the principle that a court must be composed of an odd number of judges? And isn’t it taught in a baraita: Rabbi Eliezer, son of Rabbi Yosei HaGelili, says: What is the meaning when the verse states: “To incline after a multitude to pervert justice” (Exodus 23:2)? The meaning is that the Torah is saying to you: Make for yourself a court that is composed of an odd

number of judges, that will perforce incline in one direction, so that there will always be a majority that can be followed.

⁴³ The Gemara answers: Rabbi Yoshiya does not accept this halakha but instead holds in accordance with the opinion of Rabbi Yehuda, who says: A Great Sanhedrin is composed of seventy judges. As we learned in the mishna: The Great Sanhedrin was composed of seventy-one judges, and Rabbi Yehuda says: It is composed of seventy judges. Clearly, Rabbi Yehuda does not accept the principle that a court must be composed of an odd number of judges.

⁴⁴ The Gemara asks: Say that you heard that Rabbi Yehuda said this halakha with regard to the Great Sanhedrin, about which specific verses are written, and he derives from these verses that the Great Sanhedrin must be composed of exactly seventy judges. Have you heard him say with regard to the rest of the courts, those whose composition is not explicitly addressed in the Torah, that these courts can also be composed of an even number of judges?

⁴⁵ And if you would say: There is no difference; Rabbi Yehuda does not differentiate between the Great Sanhedrin and lower courts, but didn't we learn in the mishna: The laying of hands by the Sages and the breaking of the heifer's neck are performed in front of a panel of three judges; this is the statement of Rabbi Shimon. Rabbi Yehuda says: These rituals are performed in front of five judges.

⁴⁶ And we say with regard to this halakha: What is the reasoning of Rabbi Yehuda? The verse states: "And the Elders of the congregation shall lay their hands upon the head of the bullock" (Leviticus 4:15). The term: "Shall lay their hands," which is in the plural, indicates that there are two, and the word "Elders," which is also plural, indicates another two, meaning a total of four. And since a court may not be composed of an even number of judges, we add another one to them, and there are five judges here. Consequently, Rabbi Yehuda does accept the halakha that a court may not be composed of an even number of judges.

⁴⁷ The Gemara answers: It can be explained that Rabbi Yoshiya holds in accordance with the opinion of Rabbi Yehuda but goes further than he does. This is because Rabbi Yehuda does not accept the principle that a court must be composed of an odd number of judges in connection with a Great Sanhedrin, but with regard to other courts he does accept it. And Rabbi Yoshiya also does not accept it with regard to other courts. The Gemara asks: And what does he do with this verse: "To incline after a multitude to pervert justice"? The Gemara answers: Rabbi Yoshiya interprets it in relation to cases of capital law. In such cases he agrees that the court must be composed of an odd number of judges, in order that it will be possible to exonerate the accused on the basis of a majority of one judge.

⁴⁸ The Gemara asks: But does Rabbi Yoshiya not accept the requirement for an odd number of judges with regard to cases of monetary law? But there is that which we learned in a mishna (29a): If two judges say the defendant is exempt from payment and one says he is liable, he is exempt; if two say he is liable and one says he is exempt, he is liable. Let us say that this mishna is not in accordance with the opinion of Rabbi Yoshiya, as Rabbi Yoshiya does not accept the requirement for an odd number of judges concerning cases of monetary law, and therefore perhaps he holds that the verdict must be agreed upon unanimously by all the judges.

⁴⁹ The Gemara rejects this possibility: You may even say that the mishna is in accordance with the opinion of Rabbi Yoshiya. Although he does not accept the requirement for an odd number of judges

in cases of monetary law, he does allow for a decision on the basis of a majority. He derives this principle based on an a fortiori inference from cases of capital law: If concerning cases of capital law, which are strict, the Merciful One states in the Torah: Follow the majority, and does not require a unanimous ruling, concerning cases of monetary law, which are more lenient, is it not all the more so clear that a majority ruling is sufficient?

⁵⁰ § The Sages taught: Cases concerning monetary law are adjudicated by three judges. Rabbi Yehuda HaNasi says: They are adjudicated by five judges, so that a verdict can be issued with three judges. The Gemara asks: Is that to say that with a court of three judges a verdict cannot be issued by two judges? The Gemara answers: This is what Rabbi Yehuda HaNasi is saying: Cases of monetary law are adjudicated by five judges, due to the fact that a verdict must be issued by three. In other words, according to Rabbi Yehuda HaNasi the judges who form the majority that decides the verdict must themselves be eligible to constitute a court. Evidently, Rabbi Yehuda HaNasi holds that when the requirement for three judges is written in the Torah, it is written with regard to the number of judges necessary to issue the verdict.

⁵¹ Rabbi Abbahu would ridicule [megaddef] this suggestion. If that is so, then the Great Sanhedrin would need to consist of 141 judges, so that the verdict can be issued by seventy-one, and a lesser Sanhedrin would need to consist of forty-five judges, so that the verdict can be issued by twenty-three. But these assertions contradict the halakha as derived from the verses.

⁵² Rather, the Merciful One states: “Gather Me seventy men of the Elders of Israel” (Numbers 11:16), and this means that from the time of gathering, there must be seventy. Likewise, the verse states: “And the congregation shall judge...and the congregation shall save” (Numbers 35:24–25), from which it is derived that cases of capital law are adjudicated by twenty-three judges, and this also means that from the time that the congregation judges there must be twenty-three. Similarly, with regard to a case of monetary law, the verse states: “The owner of the house shall come near to the court” (Exodus 22:7), and this means from the time of coming near to judge the cases there must be three judges. Consequently, there is no requirement that the verdict be decided by a majority who could themselves form a court.

⁵³ Therefore, the previous explanation must be rejected. Rather, this is the reasoning of Rabbi Yehuda HaNasi: It is stated in the next verse: “He whom the court shall condemn” (Exodus 22:8) in the plural, which means there must be two judges. Consequently, it is stated: “The court,” in the verse below and it is stated: “The court,” in the verse above. Just as below it is referring to two judges, as the word: “Shall condemn,” is written in the plural, so too above it is referring to two judges, making a total of four. And since a court may not be composed of an even number of judges, they add another one to them, so there are five judges here.

⁵⁴ And how would the Rabbis respond to Rabbi Yehuda HaNasi’s proof? They would say that although the term: “Shall condemn” is pronounced as a plural verb, it is written in a way that could also be read in the singular. Consequently, one cannot derive a requirement for more than one judge from there.

⁵⁵ § The dispute between Rabbi Yehuda HaNasi and the Sages is explained as an example of the more general question of whether the written consonantal text or the vocalization of the Torah is authoritative. As Rabbi Yitzḥak bar Yosei says that Rabbi Yoḥanan says: With regard to Rabbi Yehuda HaNasi, Rabbi Yehuda ben Roetz, Beit Shammai, Rabbi Shimon, and Rabbi Akiva, they all

hold that the vocalization of the Torah is authoritative, and that the halakha is therefore decided based on the meaning of the word as pronounced, and not on possible alternative readings of the written text.

⁵⁶ The Gemara explains the basis for Rabbi Yoḥanan's assertion with regard to each of the tanna'im that he mentioned: With regard to Rabbi Yehuda HaNasi, the proof is that which we have just said, with regard to the interpretation of the verse: "He whom the court shall condemn" (Exodus 22:8) deriving a requirement for five judges in cases of monetary law based on the vocalized plural pronunciation of the term: "Shall condemn."

⁵⁷ And with regard to Rabbi Yehuda ben Roetz, it is as it is taught in a baraita: His students asked Rabbi Yehuda ben Roetz: The verse states: "But if she gives birth to a female, then she shall be unclean for two weeks, as in her menstrual impurity; and she shall then continue in the blood of purification for sixty-six days" (Leviticus 12:5). Based on the written consonantal text, I can read the amount of time she is impure as: "Seventy [shivim] days," and not as: "Two weeks [shevuayim]." One might have thought, therefore, that a woman who gives birth to a female should be impure for seventy days.

⁵⁸ Rabbi Yehuda ben Roetz said to them: It can be proven that this is not the halakha, as the Torah deemed her impure and deemed her pure when she gave birth to a male, and deemed her impure and deemed her pure when she gave birth to a female. Just as when it deemed her pure for thirty-three days after the initial period of impurity when she gave birth to a male, when she gives birth to a female she is pure for sixty-six days, which is double the amount of time; so too, when it deemed her impure for seven days when she gave birth to a male, when she gives birth to a female she is also impure for double the amount of time. Consequently, the verse must be read according to the vocalized reading: "Two weeks," and not according to the consonantal text, which could be read: "Seventy."

⁵⁹ After they left, Rabbi Yehuda ben Roetz went out and followed them. He then said to them: You do not need this proof that I gave based on the comparison of the periods of impurity with the periods of purity. Rather, we read the verse as: "Two weeks," and the vocalization of the Torah is authoritative.

⁶⁰ With regard to Beit Shammai, the proof that they also hold that the vocalization of the Torah is authoritative is as we learned in a mishna (Zevahim 36b): Beit Shammai say: With regard to all offerings whose blood must be presented on the external altar, once the blood has been presented with one presentation the offering has effected atonement, even if more presentations are ideally required, as it is stated: "And the blood of your offerings shall be poured out against the altar of the Lord your God" (Deuteronomy 12:27). This verse teaches that even with regard to a burnt-offering, which requires multiple presentations of the blood, a single presentation is sufficient to render the offering valid after the fact. But with regard to a sin-offering, it is valid only if there were at least two presentations. And Beit Hillel say: Even with regard to a sin-offering that one presented with one presentation, it has effected atonement after the fact.

⁶¹ And Rav Huna says: What is the reasoning for the opinion of Beit Shammai? The verse states: "And the priest shall take of the blood of the sin-offering with his finger, and put it on the horns of the altar" (Leviticus 4:25); and "The priest shall take of the blood thereof with his finger, and put it on the horns of the altar" (Leviticus 4:30); and again: "The priest shall take of the blood of the sin-

offering with his finger, and put it on the horns of the altar” (Leviticus 4:34). As the minimum amount justifying the use of plural, i.e., “horns,” is two, one may conclude that there are six references to the horns of the altar here. Four of them are mentioned for the mitzva, meaning that he should present the blood on all four horns of the altar ab initio, and the other two were mentioned to invalidate the offering if he did not present it on at least two horns.

⁶² And Beit Hillel say: The matter should be understood according to the written consonantal text. The word “horns” is written once plene, with a vav, which means that it must be read in the plural; and the other two times the words “horns” and “horns” are written deficient, without a vav, in a way that can be vocalized in the singular. Therefore, there are four references to horns here. Three of these presentations are written to indicate that they are performed only as a mitzva, i.e., they are performed ab initio, but the offering is valid even absent their presentation. And the remaining one, i.e., the fourth presentation, is written to indicate that its absence invalidates the offering, i.e., the offering is not valid if the blood was not presented against at least one horn of the altar. Evidently, Beit Shammai hold the vocalization is authoritative, whereas Beit Hillel hold the consonantal text is authoritative.

⁶³ The Gemara asks: But according to this explanation of Beit Hillel, why not say that all of them are written for the mitzva and none to invalidate, meaning the blood must be presented on all four horns ab initio, but the offering atones after the fact even if it has not been presented at all? The Gemara rejects this possibility: We have not found anywhere in the Torah an example of an offering in which atonement can be achieved with no presentation of the blood of the offering at all.

⁶⁴ With regard to Rabbi Shimon, it is as it is taught in a baraita that records a dispute among the Sages with regard to the number of walls required in a sukka: There must be two walls in their standard sense, completely closing each of those two sides, and a third wall, which, based on a halakha transmitted to Moses from Sinai, may measure even as little as one handbreadth. Rabbi Shimon says that there must be three walls in their standard sense, and a fourth one that can measure even one handbreadth. The Gemara asks: With regard to what principle do they disagree? The Gemara answers: The Rabbis hold that the tradition of the manner in which the verses in the Torah are written is authoritative, and Rabbi Shimon holds that the vocalization of the Torah is authoritative.

⁶⁵ The Gemara explains: The Rabbis hold that the tradition of the manner in which the verses are written is authoritative. The Torah states: “You shall reside in sukkot” (Leviticus 23:42) spelled deficient, without the letter vav, in a way that can be read in the singular. And later in that verse it also states: “All that are homeborn in Israel shall reside in sukkot” spelled the same way. And in the next verse it states: “So that your future generations will know that I caused the children of Israel to reside in sukkot,” this time spelled plene, with a vav, which means it must be plural. Therefore, there are four walls here. Remove one verse, which is needed to teach the mitzva to sit in a sukka itself, and three walls remain. The halakha transmitted to Moses from Sinai, which says that one of the walls may be incomplete, comes and reduces the third and establishes it as a minimum of one handbreadth.

⁶⁶ And Rabbi Shimon holds that the vocalization is authoritative. Since the verses state: “You shall reside in sukkot,” and: “All that are homeborn in Israel shall reside in sukkot,” and: “So that your future generations will know that I caused the children of Israel to reside in sukkot,” all of which are

pronounced as plural nouns, there are six walls here. Remove one verse to teach the mitzva of sukka itself, and four walls remain. The halakha transmitted to Moses from Sinai then comes and reduces the fourth wall, and establishes it at a minimum of one handbreadth. Consequently, it is clear that Rabbi Shimon also holds that the vocalization is authoritative.

⁶⁷ With regard to Rabbi Akiva, it is as it is taught in a baraita: It is known that a quarter-log of blood that came from a corpse imparts ritual impurity in a tent. And Rabbi Akiva says: From where is it derived that a quarter-log of blood that came out of two separate corpses also imparts ritual impurity in a tent? As it is stated with regard to a priest: “He shall not come upon any dead bodies” (Leviticus 21:11). The word “bodies” is pronounced as a plural word, and since the Torah teaches elsewhere that: “The blood is the life” (Deuteronomy 12:23), this indicates that impurity can be imparted by one measure of blood that came from two bodies. And the Rabbis say: The word “bodies” is written deficient, without a vav, so that it can also be read as a singular word, indicating that a quarter-log of blood imparts impurity in a tent only if it came from a single corpse.

⁶⁸ Rav Aḥa bar Ya’akov objects to Rabbi Yoḥanan’s assertion that all of the above disputes are based on the question of whether the traditional consonantal text or the vocalized text of the Torah is authoritative: Is there a Sage who does not accept the principle that the vocalization of the Torah is authoritative? But isn’t it taught in a baraita: The verse states: “You shall not cook a young goat in its mother’s milk [baḥalev]” (Exodus 23:19). One might have thought the verse should be read as prohibiting the cooking of the young goat in the fat [beḥelev] of the mother, and there is no prohibition against cooking the meat with milk.

⁶⁹ You therefore say in response: The vocalization of the Torah is authoritative, and the verse prohibits cooking the young goat in its mother’s milk.

⁷⁰ Rather, everyone agrees that the vocalization of the Torah is authoritative. But in actuality, Rabbi Yehuda HaNasi and the Rabbis disagree with regard to this: Rabbi Yehuda HaNasi holds that the phrase “the court shall condemn” is referring to other judges, in addition to the three that were derived from the earlier verse, leading to a total of five, whereas the Rabbis hold that the term “shall condemn” means these judges, i.e., those who have already been mentioned, and therefore there are only three.

⁷¹ And with regard to Rabbi Yehuda ben Roetz, who applied the principle: The vocalization of the Torah is authoritative, to the question of the duration of the ritual impurity of a woman who gave birth to a female, it can be explained that the Rabbis do not disagree with him, as everyone agrees that the vocalization of the Torah is authoritative.

⁷² With regard to Beit Hillel, who hold that a single presentation of blood is sufficient to atone even when bringing a sin-offering, this is not because they hold the traditional consonantal text is authoritative. Rather, their opinion is as it is taught in a baraita: The verse states with regard to the sin-offering brought by a ruler: “And the priest shall make atonement for him” (Leviticus 4:26), and with regard to a sin-offering of a goat brought by an ordinary person: “And the priest shall make atonement for him” (Leviticus 4:31), and with regard to a sin-offering of a lamb brought by an ordinary person: “And the priest shall make atonement for him” (Leviticus 4:35), repeating this term three times. This repetition is due to the following logical inference:

⁷³ Could this halakha not be derived through an a fortiori inference? There is stated a term of blood below, in the verse written with regard to a bird brought as a sin-offering (see Leviticus 5:9), and

there is stated a term of blood above, in the verse written with regard to an animal brought as a sin-offering (see Leviticus 4:25, 31, 35). Just as with regard to the blood that is stated below, when it is presented with one presentation it has effected atonement, so too with regard to the blood that is stated above, when it is presented with one presentation it has effected atonement.

⁷⁴ Or perhaps go this way, offering a different explanation: There is stated a term of blood in the verse written with regard to the external altar, i.e., in the verse written with regard to a sin-offering of an ordinary person that is brought on the external altar in the courtyard (see Leviticus 4:25), and there is stated a term of blood in the verse written with regard to the inner altar, i.e., with regard to a sin-offering of the community or the High Priest, the blood of which is sprinkled on the incense altar inside the Sanctuary (see Leviticus 4:7, 18). Just as with regard to the blood that was stated concerning the inner altar, i.e., if one of the presentations is lacking it has not accomplished anything and the offering is not valid, so too, with regard to the blood that was stated concerning the external altar, if one of the presentations is lacking it has accomplished nothing.

⁷⁵ The Gemara analyzes the two possibilities: Let us see to which of the two comparisons this is more similar. It can be claimed: We derive a halakha stated with regard to the external altar from a halakha stated with regard to the external altar, but we do not derive a halakha stated with regard to the external altar from a halakha stated with regard to the inner altar.

⁷⁶ Or go this way: We derive a halakha stated with regard to a sin-offering whose blood is to be sprinkled on the four corners of the altar from the halakha stated with regard to a sin-offering whose blood is to be sprinkled on the four corners of the altar, and this sin-offering consisting of a bird, which is not a sin-offering of the type whose blood is to be sprinkled on the four corners of the altar, cannot prove that the halakha is similar with regard to a sin-offering whose blood is to be sprinkled on the four corners of the altar.

⁷⁷ Since there are two legitimate inferences, the halakha cannot be decided through a logical inference. Therefore, the verse states: “And the priest shall make atonement,” “And the priest shall make atonement,” “And the priest shall make atonement,” three times, due to the logical inference. The verses are interpreted as follows: “The priest shall make atonement,” even though he presented only three presentations, and then a second verse repeats: “The priest shall make atonement,” even though he presented only two presentations, and then a third verse repeats: “The priest shall make atonement,” even though he presented only one presentation. This interpretation is the source of Beit Hillel’s opinion.

⁷⁸ And concerning Rabbi Shimon and the Rabbis, who disagreed with regard to the number of walls required in a sukka, it is with regard to this that they disagree: Rabbi Shimon holds that the basic requirement of placing roofing [sekhakha] on the sukka does not need a verse to teach that it is required, as it is implied by the word sukka. Consequently, the word sukkot appears two times in the text beyond the initial mitzva, teaching a requirement for four walls, and there is a halakha transmitted to Moses from Sinai that reduces the minimum size of one of the walls to a handbreadth. And the Rabbis hold that the requirement of placing roofing does need a verse. Therefore, one of the four derivations is used to teach that requirement, and only three walls remain, one of which is reduced to a handbreadth.

⁷⁹ And with regard to Rabbi Akiva and the Rabbis, who disagreed about the issue of a quarter-log of blood that emanated from two corpses, it is with regard to this that they disagree: Rabbi Akiva holds

that “bodies” in plural indicates two. Consequently, a quarter-log of blood that emanated from two corpses also renders one impure. And the Rabbis hold that “bodies” in plural indicates a general halakha, and no derivation can be made with regard to blood that emanated from two corpses. Both opinions, however, agree that the vocalized text of the Torah is authoritative.

⁸⁰ The Gemara asks: And does everyone actually hold that the vocalization of the Torah is authoritative? But isn't it taught in a baraita: With regard to the number of compartments in the phylacteries of the head, the verse states: “It shall be for a sign upon your hand, and for totafot between your eyes” (Exodus 13:16), with the word totafot spelled deficient, without a second vav, in a way that can be read as singular; and again: “They shall be for totafot between your eyes” (Deuteronomy 6:8), spelled as a singular word; and again: “They shall be for totafot between your eyes” (11:18), this time spelled plene, with a second vav, in a manner that must be plural? There are four mentions of totafot here, as the third one is written in the plural and therefore counts as two. Consequently, it is derived that the phylacteries of the head must have four compartments. This is the statement of Rabbi Yishmael.

⁸¹ Rabbi Akiva says: There is no need for this proof, as the requirement of four compartments can be derived from the word totafot itself: The word tat in the language of the Katfei means two, and the word pat in the language of Afriki also means two, and therefore totafot can be understood as a compound word meaning: Four. The baraita therefore indicates that Rabbi Yishmael holds that not the vocalization but rather the tradition of the manner in which the verses in the Torah are written is authoritative.

⁸² Rather, the explanation that everyone holds that the vocalization of the Torah is authoritative must be rejected, and it must be explained that the Sages actually do disagree whether it is the vocalization of the Torah or the tradition of the manner in which the verses in the Torah are written that is authoritative. And in order to explain the unresolved problem with regard to the baraita about the prohibition of cooking a young goat in its mother's milk, the explanation is that this statement, that they disagree as to whether the vocalization or the tradition is authoritative, applies where the vocalization of the word differs from the tradition of the manner in which the word is written. But in this case the words milk [halev] and fat [helev] are written in an identical manner, as there is no difference in the writing at all, only in the way they are vocalized. Therefore, all agree that the vocalization of the Torah is authoritative.

⁸³ The Gemara asks: But the words: “Shall see” and “shall appear” are written in an identical matter, and nevertheless the Sages disagree about which reading is authoritative. As it is taught in a baraita: Yoḥanan ben Dahavai says in the name of Rabbi Yehuda ben Teima: One who is blind in one of his eyes is exempt from the mitzva of appearance, i.e., the obligation to appear in the Temple and to sacrifice an offering on the three pilgrimage Festivals, as it is stated: “Three times in the year all your males shall appear [yera'eh] before the Lord God” (Exodus 23:17). According to the way in which the verse is written, without vocalization, it can be read as yireh, meaning: Shall see, instead of yera'eh, meaning: Shall appear. This teaches that in the same manner that one comes to see, so he comes to appear, i.e., to be seen: Just as the usual way to see is with both of one's eyes, so too, the obligation to appear applies only to one who comes with the sight of both his eyes.

⁸⁴ It is therefore apparent that even when there is no difference in the way the words are written, some say that the tradition, not the vocalization, is authoritative. Rather, Rav Aḥa, son of Rav Ika,

said: The reason all agree that there is a prohibition to cook a young goat in its mother's milk and not in its mother's fat is that the verse states: "You shall not cook a young goat" (Exodus 23:19). The verse teaches that the action the Torah prohibited is in the manner of cooking, which is generally done in a liquid such as milk and not in a solid substance such as fat.

⁸⁵ § The Sages taught in a baraita: Cases of monetary law are adjudicated by three judges.

⁸⁶ But if one was a judge accepted as an expert for the public, then he may judge cases even as the lone judge. Rav Naḥman said: One such as I may judge cases of monetary law as the lone judge. And similarly, Rabbi Ḥiyya said: One such as I may judge cases of monetary law as the lone judge.

⁸⁷ A dilemma was raised before the Sages: What is the meaning of: Such as I, in the statements of these Rabbis? Did they intend to say: Such as I, in that I have studied and have the skills to extrapolate and derive new rulings on the basis of earlier decisions, and have also received permission to judge as the lone judge? But accordingly, if one has not received permission to judge as the lone judge, his judgment is not a valid judgment? Or perhaps this is not the correct reading of the statements, and the halakha is that even though he did not receive permission to judge as the lone judge, his judgment is nevertheless a valid judgment?

⁸⁸ The Gemara suggests: Come and hear a solution to this dilemma from the following case: Mar Zutra, son of Rav Naḥman, once adjudicated a certain case and erred in his ruling. Upon recognizing his error, he came before Rav Yosef to ask what he should do. Rav Yosef said to him: If the litigants accepted you upon themselves as the lone judge, and both had agreed that they would accept your ruling, you are not liable to pay restitution to the party who lost the case due to your erroneous ruling. But if they did not accept you on themselves, but were rather compelled to be judged before you, you must go and pay restitution. And learn from it that even in a case where one did not receive permission to judge as the lone judge, his ruling is a valid judgment. The Gemara affirms: Learn from it that this is the case.

⁸⁹ § Rav says: One who wants to adjudicate a case and wants to be exempt from payment of restitution if he errs in his judgment must receive permission from the Exilarch to judge cases. And similarly, Shmuel says: In such a case he must receive permission from the Exilarch. Once he receives permission, even an erroneous decision carries halakhic force and therefore it is as if he did not err.

⁹⁰ Since the Gemara mentioned the importance of a judge receiving authorization from the Exilarch, it now discusses the scope of this authority. It is obvious that from here to here, meaning relying on permission granted by the Exilarch in Babylonia in order to adjudicate cases within Babylonia, and from there to there, relying on permission granted by the Nasi in Eretz Yisrael in order to adjudicate cases within Eretz Yisrael, the authorization is effective. And it is also obvious that from here to there, relying on permission granted by the Exilarch to adjudicate cases within Eretz Yisrael, it is also effective, as the authority of the Exilarch is greater than that of the Nasi. This is so since the Exilarch here in Babylonia may be termed a scepter, i.e., a ruler with actual power of governance, and the Nasi there in Eretz Yisrael is only a staff, i.e., a legislator with limited power.

⁹¹ This is as it is taught in a baraita: The verse states: "The scepter shall not depart from Judah nor the ruler's staff from between his feet until Shiloh comes" (Genesis 49:10). The term "Shiloh" is understood as a reference to the Messiah, and therefore the verse is interpreted as delineating the authority of Jewish rulers during the exile, before the Messiah comes. "The scepter shall not depart

from Judah”; these are the Exilarchs in Babylonia, who are empowered by the government and consequently subjugate the Jewish people as with a scepter. “Nor the ruler’s staff from between his feet”; These are the grandchildren of Hillel the Elder who hold the position of Nasi and teach Torah in public, but do not have authority to actually enforce their judgments.

⁹² If one has permission from there, from the Nasi, and wants to adjudicate cases here in Babylonia, what is the halakha? The Gemara suggests: Come and hear an incident that occurred: Rabba bar Ḥana adjudicated a case in Babylonia and erred. He came before Rabbi Ḥiyya to ask what he should do. Rabbi Ḥiyya said to him: If the litigants accepted you upon themselves, you are not liable to pay restitution to the party who unjustly lost the case, but if not, go and pay. But Rabba bar Ḥana received permission from the Nasi in Eretz Yisrael; therefore, learn from this incident that permission from there to adjudicate cases here is not effective. The Gemara affirms: Learn from it that this is the case.

⁹³ The Gemara asks: And is this permission not effective? But when Rabba bar Rav Huna was involved in a dispute with the members of the house of the Exilarch he said: It is not from you that I received permission to judge cases. I received permission from my father, my master, i.e., Rav Huna, and my father, my master, received permission from Rav, and Rav from Rabbi Ḥiyya, and Rabbi Ḥiyya from Rabbi Yehuda HaNasi in Eretz Yisrael. Therefore, it seems that permission received in Eretz Yisrael is in fact effective in Babylonia. The Gemara rejects this proof: He was merely standing up to them with words alone, but there was no halakhic validity to his statement.

⁹⁴ The Gemara asks: But since permission to judge received in Eretz Yisrael is not effective in Babylonia, why did Rabba bar Ḥana need to receive permission when he left for Babylonia? What was the value of that permission? The Gemara answers: The permission is effective for the cities that stand on the borders of Babylonia, which are not entirely in the jurisdiction of Babylonia, so permission from Eretz Yisrael is effective there.

⁹⁵ § What is the specific nature of this permission? The Gemara relates: When Rabba bar Ḥana descended to Babylonia, his uncle Rabbi Ḥiyya said to Rabbi Yehuda HaNasi: My brother’s son is descending to Babylonia. May he teach people and issue rulings with regard to what is prohibited and what is permitted? Rabbi Yehuda HaNasi said to him: He may teach. Rabbi Ḥiyya then asked: May he also adjudicate cases of monetary law, and be absolved from payment if he errs? Rabbi Yehuda HaNasi said to him: He may adjudicate. Rabbi Ḥiyya continued: May he declare a firstborn animal permitted? The male firstborn of a kosher animal may not be eaten, as it is supposed to be offered in the Temple. But if it acquires a permanent blemish it is unfit for an offering, and it may be eaten. Rabbi Yehuda HaNasi said to him: He may declare such an animal permitted.

⁹⁶ Similarly, when Rav, who was also Rabbi Ḥiyya’s nephew, descended to Babylonia, Rabbi Ḥiyya said to Rabbi Yehuda HaNasi: My sister’s son is descending to Babylonia. May he teach people and issue rulings with regard to what is prohibited and what is permitted? Rabbi Yehuda HaNasi said to him: He may teach. Rabbi Ḥiyya then asked: May he also adjudicate cases of monetary law, and be absolved from payment if he errs? Rabbi Yehuda HaNasi responded: He may adjudicate. Rabbi Ḥiyya continued: May he declare a firstborn animal permitted? Rabbi Yehuda HaNasi said to him: He may not declare such an animal permitted.

⁹⁷ This incident raises several questions, which the Gemara asks in sequence. What is different concerning this Sage, Rabba bar Ḥana, that Rabbi Ḥiyya called him: My brother’s son, and what is

different concerning that Sage, Rav, that Rabbi Ḥiyya called him: My sister's son? And if you would say that this was the situation: Rabba bar Ḥana was his brother's son and Rav was his sister's son, but doesn't the Master say: Aivu, Rav's father, and Ḥana, the father of Rabba bar Ḥana, and Sheila, and Marta, and Rabbi Ḥiyya, were all sons of Abba bar Aḥa Karsala from Kafrei? Consequently, Rav would also be Rabbi Ḥiyya's brother's son. The Gemara answers: Rav was his brother's son who was also his sister's son, as Rabbi Ḥiyya's half-brother married Rabbi Ḥiyya's half-sister; while Rabba bar Ḥana was his brother's son who was not his sister's son. Therefore, he referred to Rav in a manner that emphasized the additional relationship.

⁹⁸ And if you wish, say instead that he called him: My sister's son, for a different reason:

⁹⁹ It was due to his extraordinary wisdom, as it is written: "Say to wisdom: You are my sister" (Proverbs 7:4). Therefore, calling him: My sister's son, was an indication of his great wisdom.

¹⁰⁰ The Gemara had related that Rabbi Ḥiyya asked Rabbi Yehuda HaNasi: May Rav declare a firstborn animal permitted, and that Rabbi Yehuda HaNasi had responded: He may not declare such an animal permitted. The Gemara asks: What is the reason that he denied him this permission? If we say that it was because Rav was not sufficiently wise and learned, but that is difficult, as we already said that he was exceedingly wise. Rather, it must be that it was because, although he was quite knowledgeable about the halakha, he was not an expert with regard to blemishes, meaning that he lacked the practical expertise to apply the halakha to actual cases.

¹⁰¹ The Gemara rejects this answer. But didn't Rav say: I apprenticed with a shepherd for eighteen months in order to be able to know which blemish is a permanent blemish, and which is a temporary blemish? Evidently, he had a high level of practical expertise in this matter. The Gemara explains: Rather, it was in order to bestow honor upon Rabba bar Ḥana. Rabbi Yehuda HaNasi wanted to ensure that Rabba bar Ḥana would be treated with respect, so he made sure that there was an area of halakha with regard to which the people would not be able to consult with Rav and would need to consult with Rabba bar Ḥana instead.

¹⁰² And if you wish, say instead: It is due to this fact itself: Since Rav was a great expert with regard to blemishes, he would permit blemishes that average people do not know about. And as a result, they would erroneously say with regard to a different blemish: In a case like this Rav declared the animal permitted, and in this way they would come to erroneously permit an animal with a temporary blemish, believing it to be identical to the blemish that Rav had declared permitted. Due to this concern, Rav was denied the authority to declare firstborn animals permitted on the basis of a blemish.

¹⁰³ With regard to the permission granted to Rabba bar Ḥana and Rav, the Gemara had related that Rabbi Ḥiyya asked Rabbi Yehuda HaNasi: May he teach people and issue rulings concerning what is prohibited and what is permitted? And Rabbi Yehuda HaNasi responded: He may teach. The Gemara asks: If he had studied and mastered the relevant halakhot, why do I need him to receive permission? The need for formal authority is understandable when it comes to serving on a court to judge cases of monetary law, but any knowledgeable person should be qualified to answer questions about ritual law. The Gemara explains: The need for such permission is due to an incident that took place.

¹⁰⁴ As it is taught in a baraita: Rabbi Yehuda HaNasi once went to a certain place, and he saw people there kneading dough while they were in a state of ritual impurity, and they believed that nevertheless, the dough remained ritually pure. Rabbi Yehuda HaNasi said to them: For what reason

are you kneading your dough in a state of ritual impurity? They said to him: A certain Torah scholar came here and taught us that water from swamps [mei betza'im] does not render food susceptible to contract ritual impurity. Therefore, they would take water from swamps and knead dough with it, in the mistaken belief that such dough would not be susceptible to ritual impurity. But in reality, what he taught them was that water of eggs [mei beitzim], i.e., the albumin of eggs, does not render food susceptible to impurity, as it is not considered water. But they thought he said: Water from swamps.

¹⁰⁵ And the residents of that same place erred also with regard to this: It was taught in a mishna (Para 8:10): The waters of the Keramiyyon River and the waters of the Piga River are not fit for mixing with ashes of the red heifer to use as water of purification, since they are water from swamps. And they erroneously thought: Since this water is not fit for use as water of purification, this means it is not considered water, and therefore it also does not render food susceptible to contracting impurity. But it is not so, as there, with regard to water of purification, we need: "Running water" (see Numbers 19:17), and water from swamps is not running water. But here, with regard to rendering food susceptible to impurity, any water renders food susceptible.

¹⁰⁶ It was taught: At that time, when Rabbi Yehuda HaNasi discovered the consequences resulting from a Torah scholar who was not precise with his terminology, the Sages decreed: A Torah scholar may not teach halakha unless he receives permission from his teacher to do so. The teacher should not grant him this permission if he does not know how to express himself in a clear manner.

¹⁰⁷ Concerning a similar matter, the Gemara relates: Tanḥum, son of Rabbi Ami, arrived at a place called Ḥatar, and he taught them: It is permitted to wash wheat in a small amount of water in order to make it easier to peel during the grinding process on Passover, and there is no concern that perhaps it will become leavened. They said to him: Isn't Rabbi Mani from Tyre here i.e., near our location? And it is taught in a baraita: A Torah scholar may not teach halakha in the vicinity of his teacher, unless he is distant from the teacher by at least three parasangs [parsaot], corresponding to the size of the camp of Israel. In the encampment in the wilderness no one else judged cases, as all the Jewish people brought their cases to Moses (see Exodus 33:7). Tanḥum, son of Rabbi Ami, said to them: It did not enter my mind that Rabbi Mani was in the vicinity.

¹⁰⁸ The Gemara relates: Rabbi Ḥiyya saw a certain man standing in a cemetery. He said to him: Are you not the son of so-and-so the priest? As it is prohibited for priests to come into contact with the dead (see Leviticus 21:1–4), Rabbi Ḥiyya was surprised to see a priest standing in a cemetery. The man said to him: Yes, but that man's, meaning his own, father was a man with raised eyes who would desire things that he saw, even if they were forbidden. He set his eyes upon a divorcée and married her despite the Torah prohibition against such a union (see Leviticus 21:7), and thereby disqualified the offspring of that union from the sanctity of priesthood. As the son of a priest and a divorcée, the man had the status of a ḥalal and was therefore not obligated to abide by the restrictions specific to priests.

¹⁰⁹ Continuing the discussion about receiving permission to teach halakha, the Gemara discusses the extent of this authority. It is obvious that one's teacher can grant partial permission, meaning permission to rule on certain types of cases but not others, as it has been said above that doing so is effective. But what is the halakha with regard to granting such permission conditionally? Is it possible to grant permission limited to a certain period of time, or limited to a certain location? The Gemara suggests: Come and hear the solution to this matter from what Rabbi Yoḥanan said to Rav

Shemen: You have our permission to instruct and to adjudicate until you return to us. This statement proves that it is possible to grant permission limited to a specific period of time.

¹¹⁰ § Earlier, the Gemara discussed the possibility of a court consisting of only two judges adjudicating a case. Concerning the matter itself, Shmuel says: With regard to two judges who adjudicated a case, their judgment is a valid judgment, but they are called an impudent court. Rav Naḥman sat and said this halakha. Rava raised an objection to Rav Naḥman from a mishna (29a): In a case where three judges are adjudicating a case, even if two judges deem the defendant exempt from payment or two judges deem him liable to pay, and one says: I do not know, the judges must add another judge, since the one who abstained has removed himself from the court, and there are not enough judges. And if it is so as Shmuel says, they should be viewed as two judges who adjudicated the case, and there would be no need to add another judge, as a judgment passed by two judges is valid.

¹¹¹ Rav Naḥman answered him: It is different there, as they convened from the outset with the knowledge that they are three and intended to judge the case with three judges. Therefore, if one abstains, they must add another to complete the quorum. But here they did not convene with the knowledge that they are three, but rather intended to adjudicate the case as a court of two judges.

¹¹² Rava raised an objection to Rav Naḥman from a baraita: Rabban Shimon ben Gamliel says: Cases of monetary law are adjudicated by three judges, and mediation leading to compromise can be performed by two mediators. And the power of compromise is greater than the power of adjudication, as if two judges adjudicated a case, the litigants are able to withdraw from the case and demand a court with a complete quorum. But if two mediated a compromise, the litigants may not withdraw.

¹¹³ And if you would say the Rabbis disagree with Rabban Shimon ben Gamliel with regard to the minimum number of judges necessary to adjudicate, but doesn't Rabbi Abbahu say: With regard to a court of two judges that adjudicated cases of monetary law of any type, which would include cases of admissions and loans, everyone agrees that their judgment is not a valid judgment, as a court with fewer than three judges is invalid? The Gemara rejects this question: Are you setting the statement of one man against the statement of another man? Although Rabbi Abbahu asserts that all agree that two judges cannot issue a binding judgment, Shmuel differs. According to Shmuel, the Rabbis hold that the judgment of two judges is considered binding.

¹¹⁴ § Since it was mentioned incidentally, the Gemara discusses the matter itself: Rabbi Abbahu says: With regard to a court of two judges that adjudicated cases of monetary law of any type, which would include cases of admissions and loans, everyone agrees that their judgment is not a valid judgment. Rabbi Abba raised an objection to Rabbi Abbahu from a mishna (Bekhorot 28b): If a single judge adjudicated a case of monetary law and erroneously exonerated the litigant who should have been deemed liable, or deemed liable the litigant who should have been deemed exempt, or if one issued a halakhic ruling whereby he deemed ritually impure that which is actually pure, or deemed pure that which is impure, what he did is done, i.e., his ruling is binding. And the judge nevertheless pays from his house, i.e., from his own pocket, for the loss he has caused. Evidently, the ruling of even a single judge constitutes a valid judgment.

¹¹⁵ The Gemara responds: Here we are dealing with a case in which the litigants accepted the singular judge upon themselves, and it is for that reason that his ruling is binding. Otherwise, it

would not be binding, as a halakhic court must contain a minimum of three judges. The Gemara asks: If so, that the litigants agreed to accept whatever ruling the judge issued, why must the judge pay from his own house? The Gemara answers: The judge is liable because the case is where they said to him: Adjudicate the case for us according to Torah law. Since he did not issue a halakhically proper judgment, he is liable.

¹¹⁶ Rav Safra said to Rabbi Abba: This ruling applies when he erred in what respect? If we say that he erred in a matter that appears in the Mishna, and he mistakenly ruled against an explicitly stated halakha, that is difficult. But doesn't Rav Sheshet say that Rabbi Ami says: If the judge erred in a matter that appears in the Mishna, the decision is revoked and the case retried? Rather, the case is where he erred in his deliberation.

¹¹⁷ The Gemara asks: What are the circumstances of an error in deliberation? Rav Pappa said: The circumstances of an error in deliberation are where, for example, there are two tanna'im or two amora'im who disagree with one another, and the halakha was not stated in accordance with the opinion of one Sage or with the opinion of the other Sage; and the standard practice is in accordance with the opinion of one of them, and he went and executed the judgment in accordance with the other opinion; this is an error in deliberation.

¹¹⁸ § The Gemara suggests: Let us say that the dispute between Shmuel and Rabbi Abbahu about a court composed of two judges is parallel to a dispute between tanna'im, as detailed in the following baraita: Mediation can be performed by a panel of three judges; this is the statement of Rabbi Meir. And the Rabbis say: Compromise can be performed by even a single judge. The Sages assumed that everyone agrees that we compare compromise to judgment, and require the same amount of judges for each process.

¹¹⁹ What, is it not that they disagree in this matter, that one Sage, Rabbi Meir, holds that judgment and compromise can be performed by a minimum of three judges, and one Sage, the Rabbis, holds that judgment and compromise can be performed even by two judges? The Gemara rejects this analysis: No, it is that everyone holds that judgment must be performed by a minimum of three judges, and here, they disagree with regard to this matter: One Sage, Rabbi Meir, holds that we compare compromise to judgment, and one Sage, the Rabbis, holds that we do not compare compromise to judgment.

¹²⁰ The Gemara suggests: Let us say that there are three opinions of tanna'im with regard to mediation leading to compromise, as one Sage, Rabbi Meir, holds that mediation must be performed by a panel of three judges; and one Sage, Rabban Shimon ben Gamliel, holds that it can be performed by two judges; and one Sage, the Rabbis, holds that it can be performed by a single judge. The Gemara rejects this suggestion. Rav Aḥa, son of Rav Ika, and some say Rabbi Yeimar bar Shelamya, said: The one who says mediation must be performed by two judges would say that it may even be performed by one. And the reason that he says two is merely that there would be two witnesses to the proceedings, who could testify about them if necessary. In that way, neither side could later deny the terms of the compromise.

¹²¹ Rav Ashi says: Learn from that discussion that compromise does not require a formal act of acquisition, which would legally transfer rights to the settlement payment to the other party. As if it enters your mind that compromise requires an act of acquisition to finalize its terms, according to the one who says it requires an act of acquisition, why do I need a formal court of three judges? Let it

suffice with two judges, and let one litigant perform an act of acquisition with the other litigant to signify their commitment to abide by the compromise. If a formal act is required to grant halakhic force to the compromise, there is no advantage to having a panel of three judges with the status of a formal court. The Gemara concludes: But nevertheless, the halakha is that a compromise requires an act of acquisition to finalize its terms.

¹²² § The Sages taught in a baraita (Tosefta 1:2–8): Just as judgment is performed by three judges, so too, mediation is performed by three judges.

¹²³ Once the verdict of the judgment has been issued, it is not permitted for you to mediate a dispute.

¹²⁴ The Gemara presents a mnemonic device alluding to the names of tanna'im in the coming discussion: Samekh, reish, mem, shin; beit, nun, kuf, shin. The Tosefta cites several statements of tanna'im related to compromise and the term botze'a. Rabbi Eliezer, son of Rabbi Yosei HaGelili, says: It is prohibited to mediate a dispute; and anyone who mediates [habotze'a] a dispute is a sinner; and anyone who blesses the mediator is cursing God. And of this, it is stated: "And the covetous [botze'a] blesses himself, though he despises the Lord" (Psalms 10:3).

¹²⁵ Rather, the judge must assure that the true judgment will prevail at all costs and metaphorically pierce the mountain, as it is stated: "For the judgment is God's" (Deuteronomy 1:17). And similarly, Moses would say: Let the judgment pierce the mountain. But by contrast, Aaron, whose role was not that of a judge, was a lover of peace and a pursuer of peace, and he would apply peace between one person and the other, as it is stated: "The law of truth was in his mouth, and unrighteousness was not found in his lips; he walked with Me in peace and uprightness, and turned many away from iniquity" (Malachi 2:6).

¹²⁶ The Tosefta cites several other interpretations of the above-mentioned verse from Psalms. Rabbi Eliezer says: If one stole a se'a of wheat and ground it and baked it and separated ḥalla from it, i.e., separated the portion of the dough that must be given to the priests, how can he possibly recite the blessing on the mitzva of ḥalla? He is not blessing; rather, he is cursing God. And of this offense it is stated: "And the covetous [uvotze'a] blesses himself, though he despises the Lord," interpreted homiletically as: And whoever blesses upon breaking [botze'a] the bread despises the Lord.

¹²⁷ Rabbi Meir says: The term botze'a employed in that verse was stated only with regard to Judah, as it is stated: "And Judah said to his brothers: What profit [betza] is it if we slay our brother and conceal his blood? Come, and let us sell him to the Ishmaelites" (Genesis 37:26–27). And consequently, anyone who blesses Judah for this act is cursing God, and of this it is stated: "And the covetous [uvotze'a] blesses himself, though he despises the Lord," interpreted homiletically as: "And whoever blesses the profiteer [botze'a] despises the Lord."

¹²⁸ Rabbi Yehoshua ben Korḥa says: It is a mitzva to mediate a dispute, as it is stated: "Execute the judgment of truth and peace in your gates" (Zechariah 8:16). Is it not that in the place where there is strict judgment there is no true peace, and in a place where there is true peace, there is no strict judgment? Rather, which is the judgment that has peace within it? You must say: This is mediation, as both sides are satisfied with the result.

¹²⁹ And similarly, with regard to David, it says: "And David executed justice and charity to all his people" (II Samuel 8:15). And is it not that wherever there is strict justice, there is no charity, and

wherever there is charity, there is no strict justice? Rather, which is the justice that has within it charity? You must say: This is mediation.

¹³⁰ The Gemara cites an alternative interpretation of David's method of judgment, in which we come to the opinion of the first tanna, i.e., Rabbi Eliezer, son of Rabbi Yosei HaGelili, who says that it is prohibited to mediate a dispute: If a judge adjudicated a case of monetary law, and he correctly exonerated the party who was exempt from payment and deemed liable the party who was liable to pay, if he then saw that due to his ruling a poor person became liable to pay an amount of money that is beyond his means and therefore the judge himself paid for him from his own house, this is justice and also charity.

¹³¹ The Gemara continues: It is justice for this one and charity for that one: It is justice for this one, because the judge restored his money to him; and it is charity for that poor person, because the judge paid for him from his own house. And similarly, with regard to David, it says: "And David executed justice and charity to all his people" (II Samuel 8:15). He executed justice for this one, because he restored his money to him, and charity for that one, because he paid for him from his own house.

¹³² This interpretation of the verse is difficult for Rabbi Yehuda HaNasi. If the word "charity" is meant to demonstrate that David supported the poor defendants, this term: "To all his people," is incorrect. If the interpretation is correct, it should have stated: Charity to the poor people. Rather, Rabbi Yehuda HaNasi says: Although he did not pay from his own house, it is still justice and charity. It is justice for this one and charity for that one. It is justice for this one, because the judge restored his money to him, and charity for that one, because the judge removed the stolen item from his possession. By adjudicating the case correctly and compelling the liable party to pay his debt, the judge thereby ensures that the liable party does not illegitimately maintain property to which he is not entitled.

¹³³ Rabbi Shimon ben Menasya says: If two litigants come before you for a judgment, before you hear their respective statements and claims; or after you hear their statements but you do not yet know where the judgment is leaning, meaning that it is not yet clear to the judge which party is in the right, you are permitted to say to them: Go out and mediate. But after you hear their statements and you know where the judgment is leaning, you are not permitted to say to them: Go out and mediate, as it is stated: "The beginning of strife is as when one releases water; therefore leave off contention before the quarrel breaks out" (Proverbs 17:14). Rabbi Shimon ben Menasya interprets the verse to mean: Before the resolution of the contention is revealed, you can cast it off. Once the resolution of the contention is revealed, you cannot cast it off.

¹³⁴ And Reish Lakish says: If two litigants come for a judgment, and one is flexible and agreeable and one is rigid and contentious, before you hear their respective statements, or after you hear their statements but you do not yet know where the judgment is leaning, it is permitted for you to say to them: I will not submit to your request to judge you. The judge may refuse the case out of fear that perhaps the strong and contentious one will be found liable, and it will turn out that the strong one will pursue the judge with intent to harm him. But once you hear their statements and you know where the judgment is leaning, you may not say to them: I will not submit to your request to judge you, as it is stated: "You shall not be afraid before any man" (Deuteronomy 1:17).

¹³⁵ Rabbi Yehoshua ben Korḥa says: From where is it derived that a student who is sitting before his teacher and he sees a point of merit for a poor person or liability for a wealthy person, from where is

it derived that he should not be silent? As it is stated: “You shall not be afraid before any man”; he should fear neither his teacher nor the wealthy litigant. Rabbi Ḥanin says: The verse intimates: Do not suppress your statement before any man. And the witnesses should know about whom they are testifying, and before Whom they are testifying, and Who will ultimately exact payment from them, as it is stated: “Then both the men, between whom the controversy is, shall stand before the Lord” (Deuteronomy 19:17).

¹³⁶ And the judges should know whom they are judging, and before Whom they are judging, and Who will ultimately exact payment from them, as it is stated: “God stands in the congregation of God” (Psalms 82:1). And similarly, with regard to Jehoshaphat it says: “And he said to the judges: Consider what you do; for you judge not for man, but for the Lord” (II Chronicles 19:6). And lest the judge say: What value is there for me with this suffering? Why should I engage in such a burdensome and difficult task? The verse states: “He is with you in giving judgment,” from which it is derived that in rendering his decision, a judge has only that which his eyes see. He is enjoined to render the best judgment possible based on the information he has available, and he is not accountable for anything else.

¹³⁷ Earlier, the Tosefta stated that once the verdict has been issued, it is not permitted for the judge to arrange a compromise. The Gemara asks: What are the circumstances of a verdict, i.e., what is the formal action that signifies the conclusion of the case? Rav Yehuda says that Rav says: It is when the judge says: So-and-so, you are liable; so-and-so, you are exonerated. Rav says: The halakha is in accordance with the opinion of Rabbi Yehoshua ben Korḥa, who said it is a mitzva to mediate a dispute. The Gemara asks: Is that so? And was it not that Rav Huna was a student of Rav, and when litigants would come before Rav Huna he would say to them: Do you want a strict judgment, or do you want a compromise? Evidently, Rav’s student Rav Huna did not hold that it is a mitzva to specifically arrange a compromise. The Gemara clarifies: What does Rabbi Yehoshua ben Korḥa mean that he says it is a mitzva?

¹³⁸ He means that it is a mitzva to say to them: Do you want a strict judgment, or do you want a compromise? The Gemara objects: Since this opinion is the same as that of the first tanna, who also allows compromise, it is redundant to teach it. The Gemara answers: There is a difference between them with regard to the question of whether it is a mitzva to arrange a compromise. Rabbi Yehoshua ben Korḥa holds that it is a mitzva to offer them the option of compromise, and the first tanna holds that it is merely permitted.

¹³⁹ The Gemara objects: If so, the opinion of the first tanna is the same as that of Rabbi Shimon ben Menasya. The Gemara answers that there is a difference between them with regard to the principle: After you hear their statements and you know where the judgment is leaning, it is not permitted for you to say to them: Go out and mediate. In that instance, the first tanna holds that it is still not too late to suggest mediation.

¹⁴⁰ § And the various Sages who offered interpretations of the verse: “And the covetous blesses himself, though he despises the Lord” (Psalms 10:3), disagree with the explanation of Rabbi Tanḥum bar Ḥanilai. As Rabbi Tanḥum bar Ḥanilai says: This verse was stated only with regard to the incident of the Golden Calf, as it is stated: “And Aaron saw this, and he built [vayyiven] an altar [mizbe’aḥ] before it...and said: Tomorrow shall be a feast to the Lord” (Exodus 32:5). What did Aaron see? Rabbi Binyamin bar Yefet says that Rabbi Elazar says: He saw Hur, who had been

appointed together with Aaron by Moses to lead the people during Moses' absence (see Exodus 24:14), slaughtered before him, as he had protested the plan to fashion a calf and had been murdered by the people as a result. The verse is therefore interpreted not as: Aaron built an altar before the calf, but rather: He understood [vayyaven] from the slaughter [mizavuah] before his own eyes; and he then called for a feast.

¹⁴¹ Aaron said to himself: If I do not listen to them now, they will do to me as they did to Hur, and the verse: "Shall the priest and the prophet be slain in the sanctuary of the Lord?" (Lamentations 2:20), will be fulfilled through me, and they will never have a remedy for such a sin. It is better for them to worship the calf, as it is possible they will have a remedy through repentance. Nevertheless, according to Rabbi Tanhūm bar Ḥanilai, whoever praises Aaron for this compromise is provoking God.

¹⁴² And with regard to those tanna'im who did not interpret the verse: "The beginning of strife is as when one releases water" (Proverbs 17:14), with regard to compromise, what do they derive from this verse? They understand the verse in accordance with the opinion of Rav Hamnuna, as Rav Hamnuna says: The beginning of a person's judgment after he dies is that he is judged only concerning matters of Torah, as it is stated: "The beginning of strife is as when one releases water." Based on this verse, Rav Huna says: This quarrel between people is comparable to a split in a hose caused by a burst of water, emptying into a field; once the split in the hose widens, it widens even more and can no longer be repaired. To save the field, the hose must be repaired as soon as it splits. The same is true with regard to a quarrel; it must be stopped as soon as it begins.

¹⁴³ Abaye the Elder makes a similar point with a different metaphor, and says: A quarrel is comparable to a board in a wooden bridge. Once it has stood in its place and been stabilized, it continues to stand and becomes ever more rigid and stable. Consequently, the best time to address and end the dispute is at the very beginning.

¹⁴⁴ § Apropos the previous discussion, the Gemara recounts several incidents in which passersby recited popular proverbs. Shimi ushti, sheva zemirot hu is a mnemonic device for these incidents.

¹⁴⁵ There was a certain man who was saying as he walked: It is good for a person who hears statements said against him and yet remains silent, as a hundred misfortunes pass him by as a result. Upon hearing this, Shmuel said to Rav Yehuda: A verse is written that conveys the message of this aphorism: "The beginning of strife is as when one releases water" (Proverbs 17:14). The words "beginning [poter] of strife [reishit madon]" allude to: The beginning of one hundred litigations [reish me'a dinei]. Troubles are avoided if one overlooks and excuses [poter] an offense.

¹⁴⁶ There was a certain man who was saying as he walked by: For only two or three thefts, the thief is not executed by the heavenly court. Shmuel said to Rav Yehuda: A verse is written that conveys the message of this aphorism: "So says the Lord: For three transgressions of Israel, or for four, I will not repay it" (Amos 2:6). Shmuel interprets the verse rhetorically, as if saying: Will I not repay the fourth offense? Accordingly, before the fourth offense, it is still possible to rectify the sins.

¹⁴⁷ There was a certain man who was saying as he walked: Seven pits are dug for the man of peace, and he escapes all of them, and one pit is dug for the evildoer, and he cannot escape it. Shmuel said to Rav Yehuda: A verse is written that conveys the message of this aphorism: "For a righteous man falls seven times, and rises up again, but the wicked shall fall at once" (see Proverbs 24:16, 28:18).

¹⁴⁸ There was a certain man who was saying as he walked: With regard to one who goes from the court, and his cloak has been taken from him in the course of the proceedings, i.e., he lost all his money due to a ruling against him, let him sing a song and go happily on the way. Although he lost the case, he has benefited from justice being served. Shmuel said to Rav Yehuda: A verse is written with regard to Yitro's advice for judiciary reforms that conveys the message of this aphorism: "And all these people shall also go to their place in peace" (Exodus 18:23). If justice is served, all the litigants, not only those who emerge victorious, can leave in peace.

¹⁴⁹ There was a certain man who was saying as he walked: If a woman is carrying a basket on her head, when she is dozing the reed basket falls. Shmuel said to Rav Yehuda: A verse is written that conveys the message of this aphorism: "By laziness the rafters sink in; and through idleness of the hands the house leaks" (Ecclesiastes 10:18).

¹⁵⁰ There was a certain man who was saying as he walked: The man upon whom I relied has lifted his fist [ligzizeih] and stood against me. Shmuel said to Rav Yehuda: A verse is written that conveys the message of this aphorism: "Indeed, my own familiar friend, in whom I trusted, who did eat of my bread, has lifted up his heel against me" (Psalms 41:10).

¹⁵¹ There was a certain man who was saying about his marriage as he walked: When our love was strong, we could have slept on a bed that was the width of a sword. Now that our love is not strong, a bed of sixty cubits is not sufficient for us. Rav Huna said: Verses are written that convey these sentiments. Initially, it was written: "I will meet with you there and I will speak with you from above the Ark Cover" (Exodus 25:22), and it is taught in a baraita: The Ark of the Covenant was itself nine handbreadths high, and the Ark Cover was one handbreadth thick. There is a total height of ten handbreadths here. At first, when God had great affection for Israel, the Divine Presence was revealed within the confines of this limited space.

¹⁵² And it is written: "And the house that King Solomon built for the Lord, its length was sixty cubits, and its breadth twenty cubits, and its height thirty cubits" (I Kings 6:2). And at the end, when Israel sinned, the whole of the space of the Temple was not expansive enough for the Divine Presence to rest within it, as it is written: "Thus says the Lord: The heaven is My throne, and the earth is My footstool; where is the house that you may build for Me? And where is the place that may be My resting place?" (Isaiah 66:1). In times of discord, the Temple is an insufficient resting place for the Divine Presence.

¹⁵³ The Gemara returns to analyzing the Tosefta. From where may it be inferred that this expression: "You shall not be afraid [taguru]" (Deuteronomy 1:17), is a term for gathering in, so that the term may be interpreted to mean that a judge may not keep his ruling to himself? Rav Nahman said: The verse states: "You shalt plant vineyards and dress them, but you shall neither drink of the wine, nor gather [te'egor]" (Deuteronomy 28:39). Rav Aḥa bar Ya'akov says it is derived from here: "She provides her bread in the summer, and gathers [agra] her food in the harvest" (Proverbs 6:8). Rav Aḥa, son of Rav Ika, says it is derived from here: "A wise son gathers [oger] in the summer" (Proverbs 10:5).

¹⁵⁴ § The Gemara provides a mnemonic device indicating the following series of statements about judges and their functions: Emet mamon yireh. Rabbi Shmuel bar Nahmani says that Rabbi Yonatan says: Any judge who judges a judgment according to absolute truth [emet] causes the Divine Presence to rest among Israel, as it is stated: "God stands in the congregation of God; in the midst of

the judges He judges” (Psalms 82:1), indicating that the Divine Presence is in the midst of the court. And every judge who does not judge a judgment according to absolute truth causes the Divine Presence to withdraw from Israel, as it is stated: “For the oppression of the poor, for the sighing of the needy, now will I arise, says the Lord” (Psalms 12:6). God will arise and leave the people as a result of oppression.

¹⁵⁵ And Rabbi Shmuel bar Naḥmani says that Rabbi Yonatan says: With regard to any judge who takes disputed property or money [mamon] from this litigant and gives it to that other litigant unlawfully, the Holy One, Blessed be He, takes his soul from him as punishment for his corruption, as it is stated: “Rob not the weak, because he is weak, neither crush the poor in the gate; for the Lord will plead their cause and despoil of life those who despoil them” (Proverbs 22:22–23). God cautions that He will take the life of one who steals from the poor at the gate, meaning in the courtroom, as the city gate was the traditional site of the community’s court.

¹⁵⁶ And Rabbi Shmuel bar Naḥmani says that Rabbi Yonatan says: A judge should always view [yireh] himself as if a sword is placed between his thighs, so that if he leans to the right or to the left he will be injured, and as if Gehenna is opened up beneath him,

¹⁵⁷ as it is stated: “Behold, it is the bed of Solomon; sixty mighty men are around it, of the mighty men of Israel. They all handle the sword, and are expert in war; every man has his sword upon his thigh due to dread in the night” (Song of Songs 3:7–8). The words “due to dread in the night” mean due to the dread of Gehenna, which is similar to the night. Rabbi Shmuel bar Naḥmani interprets this verse as referring to judges, who are called: Mighty men of Israel, as they preside in the Temple, which is termed: The bed of God. In this verse, God is referred to as: Solomon [Shlomo], the King to Whom peace [shalom] belongs.

¹⁵⁸ Rabbi Yoshiya, and some say Rav Naḥman bar Yitzḥak, interpreted a verse homiletically. What is the meaning of that which is written: “House of David, so says the Lord: Execute justice in the morning, and deliver the spoiled out of the hand of the oppressor” (Jeremiah 21:12)? And is it so that a court may judge in the morning, and all the rest of the day a court may not judge? Why does the verse specifically relate to judging in the morning? Rather, the meaning is: If the matter is as clear to you as the morning, state the verdict; and if not, do not state it. Rabbi Ḥiyya bar Abba says that Rabbi Yonatan says this principle may be derived from here: “Say to wisdom: You are my sister” (Proverbs 7:4). If the matter is as clear to you as the fact that your sister is forbidden to you, state it, and if not, do not state it.

¹⁵⁹ Rabbi Yehoshua ben Levi says: If ten judges are sitting in judgment, a prisoner’s collar [kolar], referring to responsibility for the consequences of an incorrect verdict, hangs around all of their necks. The Gemara asks: Isn’t it obvious that all of the judges bear joint responsibility for the verdict? The Gemara answers: It is necessary only in order to include a student who is sitting in front of his teacher in the court, and notices that his teacher erred. Although he is not formally part of the court, he nevertheless bears responsibility if he remains silent.

¹⁶⁰ The Gemara relates concerning Rav Huna that when a case would come before him for judgment, he would gather and bring ten rabbis from Rav’s study hall. He would say: I do this so that only a small part of the responsibility, comparable to a splinter from a beam, will reach each of us. The greater the number of judges, the less responsibility each one assumes for the verdict. Similarly, with Rav Ashi, when a person would come before him with meat suspected to be from an animal with a

wound that will cause it to die within twelve months [tereifta], he would gather and bring together all the butchers of Mata Meḥasya and consult with them before ruling on the status of the meat. He would say to them: I do this so that only a small part of the responsibility, comparable to a splinter from a beam, will reach each of us.

¹⁶¹ When Rav Dimi came from Eretz Yisrael, he said: Rav Naḥman bar Kohen interpreted a verse homiletically: What is the meaning of that which is written: “The king by justice establishes the land; but he who exacts gifts [terumot] overthrows it” (Proverbs 29:4)? This teaches that if the judge is like a king in that he does not need anything and is not dependent on anyone, he establishes the land, i.e., he can serve as a judge. But if he is like a priest who seeks out his terumot from various granaries, as he is dependent on others, he overthrows the land.

¹⁶² In the house of the Nasi, they appointed a judge who was not learned. This judge said to Yehuda bar Naḥmani, who was the interpreter of Reish Lakish and whose role was to repeat and explain the Sage’s lectures: Stand over me as an interpreter, and I will lecture. Yehuda bar Naḥmani arose and bent over him in the conventional manner, to hear the judge’s words. And, being ignorant, the judge did not say anything to him.

¹⁶³ The interpreter began and said: The verse states: “Woe to him who says to the wood: Awake, to the dumb stone: Arise. Can this teach? Behold, it is overlaid with gold and silver, and there is no breath at all in the midst of it” (Habakkuk 2:19). So is this judge, appointed to teach the public for gold, i.e., for payment, but no more qualified than wood and stone. And in the future, the Holy One, Blessed be He, will punish those who appoint such judges, as it is stated in the next verse: “But the Lord is in His holy Sanctuary; let all the earth be silent before Him” (Habakkuk 2:20). God, Who is above everything, will judge those responsible for such appointments.

¹⁶⁴ Reish Lakish says: With regard to anyone who appoints over the community a judge who is not fit, it is as though he plants a tree used as part of idolatrous rites [ashera] among the Jewish people, as it is stated: “You shall make judges and officers for yourself” (Deuteronomy 16:18), and juxtaposed to it, it is written: “You shall not plant yourself an ashera of any kind of tree” (Deuteronomy 16:21). By implication, appointing unfit judges is akin to planting a tree for idolatry. Rav Ashi says: And in a place where there are Torah scholars, it is as though he planted the tree next to the altar, as it is stated: “You shall not plant yourself an ashera...beside the altar of the Lord your God.”

¹⁶⁵ It is written: “You shall not make with Me gods of [elohei] silver and gods of gold” (Exodus 20:20). The Gemara asks: It is gods of silver and gods of gold that you may not make, but are gods of wood permitted? Rather, Rav Ashi says: This verse discusses a judge, called *elohim*, who comes, i.e., is appointed, due to payment of silver, and a judge who comes due to payment of gold.

¹⁶⁶ The Gemara relates that Rav, when he would come to court to judge a case, would say this about himself: By his own will he goes out to danger of death, as a judge who misjudges a case is liable to receive the punishment of death at the hand of Heaven; and he does not do what is necessary to provide for the needs of his house, and he enters his home empty-handed, because a judge does not receive a salary. He said: If only it should be so that his entry into his home will be the same as his departure, without sin or transgression.

¹⁶⁷ In a similar demonstration of humility, when Rav would see a convoy [ambuha] of scribes following after him to honor him, he would say: “Though his excellency mount up to the heavens and his head reach the clouds, yet he shall perish forever like his own dung; they who have seen him

shall say: Where is he?” (Job 20:6–7). It is said of Mar Zutra the Pious that when the people would carry him to his lectures on their shoulders during Shabbat of the Festival, he would say this to avoid becoming arrogant: “For power is not forever, and does the crown endure for all generations?” (Proverbs 27:24).

¹⁶⁸ Bar Kappara taught, based on a homiletical interpretation of a verse: From where is this matter that the Sages stated derived: Be temperate in judgment (Avot 1:1)? As it is written: “Neither shall you go up by steps onto My altar” (Exodus 20:23), i.e., do not ascend hurriedly, and juxtaposed to it, it is written: “Now these are the ordinances that you shall set before them” (Exodus 21:1). Rabbi Eliezer says: From where is it derived that a judge may not step over the heads of the sacred nation, walking among those assembled for the lecture, who would sit upon the floor, in such a manner that he has the appearance of stepping on them? It is derived from that which is stated: “Neither shall you go up by steps,” and juxtaposed to it is an introduction to civil laws and courtroom regulations: “Now these are the ordinances.” This indicates that the prohibition against ascending upon steps applies to judges.

¹⁶⁹ The Gemara interprets the second part of the verse cited above: “Now these are the ordinances that you shall set before them.” The verse should have stated: That you shall teach them. What is indicated by the phrase: “Set before them”? Rabbi Yirmeya, and some say Rabbi Hiyya bar Abba, says: These are the judges’ tools. To illustrate this, the Gemara relates that Rav Huna, when he would go out to a judgment, would say this: Take out for me tools from my shop: A rod and strap, with which to flog transgressors; and a shofar, necessary in the event that someone must be excommunicated; and a sandal, necessary in the event of ḥalitza, the procedure by which a levirate marriage is rejected.

¹⁷⁰ The Gemara interprets other verses related to the topic of adjudicating cases. “And I charged your judges at that time, saying: Hear the causes between your brethren, and judge righteously between a man and his brother, and the stranger who is with him” (Deuteronomy 1:16). Understanding that the word “charged” indicates alacrity, Rabbi Yoḥanan says: Moses urged the judges: With regard to the rod and the strap, be vigilant. With regard to the clause “Hear the causes between your brethren, and judge,” Rabbi Ḥanina says: This is a warning to a court that it may not hear the statement of one litigant before the other litigant comes, and it is a warning to a litigant that he may not explain his statement to the judge before the other litigant comes. Read into the phrase in the verse: “Hear the causes between your brethren,” that it is also concerning the litigant. Although he is not the judge, he is also required to assure that the case is conducted in the presence of both parties.

¹⁷¹ Rav Kahana says the litigant’s responsibility may be derived from here: From “you shall not bear [tissa] a false report” (Exodus 23:1). Although conjugated in this manner the verb would seem to be addressed to the judges, commanding them not to lend credence to a false report, the term may also be read as: You shall not deliver [tassi] a false report, conjugated so that it addresses the litigants and the witnesses.

¹⁷² The Gemara returns to the verse in Deuteronomy cited above: “And I charged your judges at that time, saying: Hear the causes between your brethren, and judge righteously.” Reish Lakish says: Verify the judgment by meticulously examining the particulars of the case, and only afterward, implement it. The verse continues: “Between a man and his brother, and the stranger who is with

him.” Rav Yehuda says: The judge must distinguish even between the merits of a house and the upper story when dividing a two-floor property among inheriting brothers.

¹⁷³ With regard to the clause in the verse: “And the stranger who is with him [gero],” the word gero resembles the word: Dwell [gur], and Rav Yehuda says: This word teaches that the judge must distinguish even between the merits of an oven and a stove. The judge must carefully weigh how to divide even these domestic items in a case of inheritance, to ensure that the distribution of property is absolutely equitable.

¹⁷⁴ The next verse states: “You shall not respect [takiru] people in judgment; you shall hear the small and the great alike; you shall not be afraid before any man, for the judgment is God’s; and the cause that is too hard for you, you shall bring to me, and I will hear it” (Deuteronomy 1:17). Rabbi Yehuda says: Do not recognize him [takirehu], i.e., do not acknowledge the litigant as a friend in your role as a judge. Rabbi Elazar says: Even if he is your opponent, do not estrange him [tenakerehu] in such a way as to prejudge him as liable, but treat him as though you do not know him at all.

¹⁷⁵ Rav’s host [ushpizekhaneih], with whom he would stay occasionally, came before him for a judgment. Rav said to the host: Are you not my host? He said to him: Yes, I am. The host then said to him: I have a dispute with another that needs a judgment. Rav said to him:

¹⁷⁶ I am disqualified to judge for you, because I may be partial to you due to what you’ve done for me. Rav said to Rav Kahana: Go out and judge the case. Rav Kahana saw that Rav’s host was acting haughtily due to his relationship with Rav, as he presumed that Rav Kahana was predisposed to favor him. Rav Kahana said to the host: If you are prepared to listen, then listen to me and follow my instructions. And if not, I will take Rav out of your ears. I will treat you harshly, and you will understand that your relationship with Rav will not help you at all.

¹⁷⁷ § The Gemara continues to interpret clauses from the verse cited above. “You shall hear the small and the great alike” (Deuteronomy 1:17). Reish Lakish says: This teaches that the judgment of one peruta should be as dear, i.e., important, to you as the judgment of one hundred maneh, i.e., ten thousand dinars. The Gemara asks: With regard to what halakha is this said? If we say it is with regard to the need to study it carefully and to decide the case justly, it is obvious that even cases relating to small sums must be judged thoroughly. Rather, Reish Lakish was speaking with regard to giving it precedence: The small claims case may not be deferred in favor of the larger claim merely because the disputed sum is smaller.

¹⁷⁸ The Gemara continues the interpretation of the verse: “You shall not be afraid before any man.” Rabbi Ḥanan says: Do not suppress your statement of opinion due to any person. The verse continues: “For the judgment is God’s.” Rabbi Ḥama, son of Rabbi Ḥanina, says: The Holy One, Blessed be He, says: It is not enough for the wicked judges, that they take money from this person and they give it to that person unlawfully, but they even trouble Me to return the money to its rightful owners. As proper justice is ultimately in the hands of God, He takes responsibility to bring about the rectification of the errors of unfit judges.

¹⁷⁹ The verse continues: “And the cause that is too hard for you, you shall bring to me, and I will hear it.” Rabbi Ḥanina, and some say Rabbi Yoshiya, says: On account of this matter, which displayed a degree of presumptuousness, Moses was punished, as it is stated: “And Moses brought their cause before the Lord” (Numbers 27:5). In this instance, when Zelophehad’s daughters presented their case to Moses, he did not know the answer himself and was compelled to ask God.

Rav Naḥman bar Yitzḥak objects to this critique of Moses: Is it written: “And I will tell you,” which would indicate that Moses assumed the authority for himself? No, it is written: “And I will hear it,” meaning: If I have learned the halakha, I have learned it. And if not, I will go and learn it. Consequently, there was no presumptuousness in Moses’ statement.

¹⁸⁰ Rather, the unusual manner in which the halakha of women’s inheritance (see Numbers, chapter 27) was revealed may be understood as it is taught in a baraita: It would have been fitting for the Torah portion about inheritances to have been written by attributing it to Moses, our teacher, i.e., to introduce the halakha with the standard formulation: And the Lord spoke to Moses, saying. But the daughters of Zelophehad achieved merit as a result of their initiative in pursuing a portion in Eretz Yisrael, and therefore the halakha was written by attributing it to them. Similarly, it would have been fitting for the Torah portion concerning the punishment of the wood gatherer (see Numbers 15:32–36) to have been written by attributing it to Moses, our teacher. But the wood gatherer was found guilty, and the halakha was written by attributing it to him. This serves to teach you that guilt is engendered by means of the guilty and merit by means of the innocent.

¹⁸¹ The Gemara continues to interpret verses pertaining to judges and judgment. It is written: “And I charged your judges at that time” (Deuteronomy 1:16), and it is written soon thereafter: “And I commanded you at that time all the things that you should do” (Deuteronomy 1:18). There is an apparent contradiction between these verses, as one indicates God commanded the judges and the other indicates He commanded the people. Rabbi Elazar says that Rabbi Simlai says: Moses issued a warning to the community that the awe of the judge must be upon them, and Moses issued a warning to the judge that he must bear the burden of the community. Up to what degree must the judge bear this burden? Rabbi Ḥanan, and some say Rabbi Shabbtai, says: It is as Moses said, that he carried Israel “as a nursing father carries the sucking child” (Numbers 11:12).

¹⁸² Similarly, a distinction is drawn between two verses where Moses commanded Joshua concerning his impending leadership: It is written: “For you shall go with these people into the land” (Deuteronomy 31:7), and it is written: “For you shall bring the children of Israel into the land” (Deuteronomy 31:23). Rabbi Yoḥanan reconciled the difference between these two charges and said: Moses said to Joshua, in the first verse: You and the elders of the generation will enter into Eretz Yisrael together with the people, i.e., the elders will assist you in the leadership. Subsequently, in the second verse, the Holy One, Blessed be He, said to Joshua: You yourself must bring the people: Take a rod and strike the people upon their skulls. There must be one clear and authoritative leader for the generation, and there may not be two or more leaders for the generation.

¹⁸³ § The Gemara returns to the discussion of halakhic matters related to the mishna. The Sages taught in a baraita: A zimmun is to be issued with three people. The Gemara analyzes: What is meant by the term zimmun in the baraita? If we say it is referring to the invitation to recite Grace after Meals jointly, which is called the zimmun blessing, that is difficult. But isn’t it taught in a baraita: Zimmun and the zimmun blessing are to be issued with three people? As the baraita lists these halakhot separately, it indicates that the term zimmun is referring to a different matter. And if you would say that the baraita explains itself, by clarifying: What is meant by the term zimmun? It is the zimmun blessing, another source indicates even more clearly that these terms are referring to two different procedures. But isn’t it taught in a baraita: Zimmun is performed with three people, and the

zimmun blessing is performed with three people? Evidently, therefore, zimmun is not referring to the zimmun blessing.

¹⁸⁴ Rather, what is zimmun? It is a summons to appear in court for judgment. The Gemara notes that this is similar to that which Rava said: With regard to this court of three judges who are sitting and waiting to adjudicate a case, and the agent of the court went and said to one of the litigants that he is summoned in the name of only one of the judges, the summons is insufficient. It is as if the agent did not say anything, unless he said it in the name of all of them. That is what is meant when it is taught that zimmun is issued by three. The Gemara clarifies: That statement applies only when it is not the day set for judgment. But on the day set for judgment, when it is understood that a summons in the name of only one judge actually indicates a summons from an assembled court, we have no problem with it. Someone who ignores such a summons is subject to the full censure of the court.

¹⁸⁵ § The mishna teaches: Cases involving payment of double the principal must be adjudicated by a court of three judges. Rav Naḥman bar Rav Ḥisda sent an inquiry to Rav Naḥman bar Ya'akov: Let our teacher instruct us: With regard to cases involving laws of fines, by how many judges must such cases be adjudicated? The Gemara asks: What is the dilemma he is raising? Didn't we learn in the mishna that such cases are judged by three judges? Rather, Rav Naḥman bar Rav Ḥisda is raising a dilemma with regard to a single expert judge: May he adjudicate cases involving laws of fines by himself or not?

¹⁸⁶ Rav Naḥman bar Ya'akov said to him: You already learned this in the mishna: Cases involving payment of double the principal and payment of four or five times the principal must be adjudicated by three judges. What is meant by three? If we say it means three non-ordained lay judges, didn't your father's father say in the name of Rav: Even if there are ten judges, if they are lay judges they are unfit for adjudicating cases involving laws of fines? Rather, the mishna is discussing expert judges, and it says that three are necessary. Therefore, a single expert judge may not adjudicate such cases.

¹⁸⁷ § The mishna records a dispute concerning the number of judges required to judge the case of a defamer (see Deuteronomy 22:13–19), which generally involves a man defaming his wife by falsely accusing her of having committed adultery while she was betrothed. Rabbi Meir says the case must be tried by three judges, and the Rabbis say: An accused defamer is judged by a court of twenty-three judges. It is obvious that in a case in which the husband's accusation has the potential to result in the woman's execution, Rabbi Meir agrees that as this is a case of capital law, it must be tried by twenty-three judges. Therefore, the dispute in the mishna must involve a lesser claim, such as a case where there are no witnesses to the alleged adultery, but the husband claims she was not a virgin when they married and is suing for monetary compensation.

¹⁸⁸ The Gemara asks: But although the halakha of a defamer contains the potential to qualify as a case of capital law, what of it? As long as this particular case has no such potential, why do the Rabbis require twenty-three judges?

¹⁸⁹ Ulla said: Rabbi Meir and the Rabbis disagree with regard to the question of whether one needs to be concerned with the possibility of rumors, meaning that if the husband raises the claim that his wife committed adultery, although he has no witnesses and there is no potential for a capital conviction, should the court be concerned with the possibility that the publicity generated by the proceedings may lead to the emergence of witnesses, which would make it a capital case? Rabbi

Meir holds that one need not be concerned with the possibility of rumors. And the Rabbis hold that one does need to be concerned with the possibility of rumors.

¹⁹⁰ Rava says: Everyone agrees that one need not be concerned with the possibility of rumors. And here they disagree about whether one need be concerned for the honor of the first judges. And with what are we dealing here? We are dealing, for example, with a case where a court of twenty-three judges was convened to judge a case of capital law, because the husband accused his wife of committing adultery. As there were no witnesses to the alleged adultery, the court of twenty-three judges was disbanded, and then the husband said to them: At least adjudicate for me the aspect of monetary law, to reduce the sum in her marriage contract to the amount for a non-virgin. At that point, it became strictly a case of monetary law, which would normally be tried by three judges. Nevertheless, the Rabbis hold that the court of twenty-three judges must be reconvened, out of concern for their honor, since they had already begun to hear the case. Rabbi Meir disagrees, as he does not view this as an affront to the honor of the judges.

¹⁹¹ The Gemara raises an objection from a baraita (Tosefta 1:2): And the Rabbis say: If he took her to court and claimed money, the case is to be adjudicated by three judges. But if he took her to court and claimed that she was liable to receive the death penalty, the case must be judged by twenty-three judges. Granted, according to Rava, the baraita can be read as referring to the terms of the beginning of the trial: If he claimed money at the outset, the case must be judged by three judges. Since the case concerns a financial claim, three are sufficient. But if he initially claimed she should be subject to the death penalty, even if the case becomes transformed into a financial case, it must be judged by twenty-three judges out of concern for their honor. But according to Ulla, who says the requirement for twenty-three judges is based on concern about rumors, it is difficult.

¹⁹² Rava said: I and the lion of the group both explained this. The Gemara asks: And who is the lion of the group? It is Rav Ḥiyya bar Avin. He and Rava explained: With what are we dealing here? We are dealing with a case where the husband brought witnesses to testify that the wife committed adultery, and the wife's father brought witnesses, and through their testimony that they were with the first witnesses in some other place at the time of the alleged transgression, they classified the husband's witnesses as conspiring witnesses. In that case, if the father comes to collect monetary restitution from the husband for defamation, the case may be adjudicated by three judges. And in a case of capital punishment, such as the trial of the husband's witnesses, the case must be judged by twenty-three judges. In this way, Ulla's interpretation may be reconciled with the Tosefta.

¹⁹³ Abaye said: The dispute between Rabbi Meir and the Rabbis can be explained in another manner. According to everyone, one need be concerned for rumors, and also for the honor of the first judges. And with regard to the dispute between Rabbi Meir and the Rabbis, here we are dealing with a case where the witnesses to the adultery warned her that adultery is a capital transgression without specification as to the exact manner of death penalty she would receive.

¹⁹⁴ And the matter is in accordance with this tanna, whose statement follows: As it is taught in a baraita: With regard to all the others, those who are liable for the various death penalties stated in the Torah other than the inciter to idol worship, the court executes them only when the following elements are present: The congregation, represented by the court; and witnesses; and forewarning just before the defendant commits the transgression. And the court does not execute him unless the witnesses had informed the defendant that he is liable to receive the death penalty from the court.

¹⁹⁵ Rabbi Yehuda says: The defendant is not executed unless the witnesses had informed the defendant by which form of the death penalty he is to be killed. According to the opinion of Abaye, the dispute in the mishna involves a case in which it was known that the witnesses forewarned the woman, but they did not specify the specific death penalty she would be liable to receive. In this case, in accordance with the opinion of Rabbi Yehuda, Rabbi Meir holds there can be no death penalty, and therefore the case may be tried by three judges.

¹⁹⁶ Rav Pappa said a similar explanation: Here we are dealing with a woman who is a *haveira*, meaning that she is knowledgeable with regard to Torah matters. And they disagree with regard to the issue that is the subject of the dispute between Rabbi Yosei bar Yehuda and the Rabbis. As it is taught in a baraita: Rabbi Yosei bar Yehuda says: A *haver*, as he is knowledgeable in Torah, does not need to be issued a forewarning by the witnesses, because forewarning is given only to distinguish between unintentional sin and intentional sin, and in the case of a *haver* it is clear that he is aware of the *halakha*. The Rabbis maintain that even a *haver* may not be punished unless he has been forewarned. Rav Pappa suggests that Rabbi Meir holds that a *haveira* must be forewarned, and the mishna discussed a case where this forewarning did not take place, and consequently the trial of her alleged defamer could not lead to capital punishment.

¹⁹⁷ Rav Ashi says a different explanation: The dispute in the mishna concerns a case where

¹⁹⁸ the witnesses warned her that she would be liable to receive lashes, but they did not warn her that she would be liable to receive the death penalty. In that case, the court would try her for adultery, and if found guilty she would receive lashes and not the death penalty.

¹⁹⁹ And they disagree with regard to the issue that is the subject of the dispute between Rabbi Yishmael and the Rabbis, as we learned in the mishna: One who is accused of violating a prohibition that would render him liable to receive lashes must be judged by three judges. In the name of Rabbi Yishmael it was stated: Cases involving lashes must be adjudicated by twenty-three judges. Therefore, Rabbi Meir holds that the case of the defamer may be adjudicated by three judges, because he holds that a court of three may administer lashes. The dissenting opinion, which holds that lashes may be administered only by twenty-three judges, also holds that this case must be adjudicated by a court of twenty-three.

²⁰⁰ Ravina says a different explanation: The case in the mishna is discussing a situation where one of the witnesses is found to be a close relative or a disqualified witness, but two valid witnesses still remain. And Rabbi Meir and the Rabbis disagree with regard to the issue that is the subject of the dispute between Rabbi Yosei and Rabbi Yehuda HaNasi with regard to the opinion of Rabbi Akiva. As we learned in a mishna (Makkot 5b) that Rabbi Akiva says: When the verse states: “At the mouth of two witnesses, or at the mouth of three witnesses, shall a matter be established” (Deuteronomy 17:6), the third witness is mentioned only to be stringent with him, to make his status like these other two witnesses. If a group of three witnesses is found to be conspiring witnesses, the third one might claim that his testimony was unnecessary and therefore did no harm. The Torah nevertheless imposes upon him the same strict punishment as his peers.

²⁰¹ Rabbi Akiva elaborates upon the implications of this *halakha*. If so, the Torah punishes the one who acts as an accessory to transgressors with the same punishment as the primary transgressors. All the more so, God will grant the reward to an individual who acts as an accessory to one who

performs a mitzva like the primary one who performs a mitzva, for the measure of good is always greater than the measure of suffering (see Sota 11a).

²⁰² Additionally, this teaches that just as in the case of two witnesses, if one of them is found to be a close relative or a disqualified witness their testimony is nullified, as the single remaining witness is not able to testify alone, so too, in the case of three witnesses, if one of them is found to be a close relative or a disqualified witness their testimony is nullified. And from where is it derived that this applies even to a group of one hundred witnesses? The verse states: “Witnesses.”

²⁰³ The tanna'im discussed how Rabbi Akiva's opinion is to be understood. Rabbi Yosei says: In what situation is this statement, that if one of them is found to be a close relative or a disqualified witness their testimony is nullified, said? In cases of capital law. But in cases of monetary law, the testimony may be upheld with the other witnesses. Rabbi Yehuda HaNasi says: Rabbi Akiva's opinion applies to both cases of monetary law and cases of capital law. And when is this so? When the relatives or disqualified witnesses also warned the transgressors and therefore actively included themselves in the group of witnesses; but when they did not warn the transgressors, they are not counted as witnesses at all.

²⁰⁴ If this were not to be so, what should two brothers and one other person do, if they saw someone kill another person? If the mere fact that they saw the event invalidates the testimony, then no one can ever be tried for a transgression committed in the presence of relatives. If one may decide whether or not he will be a witness, one of the brothers may join with the third person in warning the potential transgressor and, thereafter, constitute a pair of valid witnesses. Similarly, the mishna is understood as discussing a case in which a betrothed woman committed adultery, and of the three witnesses, two were brothers. If one of the brothers refrained from warning her, the remaining two witnesses may still testify against her, according to Rabbi Yehuda HaNasi. In this situation, the case must be tried by twenty-three judges. According to Rabbi Yosei the case may be tried by three judges, because with regard to capital law, the two brothers invalidate the testimony merely by seeing the event together.

²⁰⁵ And if you wish, say instead: The mishna discusses a case where others warned her, and the witnesses themselves did not warn her. And Rabbi Meir and the Rabbis disagree with regard to the issue that is the subject of the dispute between Rabbi Yosei and the Rabbis. As we learned in a mishna (Makkot 6b), Rabbi Yosei says: A defendant is never executed unless the mouths of his two witnesses are those who warn him, as it is stated: “At the mouth of two witnesses, or at the mouth of three witnesses, shall he that is to die be put to death” (Deuteronomy 17:6). The verse's emphasis on the phrase “at the mouth of” teaches that the witnesses must issue the warning themselves. Rabbi Meir may agree with Rabbi Yosei that the woman cannot be executed if others gave the warning. Therefore the trial of the defamer needs only three judges, whereas the Rabbis in the mishna agree with the Rabbis in Makkot who disagree with Rabbi Yosei. Since she may be tried for adultery, the case requires twenty-three judges.

²⁰⁶ And if you wish, say instead a different explanation: The mishna discusses a case where the testimony about the adultery was found to be contradictory with regard to the examinations concerning minor details of the incident, but the testimony was not found to be contradictory with regard to the interrogations concerning the time and place of the incident, which is the primary substance of the testimony.

²⁰⁷ And Rabbi Meir and the Rabbis disagree with regard to the issue that is the subject of the dispute between Rabban Yoḥanan ben Zakkai and the Rabbis. As we learned in a mishna (40a): An incident occurred, and Rabban Yoḥanan ben Zakkai examined the witnesses with regard to the stems of figs, as to their color and shape, in order to expose a contradiction between the witnesses. When he found a discrepancy in their reports about the figs, he dismissed the testimony. Rabbi Meir adopts this opinion, and therefore a woman cannot be tried for adultery if the witnesses disagree about details like these. The Rabbis accept such testimony, and consequently, they require a court of twenty-three judges.

²⁰⁸ § The Gemara discusses scenarios concerning the testimony about a woman's committing adultery and allegations that the husband is guilty of defamation. Rav Yosef says: If the husband brought witnesses who testified that his wife committed adultery, and the wife's father brought witnesses, and they testified that the husband's witnesses were conspiring witnesses, then the husband's witnesses are executed, but they or their estates do not pay money. Although their testimony, if accepted, would also have lowered the value of her marriage contract, they do not incur liability, based on the principle that if someone commits a transgression that renders him liable to receive more than one punishment, he receives the greater punishment.

²⁰⁹ If the husband came back before his witnesses were executed and brought new witnesses, and they testified that the father's witnesses were conspiring witnesses, the father's witnesses are executed, and they must also pay money to the husband, as they attempted to make him liable to pay the fine for defamation. They are not exempt from the payment because the money is for this victim, i.e., the husband, and their lives are for that set of witnesses, who would have been killed. Since their liability to receive the death penalty and their financial liability were caused by their offenses against different people, these are deemed separate transgressions, and consequently they receive both punishments.

²¹⁰ And Rav Yosef also says, with regard to distinguishing between the different aspects of a single testimony: If a man testifies that so-and-so sodomized him against his will, he and another witness may combine as a valid pair of witnesses to kill the defendant for the sin of homosexual sodomy (see Leviticus 18:22).

²¹¹ But if the one who was sodomized testified that the accused sodomized him with his consent, he is testifying that he himself is wicked, having been complicit in the forbidden act, and the Torah said: "Do not put your hand with a wicked person to be an unrighteous witness" (Exodus 23:1). Therefore, the testimony is rejected. Rava says: A person is his own relative and therefore may not testify about himself. Therefore, a person cannot render himself wicked by his own testimony. As a result, he is deemed credible with regard to the sodomizer, but not with regard to himself. He remains a valid witness to convict the sodomizer in combination with another.

²¹² And similarly, Rava says:

²¹³ If someone testifies: So-and-so engaged in intercourse with my wife, he and another may combine to execute him, the accused man, with his testimony, but the woman's husband is not accepted as a witness to execute her. A person cannot testify concerning his wife or any other close relative.

²¹⁴ The Gemara asks: What is this last scenario teaching us? Is it that we divide the statement of the witness in order to accept part of the testimony while rejecting the inadmissible part? This cannot be,

as the principle in this case is identical to that case, in which the witness is not accepted to incriminate himself. The Gemara answers: The second case is necessary, lest you say: With regard to his own self, since a person is his own relative, we say that we divide the testimony. But with regard to his wife, one might think we do not say so, and the entire testimony must be either accepted or rejected. Therefore, the second case teaches us that even with regard to one's wife, the statement is divided, and the testimony concerning his wife is disregarded.

²¹⁵ And Rava also says: If witnesses testify: So-and-so engaged in intercourse with a betrothed young woman (see Deuteronomy 22:25), without specifying the young woman in question, and they were rendered conspiring witnesses, they are executed, and they are not liable to pay money. Since they never specified the identity of the young woman, they were never in a position to cause anyone to lose part or all of her marriage contract. But if they specified: The young woman was the daughter of so-and-so, and they are rendered conspiring witnesses, they are executed, and they also pay money. Since in this case, the money is for this victim, i.e., the father of the young woman who stood to lose part or all of her marriage contract, and their lives are for that victim, i.e., the man and woman accused of adultery, they are liable to receive both punishments.

²¹⁶ And Rava also says: If they testify: So-and-so engaged in bestiality with an ox (see Leviticus 18:23), which would theoretically result in the execution of both the person and the animal, without specifying which ox, and they were rendered conspiring witnesses, they are executed, as their testimony would have put the accused to death, and yet they are not liable to pay money for the ox, because their testimony did not pertain to any ox in particular. But if they specify: He engaged in bestiality with so-and-so's ox, and they were rendered conspiring witnesses, they are executed, and they also pay money to the owner of the ox they sought to have killed. Since the money is for this victim, the owner whose ox would have been killed by the court, and their lives are for that victim, the man accused of engaging in bestiality with an animal, they are liable to receive both punishments.

²¹⁷ The Gemara asks: It seems that the case of the ox exemplifies the same principle as the case of the betrothed young woman. Why do I also need this case? This is essentially identical to that. The Gemara answers: The second case was necessary to clarify a point, because Rava raised a dilemma about it, as Rava raised a dilemma: If someone testifies: So-and-so engaged in bestiality with my ox, what is the halakha? Do we say: A person is his own relative concerning testimony, but a person does not have the status of a relative with regard to his property, and consequently the ox would also be executed because his testimony about his own animal is admissible? Or perhaps we say: A person has the status of a relative with regard to his property, and therefore his testimony about his ox is inadmissible? The Gemara says: After he raised the dilemma, he then resolved it: A person is his own relative, but a person does not have the status of a relative with regard to his property, so the ox is executed.

²¹⁸ § The mishna teaches: Cases concerning one who is accused of violating a prohibition that would render him liable to receive lashes must be judged by three judges. The Gemara asks: From where is this matter derived? Rav Huna says: The verse states: "If there will be a controversy between men, and they come to judgment, and the judges judge them, and they shall justify the just, and they shall condemn the wicked. Then it shall be, if the wicked man deserves to be beaten, that the judge shall cause him to lie down, and to be beaten before his face" (Deuteronomy 25:1–2). When it states: "And the judges judge them," in the plural, this indicates a minimum of two judges. And since a

court may not be composed of an even number of judges, the court adds to them one more, and there are a total of three judges here.

²¹⁹ The Gemara asks: If that is so, that the plural verbs in the verse each indicate two judges, the term: “And they shall justify,” indicates another two, and the term: “And they shall condemn,” indicates another two, so that there are a total of seven here. The Gemara answers: Rav Huna requires that pair of terms in accordance with the opinion of Ulla, as Ulla says: From where in the Torah is there an allusion to the halakha of conspiring witnesses?

²²⁰ The Gemara interrupts with a question: An allusion to the halakha of conspiring witnesses? But it is written explicitly: “Then you shall do to him as he had planned to do to his brother” (Deuteronomy 19:19). Why would there be a need for an allusion? Rather, Ulla meant: From where in the Torah is there an allusion to the halakha that conspiring witnesses are flogged? Ulla answers: As it is written: “And they shall justify the just, and they shall condemn the wicked. Then it shall be, if the wicked man deserves to be beaten, that the judge shall cause him to lie down, and to be beaten before his face.”

²²¹ The Gemara explains the derivation: Due to the fact that the terms in the verse: “They shall justify the just, and they shall condemn the wicked” indicate a financial dispute in which one party is vindicated and the other is required to pay, does it follow that, as the verse continues: “Then it shall be, if the wicked man deserves to be beaten”? Why would the verdict’s being rendered in the other party’s favor mean that the losing party is flogged? Rather, the verse must be discussing the witnesses and not the litigants. If conspiring witnesses condemned the just one, and other witnesses came and justified the one who was really the just one from the beginning and rendered these conspiring witnesses wicked, then, as the verse continues: “Then it shall be, if the wicked man deserves to be beaten, that the judge shall cause him to lie down, and to be beaten before his face.” This indicates that the witnesses are subject to lashes.

²²² The Gemara asks: Why does this halakha require a specific derivation? But since there is a principle that one is subject to lashes for violating any prohibition, why not derive this punishment from the prohibition: “You shall not testify as a false witness against your neighbor” (Exodus 20:13)? The Gemara answers: That verse is insufficient, because it is a prohibition that does not involve an action, but only speech, and with regard to any prohibition that does not involve an action, one is not flogged for it.

²²³ § The mishna teaches: It was stated in the name of Rabbi Yishmael: Cases concerning lashes must be adjudicated by twenty-three judges. The Gemara asks: What is the reasoning of Rabbi Yishmael? Abaye said: This is derived by means of a verbal analogy between one instance of the term wicked and another instance of the term wicked, from the halakha of those liable to receive death penalties. It is written here, with regard to lashes: “Then it shall be, if the wicked man deserves to be beaten,” and it is written there, with regard to a murderer: “That is a wicked man guilty of death” (Numbers 35:31). Just as there, with regard to the trial of the murderer, the case is tried by twenty-three judges, so too here, the case of lashes must be tried by twenty-three judges.

²²⁴ Rava says: A verbal analogy is unnecessary. Conceptually, lashes stand in place of execution. As corporal punishment is a kind of replacement for capital punishment, it must be judged in the manner of capital punishments, by a court of twenty-three. Rav Aḥa, son of Rava, said to Rav Ashi: If so, that lashes stand in place of execution, why do I need an assessment? Before administering lashes, the

court consults with a physician to assess how many lashes the transgressor can withstand and adjusts the number of lashes so that the transgressor's life will not be threatened. But if Rava is correct, why is this necessary? Let the court strike him, and if the transgressor dies, let him die.

²²⁵ Rav Ashi said to Rav Aḥa, son of Rava: The verse states: "Then your brother will be dishonored before your eyes" (Deuteronomy 25:3). This teaches that when you strike, you strike upon the back of a live person. After he is dead, he is not called: Your brother. Rav Aḥa, son of Rava, continued to ask Rav Ashi: But with regard to that which is taught in a baraita (Tosefta, Makkot 4:6): If they assessed him to be strong enough to absorb twenty lashes, they flog him only with a number of lashes that can be divided into threes, as lashes are administered in sets of three, two behind and one in front. And how many are they? Eighteen.

²²⁶ Let the court strike him with twenty-one lashes, and if he dies with this last one, let him die. According to the medical evaluation, he will still be alive after the twentieth lash. There would be no concern of flogging a dead man, as when the court strikes him with the twenty-first lash, it is upon the back of a living man that the court is striking. If so, why should he not receive the last blow? Rav Ashi said to him: The verse states: "Then your brother will be dishonored before your eyes." The verse means: Even after he is hit, I need him to remain your brother; and if he dies, he is no longer your brother.

²²⁷ § The mishna teaches: The intercalation of the month is performed by a panel of three judges. The Gemara extrapolates: The tanna does not teach: The calculation to determine if the month must be extended is performed by three judges, and he does not teach: The sanctification of the new month is performed by three judges; rather, he teaches: The intercalation of the month, referring to the decision to extend the month by an extra day and begin the following month on the thirty-first day instead of the thirtieth, is performed by a panel of three judges. The Gemara asks: Why are judges necessary to extend the month? Simply do not sanctify the new month, and let the previous month be intercalated by itself. When the thirtieth day of any month is not declared the first day of the new month, the earlier month is extended by default. Why, then, does the mishna specify: Intercalation?

²²⁸ Abaye said: Emend the text of the mishna and teach: The sanctification of the new month is performed by three judges. This is also taught in a baraita (Tosefta 2:1): The sanctification of the new month and the intercalation of the year is performed by three judges; this is the statement of Rabbi Meir. Rava said in objection to Abaye's explanation: But the mishna teaches: Intercalation, not sanctification. Rather, Rava said: Explain the mishna this way: If there will be sanctification of the new month on the thirtieth day of the first month, which is the day that would otherwise be the intercalation, this is done by three judges. But after the day of the intercalation, i.e., if the month is sanctified on the thirty-first day, there is no active sanctification necessary.

²²⁹ And in accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Elazar ben Tzadok, as it is taught in a mishna (Rosh HaShana 24a): Rabbi Elazar ben Tzadok says: If the new moon was not seen at its anticipated time, the court does not formally sanctify the New Moon on the following day, as the celestial court in Heaven has already sanctified it, precluding the need for the additional sanctification by the earthly court.

²³⁰ Taking the opposite opinion, Rav Naḥman says: In the instance of sanctification of the new moon after the intercalation of the month through the addition of a thirtieth day to the previous month, the sanctification is performed by three judges. But if the New Moon is declared on the day of the

intercalation, so that the previous month is left with only twenty-nine days, there is no active sanctification. This is the standard time for the New Moon, and no intervention is necessary. And in accordance with whose opinion is this? It is in accordance with the opinion of Peleimu, as it is taught in a baraita: Peleimu says: If the new moon was reported at its anticipated time, the court does not sanctify the New Moon. But if the new moon was reported not at its anticipated time, the court sanctifies the New Moon.

²³¹ Rav Ashi said: Actually, the mishna teaches that three judges are necessary for the calculation to determine when the New Moon should be declared. And what is the term: Intercalation, that is mentioned in the mishna? It is the calculation of the intercalation. And although the wording of the mishna is imprecise, it is written this way for a reason: Since the mishna needed to teach the number of judges necessary for the intercalation of the year, the mishna also taught: The intercalation of the month, so as to describe the similar processes of adding to the year and adding to the month with the same verb.

²³² The Gemara notes: With regard to the calculation of the month, yes, this requires three judges. But with regard to the sanctification of month, this does not require three judges. In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Eliezer. As it is taught in a baraita: Rabbi Eliezer says: Whether it was reported in its anticipated time or whether it was reported not in its anticipated time, we do not sanctify the New Moon formally, as it is stated: “And you shall sanctify the fiftieth year” (Leviticus 25:10), which teaches: You must formally sanctify years, but you do not formally sanctify months, as they are sanctified automatically. In any case, calculation, when necessary, is performed by three judges.

²³³ § The mishna teaches: Rabban Shimon ben Gamliel says that intercalation is performed in stages: The deliberations begin with three judges, they debate the matter with five judges, and they conclude the matter with seven judges. The Gemara elaborates: It is taught in a baraita (Tosefta 2:1): How does Rabban Shimon ben Gamliel say the intercalation is to be conducted? The court begins the deliberation with three judges, and they debate the matter with five, and they conclude with seven. At first, three judges convene for a preliminary discussion with regard to the necessity of adding a month to the year. If one says it is necessary to sit and deliberate the question of intercalation and two say that there is not a need to sit and continue, the single opinion in favor of intercalation is negated in its minority, i.e., it is the minority opinion, and the process ends.

²³⁴ The baraita continues: If two say to sit and one says not to sit, the majority decision causes the process to move to the next stage, and the court then adds another two judges to them and all five debate the matter. If two say: The year needs the extra month, and three say: It does not need it, the opinions of the two are negated in their minority. If three say: The year needs it, and two say: It does not need it, the court adds to them another two judges, as the quorum for declaring an intercalation may not be fewer than seven.

²³⁵ The Gemara asks: Corresponding to what was it determined that the intercalation procedure should incorporate these numbers of three, five, and seven judges? Rabbi Yitzḥak bar Naḥmani and one other Sage who was with him disagree about this. And who is that other scholar? Rabbi Shimon ben Pazi. And some say that this was a matter of dispute between Rabbi Shimon ben Pazi and one other scholar who was with him. And who is that other scholar? Rabbi Yitzḥak bar Naḥmani. One said: These numbers correspond to the number of Hebrew words in each of the three verses of the

priestly benediction (see Numbers 6:24–26). And one said: Three corresponds to the three guards of the door (see II Kings 25:18), five corresponds to five of the officers who saw the king's face (see II Kings 25:19), and seven corresponds to seven officers who saw the king's face (see Jeremiah 52:25). Since these numbers represent appointments of distinction, the Rabbis saw fit to employ them in the composition of the court as well.

²³⁶ Similarly, Rav Yosef taught a baraita: These numbers: Three, five, and seven members of the court for intercalation, are adopted from different numbers of the king's servants. Three corresponds to: Guards of the door; five corresponds to: Of those officers who saw the king's face, mentioned in the book of II Kings; and seven corresponds to: Officers who saw the king's face, mentioned in the book of Jeremiah. When Rav Yosef taught this, Abaye said to Rav Yosef: What is the reason that until now the Master did not explain the matter to us this way, although you have taught this material before? Rav Yosef said to Abaye and the others with him: I did not know that you needed this information, as I thought that you were already familiar with the baraita. Have you ever asked me something and I did not tell you?

²³⁷ § The Gemara presents a mnemonic device for several other sources cited with regard to the intercalation of the year: Zeman, Nasi, tzarikh, gedi. The Sages taught in a baraita: The year may be intercalated only

²³⁸ by those who were invited by the Nasi, the president of the Great Sanhedrin, for that purpose. There was an incident involving Rabban Gamliel, who said to the Sages: Bring me seven of the Sages early tomorrow morning to the loft designated for convening a court to intercalate the year. He went to the loft early the next morning and found eight Sages there. Rabban Gamliel said: Who is it who ascended to the loft without permission? He must descend immediately.

²³⁹ Shmuel HaKatan stood up and said: I am he who ascended without permission; and I did not ascend to participate and be one of those to intercalate the year, but rather I needed to observe in order to learn the practical halakha. Rabban Gamliel said to him: Sit, my son, sit. It would be fitting for all of the years to be intercalated by you, as you are truly worthy. But the Sages said: The year may be intercalated only by those who were invited for that purpose. The Gemara notes: And it was not actually Shmuel HaKatan who had come uninvited, but another person. And due to the embarrassment of the other, Shmuel HaKatan did this, so that no one would know who had come uninvited.

²⁴⁰ The Gemara relates that the story about Shmuel HaKatan is similar to an incident that occurred when Rabbi Yehuda HaNasi was sitting and teaching, and he smelled the odor of garlic. Rabbi Yehuda HaNasi was very sensitive and could not tolerate this odor. He said: Whoever ate garlic should leave. Rabbi Ḥiyya stood up and left. Out of respect for Rabbi Ḥiyya, all of those in attendance stood up and left. The next day, in the morning, Rabbi Shimon, son of Rabbi Yehuda HaNasi, found Rabbi Ḥiyya, and he said to him: Are you the one who disturbed my father by coming to the lecture with the foul smell of garlic? Rabbi Ḥiyya said to him: There should not be such behavior among the Jewish people. I would not do such a thing, but I assumed the blame and left so that the one who did so would not be embarrassed.

²⁴¹ And from where did Rabbi Ḥiyya learn that characteristic of being willing to implicate himself in order to save someone else from being embarrassed? He learned it from Rabbi Meir, as it is taught in a baraita: There was an incident involving a certain woman who came to the study hall of Rabbi

Meir. She said to him: My teacher, one of you, i.e., one of the men studying in this study hall, betrothed me through intercourse. The woman came to Rabbi Meir to appeal for help in identifying the man, so that he would either marry her or grant her a divorce. As he himself was also among those who studied in the study hall, Rabbi Meir arose and wrote her a bill of divorce, and he gave it to her. Following his example, all those in the study hall arose and wrote bills of divorce and gave them to her. In this manner, the right man also gave her a divorce, freeing her to marry someone else.

²⁴² And from where did Rabbi Meir learn that characteristic? From Shmuel HaKatan, in the incident outlined above. And from where did Shmuel HaKatan learn it? From Shecaniah ben Jehiel, as it is written: “And Shecaniah, the son of Jehiel, one of the sons of Elam, answered and said to Ezra: We have broken faith with our God, and have married foreign women of the peoples of the land; yet now there is hope for Israel concerning this” (Ezra 10:2). And although he confessed, Shecaniah is not listed among those who took foreign wives (Ezra 10:18–44). Evidently, he confessed only to spare the others from public embarrassment.

²⁴³ The Gemara continues: And from where did Shecaniah ben Jehiel learn it? From an incident involving Joshua, as it is written: “And the Lord said to Joshua: Get yourself up; why do you fall upon your face? Israel has sinned” (Joshua 7:10–11). Joshua said before Him: Master of the Universe, who sinned? God said to him: And am I your informer? Rather, cast lots to determine who is guilty. In this way, God did not directly disclose the identity of the sinner to Joshua. And if you wish, say instead that Shecaniah ben Jehiel learned this from an incident involving Moses, as it is written: “And the Lord said to Moses: How long do you refuse to keep My mitzvot and My laws?” (Exodus 16:28). Although only a small number of people attempted to collect the manna on Shabbat, God spoke as though the entire nation were guilty, so as not to directly expose the guilty.

²⁴⁴ § Since Shmuel HaKatan and his great piety were mentioned, the Gemara now relates several incidents that shed additional light on his personality. The Sages taught: After the last of the prophets, Haggai, Zechariah, and Malachi, died, the Divine Spirit of prophetic revelation departed from the Jewish people. But nevertheless, they were still utilizing a Divine Voice, which they heard as a kind of echo of prophecy. One time, a group of Sages were reclining in the loft of the house of Gurya in Jericho, and a Divine Voice was bestowed upon them from Heaven, saying: There is one here who is fit for the Divine Presence to rest upon him as it rested upon Moses our teacher, but his generation is not deserving of this distinction. The Sages set their eyes upon Hillel the Elder, trusting that he was the one indicated by the Divine Voice. And when he died, the Sages said about him: Alas, the pious man, alas, the humble man, a disciple of Ezra.

²⁴⁵ The baraita continues: Another time, a group of Sages were reclining in the loft in Yavne, and a Divine Voice was bestowed upon them from Heaven, saying: There is one here who is fit for the Divine Presence to rest upon him in prophecy, but his generation is not deserving of this distinction. The Sages set their eyes upon Shmuel HaKatan. And when he died, the Sages said about him: Alas, the pious man, alas, the humble man, a disciple of Hillel. Additionally, he said at the time of his death, under the influence of the Divine Spirit: Rabban Shimon ben Gamliel, the Nasi of the Great Sanhedrin, and Rabbi Yishmael, the High Priest, will die by the sword, and their friends will die by other executions, and the rest of the nation will be despoiled, and great troubles will ultimately come upon the world.

²⁴⁶ And they also wished to say thus: Alas, the pious man, alas, the humble man, about Yehuda ben Bava, in their eulogy for him, but the hour was torn, i.e., the opportunity was lost, as one does not eulogize those executed by the government. As will be explained (14a), Yehuda ben Bava was executed by the government.

²⁴⁷ § The Gemara returns to the discussion about intercalation of the year. The Sages taught: The year may be intercalated only if the Nasi of the Sanhedrin wants to intercalate it. And there was once an incident involving Rabban Gamliel, who went to ask permission for some communal matter from an officer [hegmon] in Syria, and he tarried in returning until after it was too late to intercalate the year. And because they did not know what his opinion on the matter was, they intercalated the year on the condition that Rabban Gamliel would want to do so. And when Rabban Gamliel came back and said: I want to intercalate the year, the year was found to be retroactively intercalated.

²⁴⁸ The Sages taught: The year may be intercalated only if it is necessary due to damage to the roads, if the rain has damaged them in such a way that they are inaccessible for those ascending to Jerusalem for Passover; or due to the bridges that are likewise in disrepair; or due to the ovens for the Paschal offerings that are damaged and unfit for roasting the offerings; or due to the Diaspora Jews who have left their homes and still have not arrived due to delays in travel. But the year may not be intercalated due to the snow, and not due to the cold, and not due to the Diaspora Jews who have not yet left from their homes, even if they no longer have enough time to reach Jerusalem for the Festival.

²⁴⁹ The Sages taught: The year may not be intercalated due to the young goats and not due to the lambs, to allow them to grow larger before they are to be sacrificed as Paschal offerings; and not due to the fledgling doves who have not yet developed sufficiently to fly, so that there won't be enough of them to supply all those who wish to bring bird offerings at the Festival. But all these considerations may be made supporting factors in the decision to intercalate the year. The Gemara asks: How so? Rabbi Yannai says in the name of Rabban Shimon ben Gamliel, i.e., this is the language Rabban Shimon ben Gamliel used in his declaration of the intercalation: We are notifying you that the fledglings are tender, and that the lambs are thin [de'arkin], and time for the spring has not yet arrived. And consequently, the matter is good in my eyes, and I have therefore added thirty days onto this year.

²⁵⁰ The Gemara raises an objection to the report that Rabban Shimon ben Gamliel holds the intercalated month is thirty days long. It is taught in a baraita: How long is the additional month in an intercalated leap year? The Rabbis say: Thirty days. Rabban Shimon ben Gamliel says: A standard month, which is twenty-nine days long. What, then, does Rabban Shimon ben Gamliel hold? Rav Pappa said: Rabban Gamliel holds that if the court wants, it may add a standard month, and if it wants, it may add a month of thirty days.

²⁵¹ Concerning the declaration of Rabban Shimon ben Gamliel, the Gemara observes: Come and see what difference there is between

²⁵² the earlier, stern authorities and the later, humble authorities, for although Rabban Shimon ben Gamliel was known as particularly humble, his proclamation was written with less modesty than that of his father, Rabban Gamliel, who was known to be particularly stern.

²⁵³ As it is taught in a baraita (Tosefta 2:6): There was an incident involving Rabban Gamliel, who was sitting on a step on the Temple Mount, and Yoḥanan, that scribe, was standing before him, and three blank documents cut from parchment and ready for writing were set before him.

²⁵⁴ Rabban Gamliel said to the scribe: Take one document, and write: To our brothers, the people of the Upper Galilee, and to our brothers, the people of the Lower Galilee, may your peace increase. We are informing you that the time has come for eradication of tithes that had been separated from produce but not yet given to their designated recipients, as is to be done in the fourth and seventh years of the Sabbatical-Year cycle, to separate the tithe from the vat of olives, because most of the local olives were grown in the Galilee. Rabban Gamliel continued, instructing the scribe: And take one document, and write: To our brothers, the people of the South, meaning the area of Judea and its environs, may your peace increase. We are informing you that the time has come for eradication, to separate the tithe from the mounds of stalks of grains, because most of the local grain was grown in the Judea region.

²⁵⁵ Rabban Gamliel continued to instruct the scribe: And take one document, and write: To our brothers, the people of the Diaspora in Babylonia, and to our brothers who are in Media, and to the rest of the entire Jewish Diaspora, may your peace increase forever. We are informing you that the fledglings are tender, and the lambs are thin, and time for the spring has not come. And consequently, the matter is good before me and before my colleagues, i.e., in our estimation, and I have consequently added thirty days to this year. The third letter indicates that evidently Rabban Gamliel included others in his decision. The Gemara rejects this, and explains: Perhaps this incident occurred after they deposed Rabban Gamliel from his position as Nasi. When he was reinstated, he shared his office with Rabbi Elazar ben Azarya. Therefore, he wrote the decision in the name of his colleagues as well.

²⁵⁶ § The Sages taught in a baraita (Tosefta 2:2): The court may intercalate the year for three matters: For the ripening of the grain, if it is not yet time for the barley to ripen; for the fruit of the trees, if they have not yet ripened; and for the equinox, i.e., to ensure that the autumnal equinox will precede Sukkot. If two of these concerns apply, the court intercalates the year even if the third factor does not apply; but for only one of them the court does not intercalate the year.

²⁵⁷ The baraita continues: And when the ripening of the grain is one of the concerns, everyone is happy. Since the grain is not yet ripe, the people do not mind waiting an extra month for Nisan. If the grain is already ripe, however, the extra month would simply prolong the period during which the grain may not be eaten due to the prohibition of the new crop, as the new crop may be harvested and eaten only after the sacrifice of the omer offering on the sixteenth of Nisan (see Leviticus 23:14). Rabban Shimon ben Gamliel says: For the equinox. The Gemara seeks to clarify this statement: A dilemma was raised before the Sages. When he said: For the equinox, did he mean this is the reason that everyone is happy, or did he mean that only for the equinox may the court intercalate the year? The dilemma shall stand unresolved.

²⁵⁸ The Sages taught in a baraita (Tosefta 2:2): The court may intercalate the year for three regional lands of Eretz Yisrael, meaning that the court considers the agricultural situation in three regions: Judea, and Transjordan, and the Galilee. If there is a concern about two of them, the court intercalates the year even if the third region does not need it, but if there is a concern about only one of them the court does not intercalate the year. And when Judea is one of them, everyone is happy, because the

omer offering comes only from Judea. If the court therefore ensures that the crops in Judea ripen just before the omer is brought, the crops will certainly be ripe in the other regions as well, and there will be no complications with the prohibition of the new crop.

²⁵⁹ § The Sages taught in a baraita (Tosefta 2:2): The court may intercalate the years only when located in Judea. And if they intercalated it when located in the Galilee, the year is nevertheless intercalated. Ḥananya of Ono testified: Even if the court already formally intercalated the year when located in the Galilee, it is not intercalated. Rabbi Yehuda, son of Rabbi Shimon ben Pazi, says: What is the reasoning of Ḥananya of Ono? The verse states: “But to the place that the Lord your God shall choose out of all your tribes to put His name there, to His abode shall you seek, and there you shall come” (Deuteronomy 12:5). This is interpreted as: Every pursuit that you shall pursue in the area of halakha must be only in the abode of the Omnipresent, in close proximity to Jerusalem, i.e., in Judea.

²⁶⁰ The Sages taught in a baraita (Tosefta 2:7): The court may intercalate the year only during the day; and if the court intercalated it at night, it is not intercalated. And the court may sanctify the month only during the day; and if the court sanctified it at night, it is not sanctified. Rav Abba says: What is the verse from which this halakha is derived? “Sound the shofar at the New Moon, at the concealed time for our Festival day” (Psalms 81:4). On which Festival is the new moon concealed? You must say it is Rosh HaShana, which occurs on the first of the month, before the moon is visible, whereas the moon is visible during the other Festivals, which occur later in the month. And it is written in the next verse: “For it is a statute for Israel, a judgment of the God of Jacob” (Psalms 81:5). Just as all civil judgment is done during the day, so too is the sanctification of Rosh HaShana, and the sanctification of the month in general, done during the day.

²⁶¹ The Sages taught in a baraita (Tosefta 2:5): The court does not intercalate the year

²⁶² during years of famine. When grain is scarce, intercalating the year would exacerbate the food shortage by delaying the omer offering, which is brought in Nisan, thereby prolonging the period during which the new crop is forbidden.

²⁶³ It is taught in a baraita: Rabbi Yehuda HaNasi says that this principle can be demonstrated based on an incident related in the Bible. The verse states with regard to the prophet Elisha: “And there came a man from Ba’al Shalisha, and he brought to the man of God bread of the first fruits, twenty loaves of barley, and fresh ears of corn in his sack. And he said: Give to the people, that they may eat” (II Kings 4:42).

²⁶⁴ The incident is analyzed: You do not have in all of Eretz Yisrael an environment in which fruit ripens more swiftly than in Ba’al Shalisha, and even so, only one of the seven species had ripened at that time, as the verse testifies that he brought him “bread of the first fruits.” Lest you say the verse speaks of wheat, which ripens close to the time of the festival of Shavuot, the verse states “barley.” Lest you say that the incident took place before the omer offering was sacrificed, the verse states: “Give to the people, that they may eat.” As they were permitted to eat, it must be that the incident was after the omer offering was brought.

²⁶⁵ Based on this, say that even in the place in which fruit ripened the fastest in all of Eretz Yisrael, after the omer had been brought, only the barley had ripened. Evidently, the year was fit to be intercalated, because the spring produce was not sufficiently mature in time. And for what reason did the prophet Elisha not intercalate it? Because it was a year of scarcity, as described in the Bible (see

II Kings 4:38), and everyone was running to the granary. Intercalating the year would have made it even more difficult to obtain produce.

²⁶⁶ § The Sages taught in a baraita (Tosefta 2:3): The court may not intercalate the year before Rosh HaShana. And if the court intercalated it this early, it is not intercalated. But if there was a need to intercalate it early due to exigent circumstances, e.g., religious persecution, they may intercalate it immediately after Rosh HaShana. Even so, they may intercalate it only by adding a second month of Adar.

²⁶⁷ The Gemara asks: Is that so, that intercalation may be determined only after Rosh HaShana? But the Sages of Eretz Yisrael sent the following encoded message to Rava during the time of Roman persecution: A pair of Torah scholars came from Rakkath, the biblical name for Tiberias (see Joshua 19:35), which was the seat of the Sanhedrin in Rava's time. They meant to reach the Diaspora community, but the pair was apprehended by the eagle, i.e., Roman soldiers, whose symbol was the eagle; and in their possession were precious items made in Luz. The Gemara interrupts the story to explain: And what are those items from Luz? Sky-blue dye, which is necessary for ritual fringes. The message continued: In the merit of divine mercy and in their merit, they were spared execution and emerged in peace. Nevertheless, they did not reach their destination.

²⁶⁸ The message continued: And the offspring of Nahshon, meaning the Sages of the court of the Nasi, who was descended from the prince of Judah, Nahshon ben Amminadab (see Numbers 7:12), sought to establish a pillar, i.e., they sought to add a month to the year. But that Edomite, the local Roman governor, did not allow them to intercalate the year. Nevertheless, the members of the assembly gathered, and they established a pillar, in the month in which Aaron the priest died, i.e., the Sages of Eretz Yisrael convened in the month of Av, which is before Rosh HaShana, and determined that the following year should be intercalated. Evidently, then, in exigent circumstances, intercalation may be done even before Rosh HaShana. The Gemara answers: The court may calculate the need for an extra month even before Rosh HaShana, but they may not reveal and publicize the decision until after Rosh HaShana.

²⁶⁹ The Gemara asks about the language of the coded message. From where may it be inferred that this word pillar [netziv] is a term for the month? As it is written: "And Solomon had twelve officers [netzivim] over all Israel, and they provided for the king and his household for a month in the year" (I Kings 4:7). This indicates that each netziv was responsible for a particular month. Once this verse was quoted, the Gemara inquires: But isn't it written afterward: "And one officer that was in the land" (I Kings 4:19), indicating that there were more than twelve netzivim? Rav Yehuda and Rav Nahman offer answers. One says: One officer was appointed over all of the others. And one says: The extra officer corresponded to the intercalated month. If the year had an additional month, he was responsible for the king's provisions during that month.

²⁷⁰ § The Sages taught in a baraita (Tosefta 2:4): The court may not intercalate the year from one year to another, and it does not intercalate three successive years, one directly after the other. Rabbi Shimon says: There was an incident involving Rabbi Akiva at the time when he was incarcerated in prison, and he intercalated three years, one after the other. The Sages said to Rabbi Shimon: Is there any proof from there? Rabbi Akiva merely made the calculations, but a special court sat and established each one at its time.

²⁷¹ The Sages taught in a baraita (Tosefta 2:5): The court may not intercalate the year in the Sabbatical Year, so as not to prolong the prohibitions of the Sabbatical Year, nor in the year after the Sabbatical Year, when there is not much produce available, and delaying the consumption of the new crop would also cause hardship. When is the court accustomed to intercalate? On the eve of the Sabbatical Year, which causes no particular challenges. Nevertheless, the courts of the house of Rabban Gamliel would intercalate the year in the year after the Sabbatical Year.

²⁷² And they disagree with regard to the issue that is the subject of the dispute between these tanna'im, as it is taught in a baraita: One may not import vegetables in the Sabbatical Year from outside Eretz Yisrael, and our Rabbis permitted importing such produce. According to the opinion that permits importing produce from outside Eretz Yisrael, there is no concern that the food supply will be exhausted. Therefore, the year following the Sabbatical Year may be intercalated. The Gemara asks: What is the reason for the difference between these two opinions concerning importing produce from outside Eretz Yisrael? Rabbi Yirmeya says: The difference between them relates to whether one is concerned for their clods of earth. Although all agree that the earth outside Eretz Yisrael conveys ritual impurity, the tanna'im dispute whether it is therefore forbidden to bring vegetables into Eretz Yisrael due to concern that small clods of earth may cling to them.

²⁷³ § The Sages taught in a baraita (Tosefta 2:10): The court may not intercalate the year due to ritual impurity, i.e., in the event that most of the Jewish people are in a state of impurity, to give them enough time to become ritually pure before Passover.

²⁷⁴ Rabbi Yehuda says: The court may intercalate the year due to ritual impurity. Rabbi Yehuda said: There was an incident involving Hezekiah, king of Judea, who intercalated the year due to ritual impurity (II Chronicles 30:2). And after doing so, he requested compassion for himself, as it is written: "For a multitude of the people, even many of Ephraim and Manasseh, Issachar and Zebulun, had not cleansed themselves,

²⁷⁵ yet they ate the Paschal lamb not as is written. For Hezekiah had prayed for them, saying: May the good Lord pardon everyone who sets his heart to seek God...though he not be cleansed according to the purification that pertains to sacred items" (II Chronicles 30:18–19).

²⁷⁶ Rabbi Shimon says: If the court intercalated the year due to ritual impurity, it is indeed intercalated. But if ritual impurity is ultimately a legitimate reason for intercalating the year, for what reason did Hezekiah request compassion for himself? Because the court may intercalate only the month of Adar, and he intercalated the month of Nisan during the month of Nisan itself. Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon: The incident did not involve the intercalation of the year; rather he appealed for mercy because he encouraged the Jewish people to bypass the standard first Pesah and instead to perform the second Pesah.

²⁷⁷ Having quoted the Tosefta in its entirety, the Gemara now clarifies several of its details. The Master said above: Rabbi Yehuda says: The court may intercalate the year due to ritual impurity, in order to delay the Paschal offerings, so that the people can perform them in a state of purity. Apparently, Rabbi Yehuda holds that the prohibition against performing the Temple service in a state of ritual impurity is merely overridden in cases involving the public. Although the offerings may be brought when most of the public is in a state of impurity, this course of action is not ideally permitted; one must attempt to find another way to perform the offerings in purity.

²⁷⁸ The Gemara asks: But isn't it taught in a baraita: The frontplate effects acceptance whether it is on the forehead of the High Priest or whether it is not on the forehead of the High Priest; this is the statement of Rabbi Shimon. Rabbi Yehuda says: As long as it is on his forehead it effects acceptance; if it is no longer on his forehead it does not effect acceptance.

²⁷⁹ Rabbi Shimon said to Rabbi Yehuda: The case of the High Priest on Yom Kippur can prove that your statement is incorrect, as on Yom Kippur the frontplate is not on the forehead of the High Priest during the time that he wears only linen garments, and it still effects acceptance. Rabbi Yehuda said to him: Leave aside the case of the High Priest on Yom Kippur, as since the Temple service consists wholly of public offerings the atonement of the frontplate is unnecessary. Even without the frontplate, performing the Temple service in a state of impurity is permitted in cases involving the public. If Rabbi Yehuda holds that it is readily permitted to perform Temple service in the instance of public impurity, then why would he sanction intercalating the year in order to give the public more time to become ritually pure?

²⁸⁰ The Gemara rejects the question concerning the opinion of Rabbi Yehuda: And according to your reasoning, the Tosefta itself should pose a difficulty for you. The Tosefta states: Rabbi Yehuda says: The court may intercalate the year due to impurity. And Rabbi Yehuda said: There was an incident involving Hezekiah, king of Judea, who intercalated the year due to ritual impurity, and afterward he requested compassion for himself. Why would he request compassion after having made a legitimate decision? Rather, it must be concluded that the Tosefta is incomplete and this is what it is teaching: The court does not intercalate the year due to impurity, but if the court intercalated it, it is intercalated. Rabbi Yehuda says: Even if the court intercalated it, it is not intercalated. And to prove his point, Rabbi Yehuda said that there was an incident involving Hezekiah, who intercalated the year due to impurity and subsequently appealed for mercy.

²⁸¹ The Gemara asks: If that is so, meaning if this is the correct way to understand the Tosefta, then the next statement in the Tosefta cannot be reconciled: Rabbi Shimon says: If they intercalated the year due to ritual impurity, it is indeed intercalated. According to this explanation, this is identical to the opinion of the first tanna, who also says that the intercalation is effective. Rava said: The difference between these two opinions is whether the year may be intercalated due to impurity ab initio. According to the first tanna, although the intercalation is valid after the fact, impurity is not an appropriate reason to intercalate the year. Rabbi Shimon holds that it is an appropriate reason. This is also taught in a baraita: The court may not intercalate the year due to impurity ab initio. Rabbi Shimon says: The court may intercalate the year due to impurity, even ab initio. Rather, according to this opinion, for what reason did Hezekiah request compassion for himself? Because the court may intercalate only Adar, but he intercalated Nisan during Nisan.

²⁸² The Master said above: Hezekiah requested compassion because the court, when intercalating the year, may intercalate only Adar, and he intercalated Nisan during Nisan. How could Hezekiah act in this way? But doesn't Hezekiah accept the following interpretive tradition: The verse states: "This month shall be for you the beginning of months; it shall be the first month of the year for you" (Exodus 12:2). This teaches that this month is Nisan, and another month cannot be Nisan. Therefore, the court cannot add another month of Nisan. The Gemara answers: Hezekiah erred with regard to the halakha that would later be expounded by Shmuel. As Shmuel says: The court may not intercalate the year on the thirtieth day of Adar, since although it is part of Adar, it is fit to establish it as the first

day of Nisan. As the day that may be assigned as the New Moon of Nisan, it has the same status as does Nisan, and the year may not be intercalated then.

²⁸³ And Hezekiah held: We do not say the principle: Since it is fit. Since it was technically still Adar, he initially thought it was permitted to intercalate the year on that day. The Gemara notes: This opinion is also taught in a baraita: The court may not intercalate the year on the thirtieth day of Adar, since it is fit to establish it as the first day of Nisan.

²⁸⁴ The Gemara further analyzes the Tosefta quoted above: Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon: Hezekiah requested compassion because he encouraged the Jewish people to perform the second Pesah. What are the circumstances, such that Hezekiah acted in this unusual manner and later regretted his decision? Rav Ashi said: It was a case where half the Jewish people were impure and half were pure. And the women among them completed the ranks of the pure and the combined total then exceeded the impure ones. A majority of the men were impure, but as most of the women were pure, if they were included in the tally the majority of the public was then pure. Hezekiah was unsure whether the women should be counted, as he was unsure if they are obligated to bring the Paschal offering.

²⁸⁵ Initially, he thought women have an obligation to participate in the first Pesah on the fourteenth of Nisan, so the minority of Jews are impure and the minority should be deferred to the second Pesah. Therefore, he deferred most of the men, as they were ritually impure, to bypass the first Pesah. In the end, he thought women are permitted but not obligated to participate in the first Pesah. So when counting only the men, the impure were the majority of those obligated to bring the offering, and the majority is not deferred to the second Pesah. Instead, they should have sacrificed the offering on the first Pesah despite their impurity. Consequently, having deferred the majority when they should not have been deferred, he regretted his decision.

²⁸⁶ § With regard to the question of intercalating the year on the thirtieth of Adar, the Gemara discusses the matter itself. Shmuel says: The court may not intercalate the year on the thirtieth day of Adar, although it is part of Adar, since it is fit to establish the day as the first of Nisan. If they intercalated the year on that day, after the fact, what is the halakha? Ulla says: The intercalation is effective and the court does not sanctify the month on that day, so that the intercalation will have been performed in Adar. The Gemara asks: If another court sanctified the month, what is the halakha? Rava says: The intercalation is void, as it turns out that the intercalation was performed in Nisan. Rav Nahman disagrees and says: The year is intercalated and the month is also sanctified, because each court has performed an independently valid function.

²⁸⁷ Rava said to Rav Nahman: Now, from Purim to Passover is thirty days, and from the time of Purim, we teach the community the halakhot of Passover. As it is taught in a baraita: The people ask questions with regard to the halakhot of Passover beginning thirty days before Passover. Rabban Shimon ben Gamliel says: They ask two weeks before Passover. If so, even during Adar, people know that Passover is approaching. And when the New Moon comes, if the court will distance the Passover holiday another month by adding another Adar at so late a date, then the people will come to treat the Passover prohibitions of leavened bread lightly, believing that the stated time of Passover is incorrect because the Sages decided the dates capriciously.

²⁸⁸ Rav Nahman said to Rava: The masses know that the intercalated year is a matter dependent upon the calculation, which is determined by a complex process. Therefore they say: It is the

calculation that did not conclusively emerge for the Sages until now, and they will therefore understand when the true date of Passover is.

²⁸⁹ § With regard to intercalation on the basis of the season, Rav Yehuda says that Shmuel says: The court intercalates the year only if the season of Tammuz, i.e., the summer, was lacking its completion for most of the month of Tishrei, meaning that the summer season had begun so late in the calendar that the autumnal equinox would occur only after most of the month of Tishrei has passed. Since the festival of Sukkot, beginning on the fifteenth of Tishrei, must fall after the autumnal equinox, a month is added to the previous year, therefore causing the summer season to end and the autumn to begin at an earlier point on the Jewish calendar. This allows Sukkot to begin after the autumnal equinox, within the season of Tishrei. And how much is: Most of the month? Sixteen days; this is the statement of Rabbi Yehuda.

²⁹⁰ Rabbi Yosei says: The year must be intercalated only if twenty-one days of Tishrei will pass before the autumnal equinox. The Gemara explains: And both of them expounded the same verse to arrive at their respective opinions: “And the Festival of the Ingathering at the turn of the year” (Exodus 34:22). They both interpret the verse to mean that the Festival of the Ingathering, which is referring to the intermediate days of Sukkot, must take place during the season of Tishrei, i.e., autumn. One Sage, Rabbi Yehuda, holds that we require all of the Festival to take place in the new season, after the equinox. And one Sage, Rabbi Yosei, holds that we require only some of the Festival, even one day, to take place in the new season, so the year must be intercalated only if the equinox would fall on the twenty-second of Tishrei or later.

²⁹¹ The Gemara asks: What do they each hold? If they hold that the day of the equinox concludes the season, meaning that it is counted as part of the preceding season, then even if the season of Tammuz is not lacking more than this number of days until its completion, the year would need to be intercalated. According to the one who says that we require all of the Festival to take place in the new season, this is not sufficient to rectify the problem, as the sixteenth of Tishrei, which is the beginning of the Festival of the Ingathering, is still in the old season. And even according to the one who says we require only some of the Festival to take place in the new season, this is also not sufficient to rectify the problem, since if the equinox occurs on the twenty-first of Tishrei, the new season begins only on the twenty-second, after the Festival of the Ingathering is over. Rather, they certainly both hold that the day of the equinox begins the new season.

²⁹² The Gemara raises an objection to this conclusion from a different baraita: The day of the equinox concludes the season; this is the statement of Rabbi Yehuda. Rabbi Yosei says: The day of the equinox begins the season. It is therefore clear that they disagree about this issue, and that the previous baraita must be explained differently.

²⁹³ And furthermore, it is taught in a baraita (Tosefta 2:7): The court intercalates the year only if the season of Tammuz was lacking its completion for most of the month of Tishrei. And how much is: Most of the month? Sixteen days. Rabbi Yehuda says: Two parts, meaning two-thirds, of the month. And how much is: Two parts of the month? Twenty days, since in that case the day of the equinox would fall on the twenty-first, and since according to Rabbi Yehuda the day of the equinox concludes the season, the new season would begin on the following day, after the Festival of the Ingathering has ended.

²⁹⁴ The baraita continues: Rabbi Yosei says: The court calculates the seasons, and if the winter season of Tevet, which is before Passover, is lacking its completion for sixteen days into the month of Nisan, the court intercalates the year, so that Passover will occur within the season of Nisan, i.e., the spring. But if the summer season of Tammuz, which is before the Festival of the Ingathering, is lacking its completion for sixteen days into the month of Tishrei, the court does not intercalate it. Rabbi Shimon says: Even if the season before the Festival of the Ingathering is lacking its completion for sixteen days into the month of Tishrei, the court does intercalate the year. The tanna referred to as Aḥerim says: The year is intercalated even on account of a minority of the month, and how much is a minority of the month? Fourteen days. The Gemara concludes: Comparing the various baraitot poses a difficulty, as they appear to contradict one another.

²⁹⁵ The Gemara analyzes the baraita: The Master said that Rabbi Yehuda says: The year must be intercalated if the season of Tammuz is lacking its completion for two parts of the month of Tishrei, which is twenty days. Rabbi Yosei says: The court calculates the seasons, and if the season of Tevet, which is before Passover, is lacking its completion for sixteen days into the month of Nisan, the court intercalates the year. The Gemara challenges: That is the same as the opinion of Rabbi Yehuda, since a calculation that shows the winter season of a given year to be lacking its completion for sixteen days of Nisan will also show the summer season of that year will be lacking its completion for twenty days of Tishrei.

²⁹⁶ The Gemara explains: The difference between them concerns the question of whether the day of the equinox concludes the season, or the day of the equinox begins the season. Rabbi Yehuda holds that the day of the equinox concludes the season, and therefore in the given scenario the year must be intercalated so that some of the Festival of the Ingathering will occur in the season of Tishrei. But according to Rabbi Yosei this is not a concern, as the day of the equinox begins the season. Nevertheless, the year must be intercalated so that Passover will occur in the season of Nisan.

²⁹⁷ The Master says: In the continuation of his statement, Rabbi Yosei said: If the summer season of Tammuz, which is before the Festival of the Ingathering, is lacking its completion for sixteen days into the month of Tishrei, the court does not intercalate the year. The Gemara challenges: Rather, according to Rabbi Yosei, if the season before the Festival is lacking its completion for sixteen days into the month of Tishrei, this is the situation when the court does not intercalate the year. But can one therefore infer that if it is lacking its completion for seventeen or eighteen days into the month of Tishrei, the court does intercalate the year?

²⁹⁸ The Gemara explains the difficulty: But doesn't he say: The court calculates the seasons, and if the winter season of Tevet, which is before Passover, is lacking its completion for sixteen days into the month of Nisan, yes, the court intercalates the year; but if it is lacking its completion for less than that, it should not be intercalated, even if the season before the Festival of the Ingathering will be lacking seventeen or eighteen days? The two elements of Rabbi Yosei's statement appear to contradict one another.

²⁹⁹ The Gemara answers: No, those inferences are not correct. Rather, in both this case and that case, the court does not intercalate the year, and since it taught in the first clause: Sixteen days before Passover, it also taught: Sixteen days before the Festival of the Ingathering, but one cannot infer from this that it means sixteen days and no more.

³⁰⁰ The baraita teaches that Rabbi Shimon says: Even if the season before the Festival of the Ingathering is lacking its completion for sixteen days into the month of Tishrei, the court does intercalate the year. The Gemara asks: If so, this is apparently the same as the opinion of the first tanna; what is the difference between Rabbi Shimon's opinion and that of the first tanna?

³⁰¹ The Gemara answers: Also here, the difference between them concerns the question of whether the day of the equinox begins the season or whether the day of the equinox concludes the season, but their opinions are not defined. Although it is apparent from the baraita that these two tanna'im disagree about this issue, it is not clear from their words which tanna ascribes to which of these opinions.

³⁰² The baraita teaches: The tanna referred to as Aḥerim says: The year is intercalated even on account of a minority of the month, and how much is a minority of the month? Fourteen days. The Gemara asks: What do Aḥerim hold? If they hold that the day of the equinox concludes the season, and also that we require all of the Festival to take place in the new season, this condition is fulfilled even if the season is lacking fifteen days. Rav Shmuel bar Rav Yitzḥak says: Aḥerim are standing in, i.e., discussing, the season of Nisan. As it is written: "Observe the month of spring and keep the Pesah" (Deuteronomy 16:1), from which it is inferred: Preserve the day of the equinox of the spring, to ensure that it will be in the month of Nisan, meaning that the equinox must occur during the first part of the month of Nisan, by the fourteenth, the day the Paschal offering is sacrificed.

³⁰³ The Gemara asks: In a situation like this, why is it necessary to intercalate the year? But let them intercalate the month of Adar by adding a day to it, and this will cause the day of the equinox to occur during the first half of Nisan. Rav Aḥa bar Ya'akov said: The tanna whom the baraita here refers to as Aḥerim calculated from the top, meaning the maximum number of days downward, and this is what he is saying: Up to a minority of the month, meaning, if the equinox would occur during the final days of Nisan, the court would intercalate the year and would also do so if the equinox would occur earlier in the month, unless it would be early enough that only a minority of the month would be in the previous season. And how much is a minority? Fourteen days. But if the equinox would occur on the fourteenth, the year is not to be intercalated, but instead a day should be added to the month of Adar.

³⁰⁴ Ravina said: Actually, it can be explained that Aḥerim are standing in the season of Tishrei, and were discussing Sukkot as opposed to Passover. Aḥerim hold that we require all of the festival of Sukkot, including the Festival on the first day, to take place in the new season. Since Sukkot begins on the fifteenth of Tishrei, the equinox must fall no later than the fourteenth. The Gemara asks: How is it possible to say that the Festival on the first day must also be in the new season? It is written: "The Festival of Ingathering" (Exodus 23:16), which is referring to the time when the crops are gathered. This can refer only to the intermediate days of Sukkot, since it is prohibited to gather crops on a Festival. The Gemara answers: They interpret the verse to mean: The Festival that comes at the time of ingathering, meaning in the autumn.

³⁰⁵ § The mishna teaches: The laying of hands by the Sages is performed by a court of three judges according to Rabbi Shimon and five according to Rabbi Yehuda. The Sages taught in a baraita: The verse states: "And the elders of the congregation shall lay their hands on the head of the bull before the Lord" (Leviticus 4:15). One might have thought that the verse is referring to any elders in the

marketplace, meaning people who are not members of the Sanhedrin. Therefore, the verse states: “Elders of the congregation,” meaning from among the leaders and judges of the people.

³⁰⁶ If it had written only “congregation,” one might have thought they may be the minor ones of the congregation, i.e., members of the lesser Sanhedrin. Therefore, the verse states: “The congregation,” which indicates the unique ones of the congregation, meaning that they must be members of the Great Sanhedrin. And how many must they be? The verse states: “Shall lay” in the plural form, which indicates a minimum of two; “elders” in the plural form, indicating another two; and as a court may not be composed of an even number of judges, they add an additional one to them, so there are five judges here; this is the statement of Rabbi Yehuda. Rabbi Shimon says: The verse states: “Elders,” indicating two, and as a court may not be composed of an even number of judges, they add an additional one to them, so there are three judges here.

³⁰⁷ The Gemara asks: But according to Rabbi Shimon, isn’t it written: “And the elders of the congregation shall lay”? This word should be included in the derivation. The Gemara answers: That word is necessary for the matter itself, to indicate that the elders of the congregation must lay their hands on the bull, and therefore it is not part of the phrase from which the number of judges is derived. The Gemara asks: And what does Rabbi Yehuda respond to this? The Gemara answers: It is not necessary to use this word for the matter itself, as if this would be so, that the phrase: “And the elders of the congregation shall lay” does not come to be interpreted, let it write: The elders of the congregation, their hands on the head of the bull, and it could be understood that the elders lay their hands on the head of the bull.

³⁰⁸ And what does Rabbi Shimon respond to this claim? The Gemara answers: If it were written so, I would say: What is the meaning of: “On [al] the head of the bull”? It means adjacent to the head of the bull, as the term *al* often means next to or nearby. And what does Rabbi Yehuda respond to this claim? He learns that the hands are placed directly on the bull’s head by means of a verbal analogy, from the word “head” in this verse and the word “head” written in the verse discussing a burnt-offering, where the halakha states that the one bringing the offering must lay his hands literally and forcefully on the animal’s head. And what does Rabbi Shimon respond to that? He does not learn this verbal analogy from the word “head” in the verse about the elders and the word “head” in the verse discussing a burnt-offering, as he did not receive this tradition from his teachers.

³⁰⁹ § The Sages taught in a baraita (Tosefta 10:15): The laying of hands and the laying of hands by the Sages are performed by three judges. What is the laying of hands, and what is the laying of hands by the Sages? It is clear that one of these terms is referring to the elders laying their hands on the bull offered for an unwitting communal sin, but what is the meaning of the other expression? Rabbi Yoḥanan says: It is referring to the ordination of elders, meaning, to appoint Sages and grant them the title Rabbi.

³¹⁰ Abaye said to Rav Yosef: From where do we derive that the ordination of elders is performed by three judges? If we say it is from the fact that it is written with regard to Moses when he appointed Joshua: “And he laid his hands on him and he commanded him” (Numbers 27:23), if so, it should be enough for one man to ordain the new Sage, as Moses ordained Joshua. And if you would say: Moses stood in place of seventy-one, meaning that no Sage in a later generation could fill the place of Moses, and only the Great Sanhedrin can fill that role, if so, then every ordination should require

seventy-one judges. The Gemara responds: The matter is difficult; there is no clear source for this halakha.

³¹¹ Rav Aḥa, son of Rava, said to Rav Ashi: Do they ordain him literally with the hand? Rav Ashi said to him: They ordain him by name by announcing it publicly; he is called: Rabbi, and they give him permission to adjudicate cases involving laws of fines.

³¹² The Gemara asks: And is it so that one man alone is not able to ordain a rabbi? But doesn't Rav Yehuda say that Rav says: Indeed [beram], that man will be remembered favorably, and Rabbi Yehuda ben Bava is his name, as had it not been for him the laws of fines would have been forgotten from among the Jewish people. The Gemara challenges that assertion: Would the laws of fines actually have been forgotten? Let them study them, so they will not be forgotten. Rather, his intention was to say that

³¹³ the laws of fines would have ceased to be implemented from among the Jewish people, as they would not have been able to adjudicate cases involving these laws due to a lack of ordained judges. This is because at one time the wicked kingdom of Rome issued decrees of religious persecution against the Jewish people with the aim of abolishing the chain of ordination and the authority of the Sages. They said that anyone who ordains judges will be killed, and anyone who is ordained will be killed, and the city in which they ordain the judges will be destroyed, and the signs identifying the boundaries of the city in which they ordain judges will be uprooted. These measures were intended to discourage the Sages from performing or receiving ordination due to fear for the welfare of the local population.

³¹⁴ What did Rabbi Yehuda ben Bava do? He went and sat between two large mountains, between two large cities, and between two Shabbat boundaries: Between Usha and Shefaram, i.e., in a desolate place that was not associated with any particular city so that he not endanger anyone not directly involved, and there he ordained five elders. And they were: Rabbi Meir, and Rabbi Yehuda, and Rabbi Shimon, and Rabbi Yosei, and Rabbi Elazar ben Shammua. Rav Avya adds that Rabbi Neḥemya was also among those ordained. This incident indicates that ordination can be performed by a single Sage.

³¹⁵ When their enemies discovered them, Rabbi Yehuda ben Bava said to the newly ordained Sages: My sons, run for your lives. They said to him: My teacher, what will be with you? Rabbi Yehuda ben Bava was elderly and unable to run. He said to them: In any case, I am cast before them like a stone that cannot be overturned; even if you attempt to assist me I will not be able to escape due to my frailty, but if you do not escape without me you will also be killed. People say about this incident: The Roman soldiers did not move from there until they had inserted three hundred iron spears [lunkhiyot] into him, making him appear like a sieve pierced with many holes.

³¹⁶ This proof is refuted: There may have been other Sages performing the ordination with Rabbi Yehuda ben Bava, who were added in order to reach the quota of three Sages, and this fact that they were not mentioned is due to the honor of Rabbi Yehuda ben Bava, who was the greatest among them. The Gemara asks: And with regard to Rabbi Meir, did Rabbi Yehuda ben Bava actually ordain him? But doesn't Rabba bar bar Ḥana say that Rabbi Yoḥanan says: Anyone who says that Rabbi Akiva did not ordain Rabbi Meir is nothing other than mistaken. The Gemara answers: Rabbi Akiva in fact ordained Rabbi Meir, but the people did not accept the appointment, as Rabbi Meir was still

very young. Therefore, some time later, Rabbi Yehuda ben Bava ordained him a second time, and they accepted it.

³¹⁷ § Rabbi Yehoshua ben Levi says: There is no ordination outside of Eretz Yisrael. The Gemara asks: What is the meaning of: There is no ordination? If we say that they may not adjudicate cases involving laws of fines at all outside of Eretz Yisrael, that is difficult: Didn't we learn in a mishna (Makkot 7a): The Sanhedrin and its authority functions both in Eretz Yisrael and outside of Eretz Yisrael? Rather, the intention is that we do not ordain judges outside of Eretz Yisrael.

³¹⁸ The Gemara comments: It is obvious that if those ordaining the new judges were outside of Eretz Yisrael, and those being ordained were inside Eretz Yisrael, we say that they may not perform the ordination. But if those ordaining the new judges were inside Eretz Yisrael, and those being ordained were outside of Eretz Yisrael, what is the halakha? May ordination be conferred from a distance in this situation?

³¹⁹ The Gemara clarifies: Come and hear a resolution to the dilemma from the fact that Rabbi Yoḥanan was distressed concerning Rav Shemen bar Abba, as the latter was not with the other Sages at the time they received the consent of the Nasi so that Rabbi Yoḥanan could ordain him. In addition, concerning Rabbi Shimon ben Zeirud and one who was with him, the Gemara interjects: And who is he? Rabbi Yoḥanan ben Akhmai. And some say that it was Rabbi Yoḥanan ben Akhmai and one who was with him; the Gemara interjects: And who is he? Rabbi Shimon ben Zeirud. The Gemara continues: Although these two Sages were equal in stature, the Sages ordained only the one who was with them in Eretz Yisrael, and they did not ordain the other one, who was not with them. This indicates that ordination can be granted only in Eretz Yisrael.

³²⁰ The Gemara relates several other incidents with regard to ordination. Rabbi Yoḥanan persistently tried to ordain Rabbi Ḥanina and Rabbi Hoshaya, as they were scholars and righteous people. But he was not successful with regard to the matter, as various incidents repeatedly interfered with his plan, and he was very distressed about this. They said to him: Do not be distressed, our Master, as we come from, i.e., are descendants of, the house of the High Priest Eli.

³²¹ As Rabbi Shmuel bar Nahman says that Rabbi Yonatan says: From where is it known that there are not to be ordained Sages from the house of Eli? As it is stated with regard to the house of Eli: "And there shall not be an elder in your house forever" (I Samuel 2:32). The Gemara explains: What is the meaning of "elder" in this verse? If we say it means an actual elder, meaning an old person, but isn't it already written: "And all those raised in your house shall die young men" (I Samuel 2:33)? Rather, the term "elder" is an honorary term for a Sage, and it means that ordination will not be granted to descendants of the House of Eli.

³²² The Gemara relates: Rabbi Zeira would habitually hide himself so that they would not ordain him. He did this due to the fact that Rabbi Elazar said: Always be obscure and remain alive, meaning the more humble and unknown you make yourself, the longer you will live. When he heard that which Rabbi Elazar also said: A person does not rise to greatness unless all his sins are forgiven, he understood that there are also benefits to greatness, and he presented himself to the Nasi in order that he would ordain him.

³²³ The Gemara relates: When they ordained Rabbi Zeira the Sages who were present at the ceremony sang to him this paean of praise traditionally sung to a bride at her wedding: She wears no blue eye shadow and no rouge on her face and no hair dye, and nevertheless she radiates grace. The

bride is described as so beautiful that she does not need any cosmetics or adornments, and metaphorically Rabbi Zeira is praised as exceptionally and recognizably qualified for his appointment. Similarly, when they ordained Rabbi Ami and Rabbi Asi, they sang to them this paean of praise: Anyone like these, anyone like these, ordain for us, as they epitomized the ideal candidate for ordination. But do not ordain for us those counted among the rags [misarmitin] or among the distorters [misarmisin]. And some say that they said: Do not ordain for us those counted among the robbers [meḥamisin] or among the trampers [miturmisin].

³²⁴ Since the songs composed for various Sages were mentioned, the Gemara also recounts that when Rabbi Abbahu would come from the yeshiva to the house of the emperor, the ladies from the emperor's house would go out and sing before him: O great one of his people, leader of his nation, illuminating candle, may your arrival be blessed in peace.

³²⁵ § The mishna teaches that the breaking of the heifer's neck is performed in front of a panel of three judges, and that Rabbi Yehuda says there must be five judges. The Sages taught in a baraita: The verse states: "And your elders and your judges shall go out and they shall measure to the cities that are around the corpse" (Deuteronomy 21:2). "Your elders" is in the plural, which indicates a minimum of two, and "your judges" is also plural, indicating another two, and as a court may not be composed of an even number of judges, they add an additional one to them, so there are five judges here; this is the statement of Rabbi Yehuda. Rabbi Shimon says: "Your elders," indicate two, and as a court may not be composed of an even number of judges, they add an additional one to them, so there are three judges here.

³²⁶ The Gemara asks: But according to Rabbi Shimon, what does he do with this extra expression: "Your judges"? The Gemara answers: He requires it to teach that these judges must be of the unique ones among your judges, meaning that they must be members of the Sanhedrin. The Gemara asks: And how does Rabbi Yehuda derive the halakha that the judges must be members of the Sanhedrin? He derives it from the fact that the verse did not merely state: "Elders," but rather: "Your elders," which indicates the elders that are unique to all of the Jewish people, meaning the Sages of the Sanhedrin.

³²⁷ And how does Rabbi Shimon respond to this claim? He holds that had the verse written only: "Elders," I would say that the verse is referring to any elders in the marketplace who are not members of the Sanhedrin. Therefore, the Merciful One writes: "Your elders." And if it was written: "Your elders," I would say that it is referring to members of a lesser Sanhedrin. Therefore, the Merciful One writes: "And your judges," to indicate that they must be of the unique ones among your judges. And how would Rabbi Yehuda respond to this claim? He learns it by means of a verbal analogy from the word "elders" written in this verse and the word "elders" written in the verse: "And the elders of the congregation shall lay their hands on the head of the bull" (Leviticus 4:15). Just as there it is referring to the unique ones of the congregation, so too here, it is referring to the unique ones among your elders.

³²⁸ The Gemara asks: If he learns this verbal analogy, he should learn all of it, i.e., the entire halakha, including the number of judges as well as their rank, from there, i.e., the verse in Leviticus, and if so why do I need the extra expressions: "Your elders" and: "And your judges"? Rather, certainly he does not accept this verbal analogy. Rather, he holds that the additional letter vav, corresponding to the word "and" in the expression: "And your judges," is there for the tally, meaning that the

expression “your judges” teaches that they must be members of the Great Sanhedrin, and the additional vav serves to add an additional two to the number of judges. And how does Rabbi Shimon respond to that? He does not expound the additional letter vav.

³²⁹ The Gemara asks: If that is so, if the verbs in the plural form are each understood as adding an additional two judges, then the expression: “And they shall go out,” in the continuation of the verse (Deuteronomy 21:2) indicates another two, and the expression: “And they shall measure,” adds another two, meaning that according to Rabbi Yehuda there should be nine judges, and according to Rabbi Shimon, seven. The Gemara answers: He needs this exposition for that which is taught in a baraita: The verse states: “And they shall go out,” to emphasize that they must go out, and not their agents, and the verse states: “And they shall measure,” to teach that this measurement is itself a mitzva, such that even if the corpse is found

³³⁰ clearly close to the city, so that there is no need to measure in order to determine the closest city, nevertheless they must involve themselves with the measurement.

³³¹ § The Gemara comments: The mishna is not in accordance with the opinion of this tanna, as it is taught in a baraita: Rabbi Eliezer ben Ya’akov says: With regard to the breaking of the neck of the heifer, the verse states: “And your elders and your judges shall go out” (Deuteronomy 21:2). “Your elders,” this is referring to the Sanhedrin; “and your judges,” this is referring to the king and the High Priest. The baraita explains the assertion that the king is called a judge, as it is written: “The king by justice establishes the land” (Proverbs 29:4), and the High Priest is also called a judge, as it is written: “And you shall come to the priests the Levites, and to the judge that will be in those days” (Deuteronomy 17:9), referring to the High Priest.

³³² A dilemma was raised before the Sages: Does Rabbi Eliezer ben Ya’akov disagree with the tanna’im of the mishna only with regard to one matter, or does he disagree with regard to two matters? Does he disagree only with regard to the requirement for the king and the High Priest to participate in the measurement, but with regard to the Sanhedrin he holds either in accordance with the opinion of Rabbi Yehuda or in accordance with the opinion of Rabbi Shimon? Or perhaps he disagrees with regard to the Sanhedrin, too, as he says we require all of the members of the Sanhedrin to participate in the measurement.

³³³ Rav Yosef said: Come and hear a solution to this dilemma from a baraita discussing the case of a rebellious elder, a Sage who publicly teaches a halakha against the ruling of the Great Sanhedrin: If the rebellious elder found the members of the Sanhedrin in Beit Pagei outside of Jerusalem and rebelled against them by rejecting their decision, one might have thought that his rebellion is deemed a rebellion and he will be liable to receive the death penalty if he instructs the public to follow his opinion. Therefore, the verse states: “And you shall arise and go up to the place that the Lord your God shall choose” (Deuteronomy 17:8), and this teaches that the location determines the authority of the Sanhedrin; to a certain extent this authority exists only when the Sanhedrin is situated in the Chamber of Hewn Stone, adjacent to the Temple.

³³⁴ The Gemara clarifies: In the case discussed in the baraita, how many members of the Sanhedrin went out to Beit Pagei? If we say that only some of them went out, there is no significance in such a ruling issued by the rebellious elder, as perhaps those who are inside the Chamber of Hewn Stone are the majority and hold in accordance with his opinion; in which case he certainly would not be deemed a rebellious elder. Rather, it is obvious that they all went out. And for what reason did they

go out? If we say that they did so for an optional matter, may they go out? But isn't it written: "Your navel is like a round goblet wherein no blended wine is lacking" (Song of Songs 7:3), from which it is inferred that the Sanhedrin sit in a half-circle, and there must never be more than two-thirds of them lacking, as this is the measure of wine blended in water. Rather, since the Sanhedrin may not leave the chamber unnecessarily, it is obvious that they went out for a matter relating to a mitzva.

³³⁵ What are the circumstances? Is it not that they went out to measure the distance between a murder victim and the nearest city, in order to perform the ritual of the breaking of the neck of the heifer, and it is in accordance with the opinion of Rabbi Eliezer ben Ya'akov, from which it can be deduced that he says: We require all of the Sanhedrin to participate? Abaye said to him: No, that cannot be proven from here, as perhaps it is a case where they went out to extend the city of Jerusalem or the courtyards of the Temple, as we learned in the mishna: They may extend the city or the courtyards of the Temple only in accordance with the ruling of a court of seventy-one judges.

³³⁶ It is taught in a baraita in accordance with the opinion of Rav Yosef: If he found them in Beit Pagei and rebelled against them, such as in a situation where they went out to measure the distance between a murder victim and the nearest city, in order to perform the ceremony of the breaking of the neck of the heifer or to extend the city or the courtyards, one might have thought that his rebellion is deemed a rebellion. Therefore, the verse states: "And you shall arise and go up to the place," which teaches that the location determines the authority of the Sanhedrin. This proves that there is a tanna who maintains that all of the members of the Sanhedrin must participate in the measurement.

³³⁷ § The mishna teaches: Valuations of the fruits of a fourth-year sapling or second-tithe produce in cases where their value is not known is performed by three judges. The Sages taught in a baraita: What is the second tithe whose value is not known and requires a special court to assess it? This is fruit that has decomposed, and wine that has developed a film, and coins that have become rusted and cannot be traded at full value. Therefore, there is a need for expert assessment. The Sages taught in another baraita: The second tithe whose value is not known may be redeemed by three purchasers, i.e., experts in trade, but not by three ordinary people who are not purchasers. This may be done even if one of them is a gentile, and even if one of them is the owner.

³³⁸ Rabbi Yirmeya asks: Concerning three people who deposit their funds into one single purse, meaning they are partners in expenses and profits, what is the halakha? With regard to valuations, are they considered as three people or as one? The Gemara answers: Come and hear a solution to the matter from a baraita: A man and his two wives may redeem produce of the second tithe where its value is unknown. It is apparent that three partners are considered a court for this matter. The Gemara rejects this proof: Perhaps this was a case of a marriage with special arrangements, such as that between Rav Pappa and his wife, the daughter of Abba of Sura. Rav Pappa and his wife handled their finances independently; she had her own property and was responsible for her own expenses.

³³⁹ § The mishna teaches that the valuation of consecrated property is performed by three judges. The Gemara comments: The mishna is not in accordance with the opinion of this tanna, as it is taught in a baraita: Rabbi Eliezer ben Ya'akov says: Even a simple item such as a small fork of consecrated property requires a valuation by ten people in order to redeem it.

³⁴⁰ Rav Pappa said to Abaye: Granted, the opinion of Rabbi Eliezer ben Ya'akov can be understood, since what he says is in accordance with the opinion of Shmuel. As Shmuel says: Ten priests are written in this Torah portion, meaning the word "priest" appears ten times in the passage discussing

consecrated property and redeeming consecrated property (Leviticus, chapter 27). For each time the word “priest” is stated, a judge is added to the court that must endorse the calculation of the redemption, leading to a total of ten judges. But according to the opinion of the Rabbis, from where do they derive a requirement for three judges?

³⁴¹ And if you would say that the word “priest” is written with regard to them, i.e., with regard to the specific halakha of redeeming a consecrated animal, which can be generalized to any case of movable property, only three times (Leviticus 27:11–12), then in a case of redeeming land, with regard to which the word “priest,” is written four times (Leviticus 27:14, 18, 23), it should be enough to perform the valuation in a court of four judges. And if you would say: Indeed that is the case, why did we learn in the mishna that the valuation of consecrated land is performed by nine judges and one priest?

³⁴² Rather, what would you say? That the count of ten instances of the word “priest” written in the section is completed with these, meaning that there is a cumulative calculation of all mentions of the word since the beginning of the passage? If so, concerning consecrated items such as animals, given that a similar cumulative count of six is completed with them, they should require six judges to perform the valuation. The Gemara concludes: Indeed, the matter is difficult.

³⁴³ § The mishna teaches that the valuations that are movable property are performed by three judges. The Gemara asks: What is the meaning of: Valuations that are movable property? The term: Valuations, generally is referring to a unique type of calculation in which one vows to contribute the value of a person, according to the set amounts explicitly stated in the Torah (see Leviticus 27:1–8). This type of calculation does not apply to property, so to what does the mishna refer? Rav Giddel says that Rav says: The mishna was discussing a case where one says: The valuation of this utensil is incumbent upon me to contribute. As Rav Giddel says that Rav says:

³⁴⁴ With regard to one who says: The valuation of this utensil is incumbent upon me to donate, he must give the monetary value of the utensil to the Temple treasury. What is the reason for this halakha? A person knows that a utensil has no valuation, i.e., that the term valuation is not relevant to a utensil, and therefore it must be that he decided to donate money and says this expression as a reference to its monetary value, using the term imprecisely. Due to that reason, he gives its monetary value. The Gemara challenges: According to this explanation, this term: Valuations that are movable property, is not precise; the tanna should have used the term: Valuations of movable property. The Gemara answers: Emend the statement and teach: Valuations of movable property.

³⁴⁵ Rav Ḥisda says that Avimi says a different explanation: Rav’s statement is discussing one who associates the object of his vow with movable property for the valuation. In other words, he took a vow to pay a valuation, and did not have actual money to pay the vow, so he consecrates movable property for this purpose. This property is then appraised by three experts. The Gemara challenges: According to this explanation, this term: Valuations that are movable property, is not precise; the tanna should have used the term: Movable property of valuations. The Gemara answers: Emend the statement and teach: Movable property of valuations.

³⁴⁶ Rabbi Abbahu says: Rav’s statement is discussing a case of one who says: My monetary valuation is incumbent upon me to donate. If the priest came to collect movable property from him to pay the vow, it must be evaluated by three experts, and if he came to collect land it must be evaluated by ten. Rav Aḥa of Difti said to Ravina: Granted, to take out property from consecration by

redeeming it we require a panel of three experts, because if an error is made in the calculation, this will lead to the sin of misuse of consecrated property. But to elevate property to the status of consecration, why do I need three judges?

³⁴⁷ Ravina said to him: This is based on logical reasoning: What difference is it to me if he is elevating the property to consecration, and what difference is it to me if he is removing it? If he is removing it, what is the reason a court is needed? It is because perhaps he will err and set a price that is too low. When he is elevating it to consecration there is also a concern that perhaps he will err and cause a loss for the Temple treasury.

³⁴⁸ § The mishna teaches that Rabbi Yehuda says that when calculating the valuation of consecrated property, one of the people consulted must be a priest. Rav Pappa said to Abaye: Granted, according to the opinion of Rabbi Yehuda, this is understandable, as it is written in the Torah portion about redeeming consecrated property: “Priest” (see, e.g., Leviticus 27:14). But according to the opinion of the Rabbis, who say that any person is fit for this, why do they need the word “priest”? The Gemara concludes: Indeed, the matter is difficult.

³⁴⁹ § The mishna teaches that valuations of consecrated land are to be made by nine judges and one priest. The Gemara asks: From where is this matter derived? Shmuel says: Priests are written in this Torah portion ten times (Leviticus, chapter 27). One instance of the word “priest” is for the matter itself, i.e., to teach that there is a need for a priest. These other instances of the word are a restrictive expression following a restrictive expression, as every additional instance of “priest” is a restrictive term. And there is a hermeneutical principle that a restrictive expression following a restrictive expression serves only to amplify and include other matters, in this case teaching that even nine Israelites and one priest may perform the valuation.

³⁵⁰ Rav Huna, son of Rav Natan, objects to this explanation: According to the principle that a restrictive expression following a restrictive expression serves only to amplify, say that the procedure should require five priests and five Israelites, as the first incidence of the word “priest” indicates an actual priest, the second time the term serves to amplify and teach that even an Israelite is fitting, and then the third time it again indicates specifically a priest. According to this analysis, the final result would require five priests and five Israelites. The Gemara concludes: Indeed, it poses a difficulty.

³⁵¹ § The mishna teaches that just as the valuation of consecrated land is performed by nine judges and one priest, the valuation of a person for the purpose of a vow is performed in a similar manner. The Gemara asks: Can a person be consecrated? It is not possible to consecrate a person, and therefore it is unclear what sort of valuation would be necessary. Rabbi Abbahu says: The mishna is referring to one who says: My monetary value is incumbent upon me to donate to the Temple treasury. As it is taught in a baraita: With regard to one who says: My monetary value is incumbent upon me, the court appraises him as a slave who is sold in the market, and the price that would be paid for him as a slave is the amount he must give to the Temple treasury. And as a slave is compared to land with regard to halakhot of transactions, the valuation is performed by a panel of nine experts and a priest, as is done when land is appraised.

³⁵² Rabbi Avin raises a dilemma: With regard to a person’s hair that was consecrated and which is ready to be shorn, by how many judges is the appraisal made? Is such hair deemed similar to hair that has already been shorn, and accordingly it is appraised like other movable property, i.e., by three judges, or is it considered as hair still attached to the body and accordingly appraised by ten judges?

³⁵³ The Gemara suggests: Come and hear a resolution of the dilemma from a baraita: Concerning one who consecrates his slave, a person who derives benefit from the slave is not liable for misuse of consecrated property, since the slave's body does not become consecrated. Rabban Shimon ben Gamliel says: One who derives benefit from the slave's hair is liable for misuse of consecrated property. And we maintain that it is with regard to hair that is ready to be shorn that they disagree. The Gemara concludes: Learn from here that the question of whether such hair is viewed as already shorn is a dispute between tanna'im.

³⁵⁴ The Gemara suggests: Let us say that the opinion of these tanna'im is like the opinion of those tanna'im. As we learned in a mishna (Shevuot 42b): Rabbi Meir says: There are entities that are like land in one aspect, and are not like land in other aspects; and the Rabbis do not concede to him. How so? If one said to another: I gave you ten vines laden with grapes and I want to receive their value, and the other says: There were only five, Rabbi Meir deems the defendant liable to take an oath, in accordance with the halakha concerning one who admits to part of a claim. And the Rabbis say: Any item that is attached to the land is viewed as the land itself, and the halakha is that there is no oath in cases of claims with regard to land.

³⁵⁵ And Rabbi Yosei bar Ḥanina says: In this mishna, we are dealing with grapes that are ready to be picked. One Sage, Rabbi Meir, holds they are considered as grapes that have been picked, i.e., movable property, and one Sage, the Rabbis, holds they are not considered as grapes that have been picked. This suggestion is rejected: No, this cannot be proven from here, as you may even say that the opinion of the Rabbis with regard to the hair is similar to the opinion of Rabbi Meir in the mishna. Only there, with regard to the vines, Rabbi Meir says that they are viewed as already picked, because the more he leaves them on the vine, the more they become lean and deteriorate. Consequently, the grapes are viewed as picked. But in the case of his hair, the more he leaves it on his head the more it improves, as longer hair has a greater value. Consequently, it cannot be said that hair that is ready to be shorn is viewed as already shorn.

³⁵⁶ § The mishna teaches that cases of capital law are judged by twenty-three judges, and that an animal that copulated with a person is also judged by twenty-three judges. The Gemara comments: The mishna categorically teaches this halakha, indicating that there is no difference if this was an ox that copulated with a male, and there is no difference if it was an ox that copulated with a female. The Gemara asks: Granted, the source for this halakha is clear in the case where it copulated with a female, as it is written explicitly: "And if a woman approaches any animal and lies down with it, you shall kill the woman and the animal" (Leviticus 20:16). But with regard to an ox that copulated with a male, from where do we derive that the animal is to be killed?

³⁵⁷ The Gemara answers: As it is written: "Whoever lies with an animal shall be put to death" (Exodus 22:18). If this verse is not needed for the matter of the one who actively lies with the animal, i.e., a male who sexually penetrates the animal, apply it to the matter of the one who causes the animal to lie with him, by being penetrated by the animal. There is another verse (Leviticus 20:15) that explicitly addresses a man penetrating the animal sexually; this verse from Exodus is therefore understood to be referring to the case where he causes the animal to penetrate him. And the Merciful One brought this forth using the active term "lies," to compare one who causes the animal to lie with him to one who actively lies with the animal, in order to teach that just as in a case of one who lies

with an animal, he and his animal are to be judged by twenty-three judges, so too, in the case of one who causes an animal to lie with him, he and his animal are to be judged by twenty-three judges.

³⁵⁸ § The mishna teaches that an ox that is to be stoned is judged by twenty-three judges, as it is stated: “The ox shall be stoned and also its owner shall be put to death” (Exodus 21:29). From this verse it is derived that just as the manner of the death of the owner, so is the manner of the death of the ox. Consequently, it follows that twenty-three judges are necessary to adjudicate the case of the ox that is to be stoned. Abaye said to Rava: From where do we know that this phrase: “And also its owner shall be put to death,” comes to teach that just as the manner of the death of the owner, so is the manner of the death of the ox?

³⁵⁹ Why not say instead that it comes to teach that the owner of the ox is liable to receive the death penalty? Rava responded: If so, let it write in the same verse only: “The ox shall be stoned and also its owner,” and let it be silent and not add more. It would be clear that the owner is also to be put to death. Since the verse added the explicit term: “Shall be put to death,” it is clear that the intention is to teach that just as the manner of the death of the owner, so is the manner of the death of the ox.

³⁶⁰ Abaye said: Had the Merciful One written the verse in this manner, I would say that the owner is executed by stoning. The Gemara rejects this: Would it enter your mind to say he should be executed by stoning? If he killed the person himself he would be executed by the sword, which is deemed a lighter punishment; if his property killed the victim, could he be given the more severe execution by stoning?

³⁶¹ The Gemara asks: But perhaps this term that the Merciful One wrote: “Shall be put to death,” is to be lenient with him, to remove his sentence from the category of execution by the sword and instead to sentence him to death by strangulation. This works out well according to the one who says that strangulation is more severe than the sword. According to that opinion there is no place for such a claim, as the punishment is certainly not more severe than that of an actual murderer. But according to the one who says that strangulation is a lighter punishment, what is there to say?

³⁶² The Gemara responds: It would not enter your mind to think this, as it is written: “If a ransom be placed upon him, then he shall give for the redemption of his life whatever is placed upon him” (Exodus 21:30), and if it enters your mind to say that he is liable to receive the death penalty, that verse would not be understood, for the following reason: But isn’t it written: “You shall take no ransom for the life of a murderer who was convicted to die, for he shall be put to death” (Numbers 35:31)? Since in this case there is a ransom payment, it is clear that there is no actual death penalty involved.

³⁶³ This line of reasoning is rejected: On the contrary, the additional phrase in the verse is necessary due to this argument itself. If one killed a person himself, it would not be enough for him to make a payment of money; he must be punished only with actual execution. But if his ox killed someone, I would say he should redeem himself with money, but that if he does not pay money, he would receive the death penalty. Rather, the matter cannot be decided on the basis of these verses, and it must be proven by what Ḥizkiyya says, and so the school of Ḥizkiyya taught this baraita: The verse states: “He that struck him shall be put to death; he is a murderer” (Numbers 35:21), from which it is inferred: You execute him for his act of murder, but you do not execute him for his ox’s act of murder.

³⁶⁴ A dilemma was raised before the Sages: By how many judges would an ox at Mount Sinai have been judged? At the time of the giving of the Torah it was forbidden to ascend onto Mount Sinai, as it is written: “No hand shall touch him, but he shall be stoned or shot through; whether animal or man, it shall not live” (Exodus 19:13). If an ox did ascend the mountain, how many judges would be necessary to sentence it to execution by stoning? The Gemara explains the question: Do we derive a halakha that applies only to a specific time from a halakha that applies for all generations, and accordingly any animal that is to be stoned is judged by twenty-three judges; or not? The Gemara answers: Come and hear a solution from that which Rami bar Yehezkel taught: The verse states: “Whether animal or man it shall not live.” The comparison serves to teach that just as a person is judged by twenty-three judges, so too an animal is judged by twenty-three judges.

³⁶⁵ § The mishna records a dispute with regard to the judgment of a lion or a wolf: Does this judgment require twenty-three judges? Reish Lakish says: And that dispute concerns a lion or wolf that has killed a person. But if they have not killed, then no, they may not be executed. Apparently, Reish Lakish holds that they have the capability of being tamed and domesticated, and consequently they might have owners, so it is not permitted to kill them without due cause. And Rabbi Yoḥanan says: The dispute applies even if they have not killed. Apparently, Rabbi Yoḥanan holds that they do not have the capability of being tamed, and therefore they do not have owners.

³⁶⁶ We learned in the mishna: Rabbi Eliezer says: Anyone who kills them first merits. Granted, according to the opinion of Rabbi Yoḥanan, what does he merit? It can be explained that he merits, i.e., acquires, their hides; since these animals are by definition ownerless, whoever kills them first may take the hide for himself. But according to the opinion of Reish Lakish, what does he merit? Since according to Reish Lakish the mishna is discussing a case where they have already killed, the Sages made their status equivalent to those whose verdicts have been issued in court, and oxen that are stoned are items from which deriving benefit is prohibited.

³⁶⁷ The Gemara answers: What is the meaning of: Merits, according to Reish Lakish? It means that he merits according to Heaven, meaning that he has performed a mitzva by destroying a harmful animal. The Gemara relates: It is taught in a baraita in accordance with the opinion of Reish Lakish (Tosefta 3:1): Both an ox that killed and a different domesticated animal or undomesticated animal that killed are sentenced by twenty-three judges. Rabbi Eliezer says: An ox that killed is sentenced by twenty-three judges, but with regard to other domesticated animals and undomesticated animals that killed, anyone who kills them first merits, with that act, according to Heaven. It is therefore apparent that the disagreement concerns only animals that have killed, and that, as Reish Lakish explained, the term: Merits, indicates only a moral achievement but not a financial acquisition.

³⁶⁸ § The mishna states that with regard to these dangerous animals, Rabbi Akiva says: Their death is decreed by twenty-three judges. The Gemara asks: The opinion of Rabbi Akiva is identical to the opinion of the first tanna; what is the novelty of his statement? The Gemara answers: The difference between them relates to the halakha concerning a snake. According to the first tanna, a snake is also sentenced by twenty-three judges, whereas Rabbi Akiva holds that all domesticated and undomesticated animals other than snakes are included in this requirement.

³⁶⁹ § The mishna teaches that the court judges cases involving an entire tribe that sinned only in the Great Sanhedrin, consisting of seventy-one judges. The Gemara asks: With regard to this tribe that sinned, in what way did it sin? If we say that it was a tribe that transgressed most prohibitions, e.g.,

they desecrated Shabbat, this is difficult. There is a source to say that the Merciful One distinguishes between individuals and multitudes with regard to idol worship, as there is a special halakha with regard to an idolatrous city. But with regard to other mitzvot, does He distinguish between individuals and multitudes? Rather, it must be that the mishna is discussing a tribe that was subverted and which engaged in idol worship.

³⁷⁰ The Gemara asks: Is this to say that we judge such a tribe with the halakha of a multitude, meaning that an entire idolatrous tribe is subject to the same treatment as an idolatrous city? If so, in accordance with whose opinion is the mishna? It is not in accordance with the opinion of Rabbi Yoshiya, and not in accordance with the opinion of Rabbi Yonatan. As it is taught in a baraita: How many people in a city must engage in idol worship for it to be designated as an idolatrous city? From ten until one hundred people; this is the statement of Rabbi Yoshiya. Rabbi Yonatan says: From one hundred people until a majority of a tribe.

³⁷¹ And it is therefore apparent that even Rabbi Yonatan, who allows a larger community to be declared an idolatrous city, said this only with regard to a majority of the tribe at most, but if it was all of the tribe that was idolatrous, then the halakha of an idolatrous city does not apply. Rav Mattana said: Here, in the mishna,

³⁷² we are dealing with the Nasi of a tribe who has sinned. Doesn't Rav Adda bar Ahava say: The verse states: "They shall bring every great matter to you" (Exodus 18:22), meaning: Matters of a great one, i.e., in any case where a great person is accused of a transgression whose punishment is death, he is tried by the Great Sanhedrin of seventy-one judges. And this Nasi of the tribe is also a great one, so his trial is by seventy-one judges.

³⁷³ Ulla said that Rabbi Elazar said a different explanation: The mishna discusses a case where two tribes came to adjudicate a dispute about matters of inheritance, i.e., territory claimed by each tribe on the border between them, and this dispute is handled by the Great Sanhedrin consisting of seventy-one judges, as was done at the beginning of the settlement in Eretz Yisrael during the time of Joshua. Just as the beginning, the initial division, was performed by seventy-one Elders of the congregation, so too here, when there is a dispute about the borders determined by that initial division, the case is adjudicated by the seventy-one judges of the Great Sanhedrin.

³⁷⁴ The Gemara asks: If this logic is employed, then just as the beginning was performed by casting lots [kalpei], with the Urim VeTummim, and with all of the Jewish people present, so too here, in a dispute between tribes, there should be a need for lots, the Urim VeTummim, and the presence of all of the Jewish people. Since this is not required by halakha, it is apparent that a border dispute between tribes need not be adjudicated using the same procedures as the original division of the inheritances. Consequently, there is no reason to require seventy-one judges. Rather, it is clear that this must be explained in accordance with the explanation of Rav Mattana, who says that the mishna is discussing the Nasi of a tribe who has sinned.

³⁷⁵ Ravina said: The mishna is actually discussing a tribe that was subverted and which engaged in idol worship, and with regard to that which poses a difficulty for you, the question of whether we judge such a tribe with the halakha of a multitude, it can be answered: Yes, although we execute them as individuals by stoning, and their money is not confiscated, nevertheless we judge them in a court of the multitude, i.e., each one of them is tried by the Great Sanhedrin.

³⁷⁶ Ravina continues: Doesn't Rabbi Hama, son of Rabbi Yosei, say that Rabbi Oshaya says: The verse that discusses an individual who serves idol worship states: "And you shall take out that man or that woman who did that evil thing to your gates, even the man or the woman, and you shall stone them until they die" (Deuteronomy 17:5), and it is inferred: You take out a man or a woman to your gates to judge them in the court that is located at the gates of the city, which is a lesser Sanhedrin, but you do not take out an entire city to your gates; rather they are to be judged by the large court. Here also with regard to a tribe that has sinned: You take out a man or a woman to your gates, but you do not take out the entire tribe to your gates; rather they are judged by a court of seventy-one.

³⁷⁷ § The mishna teaches that a false prophet may be judged only by the Great Sanhedrin, consisting of seventy-one judges. The Gemara asks: From where is this matter derived?

³⁷⁸ Rabbi Yosei, son of Rabbi Hanina, says: It is derived by means of a verbal analogy, with the meaning of presumptuousness stated in the context of a false prophet learned from presumptuousness stated in the context of a rebellious elder. With regard to a false prophet the verse states: "But the prophet who shall speak a word presumptuously in My name, which I have not commanded him to speak, or who shall speak in the name of other gods, that prophet shall die" (Deuteronomy 18:20), and with regard to a rebellious elder it states: "And the man that acts presumptuously, by not listening to the priest that stands to minister there before the Lord your God, or to the judge, that man shall die" (Deuteronomy 17:12). Just as there, with regard to a rebellious elder, he is presumptuous against a court of seventy-one judges, so too here, with regard to a false prophet, he is judged by a court of seventy-one judges.

³⁷⁹ The Gemara challenges: But when presumptuousness is written with regard to a rebellious elder, it is written with regard to the death penalty, and a death sentence may be issued by a court of twenty-three judges. Rather, Reish Lakish said: It is derived by means of a verbal analogy, with the meaning of the term word stated in the context of a false prophet learned from the term word, used when describing the rebellious elder's rebellion. The rebellious elder transgresses by violating the mitzva: "And you shall do according to the word that they will tell you" (Deuteronomy 17:10), and with regard to the false prophet the verse states: "Who shall speak a word presumptuously in My name" (Deuteronomy 18:20). Just as the rebellious elder rebels against a court of seventy-one judges, so too, a false prophet who speaks a word that is not in the name of God is sentenced to death by a court of seventy-one judges.

³⁸⁰ The Gemara asks: And let the halakha of a rebellious elder return, and let it be derived by means of a verbal analogy, with the meaning of presumptuousness stated in the context of a rebellious elder learned from presumptuousness stated in the context of a false prophet, to indicate that a rebellious elder is also sentenced by a court of seventy-one judges. The Gemara answers: This tanna derives halakhot through the verbal analogy comparing the terms word and word, but he does not derive halakhot through a verbal analogy between the terms presumptuousness and presumptuousness, as he did not receive it as an authentic tradition.

³⁸¹ § The mishna teaches that the High Priest may be judged only by the Great Sanhedrin, consisting of seventy-one judges. The Gemara asks: From where is this matter derived? Rav Adda bar Ahava says that the verse states: "They shall bring every great matter to you" (Exodus 18:22). This means that Moses, or the Great Sanhedrin with seventy-one judges, which served the parallel role to that of Moses, adjudicates all matters relating to a great one, i.e., the High Priest.

³⁸² The Gemara raises an objection to this from a baraita: The verse states: “They shall bring every great matter to you,” which is interpreted to mean that a difficult matter is judged by the Great Sanhedrin. The baraita asks: Do you say that the verse is actually referring to a difficult matter, or is it only referring to the matters relating to a great one? The baraita answers: When it states in a different verse that Moses implemented Yitro’s advice: “They brought the difficult matter to Moses” (Exodus 18:26), a difficult matter is stated explicitly. As Moses was following the directive of Yitro, it is therefore apparent that the term “great matter” is referring to a difficult matter.

³⁸³ The Gemara answers: Rav Adda bar Ahava states his opinion in accordance with the opinion of that other tanna, as it is taught in a different baraita: The meaning of “great matter” in the verse is matters relating to a great one. The baraita asks: Do you say that it is referring to matters relating to a great one, or is it only referring to a difficult matter? The baraita explains: When it says further on: “They brought the difficult matter to Moses,” a difficult matter is stated, so how do I realize the meaning of “great matter”? It is referring to matters relating to a great one.

³⁸⁴ The Gemara asks: And as for this tanna in the first baraita who maintains that “great matter” and “difficult matter” are referring to the same halakha, why do I need two verses to express the same idea? The Gemara answers: One is for the command in general, and one is to state that the execution of the matter was carried out correctly. And why does the other tanna not accept this explanation? The Gemara explains: He would claim that if so, if both verses were actually referring to the same thing, let it write either “great” in one verse and “great” in the other, or “difficult” in one verse and “difficult” in the other. What is the significance of writing “great” in one verse and what is the significance of writing “difficult” in the other? Conclude two conclusions from it; one verse is referring to difficult matters and the other to matters relating to a great one.

³⁸⁵ Rabbi Elazar asked: If the ox of a High Priest killed a person, by how many judges is it sentenced? Do we compare it to a trial that could result in the death of its owner, the High Priest, which would have to be judged by seventy-one judges, or perhaps we compare it to a trial that could result in the death of owners in general, which could be judged by twenty-three judges? Abaye said: Since he asked the question only with regard to the High Priest’s ox, where there is a specific reason to say that its judicial proceedings should have the same halakhot as those concerning its owner, by inference it can be derived that it was obvious to him that court hearings related to the High Priest’s other property may be deliberated by an ordinary court.

³⁸⁶ The Gemara asks: Isn’t that obvious? Why should it not be so? The Gemara answers: Abaye needed to clarify this, lest you say that since it writes: “Every great matter,” one might have thought that the verse is referring to all matters relating to a great one, meaning that any case involving the High Priest is adjudicated by the Great Sanhedrin. Therefore, Abaye teaches us that this is not the halakha.

³⁸⁷ § The mishna teaches that the king may bring the nation out to an optional war only on the basis of a court of seventy-one judges, i.e., the Great Sanhedrin. The Gemara asks: From where is this matter derived? Rabbi Abbahu says: It is as the verse states with regard to the appointment of Joshua: “And he shall stand before Elazar the priest, and he shall ask counsel of the Urim before the Lord; by his word they shall go out, and by his word they shall come in, he and all of the children of Israel with him and all of the congregation” (Numbers 27:21).

³⁸⁸ Rabbi Abbahu analyzes the end of the verse. With regard to the word “he,” this is the king, referring to Joshua and to any other leader who brings the nation out to war. With regard to the word “him” in the verse “And all of the children of Israel with him,” this is the priest anointed for war, who was anointed specially to stand and instruct the people before the war (see Deuteronomy 20:2). “And all of the congregation”; this is the Sanhedrin. Consequently, the king can embark on an optional war only if the Great Sanhedrin is present and grants authority to him.

³⁸⁹ The Gemara challenges: But perhaps this mention of the Sanhedrin simply means that the Merciful One says that the Sanhedrin may ask a question of the Urim VeTummim, as may the king or the priest anointed for war, as opposed to an ordinary person; but with regard to the decision to go to war, perhaps the king may do so without the agreement of the Sanhedrin.

³⁹⁰ Rather, the proof is like that which Rav Aḥa bar Bizna says that Rabbi Shimon Ḥasida says: A lyre hung above David’s bed, and once midnight arrived, the northern midnight wind would blow on it and cause the lyre to play on its own. David would immediately rise from his bed and study Torah until the dawn arrived. Once dawn arrived, the Sages of Israel would enter to advise him with regard to the various concerns of the nation and the economy.

³⁹¹ One time they said to him: Our master the king, your nation, Israel, requires sustenance. King David said to them: Go and sustain one another, i.e., provide each other with whatever is lacking. The Sages said to him in response, citing a parable: A single handful [hakometz] of food does not satisfy a lion, and a cistern will not be filled merely from the rain that falls directly into its mouth, but other water must be channeled in. So too, the nation cannot sustain itself using its own resources. King David then told them: Go and take up arms with the troops in battle in order to expand our borders and provide our people with the opportunity to earn a livelihood.

³⁹² The Sages immediately sought advice from Ahithophel to determine whether or not it was appropriate to go to war at that time and how they should conduct themselves; and they consulted the Sanhedrin in order to receive the requisite permission to wage a war under those circumstances; and they asked the Urim VeTummim whether or not they should go to war, and whether or not they would be successful. Rav Yosef says: What is the verse from which this aggada is derived?

³⁹³ It is: And after Ahithophel was Benaiah, son of Jehoiada; and Ebiathar; and the general of the king’s army, Yoav (see I Chronicles 27:34). The individuals named in this verse correspond to the roles in the aggada as follows: Ahithophel is the advisor whose counsel they sought first with regard to going to war, and so it says: “Now the advice of Ahithophel, which he counseled in those days, was like that of a man who inquires of the word of God; so was the counsel of Ahithophel both with David and with Absalom” (II Samuel 16:23). And Benaiah, son of Jehoiada corresponds to the Sanhedrin, since he was the head of the Sanhedrin, and Ebiathar corresponds to the Urim VeTummim, as Ebiathar, son of Ahimelech the priest would oversee inquiries directed to the Urim VeTummim (see I Samuel 23:9).

³⁹⁴ And so it says with regard to the position of Benaiah, son of Jehoiada, as head of the Sanhedrin: “And Benaiah, son of Jehoiada, was over the Kereti and over the Peleti” (II Samuel 20:23). And why was the Sanhedrin called Kereti and Peleti? It was called Kereti because they were decisive [shekoretin] in their pronouncements. It was called Peleti because their actions and wisdom were wondrous [shemufla’in], as Peleti and mufla’in share the same root. According to the order of the verse, upon being instructed by King David to go to war, the Sages first consulted with Ahithophel,

then with the Sanhedrin, and then they would ask the Urim VeTummim; and only thereafter was the general of the king's army, Yoav, given the command to ready the army for battle.

³⁹⁵ Rabbi Yitzḥak, son of Rav Adda, and some say Rabbi Yitzḥak bar Avudimi, said: What is the verse from which it is derived that David's lyre would awaken him at midnight? "Awake, my glory; awake, harp and lyre; I will awaken the dawn" (Psalms 57:9). This means that the self-playing lyre has already awoken, and now I must engage in Torah study until dawn.

³⁹⁶ § The mishna teaches: They may extend the city of Jerusalem or the courtyards of the Temple only on the basis of a court of seventy-one judges. The Gemara asks: From where is this matter derived? Rav Shimi bar Ḥiyya says: The verse states: "According to all that I show you, the pattern of the Tabernacle and the pattern of all its vessels, and so shall you do" (Exodus 25:9). "And so shall you do" means for future generations; just as the Tabernacle was fashioned in all of its details according to Moses' instructions, so too later, the Temple is fashioned according to the instructions of the Great Sanhedrin, whose members stand in place of Moses.

³⁹⁷ Rava raises an objection from a baraita: With regard to all of the utensils that Moses fashioned, their anointment with the sacred oil is what consecrates them, rendering them fit for service in the Tabernacle. From that point forward, i.e., in future generations, there is no need for anointment, but rather their service in and of itself dedicates them, meaning that when they are used for the first time in sacred service they become consecrated. Rava explains the objection: And why is this so? Let us say instead that since the verse states: "And so shall you do," this teaches that it must be done for future generations as in the Tabernacle, and therefore anointment with sacred oil should be required in the Temple as in the Tabernacle.

³⁹⁸ The Gemara answers: It is different there, as the verse states: "And it came to pass on the day that Moses completed erecting the Tabernacle that he anointed it and sanctified it and all its vessels, and the altar and all its vessels, and he anointed them and he sanctified them" (Numbers 7:1). The verse emphasizes that he sanctified "them," and from this it is inferred that only those utensils need sanctification by anointment, but for future generations there is not a requirement of sanctification by anointment.

³⁹⁹ The Gemara asks: And say instead: Those vessels require sanctification specifically by anointment, but for future generations it could be done either by anointment or by service. Rav Pappa says: The verse states with regard to this: "And they shall take all service vessels with which they shall serve in the sanctuary" (Numbers 4:12). The verse renders it dependent upon service, meaning that the service is what sanctifies them.

⁴⁰⁰ The Gemara asks: But if so, why do I need the extra word "them"? This emphasis seems superfluous. The Gemara answers: Had the verse not added the word "them," I would say: For future generations the sanctification is accomplished by anointment and by service together, as it is written: "And so shall you do." Therefore, the Merciful One writes "them," to teach: They alone are consecrated by anointment, but for future generations the vessels are not consecrated by anointment.

⁴⁰¹ § The mishna teaches that they may appoint a lesser Sanhedrin for the tribes only on the basis of a court of seventy-one judges. The Gemara asks: From where do we derive this matter? The Gemara answers: It is as we find with regard to Moses, who established lesser courts for all of the people (see Exodus 18:25–26), and Moses stands in place of the seventy-one judges on the Great Sanhedrin.

Consequently, a lesser Sanhedrin that stands at the head of a tribe is appointed by the Great Sanhedrin.

⁴⁰² The Sages taught in a baraita: From where is it derived that society must establish judges for the Jewish people? The verse states: “You shall place judges and officers over you in all of your gates that the Lord your God gives you for your tribes, and they shall judge the people with righteous judgment” (Deuteronomy 16:18). From where is it derived that society must also establish officers for the Jewish people? The same verse states: “You shall place judges and officers.” From where is it derived that society must also establish judges not only for the entire Jewish people but also for each and every tribe? The verse states: “You shall place judges and officers...for your tribes.” From where is it derived that society must also establish officers for each and every tribe? The same verse states: “You shall place judges and officers...for your tribes.”

⁴⁰³ From where is it derived that society must also establish judges for each and every city? The verse states: You shall place judges and officers...for your gates, as the gate of the city is the seat of the elders of the city and its judges. From where is it derived that society must also establish officers for each and every city? The verse states: You shall place Judges and officers...for your gates. Rabbi Yehuda says: You must also have one court appointed over all of them, as it is stated: “You shall place over you,” meaning that there must be a single institution that is responsible for all of these appointments. Rabban Shimon ben Gamliel says: Another halakha is derived from the verse: “For your tribes, and they shall judge.” This teaches that it is a mitzva for a tribe to judge the sinners from within its tribe, and not to delegate the responsibility to other tribes.

⁴⁰⁴ § The mishna states that a city may be designated as an idolatrous city only in accordance with the ruling of the Great Sanhedrin, consisting of seventy-one judges. The Gemara asks: From where are these matters derived? Rabbi Ḥiyya bar Yosef says that Rabbi Oshaya says: As the verse states with regard to one who engages in idol worship: “And you shall take out that man or that woman who did that evil thing to your gates” (Deuteronomy 17:5), and it is inferred: You take out a man or a woman to your gates for the lesser Sanhedrin to judge them, but you do not take out the entire city to your gates; rather, they are to be judged by the Great Sanhedrin.

⁴⁰⁵ § The mishna teaches that the court may not designate a city as an idolatrous city if it is on the frontier. The Gemara asks: What is the reason for this? The Gemara answers: The verse states: “Certain worthless people have gone out from your midst and have led astray the inhabitants of their city” (Deuteronomy 13:14). The Merciful One states that this halakha applies when they come from your midst, meaning from within your country, but not from the frontier.

⁴⁰⁶ § The mishna teaches: And three adjoining cities may not be designated as idolatrous cities. The source for this ruling is as it is written: “If you shall hear concerning one of your cities that the Lord your God has given you” (Deuteronomy 13:13), and not three cities. The mishna continues: But the court may designate one city, or two adjoining cities as idolatrous cities. The source for this is as it is written: “Your cities,” in the plural. The Sages taught in a baraita: The verse states: “One,” from which it is inferred: One, but not three. Do you say that the meaning is one, but not three, or rather, is this not the meaning of the verse, that it is one, but not two? The baraita explains that this cannot be. When the verse states: “Your cities,” two are stated. How do I realize the meaning of: “One”? One, but not three.

⁴⁰⁷ At times Rav said: It is in one court that they may not designate more than two adjoining cities as idolatrous cities, but in two or three courts they may designate them. And at times Rav said: Even in two or three courts they may never designate them. What is the reasoning of Rav? It is due to desolation, to ensure there will not be large swaths of uninhabited land in Eretz Yisrael. Reish Lakish says: They taught only that the court may not designate three adjoining cities as idolatrous cities in one region, but in two or three regions they may designate them. Rabbi Yoḥanan says: They may not designate them, due to desolation.

⁴⁰⁸ The Gemara comments: It is taught in a baraita (Tosefta 14:1) in accordance with the opinion of Rabbi Yoḥanan: The court may not designate three adjoining cities as idolatrous cities in Eretz Yisrael, but they may designate two, such as one in Judea and one in the Galilee. But they may not designate two in Judea or two in the Galilee. And if the city is near the frontier, they may not designate even one. What is the reason for this? Perhaps the gentiles will hear that there is a city on the border that is desolate, and they will seize the opportunity to invade and destroy Eretz Yisrael.

⁴⁰⁹ The Gemara asks: But let him derive this halakha from the fact that the Merciful One states: “From your midst,” from which it is inferred: But not from the frontier. The Gemara answers: This baraita is in accordance with the opinion of Rabbi Shimon, as he interprets the reason for the mitzva in the verse and draws halakhic conclusions based on that interpretation.

⁴¹⁰ § The mishna teaches that the Great Sanhedrin was composed of seventy-one judges, and that Rabbi Yehuda holds that it was composed of only seventy, as Moses gathered seventy men of the Elders of the Jewish people, and according to Rabbi Yehuda, Moses himself was not counted as part of the group. The Gemara asks: What is the reasoning of the Rabbis, who say that when Moses gathered seventy men, he was at the head of the court and is therefore counted among them? The verse states: “And the Lord said to Moses: Gather Me seventy men from the Elders of Israel, whom you know to be the Elders of the people and officers over them, and bring them to the Tent of Meeting and they shall stand there

⁴¹¹ with you” (Numbers 11:16), i.e., they will stand “with you,” and you are to be counted with them, leading to a total number of seventy-one. And Rabbi Yehuda holds that the term “with you” is mentioned due to the Divine Presence that rested on Moses. According to Rabbi Yehuda, Moses was instructed to remain with the seventy Elders in order for the Divine Presence to rest upon them as well. He was not formally part of their court and therefore the number of Sages on the Great Sanhedrin is seventy.

⁴¹² The Gemara asks: And how would the Rabbis respond to this line of reasoning? The Gemara answers: The verse states: “And they shall bear the burden of the people with you” (Numbers 11:17), which indicates: “With you,” and you are to be counted with them. And how would Rabbi Yehuda respond to that? He would explain that the term “with you” means similar to you, meaning, that the Elders appointed to the court had to be of fit lineage and free of blemish, like Moses.

⁴¹³ And from where do the Rabbis derive that halakha? They derive it from what was stated with regard to the appointment of the ministers of thousands and the ministers of hundreds: “And they shall make it easier for you, and bear the burden with you” (Exodus 18:22), understanding the term “with you” to mean: Similar to you. And the halakha of the judges of the Great Sanhedrin of seventy is derived from the halakha of the judges of the lesser Sanhedrin, i.e., those ministers, that Moses appointed.

⁴¹⁴ § Apropos the appointment of the Elders by Moses, the Gemara discusses additional aspects of that event. There were seventy-two candidates for Elder but only seventy were needed. They were chosen by lots with their names put into a box. The Sages taught: The verse states: “And there remained two men in the camp; the name of one was Eldad and the name of the other Medad, and the spirit rested upon them, and they were among those who were written but who did not go out to the tent, and they prophesied in the camp” (Numbers 11:26). Where did they remain? Some say this means they, i.e., their names, remained excluded from those selected from the lots in the box.

⁴¹⁵ The baraita explains: At the time that the Holy One, Blessed be He, said to Moses: “Gather for Me seventy men of the Elders of Israel” (Numbers 11:16), Moses said: How shall I do it? If I select six from each and every tribe, there will be a total of seventy-two, which will be two extra. But if I select five from each and every tribe, there will be a total of sixty, lacking ten. And if I select six from this tribe and five from that tribe, I will bring about envy between the tribes, as those with fewer representatives will resent the others.

⁴¹⁶ What did he do? He selected six from every tribe and he brought seventy-two slips [pitakin]. On seventy of them he wrote: Elder, and he left two of them blank. He mixed them and placed them in the box. He then said to the seventy-two chosen candidates: Come and draw your slips. Everyone whose hand drew up a slip that said: Elder, he said to him: Heaven has already sanctified you. And everyone whose hand drew up a blank slip, he said to him: The Omnipresent does not desire you; what can I do for you?

⁴¹⁷ The Gemara comments: You can say something similar to this to explain the verse about the redemption of the firstborn by the Levites: “Take the Levites in place of all of the firstborn of the children of Israel...and as for the redemption of the 273 of the firstborn of the children of Israel who are in excess over the number of the Levites...you shall take five shekels per head” (Numbers 3:45–47). It can be explained that Moses said: How shall I do this for the Jews? If I say to one of the firstborns: Give me money for your redemption and you may leave, as you are among the 273 extra firstborns, he will say to me: A Levite already redeemed me; what is the reason you think that I am among those who were not redeemed?

⁴¹⁸ What did he do? He brought 22,000 slips (see Numbers 3:39), and he wrote on them: Levite, and on 273 additional ones he wrote: Five shekels. He mixed them up and placed them in a box. He said to them: Draw your slips. Everyone whose hand drew up a slip that said: Levite, he said to him: A Levite already redeemed you. Everyone whose hand drew up a slip that said: Five shekels, he said to him: Pay your redemption money and you may leave.

⁴¹⁹ Rabbi Shimon says: Eldad and Medad remained in the camp, as they did not want to come to the lottery for the Elders. At the time that the Holy One, Blessed be He, said to Moses: Gather for me seventy Elders, Eldad and Medad said: We are not fitting for that level of greatness; we are not worthy of being appointed among the Elders. The Holy One, Blessed be He, said: Since you have made yourselves humble, I will add greatness to your greatness. And what is the greatness that he added to them? It was that all of the prophets, meaning the other Elders, who were given prophecy, prophesied for a time and then stopped prophesying, but they prophesied and did not stop.

⁴²⁰ Apropos Eldad and Medad being prophets, the Gemara asks: And what prophecy did they prophesy? They said: Moses will die, and Joshua will bring the Jewish people into Eretz Yisrael.

Abba Ḥanin says in the name of Rabbi Eliezer: They prophesied about the matter of the quail that came afterward (Numbers 11:31–33), saying: Arise quail, arise quail, and then the quail came.

⁴²¹ Rav Naḥman says: They were prophesying about the matter of Gog and Magog, as it is stated with regard to Gog and Magog: “So says the Lord God: Are you the one of whom I spoke in ancient days, through my servants, the prophets of Israel, who prophesied in those days for many years [shanim] that I would bring you against them?” (Ezekiel 38:17). Do not read it as: “Years [shanim]”; rather, read it as: Two [shenayim]. And who are the two prophets who prophesied the same prophecy at the same time? You must say: Eldad and Medad.

⁴²² The Master says: The baraita said: All of the prophets prophesied and then stopped, but Eldad and Medad prophesied and did not stop. The Gemara asks: From where do we derive that the other prophets stopped prophesying? If we say it is from that which is written about them: “And they prophesied but they did so no more [velo yasafu]” (Numbers 11:25), that is difficult: But if that is so, then concerning that which is stated in relation to the giving of the Torah: “These words the Lord spoke to all your assembly...with a great voice, and it went on no more [velo yasaf]” (Deuteronomy 5:19), so too shall it be understood that the great voice did not continue? Rather, the intention there is that it did not stop, interpreting the word yasafu as related to sof, meaning: End. Consequently, with regard to the seventy Elders as well, the word can be interpreted to mean that they did not stop prophesying.

⁴²³ Rather, the proof is as follows: It is written here with regard to the seventy Elders: “They prophesied” (Numbers 11:25), and it is written there: “Eldad and Medad are prophesying in the camp” (Numbers 11:27), from which it can be derived that they were continuously prophesying.

⁴²⁴ With regard to the content of Eldad and Medad’s prophecy, the Gemara asks: Granted, according to the one who says their prophecy was that Moses will die, this is the reason for that which is written there: “And Joshua, son of Nun, the servant of Moses from his youth, answered and said: My master Moses, imprison them” (Numbers 11:28), as their prophecy appeared to be a rebellion against Moses. But according to the one who says those other two opinions with regard to the content of the prophecy, according to which their prophecy had no connection to Moses, what is the reason that Joshua said: “My master Moses, imprison them”? The Gemara answers: He said this because it is not proper conduct for them to prophesy publicly in close proximity to Moses, as by doing so they are like a student who teaches a halakha in his teacher’s presence, which is inappropriate.

⁴²⁵ The Gemara asks: Granted, according to the one who says those other two opinions, this is the reason for that which is written: “And Moses said to him: Are you jealous for my sake? Would that all of the Lord’s people were prophets” (Numbers 11:29). But according to the one who says that Eldad and Medad prophesied that Moses will die and Joshua will bring Israel into the land, would it have been satisfactory to Moses that all of the people of God would utter similar prophecies? The Gemara answers: They did not conclude it before him. Moses was not aware of what they had said, but only that they were prophesying.

⁴²⁶ The Gemara asks: What is the meaning of: “Imprison them [kela’em]”? The Gemara answers: Joshua said to him: Place responsibility for the needs of the public upon them, so that they will be occupied like the other Elders of Israel and they will cease [kalin] prophesying, on their own. Due to the burden of public responsibility they would not be able to be prophets.

⁴²⁷ § The mishna derives the halakha that there are twenty-three judges on a lesser Sanhedrin from the verses: “And the congregation shall judge,” and: “And the congregation shall save” (Numbers 35:24–25). The mishna understands that the term “congregation” is referring to ten judges, so that the two congregations, one in each verse, total twenty judges. The mishna then asks: From where is it derived to bring three more judges to the court? The mishna answers: The implication of the verse: “You shall not follow a multitude to convict” (Exodus 23:2), is that your inclination after a majority to exonerate is not like your inclination after a majority to convict, and a conviction must be by a majority of two.

⁴²⁸ The Gemara objects: Ultimately, you do not find an occurrence of the inclination for evil according to a majority of two judges. If eleven judges vote to acquit the defendant and twelve vote to convict, this is still only a majority of one, and if ten vote to acquit and thirteen vote to convict, they are a majority of three. With a court of twenty-three judges, there is no possible way to convict with a majority of two. Rabbi Abbahu says: You do not find such a scenario except in a case where they add two additional judges because one of the judges abstained from the deliberation, the other judges are split in their decisions, and the two added judges both vote to convict. And this is a possibility according to all tanna'im, and in a case tried by the Great Sanhedrin according to the opinion of Rabbi Yehuda, who says there are seventy judges on the Great Sanhedrin. With an even number, it is possible to have a majority of two.

⁴²⁹ And Rabbi Abbahu says: When they add additional judges, they create a court consisting of an even number of judges ab initio. The Gemara asks: Isn't that obvious? What is the novelty in Rabbi Abbahu's statement? The Gemara answers: Lest you say: This judge who says: I do not know, is viewed as one who is still there, and if he says something afterward, we listen to him and include him in the count, so there are actually an odd number of judges on the court; therefore, Rabbi Abbahu teaches us that this judge who says: I do not know, is viewed as one who is not still there, and if he says a reason to rule in a certain manner afterward, we do not listen to him. Consequently, the court consists of an even number of judges.

⁴³⁰ § Rav Kahana says: In a Sanhedrin where all the judges saw fit to convict the defendant in a case of capital law, they acquit him. The Gemara asks: What is the reasoning for this halakha? It is since it is learned as a tradition that suspension of the trial overnight is necessary in order to create a possibility of acquittal. The halakha is that they may not issue the guilty verdict on the same day the evidence was heard, as perhaps over the course of the night one of the judges will think of a reason to acquit the defendant. And as those judges all saw fit to convict him they will not see any further possibility to acquit him, because there will not be anyone arguing for such a verdict. Consequently, he cannot be convicted.

⁴³¹ § Rabbi Yoḥanan says: They place on the Great Sanhedrin only men of high stature, and of wisdom, and of pleasant appearance, and of suitable age so that they will be respected. And they must also be masters of sorcery, i.e., they know the nature of sorcery, so that they can judge sorcerers, and they must know all seventy languages in order that the Sanhedrin will not need to hear testimony from the mouth of a translator in a case where a witness speaks a different language.

⁴³² Rav Yehuda says that Rav says: They place on the Sanhedrin only one who knows how to render a carcass of a creeping animal pure by Torah law. The judges on the Sanhedrin must be so skilled at logical reasoning that they could even produce a convincing argument that creeping animals, which

the Torah states explicitly are ritually impure, are actually pure. Rav said: I will discuss the halakha of the creeping animal and render it pure, i.e., I am able to demonstrate how it is possible to construct such a proof:

⁴³³ If a snake, which kills other creatures whose carcasses are impure and thereby increases impurity in the world, is itself nevertheless pure, as it is not included in the list of impure creeping animals, then concerning a creeping animal that does not kill and does not increase impurity, isn't it logical that it should be pure? This argument is rejected: But it is not so; the logic of the halakha of a creeping animal is just as it is concerning the halakha with regard to an ordinary thorn, which can injure people or animals and can even kill and thereby increase impurity, but is nevertheless pure. It is therefore apparent that this consideration is not relevant to the halakhot of impurity.

⁴³⁴ § Rav Yehuda says that Rav says: With regard to any city that does not have among its residents two men who are able to speak all seventy languages and one additional man who is able to listen to and understand statements made in all the languages, even if he cannot speak all of them, they do not place a lesser Sanhedrin there. The members of the Sanhedrin do not all need to know all of the languages, but there must be at least this minimum number. And in Beitar there were three individuals who were able to speak all seventy languages, and in Yavne there were four, and they were: Rabbi Eliezer, and Rabbi Yehoshua, and Rabbi Akiva, and Shimon HaTimni, who was not an ordained Sage, and he would therefore deliberate before the other judges while seated on the ground, not among the rows of Sages.

⁴³⁵ The Gemara raises an objection to this from a baraita: A third, i.e., a Sanhedrin that has three individuals who can speak all seventy languages, is a wise Sanhedrin, and if it also has a fourth such person, there is no court above it, meaning that there is no need for additional language experts. Apparently the minimum requirement is three people who can speak the languages, not two. The Gemara answers: Rav states his opinion in accordance with the opinion of the following tanna, as it is taught in a baraita: A Sanhedrin that has a second language expert is wise; and if it also has a third, there is no court above it.

⁴³⁶ § Since the baraita stated that Shimon HaTimni would deliberate before them on the ground, the Gemara now lists various standard formulations used to introduce the statements of various Sages throughout the generations. If a source says: It was learned from the Sages, the intention is that this was a statement made by the Sage Levi who sat before and learned from Rabbi Yehuda HaNasi. If it says: They deliberated before the Sages, this is referring to Shimon ben Azzai, and Shimon ben Zoma, and Ḥanan the Egyptian, and Ḥananya ben Ḥakhinai. Rav Naḥman bar Yitzḥak would teach five names for this list: Shimon ben Azzai, Shimon ben Zoma, and Shimon HaTimni, Ḥanan the Egyptian, and Ḥananya ben Ḥakhinai.

⁴³⁷ The expression: Our Rabbis that are in Babylonia, is referring to Rav and Shmuel. The expression: Our Rabbis that are in Eretz Yisrael, is referring to Rabbi Abba. The expression: The judges of the Diaspora, is a reference to the Sage Karna. The phrase: The judges of Eretz Yisrael, is a reference to Rabbi Ami and Rabbi Asi. The phrase: The judges of Pumbedita, is referring to Rav Pappa bar Shmuel, who was the head of the court there, and: The judges of Neharde'a, is a reference to the court headed by Rav Adda bar Minyumi. The term: The Elders of Sura, is referring to Rav Huna and Rav Ḥisda, and: The Elders of Pumbedita, is referring to Rav Yehuda and Rav Eina. The sharp ones of Pumbedita are Eifa and Avimi, the sons of Raḥava. The expression: The amora'im of

Pumbedita, is referring to Rabba and Rav Yosef, and the phrase: The amora'im of Neharde'a, is referring to Rav Hama.

⁴³⁸ If it says: The Sages of Neharbela taught, this is referring to Rami bar Berabi, and the statement: They say in the school of Rav, is a reference to Rav Huna. The Gemara asks: But doesn't Rav Huna sometimes say with regard to a given halakha: They say in the school of Rav? From this, it is apparent that a statement introduced by that formula cannot be made by Rav Huna himself, as Rav Huna quotes someone else with that introduction. The Gemara responds: Rather, the expression: They say in the school of Rav, must be referring to Rav Hamnuna. The formula: They say in the West, i.e., Eretz Yisrael, is referring to Rabbi Yirmeya; the expression: They sent a message from there, meaning from Eretz Yisrael, is referring to Rabbi Yosei bar Hanina; and the statement: They laughed at it in the West, means that Rabbi Elazar did not accept a particular opinion.

⁴³⁹ The Gemara asks: But in one instance it is reported that: They sent a message from there that began: According to the statement of Rabbi Yosei bar Hanina. This indicates that the expression: They sent from there, is not itself a reference to a statement of Rabbi Yosei bar Hanina. The Gemara answers: Rather, reverse the statements. The phrase: They sent from there, is a reference to Rabbi Elazar, and: They laughed at it in the West, means that Rabbi Yosei bar Hanina did not accept a particular opinion.

⁴⁴⁰ § The mishna teaches: And how many men must be in the city for it to be eligible for a lesser Sanhedrin? The opinion of the first tanna is that there must be 120 men. The Gemara asks: What is the relevance of the number 120? The Gemara explains that 23 are needed to correspond to the number of members of the lesser Sanhedrin, and it is necessary for there to be three rows of 23 students who sit before the lesser Sanhedrin to learn and also to advise them; that is a total of 92 people. And since there also need to be 10 idlers of the synagogue, people who are free from urgent work and are always sitting in the synagogue to take care of its repair and the other needs of the public, that would be 102.

⁴⁴¹ And in addition there are two scribes required for the Sanhedrin, and two bailiffs, and two litigants who will come to be judged. And there are two witnesses for one side, and two witnesses who could render those witnesses conspiring witnesses by testifying that they were elsewhere at the time of the alleged incident, and two additional witnesses who could testify against the witnesses who rendered the first witnesses conspiring witnesses, rendering the second pair conspiring witnesses. All of these are necessary in order for a trial to take place, as is described in Deuteronomy 19:15–21. Therefore, there are so far a total of 114 men who must be in the city.

⁴⁴² And it is taught in a baraita: A Torah scholar is not permitted to reside in any city that does not have these ten things: A court that has the authority to flog and punish transgressors; and a charity fund for which monies are collected by two people and distributed by three, as required by halakha. This leads to a requirement for another three people in the city. And a synagogue; and a bathhouse; and a public bathroom; a doctor; and a bloodletter; and a scribe [velavlar] to write sacred scrolls and necessary documents; and a ritual slaughterer; and a teacher of young children. With these additional requirements there are a minimum of 120 men who must be residents of the city. They said in the name of Rabbi Akiva: The city must also have varieties of fruit, because varieties of fruit illuminate the eyes.

⁴⁴³ The mishna teaches that Rabbi Neḥemya says: There must be 230 men in the city in order for it to be eligible for a lesser Sanhedrin, corresponding to the ministers of tens appointed in the wilderness by Moses at the suggestion of his father-in-law, Yitro (see Exodus 18:21). Each member of the Sanhedrin can be viewed as a judge with responsibility for ten men. It is taught in a baraita: Rabbi Yehuda HaNasi says:

⁴⁴⁴ The number of people needed in a city for it to be eligible for a lesser Sanhedrin is 277. This number is based on the opinion of Rabbi Neḥemya, who requires 230 men, but requires an additional 47 men in case it happens that the Sages of the court reach a situation where they are not able to arrive at a verdict, and pairs of judges need to be added, potentially increasing the number of judges on the court from 23 to 70, a maximum of 47 additional judges.

⁴⁴⁵ The Gemara asks: But isn't it taught in a baraita that Rabbi Yehuda HaNasi says: The number of men needed in a city for it to be eligible for a lesser Sanhedrin is 278? The Gemara answers: This is not difficult. This baraita that said Rabbi Yehuda HaNasi requires 277 residents is stated in accordance with the opinion of Rabbi Yehuda, who holds that there are 70 judges on the Great Sanhedrin, and this baraita that quoted the number as 278 is stated in accordance with the opinion of the Rabbis, who hold that there are 71.

⁴⁴⁶ Apropos the opinion of Rabbi Neḥemya, which links the issue of the lesser Sanhedrin with the appointment of the ministers in the wilderness, the Gemara relates: The Sages taught: The verse states: "And place over them ministers of thousands, ministers of hundreds, ministers of fifties, and ministers of tens" (Exodus 18:21). The number of ministers of thousands was 600, as there were 600,000 men in total; the number of ministers of hundreds was 6,000; of ministers of fifties, 12,000, and of ministers of tens, 60,000. Therefore, it is found that the total number of judges of the Jewish people was 78,600, and suitable people were found to fill all of these positions.

Chapter 2

¹ MISHNA: The High Priest judges others if he is sufficiently wise, and others judge him when he transgresses. He testifies before the court and others testify concerning him. He performs ḥalitza with his brother's widow and his brother performs ḥalitza with his wife; and his brother consummates levirate marriage with his wife. But he does not consummate levirate marriage with his brother's widow, because it is prohibited for him to marry a widow (see Leviticus 21:14), and can therefore never fulfill the mitzva of levirate marriage, as a yevama is by definition a widow.

² If a relative of the High Priest dies, he does not follow the bier carrying the corpse, since it is prohibited for the High Priest to become ritually impure even for immediate relatives (see Leviticus 21:11). Rather, once the members of the funeral procession are concealed from sight by turning onto another street, he is revealed on the street they departed, and when they are revealed, then he is concealed, and in this way, he goes out with them until the entrance of the gate of the city, from where they would take out the corpse, since the dead were not buried in Jerusalem. This is the statement of Rabbi Meir.

³ Rabbi Yehuda says: He does not emerge from the Temple at all for the burial of his relatives, as it is stated: “And from the Temple he shall not emerge and will not desecrate the Temple of his God; for the separateness of the oil of the anointment of his God is on him” (Leviticus 21:12).

⁴ The mishna continues: And when he consoles others in their mourning when they return from burial, the way of all the people is that they pass by one after another and the mourners stand in a line and are consoled, and the appointed person stands in the middle, between the High Priest and the people. And when he is consoled by others in his mourning, all the people say to him: We are your atonement. And he says to them: May you be blessed from Heaven. And when they comfort him with the first meal after the burial of one of his relatives, all the people recline on the ground as if they are taking his mourning on themselves, and he reclines on the bench out of respect for his status as High Priest.

⁵ The mishna continues, enumerating the halakhot pertaining to the king in similar matters: The king does not judge others as a member of a court and others do not judge him, he does not testify and others do not testify concerning him, he does not perform ḥalitza with his brother’s widow and his brother does not perform ḥalitza with his wife, and he does not consummate levirate marriage with his brother’s widow and his brother does not consummate levirate marriage with his wife, as all these actions are not fitting to the honor of his office. Rabbi Yehuda says: These are not restrictions, but his prerogative: If he desired to perform ḥalitza or to consummate levirate marriage, he is remembered for good, as this is to the benefit of his brother’s widow. The Sages said to him: They do not listen to him if he desires to do so, as this affects not only his own honor but that of the kingdom.

⁶ And no one may marry a king’s widow, due to his honor. Rabbi Yehuda says: Another king may marry the widow of a king, as we found that King David married the widow of King Saul, as it is stated: “And I have given you the house of your master and the wives of your master in your bosom” (II Samuel 12:8).

⁷ GEMARA: The mishna teaches that the High Priest judges others as a member of a court. The Gemara asks: Isn’t that obvious? Why would one think that he would be unfit to serve as a judge? The Gemara answers: It was necessary for the mishna to mention the latter clause: And others judge him, and therefore, it taught the related halakha with it. The Gemara objects: This is also obvious; if others do not judge him, how can he judge others? But isn’t it written: “Gather yourselves together, yea, gather together [hitkosheshu vakoshu]” (Zephaniah 2:1); and Reish Lakish says: This verse teaches a moral principle: Adorn [kashet] yourself first, and then adorn others, i.e., one who is not subject to judgment may not judge others.

⁸ Rather, neither halakha concerning the High Priest is a novelty. But since the tanna wants to teach that the king does not judge others and others do not judge him, he also taught that the High Priest judges others and others judge him. And if you wish, say instead that this teaches us the halakha as it is taught in a baraita (Tosefta 4:1): A High Priest who killed a person intentionally is killed; if he killed unintentionally, he is exiled to a city of refuge, and he transgresses a positive mitzva and a prohibition, and he is like an ordinary person concerning all of his halakhot.

⁹ The Gemara analyzes the baraita: A High Priest who killed another intentionally is killed. Isn’t that obvious? Why would he be punished differently than other murderers? It was necessary for it to mention the latter clause: If he killed unintentionally, he is exiled, so it taught the related case with it.

¹⁰ The Gemara objects: This is also obvious. The Gemara responds: It was necessary for the baraita to state the latter clause, lest it enter your mind to say: Since it is written about one who kills unintentionally and is exiled to a city of refuge: “And he should dwell in it until the death of the High Priest” (Numbers 35:25), say: Anyone for whom there is a rectification by returning from the city of refuge is exiled, but one for whom there is no rectification by returning is not exiled. The High Priest has no such rectification, as we learned in a mishna (Makkot 11b):

¹¹ With regard to one who kills a High Priest or a High Priest who killed a person, he never departs from the city of refuge. Therefore, I will say that a High Priest is not exiled at all. For that reason, the baraita above teaches us that he is exiled. The Gemara suggests: Why not say that the halakha is indeed that the High Priest would not be exiled, since he would not be able to return home? The Gemara responds: The verse states concerning the city of refuge: “That every manslayer may flee there” (Deuteronomy 19:3), and even a High Priest is indicated by the inclusive term “every.”

¹² The baraita teaches that a High Priest transgresses a positive mitzva and a prohibition. The Gemara understands the baraita as an independent statement asserting that the High Priest must transgress a positive mitzva and a prohibition, and asks: Is it not possible that he doesn’t transgress a positive mitzva and prohibition; i.e., must the High Priest transgress a positive mitzva and a prohibition? The Gemara responds: This is what the baraita is saying: This is not an independent statement asserting that the High Priest must transgress a positive mitzva and a prohibition; rather, the baraita teaches that if he transgressed a positive mitzva and a prohibition, then he is considered to be like an ordinary person concerning all of his halakhot, judged just as anyone else for common transgressions.

¹³ The Gemara asks: Isn’t that obvious? The Gemara responds: No, as it could enter your mind to say that since we learned in the mishna (2a): The court judges cases involving an entire tribe that sinned, or a false prophet, or a High Priest, only on the basis of a court of seventy-one judges, i.e., the Great Sanhedrin, and since Rav Adda bar Ahava says that the phrase “every great matter they shall bring unto you” (Exodus 18:22), refers to the matters of a great person, the High Priest, who is judged in a court of seventy-one, therefore, one might say that this means all the matters of a great person, including non-capital transgressions, are judged in a court of seventy-one. Therefore, the baraita teaches us that for non-capital transgressions, he is treated like an ordinary person, and judged even by a court of three.

¹⁴ The Gemara suggests: But why not say that indeed, the halakha is that all cases involving the High Priest must be adjudicated in a court of seventy-one? The Gemara rejects this. Is it written: The matters of a great person? “Every great matter” is written, meaning actually a great matter, one involving a capital transgression, not only one related to a great person.

¹⁵ § The mishna teaches that the High Priest testifies before the court and others testify concerning him. The Gemara expresses surprise: He testifies? But isn’t it taught in a baraita that in the verse: “You shall not see your brother’s ox or his sheep wandering and ignore them; you shall return them to your brother” (Deuteronomy 22:1), the use of the unusual term “and ignore them,” as opposed to the more direct: Do not ignore them, indicates that there are times when you ignore lost items and there are times when you do not ignore them. How so?

¹⁶ The baraita answers: If the one who found the item was a priest, and the lost item is in the cemetery, where priests are prohibited from entering; or if he was an elderly person and it is not in

keeping with his dignity to tend to a lost item of that kind; or if his work, which he would need to suspend in order to tend to and return the item, is of greater value than the lost item of the other, one might think that he must nonetheless return it. Therefore, with regard to those cases, it is stated: “And ignore them.” Since a distinguished individual may ignore a mitzva that is incumbent on others if it is not in keeping with his dignity, perhaps the High Priest would be allowed to ignore the obligation to testify, due to his honor.

¹⁷ Rav Yosef said: A High Priest testifies only about a king, since such testimony would not compromise his dignity. The Gemara objects: But didn’t we learn in the mishna above that the king does not judge and is not judged, and he does not testify and others do not testify concerning him? Rather, Rabbi Zeira said: The meaning of Rav Yosef’s statement is that a High Priest testifies about a son of a king. The Gemara objects: The son of a king is an ordinary person, without special status in halakha, so it is not in keeping with the High Priest’s dignity to testify concerning him.

¹⁸ Rather, the meaning of Rav Yosef’s statement is that he testifies before the king, and it is not in keeping with the dignity of the High Priest to testify if the king is a presiding judge. The Gemara objects: But didn’t we learn in a baraita (Tosefta 2:8) that a king is not seated on the Sanhedrin? The Gemara explains: Rav Yosef is referring to a special arrangement: Due to the honor of the High Priest, the king comes and sits as one of the judges, they receive his testimony, he rises and goes, and we deliberate about the case.

¹⁹ § Having mentioned this baraita, the Gemara turns its attention to the matter itself: A king is not seated on the Sanhedrin, nor is a king or a High Priest seated on a court for intercalating the year. The Gemara explains: With regard to a king on the Sanhedrin, the source is as it is written: “Do not answer in a cause [riv]” (Exodus 23:2), which is explained to mean: Do not answer to a great person [rav]. Therefore, one whose stature will make the other judges afraid to contradict him may not be appointed to the Sanhedrin.

²⁰ The Gemara continues its explanation of the baraita: Nor is a king or a High Priest seated on a court for intercalating the year. A king does not serve as a judge concerning this matter due to the sustenance of soldiers. A High Priest does not serve as a judge concerning this matter due to the cold. If a month is added to the calendar and the High Priest must perform his Yom Kippur immersions and walk barefoot on the floor of the Temple deeper into the cold autumn, he too will have a vested interest in not adding a month.

²¹ Rav Pappa says: Learn from the ruling concerning the High Priest that the weather of the year follows the months, meaning that changes in the seasons are in accordance with the sequence of the months in the standard, non-intercalated calendar. The High Priest would not want the year to be intercalated, because then the colder weather of Marḥeshvan would occur during Tishrei. The Gemara asks: Is that so? But isn’t that contradicted by the incident of those three cattle herders that were standing around, and the Sages heard them saying various statements about annual weather signs?

²² One of them said: If the first grains and the late-ripening grains sprout at the same time, that is Adar, but if not, that is not Adar but still Shevat. And one of them said: If an ox dies in the morning in the snow, indicating that it is still very cold, and at noon in the shade of a fig tree it sleeps, rubbing against it to strip off its skin because of the heat, that is Adar, but if not, that is not Adar. And one of them said: If there is a very strong east wind, which is cold, yet the warm air that you blow with your

jaw goes out and toward it and overcomes its effect, that is Adar, but if not, that is not Adar. And since those signs had not yet come to pass, the Sages intercalated the calendar that year.

²³ The Gemara rejects this: And can you understand that the Sages relied on cattle herders to determine halakha? Rather, the Sages relied on their own calculations, and those cattle herders were supported inasmuch as their statements were supported by the Sages' independent conclusion.

²⁴ § The mishna teaches that the High Priest performs ḥalitza with his brother's widow and his brother performs ḥalitza with his wife, but in any case he does not consummate levirate marriage with his brother's wife. The Gemara comments: The mishna categorically teaches that the High Priest does not consummate levirate marriage, and there is no difference whether his brother's wife was a widow from betrothal alone and no difference whether she was a widow from a marriage that had been consummated. Granted, it is understood that he does not consummate levirate marriage with a widow from marriage, since there is both a positive mitzva: "And he shall take a wife in her virginity" (Leviticus 21:13), and also a prohibition: "A widow, or one divorced, or a ḥalala, or a zona, these shall he not take" (Leviticus 21:14),

²⁵ and there is a principle that a positive mitzva by itself does not override both a prohibition and a positive mitzva. But as for the ruling that he does not consummate levirate marriage with a widow from betrothal, why not? The positive mitzva to consummate levirate marriage should come and override the prohibition.

²⁶ The Gemara answers: The first act of intercourse is prohibited by rabbinic decree due to the likelihood of a second act of intercourse. Although the first act of intercourse would fulfill the positive mitzva of consummating levirate marriage, which would override the prohibition against a High Priest's engaging in intercourse with a widow, any further intercourse would not be in fulfillment of a mitzva, and would not override the prohibition. Therefore, due to the possibility that the High Priest and the yevama would engage in intercourse a second time, the Sages decreed that even the first act is forbidden.

²⁷ The Gemara comments: This is also taught in a baraita: If the High Priest or one whose yevama is forbidden to him went ahead and engaged in a first act of intercourse with her, he acquired her as a wife, but it is prohibited to retain that woman as a wife for a second act of intercourse.

²⁸ § The mishna teaches with regard to the High Priest that if a relative of his died, he does not follow the bier carrying the corpse. The Sages taught in a baraita: The verse concerning the High Priest, which states: "And from the Temple he shall not emerge" (Leviticus 21:12), means: He shall not emerge with them as they escort the bier, but he emerges after them. How so? Once they are concealed from sight by turning onto another street, he is revealed on the street they departed, and when they are revealed, then he is concealed.

²⁹ The mishna teaches Rabbi Meir's opinion, that in the manner just described to escort the deceased, the High Priest emerges with them until the entrance of the gate of the city, which is contrasted with Rabbi Yehuda's opinion that he does not leave the Temple at all. The Gemara comments: Rabbi Yehuda is saying well, and his statement is consistent with the straightforward meaning of the verse: "And from the Temple he shall not emerge" (Leviticus 21:12).

³⁰ The Gemara responds: Rabbi Meir could have said to you: If so, that you understand the verse so narrowly, he should not go out to his house as well but should be required to stay in the Temple.

Rather, this is what it is saying: “And from the Temple [hamikdash] he shall not emerge” means: From his sanctity [mikedushato] he shall not emerge by contracting ritual impurity, and since he has a distinctive indicator in that he does not walk together with those accompanying the bier, he will not come to touch the bier and contract impurity.

³¹ The Gemara asks: And how would Rabbi Yehuda respond? The Gemara explains: There is still cause for concern that on account of his bitterness due to the death of his loved one, perhaps it will happen that he comes and touches the bier. Therefore, a more restrictive regimen of separation is necessary.

³² The mishna teaches: And when he consoles others in their mourning when they return from burial, the way of all the people is that they pass by one after another and the mourners stand in a line and are consoled, and the appointed person stands in the middle, between him and the people. The Sages taught in a baraita (Tosefta 4:1) in a more detailed manner: When the High Priest passes by in the line to console others, the deputy High Priest and the former anointed High Priest, who had served temporarily and then stepped down, are on his right. And the head of the patrilineal family appointed over the priestly watch performing the sacrificial rites that day in the Temple; and the mourners; and all the people are on his left. And when he is standing in the line among the other mourners and is consoled by others, the deputy High Priest is on his right, and the head of the patrilineal family and all the people are on his left.

³³ The Gemara infers: But the previously anointed one does not come before him. What is the reason? The High Priest will become distraught. He will think: He is happy about me in my bereaved state. Rav Pappa said: Learn from it, from this baraita, three matters. Learn from it that the deputy High Priest is the same as the appointed person, as the baraita is referring to the deputy High Priest in the same function described by the mishna as the appointed one. And learn from it that the way of consoling in a line is that the mourners stand and all the people pass by and console them. And learn from it that the custom is that the mourners stand to the left of the consolers.

³⁴ The Sages taught in a baraita: Initially the mourners would stand, and all the people would pass by one after another and console them. And there were two families in Jerusalem who would fight with each other, as this one would say: We pass by first because we are more distinguished and important, and that one would say: We pass by first. Consequently, they decreed that the people should stand and the mourners pass by, and disputes would be avoided.

³⁵ The Gemara presents a mnemonic for the following discussion: Returned; and walk; and converse.

³⁶ Rami bar Abba says: Rabbi Yosei returned the matter to its former custom in Tzipori his city, that the mourners would stand and all the people would pass. And Rami bar Abba says: Rabbi Yosei instituted an ordinance in Tzipori that a woman should not walk in the market and have her son following behind her; rather, he should walk in front of her, because of an incident that happened in which bandits abducted a child and assaulted the mother when she came searching for him in his place of captivity. And Rami bar Abba says: Rabbi Yosei instituted an ordinance in Tzipori that women should converse in the bathroom, because of the restrictions on women being secluded with men. Since the public bathrooms there were outside the city a man might enter to take advantage of a woman, but he would be ward off by the women’s conversation.

³⁷ Rav Menashya bar Ute says: I asked a question of Rabbi Yoshiya the Great in the cemetery of Huzal, and he said this halakha to me: There is no line for consoling mourners with fewer than ten

people, and the mourners are not included in the count. This minimum number of consolers applies whether the mourners stand and all the people pass by, or the mourners pass by and all the people stand.

³⁸ § The mishna teaches: And when he is consoled by others in his mourning, all the people say to him: We are your atonement. And he says to them: May you be blessed from Heaven. A dilemma was raised before the Sages: When the High Priest consoles others, what should he say to them? Come and hear an answer from a baraita: And he says: May you be consoled. The Gemara asks: What are the circumstances in which he says this? If we say that when others console him in his mourning he says to them: May you be consoled, this does not make sense, because he would be throwing a curse at them by saying that they too will need to be consoled. Rather, it must mean: When he consoles others, he says to them: May you be consoled. Learn from the baraita that this is what he says to console others.

³⁹ § The mishna teaches: A king does not judge and is not judged. Rav Yosef says: They taught this halakha only with regard to the kings of Israel, who were violent and disobedient of Torah laws, but with regard to the kings of the house of David, the king judges and is judged, as it is written: “O house of David, so says the Lord: Execute justice in the morning” (Jeremiah 21:12). If they do not judge him, how can he judge? But isn’t it written: “Gather yourselves together, yea, gather together [hitkosheshu vakoshu]” (Zephaniah 2:1), and Reish Lakish says: This verse teaches a moral principle: Adorn [kashet] yourself first, and then adorn others, i.e., one who is not subject to judgment may not judge others. Since it is understood from the verse in Jeremiah that kings from the Davidic dynasty can judge others, it is implicit that they can also be judged.

⁴⁰ The Gemara asks: But what is the reason that others do not judge the kings of Israel? It is because of an incident that happened, as the slave of Yannai the king killed a person. Shimon ben Shataḥ said to the Sages: Put your eyes on him and let us judge him. They sent word to Yannai: Your slave killed a person. Yannai sent the slave to them. They sent word to Yannai: You also come here, as the verse states with regard to an ox that gored a person to death: “He should be testified against with his owner” (Exodus 21:29). The Torah stated: The owner of the ox should come and stand over his ox.

⁴¹ The Gemara continues to narrate the incident: Yannai came and sat down. Shimon ben Shataḥ said to him: Yannai the king, stand on your feet and witnesses will testify against you. And it is not before us that you are standing, to give us honor, but it is before the One Who spoke and the world came into being that you are standing, as it is stated: “Then both the people, between whom the controversy is, shall stand before the Lord, before the priests and the judges that shall be in those days” (Deuteronomy 19:17). Yannai the king said to him: I will not stand when you alone say this to me, but according to what your colleagues say, and if the whole court tells me, I will stand.

⁴² Shimon ben Shataḥ turned to his right. The judges forced their faces to the ground out of fear and said nothing. He turned to his left, and they forced their faces to the ground and said nothing. Shimon ben Shataḥ said to them: You are masters of thoughts, enjoying your private thoughts, and not speaking. May the Master of thoughts, God, come and punish you. Immediately, the angel Gabriel came and struck those judges to the ground, and they died. At that moment, when they saw that the Sanhedrin does not have power to force the king to heed its instructions, the Sages said: A king does not judge others and others do not judge him, and he does not testify and others do not testify concerning him, due to the danger of the matter.

⁴³ The mishna teaches that the king does not perform ḥalitza with his brother's widow and his brother does not perform ḥalitza with his wife, and Rabbi Yehuda says that he may do so if he wishes. The Gemara challenges Rabbi Yehuda's opinion: Is that so? But doesn't Rav Ashi say: Even according to the one who says that with regard to a Nasi who relinquished the honor due him, his honor is relinquished, nevertheless, with regard to a king who relinquished the honor due him, his honor is not relinquished, as it is stated: "You shall set a king over you" (Deuteronomy 17:15), meaning that his fear should be upon you. The preservation of a king's honor is mandated by the Torah. How could Rabbi Yehuda allow him to waive it? The Gemara answers: A mitzva is different; a king is not disgraced if he relinquishes his honor to perform a mitzva.

⁴⁴ The mishna teaches: And no one may marry the king's widow, and Rabbi Yehuda says that a king may marry another king's widow, as proven by King David, who was promised with regard to King Saul after his death: "And I have given you the house of your master and the wives of your master" (II Samuel 12:8). It is taught in a baraita: The Sages said to Rabbi Yehuda: The meaning of the verse is not that David married Saul's widows, but that he married women appropriate for him from the house of the king. And who are they? Merab and Michal, the daughters of Saul.

⁴⁵ The Gemara relates a discussion about David's marriage to Merab and Michal from a baraita (Tosefta, Sota 11:9): Rabbi Yosei's students asked him: How did David marry two sisters while they were both alive? Rabbi Yosei said to them: He married Michal only after the death of Merab, which is permitted. Rabbi Yehoshua ben Korḥa says a different explanation: His betrothal to Merab was in error and therefore void from the outset, and so Michal was permitted to him. This is as it is stated in the words of King David to Saul's son Ish-bosheth: "Deliver me my wife Michal, whom I betrothed to me for one hundred foreskins of the Philistines" (II Samuel 3:14).

⁴⁶ The Gemara asks: What is the biblical derivation here? How does Rabbi Yehoshua ben Korḥa learn from this verse that King David's betrothal to Merab was in error? Rav Pappa says: In the verse, David indicates: Michal is my wife but Merab is not my wife.

⁴⁷ The Gemara asks: What caused the betrothal between David and Merab to be a mistaken betrothal? The Gemara responds: As it is written about Israel's war against the Philistines and Goliath: "And it shall be that the man who kills him, the king will enrich him with great riches and will give him his daughter, and make his father's house free in Israel" (I Samuel 17:25). David went and killed Goliath. King Saul said to him: You have a loan in my possession, as I owe you the great wealth that I promised, though David had not given him an actual monetary loan. And the halakha is that with regard to one who betroths a woman by forgiving a loan, she is not betrothed, and therefore David's betrothal of Merab did not take effect.

⁴⁸ Saul went and gave Merab to Adriel, as it is written: "But it came to pass at the time when Merab, Saul's daughter, should have been given to David, that she was given to Adriel the Meholathite as a wife" (I Samuel 18:19). Saul said to David: If you want me to give you Michal, go bring me one hundred foreskins of the Philistines (see I Samuel 18:25–27). David went and brought Saul two hundred foreskins. Saul said to him: Even though you brought the foreskins, the betrothal is not valid, as you, David, have a loan and one peruta in my possession, i.e., the wealth Saul owed him for slaying Goliath as well as the item of lesser monetary value, the foreskins of the Philistines.

⁴⁹ Saul and David had a halakhic dispute on this point: Saul reasoned that in the case of one who betroths a woman by forgiving a loan and giving her one peruta, his mind is focused on the loan and

not on the additional peruta, and therefore the betrothal is not valid. And David reasoned that in the case of one who betroths a woman by forgiving a loan and giving her one peruta, his mind is focused on the peruta and therefore the betrothal is valid.

⁵⁰ And if you wish, say instead: Everyone reasons that in the case of one who betroths a woman by forgiving a loan and giving her one peruta, his mind is focused on the peruta. Saul reasoned that foreskins of Philistines are not fit for any purpose and as such are worth not even one peruta, and that consequently the betrothal did not take effect. And David reasoned that they are fit for dogs and cats as food and as such are worth at least one peruta, and therefore the betrothal takes effect.

⁵¹ The Gemara asks: And according to Rabbi Yosei, who explains that David married Michal after the death of Merab, with regard to this verse: “Deliver me my wife Michal” (II Samuel 3:14), what does he derive from it? The Gemara answers: Rabbi Yosei conforms to his standard line of reasoning, as it is taught in a baraita (Tosefta, Sota 11:8): Rabbi Yosei would derive meaning from mixed verses that seem contradictory.

⁵² The Tosefta continues. It is written: “But the king took the two sons of Rizpah, daughter of Aiah, whom she bore unto Saul, Armoni and Mephibosheth, and the five sons of Michal, daughter of Saul, whom she bore to Adriel, son of Barzillai the Meholathite” (II Samuel 21:8). But did Saul give Michal to Adriel? But didn’t he give her to Palti, son of Laish, as it is written: “Now Saul had given Michal his daughter, David’s wife, to Palti, son of Laish” (I Samuel 25:44)?

⁵³ The Tosefta continues: The first verse does not mean, then, that Michal married Adriel. Rather, the verse compares Merab’s betrothal to Adriel to Michal’s betrothal to Palti: Just as Michal’s betrothal to Palti was effected in transgression, according to all opinions, since she was already married to David, so, too, Merab’s betrothal to Adriel was effected in transgression, since according to halakha she was betrothed to David.

⁵⁴ The Gemara asks: And according to Rabbi Yehoshua ben Korḥa as well, isn’t it written: “And the five sons of Michal, daughter of Saul, whom she bore to Adriel” (II Samuel 21:8). Rabbi Yehoshua ben Korḥa could have said to you to understand it this way: And did Michal give birth to these children? But didn’t Merab give birth to them for Adriel? Rather, Merab gave birth to them and died, and Michal raised them in her house. Therefore, the children were called by her name, to teach you that with regard to anyone who raises an orphan in his house, the verse ascribes him credit as if he gave birth to him.

⁵⁵ The Gemara presents a mnemonic for the following discussion: Ḥanina called; Yoḥanan and his wife; Elazar and redemption; and Shmuel in my studies. Rabbi Ḥanina says: Proof for the aforementioned statement can be derived from here: “And the neighbors gave him a name, saying: There is a son born to Naomi” (Ruth 4:17). And did Naomi give birth to the son? But didn’t Ruth give birth to him? Rather, Ruth gave birth and Naomi raised him. Therefore, he was called by her name: “A son born to Naomi.”

⁵⁶ Rabbi Yoḥanan says: Proof for the aforementioned statement can be derived from here: “And his wife Hajehudijah gave birth to Jered the father of Gedor, and Heber the father of Soco, and Jekuthiel the father of Zanoah, and these are the sons of Bithiah, daughter of Pharaoh, whom Mered took” (I Chronicles 4:18). Mered is Caleb, and why was his name called Mered? Because he rebelled [marad] against the counsel of the spies. And according to the midrash, Jered, Heber, and Jekuthiel all refer to Moses our teacher. And did Bithiah give birth to Moses? But didn’t Jochebed give birth to him?

Rather, Jochebed gave birth to him and Bithiah raised him. Therefore, he was called by her name as though she had given birth to him.

⁵⁷ Rabbi Elazar says: Proof for the aforementioned statement can be derived from here: “You have with Your arm redeemed your people, the children of Jacob and Joseph, Selah” (Psalms 77:16). And did Joseph sire all of the children of Israel? But didn’t Jacob sire them? Rather, Jacob sired them and Joseph sustained them financially. Therefore, they were called by his name; all of Israel were called the children of Joseph.

⁵⁸ Rabbi Shmuel bar Nahmani says that Rabbi Yonatan says: Anyone who teaches another person’s son Torah, the verse ascribes him credit as if he sired him, as it is stated: “Now these are the generations of Aaron and Moses” (Numbers 3:1), and it is written immediately afterward: “And these are the names of the sons of Aaron: Nadav the firstborn and Avihu, Eleazar, and Ithamar” (Numbers 3:2), but it does not mention the names of Moses’ children. This serves to say to you that Aaron sired his children, but Moses taught them Torah. Therefore, the children were also called by his name.

⁵⁹ The Gemara cites another derivation connected to child-rearing: “Therefore, so says the Lord to the house of Jacob, who redeemed Abraham; Jacob shall not now be ashamed, neither shall his face now wax pale” (Isaiah 29:22). But where have we found any indication about Jacob that he redeemed Abraham? Rav Yehuda says: It means that he redeemed him from the suffering of raising children, in that Abraham did not have twelve tribes and the resultant hardships involved in raising them, as Jacob did, as Jacob assumed the burden of raising the tribes of Israel. And this is as it is written: “Jacob shall not now be ashamed, neither shall his face now wax pale,” meaning: “Jacob shall not now be ashamed” before his father, and “neither shall his face now wax pale” before his father’s father, since he took upon himself the role that they bore as well.

⁶⁰ The Gemara cites a tradition with regard to Palti, son of Laish: It is written in one place “Palti” (I Samuel 25:44), and it is written in another place “Paltiel” (II Samuel 3:15). Rabbi Yoḥanan says: Palti was his real name, and why was his name called Paltiel? To teach that God [El] saved [pelato] him from the sin, by giving him the insight that he may not touch Michal, understanding that she was still David’s wife and therefore forbidden to him. What did he do? He embedded a sword in the bed between him and her, and said: Anyone who engages in this matter, i.e., sexual intercourse, should be stabbed by this sword.

⁶¹ The Gemara challenges this: But isn’t it written: “And her husband went with her, weeping as he went, and followed her to Bahurim” (II Samuel 3:16), referring to Palti as Michal’s husband? The Gemara responds: This means that he became like a husband for her through his affection and concern for her. The Gemara counters: But isn’t it written in that very verse: “weeping as he went”? If from the outset he thought that she was David’s wife, why was he crying? The Gemara responds: He was weeping about the mitzva that left him, as from now on, he would receive no reward for restraining his desire. The end of the verse says that they went “to Bahurim,” meaning that they both became like young men [baḥurim] in that they did not taste sexual intercourse at all.

⁶² Rabbi Yoḥanan says: Joseph’s power is the humility of Boaz, as Joseph is praised for showing strength with regard to an accomplishment that was insignificant for Boaz (see Genesis, chapter 39). Likewise, Boaz’s power is the humility of Palti, son of Laish, as Palti’s capacity for restraint was greater still. Joseph’s power is the humility of Boaz, as it is written about Boaz: “And it came to pass at midnight that the man was startled and turned himself, and behold, a woman lay at his feet” (Ruth

3:8). What is the meaning of “and turned himself [vayyilafet]”? Rav says: The meaning is that his flesh became like the heads of turnips [lefatot], his sexual organ hardening out of arousal, but even though Ruth was not married he refrained from engaging in intercourse with her; while Joseph had to exert more effort, despite the fact that Potiphar’s wife was married.

⁶³ Boaz’s power is the humility of Palti, son of Laish, as we said, for he conquered his desire not only for one night, as Boaz did, but for many nights

⁶⁴ Rabbi Yoḥanan says: What is the meaning of that which is written: “Many daughters have done valiantly, but you excel above them all” (Proverbs 31:29)? “Many daughters have done valiantly”; this is a reference to Joseph and Boaz. “But you excel above them all”; this is a reference to Palti, son of Laish, who exceeded Joseph and Boaz in restraint, as discussed above.

⁶⁵ Rabbi Shmuel bar Naḥman says that Rabbi Yonatan says: What is the meaning of that which is written: “Grace is deceitful, and beauty is vain, but a woman who fears the Lord, she shall be praised” (Proverbs 31:30). “Grace is deceitful”; this is a reference to Joseph. “And beauty is vain”; this is a reference to Boaz. “Who fears the Lord, she shall be praised”; this is a reference to Palti, son of Laish, who did not sin with Michal. Although the behavior of Joseph and Boaz is commendable, it is “deceitful” and “vain” relative to that of Palti ben Laish.

⁶⁶ Alternatively: “Grace is deceitful”; this is a reference to the generation of Moses. “And beauty is vain”; this is a reference to the generation of Joshua. “Who fears the Lord, she shall be praised”; this is a reference to the generation of Hezekiah. Although the studying of Torah during the generations of Moses and Joshua was commendable, it was “deceitful” and “vain” relative to that of the generation of Hezekiah, during which the people studied Torah assiduously, despite the suffering caused by war and foreign rule.

⁶⁷ Alternatively: “Grace is deceitful”; this is a reference to the generation of Moses and Joshua. “And beauty is vain”; this is a reference to the generation of Hezekiah. “Who fears the Lord, she shall be praised”; this is a reference to the generation of Rabbi Yehuda, son of Rabbi Ilai, who lived after the decrees of Hadrian, when the people were impoverished and oppressed. It was said about Rabbi Yehuda, son of Rabbi Ilai, that six of his students would cover themselves with one garment, due to their poverty, and nevertheless they would engage in Torah study. Although the studying of Torah during the generations of Moses, Joshua, and Hezekiah was commendable, it was “deceitful” and “vain” relative to that of the people in the generation of Rabbi Yehuda, son of Rabbi Ilai, who studied Torah despite their hardships.

⁶⁸ MISHNA: If a relative of the king dies, he does not emerge from the entrance of his palace [palterin], as it does not befit one of his stature to accompany the deceased. Rabbi Yehuda says: If he wishes to follow the bier, he follows it, as that is what we found with regard to King David, who followed the bier of Abner. As it is stated: “And King David followed the bier” (II Samuel 3:31). The Sages said to Rabbi Yehuda: The matter was only to appease the people, so that they should not suspect David of ordering Abner’s death. And when the people comfort the king with the meal of comfort, all the people recline on the ground, and he reclines on the dargash.

⁶⁹ GEMARA: The Sages taught in a baraita: In a place where women were accustomed to follow the bier, they would follow it, and the men would walk in front of the bier, and if the women were accustomed to walk in front of the bier, they would go in front of it. Rabbi Yehuda says: Women always go in front of the bier, as that is what we found with regard to King David, who followed the

bier of Abner, as it is stated: “And King David followed the bier,” and presumably David did not go among the women.

⁷⁰ The Sages said to him: The matter was only to appease the people, and they were appeased. As David would go out from among the men and go in among the women, and went out from among the women and went in among the men, as it is stated: “So all the people and all Israel understood that day that it was not from the king to slay Abner, son of Ner” (II Samuel 3:37).

⁷¹ Rava interpreted a verse homiletically: What is the meaning of that which is written: “And all the people came to comfort David” (II Samuel 3:35)? It is written: “To destroy [lehakhrot],” and we read: “To comfort [lehavrot],” meaning, in the beginning they wanted to destroy him, as they suspected him of ordering Abner’s assassination, and ultimately, when they saw that he was truly mourning, they decided to comfort him.

⁷² Rav Yehuda says that Rav says: For what reason was Abner punished by being killed? It is because he should have protested to Saul about the killing of the priests of Nob (see I Samuel 22:17–19), but he did not protest. Rabbi Yitzḥak says: He did protest, so that is not the reason for his death, but he was not answered. And both of these Sages interpreted one verse: “And the king lamented for Abner, and said: Should Abner die as a churl dies? Your hands were not bound, nor your feet put into fetters; as a man falls before the children of iniquity, so did you fall” (II Samuel 3:33–34).

⁷³ The Gemara explains how each Sage understands the verse: The one who says he did not protest explains that this is what the verse is saying: As “your hands were not bound, nor your feet put into fetters,” what is the reason you did not protest against Saul? Therefore, since you could have protested but did not, then “as a man falls before the children of iniquity, so did you fall.” And the one who says he protested and was not answered explains that this is what the verse is saying: David wondered: “Should Abner die as a churl dies? Your hands were not bound, nor your feet put into fetters,” since you protested at the right time. Since that is the case, what is the reason that “as a man falls before the children of iniquity, so did you fall”?

⁷⁴ The Gemara asks: According to the one who says that Abner protested, what is the reason he was punished with this death? Rav Naḥman, son of Rabbi Yitzḥak, says: It is because he delayed the kingdom of the house of David two and a half years, by supporting the kingdom of Ish-bosheth, the son of Saul, for this period of time.

⁷⁵ § The mishna teaches: And when they comfort the king with the meal of comfort, he reclines on the dargash. The Gemara asks: What is a dargash? Ulla says: A bed of fortune, which would be designated in houses for decoration and for good fortune, and no one would sit on it. The Sages said to Ulla: Is there anything which until now we did not authorize one to sit on, but now, in his time of mourning, we seat him on it?

⁷⁶ Rava objects to this question: What is the difficulty in this? Perhaps sitting on the dargash is just as it is with eating and drinking. As until now, we did not feed him nor give him drink, but now, in his time of mourning, we feed him and give him drink, in the meal of comfort. Rather, if it is difficult, this is what is difficult, as it is taught in a baraita: Concerning a dargash, the mourner is not required to overturn it during mourning. Rather, he stands it up on its side. And if it enters your mind to say that this is a bed of fortune, why is he not required to overturn it? But isn’t it taught in a

baraita: With regard to one who overturns his bed during mourning, not only does he overturn his own bed, but rather he overturns all the beds he has in his house?

⁷⁷ The Gemara responds: What is the difficulty in this? Perhaps the lack of requirement to overturn the dargash is just as it is with a bed that is designated for the storage of garments, and not for sleeping, as it is taught in a baraita: If it was designated for the storage of garments and not for people to lie down on, he is not required to overturn it. Rather, if it is difficult, this is what is difficult, as it is taught in a baraita: Rabban Shimon ben Gamliel says: One is not required to overturn a dargash. Rather, the mourner loosens the straps [karviti] and it falls on its own. And if it enters your mind to say that this is a bed of fortune, does such a bed have straps?

⁷⁸ Rather, when Ravin came he said: One of the Sages said to me, and Rav Taḥlisa is his name, that he was often in the market of the leather workers, and he said to him: What is the meaning of dargash? A leather bed. Rabbi Yirmeya says that Rabbi Yoḥanan says: The difference between a bed and a dargash is this: A dargash

⁷⁹ has its weaving on its inside, in that the straps woven to hold the bedding are tied in holes inside the bed posts, while a bed has its weaving on its outside, in that its straps are tied around the posts.

⁸⁰ The Gemara raises an objection from the mishna (Kelim 16:1): From when are wooden vessels considered complete and susceptible to impurity? In the case of a bed or a crib, this happens once they are rubbed with fish skin, which smoothens the wood. The Gemara asks: And if a bed is woven on its back side, as Rabbi Yoḥanan claimed, why do I need rubbing with fish skin? Doesn't the weaving cover the smooth part of the bed? Rather, instead of Rabbi Yoḥanan's explanation, say that the weaving of both this and that, a dargash and a bed, is on its inside, and the difference between them is that on a bed, the straps go in and out of holes on the posts, whereas on a dargash, they go in and out of loops.

⁸¹ Rabbi Ya'akov says that Rabbi Yehoshua ben Levi says: The halakha is in accordance with the opinion of Rabban Shimon ben Gamliel that a mourner is not required to overturn a dargash, but only to untie the straps around its posts to let it fall on its own. In connection with this matter Rabbi Ya'akov bar Ami says: In the case of a bed whose posts [naklitim] on which the canopy is spread extend, meaning that they are very long, so that the bed will remain high off the ground even if it is overturned, the mourner stands it up in the time of mourning and that is sufficient.

⁸² MISHNA: And the king brings out people for conscription in an optional war, i.e., a war that is not mandated by the Torah and is not a war of defense, on the basis of a court of seventy-one, and breaches fences of anyone in his way to create a pathway for himself for his various needs, and no one can protest his power. The pathway of the king has no measure, neither lengthwise nor widthwise, and one cannot protest that this pathway is wider than necessary. And all the people take spoils in war and give them to him, and he takes the first portion of the spoils.

⁸³ GEMARA: We already learn this on another occasion in the mishna (2a): And the king may bring out the nation to an optional war only on the basis of a court of seventy-one judges. Why did the mishna need to repeat it here? The Gemara explains: Since in the mishna here the tanna taught all matters pertaining to the king, he also taught the halakha of bringing out the nation to an optional war, although this halakha was taught at the beginning of the tractate in the context of the halakhot of the court of seventy-one judges.

⁸⁴ With regard to the king's rights, the Sages engaged in a dispute: Rav Yehuda says that Shmuel says: Concerning all the actions that are stated in the biblical passage about the king (see I Samuel 8:11–17), it is permitted for a king to perform them. Rav says: This biblical passage was stated only in order to threaten the Jewish people, so that they would accept the king's sovereignty with reverence, as it is stated: "You shall set a king over you" (Deuteronomy 17:15), meaning, it is necessary that his fear should be upon you. But the king is not actually permitted to perform the actions stated there.

⁸⁵ The Gemara comments that this dispute is parallel to a dispute between tanna'im, as it is taught in a baraita: Rabbi Yosei says: Concerning all the actions that are stated in the biblical passage about the king, it is permitted for a king to perform them. Rabbi Yehuda says: This biblical passage was stated only in order to threaten the Jewish people, as it is stated: "You shall set a king over you" (Deuteronomy 17:15), meaning, it is necessary that his fear should be upon you.

⁸⁶ The baraita continues: And so would Rabbi Yehuda say: Three mitzvot were commanded to the Jewish people upon their entrance into Eretz Yisrael, which apply only in Eretz Yisrael: They were commanded to establish a king for themselves (see Deuteronomy 17:14–15), and to cut off the seed of Amalek in war (see Deuteronomy 25:17–19), and to build the Chosen House, i.e., the Temple, in Jerusalem (see Deuteronomy 12:10–12).

⁸⁷ The baraita continues: Rabbi Nehorai says: This biblical passage about appointing a king was stated only in response to the Jewish people's complaint, as it is stated: "When you come unto the land that the Lord your God gives you, and shall possess it, and shall dwell therein, and shall say: I will set a king over me, like all the nations that are around me" (Deuteronomy 17:14). The verse indicates that appointing a king is not a mitzva and that when Samuel spoke to them, he intended to frighten them so that they might regret their complaint and retract their request for a king.

⁸⁸ It is taught in a baraita: Rabbi Eliezer says: The elders of Samuel's generation asked appropriately, as it is stated: "Give us a king to judge us" (I Samuel 8:6), since they wanted a steady leader in place of Samuel. But the ignoramuses among them ruined it, as it is stated: "But the people refused to heed the voice of Samuel; and they said: No, but there shall be a king over us, that we also may be like all the nations, and that our king may judge us, and emerge before us, and fight our battles" (I Samuel 8:19–20).

⁸⁹ It is taught in a baraita: Rabbi Yosei says: Three mitzvot were commanded to the Jewish people upon their entrance into Eretz Yisrael: To establish a king for themselves, and to cut off the seed of Amalek in war, and to build for themselves the Chosen House in Jerusalem. But I do not know which one they are obligated to do first.

⁹⁰ When the verse states: "The hand upon the throne [kes] of the Lord: The Lord will have war with Amalek from generation to generation" (Exodus 17:16), you must say that this means they are obligated to establish a king for themselves first, before waging war with Amalek, and the verse is interpreted as follows: "Throne of the Lord" is nothing other than a symbolic name for a king, as it is stated: "Then Solomon sat on the throne [kisei] of the Lord as king" (I Chronicles 29:23), indicating that a king sits on "the throne of the Lord."

⁹¹ The baraita continues: And still I do not know whether building them the Chosen House is first, or cutting off the seed of Amalek is first, i.e., after the appointing of the king. When the verse states: "And He will give you rest from all your enemies round about, so that you dwell in safety; then it

shall come to pass that the place that the Lord your God shall choose to cause His name to dwell there, there shall you bring all that I command you” (Deuteronomy 12:10–11), you must say that the Jewish people were to cut off the seed of Amalek first.

⁹² The baraita continues: And so the verse states concerning David: “And it came to pass, when King David dwelled in his house and the Lord had given him rest round about from all his enemies” (II Samuel 7:1). And it is written immediately afterward: “That the king said to Nathan the prophet: See now, I dwell in a house of cedar but the Ark of God dwells within curtains” (II Samuel 7:2), and King David then began seeking a site to build the Temple.

⁹³ § The Gemara cites another tradition about Solomon’s kingdom. Reish Lakish says: Initially, Solomon ruled even over the supernal worlds, as it is stated: “Then Solomon sat on the throne of the Lord” (I Chronicles 29:23), indicating that his kingdom was like the Lord’s kingdom, reigning over all worlds. But ultimately, after he married foreign wives, he ruled over only the lower worlds, as it is stated: “For he had dominion over all the region on this side of the river, from Tiphshah even to Gaza” (I Kings 5:4).

⁹⁴ Rav and Shmuel disagreed with regard to the meaning of this verse: One says that Tiphshah is a name of a place at the end of the world, at one end of Solomon’s kingdom, and Gaza is at the other end of the world. And one says that Tiphshah and Gaza sat next to each other, and the verse serves to teach that just as he ruled over Tiphshah and over Gaza, so he ruled over the whole world.

⁹⁵ Reish Lakish continues: And ultimately, Solomon declined further still in that he ruled only over Israel, as it is stated: “I, Koheleth, have been king over Israel in Jerusalem” (Ecclesiastes 1:12). And ultimately, he ruled over only Jerusalem, as it is stated: “The words of Koheleth, the son of David, king in Jerusalem” (Ecclesiastes 1:1). And ultimately, he ruled over only his bed, as it is stated: “Behold, it is the bed of Solomon; threescore mighty men are about it, of the mighty men of Israel” (Song of Songs 3:7).

⁹⁶ And ultimately, he declined so much that he ruled over only his staff, as it is stated: “And this was my portion from all of my labor” (Ecclesiastes 2:10). Rav and Shmuel disagreed with regard to the meaning of this latter verse as well. One says that the term “this” is a reference to his staff, and one says that it is a reference to his cloak.

⁹⁷ The Gemara asks: Did he return to reign over the whole world, or did he ultimately not return? Rav and Shmuel disagreed about this: One says that he returned, and one says that he did not return. The one who says that he did not return reasons that Solomon was first a king and then an ordinary person [hedyot] and did not return to his reign; and the one who says that he returned reasons that Solomon was first a king and then an ordinary person and ultimately returned to be a king.

⁹⁸ § The mishna teaches that the king breaches fences of anyone in his way to create a pathway for himself. The Sages taught in a baraita: Treasures of kings taken as spoils in war belong to the king, and as for the rest of the spoils that are taken in a war, half is for the king and half is for the people. Abaye said to Rav Dimi, and some say that he said this to Rav Aḥa: Granted, treasures of kings belong to the king. This is the typical manner of kings, as it is fitting that the king should use the treasures of the kings he conquers; but with regard to the rest of the spoils that are taken in a war, where half is for the king and half is for the people, from where do we derive this halakha? He answered Abaye: The source is as it is written:

⁹⁹ “And they made Solomon, son of David, king the second time, and anointed him unto the Lord to be leader, and Tzadok to be priest” (I Chronicles 29:22). This verse compares a leader, referring to King Solomon, to Tzadok, the High Priest: Just as for Tzadok, half of the shewbread given to the priests is for him, the High Priest, and half is for all his brothers, the other priests, so too for the leader, half is for him and half is for his brothers, the rest of the army.

¹⁰⁰ The Gemara asks: And with regard to Tzadok himself, from where do we derive that the High Priest takes half? The Gemara responds: As it is taught in a baraita: Rabbi Yehuda HaNasi says: The Torah states with regard to the apportionment of the shewbread: “And it shall be for Aaron and his sons, and they shall eat it in a holy place” (Leviticus 24:9), from which it is inferred: Half for Aaron and half for his sons.

¹⁰¹ MISHNA: The king “shall not add many wives for himself” (Deuteronomy 17:17), but only eighteen. Rabbi Yehuda says: He may add many wives for himself, provided that they are not like those who turn his heart away from reverence for God. Rabbi Shimon says: Even if he wants to marry only one wife, if she turns his heart away, he should not marry her. If so, why is it stated: “He shall not add many wives for himself”? This teaches that even if his wives are like Abigail, who was righteous and prevented David from sin (see I Samuel, chapter 25), it is prohibited for him to have many wives.

¹⁰² GEMARA: The Gemara asks: Is this to say that Rabbi Yehuda interprets the rationale behind the mitzva in the verse and draws halakhic conclusions based on that interpretation, and Rabbi Shimon does not interpret the rationale in the verse? But didn’t we hear them hold the opposite opinions with regard to interpreting the rationale behind a mitzva in a verse?

¹⁰³ As it is taught in a baraita (Tosefta, Bava Metzia 10:3): In the case of a widow, whether she is poor or whether she is wealthy, one may not take collateral from her for a loan, as it is stated: “You may not take the garment of a widow for a pledge” (Deuteronomy 24:17); this is the statement of Rabbi Yehuda. Rabbi Shimon says: In the case of a wealthy widow, one may take collateral from her. But in the case of a poor widow, one may not take collateral from her, because you are obligated to return it to her, and you will give her a bad name among her neighbors.

¹⁰⁴ And we say about this dispute: What is Rabbi Shimon saying? This is what he is saying: Because you take collateral from her, you are required to return it to her, as the verse states: “And if he is a poor person, you shall not sleep with his pledge; you shall restore the pledge to him when the sun goes down” (Deuteronomy 24:12–13), and you thereby give her a bad name among her neighbors, who will suspect licentious behavior when they see a man come to her house every morning and evening. Evidently, according to this dispute Rabbi Yehuda does not interpret the rationale in the verse and Rabbi Shimon does interpret the rationale in the verse.

¹⁰⁵ The Gemara explains: Generally, Rabbi Yehuda does not interpret the rationale in the verse, but it is different here, as the verse itself explains the rationale in the verse: What is the reason that “he shall not add many wives for himself”? He should not add many wives because of what is articulated in the continuation of the verse: “His heart should not turn.”

¹⁰⁶ And Rabbi Shimon could have said to you: Since generally we interpret the rationale in the verse, then if it is so that the prohibition against marrying many wives applies only to wives that are likely to lead his heart astray, the verse should write only: “He shall not add many wives for himself” and then be silent. In that case, I would say, on my own, what is the reason that he shall not add many

wives? It is so that his heart should not turn away. Accordingly, why do I need the additional phrase “his heart should not turn away”? It serves to teach another halakha, that even if he wants to marry only one wife, if she turns his heart away, he should not marry her. But then how do I realize the meaning of the verse: “He shall not add many wives for himself”? It means that he should not have many wives even if they are like Abigail.

¹⁰⁷ § As for those eighteen women that the king may marry, from where do we derive that number? The Gemara responds: As it is written: “And to David sons were born in Hebron; and his firstborn was Amnon, from Ahinoam the Jezreelitess; and his second, Chileab, from Abigail the wife of Nabal the Carmelite; and the third, Absalom, son of Maacah, the daughter of Talmai, king of Geshur; and the fourth, Adonijah, son of Haggith; and the fifth, Shephatiah, son of Abital; and the sixth, Ithream, of Eglah, David’s wife. These were born to David in Hebron” (II Samuel 3:2–5). In these verses, a total of six wives are mentioned.

¹⁰⁸ And the prophet Nathan said to King David in his rebuke: “And I gave you your master’s house and your master’s wives into your bosom and I gave you the house of Israel and Judah; and if that were too little, then I would add to you like these and like those” (II Samuel 12:8). “Like these”; this is referring to the wives enumerated above, meaning another six. “And like those”; this is referring to another six, so that all together there are eighteen he would be permitted to marry.

¹⁰⁹ Ravina objects to this explanation: Say instead: “Like these”; this is referring to an additional six, like the wives enumerated above, totaling twelve. “And like those”; this is referring to all of those enumerated previously, totaling twenty-four.

¹¹⁰ The Gemara adds: Support for Ravina’s interpretation is also taught in a baraita: “He shall not add many wives to himself”; this means he may not marry more than twenty-four women. The Gemara comments: According to the one who interprets the letter vav, translated as the conjunction “and” in the term “and like those,” to add and expand upon what came before, the vav is written in order to add more, and therefore, there are forty-eight women. The Gemara comments: Support for this interpretation is also taught in a baraita: “He shall not add many wives to himself”; this means he may not marry more than forty-eight women.

¹¹¹ The Gemara asks: And as for the tanna of our mishna, what is his reason for limiting the number to eighteen? Rav Kahana says: The verse compares the latter term: “Like those [kahenna],” to the former term: “Like these [kahenna],” teaching that just as the former term: “Like these,” means six, so too, the latter term: “Like those,” means six and no more.

¹¹² The Gemara challenges the notion that David had only six wives. But there was also Michal, and so he had at least seven wives. Rav said: One of those six wives, Eglah, is Michal, and why was she called Eglah in the verse? It was because she was dear to him like a calf [egla], and so the verse states that Samson referred to his wife with the same term: “If you had not plowed with my calf you would not have found my secret” (Judges 14:18).

¹¹³ The Gemara challenges the identification of Eglah with Michal: And did Michal have children? But isn’t it written: “And Michal the daughter of Saul had no child until the day of her death” (II Samuel 6:23)? Rav Ḥisda said: Until the day of her death she had no child, but on the day of her death she had a child.

¹¹⁴ The Gemara challenges this: Now, these children of David's, where does it count them? In Hebron, as Eglon was listed above with David's wives in Hebron. But the incident with Michal, in the context of which the verse says she had no children, was in Jerusalem, as it is written: "And it was so, as the Ark of the Lord came into the city of David, that Michal the daughter of Saul looked out the window and saw King David leaping and dancing before the Lord, and she despised him in her heart" (II Samuel 6:16). And Rav Yehuda says, and some say it is Rav Yosef who says: Michal received her punishment [lemitarpesah] immediately, and therefore could not have had children afterward. Rather, say a different explanation: Until that incident, she had a child; from that point forward, she did not have a child.

¹¹⁵ The Gemara challenges the notion that David had only this limited number of wives. But isn't it written: "And David took more concubines and wives in Jerusalem after he came from Hebron" (II Samuel 5:13). The Gemara responds: All of these were to complete the tally of eighteen and no more. The Gemara asks about this verse: What is the meaning of "wives" and what is the meaning of "concubines" in that verse? Rav Yehuda says that Rav says: Wives receive a marriage contract and betrothal; concubines are taken without a marriage contract and without betrothal.

¹¹⁶ Rav Yehuda says that Rav says: David had four hundred children in his army, and all of them were sons of beautiful women taken captive from their gentile homes during war (see Deuteronomy 21:10–14). And they grew their hair in a gentile hairstyle, and they all sat in carriages [bikronot] of gold. And they walked at the head of the troops, and they were the strong-arm enforcers of the house of David, on whose loyalty David's monarchy relied.

¹¹⁷ And Rav Yehuda says that Rav says: David's daughter Tamar was the daughter of a beautiful woman taken captive in war and was born before her mother converted. Therefore, Tamar was not considered the daughter of David according to halakha. The proof of this is in what she said to Amnon, son of David, as it is stated: "Now, therefore, speak, please, to the king, for he will not withhold me from you" (II Samuel 13:13). And if it enters your mind to say that she was the daughter of a woman David married, would David have permitted Amnon's sister to him as a wife? Rather, learn from this verse that she was the daughter of a beautiful woman who converted after Tamar was born, so halakhically Tamar was not a daughter of David.

¹¹⁸ The Gemara continues to interpret the story of Amnon and Tamar. The verse states: "And Amnon had a friend whose name was Jonadab, son of Shimeah, David's brother, and Jonadab was a very wise man" (II Samuel 13:3). Rav Yehuda says that Rav says: A wise man for wickedness.

¹¹⁹ The verse recounts Jonadab's words to Amnon: "And he said to him: Why, son of the king, are you so, becoming leaner from day to day... and Jonadab said to him: Lie on your bed and feign illness, and when your father comes to see you, say to him: Let my sister Tamar come, please, and give me bread, and she should dress the food in my sight... And she took the pan and poured them out before him" (II Samuel 13:4–5, 9). Rav Yehuda says that Rav says: This means that Tamar prepared various kinds of fried [tiggun] food for Amnon.

¹²⁰ At the end of the story, the verse states: "Then Amnon hated her with exceeding, great hatred, for greater was the hatred with which he hated her than the love with which he had loved her" (II Samuel 13:15). The Gemara asks: What is the reason for Amnon's intense hatred? Rabbi Yitzhak says: While he raped her, a hair [nima] of hers became tied around his penis and caused him to be one whose penis has been severed. The Gemara asks: But if the hair became tied around his penis, what did she

do? Why would Amnon hold this against her? Rather, say that she intentionally tied a hair around his penis during intercourse, and she made him one whose penis has been severed in order to take revenge on him, and for this he hated her.

¹²¹ The Gemara challenges this: Is that so? But didn't Rava interpret a verse homiletically: What is the meaning of that which is written: "And your renown went forth among the nations about your beauty" (Ezekiel 16:14)? This teaches that Jewish women do not have armpit hair or pubic hair. Therefore, Tamar would have had no hair to injure Amnon in that way. The Gemara responds: Tamar is different, as she was the daughter of a beautiful woman, who was a gentile.

¹²² The verse relates that after Amnon raped her: "And Tamar put ashes on her head and rent her garment of many colors that was on her" (II Samuel 13:19). The Sages taught in the name of Rabbi Yehoshua ben Korḥa: Tamar established a great fence at that time by way of her public outcry, as people said: If such an occurrence could happen to the daughters of kings, all the more so could it happen to the daughters of ordinary people. If such an occurrence could happen to modest women like Tamar, who resisted, all the more so could it happen to licentious women. Rav Yehuda says that Rav says: At that time they decreed

¹²³ about seclusion, that a man should not be secluded with women who are forbidden to him, and about a single woman.

¹²⁴ The Gemara objects: Seclusion with a woman forbidden by familial ties is prohibited by Torah law, and was not a rabbinic decree issued in the time of David. As Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yehotzadak: From where is there an allusion to the halakha that seclusion is forbidden by Torah law? As it is stated: "If your brother, the son of your mother, entices you" (Deuteronomy 13:7). One can ask: But does the son of a mother entice, and does the son of a father not entice? Why mention only the son of a mother? Rather, this verse serves to tell you that only a son may be secluded with his mother. Sons are frequently with their mother, and two half-brothers of one mother consequently have the opportunity to grow close to one another. But another individual may not be secluded with those with whom relations are forbidden by the Torah, including a stepmother. Therefore, half-brothers of one father spend less time together.

¹²⁵ Since seclusion, then, is prohibited by Torah law, how did Rav say that it was prohibited by a decree issued in King David's time? Rather, say that they decreed against seclusion of a man with a single woman, to prevent occurrences like that of Amnon and Tamar.

¹²⁶ Apropos Amnon, the Gemara cites traditions about another son of David: "Now Adonijah, son of Haggith, exalted himself, saying: I will be king" (I Kings 1:5). Rav Yehuda says that Rav says: The term "exalted himself" teaches that he sought for the monarchy to fit him, but it did not fit him.

¹²⁷ The verse continues: "And he prepared for himself chariots and riders and fifty people to run before him" (I Kings 1:5). The Gemara asks: What is the novelty of these actions, since other wealthy people do the same, even if they are not the sons of kings, with designs on the throne? Rav Yehuda says that Rav says: What was unique was that the runners all had their spleens removed and had the soles of their feet hollowed, removing the flesh of their feet, and these two procedures enhanced their speed.

¹²⁸ MISHNA: The king "shall not accumulate many horses for himself" (Deuteronomy 17:16), but only enough for his chariot in war and in peace. "Neither shall he greatly accumulate silver and gold

for himself” (Deuteronomy 17:17), but only enough to provide his soldiers’ sustenance [aspanya]. And the king writes himself a Torah scroll for his sake, as stipulated in Deuteronomy 17:18. When he goes out to war, he brings it out with him. When he comes in from war, he brings it in with him. When he sits in judgment, it is with him. When he reclines to eat, it is opposite him, as it is stated: “And it shall be with him and he shall read it all the days of his life” (Deuteronomy 17:19).

¹²⁹ GEMARA: The Sages taught in a baraita with regard to the verse: “He shall not accumulate many horses [susim] for himself nor return the people to Egypt for the sake of accumulating horses [sus]” (Deuteronomy 17:16): One might have thought that he shall not have even enough horses for his chariot and riders. Therefore, the verse states: “For himself,” teaching that only if the horses are for himself, for personal pleasure, he shall not accumulate them, but he may accumulate horses for his chariot and riders. How, then, do I realize the meaning of “horses [susim]” in the verse? It is referring to idle horses, which serve no purpose other than glorifying the king. From where is it derived that even if the king has one horse that is idle, that he transgresses “he shall not accumulate”? The verse states: “For the sake of accumulating horses [sus],” with the term for horses written in the singular.

¹³⁰ The Gemara asks: But once the verse taught that even one horse that is idle stands to be included in the prohibition of “he shall not accumulate,” why do I need the plural form “horses” in the first clause of the verse? The Gemara responds: Its purpose is to teach that a king would transgress the prohibition an additional time for each and every idle horse.

¹³¹ The Gemara questions this ruling: The specific reason for limiting the prohibition to idle horses is that the Merciful One writes: “He shall not accumulate for himself,” which indicates, consequently, that if the Torah had not written this, I would say that even enough horses for his chariot and riders are not permitted; and this is unreasonable, since the king needs an army. The Gemara responds: No, the term “for himself” is necessary to teach that it is permitted for the king to add a reasonable number of horses beyond the necessary minimum, and it is only strictly personal use that is prohibited.

¹³² The mishna teaches: “Neither shall he greatly accumulate silver and gold for himself” (Deuteronomy 17:17), but only enough to provide his soldiers’ sustenance. The Sages taught in a baraita: From the command “neither shall he greatly accumulate silver and gold for himself,” one might have thought that he should not have even enough to provide his soldiers’ sustenance. To counter this, the verse states: “For himself,” teaching that only if the silver and gold is for himself, for personal pleasure, he shall not accumulate it, but he may accumulate enough silver and gold to provide his soldiers’ sustenance.

¹³³ The Gemara questions this ruling: The specific reason for limiting the accumulation of personal wealth is that the Merciful One writes: “Neither shall he greatly accumulate silver and gold for himself,” which indicates, consequently, that if the Torah had not written this, I would say that it is not permitted for the king to accumulate even enough silver and gold to provide his soldiers’ sustenance; this is unreasonable, since the king needs an army. The Gemara responds: No, the term “for himself” is necessary to teach that the king is permitted to allow for a liberal appropriation to the military budget, so that the army has a comfortable financial cushion.

¹³⁴ The Gemara asks: Now that you have said that the term “for himself” in the verse is stated for the purpose of a derivation for practical halakha, which limits and narrows the verse’s scope, what do

you derive from the next phrase in the verse: “He shall not add many wives for himself”? The Gemara answers: That usage of “for himself” serves to exclude ordinary people, to specify that only the king is restricted from having many wives, but a civilian may marry as many women as he wants, provided he can support them financially.

¹³⁵ § Rav Yehuda raises a contradiction: It is written in one verse: “And Solomon had forty thousand stalls of horses for his chariots” (I Kings 5:6), and it is written in another verse: “And Solomon had four thousand stalls for horses and chariots” (II Chronicles 9:25). How can these texts be reconciled? If there were forty thousand large stables [itztablaot], each and every one of them had in it four thousand stalls, or rows, for horses. And alternatively, if there were four thousand large stables, each and every one had in it forty thousand stalls for horses. Therefore the two verses are reconciled.

¹³⁶ Rabbi Yitzḥak raises a contradiction: It is written in one verse: “Silver was not worth anything in the days of Solomon” (II Chronicles 9:20), and it is written in another verse: “And the king made silver in Jerusalem as stones” (I Kings 10:27), i.e., gems. The Gemara responds: It is not difficult: Here, where silver was worthless, this was before Solomon sinfully married Pharaoh’s daughter. There, where the silver was valuable, this was after Solomon married Pharaoh’s daughter.

¹³⁷ Rabbi Yitzḥak says: When Solomon married Pharaoh’s daughter, the angel Gabriel descended from Heaven and implanted a pole in the sea. And it gradually raised up a sandbar [sirton] around it, creating new, dry land, and on it the great city of Rome was built. This shows that the beginning of the Jewish people’s downfall to Rome came with Solomon’s marriage to Pharaoh’s daughter.

¹³⁸ And Rabbi Yitzḥak says: For what reason were the rationales of Torah commandments not revealed? It was because the rationales of two verses were revealed, and the greatest in the world, King Solomon, failed in those matters. It is written with regard to a king: “He shall not add many wives for himself, that his heart should not turn away” (Deuteronomy 17:17). Solomon said: I will add many, but I will not turn away, as he thought that it is permitted to have many wives if one is otherwise meticulous not to stray. And later, it is written: “For it came to pass, when Solomon was old, that his wives turned away his heart after other gods” (I Kings 11:4).

¹³⁹ And it is also written: “Only he shall not accumulate many horses for himself nor return the people to Egypt for the sake of accumulating horses” (Deuteronomy 17:16), and Solomon said: I will accumulate many, but I will not return. And it is written: “And a chariot came up and went out of Egypt for six hundred shekels of silver” (I Kings 10:29), teaching that not only did Solomon violate the Torah, but he also failed in applying the rationale given for its commandments. This demonstrates the wisdom in the Torah’s usual silence as to the rationale for its mitzvot, as individuals will not mistakenly rely on their own wisdom to reason that the mitzvot are inapplicable in some circumstances.

¹⁴⁰ § The mishna teaches that the king writes a Torah scroll for his sake. The Sages taught in a baraita (Tosefta 4:4): The king fulfills the mitzva provided that he does not beautify himself with the Torah scroll of his ancestors for this purpose, i.e., he must write his own scroll.

¹⁴¹ Rava says: With regard to the mitzva for every Jew to write himself a Torah scroll, even if a person’s ancestors left him a Torah scroll, it is a mitzva to write a scroll of one’s own, as it is stated: “Now, therefore, write for yourselves this song and teach it to the children of Israel” (Deuteronomy 31:19). Abaye raised an objection to him from a baraita concerning the king’s Torah scroll: And he writes himself a Torah scroll for his sake, so that he does not beautify himself with the Torah scroll of

others. Read precisely, this indicates that a king, yes, he is included in the halakha not to have a scroll inherited from his ancestors suffice, but an ordinary person is not.

¹⁴² The Gemara dismisses Abaye's objection: No, the ruling of that baraita is necessary to teach that the king is commanded to write two Torah scrolls; he writes one scroll as does any Jew, and he writes an additional scroll because he is king. And this is as it is taught in a baraita: The verse states: "That he shall write for himself a second Torah in a scroll, out of that which is before the priests the Levites" (Deuteronomy 17:18). This teaches that he writes for his sake two Torah scrolls, one that goes out and comes in with him at all times, and one that is placed in his treasury.

¹⁴³ The baraita continues: With regard to the one that goes out and comes in with him, he makes it very small, like an amulet, and he hangs it on his arm, as it is stated: "I have set the Lord always before me; He is at my right hand, that I shall not be moved" (Psalms 16:8). This alludes to the small Torah scroll that is always on his right hand. He does not go into the bathhouse with it, nor into the bathroom, as it is stated: "And it shall be with him and he shall read from it" (Deuteronomy 17:19), meaning, it shall remain in a place that is appropriate for reading from it.

¹⁴⁴ § Mar Zutra says, and some say that it is Mar Ukva who says: Initially, the Torah was given to the Jewish people in Ivrit script, the original form of the written language, and the sacred tongue, Hebrew. It was given to them again in the days of Ezra in Ashurit script and the Aramaic tongue. The Jewish people selected Ashurit script and the sacred tongue for the Torah scroll and left Ivrit script and the Aramaic tongue for the commoners.

¹⁴⁵ The Gemara asks: Who are these commoners? Rav Ḥisda said: The Samaritans [Kutim]. The Gemara asks: What is Ivrit script? Rav Ḥisda says: Libona's script.

¹⁴⁶ It is taught in a baraita (Tosefta 4:5): Rabbi Yosei says: Ezra was suitable, given his greatness, for the Torah to be given by him to the Jewish people, had Moses not come first and received the Torah already. With regard to Moses the verse states: "And Moses went up to God" (Exodus 19:3), and with regard to Ezra the verse states: "This Ezra went up from Babylon and he was a ready scribe in the Torah of Moses, which the Lord, the God of Israel, had given" (Ezra 7:6). Just as the going up stated here, with regard to Moses, is for the Torah, which he received from God and transmitted to the Jewish people, so too, the going up stated there, with regard to Ezra, is for the Torah, as he taught Torah to the Jewish people and was suitable to have originally merited to give it.

¹⁴⁷ The baraita continues: With regard to Moses the verse states: "And the Lord commanded me at that time to teach you statutes and ordinances" (Deuteronomy 4:14), and with regard to Ezra the verse states: "For Ezra had set his heart to seek the Torah of the Lord his God and to do it and to teach in Israel statutes and ordinances" (Ezra 7:10). And even though the Torah was not given literally by him, the script of the Torah was changed by him, as it is stated:

¹⁴⁸ "And the writing of the letter [hannishtevan] was written in the Aramaic script, and set forth in the Aramaic tongue" (Ezra 4:7). The term "hannishtevan" is similar to the word nishtana, meaning changed, alluding to the fact that the script had been changed. And it is written with regard to the writing on the wall of Belshazzar's palace: "Then came in all the king's wise men. But they could not read the writing, nor make known to the king the interpretation" (Daniel 5:8), and the reason they could not read it is that it was written in the new script that Ezra would transmit. And it is written: "That he shall write for himself a second [mishne] Torah" (Deuteronomy 17:18), where "second [mishne]" teaches that it is written in a script that is apt to be changed [lehishtannot].

¹⁴⁹ The baraita continues: Why is this script called Ashurit? Because it ascended with the Jewish people from Ashur when they returned from their exile in Babylonia.

¹⁵⁰ It is taught in a baraita (Tosefta 4:5): Rabbi Yehuda HaNasi says: Initially, the Torah was given to the Jewish people in this script, Ashurit, which is in use today. Once the Jewish people sinned, it turned into an impairment for them and they began writing with a different script, Libona'a. Once they repented, the first script was returned to them, and they resumed writing with Ashurit script, as it is stated: "Return to the stronghold, you prisoners of hope; even today do I declare that I will render double [mishne] unto you" (Zechariah 9:12), meaning that God restored to the Jewish people this script that had been changed [nishtanna].

¹⁵¹ The baraita continues: If this script predates the exile to Babylonia, why is it called Ashurit? Because it is meusheret, beautiful and straight, in script.

¹⁵² The baraita continues: Rabbi Shimon ben Elazar says in the name of Rabbi Eliezer ben Perata, who said in the name of Rabbi Elazar HaModa'i: This script did not change at all, as it is stated with regard to the construction of the Tabernacle: "The hooks of [vavei] the poles" (Exodus 27:10). This teaches that just as the poles were not changed, so too, the hooks [vavim] were not changed. The letter vav in Ashurit script has the shape of a hook. Evidently, this is why the term for hook in the Torah is vav. And the verse states: "And to the Jews according to their script and according to their language" (Esther 8:9). This teaches that just as their language was not changed over the generations but remained Hebrew, so too, their script was not changed.

¹⁵³ The baraita continues: But if the script was in fact not changed, how do I realize the meaning of the phrase "a second [mishne] Torah" (Deuteronomy 17:18)? This serves to teach the halakha concerning the two Torah scrolls that the king writes, one that goes out and comes in with him, and one that is placed in his treasury. With regard to the one that goes out and comes in with him, he makes it very small, like an amulet, and he hangs it on his arm. As it is stated by King David: "I have set the Lord always before me; He is at my right hand, that I shall not be moved" (Psalms 16:8). This verse alludes to the two Torah scrolls, one that is before him and one that is in his right hand.

¹⁵⁴ The Gemara asks: And with regard to the other Sage, i.e., Rabbi Yehuda HaNasi, who does not hold that the king must write and affix the second scroll to his arm, what does he expound from that verse: "I have set" (Psalms 16:8)? The Gemara responds: He requires that verse in accordance with the statement of Rav Hana bar Bizna, as Rav Hana bar Bizna says that Rabbi Shimon Hāsida says: One who prays needs to see himself as if the Divine Presence is opposite him, as it is stated: "I have set the Lord always before me" (Psalms 16:8).

¹⁵⁵ The Gemara asks: According to Rabbi Shimon, who says that this script was not changed at all, what is the reason "they could not read the writing" (Daniel 5:8)? Rav says: Because it was written for them in the obscure code of gimatriyya. It was written: Yod, tet, tav; yod, tet, tav; ales, yod, dalet, khaf; peh, vav, gimmel, het, mem, tet. These letters correspond with: Mem, nun, ales; mem, nun, ales; tav, kuf, lamed; vav, peh, reish, samekh, yod, nun; this is based on the exchange of letters known as at bash, or the exchanging of a letter with its counterpart in the opposite place in the alphabet, e.g., ales, the first letter, for tav, the last letter.

¹⁵⁶ What did Daniel explain to them? The letters stand for the terms: "Mene mene tekul ufarsin" (Daniel 5:25). He then explained the meaning: "Mene": God has numbered [mena] the days of your kingdom and brought it to an end. "Tekel": You are weighed [tekilta] on the scale and are found

lacking. “Parsin”: Your kingdom is divided [perisat] and given to the Medes and Persians” (Daniel 5:26–28).

¹⁵⁷ And Shmuel says: The writing used the correct letters for those terms, but instead of being written in order, the four words, mene mene tekem ufarsin were written vertically and were therefore meant to be read from the top down. If read in the usual way, from right to left, it says: “Mamtos nankafei a’alran.” And Rabbi Yoḥanan says: Each word was written backward, so that read right to left, they spelled, Anem anem leket nisrapu. Rav Ashi says: They were written with the first two letters of each word reversed: Nema nema ketem ufarsin.

¹⁵⁸ MISHNA: One may not ride on the king’s horse, and one may not sit on his throne, and one may not use his scepter, and one may not see him when he is having his hair cut, nor when he is naked, nor when he is in the bathhouse, as it is stated: “You shall set a king over you” (Deuteronomy 17:15), meaning, ensure that his fear should be upon you. All of these actions would lessen one’s fear of and reverence for the king.

¹⁵⁹ GEMARA: Rav Ya’akov says that Rabbi Yoḥanan says: Abishag the Shunammite was permitted to Solomon but forbidden to Adonijah, who in fact wanted to marry her. She was permitted to Solomon, as he was a king, and a king may use the scepter of a king. Abishag’s status was similar to the king’s scepter, as she had been designated to serve King David. She was forbidden to Adonijah, as he was an ordinary person, not a king.

¹⁶⁰ The Gemara clarifies: The story of Abishag, what is it? As it is written: “Now King David was old and stricken in years...and his servants said to him, let there be sought...a young virgin...and let her lie in your bosom, that my lord the king may get heat” (I Kings 1:1–2); and it is written: “So they sought for a beautiful maiden...and found Abishag” (I Kings 1:1–3); and it is written: “And the maiden was very beautiful and she became a companion to the king and ministered to him, but the king did not know her” (I Kings 1:1–4). Abishag said to King David: Marry me. King David said to her: You are forbidden to me, as I already have eighteen wives.

¹⁶¹ Abishag said to him: When the thief is lacking what to steal, he makes himself like a man of peace. In other words, she was saying that since King David was physically unable to engage in intercourse, he devised an excuse not to marry her. King David said to his attendants: Call Bathsheba to me. And it is written: “And Bathsheba went in to the king into the chamber; now the king was very old and Abishag the Shunammite ministered to the king” (I Kings 1:15). Rav Yehuda says that Rav says: At that time, Bathsheba wiped herself with thirteen cloths, corresponding to the number of words in the verse, indicating that she engaged in intercourse with King David thirteen times.

¹⁶² Rav Shemen bar Abba says: Come and see how severe a matter divorce is, as they rendered it permitted for King David to be secluded with Abishag without marrying her, but they did not render it permitted for him to divorce one of his wives to enable him to marry Abishag.

¹⁶³ § Rabbi Eliezer says: Concerning anyone who divorces his first wife, even the altar sheds tears about him, as it is stated: “And further, this you should do: Cover the altar of the Lord with tears, with weeping and sighing, from His no longer showing regard to the offering, nor receiving it with goodwill from your hand” (Malachi 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” (Malachi 2:14).

¹⁶⁴ Rabbi Yoḥanan, and some say Rabbi Elazar, says: A man's wife does not die unless his creditors ask him for money that he owes and he does not have it, as it is stated: "If you do not have with what to pay, why should he take away your bed from under you?" (Proverbs 22:27). The bed mentioned in the verse alludes to one's wife.

¹⁶⁵ And Rabbi Yoḥanan says: For any man whose first wife dies, it is as if the Temple were destroyed in his days, as it is stated: "Son of man, behold, I take away from you the desire of your eyes with a stroke; yet neither shall you make lamentation nor weep, neither shall your tears run down" (Ezekiel 24:16). And it is written: "So I spoke to the people in the morning and in the evening my wife died" (Ezekiel 24:18). And it is written in the continuation of the same passage: "Behold I will profane My Sanctuary, the pride of your power, the desire of your eyes" (Ezekiel 24:21), illustrating that a man's wife is as precious to him as the Temple is for the entire Jewish nation.

¹⁶⁶ Rabbi Alexandri says: For any man whose wife dies in his days, the world is dark for him, as it is stated: "The light shall be dark in his tent and his lamp over him shall be put out" (Job 18:6), since the word tent is commonly employed as a metonym for a wife. Rabbi Yosei bar Ḥanina says: His steps get shorter, as it is stated: "The steps of his strength shall be constrained" (Job 18:7). Rabbi Abbahu says: His counsel falls, as it is stated: "And his own counsel shall cast him down" (Job 18:7).

¹⁶⁷ Rabba bar bar Ḥana says that Rabbi Yoḥanan says: It is as difficult to match a couple as the splitting of the Red Sea, as it is stated: "God makes the solitary dwell in a house; He brings out prisoners into prosperity" (Psalms 68:7). Do not read the verse as "brings out prisoners"; rather, read it as: Like bringing out prisoners. Accordingly, the act described in the first clause of the verse, God's causing the solitary to dwell in a house, i.e., to marry, is compared to the act described in the next clause in the verse, i.e., bringing out prisoners. And do not read the verse as "into prosperity [bakkosharot]"; rather, read it as: Crying and singing [bekhi veshirot], which alludes to the splitting of the Red Sea, when there was both crying and singing.

¹⁶⁸ The Gemara asks: Is that so that it is this difficult to find a match? But doesn't Rav Yehuda say that Rav says: Forty days before the formation of the fetus a Divine Voice emerges and states: The daughter of so-and-so shall be the wife of so-and-so? Why should matching them be so difficult, since they are prepared for this from before their birth? The Gemara responds: This is not difficult. This latter statement, about predestined matches, is stated with regard to the first match; that former statement, about the difficulty of matchmaking, is stated with regard to the second match.

¹⁶⁹ Rabbi Shmuel bar Naḥman says: For everything that is lost there is a substitute, except for one's wife from youth who dies, as it is stated: "And a wife from youth, can she be rejected?" (Isaiah 54:6). Rav Yehuda taught Rav Yitzḥak, his son: A man finds calmness of spirit only from his first wife, as it is stated: "Let your fountain be blessed and have joy with the wife of

¹⁷⁰ your youth" (Proverbs 5:18). Rav Yitzḥak, his son, said to him: Such as whom? Rav Yehuda said to him: Such as your mother.

¹⁷¹ The Gemara wonders: Is that so? But didn't Rav Yehuda once read to Rav Yitzḥak, his son, from the verse: "And I find more bitter than death the woman whose heart is snares and nets" (Ecclesiastes 7:26)? And Rav Yitzḥak said to him: Such as whom? And Rav Yehuda said to him: Such as your mother. The Gemara responds: This is not a contradiction. Granted, she is difficult and angry, but afterward she is conciliatory, so she is both more bitter than death and a source of calmness and joy for him, at different times.

¹⁷² Rav Shmuel bar Unya says in the name of Rav: A woman is raw material, like a vessel that has not been completed, and makes a covenant, becoming truly connected, only to the one who made her a vessel through her first act of sexual intercourse, as it is stated: “For your Maker is your husband, the Lord of hosts is His name” (Isaiah 54:5).

¹⁷³ It is taught in a baraita: A man dies only to his wife, i.e., it is primarily she who suffers the pain and sadness resulting from his death, and a woman dies only to her husband. A man dies only to his wife, as it is stated: “And Elimelech, Naomi’s husband, died” (Ruth 1:3), and a woman dies only to her husband, as it is stated in Jacob’s parting words to Joseph: “And as for me, when I came from Paddan, Rachel died on me” (Genesis 48:7).

¹⁷⁴ § The mishna teaches: One may not see the king when he is having his hair cut. The Sages taught in a baraita: A king has his hair cut every day. A High Priest waits from the eve of Shabbat to the eve of Shabbat between haircuts. An ordinary priest has his hair cut once every thirty days.

¹⁷⁵ The Gemara explains: A king has his hair cut every day, as it is stated: “Your eyes should see the king in his beauty” (Isaiah 33:17), so his beauty must be tended to daily. A High Priest waits from the eve of Shabbat to the eve of Shabbat, as Rav Shmuel bar Naḥman says that Rabbi Yoḥanan says: Since new priestly watches begin every week on the eve of Shabbat, the High Priest must have his hair cut in order to look his best when the new watch arrives.

¹⁷⁶ The Gemara continues its explanation of the baraita: An ordinary priest has his hair cut once every thirty days, as it is written with regard to the priests: “They shall not shave their heads, and long hair they shall not grow out; they shall trim only their heads” (Ezekiel 44:20), and derive by verbal analogy “long hair” in this verse from “long hair” in the verse written with regard to the nazirite. It is written here, with regard to the priests: “And long hair they shall not grow out,” and it is written there, with regard to the nazirite: “Long hair growing on his head” (Numbers 6:5). Just as there, nazirite hair growth is at least thirty days, so too here, it is thirty days, and the priest must cut his hair before it is called long. And we also learn in a mishna (Nazir 5a): A term of naziriteship of unspecified length is thirty days.

¹⁷⁷ The Gemara asks: And there, in the verse about the nazirite, from where do we derive that thirty days is the minimum length of a term? Rav Mattana says: As the verse states: “He shall be [yihye] holy” (Numbers 6:5): The word “yihye” has the numerical value of thirty.

¹⁷⁸ Rav Pappa said to Abaye: Say that the priests should not grow their hair at all, but shave their heads instead. Abaye said to him: Had it been written: They shall not grow long hair, it would be as you said, but now that it is written: “And long hair” (Ezekiel 44:20), it can be somewhat long hair, but they should not grow it out very long.

¹⁷⁹ The Gemara asks: If so, that the restriction on priests growing long hair is a mitzva by Torah law and not just a regulation for its time, now too, after the destruction of the Temple, priests should be required to have their hair cut every thirty days. The Gemara responds: The prohibition against priests growing long hair is similar to the prohibition against their drinking wine. Just as with regard to wine, only at the time of their entering the Temple is it forbidden to the priests, but when it is not the time of their entering the Temple it is permitted, so too, with regard to those with long hair, at the time of their entering the Temple, growing their hair long is prohibited, but when it is not the time of their entering the Temple, it is permitted.

¹⁸⁰ The Gemara challenges this comparison: And is wine permitted when it is not the time of their entering the Temple? But isn't it taught in a baraita: Rabbi Yehuda HaNasi says: I say that actually, it is always prohibited for priests to drink wine, even since the destruction of the Temple, but what can I do, as his repair is his ruin, meaning that it is the same destruction of the Temple that ruined and confused all priestly regulations and that also improved priests' lifestyle by enabling them to drink. And Abaye said: In accordance with whose opinion do priests drink wine nowadays? In accordance with the opinion of Rabbi Yehuda HaNasi. The Gemara concludes by inference that if Rabbi Yehuda HaNasi is singled out as a lone opinion, then the Rabbis prohibit it.

¹⁸¹ The Gemara responds: There, with regard to drinking wine, this is the reason for the prohibition: The Temple will speedily be built, and we need a priest who is fit for the Temple service; and if the priests drink wine there are none. Therefore, none of them may drink wine. The Gemara objects: If so, here too, with regard to growing hair long, I need a priest who is fit for performing the Temple service as soon as the Temple is rebuilt, and if the priests grow their hair long, there are none.

¹⁸² The Gemara responds: Here it is possible for him to cut his hair and enter the Temple immediately. The Gemara objects: There too, it is possible for him to sleep a little and go in, as Rav Aḥa says: Walking the distance of a mil or sleeping even a minimal amount will dispel the effect of wine that one has drunk. The Gemara responds: But wasn't it stated with regard to Rav Aḥa's statement: Rav Naḥman says that Rabba bar Avuh says: They taught that the wine's effect is dispelled in such a way only when he drank a quarter-log, at most, but if he drank more than a quarter-log, all the more so that walking that distance disturbs him and sleep makes him more drunk, unless he sleeps for a long time.

¹⁸³ Rav Ashi said: The difference between drinking wine and growing hair is this: Concerning priests drunk on wine, who desecrate the Temple service when they perform it while intoxicated, the Sages decreed about them not to drink even after the Temple was destroyed. With regard to long-haired priests, who do not desecrate Temple service by performing it with hair that is too long, the Sages did not decree about them not to grow their hair long after the Temple was destroyed.

¹⁸⁴ The Gemara raises an objection to Rav Ashi's distinction from a baraita (Tosefta, Karetot 1:2): And these are they who are sentenced to death at the hand of Heaven: Priests who enter the Temple with long hair or drunk on wine.

¹⁸⁵ The Gemara comments: Granted, priests entering the Temple drunk on wine are liable for death, as it is written: "Drink no wine nor strong drink, you, nor your sons with you, when you go into the Tent of Meeting, that you not die; it shall be a statute forever throughout your generations" (Leviticus 10:9). But as for priests with long hair, from where do we derive that they are punished with death at the hand of Heaven?

¹⁸⁶ The Gemara responds: It is from the fact that priests drunk on wine were juxtaposed to those with long hair. It is written: "They shall not shave their heads, and long hair they shall not grow out" (Ezekiel 44:20), and it is written in the next verse: "Neither shall any priest drink wine when they enter the inner court" (Ezekiel 44:21). Just as priests drunk on wine are liable to receive death at the hand of Heaven, so too, those with long hair are liable to receive death at the hand of Heaven.

¹⁸⁷ And if so, from this very juxtaposition one may learn that just as priests drunk on wine desecrate the Temple service, so too, those with long hair desecrate the Temple service, which poses a difficulty for Rav Ashi's statement. The Gemara acknowledges: This poses a difficulty.

¹⁸⁸ Ravina said to Rav Ashi: This halakha, until Ezekiel came and taught it, who said it? How can a halakha by Torah law be derived from the juxtaposition of verses in Ezekiel? Rav Ashi responds: And according to your reasoning, then, with regard to this statement that Rav H̥isda says: We did not learn this following matter from the Torah of Moses, our teacher, until Ezekiel came and taught it to us: “No stranger, uncircumcised in heart and uncircumcised in flesh, shall enter into My Sanctuary to serve Me” (Ezekiel 44:9), until Ezekiel came and taught it, who said it? Rather, this halakha is learned as a tradition and therefore was observed for generations, and Ezekiel came and gave it support by writing a verse. Here too, this halakha is learned as a tradition, and Ezekiel came and gave it support by writing a verse.

¹⁸⁹ The Gemara comments: And when they learned this halakha, it was to teach that a priest who violates the restriction is liable to receive death at the hand of Heaven. But the fact that it is considered desecration of the Temple service is not learned as a tradition.

¹⁹⁰ The Gemara asks: What is the meaning of “they shall trim only their heads” (Ezekiel 44:20)? The Sages taught in a baraita: Like a lulyanit haircut. The Gemara asks: What is a lulyanit haircut? Rav Yehuda says that Shmuel says: A unique haircut. The Gemara asks again: What is it like? Rav Ashi says: The hair is cut so that the head of the hair in this row is at the side of the bottom of that row.

¹⁹¹ The Sages asked Rabbi Yehuda HaNasi: What was the haircut of the High Priest? He said to them: Go out and see the haircut of ben Elasa, who was the son-in-law of Rabbi Yehuda HaNasi, and who sported the High Priest’s hairstyle. It is taught in a baraita: Rabbi Yehuda HaNasi says: Not for nothing did ben Elasa disburse his money on his haircuts, but in order to demonstrate on himself the haircut of the High Priest.

Chapter 3

¹ MISHNA: Cases of monetary law are adjudicated by three. They are chosen in the following manner: This litigant chooses one for himself and that litigant chooses one for himself, and the two of them choose one more for themselves; this is the statement of Rabbi Meir. And the Rabbis say: The two judges that were chosen choose one more judge for themselves.

² This litigant can disqualify the judge chosen by that litigant and that litigant can disqualify the judge chosen by this litigant; this is the statement of Rabbi Meir. And the Rabbis say: When can one of the litigants disqualify the judges? Only when he brings evidence about them that they are related to one of the litigants or to each other, or that they are disqualified from serving as judges for another reason. But if they are fit to serve as judges or are experts ordained by the court, he cannot disqualify them.

³ This litigant can disqualify the witnesses of that litigant and that litigant can disqualify the witnesses of this litigant; this is the statement of Rabbi Meir. And the Rabbis say: When can one litigant disqualify the other’s witnesses? Only when he brings evidence about them that they are related to one of the litigants or to each other, or that they are disqualified from bearing witness for another reason. But if they are fit to serve as witnesses, he cannot disqualify them.

⁴ GEMARA: The Gemara assumes that the statement: This litigant chooses one and that litigant chooses one and the two of them choose one more, means that each litigant chooses a court of three

judges and the two courts together choose one more court, for a total of nine judges. The Gemara asks: For what purpose does this litigant choose one court for himself and that litigant choose one court for himself; isn't it sufficient to judge the case with three judges?

⁵ The Gemara answers: This is what the mishna is saying: In a case where this litigant chooses one court for himself, i.e., he requests to be judged before three specific judges, and that litigant chooses one other court of three judges for himself, as he does not wish to be judged before the court that the first litigant requested, in this case, both of them choose one more court for themselves, i.e., they must reach a compromise and decide about the composition of the court that will judge them.

⁶ The Gemara asks: And can even a debtor restrict the choice of the court? But doesn't Rabbi Elazar say: The Sages taught that only a creditor can refuse a court chosen by the debtor, due to his desire to be judged by a prominent court, but that as for a debtor, they compel him to appear in the court that presides in his own city.

⁷ The Gemara answers: It is as Rabbi Yoḥanan says concerning a different matter, that the Sages taught that other matter with regard to the laymen's courts [be'arkaot] in Syria. Here too, the Sages taught the halakha in the mishna with regard to the laymen's courts in Syria, which allow even the debtor to refuse to be judged before the court chosen by the creditor, claiming that they are not worthy judges. But if the creditor chooses a court of experts, the debtor does not have the right to refuse to be judged before them.

⁸ Rav Pappa said: You may even say that the mishna is referring to courts of experts in the same city, such as the courts of Rav Huna and of Rav Ḥisda. As in that case, each litigant can say to the other: Am I burdening you by requesting that you be judged by a different court?

⁹ We learned in the mishna: And the Rabbis say: The two judges that were chosen choose one more for themselves. And if it enters your mind to interpret the mishna as we said before, that each litigant chose a court of three judges, this statement is difficult; after each court was disqualified by one of the litigants, shall the members of both courts go and choose another court for themselves?

¹⁰ And furthermore, for what reason would the mishna state that the standard procedure for choosing judges is that this litigant chooses one court for himself and that litigant chooses one court for himself, each disqualifying the court that the other chose?

¹¹ Rather, this is what the mishna is saying: When this litigant chooses one judge for himself before whom he requests to be judged, and that litigant chooses one other judge for himself before whom he requests to be judged, the two litigants then choose one more judge for themselves, and the case is adjudicated by these three judges.

¹² The Gemara asks: What is different about this procedure; i.e., that the selection of the judges is performed specifically in this manner? The Sages in the West, Eretz Yisrael, say in the name of Rabbi Zeira: As a result of the fact that this litigant chooses one judge for himself, and that litigant chooses one judge for himself, and the two litigants choose one more judge for themselves, the true judgment will emerge. Each litigant assumes that the judges he chose do not bear a grudge against him, and he will accept their ruling.

¹³ § The mishna teaches: And the Rabbis say: The two judges that were chosen choose one more judge. The Gemara suggests: Let us say that Rabbi Meir and the Rabbis disagree with regard to what Rav Yehuda says that Rav says.

¹⁴ As Rav Yehuda says that Rav says: Witnesses do not sign a document unless they know who is signing with them. One does not sign a document unless he recognizes that those signing with him are fit to bear witness. According to the Gemara's suggestion, Rabbi Meir does not accept that which Rav Yehuda says that Rav says. Therefore, the litigants can choose the third judge, as the first two judges will be amenable to signing the court order without knowing the third judge. And the Rabbis accept that which Rav Yehuda says that Rav says; and the judges would not sign the court order without themselves knowing the third judge.

¹⁵ The Gemara rejects this suggestion: No, everyone accepts that which Rav Yehuda says that Rav says; and everyone agrees with the premise that we need the consent of the first two judges for the appointment of the third. Rather, when they disagree, it is about whether the consent of the litigants is necessary. Rabbi Meir holds that we need the consent of the litigants as well, and the Rabbis hold that although we need the consent of the other two judges, we do not need the consent of the litigants.

¹⁶ Returning to the matter itself, Rav Yehuda says that Rav says: Witnesses do not sign a document unless they know who is signing with them. That is also taught in a baraita: This is what the scrupulous people of Jerusalem would do: They would not sign a document unless they knew who was signing with them, and they would not sit in judgment unless they knew who was sitting with them, and they would not join a meal unless they knew who was reclining, i.e., eating, with them.

¹⁷ § The mishna teaches: This litigant can disqualify the judge chosen by that litigant and that litigant can disqualify the judge chosen by this litigant. The Gemara asks: Is it in his power to disqualify judges?

¹⁸ Rabbi Yoḥanan says: The Sages taught this matter with regard to the laymen's courts in Syria. In those courts, each litigant can refuse to be judged by the judge the other litigant chose. But this halakha is not stated with regard to a court of expert judges.

¹⁹ The Gemara challenges: From the fact that the mishna teaches in the latter clause: And the Rabbis say: When can one of the litigants disqualify the judges? When he brings evidence that they are related to one of the litigants or to each other, or that they are disqualified from serving as judges for another reason; but if they are fit to serve as judges, or are experts ordained by the court, he cannot disqualify them. By inference, Rabbi Meir is also speaking of a court of experts when he says that one can refuse to be judged.

²⁰ The Gemara answers: This is what the mishna is saying: But if they are fit to serve as judges they are treated like experts ordained by the court, and he cannot disqualify them.

²¹ The Gemara suggests: Come and hear a baraita that contradicts this interpretation: The Rabbis said to Rabbi Meir: It is not within a litigant's power to disqualify a judge who is accepted as an expert for the public. Apparently, Rabbi Meir disagrees with the Rabbis with regard to an expert judge.

²² The Gemara answers: Say that the baraita should be emended as follows: It is not within a litigant's power to disqualify a judge whom the public accepted upon themselves as an expert judge for their matters, just as the halakha is concerning the laymen's courts in Syria.

²³ That interpretation is also taught in a baraita, which teaches: A litigant can continuously disqualify the judges chosen by the other litigant forever, until the latter accepts to be judged by a court that is

accepted as an expert court for the public; this is the statement of Rabbi Meir. Clearly, Rabbi Meir concedes that one cannot refuse to have the case judged by an expert court.

²⁴ The Gemara asks: But aren't witnesses like experts, in that their standing is independent of their being accepted by the litigants? And yet Rabbi Meir says: This litigant can disqualify the witnesses of that litigant and that litigant can disqualify the witnesses of this litigant.

²⁵ The Gemara answers: It was stated with regard to that statement of Rabbi Meir that Reish Lakish says: Would a holy mouth, i.e., that of Rabbi Meir, say this strange statement, that a litigant can prevent a witness from testifying against him? Rather, emend the text of the mishna and teach: His witness, in the singular, meaning that a litigant can disqualify only a witness who testifies alone.

²⁶ The Gemara asks: For what purpose does his single witness testify? If we say it is to testify about monetary matters, the Merciful One already disqualifies him, as by Torah law the testimony of only one witness is not accepted. If it is to render the defendant liable to take an oath that he does not owe the money being claimed, in this regard the testimony of one witness is deemed credible like two witnesses; the Torah states that if one witness supports the claim of the claimant, the defendant is required to take an oath that he does not owe the money.

²⁷ The Gemara answers: Actually, the purpose of the testimony is to testify about monetary matters; and no, one should not raise that challenge, as this ruling is necessary only in a case where the litigant initially accepted upon himself the single witness as equivalent to two witnesses. Afterward, he retracted his agreement to accept the single witness's testimony as if it were that of two witnesses. Rabbi Meir rules that his retraction is valid, and the testimony is not accepted.

²⁸ The Gemara asks: What is this teaching us, that one can retract this kind of agreement? We learn this in the following mishna (24a): If one of the litigants says to the other: My father is trusted to adjudicate for me, or: Your father is trusted to adjudicate for me, or: Three cattle herders, who are not proficient in halakha, are trusted to adjudicate for me, all of whom are legally disqualified from serving as judges, Rabbi Meir says that the one who made the offer can retract it; and the Rabbis say that he cannot retract it, and must accept their verdict.

²⁹ And Rav Dimi, son of Rav Nahman, son of Rav Yosef, says: This is referring to a case where the litigant accepted one of these people upon himself as one of the judges, in addition to two fit judges. Since the dispute between Rabbi Meir and the Rabbis with regard to a litigant retracting his acceptance of someone who is generally disqualified from judging is stated in the next mishna, why is it stated in this mishna as well?

³⁰ The Gemara answers: The statements in both mishnayot are necessary. As, had the Mishna taught this dispute only with regard to a litigant who said: My father is trusted to adjudicate for me, or: Your father is trusted to adjudicate for me, one might have reasoned that only in this case did the Rabbis say that he cannot retract his acceptance, because: My father, and: Your father, are fit to judge for the general public. But in a case where a litigant accepts one witness as equivalent to two witnesses, since one witness is someone who is not fit to testify by himself for the general public one might say that the Rabbis concede to Rabbi Meir that he can retract his acceptance. Therefore, it is necessary for the dispute to be stated with regard to the case in this mishna as well.

³¹ And conversely, if the Mishna would teach us their dispute only with regard to this case, where a litigant effectively accepted one witness as equivalent to two, one might have reasoned that

specifically in this case Rabbi Meir says that he can retract his acceptance. But in that case, where he accepted his father or the father of the other litigant as a judge, one might say that Rabbi Meir concedes to the Rabbis that he cannot retract his acceptance. It is therefore necessary for the mishna to state both disputes.

³² The Gemara asks: But from the fact that in the former clause the mishna teaches that one litigant can disqualify the judge, in singular, chosen by the other litigant, and in the latter clause the wording is his witnesses, in plural, evidently the mishna teaches this specifically with regard to a case of two witnesses. It is incorrect to emend the text to read witness instead of witnesses.

³³ Rabbi Elazar said: The mishna is referring to a case where the litigant and another person come to disqualify the witnesses, testifying that they are disqualified from bearing witness.

³⁴ The Gemara asks: Is it in his power to testify that the witnesses of the other litigant are disqualified from bearing witness? His testimony is tainted by a conflict of interest; how can the court accept it?

³⁵ Rav Aḥa, son of Rav Ika, said: The mishna is referring to a case where he raised a challenge against the witness's fitness to testify, which cannot be disregarded due to his conflict of interest.

³⁶ The Gemara asks: A challenge over which matter? If we say that he raises a challenge by testifying that the witness is guilty of theft or some other transgression, is it in his power to testify to that effect? His testimony is tainted by a conflict of interest.

³⁷ Rather, it is a challenge over a family flaw. The litigant testifies that the witness's lineage prevents him from testifying, as he is from a family of Canaanite slaves. Rabbi Meir holds that the litigant's testimony is accepted, as these witnesses, the litigant and the witness who testifies with him, are testifying about the family of the witness, and the witness is disqualified indirectly. The litigant is therefore not disqualified from giving this testimony due to his conflict of interest. And the Rabbis hold that since his testimony is ultimately tainted by a conflict of interest, it is not accepted.

³⁸ When Rav Dimi came from Eretz Yisrael, he said that Rabbi Yoḥanan says: The dispute is with regard to a case in which one of the litigants claims that there are two sets of witnesses who can testify on his behalf, and the other litigant responds that one of the sets of witnesses is disqualified. In this case, the second litigant's claim is not tainted by a conflict of interest, as there is another set of witnesses who can testify against him in any event.

³⁹ Rabbi Meir maintains that the litigant cannot give this testimony, as Rabbi Meir holds that a litigant who claims in court to have a certain number of witnesses ready to testify on his behalf is required to substantiate that they exist. Therefore, there is no concern that the other set of witnesses will not be brought to court, causing that litigant to lose the case due to the disqualification of the first set. And the Rabbis hold that one is not required to substantiate the existence of witnesses he claims to have. As the disqualification of the first set of witnesses can cause the first litigant to lose the case, the second litigant is consequently unable to disqualify that first set, due to his conflict of interest. But in a case of one set of witnesses, everyone agrees that a litigant cannot disqualify them, due to his conflict of interest.

⁴⁰ Rav Dimi continued: Rav Ami and Rav Asi said before Rabbi Yoḥanan: If there is only one set of witnesses there, what is the halakha?

⁴¹ The Gemara interrupts: If there is only one set of witnesses there, what is the dilemma? But didn't you already say: But in a case of one set of witnesses, everyone agrees that a litigant cannot disqualify them? Rather, the question should be understood as follows: According to Rabbi Meir, who holds that a litigant can disqualify one of the other litigant's two sets of witnesses, if the second set is ultimately found to be related to one of the litigants or to each other, or is disqualified from bearing witness for other reasons, what is the halakha? Can the litigant whose witnesses were disqualified then claim that the other litigant was not capable of disqualifying the first set, as it turned out that they were the only witnesses who would be testifying against him?

⁴² Rabbi Yoḥanan said to them: The first pair of witnesses, i.e., the second litigant, who disqualified the other litigant's first set of witnesses, already testified. Since his testimony was valid at the time it cannot be disqualified afterward. Some say this statement in the name of a different amora: Rav Ashi says: The first pair of witnesses already testified.

⁴³ The Gemara asks: Shall we say that Rabbi Meir and the Rabbis disagree with regard to the issue that is the subject of the dispute between Rabbi Yehuda HaNasi and Rabban Shimon ben Gamliel?

⁴⁴ As it is taught in a baraita: With regard to one who comes to court to be judged concerning a claim against land that is in his possession, if in order to support his claim of ownership he comes to court both with a deed of purchase proving that the land is his and with a claim of presumptive ownership of the land stating that it had been in his possession for the past three years, which would render the deed superfluous, in this case his claim is judged on the basis of the deed. The court examines whether or not the deed is valid. This is the statement of Rabbi Yehuda HaNasi. Rabban Shimon ben Gamliel says: His claim is judged on the basis of his presumptive ownership.

⁴⁵ And we discussed this dispute, asking: Can Rabban Shimon ben Gamliel possibly mean that the defendant's claim is judged on the basis of only his presumptive ownership and not on the basis of his deed, i.e., is his deed of purchase ignored? Clearly, there is no reason to ignore the deed of purchase. Rather, say that Rabban Shimon ben Gamliel means that the defendant's claim is judged not only on the basis of the deed of purchase, but even on the basis of his presumptive ownership. In other words, either claim suffices.

⁴⁶ And we maintain that they disagree with regard to whether or not a litigant who claims to have more than one type of evidence is required to substantiate the existence of all his types of evidence. Rabbi Yehuda HaNasi holds that one who claims to have a deed of purchase is required to bring it to court and cannot rely on his presumptive ownership, whereas according to Rabban Shimon ben Gamliel he can rely on his presumptive ownership. Apparently, this dispute is parallel to the dispute between Rabbi Meir and the Rabbis in the mishna.

⁴⁷ The Gemara rejects this: No. According to the opinion of Rabban Shimon ben Gamliel, everyone agrees that there is no need to substantiate the existence of all the types of evidence. When Rabbi Meir and the Rabbis disagree in the mishna it is according to the opinion of Rabbi Yehuda HaNasi, as Rabbi Meir holds that one is required to substantiate the existence of all of his types of evidence, in accordance with the opinion of Rabbi Yehuda HaNasi.

⁴⁸ And the Rabbis could have said to you that Rabbi Yehuda HaNasi says there that one is required to substantiate the existence of his types of evidence only vis-à-vis a claim of presumptive ownership of the land. If one claims that he possesses the deed of sale for his land he cannot rely on his presumptive ownership, as the power of his presumptive ownership comes from the power of the

deed; mere possession without an accompanying claim of how one became the owner is disregarded (see Bava Batra 41a). But here, in the case of two sets of witnesses, since the power of these witnesses does not come from the power of the other witnesses, even Rabbi Yehuda HaNasi concedes that one is not required to substantiate the existence of the other set of witnesses.

⁴⁹ When Ravin came from Eretz Yisrael, he said that Rabbi Yoḥanan says a different interpretation of the dispute: The former clause, where Rabbi Meir rules that a litigant can disqualify a judge,

⁵⁰ is stated with regard to a case of disqualified witnesses and fit judges, i.e., the litigant claims that both the witnesses and the judges are disqualified and proves his claim only with regard to the witnesses. Rabbi Meir holds that since the witnesses are disqualified the judges are also disqualified, as the litigant's entire claim is deemed credible. The latter clause, where Rabbi Meir rules that a litigant can disqualify witnesses, is stated with regard to a case of disqualified judges and fit witnesses, i.e., the litigant proves his claim only with regard to the judges. Since the judges are disqualified the witnesses were also disqualified.

⁵¹ Rava objects to this interpretation: Granted, in the former clause, it is reasonable that since the witnesses are disqualified the judges are also disqualified, as, since there is the option of going to another court, disqualifying these specific judges has no irreversible effect on the outcome of the case. But in the latter case, how can Rabbi Meir hold that since the judges are disqualified, the witnesses are also disqualified without proof? This disqualification nullifies the entire case, as there are no more witnesses.

⁵² The Gemara answers: No, the mishna is not referring to a case where there are no other witnesses. The dispute between Rabbi Meir and the Rabbis is necessary only in a case where there is another set of witnesses, which the litigant did not disqualify. Since disqualifying this set will not predetermine the outcome, the litigant's claim that these witnesses are disqualified is accepted.

⁵³ The Gemara asks: But if there is no other set of witnesses, what is the halakha? Is it indeed true that the litigant cannot disqualify them? If so, this is identical to Rav Dimi's interpretation that the mishna is referring to a case where there are two sets of witnesses.

⁵⁴ The Gemara answers: There is a practical difference between them with regard to the principle that since [miggo] one of the litigant's claims is found to be correct, it can be assumed that other claims of his are correct as well. As one Sage, Ravin, holds that according to Rabbi Meir, we say miggo, i.e., this principle should be followed, and one Sage, Rav Dimi, holds that we do not say miggo, but rather the litigant is required to prove every claim he makes.

⁵⁵ § The Gemara returns to discuss the matter itself: Reish Lakish says: Would a holy mouth, i.e., that of Rabbi Meir, say this strange statement, that a litigant can prevent a witness from testifying against him? Rather, emend the text of the mishna and teach: His witness, in the singular, meaning that a litigant can disqualify only a witness who testifies alone.

⁵⁶ The Gemara asks: Is that so? Was it in character for Reish Lakish to speak of Rabbi Meir with such reverence when disagreeing with his ruling? But doesn't Ulla say: When one sees Reish Lakish studying Torah in the study hall it is as though he is uprooting mountains and grinding them into each other? Reish Lakish was evidently very sharp in his analyses.

⁵⁷ Ravina said in response: What is the difficulty? But is it not so that when anyone sees Rabbi Meir studying Torah in the study hall, it is as though he is uprooting the highest of mountains and grinding

them into each other? Rabbi Meir was a greater scholar than Reish Lakish, so it was fitting for Reish Lakish to speak of him with reverence.

⁵⁸ The Gemara answers: The question: Is that so, was not stated to raise a difficulty; rather, this is what he is saying, i.e., this is what the Gemara was noting: Come and see how much the Sages love each other. Although Reish Lakish was himself very sharp and a great Torah scholar, he spoke of Rabbi Meir with reverence.

⁵⁹ The Gemara cites another example of Torah scholars who spoke of each other with reverence. It is like that incident where Rabbi Yehuda HaNasi sat and said: It is prohibited to insulate cold food on Shabbat to keep it cold, as this may lead one to insulate hot food on Shabbat to keep it hot. Rabbi Yishmael, son of Rabbi Yosei, said before him: My father ruled that it is permitted to insulate cold food on Shabbat. There is no concern that this will lead one to insulate hot food on Shabbat. Rabbi Yehuda HaNasi subsequently said to those who asked him about this issue: I retract my previous statement; the elder, Rabbi Yosei, has already issued a ruling on this topic, and I defer to his ruling.

⁶⁰ Rav Pappa says: Come and see how much they loved each other. As, had Rabbi Yosei still been alive, he would have been subordinate to and sitting before Rabbi Yehuda HaNasi as his student, as Rabbi Yishmael, son of Rabbi Yosei, was his fathers' replacement, i.e., he was as great a Torah scholar as his forebears, and he was subordinate to and sitting before Rabbi Yehuda HaNasi as his student. And, nevertheless, Rabbi Yehuda HaNasi said: The elder has already issued a ruling on this topic, and he deferred to Rabbi Yosei's ruling.

⁶¹ This demonstrates what Rabbi Oshaya says: What is the meaning of that which is written: "And I took for myself two staves; the one I called Graciousness, and the other I called Binders" (Zechariah 11:7)? "Graciousness"; these are the Torah scholars in Eretz Yisrael, who are gracious to one another in discussions of halakha. They treat each other with honor and love, as demonstrated in the statements of Reish Lakish and Rabbi Yehuda HaNasi. "Binders [ḥovelim]"; these are the Torah scholars in Babylonia, who injure [shemeḥabbelim] each other in discussions of halakha, i.e., they speak harshly to each other when they disagree.

⁶² Similarly, it is stated: "Then he said to me: These are the two anointed ones, that stand by the Lord of the whole earth" (Zechariah 4:14), and it is stated: "And two olive trees by it, one upon the right side of the bowl, and the other upon its left side" (Zechariah 4:3). With regard to the expression "anointed ones," Rabbi Yitzḥak says: These are the Torah scholars in Eretz Yisrael, who are pleasant to each other in discussions of halakha like olive oil, which is not bitter. The verse "and two olive trees by it" should be interpreted as follows: These are the Torah scholars in Babylonia, who are bitter to each other in discussions of halakha like an olive.

⁶³ The Gemara interprets another verse in Zechariah: "Then I lifted my eyes and saw, and behold there came forth two women, and the wind was in their wings, for they had wings like the wings of a stork. And they lifted up the measure between the earth and the heaven. Then I said to the angel that spoke with me: To where do they take the measure? And he said to me: To build her a house in the land of Shinar" (Zechariah 5:9–11). Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: This measure refers to flattery and arrogance that descended to Babylonia, i.e., Shinar.

⁶⁴ The Gemara asks: And did arrogance descend to Babylonia? But doesn't the Master say: Ten kav of arrogance descended to the world; Eilam took nine and all the rest of the world in its entirety took one?

⁶⁵ The Gemara answers: Yes, it descended to Babylonia, and it made its way to Eilam. The language of the verse is also precise, as it is written: “To build her a house in the land of Shinar,” which indicates that the original intention was to build a house in Babylonia, but it was not built there. The Gemara comments: Conclude from it that arrogance did not remain in Babylonia.

⁶⁶ The Gemara asks: But doesn’t the Master say: A sign of arrogance is poverty? And poverty descended to Babylonia, not to Eilam. The Gemara answers: To what kind of poverty is this referring? It is poverty with regard to Torah, which was characteristic of Eilam. As it is written: “We have a little sister, and she has no breasts” (Song of Songs 8:8), and Rabbi Yoḥanan says: This refers to Eilam, whose inhabitants merited to learn Torah but did not merit to teach it. They did not produce Torah scholars capable of imparting their wisdom to others.

⁶⁷ The Gemara asks: What is the homiletic interpretation of the word Babylonia? Rabbi Yoḥanan says, as a tribute to the Jewish community of Babylonia and its Torah scholars: It means mixed with Bible, mixed with Mishna, and mixed with Talmud. Other Sages had a different opinion of the Torah in Babylonia: With regard to the verse: “He has made me dwell in dark places, as those that have been long dead” (Lamentations 3:6), Rabbi Yirmeya says: This is the Talmud of Babylonia, which is not as clear as the Talmud of Eretz Yisrael.

⁶⁸ MISHNA: If one litigant says to the other: My father is trusted to adjudicate for me, or: Your father is trusted to adjudicate for me, or: Three cattle herders, who are not proficient in halakha, are trusted to adjudicate for me, all of whom are disqualified from serving as judges, Rabbi Meir says: The one who made the offer can retract it, and the Rabbis say: He cannot retract it, but must accept their verdict.

⁶⁹ Similarly, one who was obligated by Torah law to take an oath to another, which is done while grasping a sacred object, and the latter said to him: Instead of taking an oath, merely vow to me by the life of your head that what you claim is true, Rabbi Meir says: The one who made the offer can retract it, and demand that the other litigant take an oath, as he is obligated to do by Torah law. And the Rabbis say: He cannot retract his offer. Once he has agreed to accept a vow, which is of less severity than an oath, he cannot retract his agreement.

⁷⁰ GEMARA: Rav Dimi, son of Rav Naḥman, son of Rav Yosef, says: The case of a litigant who accepts his father or the father of the other litigant as a judge is referring to where the litigant accepted this relative upon himself as one of the judges in a court of three, where the other two judges are fit. It is not referring to where he accepted him as the sole judge.

⁷¹ Rav Yehuda says that Shmuel says: The dispute between Rabbi Meir and the Rabbis is with regard to a case where the claimant had said to the defendant: The money I claim you owe me is forgiven you if my father or your father rules as judge to that effect, and the claimant subsequently wishes to retract his offer. But in a case where it is the defendant who said: I will give you what you claim if that is the ruling of this judge, everyone agrees that he can retract his offer. And Rabbi Yoḥanan says: The dispute is with regard to a case where the defendant said: I will give you what you claim if that is the ruling of this judge.

⁷² A dilemma was raised before the Sages with regard to the opinion of Rabbi Yoḥanan: Is the dispute only with regard to a case where the defendant says: I will give you, but in a case where the claimant says: The money I claim you owe me is forgiven you, everyone agrees that he cannot retract

his offer? Or perhaps Rabbi Yoḥanan maintains that the dispute is both with regard to this case and with regard to that case?

⁷³ The Gemara suggests: Come and hear a resolution from that which Rava says: The dispute is with regard to a case where the defendant says: I will give you, but in a case where the claimant says: The money I claim you owe me is forgiven you, everyone agrees that he cannot retract his offer.

⁷⁴ Granted, this makes sense if you say that according to Rabbi Yoḥanan too, the dispute is with regard to a case where the defendant says: I will give you, but in a case where the claimant says: The money I claim you owe me is forgiven you, everyone agrees that he cannot retract his offer; this means that Rava is stating the halakha in accordance with the opinion of Rabbi Yoḥanan. But if you say that according to Rabbi Yoḥanan the dispute is both with regard to this case and with regard to that case, then in accordance with whose opinion is Rava stating the halakha? His statement is in accordance with neither Shmuel's opinion nor Rabbi Yoḥanan's opinion.

⁷⁵ The Gemara rejects this: Perhaps Rava is stating his own explanation of the dispute.

⁷⁶ Rav Aḥa bar Taḥlisa raised an objection to the opinion of Rava from the latter clause in the mishna: With regard to one who was obligated by Torah law to take an oath to another, and the latter said to him: Vow to me by the life of your head that what you claim is true, Rabbi Meir says: The one who made the offer can retract it; and the Rabbis say: He cannot retract his offer.

⁷⁷ What, is it not referring to those who take an oath and do not pay, i.e., cases where the defendant is obligated to take an oath that the claim against him is false, and he is thereby exempt from paying? Accordingly, it is the claimant who suggests that the defendant take a vow instead, which is the same as saying: If you take a vow, the money I claim you owe is forgiven you.

⁷⁸ The Gemara rejects this objection: No, it is referring to those who take an oath and collect a debt. There are cases where it is the claimant who is obligated to take an oath, and he then collects the money that he claims. In a case where the defendant suggests that the claimant take a vow instead, it is the same as saying: If you take a vow I will give you what you claim.

⁷⁹ The Gemara challenges: But according to Rava's interpretation, the mishna already taught the halakha in a case where the defendant says: I will give you, in the first clause, where the defendant accepts unfit judges.

⁸⁰ The Gemara answers: The mishna taught in the former clause a case where the defendant makes the outcome dependent on the decision of others, namely, his father or the father of the claimant; and the mishna taught in the latter clause a case where he makes the outcome dependent on the claimant's own decision.

⁸¹ And it is necessary for the mishna to teach both cases, since if the mishna taught only the case where he makes the outcome dependent on the decision of others, one might reason that specifically in this case Rabbi Meir says that he can retract his acceptance of the unfit judges. This is because he presumably did not resolve to transfer the money if these judges deem him liable, as he must have said to himself: Who will say that the judges will rule in favor of the claimant? But in a case where he makes the outcome dependent on the claimant's own decision by suggesting that he take a vow, say that Rabbi Meir concedes to the Rabbis that the defendant cannot retract his commitment to pay.

⁸² And conversely, if the mishna would teach us only this latter case, where the defendant suggests that the claimant take a vow, one might reason that specifically in this case the Rabbis say that he

cannot retract his offer; but in that former case, where he makes the outcome dependent on the decision of others, say that the Rabbis concede to Rabbi Meir that he can retract his acceptance of the unfit judges. Therefore, it is necessary for the mishna to teach both cases.

⁸³ § Reish Lakish says: The dispute between Rabbi Meir and the Rabbis concerns whether or not one can retract his acceptance of unfit judges before the verdict is issued. But after the verdict is issued, everyone agrees that one cannot retract his acceptance, as he has already been deemed liable. And Rabbi Yoḥanan says: The dispute concerns whether or not one can retract his acceptance after the verdict is issued.

⁸⁴ A dilemma was raised before the Sages with regard to the opinion of Rabbi Yoḥanan: Is the dispute over whether one can retract his acceptance after the verdict is issued, but before the verdict is issued, everyone agrees that he can retract his acceptance? Or perhaps Rabbi Yoḥanan maintains that the dispute is both with regard to this case and with regard to that case.

⁸⁵ The Gemara suggests: Come and hear a resolution to the dilemma, as Rava says: If one accepted a relative upon himself as a judge or witness, or if he accepted one who is disqualified for another reason from serving as a judge or a witness, he can retract his acceptance before the verdict is issued. He cannot retract his acceptance after the verdict is issued.

⁸⁶ Granted, this makes sense if you say that according to Rabbi Yoḥanan too, the dispute concerns whether one can retract his acceptance after the verdict is issued, but before the verdict is issued everyone agrees that one can retract his acceptance; then this means that Rava is stating the halakha in accordance with the opinion of Rabbi Yoḥanan, and according to the opinion of the Rabbis. But if you say that according to Rabbi Yoḥanan, the dispute is both with regard to this case and with regard to that case, then in accordance with whose opinion is Rava stating the halakha? His statement is in accordance with the opinion of neither Reish Lakish nor Rabbi Yoḥanan.

⁸⁷ Rather, must we not conclude from Rava's statement that the dispute is over whether one can retract his acceptance after the verdict is issued? The Gemara affirms: Conclude from Rava's statement that this is so.

⁸⁸ Rav Naḥman, son of Rav Ḥisda, sent the following question to Rav Naḥman bar Ya'akov: Our teacher, instruct us: Does the dispute concern whether or not one can retract his acceptance before the verdict is issued, or does the dispute concern whether or not one can retract his acceptance after the verdict is issued? And furthermore, in accordance with whose statement is the halakha? Rav Naḥman bar Ya'akov sent to him in response: The dispute concerns whether one can retract his acceptance after the verdict is issued, and the halakha is in accordance with the statement of the Rabbis.

⁸⁹ Rav Ashi says a different version of the question and answer: This is the question that Rav Naḥman, son of Rav Ḥisda, sent to Rav Naḥman bar Ya'akov: Is the dispute with regard to a case where the defendant says: I will give you, or is the dispute with regard to a case where the claimant says: The money I claim you owe me is forgiven you? And furthermore, in accordance with whose statement is the halakha? Rav Naḥman bar Ya'akov sent this response to him: The dispute is with regard to a case where the defendant says: I will give you, and the halakha is in accordance with the statement of the Rabbis.

⁹⁰ In Sura they teach that previous version of the question and the answer. In Pumbedita they teach this following version: Rav Ḥanina bar Shelemya says that they sent the following question from

Rav's study hall to Shmuel: Our teacher, instruct us: In a case where one litigant wishes to retract his acceptance of the judges before the verdict is issued, and the other litigant had performed a formal act of acquisition with him giving legal power to the acceptance, what is the halakha? Shmuel sent them in response: Nothing can be retracted after an act of acquisition was performed.

⁹¹ MISHNA: And these on the following list are the ones who are disqualified by the Sages from bearing witness due to their unseemly behavior, as they are considered wicked individuals guilty of monetary transgressions: One who plays with dice [bekubbiyya] for money, and one who lends money with interest, and those who fly pigeons, and merchants who trade in the produce of the Sabbatical Year, which may be eaten but may not be sold as an object of commerce.

⁹² Rabbi Shimon said: Initially, people would call them: Gatherers of the produce of the Sabbatical Year. Once the tax collectors grew abundant they would then call them: Merchants who trade in the produce of the Sabbatical Year, as the Gemara will explain.

⁹³ Rabbi Yehuda said: When are the people listed above disqualified from bearing witness? It is when they have no occupation but this one. But if they have an occupation other than this one, although they also make money by these inappropriate means, they are fit to bear witness.

⁹⁴ GEMARA: With regard to one who plays with dice for money, what is he doing that disqualifies him from bearing witness? Rami bar Hama says: He is disqualified because gambling is a transaction with inconclusive consent [asmakhta], as one who gambles does not have conclusive consent to pay when he loses since he plays under the assumption that he will win. And as an asmakhta does not effect acquisition, the one who wins takes money that is not legally his, and is considered a robber.

⁹⁵ Rav Sheshet says: Any case like this is not an asmakhta. In a game of dice both sides realize that they might lose, and consent at the outset to pay if that happens. Rather, those who play dice are disqualified because they are not involved in settling the world, i.e., in productive occupations that demand hard work. Since they do not realize the effort required of most people to earn a living they might not be scrupulous about other people's money, and their testimony cannot be relied upon.

⁹⁶ The Gemara asks: What is the practical difference between the explanations of Rami bar Hama and Rav Sheshet? The Gemara answers: The practical difference between them is in a case where the dice player learns another occupation, and is involved in that occupation as well. According to Rav Sheshet, since he has a productive occupation he is fit to bear witness. According to Rami bar Hama, since he is considered a robber, as the money he gains from gambling is not legally his, he is disqualified.

⁹⁷ The Gemara raises a difficulty against the opinion of Rami bar Hama: But we learned in the mishna that Rabbi Yehuda said: When are they disqualified from bearing witness? It is when they have no occupation but this one. But if they have an occupation other than this one they are fit to bear witness. Apparently, the reason that the mishna disqualifies these individuals from bearing witness is that they are not involved in settling the world, in accordance with the opinion of Rav Sheshet. This poses a difficulty to the opinion of Rami bar Hama.

⁹⁸ And if you would say this is not difficult, as the Rabbis disagree with Rabbi Yehuda, this would be a problem as well. But doesn't Rabbi Yehoshua ben Levi say: Any place where Rabbi Yehuda says in the corpus of the Mishna:

⁹⁹ When does this halakha apply, or: In what case is this statement said, he intends only to explain the statement of the Rabbis, not to disagree with them?

¹⁰⁰ Granted, Rabbi Yoḥanan disagrees with Rabbi Yehoshua ben Levi, and says that only the term: When does this halakha apply, indicates that Rabbi Yehuda intends to explain the previous statement of the Rabbis, but the term: In what case is this statement said, indicates that he intends to disagree. But according to everyone, the term when indicates that he intends to explain the previous statement. This is difficult according to Rami bar Ḥama.

¹⁰¹ The Gemara responds: Are you setting the statement of one man against the statement of another man? One Sage, Rami bar Ḥama, holds that Rabbi Yehuda and the Rabbis disagree even when Rabbi Yehuda employs the term: When does this halakha apply, and one Sage, Rabbi Yehoshua ben Levi, and similarly Rabbi Yoḥanan, holds that they do not disagree.

¹⁰² The Gemara asks: And do they not disagree? But isn't it taught in a baraita: Whether a dice player has an occupation other than this one, or whether he does not have an occupation other than this one, he is disqualified from bearing witness? This baraita is in accordance with the opinion of Rami bar Ḥama.

¹⁰³ The Gemara answers: That baraita is not the opinion of the Rabbis in the mishna, but rather it is the opinion of Rabbi Yehuda in the name of Rabbi Tarfon. As it is taught in a baraita that Rabbi Yehuda says in the name of Rabbi Tarfon: In the case where two people quarreled and each of them declared that if the other is right he will become a nazirite, actually, neither of them becomes a nazirite, as naziriteship is determined only by explicitness. A vow of naziriteship does not take effect if the individual does not vow clearly and with certitude. Here too, Rabbi Tarfon maintains that one who bets on games played with dice is considered a thief, as one can acquire the money of another legally only if the latter gives it to him with certain and conclusive intent. Since one who plays dice is not certain that he will have to pay the other player, as he considers it likely that he will win, the transaction is an *asmakhta* and is legally invalid.

¹⁰⁴ § The mishna teaches that one who lends money with interest is disqualified from bearing witness. Rava says: One who borrows money with interest is disqualified from bearing witness. The Gemara asks: But didn't we learn in the mishna that specifically one who lends money with interest is disqualified? The Gemara answers: The reference in the mishna is to a loan that comes with interest, and is teaching that all those who participate in the loan are disqualified.

¹⁰⁵ The Gemara recounts: Two witnesses testified about bar Binittos. One said: He lent money with interest in my presence, and the other one said: He lent me money with interest. Rava rendered bar Binittos disqualified from bearing witness and from serving as a judge.

¹⁰⁶ The Gemara asks: But isn't Rava the one who said that one who borrows money with interest is disqualified from bearing witness? And accordingly the latter witness is considered a wicked man, as by his own account he borrowed money with interest from bar Binittos, and the Torah states: Do not place a wicked man as a witness (see Exodus 23:1). Consequently, the testimony of that witness cannot be accepted, and bar Binittos should not have been disqualified.

¹⁰⁷ The Gemara answers: Rava conforms to his standard line of reasoning, as Rava says: A person is his own relative and a person cannot make himself wicked. Consequently, the part of the testimony

that relates to the witness's own status is not accepted, while the part that relates to bar Binittos is accepted.

¹⁰⁸ There was a certain slaughterer about whom it was discovered that a tereifa, an animal with a wound that would have caused it to die within twelve months, emerged from his possession. In other words, he sold tereifa meat without informing the customers of its status. Rav Naḥman disqualified him from bearing witness and removed him from his position as a slaughterer. The slaughterer subsequently went and grew his fingernails and his hair out of remorse over his actions. Rav Naḥman thought to deem him fit again for bearing witness, as he clearly repented, and once someone repents for his sin, his status as a valid witness is restored.

¹⁰⁹ Rava said to Rav Naḥman: Perhaps he is employing artifice, pretending to repent in order to be reinstated as a slaughterer.

¹¹⁰ Rather, what is his remedy? It is in accordance with the statement of Rav Idi bar Avin; as Rav Idi bar Avin says: One who is suspected of selling tereifot to others has no remedy to restore his fitness to bear witness until he goes to a locale where they do not recognize him and returns a lost item of substantial value that he finds, or removes his own tereifa meat of significant value from his possession. These actions demonstrate that he has repented, as he is willing to lose money for a mitzva. By contrast, if he does so in a place where he is recognized his fitness is not reinstated based on these actions, as perhaps he performed them only in order to be reinstated.

¹¹¹ § Among the list of those who are disqualified from bearing witness the mishna teaches: And those who fly pigeons. The Gemara asks: What is meant by: Those who fly pigeons? Here, in Babylonia, the Sages explained that these are people who gamble on pigeon races, i.e., one says to another: If your pigeon reaches a certain destination before my pigeon I will give you such and such an amount of money. Rabbi Ḥama bar Oshaya says: It is referring to an ara, i.e., one who trains his pigeons to bring him pigeons from the property of others.

¹¹² The Gemara asks: With regard to the one who says that it is referring to those who say: If your pigeon reaches a certain destination before my pigeon I will give you such and such an amount of money, what is the reason that he does not say that it is referring to an ara?

¹¹³ The Gemara answers: He could say to you that an ara is not considered a robber, as the pigeons that he has his pigeons bring do not actually belong to those from whom he takes them. Rather, they dwell on the property of these individuals, and it is prohibited to take them merely due to the ways of peace.

¹¹⁴ The Gemara asks: And with regard to the one who says that the mishna is referring to an ara, what is the reason that he does not say that it is referring to one who says: If your pigeon reaches a certain destination before my pigeon I will give you such and such an amount of money? The Gemara answers: He could say to you that this individual is the same as one who plays with dice; they both gamble on games of chance. This type of disqualification is already listed in the mishna.

¹¹⁵ The Gemara asks: And how would the other Sage, who maintains that the expression: Those who fly pigeons, is referring to those who gamble on racing their pigeons, respond to this claim?

¹¹⁶ The Gemara answers that it is necessary for the mishna to teach that both types of gamblers are disqualified. The mishna taught that one who bets on dice, making it dependent on his own decision,

as he believes he has a method by which he will win, is disqualified, and the mishna taught that one who bets on pigeon races, making it dependent on the decision of his pigeon, is also disqualified.

¹¹⁷ The Gemara explains: And both are necessary. As had the mishna taught this halakha only with regard to one who bets on dice, making it dependent on his own decision, one might reason that it is specifically there that a gambler is considered a thief. The reason for this is that he presumably does not resolve to transfer the money if he loses; as he says to himself:

¹¹⁸ I am certain of myself that I know better than my competitor how to win. But with regard to one who makes it dependent on the decision of his pigeon, say that he is not disqualified from bearing witness, as he is aware that he cannot guarantee the results and therefore resolves to transfer the money if he loses.

¹¹⁹ And conversely, had the mishna taught this halakha only with regard to one who makes it dependent on the decision of his pigeon, one might assume that only this type of gambler is disqualified, as he presumably says: The matter, i.e., the race, is determined by knocking on trees and other objects to speed up the pigeons, and I know how to knock better than my opponent. Therefore, he does not resolve to transfer the money if he loses. But with regard to one who makes it dependent on his own decision, say that he is not disqualified from bearing witness, as the roll of the dice is pure chance. Therefore, it is necessary for the mishna to teach both cases.

¹²⁰ The Gemara raises an objection to the opinion that the expression: Those who fly pigeons, refers to an ara, from a baraita: With regard to the expression one who plays with dice, these are ones who play with pispasim, which are dice of marble or other types of stone. But the Sages did not mean to say that only one who plays with pispasim is disqualified from bearing witness, but rather even one who plays with nutshells or pomegranate shells is disqualified.

¹²¹ And when is their repentance accepted, so that they may resume being fit to bear witness? Once they break their pispasim and repent of them completely, abandoning this occupation entirely, where they do not do this even for nothing, i.e., they do not play even without betting.

¹²² The baraita continues: The expression: One who lends with interest, is referring to both the lender and the borrower. Both are disqualified. And when is their repentance accepted? Once they tear their promissory notes and repent of them completely, abandoning this occupation entirely, where they do not lend with interest even to a gentile.

¹²³ The expression: And those who fly pigeons, is referring to those who induce the pigeons to behave in this manner, i.e., they train them. And the Sages did not mean to say that only those who fly pigeons are disqualified; rather, even those who do this with a domesticated animal, an undomesticated animal, or any type of bird are disqualified. And when is their repentance accepted? Once they break their fixtures [pigmeihen] upon which they stand the competing animals, and repent completely, abandoning this occupation entirely, where they do not do this even in the wilderness, where there is no one from whom to steal.

¹²⁴ The expression: Merchants who trade in the produce of the Sabbatical Year, is referring to those who do business with the produce of the Sabbatical Year. And when is their repentance accepted? Once another Sabbatical Year occurs and they refrain from selling its produce or from assuming ownership of such produce.

¹²⁵ The baraita continues: And Rabbi Nehemya said: The Sages did not say that verbal repentance alone is sufficient for a merchant who traded in the produce of the Sabbatical Year to be reinstated as a valid witness; rather, returning the money is also necessary. How can one return the money he gained from selling produce of the Sabbatical Year? He says: I, so-and-so the son of so-and-so, gathered, i.e., profited, two hundred dinars from trading in the produce of the Sabbatical Year, and as I gained it improperly, this sum is hereby given as a gift to the poor.

¹²⁶ The Gemara explains the objection: In any event, it is taught in the baraita that the status of one who flies pigeons applies to one who uses a domesticated animal in the same manner. Granted, according to the one who says that the term: One who flies pigeons, is referring to those who race pigeons, saying: If your pigeon reaches a certain destination before my pigeon I will give you such and such an amount of money, this is how you find a parallel case of one who races a domesticated animal against another animal. But according to the one who says that the term pigeon flyer means an *ara*, is a domesticated animal capable of luring other domesticated animals?

¹²⁷ The Gemara answers: Yes, the baraita states this with regard to the wild ox, which can be lured away from its owner's property because it is not a completely domesticated animal. And the baraita states this according to the one who says that the wild ox is a species of domesticated animal, as we learned in a mishna (Kilayim 8:6): The wild ox is a species of domesticated animal. But Rabbi Yosei says: It is a species of undomesticated animal.

¹²⁸ § It was taught in a baraita: The Sages added the robbers and those who force transactions, i.e., who compel others to sell to them, to the list of those who are disqualified from bearing witness.

¹²⁹ The Gemara asks: A robber is disqualified by Torah law; why is it necessary for the Sages to add such an individual to the list? The Gemara answers: It is necessary only to add one who steals an item found by a deaf-mute, an imbecile, or a minor, who acquire those items by rabbinic law only (see Gittin 59b). Since these people are not considered halakhically competent, by Torah law they do not acquire an item that they find, and consequently one who steals such an item from them is not in violation of a prohibition by Torah law.

¹³⁰ One possibility is that taking such an item is prohibited by rabbinic law because it constitutes robbery. Nevertheless, initially the Sages did not disqualify such an individual from bearing witness, as they assumed that the case of an item found by a deaf-mute, an imbecile, or a minor is uncommon. Therefore, it was not deemed necessary to disqualify one who robs them of such an item. Alternatively, the Sages may have reasoned that taking such an item is prohibited merely on account of the ways of peace, i.e., to foster peace and prevent strife and controversy, and is not considered actual robbery. When they realized that ultimately these people were taking property from others and were likely to perform actual robbery, the Sages disqualified them.

¹³¹ Similarly, with regard to those who force transactions, initially the Sages did not disqualify them, as they assumed that their behavior could be excused for two reasons: They would pay money for the items they took, and their forcing transactions was merely occasional; it was not a common practice. When they realized that these people were snatching items regularly, the Sages issued a decree that they are disqualified from bearing witness.

¹³² § It is taught in a baraita: The Sages further added the following to the list of those disqualified from bearing witness: The shepherds, who shepherd their animals in the fields of others and are therefore considered like robbers; the collectors of government taxes, who collect more than the

amount that people are legally liable to pay; and the customs officials, who collect customs in an illegal manner.

¹³³ The Gemara explains: Shepherds were not disqualified at first, as the Sages initially assumed it was merely incidental that they would let their animals graze in the fields of others. When they realized that they would intentionally send the animals to the fields of others from the outset, the Sages issued a decree that they are disqualified from bearing witness. The collectors of taxes and the customs officials were not disqualified at first, as the Sages initially assumed they would take the set amount they were instructed to take. When they realized that these officials were taking more than that, they disqualified them.

¹³⁴ Rava says: The shepherd that the Sages said is disqualified from bearing witness is referring to both a shepherd of small livestock and a herder of large livestock.

¹³⁵ The Gemara asks: And does Rava say this? But doesn't Rava say: Shepherds of small livestock in Eretz Yisrael are disqualified from bearing witness, as besides grazing in others' fields they also ruin the land? Outside of Eretz Yisrael they are fit to bear witness. By contrast, herders of large livestock, even in Eretz Yisrael, are fit to bear witness. The Gemara answers: That was stated with regard to those who raise their animals on their own land, without herding them on land in the public domain.

¹³⁶ The Gemara suggests a proof for Rava's opinion that a herder of large livestock is also disqualified: This too stands to reason, from the fact that the mishna (24a) teaches that a litigant may state: Three cattle herders are trusted for me in court; by inference, cattle herders are generally disqualified. What, is it not with regard to bearing witness that cattle herders are disqualified, in accordance with Rava's statement?

¹³⁷ The Gemara rejects this proof: No, it is with regard to sitting in judgment. The Gemara comments: The language of the mishna is also precise according to this interpretation, as it teaches: Three cattle herders are trusted for me. And if it is with regard to bearing witness, why do I need three witnesses? Two are enough.

¹³⁸ The Gemara asks: But rather, with regard to what are cattle herders disqualified? If it is with regard to sitting in judgment, why does the mishna mention specifically three cattle herders? Any three people who did not study halakha are also disqualified from serving as a court.

¹³⁹ The Gemara answers: This is what the mishna is saying: The litigants can accept as judges even those cattle herders who dwell in the fields and do not frequent the settled area, and are therefore not proficient in the ways of business.

¹⁴⁰ Rav Yehuda says: An ordinary shepherd is disqualified from bearing witness unless the court recognizes him as one who does not let his animals graze in the fields of others. An ordinary tax collector is fit unless the court determines he is one who collects more than people are obligated to pay.

¹⁴¹ The Gemara relates a story about a tax collector: The father of Rabbi Zeira collected taxes for thirteen years. When the head tax collector of the river region would come to the city, Rabbi Zeira's father would prepare the residents ahead of time. When he would see the rabbis, he would say to them as a hint: "Come, my people, enter into your chambers, and shut your doors behind you; hide yourself for a little moment until the indignation has passed" (Isaiah 26:20). He said this so that the head tax collector would not see the rabbis, and it would be possible to lower the taxes of the city.

When he would see the ordinary people of the city, he would say to them: Beware, as the head tax collector of the river region is coming to the city, and will now slaughter the father, i.e., take one's money, before the son, and the son before the father.

¹⁴² And everyone would hide. When the head tax collector would arrive, Rabbi Zeira's father would say to him: From whom shall I request taxes? The city is scarcely populated, and only a small sum of taxes should be imposed on it.

¹⁴³ When he was dying, he said to those standing around his deathbed: Take thirteen ma'a that are tied up in my sheet and return them to so-and-so, as I took them from him but I did not need them to pay the tax. Evidently, some tax collectors are God-fearing, and should not be disqualified.

¹⁴⁴ § The mishna teaches that Rabbi Shimon said: Initially people would call them: Gatherers of the produce of the Sabbatical Year. Once the tax collectors grew abundant they would then call them: Merchants who trade in the produce of the Sabbatical Year.

¹⁴⁵ The Gemara asks: What is he saying? What is Rabbi Shimon teaching in this statement? Rav Yehuda says this is what he is saying: Initially the Sages would say that gatherers of the produce of the Sabbatical Year, i.e., those who gather a large quantity of produce of the Sabbatical Year for themselves, are fit to bear witness, but merchants who trade in the produce of the Sabbatical Year are disqualified.

¹⁴⁶ Once those who would offer money to the poor to gather produce for them grew abundant, and the poor would go and gather the produce for those who hired them and bring it to them, then gathering a large amount of produce of the Sabbatical Year was considered a business. The Sages then said that both this category, gatherers of the produce of the Sabbatical Year, and that category, merchants who trade in the produce of the Sabbatical Year, are disqualified.

¹⁴⁷ The children of the Sage Raḥava had a difficulty with this explanation, as accordingly this phrase: Once the tax collectors grew abundant, is inaccurate; the mishna should have stated: Once the merchants grew abundant.

¹⁴⁸ Rather, Rabbi Shimon's statement should be explained differently, as follows: Initially the Sages would say that both this category, gatherers of the produce of the Sabbatical Year, and that category, merchants who trade in the produce of the Sabbatical Year, are disqualified. Once the tax collectors grew abundant it was permitted to gather the produce of the Sabbatical Year. And what tax did they collect? Arnona, which was a heavy tax on property collected both during the Sabbatical Year and in other years, placing pressure on those observing the Sabbatical Year. As Rabbi Yannai proclaimed: Go out and sow the fields during the Sabbatical Year due to the arnona that you must pay. Once this happened, the Sages then said: Gatherers of the produce of the Sabbatical Year are fit to bear witness, as they were no longer viewed as transgressors, but merchants who trade in this produce are still disqualified.

¹⁴⁹ § The Gemara recounts an incident connected tangentially to the discussion concerning the Sabbatical Year: Rabbi Ḥiyya bar Zarnokei and Rabbi Shimon ben Yehotzadak were going to intercalate the year in Asya, as circumstances did not enable them to perform the intercalation of the year in Eretz Yisrael. Reish Lakish met them and joined with them. He said: I will go see how they do the deed, i.e., how the intercalation is performed practically.

¹⁵⁰ Reish Lakish saw a certain man plowing a field. He said to the other Sages: Look at this priest who is plowing during the Sabbatical Year. They said to him that he could say in his own defense: I am a hired worker [agiston] in the field, which belongs to a gentile. Therefore, it is permitted.

¹⁵¹ Reish Lakish further saw a certain man pruning vines in the vineyards. He said to the other Sages: Look at this priest who is pruning vines during the Sabbatical Year. They said to him that he could say: I need the branches to make a bale [ekel] for my olive press, i.e., a basket to hold olives for pressing. Since he is not pruning the vines for agricultural purposes but to use the branches, it is permitted for him to do so in the Sabbatical Year. Reish Lakish said to them, in a play on words: The heart knows whether he is doing so for a bale [ekel], or whether he is saying this as deceit [la'akalkalot].

¹⁵² The Gemara asks: Which did he say to them first? Which incident occurred first? If we say that first he said to them that first exclamation, that a priest was plowing the field, let them say to him in this latter incident too, in which someone was pruning vines, that he could claim in his defense: I am a hired worker in the field. This would have been a better justification than claiming he needed the branches. Rather, apparently first he said to them this exclamation, that a priest was pruning vines, and only then he said to them that a priest was plowing the field.

¹⁵³ The Gemara asks: What is different about a priest? Why did Reish Lakish assume the man was a priest? The Gemara answers: It is because priests are suspected of desecrating the Sabbatical Year.

¹⁵⁴ As we learned in a baraita: A se'a of teruma, the portion of the produce designated for the priest, that fell into a hundred se'a of Sabbatical Year produce and was indistinguishable, is nullified, i.e., it no longer has the status of teruma, and can be eaten until the time that Sabbatical Year produce must be removed from one's possession. If it fell into a lesser quantity of Sabbatical Year produce, the entire mixture must be left to rot, as it is prohibited for non-priests to partake of teruma.

¹⁵⁵ And we discussed it: Why must the produce rot? Let its owner sell it to a priest in accordance with its value as teruma, which is less expensive than regular produce because it can be eaten only by priests, and except for the value of that se'a of teruma that fell in, which the owner is required to give to a priest for free. The priest may then partake of the produce, treating the entire mixture as though it has the sanctity of teruma, and both the priest and the owner will benefit.

¹⁵⁶ And Rav Ḥiyya said in the name of Ulla: That is to say, i.e., one can infer from the fact that one is not permitted to sell the mixture to a priest, that priests are suspected of desecrating the Sabbatical Year by partaking of its produce after the time it must be removed from one's possession. They did so because they considered it theirs, the same as teruma, as both mitzvot pertain to the produce of Eretz Yisrael. Therefore, produce of the Sabbatical Year should not be given or sold to priests. Similarly, Reish Lakish assumed that those who desecrated the Sabbatical Year were priests.

¹⁵⁷ After Reish Lakish continually bothered them with his comments, Rabbi Ḥiyya bar Zarnokei and Rabbi Shimon ben Yehotzadak said: This one is a nuisance. In order to rid themselves of him, when they reached the location where they intended to intercalate the year, they went up to the roof and took the ladder out from under them so that he would stay below and would not be able to join them.

¹⁵⁸ Sometime later, Reish Lakish came before Rabbi Yoḥanan. Reish Lakish said to him: Are people who are suspected of desecrating the Sabbatical Year fit to intercalate the year? He believed that the

two Sages who were sent to intercalate the year treated the sanctity of the Sabbatical Year with disrespect.

¹⁵⁹ Reish Lakish then said in response to his own question: This is not difficult for me; just as the Sages once intercalated the year in accordance with the assessment of three cattle herders (see 18b), which was permitted, as the Sages depended not on the assessment of the cattle herders but on their own calculation, perhaps here too the Sages depended on their own calculations and not on the decision of Rabbi Ḥiyya bar Zarnokei and Rabbi Shimon ben Yehotzadak.

¹⁶⁰ Reish Lakish changed his mind and then said: It is not similar. There, in the case of the cattle herders, afterward the Sages were counted, i.e., they made a decision, and intercalated that year themselves. Here, by contrast, it is a conspiracy of wicked people, as the Sages who intercalated the year are disqualified from doing so; and a conspiracy of wicked people is not counted. Rabbi Yoḥanan said: This problem you raise is troublesome.

¹⁶¹ When Rabbi Ḥiyya bar Zarnokei and Rabbi Shimon ben Yehotzadak subsequently came before Rabbi Yoḥanan, after hearing about his discussion with Reish Lakish, they said to him bitterly: Reish Lakish referred to us as cattle herders, and the Master said nothing to him in response? Rabbi Yoḥanan said to them dismissively: And even if he had referred to you as shepherds, who are disqualified from bearing witness in addition to being disqualified from serving as judges, what should I have said to him? He is correct.

¹⁶² § The Gemara asks: What is the source of the halakha that a conspiracy of wicked people is not counted as part of a group? The Gemara answers: Shebna, a steward and a minister in King Hezekiah's court, was a prominent and influential figure. He would teach Torah to an audience of 130,000 followers, whereas King Hezekiah would teach Torah to an audience of merely 110,000 followers.

¹⁶³ When Sennacherib came and besieged Jerusalem, Shebna wrote a note and shot it over the wall with an arrow. It read: Shebna and his camp have appeased Sennacherib and are ready to surrender; Hezekiah and his camp have not appeased Sennacherib. As it is stated in allusion to this incident: "For behold, the wicked bend the bow, they have made ready their arrow upon the string" (Psalms 11:2).

¹⁶⁴ Hezekiah was afraid. He said: Perhaps, God forbid, the opinion of the Holy One, Blessed be He, will follow the majority; and since the majority have submitted to the Assyrians, even those who have not submitted will also be submitted into their hands. The prophet Isaiah then came and said to him: "Say not: A conspiracy, concerning all of which this people say: A conspiracy" (Isaiah 8:12). Meaning, it is a conspiracy of wicked people, and a conspiracy of wicked people is not counted. Therefore, although they are many, they are not considered the majority.

¹⁶⁵ Shebna went to carve out a grave for himself among the graves of the house of David, as he thought that the kingship would be given to him. The prophet Isaiah then came and said to him: "What have you here, and whom have you here, that you have carved out a grave for yourself here? You, who have carved yourself out a grave on high, and hollowed a habitation for yourself in the rock? Behold, the Lord will make you wander like the wandering of a man; and he will wind you round and round" (Isaiah 22:16–17).

¹⁶⁶ The Gemara mentions tangentially: Rav says that the wandering of a man is more difficult than that of a woman. He derives it from the expression “like the wandering of a man.”

¹⁶⁷ With regard to the phrase: “And he will wind you round and round,” Rabbi Yosei, son of Rabbi Hanina, says: This teaches that Shebna developed leprosy; it is written here: “And he will wind you round and round [ve’otkha ato],” and it is written there, in the Torah, with regard to a leper: “And the leper in whom the plague is, his clothes shall be torn, and the hair of his head shall go loose, and he shall cover his upper lip [ya’tē]” (Leviticus 13:45). The Hebrew word for upper lip is from the same root as the verb in the verse cited from Isaiah.

¹⁶⁸ The Gemara continues to interpret the prophecy about Shebna: “He will violently roll and toss you like a ball into a large country; there you shall die, and there shall be the chariots of your glory, you shame of your lord’s house” (Isaiah 22:18). A baraita taught: He, Shebna, desired shame for his master’s house; therefore his glory turned to shame. This is what happened to him: When he was going out of the gate of Jerusalem to submit to the Assyrians, the angel Gabriel came and held the gate in front of his camp so they could not follow him. Consequently, he went out by himself.

¹⁶⁹ The Assyrians said to him: Where is your camp? Shebna said: They backed out on me. They said to him: If so, you are mocking us; you led us to believe that behind you stands a large camp of supporters. They punched holes in his heels and hung him by the tails of their horses, and dragged him on the thorns and on the bristles.

¹⁷⁰ Rabbi Elazar says: Shebna was a hedonist. It is written here: “Go, get yourself to this steward [hasokhen], to Shebna, who is over the house” (Isaiah 22:15), and it is written there with regard to Abishag the Shunammite: “And let her be a companion [sokhenet] to him; and let her lie in your bosom, that my lord the king may get heat” (I Kings 1:2).

¹⁷¹ And following the aforementioned verse: “For behold, the wicked bend the bow, they have made ready their arrow upon the string,” the next verse states: “When the foundations are destroyed, what has the Righteous One done?” (Psalms 11:3). Rav Yehuda and Rav Eina interpret this verse. One says: If Hezekiah and his camp are destroyed, what has the Righteous One done? And one says: If the Temple should be destroyed, what has the Righteous One done? And Ulla says: If the intentions of that wicked person, Sennacherib, are not destroyed, what has the Righteous One done?

¹⁷² The Gemara asks: Granted, according to the one who says that the verse means: If the intentions of that wicked person are not destroyed, what has the Righteous One done, this is the reason that it is written: “When the foundations [hashatot] are destroyed,” i.e., the intentions of Sennacherib are destroyed, as intentions are called shatot.

¹⁷³ And according to the one who says it is referring to the Temple, the word hashatot is also clear, as we learned in a mishna (Yoma 53b): There was a stone in the Holy of Holies from the days of the early prophets, David and Samuel, who laid the groundwork for construction of the Temple, and this stone was called the Foundation [shetiyya] Stone.

¹⁷⁴ But according to the one who says that the reference is to Hezekiah and his camp, where do we find that righteous people are referred to as shatot?

¹⁷⁵ The Gemara answers: As it is written: “He raises up the poor out of the dust, He lifts up the needy from the dung hill, to make them sit with princes and inherit the throne of glory; for the pillars of the earth are the Lord’s, and He has set [vayyashet] the world upon them” (I Samuel 2:8). Since the

righteous are considered the foundations of the world, this verse is interpreted in reference to them. And if you wish, say instead that it is derived from here: “Wonderful is His counsel, and great His wisdom [tushiyya]” (Isaiah 28:29). Accordingly, the wise, righteous people are called shatot.

¹⁷⁶ With regard to the latter verse, Rabbi Ḥanan says: Why is the Torah called tushiyya? Because it weakens [matteshet] the strength of a person who engages in its study. Alternatively, tushiyya can be interpreted as an abbreviation: That it was given in secret [shenittena beḥashai]. This was done because of the Satan, lest he claim that the Jewish people are not worthy of it. Alternatively, tushiyya can be interpreted as an abbreviation for amorphous [tohu] matters that seem foreign and strange, but nevertheless the world is founded [meshotat] on them.

¹⁷⁷ Ulla says: Thought, i.e., concern, is effective [mo’elet] in disturbing even the study of statements of Torah, as it is stated: “He frustrates the thoughts of the crafty, so that their hands can perform nothing [velo...tushiyya]” (Job 5:12), and tushiyya is a reference to Torah.

¹⁷⁸ Rabba says: If people engage in Torah study for its own sake, concern is not effective; as it is stated: “There are many devices in a man’s heart; but the counsel of the Lord, that shall stand” (Proverbs 19:21). Rabba interprets this to mean that a counsel that has in it the statement of the Lord shall rise forever and cannot be disturbed.

¹⁷⁹ § The mishna teaches that Rabbi Yehuda says: When are all these people, e.g., gamblers and those who lend with interest, disqualified from bearing witness? It is when they have no occupation other than this one. Rabbi Abbahu says that Rabbi Elazar says: The halakha is in accordance with the opinion of Rabbi Yehuda.

¹⁸⁰ And Rabbi Abbahu says that Rabbi Elazar says: All of these require a proclamation in the court. In other words, one is disqualified only after it is proclaimed in court that he was found guilty of this behavior.

¹⁸¹ With regard to a shepherd, who is also disqualified from bearing witness, Rav Aḥa and Ravina disagree. One says that he requires a proclamation that he is disqualified due to his being a shepherd, and one says that he does not require a proclamation and is disqualified automatically.

¹⁸² The Gemara asks: Granted, according to the one who says that he does not require a proclamation, this is what Rav Yehuda means when he says that Rav says that an ordinary shepherd is disqualified, i.e., he does not require a specific proclamation. But according to the one who says that a shepherd requires a proclamation, what is meant by the statement that an ordinary shepherd is disqualified?

¹⁸³ The Gemara answers: It means that in an ordinary case, the court proclaims about him that he is disqualified for having engaged in shepherding. If the court discovers that he regularly engages in this trade, it proclaims immediately that he is disqualified, and the court does not need to prove that he shepherds his flock in the fields of others.

¹⁸⁴ The Gemara recounts: With regard to a certain deed of gift on which the names of two robbers were signed, Rav Pappa bar Shmuel thought to deem it valid despite the identity of the witnesses, as the court did not proclaim about them that they were disqualified.

¹⁸⁵ Rava said to him: Although we require a proclamation in order to disqualify a robber from bearing witness, this is only with regard to a robber who is guilty of stealing by rabbinic law; with

regard to a robber who is guilty of stealing by Torah law, do we require a proclamation? He is disqualified automatically.

¹⁸⁶ § The Gemara states a mnemonic for the following statements with regard to disqualification from testifying: Something; and forbidden sexual relations; and a thief.

¹⁸⁷ Rav Naḥman says: Those who eat something else, a euphemism for pork, are disqualified from bearing witness. This is referring to those who accept charity from gentiles, thereby causing a desecration of God's name. They are tantamount to wicked people guilty of monetary transgressions, as they are willing to desecrate God's name for monetary gain.

¹⁸⁸ The Gemara comments: This statement applies with regard to taking charity from gentiles in public [befarhesya], but if one takes it in private he is not disqualified. And even if he takes it in public, we said that he is disqualified only in a case where he can sustain himself by accepting charity from gentiles in private and despite this he disgraces himself by taking it in public. But if he cannot support himself in any other manner, he is not disqualified, as it is his livelihood.

¹⁸⁹ Rav Naḥman says: One who due to a rumor is suspected of engaging in forbidden sexual relations is fit to bear witness. Rav Sheshet said to him: Answer me, my Master: The halakha is that one who is rumored to have engaged in forbidden sexual intercourse receives forty lashes on his shoulders, and yet you say he is fit to bear witness?

¹⁹⁰ Rava said: And Rav Naḥman concedes that he is disqualified with regard to testimony about the status of a married woman, as he is clearly under suspicion with regard to this matter. Ravina says, and some say Rav Pappa says: We said he is disqualified only with regard to testimony that removes her status as a married woman, e.g., testimony that her husband died, as he is suspected of wanting her for himself. But with regard to testimony that establishes her in that status, we have no problem with it.

¹⁹¹ The Gemara asks: Isn't that obvious? Why should he be suspected of lying in order to render a woman married? The Gemara answers: Lest you say that if he wants her for himself, this situation, i.e., her being married to another, is preferable to him; as it is written: "Stolen waters are sweet and bread eaten in secret is pleasant" (Proverbs 9:17), i.e., the forbidden is more pleasant than the permitted, Rav Pappa teaches us that this is not the case, as the way the woman is now, being unmarried, she is more available to him. He therefore is not motivated to testify falsely that she is married.

¹⁹² And Rav Naḥman says: A thief of Nisan and a thief of Tishrei, i.e., one who steals during the harvest seasons, is not called a thief and is therefore not disqualified from bearing witness.

¹⁹³ The Gemara explains: This statement applies specifically with regard to a tenant farmer, and it is a situation where he took a small amount, and in a case where it was an item whose work was completed, i.e., that needed no further processing. Since the produce was sufficiently processed, the tenant may assume that he deserves additional pay for any further labor and justify taking a small amount of the produce for his effort. Consequently, his theft is not willful.

¹⁹⁴ The Gemara recounts: An incident occurred with the tenant farmers of Rav Zevid. One stole a kav of barley, and Rav Zevid disqualified him from bearing witness, and one stole a cluster of dates, and he disqualified him. The reason for their disqualification is that the quantity of produce they stole is not considered a small amount.

¹⁹⁵ The Gemara relates: There were these gravediggers, who buried a person on the first day of the festival of Shavuot, desecrating the Festival. Rav Pappa excommunicated them and then disqualified them from bearing witness, and Rav Huna, son of Rav Yehoshua, deemed them fit to bear witness.

¹⁹⁶ Rav Pappa said to Rav Huna, son of Rav Yehoshua: But aren't they wicked people, as they violated a Torah prohibition? Rav Huna, son of Rav Yehoshua, answered him: They assumed they were doing a mitzva, as they were burying the dead.

¹⁹⁷ Rav Pappa asked: But didn't I excommunicate them for this? Nevertheless, they continued to bury people on the Festival. Rav Huna, son of Rav Yehoshua, answered: They assumed: We were not excommunicated for doing something wrong. Rather, since the mitzva of burying the dead involved desecrating the Festival, the Sages are achieving atonement for us, although our behavior was appropriate.

¹⁹⁸ § A conspiring witness is one who testified that a certain incident occurred at a particular time and place, and then two other witnesses testify that he was elsewhere at that time. The Gemara discusses the disqualification of a conspiring witness from providing testimony in other cases. It was stated

¹⁹⁹ concerning a conspiring witness: Abaye says: He is disqualified retroactively, from when he provided his testimony. Any testimony he may have provided after that point in time is retroactively nullified. And Rava says: He is disqualified only from that point forward, i.e., from when he was established to be a conspiring witness, but not retroactively from when he provided his testimony.

²⁰⁰ The Gemara explains the reasons for the two opinions: Abaye says he is disqualified retroactively because it is from that time when he testified that he is considered a wicked man. And the Torah stated: "Do not put your hand with the wicked to be an unrighteous witness" (Exodus 23:1), which is interpreted to mean: Do not allow a wicked man to serve as a witness.

²⁰¹ Rava says that he is disqualified only from that point forward because the disqualification of a conspiring witness is a novelty, i.e., it is not based on logic. The reason is that this is a case of two witnesses against two other witnesses, in which case the testimony of neither should be accepted. What did you see that causes you to rely on the second set of witnesses, who testify that the first set were not at the scene of the purported event? You could instead rely upon the first set of witnesses, who testify to the event, and consequently disbelieve the second set. Yet the Torah teaches that the second set of witnesses is always deemed credible and the first set is subjected to punishment as conspiring witnesses. Therefore, as the disqualification of a conspiring witness is an anomaly, you have the right to disqualify him only from the time of its novelty and onward; this counterintuitive disqualification is not applied retroactively.

²⁰² There are those who say that Rava also holds like Abaye, who says that by rights a conspiring witness should be disqualified retroactively from when he provided his testimony. And what is the reason Rava says that the witness is disqualified only from that point forward? It is due to the potential monetary loss for purchasers, whose acquisitions had been validated by these witnesses between the time of the witnesses' first testimony and when they were rendered conspiring witnesses. If the disqualification of the witnesses were applied retroactively, as by right it should, all these transactions would be nullified, which would cause a loss to these purchasers.

²⁰³ The Gemara asks: What is the practical difference between these two explanations of Rava's opinion? After all, according to both explanations Rava did not apply the disqualification of conspiring witnesses retroactively. The Gemara explains that there is a difference between them in a case where two witnesses testify about one of the witnesses that he was not at the scene of the supposed event, and two other witnesses testify about the other witness in a similar manner. Alternatively, there is a practical difference between the two explanations in a case where two witnesses disqualified the first set of witnesses by testifying that the first set had once committed robbery and are therefore unfit to give testimony. If the reason Rava does not disqualify conspiring witnesses retroactively is that it is a novel ruling, it is limited to that case. But if it is to protect purchasers, that would apply to the disqualifications of all witnesses, not only conspiring witnesses.

²⁰⁴ And Rav Yirmeya of Difti related: Rav Pappi once performed an action, i.e., issued a practical ruling, in accordance with the opinion of Rava. Mar bar Rav Ashi says: The halakha is in accordance with the opinion of Abaye.

²⁰⁵ The Gemara comments: And in disputes between Abaye and Rava the halakha is in accordance with the opinion of Rava, except for six cases in which the halakha is in accordance with the opinion of Abaye. They are: In the cases represented by the mnemonic yod, ayin, lamed, kuf, gimmel, mem: Unknown despair [ye'ush]; conspiring witnesses [eidim] who are disqualified retroactively; a side post [lehi] standing alone; betrothal [kiddushin] that is not given to consummation; revealing intent with a bill of divorce [get]; and an apostate [mumar] who sins rebelliously.

²⁰⁶ § The Gemara cites another dispute between Abaye and Rava with regard to disqualification of a witness. Concerning a transgressor who eats carcasses, i.e., non-kosher meat, due to appetite, i.e., because he desires this type of meat, or because it is less expensive or otherwise more accessible, everyone agrees that he is disqualified from bearing witness; it is suspected that just as he transgresses the halakhot of the Torah to satisfy his appetite, so too, he is willing to testify falsely for personal benefit.

²⁰⁷ With regard to one who eats non-kosher meat to express insolence, Abaye says that he is disqualified from bearing witness and Rava says that he is fit.

²⁰⁸ Abaye says he is disqualified because he is wicked, and the Merciful One states: Do not put the wicked in a position to serve as a witness. And Rava says that he is fit because for one to be disqualified from bearing witness we require him to be a wicked person guilty of specifically a monetary transgression [deḥamas], e.g., robbery. This is because the verse: "Do not put your hand with the wicked to be an unrighteous [ḥamas] witness" (Exodus 23:1) alludes to such a transgression.

²⁰⁹ The Gemara raises an objection to Rava's opinion from a baraita: The verse: "Do not put your hand with the wicked to be an unrighteous [ḥamas] witness," is interpreted in the following manner: Do not put the wicked in a position to serve as a witness; do not put one who is guilty of a monetary transgression in a position to serve as a witness. These are robbers and those who betray oaths, who are disqualified from bearing witness. The Gemara explains the objection: What, doesn't the category of those who betray oaths refer to both one who takes an oath in vain, without any monetary application, and one who falsely takes an oath concerning monetary matters? Apparently, any transgressor is disqualified, even if he did so to express insolence and not for monetary gain.

²¹⁰ The Gemara answers: No, both this and that oath included in the phrase in the baraita: Those who betray oaths, are oaths concerning monetary matters. And accordingly, what is the reason the baraita

uses the word oaths, in the plural? The baraita is referring to oaths in general, not to multiple categories of oaths.

²¹¹ The Gemara raises an objection to Abaye's opinion from a baraita: Do not put the wicked in a position to serve as a witness; do not put one who is guilty of a monetary transgression in a position to serve as a witness. These are robbers and those who lend money with interest. The fact that only monetary transgressions are mentioned does not accord with the opinion of Abaye. The Gemara concludes: The refutation of the opinion of Abaye is indeed a conclusive refutation.

²¹² The Gemara suggests: Let us say that this dispute is parallel to a dispute between tanna'im: A conspiring witness is disqualified from bearing witness about any matter in the entire Torah. This is the statement of Rabbi Meir. Rabbi Yosei says: In what situation is this statement said? Where he was rendered a conspiring witness with regard to a case of capital law; since he is assumed to have testified falsely with regard to a matter of life and death, he would certainly treat less serious testimonies lightly. Therefore, he is disqualified from bearing witness about any matter. But if he was rendered a conspiring witness with regard to a case of monetary law, he is fit to testify about cases of capital law, as there is no indication that he treats this matter lightly.

²¹³ The Gemara concludes its suggestion: Let us say that the opinion of Abaye is in accordance with the opinion of Rabbi Meir, and the opinion of Rava is in accordance with the opinion of Rabbi Yosei. The Gemara clarifies: The opinion of Abaye is in accordance with the opinion of Rabbi Meir, who says that we say that from being rendered a conspiring witness with regard to a minor issue one is disqualified from bearing witness even with regard to a major issue. And the opinion of Rava is in accordance with the opinion of Rabbi Yosei, who says that we say that from being rendered a conspiring witness with regard to a relatively major issue one is disqualified with regard to a relatively minor issue; but we do not say that from being rendered a conspiring witness with regard to a relatively minor issue one is disqualified even with regard to a relatively major issue.

²¹⁴ The Gemara rejects this suggestion: No. Everyone agrees that according to the opinion of Rabbi Yosei one who is rendered a conspiring witness with regard to a minor issue is not suspected of lying about a major issue. When Abaye and Rava disagree, it is according to the opinion of Rabbi Meir, i.e., they disagree concerning what Rabbi Meir holds.

²¹⁵ Abaye holds in accordance with the opinion of Rabbi Meir, and derives from his opinion that one who eats non-kosher meat to express insolence is disqualified from bearing witness. And Rava holds that only there, with regard to a conspiring witness in a monetary case, does Rabbi Meir state his ruling that one who is rendered a conspiring witness about a minor issue is suspected of lying with regard to major issues as well. Rabbi Meir is of the opinion that he is both bad toward Heaven, having transgressed the prohibition against bearing false witness, and bad toward people, having caused another to lose money unrightfully. He is therefore suspected of testifying falsely with regard to any matter. But here, with regard to one who eats non-kosher meat to express insolence, a person who is bad toward Heaven but is not proven to be bad toward people, he is not disqualified.

²¹⁶ The Gemara concludes: And the halakha is in accordance with the opinion of Abaye. The Gemara asks: But wasn't his opinion conclusively refuted? The Gemara answers: That baraita from which Abaye's opinion was refuted is in accordance with the opinion of Rabbi Yosei, and Abaye does not accept his opinion.

²¹⁷ The Gemara asks: And let it even be in accordance with the opinion of Rabbi Yosei. According to the principles of halakhic ruling, in a dispute between Rabbi Meir and Rabbi Yosei, the halakha is in accordance with the opinion of Rabbi Yosei. How can his opinion be rejected?

²¹⁸ The Gemara answers: There it is different, as the tanna taught us an unattributed mishna in accordance with the opinion of Rabbi Meir, and it is a general principle that the halakha is in accordance with rulings found in unattributed mishnayot. The Gemara asks: And where did the tanna teach us such an unattributed mishna?

²¹⁹ The Gemara answers that this was established through a certain incident, as that incident occurred in which a man named bar Ḥama killed a person. The Exilarch said to Rav Abba bar Ya'akov: Go investigate this case, and if he certainly killed him, let them put his eyes out. Subsequently two witnesses came and testified that he certainly killed him. Bar Ḥama then went and brought two other witnesses, who testified about one of those first witnesses. One said: He stole, in my presence, a kav of barley; and one said: He stole, in my presence,

²²⁰ the handle of a spear [devortiya].

²²¹ Rav Abba bar Ya'akov said to bar Ḥama: Why did you bring these witnesses? What do you hold? Do you hold like Rabbi Meir, that one who is guilty of a monetary transgression is disqualified from bearing witness in capital cases too? But in a dispute between Rabbi Meir and Rabbi Yosei, the halakha is in accordance with the opinion of Rabbi Yosei, and doesn't Rabbi Yosei say that if one was rendered a conspiring witness in a case of monetary law he is fit to testify in cases of capital law?

²²² Rav Pappi immediately said to him: This statement applies only where the tanna did not teach us an unattributed mishna in accordance with the opinion of Rabbi Meir. Here, the tanna taught us an unattributed mishna in accordance with the opinion of Rabbi Meir.

²²³ The Gemara asks: From what mishna is it seen that the tanna taught an unattributed mishna in accordance with the opinion of Rabbi Meir? If we say it is from that which we learned in a mishna (Nidda 49b): Anyone who is fit to adjudicate cases of capital law is fit to adjudicate cases of monetary law, that is inconclusive. Even though one can compare the halakhot of disqualifying judges to the halakhot of disqualifying witnesses, one cannot cite this as an example of a mishna taught in accordance with the opinion of Rabbi Meir. Whose opinion is recorded in this mishna? If we say it is the opinion of Rabbi Yosei, isn't there the counterexample of a conspiring witness in monetary matters, who is fit to adjudicate cases of capital law but is disqualified from adjudicating cases of monetary law? Rather, is the ruling of the mishna not the opinion of Rabbi Meir?

²²⁴ The Gemara explains why this cannot be the source: If this is the unattributed mishna Rav Pappi was referring to, from where is it derived that it is the opinion of Rabbi Meir? Perhaps the mishna is referring to those who are disqualified from serving as judges due to their lineage, e.g., converts and mamzerim, not those who are disqualified due to sin.

²²⁵ As, if you do not say so, then with regard to the latter clause of that mishna, which teaches: There is one who is fit to adjudicate cases of monetary law but is unfit to adjudicate cases of capital law, to whom could this be referring? Why would one be unfit to adjudicate cases of capital law? If it is referring to one who was rendered a conspiring witness in a case of capital law, is he fit to adjudicate cases of monetary law? But doesn't everyone agree that he is disqualified? Rather, the mishna is

clearly referring to those who are disqualified from serving as judges due to their lineage. Here too, in the first clause, the mishna is referring to those who are disqualified from serving as judges due to their lineage.

²²⁶ Rather, the tanna taught us an unattributed mishna here, as we learned in a mishna (Rosh HaShana 22a): These people are disqualified from bearing witness, as they are considered wicked and guilty of monetary transgressions: One who plays with dice, and those who lend money with interest, and those who fly pigeons, and merchants who trade in produce of the Sabbatical Year. And Canaanite slaves are also disqualified. This is the principle: For any testimony for which a woman is not fit, these too are not fit. Although in certain cases a woman's testimony is accepted, e.g., testimony concerning the death of someone's husband, in most cases her testimony is not valid.

²²⁷ In accordance with whose opinion is this mishna? If we say it is the opinion of Rabbi Yosei, that is difficult: But isn't there testimony in cases of capital law, for which a woman is not fit but for which those considered wicked due to having committed monetary transgressions are fit? Rather, is it not the opinion of Rabbi Meir, who maintains these people are disqualified from testifying in cases of capital law as well? Apparently, this unspecified mishna follows the opinion of Rabbi Meir. Therefore, the halakha is in accordance with his opinion.

²²⁸ Based on this conclusion, one of the witnesses who testified against bar Ḥama with regard to the murder was disqualified, and bar Ḥama was acquitted. Bar Ḥama then arose and kissed Rabbi Pappi on his feet and accepted upon himself to pay his tax [karga] for all of his years.

²²⁹ MISHNA: And these are the ones disqualified from bearing witness or from serving as judges due to their status as relatives of one of the litigants or of each other: One's brother, and his paternal uncle, and his maternal uncle, and his sister's husband, and the husband of his paternal aunt, and the husband of his maternal aunt, and his mother's husband, and his father-in-law, and his brother-in-law, i.e., the husband of his wife's sister. They themselves, all of these people, and also their sons, and their sons-in-law are considered relatives. And his stepson alone is disqualified, but not his stepson's sons or sons-in-law.

²³⁰ Rabbi Yosei says: This aforementioned halakha is Rabbi Akiva's version of the mishna. But the initial version of the mishna reads as follows: His uncle and the son of his uncle, and anyone who is fit to inherit from him. Only paternal relatives, who are fit to inherit from him, are disqualified; maternal relatives, who do not inherit from him, are not disqualified from bearing witness about him or from adjudicating his case. And the halakha disqualifying a relative from bearing witness or serving as a judge is referring to anyone who is related to him at the time of the trial.

²³¹ If one was once a relative and became unrelated by the time of the trial, e.g., he married the daughter of one of the litigants, but she died or they were divorced, in this case he is fit. Rabbi Yehuda says: Even if his daughter died but her husband, the former son-in-law, has children from her, he is still considered a relative; the children cause them to remain related.

²³² One who loves or one who hates one of the litigants is also disqualified. With regard to one who loves one of the litigants, this is referring to his groomsman. One who hates is referring to anyone who, out of enmity, did not speak with the litigant for three days. The Rabbis said to Rabbi Yehuda: The Jewish people are not suspected of bearing false witness due to love or hate.

²³³ GEMARA: From where is this matter, that relatives are disqualified from bearing witness, derived? The Gemara answers: It is as the Sages taught in a baraita: “The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers; every man shall be put to death for his own sin” (Deuteronomy 24:16). Why must the verse state this first clause? If it is to teach that the fathers shall not be put to death for the sin of the children, nor shall the children be put to death for the sin of the fathers, this is unnecessary, as it is in any event stated: “Every man shall be put to death for his own sin.”

²³⁴ Rather, the statement “The fathers shall not be put to death for the children” should be interpreted to mean that they shall not be put to death by the testimony of the children, and the statement “Neither shall the children be put to death for the fathers” should be interpreted to mean that they shall not be put to death by the testimony of the fathers.

²³⁵ The Gemara asks: And are children not put to death for the sin of the fathers? But isn’t it written: “Visiting the iniquity of the fathers upon the children, and upon the children’s children, unto the third and unto the fourth generation” (Exodus 34:7)?

²³⁶ The Gemara answers: There, the verse is referring to a situation where the children adopt the actions of their ancestors as their own. If they do not behave like their ancestors they are not punished for their ancestors’ sins.

²³⁷ This is as it is taught in a baraita: The verse: “And also in the iniquities of their fathers shall they pine away with them” (Leviticus 26:39), is referring to a case where they adopt the actions of their ancestors as their own. Do you say that it is referring specifically to a case where they adopt the actions of their ancestors, or perhaps it applies even where they do not adopt their ancestors’ actions? When the verse states: “Every man shall be put to death for his own sin,” the Torah explicates that one is not put to death if he did not sin. Therefore, the verse in Leviticus is clearly referring to a case where they adopt the actions of their ancestors as their own.

²³⁸ The Gemara asks: And are descendants not punished for the sins of their ancestors unless they adopt their behavior? But isn’t it written: “And they shall stumble one upon another” (Leviticus 26:37)? This verse is homiletically interpreted to mean that the Jewish people shall stumble, one due to the iniquity of another, i.e., they are punished for each other’s sins, which teaches that all Jews are considered guarantors, i.e., responsible, for one another.

²³⁹ The Gemara answers: There, in the verse in Leviticus, the reference is to a case where others had the ability to protest the sin but they did not protest. Consequently, they are punished for not protesting, regardless of any familial relationship they may have with the sinner.

²⁴⁰ § The Gemara resumes its discussion of the source for the disqualification of relatives from bearing witness. From the fact that the verse: “The fathers shall not be put to death for the children” (Deuteronomy 24:16), is not phrased in the singular, i.e., A father shall not be put to death for his child, it is derived that not only are a father and child disqualified from bearing witness about one another, but closely related relatives, i.e., brothers, are also disqualified from bearing witness about each other’s children. Consequently, we found a source for the disqualification of fathers from bearing witness about their children or the children of their brothers, and for the disqualification of children from bearing witness about their fathers or their fathers’ brothers.

²⁴¹ And all the more so, the related fathers, e.g., brothers, are disqualified from bearing witness about each other, as they are certainly more closely related to each other than are a nephew and an uncle.

²⁴² But from where do we derive that one brother's children cannot bear witness about the children of the other brother?

²⁴³ The Gemara answers: If so, if the children of one brother can bear witness about the children of the other brother, let the verse write: The fathers shall not be put to death for the child. For what reason is "children" written, in the plural? It is derived from here that even children of brothers are disqualified from bearing witness about each other.

²⁴⁴ We found a source for the halakha that the children of brothers cannot bear witness about each other. From where do we derive that the children of brothers cannot bear witness together about others?

²⁴⁵ Rami bar Hama says: This halakha is based on logical reasoning, and is not derived from a verse. This is as it is taught in a baraita: The witnesses are not rendered conspiring witnesses unless they are both rendered conspiring witnesses. And therefore, if it enters your mind that related children are fit to bear witness together about others, a conspiring witness can be found to be executed based on the testimony of his brother, i.e., his relative. Since a conspiring witness is executed for his testimony only if his co-witness is also rendered a conspiring witness, the testimony of his co-witness, who is a relative, is what causes him to be executed. This is tantamount to relatives bearing witness about each other. Therefore, relatives cannot serve as witnesses together.

²⁴⁶ Rava said to him: But according to your reasoning, there is a difficulty arising from that which we learned in a mishna (Bava Batra 56b): If one occupied land for three years, this serves in court as proof that he is the legal owner. If three brothers testify to his three-year possession of the land, with each one testifying separately about one year, and one unrelated individual joins with each of the brothers as the second witness, these are considered three distinct testimonies and are therefore accepted by the court. If they were to be considered one testimony it would not be accepted, as brothers may not testify together. But they are considered one testimony for the purpose of rendering them conspiring witnesses. In other words, they are punished only if all six of the witnesses are rendered conspiring witnesses, and the liability is divided among them.

²⁴⁷ Rava states his objection: If so, a conspiring witness can be found to be paying money due to the testimony of his brother, and nevertheless, the brothers' testimony is not disqualified.

²⁴⁸ Rather, this is clearly not considered tantamount to brothers bearing witness about each other, as the rendering of one as a conspiring witness comes not from his co-witness but from others, i.e., the witnesses who testify that he had been with them. Here too, it cannot be proven logically that relatives are disqualified from bearing witness together, as the rendering of one as a conspiring witness comes from others.

²⁴⁹ Rather, the halakha that relatives are disqualified from bearing witness together is derived from a different source: If it is so that relatives can bear witness together, let the verse write: And a child shall not be put to death for the fathers, or: They shall not be put to death for the fathers. For what reason is "and the children" written in the plural? This indicates that related children are disqualified from bearing witness even about others.

²⁵⁰ The Gemara asks: We found a source for the disqualification of paternal relatives. From where do we derive the disqualification of maternal relatives? The Gemara answers: The verse states “fathers,” “fathers,” i.e., it states the word twice. This repetition is unnecessary, as the verse could have stated: And the children shall not be put to death for them. If the superfluous word “fathers” is not needed to teach the matter of paternal relatives, as this matter was already derived from the verse, apply it to the matter of maternal relatives.

²⁵¹ The Gemara asks: We found a source for the halakha that one cannot bear witness to the detriment of his relative, as the verse states: “Shall not be put to death.” From where do we derive that one cannot testify to the benefit of his relative?

²⁵² The Gemara answers: The verse states the term “shall not be put to death,” “shall not be put to death,” twice. If it is not needed to teach the matter of testimony to the detriment of one’s relative, as this halakha was already derived from the verse, apply it to the matter of testimony to the benefit of one’s relative.

²⁵³ The Gemara asks: We found a source for the disqualification of relatives in cases of capital law, as the verse is referring to execution. From where do we derive this halakha in cases of monetary law?

²⁵⁴ The Gemara answers that the verse states: “You shall have one manner of law” (Leviticus 24:22), which is interpreted to mean: A law that is equal for you. In other words, monetary law and capital law essentially follow the same guidelines.

²⁵⁵ § Rav says: My paternal uncle will not testify about me, neither he, nor his son, nor his son-in-law, in accordance with the ruling of the mishna. Furthermore, I will not testify about him, neither I, nor my son, nor my son-in-law.

²⁵⁶ The Gemara asks: And why, for example, can Rav’s son not testify about the brother of his father’s father? But it is the testimony of a member of the third generation with regard to a related member of the first generation, as there is a two-generation difference between them. And we learned in the mishna that a member of the second generation cannot testify about a member of the second generation, e.g., one cannot testify about the son of his paternal uncle. We also learned that a member of the second generation cannot testify about a member of the first generation, e.g., one cannot testify about his uncle. But we did not learn that a member of the third generation cannot testify about a member of the first generation.

²⁵⁷ The Gemara answers: In the statement that is taught in the mishna: They themselves, and their sons, and their sons-in-law are considered relatives, what is the ruling of the mishna concerning his son-in-law referring to? It is referring to the son-in-law of his son. Accordingly, the mishna disqualifies the testimony of a member of the third generation about a member of the first generation.

²⁵⁸ The Gemara asks: But if so, let the mishna teach: And his son and the son of his son, instead of: His son-in-law. This would be a more straightforward manner of conveying the halakha with regard to a member of the third generation testifying about a member of the first generation.

²⁵⁹ The Gemara answers: By mentioning his son-in-law, the mishna teaches us a matter in passing: That with regard to the different levels of familial relationships, a husband is like his wife. Therefore, there is no difference between one’s son and one’s son-in-law.

²⁶⁰ The Gemara asks: But if the mishna is referring to the son-in-law of his son, a difficulty is posed by that which Rabbi Ḥiyya teaches in a baraita: Eight fathers, i.e., eight principal relatives mentioned in the mishna, are disqualified, which are twenty-four including the son and son-in-law of each. If the mishna is referring to one's grandson these are thirty-two, as the son, the son-in-law, and the grandson of each are included.

²⁶¹ The Gemara consequently rejects the explanation that the mishna is referring to the son-in-law of one's son: Rather, the mishna is in fact referring to his actual son-in-law. And why does Rav refer to him as the son-in-law of his son, deriving from this case that a member of the third generation cannot testify about a member of the first generation? Since one's son-in-law comes from outside the family he is considered a more distant relative than his son, as if he belongs to another generation.

²⁶² The Gemara challenges this: If that is so, then the testimony of an individual with regard to the son-in-law of his father is equivalent to that of a member of the third generation with regard to a member of the second generation. And Rav is known to have deemed a member of the third generation fit to bear witness about a member of the second generation.

²⁶³ Rather, Rav stated his ruling not in accordance with the mishna, but in accordance with the opinion of Rabbi Elazar, as it is taught in a baraita that Rabbi Elazar says: Just as my paternal uncle will not testify about me, neither he, nor his son, nor his son-in-law, so too, the son of my paternal uncle will not testify about me, neither he, nor his son, nor his son-in-law. Accordingly, one cannot testify about the grandchild of his brother.

²⁶⁴ The Gemara asks: But still, according to Rabbi Elazar, the grandson of one's uncle cannot testify about his great-great uncle, which is the testimony of a member of the third generation about a member of the second generation; and Rav deemed a member of the third generation fit to bear witness about a member of the second generation.

²⁶⁵ The Gemara answers: Rav holds in accordance with Rabbi Elazar's opinion in one case, i.e., he disqualifies testimony of a member of the third generation with regard to a member of the first generation, and he disagrees with him in one case, i.e., he does not disqualify the testimony of a member of the third generation about a member of the second generation.

²⁶⁶ What is the reason for the opinion of Rav? It is as the verse states: "The fathers shall not be put to death for the children, and the children shall not be put to death for the fathers." The phrase "for the children, and the children" is interpreted to include another generation, the grandchildren of one's brother; they are also disqualified.

²⁶⁷ And Rabbi Elazar derives his opinion from the fact that the Merciful One states: "For the children," which is interpreted to mean that the ones disqualified from bearing witness about the fathers are cast on the children as well. In other words, anyone who is disqualified from bearing witness about a father is also disqualified from bearing witness about his children.

²⁶⁸ § Rav Naḥman says: The brother of my mother-in-law will not testify about me; the son of the brother of my mother-in-law will not testify about me; the son of the sister of my mother-in-law will not testify about me. And the tanna of the mishna also taught this halakha: His sister's husband, and the husband of his father's sister, and the husband of his mother's sister, and his mother's husband, and his father-in-law, and his brother-in-law, they themselves, and their sons, and their sons-in-law. This describes the same familial relationship from the perspective of the younger generation.

²⁶⁹ Rav Ashi said: When we were in Ulla's study hall, we were asked: With regard to testifying about the brother of one's father-in-law, what is the halakha? With regard to the son of the brother of one's father-in-law, what is the halakha? With regard to the son of the sister of one's father-in-law, what is the halakha?

²⁷⁰ And Ulla said to us: You learned the answer to this question in the mishna: His brother, and his paternal uncle, and his maternal uncle, and his mother's husband, and his father-in-law, and his brother-in-law, they themselves, and their sons, and their sons-in-law. These relationships are the same as those you were asked about, from the perspective of the younger generation.

²⁷¹ Rav arrived at a certain place to buy

²⁷² scrolls of parchment. They asked of him there: What is the halakha as to whether a man can testify with regard to the wife of his stepson?

²⁷³ In Sura they say that Rav gave the following answer: A husband is considered like his wife. Since he is married to the son's mother, the son's wife is considered like his daughter-in-law.

²⁷⁴ In Pumbedita they say a different version of Rav's answer: A wife is considered like her husband. Therefore, the wife of his stepson is considered like his stepson, and he cannot testify about her. As Rav Huna says that Rav Naḥman says: From where is it derived that a wife is considered like her husband? As it is written: "You shall not uncover the nakedness of your father's brother; you shall not approach his wife: She is your aunt" (Leviticus 18:14). Isn't she the wife of his uncle, and not his aunt, i.e., his father's sister? It can therefore be concluded, by inference, that a wife is considered like her husband.

²⁷⁵ § The mishna teaches that among the relatives disqualified from testifying are his mother's husband, he, i.e., the mother's husband himself, and his son, and his son-in-law. The Gemara challenges: The son of his mother's husband is the same as his brother, i.e., his half brother, and the mishna already stated that his brother is disqualified.

²⁷⁶ Rabbi Yirmeya said: Mentioning this case is necessary only for the half brother of the half brother, i.e., the son of his stepfather from another woman. Although they are not biologically related, they are considered relatives.

²⁷⁷ Rav Ḥisda deemed the testimony of the half brother of the half brother fit. The other Sages said to him: Did you not hear this statement of Rabbi Yirmeya, that the half brother of the half brother is disqualified? Rav Ḥisda said to them: I did not hear this, as if to say: I do not hold in accordance with this opinion.

²⁷⁸ The Gemara asks: If so, the question asked above recurs: The son of his mother's husband is the same as his brother. The Gemara answers: The mishna taught the case of a paternal half brother, and it also teaches the case of a maternal half brother.

²⁷⁹ § Rav Ḥisda says: The father of the groom and the father of the bride can testify about each other, and this is because they are considered to each other only like a lid on a barrel, which is not part of the barrel, but merely rests on top of it.

²⁸⁰ Rabba bar bar Ḥana says: A man can testify about his betrothed wife; they are considered related only after marriage. Ravina says: We said this halakha only for testimony that removes money from her possession; but for testimony that awards her money, his testimony is not deemed credible, as he will ultimately marry her and benefit from the money.

²⁸¹ The Gemara rejects this opinion: But that is not so. There is no difference whether the testimony removes money from her possession, and there is no difference whether it awards her money. In both cases, his testimony is not deemed credible.

²⁸² The Gemara explains: What is your thinking that you deem a man fit to bear witness concerning his betrothed wife? It is as Rabbi Ḥiyya bar Ami said in the name of Ulla: One does not enter acute mourning on the day of the death of his betrothed wife, nor may he become ritually impure to bury her if he is a priest. Similarly, she does not enter acute mourning for him and is not obligated to become ritually impure to bury him. If she dies, he does not inherit her property. If he dies, she collects payment of her marriage contract if he wrote it at the time of the betrothal, as it is treated like any other monetary document. Evidently, a betrothed woman is not considered related to her husband.

²⁸³ The Gemara comments: That halakha does not serve as a proof for the halakha of testimony, as there, with regard to ritual impurity and the like, the Merciful One renders it dependent on the question of whether the woman is “his kin” (Leviticus 21:2), and a betrothed woman is not yet his kin, as they are not yet married. But here, with regard to testimony, it is due to a sense of affinity that he is disqualified, and one feels a sense of affinity toward his betrothed.

²⁸⁴ § The mishna teaches that his stepson alone is disqualified from bearing witness about him, but not his stepson’s sons or sons-in-law. The Sages taught in a baraita: His stepson alone is disqualified. Rabbi Yosei says: His brother-in-law. And it is taught in another baraita: His brother-in-law alone is disqualified. Rabbi Yehuda says: His stepson.

²⁸⁵ The Gemara asks: What is the baraita saying? If we say that this is what it is saying: His stepson alone is disqualified, and the same is true with regard to his brother-in-law, i.e., a brother-in-law alone is disqualified but not a brother-in-law’s son or son-in-law; and Rabbi Yosei comes to say that his brother-in-law alone is disqualified, and the same is true with regard to his stepson; that interpretation is difficult. If so, whose opinion is expressed in the mishna, which teaches that his brother-in-law is disqualified, and this disqualification applies to he himself, and his son, and his son-in-law? It is neither the opinion of Rabbi Yehuda nor the opinion of Rabbi Yosei, as they both agree that the son and son-in-law of one’s brother-in-law are not disqualified.

²⁸⁶ Rather, this is what the baraita is saying: His stepson alone is disqualified, but as for his brother-in-law, he himself, and his son, and his son-in-law are disqualified. And Rabbi Yosei comes to disagree and say that his brother-in-law alone is disqualified, but as for his stepson, he himself, and his son, and his son-in-law are disqualified. Accordingly, the mishna is in accordance with the opinion of Rabbi Yehuda.

²⁸⁷ The Gemara asks: But then, in accordance with whose opinion is the baraita that Rabbi Ḥiyya teaches, that eight fathers, which are the eight principal relatives mentioned in the mishna, are disqualified, which are twenty-four including the son and son-in-law of each? It is neither in accordance with the opinion of Rabbi Yosei nor in accordance with the opinion of Rabbi Yehuda.

²⁸⁸ Rather, the above interpretation should be rejected, and this is what the baraita is saying: His stepson alone is disqualified, but as for his brother-in-law, he himself, and his son, and his son-in-law are disqualified. And Rabbi Yosei comes to say that his brother-in-law alone is disqualified, excluding his son and son-in-law, and all the more so his stepson. And accordingly, the mishna is in

accordance with the opinion of Rabbi Yehuda, and the baraita that Rabbi Ḥiyya taught is in accordance with the opinion of Rabbi Yosei.

²⁸⁹ Rav Yehuda says that Shmuel says: The halakha is in accordance with the opinion of Rabbi Yosei.

²⁹⁰ The Gemara relates: There was a certain deed of gift on which two brothers-in-law were signed. Rav Yosef thought to deem it valid, as Rav Yehuda says that Shmuel says: The halakha is in accordance with the opinion of Rabbi Yosei. Rav Yosef assumed that Shmuel was referring to Rabbi Yosei's opinion as cited in the mishna, that only relatives who are fit to inherit are disqualified, and one does not inherit from his brother-in-law.

²⁹¹ Abaye said to him: From where do you conclude that Shmuel was referring to Rabbi Yosei as cited in the mishna, who deems one's brother-in-law fit to bear witness with or about him? Perhaps he was referring to Rabbi Yosei as cited in the baraita, who deems one's brother-in-law, though not the latter's son and son-in-law, disqualified?

²⁹² Rav Yosef answered: Do not let it enter your mind that Shmuel was referring to the opinion of Rabbi Yosei as cited in the baraita; as Shmuel said: For example, my brother Pineḥas and I are disqualified from bearing witness about one another. Apparently, he meant to say: We are disqualified because we are both brothers and brothers-in-law, as we married two sisters. But by inference, other brothers-in-law may well testify about each other.

²⁹³ Abaye raised an objection: But perhaps Shmuel said: For example, Pineḥas and I are disqualified, only because Pineḥas was his brother-in-law; he did not mean to say that they were disqualified only because they were brothers.

²⁹⁴ Due to Abaye's objection, Rav Yosef said to the one holding the deed of gift: Since the witnesses signed on the document are disqualified from bearing witness together, go and acquire the gift by means of the witnesses who observed the transmission of the deed to you, in accordance with the opinion of Rabbi Elazar, who maintains that the witnesses who effect the transaction are not those who signed the deed but rather those who observed its transmission. A legal document is signed by witnesses merely to enhance its authority, not to effect the transaction.

²⁹⁵ Abaye raised an objection: But doesn't Rabbi Abba say that Rabbi Elazar concedes with regard to a document whose falsification is inherent in it, that the deed is not valid despite the fact that it was properly transferred? In other words, although the signatures on a legal document are unnecessary insofar as effecting the transaction is concerned, a document that includes invalid signatures is not valid, and this is in order to prevent others from relying upon these witnesses. Rav Yosef said to the one holding the deed of gift: Go away; the rabbis do not let me give you the gift.

²⁹⁶ § The mishna teaches that Rabbi Yehuda says that if the witness married the daughter of one of the litigants he is disqualified even if the daughter died, provided that he has children from her. Rabbi Tanḥum says that Rabbi Tavla says that Rabbi Beruna says that Rav says: The halakha is in accordance with the opinion of Rabbi Yehuda. Rava says that Rav Naḥman says: The halakha is not in accordance with the opinion of Rabbi Yehuda. And likewise Rabba bar bar Ḥana says that Rabbi Yoḥanan says: The halakha is not in accordance with the opinion of Rabbi Yehuda.

²⁹⁷ There are those who teach this ruling of Rabba bar bar Ḥana with regard to this baraita: Rabbi Yosei HaGelili interpreted this verse: "And you shall come to the priests the Levites, and to the judge

who will be in those days” (Deuteronomy 17:9). Rabbi Yosei HaGelili asks: What is the meaning of the phrase “who will be in those days”? But will it enter your mind that a person would go to a judge that was not in his days? Rather, this is referring to one who was a relative of one of the litigants due to marriage, and then became not related. The litigant can therefore come before him only in those days that they are not related, and not while they are still related.

²⁹⁸ It is with regard to this baraita that Rabba bar bar Ḥana says that Rabbi Yoḥanan says: The halakha is in accordance with the opinion of Rabbi Yosei HaGelili. The ruling is the same as in Rabbi Yoḥanan’s aforementioned statement, i.e., a relative who became unrelated is fit to bear witness or serve as a judge, but it was stated in a different context.

²⁹⁹ The Gemara relates: The sons of the father-in-law of Mar Ukva

³⁰⁰ were relatives of his and became not related to him, as Mar Ukva’s wife, who was their sister, died. They came before him for judgment. Mar Ukva said to them: I am disqualified from adjudicating for you.

³⁰¹ They said to Mar Ukva: What is your opinion according to which you disqualify yourself? Do you rule in accordance with the opinion of Rabbi Yehuda, that since you have children we are still relatives? We shall bring a letter from the West, Eretz Yisrael, that the halakha is not in accordance with the opinion of Rabbi Yehuda.

³⁰² Mar Ukva said to them: Is that to say that I am stuck to you with a kav of wax [kira]? I agree that we are not considered relatives; I am saying that I am disqualified from adjudicating for you only because you will not obey the verdict, and I do not wish to participate in such judgment.

³⁰³ § The mishna teaches that according to Rabbi Yehuda, one who loves or one who hates one of the litigants is disqualified from bearing witness. One who loves one of the litigants; this is referring to his groomsman.

³⁰⁴ The Gemara asks: And for how long is the groomsman disqualified? Rabbi Abba says that Rabbi Yirmeya says that Rav says: Throughout all of the seven days of feasting. And the Rabbis say in the name of Rava: Even from the first day after the wedding and onward he is no longer disqualified; he is disqualified only on the wedding day itself.

³⁰⁵ § The mishna teaches: One who hates the litigant is referring to anyone who, out of enmity, did not speak with the litigant for three days. The Sages taught in a baraita: This halakha is derived from the verse: “And he was not his enemy, neither sought his harm” (Numbers 35:23), that one about whom it can be stated: “And he was not his enemy,” can testify about him. And one who “neither sought his harm” can judge him.

³⁰⁶ The Gemara asks: We found a source for the disqualification of one who hates; from where do we derive that one who loves is disqualified?

³⁰⁷ The Gemara answers that one should read into the verse like this: One about whom it can be stated: And he who was not his enemy nor one who loves him, can testify about him; and one who neither sought his harm nor his favor can judge him.

³⁰⁸ The Gemara asks: Is: One who loves, written in the verse? How can the verse be read in this manner? Rather, the extension of the disqualification to one who loves him as well is based on logical reasoning: What is the reason an enemy is disqualified from bearing witness? It is because he feels a sense of aversion toward that individual and might testify falsely against him. A similar logic

can be employed with regard to one who loves, as well: He feels a sense of affinity toward that individual, and might testify falsely on his behalf.

³⁰⁹ The Gemara asks: And what do the Rabbis, who do not agree with Rabbi Yehuda, derive from this verse: “And he was not his enemy, neither sought his harm”?

³¹⁰ The Gemara answers: One part of the verse is necessary for the halakha that a judge who loves or hates one of the litigants is disqualified. The Rabbis agree with this halakha, as such a judge is naturally inclined to favor one of the litigants.

³¹¹ The other part of the verse is interpreted in accordance with that which is taught in a baraita: Rabbi Yosei, son of Rabbi Yehuda, says: With regard to the verse “And he was not his enemy, neither sought his harm,” it is derived from here that two Torah scholars who hate each other cannot sit in judgment together as one. Because of their hatred they will come to contradict each other’s rulings unjustly.

³¹² MISHNA: How do the judges examine the witnesses? They bring them into a room in the courthouse and intimidate them so that they will speak only the truth. And they take all the people, other than the judges, outside so that they should not tell the other witnesses the questions the judges ask and the answers the first witness gives, and they leave only the eldest of the witnesses to testify first.

³¹³ And they say to him: Say how exactly you know that this litigant owes money to that litigant, as the plaintiff claims. If he said: The defendant said to me: It is true that I owe the plaintiff, or if he says: So-and-so said to me that the defendant owes the plaintiff, the witness has said nothing and his testimony is disregarded. It is not valid testimony unless he says: The defendant admitted in our presence to the plaintiff that he owes him, e.g., two hundred dinars. By admitting to the debt in the presence of witnesses he renders himself liable to pay the amount that he mentioned.

³¹⁴ And afterward they bring in the second witness and examine him in the same manner. If their statements are found to be congruent the judges then discuss the matter.

³¹⁵ If the opinions of the judges are divided, as two judges say that the defendant is exempt from payment and one says he is liable to pay, he is exempt. If two say he is liable and one says he is exempt, he is liable. If one says he is liable and one says he is exempt, or even if two of the judges deem him exempt or two of them deem him liable, and the other one says: I do not know, the court must add more judges and then rule in accordance with the majority opinion. This is because the one who abstains is considered as though he is not a member of the court.

³¹⁶ After the judges finish the matter and reach a decision, they bring in the litigants. The greatest of the judges says: So-and-so, you are exempt from paying; or: So-and-so, you are liable to pay.

³¹⁷ And from where is it derived that when the judge leaves the courtroom he may not say: I deemed you exempt and my colleagues deemed you liable, but what can I do, as my colleagues outnumbered me and consequently you were deemed liable? About this it is stated: “You shall not go as a talebearer among your people” (Leviticus 19:16), and it says: “One who goes about as a talebearer reveals secrets, but one who is of a faithful spirit conceals a matter” (Proverbs 11:13).

³¹⁸ GEMARA: The mishna teaches that the judges intimidate the witnesses. The Gemara asks: What do we say to them? Rav Yehuda says that this is what we say to them: It is stated: “As clouds and

wind without rain, so is he who boasts himself of a false gift” (Proverbs 25:14). In other words, there will be no rain and no blessing from your deeds if you lie.

³¹⁹ Rava said to him: If so, false witnesses can say to themselves that they do not have to worry about this punishment, according to the folk saying: Seven years there was a famine, but over the craftsman’s door it did not pass. If the witnesses are not farmers, they do not need to worry over lack of rain. Consequently, they will disregard this concern.

³²⁰ Rather, Rava said that we say this verse to them: “As a hammer, and a sword, and a sharp arrow, so is a man who bears false witness against his neighbor” (Proverbs 25:18), meaning that a false witness will die prematurely.

³²¹ Rav Ashi said to him: Here too, false witnesses can say to themselves a folk saying: Seven years there was a pestilence, but a man who has not reached his years did not die; everyone dies at his predestined time. Therefore, they will disregard this concern as well.

³²² The Gemara presents another suggestion: Rather, Rav Ashi said: Natan bar Mar Zutra said to me that we say to them that false witnesses are belittled even by those who hire them, and all the more so by others; as it is written that Jezebel said when she ordered witnesses to be hired to testify against Naboth: “And set two men, base fellows, before him, and let them bear witness against him, saying: You cursed God and the king” (I Kings 21:10). Even Jezebel, who gave the orders to hire them, called them “base fellows.”

³²³ § The mishna teaches that if the witness said: The defendant said to me: It is true that I owe him, his testimony is disregarded unless he says: The defendant admitted in our presence to the plaintiff that he owes him two hundred dinars.

³²⁴ The Gemara comments: This supports the opinion of Rav Yehuda, as Rav Yehuda says that Rav says: The debtor needs to say to the witnesses to the loan or in his admission that he owes the creditor: You are my witnesses. Otherwise, their testimony is not valid.

³²⁵ It was also stated that Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: If one said to another: I have one hundred dinars in your possession, i.e., you owe me one hundred dinars, and the other said to him: Yes, and the next day the claimant said to him: Give it to me, if the other then said to him: I was teasing you, i.e., I did not mean it seriously when I said that I owed it to you, the respondent is exempt.

³²⁶ This is also taught in a baraita: If one said to another: I have one hundred dinars in your possession, and the other said to him: Yes, and the next day the claimant said to him: Give it to me, if the other then said to him: I was teasing you, the respondent is exempt.

³²⁷ And moreover, the respondent is exempt even in a case where the claimant hid witnesses for the respondent behind a fence so that the respondent would not see them, and said to him: I have one hundred dinars in your possession, and the respondent said to him: Yes, and the claimant then said to him: Do you wish to admit the debt in the presence of so-and-so and so-and-so? And the respondent said to him: I am afraid to do so, lest you compel me to go to judgment, where, based on their testimony, you will be given the right to forcibly take the money from me whenever you want. But between you and me, I admit that I owe you. And the next day the claimant said to him: Give me the one hundred dinars that you admitted to owing me, and the respondent said to him: I was teasing you. The respondent is exempt because he can claim that he stated his admission only to appease the

claimant temporarily, and did not mean to actually admit to owing the money, as he did not know that there were witnesses present.

³²⁸ But the judges do not advance a claim on behalf of an inciter, i.e., one who is accused of inciting others to idol worship.

³²⁹ The Gemara asks: An inciter? Who mentioned anything about it? This matter was not discussed in the baraita. The Gemara answers: The baraita is incomplete, and this is what it is teaching: If the defendant did not advance a claim that he was teasing the plaintiff, the judges do not advance this claim for him. Apparently, he stated his admission seriously. But in cases of capital law, even if the defendant did not advance any claim on his own behalf, the judges advance a claim on his behalf. But the judges do not advance claims on behalf of an inciter.

³³⁰ The Gemara asks: What is different about an inciter, that the court does not seek to deem him innocent? Rabbi Ḥama bar Ḥanina says: I heard at the lecture of Rabbi Ḥiyya bar Abba that an inciter is different, as the Merciful One states concerning him: “Neither shall you spare, neither shall you conceal him” (Deuteronomy 13:9). In this unique case, the court is not required to try to deem him innocent.

³³¹ Rabbi Shmuel bar Naḥman says that Rabbi Yonatan says: From where is it derived that the judges do not advance a claim on behalf of an inciter? It is derived from the incident of the primordial snake who tempted Eve; he was the first inciter. As Rabbi Simlai says: The snake could have advanced many claims on its own behalf, but it did not claim them. And for what reason did the Holy One, Blessed be He, not advance these claims for it, deeming the snake exempt from punishment? Because the snake did not advance these claims itself.

³³² The Gemara asks: What could he have said? The Gemara answers: The snake could have said that it is not to blame, as when there is a contradiction between the statement of the teacher and the statement of the student, whose statement should one listen to? One should listen to the statement of the teacher. Since God instructed Adam and Eve not to eat from the fruit of the Tree of Knowledge, Adam and Eve should have heeded God’s words and not those of the snake.

³³³ Ḥizkiyya says: From where is it derived that anyone who adds, subtracts? It is derived from a verse, as it is stated that Eve said: “God has said: You shall not eat of it, neither shall you touch it” (Genesis 3:3), whereas God had actually rendered prohibited only eating from the tree but not touching it, as it is stated: “But of the Tree of Knowledge of good and evil, you shall not eat of it” (Genesis 2:17). Because Eve added that there was a prohibition against touching the tree, the snake showed her that touching it does not cause her to die, and she consequently sinned by eating from it as well.

³³⁴ Rav Mesharshiyya says that the idea that one who adds, subtracts can also be proven from here: “Two cubits [amatayim] and a half shall be its length” (Exodus 25:10). Without the letter *ales* at the beginning of the word *amatayim*, it would be read *matayim*, which would mean two hundred cubits. The addition of the *ales* therefore reduces this term to only two cubits.

³³⁵ Rav Ashi says another example: In the verse: “Eleven [ashtei esrei] curtains” (Exodus 26:7), without the letter *ayin* at the beginning of the phrase it would read *shtei esrei*, twelve. Therefore, the additional letter *ayin* reduces the amount from twelve to eleven.

³³⁶ Abaye says: With regard to the case of one who denies a debt to which he admitted in the presence of hidden witnesses, the Sages taught that he is exempt only in a case where he says: I was teasing you. But if he says:

³³⁷ These matters never occurred, i.e., I never admitted to this, the defendant assumes the presumptive status of one who falsely denies his debts, as the witnesses heard his admission. Consequently, he is not trusted to take an oath that he is exempt.

³³⁸ Rav Pappa, son of Rav Aḥa bar Adda, says: This is what we say in the name of Rava: The defendant is not rendered a liar, because people do not remember all frivolous matters. Since the admission was not made seriously, perhaps the defendant forgot the incident. Therefore, his denial of its having occurred was not necessarily an outright lie.

³³⁹ The Gemara relates: There was a certain man who hid witnesses in the canopy above his bed to hear the statement of another. That certain man said to him: I have one hundred dinars in your possession. The latter said to him: Yes. The claimant then said: Let those awake and those asleep bear witness about you, hoping to induce him to agree to this testimony, as the respondent might assume that everyone was asleep. The latter said to him: No. When the matter came to court Rav Kahana said: Since he said no to him, his admission did not render him liable.

³⁴⁰ The Gemara relates another incident: There was a certain man who hid witnesses in a grave to hear the statement of another. That certain man said to him: I have one hundred dinars in your possession. The latter said to him: Yes. The claimant then said: Let the living and the dead bear witness about you. The respondent said to him: No. Rabbi Shimon said: Since he said no to him, his admission did not render him liable.

³⁴¹ Ravina said, and some say Rav Pappa said it: Conclude from it that with regard to that which Rav Yehuda says that Rav says, that one needs to say to the witnesses of the admission: You are my witnesses, there is no difference whether the debtor said it, and there is no difference whether the creditor said it and the debtor remained silent. The inference is that the reason the Sages deemed the purported debtor exempt in the above cases is that the debtor explicitly said no, i.e., that he does not accept the witnesses, but had he remained silent his admission would have indeed rendered him liable.

³⁴² The Gemara relates: There was a certain man whom people called: A kav of debts, as everyone claimed debts from him, who once said: Who can claim debts from me, other than so-and-so and so-and-so? I do not owe money to as many as assumed. Those whom he admitted that he owed came and took him to judgment before Rav Naḥman to claim what he owed them, and he responded in court that his admittance was in jest.

³⁴³ Rav Naḥman said: A person is prone to make false statements so as not to make himself appear sated, i.e., it is possible that he might say falsely in public that he owes money in order that he should not be considered wealthy. Therefore, as long as he has not made a proper admission that he owes a specific sum to a specific individual, he is not liable.

³⁴⁴ The Gemara relates: There was a certain man whom people called: A mouse that lies on dinars, as he was a miser who did not benefit from his money, like a mouse that sits and safeguards gold dinars. This man said on his deathbed: So-and-so and so-and-so claim dinars from me. After he died, they came and sued the heirs.

³⁴⁵ They came to judgment before Rabbi Yishmael, son of Rabbi Yosei. He said to them: When we say a person is prone to make false statements so as not to make himself appear sated, this statement applies to an admission during his lifetime. But after death, i.e., on his deathbed, this does not apply; rather, we presume he told the truth.

³⁴⁶ The heirs paid half the amount of the claim. The claimants then sued them for the other half. They came to judgment before Rabbi Ḥiyya. Rabbi Ḥiyya said to them: Just as a person is prone to make false statements so as not to make himself appear sated, so too, a person is prone to make false statements so as not to make his sons appear sated. One might claim falsely on his deathbed that he owes money so that his children will not be considered wealthy. Therefore, there is no room for a claim against the heirs. The heirs then said to him: If so, let us go and overturn the former verdict, and retrieve the amount we paid the claimants. Rabbi Ḥiyya said to them: The elder, i.e., Rabbi Yishmael, son of Rabbi Yosei, has already issued a ruling in this case, and it is not in my power to overturn his ruling.

³⁴⁷ § If one made an admission in the presence of two witnesses that he owes money and they performed a formal act of acquisition with him to verify the admission, the witnesses can write a record of the admission in a document and sign it, thereby granting the creditor more rights. But if they did not perform a formal act of acquisition they may not write a record of the admission in a document, as the debtor presumably wants the loan to retain its status as a loan by oral agreement, which grants fewer rights to the creditor than a loan with a promissory note.

³⁴⁸ If he made an admission in the presence of three witnesses and they did not perform a formal act of acquisition with him, Rav Ami says: They can write a record of the admission in a document. Since the admission was made in the presence of three individuals, who are considered a court, it is permitted for a court to write its verdicts. And Rav Asi says: They may not write it in a document; perhaps the debtor intended for them to serve only as witnesses, not as a court. There was an incident in which a person admitted his debt before three witnesses, and Rav was concerned for this opinion of Rav Asi, and ruled that they may not write a record of the admission.

³⁴⁹ Rav Adda bar Ahava says: With regard to this document of admission, sometimes we write it and sometimes we do not write it. If the three witnesses were gathered and sitting when the debtor made his admission before them, we do not write it, as perhaps he did not intend for them to serve as a court. But if the debtor gathered them, we write the document of admission, as the fact that he took care to bring three people and not just two proves that he intended for them to serve as a court.

³⁵⁰ Rava says: Even if he gathered them we do not write it, unless he says to them: Be my judges.

³⁵¹ Mar bar Rav Ashi says: Even if he says: Be my judges, we do not write it unless they establish a place for judgment and send messengers and summon him to court. Unless the entire procedure of an admission in court is implemented, the debtor may not have intended that they serve as a court with regard to this matter.

³⁵² If he made an admission with regard to movable property that he owes, and the witnesses performed a formal act of acquisition with him, they can write a record of the admission in a document; but if they did not perform a formal act of acquisition they may not write a record of the admission. But if he made an admission with regard to land, and they did not perform a formal act of acquisition with him, what is the halakha? Is it considered as though an act of acquisition was

performed, as land is always available for collection? Ameimar says: They may not write it. Mar Zutra says: They may write it. And the halakha is that they may write it.

³⁵³ Ravina happened to come to Damharya. Rav Dimi bar Rav Huna of Damharya said to Ravina: If one makes an admission that he owes movable property that is extant, i.e., it is available to be taken immediately, what is the halakha? Should it be considered like land, as it is similarly available for collection, and therefore the witnesses can write a record of the admission? Ravina said to him: It is considered like land. Rav Ashi says: Since it still lacks collection, i.e., it has not been physically transferred from one party to the other, it is not considered like land, and the witnesses may not write a record of the admission unless the debtor asks them to write it.

³⁵⁴ § With regard to a certain document of admission in which the following statement was not written: He, the one making the admission, said to us: Write a deed, and sign it, and give it to the creditor, Abaye and Rava both say that this is a case in which the principle of Reish Lakish is applicable.

³⁵⁵ As Reish Lakish says: There is a presumption that witnesses do not sign on the document unless the deal was transacted with each party being an adult, even if it is not mentioned explicitly in the document that the witnesses verified this. This reflects the principle that a document is not written by a scribe and signed by witnesses unless they know that the action to which it attests was performed appropriately. In light of this, the fact that a certain detail is missing from the wording of the document does not prove that the detail did not take place, as the action was presumably performed properly. Consequently, a document of admission lacking the sentence: He said to us: Write a deed, and sign it, and give it to the creditor, is valid.

³⁵⁶ Rav Pappi objects to this, and some say it is Rav Huna, son of Rav Yehoshua, who raises this objection: Is there anything that we, the Sages, do not know, and the scribes of the court do know? Since not all of the Sages are aware that the witnesses of an admission cannot write a deed of admission unless the one making the admission asks them to, the scribes certainly cannot be expected to ensure that this condition is fulfilled.

³⁵⁷ The Gemara relates that Abaye's scribes were asked whether they were aware of this halakha, and they answered that they were aware of it. Rava's scribes were also asked, and they were also aware of it. Apparently, since writing documents is their profession, scribes are aware of the relevant halakhot.

³⁵⁸ The Gemara recounts: There was a certain document of admission in which it was written that it was a record of the proceedings that took place in the presence of the witnesses,

³⁵⁹ and all of the formulations of an enactment of the court were written in it. But only two were signed on it, and the following statement was not written in it: We were convened in a session of three judges, and one of the judges is no longer here, as he died or left for another reason. There was therefore room for concern that perhaps there were only two witnesses, and they wrote the document of admission improperly.

³⁶⁰ Ravina thought to say that this is a case in which the principle of Reish Lakish, that witnesses do not sign a document unless the action was performed appropriately, applies. Rav Natan bar Ami said to him: This is what we say in the name of Rava: In any cases like this, we are concerned for the possibility of an erroneous court that thinks that two constitute a court.

³⁶¹ Rav Naḥman bar Yitzḥak says: If it was written in the document: We, the members of the court, convened, it is unnecessary for the deed to further state that one of the judges is no longer there, as a standard court consists of three judges.

³⁶² The Gemara asks: But perhaps it was an impudent court, as Shmuel says: With regard to two judges who convened a tribunal and judged, their verdict is a binding verdict; but because they contravened the rabbinic ordinance mandating that a court must be composed of three judges, they are called an impudent court. The Gemara answers: It was a document in which it was written: We, the members of the court of Rabbana Ashi, convened. Rav Ashi's court presumably conformed to rabbinic protocol.

³⁶³ The Gemara asks: But perhaps the Sages of the court of Rav Ashi hold like Shmuel, that the verdict of two judges is binding, and they convened an impudent court. The Gemara answers: It is a document in which it is written: And we said to Rabbana Ashi, and Rabbana Ashi said to us. Rav Ashi himself certainly would not have participated in the discussions of an impudent court.

³⁶⁴ § The Gemara continues its discussion of when an admission is deemed credible. The Sages taught in a baraita: In a case where one said to the children of another: I saw that your father hid money in a chest, box, or cabinet, saying: This money belongs to so-and-so, or: This money is second tithe, and the money was found where he said, the halakha depends on the circumstances. If the chest, box, or cabinet was in the house, the witness has said nothing. His testimony about the status of the money is not accepted, as he is only one witness, and he could not have taken the money for himself had he wanted to. But if it was in the field, his statement stands, i.e., is accepted.

³⁶⁵ The principle of the matter is as follows: In any case where it is in the power of the witness to take the money, his statement stands; if it is not in his power to take the money, he has said nothing.

³⁶⁶ In a case where the children themselves saw that their father hid money in a chest, box, or cabinet, and the father said: This money belongs to so-and-so, or: This money is second tithe, if he said so as one who relays information to his own children, his statement stands. But if he said so as one who employs artifice, i.e., he appears to have told them that the money was not his only so that they would not take it, he has said nothing, and they may spend the money.

³⁶⁷ In a case where one was distressed about money that his father left him as an inheritance, because he could not find it, and the master of the dream, i.e., someone in his dream, came and said to him: It is such and such an amount of money and it is in such and such a place, but the money is second tithe, and he found this amount in the place of which he dreamed; and this was an actual incident that was brought before the Sages, and they said that he can spend the money, as matters appearing in dreams do not make a difference in determining the practical halakha.

³⁶⁸ § The mishna teaches that if two judges say the defendant is exempt and one says he is liable, he is exempt. The Gemara asks: When there is a dispute between the judges, how do they write the verdict?

³⁶⁹ Rabbi Yoḥanan says: They write that he is exempt, without mentioning the dispute. Reish Lakish says that they specify: So-and-so and so-and-so deem him exempt, and so-and-so and so-and-so deem him liable; they must mention that there was a dispute. Rabbi Eliezer says that they do not specify the names of the judges, but rather they add the phrase: From the statement of the judges so-

and-so was deemed exempt, to the wording of the verdict. This indicates that not all the judges agreed that he is exempt, but does not specify which judges came to which conclusion.

³⁷⁰ The Gemara asks: What is the difference between these opinions, besides the wording of the verdict? The Gemara answers: The practical difference between them is with regard to whether or not, in a case where it is discovered that the verdict was erroneous, the judge who was in the minority must pay his portion of restitution along with the judges of the majority. As according to the one who says that they write that he is exempt, the minority judge pays as well, and according to the one who says that they specify: So-and-so and so-and-so deem him exempt, and so-and-so and so-and-so deem him liable, he does not pay.

³⁷¹ The Gemara asks: But according to the one who says that they write that he is exempt, why does he pay? Let him say to the other judges: If you would have listened to me you would not have paid either. Why should I have to pay for your mistake?

³⁷² Rather, he does not pay, and the practical difference between the opinions is with regard to whether or not those other judges must pay his portion of the restitution. According to the one who says that they write that he is exempt, they pay the full sum, as they did not mention that there was a dispute over the matter. But according to the one who says that they specify: So-and-so and so-and-so deem him exempt, and so-and-so and so-and-so deem him liable, they do not pay the portion of the overruled judge, and he does not pay it either.

³⁷³ The Gemara asks: But according to the one who says that they write that he is exempt, why do they pay his portion? Let them say to him: If you had not been with us the judgment would have had no verdict at all, as two judges cannot issue a verdict. Therefore, you share the responsibility with us and should participate in the payment.

³⁷⁴ Rather, the difference between the opinions is only with regard to the wording of the verdict, and is due to the prohibition of: “You shall not go as a talebearer among your people” (Leviticus 19:16). Rabbi Yoḥanan says that they write that he is exempt due to the prohibition of gossip, as derived from the verse: “You shall not go as a talebearer.”

³⁷⁵ Reish Lakish says they specify: So-and-so and so-and-so deem him exempt, and so-and-so and so-and-so deem him liable, because otherwise the document would have the appearance of falsehood, as not all the judges deemed him exempt.

³⁷⁶ And Rabbi Elazar accepts the opinion of this Sage, Rabbi Yoḥanan, and accepts the opinion of that Sage, Reish Lakish. Therefore, this is what they write: From the statement of the judges, so-and-so was deemed exempt. This wording indicates that the ruling was not based on a consensus among the judges, so that it will not have the appearance of falsehood, but it also does not specify what each judge said, to avoid gossip.

³⁷⁷ § The mishna teaches that after the judges finished the matter and reached a decision, they would bring them in. The Gemara asks: Whom would they bring in? If we say they would bring in the litigants, this cannot be, as they were there the whole time; they never left the room. Rather, they would bring in the witnesses.

³⁷⁸ If so, in accordance with whose opinion is the mishna? It is not in accordance with the opinion of Rabbi Natan; as it is taught in a baraita: The testimonies of individual witnesses are never combined into a testimony of two witnesses unless the two of them saw the incident transpire together as one.

Rabbi Yehoshua ben Korḥa says: Their testimonies are combined even in a case where they saw the incident one after the other.

³⁷⁹ The baraita continues: And furthermore, their testimony does not stand in court unless the two of them testify together as one. Rabbi Natan says: They need not testify together. Rather, their testimonies are combined even if the judges hear the statement of this witness today, and when the other witness comes tomorrow the judges hear his statement. The mishna, by contrast, indicates that the verdict must be given with the two witnesses present together.

³⁸⁰ The Gemara reverses its interpretation of the mishna: No, actually it can be explained that the judges would bring in the litigants; and it is in accordance with the opinion of Rabbi Neḥemya. As it is taught in a baraita that Rabbi Neḥemya says: This was the custom of the scrupulous people of Jerusalem: When they would judge, they would bring in the litigants and hear their statements, and then they would bring in the witnesses and hear their statements in the presence of the litigants, and then they would take them all outside of the courtroom and discuss the matter in their absence. Once they finished the matter they would bring them, i.e., the litigants, in, to hear their verdict.

³⁸¹ The Gemara asks: But isn't it taught in a baraita explicitly: When they finished the matter they would bring in the witnesses? The Gemara answers: That baraita is certainly not in accordance with the opinion of Rabbi Natan.

³⁸² § The Gemara discusses the matter itself: The testimonies of individual witnesses are never combined into a testimony of two witnesses unless the two of them saw the incident transpire together as one. Rabbi Yehoshua ben Korḥa says: Their testimonies are combined even in a case where they saw the incident one after the other. The Gemara asks: With regard to what do they disagree? The Gemara answers: If you wish, say that they disagree with regard to the interpretation of a verse, and if you wish, say that they disagree with regard to logical reasoning.

³⁸³ The Gemara elaborates: If you wish, say that they disagree with regard to logical reasoning: The first tanna holds that the witnesses must see the incident transpire together, as otherwise, about the one hundred dinars of debt that this one is testifying, that one is not testifying, and about the one hundred dinars that that one is testifying, this one is not testifying. There is only one witness of each incident, which is not sufficient. And the other tanna, Rabbi Yehoshua ben Korḥa, holds that since both witnesses are testifying about one hundred dinars in general, the defendant is liable to pay the plaintiff one hundred dinars.

³⁸⁴ And if you wish, say that they disagree with regard to the interpretation of a verse, as it is written: "And if anyone sins, hearing the voice of adjuration, and he is a witness, whether he has seen or known, if he does not utter it, then he shall bear his iniquity" (Leviticus 5:1).

³⁸⁵ The Gemara explains: And it is taught in a baraita with regard to the verse: "One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sins; at the mouth of two witnesses, or at the mouth of three witnesses, shall a matter be established" (Deuteronomy 19:15); by inference, from that which is stated in the verse: A witness shall not rise up against a man, even without the word "one," do I not know that it is referring to one witness? After all, the verse is written in the singular. Therefore, what is the meaning when the verse states explicitly: "One witness"?

³⁸⁶ This established a paradigm, a basis for the principle that in every place in the Torah where the word “witness” is stated, it means that there are two witnesses, unless the verse specifies for you that it is referring to only one witness.

³⁸⁷ And according to the first tanna, the Merciful One expresses it in the singular form, i.e., “witness” and not “witnesses,” to say that they are not combined into a testimony of two witnesses unless the two of them saw the incident transpire together as one. And the other tanna, Rabbi Yehoshua ben Korḥa, derives from the phrase: “And he is a witness, whether he has seen or known,” that in any case where one testifies about what he sees and knows, his testimony is valid.

³⁸⁸ The baraita cited above teaches: And furthermore, their testimony does not stand in court unless the two of them testify together as one. Rabbi Natan says: They need not testify together; rather, their testimonies are combined even if the judges hear the statement of this witness today, and when the other witness comes tomorrow the judges hear his statement. The Gemara asks: With regard to what do they disagree? The Gemara answers: If you wish, say that they disagree with regard to logical reasoning, and if you wish, say that they disagree with regard to the interpretation of a verse.

³⁸⁹ The Gemara elaborates: If you wish, say that they disagree with regard to logical reasoning, as one Sage, the first tanna, holds that when one witness comes to testify, he comes to render the defendant liable to take an oath. This is the halakha when there is one witness against the defendant in a case of monetary law. He does not come to render the defendant liable to pay money, because for this two witnesses are necessary.

³⁹⁰ And the other tanna, Rabbi Natan, responds: Is that to say that when they come together, they render the defendant financially liable because they testify with one mouth? Obviously they testify one after the other. Rather, clearly it is the judges who combine their two testimonies into one. Here too, when the witnesses come to court at different times, let the judges combine their testimonies.

³⁹¹ And if you wish, say that they disagree with regard to the interpretation of a verse: “If he does not utter it, then he shall bear his iniquity” (Leviticus 5:1),

³⁹² and everyone, both the first tanna and Rabbi Natan, holds in accordance with the opinion of the Rabbis who disagree with Rabbi Yehoshua ben Korḥa, and derive from this verse that it is necessary that the witnesses see the incident together, i.e., they were both present and observed the incident at the same time. And here, with regard to whether or not the witnesses must testify in court together, they disagree with regard to whether or not the statement of the witnesses, i.e., their testimony in court, is compared to their observation of the incident. One Sage, the first tanna, holds that we compare their statement to their observation. Therefore, just as they must see the incident together, so too, they must testify together in court. And one Sage, Rabbi Natan, holds that we do not compare their statement to their observation.

³⁹³ The Gemara relates: Rabbi Shimon ben Elyakim was striving to ordain Rabbi Yosei, son of Rabbi Ḥanina, and was not successful in his attempts. One day, Rabbi Shimon ben Elyakim was sitting before Rabbi Yoḥanan among Rabbi Yoḥanan’s other students.

³⁹⁴ Rabbi Yoḥanan said to his students: Is there anyone who knows whether the halakha is in accordance with the opinion of Rabbi Yehoshua ben Korḥa, or not? Rabbi Shimon ben Elyakim said to him: This one, Rabbi Yosei, son of Rabbi Ḥanina, knows. Rabbi Yoḥanan said to him: If so, let him say. Rabbi Shimon ben Elyakim said to him: Let the Master ordain him first; since we are all in

need of his wisdom, he is fit for ordination. Rabbi Yoḥanan then ordained Rabbi Yosei, son of Rabbi Ḥanina.

³⁹⁵ Rabbi Yoḥanan said to him: My son, tell me what you heard. Rabbi Yosei, son of Rabbi Ḥanina, said to him: This is what I heard: That Rabbi Yehoshua ben Korḥa concedes to the opinion of Rabbi Natan that it is unnecessary for the witnesses to testify together.

³⁹⁶ Rabbi Yoḥanan was disappointed, and said: For this I needed to ordain him? Now that with regard to the main element of testimony, i.e., observing the incident, Rabbi Yehoshua ben Korḥa says we do not need both witnesses to see it together, with regard to their statement in court, is it necessary to explicate that there is no requirement that they testify together?

³⁹⁷ Although the statement of Rabbi Yosei, son of Rabbi Ḥanina, was unnecessary, Rabbi Yoḥanan said to him: Since you ascended, i.e., you were ordained, you will not descend, even though it was in error. Rabbi Zeira said: Conclude from it that with regard to a great man, once he is ordained, even if it was due to mistaken judgment, he is ordained. The ordination is not canceled.

³⁹⁸ As for the halakha in this matter, Rabbi Ḥiyya bar Avin says that Rav says: The halakha is in accordance with the opinion of Rabbi Yehoshua ben Korḥa that it is unnecessary for the two witnesses to observe the incident together, both with regard to cases of land and with regard to cases of movable property.

³⁹⁹ Ulla says: The halakha is in accordance with the opinion of Rabbi Yehoshua ben Korḥa with regard to land, which is unmovable, and therefore both testimonies are certainly about the same piece of land; but not with regard to movable property, as there is a concern that they are not testifying about the same item.

⁴⁰⁰ Abaye said to Ulla: If you say that the halakha is in accordance with the opinion of Rabbi Yehoshua ben Korḥa with regard to land, by inference you hold that they disagree with regard to this matter. But doesn't Rabbi Abba say that Rav Huna says that Rav says: The Rabbis concede to the opinion of Rabbi Yehoshua ben Korḥa with regard to testimony concerning land?

⁴⁰¹ And Rav Idi bar Avin teaches in the halakhot of damages that were taught at the school of the Sage Karna: The Rabbis concede to the opinion of Rabbi Yehoshua ben Korḥa that the witnesses do not need to see the incident together with regard to testimony concerning a blemish in a male firstborn kosher animal, which renders it permitted to derive benefit from it, and with regard to testimony concerning ownership of land, and with regard to testimony concerning presumptive ownership of land. Since it is clear that they are testifying about the same land, it is unnecessary for them to see it together. And so they concede with regard to testimony over the two pubic hairs of a boy or of a girl, which are a sign of adulthood.

⁴⁰² The Gemara rejects Abaye's question: Are you setting the statement of one man against the statement of another man? One Sage, Ulla, holds that the Rabbis disagree with Rabbi Yehoshua ben Korḥa even with regard to land, and one Sage, i.e., Rav and Rav Idi, holds that they do not disagree.

⁴⁰³ The Gemara asks tangentially about the statement: And so they concede with regard to testimony over the two pubic hairs of a boy or of a girl: What is this referring to? If we say it is referring to testimony that a girl has reached majority, in which one witness says that he saw one hair on the her lower back and one witness says that he saw one hair on her lower abdomen, that is difficult. A girl is considered to have reached maturity when she has two pubic hairs. In this case, two witnesses

separately testify that they have each seen one hair. In this case each testimony is obviously invalid, as it is half a matter and also half a testimony. Not only does each testimony refer to one hair, which is half a matter, it is submitted by one witness, which is half a testimony. Consequently, it is obvious that the girl is not considered to have reached majority in this case.

⁴⁰⁴ Rather, it must be referring to a case where one says that he saw two hairs on her lower back, and the other one says he saw two hairs on her lower abdomen. Since they each testify that she has reached adulthood, it is unnecessary for them to see the same hairs.

⁴⁰⁵ Rav Yosef said: I say in the name of Ulla that the halakha is in accordance with the opinion of Rabbi Yehoshua ben Korḥa both with regard to land and with regard to movable property. But the Sages who came from Meḥoza say that Rabbi Zeira says in the name of Rav: With regard to land the halakha is in accordance with the opinion of Rabbi Yehoshua ben Korḥa, but not with regard to movable property.

⁴⁰⁶ The Gemara comments: Rav conforms to his standard line of reasoning, as Rav says: Testimonies of an admission following an admission are combined into one; if one witness testifies that the respondent admitted in his presence that he owes the claimant, and the other witness testifies that the respondent admitted in his presence that he owes the claimant in a separate incident, their testimonies are combined. Likewise, testimonies of an admission following a loan are combined into one; where one witness testifies that the respondent admitted in his presence that he owes the claimant, and the other one testifies that on a previous date the respondent borrowed money from the claimant in his presence, their testimonies are combined.

⁴⁰⁷ Rav continues: But testimonies of a loan following a loan are not combined. If one testifies that the claimant lent the respondent one hundred dinars in his presence, and the other testifies that he lent him one hundred dinars in a separate incident in his presence, their testimonies are not combined, as they are clearly testifying about two separate loans. Similarly, testimonies of a loan following an admission are not combined. If one testifies that the claimant lent money to the respondent, and the other one testifies that on an earlier date the respondent admitted to owing the claimant, their testimonies are not combined.

⁴⁰⁸ Rav Naḥman bar Yitzḥak encountered Rav Huna, son of Rav Yehoshua. He said to him: What is different about a loan following a loan, in which case the testimonies are not combined, as the one hundred dinars that this witness saw, that witness did not see? In the case of an admission following an admission as well, perhaps the one hundred dinars about which the respondent admitted in the presence of this witness, he did not admit in the presence of that witness. Perhaps his admissions were in reference to two separate loans, and therefore the testimonies should not be combined.

⁴⁰⁹ Rav Huna, son of Rav Yehoshua, answered him: The reference is to a case where the respondent said to this last witness: With regard to the one hundred dinars that I admitted to owing in your presence, I admitted to owing them in the presence of so-and-so, the first witness, as well.

⁴¹⁰ Rav Naḥman bar Yitzḥak asked: Still, the last witness knows that he is testifying about the same loan as the first witness, but the first witness does not know this. Since only one witness testifies that it is the same loan, the testimonies still cannot be combined.

⁴¹¹ Rav Huna, son of Rav Yehoshua, answered: It is a case where, after his admission to the second witness, the respondent went back and said to the first witness: With regard to those one hundred

dinars that I admitted to owing in your presence, I admitted owing them in the presence of so-and-so as well. Therefore, both witnesses know that they are testifying about the same loan. Rav Naḥman bar Yitzḥak said to him: May your mind be settled, as you have settled my mind and put it at ease by answering this question that was troubling me.

⁴¹² Rav Huna, son of Rav Yehoshua, said to him: What is settling about this explanation? As Rava, and some say Rav Sheshet, threw an ax at my answer, i.e., he rejected my explanation, as follows: According to this interpretation of the case of an admission following an admission, isn't this the same as an admission following a loan? The case of an admission following an admission is now rendered superfluous, as it adds no new insight on the matter.

⁴¹³ Rav Naḥman bar Yitzḥak said to him: This is what I heard about you Sages of Meḥoza, that you knock down palm trees and erect them, i.e., you build and then destroy what you built. After you came up with such an excellent explanation, you ruined it yourselves.

⁴¹⁴ The Sages of Neharde'a say: Whether it is a case of an admission following an admission, or an admission following a loan, or a loan following a loan, or a loan following an admission, in all these cases the testimonies are combined. In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Yehoshua ben Korḥa, who teaches that since both witnesses testify about a debt of one hundred dinars, it is considered like one testimony.

⁴¹⁵ § Rav Yehuda says: Testimony of two witnesses who contradict the testimony of each other in response to the judges' examination of the details of the story is valid in cases of monetary law, although a contradiction of this type disqualifies testimony in cases of capital law.

⁴¹⁶ Rava says: The statement of Rav Yehuda is reasonable in a case where one witness says: The money was in a black purse [be'arnaki], and the other one says: It was in a white purse. Since this is a secondary detail, they may not remember it accurately. But if one says: He lent him a black coin, i.e., the coin was dark, and the other one says: He lent him a white coin, the testimonies are not combined. Since they contradict each other with regard to a characteristic of the money itself, one is probably lying.

⁴¹⁷ The Gemara challenges Rabbi Yehuda's ruling: And if witnesses contradict each other with regard to secondary details such as a black purse in cases of capital law, is it the case that their testimony is not accepted? But doesn't Rav Ḥisda say: In a case where one of the witnesses says: The murderer killed the victim with a sword, and one of the witnesses says: The murderer killed the victim with an ariran, another type of weapon, this is not congruent testimony, as this is a clear contradiction. But if one of the witnesses says: The murderer's garments were black, and one of the witnesses says: The murderer's garments were white, this is congruent testimony, as this is not a meaningful discrepancy.

⁴¹⁸ The Gemara answers: Are you setting the statement of one man against the statement of another man? Rav Ḥisda holds that a contradiction with regard to secondary details does not disqualify the testimony even in capital law, and Rav Yehuda holds that it does disqualify the testimony. Neither Sage is bound by the statement of the other.

⁴¹⁹ The Sages of Neharde'a say: Even if one says that it was a black coin and the other one says that it was a white coin their testimonies are combined.

⁴²⁰ The Gemara asks: In accordance with whose opinion is this? Is it in accordance with the opinion of Rabbi Yehoshua ben Korḥa, that as long as both witnesses testify that the defendant owes the plaintiff the same sum, the testimonies are combined? Say that you heard Rabbi Yehoshua ben Korḥa saying that two testimonies are combined in a case where they do not contradict each other; but in a case where they contradict each other, did he say that they are combined?

⁴²¹ Rather, the Sages of Neharde'a stated their opinion in accordance with the opinion of that tanna, as it is taught in a baraita that Rabbi Shimon ben Elazar says: Beit Shammai and Beit Hillel do not disagree with regard to a case of two sets of witnesses, where one set says that the plaintiff lent the defendant two hundred dinars, and the other one says that he lent him one hundred dinars. Both Beit Hillel and Beit Shammai agree that this is not considered a contradiction, and the testimony is accepted concerning the amount of one hundred dinars, as one hundred dinars is subsumed within two hundred, i.e., testimony concerning a large amount includes testimony concerning a smaller amount.

⁴²² With regard to what case do they disagree? They disagree over the case of one set of two witnesses, where one witness testifies that the defendant owes the plaintiff two hundred dinars, and the other witness says that he owes him one hundred. As Beit Shammai say that their testimony is divided. Since they are not testifying about the same amount, the entire testimony is disqualified. And Beit Hillel say: One hundred dinars is subsumed within two hundred. Apparently, according to Beit Hillel's opinion, as transmitted by Rabbi Shimon ben Elazar, although the testimonies are not identical, since both attest to the defendant's liability to pay a certain amount of money, they are combined and accepted to that effect. This is the source for the opinion of the Sages of Neharde'a.

⁴²³ With regard to a case where one witness says that the plaintiff gave the defendant a barrel of wine, and the other one says that he gave him a barrel of oil, there was actually such an incident, and it came before Rabbi Ami. Since wine was cheaper than oil, Rabbi Ami deemed the defendant liable to pay the plaintiff only the value of a barrel of wine out of the value of a barrel of oil, an amount both witnesses agreed that he owed.

⁴²⁴ The Gemara asks: In accordance with whose opinion is this ruling? Is it in accordance with the opinion transmitted by Rabbi Shimon ben Elazar? Say that Rabbi Shimon ben Elazar said that two contradicting testimonies can be combined in a case where one hundred dinars is subsumed within two hundred; perhaps one of the witnesses saw only half the loan, and the other one saw it all. But in a case like this, where the testimonies are about completely different items, did he say that they can be combined?

⁴²⁵ The Gemara answers: No, this is not a case of a direct contradiction. This ruling is necessary only with regard to monetary value, i.e., where one witness says that the defendant owes the value of a barrel of wine, and the second one says that he owes the value of a barrel of oil. Therefore, it is comparable to a case of one hundred dinars and two hundred dinars.

⁴²⁶ With regard to a case where one witness says that the incident took place on the upper floor [badeyota] and the other one says that it occurred on the lower floor, Rabbi Ḥanina says that an incident like this came before Rabbi Yehuda HaNasi and he combined their testimonies. This was in accordance with the opinion of Rabbi Yehoshua ben Korḥa, that since they agree with regard to the matter itself, the secondary details are insignificant.

⁴²⁷ § The mishna teaches: And from where is it derived that when the judge leaves the courtroom, he should not say: I deemed you exempt and my colleagues deemed you liable, but what can I do, as my colleagues outnumbered me and consequently you were deemed liable? About this it is stated: “You shall not go as a talebearer among your people” (Leviticus 19:16), and it says: “One who goes about as a talebearer reveals secrets, but one who is of a faithful spirit conceals a matter” (Proverbs 11:13). The Sages taught in a baraita: From where is it derived that when the judge leaves he should not say: I deemed you exempt and my colleagues deemed you liable, but what can I do, as my colleagues outnumbered me and consequently you were deemed liable? The verse states: “You shall not go as a talebearer among your people” (Leviticus 19:16), and it says: “One who goes about as a talebearer reveals secrets” (Proverbs 11:13).

⁴²⁸ The Gemara relates: There was a certain student, about whom a rumor emerged that he revealed a statement that was stated in the study hall and should have been kept secret, and the rumor emerged twenty-two years after the time the statement was revealed. Rav Ami removed him from the study hall as a punishment. Rav Ami said: This is a revealer of secrets and he cannot be trusted.

⁴²⁹ MISHNA: Any time one of the litigants brings additional proof, he can overturn the verdict that was decided according to previous proofs. If one litigant said to the other: Bring all the proofs that you have from now until thirty days from now, if he found additional proof within thirty days, he can overturn the verdict. If he found it after thirty days, he cannot overturn the verdict anymore.

⁴³⁰ Rabban Shimon ben Gamliel said: He can still overturn the verdict, as what should this litigant, who sought and did not find additional proof within thirty days but found it after thirty days, have done?

⁴³¹ In a case where one litigant said to the other: Bring witnesses, and the latter said: I have no witnesses, and the former said to him: Bring a proof, and he said: I have no proof, and he later brought a proof or found witnesses, in this case, this proof or these witnesses are worth nothing. It is apparently a false proof or false testimony.

⁴³² Rabban Shimon ben Gamliel said: What should this litigant, who did not know that he has witnesses and ultimately found witnesses, or who did not know that he has a proof and ultimately found proof, have done? Therefore, he can still overturn the verdict.

⁴³³ If at the beginning of the discussion in the court one did not bring witnesses or other evidence for his claims, but then he saw that he was about to be deemed liable to pay in the judgment, and said: Bring so-and-so and so-and-so, and they will testify on my behalf, or he pulled out a proof from under his belt [pundato], even Rabban Shimon ben Gamliel holds that this is worth nothing. If there was truth in the testimony of these witnesses or in this proof, he would not have hidden it until now.

⁴³⁴ GEMARA: With regard to the first halakha in the mishna, Rabba bar Rav Huna says: The halakha is in accordance with the statement of Rabban Shimon ben Gamliel. And Rabba bar Rav Huna also says: The halakha is not in accordance with the statement of the Rabbis.

⁴³⁵ The Gemara asks: Isn't it obvious? Since he says that the halakha is in accordance with the statement of Rabban Shimon ben Gamliel, we know by ourselves that the halakha is not in accordance with the statement of the Rabbis.

⁴³⁶ The Gemara answers: Lest you say that this statement, that the halakha is not in accordance with the opinion of the Rabbis, applies ab initio, but after the fact, even if the court ruled in accordance

with the opinion of the Rabbis, the ruling is valid, as their opinion was not entirely rejected, Rabba bar Rav Huna therefore teaches us that if the court acts in accordance with the opinion of the Rabbis, we send the case back to court.

⁴³⁷ § The mishna teaches that in a case where one litigant said to the other: Bring witnesses, and he admitted that he had none, and he subsequently found witnesses, Rabban Shimon ben Gamliel said that their testimony is valid. Rabba bar Rav Huna says that Rabbi Yoḥanan says: The halakha is in accordance with the statement of the Rabbis. And Rabba bar Rav Huna also says that Rabbi Yoḥanan says: The halakha is not in accordance with the statement of Rabban Shimon ben Gamliel.

⁴³⁸ The Gemara asks: Isn't it obvious? Since he says that the halakha is in accordance with the statement of the Rabbis, we know by ourselves that the halakha is not in accordance with the statement of Rabban Shimon ben Gamliel.

⁴³⁹ The Gemara answers: This statement of Rabba bar Rav Huna teaches us that specifically with regard to that halakha, the halakha is not in accordance with the statement of Rabban Shimon ben Gamliel; but with regard to all other statements of Rabban Shimon ben Gamliel in the corpus of the Mishna, the halakha is in accordance with the statement of Rabban Shimon ben Gamliel.

⁴⁴⁰ This is to the exclusion of that which Rabba bar Rav Hana says that Rabbi Yoḥanan says: Anywhere that Rabban Shimon ben Gamliel taught a ruling in our Mishna, the halakha is in accordance with his opinion, except for the following three cases: The responsibility of the guarantor, and the incident that occurred in the city of Tzaidan, and the dispute with regard to evidence in the final disagreement. Whereas in the former dispute in the mishna here, the halakha is in accordance with the opinion of Rabban Shimon ben Gamliel, in the latter dispute in the mishna here, the halakha is in accordance with the opinion of the Rabbis. Rabba bar Rav Huna, by contrast, maintains that in the case of a guarantor and in the case in Tzaidan, the halakha is in accordance with the opinion of Rabban Shimon ben Gamliel.

⁴⁴¹ The Gemara relates: There was a certain child who was taken to court before Rav Naḥman. They said to him: Do you have witnesses on your behalf? The child said to them: No. They continued to ask: Do you have evidence? The child said to them: No. Rav Naḥman deemed him liable, in accordance with the claim of the other litigant.

⁴⁴² The child was walking and crying. These people heard him, and said to him: We know about the monetary matters of your father and can testify on your behalf. When he brought them before Rav Naḥman, Rav Naḥman said: In a case like this, even the Rabbis concede that the testimony is accepted, as a child does not know about the monetary matters of his father. Clearly, when he said that he has no witnesses or proof, he said so out of ignorance and was mistaken; there is no concern about artifice.

⁴⁴³ The Gemara relates: There was a certain woman from whose possession a promissory note emerged, i.e., she was appointed to hold it. She said to the judge: I know that this promissory note was repaid. The creditor should not use it to collect. Rav Naḥman deemed her testimony credible and did not allow the creditor to collect the debt.

⁴⁴⁴ Rava said to Rav Naḥman: In accordance with whose opinion is your ruling? Is it in accordance with the opinion of Rabbi Yehuda HaNasi, who says that letters, i.e., the content of a promissory note, are acquired by merely transferring the document? In other words, there is no need to write a

deed for the transfer of a monetary document from one individual's ownership to another. By giving it to the recipient, he becomes the owner of the document. Therefore, since the promissory note is in this woman's possession, she is considered its legal owner, and her claim that it was repaid is consequently accepted.

⁴⁴⁵ Rav Naḥman said to him: That is not the reason for my ruling; rather, here it is different. Here the woman's claim is accepted in any event, as, since the promissory note was in her possession, if she had wanted to, she could have burned it. Therefore, she is presumably telling the truth.

⁴⁴⁶ Some say that there is another version of the story, according to which Rav Naḥman did not deem her testimony credible. Rava said to Rav Naḥman: But if she had wanted to,

⁴⁴⁷ she could have burned it. Why did you not accept her testimony?

⁴⁴⁸ Rav Naḥman answered him: Since the promissory note was ratified in court, we do not say that she is deemed credible to nullify its validity because if she had wanted to, she could have burned it. The validity of a ratified document is not nullified without evidence.

⁴⁴⁹ Rava raised an objection to the ruling of Rav Naḥman from a baraita: A receipt [simfon] of repayment of a debt upon which witnesses are signed is ratified by means of its signatories. The witnesses testify that these are their signatures, and it is thereby ratified. If there are no witnesses signed on it, but the receipt emerged from the possession of a third party serving as a trustee, or if it emerged after the signing of the documents, i.e., the receipt was written on the promissory note beneath the content of the note and the witnesses' signatures, it is valid. Rava states his objection: Apparently, the testimony of a third party serving as a trustee is deemed credible, as he can testify that the receipt is valid even if it was not signed by witnesses.

⁴⁵⁰ The Gemara concludes: The refutation of the opinion of Rav Naḥman is indeed a conclusive refutation.

⁴⁵¹ § When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said: One can always bring a proof for his claim and overturn the previous verdict, until his claims are stopped up, i.e., until he has no more claims, and he says: Come, so-and-so and so-and-so, and testify on my behalf, in which case those witnesses are not allowed to testify.

⁴⁵² The Gemara asks: This matter itself is difficult. When you say: Until his claims are stopped up, we arrive at, i.e., this represents, the opinion of the Rabbis, who hold in the mishna that once a litigant stops presenting his claims, he cannot present additional claims later. And when you then say: Until he says come, so-and-so and so-and-so, and testify on my behalf, we arrive at the opinion of Rabban Shimon ben Gamliel that it is only in that case that the testimony is not accepted.

⁴⁵³ And if you would say that the entire statement is in accordance with the opinion of Rabban Shimon ben Gamliel, and Rabbi Yoḥanan is explaining his own statement, saying: What is the meaning of the phrase: Until his claims are stopped up? Until he says: Come, so-and-so and so-and-so, and testify on my behalf, this is difficult. But doesn't Rabba bar bar Ḥana say that Rabbi Yoḥanan says that anywhere that Rabban Shimon ben Gamliel taught a ruling in our Mishna, the halakha is in accordance with his opinion, except for the following three cases: The responsibility of the guarantor, and the incident that occurred in the city of Tzaidan, and the dispute with regard to evidence in the final disagreement? Evidently, the halakha is in accordance with the opinion of the Rabbis in this case.

⁴⁵⁴ Rather, the Gemara presents another version of Rabbi Yoḥanan's statement. When Rav Shmuel bar Yehuda came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan says: One can always bring a proof and overturn the previous verdict until his claims are stopped up, and the judges say to him: Bring witnesses, and he says: I have no witnesses, and they say to him: Bring evidence, and he says: I have no evidence. This is in accordance with the statement of the Rabbis in the mishna. But if witnesses came from overseas, or if there was a saddlebag [disakkaya] of his father's documents deposited by another individual, which are cases where he did not know of the evidence, he can bring this evidence and overturn the previous verdict, as there is no concern of artifice.

⁴⁵⁵ § When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan says: With regard to one who attacks another in judgment, i.e., tenaciously raises legal claims against another, and one of the litigants says: Let us go to court here in our locale, and the other one says: Let us go to the place of the Assembly, i.e., the Sanhedrin, or another High Court, the former litigant is compelled to go to the place of the Assembly.

⁴⁵⁶ Rabbi Elazar said before him: My teacher, if so, must one who claims a debt of one hundred dinars from another spend one hundred dinars of travel and lodging expenses for the one hundred dinars he wants to collect? Rather, one is compelled to appear and be judged in a court that presides in his own city.

⁴⁵⁷ It was also stated that Rav Safra says that Rabbi Yoḥanan says: With regard to two who were struggling in judgment, one of whom says: Let us go to court here, and one of whom says: Let us go to the place of the Assembly, the latter litigant is compelled to appear and be judged in a court that presides in his own city. And if the local court needs to ask a higher court about a certain matter, the judges write to the Assembly, and the higher court sends its response.

⁴⁵⁸ And if one of the litigants says to a court: Write for what reason you judged me in this manner and give it to me, as I do not trust your decision without explanation, the judges write it and give it to him.

⁴⁵⁹ Another halakha was stated with regard to the location of the judgment: And with regard to a woman whose husband had a brother, and he died childless [vehayevama], she follows her brother-in-law [hayavam] for him to free her of the levirate bond through ḥalitza. The yavam does not have to go to her.

⁴⁶⁰ The Gemara asks: How far does she have to go? Rabbi Ami says: Even from Tiberias to Tzippori. This is the halakha even though the court in Tiberias is more prestigious than the one in Tzippori.

⁴⁶¹ Rav Kahana says: What is the verse that alludes to this halakha? It is the verse that states: "Then the elders of his city shall call him, and speak to him, and if he stands and says: I do not wish to take her" (Deuteronomy 25:8). The fact that the elders of his city, and not the elders of her city, are mentioned indicates that ḥalitza is performed in his city and not in hers.

⁴⁶² Ameimar says: The halakha is that if one litigant wants to go to the place of the Assembly and the other does not, the latter is compelled to go to the place of the Assembly. Rav Ashi said to Ameimar: But doesn't Rabbi Elazar say that he is compelled to appear and be judged in a court that presides in his own city? Ameimar answered: This statement applies in a case where the borrower said to the lender: Let us go to the place of the Assembly; in that case, the debtor is compelled to be judged in

his city. But if the lender requests to go to the place of the Assembly, his request is accepted, as it is stated: “The borrower is servant to the lender” (Proverbs 22:7).

⁴⁶³ The Sages sent a letter to Mar Ukva, the Exilarch in Babylonia, which stated: To he who has light upon him, like Moses, who is called the son of Bithiah, Shalom. The letter continued: Ukvan the Babylonian complained before us as follows: Yirmeya, my brother, came past me, i.e., did me a great evil. And therefore tell Yirmeya; induce him [hassiu] to see our face in Tiberias, where we will judge his case.

⁴⁶⁴ The Gemara asks: This matter itself is difficult to understand. You said: Tell him. Apparently the intention was: Judge him yourselves in Babylonia. But then the letter states: Induce him to see our face in Tiberias. Apparently the intention was: Send him here.

⁴⁶⁵ Rather, this is what the Sages were saying: Tell him, i.e., judge him yourselves. If he listens to the court, he listens, and the issue is resolved. But if he does not listen, induce him to see our face in Tiberias.

⁴⁶⁶ Rav Ashi said: That is not the correct understanding of the letter. Rather, it was a case pertaining to the halakhot of fines, and in Babylonia the courts do not adjudicate in cases pertaining to the halakhot of fines, as there are no ordained judges there; such Sages are found only in Eretz Yisrael. Consequently, it was necessary to send the case to Eretz Yisrael. And the fact that they sent the letter to Mar Ukva using this wording, as though he were capable of adjudicating the case himself, was in order to give honor to Mar Ukva, who was a Sage and a leader. They hinted to him that he could not judge this case and that he therefore had to send the defendant to Eretz Yisrael.

Chapter 4

¹ MISHNA: Both cases of monetary law and cases of capital law are equal with regard to the requirement for inquiry and interrogation of the witnesses, as it is stated: “You shall have one manner of law” (Leviticus 24:22), meaning that all legal procedures must be uniform.

² Having stated the essential similarity between the two, the mishna enumerates the differences between them. What are the differences between cases of monetary law and cases of capital law? Cases of monetary law are judged by a court of three judges, and cases of capital law are judged by a court of twenty-three judges. In cases of monetary law, the court opens the deliberations either with a claim to exempt the accused, or with a claim to find him liable. And in cases of capital law, the court opens the deliberations with a claim to acquit the accused, but it does not open the deliberations with a claim to find him liable.

³ In cases of monetary law, the court directs, i.e., issues, the ruling based on a majority of one judge, either to exempt, or to find liable. But in cases of capital law, the court directs the judgment based on a majority of one judge to acquit and based on a majority of two judges to find liable.

⁴ In cases of monetary law, the court brings the accused back to be judged again if new evidence arises, either with a claim to exempt the accused, or with a claim to find him liable. In cases of capital law, the court brings the accused back to be judged again with a claim to acquit him, but the court does not bring him back to be judged with a claim to find him liable.

⁵ In cases of monetary law, all those present at the trial may teach a reason to exempt a litigant or to find him liable. In cases of capital law, all those present at the trial may teach a reason to acquit the accused, but not all present may teach a reason to find him liable. Only the judges can teach a reason to find him liable.

⁶ In cases of monetary law, one who initially teaches a reason to find the accused liable may then teach a reason to exempt him, and one who initially teaches a reason to exempt him may then teach a reason to find him liable. In cases of capital law, one who initially teaches a reason to find him liable may then teach a reason to acquit, but one who initially teaches a reason to acquit may not return and teach a reason to find him liable.

⁷ In cases of monetary law, the court judges during the daytime, and may conclude the deliberations and issue the ruling even at night. In cases of capital law, the court judges during the daytime, and concludes the deliberations and issues the ruling only in the daytime.

⁸ In cases of monetary law, the court may conclude the deliberations and issue the ruling even on that same day, whether to exempt the accused or to find him liable. In cases of capital law, the court may conclude the deliberations and issue the ruling even on that same day to acquit the accused, but must wait until the following day to find him liable. Therefore, since capital cases might continue for two days, the court does not judge cases of capital law on certain days, neither on the eve of Shabbat nor the eve of a Festival.

⁹ In cases of monetary law, and likewise in the cases of ritual impurity and purity, the judges commence expressing their opinions from the greatest of the judges. In cases of capital law, the judges commence issuing their opinions from the side, where the least significant judges sit.

¹⁰ All are fit to judge cases of monetary law. But not all are fit to judge cases of capital law; only priests, Levites, and Israelites who are of sufficiently fit lineage to marry their daughters to members of the priesthood are fit to judge cases of capital law.

¹¹ GEMARA: The mishna teaches that cases of monetary law require inquiry and interrogation of the witnesses. The Gemara asks: Do we require inquiry and interrogation in cases of monetary law? And the Gemara raises a contradiction from a baraita (Tosefta, Makkot 1:2): With regard to a promissory note whose date is written on the first of Nisan of the Sabbatical Year, and witnesses came and said to the signatory witnesses: How is it that you are testifying concerning this promissory note? But is it not so that on such and such day on which the promissory note was written you were with us in such and such place? The promissory note is nevertheless valid, and its witnesses remain fit to bear witness. The reason they are not proven to have signed the promissory note falsely is that we are concerned that perhaps they delayed and wrote it, i.e., the loan was given on an earlier date, and the promissory note was postdated.

¹² The Gemara explains the contradiction: And if it enters your mind to say that we require inquiry and interrogation in cases of monetary law, how are we concerned that perhaps they delayed and wrote it? The signatory witnesses would be asked on which day they signed the promissory note, and when that does not accord with what is written in the promissory note, their testimony would be disregarded.

¹³ The Gemara counters: And according to your reasoning that we do not require inquiry and interrogation in cases of monetary law, the mishna elsewhere should pose a difficulty for you as well.

As mishnayot are more authoritative than baraitot, it is preferable to raise a contradiction between two mishnayot than to raise a contradiction from a baraita to a mishna. The mishna teaches (Shevi'it 10:5): Antedated promissory notes are not valid, but postdated promissory notes are valid. And if it enters your mind to say we require inquiry and interrogation in cases of monetary law and that if there is a contradiction the testimony is not accepted, why are postdated promissory notes valid? The witnesses' testimony does not accord with what is written in the document.

¹⁴ The Gemara explains: This is not difficult. There is a reason why the contradiction was raised from the baraita, not from the mishna. We are saying a better, i.e., stronger, contradiction than the one from the mishna. As one sees in the baraita that even with regard to a promissory note written on the first of Nisan in the Sabbatical Year, when it is not common to find people to lend money, as all debts are canceled at the close of the Sabbatical Year, where it is not as reasonable to say that perhaps they delayed and wrote the promissory note, as one would not damage his promissory note by postdating it so close to the end of the Sabbatical Year; even so, since the Sabbatical Year cancels debts only at its close, we are concerned that the promissory note is postdated and we deem it valid. This is why the contradiction was raised from the baraita, not from the mishna.

¹⁵ The Gemara returns to its question: In any case, the contradiction between the mishna and the baraita is difficult. The Gemara presents a mnemonic device for the following discussion, with each letter representing the name of a Sage who suggests an answer: Het, reish, peh, shin.

¹⁶ The Gemara cites the first answer. Rabbi Ḥanina says: By Torah law, both cases of monetary law and cases of capital law are equal with regard to inquiry and interrogation of witnesses, as it is stated: "You shall have one manner of law" (Leviticus 24:22). And what is the reason the Sages said that in cases of monetary law we do not need inquiry and interrogation? It is an ordinance instituted by the Sages so as not to lock the door in the face of potential borrowers. The Sages were concerned that intensive examination of the witnesses would often result in contradictory testimony and render it difficult for lenders to collect their debts. This could lead to people refraining from lending money.

¹⁷ The Gemara asks: If that is so that the Sages removed the requirement for inquiry and interrogation in cases of monetary law,

¹⁸ then if the judges erred they should not need to pay the party they wronged, as they can claim that they were prevented from examining the witnesses effectively. The Gemara answers: If that were to be the halakha, all the more so that this would lock the door in the face of potential borrowers. If people know that the courts are not responsible for an error in judgment, they will not be willing to lend money.

¹⁹ Rava says: The ruling of the mishna here, that cases of monetary law require inquiry and interrogation, is stated with regard to laws of fines, not standard cases of monetary law. And the other sources, i.e., the mishna in tractate Shevi'it and the baraita, which do not require inquiry and interrogation, are stated with regard to cases of admissions and loans, in which there is cause to relax the procedures of deliberation, as explained.

²⁰ Rav Pappa says: This and that, i.e., both the mishna here and the other sources, are stated with regard to cases of an admission and a loan. The distinction between them is that the mishna here, which rules that cases of monetary law require inquiry and interrogation, is stated with regard to a possibly fraudulent trial, where the court suspects that one party is attempting to defraud the other party and have witnesses offer false testimony on his own behalf. There, in the baraita and in the

mishna in tractate Shevi'it, which do not require inquiry and interrogation, the ruling is stated with regard to a trial that does not appear fraudulent.

²¹ This distinction is in accordance with the statement of Reish Lakish, as Reish Lakish raises a contradiction between two verses: It is written in one verse: "In justice shall you judge your neighbor" (Leviticus 19:15), and it is written in another verse: "Justice, justice, shall you follow" (Deuteronomy 16:20), with the repetition indicating that it is not enough to merely judge with justice. He continues: How can these texts be reconciled? Here, this latter verse is stated with regard to a possibly fraudulent trial, where the court must take extra care to judge with justice; and there, that former verse is stated with regard to a trial that does not appear fraudulent.

²² Rav Ashi says: The ruling of the mishna here, that cases of monetary law require inquiry and interrogation, is as we answered, i.e., in accordance with any one of the answers offered by the other amora'im. And those verses were not stated with regard to fraudulent trials; rather, one is stated with regard to judgment, in which the court must pursue justice extensively, and one is stated with regard to compromise.

²³ As it is taught in a baraita: When the verse states: "Justice, justice, shall you follow," one mention of "justice" is stated with regard to judgment and one is stated with regard to compromise. How so? Where there are two boats traveling on the river and they encounter each other, if both of them attempt to pass, both of them sink, as the river is not wide enough for both to pass. If they pass one after the other, both of them pass. And similarly, where there are two camels who were ascending the ascent of Beit Ḥoron, where there is a narrow steep path, and they encounter each other, if both of them attempt to ascend, both of them fall. If they ascend one after the other, both of them ascend.

²⁴ How does one decide which of them should go first? If there is one boat that is laden and one boat that is not laden, the needs of the one that is not laden should be overridden due to the needs of the one that is laden. If there is one boat that is close to its destination and one boat that is not close to its destination, the needs of the one that is close should be overridden due to the needs of the one that is not close. If both of them were close to their destinations, or both of them were far from their destinations, impose a compromise between them to decide which goes first, and the owners of the boats pay a fee to one other, i.e., the owners of the first boat compensate the owner of the boat that waits, for any loss incurred.

²⁵ § The Sages taught: The verse states: "Justice, justice, shall you follow." This teaches that one should follow the best, most prestigious, court of the generation. For example, follow after Rabbi Eliezer to Lod, after Rabban Yoḥanan ben Zakkai to Beror Ḥayil.

²⁶ The Sages taught: When the gentile authorities issued decrees outlawing observance of the mitzvot, members of Jewish communities devised clandestine ways of indicating observance of mitzvot to each other. For example: If one produces the sound of a millstone in the city called Burni, this is tantamount to announcing: Week of the son, week of the son, i.e., there will be a circumcision. If one displays the light of a lamp in the city called Beror Ḥayil, this is tantamount to announcing: There is a wedding feast there, there is a wedding feast there.

²⁷ The Sages taught: The verse states: "Justice, justice, shall you follow." This teaches that one should follow the Sages to the academy where they are found. For example, follow after Rabbi Eliezer to Lod, after Rabban Yoḥanan ben Zakkai to Beror Ḥayil, after Rabbi Yehoshua to Peki'in, after Rabban Gamliel to Yavne, after Rabbi Akiva to Bnei Brak, after Rabbi Matya to Rome [Romi],

after Rabbi Ḥananya ben Teradyon to Sikhnei, after Rabbi Yosei to Tzippori, after Rabbi Yehuda ben Beteira to Netzivin, after Rabbi Yehoshua to the exile [gola], i.e., Babylonia, after Rabbi Yehuda HaNasi to Beit She'arim, and after the Sages in the time of the Temple to the Chamber of Hewn Stone.

²⁸ § The mishna teaches that in cases of monetary law, the court opens the deliberations either with a claim to exempt the accused, or with a claim to find him liable. In cases of capital law, the court opens the deliberations with a claim to acquit the accused, but does not open the deliberations with a claim to find him liable. The Gemara asks: How do we say this opening stage of the deliberations? In other words, with what claim does the court begin deliberating? Rav Yehuda said: We say this to the witnesses: Who says that the event occurred as you said? Perhaps you erred?

²⁹ Ulla said to him: But by confronting the witnesses in this manner, we silence them. The witnesses will think that the court suspects them of lying, and they will not testify. Rav Yehuda said to him: And let them be silenced. Isn't it taught in a baraita (Tosefta 9:1): Rabbi Shimon ben Eliezer says: In cases of capital law, the court brings the witnesses from one place to another place in order to confuse them so that they will retract their testimony if they are lying.

³⁰ The Gemara rejects this argument: Are the halakhot comparable? There, where Rabbi Shimon ben Eliezer says to bring the witnesses from place to place, the witnesses are repressed by themselves, whereas here, we repress them by direct action, and that the court should not do.

³¹ Rather, Ulla says: We say this to the accused: Do you have witnesses to determine that the witnesses who testified against you are conspiring witnesses? Rabba said to him: But do we open the deliberations with a claim to acquit the accused that is to the liability of this one, i.e., the witnesses? This claim can lead to the witnesses incurring liability for their testimony.

³² The Gemara questions Rabba's assumption: But is this to the liability of the witnesses? But didn't we learn in a mishna (Makkot 5b): Conspiring witnesses are not killed for their testimony until the verdict of the one concerning whom they testified is issued? Therefore, if they will be shown to be conspiring witnesses at this early stage of the proceedings, they will not be liable.

³³ The Gemara restates Rabba's objection: This is what I say: If the accused would be silent until his verdict is issued and then brings witnesses and the court determines them to be conspiring witnesses, it will be found that the statement of the court is to the liability of this one, i.e., the witnesses. Rather, Rabba says: We say to the accused: Do you have witnesses to contradict them? If the first witnesses are contradicted as to the facts of the case, no one is liable.

³⁴ Rav Kahana said: We say to the witnesses: Based on your statements, so-and-so is acquitted. The court issues a pro forma declaration that it is possible to find a reason to acquit based on the testimony of the witnesses, and then they begin the deliberations. Abaye and Rava both say: We say to the accused: For example, if you did not kill anyone, do not fear the consequences of these proceedings, as you will be acquitted. Rav Ashi says: The court announces: Whoever knows of a reason to acquit the accused should come and teach this reason concerning him.

³⁵ The Gemara comments: It is taught in a baraita in accordance with the explanation of Abaye and Rava. Rabbi Yehuda HaNasi says: The priest administering the sota rite to the sota says to her: "If no man has lain with you and if you have not gone astray to impurity while under your husband, you shall be free from this water of bitterness that causes the curse. But if you have gone astray while

under your husband...” (Numbers 5:19–20). The priest first states the scenario in which the woman is innocent of adultery.

³⁶ From here it is derived that in cases of capital law, the court opens the deliberations by first raising a claim to acquit the accused. This baraita corresponds to the explanation of Abaya and Rava that the court notifies the accused that he has nothing to fear if he is innocent.

³⁷ § The mishna teaches that in cases of monetary law, the court brings the accused back to be judged again if new evidence arises, whether with a claim to exempt him or with a claim to find him liable. In cases of capital law, the court brings the accused back to be judged again with a claim to acquit him, but does not bring him back to be judged with a claim to find him liable. And the Gemara raises a contradiction from a mishna (Bekhorot 28b): If a judge issued a judgment and erred, so that he exempts a liable party or finds an innocent party liable, or if he ruled that a pure item is impure or ruled that an impure item is pure, and by doing so he caused a litigant a monetary loss; what he did is done, i.e., the judgment stands, and the judge must pay damages from his home, i.e., from his personal funds. This indicates that the court does not bring the accused back to be judged again if new evidence arises.

³⁸ Rav Yosef says: This is not difficult. The mishna here, which teaches that the court does bring the accused back to be judged again if new evidence arises, is stated with regard to a judge who was an expert, whereas the mishna there in tractate Bekhorot, which teaches that what he did is done, is stated with regard to a judge who was not an expert. The Gemara asks: And does one bring the accused back in the case of a judge who was an expert? But that mishna in tractate Bekhorot teaches: If he was an expert accepted by the court he is exempt from liability to pay. This indicates that the court does not bring the accused back to be judged again if new evidence arises, even if the judge is an expert; otherwise there would be no need to state that the judge is exempt from liability to pay.

³⁹ Rav Nahman says a different explanation: The mishna here, which teaches that the court does bring the accused back to be judged again if new evidence arises, is stated with regard to a case where there is a court greater than this one in wisdom and number of students that can judge the case again. The mishna there, which teaches that what he did is done, is stated with regard to a case where there is no court greater than his in wisdom and number of students that can judge the case again. If this judge erred, the error will not be corrected.

⁴⁰ Rav Sheshet says a different explanation: The mishna here, which teaches that the court does bring the accused back to be judged again if new evidence arises, is stated with regard to a case where the judge erred in a matter that appears in the Mishna, i.e., he forgot an explicit mishnaic ruling, in which case the verdict is void. The mishna there, which teaches that what he did is done, is stated with regard to a case where the judge erred in his deliberation. As Rav Sheshet says that Rav Asi says: In the case of a judge who erred in a matter that appears in the Mishna, the decision is revoked, but in the case of a judge who erred in his deliberation, the decision is not revoked.

⁴¹ Ravina said to Rav Ashi: Does the category of: Erred in a matter that appears in the Mishna, include even one who erred concerning a statement of Rabbi Ḥiyya and Rabbi Oshaya, who were among the last of the tanna'im? Rav Ashi said to him: Yes. Ravina asked him: Does it include even one who erred concerning a statement of the first-generation amora'im Rav and Shmuel? Rav Ashi said to him: Yes. Ravina asked him: Does it include even one who erred concerning statements of

mine and yours, as we are of the final generation of amora'im? Rav Ashi said to him: Is that to say that we are reed cutters in the pond? That is, our statements are in this category as well.

⁴² The Gemara clarifies: What is considered an error in a deliberation? Rav Pappa says: For example, two tanna'im or two amora'im who disagree with each other, and the halakha was not stated in accordance with this Sage or in accordance with that Sage, and it occurred that the judge acted in accordance with one of them, and the discussion of the halakha goes in accordance with the other opinion, i.e., most judges rule in accordance with the opposing opinion; this is an error in a deliberation.

⁴³ Rav Hamnuna raised an objection to Rav Sheshet from the continuation of the mishna cited earlier (Bekhorot 28b): There was an incident involving a cow of the household of Menaḥem whose womb was removed, and when Rabbi Tarfon was consulted he ruled that it is an animal with a wound that will cause it to die within twelve months [tereifa], which is forbidden for consumption. And based on the ruling of Rabbi Tarfon, the questioner fed it to the dogs.

⁴⁴ The mishna continues: And the incident came before the Sages of the court in Yavne, and they ruled that such an animal is permitted and is not a tereifa. As Theodosius [Todos] the doctor said: A cow or pig does not emerge from Alexandria of Egypt unless the residents sever its womb so that it will not give birth in the future. The breeds of cows and pigs in Alexandria were of exceptional quality and the people of Alexandria did not want them reproduced elsewhere. The fact that these animals lived long lives after their wombs were removed proves that the hysterectomy did not render them tereifot. Upon hearing this, Rabbi Tarfon said: Your donkey is gone, Tarfon, as he believed he was required to compensate the owner for the cow that he ruled to be a tereifa. Rabbi Akiva said to him: You are exempt, as any judge accepted as an expert for the public is exempt from liability to pay.

⁴⁵ Rav Hamnuna states his objection to Rav Sheshet: And if it is so that there is a distinction between the two types of judicial errors, let Rabbi Akiva say to Rabbi Tarfon: You err in a matter that appears in the Mishna, as the ruling that an animal whose womb has been removed is permitted is recorded in a mishna (see Hullin 54a), and in the case of one who errs in a matter that appears in the Mishna, the decision is revoked.

⁴⁶ The Gemara answers: Rabbi Akiva states one reason and adds another reason. One: As you err in a matter that appears in the Mishna, and in the case of one who errs in a matter that appears in the Mishna, the decision is revoked. Another: Even if you erred in a deliberation, you are a judge accepted as an expert for the public, and any judge accepted as an expert for the public is exempt from liability to pay.

⁴⁷ Rav Naḥman bar Yitzḥak said to Rava: What was the objection raised by Rav Hamnuna to Rav Sheshet from the incident of the cow? After all, the owner had already fed the cow to the dogs, and it is not possible to revoke the ruling and judge the case again.

⁴⁸ Rava answered: This is what Rav Hamnuna was saying to Rav Sheshet: Granted, if you say that in the case of a judge who errs in a matter that appears in the Mishna, the decision is not revoked, which evidently indicates that the verdict stands as it is, that is why Rabbi Tarfon feared that he would have to pay, and Rabbi Akiva said to him: You are an expert accepted by the court, and are exempt from liability to pay. But if you say that in the case of a judge who erred in a matter that appears in the Mishna, the decision is revoked, let Rabbi Akiva say to Rabbi Tarfon: Since if the cow were to be

here, your verdict is not a verdict and you did nothing, now as well, you did nothing and you are not liable to pay. It was the action of the owner that caused the loss, as he fed the cow to the dogs.

⁴⁹ Rav Ḥisda says that the contradiction between the mishna here and the mishna in tractate Bekhorot as to whether or not the court brings the accused back to be judged again if new evidence arises can be answered as follows: The mishna there in tractate Bekhorot is stated with regard to a case where a judge took the item in question from one litigant and gave it to the other litigant with his hand. In this case, the judge is liable to pay. The mishna here is stated with regard to a case where a judge of the court did not take the item in question from one litigant and give it to the other litigant with his hand. The court merely issued a ruling, and the litigants executed the verdict on their own. Therefore, the court is not liable to pay, and the judges retry the case.

⁵⁰ The Gemara asks: Granted, one can explain the clause from the mishna in tractate Bekhorot: He finds an innocent party liable, in a case where the judge took the item in question from the innocent party and gave it to the other litigant with his hand. But how can you find him giving the item from one to another with regard to the clause of: He exempts a liable party? As, the judge said to the litigant only: You are exempt from liability to pay, but the judge did not take the item in question from one litigant and give it to the other litigant with his hand. The Gemara explains: Once he says: You are exempt from liability to pay, it is considered as if he took the item in question from the innocent party and gave it to the other litigant with his hand, as there is no need for any further action.

⁵¹ The Gemara asks: But what of the mishna, which teaches: In cases of monetary law, the court brings the accused back to be judged again if new evidence arises, either with a claim to exempt the accused, or with a claim to find him liable? Granted, you can find the example of: To exempt, where the court says at the outset to one litigant: You are liable to pay, and a judge did not take the item in question from one litigant and give it to the other litigant with his hand, as Rav Ḥisda holds that the verdict is revoked and the court does not pay. But how can you find the example of judging the case again to find him liable? As once the court says to the litigant: You are exempt, the case cannot be judged again. But you said that once a judge says: You are exempt from liability to pay, it is considered as if he took the item in question from the innocent party and gave it to the other litigant with his hand. If so, the court must pay and the judgment will not be revoked.

⁵² The Gemara answers: The mishna teaches only that one statement, and it should be understood as follows: In cases of monetary law, the court brings the litigant back to be judged again to exempt that litigant, which is to the liability of the other litigant, while in the corresponding situation with regard to cases of capital law, the court brings the accused back to acquit him,

⁵³ but they do not bring him back to be judged with a claim to find him liable. When the mishna says: The court brings the accused back to acquit him, this is an acquittal alone and is not to anyone's liability. When it says: But they do not bring him back to be judged with a claim to find him liable, this is an acquittal that is also a liability. The court does not bring the accused back to acquit him if this entails a liability to another.

⁵⁴ The Gemara clarifies: A liability for whom? There is no other litigant in cases of capital law. The Gemara answers: This is not difficult, this is to the liability, i.e., the detriment, of the blood redeemer, as he desires that the murderer be killed, and he will no longer be allowed to kill him. The Gemara questions this explanation: Is it reasonable that due to the liability of the blood redeemer, we kill this

one and do not reverse the verdict to acquit him even when there is a reason to do so? And further, what is the meaning of the term: Whether with a claim to exempt the accused, or whether with a claim to find him liable? It is clear that this is referring to two separate matters, not to two types of acquittal. The Gemara comments: This is difficult.

⁵⁵ The Gemara cites another explanation of how one can find a judge giving the item from one to another with regard to the clause of: He exempts a liable party. Ravina said: It is possible in a case where the one who lodged the claim had in his possession an item belonging to the other litigant that functioned as collateral for a debt, and when the judge issued a verdict in favor of the other he took the collateral from him, thereby physically transferring it to the wrong party.

⁵⁶ In the case from the mishna in tractate Bekhorot: He ruled that a pure item is impure, how could he cause a loss with his own hands? It is where he had the litigant's ritually pure item touch a creeping animal to emphasize that he believes it was already impure, and he thereby imparted impurity to it. In that mishna's case of: He ruled that an impure item is pure, how could he cause a loss with his own hands? It is where he mixed this impure produce of the litigant's with the litigant's ritually pure produce, and he thereby caused all of the produce to be considered impure.

⁵⁷ § The mishna teaches that in cases of capital law, the court brings the accused back to be judged again with a claim to acquit him, but does not bring him back to be judged with a claim to find him liable. To explain the terms "innocent" and "righteous" in the verse: "And the innocent and the righteous you shall not slay" (Exodus 23:7), the Sages taught: From where is it derived that with regard to one who is leaving the court having been found liable, and someone said: I have the ability to teach a reason to acquit him, from where is it derived that the court brings the accused back to be judged again? The verse states: The innocent you shall not slay, and the accused may in fact be innocent.

⁵⁸ And from where is it derived that with regard to one who is leaving the court, having been acquitted, and someone says: I have the ability to teach a reason to find him liable, from where is it derived that the court does not bring the accused back to be judged again? The verse states: "The righteous you shall not slay," and the accused was found righteous in his trial.

⁵⁹ Rav Shimi bar Ashi says: And the opposite of this is the halakha with regard to one who entices others to engage in idol worship, as it is written concerning him: "Neither shall you spare, neither shall you conceal him" (Deuteronomy 13:9). He is brought back to court to find him liable, but not to acquit him. Rav Kahana teaches this last halakha citing a different verse concerning the enticer: "But you shall kill him [harog tahargennu]" (Deuteronomy 13:10). The repetition of the verb indicates that he is killed even in circumstances where transgressors of other prohibitions would not be.

⁶⁰ Rabbi Zeira asked Rav Sheshet: From where is it derived that the halakha concerning those liable to be exiled to a city of refuge for killing unintentionally is the same with regard to retrying a court case as the halakha concerning one who killed intentionally, who is found liable to receive court-imposed capital punishment? Rav Sheshet answered: It is derived from a verbal analogy employing the term "murderer" stated with regard to one who kills intentionally (see Numbers 35:16) and the term "murderer" stated with regard to one who kills unintentionally (see Numbers 35:19).

⁶¹ Rabbi Zeira asked Rav Sheshet: From where is it derived that the halakha concerning those liable to receive forty lashes is the same with regard to retrying a court case as the halakha concerning one who killed intentionally, who is found liable to receive court-imposed capital punishment? Rav

Sheshet answered: It is derived from a verbal analogy employing the term “wicked” stated with regard to one who kills intentionally (see Numbers 35:31) and the term “wicked” stated with regard to those liable to receive lashes (see Deuteronomy 25:2).

⁶² The Gemara comments: This is also taught in a baraita (Tosefta 7:3): From where is it derived that the halakha concerning those liable to be exiled for killing unintentionally is the same with regard to retrying a court case as the halakha concerning one who killed intentionally, who is found liable to receive court-imposed capital punishment? It is derived from a verbal analogy employing the term “murderer” stated with regard to one who kills intentionally and the term “murderer” stated with regard to one who kills unintentionally. From where is it derived that the halakha concerning those liable to receive forty lashes is the same with regard to retrying a court case as the halakha concerning one who killed intentionally, who is found liable to receive court-imposed capital punishment? It is derived from a verbal analogy employing the term “wicked” stated with regard to one who kills intentionally and the term “wicked” stated with regard to those liable to receive lashes.

⁶³ § The mishna teaches concerning cases of capital law: But the court does not bring him back to be judged with a claim to find him liable. Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: And this is the halakha only in a case where the judge erred with regard to a matter for which the Sadducees do not admit to its validity, i.e., he erred in a matter learned from tradition or established by the Sages. But if the judge erred in a matter for which the Sadducees admit to its validity, i.e., a matter that is written explicitly in the Torah, it is a topic that you could go learn in a children’s school, and such an error negates the verdict and is reversed.

⁶⁴ Rabbi Ḥiyya bar Abba asked of Rabbi Yoḥanan: What is the halakha in the case of a judge who erred with regard to the judgment of an adulterer and adulteress, by ruling that only the man is liable but not the woman? Rabbi Yoḥanan said to him: While your fire is burning, cut your squash and roast it, i.e., seize the opportunity to add this case to the principle I taught you earlier. It was also stated: Rabbi Ami says that Rabbi Yoḥanan says: Concerning a judge who erred with regard to an adulterer, the court revokes the verdict.

⁶⁵ The Gemara asks: Rather, what are the circumstances where the court does not revoke the acquittal? Rabbi Abbahu says that Rabbi Yoḥanan says: In a case where he erred and acquitted the adulterer who engaged in sexual intercourse in an atypical manner, i.e., anal intercourse. The halakha that this is considered sexual intercourse is not explicit in a verse. Therefore, if a court acquits one so accused, the verdict is not revoked.

⁶⁶ § The mishna teaches that in cases of monetary law, all those present at the trial may teach a reason to exempt a litigant or to find him liable. In cases of capital law, all those present at the trial may teach a reason to acquit the accused, but not all present may teach a reason to find him liable. The Gemara asks: In capital cases, may all those present teach a reason to acquit, and even witnesses? The Gemara suggests: Let us say that the mishna is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, and not in accordance with the opinion of the Rabbis.

⁶⁷ The Gemara explains: As it is taught in a baraita: The verse states: “But one witness shall not testify against any person that he die” (Numbers 35:30). A witness cannot state anything other than his testimony, whether to provide a reason to acquit the accused or to provide a reason to find him liable; this is the opinion of the Rabbis. Rabbi Yosei, son of Rabbi Yehuda, says: A witness may answer to provide a reason to acquit, but a witness may not answer to provide a reason to find the

accused liable. The mishna here seems to be in accordance with the minority opinion of Rabbi Yosei, son of Rabbi Yehuda.

⁶⁸ Rav Pappa says: When the mishna refers to all those present at the trial, it is not referring to the witnesses but to one of the students sitting before the court, and therefore all agree with the ruling of the mishna.

⁶⁹ The Gemara explains: What is the reason of Rabbi Yosei, son of Rabbi Yehuda? As the verse states: “But one witness shall not testify against any person that he die.” One can infer: That he die is the matter concerning which he does not testify, but he does testify to acquit. The Gemara asks: And what is the reasoning of the Rabbis? Reish Lakish says: A witness cannot offer any statements beyond his testimony because it appears as though he is biased in his testimony. If the court finds the accused liable based on the witness’s testimony, the witness could later be accused of being a conspiring witness. Therefore, it is to his advantage to have the court acquit the accused.

⁷⁰ The Gemara asks: And as for the Rabbis, in what manner do they interpret this term: “That he die”? The Gemara answers: They establish it as teaching the halakha with regard to one of the students. As it is taught in a baraita: If one of the witnesses said: I have the ability to teach a reason to acquit him, from where is it derived that the court does not listen to him? The verse states: “One witness shall not testify.” From where is it derived that if there is one of the students who said: I have the ability to teach a reason to deem him liable, from where is it derived that the court does not listen to him? The verse states: “But one witness shall not testify against any person that he die.”

⁷¹ § The mishna teaches: In cases of capital law, one who initially teaches a reason to deem the accused liable may then teach a reason to acquit, but one who initially teaches a reason to acquit him may not return and teach a reason to deem him liable. Rav says: They taught this halakha only with regard to the time of the deliberations of the court, but at the time of the verdict, one who initially teaches a reason to acquit may return and teach a reason to deem him liable.

⁷² The Gemara raises an objection from a mishna (40a): The following day, i.e., the day after the initial deliberations, the judges would arise early and come to court. One who yesterday was of the opinion to acquit says: I said to acquit, and I acquit in my place, i.e., I stand by my statement to acquit. And one who yesterday was of the opinion to deem him liable says: I said to deem him liable, and I deem him liable in my place. One who yesterday taught a reason to deem him liable may then teach a reason to acquit, but one who yesterday taught a reason to acquit may not then teach a reason to deem him liable.

⁷³ The Gemara explains the objection: But the following day is at the time of the verdict, and the mishna rules that a judge who had said to acquit may not change his opinion. The Gemara questions this reading of the mishna: And according to your reasoning, are there no deliberations on the following day? The deliberations may resume on the next day. Therefore, one can say that when the mishna teaches that the judge may not change his opinion, it is with regard to the time of the deliberations.

⁷⁴ The Gemara suggests: Come and hear a proof from the continuation of that mishna, which teaches that if the number of judges who deem him liable is one more than the number of judges who acquit, they continue to deliberate the matter, these judges against those judges, until one of those who deems him liable sees the validity of the statements of those who acquit and changes his position, as the court does not condemn someone to death by a majority of one judge. The Gemara states its

proof: And if it is so that one who initially teaches a reason to acquit may return and teach a reason to deem him liable, let the mishna also teach the opposite possibility. The Gemara explains: The tanna is searching for scenarios of acquittal, he is not searching for scenarios of liability. It may be that the halakha is the same in the opposite case, but the tanna prefers to employ an example of acquittal.

⁷⁵ The Gemara suggests: Come and hear a proof from a baraita: As Rabbi Yosei bar Ḥanina says: In a case where there was one of the students who argued to acquit and then died, the court views him as if he were alive and standing in his place and voting to acquit. The Gemara asks: But why? According to the opinion of Rav, that a judge may change his opinion at the time of the verdict, let us say: Perhaps if that student were alive, he would retract his opinion and find the accused liable. The Gemara explains: Now, in any event, he did not retract from his opinion. The assumption is that he would not have changed his opinion, although one can do so.

⁷⁶ The Gemara questions this explanation: But the Sages sent a statement from there, Eretz Yisrael: According to this version of the statement of Rabbi Yosei bar Ḥanina, he engages in a dispute with our teacher, i.e., Rav. Apparently, the previous explanation, which reconciles their opinions, is incorrect. The Gemara answers: That tradition was not accurate, and it was stated that he does not engage in a dispute with Rav.

⁷⁷ The Gemara suggests: Come and hear a proof from a baraita: After the initial deliberations, two judges' scribes stand before the court, one on the right, and one on the left, and they write the statements of those who acquit the accused and the statements of those who find him liable.

⁷⁸ The Gemara explains the proof: Granted, they write the statements of those who find the accused liable even though they may not change their opinions, as on the following day they may see another reason to find the accused liable, not the reason they gave the day before. And once this new reason is given, the court is required to perform a suspension of the trial until the following day, as they may not issue a verdict in cases of capital law on the same day as the deliberations. But what is the reason the scribes write the statements of those who acquit the accused? Is it not because the halakha is that if the judges would see another reason to find the accused liable, we do not pay heed to them, and in order to ensure that the judges do not change their opinions, the scribes write their statements?

⁷⁹ The Gemara answers: No, the reason they write their statements is so that two of the judges should not say one explanation to acquit from two different verses. If two judges each say the same reason to acquit, but derive their reason from different verses, they are not counted as two votes. As Rabbi Asi asked of Rabbi Yoḥanan: If two of the judges say one explanation to acquit from two different verses, what is the halakha? Rabbi Yoḥanan said to him: We count them only as one, as it is clear that one of the derivations is in error.

⁸⁰ § The Gemara discusses the ruling of Rabbi Yoḥanan: From where is this matter derived? Abaye says: As the verse states: "God has spoken once, twice I have heard this; that strength belongs to God" (Psalms 62:12). Abaye explains: One verse is stated by God and from it emerge several explanations, but one explanation does not emerge from several verses. Alternatively, the school of Rabbi Yishmael taught that the verse states: "Is not My word like as fire? says the Lord; and like a hammer that breaks the rock in pieces" (Jeremiah 23:29). Just as this hammer breaks a stone into several fragments, so too, one verse is stated by God and from it emerge several explanations.

⁸¹ The Gemara clarifies: What is considered one explanation from two different verses? Rav Zevid says: As we learned in a mishna (Zevaḥim 83a): With regard to certain items that are disqualified

from being sacrificed *ab initio*, once they have been placed on the altar they are nevertheless sacrificed, but the altar sanctifies only items that are suited for it, as the Gemara will explain. The *tanna'im* disagree as to what is considered suited for the altar.

⁸² Rabbi Yehoshua says: Any item that is suited to be consumed by the fire on the altar, e.g., burnt-offerings and the portions of other offerings burned on the altar, if it ascended upon the altar, even if it is disqualified from being sacrificed *ab initio*, it shall not descend. Since it was sanctified by its ascent upon the altar, it is sacrificed upon it, as it is stated: “It is the burnt-offering on the pyre upon the altar” (Leviticus 6:2), from which it is derived: Just as with regard to a burnt-offering that is suited to be consumed by the fire on the altar, if it ascended, it shall not descend, so too with regard to any item that is suited to be consumed by the fire on the altar, if it ascended, it shall not descend.

⁸³ Rabban Gamliel says: With regard to any item that is suited to ascend upon the altar, even if it is not typically consumed, if it ascended, it shall not descend, even if it is disqualified from being sacrificed *ab initio*, as it is stated: “It is the burnt-offering on the pyre upon the altar,” from which it is derived: Just as a burnt-offering that is fit for the altar, if it ascended, it shall not descend, so too any item that is fit for the altar, if it ascended, it shall not descend.

⁸⁴ Rav Zevid explains: And what do the two of them include by means of these explanations? Disqualified offerings, teaching that if they ascend they do not descend. One Sage, Rabbi Yehoshua, brings proof for this halakha from the term “on the pyre,” and one Sage, Rabban Gamliel, brings proof to this halakha from the term “upon the altar.” This is an example of one explanation from two different verses.

⁸⁵ The Gemara questions this example: But there, Rabbi Yehoshua and Rabban Gamliel disagree, and their explanations cannot therefore be identical. As the latter clause of that mishna teaches: The difference between the statement of Rabban Gamliel and the statement of Rabbi Yehoshua is only with regard to disqualified blood and libations, which are not consumed by the fire, but do ascend onto the altar, as Rabban Gamliel says: They shall not descend, as they are fit to ascend on the altar, and Rabbi Yehoshua says: They shall descend, as they are not burned on the altar.

⁸⁶ Rather, Rav Pappa says: An example of one explanation from two different verses is as it is taught in a baraita: Rabbi Yosei HaGelili says: From the fact that it is stated:

⁸⁷ “Whatsoever touches the altar shall be sanctified” (Exodus 29:37), I would derive that this applies to every item, whether it is suited to be an offering, or unsuited to be an offering. The following verse states: “Now this is that which you shall offer upon the altar: Two lambs of the first year day by day continually” (Exodus 29:38); from this I derive: Just as lambs are suited to be offerings, so too, everything that is suited to be an offering is included in this halakha. The baraita continues: Rabbi Akiva says: The offerings discussed in this passage are each referred to as a burnt-offering (see Exodus 29:42). Therefore, I derive: Just as a burnt-offering is suited for the altar, so too, everything that is suited for the altar is included in this halakha.

⁸⁸ Rav Pappa explains: And what do the two of them exclude by means of these explanations? Disqualified offerings, teaching that they do not become sanctified if they touch the altar. One Sage, Rabbi Yosei HaGelili, brings proof for this halakha from the term “lambs,” and one Sage, Rabbi Akiva, brings proof for this halakha from the term “burnt-offering.” This is an example of one explanation from two different verses.

⁸⁹ The Gemara questions this example: But doesn't Rav Adda bar Ahava say that the difference between them is with regard to a disqualified bird burnt-offering? The one who brings proof for this halakha from the term "lambs" holds that: Lambs, yes, they are included in this halakha, but a bird burnt-offering is not. And the one who brings proof for this halakha from the term "burnt-offering" holds that a bird burnt-offering is also included in this halakha.

⁹⁰ Rather, Rav Ashi said: An example of one explanation from two different verses is as it is taught in a baraita: With regard to one who violates the prohibition against slaughtering an offering outside the Tent of Meeting, the verse states: "Whatever man there be of the house of Israel, that kills an ox, or lamb, or goat, in the camp, or that kills it outside the camp; and to the opening of the Tent of Meeting he did not bring it, to sacrifice an offering to the Lord before the Tabernacle of the Lord, blood shall be imputed unto that man; he shed blood; and this man shall be cut off from among his people" (Leviticus 17:3–4). This verse serves to include one who sprinkles the blood of consecrated offerings outside the Tent of Meeting; this is the statement of Rabbi Yishmael.

⁹¹ The baraita continues: Rabbi Akiva says that when the verse states: "Whatever man there be of the house of Israel, or of the strangers that sojourn among them, that offers a burnt-offering or sacrifice" (Leviticus 17:8), it serves to include one who sprinkles blood of consecrated offerings outside the Tent of Meeting. Rav Ashi explains: What do the two tanna'im include by means of these explanations? One who performs sprinkling of the blood outside the Tent of Meeting. One Sage, Rabbi Yishmael, brings proof for this halakha from the phrase "blood shall be imputed," and one Sage, Rabbi Akiva, brings proof for this halakha from the term "or sacrifice." This is an example of one explanation from two different verses.

⁹² The Gemara questions this example: But doesn't Rabbi Abbahu say that the difference between them is with regard to one who slaughtered the offering and sprinkled the blood, as according to the statement of Rabbi Yishmael he is liable for only one transgression, and according to the statement of Rabbi Akiva he is liable for two transgressions?

⁹³ The Gemara responds: Wasn't it stated with regard to that baraita that Abaye says: Even according to the statement of Rabbi Akiva, he is liable for only one transgression, as the verse states: "But in the place that the Lord shall choose in one of your tribes, there you shall offer your burnt-offerings, and there you shall do all that I command you" (Deuteronomy 12:14). The Merciful One combined all the actions with regard to offerings as one transgression. According to the explanation of Abaye, there is in fact no practical dispute between Rabbi Yishmael and Rabbi Akiva with regard to this matter, and it serves as an example of one explanation from two different verses.

⁹⁴ § The mishna teaches: In cases of monetary law, the court judges during the daytime, and may conclude the deliberations and issue their ruling even at night. Before discussing this ruling, the Gemara cites a mnemonic for three of the forthcoming discussions: Judgment, answer, incline. The Gemara asks: From where are these matters concerning the time of the deliberations derived? Rabbi Hiyya bar Pappa says: As the verse states: "And let them judge the people at all times" (Exodus 18:22), indicating that the judgment can be during the day or at night.

⁹⁵ The Gemara challenges this explanation: If that is so that this is the source of the halakha, the court should be able to conduct the initial stage of the trial at night, as well. The Gemara explains: It is possible to resolve the matter in accordance with the statement of Rava, as Rava raises a contradiction between two verses: It is written in one verse: "And let them judge the people at all

times,” indicating that the judgment can be during the day or at night, and it is written in another verse: “Then it shall be on the day that he causes his sons to inherit that which he has” (Deuteronomy 21:16), indicating that cases of inheritance are judged only during the day. Rava explains: How can these texts be reconciled? The verse referring to the day is stated with regard to the initial stage of the trial, and the verse that includes the night is stated with regard to the verdict.

⁹⁶ The Gemara comments: The mishna is not in accordance with the opinion of Rabbi Meir. As it is taught in a baraita that Rabbi Meir would say: What is the meaning when the verse states with regard to the priests: “According to their word shall every dispute and every leprous sore be” (Deuteronomy 21:5)? And what do disputes have to do with leprous sores?

⁹⁷ The baraita continues: Rather, the verse juxtaposes disputes to leprous sores, teaching that just as leprous sores are viewed by a priest only in the daytime, as it is written: “And on the day when raw flesh appears in him he shall be impure” (Leviticus 13:14), so too disputes are judged only in the daytime. And just as leprous sores are viewed by a priest who can see, but not by blind priests, as it is written: “As far as appears to the priest” (Leviticus 13:12), so too disputes are judged by sighted judges, not by blind judges. And the verse juxtaposes leprous sores to disputes, teaching that just as disputes are judged by independent judges, not by judges who are relatives of the litigants, so too leprous sores are viewed by a priest who is not a relative of the afflicted person.

⁹⁸ The baraita continues: If these two matters are juxtaposed, why not say that just as disputes are judged specifically by three judges, so too leprous sores are viewed by three priests? And this would be supported by a logical inference: If a case involving one’s money is judged by three judges, is it not clear all the more so that the person himself should be viewed by three priests? To counter this, the verse states: “And he shall be brought to Aaron the priest or to one of his sons, the priests” (Leviticus 13:2). From this you have learned that even one priest views leprous sores. In any event, as opposed to the mishna, Rabbi Meir holds that disputes are judged only during the day.

⁹⁹ The Gemara relates: There was a certain blind man who was living in the neighborhood of Rabbi Yoḥanan who would serve as a judge, and Rabbi Yoḥanan did not say anything to him. The Gemara asks: How did he do this, i.e., allow the blind man to judge? But didn’t Rabbi Yoḥanan himself say: The halakha is in accordance with the ruling of an unattributed mishna, and we learned in an unattributed mishna (Nidda 49b): Anyone who is fit to judge is fit to testify, but there are those who are fit to testify but not fit to judge. And Rabbi Yoḥanan says: The latter clause serves to include one who is blind in one of his eyes, who is fit to testify but is not fit to judge. All the more so Rabbi Yoḥanan would agree that the unattributed mishna holds that one blind in both eyes is disqualified from serving as a judge.

¹⁰⁰ The Gemara answers: Rabbi Yoḥanan found another unattributed mishna, i.e., the mishna here, which indicates that a blind man can serve as a judge: In cases of monetary law, the court judges during the daytime and may conclude the deliberations and issue the ruling even at night. Accordingly, judging cases of monetary law is not compared to viewing leprous sores, which is the source for disqualifying a blind judge.

¹⁰¹ The Gemara asks: In what way is the strength of this unattributed mishna greater than the strength of that unattributed mishna? Why would Rabbi Yoḥanan rule in accordance with this one and not that one? The Gemara explains: If you wish, say that an unattributed mishna that records the opinion of many Sages is preferable, as the mishna in tractate Nidda is written in accordance with the

individual opinion of Rabbi Meir of the baraita. And if you wish, say it is because this unattributed mishna teaches this halakha in the context of the halakhot of judgment. Since this chapter is the primary source for all halakhot of judgments, the ruling written here carries greater weight.

¹⁰² The Gemara continues its discussion of these opinions. And what does Rabbi Meir interpret from this verse: “And let them judge the people at all times”? Rava said: He interprets that it serves to include a cloudy day, teaching that although a priest does not view a leprous sore on a cloudy day, the court may judge a case on a cloudy day. As we learned in a mishna (Nega'im 2:2): A priest does not view leprous sores during the early morning when the sun is not in full force, and not during the late afternoon, and not in a house, and not on a cloudy day. This is because a dull white sore appears bright, and a bright white sore is deemed ritually impure. And a priest does not view leprous sores at midday, because a bright white spot appears dull and the priest will mistakenly deem it ritually pure. The priest views the leprous sores during the late morning or early afternoon.

¹⁰³ And what does Rabbi Meir interpret from this verse: “On the day that he causes his sons to inherit”? He already derived from the juxtaposition to leprous sores that the court cannot issue a verdict at night. The Gemara answers: He requires that verse to teach the halakha that Rabba bar Ḥanina taught in the presence of Rav Naḥman: The verse states: “Then it shall be on the day that he causes his sons to inherit that which he has” (Deuteronomy 21:16). The addition of the term “on the day” teaches that it is specifically during the day that you can distribute inheritances, but you cannot distribute inheritances at night. Rav Naḥman said to him: That cannot be the halakha, as, if that is so, then it ought to be that it is only in the case of one who dies during the day that his children inherit from him but that with regard to one who dies at night, his children do not inherit from him, and this is not the case.

¹⁰⁴ Rav Naḥman suggests: Perhaps you are stating a distinction between day and night with regard to the adjudication of inheritances. A proof for this distinction is as it is taught in a baraita: A verse in the passage concerning inheritance states: “And it shall be for the children of Israel a statute of judgment” (Numbers 27:11), teaching that the entire portion is placed [ure'a] together to be considered a matter of judgment, subject to the procedural rules that apply to a matter of the court.

¹⁰⁵ And this is in accordance with the statement that Rav Yehuda says that Rav says, as Rav Yehuda says that Rav says: In a case where there were three people who entered a room to visit an ill person, and the ill person desires to write a will in order to distribute his property following his death, if the visitors wish to do so, they can write his will and sign it as witnesses, and if they wish, they can act in judgment, i.e., they can act as a court in the matter, since they are three. Therefore, they can determine that the will has the validity of an act of the court and transfer the property to the heirs in their capacity as a court. But if only two came to visit the ill person, they can write the will and sign it as witnesses, but they cannot act in judgment, since three are required to form a court.

¹⁰⁶ And Rav Ḥisda says: This halakha was taught only in a case where the three came to visit him during the day; but if the three of them came at night, they can write the will and sign it as witnesses, but they cannot act in judgment. What is the reason that they cannot act in judgment on the next day? It is because they are already witnesses to the will of the deceased, and there is a principle that a witness cannot become a judge, i.e., one who acts as a witness in a particular matter cannot become a judge with regard to that same matter. Rabba bar Ḥanina said to Rav Naḥman: Yes, it is indeed so that this is what I was saying.

¹⁰⁷ § The mishna teaches: In cases of capital law, the court judges during the daytime, and concludes the deliberations and issues the ruling in the daytime. The Gemara asks: From where are these matters derived? Rav Shimi bar Ḥiyya says: The verse states with regard to Israelites who worshipped the idol of Peor in the wilderness: “And hang [hoka] them unto the Lord, facing the sun” (Numbers 25:4), indicating that capital cases are judged in the face of the sun, i.e., during the day. Rav Ḥisda says: From where is it derived that hoka’a is hanging? Where the Gibeonites requested to be given Saul’s sons, as it is written: “Vehoka’anum unto the Lord in Gibeah of Saul, the chosen of the Lord” (II Samuel 21:6).

¹⁰⁸ And it is written: “And Rizpah, daughter of Aiah, took sackcloth and spread it for her upon the rock, from the beginning of harvest until water was poured upon them from heaven; and she suffered neither the birds of the air to rest on them by day, nor the beasts of the field by night” (II Samuel 21:10). It is clear from this verse that the bodies of the children of Saul remained exposed outdoors; presumably, they were hung.

¹⁰⁹ The Gemara discusses the incident of the Israelites who worshipped the idol of Peor in the wilderness. And it is written: “And the Lord said unto Moses: Take all the chiefs of the people, and hang them unto the Lord facing the sun, that the fierce anger of the Lord may turn away from Israel” (Numbers 25:4). The Gemara asks: If the nation transgressed, in what manner did the chiefs of the people transgress? The verse does not record a transgression of the chiefs, so why were they punished?

¹¹⁰ Rav Yehuda says that Rav says: The reason for selecting the chiefs of the tribes was not to punish them. Rather, the Holy One, Blessed be He, said to Moses: Apportion courts for the chiefs of the tribes, and each court will judge and punish the transgressors of its tribe. The Gemara asks: What is the reason that multiple courts were needed for this? If we say that it is due to the principle that a court does not judge two cases of capital law in one day, and there were many cases to be judged, that cannot be the reason. But doesn’t Rav Ḥisda say: This principle was taught only with regard to two different types of death imposed by a court, as each case needs sufficient time to be fully investigated on its own merits. But the court does judge multiple cases of one type of death, i.e., one transgression, on the same day.

¹¹¹ The Gemara explains: Rather, the reason for the appointment of multiple courts was in order that the fierce anger of the Lord may turn away from Israel. The fierce anger of God would remain until those who engaged in idol worship were punished. Therefore, it was necessary to try them in due haste.

¹¹² § The mishna teaches: In cases of monetary law, the court may conclude the deliberations and issue the ruling even on that same day, whether to exempt the accused or to find him liable. In cases of capital law, the court may conclude the deliberations and issue the ruling even on that same day to acquit the accused, but must wait until the following day to find him liable. The Gemara asks: From where are these matters derived?

¹¹³ Rabbi Ḥanina said: The verse states prophetically concerning Jerusalem after the destruction of the First Temple: “She that was full of justice, righteousness lodged in her, but now murderers” (Isaiah 1:21). The verse associates lodging, or waiting overnight, with justice. And Rava says that these matters are derived from here: “Learn to do well; seek judgment, relieve [ashru] the oppressed

[ḥamotz]” (Isaiah 1:17). This is interpreted: Praise [ashru] the judge who delays [meḥametz] his verdict before he pronounces it.

¹¹⁴ And the other amora, Rabbi Ḥanina, who did not derive this halakha from this verse, interprets it as meaning: Relieve the robbery victim [ḥamotz], but not the robber [ḥometz], as do the wicked judges. The Gemara asks: And the other amora, Rava, what does he do with this verse: “She that was full of justice, righteousness lodged in her, but now murderers”?

¹¹⁵ The Gemara answers: Rava interprets it in accordance with the statement that Rabbi Elazar says that Rabbi Yitzḥak says, as Rabbi Elazar says that Rabbi Yitzḥak says: Every fast day on which the distribution of charity [tzedaka] is left overnight, this is considered as if one spilled the blood of the poor people, as they fasted all day in the expectation that they would receive charity before the day was over in order to purchase food with which to break their fasts. As it is stated: “She that was full of justice [tzedek], righteousness lodged in her, but now murderers.” The Gemara clarifies: And this statement applies with regard to the delaying of the distribution of bread and dates, which are ready to be consumed; but with regard to the delaying of the distribution of money, wheat, and barley, we have no problem with it.

¹¹⁶ § After teaching that in cases of capital law, the verdict may not be issued on the same day as the deliberations, the mishna states: Therefore, the court does not judge cases of capital law on certain days, neither on the eve of Shabbat nor on the eve of a Festival. The Gemara asks: What is the reason for this? What does the halakha that the verdict may not be issued on the same day as the deliberations have to do with not judging cases on those days?

¹¹⁷ The Gemara explains: It is because it is not possible to conduct the trial on the eve of Shabbat or the eve of a Festival. As, how should we act? If we say that we should judge him on Shabbat eve and conclude his verdict on Shabbat eve, perhaps we would see a reason to find the accused liable, and in this situation the court is required to perform a suspension of the trial until the following day, as the court may not issue a verdict in cases of capital law on the same day as the deliberations. If we say: We should judge him on Shabbat eve and conclude the verdict on Shabbat, and, if he is found liable, kill him on Shabbat, that cannot be done, as the murder of one liable to receive court-imposed capital punishment does not override Shabbat. And if we say: We should kill him at night, after the conclusion of Shabbat, that cannot be done, as we require that the capital punishment be administered facing the sun, during the daytime.

¹¹⁸ And if we say: We should judge him on Shabbat eve, conclude his verdict on Shabbat, and kill him on Sunday, you are found to have caused a delay in his verdict, as the accused will have to wait overnight knowing he is condemned to death. And if we say: We should judge him on Shabbat eve and conclude his verdict on Sunday, the judges will forget their reasons for their positions in the interim. And even though two judges’ scribes are standing before them, and they write the statements of those who acquit the accused and the statements of those who find him liable, and they write that which emerged from the mouths of the judges, i.e., their tentative verdict, the hearts of people [enashei] are forgetful [inshei], and they will forget the reasons. Therefore, it is not possible to begin deliberations in cases of capital law on a Shabbat eve or a Festival eve.

¹¹⁹ § The Gemara discusses a related matter: Reish Lakish said to Rabbi Yoḥanan: And the burial of a corpse with no one to bury it [met mitzva] should override Shabbat by means of an a fortiori inference: If with regard to the Temple service, which overrides Shabbat, yet the burial of a met

mitzva overrides it, based on the interpretation of the term written with regard to a nazirite: “Or for his sister” (Numbers 6:7); the Gemara pauses its recounting of the question of Reish Lakish and cites a baraita that teaches this halakha.

¹²⁰ As it is taught in a baraita: The verses state with regard to a nazirite: “All the days that he consecrates himself unto the Lord he shall not come near to a dead body. He shall not make himself impure for his father, or for his mother, for his brother, or for his sister, when they die” (Numbers 6:6–7). Why must the verse state all of these relatives? It teaches that if a nazirite was going to slaughter his Paschal offering or to circumcise his son

¹²¹ and he heard that a relative of his died, one might have thought that he should return and become ritually impure with the impurity imparted by a corpse to bury his relative. You said: “He shall not make himself impure”; the death of his relative will not override so significant a mitzva from the Torah.

¹²² One might have thought: Just as he may not become impure to bury his sister, so he may not become impure to bury a met mitzva. Therefore, the verse states specifically: “Or for his sister”; teaching that he may not become impure only to bury his sister, as others can attend to her burial, but he may become impure to bury a met mitzva.

¹²³ Having cited the baraita proving that the burial of a met mitzva overrides the Temple service, Reish Lakish continues his suggestion: With regard to Shabbat, which is overridden due to the Temple service, is it not logical that the burial of a met mitzva overrides it?

¹²⁴ Rabbi Yoḥanan said to him: The halakha of murder, i.e., the obligation to kill one found liable to receive court-imposed capital punishment, proves that this is not the case, as it overrides the Temple service, e.g., if the only priest present is liable to receive court-imposed capital punishment, he is taken to be killed despite this resulting in the negation of the Temple service, but it does not override Shabbat.

¹²⁵ The Gemara asks: Murder itself should override Shabbat based on this a fortiori inference: Just as with regard to the Temple service, which overrides Shabbat, nevertheless murder overrides it, and the source for this is as it is stated: “And if a man come presumptuously upon his neighbor, to slay him with guile; you shall take him from My altar, that he may die” (Exodus 21:14); then with regard to Shabbat, which is overridden due to the Temple service, is it not logical that murder should override it?

¹²⁶ Rava said in response: It has already been ruled by a tanna of the school of Rabbi Yishmael, as the school of Rabbi Yishmael taught: What is the meaning when the verse states: “You shall kindle no fire throughout your habitations on Shabbat day” (Exodus 35:3)? All labor is forbidden on Shabbat, based on the verse: “In it you shall not do any manner of work” (Exodus 20:10). Why is kindling fire singled out?

¹²⁷ The Gemara interjects: What is the meaning when the verse states this? If this question is in accordance with the opinion of Rabbi Yosei, this transgression was singled out to teach that one who lights a fire on Shabbat violates an ordinary prohibition, as opposed to the performance of other types of labor on Shabbat, for which one is liable to receive court-imposed capital punishment. If this question is in accordance with the opinion of Rabbi Natan, this transgression was singled out to divide the various labors and to establish liability to receive court-imposed capital punishment for

performance of any one of them. The Gemara explains: As it is taught in a baraita: Kindling of fire was singled out to teach that one who lights a fire on Shabbat violates an ordinary prohibition, this is the statement of Rabbi Yosei. Rabbi Natan says: It was singled out to divide the various labors. Either way, it is clear what the meaning of the verse is.

¹²⁸ The Gemara clarifies: Rather, Rava said: The term “habitations” in the verse poses a difficulty for the tanna: What is the meaning when the verse states: “You shall kindle no fire throughout your habitations on Shabbat day”? After all, Shabbat is an obligation on the person himself, not an obligation bound to any specific location. And the halakha is that an obligation on the person himself is practiced whether in Eretz Yisrael or outside of Eretz Yisrael. Why do I need the term “habitations” that the Merciful One writes in the Torah?

¹²⁹ Rava continues: One student said in the name of Rabbi Yishmael that since it is stated: “And if there is in a man a sin deserving of death and he is put to death” (Deuteronomy 21:22), I would derive that the court administers capital punishment both during the week and on Shabbat. And accordingly, how do I realize the meaning of what the verse states concerning Shabbat: “Everyone that desecrates it shall be put to death” (Exodus 31:14)? One possibility is that the term: Desecration of Shabbat, applies only to other cases in which labor is performed, and excludes instances of the death penalty administered by a court, which is not a desecration of Shabbat. Or rather, derive that even the death penalty administered by a court is prohibited as desecration of Shabbat. And how do I realize the meaning of: “And he is put to death”? One possibility is that the mitzva of executing transgressors applies on weekdays, but not on Shabbat. Or rather, the other possibility is that it applies even on Shabbat.

¹³⁰ As these verses can be interpreted in either manner, the verse states: “You shall kindle no fire throughout your habitations on Shabbat day,” and there, with regard to the punishment administered to a murderer, the verse states: “And these shall be for you a statute of judgment throughout your generations in all your habitations” (Numbers 35:29). Just as the term “habitations” that is stated there is referring to the act of a court, so too the term “habitations” that is stated here concerning Shabbat is referring to the act of a court. And the Merciful One states: “You shall kindle no fire throughout your habitations.” This teaches that the court does not administer capital punishment on Shabbat.

¹³¹ Abaye says: Now that you have said that murder of one condemned by the court does not override Shabbat, one should say that murder does not override the performance of the Temple service either, based on an a fortiori inference: And just as with regard to Shabbat, which is overridden for the performance of the Temple service, murder does not override it, then with regard to performance of the Temple service, which overrides Shabbat, is it not logical that murder should not override it?

¹³² The Gemara questions this inference: But if so, how would one explain that which is written in the verse concerning one liable to receive court-imposed capital punishment: “You shall take him from My altar, that he may die” (Exodus 21:14)? This verse indicates that the court administering capital punishment does override the performance of the Temple service. The Gemara explains: That verse serves to teach the halakha concerning an offering of an individual, which does not override Shabbat. The verse is teaching that the court takes the priest to execute him even if this will result in the offering of an individual not being sacrificed.

¹³³ Rava says: If that is so, one should say that murder should not override even an offering of an individual based on an a fortiori inference:

¹³⁴ Just as with regard to a Festival, which is overridden due to an offering of an individual, as voluntary offerings of individuals are sacrificed on Festivals, and nevertheless murder does not override it, as the court does not execute one liable to receive court-imposed capital punishment on a Festival, with regard to an offering of an individual, which overrides a Festival, is it not logical that murder should not override it? Therefore, unlike the explanation of Abaye, the court should not take a priest to execute him in the event he is liable to receive capital punishment if this will result in the offering of an individual not being sacrificed.

¹³⁵ Rava clarifies: This works out well according to the one who says that vow offerings and gift offerings of individuals are not sacrificed on a Festival. Since the offerings of an individual do not override a Festival, there is no place for this a fortiori inference. But according to the one who says that vow offerings and gift offerings of individuals are sacrificed on a Festival, what is there to say? Why would one not make the above a fortiori inference?

¹³⁶ Rather, Rava says that Abaye's explanation of the verse is incorrect according to all opinions. It is not necessary to say that the inference is incorrect according to the one who says that vow offerings and gift offerings of individuals are sacrificed on a Festival, as according to that opinion one cannot justify the verse of "from My altar" at all, as there is no distinction between the offering of an individual and a communal offering, as both override a Festival. Accordingly, court-imposed capital punishment should not override either type of offering.

¹³⁷ But even according to the one who says that vow offerings and gift offerings of individuals are not sacrificed on a Festival, in which case Abaye's explanation is possible, this is difficult. But isn't it written: "From My altar"? The term "My altar" indicates: My altar, the offering that is designated to Me. And what offering is this? It is the daily offering. And yet, the Merciful One states: "You shall take him from My altar, that he may die." Accordingly, the verse is not stated specifically with regard to an offering of an individual.

¹³⁸ § The mishna teaches that in cases of monetary law, and likewise in the cases of ritual impurity and purity, the judges commence expressing their opinions from the greatest of the judges. Rav says: I was among the quorum of judges in the school of Rabbi Yehuda HaNasi, and they would commence from me, i.e., I was first when ascertaining the opinions of the judges. The Gemara questions this statement: But we learned in the mishna that the judges commence expressing their opinions from the greatest of the judges, and Rav was one of the junior judges of that court.

¹³⁹ Rabba, son of Rava, says, and some say that it was Rabbi Hillel, son of Rabbi Valles, who says: The counting of the vote in the court in the school of Rabbi Yehuda HaNasi is different, as all of their deliberations and the counting of the vote would commence from the side benches, where the least significant judges sit. This was because Rabbi Yehuda HaNasi was held in such high esteem that once he expressed his opinion, no one would be so brazen as to contradict him.

¹⁴⁰ And with regard to the greatness of Rabbi Yehuda HaNasi, Rabba, son of Rava, says, and some say that it was Rabbi Hillel, son of Rabbi Valles, who says: From the days of Moses and until the days of Rabbi Yehuda HaNasi we do not find unparalleled greatness in Torah knowledge and unparalleled greatness in secular matters, including wealth and high political office, combined in one place, i.e., in a single individual.

¹⁴¹ The Gemara asks: But was there not such a person? Wasn't there Joshua, who was unparalleled in both domains? The Gemara answers: During his time there was Elazar, who was Joshua's equal in Torah knowledge. The Gemara asks: But wasn't there Pinehas, who outlived Elazar? The Gemara answers: There were the Elders, who were equal to Pinehas in Torah knowledge.

¹⁴² The Gemara further objects: But wasn't there Saul, who was unparalleled in both domains? The Gemara answers: There was Samuel, who was Saul's equal in Torah knowledge. The Gemara asks: But didn't Samuel die in Saul's lifetime, leaving Saul the leading figure in both domains? The Gemara answers: We meant to say that from the days of Moses until the days of Rabbi Yehuda HaNasi there was no other single individual who reigned supreme in Torah and greatness for all the years that he was the leader of the Jewish people.

¹⁴³ The Gemara asks: But wasn't there David, who was both the greatest Torah authority and the most powerful temporal authority of his day? The Gemara answers: There was Ira the Yairite, who was David's equal in Torah knowledge. The Gemara objects: But didn't Ira the Yairite die in David's lifetime? The Gemara answers: We meant to say that there was no other single individual who reigned supreme in Torah and greatness for all the years that he was the leader of the Jewish people.

¹⁴⁴ The Gemara asks: But wasn't there Solomon, who was unparalleled in both domains? The Gemara answers: During his day there was Shimi ben Gera, who was Solomon's master in Torah knowledge. The Gemara objects: But didn't Solomon kill him at the beginning of his reign (see I Kings, chapter 2)? The Gemara answers: We meant to say that there was no other single individual who reigned supreme in Torah and greatness for all the years that he was the leader of the Jewish people.

¹⁴⁵ The Gemara further objects: Wasn't there Hezekiah, who was both the leading Torah scholar of his age and also the king of his people? The Gemara answers: There was Shebnah in that generation, who was Hezekiah's equal in Torah knowledge. The Gemara asks: But wasn't he killed in the war against Sennacherib? The Gemara answers: We meant to say that there was no other single individual who reigned supreme in Torah and greatness for all the years that he was the leader of the Jewish people. The Gemara asks: But wasn't there Ezra, who was the greatest Torah Sage of his day and the leader of the Jewish people? The Gemara answers: There was Nehemiah, son of Hacaliah, who was his equal.

¹⁴⁶ Rav Adda bar Ahava says: I also say a similar statement, that from the days of Rabbi Yehuda HaNasi and until the days of Rav Ashi we do not find unparalleled greatness in Torah knowledge and unparalleled greatness in secular matters, including wealth and high political office, combined in one place, i.e., in a single individual. The Gemara asks: But was there not such a person? But wasn't there Huna bar Natan, who lived during the time of Rav Ashi and enjoyed both great Torah scholarship and great wealth? The Gemara answers: Huna bar Natan was subordinate to Rav Ashi, who was his superior in both domains.

¹⁴⁷ § The mishna teaches that in cases of capital law, the judges commence issuing their opinions from the side benches, where the least significant judges sit. The Gemara asks: From where are these matters derived? Rav Aḥa bar Pappa says: The verse states: "Neither shall you answer in a cause [al riv]" (Exodus 23:2), and the Sages interpret: Neither shall you answer after the Master [al rav], i.e., do not dispute the opinion of the greatest among the judges. Therefore, were the judges to commence

issuing their opinions from the greatest of them, and he would say that the accused is liable, no judge would acquit him.

¹⁴⁸ Rabba bar bar Ḥana says that Rabbi Yoḥanan says: The source of this practice is from here: When David decided to punish Nabal the Carmelite, the verse states: “And David said to his men: Every man gird his sword. And every man girded his sword, and David also girded his sword” (I Samuel 25:13). That was a case of capital law, and David, the greatest among them, was last.

¹⁴⁹ Rav says: A person may teach his student the relevant material and then judge cases of capital law with him, and this student can participate in the deliberations and serve as one of the judges. The Gemara raises an objection from a baraita (Tosefta 7:2): In cases of ritual purity and impurity, if two of the judges are a father and his son, or a teacher and his student, the court counts them as two opinions. By inference, in cases of monetary law and cases of capital law, and cases of laws involving the punishment of lashes, as well as court proceedings concerning sanctification of the month and the intercalation of the year, if two of the judges are a father and his son, or a teacher and his student, the court counts them as only one opinion, as it is assumed the son or student will merely echo the opinion of his father or teacher. This contradicts the ruling of Rav.

¹⁵⁰ The Gemara answers: When Rav says his statement, he is referring to not every student, but only those such as Rav Kahana and Rav Asi, who needed to learn the halakhic traditions of Rav, but they did not need to learn the reasoning of Rav, as they were capable of conducting their own analysis.

¹⁵¹ Rabbi Abbahu says: There are ten ways in which cases of monetary law are different from cases of capital law, as was taught in the beginning of the chapter, and none of them is practiced with regard to a court hearing concerning an ox that is to be stoned, as it is treated as a case of monetary law, except for the requirement that the animal be judged by twenty-three judges, like in cases of capital law.

¹⁵² The Gemara asks: From where are these matters derived? Rav Aḥa bar Pappa says: As the verse states: “You shall not incline the judgment of your poor in his cause” (Exodus 23:6). He explains: You may not incline the judgment of, i.e., exert effort to find liable, your poor, but you may incline the judgment of an ox that is to be stoned. The reason for the procedural differences between cases of monetary law and cases of capital law is to render it more likely that one accused of a capital transgression will be acquitted. This is not a factor when judging the ox.

¹⁵³ The Gemara asks: Are there really ten ways in which cases of monetary law are different from cases of capital law? There are only nine differences recorded in the mishna. The Gemara questions this: But the mishna teaches ten differences, not nine. The Gemara clarifies: Although there appear to be ten, there are in fact nine, because the halakha that not all are fit to judge cases of capital law and the halakha that twenty-three judges are required for cases of capital law are one. The reason not all are fit to judge cases of capital law is that the court of twenty-three is derived from the command to Moses: “And they shall bear the burden of the people with you” (Numbers 11:17), which indicates that only those “with you,” i.e., similar in lineage to Moses, can serve on that court (see 17a).

¹⁵⁴ The Gemara answers: But there is another difference, as it is taught in a baraita (Tosefta 7:5): The court does not seat on the Sanhedrin a very old person or one who is castrated or one who has no children, as those who did not recently raise children may lack compassion. Rabbi Yehuda adds: Even a cruel person is not eligible. The Gemara comments: And the opposite of this is the halakha

with regard to one who entices others to engage in idol worship, as the Merciful One states concerning him: “Neither shall you spare, neither shall you conceal him” (Deuteronomy 13:9).

¹⁵⁵ § The mishna teaches that all are fit to judge cases of monetary law. The Gemara asks: What is added by the mishna’s employing the expansive term *all*? Rav Yehuda says: It serves to include a child born from an incestuous or adulterous relationship [*mamzer*] in the category of those qualified to judge cases of monetary law.

¹⁵⁶ The Gemara questions this explanation: But we already learn this halakha one time, as it is taught in a baraita: All who are fit to judge cases of capital law are fit to judge cases of monetary law, but there are those who are fit to judge cases of monetary law and are not fit to judge cases of capital law. And we discussed it: What is included in the expansive term *all* employed by the baraita? And Rav Yehuda says: It serves to include a *mamzer*. The Gemara responds: One of the two sources serves to include a convert, who is qualified to judge only in cases of monetary law, and one of the two sources serves to include a *mamzer*.

¹⁵⁷ The Gemara comments: And both the mishna and baraita are necessary, as the halakha taught by one source cannot be derived from the halakha taught by the other source. As, if the tanna taught us the fitness to judge cases of monetary law only with regard to a convert, one could say that a convert is like a born Jew concerning this, since he is fit to enter into the congregation, i.e., marry a Jew of fit lineage, but with regard to a *mamzer*, who is not fit to enter into the congregation, say that he cannot serve as a judge. And if the tanna taught us the fitness to judge cases of monetary law only with regard to a *mamzer*, one could say that a *mamzer* is fit to judge, as he came from seed of unflawed lineage, but with regard to a convert, who does not come from seed of unflawed lineage, say that he cannot serve as a judge. Therefore, both sources are necessary.

¹⁵⁸ § The mishna teaches: But not all are fit to judge cases of capital law; the judges may be only priests, Levites, or Israelites who are of sufficiently fit lineage to marry their daughters to members of the priesthood. The Gemara asks: What is the reason for this? The Gemara explains: As Rav Yosef taught: Just as the court is clean in justice, so too, it is clean of any blemish, i.e., it does not include anyone of flawed lineage. Ameimar says: What is the verse from which it is derived? It states: “You are all fair, my love; and there is no blemish in you” (Song of Songs 4:7).

¹⁵⁹ The Gemara asks: But perhaps you should say that this is referring to an actual blemish, and is teaching that one who has a physical blemish cannot be appointed to the Sanhedrin. Rav Aḥa bar Ya’akov says: It is not necessary to learn from this verse the halakha that one who has a physical blemish cannot be appointed to the Sanhedrin, as the verse states in connection with the transfer of the Divine Spirit from Moses to the Elders: “That they may stand there with you” (Numbers 11:16). The term “with you” is explained to mean: With similarity to you, teaching that the members of the Sanhedrin must be whole in body, like Moses.

¹⁶⁰ The Gemara rejects this proof: But perhaps there, those who were with Moses had to be free of any blemish due to the Divine Presence, which was going to rest upon them, but this is not a requirement for judges to serve on the Sanhedrin. Rather, Rav Naḥman bar Yitzḥak says: The verse states: “So shall they make it easier for you and bear the burden with you” (Exodus 18:22). The term “with you” is explained to mean: They shall be similar to you, without blemish. This verse is referring to the appointment of regular judges, upon whom the Divine Presence does not rest, and

teaches that all members of the Sanhedrin must be whole in body, and the verse from Song of Songs teaches that they must have unflawed lineage as well.

¹⁶¹ MISHNA: A Sanhedrin of twenty-three was arranged in the same layout as half of a circular threshing floor, in order that all the judges will see one another and the witnesses. And two judges' scribes stand before the court, one on the right and one on the left, and they write the statements of those who find the accused liable and the statements of those who acquit the accused. Rabbi Yehuda says: There were three scribes. One writes only the statements of those who acquit the accused, one writes only the statements of those who find him liable, and the third writes both the statements of those who acquit the accused and the statements of those who find him liable, so that if there is uncertainty concerning the precise wording that one of the scribes writes, it can be compared to the words of the third scribe.

¹⁶² And three rows of Torah scholars sit before the judges, and each and every one among those sitting recognizes his place, i.e., they are seated in accordance with their stature. When the court must ordain an additional judge, e.g., if a judge dies during the proceedings or in the case of a court without a decisive majority (see 40a), the court ordains the greatest Torah scholar from the first row. As a seat in the first row is now vacant, one Torah scholar from the second row comes to the first row, and one Torah scholar from the third row comes to the second row, and the court selects another Torah scholar from among the assembled and they seat him in the third row. And this Torah scholar who moves from the second row to the first row would not sit in the place of the first Torah scholar, who joined the court, rather, he would sit in the place appropriate for him, i.e., at the end of that row, in accordance with his stature.

¹⁶³ GEMARA: The mishna teaches that the Sanhedrin would sit in a semicircle. The Gemara asks: From where are these matters derived? Rabbi Aḥa bar Ḥanina says: As the verse states: "Your navel is like a round goblet, let no mingled wine be wanting; your belly is like a heap of wheat set about with lilies" (Song of Songs 7:3).

¹⁶⁴ This verse is interpreted as referring to the members of the Sanhedrin, who sit in a semicircle. "Your navel"; this is an allusion to the Sanhedrin. And why is it called by way of allusion "your navel"? It is because it sits in the navel of the world, in the Temple. "Goblet [aggan]"; this teaches that the Sanhedrin protects [meginna] the entire world with its merit. "Round [hassahar]"; this teaches that the Sanhedrin is similar to the moon [sahar]. The court sits in a semicircle, like the shape of the moon.

¹⁶⁵ "Let no mingled wine be wanting"; this compares the Sanhedrin to wine mixed with water, which typically involved mixing two parts water with one part wine. This teaches that if one member of the Great Sanhedrin needed to leave, they see: If there are still present in the Chamber of Hewn Stone twenty-three members, i.e., a third of the judges, corresponding to the number of a lesser Sanhedrin, he may leave, but if not, he may not leave.

¹⁶⁶ The phrase "your belly is like a heap of wheat" teaches that just as with regard to a heap of wheat, all derive benefit from it, so too, with regard to the Sanhedrin, all derive benefit from their explanations of the Torah. The phrase "set about with lilies" is said in praise of the Jewish people, as they do not breach even a fence made of lilies, since the Jewish people observe both Torah law as well as rabbinic ordinances and decrees.

¹⁶⁷ And this is like an incident involving Rav Kahana, as a certain heretic said to Rav Kahana: You say that it is permitted for a menstruating woman to seclude herself with a man, i.e., her husband. Is it possible to set fire to chips of kindling and not have them blaze and burn? How can the couple be relied upon not to engage in sexual intercourse? Rav Kahana said to him: The Torah testifies concerning us that we are “set about with lilies,” as the Jewish people do not breach even a fence made of lilies.

¹⁶⁸ Reish Lakish says that the source to rely on them not to transgress is from here: “Your temples [rakkatekh] are like a pomegranate split open” (Song of Songs 6:7), which teaches that even the empty people [reikanin] among you are as full of mitzvot as the pomegranate is full of seeds. Rabbi Zeira says that the source is from here: The verse states concerning the occasion when Isaac blessed Jacob: “And he smelled the smell of his garments, and blessed him, and said: See, the smell of my son is as the smell of a field that the Lord has blessed” (Genesis 27:27). Do not read “his garments [begadav]”; rather, read: His traitors [bogedav], meaning that even traitors and sinners among the Jewish people have qualities “as the smell of a field that the Lord has blessed.”

¹⁶⁹ The Gemara relates: There were certain hooligans [biryonei] who were living in the neighborhood of Rabbi Zeira. He brought them close, i.e., treated them with friendship, in order to cause them to repent of their sins, but the other Sages disapproved of his actions. When Rabbi Zeira died, those hooligans said: Until now, there was the short one with singed legs, i.e., Rabbi Zeira, who would pray for compassion for us. Who will pray for compassion for us now? They thought about this in their hearts and repented. Ultimately, Rabbi Zeira’s actions were proven correct, as they repented.

¹⁷⁰ § The mishna teaches that there are three rows of Torah scholars who sit before the court, and if one of the Torah scholars from the first row is elevated to a place on the court, the Torah scholar in the first position of the second row moves to the final position of the first row. Abaye says: Learn from the mishna that when they move, i.e., when the Torah scholars need to move as a result of one of them being elevated to the court, they all move. The Gemara inquires: But let the one being moved from the first position of the second row to the last position of the first row say to the court: Until now I was sitting at the head of the row, but now you are seating me at the tail, i.e., the end, of a row. Abaye says in explanation: That is not a valid claim, as the court can say this to him: Be a tail to the lions and do not be a head to the foxes (Avot 4:15), meaning that it is preferable to be the least among great people than the greatest among lesser people.

¹⁷¹ MISHNA: How does the court intimidate the witnesses in giving testimony for cases of capital law? They would bring the witnesses in and intimidate them by saying to them: Perhaps what you say in your testimony is based on conjecture, or perhaps it is based on a rumor, perhaps it is testimony based on hearsay, e.g., you heard a witness testify to this in a different court, or perhaps it is based on the statement of a trusted person. Perhaps you do not know that ultimately we examine you with inquiry and interrogation, and if you are lying, your lie will be discovered.

¹⁷² The court tells them: You should know that cases of capital law are not like cases of monetary law. In cases of monetary law, a person who testifies falsely, causing money to be given to the wrong party, can give the money to the proper owner and his sin is atoned for. In cases of capital law, if one testifies falsely, the blood of the accused and the blood of his offspring that he did not merit to produce are ascribed to the witness’s testimony until eternity.

¹⁷³ The proof for this is as we found with Cain, who killed his brother, as it is stated concerning him: “The voice of your brother’s blood [demei] cries out to Me from the ground” (Genesis 4:10). The verse does not state: Your brother’s blood [dam], in the singular, but rather: “Your brother’s blood [demei],” in the plural. This serves to teach that the loss of both his brother’s blood and the blood of his brother’s offspring are ascribed to Cain. The mishna notes: Alternatively, the phrase “your brother’s blood [demei],” written in the plural, teaches that his blood was not gathered in one place but was splattered on the trees and on the stones.

¹⁷⁴ The court tells the witnesses: Therefore, Adam the first man was created alone, to teach you that with regard to anyone who destroys one soul from the Jewish people, i.e., kills one Jew, the verse ascribes him blame as if he destroyed an entire world, as Adam was one person, from whom the population of an entire world came forth. And conversely, anyone who sustains one soul from the Jewish people, the verse ascribes him credit as if he sustained an entire world.

¹⁷⁵ The mishna cites another reason Adam the first man was created alone: And this was done due to the importance of maintaining peace among people, so that one person will not say to another: My father, i.e., progenitor, is greater than your father. And it was also so that the heretics who believe in multiple gods will not say: There are many authorities in Heaven, and each created a different person.

¹⁷⁶ And this serves to tell of the greatness of the Holy One, Blessed be He, as when a person stamps several coins with one seal, they are all similar to each other. But the supreme King of kings, the Holy One, Blessed be He, stamped all people with the seal of Adam the first man, as all of them are his offspring, and not one of them is similar to another. Therefore, since all humanity descends from one person, each and every person is obligated to say: The world was created for me, as one person can be the source of all humanity, and recognize the significance of his actions.

¹⁷⁷ The court says to the witnesses: And perhaps you will say:

¹⁷⁸ Why would we want this trouble? Perhaps it would be better not to testify at all. But be aware, as is it not already stated: “And he being a witness, whether he has seen or known, if he does not utter it, then he shall bear his iniquity” (Leviticus 5:1)? It is a transgression not to testify when one can do so. And perhaps you will say: Why would we want to be responsible for the blood of this person? But be aware, as is it not already stated: “When the wicked perish, there is song” (Proverbs 11:10)?

¹⁷⁹ GEMARA: The Sages taught in a baraita: How does the court describe testimony based on conjecture? The court says to the witnesses: Perhaps you saw this man about whom you are testifying pursuing another into a ruin, and you pursued him and found a sword in his hand, dripping with blood, and the one who was ultimately killed was convulsing. If you saw only this, it is as if you saw nothing, and you cannot testify to the murder.

¹⁸⁰ It is taught in a baraita that Rabbi Shimon ben Shataḥ said as an oath: I will not see the consolation of Israel if I did not once see one person pursue another into a ruin, and I pursued him and saw a sword in his hand, dripping with blood, and the one who was ultimately killed was convulsing. And I said to him: Wicked person, who has killed this man? Either you or I. But what can I do, since your blood is not given over to me, as the Torah states: “At the mouth of two witnesses, or three witnesses, shall he that is to die be put to death” (Deuteronomy 17:6), and I did not witness you killing him. The One Who knows one’s thoughts shall punish this man who killed another. The Sages said: They did not move from there before a snake came and bit the murderer, and he died.

¹⁸¹ The Gemara questions this account: But was this murderer fit to die by being bitten by a snake? But doesn't Rav Yosef say, and so the school of Ḥizkiyya also taught: From the day that the Temple was destroyed, although the Sanhedrin ceased to be extant, the four types of court-imposed capital punishment have not ceased. The Gemara asks: Have they really not ceased? But they have ceased, as court-imposed capital punishment is no longer given. Rather, the intention is that the halakha of the four types of court-imposed capital punishment has not ceased to be applicable.

¹⁸² The Gemara explains: How so? For one who would be liable to be executed by stoning, either he falls from a roof or an animal mauls him and breaks his bones. This death is similar to death by stoning, in which the one liable to be executed is pushed from a platform and his bones break from the impact of the fall. For one who would be liable to be executed by burning, either he falls into a fire and is burned or a snake bites him, as a snakebite causes a burning sensation. For one who would be liable to be executed by slaying through decapitation by the sword, either he is turned over to the authorities and they execute him with a sword, or robbers come upon him and murder him. One who would be liable to be executed by strangling either drowns in a river and is choked by the water or dies of diphtheria [bisronekhi], which causes his breathing to become constricted. According to this, a murderer, whose verdict in court would be death by slaying, should not be bitten by a snake.

¹⁸³ The Sages say in explanation: That murderer had another sin for which he deserved execution by burning, and as the Master says: One who is found liable by the court to receive two types of court-imposed capital punishment is sentenced to the harsher of the two, and burning is considered a harsher death than slaying (see 50a).

¹⁸⁴ § The mishna teaches that in cases of capital law the court warns the witnesses not to testify based on conjecture. The Gemara comments: One can infer that it is only in cases of capital law that we do not rule based on conjecture, but in cases of monetary law, we do rule based on conjecture. In accordance with whose opinion is the mishna taught? It is in accordance with the opinion of Rabbi Aḥa. As it is taught in a baraita (Tosefta, Bava Kamma 3:6) that Rabbi Aḥa says: If there was a rutting male camel that was rampaging among other camels, and then a camel was found killed at its side, it is evident that this rampaging camel killed it, and the owner must pay for the damage caused. The baraita indicates that Rabbi Aḥa rules that cases of monetary law are decided based on conjecture.

¹⁸⁵ The Gemara asks: But according to your reasoning, with regard to that which the mishna teaches, that the court warns the witnesses not to provide testimony based on hearsay, should one infer that it is in cases of capital law that we do not say that testimony based on hearsay is allowed, but in cases of monetary law, we do say that testimony based on hearsay is allowed? But didn't we learn in a mishna (29a): If the witness said: The defendant said to me: It is true that I owe the plaintiff, or if he says: So-and-so said to me that the defendant owes the plaintiff, the witness has said nothing, i.e., his testimony is disregarded. These two statements by witnesses are examples of testimony based on hearsay, yet they are not valid in cases of monetary law. A witness's testimony is not valid testimony unless he says, for example: The defendant admitted in our presence to the plaintiff that he owes him two hundred dinars, as by admitting the debt in the presence of witnesses he rendered himself liable to pay the amount that he mentioned.

¹⁸⁶ Evidently, although testimony based on hearsay is invalid in cases of monetary law, we tell the witnesses to be aware of this in capital law. Here, too, with regard to testimony based on conjecture,

one can say that although testimony based on conjecture is invalid in cases of monetary law, we tell the witnesses to be aware of this in cases of capital law.

¹⁸⁷ § The mishna teaches that the court would say: You should know that cases of capital law are not like cases of monetary law, and would reference the murder of Abel by Cain. Rav Yehuda, son of Rabbi Ḥiyya, says: By employing the plural term for blood, “The voice of your brother’s blood [demei] cries out to Me from the ground” (Genesis 4:10), the verse teaches that Cain caused multiple wounds and multiple injuries to his brother Abel. As Cain did not know from where the soul departs, he struck him multiple times. This continued until he came to his neck and struck him there, whereupon Abel died.

¹⁸⁸ And Rav Yehuda, son of Rabbi Ḥiyya, says: From the day the earth opened its mouth and received the blood of Abel, its mouth has not opened again, as it is stated: “From the corner of the earth have we heard songs: Glory to the righteous” (Isaiah 24:16): One can infer that the songs are heard “from the corner of the earth,” but not from the mouth of the earth, as the earth never again opened its mouth. Ḥizkiyya, Rav Yehuda’s brother, raised an objection to Rav Yehuda, son of Rabbi Ḥiyya: The verse states concerning Korah and his assembly: “And the earth opened her mouth and swallowed them up, and their households, and all the men that appertained unto Korah, and all their goods” (Numbers 16:32). Rav Yehuda, son of Rabbi Ḥiyya, said to him: It opened again for a deleterious purpose; it did not open again for a constructive purpose.

¹⁸⁹ And Rav Yehuda, son of Rabbi Ḥiyya, says: Exile atones for half of a sin. As initially it is written in the verse concerning Cain that he said: “And I shall be a fugitive [na] and a wanderer [vanad] in the earth” (Genesis 4:14), and ultimately it is written: “And Cain went out from the presence of the Lord, and dwelt in the land of Nod” (Genesis 4:16). Rav Yehuda, son of Rabbi Ḥiyya, equates “Nod” with “nad,” and understands that Cain was given only the punishment of being a wanderer. Exile atoned for half his sin, thereby negating the punishment of being a fugitive.

¹⁹⁰ Rav Yehuda says: Exile atones for three matters, i.e., three types of death, as it is stated: “So says the Lord: Behold, I set before you the way of life and the way of death. He that abides in this city shall die by the sword, and by the famine, and by the pestilence; but he that goes out, and falls away to the Chaldeans that besiege you, he shall survive, and his life shall be for him for a prey” (Jeremiah 21:8–9), indicating that exile from Jerusalem will save one from those three deaths.

¹⁹¹ Rabbi Yoḥanan says: Exile atones for all transgressions and renders a sinner like a new person, as it is stated concerning the king Jeconiah, a descendant of King David: “So says the Lord: Write you this man childless, a man that shall not prosper in his days; for no man of his seed shall prosper, sitting upon the throne of David, and ruling anymore in Judah” (Jeremiah 22:30). And after Jeconiah was exiled it is written: “And the sons of Jeconiah, the same is Assir, Shealtiel his son” (I Chronicles 3:17). The verse employs the plural “sons of” although he had only one son, Shealtiel. “Assir,” literally, prisoner, teaches that his mother conceived him in prison. “Shealtiel,” literally, planted by God, teaches that God planted him in a way atypical of most plants [hanishtalin], i.e., people. It is learned as a tradition that a woman does not conceive when she is standing during sexual intercourse,

¹⁹² and the mother of Shealtiel conceived while standing. Alternatively, “Shealtiel” is interpreted as meaning that God [El] requested [nishal] dissolution of His oath, as it were, and allowed Jeconiah to father a child. In the continuation of that passage in Chronicles, where the verse refers to the grandson of Jeconiah, Zerubbabel [Zerubavel], the Gemara interprets that his name teaches that he

was sown [nizra], i.e., conceived, in Babylonia [Bavel]. And what was his true name? Nehemiah, son of Hachaliah, was his true name.

¹⁹³ Having mentioned the sons of Rabbi Ḥiyya, the Gemara relates: Yehuda and Ḥizkiyya, sons of Rabbi Ḥiyya, were sitting at a meal before Rabbi Yehuda HaNasi, and they were not saying anything. Rabbi Yehuda HaNasi said to his servants: Add more wine for the young men, so that they will say something. Once they were inebriated, they loosened their tongues and said: The son of David, i.e., the Messiah, will not come until two fathers' houses are destroyed from Israel, as those two families are preventing the redemption. And they are the head of the exile who is in Babylonia, i.e., the family of the Exilarch, and the Nasi who is in Eretz Yisrael, i.e., the family of Rabbi Yehuda HaNasi (see 5a), as it is stated in reference to the Messiah: "And he shall be for a sanctuary; but for a stone of stumbling and for a rock of offense to both the houses of Israel" (Isaiah 8:14).

¹⁹⁴ Rabbi Yehuda HaNasi said to them: My children, do you throw thorns in my eyes? How can you say this in the presence of the Nasi himself? Rabbi Ḥiyya said to him: My teacher, do not view their behavior in a negative light. Wine [yayin] is given in letters of seventy, i.e., the numerical value of the letters in the word yayin is seventy, and secret [sod] is given in letters of seventy, i.e., the numerical value of the letters in the word sod is seventy. When wine enters, secrets emerge.

¹⁹⁵ Apropos the discussion of exile, Rav Ḥisda says that Mar Ukva says, and some say that Rav Ḥisda says that Mari bar Mar taught: What is the meaning of that which is written: "And so the Lord has hastened the evil, and brought it upon us; for the Lord our God is righteous in all His works He has done" (Daniel 9:14)? Is it because "the Lord our God is righteous" that "the Lord has hastened the evil, and brought it upon us"? He explains: Yes, because it was a righteous act that the Holy One, Blessed be He, performed for the Jewish people by hastening the exile of Zedekiah while the Jews who had been exiled in the exile of Jeconiah, which preceded it, were still alive, as the wise people among those exiled with Jeconiah were able to instruct those exiled with Zedekiah.

¹⁹⁶ This is as it is written concerning the exile of Jeconiah: "And all the men of might, seven thousand, and the craftsmen [heḥarash] and the smiths [vehammasger] one thousand" (II Kings 24:16). The Gemara interprets: The term "ḥarash," which can be read as ḥeresh, deaf-mute, is referring to Torah scholars, as when they open their mouths to teach Torah, all the others become as though they were deaf-mutes, as they would listen quietly to the one teaching Torah. The term "masger," which is related to saggur, meaning closed, teaches that when they close, i.e., finish, teaching the halakha, they do not reopen the discussion, as all has been clarified. And how many were these Torah scholars? One thousand.

¹⁹⁷ Ulla says: The righteous act that the Lord performed, referred to in the verse in Daniel, was that He hastened the exile by two years of venoshantem. Moses taught: "When you shall have children, and children's children, and you shall have remained long [venoshantem] in the land, and shall deal corruptly, and make a carved idol, the likeness of anything, and shall do evil in the sight of the Lord your God, to provoke him to anger, I call heaven and earth to witness against you this day, that you shall soon utterly perish from off the land into which you go over the Jordan to possess it; you shall not prolong your days upon it, but shall utterly be destroyed" (Deuteronomy 4:25–26). The numerical value of the letters of the word "venoshantem" is 852, and the Jewish people were exiled in the 850th year after entering Eretz Yisrael. Since they were exiled early, not all of the curses enumerated in the verse would be fulfilled.

¹⁹⁸ Rav Aḥa bar Ya'akov says: Learn from it that for the Master of the World, the term soon is referring to 852 years, as the verse states: "You shall soon utterly perish," and the intended time until the exile was 852 years.

¹⁹⁹ § The mishna teaches: Therefore, Adam the first man was created alone. The Sages taught in a baraita: Adam was created alone, and for what reason? So that the heretics will not say: There are many authorities in Heaven, and each created a different person. Alternatively, Adam was created alone due to the righteous and due to the wicked. It was so that the righteous will not say: We are the children of the righteous, and righteousness is natural for us, so there is no need for us to exert ourselves to be righteous, and so that the wicked will not say: We are the children of the wicked and cannot change our ways.

²⁰⁰ The baraita continues: Alternatively, he was created alone due to the families, so that the families will not quarrel with each other, each one boasting of the heritage of their progenitor. And if now that Adam was created alone, families still quarrel and each family claims superiority, if there were two people created initially, all the more so would they do this. Alternatively, he was created alone due to the robbers and due to those who take by force that which is not theirs, as the feeling of fraternity among all people, having descended from the same forefather, will limit crime. And if now that Adam was created alone, criminals still rob and take by force that which is not theirs, if there were two people created initially, all the more so would this be the case.

²⁰¹ The mishna teaches: And this serves to tell of the greatness of the Holy One, Blessed be He, as when a person stamps several coins with one seal, they are all similar to each other. But the supreme King of kings, the Holy One, Blessed be He, stamped all people with the seal of Adam the first man, as all are his offspring, and not one of them is similar to another. The Sages taught in a baraita (Tosefta 8:5): The fact that Adam the first man was created alone serves to declare the greatness of the supreme King of kings, the Holy One, Blessed be He, as a person stamps several coins with one seal, and they are all similar to each other. But the Holy One, Blessed be He, stamps all people with the seal of Adam the first man, and not one of them is similar to another. As it is stated: "It is changed like clay under the seal and they stand as a garment" (Job 38:14). The verse describes people as being created "under the seal," but their external appearance is different, just as garments can differ in appearance.

²⁰² The baraita asks: And for what reason are their faces not similar to one another? The baraita answers: It is so that a man will not see a beautiful home or a beautiful woman and say: She is mine. If all people looked the same, no one could contradict him. As it is stated in the following verse: "And from the wicked their light is withheld and the high arm shall be broken" (Job 38:15), indicating that the reason people look different from one another is to prevent the wicked from succeeding in their plans.

²⁰³ It is taught in a baraita: Rabbi Meir would say: One person is different from another in three ways: In voice, in appearance, and in thought. The differences in voice and appearance are due to a woman forbidden to him, so that people will not exchange spouses one with another. And the differences in thought are due to the robbers and those who take by force that which is not theirs, as, if everyone thought in a similar way, criminals could take advantage of others because they would understand where they keep their valuables.

²⁰⁴ The Sages taught in a baraita (Tosefta 8:7): Adam the first man was created on Shabbat eve at the close of the six days of Creation. And for what reason was this so? So that the heretics will not be able to say that the Holy One, Blessed be He, had a partner, i.e., Adam, in the acts of Creation. Alternatively, he was created on Shabbat eve so that if a person becomes haughty, God can say to him: The mosquito preceded you in the acts of Creation, as you were created last. Alternatively, he was created on Shabbat eve in order that he enter into the mitzva of observing Shabbat immediately.

²⁰⁵ Alternatively, he was created on Shabbat eve, after all of the other creations, in order that he enter into a feast immediately, as the whole world was prepared for him. This is comparable to a king of flesh and blood, who first built palaces [palterin] and improved them, and prepared a feast and afterward brought in his guests. As it is stated: “Wisdom has built her house, and she has hewn out her seven pillars. She has killed her beasts; she has mingled her wine; she has also furnished her table. She has sent forth her maidens; she calls upon the top of the highest places of the city” (Proverbs 9:1–3).

²⁰⁶ The baraita explains: “Wisdom has built her house”; this is referring to the attribute of the Holy One, Blessed be He, Who created the entire world with wisdom. “She has hewn out her seven pillars”; these pillars are referring to the seven days of Creation, in which the world was established. “She has killed her beasts; she has mingled her wine; she has also furnished her table”; these are referring to the seas and rivers and all the necessities of the world that were created. “She has sent forth her maidens; she calls”; this is referring to Adam and Eve, who were created at the end of Creation.

²⁰⁷ The verses continue: “Upon the top of the highest places of the city.” Rabba bar bar Ḥana raises a contradiction: It is written: “Upon the top of the highest places,” and it is written afterward: “For she sits at the door of her house, on a seat in the high places of the city” (Proverbs 9:14). Is she at the top or on a seat? He explains: Initially, Adam was alone upon the top of a high place, and ultimately, Adam was on a seat that is set for a bridegroom, when Eve was paired with him.

²⁰⁸ The verse states in that passage: “Whoever is thoughtless, let him turn in here; as for him that lacks understanding, she tells him” (Proverbs 9:4). The Gemara explains: The Holy One, Blessed be He, said: Who lured this man to sin? The woman told him to sin. An allusion to the interpretation that one who is lured to sin by a woman is called one “that lacks understanding” is as it is written: “He who commits adultery with a woman lacks understanding” (Proverbs 6:32).

²⁰⁹ It is taught in a baraita that Rabbi Meir would say: The dust that served to form Adam the first man was gathered from the entire world, as it is stated: “When I was made in secret and wrought in the lowest places of the earth, Your eyes did see my unshaped flesh” (Psalms 139:15–16), and it is written: “For the eyes of the Lord run to and fro throughout the whole earth” (II Chronicles 16:9), indicating that this figure was formed from the whole earth, the place within the view of the Lord’s eyes. Rav Oshaya says in the name of Rav: With regard to Adam the first man,

²¹⁰ his torso was fashioned from dust taken from Babylonia, and his head was fashioned from dust taken from Eretz Yisrael, the most important land, and his limbs were fashioned from dust taken from the rest of the lands in the world. With regard to his buttocks, Rav Aḥa says: They were fashioned from dust taken from Akra De’agma, on the outskirts of Babylonia.

²¹¹ Rabbi Yoḥanan bar Ḥanina says: Daytime is twelve hours long, and the day Adam the first man was created was divided as follows: In the first hour of the day, his dust was gathered. In the second,

an undefined figure was fashioned. In the third, his limbs were extended. In the fourth, a soul was cast into him. In the fifth, he stood on his legs. In the sixth, he called the creatures by the names he gave them. In the seventh, Eve was paired with him. In the eighth, they arose to the bed two, and descended four, i.e., Cain and Abel were immediately born. In the ninth, he was commanded not to eat of the Tree of Knowledge. In the tenth, he sinned. In the eleventh, he was judged. In the twelfth, he was expelled and left the Garden of Eden, as it is stated: "But man abides not in honor; he is like the beasts that perish" (Psalms 49:13). Adam did not abide, i.e., sleep, in a place of honor for even one night.

²¹² Rami bar Hama says in explanation of the end of that verse: A wild animal does not have power over a person unless that person seems to the wild animal like an animal, as it is stated: "He is like the beasts that perish."

²¹³ The Gemara presents a mnemonic for the statements that follow: At the time, to the end, Aramaic. Rav Yehuda says that Rav says: At the time that the Holy One, Blessed be He, sought to create a person, He created one group of ministering angels. He said to them: If you agree, let us fashion a person in our image. The angels said before him: Master of the Universe, what are the actions of this person You suggest to create? God said to them: His actions are such and such, according to human nature.

²¹⁴ The angels said before him: Master of the Universe: "What is man that You are mindful of him? And the son of man that You think of him?" (Psalms 8:5), i.e., a creature such as this is not worth creating. God outstretched His small finger among them and burned them with fire. And the same occurred with a second group of angels. The third group of angels that He asked said before Him: Master of the Universe, the first two groups who spoke their mind before You, what did they accomplish? The entire world is Yours; whatever You wish to do in Your world, do. God then created the first person.

²¹⁵ When history arrived at the time of the people of the generation of the flood and the people of the generation of the dispersion, i.e., the Tower of Babel, whose actions were ruinous, the angels said before God: Master of the Universe, didn't the first set of angels speak appropriately before You, that human beings are not worthy of having been created? God said to them concerning humanity: "Even to your old age I am the same; and even to hoar hairs will I suffer you; I have made and I will bear; and I will carry, and I will deliver you" (Isaiah 46:4), i.e., having created people, I will even suffer their flaws.

²¹⁶ Rav Yehuda says that Rav says: Adam the first man spanned from one end of the world until the other, as it is stated: "Since the day that God created man upon the earth, and from the one end of heaven unto the other" (Deuteronomy 4:32), meaning that on the day Adam was created he spanned from one end of the heavens until the other. Once Adam sinned, the Holy One, Blessed be He, placed His hand on him and diminished him, as it is stated: "Behind and before You have created me and laid Your hand upon me" (Psalms 139:5), that at first Adam spanned "behind and before," meaning everywhere, and then God laid His hand on him and diminished him.

²¹⁷ Rabbi Elazar says: The height of Adam the first man was from the ground until the firmament, as it is stated: "Since the day that God created man upon the earth, and from the one end of heaven unto the other." Adam stood "upon the earth" and rose to the end of the heavens. Once Adam sinned, the Holy One, Blessed be He, placed His hand on him and diminished him, as it is stated: "Behind and

before You have created me and laid Your hand upon me.” The Gemara asks: The interpretations of the verses contradict each other. The first interpretation is that his size was from one end of the world to the other, and the second interpretation is that it was from the earth until the heavens. The Gemara answers: This and that, from one end of the world to another and from the earth until the heavens, are one measure, i.e., the same distance.

²¹⁸ And Rav Yehuda says that Rav says: Adam the first man spoke in the language of Aramaic, as it is stated in the chapter of Psalms speaking in the voice of Adam: “How weighty also are Your thoughts to me, O God” (Psalms 139:17).

²¹⁹ And this, i.e., that the verse in Psalms is stated by Adam, is what Reish Lakish says: What is the meaning of that which is written: “This is the book of the generations of Adam” (Genesis 5:1)? This verse teaches that the Holy One, Blessed be He, showed Adam every generation and its Torah interpreters, every generation and its wise ones. When he arrived at his vision of the generation of Rabbi Akiva, Adam was gladdened by his Torah, and saddened by his manner of death. He said: “How weighty also are Your thoughts to me, O God,” i.e., how it weighs upon me that a man as great as Rabbi Akiva should suffer.

²²⁰ And Rav Yehuda says that Rav says: Adam the first man was a heretic, as it is stated: “And the Lord called to the man and said to him: Where are you?” (Genesis 3:9), meaning, to where has your heart turned, indicating that Adam turned from the path of truth. Rabbi Yitzḥak says: He was one who drew his foreskin forward, so as to remove any indication that he was circumcised. It is written here: “And they like men [adam] have transgressed the covenant” (Hosea 6:7), and it is written there: “And the uncircumcised male who is not circumcised in the flesh of his foreskin, that soul shall be cut off from his people; he has broken My covenant” (Genesis 17:14).

²²¹ Rav Naḥman says: He was a denier of the fundamental principle of belief in God. It is written here: “And they like men [adam] have transgressed the covenant,” and it is written there: “He has broken My covenant,” and it is written in a third verse: “And then they shall answer: Because they have forsaken the covenant of the Lord their God and worshipped other gods and served them” (Jeremiah 22:9).

²²² § We learned in a mishna there (Avot 2:14): Rabbi Eliezer says: Be persistent to learn Torah, and know what to respond to the heretic [la’apikoros]. Rabbi Yoḥanan says: This was taught only with regard to a gentile heretic, but not with regard to a Jewish heretic, as one should not respond to him. All the more so, if one does respond he will become more heretical. His heresy is assumed to be intentional, and any attempt to rebut it will only cause him to reinforce his position.

²²³ Rabbi Yoḥanan says: Any place in the Bible from where the heretics attempt to prove their heresy, i.e., that there is more than one god, the response to their claim is alongside them, i.e., in the immediate vicinity of the verses they cite. The verse states that God said: “Let us make man in our image” (Genesis 1:26), employing the plural, but it then states: “And God created man in His image” (Genesis 1:27), employing the singular. The verse states that God said: “Come, let us go down and there confound their language” (Genesis 11:7), but it also states: “And the Lord came down to see the city and the tower” (Genesis 11:5). The verse states in the plural: “There God was revealed [niglu] to him when he fled from the face of his brother” (Genesis 35:7), but it also states in the singular: “To God Who answers [haoneh] me in the day of my distress” (Genesis 35:3).

²²⁴ Rabbi Yoḥanan cites several examples where the counterclaim is in the same verse as the claim of the heretics. The verse states: “For what nation is there so great that has God so near to them as the Lord our God is whenever we call upon Him?” (Deuteronomy 4:7), where the term “near” is written in plural, *kerovim*, but the term “upon Him” is written in singular. Another verse states: “And who is like Your people, like Israel, a nation one in the earth, whom God went to redeem unto Himself for a people?” (II Samuel 7:23), where the term “went” is written in plural, *halekhu*, but the term “Himself” is written in singular. Another verse states: “I beheld till thrones were placed, and one that was ancient of days did sit” (Daniel 7:9); where the term “thrones” is written in plural, *kharsavan*, but the term “sit” is written in singular.

²²⁵ The Gemara asks: Why do I need these instances of plural words? Why does the verse employ the plural at all when referring to God? The Gemara explains: This is in accordance with the statement of Rabbi Yoḥanan, as Rabbi Yoḥanan says: The Holy One, Blessed be He, does not act unless He consults with the entourage of Above, i.e., the angels, as it is stated: “The matter is by the decree of the watchers, and the sentence by the word of the holy ones” (Daniel 4:14).

²²⁶ The Gemara clarifies: This works out well for almost all the verses, as they describe an action taken by God, but what is there to say concerning the verse: “I beheld till thrones were placed”? The Gemara answers: One throne is for Him and one throne is for David, i.e., the messiah, as it is taught in a baraita: One throne is for Him and one throne is for David; this is the statement of Rabbi Akiva. Rabbi Yosei said to him: Akiva! Until when will you desecrate the Divine Presence by equating God with a person? Rather, the correct interpretation is that both thrones are for God, as one throne is for judgment and one throne is for righteousness.

²²⁷ The Gemara asks: Did Rabbi Akiva accept this explanation from Rabbi Yosei or did he not accept it from him? The Gemara suggests: Come and hear a proof to the matter from what was taught in another baraita, as it is taught in a baraita: One throne is for judgment and one throne is for righteousness; this is the statement of Rabbi Akiva. Rabbi Elazar ben Azarya said to him: Akiva! What are you doing near, i.e., discussing, matters of aggada? Go near tractates Nega'im and Oholot, which examine the complex halakhot of ritual purity, where your knowledge is unparalleled. Rather, the correct interpretation is that while both thrones are for God, one is for a throne and one is for a stool. There is a throne for God to sit upon, and a stool that serves as His footstool.

²²⁸ Rav Naḥman says: This one, i.e., any person, who knows how to respond to the heretics as effectively as Rav Idit should respond to them, but if he does not know, he should not respond to them. The Gemara relates: A certain heretic said to Rav Idit: It is written in the verse concerning God: “And to Moses He said: Come up to the Lord” (Exodus 24:1). The heretic raised a question: It should have stated: Come up to Me. Rav Idit said to him: This term, “the Lord,” in that verse is referring to the angel Metatron, whose name is like the name of his Master, as it is written: “Behold I send an angel before you to keep you in the way and to bring you to the place that I have prepared. Take heed of him and obey his voice; do not defy him; for he will not pardon your transgression, for My name is in him” (Exodus 23:20–21).

²²⁹ The heretic said to him: If so, if this angel is equated with God, we should worship him as we worship God. Rav Idit said to him: It is written: “Do not defy [tammer] him,” which alludes to: Do not replace Me [temireni] with him. The heretic said to him: If so, why do I need the clause “For he will not pardon your transgression”? Rav Idit said to him: We believe that we did not accept the

angel even as a guide [befarvanka] for the journey, as it is written: “And he said to him: If Your Presence go not with me raise us not up from here” (Exodus 33:15). Moses told God that if God Himself does not accompany the Jewish people they do not want to travel to Eretz Yisrael.

²³⁰ The Gemara relates: A certain heretic said to Rabbi Yishmael, son of Rabbi Yosei: It is written: “And the Lord rained upon Sodom and upon Gomorrah brimstone and fire from the Lord out of heaven” (Genesis 19:24). The heretic raised the question: It should have stated: From Him out of heaven. A certain launderer said to Rabbi Yishmael: Leave him be; I will respond to him. This is as it is written: “And Lemech said to his wives: Adah and Zillah, hear my voice; wives of Lemech, hearken to my speech” (Genesis 4:23). One can raise the question: It should have been written: My wives, and not: “Wives of Lemech.” Rather, it is the style of the verse to speak in this manner. Here too, it is the style of the verse to speak in this manner. Rabbi Yishmael said to the launderer: From where did you hear this interpretation? The launderer said to him: I heard it at the lecture of Rabbi Meir.

²³¹ The Gemara comments: This is as Rabbi Yoḥanan said: When Rabbi Meir would teach his lecture he would expound one-third halakha, one-third aggada, and one-third parables. And Rabbi Yoḥanan says: Rabbi Meir had, i.e., taught, three hundred parables of foxes, and we have only three.

²³² And they are the parables concerning the following verses: “The fathers have eaten sour grapes, and the children’s teeth are set on edge” (Ezekiel 18:2); “Just balances, just weights...shall you have” (Leviticus 19:36); and “The righteous is delivered out of trouble, and the wicked comes in his stead” (Proverbs 11:8).

²³³ § The Roman emperor said to Rabban Gamliel: Your God is a thief, as it is written: “And the Lord God caused a deep sleep to fall upon the man and he slept; and He took one of his sides, and closed up the place with flesh instead” (Genesis 2:21). The daughter of the emperor said to Rabban Gamliel: Leave him, as I will respond to him. She said to her father: Provide one commander [dukhus] for me to avenge someone’s wrongdoing. The emperor said to her: Why do you need him? She said to him: Armed bandits came to us this past night, and took a silver jug [kiton] from us, and left a golden jug for us. The emperor said to her: If so, would it be that armed bandits such as these would come to us every day. She said to him: And was it not similarly good for Adam the first man that God took a side from him and gave him a maidservant to serve him?

²³⁴ The emperor said to her: This is what I was saying: But if it is good for Adam, let God take his side from him in the open, not during the time of his deep sleep, like a thief. She said to him: Bring me a slice of raw meat. They brought it to her. She placed it under the embers, and removed it after it was roasted. She said to him: Eat from this meat. The emperor said to her: It is repulsive to me. Although he knew that this is how meat is prepared, seeing the raw meat made it repulsive to him. She said to him: With regard to Adam the first man as well, had God taken her from him in the open, she would have been repulsive to him. Therefore God acted while Adam was asleep.

²³⁵ The emperor said to Rabban Gamliel: I know your God, what He does and where He sits. Meanwhile, the emperor was moaning and groaning. Rabban Gamliel said to him: What is this? Why are you in distress? The emperor said to him: I have one son in the cities overseas and I miss him. Rabban Gamliel said to him: I want you to show him to me. The emperor said: Do I know where he is? Rabban Gamliel said to him: If you do not know that which is on earth, is it possible that you do know that which is in the heavens?

²³⁶ The emperor said to Rabban Gamliel: It is written in praise of the Lord: “He counts the number of the stars; He gives them all their names” (Psalms 147:4). What is His greatness? I can also count the stars. Rabban Gamliel brought quinces, put them in a sieve, and spun them. He said to the emperor: Count them. The emperor said to him: Stand them still so that I can count them. Rabban Gamliel said to him: The firmament also revolves like this, therefore you cannot count the stars in it.

²³⁷ Some say that this is what the emperor said to him: I have counted the stars. Rabban Gamliel said to him: Tell me how many teeth and incisors you have. The emperor put his hand in his mouth and was counting them. Rabban Gamliel said to him: You do not know what is in your mouth, but you do know what is in the firmament?

²³⁸ The emperor said to Rabban Gamliel: He Who created mountains did not create wind, rather two separate gods created them, as it is stated: “For, lo, He forms mountains and creates wind” (Amos 4:13); one is described with the verb “forms,” and the other with the verb “creates.” Rabban Gamliel said to him: If that is so, then with regard to Adam, as it is written concerning him: “And God created” (Genesis 1:27), and also: “And the Lord God formed” (Genesis 2:7), so too should one say that He who created this did not create that?

²³⁹ If you will claim that different gods created different parts of Adam, that will not suffice. A person has one handbreadth by one handbreadth of facial countenance, with two types of orifices in it, eyes and ears. Should one say that He who created this did not create that; as it is stated: “He that planted the ear, shall He not hear? He that formed the eye, shall He not see?” (Psalms 94:9)? The verse employs two verbs for the eyes and ears alone. The emperor said to him: Yes, different gods created different parts of the face. Rabban Gamliel said to him: And at the moment of death, are they all appeased? Do all these gods agree as one that the time arrived for the person to die?

²⁴⁰ The Gemara relates: A certain magus said to Ameimar: From your midpoint and up is in the domain of Hurmiz, the god of good, who created the significant and important parts of the body, and from your midpoint and down is in the domain of Ahurmiz, the god of bad. Ameimar said to him: If so, how does Ahurmiz allow Hurmiz to urinate in his territory? A person drinks with his mouth, which is in his upper half, and urinates from below.

²⁴¹ The Gemara relates: The emperor said to Rabbi Tanḥum: Come, let us all be one people. Rabbi Tanḥum said: Very well. But we, who are circumcised, cannot become uncircumcised as you are; you all circumcise yourselves and become like us. The emperor said to Rabbi Tanḥum: In terms of the logic of your statement, you are saying well, but anyone who bests the king in a debate is thrown to the enclosure [labeivar] of wild animals. They threw him to the enclosure but the animals did not eat him, as God protected him. A certain heretic said to the emperor: This incident, that they did not eat him, happened because they are not hungry. They then threw the heretic into the enclosure and the animals ate him.

²⁴² The emperor said to Rabban Gamliel: You say that the Divine Presence dwells in any place where there are ten adult male Jews. He asked, sarcastically: How many Divine Presences are there? Rabban Gamliel summoned the servant of the emperor and hit him on his neck [be'appatka]. Rabban Gamliel said to him: Why did you allow the sun to enter the house of the emperor? The emperor said to him: The sun rests upon all the world; no one can prevent it from shining. Rabban Gamliel said to him: And if the sun, which is one of ten thousand attendants that are before the Holy One, Blessed be

He, rests upon all the world, the Divine Presence of the Holy One, Blessed be He, all the more so rests upon the world.

²⁴³ A certain heretic said to Rabbi Abbahu: Your God is a jester, as He said to Ezekiel the prophet: “Lie on your left side” (Ezekiel 4:4), and it is also written: “Lie on your right side” (Ezekiel 4:6); God had Ezekiel turn from side to side, apparently for comic effect. In the meantime, a certain student came before Rabbi Abbahu and said to him: What is the reason for the mitzva of the Sabbatical Year? Rabbi Abbahu said to them: Now I will tell you something that is fit for the two of you.

²⁴⁴ Rabbi Abbahu continued: The Holy One, Blessed be He, said to the Jewish people: Sow for six years, and withhold sowing during the seventh year, so that that you will know that the land is Mine. But the Jewish people did not do so; rather, they sinned and were consequently exiled. The manner of the world is that in the case of a flesh-and-blood king whose province sinned against him, if he is cruel, he kills them all; if he is compassionate, he kills only half of them; and if he is compassionate and is full of compassion, he afflicts the leaders among them with suffering. Rabbi Abbahu continues: So too in this case, the Holy One, Blessed be He, afflicts Ezekiel in order to cleanse the sins of the Jewish people. God instructed him to lie down and suffer the same number of days as the number of years that the Jewish people did not observe the halakhot of the Sabbatical Year.

²⁴⁵ A certain heretic said to Rabbi Abbahu: Your God is a priest, as it is written: “That they take for Me an offering [teruma]” (Exodus 25:2), and teruma is given to the priests. He asked, sarcastically: When He buried Moses, in what ritual bath did He immerse? A priest who contracts impurity from a corpse must immerse in order to be able to partake of teruma. And if you would say that He immersed in water, but isn’t it written: “Who has measured the waters in the hollow of His hand” (Isaiah 40:12), that all waters of the world fit in the palm of God, so He could not immerse in them.

²⁴⁶ Rabbi Abbahu said to him: He immersed in fire, as it is written: “For, behold, the Lord will come in fire” (Isaiah 66:15). The heretic said to him: But is immersion in fire effective? Rabbi Abbahu said to him: On the contrary, the main form of immersion is in fire, as it is written with regard to the removal of non-kosher substances absorbed in a vessel: “And all that abides not the fire you shall make to go through the water” (Numbers 31:23), indicating that fire purifies more than water does.

²⁴⁷ A certain heretic said to Rabbi Avina: It is written: “And who is like Your people, Israel, one nation in the earth” (II Samuel 7:23). The heretic asked: What is your greatness? You are also mixed together with us, as it is written: “All nations before Him are as nothing; they are counted by Him less than nothing and vanity” (Isaiah 40:17). Rabbi Avina said to him: One of yours, the gentile prophet Balaam, has already testified for us, as it is written:

²⁴⁸ “It is a people that shall dwell alone, and shall not be reckoned among the nations” (Numbers 23:9), teaching that where the verse mentions “the nations,” the Jewish people are not included.

²⁴⁹ The Gemara cites a related statement: Rabbi Elazar raises a contradiction: It is written in one verse: “The Lord is good to all and His compassion is over all His works” (Psalms 145:9), and it is written in a different verse: “The Lord is good to those who wait for Him, to the soul that seeks Him” (Lamentations 3:25). He explains: This can be compared to a person who has an orchard. When he waters it, he waters all of it. Perforce, the water reaches all parts of the orchard, and he cannot discriminate between trees. This is the meaning of the verse: “The Lord is good to all.” By contrast, when he hoes around the trees, he hoes only around the good trees among them. Similarly, when God

bestows goodness to the world, all receive it. When He protects people from harm, not all are protected.

²⁵⁰ § The mishna teaches: Therefore, since all humanity descends from one person, each and every person is obligated to say: The world was created for me. The mishna then teaches that the court says to the witnesses: And perhaps you will say: Why would we want to be responsible for the blood of this person? But be aware, as is it not already stated: “When the wicked perish, there is song” (Proverbs 11:10)? The Gemara teaches: A separate verse relates that after the evil king Ahab was killed: “And the song went throughout the camp” (I Kings 22:36). Rabbi Aḥa bar Ḥanina says: The fact that the verse states “the song,” and not a song, indicates that it is referring to a song mentioned elsewhere. Accordingly, the verse: “When the wicked perish, there is song,” alludes to this episode: When Ahab ben Omri perished, there was song.

²⁵¹ The Gemara asks: But is the Holy One, Blessed be He, gladdened by the downfall of the wicked? Isn’t it written in the verse describing the victory of the Jewish people in battle: “He appointed them that should sing unto the Lord, and praise in the beauty of holiness, as they went out before the army, and say: Give thanks to the Lord, for His mercy endures forever” (II Chronicles 20:21). And Rabbi Yonatan says: For what reason is it not stated in this praise: “Give thanks to the Lord for He is good, for His mercy endures forever,” as is stated elsewhere, e.g., Psalms 118:1? This is because the Holy One, Blessed be He, is not gladdened by the downfall of the wicked.

²⁵² The Gemara comments: As Rabbi Shmuel bar Naḥman says that Rabbi Yonatan says: What is the meaning of that which is written in the passage describing the splitting of the Red Sea: “And the one came not near the other all the night” (Exodus 14:20)? At that time the ministering angels desired to recite a song before the Holy One, Blessed be He. The Holy One, Blessed be He, said to them: My handiwork, i.e., the Egyptians, are drowning in the sea, and you are reciting a song before Me? Apparently, God is not gladdened by the downfall of the wicked.

²⁵³ Rabbi Yosei bar Ḥanina says: He, i.e., God, does not rejoice in their downfall, but He does cause others to feel joy. The Gemara comments: Accordingly, the language of the verse is also precise, as it is written: “And it shall come to pass, that as the Lord rejoiced over you to do you good, and to multiply you; so the Lord will cause rejoicing [yasis] over you to cause you to perish” (Deuteronomy 28:63), and it is not written: Will have joy [yاسus]. The term “yasis” connotes causing joy to others, not that God will experience joy Himself. The Gemara affirms: Conclude from this inference that it is so.

²⁵⁴ Apropos the death of Ahab, the Gemara cites another verse from that passage. The verse states: “And they washed the chariot by the pool of Samaria, and the dogs licked up his blood; and the harlots also washed themselves there, according to the word of the Lord that He spoke” (I Kings 22:38). Rabbi Elazar says: “The harlots [hazzonot]” can be read as visions [ḥezyonot], and the verse means: To cleanse, i.e., to fulfill, two visions, one of Micaiah and one of Elijah. This fulfills a vision of Micaiah, as it is written: “If you return at all in peace, the Lord has not spoken by me” (I Kings 22:28). Once Ahab died, Micaiah’s vision was fulfilled. This also fulfills a vision of Elijah, as it is written: “In the place where the dogs licked the blood of Naboth shall the dogs lick your blood, even yours” (I Kings 21:19).

²⁵⁵ Rava says: The verse is speaking of actual harlots. Ahab was a frigid man, who did not lust for women. And Jezebel, his wife, fashioned two forms of harlots for him in his chariot, in order that he

see them while traveling and become aroused. Accordingly, one would understand the verse as stating that the harlots were washed, not that they washed themselves.

²⁵⁶ The verse describing the death of Ahab states: “And a certain man drew a bow offhandedly [letummo] and smote the king of Israel” (I Kings 22:34). Rabbi Elazar says: “Letummo” should be understood as offhandedly [lefi tummo], without aiming for Ahab. Rava says: This alludes to the fact that the killing of Ahab served to make whole [letammem] two visions, one of Micaiah and one of Elijah.

²⁵⁷ § Before continuing its discussion of Ahab, the Gemara records a mnemonic for the forthcoming statements: Called; and merited; of Edom. It is written: “And Ahab called Obadiah, who was over the household; now Obadiah feared the Lord greatly” (I Kings 18:3). The Gemara asks: What is the verse saying? What is the connection between Obadiah’s fear of the Lord and the call of Ahab?

²⁵⁸ Rabbi Yitzḥak says that Ahab said to Obadiah: It is written with regard to Jacob: “And Laban said to him: If now I have found favor in your eyes, I have observed the signs, and the Lord has blessed me for your sake” (Genesis 30:27). It is written with regard to Joseph: “The Lord blessed the Egyptian’s house for Joseph’s sake” (Genesis 39:5). The house of that man, i.e., my house, was not blessed. Perhaps you do not fear God? Immediately, a Divine Voice emerged and said: “Now Obadiah feared the Lord greatly,” but the house of Ahab is not fit for blessing like the houses of those masters.

²⁵⁹ Rabbi Abba says: The praise that is stated with regard to Obadiah is greater than that which is stated with regard to Abraham. As with regard to Abraham the verse states: “For now I know that you fear God” (Genesis 22:12), and the term “greatly” is not written, and about Obadiah the term “greatly” is written.

²⁶⁰ Rabbi Yitzḥak says: For what reason did Obadiah merit prophecy? It is because he concealed one hundred prophets in a cave, as it is stated: “It was so, when Jezebel cut off the prophets of the Lord, that Obadiah took one hundred prophets, and hid them, fifty men in a cave, and fed them with bread and water” (I Kings 18:4). The Gemara asks: What is different, i.e., why did he decide, to conceal fifty men in each of two caves and not conceal them all together in one cave? Rabbi Elazar says: He learned from the behavior of Jacob to do so, as it is stated: “And he said: If Esau comes to the one camp and smites it, then the camp that is left shall escape” (Genesis 32:9). Obadiah learned from this to divide the prophets and thereby lessen the danger. Rabbi Abbahu says: It is because there is no cave big enough to contain more than fifty people.

²⁶¹ The verse states: “The vision of Obadiah. So says the Lord God concerning Edom: We have heard a message from the Lord, and an ambassador is sent among the nations: Arise, and let us rise up against her in battle” (Obadiah 1:1). The Gemara asks: What is different, i.e., what is the reason, that specifically Obadiah prophesied concerning Edom?

²⁶² Rabbi Yitzḥak says: The Holy One, Blessed be He, said: Let Obadiah come, who dwells among two wicked ones, Ahab and Jezebel, but did not learn from their actions; and he will prophesy concerning Esau the wicked, the progenitor of Edom, who dwelled among two righteous ones, Isaac and Rebekkah, but did not learn from their actions. Efrayim Miksha’a, a student of Rabbi Meir, said in the name of Rabbi Meir: Obadiah was an Edomite convert. Consequently, he prophesied with regard to Edom. And this is as people say: From and within the forest comes the ax to it, as the handle for the ax that chops the tree is from the forest itself.

²⁶³ The verse states concerning King David: “And he smote Moab and measured them with the line, making them lie down on the ground and he measured two lines to put to death” (II Samuel 8:2). Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: This is as people say: From and within the forest comes the ax to it, as King David was a descendant of Ruth the Moabite. When Rav Dimi came from Eretz Yisrael he stated something similar to this: A thigh rots from within, i.e., when a piece of meat rots, the rotting begins from the inner part of it. Here too, the punishment is administered by one descended from that very nation.

²⁶⁴ § The Gemara cites a verse concerning the king of Moab: “Then he took his eldest son, who should have reigned in his stead, and sacrificed him for a burnt offering upon the wall; and there was great indignation against Israel, and they departed from him and returned to their own land” (II Kings 3:27). Rav and Shmuel engage in a dispute concerning this. One says: The king sacrificed his son for the sake of Heaven, and one says: The king sacrificed his son for the sake of idol worship.

²⁶⁵ The Gemara asks: Granted, according to the one who says that he sacrificed him for the sake of Heaven, this is as it is written: “And there was great indignation against Israel,” as the gentile attempted to honor God according to his understanding, while the Jewish people were straying from worshipping God, leading to God’s anger against them. But according to the one who says that he sacrificed him for the sake of idol worship, why would the verse state: “And there was... indignation”?

²⁶⁶ The Gemara answers: This can be understood in accordance with the statement of Rabbi Yehoshua ben Levi. As Rabbi Yehoshua ben Levi raises a contradiction: It is written concerning the Jewish people: “You have not walked in My statutes, neither have you kept My ordinances; nor have you done according to the statutes of the nations that are round about you” (Ezekiel 5:7), and it is also written: “You have done according to the statutes of the nations that are round about you” (Ezekiel 11:12). Rabbi Yehoshua ben Levi explains: You did not act like the proper ones among the nations, but you did act like the flawed ones among them. Here as well, the Jewish people learned from the king of Moab to engage in human sacrifice.

²⁶⁷ The Gemara discusses the end of that verse: “And they departed from him and returned to their own land [la’aretz]” (II Kings 3:27). Rabbi Ḥanina bar Pappa says: At that time the enemies of the Jewish people, a euphemism for the Jewish people themselves, descended to the lowest level. He interprets “la’aretz” to mean: To the earth, teaching that the Jewish people were as low as the dust of the earth.

²⁶⁸ The chapter closes with the explication of a verse stated with regard to Abishag, who attended King David before his death: “And the damsel was very fair [yafa ad me’od]” (I Kings 1:4). Rabbi Ḥanina bar Pappa says: She still did not reach half the beauty of Sarah, as it is written: “Ad me’od,” which can be translated as “up to very fair,” but not including the praise of “very fair.” By contrast, it is written concerning Sarah: “She was very fair” (Genesis 12:14).

Chapter 5

¹ MISHNA: The court would examine the witnesses in capital cases with seven interrogations, i.e., interrogatory questions, and they are: In which seven-year period, that is, in which cycle of seven

years within a jubilee did the event occur; in which year of the Sabbatical cycle did the event occur; in which month did the event occur; on which day of the month did the event occur; on which day of the week did the event occur; at which hour did the event occur; and in what place did the event occur. Rabbi Yosei says: The court would examine the witnesses with only three interrogations: On which day did the event occur, at which hour, and in what place.

² They would also ask: Do you recognize him as the man who committed the transgression? Did you warn him? They would then ask the witnesses about the particulars of the incident. For example, in the case of one who is an accused idol worshipper, they ask the witnesses: Whom, i.e., which idol, did he worship, and in what manner did he worship it, and so on.

³ With regard to all judges who increase the number of examinations, i.e., who add questions about the details of the event, this is praiseworthy, as this may clarify that the witnesses are lying. An incident occurred and ben Zakkai examined the witnesses by questioning them about the color and shape of the stems of figs in order to unearth a contradiction between the witnesses.

⁴ The mishna explains: What is the difference between interrogations and examinations? With regard to interrogations, if one of the witnesses says: I do not know the answer, their testimony is void immediately. With regard to examinations, if one says: I do not know the answer, and even if two say: We do not know the answer, their testimony still stands. Both with regard to interrogations and examinations, at a time when the witnesses contradict one another, their testimony is void.

⁵ The mishna clarifies: If one witness says the event occurred on the second of the month, and one witness says that the event occurred on the third of the month, this is not regarded as a contradiction and their testimony stands, since it is possible to say that this witness knows of the addition of a day to the previous month, and according to his tally the event occurred on the second of the month, and that witness does not know of the addition of a day to the previous month, and according to his tally the event occurred on the third of the month. Their testimony is not considered incongruent.

⁶ By contrast, if this witness says the event occurred on the third of the month and one witness says the event occurred on the fifth of the month, their testimony is void, as this disparity cannot be attributed to a mere error. Therefore, their testimony is not congruent.

⁷ Similarly, if one witness says that the event occurred at two hours, i.e., the second hour of the day from sunrise, and one witness says that the event occurred at three hours, their testimony stands, as one could reasonably err this amount in estimating the hour of the day. By contrast, if one says that the event occurred at three hours, and one says that the event occurred at five hours, their testimony is void.

⁸ Rabbi Yehuda says: Also in this case their testimony stands, as one could reasonably err concerning even this length of time. Rabbi Yehuda adds: But if one says that the event occurred at five hours, and one says that the event occurred at seven hours, their testimony is void. Here the difference is recognizable to all, since at five hours the sun is in the east and at seven the sun is in the west, and one could not err concerning this. Therefore, their testimony is not congruent.

⁹ The mishna continues: And afterward, after the court examines the first witness, they bring in the second witness and examine him. If the statements of the witnesses are found to be congruent, the court begins to deliberate the matter. They open the deliberations with an appeal to anyone who can find a reason to acquit the accused. If one of the witnesses said: I can teach a reason to acquit him, or

if one of the students sitting before the judges said: I can teach a reason to deem him liable, the judges silence him, i.e., both the witness and the student. The reason is that these people are not allowed to offer information such as this. But if one of the students said: I can teach a reason to acquit him, they raise him to the seat of the court and seat him among them, and he would not descend from there the entire day, but would sit and participate in their deliberations.

¹⁰ If the statement of that student has substance, the court listens to him. And if even the accused says: I can teach a reason to acquit me, the court listens to him and considers his statement, provided that his statement has substance.

¹¹ And if the court found it fit to acquit him during the deliberations, as all or a majority of the judges agreed to acquit him, they excuse him. But if a majority does not find it fit to acquit him, they delay his verdict to the following day, and they then assign pairs of judges to discuss the matter with each other. They would minimize their food intake and they would not drink wine all day. And they would deliberate all night, and the following day they would arise early and come to court and then vote again and tally the votes of the judges.

¹² One who yesterday was of the opinion to acquit the defendant says: I said to acquit, and I acquit in my place, i.e., I stand by my statement to acquit. And one who yesterday was of the opinion to deem him liable says: I said to deem him liable, and I deem him liable in my place. One who yesterday taught a reason to deem him liable may then teach a reason to acquit, but one who yesterday taught a reason to acquit may not then teach a reason to deem him liable. If they erred in the matter, as one of the judges forgot what he had said the previous day, two judges' scribes, who recorded the statements of the judges, remind him. If the court then found it fit to acquit him unanimously, they excuse him, and if not all of the judges determine to acquit, they stand to count the vote. If twelve judges vote to acquit him and eleven judges deem him liable, he is acquitted.

¹³ The mishna continues: In a case where twelve judges deem him liable and eleven judges acquit; or even if eleven judges acquit and eleven deem him liable and one judge says: I do not know; or even if twenty-two judges acquit or deem him liable and one judge says: I do not know, the judge who said he does not know is disregarded, and the judges add additional judges to the court until they reach a definitive ruling. And how many judges do they add? They add pairs of two judges each time they do not reach a ruling until there are seventy-one judges, but no more than that.

¹⁴ At that point, if thirty-six judges acquit and thirty-five judges deem him liable, he is acquitted. If thirty-six judges deem him liable and thirty-five judges acquit, they continue to deliberate the matter, these judges against those judges, until one of those who deems him liable sees the validity of the statements of those who acquit and changes his position, as the court does not condemn a defendant to death by a majority of one judge.

¹⁵ GEMARA: The Gemara asks: From where are these matters derived? What is the source for these seven interrogations? Rav Yehuda says: It is as the verse states with regard to an idolatrous city: "And you shall inquire, and investigate, and ask diligently" (Deuteronomy 13:15); and it states with regard to one who worships idols: "If it be told to you and you have heard it and inquired diligently" (Deuteronomy 17:4); and it states with regard to conspiring witnesses: "And the judges shall inquire diligently" (Deuteronomy 19:18). Taken together, there are seven interrogations alluded to in these verses by each instance of the terms inquire, investigate, and diligently.

¹⁶ The Gemara asks: But why not say that each one is as it is written, and conclude that the Torah requires, respectively, three, two, and two interrogations in the three cases of idol worship, an idolatrous city, and conspiring witnesses, discussed in those verses? As, if it is so, i.e., if there is a requirement of seven interrogations in all cases of capital law, let the Merciful One write them in one place, and it would be derived from there to other cases. The Gemara answers: Since they are all written together, i.e., they all employ analogous terminology, one learns the halakhot of one from the other, and once one learns the halakhot of one from the other, they are considered as if they are written in one place.

¹⁷ The Gemara asks: But those three instances of idol worship, an idolatrous city, and conspiring witnesses are not similar to each other, so how can one derive the halakhot of one from the other? The Gemara records a mnemonic device for the following terms: Escapes, sword, forewarning.

¹⁸ What are the differences? The case of an idolatrous city is not similar to those two, i.e., idol worship and conspiring witnesses, because for the others their money escapes their fate. Although the court executes those transgressors, their money is not confiscated. By contrast, in the case of an idolatrous city, not only are the residents executed, all of their property is destroyed. Idol worship is not similar to those two, as the other two transgressions are judged by the sword, while the punishment for idol worship is death by stoning. The case of conspiring witnesses is not similar to those two, as those who transgress the two other transgressions require forewarning in order to be liable for the transgression, while conspiring witnesses are not forewarned before they testify.

¹⁹ The Gemara explains: This is not an association based on conceptual similarity alone; rather, we learn one from the other based on a verbal analogy employing the words “diligently” and “diligently.” “Diligently” is used in all three verses. The Gemara comments: And this verbal analogy must be free, i.e., these terms must be superfluous in their context. The Torah included them for the express purpose of establishing the verbal analogy. A verbal analogy that is based on otherwise extraneous terms cannot be logically refuted. This is because if these terms are not free, the verbal analogy can be refuted. The Gemara concludes: This is not so [la’ei], i.e., the verbal analogy cannot be refuted, as they are free. The Gemara explains: Since the Torah could have written: And they inquire and investigate, and the verse modified its statement by writing “diligently,” learn from it that this term’s function is to have it be free, to enable a verbal analogy.

²⁰ The Gemara challenges this explanation: And yet it is free on only one side, as the term is superfluous in two of the verses but not in all three of them. The Gemara explains: Granted, with regard to these two, idol worship and conspiring witnesses, it is free, because it could have been written only: And you inquire and you investigate, but instead the word “diligently” also appears in the verse. But in the verses concerning an idolatrous city, what could it have written differently? They are all written.

²¹ The Gemara answers: There, it is also free, as the term is superfluous in that verse as well. Since the Torah could have written: You shall inquire, or: You shall investigate, in an emphatic form by doubling the verb, and the verse modified its statement by writing: “And you shall inquire and investigate diligently,” learn from it that this term’s function is to have it be free in order to enable a verbal analogy. By way of this verbal analogy, the Gemara has derived the requirement for seven interrogations in cases of capital law where the punishment is either death by stoning or death by the sword.

²² The Gemara continues: And one can learn that this applies to those transgressors who are strangled as well, by means of an a fortiori inference from those transgressors who are stoned and from those who are killed by the sword. Just as in these cases, where the transgression is severe as evidenced by their severe mode of execution, seven interrogations are required, the requirement should apply all the more so to those transgressors who are strangled, who committed a less severe transgression. And one can learn that this applies to those transgressors who are burned as well, by means of an a fortiori inference from those transgressors who are stoned.

²³ The Gemara questions this last inference: This works out well according to the opinion of the Rabbis, who say that stoning is more severe than burning (see 49b). Consequently, it is possible to derive by means of an a fortiori inference the halakha of a transgression whose punishment is burning from the halakha of a transgression whose punishment is stoning. But according to the opinion of Rabbi Shimon, who says that burning is more severe than stoning, what is there to say?

²⁴ Rather, Rav Yehuda said: There are an additional two phrases in the verses that are used to teach the halakha of the seven interrogations. The verse states with regard to the idolatrous city: “And you shall inquire, and investigate, and ask diligently and behold it be truth, the matter certain” (Deuteronomy 13:15). Additionally, the verse states with regard to idol worship: “You have inquired diligently and behold it be truth, the matter certain” (Deuteronomy 17:4). When one adds the two usages of “truth” and “certain” to the seven expressions stated earlier, consequently, there are eleven expressions; seven are used to teach the halakha of the seven interrogations, and of the four that remain, remove three, one for each verse, for the purpose of the verbal analogy, and one remains.

²⁵ According to the opinion of Rabbi Shimon, this additional expression serves to include the halakha that the seven interrogations applies to those transgressors who are burned. According to the opinion of the Rabbis as well, who learned this from an a fortiori inference, the additional expression teaches this same halakha, as with regard to a matter that can be derived through an a fortiori inference, the verse nevertheless takes the trouble and writes it explicitly.

²⁶ Rabbi Abbahu ridiculed this explanation: Say this additional expression serves to add that there are eight interrogations. The Gemara asks: And are there eight interrogations? What interrogation can be added? The Gemara suggests: And why not? But there is the possibility to add this question to the interrogation: When in the hour, i.e., at what time within the hour. And this is also taught in a baraita: They would examine him with eight interrogations.

²⁷ The Gemara comments: This works out well according to the explanation of Abaye of the opinion of Rabbi Meir, who says, in explaining Rabbi Meir’s opinion: A person does not err at all, i.e., when witnesses state an hour in which an event occurred, it is assumed that they are completely accurate. And also according to the version of his statement that Abaye says: A person errs a bit; it is well. Consequently, there is a reason to ask at what time during the hour the event occurred. But according to the explanation of Abaye of the opinion of Rabbi Yehuda, who says, in explaining Rabbi Yehuda’s opinion: A person errs up to half an hour, and according to the opinion of Rava, who says: People err even more than that; what can be said? There is no reason to ask at what time during the hour the event occurred, as any inconsistency will be ascribed to an innocent error.

²⁸ The Gemara suggests: Rather, there is the possibility to add the question: In how many years within the jubilee, i.e., in which of the fifty years, the event occurred.

²⁹ The Gemara questions this explanation: This is exactly the same question as: In which seven-year period of the jubilee did the event occur, as one can calculate the year within the jubilee by knowing the seven-year period. The Gemara suggests: Rather, there is the possibility to add the question of: In which jubilee cycle did the event occur, in the current cycle or the previous cycle? And the other Sage, i.e., Rabbi Abbahu, who assumes that there cannot be an eighth interrogation, holds that once the witness said in which seven-year period of the jubilee the event occurred, there is no need to ask in which jubilee it occurred, as the court would have no reason to think that he is testifying about an event that occurred fifty years prior.

³⁰ § The mishna teaches that Rabbi Yosei says they ask only on which day, at which hour, and in which place the event occurred, but not more. It is taught in a baraita the reasoning behind this dispute: Rabbi Yosei said to the Rabbis: According to your statement that the court asks all seven interrogations, when there is a witness who came to court and said: The accused killed the victim last night, should the judge say to him in his examination: In which seven-year period of the jubilee, in which year, in which month, on which day of the month did the accused murder the victim? What would be the purpose of asking these questions? It suffices that they ask him about the day, the time, and the place.

³¹ The Rabbis said to him: According to your statement, when there is a witness who came to court and said: The accused killed the victim just now, should the judge say to him in his examination: On which day, at which hour, in what place did the accused murder the victim? The witness already stated that the murder had just occurred.

³² The Rabbis continue: Rather, even according to your opinion, although it is not necessary to ask these questions in this particular case, we impose the obligation to answer all the interrogations on the witnesses, in accordance with the explanation of Rabbi Shimon ben Elazar, that the court beleaguers the witnesses in attempt to confuse them (see 32b). Here too, although it is not necessary to ask these questions in this particular case, we impose the obligation to answer all the interrogations on the witnesses, in accordance with the explanation of Rabbi Shimon ben Elazar.

³³ The Gemara asks: And what would Rabbi Yosei respond to this claim? The Gemara explains: He holds that the witness testifying: The accused killed the victim last night, is common in most testimonies. Therefore, this testimony is taken into account when deciding the content of the interrogations. By contrast, the witness testifying: The accused killed the victim just now, is not common in most testimonies, i.e., it is relatively rare. Therefore, this testimony is not taken into account when deciding the content of the interrogations.

³⁴ § The mishna teaches that after the interrogations the court asks several questions essential to the testimony, such as: Do you recognize him? The Sages taught in a baraita: In a trial for murder, the court asks the witness: Do you recognize the accused? Did he kill a gentile? Did he kill a Jew? Did you forewarn him? Did he accept the forewarning on himself, i.e., acknowledge the warning? Did he release himself to death, i.e., acknowledge that he is aware that the court imposes capital punishment for murder? Did he kill within the time required for speaking a short phrase, as if not, he could claim he forgot the warning?

³⁵ In the case of one who is an accused idol worshipper, the court asks the witness: Whom among the idols did he worship? Did he worship Peor? Did he worship Markulis? And in what manner did he

worship? Was it by sacrificing an offering, or by burning incense, by pouring wine as a libation, or by prostrating before the idol?

³⁶ Ulla says: From where in the Torah is the obligation of forewarning derived? As it is stated: “And if a man shall take his sister, his father’s daughter, or his mother’s daughter, and see her nakedness and she see his nakedness, it is a disgraceful deed and they shall be cut off in the sight of their people” (Leviticus 20:17). One can ask: Is that to say that the matter is dependent on sight? The transgression is engaging in sexual intercourse, not seeing each other. Rather, the meaning of “and see” is: He is not liable until he sees the reason of the matter, that it should be clear to him that he is committing a transgression by having been forewarned. If this halakha is not needed for the matter of excision [karet], as this punishment is in the hands of Heaven, and God is aware whether or not he acted intentionally,

³⁷ apply it to the matter of lashes, as forewarning is required for the court to be able to administer lashes.

³⁸ The school of Hizkiyya taught a source for the requirement of forewarning from the verse concerning the court-imposed capital punishment meted out to a murderer, as it is states: “But if a man come intentionally upon his neighbor to slay him with guile” (Exodus 21:14). How do the witnesses know that he acted intentionally? It must be that they forewarned him, and still he acts intentionally.

³⁹ The school of Rabbi Yishmael taught a source for the requirement to forewarn transgressors from the verse concerning the court-imposed capital punishment meted out to the wood-gatherer on Shabbat in the wilderness, as it is stated: “And they that found him gathering sticks brought him” (Numbers 15:33). By writing “gathering” in the present tense, the verse indicates that they forewarned him, but he is still gathering.

⁴⁰ The school of Rabbi Yehuda HaNasi taught a source for the requirement to forewarn a transgressor from the verse concerning the court-imposed capital punishment meted out to one who commits adultery with a betrothed young woman, as it is stated: “For the matter [devar] that he has humbled his neighbor’s wife” (Deuteronomy 22:24). They make a verbal analogy: For matters involving speech [dibbur], the punishment is given only if the witnesses issued a verbal forewarning.

⁴¹ The Gemara comments: And it is necessary to have all of these sources, since if the Merciful One would write the requirement of forewarning in the context of “his sister” (Leviticus 20:17) alone, I would say: Those liable to receive lashes, yes, they do require forewarning, but those liable to receive court-imposed capital punishments, whose transgressions are severe, do not require forewarning. Therefore the Merciful One writes, with regard to a murderer: “If a man come intentionally.”

⁴² And if the Merciful One would write only: “If a man come intentionally,” I would say that this statement applies only when the penalty is death by the sword, as that is a lenient form of court-imposed capital punishment. But with regard to stoning, which is a severe form of court-imposed capital punishment, one could say that it does not require forewarning. Therefore, it is necessary to state the requirement of forewarning with regard to one who desecrates Shabbat.

⁴³ The Gemara asks: And why do I need two verses that state the requirement for forewarning in the context of those liable to be stoned? Both the Shabbat violator and one who commits adultery with a

betrothed young woman are punished with stoning. The Gemara answers: According to the opinion of Rabbi Shimon that death by burning is more severe than death by stoning, the additional verse serves to add the halakha that a forewarning must be issued to those liable to be burned for their transgressions, by way of the application of the principle: If this halakha is not needed for the matter in which it is written, apply it to a different matter.

⁴⁴ According to the opinion of the Rabbis that death by stoning is more severe than death by burning, one can say that even with a matter that can be derived through an a fortiori inference, the verse nevertheless takes the trouble and writes it explicitly. The Gemara challenges: But let the Merciful One write this halakha only in the context of those liable to be stoned, and let these others be derived from it, as stoning is the most severe punishment. The Gemara answers: Here too, one can say that even with a matter that can be derived through an a fortiori inference, the verse nevertheless takes the trouble and writes it explicitly.

⁴⁵ § The baraita teaches that one of the questions the court asks of the witnesses is: Did he release himself to death, i.e., did he acknowledge that he is aware that the court imposes capital punishment for murder? The Gemara asks: From where do we derive that he must release himself to death? Rava said, and some say it was Hizkiyya who said, that the verse states: “By the mouth of two witnesses or three witnesses shall the dead be put to death” (Deuteronomy 17:6). By referring to the transgressor as dead even before he is executed, the verse indicates that he is not executed until he releases himself to death, by stating that he is aware that he will be executed for his transgression.

⁴⁶ Rav Ḥanan says: Witnesses who testify to the adultery of a betrothed young woman who were rendered conspiring witnesses are not killed. Although conspiring witnesses are generally punished with the same punishment they attempted to impose on the purported transgressor (see Deuteronomy 19:19), this is an exception. This is because they can say: We did not come to testify in order to have her be executed; rather, we came to forbid her to her husband, as a betrothed or married woman who willingly engages in adulterous sexual intercourse is forbidden to her husband.

⁴⁷ The Gemara challenges this ruling: But they must testify that they forewarned her before her transgression, and a forewarning includes apprising the transgressor of the punishment he or she will receive. How can the witnesses claim that they did not intend this result? The Gemara answers: Rav Ḥanan stated his halakha with regard to a case where they claim they did not forewarn her. The Gemara asks: But if they claim they did not forewarn her, how can she be killed? If she would not have been killed, there is no novelty to Rav Ḥanan’s statement that the witnesses are not killed.

⁴⁸ The Gemara explains: Rav Ḥanan stated his halakha with regard to a woman who is a ḥavera, knowledgeable in Torah, and it is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda. As it is taught in a baraita: Rabbi Yosei, son of Rabbi Yehuda, says: A ḥaver does not require forewarning in order to be liable for a transgression, because forewarning is given only in order to distinguish between an intentional and an unintentional act.

⁴⁹ The Gemara asks further: But since the witnesses are not killed for their conspiratory testimony in the case of a ḥavera, how can she be killed for her action? Their testimony is testimony that you cannot render conspiratory testimony, i.e., the witnesses cannot be punished for their testimony, and any testimony that you cannot potentially render conspiratory testimony is not categorized as testimony.

⁵⁰ The Gemara answers: That is also what he is saying: Since the witnesses are not killed, as they can say: We came to forbid her to her husband, she is also not killed, since their testimony is testimony that you cannot potentially render conspiratory testimony.

⁵¹ The Gemara challenges: But with regard to a woman who is a ḥavera, since we maintain that she can be killed without being forewarned, how can you find this occurring according to the opinion of Rabbi Yosei, son of Rabbi Yehuda? As there was no forewarning, the witnesses can claim that their intention was to forbid her to her husband. The Gemara answers: It is found in a case where they testify that she committed adultery and then they testified that she again committed adultery. The witnesses cannot claim that their testimony was meant to forbid her to her husband, as she was already forbidden to him due to the first time she committed adultery.

⁵² The Gemara questions this: But the witnesses can say: We come to forbid her to her second paramour. The halakha is that in addition to becoming forbidden to her husband, an adulterous woman becomes forbidden to her paramour. The witnesses can claim that this was their intent in testifying. The Gemara answers: It is found in a case where they testify that she again committed adultery with the first paramour, i.e., the second act was with the same paramour, to whom she was already forbidden. Alternatively, it is found in a case where they testify that she committed adultery with one of her relatives, to whom she is forbidden regardless.

⁵³ The Gemara clarifies: What is different that Rav Ḥanan chose to state his halakha with regard to a betrothed young woman? His halakha could be stated with regard to a married woman as well. The Gemara answers: Yes, that is correct. But the novelty of this element of his ruling is that even with regard to this betrothed young woman, who does not live under her husband, the witnesses can say: We came to forbid her to her husband.

⁵⁴ § Rav Ḥisda says: In a case where one of the witnesses says: The murderer killed the victim with a sword, and one of the witnesses says: The murderer killed the victim with an ariran, another weapon, this is not congruent testimony, as this is a clear contradiction. But if one of the witnesses says: The murderer's garments were black, and one of the witnesses says: The murderer's garments were white, this is congruent testimony, as this is not a meaningful discrepancy.

⁵⁵ The Gemara raises an objection from a baraita: The verse states with regard to testimony: "And behold it be truth, the matter certain" (Deuteronomy 17:4). The meaning of "certain" is that the testimony of the two witnesses must be congruent. If one witness says: The murderer killed the victim with a sword, and one says: The murderer killed the victim with an ariran, or if one of the witnesses says: The murderer's garments were black, and one of the witnesses says: The murderer's garments were white, this is not congruent testimony. This contradicts the ruling of Rav Ḥisda. The Gemara answers: Rav Ḥisda interpreted that baraita as speaking about a scarf with which the murderer strangled the victim, as this is the same as a contradiction with regard to a sword and an ariran. As Rav Ḥisda himself ruled, a contradiction concerning details of the murder weapon renders the testimony incongruent.

⁵⁶ The Gemara suggests: Come and hear proof from a baraita: If one of the witnesses says: The sandals of the murderer were black, and one of the witnesses says: The sandals of the murderer were white, this is not congruent testimony. This contradicts the ruling of Rav Ḥisda. The Gemara answers: Rav Ḥisda can explain that there also, it is speaking of a case where the murderer kicked the victim with his sandal and killed him.

⁵⁷ The Gemara suggests: Come and hear proof from the mishna: An incident occurred, and ben Zakkai examined the witnesses about the stems of figs, indicating that even a contradiction concerning a minor point such as this would render the testimony incongruent. The Gemara answers: Rami bar Ḥama said: It is speaking there of a case where he picked a fig on Shabbat, as he is killed for that act itself. Picking a fruit from its source of growth is an example of the forbidden labor of reaping, so the testimony about the characteristics of the fig is significant.

⁵⁸ The Gemara asks: But isn't it taught in a baraita: When ben Zakkai asked the witnesses the question about the stems of figs, they said to him: The murderer killed the victim beneath a fig tree, indicating that it is speaking of a murder case? Rather, Rami bar Ḥama said: The mishna is speaking of a case where the murderer stabbed the victim with a branch of a fig tree. As Rav Ḥisda himself ruled, a contradiction concerning details of the murder weapon renders the testimony incongruent.

⁵⁹ Come and hear a proof, as in that same examination ben Zakkai said to the witnesses: This fig tree about which you are testifying, were its stems thin or were its stems thick? Were the figs on it black or were the figs white? These questions concern the fruit itself, not the characteristics of a branch. Rather, Rav Yosef says: Should a person raise a difficulty from the conduct of ben Zakkai? Ben Zakkai is different, as he equated examinations with interrogations. According to ben Zakkai's opinion, a contradiction in the witnesses' answers to an examination is as significant as a contradiction in the witnesses' answers to an interrogation, and it also renders the testimony incongruent.

⁶⁰ § The Gemara clarifies: Who is the ben Zakkai mentioned in the mishna? If we say it is Rabbi Yoḥanan ben Zakkai, was he a member in a Sanhedrin that judged capital cases? But isn't it taught in a baraita: All the years of Rabbi Yoḥanan ben Zakkai were 120 years. For forty of those years he dealt in business [biferakmatya], for forty of those years he studied, and for forty of those years he taught and guided the Jewish people.

⁶¹ The Gemara continues its question: And it is taught in a baraita: Forty years before the destruction of the Second Temple, the Sanhedrin was exiled from the Chamber of Hewn Stone and sat in the store near the Temple Mount. And Rabbi Yitzḥak bar Avudimi says: The intent of the statement concerning the relocation of the Sanhedrin is to say that they no longer judged laws of fines. The Gemara asks: Does it enter your mind to say that they no longer judged laws of fines? It is known that the Sanhedrin would judge laws of fines for hundreds of years after the destruction of the Temple. Rather, he must have said that the Sanhedrin no longer judged cases of capital law. Once the Sanhedrin left the Chamber of Hewn Stone, the court's power to judge capital cases was nullified.

⁶² The Gemara concludes its question: And since as we learned in a mishna (Sukka 41a): Once the Temple was destroyed, Rabban Yoḥanan ben Zakkai instituted an ordinance that the mitzva of lulav should be performed even in the rest of the country for seven days in commemoration of the Temple, it is clear that he was in a position of prominence after the destruction of the Temple. Since the Sanhedrin ceased judging cases of capital law forty years before the destruction of the Temple, and Rabban Yoḥanan ben Zakkai was in a position of prominence for only forty years, he could not have been a judge in a capital case.

⁶³ The Gemara suggests: Rather, one can say that it was merely a different person named ben Zakkai, not the well-known Sage of that name. The Gemara comments: So too, it is reasonable to say this, as

if it enters your mind that this was Rabban Yoḥanan ben Zakkai, would Rabbi Yehuda HaNasi call him ben Zakkai, without any title? He must have been referring to someone else.

⁶⁴ The Gemara asks: But isn't it taught in a baraita explicitly: An incident occurred, and Rabban Yoḥanan ben Zakkai examined the witnesses with regard to the stems of figs? This proves that the Sage in question is Rabban Yoḥanan ben Zakkai. Rather, one can say that at that time, when this incident occurred, Rabban Yoḥanan ben Zakkai was a student sitting before his teacher, and in those years the Sanhedrin was in its place and judged cases of capital law. And he said a matter in the course of examining the witnesses, and his reasoning was logical to them, and the judges asked his question,

⁶⁵ and Rabbi Yehuda HaNasi established it in the mishna in his name. When he was studying, they called him ben Zakkai, in the manner that they would call a student sitting before his teacher, and when he was teaching others they called him Rabban Yoḥanan ben Zakkai. In terms of the baraita and the mishna, when they called him ben Zakkai in the Mishna, that was based on the name that he was called initially. And when they called him Rabban Yoḥanan ben Zakkai in the other baraita, that was based on the name that he was called now.

⁶⁶ § The mishna teaches: An incident occurred, and ben Zakkai examined the witnesses about the stems of figs. What is the difference between interrogations and examinations? In the case of interrogations, if one of the witnesses says: I do not know the answer, their testimony is void immediately. In the case of examinations, if one says: I do not know the answer, and even if two witnesses say: We do not know the answer, their testimony still stands. The Gemara asks: What is the meaning of: Even if two say? Isn't it obvious? The mishna already stated that when one witness says: I do not know, their testimony stands, indicating that knowledge of the answers to these types of questions is not required. Accordingly, when two witnesses say that they do not know, their testimony stands as well. What is the novelty of this ruling?

⁶⁷ Rav Sheshet said: This clause is referring to the first clause of the mishna, and this is what it is saying: With regard to the interrogations, even if two witnesses say: We know, and one additional witness says: I do not know, their testimony is void. In accordance with whose opinion is this mishna written? In accordance with the opinion of Rabbi Akiva, who compares in all court proceedings three witnesses to two, holding that just as two witnesses must testify a fully valid testimony, so it is with three. Therefore, if the third witness does not know the answer to an interrogation, the testimony of all three is void.

⁶⁸ Rava says: But the mishna teaches: Their testimony stands, not: Their testimony is void. Rather, Rava said: This is what the mishna is saying: Even with regard to the interrogations, if two witnesses say: We know, and one witness says: I do not know, their testimony stands, as the court accepts the testimony of the two. In accordance with whose opinion is this mishna written? Not in accordance with the opinion of Rabbi Akiva.

⁶⁹ The Gemara relates: Rav Kahana and Rav Safra studied tractate Sanhedrin in the school of Rabba. Rami bar Ḥama encountered them. Rami bar Ḥama said to them: What do you say concerning tractate Sanhedrin that you learned in the school of Rabba? Rav Kahana and Rav Safra said to him: And what do we say concerning the regular tractate Sanhedrin? And what is difficult for you? Do you have a specific difficulty you would like answered?

⁷⁰ Rami bar Ḥama said to them: I have a difficulty from that which is taught in the mishna: What is the difference between interrogations and examinations? In the case of interrogations, if one of the witnesses says: I do not know the answer, their testimony is void immediately. In the case of examinations, if one says: I do not know the answer, and even if two say: We do not know the answer, their testimony still stands. Rami bar Ḥama asks: After all, this type of question and that type of question are required by Torah law; what is different about interrogations and what is different about examinations? Why is there a difference in halakha between the two?

⁷¹ Rav Kahana and Rav Safra said to him: How can these cases be compared? With regard to the interrogations, if one witness says: I do not know, their testimony is void, as it is testimony that you cannot render conspiratory testimony. If the witnesses do not state a specific time and place, there is no way for other witnesses to claim that the first witnesses had been with them elsewhere at the time they claim the event occurred. By contrast, with regard to the examinations, if one of the witnesses says: I do not know, their testimony stands, as it is testimony that you can render conspiratory testimony.

⁷² Rami bar Ḥama said to them: If you said an incisive statement like this about this tractate, you said much about it. Rav Kahana and Rav Safra said to him: Due to the Master's goodness, that is, due to your good will and desire to accept our answer to your question, we said much about it. But with the Master's rebuke and challenge we would not say even one answer about it, i.e., if you had wished to criticize this answer you could have refuted it, and it would be as if we did not say any answer.

⁷³ § The mishna teaches that if one witness says the event occurred on the second of the month and one witness says that the event occurred on the third of the month, their testimony stands, since it is possible to say that one witness knows of the addition of a day to the previous month, while the other witness does not know of it. Their testimony is considered congruent. The Gemara asks: Until how many days into the month does the court assume that one of the witnesses does not know when the month began? Rabbi Aḥa bar Ḥanina says that Rabbi Asi says that Rabbi Yoḥanan says: Until the majority of the month has passed.

⁷⁴ Rava says: We learn this in the mishna as well, as it teaches: If one witness says the event occurred on the third of the month and one witness says the event occurred on the fifth of the month, their testimony is void. But why is it void? Let us say that it not a contradiction, as this witness knows of two additions, i.e., that a day was added to the two previous months, and that witness does not know of the two additions. Rather, is it not void because once the majority of the month passed a witness knows what day it is, so that an error of two days cannot occur?

⁷⁵ The Gemara rejects this proof: Actually, I could say to you that a witness may not know the day even once the majority of the month has passed. The reason for the ruling of the mishna is that he knows about the shofar [ubeshipura], which the court would blow at the New Moon. It is possible that with regard to one blast of the shofar it could be said that he erred and was not aware of it. With regard to two blasts of the shofar it cannot be said that he erred. By contrast, in the case of the mishna here, perhaps as long as the witnesses are testifying about two consecutive days within one month, the error of one of them persisted throughout the month.

⁷⁶ § Having cited a statement of Rabbi Aḥa bar Ḥanina, citing Rabbi Asi, citing Rabbi Yoḥanan, the Gemara cites another statement in his name: Rabbi Aḥa bar Ḥanina says that Rav Asi says that Rabbi Yoḥanan says: Until how many days into a new month may one recite a blessing on the month, i.e.,

Birkat HaLevana? Until the flaw of the moon is filled, when it no longer appears deficient. And until how many days is that? Rav Ya'akov bar Idi says that Rav Yehuda says: Until seven days of the month have passed. The Sages of Neharde'a say: Until sixteen days of the month have passed.

⁷⁷ The Gemara comments: And they both hold in accordance with the opinion of Rabbi Yoḥanan that one can recite the blessing until the flaw of the moon is filled. The dispute is that this one, i.e., Rav Ya'akov bar Idi, who holds one can recite the blessing until seven days have passed, understands Rabbi Yoḥanan to be referring to the day when the moon will be like the string of a bow. Before that point the moon appeared merely as a bow, and after seven days it appears like a half-circle, like a bow that has a string. That one, i.e., the Sages of Neharde'a, who holds one can recite the blessing until sixteen days have passed, understands Rabbi Yoḥanan to be referring to the day when the moon will be like a sieve, i.e., a full circle.

⁷⁸ § Rav Aḥa of Difti said to Ravina: And they should bless the blessing of: Blessed are You, Lord our God, King of the Universe, Who is good and Who does good, for the benefit that people derive from the light of moon. Ravina said to him: Is that to say that when the moon is shrinking we bless, as we do for other disasters: Blessed are You, Lord our God, King of the Universe, the true Judge, so that we should conversely bless: Blessed are You, Lord our God, King of the Universe, Who is good and Who does good, when the moon is growing? Rav Aḥa of Difti said to him: You are correct, and we should say them both: The blessing of the true Judge, when the moon is waning, and the blessing of Who is good and Who does good, when the moon is waxing. Ravina answered him: Since this is its nature, we do not bless the moon. The waxing and waning of the moon is not an unexpected occurrence that requires these blessings.

⁷⁹ And Rabbi Aḥa bar Ḥanina says that Rabbi Asi says that Rabbi Yoḥanan says: With regard to anyone who blesses the new month in its proper time, it is as if he greets the Face of the Divine Presence. Alluding to this, it is written here concerning the sanctification of the new month: "This month shall be for you the beginning of months" (Exodus 12:2), and it is written there, where the Jewish people encountered the Divine Presence at the splitting of the sea: "This is my God and I will glorify Him" (Exodus 15:2). The term "this" is employed in both verses. The school of Rabbi Yishmael taught: If the Jewish people merited to greet the Face of their Father in Heaven only one time each and every month, it would suffice for them, since in the blessing of the moon there is an aspect of greeting the Divine Presence. Abaye said: Therefore, we will say the blessing while standing, in honor of the Divine Presence.

⁸⁰ The Gemara relates: Mareimar and Mar Zutra would lean on one another's shoulders and recite the blessing. Rav Aḥa said to Rav Ashi: In the West, Eretz Yisrael, they recite the following blessing on the moon: Blessed is He Who renews the months. Rav Ashi said to him: Our women also recite that blessing, meaning that this is an abridged version for the unlettered.

⁸¹ Rather, the full version of the blessing is the version of Rav Yehuda. As Rav Yehuda says: Blessed are You, Lord our God, King of the Universe, Who by His word created the heavens, and by the breath of his mouth all their hosts. He set for them a law and a time, that they should not deviate from their task. And they are joyous and glad to perform the will of their Owner; they are workers of truth whose work is truth. And to the moon He said that it should renew itself as a crown of beauty for those He carried from the womb, as they are destined to be renewed like it, and to praise their Creator for the name of His glorious kingdom. Blessed are You the Lord, Who renews the months.

⁸² The Gemara presents another statement, citing Rabbi Aḥa, citing Rabbi Asi, citing Rabbi Yoḥanan. The verse states: “For by wise advice you shall make your war” (Proverbs 24:6). Rabbi Aḥa bar Ḥanina says that Rabbi Asi says that Rabbi Yoḥanan says: In whom do you find the war, i.e., the ability to engage in disputes, of Torah? In one who has in his possession bundles, i.e., vast knowledge, of Mishna. One must first learn the primary sources before engaging in disputes of Torah. Rav Yosef would read concerning himself the verse: “And much produce comes by the strength of the ox” (Proverbs 14:4), i.e., one with great strength can bring a large yield. Rav Yosef was known to be particularly well-versed in tannaitic statements.

⁸³ § The mishna teaches that if one witness says that the event occurred at two hours, i.e., the second hour of the day from sunrise, and one witness says that the event occurred at three hours, their testimony stands. Rav Shimi bar Ashi says: This was taught only when there was a difference in the hours, but if one witness says that the event occurred before the sunrise, and one says that the event occurred after the sunrise, their testimony is void. Although this may be a smaller discrepancy in terms of time, the difference between before and after sunrise cannot be ascribed to an error.

⁸⁴ The Gemara asks: Isn’t this obvious? There is a clear difference between darkness and light. Rather, Rav Shimi bar Ashi said as follows: If one witness says that the event occurred before the sunrise, and one says that the event occurred during the sunrise, their testimony is void. The Gemara asks: Isn’t this also obvious? The Gemara answers: Lest you say that this one who says: During the sunrise, was standing in an exposed place and saw a mere shine and thought he saw the sunrise, Rav Shimi bar Ashi teaches us the court does not assume this occurred, and deems the testimony incongruent.

⁸⁵ § The mishna teaches: And afterward they bring in the second witness and examine him. Later, the mishna states: But if one of the students said: I can teach a reason to acquit him, they raise him to the seat of the court and seat him among them, and he would not descend from there all day. The Gemara asks: That day and no more? But isn’t it taught in a baraita (Tosefta 9:3): If the statement of that student has substance he would never descend from there, as his statement demonstrates that he is capable of deliberating with the other judges. But if the statement of that student does not have substance, he would not descend from there the entire day, in order that his ascent should not be a descent for him, i.e., to avoid humiliating him. Abaye said: Interpret the mishna to be with regard to a case when the statement of that student does not have substance.

⁸⁶ The mishna teaches that if the court found it fit to acquit the defendant during the deliberations, as all or a majority of them agree to acquit him, they excuse him. The mishna further teaches that the judges would not drink wine all day. The Gemara asks: What is the reason they did not drink wine? Rabbi Aḥa bar Ḥanina says that it is because the verse states: “It is not for kings to drink wine, nor for princes [rozenim] to say: Where is strong drink” (Proverbs 31:4). Rabbi Aḥa bar Ḥanina explains: This is a directive to those who deal with the secret of the world [berazo shel olam], i.e., such stringent matters: Do not become drunk.

⁸⁷ § The mishna teaches: If the court found it fit to acquit him during the deliberations, as all or a majority of them agree to acquit him, they release him. It was further taught in the mishna that when the court cannot arrive at a verdict they add judges in pairs of two and deliberate until there is a clear verdict. If they added the maximum number of judges and still cannot reach a clear verdict, they discuss the matter until one of those who deems him liable sees the validity of the statements of those

who acquit, and changes his position. The Gemara asks: If the judges do not change their position, as they do not see the validity of the position of those who acquit him, what is done?

⁸⁸ Rabbi Aḥa says: They release him, as he was not found liable. And likewise Rabbi Yoḥanan says: They release him. Rav Pappa said to Abaye: But if they ultimately release him if the court is deadlocked, why do they attempt to convince each other at all when they should release him from the outset? Abaye said to him: This is what Rabbi Yoḥanan said: The reason is so that they not leave the court confounded, without reaching some definite conclusion, as this would tarnish the reputation of the court.

⁸⁹ Some say that this is what Rav Pappa said to Abaye: But why do I need them to add judges at all when they should release him from the first court? Once the first court did not find him liable, they should release him. Why add judges? Abaye said to him: Rabbi Yosei holds in accordance with your opinion, as it is taught in a baraita that Rabbi Yosei says: Just as the court does not add judges to a court of seventy-one, so too, the court does not add judges to a court of twenty-three. If the court of twenty-three cannot arrive at a verdict, they release him.

⁹⁰ The Sages taught: In cases of monetary law one says: The judgment has grown aged, i.e., this matter is very difficult and requires scrutiny, but in cases of capital law one does not say: The judgment has grown aged.

⁹¹ The Gemara asks: What is the meaning of: The judgment has grown aged? If we say that the intention is: The judgment has aged, i.e., taken an extended amount of time but requires additional deliberations, if so, he should say the reverse, as it is more critical to extend deliberations in cases of capital law than in cases of monetary law. Rav Huna bar Manoah said in the name of Rav Aḥa, son of Rav Ika: Reverse the statement, and say that in cases of monetary law one does not say: The judgment has grown aged, but in cases of capital law one does say it. Rav Ashi said: Actually, do not reverse it. And what is the meaning of: The judgment has grown aged? It means that the judgment has grown wise, like an elder who has acquired wisdom. In other words, the deliberations have been exhausted, and it is time to vote on a verdict.

⁹² The Gemara raises an objection to the first explanation from a baraita: In a situation where they did not reach a decision, the greatest among the judges says: The judgment has grown aged. The Gemara explains the objection: Granted, if you say this means: The judgment has grown wise, this would be why the baraita states that the greatest judge says this statement, as arriving at a verdict is an honor for the court, and consequently the greatest of the court should be the one to announce it. But if you say this means: The judgment has aged, is it not enough that the greatest among the judges in particular not say so? Must he humiliate himself by stating that they cannot reach a verdict?

⁹³ The Gemara answers: Yes, the greatest of the judges must also announce that the court cannot reach a verdict. Being shamed by oneself is not comparable to being shamed by others. Therefore, it is preferable that the greatest of the judges state this conclusion, rather than having one of the more junior judges state it.

⁹⁴ Some say they raised an objection to the second explanation: Granted, if you say this means: The judgment has aged, this would be the reason that the greatest one states it, because being shamed by oneself is not comparable to being shamed by others. But if you say this means: The judgment has grown wise, should the greatest judge praise himself? But isn't it written: "Let another man praise you, and not your own mouth, a stranger and not your own lips" (Proverbs 27:2)?

⁹⁵ The Gemara answers: A matter of the court is different, as its administration is incumbent upon the greatest judge. As we learned in a mishna (29a): When they finished deliberating the matter, they would bring in the litigants. The greatest of the judges would say: So-and-so, you are exempt from paying; or: So-and-so, you are liable to pay.

Chapter 6

¹ MISHNA: When the trial has ended in a guilty verdict and the condemned man has been sentenced to be stoned, he is taken out to be stoned. The place of stoning was outside the court and a little beyond it, as it is stated with regard to a blasphemer: “Take out him who has cursed to outside the camp, and let all that heard him lay their hands upon his head, and let all the congregation stone him” (Leviticus 24:14).

² One man stands at the entrance to the court, with cloths [vehasudarin] in his hand, and another man sits on a horse at a distance from him but where he can still see him. If one of the judges says: I can teach a reason to acquit him, the other, i.e., the man with the cloths, waves the cloths as a signal to the man on the horse, and the horse races off after the court agents who are leading the condemned man to his execution, and he stops them, and they wait until the court determines whether or not the argument has substance. And even if he, the condemned man himself, says: I can teach a reason to acquit myself, he is returned to the courthouse, even four or five times, provided that there is substance to his words.

³ GEMARA: The Gemara asks: And was the place of stoning just outside the court and nothing more? Does it suffice that the place of execution is only a short distance from the court and no further? But isn't it taught in a baraita: The place of stoning was outside the distance that is equivalent to the length of the three camps in the wilderness: The camp of the Divine Presence, the camp of the Levites, and the camp of the Israelites. In Jerusalem there were three corresponding camps: The Temple with its courtyard, the Temple Mount, and the rest of the city. The distance in the wilderness outside of the three camps corresponds to a place outside the city walls and limits.

⁴ The Gemara answers: Yes, it is as you said, that the place of stoning was outside the three camps. And the practical difference from the fact that the mishna teaches the halakha in this manner is that if it happened that the court went out and convened outside the three camps, even then the place of stoning is set up at a certain distance from the court, and not immediately adjacent to it, so that the court should not appear to be a court of killers. Alternatively, the reason the place of stoning must be distanced from the court is so that the condemned man might have a chance to be saved, i.e., so that during the time it takes for him to be taken from the court to the place of stoning someone will devise a claim in his favor.

⁵ The Gemara asks: From where is this matter derived that the stoning is carried out outside the three camps? As the Sages taught a baraita with regard to the verse: “Take out him who has cursed to outside the camp” (Leviticus 24:14). This means: Outside the three camps, i.e., even outside the camp of the Israelites. Do you say that he is taken outside the three camps, or is he perhaps taken outside only one camp? Proof is brought that he must be taken outside the three camps: It is stated here that the condemned man is taken “outside the camp” and it is stated with regard to the bulls

brought as sin-offerings that are burned that they must be burned “outside the camp” (Leviticus 4:12). Just as there, the bulls brought as sin-offerings are burned when outside the three camps, so too here, the condemned man is taken outside the three camps.

⁶ The Gemara asks: And there, with regard to the bulls brought as sin-offerings that are burned, from where do we derive that they must be burned when outside all three camps? As the Sages taught in a baraita: It is stated about the bull brought as a sin-offering of the High Priest: “Even the whole bull shall he carry outside the camp unto a clean place, where the ashes are poured out, and burn it” (Leviticus 4:12), meaning that he should take it outside the three camps. Do you say that he takes it outside the three camps, or is he required to take it outside only one camp?

⁷ When the verse states with regard to the bull brought as a communal sin-offering: “He shall carry the bull outside the camp, and burn it as he burned the first bull” (Leviticus 4:21), it requires explanation, as there is no need for the verse to state “outside the camp,” since it is already stated at the end of that same verse: “And burn it as he burned the first bull,” which indicates that all the halakhot of the bull brought as a sin-offering of a High Priest apply to the bull brought as a communal sin-offering. What then does the verse mean when it states “outside the camp”? To give it a second camp, i.e., it indicates that it must be removed not only from the camp of the Divine Presence, corresponding to the Temple, but also from the Levite camp, corresponding to the Temple Mount.

⁸ And when another verse states with regard to the removal of the ash: “And he shall put off his garments, and put on other garments, and carry forth the ashes outside the camp to a clean place” (Leviticus 6:4), that verse also requires an explanation, as there is no need for the verse to state this, since it is already stated with regard to the bull brought as a sin-offering of a High Priest: “Even the whole bull shall he carry outside the camp to a clean place, where the ashes are poured out, and burn it on wood with fire; where the ashes are poured out shall it be burned” (Leviticus 4:12). The repetition of “outside the camp” indicates that he is required to give it a third camp, i.e., teaching that it is burned when outside the Israelite camp, corresponding to the land outside Jerusalem’s walls.

⁹ The Gemara challenges this derivation of the halakha governing one who is sentenced to be stoned from the halakha governing the burning of bulls brought as sin-offerings. Perhaps the place of stoning should be learned from the halakha governing offerings slaughtered outside the Temple courtyard, about which the verse also uses the expression “outside the camp” (see Leviticus 17:3). Just as there, with regard to offerings slaughtered outside the Temple courtyard, these words mean: Outside only one camp, the camp of the Divine Presence, corresponding to the Temple, as the next verse states: “And he did not bring it to the door of the Tent of Meeting” (Leviticus 17:4), i.e., the camp of the Divine Presence, so too here, the condemned man should be stoned outside one camp.

¹⁰ The Gemara answers: For three reasons it is reasonable to derive the halakha governing one who is sentenced to be stoned from the halakha governing bulls brought as sin-offerings that are burned.

¹¹ The Gemara explains: As with regard to the man to be stoned for blasphemy it states: “Take out [hotze] him who has cursed to outside the camp,” which is similar to what is stated about the sin bull-offerings: “Even the whole bull shall he carry [vehotzi] outside the camp,” whereas with regard to offerings slaughtered outside the Temple courtyard it merely says: “Outside the camp.” Additionally, both in the case of stoning and in the case of the bulls brought as sin-offerings, going outside the camp renders the act fit, as the blasphemer may not be stoned and the bulls may not be

burned inside the camp, in contrast to the case of the offerings slaughtered outside the Temple courtyard, where slaughtering them outside the camp renders the act forbidden. And additionally, both in the case of stoning and in the case of the bulls brought as sin-offerings, being outside the camp achieves atonement, as both capital punishment and sin-offerings atone for sin.

¹² The Gemara rejects this reasoning: On the contrary, the halakha governing one who is sentenced to be stoned should be derived from the halakha governing offerings slaughtered outside the Temple courtyard, for four reasons.

¹³ The Gemara explains the four reasons: As in both cases it is a person who is outside, either the one who is taken outside for stoning, or the one who slaughters the offerings outside the Temple courtyard, whereas in the case of the bulls brought as sin-offerings, it is the bulls that are carried outside the camp. Additionally, both the blasphemer and the one who slaughters offerings outside the Temple courtyard have committed a sin, while the bull has not. Additionally, both the blasphemer and the one who slaughters offerings outside the Temple courtyard pay with their souls, as slaughtering an offering outside the Temple is punishable with karet. And lastly, both in the case of the blasphemer and in the case of offerings slaughtered outside the Temple courtyard, the halakha of disqualification of an offering that was sacrificed with the intent to consume it after its designated time [piggul] is not applicable, whereas this halakha is applicable to the bulls brought as sin-offerings.

¹⁴ The Gemara explains: Nevertheless, the baraita prefers to compare one case requiring going outside the camp to render an act fit and another case requiring going outside the camp to render an act fit, rather than comparing one case requiring going outside the camp to render an act fit and another case of going outside the camp that renders the act forbidden, as this is the most notable of the factors mentioned.

¹⁵ Rav Pappa said: The matter of the location of the place of stoning can be derived from the verses themselves: Where was Moses sitting when the matter of the blasphemer was brought before him? In the Levite camp, as he was a Levite, and it was there that the blasphemer was brought for trial. And the Merciful One said to Moses: “Take out him who has cursed to outside the camp,” indicating that he should be taken outside the Levite camp into the Israelite camp. And later it says: “And Moses spoke to the children of Israel, and they brought him that had cursed out of the camp, and they stoned him with a stone. And the children of Israel did as the Lord commanded Moses” (Leviticus 24:23), teaching that he was taken outside the Israelite camp as well.

¹⁶ The Gemara raises an objection: This additional verse is necessary to teach us about the implementation of God’s instructions, i.e., that the Jewish people did in fact carry out God’s command, but this verse should not be understood as referring to an additional camp. The Gemara answers: The implementation of God’s instructions is written explicitly, as it is stated in the continuation of the verse:

¹⁷ “And the children of Israel did as the Lord commanded Moses.”

¹⁸ The Gemara asks: If that is so, what do they do with the words in the verse: “And they stoned him with a stone”? These words appear to be superfluous, as even without them we would know that God’s instructions to stone the blasphemer were implemented. What then do they serve to teach? The Gemara answers: That phrase is necessary for that which is taught in a baraita: The verse states: “And they stoned him with a stone.” The word “him” teaches that they stoned him alone, while he

was naked, but not while he was in his clothing. The verse uses the singular term “stone [aven]” rather than the plural term stones [avanim] to teach that if the condemned man died after being struck with one stone, the court has fulfilled its obligation.

¹⁹ The Gemara notes: And it was necessary to write with regard to the blasphemer that “they stoned him with a stone,” in the singular, and it was necessary to write with regard to the man who gathered sticks on Shabbat that “they stoned him with stones” (Numbers 15:36), in the plural. As, had the Merciful One written only “stone,” I would say that where the condemned man did not die after being struck with one stone, they do not bring other stones and kill him with them. Therefore, the Merciful One writes “stones.” And had the Merciful One written only “stones,” I would say that from the outset they should bring two or more stones. Therefore, the Merciful One writes “stone.”

²⁰ The Gemara raises an objection to Rav Pappa’s derivation: But this tanna of the baraita cited above said: It is stated here and it is stated elsewhere, thereby basing his derivation on a verbal analogy between the verse concerning the blasphemer and the verse concerning the bulls brought as sin-offerings that are burned. How, then, can Rav Pappa, an amora, disagree and derive the halakha directly from the verse dealing with the blasphemer? The Gemara answers: According to Rav Pappa, the tanna of the baraita said: Had it not been stated, and this is what he is saying: Had a verse not been stated from which it can be directly derived that the condemned man is stoned outside all three camps, I would have said that this can be learned by way of a verbal analogy. But now that such a verse has been stated, the verbal analogy is not needed.

²¹ Rav Ashi said: The location of the place of stoning can be directly derived from the verse discussing the blasphemer but in a slightly different manner. Where was Moses sitting when the matter of the blasphemer was brought before him? In the Levite camp. And the Merciful One said to him: “Take out him who has cursed” (Leviticus 24:14), indicating that he should be taken outside the Levite camp into the Israelite camp. And God continued in that verse: “Outside the camp,” which is an additional command that he should be removed even further, to outside the Israelite camp. And the later verse, which says: “And they brought him that had cursed out of the camp...and the children of Israel did as the Lord commanded Moses” (Leviticus 24:23), teaches us about the implementation of God’s instructions, i.e., that the children of Israel did in fact carry out His command.

²² The Gemara raises an objection: The implementation of God’s instructions is written explicitly in this context, as it is stated in the continuation of the verse: “And the children of Israel did as the Lord commanded Moses.” The Gemara answers: That verse is necessary to teach us that not only was the condemned man taken outside the three camps and stoned, but the rest of God’s instructions were also fulfilled. These instructions relate to the placing of the witnesses’ hands upon the head of the condemned man, as it is stated: “And let all that heard him place their hands upon his head” (Leviticus 24:14), and to the witnesses’ pushing of the condemned man from a platform the height of two stories.

²³ The Sages said to Rav Ashi: According to you, that the expression “take out” by itself means outside the camp, and “outside the camp” means outside an additional camp, what do you learn from all those instances of “take out” that are written with regard to the bulls brought as sin-offerings that are burned? According to your explanation, there are many superfluous phrases in the verses. The Gemara comments: Indeed, this is difficult with regard to the opinion of Rav Ashi.

²⁴ § The mishna teaches that one man stands at the entrance to the court, with cloths in his hand, ready to signal to the court agents leading the condemned man to his execution that some doubt has been raised with respect to the latter's guilt. Rav Huna says: It is obvious to me that the stone with which the condemned man is stoned and the tree on which his corpse is hung after his execution, or the sword with which he is killed, or the scarf with which he is strangled, all of these come from the property of the community. What is the reason for this? We do not tell the condemned man to go and bring these items from his own property and effectively kill himself.

²⁵ Rav Huna raised a dilemma: With regard to the cloth that is waved and the horse that races off after the court agents to stop the latter from carrying out the execution, from whose property do they come, that of the condemned man or that of the community? The Gemara explains the two sides of the dilemma: Since they are needed to save the man being led to his execution, these items should be taken from his property. Or perhaps, since the court is obligated to take all possible measures to save him from death, they should be taken from them, i.e., the community.

²⁶ And furthermore, another question is raised along similar lines: With regard to that which Rav Ḥiyya bar Ashi says that Rav Ḥisda says: The court gives one who is being led out to be killed a grain [koret] of frankincense in a cup of wine in order to confuse his mind and thereby minimize his suffering from the fear of his impending death, as it is stated: "Give strong drink to him that is ready to perish, and wine to the bitter in soul" (Proverbs 31:6). And it is taught in a baraita: The prominent women of Jerusalem would donate this drink and bring it to those being led out to be killed. The question is: If these prominent women did not donate this drink, from whom is it taken? The Gemara answers: With regard to this question, it is certainly reasonable that this drink should be taken from the community, as it is written: "Give [tenu] strong drink," in the plural, indicating that it should come from them, the community.

²⁷ § Rav Aḥa bar Huna asked Rav Sheshet: If one of the students sitting before the judges said: I can teach a reason to acquit him, and he became mute and cannot explain himself, what is the halakha in such a case? Does the court take heed of his words, or do they disregard him? Rav Sheshet waved his hands in scorn and said: If the student became mute, the court certainly does not pay attention to him, as were the court to concern themselves with what he said, they would have to be concerned even that perhaps there is someone at the end of the world who can propose an argument in the condemned man's favor. The Gemara rejects this argument: The cases are not similar. There, no one said that he had a reason to acquit the condemned man. Here, the student already said that he had a reason to acquit the condemned man. The question, therefore, is appropriate. What is the halakha in such a case?

²⁸ The Gemara suggests: Come and hear an answer: As Rabbi Yosei bar Ḥanina says: In a case where there was one of the students who argued to acquit the defendant and then died, the court views him as if he were alive and standing in his place and voting to acquit the defendant. The implication is that if he argued to acquit the defendant and explained his reasoning, yes, the court counts his vote as if he were still alive. But if he did not actually argue to acquit the defendant, but only said that he wished to propose such an argument, his vote is not counted as though he were still alive.

²⁹ The Gemara rejects this proof: If the student argued to acquit the defendant, it is obvious to me that he should be counted among those favoring acquittal. But if he only says that he wishes to

propose such an argument, let the dilemma be raised whether or not he should be regarded as having presented a convincing argument in favor of acquittal. The question is left unresolved.

³⁰ The mishna teaches: And even if he, the condemned man himself, says: I can teach a reason to acquit myself, he is returned to the courthouse even four or five times, provided that there is substance to his words. The Gemara asks: And is the halakha that there must be substance to his words even the first and second time that the condemned man says that he can teach a reason to acquit himself? But isn't it taught in a baraita: The first and second times that he says that he can teach a reason to acquit himself, they return him to the courthouse and consider whether there is substance to his statement or there is no substance to his statement. From this point forward, if there is substance to his statement they return him to the courthouse, but if there is no substance to his statement, they do not return him. This appears to contradict the mishna.

³¹ Rav Pappa said: Explain that the mishna's ruling applies only from after the second time forward, that from that point on we examine whether there is substance to his words.

³² The Gemara asks: How do we know whether or not there is substance to his words? Abaye said: If the condemned man has already been returned twice to the courthouse, we send a pair of rabbis with him to evaluate his claim. If they find that there is substance to his statement, yes, he is returned once again to the courthouse; if not, he is not returned.

³³ The Gemara asks: But why not send a pair of rabbis with him from the outset, even the first time, and have them make an initial assessment of his claim? The Gemara answers: Since a man facing execution is frightened by the thought of his impending death, he is not able to say all that he has to say, and perhaps out of fear he will be confused and not provide a substantial reason to overturn his verdict. Therefore, the first two times he is returned to the courthouse without an initial examination of his arguments. Once he has already been returned on two occasions, the court allows for no further delay, and they send two rabbis to evaluate his claim before returning him a third time.

³⁴ MISHNA: If, after the condemned man is returned to the courthouse, the judges find a reason to acquit him, they acquit him and release him immediately. But if they do not find a reason to acquit him, he goes out to be stoned. And a crier goes out before him and publicly proclaims: So-and-so, son of so-and-so, is going out to be stoned because he committed such and such a transgression. And so-and-so and so-and-so are his witnesses. Anyone who knows of a reason to acquit him should come forward and teach it on his behalf.

³⁵ GEMARA: Abaye says: And the crier must also publicly proclaim that the transgression was committed on such and such a day, at such and such an hour, and at such and such a place, as perhaps there are those who know that the witnesses could not have been in that place at that time, and they will come forward and render the witnesses conspiring witnesses.

³⁶ The mishna teaches that a crier goes out before the condemned man. This indicates that it is only before him, i.e., while he is being led to his execution, that yes, the crier goes out, but from the outset, before the accused is convicted, he does not go out. The Gemara raises a difficulty: But isn't it taught in a baraita: On Passover Eve they hung the corpse of Jesus the Nazarene after they killed him by way of stoning. And a crier went out before him for forty days, publicly proclaiming: Jesus the Nazarene is going out to be stoned because he practiced sorcery, incited people to idol worship, and led the Jewish people astray. Anyone who knows of a reason to acquit him should come forward and

teach it on his behalf. And the court did not find a reason to acquit him, and so they stoned him and hung his corpse on Passover eve.

³⁷ Ulla said: And how can you understand this proof? Was Jesus the Nazarene worthy of conducting a search for a reason to acquit him? He was an inciter to idol worship, and the Merciful One states with regard to an inciter to idol worship: “Neither shall you spare, neither shall you conceal him” (Deuteronomy 13:9). Rather, Jesus was different, as he had close ties with the government, and the gentile authorities were interested in his acquittal. Consequently, the court gave him every opportunity to clear himself, so that it could not be claimed that he was falsely convicted.

³⁸ Apropos the trial of Jesus, the Gemara cites another baraita, where the Sages taught: Jesus the Nazarene had five disciples: Mattai, Nakai, Netzer, Buni, and Toda. They brought Mattai in to stand trial. Mattai said to the judges: Shall Mattai be executed? But isn’t it written: “When [matai] shall I come and appear before God?” (Psalms 42:3). Mattai claimed that this verse alludes to the fact he is righteous. They said to him: Yes, Mattai shall be executed, as it is written: “When [matai] shall he die, and his name perish?” (Psalms 41:6).

³⁹ Then they brought Nakai in to stand trial. Nakai said to the judges: Shall Nakai be executed? But isn’t it written: “And the innocent [naki] and righteous you shall not slay” (Exodus 23:7)? They said to him: Yes, Nakai shall be executed, as it is written: “In secret places he kills the innocent [naki]” (Psalms 10:8).

⁴⁰ Then they brought Netzer in to stand trial. He said to the judges: Shall Netzer be executed? But isn’t it written: “And a branch [netzer] shall grow out of his roots” (Isaiah 11:1)? They said to him: Yes, Netzer shall be executed, as it is written: “But you are cast out of your grave like an abhorred branch [netzer]” (Isaiah 14:19).

⁴¹ Then they brought Buni in to stand trial. Buni said to the judges: Shall Buni be executed? But isn’t it written: “My firstborn son [beni] is Israel” (Exodus 4:22)? They said to him: Yes, Buni shall be executed, as it is written: “Behold, I shall kill your firstborn son [binkha]” (Exodus 4:23).

⁴² Then they brought Toda in to stand trial. Toda said to the judges: Shall Toda be executed? But isn’t it written: “A psalm of thanksgiving [toda]” (Psalms 100:1)? They said to him: Yes, Toda shall be executed, as it is written: “Whoever slaughters a thanks-offering [toda] honors Me” (Psalms 50:23).

⁴³ § Apropos the last verse cited in this baraita, Rabbi Yehoshua ben Levi says: With regard to anyone who slaughters his evil inclination after it has tempted him to sin, if he repents and confesses his sin, the verse ascribes him credit as though he had honored the Holy One, Blessed be He, in two worlds, this world and the World-to-Come, as it is written: “Whoever slaughters a thanks-offering [toda] honors Me [yekhabdaneni]” (Psalms 50:23), which can also be read as: Whoever slaughters his evil inclination and confesses [mitvadeh] honors Me, and the two instances of the letter nun in the word yekhabdaneni allude to the two worlds.

⁴⁴ And Rabbi Yehoshua ben Levi also says: When the Temple is standing, if a person sacrifices a burnt-offering, he has the reward given for bringing a burnt-offering, and if he sacrifices a meal-offering, he has the reward given for bringing a meal-offering. But as for one whose spirit is humble, the verse ascribes him credit for his prayer as though he has sacrificed all the offerings, as it is stated: “The offerings of God are a broken spirit” (Psalms 51:19), which teaches that a broken spirit is

equivalent to the offerings to God, in the plural. And moreover, his prayer is not rejected, as it is stated in the continuation of that verse: “A broken and contrite heart, God, You will not despise.”

⁴⁵ MISHNA: When the condemned man is at a distance of about ten cubits from the place of stoning, they say to him: Confess your transgressions, as the way of all who are being executed is to confess. As whoever confesses and regrets his transgressions has a portion in the World-to-Come. For so we find with regard to Achan, that Joshua said to him: “My son, please give glory to the Lord, God of Israel, and make confession to Him” (Joshua 7:19). And the next verse states: “And Achan answered Joshua, and said: Indeed I have sinned against the Lord, God of Israel, and like this and like that have I done.” And from where is it derived that Achan’s confession achieved atonement for him? It is derived from here, as it is stated: “And Joshua said: Why have you brought trouble on us? The Lord shall trouble you this day” (Joshua 7:25). Joshua said to Achan as follows: On this day of your judgment you are troubled, but you will not be troubled in the World-to-Come.

⁴⁶ And if the condemned man does not know how to confess, either from ignorance or out of confusion, they say to him: Say simply: Let my death be an atonement for all my sins. Rabbi Yehuda says: If the condemned man knows that he was convicted by the testimony of conspiring witnesses, but in fact he is innocent, he says: Let my death be an atonement for all my sins except for this sin. The Sages who disagreed with Rabbi Yehuda said to him: If so, every person who is being executed will say that, to clear himself in the eyes of the public. Therefore, if the condemned man does not make such a statement on his own, the court does not suggest it to him as an alternative.

⁴⁷ GEMARA: Since the mishna referred to Achan’s sin, the Gemara cites several statements concerning that incident. The Sages taught in a baraita: Joshua said to Achan: “Please [na] give glory to the Lord, God of Israel, and make confession to Him.” The word “na” is nothing other than an expression of supplication. Why would Joshua employ an expression of supplication when approaching Achan?

⁴⁸ The baraita explains: When the Holy One, Blessed be He, said to Joshua: “Israel has sinned” (Joshua 7:11), Joshua said to Him: Master of the Universe, who is the one who has sinned? God said to him: Am I an informer [deilator]? Go cast lots and find out for yourself. Joshua then went and cast lots, and the lot fell upon Achan. Achan said to him: Joshua, do you come to execute me merely based on a lot, without any corroborating evidence? You and Elazar the priest are the two most distinguished leaders of the generation, but if I cast a lot upon the two of you, it will perforce fall upon one of you. What then can you prove from a lottery? Joshua said to him: I ask of you, do not spread slander about the lots, as Eretz Yisrael will one day be divided by lots, as it is stated: “Nevertheless, the land shall be divided by lot” (Numbers 26:55). Due to you the results of that lottery may be challenged. Therefore, Joshua used the word “na,” pleading with Achan to confess.

⁴⁹ Joshua said to Achan: “Please give glory to the Lord, God of Israel, and make confession to Him.” Ravina says: Joshua won over Achan with his words, saying: Do we ask anything of you but a confession? Make confession to Him and be discharged. Thinking that if he confessed, he would be pardoned, Achan immediately responded: “And Achan answered Joshua, and said: Indeed I have sinned against the Lord, God of Israel, and like this and like that have I done” (Joshua 7:20).

⁵⁰ With regard to the words “And like this and like that have I done,” Rav Asi says that Rabbi Hanina says: This teaches that Achan misused consecrated property from three dedications, i.e., three groups of property that had been dedicated to the Lord. Two were during wars waged in the days of

Moses, and one was in the days of Joshua, as it is stated: “And like this and like that have I done,” indicating that he had already committed similar offenses twice before committing the offense in Jericho. Rabbi Yoḥanan says in the name of Rabbi Elazar, son of Rabbi Shimon: Achan misused property from five dedications, four during wars waged in the days of Moses, and one in the days of Joshua, as it is stated: “I have sinned against the Lord, God of Israel, and like this and like that have I done,” with each “and” alluding to an additional prior offense.

⁵¹ The Gemara asks: If so, what is the reason that the Jewish people were not punished on Achan’s account until now? Rabbi Yoḥanan says in the name of Rabbi Elazar, son of Rabbi Shimon: Because God did not punish the nation as a whole for hidden sins committed by individuals until the Jewish people crossed the Jordan River.

⁵² The Gemara notes that this is subject to a dispute between tanna’im. The verse states: “The hidden matters belong to the Lord our God, but those matters that are revealed belong to us and to our children forever [ad olam], that we may do all the words of this Torah” (Deuteronomy 29:28). Why in a Torah scroll are there dots over each of the letters in the words “to us and to our children” and over the letter ayin in the word “forever [ad]”? The dots, which function like erasures that weaken the force of the words, teach that God did not punish the nation for hidden sins until the Jewish people crossed the Jordan River. This is the statement of Rabbi Yehuda.

⁵³ Rabbi Neḥemya said to him: And does God ever punish the nation as a whole for hidden sins committed by individuals? But isn’t it already stated: “The hidden matters belong to the Lord our God...forever,” indicating that the Jewish people will never be collectively held responsible for the secret sins of individuals? Rather, the dots over the words teach that just as God did not ever punish the nation as a whole for hidden sins committed by individuals, so too, He did not punish the entire nation for sins committed publicly by individuals until the Jewish people crossed the Jordan River. The Gemara asks: But if so,

⁵⁴ what is the reason that in the case of Achan they were punished? The Gemara answers: Achan’s offense was not a hidden matter because his wife and children knew about it, and they did not protest.

⁵⁵ § When God explained to Joshua the reason for the Jewish people’s defeat at the city of Ai, He said: “Israel has sinned” (Joshua 7:11). Rabbi Abba bar Zavda says: From here it may be inferred that even when the Jewish people have sinned, they are still called “Israel.” Rabbi Abba says: This is in accordance with the adage that people say: Even when a myrtle is found among thorns, its name is myrtle and people call it myrtle.

⁵⁶ The verse in Joshua continues: “They have also transgressed My covenant which I commanded them, and they have also taken of the dedicated property, and also stolen, and also dissembled, and also put it among their own goods.” Rabbi Ile’a says in the name of Rabbi Yehuda bar Masparta: This teaches that Achan also transgressed all five books of the Torah, as the word “also” is stated here five times.

⁵⁷ And Rabbi Ile’a says further in the name of Rabbi Yehuda bar Masparta: Achan, in addition to his other evil actions, would stretch his remaining foreskin in order to conceal the fact that he was circumcised. An allusion to this offense is found in the wording of this verse. Here, with regard to Achan, it is written: “They have also transgressed My covenant,” and there, with regard to circumcision, it is written: “He has violated My covenant” (Genesis 17:14).

⁵⁸ The Gemara asks: Isn't it obvious that he concealed his circumcision, as Rabbi Ile'a said that he transgressed all five books of the Torah? The Gemara answers: Lest you say that while Achan transgressed all five books of the Torah, with regard to a mitzva relating to his own body, such as circumcision, he did not act irreverently, Rabbi Ile'a teaches us that he sinned concerning this mitzva as well.

⁵⁹ With regard to Achan, the verse states: "And because he has committed a wanton deed in Israel" (Joshua 7:15). Rabbi Abba bar Zavda says: This teaches that Achan engaged in sexual intercourse with a betrothed young woman. This offense is also alluded to by the wording of the verse. Here, with regard to Achan, it is written: "And because he has committed a wanton deed," and there, with regard to a betrothed young woman who committed adultery, it is written: "Because she has committed a wanton deed in Israel, to play the harlot in her father's house" (Deuteronomy 22:21).

⁶⁰ The Gemara asks: Isn't this obvious, as Achan transgressed the entire Torah? The Gemara similarly answers: Lest you say that he did not act irreverently to such an extent, Rabbi Abba bar Zavda teaches us that he paid no heed even to this prohibition. Ravina said: This verbal analogy does not teach what Achan's offense was; rather, it teaches that his punishment was like that of a betrothed young woman who committed adultery, for which she is executed by stoning.

⁶¹ § The Exilarch said to Rav Huna: It is written: "And Joshua took Achan, 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, and all Israel with him...and all Israel stoned him with stones; and they burned them with fire, and stoned them with stones" (Joshua 7:24–25). If Achan sinned, so that he was liable to be stoned, did his sons and daughters also sin, that they too should be stoned?

⁶² Rav Huna said to the Exilarch: And according to your reasoning that Achan's family was also punished, if Achan sinned, did all of Israel sin? As it is written: "And all Israel with him." Rather, Joshua took all of the people to the Valley of Achor not to stone them, but to chastise them and strike fear into their hearts by making them witness the stoning. So too, he took Achan's household there in order to chastise them.

⁶³ With regard to Achan's punishment, the verse states: "And they burned them with fire, and stoned them with stones." The Gemara asks: Did they punish him with two punishments? Ravina says: That which was fit for burning, e.g., an item of clothing, was taken out for burning, and that which was fit for stoning, e.g., an animal, was taken out for stoning.

⁶⁴ § In his confession, Achan states: "And I saw among the spoil a fine mantle of Shinar, and two hundred shekels of silver" (Joshua 7:21). Rav says: A mantle of Shinar is a cloak [itztela] of choice wool [demeilta], and Shmuel says: It is a garment [sarbela] dyed with alum.

⁶⁵ With regard to the spoils that Achan took for himself, the verse states: "And they laid them out before the Lord" (Joshua 7:23). Rav Nahman says: Joshua came and cast down the spoils before God. Joshua said to Him: Master of the Universe, was it because of these small items that the majority of the Sanhedrin were killed? As it is written: "And the men of Ai smote of them about thirty-six men" (Joshua 7:5), and it is taught in a baraita: Thirty-six men, literally, were killed; this is the statement of Rabbi Yehuda. Rabbi Neḥemya said to Rabbi Yehuda: But were they precisely thirty-six men? Didn't it state only: "About thirty-six men"? Rather, this is a reference to Yair, son of

Manasseh, who was killed, and who was himself equivalent in importance to the majority of the Sanhedrin, i.e., thirty-six men.

⁶⁶ Rav Naḥman says that Rav says: What is the meaning of that which is written: “The poor man speaks entreaties, but the rich man answers with impudence” (Proverbs 18:23)? “The poor man speaks entreaties”; this is a reference to Moses, who addressed God in a tone of supplication and appeasement. “But the rich man answers with impudence”; this is a reference to Joshua, who spoke to God in a belligerent manner.

⁶⁷ The Gemara asks: What is the reason that Joshua is considered to have answered God with impudence? If we say that it is because it is written: “And he laid them out before the Lord,” and Rav Naḥman says that this means that Joshua came and cast the spoils down before God as part of his argument, this is difficult: Is that to say that Pinehas did not act the same way in the incident involving Zimri and Cozbi? As it is written: “Then stood up Pinehas, and executed judgment [vayefallel], and the plague was stayed” (Psalms 106:30), and Rabbi Elazar says: And he prayed [vayitpallel], is not stated; rather, “and he executed judgment [vayefallel]” is stated, which teaches that he entered into a judgment together with his Creator. How so? He came and cast Zimri and Cozbi down before God, and said to Him: Master of the Universe, was it because of these sinners that twenty-four thousand members of the Jewish people fell? As it is written: “And those that died by the plague were twenty-four thousand” (Numbers 25:9).

⁶⁸ Rather, Joshua’s belligerence is seen from this verse: “Why have You brought this people over the Jordan” (Joshua 7:7), as if he were complaining about God’s treatment of Israel. This too is difficult, as Moses also said a similar statement: “Why have You dealt ill with this people? Why is it that You have sent me?” (Exodus 5:22). Rather, Joshua’s belligerence is seen from here, from the continuation of the previously cited verse in Joshua: “Would that we had been content and had remained in the Transjordan” (Joshua 7:7).

⁶⁹ § With regard to the verse that states: “And the Lord said to Joshua: Get you up; why do you lie this way on your face?” (Joshua 7:10), Rabbi Sheila taught in a public lecture: The Holy One, Blessed be He, said to Joshua: Your own sin is even worse than that of the other Jews who sinned, as I said to the Jewish people: “And it shall be when you have gone over the Jordan, that you shall set up these stones” (Deuteronomy 27:4), and you have already distanced yourselves sixty mil from the Jordan River, and you have yet to fulfill the mitzva.

⁷⁰ After Rav Sheila finished his lecture and went out, Rav, who had been present but remained silent, placed an interpreter alongside him, who would repeat his lecture in a loud voice so that the public could hear it, and he taught: The verse states: “As the Lord commanded Moses His servant, so did Moses command Joshua, and so did Joshua; he left nothing undone of all that the Lord had commanded Moses” (Joshua 11:15). This indicates that Joshua could not have been guilty of a grave offense such as delaying in setting up the stones.

⁷¹ If so, what is the meaning when the verse states: “Get you up,” hinting that Joshua was in fact responsible for some transgression? The matter should be understood as follows: God said to Joshua: You caused the Jewish people to sin, as had you not dedicated all the spoils of Jericho to the Tabernacle treasury, the entire incident of Achan taking the spoils improperly would not have occurred. And this is what God said to him at Ai: “And you shall do to Ai and her king as you did to

Jericho and her king; only its spoil and its cattle shall you take for a prey to yourselves” (Joshua 8:2), instructing Joshua that the Jewish people should keep the spoils.

⁷² The verse states: “And it came to pass when Joshua was by Jericho that he lifted up his eyes and looked, and, behold, a man stood over against him with his sword drawn in his hand: And Joshua went to him and said to him, Are you for us or for our adversaries? And he said: No, but I am captain of the host of the Lord; I have now come. And Joshua fell on his face to the earth, and bowed down” (Joshua 5:13–14). The Gemara asks: How could Joshua do so, bowing down to a stranger at night? But doesn’t Rabbi Yoḥanan say: It is prohibited for a person to greet another whom he does not recognize at night, as we are concerned that perhaps the one he doesn’t recognize is a demon? Why was Joshua not concerned about this possibility?

⁷³ The Gemara answers: It is different there, as the stranger said to Joshua: “I am captain of the host of the Lord; I have now come.” The Gemara asks: But perhaps he was in fact a demon and he was lying? The Gemara answers: It is learned as a tradition that demons do not utter the name of Heaven in vain, and since this figure mentioned the name of Heaven, he must have been speaking the truth.

⁷⁴ The Gemara understands the words of the angel that Joshua encountered as a rebuke for some offense Joshua committed: The angel said to Joshua: Yesterday, in the afternoon, you neglected sacrificing the daily afternoon offering because you were engaged in warfare, and now, when it is dark, you neglected Torah study. Joshua asked him: For which of these sins have you come to reprove me? The angel said to him: “I have now come,” i.e., the fact that I did not come before, but waited until now, when it is dark, indicates that the sin of neglecting Torah study is the more severe one.

⁷⁵ Joshua immediately acted to rectify the matter by deciding that he must devote more time to Torah study, as it is stated: “And Joshua lodged that night” (Joshua 8:9) “into the midst of the valley [ha’emek]” (Joshua 8:13). And Rabbi Yoḥanan says: This teaches that he lodged all night in the depth [be’omekah] of halakha, thereby atoning for his previous neglect of Torah study.

⁷⁶ Shmuel bar Unya says in the name of Rav: Torah study is greater than the sacrificing of the daily offerings, as it is stated: “I have now come,” demonstrating that the neglect of Torah study is a more serious offense than the neglect of the daily offerings.

⁷⁷ § Abaye said to Rav Dimi, who descended to Babylonia from Eretz Yisrael: How do you explain this verse in the West, Eretz Yisrael: “Do not proceed hastily to litigation, lest you know not what to do in the end of it, when your neighbor has put you to shame. Debate your cause with your neighbor, and do not reveal the secret of another” (Proverbs 25:8–9)?

⁷⁸ Rav Dimi explained as follows: At the time that the Holy One, Blessed be He, said to Ezekiel: Go say to Israel: “Your father was an Amorite and your mother a Hittite” (Ezekiel 16:3), the spirit Paskonit, which is another name for the angel Gabriel, said before the Holy One, Blessed be He: Master of the Universe, were the patriarch Abraham and the matriarch Sarah to come now and stand before You, would you speak to them in such a manner and put them to shame? Is it not stated: “Debate your cause with your neighbor, and do not reveal the secret of another”?

⁷⁹ The Gemara asks: But does the angel Gabriel have so much authority that he can reprove God in such a manner? The Gemara answers: Yes, as Rabbi Yosei, son of Rabbi Ḥanina, says: He, the angel Gabriel, has three names: Piskon, Itmon, and Sigron. He is called Piskon because he splits [sheposek]

words and argues with God on High. He is called Itmon because he conceals [she'otem] the sins of the Jewish people. And he is called Sigron because once he closes [shesoger] his arguments on behalf of the Jewish people, no one reopens the discussion.

⁸⁰ The verse states: "Had you prepared your prayers, before your troubles came" (Job 36:19). Rabbi Elazar says: A person should always offer up prayer before trouble actually arrives, as had the patriarch Abraham not anticipated the trouble at Ai with the prayer he offered between Bethel and Ai, there would have been no remnant or refugee remaining among the enemies of Israel, a euphemism for Israel itself, as Israel suffered a defeat at Ai from which there is ordinarily no recovery. Reish Lakish says: The verse should be understood as follows: Anyone who concentrates himself and his energy in prayer in the world below will have no enemies in Heaven above causing him trouble. Rabbi Yoḥanan says: The verse should be understood in a slightly different manner: A person should always pray for mercy that all heavenly beings should strengthen his power of prayer, and that he should have no enemies causing him trouble in Heaven above.

⁸¹ § The mishna teaches: From where is it derived that Achan's confession achieved atonement for him? The Sages taught likewise in a baraita: From where is it derived that Achan's confession achieved atonement for him? As it is stated: "And Joshua said: Why have you brought trouble on us? The Lord shall trouble you this day" (Joshua 7:25). Joshua said to Achan: On this day of your judgment you are troubled, but you will not be troubled in the World-to-Come. And elsewhere it is written: "And the sons of Zerah were Zimri and Ethan and Heman and Calcol and Dara, five of them in all" (I Chronicles 2:6). What do the words "five of them in all" serve to teach? All five sons are destined to receive a share in the World-to-Come. According to the Sages, Zimri is Achan, son of Zerah, as will be explained. Since Achan has a share in the World-to-Come, his confession must have achieved atonement for him.

⁸² In one place, among the five sons of Zerah, it is written: "Zimri," without any mention of Achan (I Chronicles 2:6), and in another place it is written: "And Joshua took Achan, son of Zerah" (Joshua 7:24). Rav and Shmuel both say that Zimri and Achan are one and the same, but they disagree about his real name. One of them says: His real name was Achan. Why then was he called Zimri? He was called Zimri because he acted like Zimri, i.e., just as Zimri engaged in sexual intercourse with a Midianite woman, Achan engaged in intercourse with a betrothed young woman. And the other one says: His real name was Zimri. Why then was he called Achan? He was called Achan because he acted like a snake [she'iken] and caused the punishment of the sins of the Jewish people.

⁸³ § The mishna teaches that if the condemned man does not know how to confess, they say to him: Say simply: Let my death be an atonement for all my sins. Rabbi Yehuda says that if he knows that he was wrongfully convicted, he should say: Let my death be an atonement for all my sins except for this sin. The Sages counter that if such a confession is acceptable, anyone who is sentenced to execution would state it to clear himself in the eyes of the public. The Gemara challenges: Let them clear themselves. Why should the court intervene if the condemned man wishes to proclaim his innocence? The Gemara answers: They intervene so as not to cast aspersions on the courts and on the witnesses who testified against him.

⁸⁴ The Sages taught: An incident occurred involving a person who was being taken out to be executed after having been convicted by the court. He said: If I committed this sin for which I am being executed, let my death not be an atonement for all my sins; but if I did not commit this sin for

which I am being put to death, let my death be an atonement for all my sins. And the court that convicted me and all the people of Israel are clear of responsibility, but the witnesses who testified falsely against me will never be forgiven. And when the Sages heard this, they said: It is impossible to bring him back to court and reconsider the verdict, as the decree has already been decreed. Rather, he shall be executed, and the chain of responsibility for his wrongful execution hangs around the necks of the witnesses.

⁸⁵ The Gemara asks: Isn't it obvious that he should be executed? Is it in his power to have his sentence overturned just because he says he is innocent? The Gemara answers: No, it is necessary to state that the condemned man is executed even when the witnesses retracted their testimony.

⁸⁶ The Gemara asks: Even if the witnesses retracted their testimony, what of it? It is still clear that the condemned man is to be executed, as the halakha is that once a witness has stated his testimony, he may not then state a revision of that testimony. In other words, a witness's retraction of his testimony has no validity. The Gemara answers: No, it is necessary to state that the condemned man is executed even when the witnesses retracted their testimony and gave an explanation for having lied in their initial statement. This is like that incident involving Ba'aya the tax collector, where it was discovered that witnesses had falsely accused the son of Rabbi Shimon ben Shatah in revenge for the son's having sentenced to death for sorcery the witnesses' relatives.

⁸⁷ MISHNA: When the condemned man is at a distance of four cubits from the place of stoning, they take off his clothes. They cover a man's genitals in the front, and a woman is covered both in the front and in the back; this is the statement of Rabbi Yehuda. But the Rabbis say: A man is stoned naked, i.e., wearing only that cloth covering, but a woman is not stoned naked, but is stoned while clothed.

⁸⁸ GEMARA: The mishna teaches that a man is stoned naked but a woman is not stoned naked. With regard to this matter the Sages taught a related baraita: They cover a man's genitals with one piece of cloth in the front, and a woman is covered with two pieces of cloth, both in the front and in the back, because all of that area is nakedness, which may not be viewed. This is the statement of Rabbi Yehuda. But the Rabbis say: A man is stoned naked, but a woman is not stoned naked.

⁸⁹ The Gemara asks: What is the reasoning behind the opinion of the Rabbis, who say that a man is stoned naked, but a woman is not? The Gemara answers: The verse states: "And all the congregation shall stone him" (Leviticus 24:14). What does the verse intend to teach when it emphasizes that they stone "him"?

⁹⁰ If we say that this serves to teach that they stone only him, the man, but not her, i.e., women are not punished with stoning, there is a difficulty. As isn't it written explicitly: "And you shall bring forth that man or that woman...and stone them with stones until they die" (Deuteronomy 17:5)? Rather, what does the verse mean to teach when it stresses that they stone "him"? If he is a man, they stone just him, without his clothes, but if the condemned party is a woman, they stone her with her clothing. Rabbi Yehuda says: The emphasis on the word "him" teaches that they stone him alone, i.e., without his clothes, but as is the case with all other punishments stated in the Torah, there is no difference for a man and no difference for a woman, meaning the same halakha applies to both men and women.

⁹¹ The Gemara asks: Is this to say that the Rabbis are concerned that the sight of a naked woman will arouse sexual thoughts among the onlookers, and Rabbi Yehuda is not concerned about such sexual

thoughts? But didn't we hear them say just the opposite, as we learned in a mishna (Sota 7a) with regard to a sota, a woman suspected of adultery by her husband, and who was made to undergo the ordeal of the bitter waters: And the priest grabs hold of her clothing and pulls it, without concern about what happens to it. If the clothes are torn, they are torn; if the stitches come apart, they come apart. And he pulls her clothing until he reveals her heart, i.e., her chest. And then he unbraids her hair. Rabbi Yehuda says: If her heart was attractive he would not reveal it, and if her hair was attractive he would not unbraids it. This seems to indicate that it is Rabbi Yehuda who is concerned about the sexual thoughts of the onlookers.

⁹² Rabba said: There, in the case of a sota, this is the reason that Rabbi Yehuda says that the priest does not reveal the woman's chest or unbraids her hair: Perhaps the sota will leave the court having been proven innocent, and the young priests in the Temple who saw her partially naked will become provoked by the sight of her. Here, in the case of a woman who is stoned, she is killed by being stoned, and there is no concern about the onlookers' becoming provoked after her death. The Gemara comments: And if you would say that the fact that she is killed is irrelevant to their having sexual thoughts because the onlookers will be provoked with regard to other women, this is not a concern, as Rabba says: It is learned as a tradition that the evil inclination controls only that which one's eyes see.

⁹³ Rava says: Is the contradiction between one statement of Rabbi Yehuda and the other statement of Rabbi Yehuda difficult, while the contradiction between one statement of the Rabbis and the other statement of the Rabbis is not difficult? There is also an apparent contradiction between the two rulings of the Rabbis, as with regard to a sota, they are not concerned about sexual thoughts, but with regard to a woman who is stoned they are concerned. Rather, Rava says: The contradiction between one statement of Rabbi Yehuda and the other statement of Rabbi Yehuda is not difficult, as we answered above.

⁹⁴ Rava continues: The contradiction between one ruling of the Rabbis and the other ruling of the Rabbis is not difficult either. With regard to a sota, the verse states that other women should be warned: "Thus will I cause lewdness to cease out of the land, that all women may be chastened not to do like your lewdness" (Ezekiel 23:48). In order to serve as an example and warning to other women, a woman suspected of adultery must undergo public disgrace, and therefore the concern about the sexual thoughts that her partially naked body might arouse is disregarded. Here, with regard to stoning, you have no chastening greater than seeing this stoning itself.

⁹⁵ And if you would say that two forms of chastening, both stoning and humiliation, should be done to her, Rav Nahman says that Rabba bar Avuh says: The verse states: "You shall love your neighbor as yourself" (Leviticus 19:18), teaching that even with regard to a condemned prisoner, select a good, i.e., a compassionate, death for him. Therefore, when putting a woman to death by stoning, she should not be humiliated in the process.

⁹⁶ The Gemara suggests: Let us say that whether one rules in accordance with the statement of Rav Nahman is a dispute between tanna'im, and according to Rabbi Yehuda there is no mitzva to select a compassionate death. The Gemara refutes this: No, it may be that everyone agrees with the opinion of Rav Nahman, and here they disagree about this: One Sage, i.e., the Rabbis, holds: Minimizing one's degradation is better for him than seeing to his physical comfort, i.e., than minimizing his physical pain. Therefore, the Rabbis view the more compassionate death as one without degradation,

even if wearing clothes will increase the pain of the one being executed, as the clothes will absorb the blow and prolong his death. And one Sage, Rabbi Yehuda, holds that one's physical comfort is better for him than minimizing his degradation, and therefore the one being executed prefers to be stoned unclothed, without any chance of the clothing prolonging his death, even though this increases his degradation.

⁹⁷ MISHNA: The place of stoning from which the condemned man is pushed to his death is a platform twice the height of an ordinary person. He is made to stand at the edge of the platform, and then one of the witnesses who testified against him pushes him down by the hips, so that he falls face up onto the ground. If he turned over onto his chest, with his face downward, the witness turns him over onto his hips. And if he dies through this fall to the ground, the obligation to stone the transgressor is fulfilled.

⁹⁸ And if the condemned man does not die from his fall, the second witness takes the stone that has been prepared for this task and places, i.e., casts, it on his chest. And if he dies with the casting of this first stone, the obligation to stone the transgressor is fulfilled. And if he does not die with the casting of this stone, then his stoning is completed by all of the Jewish people, i.e., by all the people who assembled for the execution, as it is stated: "The hand of the witnesses shall be first upon him to put him to death, and afterward the hand of all the people" (Deuteronomy 17:7).

⁹⁹ GEMARA: A tanna taught in a baraita: Adding together the height of the platform, which is twice the height of an ordinary person, and the condemned man's own height, it turns out that there is a height here three times the height of an ordinary person. The Gemara asks: Do we really need all that height to kill him? The Gemara raises a contradiction to the baraita from what was taught in a mishna (Bava Kamma 50b) when discussing the halakhot of damage caused by a pit: Why does the Torah specify a pit when one is liable for the damage caused by any type of excavation that he digs into the ground? This teaches that just as a pit that is of sufficient depth to cause one's death from falling into it is at least ten handbreadths deep, so too, any other excavations that are of sufficient depth to cause one's death may be no less than ten handbreadths. If a fall of ten handbreadths is sufficient to kill a person, why must the platform from which the condemned man is pushed be twice the height of an ordinary person?

¹⁰⁰ Rav Nahman says that Rabba bar Avuh says: The verse states: "You shall love your neighbor as yourself" (Leviticus 19:18), teaching that even with regard to a condemned man, select a good, i.e., a compassionate, death for him. Therefore, even though the one being executed is likely to die from a fall from a lesser height, a platform is built that is twice the height of an ordinary person in order to ensure a quick and relatively painless death. The Gemara challenges: If so, they should raise the platform even higher. The Gemara answers: This is not done, because if the condemned man were pushed from a higher platform, he would become seriously disfigured, and this would no longer be considered a compassionate form of death.

¹⁰¹ § The mishna teaches that one of the witnesses who had testified against the condemned party pushes him off the platform. Concerning this halakha the Sages taught in a baraita: From where is it derived that the punishment of stoning can be fulfilled by pushing the condemned party from a high place, so that he dies from his fall? The verse states with regard to those who crossed the boundaries that were set up around Mount Sinai and touched the mountain: "Take heed to yourselves, that you not go up into the mountain, or touch the border of it; whoever touches the mountain shall be put to

death; no hand shall touch him, but he shall be stoned or shall be thrown down” (Exodus 19:12–13). And from where is it derived that this punishment can be fulfilled with actual stoning? The verse states: “He shall be stoned.”

¹⁰² And from where is it derived that this punishment is sometimes fulfilled both by stoning and by pushing, i.e., if the transgressor did not die from his fall, he is then stoned? The verse states: “He shall be stoned or shall be thrown down.” And from where is it derived that if the condemned man died from the pushing, the obligation to stone him has been fulfilled, and there is no further need to actually stone him? The verse states: “Or shall be thrown down,” with the term “or” indicating that only one of the two options must be fulfilled. And from where is it derived that this is the halakha not only at Mount Sinai, but even with regard to future generations?

¹⁰³ The verse states: “He shall be stoned [sakol yissakel],” with the doubled verb form indicating that the halakha applies in all places and at all times.

¹⁰⁴ § The mishna teaches that if the condemned party does not die from his fall, the second witness takes the stone that had been prepared for this task and casts it on his chest. The Gemara asks: Does the witness take the stone by himself? But isn’t it taught in a baraita that Rabbi Shimon ben Elazar says: A stone was there with a weight that could be lifted only by two men. The witness takes it and places, i.e., casts, it on the condemned party’s chest. If he dies with the casting of this stone, the obligation to stone the transgressor is fulfilled. This indicates that one individual could not lift the stone by himself. The Gemara answers: And according to your reasoning, the baraita itself should pose a difficulty for you, as it first states that the stone was of a weight that could be lifted only by two men, and then it says that the witness takes it and places it on the condemned party’s chest, apparently acting alone.

¹⁰⁵ Rather, both the mishna and the baraita should be explained as follows: The second witness lifts the stone together with the other witness, but then the second witness alone casts it so that it should fall with force upon the condemned party’s chest, as two people working together cannot aim their throw with precision.

¹⁰⁶ The mishna teaches: And if the condemned party does not die with the first stone, then his stoning is completed by all of the Jewish people. The Gemara raises a difficulty: But isn’t it taught in a baraita: Never did a person repeat the stoning, as the condemned party always died with the first stone cast upon him? The Gemara answers: Did we say that they acted so? Rather, we said that if the condemned party did not die with the casting of the first stone and it was necessary to try again, the stoning is completed by all of the people who assembled for the execution.

¹⁰⁷ The Master said in the baraita that a stone was there, indicating that a special stone was kept in the place of stoning and used time and time again for this purpose. The Gemara asks: But isn’t it taught in a baraita: The stone with which the condemned party was stoned and the tree on which his corpse was hung, or the sword with which he was killed, or the cloth with which he was strangled, all of them are buried together with him? If so, the same stone could not have been used for every execution. The Gemara answers: No, it is necessary to teach that after the stones were buried with the transgressor, they would prepare other stones and bring them to the place of stoning in their place.

¹⁰⁸ The baraita teaches that all of the items used in the execution are buried together with the transgressor. The Gemara asks: But isn’t it taught in another baraita that they are not buried together with the transgressor? Rav Pappa said: What does the baraita mean when it says that these items are

buried together with him? They are not actually buried together with him in the same grave; rather, they are buried within his grasp, i.e., in the area surrounding his grave.

¹⁰⁹ § Shmuel says: If the witnesses' hands were severed after the transgressor was sentenced to be stoned, so that they can no longer stone him themselves, the transgressor is exempt from punishment and is not executed. What is the reason for this? This is because I need to fulfill what is stated in the verse: "The hand of the witnesses shall be first upon him to put him to death" (Deuteronomy 17:7), and here this is not possible.

¹¹⁰ The Gemara asks: If that is so, that the witnesses themselves must stone the transgressor or else the sentence is not carried out, if the witnesses lacked hands from the outset, when they offered their testimony, are they also disqualified? The Gemara answers: There it is different, as the verse states: "The hand of the witnesses," indicating that the hands that were there already when the witnesses gave their testimony must throw the first stone when the transgressor is executed. If the witnesses already lacked hands at the time of their testimony, others can throw the first stone.

¹¹¹ The Gemara raises an objection to the opinion of Shmuel from what is taught in a mishna (Makkot 7a): In any place where two witnesses testify before a court and say: We testify about so-and-so that his death sentence was issued in such and such a court, and so-and-so and so-and-so were his witnesses, he is executed, and there is no need to retry him. This seems to indicate that the transgressor is put to death even if the witnesses are not there to throw the first stone. The Gemara explains: Shmuel interpreted the mishna as referring to a case where the witnesses who testify about the transgressor's conviction in a different court are the same witnesses who had testified against him at his original trial, and they are present to throw the first stone.

¹¹² The Gemara raises another difficulty against the opinion of Shmuel: But do we really need to fulfill what is stated in the verse exactly as it is written? But isn't it taught in a baraita: The verse with regard to a murderer states: "He that smote him shall be put to death, for he is a murderer" (Numbers 35:21)? I have derived only that the murderer is put to death with the mode of execution written concerning him, i.e., decapitation. From where do I derive that if you cannot put him to death with the mode of execution written concerning him, e.g., if he is escaping from the court, you can put him to death with any mode of execution with which you can put him to death? The verse states: "He that smote him shall be put to death [mot yumat]," where the doubled verb teaches that he is put to death in any case, by any mode of execution. Here too, the condemned party should be executed even if the witnesses cannot cast the first stone.

¹¹³ The Gemara answers: There, concerning a murderer, it is different, as the verse explicitly states: "He that smote him shall be put to death," which serves to include all modes of execution.

¹¹⁴ The Gemara asks: But why not learn from this halakha a principle that can be applied in all cases of capital punishment? The Gemara responds: This case does not prove a principle, because the halakhot of the murderer and of the blood redeemer, i.e., a relative of one who was killed who takes it upon himself to redeem his relative's death, are two verses that come as one, and the rule is that two verses that come as one do not teach a principle. In other words, if a halakha is stated in the Torah with regard to two individual cases, the halakha is understood to apply only to those cases. Had the halakha applied to all other relevant cases as well, it would not have been necessary for the Torah to teach it twice. The fact that two cases are mentioned indicates that they are the exceptions rather than the rule.

¹¹⁵ The Gemara explains: The halakha that capital punishment need not necessarily be imposed in accordance with the Torah's specific instructions is taught with regard to two cases, that of the murderer and that of the blood redeemer. The case of a murderer is this halakha that we said. With regard to the case of a blood redeemer, what is it? As it is taught in a baraita: The verse states: "The blood redeemer shall slay the murderer when he meets him" (Numbers 35:21). This mitzva of redeeming the death caused by an unintentional killer falls on the blood redeemer, a relative of the victim. And from where is it derived that if the victim has no blood redeemer the court appoints a blood redeemer for him? As it is stated: "When he meets him," which teaches that in any case he shall slay the murderer, whether he is a relative or a court-appointed blood redeemer.

¹¹⁶ Mar Kashisha, son of Rav Ḥisda, said to Rav Ashi: And do we not need to fulfill what is stated in the verse exactly as it is written? But didn't we learn in a mishna (Sanhedrin 71a) with regard to a stubborn and rebellious son: If one of the boy's parents is without a hand, or is mute, or lame, or blind, or deaf, the boy is not rendered a stubborn and rebellious son?

¹¹⁷ This halakha is derived as it is stated: "Then shall his father and his mother lay hold of him, and bring him out to the elders of his city and to the gate of his place" (Deuteronomy 21:19). This serves to teach: His father and mother "lay hold of him," but not those without a hand who cannot grab him; "and bring him out," but not those who are lame and cannot take him out. And it is stated: "And they shall say to the elders of his city: This our son is stubborn and rebellious; he does not obey our voice; he is a glutton and a drunkard" (Deuteronomy 21:20). This verse serves to teach: "And they shall say," but not mute people; "this our son," but not the blind, who cannot point to the boy; "he does not obey our voice," but not the deaf.

¹¹⁸ What is the reason that in all these cases the boy is not rendered a stubborn and rebellious son? Is it not because we need to fulfill what is stated in the verse exactly as it is written, and this principle should hold true with regard to other verses as well? The Gemara rejects this explanation: No, there, in the case of the stubborn and rebellious son, it is different, as the entire verse is superfluous. Therefore, all of the conditions inferred from the verse must be precisely met or else the boy cannot be rendered a stubborn and rebellious son. One cannot apply this principle to other verses.

¹¹⁹ The Gemara suggests: Come and hear a proof from what is taught in a baraita with regard to an idolatrous city, the majority of whose inhabitants engaged in idol worship, about which the verse states: "And you shall gather all the spoil of it into the midst of the open place of the city, and shall burn with fire both the city and the entire plunder taken in it" (Deuteronomy 13:17): If the city does not have an open place, it is not rendered an idolatrous city; this is the statement of Rabbi Yishmael. Rabbi Akiva says: If it does not have an open place, they make an open place for it.

¹²⁰ The Gemara explains: Rabbi Yishmael and Rabbi Akiva disagree only with regard to this detail, that one Sage, Rabbi Yishmael, holds that we need an open place that existed from the outset when the idolatry was committed, while the other Sage, Rabbi Akiva, holds that an open place that exists now is like an open place that existed from the outset. But everyone agrees that we need to fulfill what is stated in the verse exactly as it is written.

¹²¹ The Gemara answers: This issue is the subject of a dispute between tanna'im. As we learned in a mishna (Nega'im 14:9) concerning the purification process of a leper, during the course of which blood and oil must be applied to his right thumb, right big toe, and right ear: If the leper has no right thumb, right big toe, or right ear, he can never attain ritual purity, as he cannot fulfill the conditions

of the verse. Rabbi Eliezer says: In such a case, the priest may apply the blood and oil to the place where the missing finger, toe, or ear should have been, and the leper has thereby fulfilled his obligation. Rabbi Shimon says: The priest may apply it to his left thumb, left big toe, or left ear, and the leper has thereby fulfilled his obligation. The first tanna apparently holds that the Torah's instructions must be fulfilled exactly as they are written, while Rabbi Eliezer and Rabbi Shimon disagree and say that when this is impossible, they are dispensable.

¹²² MISHNA: The corpses of all those who are stoned are hung after their death; this is the statement of Rabbi Eliezer. And the Rabbis say: Only the corpse of the blasphemer, who has cursed God, and the corpse of the idol worshipper are hung.

¹²³ The corpse of a man is hung facing the people, but the corpse of a woman, out of modesty, is hung facing the tree; this is the statement of Rabbi Eliezer. And the Rabbis say: the corpse of a man is hung, but the corpse of a woman is not hung. Rabbi Eliezer said to the Rabbis: Did Shimon ben Shataḥ not hang in Ashkelon women who were found guilty of witchcraft, proving that the corpse of a woman who is executed is also hung? They said to him: No proof can be brought from here, as he hanged eighty women on that day, and the halakha is that the same court may not judge even two people charged with capital transgressions on the same day. It is therefore clear that he was not acting in accordance with Torah law, but rather his execution of the eighty women was an extraordinary punishment necessitated by unusually pressing circumstances.

¹²⁴ GEMARA: The mishna teaches that the corpses of all those who are killed by stoning are hung after their death. The Sages taught in a related baraita: The verse states: "And if a man has committed a sin worthy of death, and he is put to death, and you shall hang him on a tree" (Deuteronomy 21:22): One might have thought that the corpses of all those who are put to death are hung. To counter this, the verse states: "His body shall not remain all night upon the tree...for he that is hung is a curse of God" (Deuteronomy 21:23), teaching that just as the blasphemer, who is liable to be punished by stoning, is hung after his death, so too, all those who are liable to be punished by stoning are later hung, but those who are liable to be executed in other ways are not hung after their death. This is the statement of Rabbi Eliezer.

¹²⁵ The baraita continues: And the Rabbis say: Just as the blasphemer, who denies the principle of belief in God, is hung after his death, so too, all who deny the principle of belief in God are hung after they die. But others, even if they are liable to be punished by stoning, are not hung after they are put to death.

¹²⁶ The Gemara clarifies: With regard to what do they disagree? The Rabbis interpret the verses based on the principle of generalizations and details, one of the methods by which the Torah is interpreted. And Rabbi Eliezer interprets them based on the principle of amplifications and restrictions, a different approach to biblical exegesis.

¹²⁷ How so? The Rabbis expound the verses based on the principle of generalizations and details. The phrase "And he is put to death, and you shall hang him" is a generalization, as no particular offense is specified. The phrase "For he that is hung is a curse of God" is a detail, as a specific transgression is mentioned. Were the generalization and the detail next to each other in the same verse, we would apply the principle of generalizations and details and say that the generalization includes only that which is stated in the detail. Therefore, this transgressor, the blasphemer, yes, his corpse is subject to being hung after he is executed, but the corpse of anyone else is not.

¹²⁸ Now that the generalization and the detail are distant from each other, i.e., they are written in different verses, the verses serve to include one who was found guilty of idol worship, as he is similar to the blasphemer in all matters. He too is subject to be hung after he is executed.

¹²⁹ And Rabbi Eliezer, by contrast, interprets the verses based on the principle of amplifications and restrictions. The phrase “And he is put to death, and you shall hang him” is an amplification. The phrase “For he that is hung is a curse of God” is a restriction. Were the amplification and the restriction right next to each other, we would apply the principle of amplifications and restrictions and include only one who is guilty of idol worship, as he is similar to the blasphemer in all ways. Now that they are distant from each other, the verses serve to include all those who are liable to be stoned to death. All of their corpses are hung after they are put to death.

¹³⁰ § The mishna teaches that according to the opinion of Rabbi Eliezer, the corpse of a man is hung facing the people while the corpse of a woman is hung facing the tree, whereas the Rabbis say that the corpse of a woman is not hung at all. The Gemara asks: What is the reasoning behind the opinion of the Rabbis? The Gemara answers: As the verse states: “And if a man has committed a sin worthy of death, and he is put to death, and you shall hang him on a tree” (Deuteronomy 21:22), which teaches that you shall hang him on a tree after his death, but you shall not hang her on a tree after her death. And Rabbi Eliezer would respond that the inference to be drawn from this verse is that after his death they hang him by himself, without his clothing.

¹³¹ The Gemara asks: And from where do the Rabbis derive that the corpse of the executed man is hung without his clothing? The Gemara answers: Yes, it is indeed so that they agree that the word “him” teaches that the corpse is hung without clothing. But the source of their ruling is the verse that states: “And if a man has committed a sin,” which indicates that a man is hung after he is put to death, but a woman is not hung after she is put to death.

¹³² The Gemara asks: And as for Rabbi Eliezer, what does he learn from this clause of the verse: “And if a man has committed a sin”? Reish Lakish says: That clause of the verse serves to exclude a stubborn and rebellious son, who, according to the opinion of Rabbi Eliezer, is not hung after he is executed, because he is not a man. The Gemara raises a difficulty: But isn’t it taught explicitly in a baraita: A stubborn and rebellious son is first stoned and afterward his corpse is hung; this is the statement of Rabbi Eliezer? Rather, Rav Nahman bar Yitzḥak says: That part of the verse comes to include a stubborn and rebellious son, that his corpse is also hung. What is the reason for this?

¹³³ The Gemara explains: As the verse states: “And if a man has committed a sin,” indicating that only the corpse of a man is hung, but not that of a child, thereby excluding a stubborn and rebellious son. And the word “sin” indicates that only the corpse of one who is put to death on account of a sin is hung, to the exclusion of a stubborn and rebellious son, who is executed not because of a sin that he has already committed but on account of what he is likely to do in the future. This is an example of a restrictive expression following a restrictive expression, as both expressions indicate that a stubborn and rebellious son is not hung after he is put to death. And there is a hermeneutical principle that a restrictive expression following a restrictive expression serves only to amplify the halakha and include additional cases. In this case, it serves to teach that the corpse of a stubborn and rebellious son is hung after he is put to death.

¹³⁴ § The mishna teaches that Rabbi Eliezer said to the Rabbis: Did Shimon ben Shataḥ not hang in Ashkelon women who were found guilty of witchcraft? And the Rabbis replied that no proof can be

brought from there since he hanged eighty women on a single day, which clearly indicates that this was an extraordinary measure and therefore cannot serve as a precedent for normative halakha. Rav Ḥisda says: They taught that one court may not judge two capital cases on one day only when the two cases involve two different modes of execution, but when they involve only one mode of execution, the court may in fact judge them on the same day. The Gemara raises a difficulty: But the incident relating to Shimon ben Shataḥ involved only one mode of execution, as all the women were accused of witchcraft, and yet the Rabbis said to him that the court may not judge them on one day.

¹³⁵ Rather, if a ruling was stated citing Rav Ḥisda, this is what was stated: They taught that one court may not judge two capital cases on one day only when the two cases involving one mode of execution are similar to two cases involving two different modes of execution. And what are the circumstances of such a situation? For example, when there are two different transgressions that are punishable by the same mode of execution, the court may not judge two such cases in one day. But where there is only one mode of execution and only one transgression, the court may in fact judge two cases on one day.

¹³⁶ Rav Adda bar Ahava raises an objection from a baraita that states: The same court may not judge two people charged with capital transgressions on one day, not even an adulterer and an adulteress. This indicates that a court may not judge two cases on one day even if the two cases involve only one mode of execution and the same transgression. Rav Ḥisda interpreted the baraita as referring to a case of adultery involving the daughter of a priest and the man with whom she engaged in intercourse, as the daughter of a priest is liable to receive death by burning, while the man is liable to receive death by stoning if the woman was betrothed to another man, or strangulation if she was married to another man.

¹³⁷ Or, the baraita is referring to a case of adultery involving the daughter of a priest and those who rendered as conspiring witnesses the witnesses who rendered as conspiring witnesses the witnesses who testified about her.

¹³⁸ It is taught in a baraita: Rabbi Eliezer ben Ya'akov says: I heard that the court may administer lashes and capital punishment, even when not required by Torah law. And they may not administer these punishments with the intention of violating the statement of the Torah, i.e., to disregard the punishment stated in the Torah and administer another punishment; rather, they may administer these punishments to erect a fence around the Torah, so that people will fear sinning.

¹³⁹ And an incident occurred involving one who rode a horse on Shabbat during the days of the Greeks, and they brought him to court and stoned him, not because he deserved that punishment, as riding a horse on Shabbat is forbidden only by rabbinic decree, but because the hour required it, as people had become lax in their observance of Shabbat and therefore it became necessary to impose the severe punishment for a relatively minor offense. Another incident occurred involving a man who engaged in intercourse with his wife in public under a fig tree, and they brought him to court and flogged him, not because that punishment was fitting for him, as such conduct is not forbidden by the Torah, but because the hour required it. People had become remiss in matters of modesty; therefore, stringent measures had to be taken to rectify the situation.

¹⁴⁰ MISHNA: How do they hang the corpse of one who was put to death by stoning? They sink a post into the earth with a piece of wood jutting out, forming a T-shaped structure. And the court appointee then places the dead man's two hands one upon the other, ties them, and hangs him by his

hands. Rabbi Yosei says: The post is not sunk into the ground; rather, it leans against a wall, and he hangs the corpse on it the way that butchers do with meat.

¹⁴¹ The dead man hangs there for only a very short time, and then they immediately untie him. And if he was left hanging overnight, a prohibition is transgressed, as it is stated: “His body shall not remain all night upon the tree, but you shall bury him that day, for he that is hung is a curse of God” (Deuteronomy 21:23). That is to say: Were the corpse left hanging on the tree overnight, people would ask: For what reason was this one hung after he was put to death? They would be answered: Because he blessed God, a euphemism for blasphemy. And therefore the name of Heaven would be desecrated were the dead man’s corpse to remain hanging, reminding everybody of his transgression.

¹⁴² Rabbi Meir said: The phrase “for he that is hung is a curse [kilelat] of God” should be understood as follows: When a man suffers in the wake of his sin, what expression does the Divine Presence use? I am distressed [kallani] about My head, I am distressed about My arm, meaning, I, too, suffer when the wicked are punished. From here it is derived: If God suffers such distress over the blood of the wicked that is spilled, even though they justly deserved their punishment, it can be inferred a fortiori that He suffers distress over the blood of the righteous.

¹⁴³ And the Sages said not only this, that an executed transgressor must be buried on the same day that he is killed, but they said that anyone who leaves his deceased relative overnight without burying him transgresses a prohibition. But if he left the deceased overnight for the sake of the deceased’s honor, e.g., to bring a coffin or shrouds for his burial, he does not transgress the prohibition against leaving him unburied overnight.

¹⁴⁴ After the executed transgressor is taken down he is buried, and they would not bury him in his ancestral burial plot. Rather, two graveyards were established for the burial of those executed by the court: One for those who were killed by decapitation or strangled, and one for those who were stoned or burned. Once the flesh of the deceased had decomposed, they would gather his bones and bury them in their proper place in his ancestral burial plot. And soon after the execution, the relatives of the executed transgressor would come and inquire about the welfare of the judges and about the welfare of the witnesses, as if to say: We hold no grudges against you, as you judged a true judgment.

¹⁴⁵ And the relatives of the executed man would not mourn him with the observance of the usual mourning rites, so that his unmourned death would atone for his transgression; but they would grieve over his passing, since grief is felt only in the heart.

¹⁴⁶ GEMARA: The Sages taught in a baraita: Were it stated: And if a man has committed a sin worthy of death you shall hang him on a tree, I would have said that first they hang him and only afterward they put him to death, the way the gentile government does, executing the transgressor by hanging. Therefore, the verse states: “And if a man has committed a sin worthy of death, and he is put to death, and you shall hang him on a tree” (Deuteronomy 21:22), teaching that first they put him to death, and only afterward they hang him. How so? They delay the verdict until it is near to sunset, and then they conclude his judgment, and they put him to death, and immediately afterward hang him. One ties him to the hanging post, and another immediately unties him, in order to fulfill the mitzva of hanging the corpse of the executed transgressor.

¹⁴⁷ The Sages taught: From the verse: “And you shall hang him on a tree,” I would derive that the body may be hung either on a tree that has been detached from the ground or on one that is still attached to the ground. Therefore, the verse states: “His body shall not remain all night upon the tree,

but you shall bury him [kavor tikberennu] that day” (Deuteronomy 21:23). Based on the doubled verb, it is derived that not only must the transgressor’s body be buried, but the tree on which it is hung must also be buried. As the verse employs the same term to instruct that both must be buried, the verse teaches that the corpse must be hung on a tree that has already been detached from the ground and is lacking only burial, just as the corpse is lacking only burial. This serves to exclude hanging the corpse on a tree that is still attached to the ground and is lacking both cutting down and burial.

¹⁴⁸ Rabbi Yosei says: The tree upon which the corpse is hung is not sunk into the ground; rather, it is leaned against a wall, as the verse teaches that the tree must be lacking only burial. This serves to exclude hanging the corpse on a tree that is lacking both detachment and burial. And the Rabbis say: Detaching from the ground a tree that had already been cut down and was later sunk back into the ground is nothing, i.e., it is an insignificant act.

¹⁴⁹ § The mishna teaches: That is to say: Were the dead man’s corpse to remain hanging, reminding everyone of his transgression, people would ask: For what reason was this one hung? They would be answered: Because he blessed God, a euphemism for blasphemy, and the name of Heaven would be desecrated. It is taught in a baraita that Rabbi Meir says: The Sages told a parable: To what is this matter comparable? It is comparable to two brothers who were twins and lived in the same city. One was appointed king, while the other went out to engage in banditry. The king commanded that his brother be punished, and they hanged his twin brother for his crimes. Anyone who saw the bandit hanging would say: The king was hanged. The king, therefore, commanded that his brother be taken down, and they took the bandit down. Similarly, people are created in God’s image, and therefore God is disgraced when a corpse is hung for a transgression that the person has committed.

¹⁵⁰ The mishna teaches that Rabbi Meir said that the phrase “For he that is hung is a curse [kilelat] of God” should be understood as follows: When a man suffers in the wake of his sin, the Divine Presence says: I am distressed [kallani] about My head, I am distressed about My arm. The Gemara asks: From where is this inferred? How does Rabbi Meir understand the word kilelat? Abaye says: When a man is hung after he is put to death, God is like one who said: I am not light [kal leit], meaning: My head is heavy for Me, My arm is heavy for Me. God is in distress when He has to administer punishment. Rava said to him: If so, he should have said explicitly: My head is heavy for Me, My arm is heavy for Me. Rather, Rava said: When a man is hung after he is put to death, God is like one who said: The world is light for me [kil li alma], meaning: I am light, and therefore the world is heavy for Me, and I am in distress.

¹⁵¹ The Gemara asks: This word “kilelat” is needed for what it itself teaches, namely that a blasphemer is hung after he has been stoned. How, then, can it be interpreted as alluding to God’s distress at the death of a transgressor? The Gemara answers: If so, the verse should have stated: One who curses [mekallel]. What is the meaning of kilelat? It serves to teach the statement taught by Rabbi Meir. The Gemara asks: If so, say perhaps that the entire verse comes for this purpose, to underscore the dignity of the transgressor, who was created in God’s image, and not to teach the halakha governing a blasphemer. The Gemara responds: If so, the verse should have stated: Lightness [kilat]. What is the meaning of kilelat? Conclude two conclusions from it: Conclude that the blasphemer is hung after he has been stoned, and conclude that God is distressed at the death of a transgressor.

¹⁵² § The mishna teaches that everyone, not only an executed transgressor, must be buried on the day of his death, if that is at all possible. Rabbi Yoḥanan says in the name of Rabbi Shimon bar Yoḥai: From where is it derived that one who leaves his deceased relative overnight without burying him transgresses a prohibition? The verse states: “But you shall bury him [kavor tikberennu]” (Deuteronomy 21:23), doubling the verb for emphasis. From here it is derived that one who leaves his deceased relative overnight without burying him transgresses a prohibition.

¹⁵³ There are those who say that Rabbi Yoḥanan says in the name of Rabbi Shimon bar Yoḥai: From where in the Torah is there a hint to the mitzva of burial? The verse states: “But you shall bury him [kavor tikberennu],” doubling the verb for emphasis. From here there is a hint to the mitzva of burial in the Torah.

¹⁵⁴ The Gemara relates: King Shapur, the monarch of Persia, once said to Rav Ḥama: From where in the Torah is there a hint to the mitzva of burial? What proof is there that the dead must be buried and not treated in some other manner? Rav Ḥama was silent and said nothing to him, as he could not find a suitable source. Rav Aḥa bar Ya’akov said: The world has been handed over to the foolish, as Rav Ḥama should have said to King Shapur that the mitzva of burial is derived from the verse: “But you shall bury him” (Deuteronomy 21:23).

¹⁵⁵ The Gemara explains: In that case, King Shapur could have replied that the verse merely proves that a coffin should be made for the deceased so that he can be placed in it, not that the deceased should be buried in the ground, as the verse could be understood as instructing that the corpse be placed in some sort of receptacle, not in the ground. The Gemara challenges: Rav Ḥama could still have claimed that the mitzva of burial is derived from the doubled verb “you shall bury him [kavor tikberennu].” The Gemara answers: In that case, King Shapur could have replied that he does not learn anything from a doubled verb, which seems to be merely a stylistic choice and not the source of a new halakha.

¹⁵⁶ The Gemara asks: But let Rav Ḥama say that the mitzva to bury the dead is derived from the fact that the righteous forefathers, Abraham, Isaac, and Jacob, were all buried. The Gemara answers: King Shapur could have said that this was merely a custom of the time, but not a mitzva. The Gemara asks: Rav Ḥama could have derived the mitzva from the fact that the Holy One, Blessed be He, buried Moses, which proves that this is the proper way to handle the dead. The Gemara answers: King Shapur could still have said that God acted in this manner in order not to deviate from the general custom, but this does not prove that burying the dead is a mitzva.

¹⁵⁷ The Gemara suggests: Come and hear a proof that burying the dead is a mitzva, as the prophet Ahijah the Shilonite said about Abijah, son of Jeroboam: “And all Israel shall eulogize him and bury him” (I Kings 14:13). The Gemara answers: From here, too, there is no proof, as they may have buried Abijah in order not to deviate from the general custom of the world, and not because they were required to do so.

¹⁵⁸ The Gemara proposes another proof: Jeremiah pronounced a curse upon the wicked, saying: “They shall not be eulogized, nor shall they be buried; but they shall be as dung upon the face of the earth” (Jeremiah 16:4), which proves that when no curse has been pronounced, the dead should be buried. The Gemara rejects this proof: From here, too, there is no proof that it is a mitzva to bury the dead, as Jeremiah cursed the wicked, saying that they would deviate from the general custom and not

be buried. Due to all these difficulties, Rav Ḥama was unable to adduce incontrovertible proof that there is a mitzva to bury the dead.

¹⁵⁹ § A dilemma was raised before the Sages: Is burial obligatory on account of disgrace, i.e., so that the deceased should not suffer the disgrace of being left exposed as his body begins to decompose, or is it on account of atonement, i.e., so that the deceased will achieve atonement by being returned to the ground from which he was formed?

¹⁶⁰ The Gemara asks: What is the practical difference that arises from knowing the reason that burial is necessary? The Gemara answers: There is a difference in a case where one said before he died: I do not want them to bury that man, i.e., myself. If you say that burial is required on account of disgrace, it is not in his power to waive his own burial, as his family shares in the disgrace. But if you say that burial is required on account of atonement, didn't he effectively say: I do not want atonement, and with regard to himself one should be able to do as he wishes? What, then, is the halakha?

¹⁶¹ The Gemara suggests: Come and hear a proof from the fact that the righteous patriarchs, Abraham, Isaac, and Jacob, were all buried. And if you say that burial is required on account of atonement, do the righteous need atonement? The Gemara rejects this proof: Yes, even the righteous are in need of atonement, as it is written: "For there is no righteous person on earth who does good and never sins" (Ecclesiastes 7:20), and so even the righteous need atonement for the few sins that they committed over the course of their lifetimes.

¹⁶² The Gemara suggests: Come and hear a proof from the verse referring to Abijah, son of Jeroboam: "And all Israel shall eulogize him and bury him, for he alone of Jeroboam shall come to the grave" (I Kings 14:13). And if you say that burial is required so that the deceased should achieve atonement, these too, i.e., Jeroboam's other sons, should also be buried so that they should achieve atonement. The Gemara rejects this argument: This son, Abijah, who was righteous, should achieve atonement through his death and burial, but these other sons, who were wicked, should not achieve atonement even in death.

¹⁶³ The Gemara suggests: Come and hear a proof from the curse pronounced by Jeremiah upon the wicked: "They shall not be eulogized, nor shall they be buried" (Jeremiah 16:4), which indicates that it is not on account of atonement that burial is required, as were that the case the wicked are certainly in need of atonement, and therefore they should be buried. The Gemara answers: This is no proof, as Jeremiah's intention might be that the wicked should not achieve atonement. Therefore, the question of whether burial is necessary in order to prevent disgrace or achieve atonement remains unresolved.

¹⁶⁴ § A dilemma was raised before the Sages: Is the eulogy delivered for the honor of the living relatives of the deceased, or is it delivered for the honor of the dead? The Gemara asks: What is the practical difference between the two possible reasons? The Gemara answers: There is a difference in a case where one said before he died: Do not eulogize that man, i.e., myself. If the eulogy is delivered to honor the deceased, he is able to forgo this honor, but if it is delivered to honor the living, he is not, as it is not in the power of one individual to forgo the honor of others. Alternately, the difference is with regard to whether it is possible to collect the eulogist's fee from the heirs. If the eulogy is to honor the dead, it is possible to collect this fee from the heirs, even against their will, but if it is to honor the living, they are able to forgo this honor.

¹⁶⁵ The Gemara suggests: Come and hear a proof from the verse that states: “And Abraham came to eulogize Sarah and weep over her” (Genesis 23:2), indicating that Sarah’s funeral was delayed until Abraham returned from Beersheba to Hebron to eulogize her. And if you say that a eulogy is delivered due to the honor of the living, would they have unduly delayed burying Sarah due to Abraham’s honor? The Gemara rejects this argument: It was satisfactory to Sarah herself that her funeral was delayed so that Abraham could be honored by eulogizing her. Since Sarah herself would prefer that Abraham eulogize her, there was no disgrace in waiting for Abraham to arrive.

¹⁶⁶ The Gemara suggests: Come and hear a different resolution of this dilemma from the verse referring to Abijah, son of Jeroboam: “And all Israel shall eulogize him and bury him” (I Kings 14:13). And if you say that a eulogy is delivered due to the honor of the living, are these people, Jeroboam’s surviving family, worthy of this honor? The Gemara answers: It is satisfactory to the righteous when other people are honored through them. Since that is their wish, they are eulogized even if their wicked relatives are honored as a result.

¹⁶⁷ The Gemara suggests: Come and hear a proof from the curse pronounced by Jeremiah upon the wicked: “They shall not be eulogized, nor shall they be buried” (Jeremiah 16:4). If you say that a eulogy is delivered due to the honor of the living, why should the wicked not be eulogized, as perhaps they are survived by righteous people who are worthy of this honor? The Gemara answers: It is not satisfactory to the righteous when they are honored through the wicked, and therefore they prefer that a eulogy not be delivered for their wicked relatives.

¹⁶⁸ The Gemara suggests: Come and hear a resolution of this dilemma from what Jeremiah said to Zedekiah: “You shall die in peace; and with the burnings of your fathers, the former kings that were before you, so shall they make a burning for you; and they will eulogize you, saying: Ah, master” (Jeremiah 34:5). And if you say that a eulogy is delivered due to the honor of the living relatives of the deceased, what difference does it make to him if he is eulogized? The Gemara answers: It is possible that a eulogy is to honor the living, and this is what Jeremiah is saying to Zedekiah: Enjoy the thought that Israel shall be honored through you at your funeral just as they were honored through your ancestors at their funerals.

¹⁶⁹ The Gemara suggests: Come and hear a proof from what was taught with regard to the verse: “In his eyes a vile person is despised, but he honors them that fear the Lord” (Psalms 15:4). This is referring to Hezekiah, king of Judea, who dragged the bones of his father, Ahaz, on a bier made of ropes, and he did not bury Ahaz in a manner befitting a king in order to disgrace him for his sinful conduct. And if the eulogy and other funeral rites are meant to honor the living, what is the reason that he acted this way, in a manner that brought disgrace upon himself and all of the Jewish people?

¹⁷⁰ The Gemara answers: Hezekiah did this so that his father would achieve atonement for his sins through his disgrace. The Gemara asks: Can it be that for his father’s atonement they would defer the honor of all of Israel, who would have been honored by a proper eulogy for their late king? The Gemara answers: It was satisfactory to the people of Israel themselves to forgo their honor for him in order that their former king achieve atonement for his sins.

¹⁷¹ The Gemara suggests: Come and hear a proof from a baraita: Before he died, Rabbi Yehuda HaNasi said to his disciples: Do not eulogize me in the small towns that you pass as you take my body out for burial, but eulogize me only in the larger cities. And if you say that a eulogy is delivered in honor of the living, what difference does it make to him if he is eulogized also in the smaller

towns? The Gemara answers: He thought that the people of Israel would be more greatly honored through him if they gathered together for the eulogies in the larger cities.

¹⁷² The Gemara suggests: Come and hear a proof from the mishna: If one left his deceased relative unburied overnight for the sake of his honor, e.g., in order to bring him a coffin or shrouds, he does not transgress the prohibition of “his body shall not remain all night.” What, is it not referring to the honor of the deceased? The Gemara answers: No, it is referring to the honor of the living relatives of the deceased.

¹⁷³ The Gemara asks: But can it be that due to the honor of the living, they allow the deceased to remain unburied overnight? The Gemara answers: Yes, as when the Merciful One states: “His body shall not remain all night upon the tree, but you shall bury him that day” (Deuteronomy 21:23), it teaches that the prohibition applies only to cases similar to that of a person whose body is hung after his death, who suffers degradation when his corpse is left hanging overnight. But here, since the deceased does not suffer degradation when the funeral is delayed, as the delay is in order that the burial will be performed with greater dignity, there is no violation of the prohibition, and he may be left unburied overnight.

¹⁷⁴ The Gemara suggests: Come and hear a proof from a baraita: If one left his deceased relative unburied overnight for the sake of his honor, for example, in order to assemble the people from the neighboring towns for the funeral, or to bring him professional lamenters, or to bring him a coffin or shrouds, he does not transgress the prohibition of “his body shall not remain all night,” as anyone who acts in such a manner does so only for the sake of honoring the dead. This indicates that the eulogy and other funeral rites are performed to honor the deceased. The Gemara rejects this argument: This is what the baraita is saying: Anyone who acts in such a manner for the sake of honoring the living does not transgress the prohibition, as there is no degradation of the dead.

¹⁷⁵ The Gemara suggests: Come and hear a proof from a baraita: Rabbi Natan says: It is a good sign for the deceased when he is punished after his death and does not receive an honorable burial or eulogy, as his lack of honor brings him atonement for his sins. For example, if the deceased was not eulogized, or if he was not buried, or if a wild animal dragged his corpse, or if rain fell on his bier, this is a good sign for the deceased. Learn from the baraita that a eulogy is delivered for the honor of the dead, so that when he is deprived of this honor, he achieves atonement for his sins. The Gemara affirms: Learn from the baraita that this is so.

¹⁷⁶ § The mishna teaches that they would not bury the executed transgressor in his ancestral burial plot, but rather in one of two special graveyards set aside for those executed by the court. The Gemara explains: And why is all this necessary? It is necessary because a wicked man is not buried next to a righteous man. As Rav Aḥa bar Ḥanina says: From where is it derived that a wicked man is not buried next to a righteous man? As it is stated: “And it came to pass, as they were burying a man, that behold, they spied a raiding party; and they cast the man into the tomb of Elisha; and as the man came there, he touched the bones of Elisha, and he revived and stood up on his feet” (II Kings 13:21). The man, who was not righteous, was miraculously resurrected so that he would not remain buried alongside Elisha.

¹⁷⁷ Rav Pappa said to Rav Aḥa bar Ḥanina: What proof is there from here? Perhaps the man was resurrected in order to fulfill Elisha’s request of Elijah: “I pray you, let a double portion of your spirit be upon me” (II Kings 2:9), as now Elisha resurrected two people, the son of the Shunammite

woman and this man, as opposed to Elijah, who had resurrected only one person? Rav Aḥa bar Ḥanina said to Rav Pappa: If so, there is a difficulty, as is this a reasonable explanation in light of what is taught in a baraita: The words “and stood up on his feet” indicate that he arose, but he did not go to his home. The man did not in fact live again but for a moment, indicating that he was resurrected not in order to fulfill Elisha’s request for a double portion of Elijah’s spirit, but in order to prevent the disgrace of having a wicked man buried next to Elisha.

¹⁷⁸ The Gemara asks: But if so, with regard to the verse: “I pray you, let a double portion of your spirit be upon me,” where do you find that Elisha resurrected a second person? Rabbi Yoḥanan said to him: That request was fulfilled when he cured Naaman’s leprosy (see II Kings, chapter 5), an affliction that is considered to be equivalent to death, as it is written with regard to Miriam’s leprosy: “Let her not be as one dead” (Numbers 12:12).

¹⁷⁹ The mishna teaches that two graveyards were established for the burial of those executed by the court, one for those who were killed by decapitation or strangulation, and one for those who were stoned or burned. The Gemara explains: Just as a wicked man is not buried next to a righteous man, so too an extremely wicked man, i.e., one who committed a grave offense is not buried next to a less wicked man, i.e., one who committed a less severe offense. The Gemara challenges: If so, let them establish four different graveyards, one for each of the different modes of judicial execution. The Gemara answers. It is learned as a tradition that there are two graveyards for those executed by the court, and no more.

¹⁸⁰ § Ulla says that Rabbi Yoḥanan says: If one unwittingly ate forbidden fat and separated an offering for this sin, and he then became an apostate and subsequently retracted his apostasy, despite his retraction, since the offering was rejected from being sacrificed while he was an apostate, it shall remain rejected.

¹⁸¹ It was also stated that Rabbi Yirmeya says that Rabbi Abbahu says that Rabbi Yoḥanan says: If one unwittingly ate forbidden fat and separated an offering for this sin, and he then became insane, and later he regained his sanity, the animal that he had dedicated as a sin-offering may not be sacrificed. Since the offering was rejected from being sacrificed while he was insane, it shall remain rejected.

¹⁸² The Gemara explains: And it was necessary for Rabbi Yoḥanan to teach us this halakha in both cases. As, had he taught us only the first halakha, with regard to the apostate, I would say that only in that case is the animal rejected forever, because the owner actively rejected himself when he became an apostate. But in this case of insanity, where the owner was rejected automatically, not of his own choice, I would say that he is considered as one who is asleep, so that as soon as he regains his sanity, his offering is once again fit.

¹⁸³ And had he taught us the halakha only in this second case of insanity, I would say that only in that case is the animal rejected forever, because it was not in the owner’s power to regain his sanity, as one who is insane cannot cure himself. But there, with regard to an apostate, who has the power to retract his apostasy, I would say that his animal is not permanently rejected. It was therefore necessary to teach us the halakha in both cases.

¹⁸⁴ Rav Yosef said: We, too, learn a similar halakha in a baraita: If consecrated items were found in an idolatrous city, they are not destroyed together with the rest of the property of the city. Animals that had been consecrated to be offered on the altar must be left to die, and property that had been

consecrated for Temple maintenance may be redeemed and is then desacralized. And we discussed it: Why must the animals that had been consecrated for the altar be left to die? Once the idolaters are killed, they achieve atonement, and therefore it should be possible to sacrifice their offerings to the Most High. Is it not the case that the animals must be left to die because we say: Since they were rejected when their owners engaged in idol worship, they remain rejected even after their owners achieve atonement for their sins with their death?

¹⁸⁵ Abaye said to Rav Yosef: Do you maintain that one who dies in his state of wickedness without repenting achieves atonement? This is not the case, as one who dies in his state of wickedness without repenting does not achieve atonement, as Rav Shemaya taught in a baraita: The verse states with regard to the priests: “There shall none be defiled for the dead among his people, but for his kin that is near to him, for his mother, and for his father” (Leviticus 21:1–2). One might have thought that even if his father had become an apostate and separated himself from the ways of the community, his son the priest shall become ritually impure in order to bury him. Therefore, the verse states: “Among his people,” which teaches that a priest may become ritually impure only for one who performs the actions of his people, that is, one who conducts himself as a Jew. This indicates that one who dies in his wickedness without repenting does not achieve atonement.

¹⁸⁶ Rava said to Abaye: Are you comparing one who was killed in his state of wickedness to one who died in his state of wickedness? An unrepentant sinner who died in his state of wickedness does not achieve atonement, since he died a natural death and there was nothing to bring about his atonement. But a transgressor who was killed in his state of wickedness achieves atonement, even without repentance, since he did not die a natural death, but rather he was executed.

¹⁸⁷ Know that this is so, as it is written: “A song to Asaf. O God, nations are come into Your inheritance; they have defiled your Holy Temple; they have laid Jerusalem in heaps. The dead bodies of Your servants they have given to be food to the birds of the sky, the flesh of Your pious ones to the beasts of the earth” (Psalms 79:1–2). What is the meaning of “Your servants” and what is the meaning of “Your pious ones”? Is it not so that the term “Your pious ones” is referring to literally, Your pious ones, those who had always feared God; whereas “Your servants” is referring to those who had initially been liable to receive punishment for their sins, but once they were killed, they are called “Your servants”? This indicates that a transgressor who was executed achieves atonement even without repentance.

¹⁸⁸ Abaye said to Rava: Are you comparing

¹⁸⁹ those referred to in the verse in Psalms who were killed by a heathen government to those inhabitants of an idolatrous city who were killed by a Jewish court? Those who were killed by a heathen government, since they were killed unjustly, achieve atonement through their deaths, even without repentance. But those who were killed by a Jewish court, since they were killed justly for their sins, do not achieve atonement unless they repent.

¹⁹⁰ The Gemara adds: Know that this is true, as we have learned in the mishna: They would not bury the executed transgressor in his ancestral burial plot. And if it enters your mind to say that once the transgressors are executed by the court, they achieve atonement, let them be buried in their ancestral burial plots. The Gemara rejects this argument: An executed transgressor cannot be buried in his ancestral burial plot, because in order to achieve atonement, both death and burial are needed. But once he is buried in the graveyard set aside for the wicked, he achieves full atonement.

¹⁹¹ Rav Adda bar Ahava raised an objection to this from another ruling in the mishna: The relatives of the executed transgressor would not mourn him with the observance of the usual mourning rites, but they would grieve over his passing, since grief is felt only in the heart. And if it enters your mind to say that once the executed transgressors are buried they achieve atonement, let the relatives of the executed transgressor mourn him as well, as he has already achieved atonement.

¹⁹² The Gemara refutes this argument: An executed transgressor is not mourned, because in order to achieve atonement, decomposition of his flesh is also needed. Once his flesh has decayed, he has achieved full atonement. The Gemara notes that the language of the mishna is also precise, as it teaches: Once the flesh of the deceased had decomposed, they would gather his bones and bury them in their proper place in his ancestral burial plot, indicating that with the decomposition of his flesh, the executed transgressor achieves atonement, so that he may be buried alongside his righteous relatives. The Gemara affirms: Learn from the mishna that this is so.

¹⁹³ Rav Ashi says that an alternative resolution of the objection raised by Rav Adda bar Ahava may be suggested: When does the obligation of mourning a deceased relative commence? It begins from the time of the sealing of the grave with the grave cover. And when is atonement achieved? Atonement is achieved when the deceased begins to see and experience a bit of the anguish of the grave. Consequently, since the mourning rites were set aside at the time that they should have begun, they remain permanently set aside, even after the executed transgressor has in fact achieved atonement.

¹⁹⁴ The Gemara asks: If so, that the executed transgressor achieves atonement as soon as he experiences a bit of the anguish of burial, why do I need decomposition of his flesh to occur before he can be reburied in his ancestral burial plot? The Gemara answers: Because it is impossible to move a partly decomposed body in a respectful manner, and therefore they wait until the body is fully decomposed.

¹⁹⁵ § It was related that people would take dirt from the grave of Rav as a cure for a one-day fever. A number of people came and told Shmuel about this practice, thinking that perhaps the dirt should be forbidden, as one may not derive benefit from a corpse. Shmuel said to them: They are acting properly, as the dirt in the grave is natural ground, and natural ground does not become forbidden in any situation, as it is written: “And he brought out the ashera from the house of the Lord...and beat it into dust, and cast the dust of it upon the graves of the common people” (II Kings 23:6). This verse juxtaposes the graves of the common people to objects of idol worship.

¹⁹⁶ This teaches that just as objects of idol worship are not forbidden when attached to the ground; the Gemara interjects by teaching the source of this halakha: As it is written: “You shall utterly destroy all the places, in which the nations whom you are to dispossess served their gods, upon the high mountains, and upon the hills, and under every leafy tree. And you shall overthrow their altars, and break their pillars, and burn their asherim with fire” (Deuteronomy 12:2–3); i.e., there is an obligation to destroy their gods that are upon the mountains, but there is no obligation to destroy the mountains that are themselves their gods, meaning that if people worshipped the mountain itself as a god, there is no need to destroy it, as anything that is attached to the ground does not become forbidden. The Gemara resumes the comparison: Here too, with regard to the prohibition against deriving benefit from a corpse, the dirt in the grave that is attached to the ground does not become forbidden.

¹⁹⁷ The Gemara raises an objection against this ruling from a baraita: If one hews a grave for his deceased father in one place, and he then goes and buries him in a different place, the son may never be buried in the grave that he had dug, as it is prohibited to derive benefit from a grave that had been prepared for another. This indicates that even that which is attached to the ground can become an item from which deriving benefit is prohibited. The Gemara answers: With what are we dealing here? We are dealing not with a grave dug in the ground, but with a cave that was constructed above ground out of rocks that were hewn from the ground. In such a case all of the stones used in the construction become forbidden, as they were detached from the ground.

¹⁹⁸ The Gemara suggests: Come and hear a different proof from that which was taught in a baraita: With regard to a fresh grave that was not designated for anyone in particular, one is permitted to derive benefit from it. But if even a non-viable newborn that died was cast into it, one is prohibited from deriving benefit from the grave. This indicates that even a grave that is attached to the ground can become forbidden. The Gemara answers: Here too, the reference is to a grave that was constructed above ground out of rocks that were detached from the ground.

¹⁹⁹ The Gemara suggests: Come and hear a proof from another baraita: It turns out that you say that there are three types of graves, and each type is governed by different halakhot with regard to whether or not a corpse may be removed from the grave and buried elsewhere: A newly found grave, a known grave, and a grave that causes damage to the public. How so? With regard to a newly found grave, i.e., a grave in which a corpse had been buried without the permission of the property's owner, one is permitted to remove the corpse from the grave and bury it elsewhere. After he has removed the corpse, the place of the grave is ritually pure and he is permitted to derive benefit from it.

²⁰⁰ With regard to a known grave, i.e., a grave in which a corpse had been buried with the permission of the property's owner, it is prohibited to remove the corpse from the grave and bury it elsewhere. If one went ahead and removed the corpse, the place of the grave is ritually impure and it is prohibited to derive benefit from it.

²⁰¹ As for a grave that causes damage to the public, e.g., a grave that was dug on a public road and causes the passersby to contract ritual impurity, one is permitted to remove the corpse from the grave and bury it elsewhere. After he has removed the corpse, the place is ritually pure, but nevertheless, it is prohibited to derive benefit from it. This indicates that even that which is attached to the ground can become forbidden, even after the corpse has been removed from the grave. The Gemara answers: Here too, the reference is to a grave that was constructed above ground.

²⁰² Having cited this last baraita, the Gemara raises a question about one of its details: As for a newly found grave, is one really permitted to remove the corpse just because it was buried there without the owner's permission? But perhaps this is a corpse with no one to bury it [met mitzva]. If the deceased has no relatives or acquaintances to bury him, everyone is obligated to assist in his burial. And the halakha is that a met mitzva acquires its place, i.e., the corpse is buried where it was found, and one is not permitted to remove it. The Gemara answers: A met mitzva is different, as it generates publicity. Were the corpse buried in the newly found grave that of a met mitzva, people would have heard about it.

²⁰³ § It was stated that the amora'im disagreed about the halakha in the following case: With regard to one who weaves a garment for one who has died, what is the halakha? Abaye says: It is prohibited

to derive benefit from the garment, even if it was never actually used as a shroud. And Rava says: It is permitted to derive benefit from the garment.

²⁰⁴ The Gemara explains their respective opinions. Abaye says that one is prohibited from deriving benefit from the garment, since he maintains that mere designation of an item is a significant matter, i.e., all the relevant halakhot of an item already apply once an item is designated for a specific purpose, whether or not it has been used for that purpose. Therefore, a garment woven for one who had died is forbidden as if it had already been used as a shroud. And Rava says that the garment is permitted, as he maintains that mere designation is nothing, and therefore the garment becomes prohibited only once it is actually used as a shroud.

²⁰⁵ The Gemara explains further: What is the reasoning behind the opinion of Abaye? He derives a verbal analogy between the word “there” written in the context of a grave, from the word “there” written in the context of a heifer whose neck is broken. The verse states concerning a grave: “And Miriam died there and she was buried there” (Numbers 20:1), and the verse states concerning a heifer whose neck is broken: “And the elders of that city shall bring down the heifer to a hard valley, which is neither plowed nor sown, and shall break the heifer’s neck there in the valley” (Deuteronomy 21:4). Just as it becomes prohibited to derive benefit from a heifer whose neck is broken through mere designation, i.e., as soon as the animal is designated as such, here too, it becomes prohibited to derive benefit from the items relating to a dead person through mere designation.

²⁰⁶ And Rava derives a verbal analogy between the word “there” written in the context of a grave from the word “there” written in the context of objects of idol worship. The verse states concerning objects of idol worship: “The places in which the nations...served their gods there” (Deuteronomy 12:2). Just as it does not become prohibited to derive benefit from objects of idol worship through mere designation, but only through actual ritual worship, so too, here it does not become prohibited to derive benefit from items relating to a deceased person through mere designation.

²⁰⁷ The Gemara asks: And Rava, what is the reason that he does not derive a verbal analogy from a heifer whose neck is broken? The Gemara answers: Rava could have said to you:

²⁰⁸ We derive the halakha governing the accessories relating to a dead person, e.g., a shroud, from the halakha governing the accessories used in idol worship, e.g., the animal sacrificed to the idol. This is to the exclusion of a heifer whose neck is broken, which is itself consecrated for the ceremony taking place in the valley and is not an accessory used in that ceremony.

²⁰⁹ The Gemara asks: And Abaye, what is the reason that he did not derive the halakha by way of a verbal analogy from the halakha governing accessories used in idol worship? The Gemara answers: Abaye could have said to you that we learn the halakha governing something that involves a proper way of conduct, i.e., burying the dead, from the halakha governing something that involves a proper way of conduct, i.e., the rite relating to the heifer whose neck is broken, as these are both mitzvot by Torah law. This is to the exclusion of objects of idol worship, which do not involve a proper way of conduct.

²¹⁰ § The Gemara presents a mnemonic for the forthcoming series of attempted proofs concerning the dispute between Rava and Abaye: Scarf; monument; that was hewed; pouch; craftsman.

²¹¹ The Gemara raises an objection against Rava from a baraita discussing ritual impurity that is contracted by treading: If a scarf is ritually impure with impurity imparted by treading, e.g., after a

zav sat or lay down upon it, and its owner then designated it as a cover for a Torah scroll, it is pure of the more severe level of ritual impurity, that which is imparted by treading, even without immersion, because it is no longer an object intended to be lied on or sat upon. But it is still impure with the less severe ritual impurity, that which is contracted by touching that which is treaded upon. This indicates that mere designation has halakhic significance and validity. The Gemara rejects this argument: Say that the baraita should read as follows: The owner of the scarf designated it as a cover for a Torah scroll and wrapped it around the scroll, so that there was not only designation, but an action as well.

²¹² The Gemara asks: If there was an action, why do I need for the baraita to say that the owner designated it and wrapped it? Wouldn't wrapping alone have sufficed? The Gemara answers: The baraita is in accordance with the opinion of Rav Ḥisda, as Rav Ḥisda says: With regard to this cloth that one designated for the purpose of bundling phylacteries in it, if he already bundled phylacteries in it, then it is forbidden to bundle coins in it, as it was designated and used as an accessory of a sacred object. But if he merely designated it for that purpose but did not yet bundle phylacteries in it, or if he bundled phylacteries in it but did not previously designate it for bundling phylacteries, then it is permitted to bundle coins in it. Consequently, in the case of the scarf, it was necessary both to designate it as a cover for the Torah scroll and to actually wrap it around the scroll.

²¹³ And according to Abaye, who said that designation is a significant matter, the halakha is as follows: If he designated the cloth for the purpose of bundling phylacteries in it, even if he did not bundle phylacteries in it, it is prohibited to bundle money in it. In a case where he already bundled phylacteries in it, if he designated the cloth for bundling phylacteries, yes, it is prohibited to bundle money in it; but if he did not designate it for bundling phylacteries, bundling money in the cloth is not prohibited.

²¹⁴ The Gemara suggests: Come and hear another proof against Rava: With regard to a monument that was built as a memorial for the sake of an individual while he was still alive, one is permitted to derive benefit from it, as it is like any other construction; but if even a single row of stones was added to it for the sake of a corpse, one is prohibited from deriving benefit from it, apparently even before the deceased is buried there. This seems to indicate that mere designation is a significant matter. The Gemara answers: With what are we dealing here? We are dealing with a case where the corpse was placed under the monument, so that it became forbidden not through mere designation, but by way of an action.

²¹⁵ The Gemara asks: If so, why does the baraita specifically mention that a row of stones was added? If the deceased was buried under the monument, one should be prohibited from deriving benefit from it even when a row of stones was not added, as the entire monument has been used for the dead. The Gemara explains: No, it is necessary for the baraita to state that a row of stones was added in order to teach us that even if the corpse was later removed from the grave, the monument remains forbidden since it had been designated for a corpse.

²¹⁶ Rafram bar Pappa says that Rav Ḥisda says: If the corpse was later removed from the grave and one recognizes the row of stones that had been added to the monument in the dead man's honor, he may remove that row of stones, and it is permitted to derive benefit from the rest of the construction.

²¹⁷ The Gemara suggests: Come and hear yet another proof against Rava from a baraita: If one hewed a grave for his deceased father in one place, and then went and buried him in a different place, the son may never be buried in the grave that he had dug. This indicates that mere designation is a

significant matter. The Gemara answers: There, the son may not be buried in the grave that he had dug because that would detract from the honor that he must show his father, not because the designation is significant with regard to the status of a grave in general.

²¹⁸ The Gemara comments: So, too, it is reasonable that the son may not be buried in the grave that he had dug only because of the honor due to his father, as the latter clause of the same baraita teaches: Rabban Shimon ben Gamliel says: Even if one hewed stones for his father's grave and then went and buried him in a different place, the son himself may never be buried in a tomb constructed from those stones.

²¹⁹ The Gemara explains: Granted, if you say that the son may not be buried in the grave that he dug for his father because of the honor that must be shown his father, it is well understood why he can also not be buried in tomb constructed from stones that he hewed for his father's grave. But if you say that it is because of designation, the son should be permitted to be buried in such a tomb, as is there anyone who says that spinning yarn in order to weave it into cloth for shrouds is regarded as designating an item for a dead person, resulting in a prohibition against deriving benefit from the yarn? In such a case there is certainly no prohibition, and the case of hewing stones for a tomb is analogous to a case of spinning yarn in order to weave it into cloth.

²²⁰ The Gemara suggests: Come and hear a proof in support of Rava from a baraita: With regard to a fresh grave that was not designated for a particular individual, one is permitted to derive benefit from it. But if even a non-viable newborn that died was cast into it, one is prohibited from deriving benefit from the grave. It may be inferred from here that if a non-viable newborn was cast into the grave, yes, one is prohibited from deriving benefit from the grave, but if it was not cast into the grave, one is not prohibited from deriving benefit from the grave, indicating that mere designation is insignificant.

²²¹ The Gemara rejects this inference: The same is true even if a non-viable newborn was not cast into the grave; one is still prohibited from deriving benefit from the grave, merely by virtue of the designation. Why, then, does the baraita say that a non-viable newborn was cast into the grave? This serves to exclude the opinion of Rabban Shimon ben Gamliel, who says: A non-viable newborn does not take possession of its grave to render it forbidden even once it is buried there. To counter this opinion, the baraita teaches us that this opinion is not accepted, and a non-viable newborn is treated like any other corpse.

²²² The Gemara suggests: Come and hear another proof in support of Rava's opinion from a mishna (Shekalim 2:5): The money left over from the money that was collected for burying the dead must be allocated to the burial of other dead people. The money left over from the money that was collected for burying a particular dead person is given to his heirs. Evidently, money that had been designated for the sake of a dead person but was not actually used for burying him does not become forbidden, and his heirs may use it. The Gemara rejects this proof: With what are we dealing here? We are dealing with money that had been collected for the deceased during his lifetime. It was thought that a certain individual was soon to die, and money was collected to cover the costs of his burial. Since at the time the money was collected the person was alive, the money had not been designated for the sake of a dead person. Therefore, one is permitted to derive benefit from it, and it is given to the heirs of the deceased.

²²³ The Gemara raises an objection: But we were not taught this, as we learned in the mishna: The money left over from the money that was collected for burying the dead must be allocated to the burial of other dead people. The money left over from the money that was collected for burying a particular dead person is given to his heirs. And it is taught with regard to this mishna in a baraita: How so? If they collected money for the purpose of burying the dead without specification, this is the case about which they said that the money left over from the money that was collected for burying the dead must be allocated to the burial of other dead people. But if they collected money for the sake of this particular dead person, this is the case about which they said that the money left over from the money that was collected for burying a particular dead person is given to his heirs. This indicates that the mishna is discussing a case where the money was designated for one who had already died.

²²⁴ The Gemara answers: And according to your reasoning, say the latter clause of that same mishna, which appears to support the opinion of Abaye: Rabbi Meir says: If money was left over from the sum collected for the burial of a particular dead person, the money may not be touched until Elijah comes and resolves the uncertainty as to whether or not the money is forbidden. Rabbi Natan says: The leftover money shall be used for the laying of another row of stones over the grave of the deceased or for the sprinkling of fragrant wine before his bier as he is brought for burial. This indicates that there are certain tanna'im who maintain that mere designation is in fact significant.

²²⁵ Rather, Abaye can explain the entire mishna according to his line of reasoning, and Rava, too, can explain the entire mishna according to his line of reasoning. The Gemara explains: Abaye can explain the entire mishna according to his line of reasoning, as follows: According to everyone, i.e., the first tanna, Rabbi Meir, and Rabbi Natan, mere designation is a significant matter. The first tanna holds that the sum that it is fitting to spend for the burial of the particular dead person is encompassed by the prohibition, and the sum that it is not fitting to spend is not encompassed by the prohibition. Therefore, whatever money is not required for his burial is given to his heirs, as it was never included in the prohibition.

²²⁶ And Rabbi Meir is uncertain as to whether the sum that it is not fitting to spend for his burial is encompassed by the prohibition or is not encompassed by the prohibition. Therefore, the leftover money may not be touched until Elijah comes and clarifies the matter. And it is obvious to Rabbi Natan that all of the money collected is certainly encompassed by the prohibition, including the money that it is not fitting to spend for the deceased's burial. Therefore, whatever money is left over should be used for the laying of another row of stones over the grave of the deceased or for the sprinkling of fragrant wine before his bier.

²²⁷ And Rava, too, can explain the mishna according to his line of reasoning, as follows: According to everyone, i.e., the first tanna, Rabbi Meir, and Rabbi Natan, mere designation is nothing, and so the money collected for the burial of a particular dead person does not become forbidden. And the disagreement is about an entirely different manner. The first tanna holds that even though the heirs of the deceased disgraced him by collecting money for his burial, the deceased still forgoes his disgrace for the benefit of his heirs, and therefore the leftover money is given to them.

²²⁸ And Rabbi Meir is uncertain as to whether the deceased forgoes his disgrace or does not forgo it. Therefore, the leftover money may not be touched until Elijah comes and clarifies the issue. And it is obvious to Rabbi Natan that the deceased does not forgo his disgrace. Therefore, whatever money is

left over should be used for the laying of another row of stones over the grave of the deceased, or for the sprinkling of fragrant wine before his bier.

²²⁹ The Gemara suggests: Come and hear another proof in support of Rava's opinion from a baraita: If the father and the mother of the deceased were throwing garments onto their late son's bier so that they would be buried along with him, it is a mitzva for the others present to save those garments from being lost. This indicates that mere designation is insignificant, as were it significant, one would be prohibited to derive benefit from the garments as soon as the parents cast them onto the bier.

²³⁰ The Gemara rejects this proof: There, the parents threw the garments onto their son's bier because of their bitterness over his death, but they did not really mean to designate the garments to be buried with him. The Gemara raises a difficulty: If so, how can one understand that which is taught with regard to this baraita: Rabban Shimon ben Gamliel said: In what case is this statement said? It is stated with regard to a case where the garments did not yet touch the bier before they were saved. But if they already touched the bier, they are forbidden. If no importance is ascribed to what is done out of bitterness, why should the garments that touched the bier be forbidden?

²³¹ Ulla interpreted the baraita as referring to a case where the garments were thrown onto a bier that was to be buried together with the son, and it is possible that those garments might be mistaken for shrouds of the deceased. The Sages decreed that it is prohibited to derive benefit from such garments, lest people mistakenly think that just as they are permitted, so too, actual shrouds are permitted. There is no proof from here that mere designation is significant and that articles designated for the dead are permanently forbidden.

²³² The Gemara suggests: Come and hear a proof in support of Abaye's opinion from a baraita: If one fashioned a pouch in which to put phylacteries, it is prohibited to put money in it. If he put phylacteries in it, but he did not designate it beforehand for that purpose, he may still put money in it. The ruling of the first clause indicates that designation is significant. The Gemara rejects this proof: Say that the baraita should be understood as follows: If one fashioned a pouch for phylacteries and then put the phylacteries in it, it is prohibited to put money in it. This is in accordance with the ruling of Rav H̥isda, that if one designated a cloth for the purpose of bundling phylacteries in it and then he wrapped the phylacteries in it, he may no longer use the cloth to hold money.

²³³ The Gemara suggests: Come and hear another baraita that supports the opinion of Rava: If one said to a craftsman: Fashion me a case [tik] for a Torah scroll, or: Fashion for me a bag [nartik] for phylacteries, as long as he has not yet used them for a sacred purpose, it is permitted for him to use them for a mundane purpose. But if he already used them for a sacred purpose, it is prohibited for him to use them for a mundane purpose. This indicates that mere designation is nothing until the item is actually used for the purpose for which it had been designated.

²³⁴ The Gemara explains: The matter of whether or not mere designation is significant is a dispute between tanna'im. As it is taught in a baraita: If one took phylacteries and coated them with gold or patched them with the hide of a non-kosher animal, they are unfit. But if one patched them with the hide of a kosher animal then they are fit, and this is so even though he did not prepare them, i.e., the hides, for their sake, i.e., for the sake of their use in a mitzva. Rabban Shimon ben Gamliel says: Even if he patched them with the hide of a kosher animal they are unfit, and they remain unfit until he prepares them for their sake. Preparing the hide for the sake of the mitzva is analogous to designating it for that purpose. The first tanna and Rabban Shimon ben Gamliel, who disagree as to

whether the hide must be prepared for the sake of the mitzva, differ as to whether designation is significant.

²³⁵ In connection with what was stated previously, that the amora'im disagree whether one is prohibited from deriving benefit from a garment woven for the sake of a dead person, Ravina said to Rava: Is there really such a place where the deceased is first placed on a bier and only afterward do they begin to weave a garment for the deceased? Rava said to Ravina: Yes, this is practiced on behalf of, for example, the dead of Harpanya, where the people are so poor that they cannot prepare shrouds for themselves during their lifetimes.

²³⁶ Mareimar taught that the halakha is in accordance with the opinion of Abaye that mere designation is significant. And the Rabbis say that the halakha is in accordance with the opinion of Rava that mere designation is nothing. The Gemara concludes that the halakha is in accordance with the opinion of Rava that mere designation is nothing.

²³⁷ § The Sages taught in a baraita: With regard to those executed by a Jewish king for crimes that they committed against him, their property belongs to the king. As for those executed by the court for a capital transgression, their property belongs to their heirs. Rabbi Yehuda says: Even with regard to those executed by a Jewish king, their property belongs to their heirs. The Rabbis said to Rabbi Yehuda: But isn't it already stated: "Arise, go down to meet Ahab, king of Israel, who is in Samaria; behold he is in the vineyard of Naboth, where he is gone down there to inherit it" (I Kings 21:18)? The wording of the verse indicates that Ahab went down there by right, proving that the property of those executed by the king legally belongs to the king.

²³⁸ Rabbi Yehuda said to them: Ahab was Naboth's cousin, the son of his paternal uncle, and therefore he was fit to inherit from him. Accordingly, he took possession of the property in his capacity as an heir, and not as the king. They said to him: But Naboth had many sons. Why, then, did they not inherit from him? Rabbi Yehuda said to them: Ahab executed Naboth and also his sons, as it is stated: "I have seen yesterday the blood of Naboth and the blood of his sons" (II Kings 9:26). The Gemara asks: And how do the Rabbis counter this claim? The Gemara answers: In their opinion, that verse is referring to the sons who would have issued from him had Naboth not been executed. Ahab was held accountable for the blood of Naboth and for the blood of his unborn children.

²³⁹ The Gemara raises a difficulty: Granted, according to the one who says that the property of those executed by the king belongs to the king, that is the reason that it is written that Jezebel arranged for witnesses to falsely testify that "Naboth cursed God and the king" (I Kings 21:13). Since Naboth cursed the king, Ahab could execute him and seize his property. But according to the one who says that the property of those executed by the king belongs to their heirs, why do I need the testimony that Naboth cursed the king? It would have sufficed for the witnesses to testify that he cursed God, in which case he would have been executed by the court, and Ahab would have taken possession of the vineyard as his heir.

²⁴⁰ The Gemara answers: And according to your reasoning, that the witnesses testified that Naboth cursed the king so that Ahab could execute him and seize his property, why do I need the additional testimony that Naboth cursed God? Rather, you must say that the witnesses were instructed to testify that Naboth cursed both God and the king in order to increase the anger of the judges by accusing him of a second offense. So too, it can be argued that according to Rabbi Yehuda's reasoning, the

witnesses testified that Naboth also cursed the king in order to increase the anger of the judges. No proof can be brought from here that the property of those executed by the king belongs to the king.

²⁴¹ The Gemara raises another difficulty: Granted, according to the one who says that the property of those executed by the king belongs to the king, that is the reason that it is written: “And Joab fled to the tent of the Lord and caught hold of the horns of the altar” (I Kings 2:28), describing Joab’s actions after it became known that he supported Adonijah, and furthermore it is written: “And he said, I will not leave, for here I will die” (I Kings 2:30). Joab did not want to be put to death by the king because he did not want his property to pass into the king’s possession. But according to the one who says that the property of those executed by the king belongs to their heirs, what difference did taking refuge in the Sanctuary make to him? The Gemara answers: Joab fled to the sanctuary in order to live a short while longer. Consequently, there is no proof from here to either side of the dispute.

²⁴² § The Gemara continues to discuss the incident involving Joab. After Joab took refuge in the Sanctuary and King Solomon sent Benaiah, son of Jehoiada, to fall upon him, Benaiah ordered Joab to leave the sanctuary, whereupon Joab refused. The verse then states: “And Benaiah brought the king word back, saying: So said Joab, and so he answered me” (I Kings 2:30). The Gemara explains: Joab said to him: Go and say to Solomon: You cannot perform two actions to this man, i.e., to me, Joab. If you kill him, i.e., me, you and your descendants will receive the curses with which your father cursed me. And if you do not wish to receive those curses, let him go so that he may receive the curses with which your father cursed him. And the next verse states: “And the king said to him: Do as he has said, and fall upon him, and bury him.” Solomon thereby accepted his father’s curses upon himself and his descendants.

²⁴³ Rav Yehuda says that Rav says: All the curses with which David cursed Joab were ultimately fulfilled in David’s descendants, due to the curse that Solomon accepted upon himself. David cursed Joab: “Let the house of Joab never lack such as are afflicted with a discharge, or a leper, or that hold onto a staff, or fall by the sword, or lack bread” (II Samuel 3:29).

²⁴⁴ The Gemara clarifies: The curse of being afflicted “with a discharge,” i.e., a zav, was fulfilled among Solomon’s descendants in Rehoboam, as it is written: “And King Rehoboam made speed to get him up to his chariot [bamerkava] to flee to Jerusalem” (I Kings 12:18), and it is written: “And whatever saddle [hamerkav] he that has a discharge rides upon shall be unclean” (Leviticus 15:9). The similarity between the words merkava and merkav indicates that Rehoboam was a zav.

²⁴⁵ The curse of “a leper” was fulfilled among Solomon’s descendants in Uzziah, as it is written: “But when he was strong, his heart was lifted up to his destruction; for he transgressed against the Lord his God, and went into the Temple of the Lord to burn incense upon the altar of incense” (II Chronicles 26:16). And it is also written: “And leprosy broke out on his forehead” (II Chronicles 26:19).

²⁴⁶ The curse of those who “hold onto a staff” was fulfilled among Solomon’s descendants in Asa, as it is written concerning him: “But in the time of his old age, he was diseased in his feet” (I Kings 15:23). And Rav Yehuda says that Rav says: This means that he was seized with gout [podagra]. Mar Zutra, son of Rav Nahman, said to Rav Nahman: What are the circumstances and symptoms of this disease? Rav Nahman said to him: The pain is similar to the pain of a needle piercing live flesh. The Gemara asks: How did Rav Nahman know what gout is like? The Gemara answers: If you wish, say that he himself suffered from the disease. And if you wish, say that he learned it as a tradition from

his teacher. And if you wish, say that he knew this through divine inspiration, as the verse states: “The secret of the Lord is with them that fear Him; and He will show to them His covenant” (Psalms 25:14).

²⁴⁷ The curse of those who “fall by the sword” was fulfilled among Solomon’s descendants in Josiah, as it is written: “And the archers shot at King Josiah” (II Chronicles 35:23), and Rav Yehuda says that Rav says: They shot him with so many arrows that they turned his whole body into a sieve.

²⁴⁸ The curse of those who “lack bread” was fulfilled among Solomon’s descendants in Jeconiah, as it is written concerning him: “And as for his food allowance, there was a continual food allowance given him by the king, a daily portion for every day, all the days of his life” (II Kings 25:30). Rav Yehuda says that Rav says: This explains the adage that people say:

²⁴⁹ Be the one who is cursed and not the one who curses, as a curse eventually returns to the one who curses.

²⁵⁰ The Gemara returns to discuss the incident of Joab: They brought Joab before Solomon, who judged him. Solomon said to Joab: What is the reason that you killed Abner? Joab said to him: I was the blood redeemer of the blood of Asahel; when Abner murdered my brother Asahel I killed him, in fulfillment of my duty as his blood redeemer. Solomon said to him: But Asahel was pursuing Abner with the intention of killing him, and therefore he had the status of a pursuer. Since Abner killed Asahel in an act of self-defense, you had no right to kill him as a redeemer of Asahel’s blood. Joab said to Solomon: Abner could have saved himself by wounding Asahel in one of his limbs. Having failed to do so, he was guilty of murder, and I was therefore entitled to kill him.

²⁵¹ Solomon said to him: Abner was not able to injure Asahel, because he was running and could not aim with precision. Joab said to Solomon: Now Abner was able to aim and hit him precisely in the fifth rib, as it is written: “And Abner smote him with the butt end of the spear in the *ḥomesh*” (II Samuel 2:23), and Rabbi Yoḥanan says that this means that he hit him in the fifth rib, the place where the gallbladder and liver hang. If Abner could aim with precision at the fifth rib, could he not have successfully aimed at one of Asahel’s limbs?

²⁵² Solomon said to Joab: Set aside Abner, as you have presented a convincing argument that you are not liable for his death. But what is the reason you killed Amasa? Joab said to him: I killed Amasa in punishment for his having rebelled against the king, as it is written: “And the king said to Amasa: Muster to me the men of Judah within three days, and be you here present. And Amasa went to call the men of Judah, but he was later than the set time that he had assigned to him” (II Samuel 20:4–5).

²⁵³ Solomon said to him: Amasa was not guilty of rebelling against the king because he interpreted the words *akh* and *rak* in a restrictive manner, and in that way he limited the king’s authority.

²⁵⁴ How so? Amasa found the men of Judah starting to study a new tractate. He said to himself: It is written: “Any man who rebels against your commandment, and will not listen to your words in all that you command him, he shall be put to death” (Joshua 1:18), indicating that the king of Israel has unlimited power. Based on these words alone, one might have thought that the king must be obeyed even when that would lead to abstention from the study of the words of Torah. Therefore, that same verse states: “Only [*rak*] be strong and of a good courage.” The word “*rak*” is a restrictive term that serves to limit the king’s authority in a situation where obeying his command will minimize the

study of Torah. Consequently, Amasa was justified when he did not muster the men of Judah at the appointed time, and you had no right to kill him.

²⁵⁵ Solomon continued: Rather, the opposite is true. That man, you, Joab, rebelled against the king, as it is written: “Then tidings came to Joab, for Joab had followed after Adonijah, though he had not followed after Absalom. And Joab fled to the tent of the Lord and caught hold of the horns of the altar” (I Kings 2:28). Joab followed Adonijah, thereby rebelling against Solomon, the lawful king.

²⁵⁶ The Gemara asks: What does the verse mean to teach when it says that Joab did not follow Absalom? Rav Yehuda says: It serves to teach that Joab wanted to follow Absalom, but in practice he did not follow him. The Gemara asks: If he wanted to do so, what is the reason that Joab did not follow Absalom? Rabbi Elazar says: When Absalom rebelled against his father, David was still in full possession of his vitality, meaning he was still strong, and Joab feared him.

²⁵⁷ Rabbi Yosei, son of Rabbi Ḥanina, says: David’s stars [itztagnein], the planetary influences that determined his fortune, still stood for him. As Rav Yehuda says that Rav says: David had four hundred children in his army, and all of them were sons of beautiful women taken captive from their gentile homes during war (see Deuteronomy 21:10–14), and they grew their hair in a gentile hair style, and they would go at the head of the troops, and they were the strong-arm enforcers of the house of David, on whose loyalty David’s monarchy relied. As long as David was supported by this force, Joab was afraid to challenge him.

²⁵⁸ The Gemara notes: And those who view Joab in a negative light disagree with the opinion of Rabbi Abba bar Kahana, as Rabbi Abba bar Kahana says: Were it not for David, who studied Torah, Joab would not have been able to wage war successfully, and were it not for the military acumen of Joab, David would not have been able to study Torah. As it is written: “And David executed judgment and justice to all his people, and Joab, son of Zeruiah, was over the army” (II Samuel 8:15–16). What is the reason that David “executed judgment and justice to all his people”? He was able to do so because “Joab, son of Zeruiah, was over the army,” assisting him and fighting his battles. And what is the reason that “Joab, son of Zeruiah, was over the army”? He was able to do so because “David executed judgment and justice to all his people.”

²⁵⁹ § The verse states: “And Joab went out from David, and sent messengers after Abner, and they brought him back from Bor Sirah” (II Samuel 3:26). The Gemara asks: What is the meaning of the name Bor Sirah? Rabbi Abba bar Kahana says: A well [bor] and a thorn [vesira] caused Abner to be killed. Abner became liable to be killed when he failed to take advantage of two opportunities to bring about a reconciliation between King Saul and David. First, when David cut off a corner of Saul’s robe after he entered a cave in order to relieve himself, and second, when David found Saul sleeping and took the jug of water and the spear from next to his head. Rather than tell Saul that David could have killed him and refrained from doing so, Abner suggested to Saul that his robe may have been torn by a thornbush and that his jug of water may have been taken by one of his own men. These two incidents are alluded to by the words bor, well, i.e., jug of water, and sirah, thornbush.

²⁶⁰ The verse states: “And Joab took him aside in the gate to speak with him quietly” (II Samuel 3:27). Rabbi Yoḥanan says: Joab judged Abner according to the halakha of the Sanhedrin, which would sit in judgment by the gate of the city. How so? Joab said to Abner: What is the reason that you killed Asahel? Abner said to him: Asahel was pursuing me with the intention to kill me, and therefore he had the status of a pursuer, whom I had the right to kill in self-defense. Joab said to

Abner: Even so, you could have saved yourself by wounding one of his limbs. Abner replied: I was not able to do so as I was running and could not aim with precision. Joab said to him: Now seeing that you were able to aim and hit him precisely in the fifth rib, could you not have successfully aimed at one of his limbs?

²⁶¹ The Gemara asks: What is the meaning of “to speak with him quietly [basheli]”? Rav Yehuda says that Rav says: He took him aside to speak to him by way of deception [shalu]. As for what is stated: “And Abner smote him with the butt end of the spear in the ḥomesh” (II Samuel 2:23), Rabbi Yoḥanan says: He hit him in the fifth [ḥamishit] rib, the place where the gallbladder and liver hang.

²⁶² § The verse states that Solomon said to Benaiah, son of Jehoiada, concerning Joab: “And the Lord shall return the blood upon his own head, for he fell upon two men more righteous and better than he” (I Kings 2:32). The Gemara explains: Amasa and Abner were “better” than Joab, as they interpreted the words *akh* and *rak* in a restrictive manner that limited the king’s authority, while he did not interpret them in that way, demonstrating that they were greater than him in Torah. Amasa and Abner were also “more righteous” than Joab, as they both received oral instructions directly from Saul to slay the priests of Nov and they did not do so, whereas Joab was instructed by David in a letter to kill Uriah and he did so.

²⁶³ The verse states: “But Amasa took no heed of the sword in Joab’s hand” (II Samuel 20:10). Rav says: Amasa took no heed of the sword because he did not suspect that Joab was capable of murdering him.

²⁶⁴ The verse states with regard to Joab: “And he was buried in his own house, in the wilderness” (I Kings 2:34). The Gemara asks: Is that to say that Joab’s house was a wilderness? Rav Yehuda says that Rav says: Joab’s house was like the wilderness; just as the wilderness is freely open to all, so too, Joab’s house was freely open to all, as he generously opened his house to the poor and made them feel like members of the household. Alternatively, Joab’s house was like the wilderness; just as the wilderness is clean of theft and sexual immorality, as it is uninhabited, so too, Joab’s house was clean of theft and sexual immorality, owing to his righteousness. As for the verse: “And Joab kept alive the rest of the city” (I Chronicles 11:8), Rav Yehuda says: Not only would Joab feed the poor, but he would even give them treats of types of small fish so they would lack for nothing.

Chapter 7

¹ MISHNA: Four types of the death penalty were given over to the court, with which those who committed certain transgressions are executed. They are, in descending order of severity: Stoning, burning, killing by decapitation, and strangulation. Rabbi Shimon says: They are, in descending order of severity: Burning, stoning, strangulation, and killing. This execution, described in the previous chapter, is referring to the mitzva of those who are stoned, i.e., to the process of execution by stoning.

² GEMARA: Rava says that Rav Sehora says that Rav Huna says: Wherever the Sages taught a halakha by means of a list, there is no significance to the order of their list, except for in the mishna that discusses the seven abrasive substances, where the order is significant.

³ As we learned in a mishna (Nidda 61b): One applies seven abrasive substances to the stain found on a woman's clothing in order to find out whether the stain is from menstrual blood, and therefore ritually impure, or whether it is another type of stain, and therefore pure. These substances are: Bland spittle, which is the spittle of someone who has not yet tasted anything in the morning; moisture of grits, which is the spittle of one who has chewed the grits of beans; urine; natron; lye [borit]; Kimolian earth [kimuleya]; and potash. If the stain disappears as a result of the application of all of these substances, the stain is considered to have been from blood.

⁴ And it is taught in the latter clause of that mishna that the order of the substances is essential, as it states: If one applied them not in the order prescribed for them, or applied all seven of them at once, he has done nothing; the laundering has not been effective.

⁵ Rav Pappa the elder says in the name of Rav: The four types of the death penalty are also taught in order. This is apparent from the fact that Rabbi Shimon disagrees with the first order; conclude from it that it is taught in an exact order. The Gemara adds: And the other Sage, Rav Huna, does not include this mishna among those in which the order is significant, as he is not speaking of mishnayot where there is a dispute with regard to the correct order.

⁶ Rav Pappa says: The order of the service in the Temple on the Day of Atonement, Yom Kippur, is also taught in its proper order, as we learned in a mishna (Yoma 60a): With regard to all actions performed in the context of the service of Yom Kippur, which are stated in the Mishna, as in the Torah, in order, the halakha is: If the High Priest performed one action before another, i.e., if he diverged from the order that is written, it is as though he has done nothing.

⁷ And the other Sage, Rav Huna, does not include this mishna because that is merely a stringency. Although a change in the order invalidates the Yom Kippur service, this is not due to the importance of some rites relative to others, but because this order was established by the Torah.

⁸ Rav Huna, son of Rav Yehoshua, says: The order of the daily offering, described in the mishna at the end of tractate Tamid (33b), is also essential; as it is taught with regard to it: This is the order of the daily offering, indicating that it should be performed in exactly that order. And the other Sage, Rav Huna, does not include this mishna, as that requirement is merely for the mitzva. In other words, it is preferable that the offering be sacrificed in that order, but it is not disqualified if one deviates from that order.

⁹ And Rav Huna's principle excludes the mitzva of the ritual through which a man whose married brother dies childless [yavam] frees his late brother's wife [yevama] of her levirate bonds [ḥalitza]; i.e., it teaches that the order of that ceremony is not essential. As we learned in a mishna (Yevamot 106b): The mitzva of ḥalitza is performed in this manner: The yavam and his yevama come before the court, and the judges of the court offer him advice that is appropriate for him as to whether to enter levirate marriage or to perform ḥalitza, as it is stated: "And the elders of his city shall call him and speak to him" (Deuteronomy 25:8).

¹⁰ And if they decide to perform ḥalitza, she says: "My brother-in-law refused to establish a name for his brother in Israel, he did not wish to consummate the levirate marriage" (Deuteronomy 25:7), and afterward he says: "I do not wish to take her" (Deuteronomy 25:8). And they would say these statements in the sacred tongue, Hebrew.

¹¹ The verse states: “His yevama shall approach him, before the elders, and remove his shoe from on his foot and spit before him” (Deuteronomy 25:9). Accordingly, she removes his shoe and she spits before him a quantity of spittle that is visible to the judges. “And she shall respond and say: So shall it be done to the man who does not build his brother’s house. And his name shall be called in Israel: The house of he who had his shoe removed” (Deuteronomy 25:9–10).

¹² And Rav Yehuda says that this is the correct order for the mitzva of ḥalitza: She recites the sentence beginning with “My brother-in-law refused” (Deuteronomy 25:7), and afterward he recites “I do not wish to take her” (Deuteronomy 25:8). Then she removes the shoe, and spits, and recites: “So shall it be done to the man who does not build his brother’s house” (Deuteronomy 25:9).

¹³ And we discussed it: What is Rav Yehuda teaching us? This is already stated in the mishna. The answer is that this is what Rav Yehuda teaches us: It is a mitzva to perform ḥalitza like this, i.e., this is the proper order, but if one switched the order we have no problem with it; the ḥalitza is still valid, as the order of the ritual is not essential. This is also taught in a baraita: Whether one performed the removal of the shoe before the spitting, or the spitting before the removal of the shoe, what she did is done, i.e., the ḥalitza is valid.

¹⁴ And Rav Huna’s principle also excludes that which we learned in a mishna (Yoma 71b): The High Priest serves, i.e., performs the Temple service, wearing eight garments, and the ordinary priest performs the Temple service wearing four. An ordinary priest performs the Temple service in a tunic, in trousers, in a mitre, and in a belt. The High Priest adds another four garments beyond those worn by the ordinary priest: A breastplate, and an ephod, and a robe, and a frontplate. The order listed in this mishna indicates that the tunic was put on first.

¹⁵ And it is taught in a baraita: From where is it derived that nothing precedes the donning of the trousers when the priest dresses? As it is stated: “He shall wear a sacred tunic of linen; and trousers of linen shall be on his flesh” (Leviticus 16:4). This indicates that the trousers come first, as they are worn directly on the flesh, proving that the list in the mishna is not in accordance with the order in which the priests dressed.

¹⁶ The Gemara asks: But if so, what is the reason the tanna mentions the tunic first? The Gemara answers: Because the verse mentions it first. The Gemara asks: And what is the reason the verse mentions it first? The Gemara answers: Because it covers his entire body, the Torah prefers to mention it first.

¹⁷ § The mishna states the types of the death penalty in descending order of severity: Stoning, burning, killing by decapitation, and strangulation. The Gemara discusses the basis for this order. Stoning is considered more severe than burning, as stoning is meted out to one who blasphemes, i.e., one who curses God, and to one who worships idols. For what reason is the severity of these transgressions considered greater than others? Because the transgressor undermines the fundamental tenets of Judaism.

¹⁸ The Gemara raises an objection: On the contrary; burning is more severe than stoning, as it is meted out to a priest’s daughter who committed adultery (see Leviticus 21:9). And for what reason is the severity of this transgression considered greater than others? Because through her sin she profanes not only herself but her father as well.

¹⁹ The Gemara answers: The Rabbis hold that only the married daughter of a priest who committed adultery is singled out from all those who commit adultery, for burning, but not one who is betrothed, as a betrothed woman who committed adultery, whether or not she is the daughter of a priest, is executed by stoning. And since the Merciful One singles out a betrothed woman who is not married from all married women who commit adultery, to be executed by stoning, conclude from it that stoning is more severe than burning.

²⁰ Stoning is considered more severe than decapitation by the sword, as it is meted out to one who blasphemes and to one who worships idols. And for what reason is the severity of these transgressions considered greater than others? As we said, it is because the transgressors undermine the fundamental tenets of Judaism.

²¹ The Gemara raises an objection: On the contrary; decapitation by the sword would appear to be more severe than stoning, as it is meted out to the people of an idolatrous city, who also undermine the fundamental tenets of Judaism. And for what reason is the severity of this case of an idolatrous city considered greater than others? Because the transgressors are not only executed, their property is destroyed as well.

²² The Gemara answers: In response to this objection, you should say: The severity of which transgression is greater: The severity of the transgression of the one who subverts the city, inciting them to sin, or the severity of the transgression of the subverted? You must say that the severity of the transgression of the subverter is greater. And it is taught in a baraita: The subverters of an idolatrous city are executed by stoning. Evidently, stoning is a more severe type of execution than decapitation.

²³ Stoning is considered more severe than strangulation, as it is meted out to one who blasphemes and to one who worships idols. And for what reason is the severity of these transgressions considered greater? As we said, it is because the transgressors undermine the fundamental tenets of Judaism.

²⁴ The Gemara raises an objection: On the contrary; strangulation is more severe, as it is meted out to one who wounds his father or his mother. And for what reason is the severity of this transgression considered greater? Because the honor of one's parents is compared to the honor of the Omnipresent (see Kiddushin 30b).

²⁵ The Gemara answers: Since the Merciful One singles out the case of a betrothed Jewish woman from the category of a married Jewish woman, changing the punishment of a betrothed Jewish woman who committed adultery from strangulation to stoning, conclude from it that stoning is more severe.

²⁶ Burning is considered more severe than decapitation by the sword, as it is meted out to a priest's daughter who committed adultery. And for what reason is the severity of this transgression considered greater than others? Because she profanes both herself and her father.

²⁷ The Gemara raises an objection: On the contrary; decapitation by the sword is more severe, as it is meted out to the people of an idolatrous city. And for what reason is the severity of this case considered greater? Because the transgressors are not only executed, their property is destroyed as well.

²⁸ The Gemara answers: The severity of burning is derived by means of a verbal analogy. The term "her father" is stated with regard to stoning, in the verse: "And the men of her city shall stone her

with stones and she shall die, because she has done a depraved thing in Israel, to play the harlot in the house of her father” (Deuteronomy 22:21), and the term “her father” is stated with regard to burning, in the verse: “And the daughter of a priest, when she profanes herself by playing the harlot, she profanes her father; she shall be burned with fire” (Leviticus 21:9). Therefore, just as concerning the term “her father” that is stated with regard to stoning it is established that stoning is more severe than decapitation by the sword, so too, concerning the term “her father” that is stated with regard to burning, it may be established that burning is more severe than decapitation by the sword.

²⁹ Burning is considered more severe than strangulation, as it is meted out to a priest’s daughter who committed adultery. And for what reason is the severity of this transgression considered greater? As we said, because she profanes both herself and her father.

³⁰ The Gemara raises an objection: On the contrary; strangulation is more severe, as it is meted out to one who wounds his father or his mother. And for what reason is the severity of this transgression considered greater? Because the honor of one’s parents is compared to the honor of the Omnipresent.

³¹ The Gemara answers: Since the Merciful One singles out the case of the married daughter of a priest from the category of a married Jewish woman, changing the punishment of the married daughter of a priest who committed adultery from strangulation to burning, conclude from it that burning is more severe than strangulation.

³² Decapitation by the sword is considered more severe than strangulation, as it is meted out to the people of an idolatrous city. And for what reason is the severity of this case considered greater? Because their property is destroyed as well.

³³ The Gemara raises an objection: On the contrary; strangulation is more severe, as it is meted out to one who wounds his father or his mother. And for what reason is the severity of this transgression considered greater? Because the honor of one’s parents is compared to the honor of the Omnipresent.

³⁴ The Gemara answers: Nevertheless, the transgression of one who undermines the fundamental tenets of Judaism is more severe, as he defiles the honor of the Omnipresent Himself, so his punishment must certainly be the most severe.

³⁵ § The mishna teaches that Rabbi Shimon says that the order of severity is burning, stoning, strangulation, and killing. The Gemara explains the basis for his opinion. Burning is considered more severe than stoning, as burning is meted out to a priest’s daughter who committed adultery. And for what reason is the severity of this transgression considered greater than the others? Because she profanes both herself and her father.

³⁶ The Gemara raises an objection: On the contrary; stoning is more severe, as it is meted out to one who blasphemes and to one who worships idols. And for what reason is the severity of these transgressions greater? Because the transgressor undermines the fundamental tenets of Judaism.

³⁷ The Gemara answers: Rabbi Shimon conforms to his line of reasoning, as he says that the daughter of a priest, whether she is betrothed or married, is singled out for burning. And since the Merciful One singles out the case of the betrothed daughter of a priest from the category of a betrothed Jewish woman, changing her punishment from execution by stoning to execution by burning, conclude from it that burning is more severe than stoning, as the punishment for a priest’s daughter who committed adultery must certainly be more severe than that of the daughter of a non-priest.

³⁸ The Gemara continues to explain the order of severity according to Rabbi Shimon. Burning is considered more severe than strangulation, as it is meted out to a priest's daughter who committed adultery. And for what reason is the severity of this transgression considered greater? As we said, it is because she profanes both herself and her father.

³⁹ The Gemara raises an objection: On the contrary; strangulation is more severe, as it is meted out to one who wounds his father or his mother. And for what reason is the severity of this transgression considered greater? Because the honor of one's parents is compared to the honor of the Omnipresent.

⁴⁰ The Gemara answers: Since the Merciful One singles out the case of the married daughter of a priest who committed adultery from the category of a married Jewish woman who committed adultery, changing her punishment from execution by strangulation to execution by burning, conclude from it that burning is more severe than strangulation.

⁴¹ Burning is considered more severe than decapitation by the sword, as it is meted out to a priest's daughter who committed adultery. And for what reason is the severity of this transgression considered greater? As we said, it is because she profanes both herself and her father.

⁴² The Gemara raises an objection: On the contrary; decapitation by the sword is more severe, as it is meted out to the people of an idolatrous city. And for what reason is the severity of this case considered greater? Because their property is destroyed as well.

⁴³ The Gemara answers: In response to this objection, you should say: But the severity of which transgression is greater: The severity of the transgression of the subverter, or the severity of the transgression of the subverted?

⁴⁴ You must say that the severity of the transgression of the subverter is greater. Since those who subverted the people of an idolatrous city are executed by stoning, this is evidently a more severe type of capital punishment than decapitation. And it is inferred a fortiori that if it is so that concerning strangulation, which is more severe than decapitation by the sword, nevertheless burning is more severe than it, is it not all the more so obvious that burning is more severe than decapitation by the sword, which is a more lenient type of execution compared to strangulation?

⁴⁵ Stoning is considered more severe than strangulation, as it is meted out to one who blasphemes and to one who worships idols. And for what reason is the severity of these transgressions considered greater? As we said, it is because the transgressors undermine the fundamental tenets of Judaism.

⁴⁶ The Gemara raises an objection: On the contrary; strangulation is more severe, as it is meted out to one who wounds his father or his mother. And for what reason is the severity of this transgression considered greater? Because the honor of one's parents is compared to the honor of the Omnipresent.

⁴⁷ The Gemara answers: Since the Merciful One singles out the case of the betrothed daughter of a non-priest who committed adultery from the category of a married Jewish woman who committed adultery, changing her punishment from execution by strangulation to execution by stoning, conclude from it that stoning is more severe.

⁴⁸ Stoning is considered more severe than decapitation by the sword, as it is meted out to one who blasphemes and to one who worships idols. The Gemara raises an objection: On the contrary; decapitation by the sword is more severe, as it is meted out to the people of an idolatrous city. And for what reason is the severity of this case considered greater? Because their property is destroyed as well.

⁴⁹ The Gemara answers that in response to this objection you should say: But the severity of which transgression is greater: The severity of the transgression of the subverter, or the severity of the transgression of the subverted? You must say that the severity of the transgression of the subverter is greater. Since those who subverted the people of an idolatrous city are executed by stoning, this punishment is evidently more severe than decapitation. And it is inferred a fortiori that if it is so that concerning strangulation, which is more severe than decapitation by the sword, nevertheless stoning is more severe than it, is it not all the more so obvious that stoning is more severe than decapitation by the sword, which is a more lenient type of execution compared to strangulation?

⁵⁰ Strangulation is more severe than decapitation by the sword, as it is meted out to one who wounds his father or his mother. And for what reason is the severity of this transgression considered greater? As we said, because the honor of one's parents is compared to the honor of the Omnipresent.

⁵¹ The Gemara raises an objection: On the contrary; decapitation by the sword is more severe, as it is meted out to the people of an idolatrous city. And for what reason is the severity of this transgression considered greater? Because their property is destroyed as well.

⁵² The Gemara answers that you should say in response to this objection: But the severity of which transgression is greater: The severity of the transgression of the subverter, or the severity of the transgression of the subverted? You must say that the severity of the transgression of the subverter is greater, and it is taught in a baraita: The subverters of an idolatrous city are executed by stoning. Rabbi Shimon says: By strangulation. Therefore, according to the opinion of Rabbi Shimon, it is clear that strangulation is a more severe type of capital punishment than decapitation.

⁵³ § Rabbi Yoḥanan was wont to say the following baraita: A betrothed young woman who is the daughter of a priest and who committed adultery is executed by stoning. Rabbi Shimon says: She is executed by burning. A betrothed young woman who is the daughter of a non-priest and who engaged in intercourse with her father is executed by stoning. Rabbi Shimon says: By burning.

⁵⁴ The Gemara asks: What does this baraita teach us? The Gemara answers: It teaches us that according to the opinion of the Rabbis, the married daughter of a priest is singled out for burning, and not a betrothed one, who is executed by stoning. According to the opinion of Rabbi Shimon, the daughter of a priest, whether she is betrothed or married, is singled out for burning. And what is the reason for their respective opinions with regard to the punishment of the daughter of a priest? It is because according to the Rabbis stoning is more severe than burning, whereas according to Rabbi Shimon burning is more severe.

⁵⁵ In addition to the case of the priest's daughter who committed adultery, there is a practical difference between these two opinions, which is that one who was sentenced to two different court-imposed death penalties for two sins he committed is punished with the more severe of the two, and these tanna'im disagree as to which type of death penalty is more severe.

⁵⁶ What is the source of the opinion of Rabbi Shimon that a priest's betrothed daughter who committed adultery is executed by stoning? As it is taught in a baraita: Rabbi Shimon says: Two general halakhot are stated in the Torah with regard to the daughter of a priest, one rendering the betrothed daughter of a priest who committed adultery liable to be executed by stoning, and the other rendering the married daughter of a priest who committed adultery liable to be executed by strangulation.

⁵⁷ The Gemara interrupts the baraita and asks: Are they stated only with regard to the daughter of a priest, and not with regard to the daughter of a non-priest? Aren't these halakhot stated with regard to the daughter of a non-priest as well? Rather, emend the text and say: These two halakhot are stated with regard to the daughter of a priest as well.

⁵⁸ The baraita continues: The verse: "And the daughter of a priest, when she profanes herself by playing the harlot, she profanes her father; she shall be burned with fire" (Leviticus 21:9), is stated with regard to both a betrothed woman and a married woman. And the verse thereby singles out the married daughter of a priest from the category of an ordinary married woman, whose punishment is execution by strangulation, and it singles out the betrothed daughter of a priest from the category of an ordinary betrothed woman, who is executed by stoning.

⁵⁹ Therefore, just as when the verse singles out the married daughter of a priest from the category of a married woman it is to render her punishment more severe, so too, when the verse singles out the betrothed daughter of a priest from the category of a betrothed woman it is to render her punishment more severe. This indicates that burning is a more severe type of capital punishment than stoning.

⁶⁰ The punishment for the conspiring witnesses concerning the married daughter of a priest, who testified falsely that she committed adultery, is included in the punishment for the conspiring witnesses concerning the married daughter of a non-priest, and the punishment for the conspiring witnesses concerning the betrothed daughter of a priest is included in the punishment for the conspiring witnesses concerning the betrothed daughter of a non-priest. The Torah is not more severe with them; the conspiring witnesses in the case of any married woman accused of committing adultery are strangled, and the conspiring witnesses in the case of any betrothed woman accused of committing adultery are stoned.

⁶¹ The Sages taught: The verse states: "And the daughter of a priest [ish kohen], when she profanes herself by playing the harlot, she profanes her father; she shall be burned with fire" (Leviticus 21:9). One might have thought that the expression "when she profanes [ki teḥel]" is referring even to one who desecrated [ḥillela] Shabbat; she too should be executed by burning. To counter this, the verse states: "By playing the harlot"; the verse is speaking of profanation through promiscuity.

⁶² One might have thought even if she is unmarried and she engaged in promiscuous intercourse she should be executed by burning. This is incorrect, as here it is stated: "Her father," and there it is stated with regard to a betrothed woman who committed adultery: "Because she has done a depraved thing in Israel, to play the harlot in the house of her father" (Deuteronomy 22:21). Just as there, the reference is to the promiscuous intercourse of one who has a bond to a husband, so too here, the reference is to the promiscuous intercourse of one who has a bond to a husband.

⁶³ Or perhaps one might have thought that the verse states "her father" only in order to exclude all men except her father, i.e., she is liable to be executed by burning only if she engaged in intercourse with her father. To counter this, when it states "she profanes," indicating that it is she who profanes her father and not her father who profanes himself and her, all men are stated, i.e., included.

⁶⁴ Therefore, how do I realize the meaning of the expression "she profanes her father"? What halakha does it teach? The baraita answers: Here it is stated: "Her father," and there it is stated: "Her father." Just as there, the reference is to the promiscuous intercourse of one who has a bond to a husband, so too here, the reference is to the promiscuous intercourse of one who has a bond to a husband.

⁶⁵ The baraita asks: If the halakha of the priest's daughter who committed adultery is compared, by means of a verbal analogy, to the halakha of a betrothed woman who committed adultery, then perhaps one should say that just as there the reference is specifically to a young woman, i.e., to one whose first signs of maturity appeared within the past half year, who is betrothed, so too here, in the case of the daughter of a priest, the reference is to a young woman who is betrothed. But if she is a young woman who is married, or a grown woman who is betrothed, or a grown woman who is married, or even if she grew old, and is not normally referred to as a daughter, from where is it derived that her punishment is execution by burning?

⁶⁶ The verse states: "And the daughter of a priest," in any case. It is derived from the conjunction "and," represented by the letter vav, that this punishment applies to any woman who is the daughter of a priest.

⁶⁷ The verse states: "The daughter of a priest."

⁶⁸ I have a source only for the case of a priest's daughter who married a priest. From where do I derive that she is also liable to be executed by burning if she married a Levite or an Israelite, a Samaritan, a priest disqualified due to flawed lineage [ḥalal], a son born from an incestuous or adulterous relationship [mamzer], or a Gibeonite? The verse states: "And the daughter of a priest," indicating that this halakha applies even if she is not now a priestess, having married a non-priest.

⁶⁹ It is derived from the verse: "She shall be burned with fire," that she is executed by burning, but her paramour is not executed by burning; his punishment is the same as that of one who engages in adulterous intercourse with the betrothed or married daughter of a non-priest. It is further derived from the word "she" that she is executed by burning, but witnesses who testified concerning her that she committed adultery and who were proven to be conspiring witnesses are not executed by burning.

⁷⁰ The baraita concludes: Rabbi Eliezer says: If she is with her father she is executed by burning, and if she is with her father-in-law she is executed by stoning, as the Gemara will explain below.

⁷¹ § After quoting this baraita, the Gemara now clarifies and discusses it. The Master said in the baraita: One might have thought that even one who desecrated Shabbat should be executed by burning. The Gemara asks: If she desecrated Shabbat she is liable to be executed by stoning, just like anyone else who desecrates Shabbat, so why would one think that because she is the daughter of a priest she should be executed by burning, a less severe type of capital punishment?

⁷² Rava says: In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Shimon, who says that burning is more severe than stoning. It might enter your mind to say that since the Merciful One treats priests more stringently, in that He gave them additional mitzvot, the daughter of a priest should be punished for desecrating Shabbat by burning, which, according to Rabbi Shimon, is more severe than stoning. Therefore, the verse teaches us that with regard to the desecration of Shabbat, the daughter of a priest receives the same punishment as the rest of the Jewish people.

⁷³ The Gemara asks: In what way is she different from the priest himself? A priest who desecrates Shabbat is executed by stoning, so why would one have thought that the daughter of a priest should be punished by burning?

⁷⁴ The Gemara answers: It might enter your mind to say that concerning the priest himself, the halakhot of Shabbat are less stringent, as acts that are forbidden on Shabbat are permitted to him with regard to the performance of the Temple service. Therefore, one might have thought that if a priest desecrates Shabbat in a manner that is forbidden to him, his punishment should not be more severe than that of a non-priest. But concerning her, the daughter of a priest, since acts that are forbidden on Shabbat are not permitted to her at all, as she does not perform the Temple service, one might say that she should be punished by burning, which is more severe. Therefore, the verse teaches us that this is not so.

⁷⁵ The baraita teaches: One might have thought that even if she is unmarried and engages in promiscuous intercourse she should be executed by burning. The Gemara asks: Why might one think this? Isn't it written in the verse: "When she profanes herself by playing the harlot [liznot]"? This term is referring to a sinful relationship such as adultery and not to the promiscuous intercourse of an unmarried woman.

⁷⁶ The Gemara answers: The statement of the baraita is in accordance with the opinion of Rabbi Elazar, who says: An unmarried man who engages in intercourse with an unmarried woman, not for the purpose of marriage, has rendered her a zona, i.e., a woman who has engaged in intercourse with a man forbidden to her by the Torah. In the opinion of Rabbi Elazar, the term liznot is referring to any promiscuous intercourse.

⁷⁷ The baraita teaches: Or perhaps one might have thought that the verse states "her father" only in order to exclude all men other than her father. The Gemara asks: Rather, what case is the verse referring to? Is it a case where she engaged in intercourse with her father? If so, why does the verse specifically mention the daughter of a priest? Even the daughter of a non-priest is executed by burning in such a case.

⁷⁸ The Gemara answers that the prohibition of and punishment for intercourse between a father and daughter are not stated explicitly in the Torah; rather, they are derived by means of two verbal analogies. As Rava said: Rav Yitzhak bar Avudimi said to me: This prohibition is derived by means of a verbal analogy between the word henna in the verse: "The nakedness of your son's daughter, or of your daughter's daughter, their nakedness you shall not uncover; for theirs [henna] is your own nakedness" (Leviticus 18:10), and the word henna in a different verse: "You shall not uncover the nakedness of a woman and her daughter; you shall not take her son's daughter, or her daughter's daughter, to uncover her nakedness. They [henna] are near kinswomen; it is lewdness" (Leviticus 18:17). This verbal analogy indicates that just as it is prohibited to engage in intercourse with one's granddaughter and with one's wife's daughter or granddaughter, so too, it is prohibited to engage in intercourse with one's daughter.

⁷⁹ Furthermore, it is derived from a verbal analogy between the word "lewdness" (Leviticus 18:17) and the word "lewdness" in the verse: "And if a man take with his wife also her mother, it is lewdness; they shall be burned with fire, both he and they, so that there be no lewdness among you" (Leviticus 20:14), that one who engages in intercourse with his daughter or granddaughter is liable to be executed by burning.

⁸⁰ Since the punishment for engaging in intercourse with one's daughter is derived from a verbal analogy and is not stated explicitly, it was necessary for the verse to indicate that the daughter of a priest is liable to be executed by burning even if she commits adultery with a man who is not her

father. Otherwise, it might enter your mind to say that the verse concerning the daughter of a priest is stated to exclude the statement of Rava in the following manner: From the fact that the Merciful One revealed this punishment explicitly with regard to the daughter of a priest and not with regard to the daughter of a non-priest, it may be derived that the punishment of burning does not apply to the daughter of a non-priest. Therefore, the verse teaches us through the expression “she profanes” that it is referring to a priest’s daughter who committed adultery with any man, and not just with her father.

⁸¹ The baraita teaches: From the expression “the daughter of a priest,” I have a source only for the case of a priest’s daughter who married a priest. From where is it derived that she is also liable to be executed by burning if she married a Levite, an Israelite, a Samaritan, a ḥalal, a Gibeonite, or a mamzer? The verse states: “And the daughter of a priest,” indicating that this halakha applies even if she is not now a priestess.

⁸² The Gemara asks: Because she married one of these men who are not priests, is she no longer the daughter of a priest? Why should her punishment be different in these cases? And furthermore, is it written: A priestess who married a priest? The verse refers only to the status of her father, not to that of her husband.

⁸³ The Gemara answers: It might enter your mind to say that when the Merciful One states: “When she profanes herself by playing the harlot,” it indicates that this matter applies only in a case where she profanes herself now by committing adultery. But in this case, where she is married to a non-priest, since she is already profaned from the outset, from the time of her marriage, the verse does not apply to her.

⁸⁴ The Gemara clarifies: If she is married to a man of flawed lineage, she is already profaned. As the Master said, it is derived from the verse: “And if a priest’s daughter be married to a non-priest, she shall not eat of that which is set apart from the sacred” (Leviticus 22:12), that once she engaged in intercourse with one who is unfit for her, he has disqualified her from ever partaking of teruma.

⁸⁵ And if she is married to a Levite or an Israelite, she is also disqualified from partaking of teruma for as long as they are married; as the verse states: “But if a priest’s daughter is a widow, or divorced, and has no child, and returns to her father’s house, as in her youth, she may eat of her father’s bread” (Leviticus 22:13). By inference, while she is with her non-priest husband, she does not partake of teruma.

⁸⁶ Evidently, the marriage of the daughter of a priest to anyone who is not a priest involves some measure of profanation, and therefore one might say that she should not be punished by burning, the punishment unique to the daughter of a priest, if she committed adultery. Therefore, the verse teaches us that the punishment of execution by burning applies to any daughter of a priest, regardless of the status of her husband.

⁸⁷ The Gemara adds: And this baraita is not in accordance with the opinion of Rabbi Meir. As it is taught in a baraita: With regard to a priest’s daughter who married an Israelite and then unwittingly partook of teruma, she pays the principal, as she partook of teruma to which she has no rights, but she does not pay the additional one-fifth, the fine paid by a non-priest who partakes of teruma unwittingly. This is because she is not completely disqualified from the priesthood; if she were to be widowed or divorced without children, it would again be permitted for her to partake of teruma. And, as befits the daughter of a priest, if she commits adultery, her death penalty is by burning.

⁸⁸ Rabbi Meir continues: But if she married one of the men who are unfit for her, e.g., a ḥalal, a mamzer, or a Gibeonite, and she unwittingly partook of teruma, she pays the principal and the additional one-fifth, as she is permanently disqualified from partaking of teruma. And similarly, if she commits adultery, her death penalty is by strangulation, like the daughter of a non-priest, as she is completely disqualified from the priesthood. This is the statement of Rabbi Meir.

⁸⁹ And the Rabbis say: Both this one, who married an Israelite, and that one, who married a man of flawed lineage, pay the principal and not the additional one-fifth, as they do not entirely forfeit their priesthood, and their death penalty is by burning, in accordance with the above baraita.

⁹⁰ The Gemara continues its analysis of the baraita, which teaches: Rabbi Eliezer says: If she is with her father she is executed by burning, and if she is with her father-in-law, she is executed by stoning. The Gemara asks: What is the meaning of the expressions: With her father, and: With her father-in-law?

⁹¹ If we say that with her father means she engages in intercourse with her father, and with her father-in-law means she engages in intercourse with her father-in-law, why is this halakha stated specifically with regard to the daughter of a priest? Even in the case of the daughter of a non-priest the halakha is the same; in the case of one who engages in intercourse with his daughter, they are executed by burning, and in the case of one who engages in intercourse with his daughter-in-law, they are executed by stoning.

⁹² Rather, the expression: With her father, means under her father's authority, i.e., she is still betrothed and not married yet, and the expression: With her father-in-law, means under her father-in-law's authority, i.e., she is married.

⁹³ The Gemara asks: In accordance with whose opinion is this statement? If it is in accordance with the opinion of the Rabbis, don't they say that the married daughter of a priest who committed adultery is singled out for execution by burning, but not one who is betrothed? If it is in accordance with the opinion of Rabbi Shimon, doesn't he say that both the betrothed daughter of a priest and the married one are executed by burning? The opinion of Rabbi Eliezer does not accord with either of these opinions.

⁹⁴ And if it is in accordance with the opinion of Rabbi Yishmael (see 51b), doesn't he say that only the betrothed daughter of a priest is singled out for execution by burning, but not one who is married? In his opinion, if the daughter of a priest is under the authority of her father-in-law, i.e., if she is married, her punishment is death by strangulation, like any other married woman who committed adultery.

⁹⁵ Ravin sent the following explanation in the name of Rabbi Yosei, son of Rabbi Ḥanina: This is the explanation [hatza'a] of this mishna, i.e., the baraita: Actually, it is in accordance with the opinion of the Rabbis. And this is what it is saying: With regard to any act of adultery whose punishment is less severe than the death penalty for one who engages in intercourse with her father, here, in the case of the daughter of a priest, she receives the death penalty of one who engages in intercourse with her father, namely, execution by burning. And what act of adultery carries a less severe punishment than intercourse with one's father? It is the case of the married daughter of a non-priest; as the married daughter of a non-priest who committed adultery is executed by strangulation.

⁹⁶ With regard to any act of adultery whose punishment is more severe than the death penalty for one who engages in intercourse with her father, here, in the case of the daughter of a priest, she receives the death penalty of one who engages in intercourse with her father-in-law, namely, execution by stoning. And what case is it? It is the case of the betrothed daughter of a non-priest, as in general, the betrothed daughter of a non-priest who committed adultery is executed by stoning.

⁹⁷ Rabbi Yirmeya objects to this explanation: Does the baraita teach the words more and less? These words, central to this interpretation, are not mentioned at all. Rather, Rabbi Yirmeya says an alternative interpretation:

⁹⁸ Actually, Rabbi Eliezer's statement is in accordance with the opinion of Rabbi Yishmael, and this is what he is saying: The expression: With her father, means under her father's authority, i.e., she is still betrothed, and she is executed by burning if she commits adultery. And the expression: With her father-in-law, means that after getting married, she engages in intercourse with her father-in-law, and she is therefore executed by stoning. And if she commits adultery with any other man after getting married, she is executed by strangulation, like any other married woman.

⁹⁹ Rava says: What is different between the wording of the two clauses of Rabbi Eliezer's statement that allows for them to be understood differently? Either explain this one and that one literally, i.e., that she engages in intercourse with her father or father-in-law, or explain this one and that one as referring to the authority of the father or father-in-law.

¹⁰⁰ Rather, Rava says: Actually, Rabbi Eliezer's statement is in accordance with the opinion of Rabbi Shimon that burning is more severe than stoning, and Rabbi Eliezer holds that the halakha of the married daughter of a priest is comparable to that of the betrothed one. Just as with regard to the betrothed daughter of a priest we raise her punishment by one level vis-à-vis the betrothed daughter of a non-priest, from stoning to burning, so too, with regard to the married daughter of a priest, we raise her punishment by one level vis-à-vis the married daughter of a non-priest, from strangulation to stoning.

¹⁰¹ Rav Ḥanina objects to this explanation: Doesn't Rabbi Shimon himself say that both in this case and in that case, i.e., whether she is betrothed or married, the daughter of a priest is executed by burning? His opinion cannot be interpreted contrary to his own statement.

¹⁰² Rather, Ravina says: Actually, Rabbi Eliezer's statement is in accordance with the opinion of the Rabbis, that the married daughter of a priest is executed by burning and the betrothed daughter of a priest is executed by stoning. And reverse the wording of Rabbi Eliezer's statement as follows: When she is with her father, i.e., when she is betrothed, she is executed by stoning, and when she is with her father-in-law, i.e., when she is married, she is executed by burning. And the fact that the tanna states the phrase: With her father, instead of simply stating that she is betrothed, is because he was merely drawn to the common usage, i.e., the wording of the verse, and employed it.

¹⁰³ Rav Naḥman says that Rabba bar Avuh says that Rav says: The halakha in this matter is in accordance with the explanation that Ravin sent in the name of Rabbi Yosei, son of Rabbi Ḥanina. Rav Yosef said in response: Does one issue a halakha for the messianic period? Since the destruction of the Temple, courts do not have the authority to adjudicate capital cases (see 52b), and this authority will be restored only once the Temple is rebuilt, in the messianic period. Therefore, what is the purpose of stating the halakha in this matter when it is not currently relevant?

¹⁰⁴ Abaye said to him: If that is so, let the tanna not teach all the halakhot of the slaughter of sacrificial animals, i.e., tractate Zevahim, as it is entirely a halakha for the messianic period. Rather, one studies these halakhot due to the principle of: Study Torah and receive reward, i.e., one is rewarded for the study of Torah regardless of its practical applicability. Here too, study Torah and receive reward.

¹⁰⁵ Rav Yosef responded: This is what I meant to say: Why do I need the halakha with regard to this subject to be stated? Is a halakha stated in the discussion of Rabbi Eliezer's statement? The statements of the amora'im are merely explanations of how to understand the wording of Rabbi Eliezer's statement, but there is no difference between them with regard to the halakha.

¹⁰⁶ § The Gemara discusses the opinion of Rabbi Yishmael that the betrothed daughter of a priest who committed adultery is executed by burning, whereas the married daughter of a priest who committed adultery is executed by strangulation. What is the source for the opinion of Rabbi Yishmael? It is as it is taught in a baraita: With regard to the verse: "And the daughter of a priest, when she profanes herself by playing the harlot" (Leviticus 21:9), the verse is speaking of a young woman who is betrothed.

¹⁰⁷ Do you say that it is referring only to a young woman who is betrothed, or that it is referring even to a married woman? The verse states: "And a man who commits adultery with another man's wife, he who commits adultery with his neighbor's wife, both the adulterer and the adulteress shall be put to death" (Leviticus 20:10). All adulterers were included in the category of: "The adulterer and the adulteress," and were executed by strangulation, until the verse singled out the betrothed daughter of a non-priest for execution by stoning and the daughter of a priest for execution by burning. It is therefore derived that just as when the verse singles out the daughter of a non-priest for stoning the Torah states that the reference is to a woman who is betrothed and not married, so too, when the verse singles out the daughter of a priest for burning it is referring to a woman who is betrothed and not married.

¹⁰⁸ The baraita continues: The conspiring witnesses concerning the daughter of a priest, and the paramour of the daughter of a priest, are included in the verse: "And you shall do to him as he conspired to do to his brother" (Deuteronomy 19:19).

¹⁰⁹ The Gemara interjects and asks: What reason is there for the punishment of "as he conspired" to be applied with regard to her paramour? Rather, the baraita should be read: Her conspiring witnesses are included in the death penalty of her paramour, i.e., they are executed by strangulation, which they sought to impose upon her paramour. They are not executed by burning, which is the death penalty that they sought to impose upon her.

¹¹⁰ This is because it is stated: "And you shall do to him as he conspired to do to his brother," which is interpreted to mean: "To his brother," but not to his sister. This is the statement of Rabbi Yishmael.

¹¹¹ Rabbi Akiva says: Both the betrothed and the married daughter of a priest are singled out for execution by burning. One might have thought that even an unmarried daughter of a priest who engaged in promiscuous intercourse should be executed by burning. This is incorrect, as here it is stated: "Her father," and there it is stated, with regard to a betrothed woman who committed adultery: "Her father" (Deuteronomy 22:21). It is derived through a verbal analogy that just as below, the reference is to the promiscuous intercourse of one who has a bond to a husband, so too here, the reference is to the promiscuous intercourse of one who has a bond to a husband.

¹¹² Rabbi Yishmael said to him: If the halakha of a priest's daughter who committed adultery is compared to the halakha of a betrothed woman who committed adultery, then it can be inferred that just as there the reference is specifically to a young woman who is betrothed, so too here, the reference is to a young woman who is betrothed. This serves as a proof for the opinion of Rabbi Yishmael, which is that only the betrothed daughter of a priest is executed by burning.

¹¹³ Rabbi Akiva said to him: Yishmael, my brother, I derive it from the fact that the verse could have stated: "The daughter of a priest," but instead states: "And the daughter of a priest," with the conjunction "and," that married daughters of priests are also included in this punishment.

¹¹⁴ Rabbi Yishmael said to him: And because you derive this from the difference between the term "the daughter" and the term "and the daughter," we should take this married daughter of a priest out to be executed by burning? This derivation of yours is inconsistent, because if the conjunction "and" indicates the inclusion of the married daughter of a priest, then it should include the unmarried daughter of a priest too. And if it indicates the exclusion of an unmarried one, exclude the married one as well.

¹¹⁵ The Gemara asks: And how would Rabbi Akiva respond? The Gemara answers: According to Rabbi Akiva, the verbal analogy between the halakha of the daughter of a priest and the halakha of a betrothed woman serves to exclude the case of an unmarried daughter of a priest from execution by burning, and the distinction between the terms "the daughter" and "and the daughter" serves to include the case of a married woman.

¹¹⁶ And Rabbi Yishmael challenged Rabbi Akiva's opinion because he thought that since Rabbi Akiva had said to him that a married woman is included due to the distinction between "the daughter" and "and the daughter," it was possible to conclude from it that Rabbi Akiva had retracted his derivation from the verbal analogy, which would have included a married woman, and instead derived the halakha only from the conjunction "and" in the term "and the daughter." But in fact, Rabbi Akiva combined this derivation with the verbal analogy.

¹¹⁷ The Gemara asks: And as for Rabbi Yishmael, what does he derive from this distinction between "the daughter" and "and the daughter"? The Gemara answers: He requires it for that which the father of Shmuel bar Avin taught in a baraita: Since we find that the verse differentiates with regard to male priests between unblemished priests and blemished priests, as only unblemished priests may perform the Temple service, one might have thought we should differentiate between their daughters as well, and rule that the daughter of a blemished priest should not be sentenced to execution by burning for adultery. Therefore, instead of stating: "The daughter," the verse states: "And the daughter," to include the daughter of a blemished priest.

¹¹⁸ The Gemara asks: And from where does Rabbi Akiva derive this? The Gemara answers: He derives it from the verse: "They shall be holy to their God, and not profane the name of their God; for the offerings of the Lord, the bread of their Lord, they offer; and they shall be holy" (Leviticus 21:6). From the phrase "And they shall be holy" it is derived that all priests are considered holy, even if they cannot bring offerings in the Temple. Consequently, there is no difference in this regard between the daughter of a blemished priest and the daughter of an unblemished priest.

¹¹⁹ The Gemara asks: And why does Rabbi Yishmael not derive this halakha from this verse? The Gemara answers: Rabbi Yishmael would say: If it were to be derived from that verse, I would say that this matter applies with regard to the priests themselves, who are considered holy even if they

are blemished, but not with regard to their daughters. Therefore, the term “and the daughter” teaches us that the halakha with regard to the daughters of blemished priests is just like the halakha with regard to the daughters of unblemished priests.

¹²⁰ The Gemara asks: And as for Rabbi Yishmael,

¹²¹ what does he derive from this verse: “She profanes her father” (Leviticus 21:9), if he does not employ the term “her father” for a verbal analogy concerning a young betrothed woman who committed adultery, as Rabbi Akiva does?

¹²² The Gemara answers: He requires it for that which is taught in a baraita: Rabbi Meir would say: Why must the verse state: “She profanes her father”? To teach that if initially they would treat her father in a sacred manner, now they treat him in a profane manner. If previously they would treat him with honor, they now treat him with degradation. They say: Cursed is the one who bore this daughter, cursed is the one who raised this daughter, cursed is the one from whose loins this daughter emerged.

¹²³ Rav Ashi says: In accordance with whose opinion do we call even a wicked person who is the son of a righteous person: A wicked person, the son of a wicked person? In accordance with whose opinion is it? It is in accordance with the opinion of this tanna, Rabbi Meir, who says that a sinful daughter profanes her father, and he too is treated with disgrace.

¹²⁴ § The mishna teaches: This describes the mitzva of those who are stoned, i.e., the process of execution by stoning. The Gemara asks: What was taught in the mishna with regard to which it teaches now: This describes the mitzva of those who are stoned?

¹²⁵ The Gemara answers: The Mishna states this because it teaches in the previous chapter (42b): When the trial has ended in a guilty verdict and the condemned man has been sentenced to stoning, he is taken out to be stoned. And it continues (45a): The place of stoning from which the condemned party is pushed to his death is a platform twice the height of an ordinary person. And since the Mishna wants to teach in the next mishna: The mitzva of those who are burned, and it will then proceed to describe the processes involved in carrying out the other forms of execution, it also teaches in this mishna: This describes the mitzva of those who are stoned, in order to summarize what was taught up to this point.

¹²⁶ MISHNA: The mitzva of those who are burned, i.e., the process of execution by burning, is carried out in the following manner: The executioners submerge the condemned one in dung up to his knees so he cannot move, and they place a rough scarf within a soft one, so his throat will not be wounded, and wrap these scarves around his neck. This one, i.e., one of the witnesses, pulls the scarf toward himself, and that one, the other witness, pulls it toward himself, until the condemned one is forced to open his mouth, as he is choking. And another person then lights the wick and throws it into his mouth, and it goes down into his intestines and burns his intestines and he dies.

¹²⁷ Rabbi Yehuda says: But if this one who is condemned to death by burning accidentally died at their hands by strangulation, they have not fulfilled the mitzva of execution by burning for this person. Rather, the process is carried out in the following manner: One opens the mouth of the condemned person with prongs, against his will, and one lights the wick and throws it into his mouth, and it goes down into his intestines and burns his intestines and he dies.

¹²⁸ Rabbi Elazar ben Tzadok said: An incident occurred with regard to a certain priest’s daughter who committed adultery, and they wrapped her in bundles of branches and burned her, contrary to

the process described in the mishna. The Sages said to him: That court did not act properly; they did so because the court at that time was not proficient in halakha.

¹²⁹ GEMARA: What kind of wick is the mishna referring to? Rav Mattana says: A wick of lead, i.e., a long, thin piece of lead in the shape of a wick, which is melted and poured down into the intestines.

¹³⁰ From where do we derive that burning means this kind of death? It is derived from a verbal analogy between the burning that is described in the context of capital punishment (see Leviticus 21:9) and the burning described with regard to the assembly of Korah, when they were burned by God (see Numbers 17:4). Just as there, with regard to the assembly of Korah, they were killed by the burning of the soul within the body, but the body itself remained intact, so too here, the condemned one is executed by the burning of the soul, but the body remains intact. He is not executed by means of the burning of the body with wood, as in that case the body would be consumed.

¹³¹ Rabbi Elazar says that there is a different source for this method of burning: It is derived from a verbal analogy between the burning that is described in this context and the burning that is described with regard to the deaths of Nadav and Avihu, the sons of Aaron (see Leviticus 10:6). Just as there, Nadav and Avihu were killed by the burning of the soul, but the body remained intact, so too here, the execution is carried out by the burning of the soul, but the body remains intact.

¹³² The Gemara asks: From where does the one who derives that burning means this kind of death from the assembly of Korah derive that their bodies were not burned? The Gemara answers: He derives it from that which is written: “And the firepans of these men who have sinned with their souls” (Numbers 17:3), which indicates that only their souls were burned, but their bodies were intact.

¹³³ The Gemara asks: And how does the other Sage, who does not derive that burning means this kind of death from here, interpret the deaths of the assembly of Korah? The Gemara answers: That burning was actual burning of their bodies. And what is the meaning of the term: “With their souls”? It means that they were deemed liable to be killed by burning due to matters of sustaining their souls, i.e., they sinned because Korah helped them fulfill their bodily desires, and consequently they followed him.

¹³⁴ This latter explanation is in accordance with the statement of Reish Lakish. As Reish Lakish says: What is the meaning of that which is written: “With the flattering mockeries of spitefulness [maog] they gnash at me with their teeth” (Psalms 35:16)? It means that because of the flattery of those people who flattered Korah over matters of eating, i.e., because of the food and drink that he would give them, the minister of Gehenna gnashed his teeth over them, as they eventually sinned and fell into his hands. The word maog is interpreted homiletically here as alluding to uga, cake.

¹³⁵ The Gemara asks: And from where does the one who derives that burning means this kind of death from the sons of Aaron derive that their bodies were not burned? The Gemara answers: He derives it from that which is written: “And fire came out from before the Lord, and devoured them, and they died before the Lord” (Leviticus 10:2). The term “and they died” indicates that it was similar to a natural death, in which the body remains intact.

¹³⁶ The Gemara asks: And how does the other Sage, who does not derive that burning means this kind of death from here, interpret the death of the sons of Aaron? The Gemara answers: That burning was actual burning. And in that case, what is the meaning of that which is written: “And they died”?

It means that the fire started from within them, and therefore it was similar to a natural death, which occurs within the person. As it is taught in a baraita: Abba Yosei ben Dostai says: Two threads of fire came out of the Holy of Holies and split into four, and two entered the nostrils of this one, and the other two entered the nostrils of that one, and the threads of fire burned them.

¹³⁷ The Gemara asks: But isn't it written: "And devoured them [vatokhal otam]"? The usage of the expanded term "vatokhal otam," instead of the terser vatokhlem, indicates a limitation, i.e., only they were consumed, to the exclusion of their bodies. The Gemara answers: The verse means that the fire devoured "them," but not their clothes.

¹³⁸ The Gemara asks: And let us derive the correct method of execution by burning from the halakha of the bull offerings that are burned. Just as there, the reference is to actual burning, so too here, perhaps there should be actual burning.

¹³⁹ The Gemara answers: It stands to reason that one should derive the halakha with regard to capital punishment from the death of a person, i.e., either from the assembly of Korah or the sons of Aaron, as they share common elements: They deal with a person, a sinner, and a soul that is taken through burning, i.e., the person dies as a result of the burning. Furthermore, the halakha of an offering that was sacrificed with the intent to consume it after its designated time [piggul], is not relevant in either case, whereas it is relevant to bull offerings that are burned.

¹⁴⁰ The Gemara asks: On the contrary, one should derive the halakha with regard to capital punishment from the bull offerings that are burned, as both enable the fulfillment of a mitzva, whereas the deaths of the assembly of Korah and the sons of Aaron were not mitzvot. Furthermore, both of these are fixed halakhot for all future generations, whereas the deaths of the assembly of Korah and the sons of Aaron were onetime incidents.

¹⁴¹ The Gemara answers: Those elements that are shared by capital punishment and the deaths of the assembly of Korah and the sons of Aaron are more numerous than the elements that are shared by capital punishment and the bulls that are burned. Therefore, the halakha is derived from the assembly of Korah and the sons of Aaron.

¹⁴² The Gemara asks: With regard to the one who derives this halakha from the assembly of Korah, what is the reason he does not derive it from the sons of Aaron? Because in his opinion that was actual burning. But if this is the case, let us derive from the death of the sons of Aaron that execution by burning should be performed with actual burning; why does he derive from the assembly of Korah that hot lead should be used?

¹⁴³ Rav Naḥman says that Rabba bar Avuh says: The verse states: "And you shall love your neighbor as yourself" (Leviticus 19:18), which teaches that even with regard to a condemned prisoner one should select a good, i.e., a compassionate, death for him. The method of burning described in the mishna is certainly faster and less painful than the burning of the entire body.

¹⁴⁴ The Gemara asks: And since there is the halakha of Rav Naḥman, why do I need the verbal analogy? Even without this proof execution by burning would have been performed with hot lead, as it is a less painful form of death.

¹⁴⁵ The Gemara answers: Were it not for the verbal analogy, I would say that a death that includes the burning of the soul, but the body itself remains intact, is not burning at all, and that it does not fulfill the mitzva of execution by burning. And if it is necessary to alleviate the condemned one's

pain due to the halakha of “And you shall love your neighbor as yourself” (Leviticus 19:18), let the court increase for him the bundles of branches, so that he will burn quicker. Therefore, the verbal analogy teaches us that even internal burning is regarded as burning, and once this has been established it is taken into consideration that he must be executed in the least painful way.

¹⁴⁶ Apropos the deaths of Nadav and Avihu, an aggadic midrash on this subject is quoted: And it had already happened that Moses and Aaron were walking on their way, and Nadav and Avihu were walking behind them, and the entire Jewish people were walking behind them. Nadav said to Avihu: When will it happen that these two old men will die and you and I will lead the generation, as we are their heirs? The Holy One, Blessed be He, said to them: We shall see who buries whom. Rav Pappa says: This explains the adage that people say: Many are the old camels that are loaded with the skins of young camels.

¹⁴⁷ Rabbi Eliezer says:

¹⁴⁸ To what is a Torah scholar compared when he is standing before an ignoramus? At first, when he does not know him, the ignoramus considers him to be like a goblet [lekton] of gold. Once he has conversed with him concerning mundane matters, he considers him to be like a goblet of silver, i.e., the stature of the Torah scholar is downgraded in the eyes of the ignoramus. Once the scholar has received benefit from the ignoramus, he considers him to be like an earthenware goblet, which once broken cannot be fixed.

¹⁴⁹ The Gemara relates: Imrata bat Talei was a priest's daughter who committed adultery. Rav Ḥama bar Toviyya surrounded her with bundles of branches and burned her.

¹⁵⁰ Rav Yosef says: Rav Ḥama bar Toviyya erred with regard to two halakhot. He erred with regard to the ruling of Rav Mattana, i.e., that burning is performed using a wick of lead, and he erred with regard to that which is taught in a baraita: It is derived from the verse: “And you shall come to the priests, the Levites, and to the judge that will be in those days” (Deuteronomy 17:9), that at a time when there is a priest serving in the Temple, i.e., when the Temple is built, there is judgment of capital cases. By inference, at a time when there is no priest, there is no judgment of capital cases.

¹⁵¹ § The mishna teaches that Rabbi Elazar, son of Rabbi Tzadok, said: An incident occurred with regard to a priest's daughter who committed adultery, and she was executed by actual burning, and the Sages said to him that the court at that time was not proficient in halakha. Rav Yosef says: It was a court of the Sadducees, who interpreted the verse according to its straightforward meaning.

¹⁵² The Gemara asks: Did Rabbi Elazar ben Tzadok say that to the Sages, and did the Sages answer him in that manner? But isn't a different version of the exchange taught in a baraita: Rabbi Elazar, son of Rabbi Tzadok, says: I remember when I was a child, and was riding on my father's shoulders. And they brought a priest's daughter who had committed adultery, and surrounded her with bundles of branches and burned her. The Sages said to him: You were a minor at that time and one cannot bring proof from the testimony of a minor, as perhaps you did not understand the proceedings properly. The two versions of this exchange do not accord with each other. The Gemara answers: There were two separate incidents, and Rabbi Elazar ben Tzadok testified with regard to both.

¹⁵³ The Gemara asks: Which incident did he tell the Sages about first? If we say that first he told them about this first incident, i.e., the one that is recounted in the mishna, this is unreasonable; if he first told them about the incident that occurred when he was an adult, and they paid no attention to

him, but rejected his statement by responding that the court was not proficient in halakha, would he tell them afterward about the incident that occurred when he was a small child and think that they would pay attention to him?

¹⁵⁴ Rather, it is clear that he first told them about that incident, i.e., the one recounted in the baraita, and they said to him: You were a minor, and one cannot bring proof from the testimony of a minor. And then he told them about the incident that occurred when he was an adult, and they said to him: The court did so because the court at that time was not proficient in halakha.

¹⁵⁵ MISHNA: The mitzva of those who are killed, i.e., the process of execution by decapitation, is carried out in the following manner: The executioners cut off his head with a sword, the way that the monarchy does when a king sentences a person to death. Rabbi Yehuda says: This manner of execution is improper, as it degrades him. Rather, they place the head of the condemned on the block, and chop it off with a cleaver [bekofitz]. The Rabbis said to him: If you are concerned about his degradation, there is no death penalty more degrading than that. It is better for him to be executed in the manner described first.

¹⁵⁶ GEMARA: It is taught in a baraita (Tosefta 9:3): Rabbi Yehuda said to the Rabbis: I too, know that it is a degrading death, but what shall I do, as the Torah states: “And you shall not follow their statutes” (Leviticus 18:3), i.e., it is prohibited to adopt the practices of the gentiles.

¹⁵⁷ The Gemara asks: And how do the Rabbis respond to this claim? The Gemara answers: Since decapitation by the sword is written in the Torah, it is not from the gentiles that we learn it. This is Torah law, and the custom of the gentiles is not taken into consideration. It is of no import that they have a corresponding type of execution.

¹⁵⁸ As, if you do not say so, that a Jewish custom is not forbidden even if the gentiles have the same custom, then that which is taught in a baraita poses a difficulty. The baraita teaches: One burns vessels and clothes over the deaths of kings as an expression of grief, and this is not forbidden for being of the ways of the Amorites. How can we perform this burning? But isn’t it written: “And you shall not follow their statutes”? Rather, since burning items over the death of a king is written in the Torah, as it is written: “And with the burnings of your fathers, the first kings who came before you, so shall they make a burning for you” (Jeremiah 34:5), it is not from the gentiles that we learn it. And here too, since decapitation by the sword is written in the Torah, it is not from them that we learn it.

¹⁵⁹ § The Gemara asks: And with regard to that which we learned in a mishna in another chapter of this tractate (76b): These transgressors are those who are killed by decapitation: The murderer and the people of an idolatrous city, there is a difficulty. Granted, the people of an idolatrous city are executed in this manner, as it is written concerning them: “You shall smite the inhabitants of that city with the edge of the sword” (Deuteronomy 13:16). But with regard to a murderer, from where do we derive that he is executed by decapitation?

¹⁶⁰ The Gemara answers that it is derived as it is taught in a baraita: It is stated in the verse: “And if a man smites his slave or his maidservant by the staff and he dies under his hand, he shall be avenged” (Exodus 21:20). Prima facie, I do not know what this vengeance is referring to. When it says: “And I will bring upon you the sword avenging the vengeance of the covenant” (Leviticus 26:25), you must say that vengeance is decapitation by the sword.

¹⁶¹ The Gemara asks: But why not say that the executioner should stab him with a sword, rather than decapitate him? The Gemara answers: It is written with regard to the people of an idolatrous city: “With the edge of the sword,” indicating that the execution should be administered with the edge of the sword and not its point.

¹⁶² The Gemara asks: But say that the executioner should cut him in half [gistera], down the middle of his body. The Gemara answers that Rav Naḥman says that Rabba bar Avuh says: The verse states: “And you shall love your neighbor as yourself” (Leviticus 19:18), which teaches that even with regard to a condemned prisoner, one should select a good, i.e., a compassionate, death for him. Cutting his body in half is not a compassionate manner of execution.

¹⁶³ The Gemara asks: We have found proof that one who killed a Canaanite slave is executed by decapitation. But from where do we derive that one who kills a freeman is executed in the same manner?

¹⁶⁴ The Gemara answers: But is it not inferred a fortiori? If one who killed a Canaanite slave is executed by the sword, should one who killed a freeman be executed merely by strangulation?

¹⁶⁵ This Gemara rejects this answer: This works out well according to the one who says that strangulation is a more lenient type of capital punishment than decapitation. But according to the one who says that strangulation is more severe than decapitation, what can be said? It is possible that one who murdered a freeman is in fact executed by strangulation.

¹⁶⁶ The Gemara answers: The mishna derives it from that which is taught in a baraita: It is derived from the verse: “And so shall you put away the innocent blood from your midst” (Deuteronomy 21:9), that all spillers of blood are compared to the heifer whose neck is broken as atonement for an unresolved murder. Just as there, the heifer is killed by the sword and at the neck, so too here, murderers are executed by the sword and at the neck.

¹⁶⁷ The Gemara challenges: If so, perhaps it should be derived that just as there, the heifer is decapitated with a cleaver and at the nape of the neck, so too here, murderers should be decapitated with a cleaver and at the nape of the neck. The Gemara answers that Rav Naḥman says that Rabba bar Avuh says: The verse states: “And you shall love your neighbor as yourself” (Leviticus 19:18), which teaches that even with regard to a condemned prisoner, one should select a good, i.e., a compassionate, death for him. Although the type of capital punishment is derived from the heifer whose neck is broken, the most compassionate method of decapitation is selected.

¹⁶⁸ MISHNA: The mitzva of those who are strangled is carried out in the following manner: The agents of the court submerge the condemned one in dung up to his knees so he cannot move, and one of them places a rough scarf within a soft one, and wraps it around his neck. This one, i.e., one of the witnesses, pulls the scarf toward him, and that one, the other witness, pulls it toward him, until the soul of the condemned one departs.

¹⁶⁹ GEMARA: The Sages taught: The verse states: “And a man who commits adultery with another man’s wife, even he who commits adultery with his neighbor’s wife, both the adulterer and the adulteress shall be put to death” (Leviticus 20:10). The term: “A man,” is interpreted as excluding a minor boy who committed adultery before he came of age. The phrase: “Who commits adultery with another man’s wife,” is interpreted as excluding the wife of a minor boy; marriage to a minor is not

considered halakhic marriage. “His neighbor’s wife” excludes the wife of another, i.e., a gentile, who is not referred to as “his neighbor.”

¹⁷⁰ “Shall be put to death” means death by strangulation. Do you say that his execution is by strangulation, or is it rather by one of all the other types of death penalty stated in the Torah? You must say that it is by strangulation, as everywhere that the death penalty is stated in the Torah without specification you may not take it to be more stringent with regard to it, i.e., to mean that the sinner should be sentenced to a severe type of execution; rather, you must take it to be more lenient with regard to it, i.e., that a lenient type of execution should be applied. Consequently, the sinner is sentenced to be executed by strangulation, which is the least severe type of capital punishment. This is the statement of Rabbi Yoshiya.

¹⁷¹ The baraita continues: Rabbi Yonatan says: It is not because strangulation is the most lenient type of capital punishment; rather, there is a principle that every death penalty stated in the Torah without specification is nothing other than strangulation, whereas the other types of capital punishment must be stated explicitly in the verse.

¹⁷² Rabbi Yehuda HaNasi says, in accordance with the opinion of Rabbi Yonatan: Death at the hand of Heaven is stated in the Torah, and death at the hands of a person, i.e., court-imposed capital punishment, is stated in the Torah. Just as the death at the hand of Heaven that is stated in the Torah is a death that leaves no external mark, so too, the death at the hands of a person that is stated in the Torah is a death that leaves no external mark, i.e., strangulation.

¹⁷³ The Gemara asks: But why not say that perhaps it is referring to execution by burning, which also leaves no external mark? The Gemara answers: From the fact that the Merciful One states explicitly that a priest’s daughter who committed adultery is executed by burning one can learn by inference that this other woman who committed adultery is not liable to be executed by burning, but rather by a different type of execution that does not leave a mark, i.e., strangulation.

¹⁷⁴ Granted, according to Rabbi Yonatan it is clear the punishment for adultery is strangulation, in the manner that Rabbi Yehuda HaNasi explains the reason for his opinion. But according to Rabbi Yoshiya, from where is it derived that there is a punishment of execution by strangulation in the world, i.e., in halakha, at all? Since this type of capital punishment is not mentioned in the Torah explicitly, say that decapitation by the sword is the least severe type, as it is mentioned in the Torah.

¹⁷⁵ Rava said: The four types of the death penalty are learned as a tradition. There is no question as to the types of capital punishment that exist in halakha. Rather, the question is which type of execution is meted out as punishment for which sins.

¹⁷⁶ The Gemara asks: What is meant by Rabbi Yonatan’s statement: It is not because strangulation is the most lenient type of capital punishment? The Gemara answers: At the root of the matter, Rabbi Yonatan and Rabbi Yoshiya disagree with regard to the issue that is the subject of the dispute between Rabbi Shimon and the Rabbis, i.e., whether strangulation or decapitation is the least severe type of execution. Consequently, Rabbi Yonatan does not employ the reasoning that strangulation is the least severe.

¹⁷⁷ § Rabbi Zeira said to Abaye: With regard to the rest of those transgressors, other than necromancers and sorcerers, who are stoned to death, with regard to whom stoning is not explicitly written in the Torah because their punishment is derived via a verbal analogy from that of a

necromancer and a sorcerer, about which the verse states: “They shall be put to death, they shall stone them with stones, their blood shall be upon them” (Leviticus 20:27); through what verbal analogy is their punishment derived? Is it derived from the phrase “they shall be put to death,” or is it derived from the phrase “their blood shall be upon them”?

¹⁷⁸ Abaye said to him: It is derived from a verbal analogy between “their blood” and “their blood shall be upon them.” As, if it is derived from “they shall be put to death,” why do I need the verbal analogy between “their blood” and “their blood”? Why does this term need to be written with regard to the various halakhot?

¹⁷⁹ The Gemara asks: Rather, what is more reasonable? If it is derived from the verbal analogy between “their blood” and “their blood,” the same problem arises: Why do I need the phrase “they shall be put to death”?

¹⁸⁰ The Gemara answers: This expression is necessary, as another halakha is derived from it. As it is taught in a baraita: The verse with regard to a murderer states: “He that smote him shall be put to death, for he is a murderer” (Numbers 35:21). I have derived only that the murderer is put to death with the mode of execution written concerning him, i.e., by decapitation. From where do I derive that if you cannot put him to death with the mode of execution written concerning him, e.g., if the condemned man will escape if one does not kill him, that you put him to death with any mode of execution with which you can put him to death? The verse states: “He that smote him shall be put to death [mot yumat],” the doubled verb teaching that he is put to death in any case, i.e., by any mode of execution.

¹⁸¹ This exchange between Rabbi Zeira and Abaye was subsequently discussed by later amora'im. Rav Aḥa of Difti said to Ravina: And if the halakha that there are transgressors other than necromancers and sorcerers who are punished by stoning is derived from “they shall be put to death,” what is difficult according to Rabbi Zeira? It appears from Rabbi Zeira's question that he was troubled by the possibility that this halakha is derived from the phrase “they shall be put to death.”

¹⁸² If we say that the case of adultery of a married woman would pose a difficulty according to Rabbi Zeira, as it is stated: “The adulterer and the adulteress shall be put to death” (Leviticus 20:10), and therefore perhaps we should derive and learn from the phrase “they shall be put to death” stated with regard to a necromancer and a sorcerer that just as there, with regard to a necromancer and a sorcerer, they are executed by stoning, so too here, with regard to adultery, the transgressors should be executed by stoning, this does not pose a difficulty.

¹⁸³ Rav Aḥa of Difti explains why it does not pose a difficulty: From the fact that the Merciful One states that a betrothed woman who committed adultery is executed by stoning, by inference we learn that a married woman who committed adultery is not executed by stoning, but rather she is executed by a less severe type of execution. Therefore, it could not have been derived from the case of a necromancer and a sorcerer that the punishment for the adultery of a married woman is execution by stoning.

¹⁸⁴ And if it is rather the case of one who wounds his father or his mother that poses a difficulty according to Rabbi Zeira, as it is stated: “And he who smites his father or his mother shall be put to death” (Exodus 21:15), and therefore perhaps we should derive and learn from the punishment of a necromancer and a sorcerer that one who wounds his father or his mother should be executed by stoning, this too does not pose a difficulty.

¹⁸⁵ Rav Aḥa of Difti explains why it does not pose a difficulty: Rather than deriving the punishment of one who wounds his father or his mother from a necromancer and a sorcerer, let us derive it from adultery with a married woman, as everywhere that the death penalty is stated in the Torah without specification you may not take it to be more stringent with regard to it, i.e., to mean that the sinner should be sentenced to a severe type of execution; rather, you must take it to be more lenient with regard to it, i.e., that a lenient type of execution should be applied. Since in both the case of adultery and the case of one who wounds his parent the type of execution is evidently not stoning, why was Rabbi Zeira troubled by the possibility that the source for execution by stoning in cases other than a necromancer and a sorcerer is derived from the phrase: “They shall be put to death”?

¹⁸⁶ Ravina said to Rav Aḥa of Difti: It is the halakha concerning the rest of those who are stoned, themselves, which poses a difficulty according to Rabbi Zeira. This is because if their punishment is derived from the phrase “they shall be put to death,” then rather than deriving from the case of a necromancer and a sorcerer that these transgressors are executed by the severe method of stoning, let us derive from the case of one who commits adultery with a married woman, with regard to whom “they shall be put to death” is also stated, that they should be executed by strangulation, the less severe method. He therefore verified that it is derived from the phrase “their blood shall be upon them,” that they are executed by stoning.

¹⁸⁷ MISHNA: These transgressors are those who are stoned to death: One who engages in intercourse with his mother; or with his father’s wife, even if she is not his mother; or with his daughter-in-law; or with a male; or with an animal; and a woman who engages in intercourse with an animal. And one who blasphemes, and one who engages in idol worship. And one who gives of his offspring to Molekh, and a necromancer, and a sorcerer. And one who desecrates Shabbat, and one who curses his father or his mother, and one who engages in intercourse with a betrothed young woman, and an inciter who incites individuals to idol worship, and a subverter who incites an entire city to idol worship, and a warlock, and a stubborn and rebellious son.

¹⁸⁸ The mishna elaborates: One who unwittingly engages in intercourse with his mother who is also his father’s wife is liable to bring two sin-offerings for his intercourse with her: One due to the prohibition against engaging in intercourse with one’s mother and one due to the prohibition against engaging in intercourse with one’s father’s wife. Rabbi Yehuda says: He is liable to bring only one sin-offering, due to the prohibition against engaging in intercourse with one’s mother.

¹⁸⁹ One who unwittingly engages in intercourse with his father’s wife while his father is married to her is liable to bring two sin-offerings: One due to the prohibition against engaging in intercourse with one’s father’s wife and one due to the prohibition against engaging in intercourse with a married woman. He is liable due to the former prohibition both during his father’s lifetime and after his father’s death, and whether the relationship between the woman and his father is one of betrothal or one of marriage.

¹⁹⁰ Likewise, one who unwittingly engages in intercourse with his daughter-in-law during his son’s lifetime is liable to bring two sin-offerings for his intercourse with her: One due to the prohibition against engaging in intercourse with one’s daughter-in-law, and one due to the prohibition against engaging in intercourse with a married woman. The former liability applies both during his son’s lifetime and after his son’s death, and whether the relationship between the woman and his son is one of betrothal or one of marriage.

¹⁹¹ GEMARA: With regard to one who engages in intercourse with his mother, it is taught in a baraita that Rabbi Yehuda says: If his mother was not suitable for his father, as their marriage was forbidden, he is liable only due to the prohibition against engaging in intercourse with one's mother, and not due to the prohibition against engaging in intercourse with one's father's wife.

¹⁹² This is clarified: What does it mean that she is not suitable for him? If we say that the mother and father were liable to receive the punishment of excision from the World-to-Come [karet], or liable to receive a court-imposed death penalty for their intercourse, in which case their marriage did not take effect and therefore Rabbi Yehuda holds that in this case there is no prohibition against engaging in intercourse with one's father's wife, this poses a difficulty. As accordingly, by inference, it may be understood that the Rabbis hold that there is such a prohibition even if she is not suitable for him. Doesn't everyone agree that in such a case the father has no capability of betrothal with regard to her? Even if they cohabit, she is not considered his wife.

¹⁹³ Rather, it is clear that Rabbi Yehuda is referring to a case where the father and mother are liable for violating a prohibition for their intercourse, but they are not liable to receive karet or capital punishment. And Rabbi Yehuda in this matter holds in accordance with the opinion of Rabbi Akiva, who says that betrothal does not take effect with those women with regard to whom one is liable for violating a prohibition if one engages in intercourse with them. The Rabbis disagree with this; in their opinion, betrothal does take effect in such cases, although a prohibition is involved. Therefore, the mother is considered the father's wife, and the son is liable for engaging in intercourse with his father's wife as well as for engaging in intercourse with his mother.

¹⁹⁴ Rav Oshaya raises an objection to this explanation, as it is stated in a mishna in tractate Yevamot (20a): If a yevama is forbidden to her yavam by a prohibition resulting from a mitzva or by a prohibition stemming from sanctity, then since in these cases the levirate bond is not fundamentally nullified, she performs ḥalitza in order to become free of the levirate bond, and due to the prohibition she does not enter into levirate marriage.

¹⁹⁵ The mishna explains: A prohibition resulting from a mitzva is referring to secondary forbidden relatives, e.g., one's son's daughter-in-law, who are forbidden by rabbinic law. The Sages instituted this prohibition in order to distance people from incest. The Gemara explains: And why do the Sages call it a prohibition resulting from a mitzva? Because it is a mitzva to listen to the words of the Sages.

¹⁹⁶ The mishna continues: A prohibition stemming from sanctity is referring to the marriage of a widow to a High Priest, or to the marriage of a divorcée or of a woman who has performed ḥalitza [ḥalutza], to an ordinary priest. The Gemara explains: And why do the Sages call it a prohibition stemming from sanctity? As it is written with regard to the priests: "They shall be sanctified to their God" (Leviticus 21:6).

¹⁹⁷ And it is taught in a baraita with regard to this mishna: Rabbi Yehuda switches the terms; he refers to the marriage of a divorcée or of a ḥalutza to a priest as a prohibition resulting from a mitzva, and to the marriage of secondary relatives as a prohibition stemming from sanctity.

¹⁹⁸ The Gemara infers: He switches the terms but does not dispute the halakha; but even Rabbi Yehuda agrees that if a priest marries a ḥalutza and then dies, she requires ḥalitza. And if it enters your mind that Rabbi Yehuda holds in accordance with the opinion of Rabbi Akiva, this poses a difficulty; after all, those liable for violating prohibitions, according to the opinion of Rabbi Akiva,

are considered like those liable to receive karet, and those liable to receive karet are not capable of performing ḥalitza and levirate marriage, as the mitzva of levirate marriage does not apply to such relationships.

¹⁹⁹ The Gemara resolves the difficulty: Rabbi Yehuda does hold in accordance with the opinion of Rabbi Akiva, and as for his comment with regard to the definitions of a prohibition resulting from a mitzva and a prohibition stemming from sanctity, he merely stated his opinion in accordance with the statement of the first tanna; but he himself does not hold accordingly.

²⁰⁰ § When Rav Yitzḥak came from Eretz Yisrael to Babylonia, he taught a baraita as we learned in the mishna: Rabbi Yehuda says: One who engages in intercourse with his mother who is also his father's wife is liable to bring only one sin-offering, due to the fact that she is his mother, whether or not her marriage to his father was legitimate.

²⁰¹ The Gemara asks: And what is the reason for this? Abaye says: It is because the verse states: "The nakedness of your father and the nakedness of your mother you shall not uncover: She is your mother; you shall not uncover her nakedness" (Leviticus 18:7). Rabbi Yehuda derives from this verse that you shall render him liable due to the fact that she is his mother, but you shall not render him liable to bring another sin-offering due to the fact that she is his father's wife.

²⁰² The Gemara asks: If that is so, it should be derived from the verse: "The nakedness of your father's wife you shall not uncover; it is your father's nakedness" (Leviticus 18:8), that you shall render him liable due to the fact that she is his father's wife, but you shall not render him liable due to the fact that she is his mother.

²⁰³ But if so, with regard to one's mother who is his father's wife, it is found that the verse stands, i.e., is written, here, with regard to intercourse with one's mother, and excludes liability due to the fact that she is his father's wife, and stands there, with regard to intercourse with one's father's wife, and excludes liability due to the fact that she is his mother. The result now is that for his mother who is not his father's wife he is rendered liable, and for his father's wife who is not his mother he is rendered liable, but for his mother who is his father's wife he is not rendered liable at all, which seems absurd.

²⁰⁴ And furthermore, according to the Rabbis too, who disagree with Rabbi Yehuda and hold that one who engages in intercourse with his mother who is married to his father is liable to bring two sin-offerings, isn't the verse: "She is your mother," written; i.e., how do they explain this verse? Rather, that phrase is necessary for the halakha derived from it by Rav Sheisha, son of Rav Idi, as the Gemara will soon explain (54a). Therefore, according to Rabbi Yehuda as well, that phrase is necessary for the halakha derived by Rav Sheisha, son of Rav Idi, and Rabbi Yehuda's opinion in the mishna cannot be derived from it.

²⁰⁵ Rather, Rav Aḥa, son of Rav Ika, says that there is a different source for Rabbi Yehuda's opinion: The verse states: "You shall not uncover her nakedness [ervatah]," in the singular form, from which it is derived that you shall render him liable for one forbidden sexual relationship [erva], but you shall not render him liable for two types of forbidden sexual relationships.

²⁰⁶ The Gemara asks: If that is so, then from the verse: "You shall not uncover the nakedness of your daughter-in-law; she is your son's wife, you shall not uncover her nakedness" (Leviticus 18:15),

should it also be derived that you shall render him liable for one forbidden sexual relationship, but you shall not render him liable for two types of forbidden sexual relationships?

²⁰⁷ But didn't we learn in the mishna: One who engages in intercourse with his daughter-in-law is liable to bring two sin-offerings for his intercourse with her: One due to the prohibition against engaging in intercourse with one's daughter-in-law, and one due to the prohibition against engaging in intercourse with a married woman; the former liability applies both during his son's lifetime and after his son's death. And Rabbi Yehuda does not dispute this halakha.

²⁰⁸ Rather, it must be explained that since the daughter-in-law has one body, although engaging in intercourse with her involves two prohibitions, the term "her nakedness [ervatah]," in the singular, is written. Here too, with regard to one's father's wife, since she has one body, although there are two prohibitions, the term "her nakedness [ervatah]" is written.

²⁰⁹ Rather, Rava says that there is an alternative source for Rabbi Yehuda's opinion: Rabbi Yehuda holds that concerning the meaning of the phrase "the nakedness of your father," this is referring to your father's wife. And he derives this interpretation by means of a verbal analogy from the verse: "And the man who lies with his father's wife, he has uncovered his father's nakedness" (Leviticus 20:11).

²¹⁰ And the Torah indicates that she is forbidden whether she is his father's wife who is his mother or whether she is his father's wife who is not his mother. From where is it derived that one who engages in intercourse with his mother who is not his father's wife is liable? The verse states subsequently: "The nakedness of your mother you shall not uncover." And from the ensuing phrase: "She is your mother," it is derived that in a case where his mother is also his father's wife, you shall render him liable due to the fact that she is his mother, but you shall not render him liable due to the fact that she is his father's wife.

²¹¹ § It is taught in a baraita in accordance with the opinion of Rava: With regard to the verse: "And the man who lies with his father's wife, he has uncovered his father's nakedness; both of them shall be put to death, their blood shall be upon them" (Leviticus 20:11), the term: "The man," excludes a minor.

²¹² The phrase "who lies with his father's wife" indicates that he is liable to receive capital punishment whether she is his father's wife who is his mother or whether she is his father's wife who is not his mother. From where is it derived that he is liable in a case where she is his mother who is not his father's wife? The verse states: "He has uncovered his father's nakedness." Although this phrase does not relate directly to the case of one's mother who is not his father's wife, the halakha in this case is derived from this phrase as it is free, i.e., the phrase is superfluous in this context, and is evidently included in the verse in order to compare between the two cases and learn a verbal analogy from it, as the baraita will elaborate below.

²¹³ From the phrase "both of them shall be put to death" it is derived that they are executed by stoning. The baraita asks: Do you say that that they are executed by stoning, or is it rather by one of all the other types of the death penalty that are stated in the Torah? The baraita answers: It is stated here: "Their blood shall be upon them," and it is stated with regard to a necromancer and a sorcerer: "Their blood shall be upon them" (Leviticus 20:27). Just as there the verse states that a necromancer and a sorcerer are executed by stoning, so too here, with regard to one who engages in intercourse with his father's wife, the transgressors are executed by stoning.

²¹⁴ The baraita asks: We have learned the punishment for one who engages in intercourse with his father's wife. From where is the prohibition against doing this act derived? The baraita answers: The verse states: "The nakedness of your father and the nakedness of your mother you shall not uncover" (Leviticus 18:7); the phrase "the nakedness of your father" is referring to your father's wife.

²¹⁵ The baraita asks: Do you say that the reference is to your father's wife, or is it rather referring to the nakedness of your father literally, i.e., to homosexual intercourse with one's father? The baraita answers: It is stated here: "The nakedness of your father...you shall not uncover," and it is stated there, in the verse that describes the punishment: "And the man who lies with his father's wife, he has uncovered his father's nakedness" (Leviticus 20:11). Just as there, the verse is speaking of marriage, i.e., it is not referring to the father himself but to his wife, so too here, the verse is speaking of marriage, i.e., his father's wife.

²¹⁶ And the verse indicates that one's father's wife is forbidden to him whether she is his father's wife who is his mother or whether she is his father's wife who is not his mother. From where is it derived that she is forbidden to him in a case where she is his mother who is not his father's wife? The verse states: "The nakedness of your mother you shall not uncover" (Leviticus 18:7).

²¹⁷ The baraita asks: I have derived only with regard to the prohibition that the verse renders the halakha of his mother who is not his father's wife like that of his mother who is his father's wife. But with regard to the punishment, from where do I derive that they share the same halakha?

²¹⁸ The baraita answers, expounding on the verbal analogy it mentioned earlier: It is stated here, in the verse that describes the prohibition: "The nakedness of your father...you shall not uncover" (Leviticus 18:7), and it is stated there, in the verse that describes the punishment: "He has uncovered his father's nakedness" (Leviticus 20:11). It is derived from this verbal analogy that just as with regard to the prohibition, the verse renders his mother who is not his father's wife like his mother who is his father's wife, i.e., both are forbidden, so too, with regard to the punishment, the verse renders his mother who is not his father's wife like his mother who is his father's wife.

²¹⁹ It is derived from the phrase: "She is your mother" (Leviticus 18:7), that you render him liable due to the prohibition against engaging in intercourse with his mother, but you do not render him liable due to the prohibition against engaging in intercourse with his father's wife. The baraita ends here. Since the halakhot in the collection of baraitot where this baraita appears, *Torat Kohanim*, are in accordance with the opinions of Rabbi Yehuda, the baraita supports the opinion of Rava, who explains the opinion of Rabbi Yehuda in this manner.

²²⁰ The Gemara discusses the baraita, asking: And how do the Rabbis, who disagree with Rabbi Yehuda, interpret the phrase "the nakedness of your father"? The Gemara answers: They hold that this phrase is meant literally, i.e., that it is referring to homosexual intercourse. They do not accept the verbal analogy from which Rabbi Yehuda derives that the reference is to intercourse with one's father's wife.

²²¹ The Gemara asks: Isn't this prohibition against homosexual intercourse with one's father derived from the verse: "And you shall not lie with a male as with a woman; it is an abomination" (Leviticus 18:22)? The Gemara answers: The prohibition is stated specifically with regard to one's father in order to render him liable to bring two sin-offerings for unwittingly engaging in intercourse with his father.

²²² And it is in accordance with the statement of Rav Yehuda, as Rav Yehuda says: A gentile who engages in intercourse with his father is liable for committing two transgressions. Likewise, one who engages in intercourse with his father's brother is liable for committing two transgressions.

²²³ Rava says: It stands to reason that the statement of Rav Yehuda is with regard to a Jew who does this unwittingly. And the statement that he is liable for committing two transgressions concerns his liability to bring an offering, i.e., he is liable to bring two sin-offerings. And even though the fact remains that he said gentile, it is a euphemism, as he did not want to attribute such a sin to a Jew. As if it enters your mind that the reference is literally to a gentile, the statement that he is liable for committing two transgressions is meaningless; what is his punishment for such a transgression? It is death. Could you kill him twice? Rather, it must be referring to a Jew who acted unwittingly.

²²⁴ This halakha is also taught in a baraita: One who engages in intercourse with his father is liable for committing two transgressions. One who engages in intercourse with his father's brother is liable for committing two transgressions, as it is stated: "You shall not uncover the nakedness of your father's brother" (Leviticus 18:14).

²²⁵ Some say that this is not in accordance with the opinion of Rabbi Yehuda, as in his opinion there is no special prohibition against homosexual intercourse with one's father. He interprets the verse: "The nakedness of your father...you shall not uncover" as referring to one's father's wife. Accordingly, one who engages in homosexual intercourse with his father or with his father's brother is liable only due to the general prohibition against homosexual intercourse.

²²⁶ And some say: You may even say that the baraita is in accordance with the opinion of Rabbi Yehuda, and that he derives that there is a specific prohibition against homosexual intercourse with one's father by an a fortiori inference from the prohibition concerning one's father's brother. And the inference is as follows: If for intercourse with one's father's brother, who is merely his father's relative, one is liable for committing two transgressions, for intercourse with his father, is it not clear all the more so that he should be liable for committing two transgressions?

²²⁷ And the Sages who provide these two interpretations of Rabbi Yehuda's opinion disagree with regard to the issue that is the subject of the dispute between Abaye and Rava. One Sage, he of the second interpretation, holds that one administers punishment based on an a fortiori inference. Even with regard to a prohibition that is derived a fortiori, one who transgresses it is liable. And one Sage, he of the first interpretation, holds that one does not administer punishment based on an a fortiori inference.

²²⁸ The Gemara asks: And with regard to the Rabbis, who disagree with the opinion of Rabbi Yehuda, from where do they derive the prohibition of intercourse with one's father's wife? The Gemara answers: They derive it from the verse: "The nakedness of your father's wife you shall not uncover; it is your father's nakedness" (Leviticus 18:8).

²²⁹ The Gemara asks: And what does Rabbi Yehuda derive from this verse, since he derives the prohibition from the verse: "The nakedness of your father...you shall not uncover"? The Gemara answers: That verse is necessary for the prohibition of one's father's wife after his father's death; even though his father is dead, his father's wife remains forbidden to him.

²³⁰ The Gemara asks: And from where do the Rabbis derive that halakha? The Gemara answers: That halakha is derived from the last clause of the verse: "It is your father's nakedness."

²³¹ The Gemara asks: And what does Rabbi Yehuda derive from that clause? The Gemara answers: That clause is necessary to teach the halakha that if one engages in intercourse with his father's wife, you render him liable due to the prohibition against engaging in intercourse with his father's wife, but you do not render him liable due to the prohibition against engaging in intercourse with a married woman.

²³² The Gemara asks: But didn't we learn in the mishna: One who engages in intercourse with his father's wife is liable to bring two offerings, one due to the fact that she is his father's wife and one due to the fact that she is a married woman, and he is liable due to the former prohibition both during his father's lifetime and after his father's death? The Gemara notes: And Rabbi Yehuda does not dispute this. So how can it be suggested that in Rabbi Yehuda's opinion, one who engages in intercourse with his father's wife is not liable for engaging in intercourse with a married woman?

²³³ Abaye says: He disputes this ruling in a baraita. Although it is not mentioned in the mishna that Rabbi Yehuda disputes this ruling, it is mentioned in a different source.

²³⁴ The Gemara asks: And as for the Rabbis, from where do they derive the punishment for one who engages in intercourse with his father's wife after his father's death? Granted, according to Rabbi Yehuda, it is derived by means of a verbal analogy. But from where do the Rabbis, who do not accept the verbal analogy, derive it?

²³⁵ The Gemara answers: The Rabbis can say to you that it is derived as follows: With regard to that phrase, "he has uncovered his father's nakedness," from which Rabbi Yehuda derives a verbal analogy, they derive from it the punishment for one who engages in intercourse with his father's wife after his father's death.

²³⁶ The Gemara asks: And as for the Rabbis, from where do they derive the punishment for one who engages in intercourse with his mother who is not his father's wife? Rav Sheisha, son of Rav Idi, says: The verse states: "She is your mother" (Leviticus 18:7). The verse renders the halakha of his mother who is not his father's wife like that of his mother who is his father's wife.

²³⁷ The mishna teaches with regard to one who engages in intercourse with his daughter-in-law that he is liable both due to the fact that she is his daughter-in-law and due to the fact that she is a married woman. The Gemara asks: And let him also be liable due to engaging in intercourse with his son's wife, as it is stated in the verse: "You shall not uncover the nakedness of your daughter-in-law; she is your son's wife, you shall not uncover her nakedness" (Leviticus 18:15). Abaye says: The verse begins with his daughter-in-law and ends with his son's wife, to tell you that these are not two prohibitions; rather, his daughter-in-law [kallato] is his son's wife. They are one and the same.

²³⁸ MISHNA: A man who engages in intercourse with a male or with an animal, and a woman who engages in intercourse with an animal, are executed by stoning. The animal is likewise stoned to death. The mishna asks: If the person sinned by doing this, how did the animal sin? Rather, because a calamity was caused to a person by it, therefore the verse states that it should be stoned, so that it does not cause another to sin. Alternatively, it is so that this animal will not pass through the marketplace, and those who see it will say: This is the animal because of which so-and-so was stoned, and its existence would shame his memory.

²³⁹ GEMARA: From where do we derive the prohibition and punishment for homosexual intercourse with a male? It is as the Sages taught in a baraita with regard to the verse: "And if a man lies with a

male as with a woman, both of them have committed an abomination; they shall be put to death, their blood shall be upon them” (Leviticus 20:13): The word “man” excludes a minor boy. The phrase “lies with a male” is referring to any male, whether he is an adult man or whether he is a minor boy. The phrase “as with a woman [mishkevei isha],” referring to lying with a woman, appears in the plural. The verse teaches you that there are two manners of lying with a woman for which one who engages in intercourse with a woman forbidden to him is punished, vaginal and anal intercourse.

²⁴⁰ Rabbi Yishmael says: This phrase is written to come to teach about the punishment for homosexual intercourse, and the halakha that one is liable for anal intercourse with a woman who is forbidden to him is found to be derived from it.

²⁴¹ The phrase “they shall be put to death” is referring to execution by stoning. Do you say that they are executed by stoning, or is it rather by one of all the other types of death penalty that are stated in the Torah? It is stated here: “Their blood shall be upon them,” and it is stated with regard to a necromancer and a sorcerer: “Their blood shall be upon them” (Leviticus 20:27). Just as there the verse states that a necromancer and a sorcerer are executed by stoning, so too here, they are executed by stoning.

²⁴² We have learned the punishment for homosexual intercourse, but from where is the prohibition derived? The verse states: “And you shall not lie with a male as with a woman; it is an abomination” (Leviticus 18:22).

²⁴³ We have learned from here the prohibition for the one who engages in homosexual intercourse actively. From where do we derive the prohibition for one who engages in homosexual intercourse passively? The verse states: “There shall not be a sodomite [kadesh] among the children of Israel” (Deuteronomy 23:18). And another verse, cited to clarify the meaning of the term kadesh, states: “And there were also sodomites [kadesh] in the land, they did according to all the abominations of the nations which the Lord drove out before the children of Israel” (I Kings 14:24). This is the statement of Rabbi Yishmael.

²⁴⁴ Rabbi Akiva says: It is not necessary to derive this halakha from the verse: “There shall not be a sodomite.” Rather, it says: “And you shall not lie [tishkav] with a male as with a woman.” Read into the verse: You shall not enable your being lain with [tishakhev] by a male.

²⁴⁵ § The Gemara asks: From where do we derive that one who engages in intercourse with an animal is liable to receive capital punishment? It is as the Sages taught: “And if a man lies with an animal, he shall be put to death, and you shall kill the animal” (Leviticus 20:15). The word “man” excludes a minor boy. The phrase “lies with an animal” is referring to any animal, whether old or young.

²⁴⁶ The phrase “shall be put to death” refers to execution by stoning. Do you say that they are executed by stoning, or is it rather by one of all the other types of death penalty that are stated in the Torah? It is stated here: “You shall kill,” and it is stated there, with regard to an inciter: “But you shall kill him...and you shall stone him with stones and he shall die” (Deuteronomy 13:10–11). Just as there the verse states that an inciter is executed by stoning, so too here, one who engages in bestiality is executed by stoning.

²⁴⁷ We have learned the punishment for one who engages in bestiality actively, but from where do we derive the punishment for one who engages in bestiality passively? The verse states: “Whoever

lies with an animal shall be put to death” (Exodus 22:18). If this verse is not needed for the matter of the one who actively lies with an animal, i.e., a male who sexually penetrates an animal, apply it to the matter of the one who causes an animal to lie with him, by being penetrated by the animal, i.e., any type of intercourse with an animal is punishable by death.

²⁴⁸ We have therefore learned the punishment for both one who engages in bestiality actively and one who engages in bestiality passively, but from where is the prohibition derived? The verse states: “And you shall not lie with any animal to defile yourself with it” (Leviticus 18:23).

²⁴⁹ We have learned the prohibition for one who engages in bestiality actively. From where do we derive the prohibition for one who engages in bestiality passively? The verse states: “There shall not be a kadesh among the children of Israel,” and another verse states: “And there were also kadesh in the land,” which shows that anyone who engages in intercourse in a way that is like the abominations of the nations is called a kadesh. This is the statement of Rabbi Yishmael.

²⁵⁰ Rabbi Akiva says: It is not necessary to derive the halakha prohibiting passively engaging in bestiality from this verse. Rather, it says: “You shall not lie [shekhovtekha],” which can be read as follows: You shall not enable your being lain with [shekhivatkha].

²⁵¹ The Gemara discusses cases to which these halakhic expositions are relevant: What is the halakha of one who unwittingly engages in intercourse with a male, and unwittingly causes a male to engage in intercourse with him, within one lapse of awareness, i.e., without realizing in the interim that these behaviors are forbidden? Is he considered to have transgressed two separate prohibitions and therefore liable to bring two sin-offerings, or is he considered to have transgressed one prohibition twice and liable to bring only one sin-offering?

²⁵² Rabbi Abbahu says: According to the statement of Rabbi Yishmael, he is liable for transgressing two different prohibitions: One is derived from the verse: “You shall not lie,” and the other one is derived from the verse: “There shall not be a sodomite,” which includes one who engages in homosexual intercourse passively. But according to the statement of Rabbi Akiva, he is liable for only one prohibition, as the prohibitions of “you shall not lie [tishkav]” and you shall not enable your being lain with [tishakhev] are one statement in the verse.

²⁵³ Similarly, with regard to one who unwittingly engages in intercourse with an animal, and then unwittingly causes an animal to engage in intercourse with him within one lapse of awareness, Rabbi Abbahu says: According to the statement of Rabbi Yishmael he is liable for transgressing two different prohibitions. One is derived from the verse: “You shall not lie,” and the other one is derived from the verse: “There shall not be a sodomite.” But according to the statement of Rabbi Akiva he is liable for only one prohibition, as the prohibitions of “you shall not lie [shekhovtekha]” and you shall not enable your being lain with [shekhivatkha] are one statement in the verse.

²⁵⁴ Abaye says: Even according to the statement of Rabbi Yishmael he is liable for only one prohibition, as when it is written: “There shall not be a sodomite,” it is written only with regard to intercourse with men, but not with regard to bestiality.

²⁵⁵ The Gemara asks: But according to Abaye, from where does Rabbi Yishmael derive the prohibition for one who engages in bestiality passively? The Gemara answers: He derives it from the verse: “Whoever lies with an animal shall be put to death.” If this verse is not needed for the matter

of the one who actively lies with the animal, apply it to the matter of the one who causes the animal to lie with him.

²⁵⁶ And it is derived from the fact that the Merciful One expresses the halakha of one who engages in bestiality passively using the term for one who engages in bestiality actively: Just as with regard to one who engages in bestiality actively the Torah both punishes for this action and prohibits it, so too, with regard to one who engages in bestiality passively, the Torah both punishes for this action and prohibits it.

²⁵⁷ With regard to the case of one who was unwittingly sodomized by a male and then unwittingly was one with whom an animal copulated within one lapse of awareness, Rabbi Abbahu says that according to the statement of Rabbi Akiva he is liable for transgressing two prohibitions. One is derived from the verse: “You shall not lie with a male,” and the other one is derived from the verse: “You shall not lie with any animal.” According to the statement of Rabbi Yishmael he is liable for transgressing only one prohibition, as both this prohibition and that prohibition are derived from the verse: “There shall not be a sodomite.”

²⁵⁸ Abaye says: Even according to the statement of Rabbi Yishmael he is liable for transgressing two prohibitions, as it is written: “Whoever lies with an animal shall be put to death.” If the verse is not needed for the matter of one who engages in bestiality actively, as this prohibition is stated explicitly in the verse: “And you shall not lie with any animal” (Leviticus 18:23), apply it to the matter of one who engages in bestiality passively. And it is derived from the fact that the Merciful One expresses the halakha of one who engages in bestiality passively using the term for one who engages in bestiality actively: Just as with regard to one who engages in bestiality actively the Torah both punishes for this act and prohibits it, so too, with regard to one who engages in bestiality passively, the Torah both punishes for this act and prohibits it.

²⁵⁹ But with regard to one who unwittingly engages in intercourse with a male, and then unwittingly causes a male to engage in intercourse with him, and who unwittingly engages in intercourse with an animal, and then unwittingly causes an animal to engage in intercourse with him, performing all of these actions in one lapse of awareness, in this case, both according to Rabbi Abbahu and according to Abaye, the halakha according to the opinion of Rabbi Yishmael is that he is liable for transgressing three prohibitions; the ones mentioned above and the prohibition of: “There shall not be a sodomite,” whereas according to the opinion of Rabbi Akiva he is liable for transgressing only two prohibitions.

²⁶⁰ § The Sages taught: With regard to intercourse with a male, the Torah does not deem a younger boy to be like an older boy; but with regard to intercourse with an animal, the Torah does deem a young animal to be like an old animal.

²⁶¹ The Gemara asks: What does it mean that the Torah does not deem a younger boy to be like an older boy? Rav says: It means that the Torah does not deem the intercourse of one who is less than nine years old to be like the intercourse of one who is at least nine years old, as for a male’s act of intercourse to have the legal status of full-fledged intercourse the minimum age is nine years. And Shmuel says: The Torah does not deem the intercourse of a child who is less than three years old to be like that of one who is three years old.

²⁶² The Gemara asks: With regard to what principle do Rav and Shmuel disagree? The Gemara answers: Rav holds that any halakha that applies to one who engages in intercourse actively applies to one who engages in intercourse passively, and any halakha that does not apply to one who engages

in intercourse actively does not apply to one who engages in intercourse passively. Therefore, just as one who engages in intercourse actively is not liable if he is less than nine years old, as the intercourse of such a child does not have the halakhic status of intercourse, so too, if a child who is less than nine years old engages in homosexual intercourse passively, the one who engages in intercourse with him is not liable.

²⁶³ And Shmuel holds: It is written: “And you shall not lie with a male as with a woman,” indicating that the halakha of a male who engages in intercourse passively is like that of a woman; just as the intercourse of a woman has the halakhic status of intercourse from when she is three years old, the same is true with regard to a male who engages in intercourse passively. Consequently, in Shmuel’s opinion, one who engages in intercourse with a male who is older than three is liable.

²⁶⁴ It is taught in a baraita in accordance with the opinion of Rav: One who engages in homosexual intercourse with a male aged nine years and one day,

²⁶⁵ or one who engages in intercourse with an animal, whether in a typical manner or in an atypical manner, i.e., anal intercourse, and similarly a woman who engages in intercourse with an animal, whether in a typical manner or in an atypical manner, is liable. This baraita sets the minimum age for the passive male at nine years and one day.

²⁶⁶ Rav Naḥman bar Rav Ḥisda taught: With regard to a woman there are two manners of lying. A woman who engages in intercourse with an animal, whether it is vaginal or anal intercourse, is liable. But with regard to a man who engages in intercourse with an animal there is only one manner of lying, i.e., vaginal intercourse.

²⁶⁷ Rav Pappa objects to this opinion: On the contrary, a woman, whose typical manner of intercourse is vaginal, is rendered liable for lying with an animal only in that manner; she is not rendered liable for something else, i.e., for engaging in anal intercourse with an animal. With regard to a man who engages in intercourse with an animal, by contrast, since it is not its typical conduct to engage in intercourse with a man, he should be rendered liable for engaging in intercourse with it through each and every orifice.

²⁶⁸ It is taught in a baraita in accordance with neither of their opinions: One who engages in homosexual intercourse with a male aged nine years and one day, or one who engages in intercourse with an animal, whether in a typical manner, or in an atypical manner, i.e., anal intercourse, and similarly, a woman who engages in intercourse with an animal, whether in a typical manner or in an atypical manner, are liable. Evidently, there is no difference between the nature of the transgression of a woman who engages in bestiality and a man who engages in bestiality in this regard.

²⁶⁹ Ravina said to Rava: With regard to one who performs the initial stage of intercourse with another male, i.e., insertion of the penis, without completing the intercourse, what is the halakha? Is he liable for engaging in homosexual intercourse?

²⁷⁰ The Gemara comments: With regard to one who performs the initial stage of intercourse with a male, what is the question? The expression “as with a woman” (Leviticus 18:22) is written with regard to him, which indicates that any act that is considered an act of intercourse with a woman is also considered an act of intercourse with a man. Rather, the question is as follows: With regard to one who performs the initial stage of intercourse with an animal, what is the halakha?

²⁷¹ Rava said to him: In the verse: “And you shall not uncover the nakedness of your mother’s sister nor of your father’s sister; for he has made naked [he’era] his relative” (Leviticus 20:19), the word he’era alludes to the initial stage of intercourse [ha’ara]. If the word he’era is not needed for the matter of the initial stage of intercourse in the context where it is written, i.e., for the prohibition of intercourse with one’s father’s sister and one’s mother’s sister, as it is not necessary in that context since the halakha of the initial stage of intercourse with regard to all forbidden sexual relations is compared by the Torah to the halakha of the initial stage of intercourse mentioned with regard to a menstruating woman, apply it instead to the matter of the initial stage of intercourse with an animal. The superfluous expression that appears in the verse concerning one’s aunt teaches that the initial stage of intercourse is considered intercourse even with regard to an animal.

²⁷² The Gemara asks: Since one who engages in intercourse with an animal is among those who are liable to receive a court-imposed death penalty, why do I need the halakha of one who performs the initial stage of intercourse with an animal to be written in a verse concerning those who are liable to receive karet, i.e., the case of one who engages in intercourse with his aunt? Let the Torah write this halakha with regard to those who are liable to receive a court-imposed death penalty, and one would then derive this halakha concerning those who are liable to receive a court-imposed death penalty from the halakha of those who are liable to receive a court-imposed death penalty, and not from the less relevant halakha of one who engages in intercourse with his aunt, who is punished with karet.

²⁷³ The Gemara answers: Since the entire verse about the punishment of one who engages in intercourse with the sister of his father or mother is superfluous, and comes for the sake of exposition, as this halakha is already stated in other verses (see Leviticus 18:12–13), this matter, i.e., the fact that the initial stage of intercourse is halakhically defined as intercourse, is also written in this verse for the purpose of an exposition, i.e., in order to indicate that this principle holds true with regard to bestiality as well.

²⁷⁴ Rav Aḥadevoi bar Ami asked Rav Sheshet: With regard to one who performs the initial stage of homosexual intercourse on himself, what is the halakha? Is he liable for homosexual intercourse? Rav Sheshet said to him: You disgust me with your question; such an act is not possible.

²⁷⁵ Rav Ashi said: What is your dilemma? With regard to doing so with an erect penis, you cannot find such a case. You can find it only when one performs this act of intercourse with a flaccid penis. And the halakha is subject to a dispute: According to the one who says that a man who engages in intercourse with a flaccid penis, with one of those with whom relations are forbidden, is exempt, as that is not considered intercourse, here too, when one does so to himself, he is exempt. And according to the one who says that he is liable, he is rendered liable here for transgressing two prohibitions according to Rabbi Yishmael; he is rendered liable for engaging in homosexual intercourse actively, and he is rendered liable for engaging in homosexual intercourse passively.

²⁷⁶ The students asked Rav Sheshet: With regard to a gentile who engages in intercourse with an animal, what is the halakha? Must the animal be killed? The Gemara elaborates: Do we need two reasons to kill the animal, namely that it caused a calamity and that it caused shame, and therefore here the animal is not killed, as while there is a calamity, as it caused a person to sin and be executed, there is no shame, as the Jewish court is not responsible for the shame of a gentile? Or perhaps one reason is enough, and an animal is killed because of the calamity it caused even if there is no shame?

²⁷⁷ Rav Sheshet said: You learned the answer to this question in a baraita: If with regard to trees, which neither eat nor drink nor smell, and nevertheless, if they are used in idolatrous rites, the Torah says: Destroy, burn, and demolish them (see Deuteronomy, chapters 7, 12), and the reason is since a calamity was caused to people by them, then with regard to one who leads another astray from the ways of life to the ways of death, all the more so he is liable to be destroyed. It can be derived from here that any item used for a transgression that renders one liable to be executed should be destroyed.

²⁷⁸ The Gemara challenges this ruling: If that is so, in the case of a gentile who bows down to his animal, the animal should be forbidden, i.e., it should be prohibited to derive benefit from it, and it should be killed. The Gemara answers: Is there anything that is not forbidden to a Jew, but is forbidden to a gentile? Since a Jew who bows down to an animal does not render it forbidden (see Temura 29b), a gentile who does so does not render it forbidden either.

²⁷⁹ The Gemara challenges that assumption: With regard to a Jew himself who bows down to his animal, let the animal be forbidden, just as it is in a case of bestiality, when the animal is forbidden and is killed. Abaye says: The cases are not the same. In this case, where one commits bestiality, his shame is great; but in that case, where one worships an animal, his shame is slight, and he will not be so disgraced if the animal is left alive.

²⁸⁰ The Gemara asks: But with regard to trees that are used in idolatrous rites, in which case the shame of the idol worshippers is not great, the Torah nevertheless says: Destroy, burn, and demolish them. The Gemara answers: We are speaking of living animals. The halakha is different there, as the Merciful One has pity on them. Therefore, if the shame of the person is not great, the animal is not killed.

²⁸¹ Rava says that there is a different reason for the distinction between an animal that was worshipped and an animal with which one committed bestiality: The Torah states that because the animal enjoyed the transgression, it must be killed. This cannot be said about an animal that was worshipped.

²⁸² The Gemara asks: But with regard to trees that are used in idolatrous rites, which do not enjoy the transgression, nevertheless the Torah says: Destroy, burn, and demolish. The Gemara answers: We are speaking of living animals. The halakha is different there, as the Merciful One has pity on them. Therefore, an animal is killed only if it enjoyed the transgression.

²⁸³ The Gemara suggests: Come and hear a resolution from the mishna to the dilemma concerning an animal with which a gentile committed bestiality: Alternatively, it is so that this animal will not pass through the marketplace, and those who see it will say: This is the animal because of which so-and-so was stoned, and its existence would shame his memory. What, is it not

²⁸⁴ evident from the fact that the latter clause of the mishna includes two reasons for the killing of the animal, namely both the calamity and the shame caused by the animal, that the first clause, the first reason stated in the mishna, is referring to a case of a calamity without shame? And what are the circumstances of a calamity without shame? It is the case of a gentile who engages in intercourse with an animal. In that case there is a calamity, as the gentile is executed, but his shame is not the concern of the Jewish court.

²⁸⁵ The Gemara rejects this proof: No. The latter clause is referring to a case of both a calamity and shame, but this first clause teaches us that even in a case where there is a circumstance of shame

alone without the calamity of execution, the court is obligated to kill the animal. Although the mishna employs the term: Calamity, it is possible that this is referring to the calamity of the transgression, not the execution of the transgressor. And what are the circumstances of this case? It is a case of a Jew who unwittingly engages in intercourse with an animal, and this is just like the case about which Rav Hamnuna raises a dilemma.

²⁸⁶ As Rav Hamnuna raises a dilemma: With regard to a Jew who unwittingly engages in intercourse with an animal, what is the halakha? Is the animal stoned to death? Do we need both a calamity and shame in order to put it to death, and therefore here the animal is not killed, as there is shame, but there is no calamity of execution, or perhaps shame is enough, even if there is no calamity?

²⁸⁷ Rav Yosef says: Come and hear a resolution from a mishna (Nidda 44b): A girl who is three years and one day old whose father arranged her betrothal is betrothed with intercourse, as the legal status of intercourse with her is that of full-fledged intercourse. And in a case where the childless husband of a girl who is three years and one day old dies, if his brother, the yavam, engages in intercourse with her, he acquires her as his wife; and if she is married, a man other than her husband is liable for engaging in intercourse with her due to the prohibition of intercourse with a married woman.

²⁸⁸ The mishna continues: And if she is impure due to menstruation, she transmits impurity to one who engages in intercourse with her, who then renders all the items designated for lying beneath him impure like the items designated for lying above him. If she marries a priest, she may partake of teruma like any other wife of a priest. If she is unmarried and one of the men who are unfit for the priesthood, e.g., a mamzer or ḥalal, engages in intercourse with her, he has disqualified her from marrying into the priesthood, and if she is the daughter of a priest, she is disqualified from partaking of teruma.

²⁸⁹ The mishna continues: And if one of any of those with whom relations are forbidden, who are stated in the Torah, engaged in intercourse with her, e.g., her father or father-in-law, they are executed by the court for engaging in intercourse with her, and she is exempt because she is a minor.

²⁹⁰ The Gemara infers: One of any of those with whom relations are forbidden apparently includes even an animal. And here, there is shame but there is no calamity, as she is not executed due to her status as a minor, and yet the mishna teaches: They are executed for engaging in intercourse with her. Evidently, the animal is killed.

²⁹¹ The Gemara rejects this proof: Since she committed this transgression intentionally, there is a calamity as well, and it is the Merciful One who has pity on her due to her young age, and exempts her from punishment. And although the Merciful One has pity on her, He does not have pity on the animal. Therefore, it cannot be proven from here that shame without a calamity is sufficient cause for the animal to be put to death, because calamity is present in this case.

²⁹² Rava says: Come and hear a proof from the subsequent mishna (Nidda 45a): With regard to a boy who is nine years and one day old, whose brother died childless, and who engaged in intercourse with his yevama, his brother's widow, the status of the intercourse is that of full-fledged intercourse and he has acquired her as his wife, but if he chooses to end the marriage, he cannot give her a bill of divorce until he reaches majority. And he becomes ritually impure like a menstruating woman after engaging in intercourse with her, and then renders all the items designated for lying beneath him impure like the items designated for lying above him.

²⁹³ The mishna continues: If he is disqualified from the priesthood and engages in intercourse with the daughter of a priest, he disqualifies her from partaking of teruma; but if he is a priest who marries an Israelite woman, he does not enable her to partake of teruma. And if he engages in intercourse with an animal, he disqualifies the animal from being sacrificed upon the altar, and the animal is stoned on the basis of intercourse with him. And if he engaged in intercourse with one of any of those with whom relations are forbidden, who are stated in the Torah, they are executed by the court on the basis of intercourse with him, but he is exempt.

²⁹⁴ The Gemara infers: And here, in a case where he engages in intercourse with an animal, there is shame, but there is no calamity, and yet the mishna teaches that the animal is stoned on the basis of intercourse with him, indicating that shame is sufficient for the animal to be killed.

²⁹⁵ The Gemara rejects this proof: Since he committed this transgression intentionally, there is a calamity as well, and it is the Merciful One who has pity on him due to his minority. Although the Merciful One has pity on him, the Merciful One does not have pity on the animal. Therefore, it cannot be proven from here that shame without a calamity is sufficient cause for the animal to be put to death, because calamity is present in this case.

²⁹⁶ The Gemara suggests: Come and hear a resolution from the mishna (54a): Alternatively, it is so that this animal will not pass through the marketplace, and those who see it will say: This is the animal because of which so-and-so was stoned. What, is it not evident from the fact that the latter clause of the mishna includes two reasons for the killing of the animal, namely both the calamity and the shame caused by the animal, that the first clause, the first reason stated in the mishna, is referring to a case of shame without a calamity? And what are the circumstances of shame without a calamity? It is the case of a Jew who unwittingly engages in intercourse with an animal.

²⁹⁷ The Gemara rejects this proof: No, perhaps the latter clause is referring to a case where there is both a calamity and shame, while the first clause is referring to a case where there is a calamity without shame. And what are the circumstances of a calamity without shame? It is the case of a gentile who engages in intercourse with an animal, as the students asked Rav Sheshet. The dilemma is left unresolved. No conclusive answer can be inferred from the mishna for either this dilemma or for the dilemma raised by the students of Rav Sheshet.

²⁹⁸ MISHNA: One who blasphemes, i.e., one who curses God, is not liable unless he utters the name of God and curses it. Rabbi Yehoshua ben Korḥa said:

²⁹⁹ On every day of a blasphemer's trial, when the judges judge the witnesses, i.e., interrogate the witnesses, they ask the witnesses to use an appellation for the name of God, so that they do not utter a curse of God's name. Specifically, the witnesses would say: Let Yosei smite Yosei, as the name Yosei has four letters in Hebrew, as does the Tetragrammaton.

³⁰⁰ When the judgment is over, and the court votes to deem the defendant guilty, they do not sentence him to death based on the testimony of the witnesses in which they used an appellation for the name of God, without having ever heard the exact wording of the curse. Rather, they remove all the people who are not required to be there from the court, so that the curse is not heard publicly, and the judges interrogate the eldest of the witnesses, and say to him: Say what you heard explicitly. And he says exactly what he heard. And the judges stand on their feet and make a tear in their garments, as an act of mourning for the desecration of the honor of God. And they do not ever fully stitch it back together again.

³⁰¹ And the second witness says: I too heard as he did, but he does not repeat the curse explicitly. And the third witness, in the event that there is one, says: I too heard as he did. In this manner, the repetition of the invective sentence is limited to what is absolutely necessary.

³⁰² GEMARA: The Sage taught in a baraita: A blasphemer is not liable unless he blesses, a euphemism for curses, the name of God with the name of God, e.g., by saying: Let such and such a name strike such and such a name.

³⁰³ The Gemara asks: From where is this matter derived? Shmuel says: It is derived from that which the verse states: “And he who blasphemes [venokev] the name of the Lord shall be put to death; all the congregation shall stone him; the convert as well as the homeborn, when he blasphemes [benokvo] the name, he shall be put to death” (Leviticus 24:16). It is derived from the repetition of the phrase “blasphemes the name” that the reference is to cursing the name of God with the name of God.

³⁰⁴ The Gemara asks: From where is it derived that this word nokev is a term for blessing, i.e., cursing? The Gemara answers that it is derived from the statement of Balaam, who was sent by Balak to curse the Jewish people: “How shall I curse [ekkov] whom God has not cursed?” (Numbers 23:8). And the prohibition against cursing God is derived from here: “You shall not curse God” (Exodus 22:27).

³⁰⁵ The Gemara asks: But say that perhaps the meaning of nokev is not cursing, but rather making a hole, as it is written: “And made a hole [vayyikkov] in its lid” (II Kings 12:10). According to this, the word nokev is referring to one who makes a hole and damages the written name of God. And the prohibition against doing so is derived from here: “And you shall destroy their name out of that place. You shall not do so to the Lord your God” (Deuteronomy 12:3–4).

³⁰⁶ The Gemara answers: It is derived from the repetition of nokev that for one to be liable, it is necessary that his transgression involve the name of God with the name of God, and such a transgression is not possible if the reference is to making a hole.

³⁰⁷ The Gemara challenges: But say that such a transgression is possible, as one can place two written names of God, one on top of the other, and tear through them at once. The Gemara explains: That would be defined as making a hole and again making a hole, not making a hole in one name by means of another name. The Gemara asks: But say that one can etch the name of God on the point of a knife and cut through another name with it. The Gemara answers: In that case, it is the point of the knife that is cutting, not the name of God.

³⁰⁸ The Gemara asks: Say that nokev means the utterance of the ineffable name of God. As it is written: “And Moses and Aaron took these men that are pointed out [nikkevu] by name” (Numbers 1:17). And the prohibition to do so is derived from here: “You shall fear the Lord, your God” (Deuteronomy 6:13).

³⁰⁹ The Gemara answers: One answer is that for one to be liable, it is necessary that his transgression involve the name of God with the name of God, and such a transgression is not possible if the reference is to uttering the ineffable name of God. Furthermore, the prohibition derived from the verse “You shall fear the Lord, your God” is a prohibition stated as a positive mitzva, and a prohibition stated as a positive mitzva is not considered a prohibition.

³¹⁰ The Gemara presents an alternative proof that nokev is referring to cursing: And if you wish, say instead that the verse states: “And the son of the Israelite woman blasphemed [vayyikkov] the name and cursed” (Leviticus 24:11). That is to say that the meaning of nokev is to curse.

³¹¹ The Gemara asks: But perhaps this verse does not prove that the meaning of nokev is to curse; rather, it indicates that one is not liable to be executed unless he does both, i.e., both nokev and cursing God? The Gemara answers: This shall not enter your mind, as it is written: “Bring forth the one who cursed...and stone him” (Leviticus 24:14), and it is not written: Bring forth the nokev and one who cursed. Conclude from it that it is one act and not two.

³¹² § The Sages taught in a baraita with regard to the verse: “Anyone who curses his God shall bear his sin” (Leviticus 24:15), that the verse could have stated: One [ish] who curses his God. Why must the verse state: “Anyone [ish ish]”? It is to include the gentiles, who are prohibited from blessing, i.e., cursing, the name of God, just like Jews are. And they are executed for this transgression by the sword alone, as all death penalties stated with regard to the descendants of Noah are by the sword alone.

³¹³ The Gemara asks: But is this halakha derived from here? Rather, it is derived from there: “And the Lord God commanded the man” (Genesis 2:16), as is stated in a baraita that will soon be quoted at length: “The Lord,” this is referring to the blessing, i.e., cursing, of the name of God. This verse concerns Adam, the first man, and is therefore binding on all of humanity.

³¹⁴ Rav Yitzḥak Nappaḥa says: The verse “anyone who curses his God” is necessary only to include gentiles who curse God using the appellations for the name of God, rather than mentioning the ineffable name, and this is in accordance with the opinion of Rabbi Meir.

³¹⁵ As it is taught in a baraita: Why must the verse state: “Anyone who curses his God shall bear his sin”? But isn’t it already stated: “And he who blasphemes the name of the Lord shall be put to death” (Leviticus 24:16)? Rather, since it is stated: “And he who blasphemes the name of the Lord shall be put to death,” one might have thought that one will be liable only for cursing the ineffable name of God. From where is it derived that the verse includes one who curses any of the appellations as well? The verse states: “Anyone who curses his God,” to indicate that one is liable to be executed in any case. This is the statement of Rabbi Meir.

³¹⁶ And the Rabbis say: For cursing the ineffable name of God, one is punished by death, and for cursing the appellations, one is liable to receive lashes for violating a prohibition.

³¹⁷ The Gemara comments: And Rav Yitzḥak Nappaḥa, who holds that according to the Rabbis, gentiles are not liable for cursing appellations for the name of God, disagrees with the opinion of Rav Meyasha. As Rav Meyasha says: A descendant of Noah who blessed God by one of the appellations is liable to be executed even according to the opinion of the Rabbis.

³¹⁸ What is the reason? It is because the verse states: “The convert as well as the homeborn, when he blasphemes the name, he shall be put to death” (Leviticus 24:16), from which it is derived that it is only in the case of a convert or a homeborn Jew that we require the condition: “When he blasphemes the name,” i.e., he is liable to be executed only if he curses the ineffable name. But a gentile is liable to be executed even due to merely cursing an appellation.

³¹⁹ The Gemara asks: And what does Rabbi Meir do with this part of the verse: “The convert as well as the homeborn”? What does he derive from it? The Gemara answers: Rabbi Meir derives that a

convert or a homeborn Jew is liable to be executed by stoning for this transgression, but a gentile is executed by the sword. This exclusion is necessary as otherwise it might enter your mind to say that since gentiles are included in the halakhot of this verse, they are included in all the halakhot of blasphemy. Therefore the verse teaches us that they are not stoned.

³²⁰ The Gemara asks: And what does Rav Yitzḥak Nappaḥa do with this part of the verse: “The convert as well as the homeborn,” according to the opinion of the Rabbis, since Rav Yitzḥak Nappaḥa holds that the Rabbis do not deem either a Jew or a gentile liable for cursing an appellation of God’s name? The Gemara answers: He derives that it is specifically with regard to a convert and a homeborn Jew that we require the condition that he curse a name of God by a name of God; but with regard to a gentile, we do not require that he curse a name of God by a name of God in order for him to be liable.

³²¹ The Gemara asks: Why do I need the inclusive term “anyone who curses his God,” according to the opinions that do not derive from it that a gentile is liable for cursing an appellation of God’s name? The Gemara answers: No halakha is derived from it; it is not a superfluous term, as the Torah spoke in the language of people.

³²² § Since the halakhot of the descendants of Noah have been mentioned, a full discussion of the Noahide mitzvot is presented. The Sages taught in a baraita: The descendants of Noah, i.e., all of humanity, were commanded to observe seven mitzvot: The mitzva of establishing courts of judgment; and the prohibition against blessing, i.e., cursing, the name of God; and the prohibition of idol worship; and the prohibition against forbidden sexual relations; and the prohibition of bloodshed; and the prohibition of robbery; and the prohibition against eating a limb from a living animal.

³²³ Rabbi Ḥananya ben Gamla says: The descendants of Noah are also commanded concerning the prohibition against consuming the blood from a living animal. Rabbi Ḥideka says: They are also commanded concerning castration, i.e., they are prohibited to castrate any living animal. Rabbi Shimon says: They are also commanded concerning the prohibition against engaging in sorcery.

³²⁴ Rabbi Yosei says: With regard to every type of sorcery that is stated in the passage about sorcery, it is prohibited for a descendant of Noah to engage in it. This is derived from the verses: “When you come into the land that the Lord your God gives you, you shall not learn to do like the abominations of those nations. There shall not be found among you one who makes his son or his daughter pass through the fire, a diviner, a soothsayer, or an enchanter, or a warlock, or a charmer, or one who consults a necromancer and a sorcerer, or directs inquiries to the dead. For whoever does these things is an abomination to the Lord; and because of these abominations, the Lord your God is driving them out from before you” (Deuteronomy 18:9–12). Evidently, the Canaanites were punished for these practices; and since God would not have punished them for an action unless He first prohibited it, these practices are clearly prohibited to gentiles.

³²⁵ Rabbi Elazar says: The descendants of Noah were also commanded concerning the prohibition of diverse kinds. Nevertheless, it is permitted for the descendants of Noah to wear diverse kinds of wool and linen and to sow diverse kinds of seeds together, and they are prohibited only with regard to breeding diverse species of animals and grafting diverse species of trees.

³²⁶ § The Gemara asks: From where are these matters, the Noahide mitzvot, derived? Rabbi Yoḥanan says: It is from that which the verse states: “And the Lord God commanded the man, saying: Of

every tree of the garden you may freely eat; but from the tree of the knowledge of good and evil, you shall not eat from it, for on the day that you eat from it, you shall die” (Genesis 2:16–17).

³²⁷ The verse is interpreted homiletically as follows: With regard to the term “and...commanded,” these are the courts of judgment; and so it states in another verse: “For I have known him, to the end that he may command his children and his household after him, that they may keep the way of the Lord, to do righteousness and justice” (Genesis 18:19).

³²⁸ With regard to the term “the Lord,” this alludes to blessing the name of God; and so it states in another verse: “And he who blasphemes the name of the Lord...shall be put to death” (Leviticus 24:16). “God,” this alludes to idol worship; and so it states: “You shall have no other gods before Me” (Exodus 20:2). “The man,” this alludes to bloodshed; and so it states: “One who sheds the blood of man, by man his blood shall be shed” (Genesis 9:6).

³²⁹ With regard to the term “saying,” this alludes to forbidden sexual relations; and so it states: “Saying, if a man sends his wife, and she goes from him and becomes another man’s...will that land not be greatly polluted? But you have played the harlot with many lovers” (Jeremiah 3:1). “Of every tree of the garden” alludes to the fact that one may partake only of items that are permitted to him, as they belong to him, and he may not partake of stolen items. “You may freely eat” alludes to the fact that one may eat fruit, but not a limb from a living animal.

³³⁰ When Rav Yitzḥak came from Eretz Yisrael to Babylonia, he taught two of the expositions in the opposite order: “And...commanded,” this alludes to idol worship. “God,” this alludes to courts of judgment.

³³¹ The Gemara asks: Granted, the source for the exposition: “God [Elohim],” this alludes to courts of judgment, is clear; as it is written: “Then the master of the house shall come near the judges [ha’elohim]” (Exodus 22:7). Evidently, judges are called elohim. But with regard to the exposition: “And...commanded,” this alludes to idol worship, from where is this inferred?

³³² Rav Ḥisda and Rav Yitzḥak bar Avdimi both give answers to this question. One of them says that it is inferred from the verse: “They have turned aside quickly out of the way that I commanded them; they have made them a molten calf” (Exodus 32:8). The word “commanded” is mentioned here in the context of idol worship. And the other one says that it is inferred from the verse: “Ephraim is oppressed, crushed in justice, because he willingly went after filth [tzav]” (Hosea 5:11). The word tzav, used in this context in reference to idol worship, is the same Hebrew word used in the phrase: “And...commanded [vaytzav].”

³³³ The Gemara asks: What is the difference between these two sources? The Gemara answers: The practical difference between them is in the case of a gentile who fashioned an idol but did not bow to it, i.e., he has not yet worshipped it. According to the one who says that the proof is from the verse: “They have made them a molten calf,” he is rendered liable from the time of fashioning it. According to the one who says that the proof is from the verse: “Because he willingly went after filth,” he is not liable until he goes after it and worships it.

³³⁴ Rava says: And is there anyone who says that a gentile who fashioned an idol but did not bow to it is liable? But isn’t it taught in a baraita: With regard to idol worship, matters, i.e., transgressions, for which a Jewish court executes a Jew who commits one of them, are prohibited to a descendant of Noah. But with regard to transgressions for which a Jewish court does not execute a Jew who

commits one of them, a descendant of Noah is not prohibited from doing them. To exclude what transgressions, i.e., to determine that they do not apply to gentiles, is this stated? Is it not to exclude the case of a gentile who fashioned an idol but did not bow to it? Since Jews are not executed for this transgression, gentiles should not be liable for this act either.

³³⁵ Rav Pappa says: No, it is possible that it is stated to exclude embracing and kissing the idol; neither a Jew nor a gentile who embraces or kisses an idol is liable. No proof can be brought from here with regard to a gentile who fashions an idol but does not worship it.

³³⁶ The Gemara asks: Embracing and kissing an idol in what manner? If we say that he did so in its standard manner of worship, i.e., that embracing and kissing is the standard method of worshipping this idol, certainly he is liable to receive the death penalty. Rather, it is stated to exclude a case where he did not do so in its standard manner of worship.

³³⁷ § The Gemara asks with regard to the list of the Noahide mitzvot: Were the descendants of Noah commanded to establish courts of judgment? But isn't it taught in a baraita: The Jewish people were commanded to observe ten mitzvot when they were in Marah: Seven that the descendants of Noah accepted upon themselves, and God added to them the following mitzvot: Judgment, and Shabbat, and honoring one's father and mother.

³³⁸ The mitzva of judgment was given at Marah, as it is written with regard to Marah: "There He made for them a statute and an ordinance" (Exodus 15:25). Shabbat and honoring one's father and mother were given at Marah, as it is written concerning them in the Ten Commandments: "Observe the day of Shabbat to keep it holy, as the Lord your God commanded you" (Deuteronomy 5:12), and similarly: "Honor your father and your mother, as the Lord your God commanded you" (Deuteronomy 5:16). The phrase "as the Lord your God commanded you" indicates that they had already been commanded to observe these mitzvot previously. And Rav Yehuda says: "As the Lord your God commanded you" in Marah. Apparently, the mitzva of establishing courts is not included in the seven Noahide mitzvot.

³³⁹ Rav Naḥman says that Rabba bar Avuh says: Establishing courts is a Noahide mitzva. The additional mitzva that was given in Marah was necessary only with regard to the details of the halakhot of the justice system, e.g., that a defendant in a capital case is punished only by a full panel of twenty-three judges of the Sanhedrin, and only if there are two witnesses who testify concerning him, and only if he was issued a forewarning before his transgression.

³⁴⁰ The Gemara asks: If so, and the mitzva given at Marah is a specification of the halakhot of the justice system, what is the meaning of the sentence: And God added to them: Judgment? The details of a preexisting mitzva would not be referred to as an added mitzva.

³⁴¹ Rather, Rava says: The mitzva given at Marah was necessary only with regard to the halakhot of fines. Since these are not halakhot that pertain to the basic performance of justice, but rather concern an additional fine for the guilty party, they were not given to the descendants of Noah. The Gemara asks: According to this interpretation, the language of the baraita is still inaccurate, as it should have stated: And God added to them more halakhot of judgment.

³⁴² Rather, Rav Aḥa bar Ya'akov says: It was necessary only for the additional requirement to establish a court in each and every province and in each and every city. The Gemara asks: And were the descendants of Noah not commanded with regard to this matter? But isn't it taught in a baraita:

Just as the Jewish people were commanded to establish courts in each and every province and in each and every city, so too, the descendants of Noah were commanded to establish courts in each and every province and in each and every city?

³⁴³ Rather, Rava says: This tanna, who holds that the mitzva of establishing courts of judgment is not included in the Noahide mitzvot, is the tanna of the school of Menashe, who removes from the list of the Noahide mitzvot two mitzvot whose mnemonic is dalet, kaf, which stands for judgment [dinim] and blessing the name of God [birkat Hashem], and inserts in their place two mitzvot whose mnemonic is samekh, kaf, standing for castration [seirus] and diverse kinds [kilayim].

³⁴⁴ As the school of Menashe taught: The descendants of Noah were commanded to observe seven mitzvot: The prohibitions of idol worship, and forbidden sexual relations, and bloodshed, and robbery, and eating a limb from a living animal, and castration, and diverse kinds.

³⁴⁵ Rabbi Yehuda says: Adam, the first man, was commanded only with regard to the prohibition of idol worship, as it is stated: “And the Lord God commanded the man” (Genesis 2:16). Rabbi Yehuda ben Beteira says: He was also commanded concerning blessing the name of God. And some say that he was also commanded concerning establishing courts of judgment.

³⁴⁶ The Gemara asks: In accordance with whose opinion is that which Rav Yehuda says that Rav says, in interpretation of the aforementioned verse: Since I am “God,” do not curse Me; since I am “God,” do not exchange Me with another god; since I am “God,” My fear shall be upon you? The Gemara answers: In accordance with whose opinion? It is in accordance with what some say, i.e., that the phrase “and the Lord God commanded the man” includes the prohibitions against cursing God’s name and idol worship, as well as the mitzva of establishing a system of law and justice, so that the fear of God will be upon the people.

³⁴⁷ The Gemara challenges: If the tanna of the school of Menashe interprets the verse “and the Lord God commanded” homiletically, even these mitzvot, cursing the name of God and establishing courts, should be included. And if he does not interpret the verse “and the Lord God commanded” homiletically, from where does he derive these seven mitzvot in his list?

³⁴⁸ The Gemara answers: Actually, he does not interpret the verse “and the Lord God commanded” homiletically, but with regard to these mitzvot in his list, each and every one of them is written separately in the Torah. The prohibitions of idol worship and forbidden sexual relations are stated,

³⁴⁹ as it is written: “And the earth was corrupt before God” (Genesis 6:11), presumably referring to a transgression, and the school of Rabbi Yishmael taught: Anywhere that the term corruption is stated, it is referring to nothing other than a matter of licentiousness and idol worship. The Gemara cites proofs for this claim: Corruption refers to a matter of licentiousness, as it is stated: “For all flesh had corrupted their way upon the earth” (Genesis 6:12); the word “way” alludes to sexual intercourse. And corruption also refers to idol worship, as it is written: “Lest you deal corruptly, and make you a graven image” (Deuteronomy 4:16).

³⁵⁰ The Gemara asks: And how do the other tanna'im, who do not derive from the verse “And the earth was corrupt before God” that the descendants of Noah are prohibited from engaging in idol worship and forbidden sexual relations, interpret this verse? The Gemara answers: In their opinion, the verse merely exposes the behavior of the generation of Noah.

³⁵¹ According to the school of Menashe, the prohibition of bloodshed for the descendants of Noah is stated separately in the Torah, as it is written: “One who sheds the blood of man, by man his blood shall be shed” (Genesis 9:6). The Gemara asks: And how do the other tanna'im interpret this verse? The Gemara answers: In their opinion, the verse reveals the type of death penalty administered to the descendants of Noah, but it is not the source for the prohibition of bloodshed.

³⁵² The prohibition of robbery is stated, according to the school of Menashe, as it is written: “Every moving thing that is alive shall be for food for you; like the green herbs I have given you all” (Genesis 9:3). And Rabbi Levi says: Like the green herbs that sprout all over by themselves and are ownerless, and not like the vegetation of a garden, which belongs to the garden's owner alone. This indicates that robbery is prohibited. The Gemara asks: And how do the other tanna'im interpret this verse? The Gemara answers: In their opinion, that verse comes to permit the consumption of meat.

³⁵³ The prohibition against eating a limb from a living animal is stated in the Torah, as it is written: “Only flesh with its life, which is its blood, you shall not eat” (Genesis 9:4), i.e., it is prohibited to eat flesh while the animal that it comes from is still alive. And how do the other tanna'im interpret this verse? In their opinion, that verse comes to permit eating a limb from living creeping animals; this prohibition does not apply to creeping animals (see 59b).

³⁵⁴ The prohibition of castration that applies to the descendants of Noah is stated, as it is written: “And you be fruitful and multiply, swarm in the earth and multiply in it” (Genesis 9:7), indicating that nothing may be done to prevent reproduction. And the other tanna'im hold that this verse is written merely as a blessing, not as a mitzva.

³⁵⁵ The prohibition of diverse kinds that applies to the descendants of Noah is stated, as it is written: “Of the fowl after their kind and of the cattle after their kind, of every creeping thing of the ground after its kind” (Genesis 6:20), indicating that each species must be kept separate, and that crossbreeding is prohibited. And according to the other tanna'im, that verse does not indicate a mitzva; rather, the reason for keeping the species separate in Noah's Ark was merely for the sake of companionship, as animals are most comfortable in the company of other members of their own species.

³⁵⁶ Rav Yosef says: They say in the study hall that a descendant of Noah is executed for transgressing three mitzvot, which are represented by the letters gimmel, shin, reish in a mnemonic device: For forbidden sexual relations, for bloodshed, and for blessing, i.e., cursing, the name of God.

³⁵⁷ Rav Sheshet objects to this statement: Granted, a descendant of Noah is executed for bloodshed, as it is written: “One who sheds the blood of man, by man his blood shall be shed” (Genesis 9:6). But with regard to those other prohibitions, from where do the Sages derive that a descendant of Noah who transgresses them is executed?

³⁵⁸ If they derive it from the punishment for bloodshed by means of an analogy, then descendants of Noah should be executed even if they transgressed any of the other Noahide mitzvot. If they are executed because they are included in the term “anyone” and similarly, the term “no one” stated with regard to these two prohibitions, as it is stated with regard to cursing the name of God: “Anyone who curses his God shall bear his sin” (Leviticus 24:15), and it is stated with regard to forbidden sexual relations: “No one shall approach any that is near of kin to him, to uncover their nakedness”

(Leviticus 18:6), then gentiles should be executed for idol worship too, as they are included in the term “anyone” stated in that context (see Leviticus 20:2).

³⁵⁹ Rather, Rav Sheshet says that Rav Yosef’s version should be rejected, and that this is what they say in the study hall: A descendant of Noah is executed for transgressing four mitzvot; the three that were listed, and idol worship.

³⁶⁰ The Gemara asks: And is a descendant of Noah executed for idol worship? But isn’t it taught in a baraita: With regard to idol worship, matters for which a Jewish court executes the transgressor are prohibited to a descendant of Noah. The Gemara infers: Yes, there is a prohibition for a descendant of Noah, but there is no death penalty. Rav Nahman bar Yitzhak says: Their prohibition is their death penalty. Since the only punishment mentioned in the Torah for transgressing a Noahide mitzva is execution, any descendant of Noah who transgresses is liable to be executed.

³⁶¹ Rav Huna, Rav Yehuda, and all of the other students of Rav say: A descendant of Noah is executed for transgressing any of the seven Noahide mitzvot; the Merciful One revealed this punishment with regard to one mitzva, the prohibition of bloodshed, and the same is true with regard to all of them.

³⁶² The Gemara asks: But is a descendant of Noah executed for robbery? But isn’t it taught in a baraita: With regard to the following types of robbery: One who steals or robs, and likewise one who engages in intercourse with a married beautiful woman who was taken as a prisoner of war, and likewise all actions similar to these, if they are done by a gentile to another gentile, or by a gentile to a Jew, the action is prohibited; but if a Jew does so to a gentile, it is permitted? The Gemara explains the question: And if it is so that a gentile is liable to be executed for robbery, and it is not merely prohibited to him, let the baraita teach that he is liable to be executed.

³⁶³ The Gemara answers: Because the tanna wanted to teach in the latter clause that if a Jew does so to a gentile, it is permitted, he taught in the former clause that if a gentile does one of these, it is prohibited. If the baraita were to state that if a gentile does so, he is liable, it would have to state that if a Jew does so to a gentile, he is exempt, because this is the opposite of liable. That would indicate that it is actually prohibited for a Jew to do so to a gentile, and that he is merely exempt from liability, which is not the case. Therefore, the word prohibited is used with regard to a gentile. Therefore, this does not prove that a gentile is exempt from capital punishment.

³⁶⁴ The Gemara challenges: But wherever there is liability for capital punishment, this tanna teaches it; as it is taught in the first clause: With regard to bloodshed, if a gentile murders another gentile, or a gentile murders a Jew, he is liable. If a Jew murders a gentile, he is exempt. Evidently, the term liable is used in the baraita.

³⁶⁵ The Gemara answers: There, in that case, how should the tanna teach it? Should he teach it using the terms prohibited and permitted, indicating that a Jew may kill a gentile *ab initio*? But isn’t it taught in a baraita that with regard to a gentile, and likewise with regard to Jewish shepherds of small livestock, who were typically robbers, one may not raise them out of a pit into which they fell, and one may not lower them into a pit? In other words, one may not rescue them from danger, but neither may one kill them *ab initio*. With regard to robbery, the term permitted is relevant, as it is permitted for a Jew to rob a gentile.

³⁶⁶ The Gemara returns to discuss the details of the prohibition of robbery mentioned in the baraita, which included actions similar to it. The Gemara asks: With regard to robbery, to what actions similar to it is the baraita referring? Rav Aḥa bar Ya'akov says: It is necessary only to teach the halakha of a laborer working in a vineyard who eats from the fruit of the vineyard; his action is similar to robbery, and it is prohibited for a gentile to do so.

³⁶⁷ The Gemara asks: When does this laborer in a vineyard eat from the fruit? If he does so at the time of the completion of the work, i.e., while he is harvesting the fruit, it is permitted for him to do so, just as a Jew working for another Jew is allowed to do so. If it is not at the time of the completion of its work, eating the fruit is full-fledged robbery, and there is no novel element to this case.

³⁶⁸ Rather, Rav Pappa says that the mention in the baraita of actions similar to robbery is necessary only to teach the halakha of one who robs another of less than the value of one peruta. The Gemara asks: If so, why does the baraita state that it is prohibited for a gentile to do so to a Jew? Isn't a Jew apt to forgive such a tiny debt? Why is this considered robbery? The Gemara answers: Although afterward the owner forgives him, does he not incur distress at the time of the robbery? Consequently, at the time of the robbery the robber commits a transgression and is liable to be punished for it.

³⁶⁹ The Gemara challenges: If the mention of actions similar to robbery is referring to the robbery of less than the value of one peruta, what is the novel element in the case of a gentile who robs a gentile? Since they are not apt to grant forgiveness, robbing a gentile of even a minuscule amount is considered full-fledged robbery, and not merely similar to robbery.

³⁷⁰ Rather, Rav Aḥa, son of Rav Ika, says that there is a different explanation: It is necessary only to teach the halakha of one who withholds the wages of a hired laborer; for a gentile to do so to another gentile and for a gentile to do so to a Jew is prohibited, but for a Jew to do so to a gentile is permitted. This case is less obvious than other types of robbery, as instead of taking an item from the victim, the robber withholds money that is due to the victim.

³⁷¹ The Gemara clarifies further: What is the action that is similar to engaging in intercourse with a beautiful woman who is a prisoner of war, to which the baraita is referring? When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Elazar says that Rabbi Ḥanina says: In the case of a descendant of Noah who designated a maidservant as a mate for his slave, and then he himself engaged in intercourse with her, he is executed on her account. Although the maidservant is his property and is not the slave's full-fledged wife, nevertheless, he is guilty of adultery.

³⁷² The Gemara comments: The baraita does not teach that a descendant of Noah is liable for actions similar to bloodshed. Abaye says: If you find a baraita that teaches this, it is in accordance with the opinion of Rabbi Yonatan ben Shaul. As it is taught in a baraita that Rabbi Yonatan ben Shaul says: If a person pursues another to kill him, and the one being pursued can save himself by injuring one of the limbs of the pursuer, but he does not save himself in this manner and instead kills the pursuer,

³⁷³ he is executed for killing him even though he acted in self-defense, and a descendant of Noah is also killed for this.

³⁷⁴ § Rabbi Ya'akov bar Aḥa found that it was written in a book of Aggadot in the study hall of Rav: Contrary to the halakha with regard to a Jew, a descendant of Noah is executed on the basis of the verdict of even one judge, and by the testimony of even one witness, and without being given

forewarning before committing the transgression. He can be judged or testified against only by the mouth of a man and not by the mouth of a woman; but even a relative may judge his case or testify against him. The Sages said in the name of Rabbi Yishmael that a descendant of Noah is executed even for killing fetuses.

³⁷⁵ The Gemara asks: From where are these matters derived? Rav Yehuda says: They are derived from that which the verse states: “And your blood of your lives I will require; at the hand of every animal I will require it; and at the hand of man, even at the hand of every man’s brother, I will require the life of man” (Genesis 9:5). It is derived from the term “I will require,” which is stated in the singular, that a descendant of Noah is executed on the basis of the verdict of even one judge.

³⁷⁶ It is derived from the phrase “at the hand of every animal” that one is executed even without forewarning, as an animal certainly cannot forewarn someone. It is derived from the phrase “I will require it; and at the hand of man,” with “I” stated in the singular, that the sentence is issued on the basis of the testimony of even one witness. It is derived from the phrase “at the hand of every man,” that the judgment and testimony must be at the hand of a man, but not at the hand of a woman. It is derived from the term “his brother” that the testimony of the witness is accepted even if he is a relative of the defendant.

³⁷⁷ It is stated in that book of Aggadot that the Sages said in the name of Rabbi Yishmael: A descendant of Noah is executed even for killing fetuses. The Gemara asks: What is the reason for the opinion of Rabbi Yishmael? The Gemara answers: It is derived from that which is written: “One who sheds the blood of a person, by a person [ba’adam] his blood shall be shed” (Genesis 9:6). The word ba’adam literally means: In a person, and is interpreted homiletically: What is a person that is in a person? You must say: This is a fetus that is in its mother’s womb. Accordingly, a descendant of Noah is liable for killing a fetus.

³⁷⁸ The Gemara comments: And the first tanna, who does not derive the halakha concerning fetuses, is the tanna of the school of Menashe, who says that all death penalties stated with regard to the descendants of Noah are referring to nothing other than strangulation. And he interprets this verse as follows: Cast, i.e., redirect, this term: “In a person,” and explain it with regard to the latter part of the verse, and interpret it homiletically like this: “In a person, his blood shall be shed.” In what manner is a person’s blood shed while it is in the person’s body, without external bleeding? You must say that this is strangulation. It is therefore derived that the execution of a descendant of Noah is by strangulation.

³⁷⁹ Rav Hamnuna raises an objection to the statement in the book of Aggadot that a descendant of Noah can be judged or testified against only by a man and not by a woman: And is a woman who is a descendant of Noah not commanded to establish courts of judgment? But isn’t it written with regard to Abraham, who at that point had the status of a descendant of Noah: “For I have known him, to the end that he may command his sons and his household after him, that they may keep the way of the Lord, to do righteousness and justice” (Genesis 18:19). The word “household” is referring to the women, indicating that they are also commanded to execute justice.

³⁸⁰ He raises the objection and he resolves it: Abraham commanded his sons to carry out justice, whereas his household, the women in his family, he commanded to give charity; the Hebrew word for righteousness [tzedek] can also mean charity [tzedaka].

³⁸¹ Rav Avya the Elder said to Rav Pappa: Why not say that a female descendant of Noah who killed someone should not be executed; as it is written: “At the hand of every man,” and not “at the hand of every woman”? Rav Pappa said to him: This is what Rav Yehuda says: It is derived from the phrase “one who sheds the blood of a person” that one who murders is liable to be executed in any case, whether that person is male or female.

³⁸² Rav Avya asked further: Why not say that a female descendant of Noah who committed adultery should not be executed, as it is written: “Therefore a man shall leave his father and his mother, and shall cleave to his wife, and they shall be one flesh” (Genesis 2:24); a man, but not a woman? Rav Pappa said to him: This is what Rav Yehuda says: At the end of the verse it states: “And they shall be one flesh.” The verse then combines men and women, indicating that the same halakha applies to both.

³⁸³ § The Sages taught in a baraita with regard to the verse: “No one [ish ish] shall approach any that is kin to him, to uncover their nakedness” (Leviticus 18:6): The verse could have stated: One [ish] shall not approach. Why must the verse state “no one”? It is to include the gentiles, who are prohibited from engaging in forbidden sexual relations, as Jews are.

³⁸⁴ The Gemara asks: But is it derived from here? It is derived from there, from the verse that was already interpreted as teaching this halakha: “And the Lord God commanded the man, saying” (Genesis 2:16), this alludes to forbidden sexual relations (see 56b).

³⁸⁵ The Gemara answers: There, the verse is referring to their women, gentiles, with whom relations are forbidden. And here it is referring to our women, Jews, with whom relations are forbidden. In other words, a gentile who engages in intercourse with a married Jewish woman is liable. As it is taught in the latter clause of the baraita: If a gentile engages in intercourse with those Jewish women with whom relations are forbidden, i.e., a married Jewish woman, he is judged according to the halakhot of the Jews.

³⁸⁶ The Gemara asks: With regard to what halakha is this gentile judged according to the halakhot of the Jews? Rav Nahman says that Rabba bar Avuh says: The statement of the baraita is necessary only to teach these halakhot: That he must be judged by a Sanhedrin, and that he is punished only if two witnesses testify concerning him, and only if he was issued a forewarning before his transgression.

³⁸⁷ The Gemara asks: Should the halakha of a gentile who engaged in intercourse with a forbidden Jewish woman be less stringent than that of a gentile who engaged in intercourse with a forbidden gentile woman, in which case these conditions do not apply?

³⁸⁸ Rather, Rabbi Yoḥanan says: The statement of the baraita is necessary only to teach the halakha in the case of a gentile who engages in intercourse with a betrothed young Jewish woman, which does not apply to gentiles. By halakha, only marriage applies to gentiles, not betrothal. Therefore, we judge them according to our halakha in that case.

³⁸⁹ The Gemara asks: And with regard to gentiles who engage in intercourse with a married Jewish woman, do we judge them according to their halakha? But isn’t it taught in a baraita: If a gentile engages in intercourse with a betrothed young Jewish woman, he is punished by stoning; if he engages in intercourse with a married Jewish woman he is punished by strangulation? The Gemara explains its question: And if they are judged according to their halakha, he would be executed by the sword.

³⁹⁰ Rav Naḥman bar Yitzḥak says: What is the meaning of the phrase: A married woman, which the tanna teaches? It is referring to a case where the woman had entered the wedding canopy but had not yet engaged in intercourse with her husband, in which case she is considered married according to the halakhot that apply to Jews but not according to the halakhot that apply to gentiles. Since with regard to gentiles, marriage has not yet taken effect, we judge them according to our halakhot. Therefore, a gentile who engages in intercourse with such a Jewish woman is executed by strangulation.

³⁹¹ As Rabbi Ḥanina teaches: Gentiles can have the status of a married woman who has engaged in intercourse with her husband, i.e., such a woman is considered married according to their laws, but they cannot have the status of a married woman who has entered the wedding canopy but has not engaged in intercourse with her husband.

³⁹² It is taught in a baraita in accordance with the opinion of Rabbi Yoḥanan: Any forbidden sexual relations for which a Jewish court administers capital punishment are prohibited to a descendant of Noah, and any forbidden sexual relations for which a Jewish court does not administer capital punishment are not prohibited to a descendant of Noah; this is the statement of Rabbi Meir. And the Rabbis say: There are many types of forbidden sexual relations for which a Jewish court does not administer capital punishment and are nevertheless prohibited to a descendant of Noah.

³⁹³ If a gentile engages in intercourse with those Jews with whom relations are forbidden, he is judged according to the halakhot of the Jews. If he engages in intercourse with those descendants of Noah with whom relations are forbidden, he is judged according to the halakhot of the descendants of Noah. And we have only the case of a betrothed young woman as a case where a gentile is judged according to the halakhot of the Jews, in accordance with the opinion of Rabbi Yoḥanan.

³⁹⁴ The Gemara suggests: And let the tanna also count the case of a woman who had entered the wedding canopy but had not yet engaged in intercourse with her husband. The Gemara explains: This tanna is the tanna of the school of Menashe, who says that all death penalties stated with regard to the descendants of Noah are referring to nothing other than strangulation, and since the punishment in Jewish halakha for engaging in intercourse with a married woman is also strangulation, both this punishment and that punishment are strangulation; there is no difference between the halakha for Jews and the halakha for gentiles in such a case.

³⁹⁵ With regard to the opinion of Rabbi Meir stated in the first clause of the baraita, the Gemara asks: And does Rabbi Meir hold that any forbidden sexual relations for which a Jewish court administers capital punishment are prohibited to a descendant of Noah? But isn't it taught in a baraita: With regard to a convert

³⁹⁶ who was not conceived in sanctity, as his parents were still gentiles, but his birth was in sanctity, as his mother converted before his birth, he has maternal kinship, i.e., his relationship to his mother's relatives is recognized, but he does not have paternal kinship.

³⁹⁷ How so? If he married his maternal half sister, who was born before him and converted, he must divorce her. Although by Torah law they are considered unrelated, as a convert is considered to be reborn and all his previous family relationships are disregarded according to halakha, the Sages prohibited their marriage, lest he think that as a Jew it is permitted for him to engage in behaviors that were previously forbidden to him. If she is his paternal half sister, he may maintain her as his wife, as it is permitted for a gentile to marry his paternal half sister. If he married his father's

maternal half sister, he must divorce her. If he married his father's paternal half sister, he may maintain her as his wife.

³⁹⁸ If she is his mother's maternal half sister, he must divorce her. If she is his mother's paternal half sister, Rabbi Meir says he must divorce her, and the Rabbis say he may maintain her as his wife. As Rabbi Meir would say: With regard to any forbidden relative who is forbidden due to maternal kinship, whether the woman is his paternal relative, e.g., his father's maternal half sister, or his maternal relative, he must divorce her; whereas if she is forbidden due to paternal kinship, he may maintain her as his wife.

³⁹⁹ And according to all opinions, he is permitted to marry his brother's wife and his father's brother's wife, and all other relatives with whom relations are forbidden in the case of born Jew are also permitted to him. The expression: And all other relatives with whom relations are forbidden, is added to include his father's wife, who is permitted to him if she was widowed or divorced from his father.

⁴⁰⁰ With regard to a gentile who married a woman and her daughter and they all converted, he may marry one but must divorce the other one; and he should not marry the second of them ab initio. If his wife, the daughter, died, he is permitted to maintain his mother-in-law as his wife. And some say that he is prohibited from maintaining his mother-in-law. In any event, Rabbi Meir clearly holds that several forbidden relationships for which a Jew is not liable to receive capital punishment, but only karet, are forbidden to descendants of Noah as well, namely, intercourse with one's sister or one's parent's sister.

⁴⁰¹ Rav Yehuda says: This is not difficult; this baraita cites the statement of Rabbi Meir according to the opinion of Rabbi Eliezer, and that previously mentioned baraita cites the statement of Rabbi Meir according to the opinion of Rabbi Akiva.

⁴⁰² As it is taught in a baraita with regard to the verse: "Therefore a man shall leave his father and his mother, and shall cleave to his wife, and they shall be one flesh" (Genesis 2:24), that Rabbi Eliezer says: "His father" is referring to his father's sister, i.e., one must abandon the possibility of marrying his father's sister and marry someone else. "His mother" is referring to his mother's sister. Rabbi Akiva says: "His father" is referring to his father's wife; "his mother" is referring to his mother, literally.

⁴⁰³ "And shall cleave to his wife," but not to a male; such a relationship is not defined as cleaving. "To his wife," but not to the wife of another man. "And they shall be one flesh" indicates that he should marry one of those with whom he can become one flesh, i.e., they can bear children together. This excludes domesticated and undomesticated animals, with which one is prohibited from engaging in bestiality, as they do not become one flesh. All these are forbidden to the descendants of Noah.

⁴⁰⁴ § The Master said in this baraita that Rabbi Eliezer says: "His father" is referring to his father's sister. The Gemara asks: Why not say that it is referring to his father, literally, prohibiting homosexual intercourse with one's father? The Gemara answers: This prohibition is derived from another phrase in the verse: "And shall cleave to his wife," but not to a male; this includes his father.

⁴⁰⁵ The Gemara asks: Why not say that "his father" is referring to his father's wife? The Gemara answers: This prohibition is derived from the term "to his wife," but not to the wife of another man.

The Gemara asks: Why not say that it is referring to his father's wife after his father's death, when she is no longer a married woman? The Gemara answers: The term "his father" is interpreted in a way that is similar to the interpretation of the term "his mother." Just as his mother is not forbidden due to her marriage to his father, but rather due to her relationship to him, so too, the term "his father" is not referring to a relative who is forbidden to him due to her marriage.

⁴⁰⁶ Rabbi Eliezer says that "his mother" is referring to his mother's sister. The Gemara asks: But why not say that it is referring to his mother, literally? The Gemara answers: This prohibition is derived from the term "to his wife," but not to the wife of another man; and his mother is his father's wife. The Gemara asks: But why not say that it is referring to his mother after his father's death, when she is no longer married? The Gemara answers: The term "his mother" is interpreted in a way that is similar to the interpretation of the term "his father." Just as the term "his father" is not interpreted literally, so too, the term "his mother" is not interpreted literally.

⁴⁰⁷ Rabbi Akiva says: "His father" is referring to his father's wife. The Gemara asks: But why not say it is referring to his father, literally? The Gemara answers: That prohibition is derived from the term "and shall cleave to his wife," but not to a male. The Gemara challenges: If so, the prohibition of his father's wife is also derived from another term: "To his wife," but not to the wife of another man. The Gemara explains: The term "to his wife" is referring to his father's wife after his father's death, when she is no longer married.

⁴⁰⁸ Rabbi Akiva says: "His mother" is referring to his mother, literally. The Gemara challenges: That prohibition is derived from the term "to his wife," but not to the wife of another man. The Gemara explains: According to Rabbi Akiva, the term "his mother" is referring to his mother whom his father raped, i.e., she was never his father's wife.

⁴⁰⁹ With regard to what principle do Rabbi Eliezer and Rabbi Akiva disagree? Rabbi Eliezer holds

⁴¹⁰ that the term "his father" should be interpreted in a way that is similar to the term "his mother," and "his mother" should be interpreted in a way that is similar to "his father." You find such an interpretation only with regard to sisterhood, i.e., "his father" is referring to his father's sister, and "his mother" is referring to his mother's sister.

⁴¹¹ And Rabbi Akiva holds that it is preferable to interpret the term "his father" as referring to his father's wife, who is referred to as his father's nakedness in the verse: "You shall not uncover the nakedness of your father's wife; it is your father's nakedness" (Leviticus 18:8), to the exclusion of his father's sister, who is referred to as his father's kin in the verse: "You shall not uncover the nakedness of your father's sister; she is your father's kin" (Leviticus 18:12), and who is not referred to as his father's nakedness.

⁴¹² Come and hear a proof for the opinion of Rabbi Akiva from the verse: "And Amram took Jochebed his aunt as a wife" (Exodus 6:20). What, was she not his maternal aunt? Presumably, Jochebed was the sister of Kohath, Amram's father, from both of Kohath's parents, and not from his father alone. Evidently, a descendant of Noah may marry his father's sister.

⁴¹³ The Gemara rejects this proof: No, she was his paternal aunt, Kohath's half sister. Since she was not Kohath's sister from his mother's side, she was not forbidden to Amram.

⁴¹⁴ Come and hear a proof for the opinion of Rabbi Eliezer from what Abraham said to Abimelech with regard to Sarah: "And moreover, she is my sister, the daughter of my father, but not the daughter

of my mother; and so she became my wife” (Genesis 20:12). By inference, the daughter of the mother of a descendant of Noah is forbidden to him.

⁴¹⁵ The Gemara rejects this proof: But how can you understand that Sarah was Abraham’s sister? She was his brother’s daughter. By tradition, it is known that Sarah was Haran’s daughter Iscah. And since that was so, there is no difference whether they were paternal relatives, and there is no difference whether they were maternal relatives; in any event she was permitted to him, even according to the halakha of Jews. Rather, this is what Abraham was saying to Abimelech there: She is related to me like a sister, as the daughter of my brother is like a sister, and our relationship is from the side of my father but not from the side of my mother.

⁴¹⁶ Come and hear a proof from a baraita: For what reason did Adam not marry his daughter? So that Cain would marry his sister and they would procreate immediately, as it is stated: “For I have said: The world shall be built on kindness [ḥesed]” (Psalms 89:3). This verse alludes to the fact that at the beginning of the world’s existence it was permitted for men to marry their sisters, which was later forbidden in the verse: “And if a man shall take his sister...it is a shameful thing [ḥesed]” (Leviticus 20:17). The Gemara infers: If it had not been so, if God had not specially permitted Cain to marry his sister, she would have been forbidden to him. This is difficult according to the opinion of Rabbi Akiva, who deems it permitted for a gentile to marry his sister.

⁴¹⁷ The Gemara rejects this proof: Once it was permitted for Cain to marry his sister, it was permitted for all descendants of Noah to do so, and it was forbidden only to Jews.

⁴¹⁸ Rav Huna says: A gentile is permitted to marry his daughter. And if you say, for what reason did Adam not marry his daughter? It was so that Cain would marry his sister, because it is stated: “The world shall be built on kindness.”

⁴¹⁹ And there are those who say that Rav Huna did not say this; rather, Rav Huna says: A gentile is prohibited from marrying his daughter. Know that this is the halakha, as Adam did not marry his daughter. The Gemara rejects this statement: But that is not so, as there, this is the reason Adam did not marry his daughter: So that Cain would marry his sister, because it is stated: “The world shall be built on kindness.”

⁴²⁰ § Rav Ḥisda says: A Canaanite slave is permitted to marry his mother, and he is permitted to marry his daughter. This is because he has left the category of a gentile by immersing in a ritual bath for the purpose of becoming a slave to a Jew, and consequently all his previous family relationships are disregarded according to halakha; but he has not entered the category of a Jew, as evidenced by the fact that he is not obligated to observe all of the mitzvot of male Jews. Therefore, the decree of the Sages prohibiting the maternal relatives of converts does not apply to him.

⁴²¹ When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Elazar says that Rabbi Ḥanina says: In the case of a descendant of Noah who designated a maidservant as a mate for his slave, and then he himself engaged in intercourse with her, he is executed for adultery on her account.

⁴²² The Gemara asks: From when is she considered the slave’s mate? Rav Naḥman says: From the time that she is called so-and-so’s girl. The Gemara asks: From when is she released from her relationship with the slave? Rav Huna says: From the time that she exposes her head in the

marketplace. Since married women would cover their hair, even among the gentiles, by exposing her hair she proves that she no longer wishes to remain with him.

⁴²³ Rabbi Elazar says that Rabbi Ḥanina says: A descendant of Noah who engages in intercourse with his wife in an atypical manner, i.e., anal intercourse, is liable for engaging in forbidden sexual intercourse, as it is stated: “And shall cleave to his wife” (Genesis 2:24), an expression that indicates natural intercourse, but not intercourse in an atypical manner.

⁴²⁴ Rava says: Is there any action for which a Jew is not deemed liable, but a gentile is deemed liable for performing it? A Jew is not liable for engaging in anal intercourse with his wife.

⁴²⁵ Rather, Rava says that the verse is to be understood as follows: A descendant of Noah who engages in intercourse with the wife of another man in an atypical manner is exempt. What is the reason? The verse states: “And shall cleave to his wife,” but not to the wife of another. With regard to this prohibition, the verse states: “And shall cleave,” indicating vaginal intercourse, and not intercourse in an atypical manner.

⁴²⁶ Rabbi Ḥanina says: A gentile who struck a Jew is liable to receive the death penalty, as it is stated when Moses saw an Egyptian striking a Hebrew: “And he turned this way and that way, and when he saw that there was no man, he struck the Egyptian and hid him in the sand” (Exodus 2:12).

⁴²⁷ And Rabbi Ḥanina says: One who slaps the cheek of a Jew is considered as though he slapped the cheek of the Divine Presence; as it is stated: “It is a snare [mokesh] for a man to rashly say [yala]: Holy” (Proverbs 20:25). The verse is interpreted homiletically to mean: One who strikes [nokesh] a Jew is considered as though he hurt the cheek [lo’a] of the Holy One.

⁴²⁸ The Gemara states a mnemonic for the upcoming statements of Reish Lakish: Raises, his slave, Shabbat. Reish Lakish says: One who raises his hand to strike another, even if he ultimately does not strike him, is called wicked, as it is stated: “And two men of the Hebrews were struggling with each other, and he said to the wicked one: Why should you strike your friend?” (Exodus 2:13). The phrase: Why did you strike, is not stated, but rather: “Why should you strike,” indicating that one who raised his hand to strike another, even if he ultimately did not strike him, is called wicked.

⁴²⁹ Ze’eiri says that Rabbi Ḥanina says: One who raises his hand to strike another is called a sinner; as it is stated: “And the priest’s lad would come...and would say to him, but you shall give now, and if not, I will take by force” (I Samuel 2:15–16), and it is written with regard to this behavior: “And the sin of the youths was very great” (I Samuel 2:17).

⁴³⁰ Rav Huna says: His hand should be cut off, as it is stated: “And the high arm shall be broken” (Job 38:15). If one habitually lifts his arm to strike others, it is better that it be broken. The Gemara relates that Rav Huna cut off the hand of a person who would habitually hit others.

⁴³¹ Rabbi Elazar says: Such a violent person has no remedy but burial, as it is stated: “And as a mighty man [ve’ish zero’a], who has the earth” (Job 22:8). The expression ish zero’a literally means: A man of the arm, and the verse is interpreted homiletically to mean that one who habitually strikes others deserves to be buried.

⁴³² And Rabbi Elazar states a different interpretation of that verse: The land is given only to mighty men who can protect themselves from all enemies; as it is stated: “And as a mighty man, who has the earth.”

⁴³³ And in connection with that statement, the Gemara notes that Reish Lakish says: What is the meaning of that which is written: “One who works [oved] his land shall have plenty of bread” (Proverbs 12:11)? If a person makes himself like a slave [ke’eved] to the land, devoting his efforts to it, he will have plenty of bread, but if not, he will not have plenty of bread.

⁴³⁴ And Reish Lakish says: A gentile who observed Shabbat is liable to receive the death penalty, as it is stated: “And day and night shall not cease” (Genesis 8:23), which literally means: And day and night they shall not rest. This is interpreted homiletically to mean that the descendants of Noah may not take a day of rest. And the Master said (57a) that their prohibition is their death penalty, i.e., the punishment for any prohibition with regard to descendants of Noah is execution. Ravina says: If a descendant of Noah observes a day of rest on any day of the week, even one not set aside for religious worship, e.g., on a Monday, he is liable.

⁴³⁵ The Gemara challenges this: But let the tanna count this prohibition among the seven Noahide mitzvot. The Gemara explains: When the tanna counts the seven mitzvot, he counts only those that require one to sit and refrain from action, i.e., those that include a prohibition against performing a certain action. He does not count mitzvot that require one to arise and take action.

⁴³⁶ The Gemara challenges: But the mitzva of establishing courts of judgment is a mitzva to stand up and take action, and nevertheless he counts it among the seven mitzvot. The Gemara answers: This mitzva contains a requirement to stand up and take action, i.e., the obligation to establish courts and carry out justice, and it also contains a requirement to sit and refrain from action, i.e., the prohibition against doing injustice.

⁴³⁷ And Rabbi Yoḥanan says: A gentile who engages in Torah study is liable to receive the death penalty; as it is stated: “Moses commanded us a law [torah], an inheritance of the congregation of Jacob” (Deuteronomy 33:4), indicating that it is an inheritance for us, and not for them.

⁴³⁸ The Gemara challenges: But if so, let the tanna count this prohibition among the seven Noahide mitzvot. The Gemara explains: According to the one who says that the verse is referring to the Torah as an inheritance, this prohibition is included in the prohibition of robbery, as a gentile who studies Torah robs the Jewish people of it. According to the one who says that the verse is referring to the Torah as betrothed, as the spelling of the Hebrew word for betrothed [me’orasa], is similar to that of the word for inheritance [morasha], the punishment of a gentile who studies Torah is like that of one who engages in intercourse with a betrothed young woman, which is execution by stoning.

⁴³⁹ The Gemara raises an objection to Rabbi Yoḥanan’s statement from a baraita: Rabbi Meir would say: From where is it derived that even a gentile who engages in Torah study is considered like a High Priest? It is derived from that which is stated: “You shall therefore keep My statutes and My ordinances, which if a man does he shall live by them” (Leviticus 18:5). The phrase: Which if priests, Levites, and Israelites do they shall live by them, is not stated, but rather: “A man,” which indicates mankind in general. You have therefore learned that even a gentile who engages in Torah study is considered like a High Priest.

⁴⁴⁰ The Gemara answers: There, in the baraita, the reference is to a gentile who engages in the study of their seven mitzvot. It is a mitzva for a gentile to study the halakhot that pertain to the seven Noahide mitzvot, and when he does so he is highly regarded.

⁴⁴¹ § The baraita that lists the Noahide mitzvot (56a) teaches that Rabbi Ḥanina ben Gamliel says: The descendants of Noah are also commanded concerning the prohibition against consuming the blood from a living animal. The Sages taught in a baraita: With regard to the verse: “Only flesh with its life, which is its blood, you shall not eat” (Genesis 9:4), this is the prohibition against eating a limb from a living animal. Rabbi Ḥanina ben Gamliel says: The blood from a living animal is also prohibited in this verse.

⁴⁴² The Gemara asks: What is the reasoning behind the opinion of Rabbi Ḥanina ben Gamliel? The Gemara answers: He reads into the verse: Flesh with its life you shall not eat; blood with its life you shall not eat. The Gemara asks: And how do the Rabbis explain the mention of blood in this verse? After all, in their opinion, blood from a living animal is not forbidden. The Gemara answers: That comes to permit eating limbs from living creeping animals. The verse indicates that the prohibition does not apply to creeping animals, whose blood is not considered separate from their flesh (see 59b).

⁴⁴³ The baraita continues: Similarly, you can say that according to the opinion of Rabbi Ḥanina, blood from a living animal is also forbidden to the Jewish people in particular; as it is stated: “Only be steadfast in not eating blood, as the blood is the life, and you shall not eat the life with the flesh” (Deuteronomy 12:23). With regard to the statements: “Only be steadfast in not eating blood,” this is a limb from a living animal; “as the blood is the life,” this is blood from a living animal.

⁴⁴⁴ The Gemara asks: And how do the Rabbis, who hold that there is no specific prohibition with regard to blood from a living animal, interpret this verse? The Gemara answers: That verse comes to teach the prohibition against consuming blood spilled in the process of bloodletting, as this is blood through which the soul departs (see Karetot 20b).

⁴⁴⁵ The Gemara asks: According to Rabbi Ḥanina ben Gamliel, why do I need the Torah to write this halakha with regard to descendants of Noah, and why do I need the Torah to repeat it at Sinai with regard to Jews? Aren’t Jews also descendants of Noah?

⁴⁴⁶ The Gemara answers that it is to be understood in accordance with the opinion of Rabbi Yosei, son of Rabbi Ḥanina; as Rabbi Yosei, son of Rabbi Ḥanina, says: Any mitzva that was first stated with regard to the descendants of Noah and was repeated at Sinai was stated for this group and for that group, i.e., it applies to both gentiles and Jews.

⁴⁴⁷ But a mitzva that was stated with regard to the descendants of Noah and was not repeated at Sinai among the mitzvot given to the Jewish people was stated for the Jewish people and not for the descendants of Noah. And we have only the prohibition against eating the sciatic nerve to which this classification applies, and this is according to the opinion of Rabbi Yehuda, who holds that the verse: “Therefore the children of Israel do not eat the sciatic nerve, which is on the hollow of the thigh, until this day” (Genesis 32:32), is referring to the sons of Jacob, who were commanded to observe this prohibition even though they had the status of descendants of Noah.

⁴⁴⁸ § The Master said in a baraita: Any mitzva that was stated with regard to the descendants of Noah and was repeated at Sinai was stated for this group and for that group. The Gemara raises an objection: On the contrary, from the fact that it was repeated at Sinai, clearly it can be derived that it was stated for the Jewish people and not for the descendants of Noah, as if it pertains to the descendants of Noah as well, why repeat it at Sinai? Aren’t the Jewish people also descendants of Noah?

⁴⁴⁹ The Gemara answers: From the fact that the prohibition of idol worship was repeated at Sinai, and we find that God punished gentiles for it, conclude from it that any mitzva that was repeated at Sinai was stated for this group and for that group, and not only for the Jewish people.

⁴⁵⁰ It is further stated in the baraita that a mitzva that was stated with regard to the descendants of Noah and was not repeated at Sinai was stated for the Jewish people and not for the descendants of Noah. The Gemara raises an objection: On the contrary, from the fact that it was not repeated at Sinai, clearly it can be derived that it was stated for the descendants of Noah and not for the Jewish people. The Gemara answers: There is nothing that is permitted to a Jew and forbidden to a gentile.

⁴⁵¹ The Gemara asks: And is there not? But isn't there the permission for a Jew to take a married beautiful woman, who was taken as a prisoner of war, to be his wife? For a gentile to do so is forbidden. The Gemara answers: There, the reason gentiles are prohibited from doing so is because they are not authorized to conquer. It is not permitted for gentiles to wage wars of conquest, and the halakha of marrying a beautiful woman is stated only with regard to a war of conquest. Therefore the fact that a beautiful woman who is a prisoner of war is permitted only to a Jew and not to a gentile does not indicate that gentiles have a higher degree of sanctity.

⁴⁵² The Gemara asks: But isn't stealing less than the value of one peruta prohibited to a gentile and permitted to a Jew? The Gemara answers: There it is because gentiles are not apt to grant forgiveness of debts, even of less than the value of one peruta. Therefore, for a gentile to take even such a minuscule amount is considered robbery. Jews normally forgive such small amounts.

⁴⁵³ It is stated in the baraita that any mitzva that was stated with regard to the descendants of Noah and was repeated at Sinai was stated both for this group and for that group.

⁴⁵⁴ The Gemara asks: But isn't there the mitzva of circumcision, which was stated with regard to descendants of Noah, i.e., Abraham and his descendants, who had the status of descendants of Noah at that time? As it is written that God said to Abraham with regard to the mitzva of circumcision: "And as for you, you shall keep My covenant, you and your offspring after you, throughout their generations" (Genesis 17:9). And it was repeated at Sinai for the Jewish people: "And on the eighth day the flesh of his foreskin shall be circumcised" (Leviticus 12:3), and nevertheless it was stated for the Jewish people alone and not for the descendants of Noah.

⁴⁵⁵ The Gemara answers: That verse stated at Sinai is not necessary for the mitzva itself, but rather it comes to permit circumcision on Shabbat. It is derived from the phrase "on the eighth day" that circumcision must always be performed on the eight day, and this is the halakha even if it falls on Shabbat. Therefore the mitzva is not considered to have been repeated at Mount Sinai.

⁴⁵⁶ The Gemara asks: But isn't there the mitzva of procreation, which was stated with regard to the descendants of Noah? As it is written: "And you, be fruitful and multiply, swarm in the land and multiply in it" (Genesis 9:7). And it was repeated at Sinai, in the verse: "Go say to them: Return to your tents" (Deuteronomy 5:27), when the Jewish men were commanded to resume conjugal relations with their wives after having been commanded to separate from them in preparation for the giving of the Torah. Nevertheless, the mitzva of procreation was stated for the Jewish people and not for the descendants of Noah.

⁴⁵⁷ The Gemara answers: That verse stated at Sinai is not necessary for the mitzva itself, but rather it comes to teach another halakha: That any matter that was prohibited by an official vote of the

Sanhedrin requires another vote to permit it. Even if a rabbinic prohibition is no longer relevant, it is not automatically canceled, but rather a special ruling is required to cancel it. This is derived from the fact that it was necessary for God to issue a declaration (Deuteronomy 5:26) specifically canceling the prohibition that had been issued before the giving of the Torah.

⁴⁵⁸ The Gemara asks: If so, let us say with regard to each and every one of the seven Noahide mitzvot that it was repeated because of an additional matter the Torah teaches, and the descendants of Noah are exempt from them all.

⁴⁵⁹ The Gemara answers that this is what Rabbi Yosei, son of Rabbi Ḥanina, is saying: After stating a prohibition with regard to the descendants of Noah, why do I need the Torah to then repeat the prohibition itself for the Jewish people? If the only purpose is to teach an additional halakha, it is unnecessary to repeat it in the form of a prohibition, e.g., “You shall not murder...you shall not commit adultery” (Exodus 20:13). Therefore, it is derived from the fact that the entire prohibition is repeated, and not just the new details, that it applies both to Jews and to descendants of Noah.

⁴⁶⁰ It is stated in the baraita: And we have only the prohibition against eating the sciatic nerve to which this classification applies, and this is according to the opinion of Rabbi Yehuda. The Gemara asks: But these aforementioned mitzvot also, procreation and circumcision, were not repeated at Sinai in order to teach that they apply to the descendants of Noah as well as to the Jewish people, but rather were mentioned for other purposes, and therefore, they apply only to the Jewish people, similar to the prohibition against eating the sciatic nerve.

⁴⁶¹ The Gemara answers: These mitzvot were repeated for the sake of teaching some other matter. By contrast, this prohibition of eating the sciatic nerve was not repeated at all; it is mentioned only in Genesis. Therefore, circumcision and procreation are not included in the category of mitzvot that were given to the descendants of Noah and were not repeated at Sinai.

⁴⁶² If you wish, say that there is another explanation for the fact that the mitzva of circumcision does not apply to the descendants of Noah despite the fact that it was repeated for the Jewish people: From the outset, it was Abraham, and not all the descendants of Noah, that the Merciful One commanded to perform this mitzva; as He said to him: “And as for you, you shall keep My covenant, you and your offspring after you, throughout their generations” (Genesis 17:9). The Gemara infers: “You and your offspring,” yes; another person, no.

⁴⁶³ The Gemara challenges: If that is so, the descendants of Ishmael should also be obligated to observe circumcision, as they are also the offspring of Abraham. The Gemara explains: The verse states: “For through Isaac, offspring shall be called yours” (Genesis 21:12), which means that Ishmael’s descendants are not called the offspring of Abraham.

⁴⁶⁴ The Gemara challenges: Granted, Ishmael’s descendants are not considered the offspring of Abraham, but at least the descendants of Esau, Isaac’s son, should be obligated to observe circumcision. The Gemara explains: Since the term: “Through Isaac [beYitzḥak],” also means: Of Isaac, it is derived that the mitzva applies to only some of Isaac’s offspring, but not all the descendants of Isaac. This serves to exclude the descendants of Esau.

⁴⁶⁵ Rav Oshaya objects to this: If that is so, the descendants of Keturah, Abraham’s second wife, should not be obligated to observe circumcision. The Gemara answers: Rabbi Yosei bar Avin says, and some say that it is Rabbi Yosei bar Ḥanina who says that the verse: “And the uncircumcised male

who is not circumcised in the flesh of his foreskin, that soul shall be cut off from his people; he has broken My covenant” (Genesis 17:14) is stated to include the descendants of Keturah in the obligation to observe circumcision.

⁴⁶⁶ § Rav Yehuda says that Rav says: Meat was not permitted to Adam, the first man, for consumption, as it is written: “And God said: Behold, I have given you every herb that brings forth seed, which is upon the face of all the earth, and every tree, in which is the fruit of a tree that gives forth seed; for you it shall be for food, and for every animal of the earth, and for every fowl of the air, and for everything that creeps upon the earth, in which there is a living soul, every green herb for food. And it was so” (Genesis 1:29–30). It is derived God told Adam: Eating vegetation is permitted to people and animals, but eating the animals of the earth is not permitted to you.

⁴⁶⁷ But when the children of Noah came, God permitted them to eat meat; as it is stated: “Every moving thing that lives shall be for food for you; as the green herb I have given you all” (Genesis 9:3). One might have thought that accordingly, even the prohibition against eating a limb from a living animal does not apply to the descendants of Noah; therefore the verse states: “Only flesh with its life, which is its blood, you shall not eat” (Genesis 9:4). One might have thought that the prohibition against eating a limb from a living animal applies even to creeping animals; therefore the verse states “only,” a term used for exclusion, indicating that creeping animals are not included.

⁴⁶⁸ The Gemara asks: And what is the derivation? What is the proof that it is creeping animals that are excluded from this prohibition and not another type of animal? Rav Huna says: The term “its blood” indicates that the prohibition pertains to animals whose blood is halakhically considered separate from their flesh. This excludes creeping animals, whose blood is not considered separate from their flesh.

⁴⁶⁹ The Gemara raises an objection to the assertion that eating meat was prohibited to Adam, from the verse: “And have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that creeps upon the land” (Genesis 1:28). What, is it not stated with regard to consumption, i.e., doesn’t this verse mean that people may eat the meat of animals? The Gemara answers: No, the verse is referring to using animals for labor.

⁴⁷⁰ The Gemara asks: But are fish capable of performing labor? The Gemara answers: Yes, they are capable, in accordance with the statement of Raḥava; as Raḥava asked the following question: If one drove a wagon to which a goat and a shibbuta fish were harnessed together, what is the halakha? Has he violated the prohibition of diverse kinds, in the same way that one does when plowing with an ox and a donkey together? In any event, Raḥava’s question indicates that there is a way, albeit far-fetched, for a fish to perform labor.

⁴⁷¹ Come and hear a proof that it was permitted for Adam to eat meat, from the phrase in the aforementioned verse: “And have dominion...and over the fowl of the air.” What, is it not stated with regard to consumption? The Gemara answers: No, it is referring to labor.

⁴⁷² The Gemara asks: But are birds capable of performing labor? The Gemara answers: Yes, they are capable, as Rabba bar Rav Huna raises a dilemma: If one threshed with geese and chickens, what is the halakha according to the opinion of Rabbi Yosei, son of Rabbi Yehuda? Rabbi Yosei, son of Rabbi Yehuda, derives from the verse: “You shall not muzzle an ox when it treads” (Deuteronomy 25:4), that a laborer in a field is entitled to eat from the produce during his work only if his work involves both his hands and his feet, like an ox, which treads with its forelegs as well as its hind legs.

Rabba bar Rav Huna raises a dilemma as to whether the prohibition against muzzling an animal while it is being used for labor in the field applies to geese and chickens, which have only two feet. In any event, it is indicated in that dilemma that birds can perform labor.

⁴⁷³ Come and hear a proof from the phrase: “And have dominion...and over every living thing that creeps upon the land.” Creeping animals certainly cannot be used for labor. Apparently, the verse is referring to eating them. The Gemara answers: That phrase comes to include the snake, which was capable of performing labor when it was created.

⁴⁷⁴ As it is taught in a baraita that Rabbi Shimon ben Menasya says: Woe over a great attendant that has been lost to the world; as had the snake not been cursed that it should go on its belly, there would have been two fine snakes at the disposal of each and every one of the Jewish people. One he would send to the north, and the other one he would send to the south, to bring him precious sandalbonim, a type of precious stone, and other precious stones and pearls. Moreover, he would attach a strap under his snake’s tail like a harness to an animal, and use it to take dirt out to his garden and to rebuild his ruin, as he does with other animals. This demonstrates that the snake was capable of performing labor.

⁴⁷⁵ The Gemara raises an objection from a baraita to the assertion that eating meat was prohibited to Adam: Rabbi Yehuda ben Teima would say: Adam, the first man, would dine in the Garden of Eden, and the ministering angels would roast meat for him and strain wine for him. The snake glanced at him and saw his glory, and was jealous of him, and for that reason the snake incited him to sin and caused his banishment from the Garden. According to this, evidently Adam would eat meat. The Gemara answers: There the reference is to meat that descended from heaven, which was created by a miracle and was not the meat of animals at all.

⁴⁷⁶ The Gemara asks: Is there such a thing as meat that descends from heaven? The Gemara answers: Yes, it is like this incident: As Rabbi Shimon ben Halafta was walking along the way, he encountered those lions that were roaring at him, intending to eat him. He said: “The young lions roar after their prey, and seek their food from God” (Psalms 104:21), and they deserve to receive food. Two thighs of an animal descended from heaven for him. The lions ate one of these thighs, and they left the other one. He took it and entered the study hall, and inquired about it: Is this thigh a kosher item or a non-kosher item? The Sages said to him: Certainly it is kosher, as a non-kosher item does not descend from heaven.

⁴⁷⁷ In connection to that story, it is related that Rabbi Zeira asked Rabbi Abbahu: If the likeness of a donkey had descended for him, what would the halakha have been? Would it have been permitted? Rabbi Abbahu said to him: Foolish bird [yarud nala]. The Sages already said to him that a non-kosher item does not descend from heaven; therefore, it must be kosher.

⁴⁷⁸ § In the baraita that lists the Noahide mitzvot (56a), it is stated that Rabbi Shimon says that the descendants of Noah were also commanded concerning the prohibition against engaging in sorcery. The Gemara asks: What is the reasoning behind the opinion of Rabbi Shimon? The Gemara answers: As it is written:

⁴⁷⁹ “You shall not allow a witch to live” (Exodus 22:17), and it is written in the following verse: “Whoever lies with an animal shall be put to death” (Exodus 22:18). It is derived from here that anyone who is included in the prohibition of: “Whoever lies with an animal,” including gentiles, is included in the command: “You shall not allow a witch to live.”

⁴⁸⁰ The baraita teaches that Rabbi Elazar says that descendants of Noah were also commanded about the prohibition of diverse kinds. The Gemara asks: From where are these matters derived? Shmuel says: They are derived from that which the verse states: “My statutes you shall keep. You shall not breed your animal with a diverse kind; you shall not sow your field with two kinds of seed” (Leviticus 19:19). God is saying: Keep the statutes that I have already instituted for you, i.e., mitzvot that were already given to the descendants of Noah, namely, “you shall not breed your animal with a diverse kind; you shall not sow your field with two kinds of seed.”

⁴⁸¹ The Gemara derives the details of this prohibition from the verse: Just as the Noahide prohibition concerning your animal applies with regard to breeding animals of different species, and not with regard to plowing with animals of two different species working together, which is prohibited only for Jews, so too, the Noahide prohibition in your field applies with regard to grafting one species onto another, which is equivalent to breeding, but it is not prohibited for gentiles to sow different seeds together. Furthermore, just as the Noahide prohibition against breeding your animal applies both in Eretz Yisrael and outside Eretz Yisrael, so too, the Noahide prohibition against grafting diverse kinds in your field applies both in Eretz Yisrael and outside Eretz Yisrael.

⁴⁸² The Gemara asks: If that is so, that the term “My statutes” is understood as referring to mitzvot that were already given to the descendants of Noah, then the verse: “You shall therefore keep My statutes and My ordinances” (Leviticus 18:5), referring to the entire Torah, should also obligate the descendants of Noah, as it would be referring to: Statutes that I have already instituted for you.

⁴⁸³ The Gemara answers: There the verse states: “You shall therefore keep My statutes,” indicating only those statutes that I am giving you now, whereas here, in the verse concerning diverse kinds, the wording is “My statutes you shall keep,” meaning statutes that obligate you from the outset you shall keep in the future.

⁴⁸⁴ § After clarifying the halakhot of the descendants of Noah, the Gemara returns to the halakhot stated in the mishna with regard to one who blasphemes. It is stated in the mishna that Rabbi Yehoshua ben Korḥa said that during a blasphemer’s trial, the judges ask the witnesses to use an appellation for the name of God so that they do not utter a curse of God’s name. Specifically, they would use the sentence: Let Yosei smite Yosei, as the name Yosei has four letters in Hebrew, like the Tetragrammaton.

⁴⁸⁵ Rav Aḥa bar Ya’akov says: The blasphemer is not liable unless he blesses, i.e., curses, the Tetragrammaton, the four-letter name of God, which is to the exclusion of one who curses the two-letter name of God, spelled yod heh, who is not liable.

⁴⁸⁶ The Gemara asks: Isn’t that obvious? We learned in the mishna that the expression used in court is let Yosei smite Yosei, which indicates a four-letter name. The Gemara answers: Lest you say that the tanna mentions this statement as a mere example but does not intend that the witnesses use the four-letter name in particular, Rav Aḥa bar Ya’akov teaches us that one is liable only for cursing the Tetragrammaton.

⁴⁸⁷ There are those who say that Rav Aḥa bar Ya’akov says as follows: Conclude from the mishna that the Tetragrammaton is also a name for which one is liable, and he is liable not only for cursing the forty-two-letter name of God.

⁴⁸⁸ The Gemara asks: Isn't that obvious? We learned in the mishna that the expression used in court is let Yosei smite Yosei. The Gemara answers: Lest you say that one is not liable unless there is a grand name that he curses, i.e., the forty-two-letter name, and the tanna mentions this statement as a mere example, Rav Aḥa bar Ya'akov teaches us that one is liable even for cursing the Tetragrammaton, and the name Yosei is mentioned specifically.

⁴⁸⁹ § The mishna teaches: When the judgment is over, and judges need to hear the exact wording of the curse so they can sentence the defendant, the eldest of the witnesses repeats the curse, and the judges rise and make a tear in their clothing.

⁴⁹⁰ The Gemara asks: From where do we derive that the judges must stand? Rabbi Yitzḥak bar Ami says: It is derived from that which the verse states about Eglon: "And Ehud came to him, and he was sitting by himself alone in his cool upper chamber. And Ehud said: I have a message from God [Elohim] to you. And he arose out of his seat" (Judges 3:20). And are these matters not inferred a fortiori? And if Eglon, king of Moab, who was a gentile and knew the name of God only by an appellation, stood in honor, all the more so must a Jew stand if he hears the ineffable name.

⁴⁹¹ The mishna teaches that upon hearing the curse the judges each make a tear in their garments. The Gemara asks: From where do we derive this? The Gemara answers that it is derived from that which is written: "Then came Eliakim, son of Hilkiyah, who was over the household, and Shebna the scribe, and Joah, son of Asaph, the recorder, to Hezekiah with torn garments, and they told him Rabshakeh's statement" (II Kings 18:37). Apparently, since they heard the blasphemous statement of Rabshakeh they were obligated to make a tear in their garments.

⁴⁹² It is furthermore stated that the judges do not ever fully stitch the tear together again. The Gemara asks: From where do we derive this?

⁴⁹³ Rabbi Abbahu says: It is derived by means of a verbal analogy between the tearing stated in this regard and the tearing stated with regard to Elijah's ascendance to heaven. It is written here, with regard to those who heard Rabshakeh's blasphemy: "With torn garments," and it is written there: "And Elisha saw it, and he cried: My father, my father, the chariots of Israel and its horsemen. And he saw him no more, and he grabbed hold of his clothes and tore them into two pieces" (II Kings 2:12). From the meaning of that which is stated: "And tore them into two," do I not know that they are pieces? And why must the verse state: "Pieces"? This teaches that they remain torn forever; they may never be fully stitched back together, but only partially sewn.

⁴⁹⁴ The Sages taught: Both one who hears the curse himself and one who hears it from the one who heard it are obligated to make a tear in their garments. But the witnesses are not obligated to make a tear when they testify, as they already made a tear when they heard it from the blasphemer himself.

⁴⁹⁵ The Gemara asks: And if they made a tear when they heard the curse, what of it? Aren't they also hearing the curse now? The Gemara answers: It should not enter your mind that they are obligated to make a tear a second time, as it is written: "And it came to pass, when King Hezekiah heard the statement of Rabshakeh, that he tore his clothes" (II Kings 19:1). It can be inferred that King Hezekiah tore his clothes, but those who reported the blasphemy did not tear their clothes a second time.

⁴⁹⁶ § Rav Yehuda says that Shmuel says: One who hears a mention of God's name in a blasphemous manner from a gentile is not obligated to make a tear in his garments. And if you object and say that

those who heard the blasphemy of Rabshakeh made a tear even though he was a gentile, that is not correct, as Rabshakeh was an apostate Jew.

⁴⁹⁷ And Rav Yehuda says that Shmuel says: One makes a tear only for hearing a curse of the ineffable name of God, to the exclusion of hearing a curse of an appellation for the name of God, for which one does not make a tear.

⁴⁹⁸ The Gemara notes: And Shmuel disagrees with Rav Ḥiyya with regard to two matters. As Rabbi Ḥiyya says: One who hears a mention of God's name in a blasphemous context nowadays is not obligated to make a tear, as if you do not say so, the entire garment will be full of tears.

⁴⁹⁹ The Gemara clarifies: From whom does one hear these mentions of God's name about which Rabbi Ḥiyya says that one's entire garment would be full of tears? If we say that he hears from it a Jew, are Jews irreverent to such an extent that they demean the name of God? Rather, it is obvious that Rabbi Ḥiyya is referring to hearing it from a gentile. And if you say that the reference is to cursing the ineffable name, have the gentiles learned it? They have no knowledge of his name. Rather, is it not referring to cursing by an appellation of God's name?

⁵⁰⁰ And conclude from it that it is specifically nowadays that, according to Rav Ḥiyya, one is not obligated to make a tear in his garment when hearing the curse of a gentile and when hearing a curse of God that referred to God with an appellation, but initially, when the fundamental halakha was practiced, one was obligated to make a tear in these cases, contrary to the opinion of Shmuel. The Gemara affirms: Indeed, conclude from it that this is so.

⁵⁰¹ § The mishna teaches that after the eldest witness states the exact wording of the curse, the second witness does not repeat it, but he says: I too heard as he did. Reish Lakish says: Conclude from it that saying: I too heard as he did, is valid testimony by Torah law, both in cases of monetary law and in cases of capital law. And the requirement that every witness must relate his testimony separately is a higher standard that the Sages instituted, and here, since it is not possible to fulfill this requirement, as it is not appropriate for a blasphemous statement to be repeated several times, the Sages established the matter according to Torah law and did not require that every witness repeat the curse.

⁵⁰² As if it enters your mind that saying: I too heard as he did, is not valid testimony by Torah law, here, in the case of blasphemy, would we execute the man without full testimony because it is not possible to allow the repetition of blasphemy? Clearly, such testimony is valid by Torah law.

⁵⁰³ The mishna teaches: And the third witness says: I too heard as he did. The Gemara comments: The unattributed tanna of the mishna holds in accordance with the opinion of Rabbi Akiva, who compares three witnesses to two. Rabbi Akiva maintains that just as in a case where there are two witnesses, the disqualification of one disqualifies all of the testimony, so too, even if there are three witnesses, and one of the three is disqualified, all of the testimony is disqualified. Similarly, here too he holds that if there are three witnesses, each of them must testify concerning the curse.

⁵⁰⁴ MISHNA: One who worships idols is executed by stoning. This includes one who worships an idol, and one who slaughters an animal as an idolatrous offering, and one who burns incense as an idolatrous offering, and one who pours a libation in idol worship, and one who bows to an idol, and one who declares that he accepts an idol upon himself as a god, and one who says to an idol: You are my god.

⁵⁰⁵ But with regard to one who hugs an idol, or one who kisses it, or one who cleans it, or one who sprays water before it, or one who washes it, or one who rubs it with oil, or one who dresses it, or one who puts its shoes on it, he transgresses a prohibition but is not liable to receive capital punishment. With regard to one who vows in an idol's name and one who affirms his statement by an oath in its name, he transgresses a prohibition.

⁵⁰⁶ One who defecates before the idol known as Ba'al-Peor is liable to receive capital punishment, even though defecating is a degrading act, as that is its form of worship. Likewise, one who throws a stone at Mercury is liable to receive capital punishment, as that is its form of worship.

⁵⁰⁷ GEMARA: What is added in the mishna by stating the phrase: One who worships? Since worship is the general description of all the actions detailed in the mishna, why is this phrase necessary?

⁵⁰⁸ Rabbi Yirmeya says that this is what the mishna is saying: One who worships an idol in its typical manner of worship is liable to be executed; and furthermore, one who slaughters an animal as an idolatrous offering, and one who burns incense, and one who pours a libation, and the one who bows to an idol are all liable to be executed, and this applies even if this manner of worship is not the idol's typical manner of worship. Even if the idol in question is not typically worshipped in these ways, these specific acts are still considered idol worship because these are the ways in which God is worshipped in the Temple.

⁵⁰⁹ The Gemara suggests: And let the mishna also count sprinkling the blood of an offering, which is also one of the sacrificial rites in the Temple. Abaye says: Sprinkling the blood of an offering is the same as pouring a libation, since they are essentially one sacrificial rite, as it is written: "I will not pour their libations of blood" (Psalms 16:4), indicating that sprinkling the blood of an offering is also referred to as offering a libation.

⁵¹⁰ § The Gemara asks with regard to the halakha that one is liable for worshipping an idol in these manners even if they are not the way the idol is typically worshipped: From where are these matters derived?

⁵¹¹ The Gemara answers: As the Sages taught in a baraita with regard to the verse: "One who sacrifices to the gods shall be utterly destroyed, except to the Lord alone" (Exodus 22:19): If it were stated: One who sacrifices shall be utterly destroyed, I would have said that the verse speaks of one who slaughters a sacrificial animal outside the Temple courtyard, referring to a severe transgression that is stated elsewhere in the Torah. Therefore, the verse states: "To the gods," indicating that the verse speaks of one who slaughters an offering to an idol.

⁵¹² The baraita asks: From here I know only the halakha of one who slaughters an offering to an idol. From where is it derived that one who burns incense or pours a libation is also liable to receive the death penalty? The baraita answers that the verse states: "Except to the Lord alone"; the verse emptied out, i.e., designated, all the sacrificial rites to the ineffable name of God, indicating that one who performs any of these rites in idol worship is liable.

⁵¹³ The baraita asks: Since slaughter is singled out from all of the forms of worship to be mentioned in this verse in order to derive from it that with regard to all the sacrificial rites performed inside the Temple, one who performs them in idol worship is liable to receive capital punishment, from where is it derived that this halakha includes bowing down to an idol, which is not a sacrificial rite?

⁵¹⁴ The baraita answers that the verse states: “And has gone and served other gods and bowed to them” (Deuteronomy 17:3), and a verse near it states: “Then you shall bring forth that man or that woman who has done this evil thing to your gates, the man or the woman, and you shall stone them with stones and they shall die” (Deuteronomy 17:5). It is derived from the juxtaposition of these two verses that one who bows down to an idol is liable to be executed.

⁵¹⁵ The baraita asks: We have heard the punishment for bowing down to an idol, but from where is the prohibition against doing so derived? The baraita answers that the verse states: “For you shall bow to no other god” (Exodus 34:14).

⁵¹⁶ One might have thought that I should include among those liable to receive capital punishment one who hugs an idol, or one who kisses it, or one who puts its shoes on it as well. Therefore, the verse states: “One who sacrifices shall be utterly destroyed,” referring to the act of slaughtering an offering in idol worship.

⁵¹⁷ The baraita explains: The slaughter of an offering was included in the general category of the prohibited forms of idol worship, and why was it singled out to be mentioned in this verse? It was singled out to compare a matter to it and say to you: Just as slaughter is notable in that it is a sacrificial rite performed inside the Temple, and those who perform this rite for the purpose of idol worship are liable to receive the death penalty for it, so too, any form of worship that is a sacrificial rite performed inside the Temple is prohibited when performed for idol worship, and transgressors are liable to receive the death penalty for it.

⁵¹⁸ Therefore, the act of bowing to an idol is singled out to be mentioned in a separate verse to derive the death penalty for that action itself, despite the fact that it is not a sacrificial rite performed in the Temple, whereas the slaughter of an offering is singled out to be mentioned in order to derive from it the principle with regard to the entire category, namely, that generally one is not liable to receive capital punishment for a form of worship that is not performed in the Temple.

⁵¹⁹ The Gemara proceeds to clarify the baraita. The Master said in the baraita: I would have said that the verse speaks of one who slaughters a sacrificial animal outside the Temple courtyard. The Gemara asks: The punishment for one who slaughters a sacrificial animal outside the Temple courtyard is karet, not capital punishment, as it is stated: “Each and every man...who offers a burnt-offering or sacrifice, and does not bring it to the entrance of the Tent of Meeting to sacrifice it to the Lord, even that man shall be cut off from his people” (Leviticus 17:8–9). Therefore, how can the baraita suggest that a verse that mentions capital punishment could be referring to this transgression?

⁵²⁰ The Gemara answers: It might enter your mind to say that in a case when the witnesses warned the transgressor not to slaughter the offering outside the Temple he is liable to receive the death penalty, but in a case when they did not warn him he is liable to receive karet. Therefore, the baraita teaches us that one who slaughters an offering outside the Temple is not liable to receive the death penalty even if he was warned.

⁵²¹ The baraita states that the principle concerning the forms of idol worship that are punishable by execution is derived from the verse that mentions slaughtering an animal as an idolatrous offering, whereas bowing to an idol is mentioned in the verse as an exception. Rava bar Rav Ḥanan said to Abaye: Say that bowing is singled out to be mentioned to teach, with regard to the entire category, that any honorable form of worship, when performed for the sake of idol worship, carries the death penalty, not only sacrificial rites performed in the Temple.

⁵²² And if you would say that if so, why do I need slaughter to be mentioned in the verse specifically, one can say that mentioning slaughter is necessary for the matter of slaughter itself, i.e., to teach that one can have intention from one sacrificial rite to another sacrificial rite. In other words, slaughtering an animal with idolatrous intent is punishable by death even if the intention of the transgressor pertains not to the slaughter itself but to another part of the sacrificial process.

⁵²³ As it was stated that with regard to one who slaughters an animal in order to sprinkle its blood in idol worship or to burn its fat in idol worship, Rabbi Yoḥanan says:

⁵²⁴ Deriving benefit from the animal is prohibited, as it is considered an offering of idol worship, even if its blood was not ultimately sprinkled for idol worship or its forbidden fat burned for that purpose. And Reish Lakish says: Deriving benefit from the animal is permitted.

⁵²⁵ Rava bar Rav Ḥanan concludes his analysis: According to Rabbi Yoḥanan, who derives this halakha from another source, this statement in the baraita works out well. The verse that mentions the slaughter of an animal in idol worship apparently teaches a principle, as it is superfluous with regard to the halakha of slaughter itself, as stated in the baraita. But according to Reish Lakish, who does not derive from any verse that one can have intention from one rite to another rite, one needs this verse to derive precisely this halakha, that one can have intention from one rite to another rite. Consequently, the verse is not superfluous, and it cannot be assumed that it teaches a principle with regard to the forms of idol worship that are punishable by death.

⁵²⁶ Rav Pappa objects to this: And according to Rabbi Yoḥanan, does one not need a verse to teach the halakha in a case of intention from one rite to another rite? Rabbi Yoḥanan initially only prohibits deriving benefit from the animal; but if not for this verse, the man who slaughtered the animal would not be liable to receive the death penalty. And therefore the verse comes to render the man liable to receive the death penalty. Therefore this verse is not superfluous according to Rabbi Yoḥanan either.

⁵²⁷ Rav Aḥa, son of Rav Ika, objects to Rava bar Rav Ḥanan's challenge to the derivation in the baraita: And even according to Reish Lakish, does one need a verse to teach that the one who slaughtered the animal is liable? Reish Lakish only permits one to derive benefit from the animal; but the man is certainly liable to receive the death penalty. This is just as the halakha is in the case of one who bows to a mountain, as deriving benefit from the mountain is permitted, but nevertheless the one who worshipped it is liable to be executed by the sword. Therefore, the verse that states that one who slaughters an offering in idol worship is liable to be executed is superfluous with regard to the issue of intention from one rite to another.

⁵²⁸ Rav Aḥa of Difti said to Ravina: According to what Rava bar Rav Ḥanan said to Abaye, that there is room to say that bowing was singled out in the verse to teach, with regard to the entire category, that any honorable form of worship carries the death penalty, there is a difficulty. With regard to the verse: "Take heed to yourself that you not be ensnared to follow them...saying, how do these nations serve their gods, so I will do likewise" (Deuteronomy 12:30), which indicates that one is liable for worshipping an idol in the manner that the gentiles worship it, this is stated to exclude what?

⁵²⁹ And if you would say that this verse is stated to exclude one who defecates before an idol that is worshipped by sacrificing offerings, it is not necessary to derive this halakha from this verse, as it is derived from the halakha of bowing to an idol, as follows: Just as bowing is an honorable form of worship and is punishable by death, so too, any honorable form of worship is punishable by death

when performed as idol worship, which excludes an offensive act such as defecating. Therefore, the halakha that one is not liable for defecating before an idol can be derived from bowing.

⁵³⁰ Rather, this verse is stated to exclude one who defecates before the idol called Mercury, which is not its typical manner of worship. It might enter your mind to say that since the standard manner of worship of Mercury, namely, throwing stones at it, is in any event an act of degradation, so too, one who performs any act of degradation as worship of Mercury should be liable. Therefore, the verse teaches us that one is liable only for worshipping Mercury in its standard manner of worship.

⁵³¹ The Gemara raises an objection: But Rava bar Rav Ḥanan's interpretation of the verses appears to contradict that which Rabbi Eliezer says: From where is it derived that one who sacrifices an animal to Mercury is liable? As it is stated: "And they shall no longer sacrifice their sacrifices to the satyrs" (Leviticus 17:7).

⁵³² Rabbi Eliezer explains: If the verse is not needed for the matter of one who worships an idol in its typical manner, i.e., one who sacrifices an animal as an offering to an idol that is worshipped by sacrificing offerings, as the halakha in this case is already written in the aforementioned verse: "How do these nations serve their gods, so I will do likewise," apply it to the matter of one who worships an idol not in its typical manner, by sacrificing an offering to an idol that is not typically worshipped by sacrificing offerings. Therefore, one who sacrifices an offering to Mercury is liable, even though that is not its typical form of worship.

⁵³³ According to Rava bar Rav Ḥanan, by contrast, it is derived that one is liable for worshipping an idol in any honorable manner, even not in its typical manner of worship, from the halakha of bowing.

⁵³⁴ The Gemara answers: There, in the verse mentioned by Rabbi Eliezer, the reference is to one who sacrifices an offering to Mercury not as a form of worship, but rather in order to express insolence toward the Torah prohibition against sacrificing an offering to an idol. It is derived from the verse that this too is a transgression of the prohibition and renders one liable for the death penalty.

⁵³⁵ § The Gemara relates: Rav Hamnuna lost his oxen and went to search for them. Rabba met him and raised a contradiction between two mishnayot. We learned in the mishna that one who worships idols is liable. By inference, one who worships idols, yes, he is liable, but one who merely says that he will worship idols is not liable. But didn't we learn in another mishna (67a): One who says: I will worship an idol, or: I will go and worship an idol, or: Let us go and worship an idol, is liable, just as one who actually worships an idol is liable. Evidently, one is liable for merely stating his intention to engage in idol worship.

⁵³⁶ Rav Hamnuna said to him: The mishna here is referring to one who states: I intend to accept this idol upon myself as a god only through worship. Consequently, he is liable only when he actually worships it. One who intends to accept the idol as a god immediately is liable even before he actually worships it.

⁵³⁷ Rav Yosef said: This answer is unnecessary; have you removed the tanna'im from the world? It is a dispute between tanna'im, as it is taught in a baraita: In the case of one who says: I am a god; come and worship me, Rabbi Meir deems him liable for incitement to idol worship, and Rabbi Yehuda deems him exempt.

⁵³⁸ The Gemara explains: In a case where those to whom the inciter spoke subsequently worshiped him, everyone agrees that the inciter is liable, as it is written: "You shall not make yourself a graven

image” (Exodus 20:4), which is interpreted to include a case where one establishes himself as a god. When they disagree is in a case where the incident ended in mere speech. Rabbi Meir holds that speech is a significant matter, and therefore the inciter is liable for incitement, and Rabbi Yehuda holds that speech is nothing. Therefore, the contradiction between the mishnayot can be resolved by attributing each mishna to a different tanna.

⁵³⁹ Rav Yosef then said after reconsidering the matter: What I said is not correct, as even according to Rabbi Yehuda, one is deemed liable for speech as well. As we learned in a baraita that Rabbi Yehuda says: Actually, one is not liable unless he says: I will worship, or: I will go and worship, or: Let us go and worship. Evidently, Rabbi Yehuda holds that one is liable even for speech alone, not only for actual worship.

⁵⁴⁰ Accordingly, with regard to what principle do Rabbi Meir and Rabbi Yehuda disagree? They disagree with regard to the case of one who incites others to worship him, and the others say to him: Yes, we will worship you. One Sage, Rabbi Meir, holds that when one incites others to worship him, they are apt to listen to him, and the response: Yes, that they say to him, is sincere. And one Sage, Rabbi Yehuda, holds when one incites others to worship him, they are not apt to listen to him, as they say to themselves:

⁵⁴¹ In what way is he different from us? The suggestion to worship him is nonsense. And the fact that they say to him: Yes, is because they ridicule him.

⁵⁴² And the contradiction between the mishnayot can be resolved as follows: There, where the mishna states that one is liable for speech alone, the reference is to an individual who was incited; here, where the mishna indicates that one is not liable for speech alone, it is referring to a case of an incited multitude of people. The Gemara explains: An individual who was incited does not typically change his mind, and he goes astray after idol worship. Therefore, once he agrees to the suggestion to worship an idol, he has fully accepted the idol upon himself as a god and is liable. By contrast, a multitude of people are apt to change their minds, and consequently they do not go astray after idol worship.

⁵⁴³ Rav Yosef said: From where do I say that the halakha that one is liable for merely stating that he will worship an idol is referring to an individual who was incited? As it is written with regard to one who incites people to engage in idol worship: “You shall not approve of him, nor listen to him” (Deuteronomy 13:9), which indicates that if one approved of and listened to the inciter, stating his intention to engage in idol worship, he is liable even if he does not actually worship an idol.

⁵⁴⁴ Abaye raised an objection to Rav Yosef’s opinion: Is there a difference in halakha between the cases of an incited multitude of people and an individual who was incited? But isn’t it taught in a baraita with regard to the verse: “If your brother, the son of your mother, or your son, or your daughter, or the wife of your bosom, or your neighbor who is like your own soul, incites you secretly, saying: Let us go and serve other gods” (Deuteronomy 13:7), that both an individual who was incited and an incited multitude of people are included in this halakha, but the verse singles out the individual from the category of the multitude, and another verse singles out the multitude from the category of the individual.

⁵⁴⁵ The Torah states separately the halakhot of an individual who is incited to engage in idol worship and of an entire city that is subverted to engage in idol worship in order to distinguish between the two cases, as follows: An individual who was incited is singled out from the category of a subverted

multitude of people in order to render the punishment to an individual's body more stringent. The individual is executed by stoning, whereas the residents of an idolatrous city are executed by decapitation. And an individual was singled out to render the treatment of the property of an individual who was incited more lenient, as it is not destroyed like that of the residents of an idolatrous city.

⁵⁴⁶ Additionally, the Torah singles out the subverted multitude of people from the category of an individual who was incited in order to render the punishment given to the bodies of the residents of an idolatrous city, decapitation, more lenient than that given to an individual who was incited, and to render the treatment of their property more stringent, as the city and the property of its residents are burned.

⁵⁴⁷ Abaye concluded his objection to Rav Yosef's opinion: It can be inferred from the baraita that only with regard to this matter, i.e., the halakhot mentioned in the baraita, is the halakha of an individual who was incited different than that of an incited multitude of people, but with regard to all other halakhic matters they are the same. Therefore, a distinction cannot be made between them with regard to the halakha in the case of a verbal commitment to idol worship.

⁵⁴⁸ Rather, Abaye said that the contradiction between the mishnayot is to be resolved as follows: Here, where the mishna indicates that one is liable only for actual worship, the reference is to one who is incited by himself, i.e., no one incited him to idol worship and he made the decision on his own. Whereas there, in the mishna that deems one liable for stating that he will worship an idol, the reference is to one who is incited by others. The reason for the difference is that one who makes the decision on his own is apt to change his mind, whereas one who is incited by others is drawn after them and is unlikely to change his mind.

⁵⁴⁹ Abaye said: From where do I say that this distinction is correct? As it is written: "You shall not approve of him, nor listen to him" (Deuteronomy 13:9), referring to another individual who tried to incite him, and the verse indicates that if one approved of and listened to the inciter, he is liable even for the approval alone.

⁵⁵⁰ Rava says: Both this mishna and that mishna are referring to one incited by others, and they should be differentiated as follows: That mishna, which deems one liable for merely expressing approval, is referring to a case where the inciter described the qualities of the idol and said to him: It eats like this; it drinks like this; it does good for its worshippers like this; and it harms those who do not worship it like this. In this case, expressing approval verbally suffices to render one liable, as he was evidently convinced by the description. This mishna, which indicates that one is not liable for speech alone, is referring to a case where the inciter did not say to him: It eats like this; it, drinks like this, it does good for its worshippers like this; and it harms those who do not worship it like this.

⁵⁵¹ Rava said: From where do I say that this distinction is correct? As it is written: "Let us go and worship other gods...from the gods of the peoples that surround you, the ones near to you or the ones far from you" (Deuteronomy 13:7–8). What difference is there to me whether they are near, and what difference is there to me whether they are far? Why would the distance affect the prohibition? Rather, this is what the Torah is saying to you: Do not be tempted to listen to the inciter, as from the nature of the objects of idol worship that are near you, which you recognize to be false, you can derive what the nature is of the ones that are far from you. Therefore, if you are told that there is an idol in a distant land that is real, realize that it is a lie.

⁵⁵² It is from this interpretation that Rava derives his halakhic distinction: What, is it not referring to a case where the inciter described to another the qualities of the idol and said to him: It eats like this; it drinks like this; it does good for its worshippers like this; and it harms those who do not worship it like this? Conclude from it that only in such a case is the incited person liable for stating his approval.

⁵⁵³ Rav Ashi says that there is a different resolution to the contradiction between the mishnayot: The latter clause of the mishna (67a), which deems one liable for speech alone, is referring to an apostate Jew; since he is already an apostate, his stated commitment to idol worship is certainly final. Consequently, he is liable. By contrast, a regular Jew is not liable for speech alone.

⁵⁵⁴ Ravina says that there is no contradiction; rather, the tanna teaches the mishna employing the style: Not only this but also that. In other words, the tanna first teaches the elementary halakha that one who worships an idol is liable, and afterward it teaches the more novel halakha that even one who merely says that he will engage in idol worship is immediately liable.

⁵⁵⁵ § It was stated that amora'im engaged in a dispute concerning the following matter: In the case of one who worships idols due to his love of another who requested that he bow before the statue, or due to fear of someone coercing him to do so, but not due to faith in that idol, what is the halakha? Abaye says: He is liable. Rava says: He is exempt.

⁵⁵⁶ The Gemara explains: Abaye says he is liable because he worshipped it. Rava says he is exempt, as the criterion for becoming liable for idol worship is as follows: If one sincerely accepted the idol upon himself as a god, yes, he is liable; but if he did not accept it sincerely, he is not liable.

⁵⁵⁷ Abaye attempts to cite several proofs, whose mnemonic is: A slave will bow to the anointed.

⁵⁵⁸ And Abaye said: From where do I say that one who worships idols due to love or fear is liable? As we learned in the mishna: One who worships idols is executed by stoning. This includes one who worships an idol, and one who slaughters an animal as an idolatrous offering, and one who burns incense as an idolatrous offering. What is added by the mishna by stating twice: One who worships? Is it not to include the case of one who worships idols due to love or due to fear, in addition to the case of one who worships idols out of faith? Evidently, in this case as well, the worshipper is liable.

⁵⁵⁹ And Rava could have said to you in response that the term: One who worships, should not be understood as Abaye suggests but rather as Rabbi Yirmeya explains it, namely, that one who worships an idol in its standard manner of worship is liable, and one who sacrifices an idolatrous offering is liable even if that is not the standard manner of worship of that particular idol.

⁵⁶⁰ Abaye attempts to cite another proof for his opinion. He said: From where do I say that one who worships idols due to love or fear is liable? As it is taught in a baraita with regard to the verse: "You shall not bow to them nor worship them" (Exodus 20:5): "To them," to idols, you may not bow, but you may bow to a person like yourself; bowing to a person is merely the acceptance of authority. One might have thought that it is permitted to bow even to a person who is worshipped like a god, like Haman; therefore, the verse states: "Nor worship them," i.e., any form of pagan worship is prohibited. Abaye concludes: And wasn't Haman worshipped due to fear, and not because the people considered him a god? Evidently, one who engages in idol worship due to fear is liable.

⁵⁶¹ And Rava explains this baraita as follows: One might have thought that it is permitted to bow even to a person like Haman in one regard, but not like Haman in all aspects. It is referring to one

like Haman in that Haman himself was an object of idol worship, as he claimed he was a god, and one who worships a person out of belief in his divinity is liable. But the reference is to one who is not like Haman in all aspects, as while Haman was worshipped due to fear, and one who engages in idol worship due to fear is not liable, here the reference is to one who worships a person not due to fear, but because he believes in that person's divinity.

⁵⁶² And Abaye furthermore said: From where do I say my opinion? As it is taught in a baraita: If an anointed priest, i.e., the High Priest, unwittingly engaged in idol worship, Rabbi Yehuda HaNasi says: He brings an offering for the unwitting act. And the Rabbis say: A High Priest does not bring an offering for an unwitting act of idol worship unless it was due to a lapse of awareness concerning the fundamental halakhot of idol worship, i.e., he thought that this action was halakhically permitted.

⁵⁶³ And they agree that a High Priest brings a female goat as his offering to atone for his act of idol worship, as does an ordinary individual, and not a bull, as a High Priest brings as a sin-offering for other sins. And they agree that a High Priest does not bring a provisional guilt-offering, which is ordinarily brought by one who is uncertain as to whether he committed a sin that requires him to bring a sin-offering. In such a case, he is exempt.

⁵⁶⁴ Abaye infers: What are the circumstances of the High Priest's unwitting act of idol worship that is not due to a lack of awareness of the fundamental halakhot of idol worship? If the High Priest thought that a certain building was a synagogue and bowed to it, and he then realized that it is a house of idol worship, why should he be obligated to bring an offering, even according to the opinion of Rabbi Yehuda HaNasi? Since his heart was directed toward Heaven, it is not even an unwitting transgression. Rather, it is a case where the High Priest saw the statue of a person and bowed to it.

⁵⁶⁵ This case must also be clarified: If he accepted that person upon himself as a god, he is an intentional transgressor, and he is liable to receive the death penalty and not to bring an offering.

⁵⁶⁶ And if he did not accept that person upon himself as a god, but rather bowed to the statue in order to honor the person, e.g., the king, what he did is nothing. Rather, is the baraita not referring to a case where the High Priest unwittingly worshipped an idol due to love or due to fear of someone? This proves that this is also considered idol worship.

⁵⁶⁷ And Rava could have said to you in response: No, the baraita is not referring to this case, but to a case where the High Priest says to himself that idol worship is permitted.

⁵⁶⁸ The Gemara challenges: If the baraita is referring to a case where the High Priest says to himself that idol worship is permitted, this is a case of a lapse of awareness concerning the fundamental halakhot of idol worship, in which case the Rabbis concede that the High Priest is obligated to bring an offering. Therefore, what is the difference between the opinion of Rabbi Yehuda HaNasi and that of the Sages?

⁵⁶⁹ The Gemara answers: It is a case where he says to himself that idol worship is entirely permitted, whereas the case of a lapse of awareness in which the Rabbis concede to the opinion of Rabbi Yehuda HaNasi is a case of upholding part of the prohibition and negating another part of it, i.e., a case where the High Priest recognizes that idol worship is prohibited but mistakenly assumes that certain idolatrous activities are permitted.

⁵⁷⁰ § Rabbi Zakkai taught the following baraita before Rabbi Yoḥanan: If one sacrificed an animal as an idolatrous offering, and burned incense as an idolatrous offering, and poured a libation to an idol,

and bowed to an idol, all in the course of one lapse of awareness, forgetting that these actions were prohibited, he is obligated to bring only one sin-offering; he is not obligated to bring an offering for each and every act of idol worship.

⁵⁷¹ Rabbi Yoḥanan said to him: Go out and teach it outside; i.e., such a baraita must not be taught in the study hall, as the halakha is that one is obligated to bring an offering for each and every act of idol worship.

⁵⁷² Rabbi Abba says: That which Rabbi Zakkai says is subject to a tannaitic dispute between Rabbi Yosei and Rabbi Natan, as it is taught in a baraita: The prohibition against kindling a fire on Shabbat was singled out from the general category of labor prohibited on Shabbat, and it is written explicitly in the Torah in the verse: “You shall not kindle fire in all your dwelling places on the day of Shabbat” (Exodus 35:3). This was done to teach that the prohibition against kindling a fire on Shabbat is unlike other prohibited labors, as it is an ordinary prohibition, for which one is not liable to be killed by stoning. This is the statement of Rabbi Yosei.

⁵⁷³ And Rabbi Natan says: Kindling a fire is like any other labor prohibited on Shabbat, and it was singled out to divide the prohibited labors of Shabbat. In other words, by stating one prohibited labor separately, the Torah teaches that each labor performed on Shabbat constitutes its own separate prohibition. Consequently, one who unwittingly violates several categories of labor is obligated to bring a sin-offering for each and every act of prohibited labor.

⁵⁷⁴ Rabbi Abba concludes: According to the one who says that of all the labors that are prohibited on Shabbat, kindling a fire on Shabbat was singled out to be mentioned in the Torah to teach that it is an ordinary prohibition, then bowing, in the category of idol worship, which is mentioned explicitly in the verse: “You shall not bow to them nor worship them” (Exodus 20:5), was also singled out to teach that it is an ordinary prohibition, which is not punishable by stoning.

⁵⁷⁵ Whereas, according to the one who says that kindling a fire was singled out to divide the prohibited labors of Shabbat, bowing was also singled out to divide the rites of idol worship, i.e., to teach that one who unwittingly performs several forms of idol worship is obligated to bring a sin-offering for each and every act of idol worship. Therefore, the baraita taught by Rabbi Zakkai, which states that such a person is obligated to bring only one sin-offering, is in accordance with the former opinion, i.e., the opinion of Rabbi Yosei.

⁵⁷⁶ Rav Yosef objects to this: Perhaps Rabbi Yosei says there, with regard to the halakhot of Shabbat, that kindling a fire was singled out to teach that it is an ordinary prohibition only because he derives the division of labors on Shabbat, i.e., that one is obligated to bring an offering for each category of labor that he violated, from a different verse, namely: “From one of them” (Leviticus 4:2).

⁵⁷⁷ As it is taught in a baraita that Rabbi Yosei says with regard to the verse: “If any one shall sin through error, in any of the things which the Lord has commanded not to be done, and performs from one of them” (Leviticus 4:2), that there are times when one is liable to bring one sin-offering for all of his transgressions together, and there are times when one is liable to bring a sin-offering for each and every transgression.

⁵⁷⁸ And Rabbi Yonatan says: What is the reason for the opinion of Rabbi Yosei? As it is written: “And performs from one of them,” and Rabbi Yosei interprets the verse as follows: The word “one” is qualified, as the verse states: “From one.” Likewise, the word “them” is qualified, as the verse

states: “Of them.” Rabbi Yosei derives that there are cases of one transgression that, with regard to punishment, is them, i.e., many. And there are cases of them, i.e., several transgressions, that, with regard to punishment, are one.

⁵⁷⁹ Rabbi Yonatan delineates the implementation of this principle with regard to the halakhot of Shabbat: “One” complete violation is, e.g., a case where one wrote a whole word as he intended, such as the name Shimon. The term “from one” is referring to a case where one performed only part of a complete act of labor, e.g., he wrote only some of the letters of a word, such as shin mem, from the name Shimon. These two letters spell the word shem. In such a case, one is obligated to bring an offering for his transgression of writing two letters, shin and mem, even though he did not complete his intended act of writing the entire name of Shimon.

⁵⁸⁰ Rabbi Yonatan continues: “Them” is referring to the primary categories of labor. The term “of them” includes the subcategories of labor. The cases of one transgression that with regard to punishment is them, i.e., it is counted as many transgressions, are those involving intention, i.e., awareness, on the part of the transgressor that it was Shabbat and unawareness on the part of the transgressor that the acts of labor that he was performing are prohibited on Shabbat. One who transgresses in this way is obligated to bring a sin-offering for each and every category of labor that he engages in. The cases of them, several transgressions, that with regard to punishment are one are those involving unawareness on the part of the transgressor that it was Shabbat and intention, i.e., awareness, that the acts of labor that he was performing are prohibited on Shabbat. One who transgresses in this way is obligated to bring only one sin-offering.

⁵⁸¹ Rav Yosef concludes his objection to Rabbi Abba’s comparison between the status of the prohibition against kindling a fire on Shabbat and the status of the prohibition against bowing to an idol: The fact that Rabbi Yosei derives that kindling a fire on Shabbat is not punishable by death can be attributed to the fact that he derives from a different verse that one who violates several categories of labor is obligated to bring a sin-offering for each and every category of labor that he engages in. But here, with regard to idol worship, where he does not derive the division of labors, i.e., the division of categories of idol worship, from another place, perhaps everyone agrees that bowing was singled out to divide the prohibition of idol worship into different categories and bowing to an idol is punishable by death just like other forms of worship.

⁵⁸² The Gemara asks according to both opinions, that of Rav Abba and that of Rav Yosef: Why not derive the division of labors with regard to idol worship, too, from the same verse from which Rabbi Yosei derives the division of labors with regard to Shabbat, namely: “From one of them”? Since this verse is not referring to the halakhot of Shabbat in particular, it can be interpreted with regard to idol worship in the same manner that it is interpreted with regard to Shabbat: The word “one” is referring to one complete, prohibited act of worship, such as sacrificing an animal as an idolatrous offering. The term “from one” is referring to one who performs part of an act of worship, e.g., one who did not finish slaughtering the offering, as he severed only one of the organs, i.e., the windpipe and gullet, that must be severed in ritual slaughter.

⁵⁸³ The word “them” is referring to the primary categories of idol worship that are derived from the manner in which God is worshipped in the Temple, namely, sacrificing an animal as an offering, burning incense, pouring a libation, and bowing. The term “of them” is referring to the subcategories

of idol worship, e.g., one who broke a stick before an idol that is worshipped in such a manner. Breaking a stick is a subcategory of sacrificing, as an animal's neck is broken when it is slaughtered.

⁵⁸⁴ The principle of one transgression that with regard to punishment is them, i.e., many, can be applied to a case of intention, i.e., awareness, on the part of the transgressor that idol worship is prohibited, and unawareness that the particular rites of worship that he was performing are prohibited. The principle of them, several transgressions, that with regard to punishment are one can be applied to a case of unawareness with regard to the prohibition of idol worship, i.e., the transgressor was unaware that idol worship is prohibited or that he was worshipping an idol, and intention, i.e., awareness, that the rites that he was performing are prohibited.

⁵⁸⁵ The Gemara responds to the suggestion that the division of categories of idol worship can be derived from this verse: What are the circumstances of unawareness with regard to idol worship? If the transgressor thought that a certain building was a synagogue and bowed to it, and he then realized that it is a house of idol worship, he is certainly exempt, as his heart was directed toward Heaven.

⁵⁸⁶ Rather, it must be a case where the transgressor saw a statue [andarta] of a person and bowed to it. This case must also be clarified: If he accepted that person upon himself as a god, he is an intentional transgressor and is liable to receive the death penalty, not to bring an offering. If he did not accept him upon himself as a god, but rather bowed to the statue in order to honor the person, what he did is nothing.

⁵⁸⁷ Rather, it is clearly a case where one worshipped an idol due to love or due to fear of someone, and he was unaware that this is prohibited. This works out well according to Abaye, who says that one who engages in idol worship due to love or fear is liable; accordingly, one who does so unwittingly must bring an offering. But according to Rava, who says that one who does so is exempt, what can be said?

⁵⁸⁸ Rather, according to Rava, unawareness with regard to idol worship can be explained as referring to a case where the transgressor says to himself that idol worship is permitted in general. If so, one can resolve the dilemma that Rava raised before Rav Nahman: What is the halakha if one who violated Shabbat has a lapse of awareness of both this, i.e., that it was Shabbat, and that, i.e., that the particular labor that he performed is prohibited on Shabbat?

⁵⁸⁹ Rava's dilemma had been left unresolved. If the phrase "and performs from one of them" is interpreted as referring to a case where one engages in idol worship thinking that it is permitted to do so, one can resolve that the transgressor is obligated to bring only one sin-offering for all of his acts of idol worship, according to this interpretation of the verse. The fact that Rava's dilemma had been left unresolved therefore serves as a challenge to this interpretation. The Gemara refutes this challenge: This is not difficult; indeed, resolve the dilemma from here.

⁵⁹⁰ The Gemara asks: But can you interpret these verses, namely, "and performs from one of them," with regard to idol worship at all? As here, in Leviticus, chapter 4, where this verse is written, it is written with regard to an anointed priest, i.e., the High Priest, stating that if he sinned unwittingly he brings a bull as a sin-offering, and with regard to a king who sinned unwittingly it is stated that he brings a goat as a sin-offering, and with regard to an ordinary individual it is stated that he brings a female lamb or a female goat.

⁵⁹¹ Whereas with regard to idol worship we learned in a baraita (61b): And they agree that a High Priest who unwittingly engages in idol worship brings a female goat as a sin-offering, as does an ordinary individual. Clearly, then, the halakhot of unwitting idol worship are derived from a different source, i.e., Numbers, chapter 15.

⁵⁹² The Gemara concludes: And there is nothing more to be discussed. The suggestion to derive a division of categories with regard to idol worship from the phrase in the verse “and performs from one of them” is groundless, and Rav Yosef’s objection to Rabbi Abba’s opinion is justified.

⁵⁹³ § When Rav Shmuel bar Yehuda came from Eretz Yisrael to Babylonia, he said:

⁵⁹⁴ This is the baraita that Rabbi Zakkai taught before Rabbi Yoḥanan: There is a stringency with regard to Shabbat vis-à-vis other mitzvot, and conversely, there is a stringency with regard to other mitzvot vis-à-vis Shabbat. There is a stringency with regard to Shabbat, as with regard to Shabbat, if one performed two distinct acts of labor in one lapse of awareness, he is obligated to bring a sin-offering for each and every act, which is not so with regard to other mitzvot. Conversely, there is a stringency with regard to other mitzvot, as with regard to other mitzvot, if one sinned unwittingly, without intent to perform the act of the transgression at all, he is nevertheless obligated to bring an offering, which is not so with regard to Shabbat.

⁵⁹⁵ The Gemara examines this baraita in detail. The Master said: There is a stringency with regard to Shabbat, as with regard to Shabbat, if one performed two distinct acts of labor in one lapse of awareness, he is obligated to bring a sin-offering for each act. What are the circumstances? If we say that he unwittingly performed acts of reaping and grinding on Shabbat, the corresponding situation with regard to other mitzvot is a case where one unwittingly consumed forbidden fat and blood. If so, there is no difference between Shabbat and other mitzvot; here, one is obligated to bring two sin-offerings, and there, one is obligated to bring two sin-offerings.

⁵⁹⁶ Rather, what are the circumstances with regard to other mitzvot where one is obligated to bring only one sin-offering? One is obligated in a case where he consumed forbidden fat and again consumed forbidden fat within one lapse of awareness. The corresponding situation with regard to Shabbat is a case where one performed an act of reaping and performed another act of reaping within one lapse of awareness. In that case too there is no difference between Shabbat and other mitzvot; here, one is obligated to bring one sin-offering, and there, one is obligated to bring one sin-offering.

⁵⁹⁷ The Gemara comments: And that is the reason that Rabbi Yoḥanan said to Rabbi Zakkai: Go out and teach this baraita outside; it is not worthy of being taught in the study hall.

⁵⁹⁸ The Gemara asks: What is the difficulty that caused Rabbi Yoḥanan to disregard the baraita? Actually, perhaps I will say to you that the baraita is referring to a case where one performed acts of reaping and grinding on Shabbat, and when the baraita states: Which is not so with regard to other mitzvot, it is not referring to all mitzvot in general; rather, we arrive at the halakha of idol worship, in accordance with the opinion of Rabbi Ami. As Rabbi Ami says: If one sacrificed an animal as an idolatrous offering and burned incense and poured a libation, all in the course of one lapse of awareness, he is obligated to bring only one sin-offering.

⁵⁹⁹ The Gemara answers: The baraita cannot be interpreted as referring to idol worship, as it teaches in the last clause: There is a stringency with regard to other mitzvot, as with regard to other mitzvot,

if one sinned unwittingly, without the intent to perform the act at all, he is nevertheless obligated to bring an offering.

⁶⁰⁰ The Gemara explains why this cannot be referring to idol worship. What are the circumstances of one who unwittingly transgresses the prohibition of idol worship without the intent to perform the act? If he thought that a house of idol worship was a synagogue and bowed to it, he is certainly exempt, as his heart was directed toward Heaven. Rather, it must be a case where the transgressor saw the statue of a person and bowed to it. If he accepted that person upon himself as a god, he is an intentional transgressor and is liable to receive the death penalty, not to bring an offering. And if he did not accept him upon himself as a god, what he did is nothing.

⁶⁰¹ Rather, the baraita must be referring to a case where one worshipped an idol due to love or due to fear of a person, and he was unaware that this is prohibited. This works out well according to Abaye, who says that one who engages in idol worship due to love or fear is liable; accordingly, one who does so unwittingly must bring an offering. But according to Rava, who says that one who does so is exempt, what can be said?

⁶⁰² Rather, the baraita must be referring to a case where the transgressor says to himself that idol worship is permitted in general. Accordingly, the statement in the baraita: Which is not so in the halakhot of Shabbat, is referring to one who was under the impression that performing labor on Shabbat is permitted. One who performs prohibited labor under those circumstances is completely exempt, while one who transgresses under those circumstances with regard to idol worship is obligated to bring a sin-offering.

⁶⁰³ This interpretation of the baraita is difficult, as Rava asked Rav Nahman about the halakha in a case where one violated Shabbat during a lapse of awareness of both this, that it was Shabbat, and that the particular labor that he performed is prohibited on Shabbat. And Rava's question was only with regard to whether to deem the person obligated to bring one sin-offering or whether to deem him obligated to bring two sin-offerings. There is no one who says that such a person is entirely exempt, in accordance with this interpretation of the baraita. Therefore, the baraita cannot be referring to idol worship.

⁶⁰⁴ The Gemara challenges this conclusion: What is the difficulty in interpreting the baraita as referring to idol worship? Actually, perhaps I will say to you that the first clause of the baraita is referring to the contrast between Shabbat and idol worship, and the last clause is referring to the contrast between Shabbat and other mitzvot.

⁶⁰⁵ And the halakha of one who transgressed other mitzvot unwittingly, without intent to perform the act, is referring to, e.g., a case where one has forbidden fat in his mouth and thinks it is spittle, and he swallows it. In that case he must bring an offering for his transgression, which is not so with regard to the halakhot of Shabbat, where in a parallel case one would be exempt. As, for example, one who intended to lift a plant that was detached from the ground and mistakenly severed a plant still attached to the ground is exempt. One is not liable for an unintentional act of labor on Shabbat.

⁶⁰⁶ And this distinction is in accordance with the statement that Rav Nahman says that Shmuel says, as he says: One who acts unawares with forbidden fats or with those with whom sexual relations are forbidden, i.e., one who accidentally consumed forbidden fat or engaged in forbidden sexual intercourse, without intending to perform the act at all (see Yevamot 54a), is obligated to bring a sin-

offering, since he derived pleasure from the transgression. But one who acts unawares on Shabbat, performing forbidden labor, is exempt, as the Torah prohibits only planned labor.

⁶⁰⁷ Since the baraita can be explained in this manner, the Gemara explains why Rabbi Yoḥanan rejected it anyway: Rabbi Yoḥanan conforms to his standard line of reasoning, in that he does not interpret the first clause of a baraita with one explanation and the last clause of the same baraita with one other explanation. Rabbi Yoḥanan does not accept the premise that a baraita can be referring to a different matter in each clause unless it states so explicitly.

⁶⁰⁸ As Rabbi Yoḥanan says: Whoever explains to me the mishna concerning a barrel (Bava Metzia 40b) in accordance with the opinion of one tanna, I will carry his clothes after him to the bathhouse, i.e., I will attend him as a servant, as although that mishna can be explained by dividing it into two different opinions, I do not accept that type of explanation. Therefore, Rabbi Yoḥanan does not accept the suggestion that the first clause of the baraita here is referring to idol worship and the last clause is referring to other mitzvot.

⁶⁰⁹ § The Gemara discusses the matter itself, namely, whether one who engages in several forms of idol worship in the same lapse of awareness brings more than one sin-offering.

⁶¹⁰ Rabbi Ami says: If one sacrificed an animal as an idolatrous offering and burned incense and poured a libation, all in the course of one lapse of awareness, he is obligated to bring only one sin-offering. Abaye says: What is the reason for the opinion of Rabbi Ami? The verse states: “Nor worship them” (Exodus 20:5). The verse renders all the various rites of worship as one rite.

⁶¹¹ The Gemara asks: And does Abaye actually say this? But doesn’t Abaye say: Why are there three mentions in the Torah of the prohibition against bowing to an object of idol worship? The prohibition against bowing to an idol appears three times: “You shall not bow to them nor worship them” (Exodus 20:5), “You shall not bow to their gods nor worship them” (Exodus 23:24), and “For you shall bow to no other god” (Exodus 34:14).

⁶¹² The reason is that one mention is for an idol for which bowing is its standard manner of worship, and one mention is a prohibition against bowing to an idol even if bowing is not its standard manner of worship, and one mention is to divide idol worship into categories, as one is obligated to bring an offering for every type of worship that he performed. Evidently, Abaye’s opinion is not in accordance with Rabbi Ami’s statement that one is obligated to bring one sin-offering for all of his acts of idol worship.

⁶¹³ The Gemara answers: Abaye stated his reason in accordance with the statement of Rabbi Ami, but he himself does not hold accordingly.

⁶¹⁴ The Gemara discusses the matter itself that Abaye says: Why are there three mentions of the prohibition against bowing to an object of idol worship? One is for an idol for which bowing is its standard manner of worship, and one is a prohibition against bowing to an idol even if bowing is not its standard manner of worship, and one mention is to divide idol worship into categories.

⁶¹⁵ The Gemara asks: Why is a verse necessary for the prohibition against bowing to an idol for which bowing is its standard manner of worship? That prohibition is already derived from the verse: “Take heed to yourself that you not be ensnared to follow them...saying, how do these nations serve their gods, so I will do likewise” (Deuteronomy 12:30), which indicates that one is liable for worshipping an idol in the manner that the gentiles worship it.

⁶¹⁶ Rather, Abaye's statement should be understood as follows: One mention of the prohibition is for an idol for which its typical manner of worship is similar to bowing in that the idol is worshipped in an honorable manner, but bowing is not its typical manner of worship, as it is not typically worshipped by bowing. And one mention is a prohibition against bowing to an idol even if it is not similar to its standard manner of worship at all. And one mention is to divide idol worship into categories.

⁶¹⁷ § The mishna includes among those liable for idol worship one who declares that he accepts an idol upon himself as a god and one who says to an idol: You are my god. Rav Nahman says that Rabba bar Avuh says that Rav says: Once a person said to an idol: You are my god, he is liable even if he did not worship it.

⁶¹⁸ The Gemara asks: The transgressor is liable to receive what punishment? If he is liable to receive the death penalty, Rav's statement is superfluous, as this is stated in the mishna. Rather, Rav means that one who does so unwittingly is obligated to bring an offering.

⁶¹⁹ The Gemara asks: And is this statement true even according to the opinion of the Rabbis? But isn't it taught in a baraita: One is obligated to bring a sin-offering for unwitting idol worship only for a matter, a transgression, that involves an action, e.g., sacrificing an offering, or burning incense, or pouring a libation, or bowing? And Reish Lakish says: Who is the tanna who taught bowing among these examples? It is Rabbi Akiva, who says that we do not require a significant action in order to render one liable to bring a sin-offering; a minimal action is sufficient. By inference, the Rabbis, who disagree with Rabbi Akiva, maintain that we require a significant action. If bowing is not considered a significant action, then all the more so speech alone is not considered a significant action.

⁶²⁰ The Gemara answers: Rav, too, when he states that one who says to an idol: You are my god, is obligated to bring a sin-offering, he states this according to the opinion of Rabbi Akiva.

⁶²¹ The Gemara asks: If Rav states this according to the opinion of Rabbi Akiva, isn't it obvious that the transgressor is obligated to bring a sin-offering? This is identical to the halakha of a blasphemer, whom Rabbi Akiva obligates to bring an offering despite the lack of an action.

⁶²² The Gemara answers: Rav states this lest you say that Rabbi Akiva obligates one to bring an offering for a transgression that does not involve an action only in the case of a blasphemer, as it is written explicitly with regard to a blasphemer that he receives karet in the verse: "He blasphemes the Lord, and that soul shall be excised [nikhreta] from among his people" (Numbers 15:30). But here, with regard to one who accepts an idol as his god, where karet is not written explicitly, one might say that he is not obligated to bring an offering.

⁶²³ Therefore, Rav teaches us that he is obligated to bring an offering, as the Torah compares the acceptance of an idol as a god to a case of active idol worship; as it is written: "They have made themselves a molten calf, and have bowed to it, and have sacrificed to it, and said: These are your gods, Israel, which brought you up out of the land of Egypt" (Exodus 32:8).

⁶²⁴ With regard to the aforementioned verse, Rabbi Yoḥanan says: Were it not for the vav in the term: "Which brought you up [he'elukha]," giving it a plural form, the haters of the Jewish people, a euphemism used to refer to the Jewish people themselves, would have been sentenced to destruction for their idol worship. Since they recognized that God had taken them out of Egypt, and thought that He had merely made the golden calf His partner, the Jewish people were spared.

⁶²⁵ The Gemara comments: Rabbi Yoḥanan's opinion is like one side of the following dispute between tanna'im: Others say: Were it not for the vav in the term: "Which brought you up [he'elukha]," the haters of the Jewish people would have been sentenced to destruction.

⁶²⁶ Rabbi Shimon ben Yoḥai said to him: But isn't anyone who links the name of Heaven and something else, a euphemism for an idol, uprooted from the world? As it is stated: "He who sacrifices to the gods, save to the Lord only, shall be utterly destroyed" (Exodus 22:19). The fact that the Jewish people included God in their idolatrous statement could not have saved them from destruction. Rather, what is the meaning when the verse states: "Which brought you up" in the plural? The verse teaches that the Jewish people desired many gods; they were not satisfied with the golden calf alone.

⁶²⁷ § The mishna teaches: But with regard to one who hugs an idol, or one who kisses it, or one who cleans it, or one who sprays water before it, he transgresses a prohibition but is not liable to receive capital punishment. When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Elazar says: For all of these actions one is flogged, with the exception of the cases stated later in the mishna of one who vows in an idol's name and one who affirms his statement by an oath in its name.

⁶²⁸ The Gemara asks: What is different about these cases, one who vows in an idol's name and one who affirms his statement by an oath in its name, that the transgressors are not flogged? It is because they are each an example of a prohibition that does not involve an action. These actions too, namely, hugging or kissing an idol and the like, are not punishable by lashes; one who performs them violates a general prohibition, and one is not flogged for violating a general prohibition, i.e., one that contains several prohibitions.

⁶²⁹ As this principle is taught in a baraita: From where is it derived that one who eats from an animal before its soul departs is in transgression of a prohibition? The verse states: "You shall not eat with the blood" (Leviticus 19:26), meaning, you shall not eat from the animal while its soul, which is referred to in the Torah as blood, is still within it.

⁶³⁰ The baraita adds: Another matter is derived from the verse "You shall not eat with the blood": You shall not eat the meat of an offering while its blood is still in the bowl, as it has not yet been sprinkled on the altar. The meat of an offering may be eaten by the priests only after its blood is sprinkled.

⁶³¹ The baraita continues: Rabbi Dosa says: From where is it derived that although in general, after a deceased person is buried, the mourners are provided by others with a meal, others do not provide the mourners with a meal after the burial of those executed by the court? The verse states: "You shall not eat with the blood," which is interpreted to mean: You shall not eat a mourners' meal after the burial of one who was executed.

⁶³² Rabbi Akiva says: From where is it derived with regard to a Sanhedrin that killed a soul, i.e., that sentenced a person to death, that the judges may not taste anything that entire day that they sentenced him? The verse states: "You shall not eat with the blood."

⁶³³ Rabbi Yoḥanan says: From where is the prohibition against the behavior of a stubborn and rebellious son derived? While the Torah states the punishment given to a stubborn and rebellious son, the prohibition against his actions, namely, stealing money from his parents in order to eat a gluttonous meal of meat and wine in the company of lowly men, is not explicit. The verse states:

“You shall not eat with the blood,” which is interpreted to mean that one may not eat in a manner that is punishable by death. This concludes the baraita.

⁶³⁴ And Rabbi Avin bar Hiyya says, and some say it is Rabbi Avin bar Kahana who says this: For all of the prohibitions that the Sages derive from this verse, one is not flogged for transgressing them, as it is a general prohibition that is referring to several different actions. Therefore, since the prohibition against hugging or kissing an idol is also derived from a general prohibition, it should not be punishable by lashes, contrary to the opinion of Rav Dimi.

⁶³⁵ Rather, when Ravin came from Eretz Yisrael to Babylonia, he related a different version of what Rabbi Elazar says: For all of the transgressions listed in the mishna one is not flogged, with the exception of one who vows in an idol’s name and one who affirms his statement by an oath in its name.

⁶³⁶ The Gemara asks: What is different about transgressing those prohibitions for which one is not flogged? It is that they are each an example of a general prohibition, as explained previously. These cases too, namely, one who vows or takes an oath in the name of an idol, are included in a prohibition that does not involve an action, and therefore the transgressors are not punishable by lashes.

⁶³⁷ The Gemara answers: That halakha of Rabbi Eliezer’s is in accordance with the opinion of Rabbi Yehuda, who says with regard to a prohibition that does not involve an action that one is flogged for violating it.

⁶³⁸ As it is taught in a baraita with regard to the Paschal offering: The verse states: “And you shall not leave any of it until morning; but that which remains of it until morning you shall burn with fire” (Exodus 12:10). The verse comes to provide a positive mitzva to burn the leftover meat after the prohibition against leaving it over was violated,

⁶³⁹ to say that one is not flogged for transgressing the prohibition, as any prohibition that can be rectified by the performance of a positive mitzva does not carry a punishment of lashes. This is the statement of Rabbi Yehuda.

⁶⁴⁰ Rabbi Ya’akov says: This is not for that reason. Rather, it is because it is a prohibition that does not involve an action. The transgression is simply the failure to consume all the meat during the allotted time rather than the performance of an action. And one is not flogged for the violation of any prohibition that does not involve an action.

⁶⁴¹ The Gemara concludes: By inference, Rabbi Yehuda holds that in general, one is flogged for the violation of a prohibition that does not involve an action. It can therefore be inferred that one who vows or takes an oath in the name of an idol is liable to be flogged according to Rabbi Yehuda’s opinion, even though no action is involved.

⁶⁴² § The mishna teaches with regard to one who vows in the name of an idol and one who affirms his statement by an oath in its name, that this person is in transgression of a prohibition. The Gemara asks: From where do we derive that one who vows in the name of an idol and one who affirms his statement by an oath in its name transgresses a prohibition?

⁶⁴³ The Gemara answers: As it is taught in a baraita that the meaning of the verse: “And make no mention of the name of the other gods, neither let it be heard out of your mouth” (Exodus 23:13), is that a person may not say to another: Wait for me next to such and such an object of idol worship.

The meaning of the statement “neither let it be heard out of your mouth” is that one may not vow in the name of an idol, nor affirm his statement by an oath in its name, nor cause others, i.e., gentiles, to vow in its name or affirm their statements by an oath in its name.

⁶⁴⁴ Alternatively, the statement “neither let it be heard out of your mouth” can be interpreted as a prohibition against one who incites another to worship idols and against one who subverts an entire city to do so. The prohibition against inciting others to engage in idol worship can be derived from this verse.

⁶⁴⁵ The Gemara asks: Why must the prohibition against an inciter be derived from here? It is written explicitly in that regard, in the verse concerning the inciter’s punishment: “And all Israel shall hear, and fear, and shall do no more of any such wickedness as this is in your midst” (Deuteronomy 13:12). This is clearly a prohibition against inciting others to worship idols. Rather, the verse “neither let it be heard out of your mouth” is a prohibition against one who subverts an entire city to engage in idol worship; this prohibition is not stated elsewhere.

⁶⁴⁶ The baraita teaches: And one may not cause others, i.e., gentiles, to vow in the name of an idol or affirm their statements by an oath in its name. The Gemara comments: The baraita supports the opinion of Shmuel’s father, as Shmuel’s father says: It is prohibited for a person to enter into a partnership with a gentile, lest their joint ventures lead them to quarrel, and his gentile partner will be obligated to take an oath to him, and he will take an oath in the name of his object of idol worship; and the Torah states: “Neither let it be heard out of your mouth,” which includes causing a gentile to take an oath in the name of an idol.

⁶⁴⁷ When Ulla came from Eretz Yisrael to Babylonia, he lodged in a place called Kalnevo. Rava said to him: And where did the Master lodge? Ulla said to him: In Kalnevo. Rava said to him: But isn’t it written: “And make no mention of the name of the other gods”? Kalnevo is the name of an idol. Ulla said to him: This is what Rabbi Yoḥanan said: With regard to any object of idol worship that is written in the Torah, it is permitted to mention its name. Since one may mention the idol while reading the Torah, it is permitted to mention it altogether. Rava asked: And where is this idol written? Ulla answered: As it is written: “Bel bows down, Nevo stoops” (Isaiah 46:1).

⁶⁴⁸ The Gemara asks: And does this mean that if an idol is not written in the Torah, it is not permitted to mention its name? Rav Mesharshiyya raises an objection to this premise from a mishna in tractate Zavim (1:5): If a man saw, i.e., experienced, one gonorrhea-like discharge that lasted as long as three regular gonorrhea-like discharges, which is like the amount of time it takes to walk from the location of the idol Gadyon to Shiloh, which is the amount of time it takes to perform two immersions and two dryings with a towel, he is ritually impure with the impurity status of a full-fledged zav, even though a man generally becomes a zav only after three separate discharges. In any event, the mishna mentions the idol Gadyon. Ravina says: The idol Gad is also written in the Bible; as it is written: “That prepare a table for Gad” (Isaiah 65:11).

⁶⁴⁹ § Rav Naḥman says: All types of mockery are forbidden, except for mockery of idol worship, which is permitted, as it is written: “Bel crouches down, Nevo stoops...they stoop, they crouch down together, they could not hold back the burden” (Isaiah 46:1–2). The verse is interpreted as meaning that they crouch in order to defecate and cannot retain their excrement.

⁶⁵⁰ And it is similarly written: “They speak...the inhabitants of Samaria shall be in dread for the calves of Beth Aven; for its people shall mourn over it, and its priests shall tremble for it, for its glory

[kevodo], because it has departed from it” (Hosea 10:4–5). Do not read it as “its glory [kevodo]”; rather, read it as its burden [keveido], meaning that the idol is unable to restrain itself from defecating. These are examples of derogatory statements that are permitted only in reference to idols.

⁶⁵¹ Rav Yitzḥak says: What is the meaning of that which is written: “And now they continue to sin, and have made for themselves molten images of their silver, according to their own understanding, idols, all of them the work of the craftsmen; of them they say: Those who sacrifice men kiss calves” (Hosea 13:2)? What is the meaning of the expression: “According to their own understanding [kitvunam], idols”? The word kitvunam is interpreted as meaning: According to their image [ketavnitam], and the verse teaches that each and every person would make an image of his god and place it in his pocket. When he would remember it, he would remove it from his bosom and embrace it and kiss it.

⁶⁵² What is the meaning of the statement: “Those who sacrifice men kiss calves”? Rabbi Yitzḥak of the school of Rabbi Ami says: It means that priests of idol worship would set their eyes on the wealthy, and they would starve the calves that were objects of idol worship, and make statues in the image of those wealthy people, and place those statues next to the troughs of the calves, and they would take those calves outside. When the calves would see those wealthy people, whose image they were used to seeing near their troughs, they would run after them and paw them. At this point the priests would say to that wealthy person: The object of idol worship, the calf, desires you; let the Master come and sacrifice himself to it. The priests would inherit his property.

⁶⁵³ Rava says: That is not the correct interpretation of the verse, as the wording “those who sacrifice men kiss calves” is unsuitable for that interpretation, since in that case the verse should have stated: They make calves kiss to sacrifice men. Rather, Rava says that the verse is to be understood as follows: Whenever anyone sacrifices his son to an object of idol worship, the priest says to him: The Master has sacrificed a great gift [doron] to the idol; therefore, he has the right to come and kiss it. The verse means that the reward of “those who sacrifice men” is to kiss calves.

⁶⁵⁴ Rav Yehuda says that Rav says with regard to the verse describing the peoples that were settled in Samaria by the Assyrians: “And the men of Babylonia made Succoth-Benoth” (II Kings 17:30); and what is this idol? It is the image of a hen. “And the men of Cuth made Nergal” (II Kings 17:30); and what is it? It is the image of a rooster. “And the men of Hamath made Ashima” (II Kings 17:30); and what is it? It is the image of a bald billy goat. “And the Avvites made Nibhaz and Tartak” (II Kings 17:31); and what are they? The image of a dog and a donkey.

⁶⁵⁵ “And the Sepharvites burned their sons and their daughters in the fire to Adrammelech and Anammelech, the gods of Sepharvaim” (II Kings 17:31); and what are they? The mule and the horse. And why are they called that? A mule is called Adrammelech because it honors [addar] its master with its load, i.e., because it carries the master’s load, and a horse is called Anammelech because it responds [anei] to its master, assisting him in battle.

⁶⁵⁶ The Gemara relates: The father of Hezekiah, king of Judea, also attempted to do so to him, i.e., to burn him as an offering to an idol, but his mother rubbed him with the blood of a salamander [salamandera], a creature created out of fire and immune to the effects of fire, whose blood is fireproof.

⁶⁵⁷ § Rav Yehuda says that Rav says: The Jewish people knew that idol worship is of no substance; they did not actually believe in it. And they worshipped idols only in order to permit themselves to

engage in forbidden sexual relations in public, since most rituals of idol worship would include public displays of forbidden sexual intercourse.

⁶⁵⁸ Rav Mesharshiyya raises an objection to this statement from the following verse: “Like the memory of their sons are their altars, and their Asherim are by the leafy trees, upon the high hills” (Jeremiah 17:2). And Rabbi Elazar says that this means that the Jewish people would recall their idol worship like a person who misses his child. This interpretation indicates that they were truly attached to idol worship.

⁶⁵⁹ The Gemara answers: This was the case after the Jewish people became attached to idol worship, at which point they began to actually believe in it. At first, they were drawn to idol worship only due to their lust.

⁶⁶⁰ The Gemara suggests: Come and hear a proof that the Jewish people engaged in idol worship for its own sake and not for the sake of engaging in forbidden sexual relations: In interpretation of the verse: “And I shall cast your carcasses upon the carcasses of your idols” (Leviticus 26:30), the Sages say that Elijah the Righteous, the prophet, would search for those who were swollen with hunger in Jerusalem. He once found a child who was swollen with hunger and lying in the garbage.

⁶⁶¹ Elijah said to the child: From which family are you? The child said to him: I am from such and such family. Elijah said to him: Isn’t there anyone left from that family? The child said to him: No one is left besides me. Elijah said to him: If I teach you something through which you will live, will you learn it? The child said to him: Yes. Elijah said to him: Say every day “Listen Israel, the Lord is our God; the Lord is One” (Deuteronomy 6:4). The child said to him:

⁶⁶² Hush, so as not to mention the name of the Lord (see Amos 6:10). The child did not want to even hear the mention of the name of the Lord, which his father and his mother did not teach him.

⁶⁶³ Immediately, the child removed his god from his bosom and began hugging it and kissing it, until his stomach burst from hunger, and his god fell to the earth and he fell upon it, in fulfillment of that which is stated: “And I shall cast your carcasses upon the carcasses of your idols” (Leviticus 26:30). This incident demonstrates that the Jewish people engaged in idol worship for its own sake. The Gemara answers: This also occurred after the Jewish people became attached to idol worship.

⁶⁶⁴ The Gemara suggests: Come and hear another proof, from the verse: “And they cried in a loud voice to the Lord their God” (Nehemiah 9:4). What did they say in that prayer? Rav Yehuda says, and some say it is Rav Yonatan who says: Woe, woe [baya, baya], this evil inclination for idol worship is what destroyed the Temple, and burned the Sanctuary, and murdered the righteous ones, and caused the Jewish people to be exiled from their land. And it still dances among us, i.e., it still affects us. Didn’t You give it to us solely for the purpose of our receiving reward for overcoming it? We do not want it, nor do we not want its reward. Evidently, the Jewish people were drawn to idol worship itself, and they did not worship idols only in order to engage in forbidden sexual relations. The Gemara answers: This also occurred after the Jewish people became attached to idol worship.

⁶⁶⁵ The Gemara continues to relate the story of the prayer in the days of Nehemiah: The people fasted for three days and prayed for mercy. In response to their prayer a note fell for them from the heavens in which was written: Truth, indicating that God accepted their request.

⁶⁶⁶ The Gemara makes a parenthetical observation. Rabbi Ḥanina says: Conclude from it that the seal of the Holy One, Blessed be He, is truth.

⁶⁶⁷ The form of a fiery lion cub came forth from the chamber of the Holy of Holies. Zechariah, the prophet, said to the Jewish people: This is the evil inclination for idol worship. When they caught hold of it one of its hairs fell out, and it let out a shriek of pain that was heard for four hundred parasangs [parsei]. They said: What should we do to kill it? Perhaps Heaven will have mercy upon it if we attempt to kill it, as it will certainly scream even more.

⁶⁶⁸ The prophet said to them: Throw it into a container made of lead and cover it with lead, as lead absorbs sound. As it is written: “And he said: This is the evil one. And he cast it down into the midst of the measure, and he cast a stone of lead upon its opening” (Zechariah 5:8). They followed this advice and were freed of the evil inclination for idol worship.

⁶⁶⁹ When they saw that the evil inclination for idol worship was delivered into their hands as they requested, the Sages said: Since it is an auspicious time, let us pray for mercy concerning the evil inclination for sin concerning sexual matters. They prayed for mercy, and it was also delivered into their hands.

⁶⁷⁰ The Sages imprisoned it for three days. At that time, people searched for a one-day-old fresh egg for the sick but could not find one. Since the inclination to reproduce was quashed, the chickens stopped laying eggs. They said: What should we do? If we pray for half, i.e., that only half its power be annulled, nothing will be achieved, because Heaven does not grant half gifts, only whole gifts. What did they do? They gouged out its eyes, and this was effective in limiting it to the extent that a person is no longer aroused to commit incest with his close relatives.

⁶⁷¹ § Rav Yehuda says that Rav says: An incident occurred involving a certain gentile woman who was very ill. She said: If that woman, referring to herself, recovers from her illness, she will go and worship every object of idol worship in the world. She recovered from her illness and subsequently worshipped every object of idol worship in the world. When she arrived at Peor she asked the priests: How does one worship this idol? They said to her: One eats spinach, which causes diarrhea, and drinks beer, which also causes diarrhea, and defecates before it. The woman said: Better for that woman, referring to herself, to return to her illness, and not worship an idol in such a manner.

⁶⁷² Rav Yehuda adds: You, the house of Israel, are not like that woman who could not bear the repulsiveness of Ba'al-Peor. It is stated with regard to the attitude of the Jewish people toward idol worship: “That have attached themselves [hanitzmadim] to Ba'al-Peor” (Numbers 25:5), indicating a tight attachment, like a tightly bound cover [ketzamid patil] tied firmly onto a vessel. Yet with regard to the attitude of the Jewish people toward God it is stated: “But you who did cleave [hadevekim] to the Lord your God” (Deuteronomy 4:4), i.e., the connection between the Jewish people and God is like two dates that are lightly attached [hadevukot] to one another but are not tightly pressed together.

⁶⁷³ This comparison was taught in a baraita but with the opposite conclusion: “That have attached themselves [hanitzmadim] to Ba'al-Peor” indicates a connection that is like a bracelet [ketzamid] on a woman's arm, which is worn loosely. “But you who did cleave to the Lord your God” means they actually adhered to one another, i.e., there was a tight connection.

⁶⁷⁴ The Gemara relates another incident with regard to Ba'al-Peor. The Sages taught: There was an incident involving a Jew named Sabbeta ben Alas, who rented out his donkey and his services to a certain gentile woman. He was driving his donkey behind her, and when she arrived at Peor, she said to him: Wait here until I go in and come out. After she came out, he said to her: You too wait for me until I go in and come out. She said to him: Aren't you Jewish? Why, then, are you worshipping

idols? He said to her: And what do you care? He entered and defecated before the idol, and wiped himself with its nostril, as he wanted to demean the idol as much as possible. But he was unsuccessful, as the priests of Peor were praising him and saying: No person has ever worshipped it before with this excellent form of worship. Although he intended to demean Ba'al-Peor, he actually worshipped it.

⁶⁷⁵ The halakha is that one who defecates before Ba'al-Peor is obligated to bring a sin-offering to atone for idol worship, as this is its typical form of worship, even if he intends to demean the idol. Likewise, one who throws a stone at Mercury is obligated to bring a sin-offering to atone for idol worship, as this is its typical form of worship, even if he intends to stone it.

⁶⁷⁶ The Gemara relates: Rav Menashe was going to a place called Bei Torta. The people there said to him: There is an object of idol worship situated here in this pile of stones. Rav Menashe picked up a stone and threw it at the idol to demean it. They said to him: It is Mercury, and it is worshipped by throwing stones at it. Rav Menashe said to them: We learned in the mishna that one who throws a stone at Mercury as a manner of worship is liable, whereas I intended to demean it.

⁶⁷⁷ Rav Menashe went and asked the Sages in the study hall whether his interpretation of the mishna was correct. They said to him: We learned in the mishna that one who throws a stone at Mercury is liable, which implies that he is liable even if he intends to stone it in order to demean it. Rav Menashe said to the Sages: If so, I will go and take back the stone I threw. They said to him: Both one who removes it and one who places it is liable, as each and every one of the stones taken away from Mercury leaves space for another stone. Taking a stone away from Mercury provides a place for other stones to be thrown at it.

⁶⁷⁸ MISHNA: One who gives of his offspring to Molekh, for which one is executed by stoning, is not liable unless he hands over his child to the priests of Molekh and passes the child through the fire. If he handed over the child to the priests of Molekh but did not pass him through the fire, or if he passed him through the fire but did not hand him over to the priests of Molekh, he is not liable, unless he hands the child over to the priests of Molekh and passes him through the fire.

⁶⁷⁹ GEMARA: The halakhot of one's liability for idol worship are taught in the mishna above (60b), and the halakhot of one's liability for the worship of Molekh are taught separately, in this mishna. Therefore, Rabbi Avin says: We learn this mishna according to the opinion of the one who says that the ritual of Molekh is not idol worship but is a form of witchcraft or superstition, as a dispute over this matter is taught in a baraita: Both one who transfers his child to the priests of Molekh and one who transfers his child for the purpose of worshipping other idols are liable. Molekh is cited merely as an example. Rabbi Elazar, son of Rabbi Shimon, says: One who transfers his child to the priests of Molekh is liable, but if he transfers him to another object of idol worship, not to Molekh, he is exempt.

⁶⁸⁰ Abaye says: Rabbi Elazar, son of Rabbi Shimon, and Rabbi Ḥanina ben Antigonus said the same thing, i.e., they share the same halakhic opinion. The statement of Rabbi Elazar, son of Rabbi Shimon, is that which we said. Rabbi Ḥanina ben Antigonus shares the same opinion, as it is taught in a baraita that Rabbi Ḥanina ben Antigonus says: For what reason does the Torah use the term Molekh? It is to indicate that if one passes his child through fire in the worship of any object that people enthroned [shehimlikhuhu] over them as their king, referring to it as Molekh, he is liable, even if it is merely a pebble, or even a toothpick. The baraita indicates that one who passes his child

through fire in worship of an item that is not referred to as Molekh is not liable, in accordance with the opinion of Rabbi Elazar, son of Rabbi Shimon.

⁶⁸¹ Rava says: They do not share the same opinion, as there is a practical difference between their opinions in a case of a temporary Molekh. According to Rabbi Elazar, son of Rabbi Shimon, one is liable for passing his child through fire only if it is in worship of a permanent Molekh, whereas according to Rabbi Ḥanina ben Antigonus, one is liable for worshipping even a temporary Molekh.

⁶⁸² § Rabbi Yannai says: One is not liable for passing his child through fire to Molekh unless he hands him over to the priests of Molekh, as it is stated: “And you shall not give any of your offspring to pass them over to Molekh” (Leviticus 18:21), which indicates that the prohibition is to give, i.e., to hand the child over to the priests.

⁶⁸³ This is also taught in a baraita: One might have thought that one who passed his child through fire but did not hand him over to the priests of Molekh should be liable. Therefore, the verse states: “You shall not give.” If one handed over his son to the priests of Molekh but did not pass him through fire, one might have thought that he should be liable. Therefore, the verse states: “To pass,” indicating that passing is also necessary. If one handed over the child and passed him through fire, not to priests of Molekh but rather to priests of another object of idol worship, one might have thought that he should be liable. Therefore, the verse states: “To Molekh.”

⁶⁸⁴ If one handed over his child and passed him over to the priests of Molekh, but he did not pass him through the fire, one might have thought that he should be liable. It is stated here, in the verse: “To pass,” and it is stated there, in another verse: “There shall not be found among you one who passes his son or his daughter through the fire” (Deuteronomy 18:10). Just as there, the verse is referring to passing one’s child through the fire, so too here, the reference is to passing one’s child through the fire. And just as here, the verse is referring to one who passes his child over to the priests of Molekh, so too there, the reference is to Molekh alone, excluding any other object of idol worship.

⁶⁸⁵ Rav Aḥa, son of Rava, says: One who passed all his offspring through fire to the priests of Molekh is exempt, as it is stated: “Of your offspring,” indicating: But not all your offspring.

⁶⁸⁶ Rav Ashi raises a dilemma: If one passed through the fire a child of his who is blind, what is the halakha? Furthermore, if one passed his child through the fire while the child was asleep, what is the halakha? Does the child need to be capable of passing through on his own, or is that not necessary? Likewise, if one passed his son’s son or his daughter’s son through the fire, what is the halakha?

⁶⁸⁷ The Gemara answers: Resolve at least one of these dilemmas, as it is taught in a baraita: Why must the verse state: “Because he has given of his offspring to Molekh” (Leviticus 20:3)? What is added by this statement? Because it is stated: “There shall not be found among you one who passes his son or his daughter through the fire,” I have derived only that it is prohibited for one to pass his son or daughter. From where do I derive that one who passes his son’s son or his daughter’s son is also liable? The verse states: “When he gives of his offspring” (Leviticus 20:4). The term “offspring” indicates that grandchildren are included. This resolves one of Rav Ashi’s dilemmas.

⁶⁸⁸ The Gemara asks: The tanna began his exposition with the phrase in the verse “because he has given of his offspring,” and ended with an interpretation of the phrase in the verse “when he gives of his offspring.” Why did he cite two different verses as proof for his halakhic statement?

⁶⁸⁹ The Gemara answers: The second verse is stated in the baraita for a different exposition, which was omitted from the baraita and reads as follows: From the term in the verse “his offspring” I have derived only that one is liable for passing through the fire his offspring of unflawed lineage, i.e., his descendants from a woman whom he was permitted to marry. From where do I derive that one is liable for passing through the fire his offspring of flawed lineage, e.g., a mamzer, as well? The verse states: “When he gives of his offspring,” indicating that one is liable for passing any of his offspring.

⁶⁹⁰ § Rav Yehuda says: One is not liable for passing his child through fire to Molekh unless he passes him in the typical manner of passing. The Gemara asks: What is considered the typical manner of passing? Abaye says: The child is taken by foot along a latticework [sirega] of bricks in the middle, between the fire on this side and the fire on that side.

⁶⁹¹ Rava says: The typical manner of passing is like the leaps of children on Purim. It was customary to light a bonfire on Purim inside a pit, and children would amuse themselves by leaping over the bonfires. Passing one’s child over a fire in such a fashion is the typical manner of passing a child over to Molekh.

⁶⁹² The Gemara comments: It is taught in a baraita in accordance with the opinion of Rava: One is not liable unless he passes his child through the fire in the typical manner of passing. If he passed him by foot, he is exempt. Evidently, the passing ritual is performed by leaping and not by walking.

⁶⁹³ The baraita continues: And one is liable only for passing his descendants. How so? If one passed his son or his daughter through the fire, he is liable. If he passed his father, or his mother, his brother, or his sister, he is exempt. If one passed himself over to Molekh, he is exempt. And Rabbi Elazar, son of Rabbi Shimon, deems him liable.

⁶⁹⁴ Both one who passes his child through fire to Molekh and one who passes his child through fire to other objects of idol worship are liable. Rabbi Elazar, son of Rabbi Shimon, says: If he passes him over to Molekh, he is liable, but if he transfers him to another object of idol worship, not to Molekh, he is exempt.

⁶⁹⁵ Ulla says: What is the reason for the opinion of Rabbi Elazar, son of Rabbi Shimon, who deems one who passes himself over to Molekh liable? The verse states: “There shall not be found among you one who passes his son or his daughter through the fire” (Deuteronomy 18:10), and the term “among you” is interpreted homiletically to mean: Among yourself.

⁶⁹⁶ The Gemara asks: And do the Rabbis not interpret the term “among you” as referring to oneself? But didn’t we learn in a mishna (Bava Metzia 33a): If one finds his lost item and his father’s lost item, taking care of his own lost item takes precedence. And we said in discussion of that mishna: What is the reason for this? And Rav Yehuda said that it is because the verse states: “Only so that there shall be no needy among you” (Deuteronomy 15:4), meaning that one must avoid becoming needy. Therefore, if one lost an item, tending to his lost item takes precedence over tending to the lost item of any other person. Apparently, this interpretation of the verse is based on the understanding that the term “among you” is referring to oneself, i.e., one must take care of himself so that he will not become needy.

⁶⁹⁷ The Gemara answers: And there, in that discussion, the halakha is derived from the word “only,” a limiting term, which is interpreted to mean that in preventing destitution one should begin with himself.

⁶⁹⁸ § Rabbi Yosei, son of Rabbi Ḥanina, says: Why is the punishment of excision from the World-to-Come [karet] mentioned three times with regard to idol worship? It is stated twice with regard to the ritual of Molekh, in the verse: “I will also set My face against that man, and I will excise him from among his people” (Leviticus 20:3), and in the verse: “Then I will set My face against that man, and against his family, and I will excise him” (Leviticus 20:5). The third mention of karet is with regard to one who blasphemes: “That person blasphemes the Lord, and that soul shall be excised from among his people” (Numbers 15:30).

⁶⁹⁹ One mention is for worshipping an idol in its typical manner of worship, and one mention is for worshipping an idol not in its typical manner of worship, and one mention is for performing the ritual of Molekh.

⁷⁰⁰ The Gemara asks: And according to the one who says that Molekh is an object of idol worship, why do I need a special mention of karet with regard to Molekh? The Gemara answers: It is necessary for the case of one who passes his child through fire to an idol other than Molekh, where this is not its typical manner of worship. According to this opinion, one who passes his son through fire to any idol is liable.

⁷⁰¹ The Gemara asks: And according to the one who says that the verse concerning one who blasphemes is referring to one who engages in idol worship and not to one who curses God, why do I need karet to be mentioned with regard to one who blasphemes?

⁷⁰² The Gemara answers that it is necessary for that which is taught in a baraita: It is stated with regard to one who blasphemes: “Because he has despised the word of the Lord, and has breached His mitzva, that soul shall be excised [hikkaret tikkaret], his iniquity shall be upon him” (Numbers 15:31). The phrase “hikkaret tikkaret” is interpreted as follows: “Hikkaret”; the sinner is excised in this world, meaning that he will die prematurely. “Tikkaret”; the sinner is excised in the World-to-Come, and he will not merit everlasting life. This is the statement of Rabbi Akiva.

⁷⁰³ Rabbi Yishmael said to him: But isn’t it already stated in the previous verse: “He blasphemes the Lord; that soul shall be excised [venikhreta]” (Numbers 15:30)? Are there three worlds in which the sinner is excised? Rather, from the term in the verse “venikhreta” it is derived that the sinner is excised in this world, from the term “hikkaret” it is derived that the sinner is excised in the World-to-Come, and nothing is derived from the doubled verb “hikkaret tikkaret,” as the Torah spoke in the language of people.

⁷⁰⁴ MISHNA: The list of those liable to be executed by stoning includes those who practice various types of sorcery. The mishna describes them: A necromancer is a pitom from whose armpit the voice of the dead appears to speak. And a sorcerer is one from whose mouth the dead appears to speak. These, the necromancer and the sorcerer, are executed by stoning, and one who inquires about the future through them is in violation of a prohibition.

⁷⁰⁵ GEMARA: What is different here, that the mishna teaches the halakhot of both a necromancer and a sorcerer, and what is different in tractate Karetot (2a), that the mishna teaches the halakha of a necromancer but leaves out the halakha of a sorcerer?

⁷⁰⁶ Rabbi Yoḥanan says: The mishna in tractate Karetot does not count a sorcerer separately in the list of those liable to receive karet since both a necromancer and a sorcerer are stated in the Torah in one prohibition. Consequently, one who unwittingly serves as both a necromancer and a sorcerer is

not obligated to bring two sin-offerings, as would be one who transgressed two prohibitions punishable by karet.

⁷⁰⁷ Reish Lakish says: A sorcerer is not included in the list in tractate Karetot because his transgression does not involve an action; it involves only speech, and one does not bring a sin-offering for transgressing a prohibition that does not involve an action.

⁷⁰⁸ The Gemara asks: And according to the opinion of Rabbi Yoḥanan, that a sorcerer is not listed because sorcery is included in the same prohibition as that of necromancy, what is different about a necromancer that the mishna uses specifically that example, and not the example of a sorcerer? The Gemara answers: The mishna chooses to mention the example of a necromancer because the verse introduces the prohibition with it; the case of a sorcerer is mentioned in the verse afterward (see Deuteronomy 18:11).

⁷⁰⁹ The Gemara asks: And what is the reason that Reish Lakish did not say an explanation in accordance with the explanation of Rabbi Yoḥanan? Rav Pappa says: Reish Lakish disagrees with the opinion of Rabbi Yoḥanan because the cases of a necromancer and a sorcerer are divided in the verse with regard to the issue of the death penalty, i.e., one is liable to receive the death penalty for each transgression. Consequently, one would be obligated to bring a separate sin-offering for sorcery were it not for the fact that this transgression does not involve an action.

⁷¹⁰ And Rabbi Yoḥanan could respond that one cannot infer the number of sin-offerings one is obligated to bring based on capital punishment. With regard to determining the number of sin-offerings, where there is a division of a prohibition, i.e., when two acts are listed as two separate prohibitions, it is considered a division that leads to a separate sin-offering, but where there is a division of a separate death penalty, i.e., when the death penalties are listed separately, it is not considered a division in this regard.

⁷¹¹ The Gemara asks: And what is the reason that Rabbi Yoḥanan did not say an explanation in accordance with the explanation of Reish Lakish, that a sorcerer is not listed in tractate Karetot because his transgression does not involve an action? The Gemara answers: Rabbi Yoḥanan could have said to you that the mishna of tractate Karetot is in accordance with the opinion of Rabbi Akiva, who says that we do not require an action for one to be obligated to bring a sin-offering.

⁷¹² And Reish Lakish could have responded that although Rabbi Akiva does not require that one perform a significant action to be obligated to bring a sin-offering; nevertheless, he does require that one perform at least a minor action. Sorcery, by contrast, involves no action, and therefore even Rabbi Akiva would not deem one obligated to bring a sin-offering for it.

⁷¹³ The Gemara asks: In the case of a blasphemer, i.e., one who curses God, what action is there? He merely speaks, and nevertheless Rabbi Akiva deems him obligated to bring a sin-offering. Clearly, Rabbi Akiva maintains that no action is necessary at all. The Gemara answers: The twisting of his lips while he speaks is considered an action.

⁷¹⁴ The Gemara asks: What action is there in the case of a necromancer? The Gemara answers: The striking of his arms against each other in order to create the sound of a voice is considered an action.

⁷¹⁵ The Gemara asks: And is this considered an action even according to the opinion of the Rabbis, who require a significant action for one to be obligated to bring a sin-offering? But isn't it taught in a baraita: One is liable for idol worship only for a matter that involves an action, e.g., sacrificing an

idolatrous offering, burning incense to an idol, and pouring a libation to an idol, and bowing to an idol.

⁷¹⁶ And Reish Lakish says: Who is the tanna who taught bowing among these examples? It is Rabbi Akiva, who says: We do not require a significant action for one to be liable; any action is sufficient. And Rabbi Yoḥanan says: You may even say that the baraita is in accordance with the opinion of the Rabbis, as the bending of one's height, according to the opinion of the Rabbis, is considered a significant action.

⁷¹⁷ Now consider, if according to Reish Lakish, the bending of one's height is not considered a significant action according to the Rabbis, can a less noticeable action such as the striking of the necromancer's arms be considered a significant action?

⁷¹⁸ The Gemara answers: Reish Lakish concedes that according to the Rabbis, the striking of the necromancer's arms is not considered a significant action. When Reish Lakish says that it is considered an action, that statement is also in accordance with the opinion of Rabbi Akiva. But according to the Rabbis, it is not considered a significant action.

⁷¹⁹ The Gemara challenges: If so, that the Rabbis hold that the transgression of a necromancer does not involve an action, then when stating in tractate Karetot (2a) that if one unwittingly transgresses a prohibition for which one is liable to receive karet if he transgresses it intentionally he is obligated to bring a sin-offering, excluding a blasphemer, as he does not perform an action, the Rabbis should have stated: Excluding a blasphemer and a necromancer, as they do not perform an action.

⁷²⁰ Rather, Ulla says: The reason the Rabbis do not state: Excluding a blasphemer and a necromancer, is that when the mishna there lists the case of a necromancer it is referring to one who burns incense to a demon in order to raise the dead, which is a significant action.

⁷²¹ Rava said to Ulla: One who burns incense to a demon is an idol worshipper, which is already mentioned in the mishna in Karetot. Rather, Rava says: The mishna there is referring to one who burns incense to the demons not as a form of worship but as a manner of sorcery, in order to gather the demons, i.e., to bring them to one place.

⁷²² Abaye said to Ulla: One who burns incense to the demons in order to gather them is considered a charmer, whom the Torah relates to with a distinct prohibition (see Deuteronomy 18:11), which is not punishable by karet.

⁷²³ Rava responded: Yes, such a person is also considered a charmer, but the Torah states that this particular charmer, who gathers demons, is included in the category of a necromancer, and therefore he is executed by stoning, and karet applies as well.

⁷²⁴ The Sages taught with regard to a charmer that the prohibition applies both to a gathering of large animals to one place and to a gathering of small animals to one place, and even to a gathering of snakes and scorpions.

⁷²⁵ Abaye says: Therefore, with regard to this person, who through sorcery gathers a hornet and a scorpion to harm each other, he is nevertheless prohibited from doing so even if he intends to prevent them from harming him.

⁷²⁶ The Gemara asks: And as for Rabbi Yoḥanan, who holds that according to the Rabbis one is liable for bowing to an idol but not for blaspheming, what is different between these cases, leading to

the conclusion that the bending of one's height while bowing is considered an action according to the Rabbis, but a blasphemer's twisting of his lips to speak is not considered an action?

⁷²⁷ Rava says: The case of a blasphemer is different, since this transgression is in the heart as well. The sin of blasphemy does not apply to speech alone, as the blasphemer's intention is central to the transgression; if he spoke without intention he is not considered a blasphemer. Consequently, one is not obligated to bring a sin-offering for such an action, as it is essentially a sin of the heart.

⁷²⁸ Rabbi Zeira raises an objection to Rava's answer, as it is stated in a baraita that one who unwittingly commits a transgression punishable by death is obligated to bring a sin-offering, excluding conspiring witnesses, who are not obligated to bring a sin-offering, as their transgressions do not involve an action. Rabbi Zeira asks: And why is a false witness's testimony not considered a transgression that involves an action? The testimony is delivered through speech, which should be considered an action, as this is not a transgression that is committed in the heart; the witnesses are liable for what they said, and not for their intention.

⁷²⁹ Rava says: Conspiring witnesses are different, since their transgression is committed through their voice. The essence of their transgression is not speech itself but rather making themselves heard by the court. Therefore, since the projection of one's voice does not involve action, the transgression of conspiring witnesses is considered not to be involving action.

⁷³⁰ The Gemara asks: And is projecting one's voice not considered an action according to Rabbi Yoḥanan? But wasn't it stated that amora'im engaged in a dispute concerning the following case: If one muzzled an animal by projecting his voice, by berating it whenever it tried to eat, has he transgressed the prohibition of: "You shall not muzzle an ox while it treads out the corn" (Deuteronomy 25:4)? And similarly, if one led different species to work together by projecting his voice, without performing any action, has he transgressed the prohibition of: "You shall not plow with an ox and a donkey together" (Deuteronomy 22:10)? Rabbi Yoḥanan says he is liable, and Reish Lakish says he is exempt.

⁷³¹ The Gemara explains the reasoning behind their opinions: Rabbi Yoḥanan says he is liable, as he maintains that the twisting of one's mouth to speak is considered an action, whereas Reish Lakish says he is exempt, because he holds that the twisting of one's mouth to speak is not considered an action. Evidently, Rabbi Yoḥanan holds that a transgression one commits by projecting his voice is considered to involve an action.

⁷³² Rather, Rava says there is a different answer to Rabbi Zeira's objection: Conspiring witnesses are different, since they are rendered liable mainly through sight, i.e., the important part of their testimony is what they saw, which is not considered an action.

⁷³³ § The Sages taught: A necromancer is one who causes the voice of the dead to be heard speaking from between his joints or from his armpit. A sorcerer [yideoni] is one who places a bone of an animal called a yadua in his mouth, and the bone speaks on its own.

⁷³⁴ The Gemara raises an objection from the verse: "And your voice shall be as a ghost out of the ground" (Isaiah 29:4). What, does the dead person not speak from the grave on his own? The Gemara answers: No, this is not so, as the dead person rises by sorcery and sits between the joints of the necromancer and speaks.

⁷³⁵ The Gemara suggests: Come and hear a proof from the statement of the necromancer to King Saul: “And the woman said to Saul, I see a godlike being coming up out of the earth” (I Samuel 28:13). What, does the verse not mean to say that the dead person spoke on his own? The Gemara refutes this proof: No, this is not so, as the dead person sits between the joints of the necromancer and speaks.

⁷³⁶ The Sages taught: The category of a necromancer includes both one who raises the dead with his zekhur, which is a form of sorcery, and one who inquires about the future from a skull [begulgolet]. What is the difference between this type of necromancer and that type of necromancer? When one raises the dead with his zekhur, the dead does not rise in its usual manner, but appears upside-down, and it does not rise on Shabbat. By contrast, when one inquires about the future from a skull, the dead rises in its usual manner, and it rises [oleh] even on Shabbat.

⁷³⁷ The Gemara asks with regard to the wording of the last statement: Rises? To where does it rise? Isn't the skull lying before him? Rather, say as follows: The dead answers in its usual manner, and it answers [ve'oneh] even on Shabbat.

⁷³⁸ With regard to the statement that the dead do not rise on Shabbat, the Gemara relates: The wicked Turnus Rufus, the Roman governor of Judea, asked this question of Rabbi Akiva as well. Turnus Rufus said to him: And what makes this day, Shabbat, different from other days? Rabbi Akiva said to him: And what makes this man, referring to his interlocutor, more distinguished than other men? Turnus Rufus said to him: I am more distinguished because my master the emperor wants it that way. Rabbi Akiva said to him: Shabbat too is unique because my Master wants it that way, as he has sanctified that day.

⁷³⁹ Turnus Rufus said to him: This is what I mean to say to you: Who is to say that now is Shabbat? Perhaps a different day of the week is Shabbat. Rabbi Akiva said to him: The Sabbatyon River can prove that today is Shabbat, as it is calm only on Shabbat. A necromancer can also prove this, as the dead do not rise on Shabbat. The grave of his father, referring to Turnus Rufus's father, can also prove this, as it does not emit smoke on Shabbat, although smoke rises from it all week, as during the week he is being punished in Gehenna. Turnus Rufus said to him: You have demeaned my father, you have publicly shamed him, and you have cursed him by saying that he is being punished in Gehenna.

⁷⁴⁰ § The Gemara asks: Isn't one who inquires about the future from a necromancer the same as what is described in the verse: “Or directs inquiries to the dead” (Deuteronomy 18:11)? Why are they mentioned separately in the verse?

⁷⁴¹ The Gemara answers: One who directs inquiries to the dead employs a different method to contact the dead, as it is taught in a baraita: “Or directs inquiries to the dead”; this is one who starves himself and goes and sleeps overnight in a graveyard so that a spirit of impurity should settle upon him, and he can listen to what the dead are saying.

⁷⁴² And when Rabbi Akiva would arrive at this verse he would weep and say: If one who starves himself so that a spirit of impurity will settle upon him succeeds in doing so, and a spirit of impurity settles upon him, all the more so one who starves himself so that a spirit of purity will settle upon him should be successful, and a spirit of purity should settle upon him. But what can I do, as our iniquities have caused us not to merit the spirit of sanctity and purity, as it is stated: “But your iniquities have separated between you and your God, and your sins have hid His face from you, that He will not hear” (Isaiah 59:2).

⁷⁴³ Rava says: If the righteous wish to do so, they can create a world, as it is stated: “But your iniquities have separated between you and your God.” In other words, there is no distinction between God and a righteous person who has no sins, and just as God created the world, so can the righteous.

⁷⁴⁴ Indeed, Rava created a man, a golem, using forces of sanctity. Rava sent his creation before Rabbi Zeira. Rabbi Zeira would speak to him but he would not reply. Rabbi Zeira said to him: You were created by one of the members of the group, one of the Sages. Return to your dust.

⁷⁴⁵ The Gemara relates another fact substantiating the statement that the righteous could create a world if they so desired: Rav Ḥanina and Rav Oshaya would sit every Shabbat eve and engage in the study of Sefer Yetzira, and a third-born calf [igla tilta] would be created for them, and they would eat it in honor of Shabbat.

⁷⁴⁶ § The Sages taught: What is the definition of the soothsayer mentioned in the verse: “There shall not be found among you...a soothsayer” (Deuteronomy 18:10)? Rabbi Shimon says: This is one who applies seven types of semen [zekhur] to one’s eye in order to perform sorcery. And the Rabbis say: This is one who deceives the eyes, as though he is performing sorcery. Rabbi Akiva says: This is one who calculates the fortune of times and hours, and says, for example: Today is a propitious day for going away on a journey; tomorrow is propitious for purchasing property successfully. Or he says that on the eve of the Sabbatical Years, the wheat harvest is generally good; uprooting legumes rather than cutting them from above the ground prevents them from going bad.

⁷⁴⁷ The Sages taught: The enchanter mentioned in the verse (Deuteronomy 18:10) is one who relies on superstitious signs, e.g., one who says: If one’s bread fell from his mouth, that is a bad sign for him; or: If one’s staff fell from his hand, it is a bad sign; or: If one’s son calls him from behind, it is a sign that he should return from his journey; or: If a raven calls to him, or if a deer blocks him on the way, or if a snake is to his right, or if a fox is to his left, all of these are bad signs. An enchanter is one who relies on these as bad signs and consequently changes his course of action.

⁷⁴⁸ The term is also referring to one who says to a collector of charity: Do not collect from me first, as that is a bad sign for me; or: Do not collect from me now because it is morning, and it is a bad sign to begin the day with a loss; or: Do not collect from me now because it is the New Moon, and it is a bad sign to begin the month with a loss; or: It is the conclusion of Shabbat and I do not want to begin the week with a loss.

⁷⁴⁹ The Sages taught that the verse: “Nor shall you practice divination nor soothsaying” (Leviticus 19:26), is referring, for example, to those who divine and receive guidance according to what happens to a weasel, to birds, or to fish.

⁷⁵⁰ MISHNA: Also liable to be executed by stoning is one who desecrates Shabbat by performing a matter that for its intentional performance one is liable to receive karet and for its unwitting performance one is obligated to bring a sin-offering.

⁷⁵¹ GEMARA: By inference, there is another matter that is a desecration of Shabbat, and it is prohibited by the Torah, but for its unwitting performance one is not obligated to bring a sin-offering, nor does one receive karet for its intentional performance. Otherwise, the statement in the mishna that one is liable for desecrating Shabbat for performing an act for which one receives karet or is obligated to bring a sin-offering would have been superfluous.

⁷⁵² The Gemara asks: What is the labor activity that desecrates Shabbat but whose punishment is not so severe? The Gemara answers: It is the prohibition against going outside the Shabbat boundaries, which are two thousand cubits beyond a person's location at the beginning of Shabbat, and it is in accordance with the opinion of Rabbi Akiva, who holds that although it is a Torah prohibition one is neither obligated to bring a sin-offering for violating it unwittingly nor liable to be executed for violating it intentionally. Alternatively, it may be referring to the prohibition against kindling a fire on Shabbat in accordance with the opinion of Rabbi Yosei, who holds that contrary to other labors prohibited on Shabbat, this act is not punishable by stoning but by lashes.

⁷⁵³ MISHNA: One who curses his father or his mother is not liable to be executed by stoning unless he curses them with the name of God. If he cursed them with an appellation of the name of God, Rabbi Meir deems him liable, and the Rabbis deem him exempt.

⁷⁵⁴ GEMARA: Who are the Rabbis mentioned here? It is Rabbi Menaḥem, son of Rabbi Yosei. As it is taught in a baraita that Rabbi Menaḥem, son of Rabbi Yosei, says: The verse states: "And he who blasphemes the name of the Lord shall be put to death; all the congregation shall stone him; the convert as well as the homeborn, when he blasphemes the name he shall be put to death" (Leviticus 24:16). Why must the verse state "the name" a second time, which appears to be a superfluous repetition? This term taught concerning one who transgresses other prohibitions of cursing, e.g., one who curses his father or his mother, that he is not liable to be executed by stoning unless he curses them with the name of God. If he merely uses an appellation, he is exempt.

⁷⁵⁵ The Sages taught: The verse (Leviticus 20:9) could have stated merely: For a man [ish] that curses his father and his mother shall be put to death; he has cursed his father and his mother; his blood shall be upon him. Why must the verse state: "For any man [ish ish]," repeating the term ish? It is to include not only a son, but also a daughter, one whose sexual organs are indeterminate [tumentum], and a hermaphrodite [ve'androginos].

⁷⁵⁶ When the verse states: "That curses his father and his mother," I have derived only his liability for cursing both his father and his mother. From where do I derive that if one curses his father but not his mother, or his mother but not his father, that he is liable? The continuation of the verse states: "His father and his mother he has cursed; his blood is upon him." In the first part of the verse, the word "curses" is in proximity to "his father," and in the last part of the verse, it is in proximity to "his mother." This teaches that the verse is referring both to a case where he cursed only his father and to a case where he cursed only his mother; this is the statement of Rabbi Yoshiya.

⁷⁵⁷ Rabbi Yonatan says: There is no need for this derivation, because the phrase "his father and his mother" teaches that one is liable if he curses both of them together, and it also teaches that he is liable if he curses either one of them on their own, unless the verse specifies that one is liable only when he curses both together, which it does not do in this case.

⁷⁵⁸ From the phrase "shall be put to death" it is derived that his punishment is execution by stoning. The baraita asks: Do you say that that they are executed by stoning, or is it rather by one of all the other types of death penalty stated in the Torah? The baraita answers: It is stated here: "His blood shall be upon him," and it is stated below, with regard to a necromancer and a sorcerer: "They shall be put to death; they shall stone them with stones; their blood shall be upon them" (Leviticus 20:27). Just as there the verse states that a necromancer and a sorcerer are executed by stoning, so too here, with regard to one who curses his father or mother, he is executed by stoning.

⁷⁵⁹ The baraita asks: We have learned the punishment of one who curses his parent; from where is the prohibition against doing so derived? The verse states: “You shall not blaspheme judges [elohim], nor curse a king of your people” (Exodus 22:27). If his father was a judge, cursing him is included in the prohibition of: “You shall not blaspheme judges,” as it is prohibited for all people to curse a judge. And if his father was a king, cursing him is included in the prohibition of: “Nor curse a king of your people.”

⁷⁶⁰ If he is neither a judge nor a king, from where is it derived that it is prohibited to curse him? One can say: You derive it through a paradigm arrived at from both of them as follows: The defining characteristic of a king is not like the defining characteristic of a judge, and the defining characteristic of a judge is not like the defining characteristic of a king. The two cases are dissimilar.

⁷⁶¹ The baraita elaborates: The defining characteristic of a judge is not like the defining characteristic of a king, as with regard to a judge, you are commanded with regard to obeying his halakhic ruling. This is not like the defining characteristic of a king, with regard to whose halakhic ruling you are not commanded to obey. And the defining characteristic of a king is not like the defining characteristic of a judge, as with regard to the king, you are commanded with regard to rebelling against him, i.e., refusing to obey his order. This is not like the defining characteristic of a judge, as you are not commanded with regard to rebelling against him.

⁷⁶² Their common denominator is that they are “of your people,” i.e., they are members of the Jewish people, and you are prohibited from cursing them. I too will include the case of your father, as he is “of your people,” and therefore you are prohibited from cursing him.

⁷⁶³ This derivation is insufficient, as what is notable about their common denominator, i.e., another element that they share in common? It is notable in that their prominence has caused them to be entitled to an exceptional degree of respect; they are not merely “of your people.” Therefore, perhaps the prohibition against cursing applies only to such prominent figures.

⁷⁶⁴ The baraita continues: Consequently, a third case is necessary to arrive at the required paradigm. The verse states: “You shall not curse the deaf, nor put a stumbling block before the blind” (Leviticus 19:14). The verse speaks of the wretched of your people. From the fact that it is prohibited to curse even those people, it can be derived that it is prohibited to curse anyone.

⁷⁶⁵ Deriving this halakha from the case of a deaf person is also insufficient, as what is notable about the case of a deaf person? It is notable in that his deafness has caused cursing him to be prohibited. Perhaps the only reason it is prohibited to curse him is that he is deaf, just as it is prohibited to mislead the blind.

⁷⁶⁶ One can respond: The prohibition against cursing a king and a judge can prove that it is prohibited to curse anyone, as it is prohibited to curse them even though they are not wretched. And if the proof from these cases is rejected, as one can claim that what is notable about a king and a judge is that their prominence has caused them to be entitled to this respect, then the prohibition against cursing the deaf can prove that prominence is not a determining factor.

⁷⁶⁷ And the inference has reverted to its starting point. At this point the halakha is derived from a combination of the three cases: The defining characteristic of this case, i.e., that of a ruler and a judge, is not like the defining characteristic of that case, i.e., that of a deaf person, and the defining characteristic of that case is not like the defining characteristic of this case; their common

denominator is that they are “of your people,” and you are prohibited from cursing them. I too will include the case of your father, who is “of your people,” and therefore you are prohibited from cursing him.

⁷⁶⁸ The baraita refutes this derivation: What is notable about their common dominator? It is notable in that they are unusual, i.e., they are not common people, but they are in some way different from others. Perhaps there is no prohibition against cursing an ordinary person.

⁷⁶⁹ Rather, this proof is insufficient, and the baraita states a different explanation: If it is so that it is prohibited to curse only unusual people, let the verse write either that it is prohibited to curse judges and the deaf, or that it is prohibited to curse a king and the deaf, and it would have been derived from these two cases that the prohibition applies to all unusual people. Why do I need the verse to state a special prohibition with regard to judges? It is superfluous, as judges are also extraordinary people. Rather, if the verse is not needed for its own matter, i.e., the prohibition against cursing judges, apply it to the matter of cursing one’s father.

⁷⁷⁰ The Gemara asks: This works out well according to the one who says that in the verse: “You shall not blaspheme elohim” (Exodus 22:27), the word “elohim” is non-sacred, as it is referring to judges. But according to the one who says that the word is sacred, as it is referring to God, what can be said? If the verse is not superfluous, as it is needed to state a special prohibition with regard to God, how is the prohibition against cursing one’s parents derived from it?

⁷⁷¹ As it is taught in a baraita: The word “elohim” in this verse is non-sacred; this is the statement of Rabbi Yishmael. Rabbi Akiva says: The word “Elohim” is sacred. And it is taught in a different baraita that Rabbi Eliezer ben Ya’akov says: From where is the prohibition against one who blesses, i.e., curses, the name of God, derived? The verse states: “You shall not blaspheme God [Elohim].”

⁷⁷² The Gemara answers: According to the one who says that “elohim” is non-sacred, he derives the prohibition according to the sacred meaning of the word from the non-sacred meaning, i.e., he derives the prohibition against cursing God from the prohibition against cursing judges. According to the one who says that “Elohim” is sacred, we derive the prohibition according to the non-sacred meaning of the word from the sacred meaning, i.e., he derives the prohibition against cursing judges from the prohibition against cursing God.

⁷⁷³ The Gemara asks: Granted, according to the one who says that “elohim” is non-sacred, he can derive the prohibition according to the sacred meaning of the word from the non-sacred meaning through an a fortiori inference. But according to the one who says that “Elohim” is sacred, can he derive the prohibition according to the non-sacred meaning from the sacred meaning? Perhaps the Torah renders it prohibited to curse God, in accordance with the sacred meaning of the word, but it does not render it prohibited to curse elohim, judges, in accordance with the non-sacred meaning.

⁷⁷⁴ The Gemara answers: If so, if it is prohibited to curse God but not judges, let the verse write: You shall not treat lightly [takel], instead of: “You shall not blaspheme [tekallel]”; it would have been derived from this wording that is prohibited to demean or curse God.

⁷⁷⁵ What halakha can be derived from the seemingly superfluous second letter lamed, which renders the expression: “You shall not curse [tekallel]”? Conclude from it that this expression includes two prohibitions: A prohibition against cursing God and a prohibition against cursing a judge.

⁷⁷⁶ MISHNA: One who engages in intercourse with a betrothed young woman is not liable to be executed by stoning unless she is a young woman, i.e., neither a minor nor an adult; a virgin; betrothed but not yet married; and she lives in her father's home, having yet to move in with her husband. If two men engaged in intercourse with her, the first is liable to be executed by stoning, and the second is liable to be executed by strangulation. The second man is executed in this manner in accordance with the halakha of one who engages in intercourse with a married or non-virgin betrothed woman, as she was no longer a virgin when he engaged in intercourse with her.

⁷⁷⁷ GEMARA: The Sages taught with regard to the conditions stated in the mishna: The punishment of stoning applies only if the woman is a young woman, a category that applies until she is approximately twelve-and-a-half years of age, but not a grown woman. She must be a virgin but not a non-virgin. She must be betrothed but not married. She must be living in her father's home, excluding a case where the father transferred his daughter to the husband's agents to bring her to her husband's home for the purpose of marriage; in such a case, even though she has not arrived there yet, she is already considered a married woman according to halakha.

⁷⁷⁸ Rav Yehuda says that Rav says: This mishna is the statement of Rabbi Meir, who holds that the halakha of a betrothed young woman applies to a young woman of the intermediate age between minority and adulthood. But the Rabbis say: Even a minor is included in the term: A betrothed young woman; only a grown woman is excluded.

⁷⁷⁹ Rav Aḥa of Difti said to Ravina: From where is it indicated that the mishna is in accordance with the opinion of Rabbi Meir, and the specification that she must be a young woman is not only to the exclusion of a grown woman but also to the exclusion of a minor girl? Perhaps the mishna is in accordance with the opinion of the Rabbis, and the condition that she must be a young woman is to the exclusion of a grown woman and nothing more. Accordingly, one who engages in intercourse with an engaged minor girl is liable to be executed by stoning.

⁷⁸⁰ Ravina said to him: This expression in the mishna: Is not liable unless she is [ad shetehe] a young woman, a virgin, betrothed, does not suit your suggested explanation. If the mishna is merely excluding a grown woman, it should have stated: Is liable only for engaging in intercourse with a young woman who is a virgin and betrothed. The expression *ad shetehe* indicates: Until she becomes, i.e., this halakha does not apply until she reaches the age of a young woman. And there is nothing more to be said on the matter, as this is clearly the intention of the mishna.

⁷⁸¹ Rabbi Ya'akov bar Adda asked Rav: In the case of a man who engaged in intercourse with a betrothed minor girl, what is the halakha according to the opinion of Rabbi Meir? Does Rabbi Meir exclude him from punishment entirely, or does he exclude him merely from stoning but he is executed by strangulation, like one who engages in intercourse with any other married woman? Rav said to him: It stands to reason that Rabbi Meir excludes him from stoning alone, but he is liable to be executed by strangulation.

⁷⁸² Rabbi Ya'akov bar Adda raised an objection to this answer: But isn't it written: "If a man is found lying with a woman married to a husband, then they shall both die, the man who lies with the woman, and the woman" (Deuteronomy 22:22), indicating that this punishment does not apply unless they are both equally subject to punishment? If so, one who engages in intercourse with a betrothed minor girl is exempt, as she is not halakhically competent. Rav remained silent and did not answer him.

⁷⁸³ Shmuel says: What is the reason that Rav remained silent? Why not say to Rabbi Ya'akov that his premise is repudiated by the verse: "But if the man finds the betrothed young woman in the field, and the man takes hold of her, and lies with her, then the man who lay with her alone shall die" (Deuteronomy 22:25)? This verse proves that the punishment of stoning applies to the man even if the woman is exempt. The halakha of a man who engages in intercourse with a betrothed minor should be the same.

⁷⁸⁴ The Gemara answers that this matter is subject to a dispute between tanna'im, as is taught in a baraita: The verse states: "Then they shall both die" (Deuteronomy 22:22), indicating that this halakha does not apply unless they are both equally subject to punishment. If one of them cannot be punished, e.g., because he or she is a minor, the other is not executed either. This is the statement of Rabbi Yoshiya. Rabbi Yonatan says that the phrase from the verse "then the man who lay with her alone shall die" indicates that in some cases only one of them is liable to receive the death penalty.

⁷⁸⁵ The Gemara asks: And what does the other tanna, Rabbi Yonatan, who holds that this punishment applies even if only one party is subject to punishment, derive from the verse: "Then they shall both die"? Rava says: That verse is stated to exclude an act of sharpening, i.e., engaging in sexual contact with a woman without penetration. Since the man and woman do not equally receive pleasure from such an act, it is not considered sexual intercourse, and they are exempt. And the other tanna, Rabbi Yoshiya, holds that an act of sharpening is nothing; there is clearly no liability for such an act, and it is unnecessary to derive this halakha from the verse.

⁷⁸⁶ The Gemara asks: And what does the other tanna, Rabbi Yoshiya, who holds that they must be equally subject to punishment, derive from the verse "Then the man who lay with her alone shall die"?

⁷⁸⁷ The Gemara answers: He derives another halakha, as it is taught in a baraita: If ten men engaged in intercourse with a betrothed young woman, and she is still a virgin, as they engaged in anal intercourse with her, they are all liable to be executed by stoning. Rabbi Yehuda HaNasi says: The first of them is executed by stoning, and all the rest of them are executed by strangulation. Rabbi Yehuda HaNasi derives from the phrase in the verse "Then the man who lay with her alone shall die" that although the woman is still a virgin, only one man can be executed by stoning for engaging in intercourse with her. The others are executed by strangulation, in accordance with the halakha of one who engages in intercourse with a married woman or a betrothed non-virgin.

⁷⁸⁸ § The Sages taught: The verse states: "And the daughter of any priest, if she profanes [teḥel] herself by playing the harlot, she profanes her father; she shall be burned with fire" (Leviticus 21:9). Rabbi Yehuda HaNasi says: The word teḥel means first [teḥila]; and likewise it says: "Then the man who lay with her alone shall die" (Deuteronomy 22:25).

⁷⁸⁹ The Gemara asks: What is Rabbi Yehuda HaNasi saying? Rav Huna, son of Rav Yehoshua, says: Rabbi Yehuda HaNasi holds in accordance with the opinion of Rabbi Yishmael, who says that only the betrothed daughter of a priest is singled out for execution by burning, but not one who is married; a married daughter of a priest who commits adultery is executed in the same manner as other women who commit adultery. And this is what Rabbi Yehuda HaNasi is saying: If a woman's first act of sexual intercourse occurs when she commits adultery, as she is still betrothed, she is executed by burning; in another case, i.e., if she is already married and this is not the first time she engages in sexual intercourse, she is executed by strangulation.

⁷⁹⁰ The Gemara asks: What is the meaning of the end of Rabbi Yehuda HaNasi's statement: And likewise it says: "Then the man who lay with her alone shall die"? What is the relevance of that verse to this issue? The Gemara answers: Rabbi Yehuda HaNasi means to say that the halakha here, in the case of a betrothed young woman who is the daughter of a priest, is like there. Just as there, with regard to a betrothed young woman who is not the daughter of a priest, the verse speaks of her first intercourse, here too, the verse speaks of her first intercourse.

⁷⁹¹ Rav Beivai bar Abaye said to Rav Huna, son of Rav Yehoshua: My Master does not say, i.e., does not explain the statement of Rabbi Yehuda HaNasi, like that. The Gemara comments: And who is his Master? Rav Yosef.

⁷⁹² Rather, he explains the statement of Rabbi Yehuda HaNasi as follows: Rabbi Yehuda HaNasi holds in accordance with the opinion of Rabbi Meir, who says: In the case of the daughter of a priest who married one of the men unfit for her, e.g., a mamzer, and committed adultery while married to him, her death sentence is administered by strangulation and not by burning.

⁷⁹³ And this is what Rabbi Yehuda HaNasi is saying: If she first profanes herself, i.e., disqualifies herself from the priesthood, by committing adultery, she is executed by burning, but in another case, where she was already disqualified from the priesthood by marrying a man unfit for her, she is executed by strangulation. And what is the meaning of the end of Rabbi Yehuda HaNasi's statement: And likewise it says: "Then the man who lay with her alone shall die"?

⁷⁹⁴ It is merely a mnemonic. The verse is not relevant to this halakha, and it is cited merely as a sign indicating that just as the halakha of a betrothed young woman pertains to her first act of sexual intercourse, so too, the halakha of the daughter of a priest who committed adultery pertains to a case where it is her first disqualification from the priesthood.

⁷⁹⁵ MISHNA: With regard to the case of an inciter, listed among those liable to be executed by stoning, this is an ordinary person, not a prophet. And it is referring to one who incites an ordinary person and not a multitude of people. What does the inciter do? He says: There is an idol in such and such a place, which eats like this, drinks like this, does good for its worshippers like this, and harms those who do not worship it like this.

⁷⁹⁶ The mishna states a principle with regard to the halakha of an inciter: With regard to all of those mentioned in the Torah who are liable to receive the death penalty, if there are no witnesses to their transgressions, the court does not hide witnesses in order to ensnare and punish them, except for this case of an inciter.

⁷⁹⁷ The mishna elaborates: If the inciter said his words of incitement to two men, they are his witnesses, and he does not need to be warned before the transgression; they bring him to court and stone him. If he said his words of incitement to one man alone, that man's testimony would not be sufficient to have the inciter executed. Therefore he says to the inciter: I have friends who are interested in this; tell them too. This way there will be more witnesses.

⁷⁹⁸ The mishna continues: If the inciter is cunning, and he knows that he cannot speak in front of two men, the court hides witnesses for him behind the fence so that he will not see them, and the man whom the inciter had previously tried to incite says to him: Say what you said to me when we were in seclusion. And the other person, the inciter, says to him again that he should worship the idol. And he says to the inciter: How can we forsake our God in Heaven and go and worship wood and stones?

If the inciter retracts his suggestion, that is good. But if he says: This idol worship is our duty; this is what suits us, then those standing behind the fence bring him to court and have him stoned.

⁷⁹⁹ The halakha of an inciter includes one who says: I shall worship idols, or one of the following statements: I shall go and worship idols, or: let us go and worship idols, or: I shall sacrifice an idolatrous offering, or: I shall go and sacrifice an idolatrous offering, or: Let us go and sacrifice an idolatrous offering, or: I shall burn incense as an idolatrous offering, or: I shall go and burn incense, or: Let us go and burn incense, or: I shall pour an idolatrous libation, or: I shall go and pour a libation, or: Let us go and pour a libation, or: I shall bow to an idol, or: I shall go and bow, or: Let us go and bow.

⁸⁰⁰ GEMARA: The mishna teaches: With regard to the case of an inciter, this is an ordinary person. The Gemara infers: The reason he is executed by stoning is that he is an ordinary person, but if he is a prophet he is executed by strangulation, not by stoning. The mishna states further: And it is referring to one who incites an ordinary person. The Gemara infers: The reason he is executed by stoning is that he incited an individual, but if he subverted a multitude of people, he is executed by strangulation.

⁸⁰¹ Consequently, whose opinion is expressed in the mishna? It is the opinion of Rabbi Shimon, as it is taught in a baraita: A prophet who subverted others to participate in idol worship is executed by stoning. Rabbi Shimon says: He is executed by strangulation. Likewise, the subverters of an idolatrous city are executed by stoning. Rabbi Shimon says: By strangulation.

⁸⁰² The Gemara challenges: Say the last clause of the mishna, i.e., say the following mishna: With regard to the case of the subverter listed among those liable to be executed by stoning, this is one who says: Let us go and worship idols. And Rav Yehuda says that Rav says: In this mishna the Sages taught the case of the subverters of an idolatrous city. Here we arrive at the opinion of the Rabbis, who hold that those who incite a multitude of people are also executed by stoning. Is it possible that the first clause of the mishna expresses the opinion of Rabbi Shimon, and the last clause expresses that of the Rabbis?

⁸⁰³ Ravina says: The entire mishna is in accordance with the opinion of the Rabbis, and the tanna teaches the mishna employing the style of: Not only this but also that. In other words, the mishna should be explained as follows: Not only is one who incites an individual executed by stoning, but even one who subverts an entire city is executed by stoning.

⁸⁰⁴ Rav Pappa says: When the mishna teaches with regard to one who incites that this is referring to an ordinary person, it is not indicating that a prophet is not included in this halakha. Rather, it is referring to the hiding of witnesses behind a fence in order to ensnare the inciter, as his life is treated with contempt and derision, as though he were an ordinary person, i.e., a simpleton.

⁸⁰⁵ As it is taught in a baraita: And with regard to all the rest of those liable to receive the death penalty by Torah law, the court does not hide witnesses in order to ensnare them and punish them except for this case of an inciter.

⁸⁰⁶ How does the court do this to him? The agents of the court light a candle for him in an inner room, and they place witnesses for him in an outer room in the dark, so that they can see him and hear his voice but he cannot see them. And the other person, whom the inciter had previously tried to incite, says to him: Say what you said to me when we were in seclusion. And he says to him again

that he should worship the idol. And the other person says to him: How can we forsake our God in Heaven and worship idols? If the inciter retracts his suggestion, that is good. But if he says: This idol worship is our duty, and this is what suits us, the witnesses, who are listening from outside, bring him to court, and they have him stoned.

⁸⁰⁷ And the court did the same to an inciter named ben Setada, from the city of Lod, and they hanged him on Passover eve.

⁸⁰⁸ The Gemara asks: Why did they call him ben Setada, when he was the son of Pandeira? Rav Hisda says: Perhaps his mother's husband, who acted as his father, was named Setada, but his mother's paramour, who fathered this mamzer, was named Pandeira. The Gemara challenges: But his mother's husband was Pappos ben Yehuda, not Setada. Rather, perhaps his mother was named Setada, and he was named ben Setada after her. The Gemara challenges: But his mother was Miriam, who braided women's hair. The Gemara explains: That is not a contradiction; Setada was merely a nickname, as they say in Pumbedita: This one strayed [setat da] from her husband.

⁸⁰⁹ MISHNA: With regard to the case of the subverter listed among those liable to be executed by stoning, this is one who says to a multitude of people: Let us go and worship idols.

⁸¹⁰ The warlock is also liable to be executed by stoning. One who performs a real act of sorcery is liable, but not one who deceives the eyes, making it appear as though he is performing sorcery, as that is not considered sorcery. Rabbi Akiva says in the name of Rabbi Yehoshua: For example, two people can each gather cucumbers by sorcery. One of them gathers cucumbers and he is exempt, and the other one gathers cucumbers and he is liable. How so? The one who performs a real act of sorcery is liable, and the one who deceives the eyes is exempt.

⁸¹¹ GEMARA: With regard to the case of subverters mentioned in the mishna, Rav Yehuda says that Rav says: The Sages taught here the case of the subverters of an idolatrous city. Accordingly, there is no halakhic difference between one who incites individuals to idolatry and one who subverts an entire city; both are liable to be executed by stoning.

⁸¹² The mishna teaches that the case of the warlock is referring to one who performs a real act of sorcery. The Sages taught in a baraita: The verse: "You shall not allow a witch to live" (Exodus 22:17), does not refer only to a female who practices sorcery; both a man and a woman are included. If so, why does verse state "a witch"? This is because most women are familiar with witchcraft.

⁸¹³ In what manner is their death sentence administered? Rabbi Yosei HaGelili says: It is stated here: "You shall not allow a witch to live," and it is stated there, with regard to the conquest of the Canaanites: "You shall allow nothing that breathes to live" (Deuteronomy 20:16). Just as there, the Canaanites were to be killed by the sword (see Numbers 21:24), so too here, the execution of a witch is administered by the sword.

⁸¹⁴ Rabbi Akiva says: It is stated here: "You shall not allow a witch to live," and it is stated there, with regard to Mount Sinai: "No hand shall touch it, for he shall be stoned, or thrown down; whether it be animal or man, it shall not live" (Exodus 19:13). Just as there, the verse speaks of stoning, so too here, a witch is executed by stoning.

⁸¹⁵ Rabbi Yosei HaGelili said to him: I derived the meaning of the verse "You shall not allow a witch to live" from the verse "You shall allow nothing that breathes to live" via a verbal analogy between

two similar phrases, but you derived the meaning of the verse “You shall not allow a witch to live” from the verse “It shall not live,” which is a less similar phrase.

⁸¹⁶ Rabbi Akiva said to him: I derived a halakha concerning Jews from a halakha concerning Jews, with regard to whom the verse included many types of death penalties. Therefore, the fact that the expression “It shall not live” refers to stoning when stated with regard to Jews is especially significant. But you derived a halakha concerning Jews from a halakha concerning gentiles, with regard to whom the verse included only

⁸¹⁷ one type of death penalty, namely, decapitation. Since that is the only type of capital punishment that applies to gentiles, it cannot be derived through a verbal analogy that the same type applies to a Jewish sorcerer.

⁸¹⁸ The baraita continues: Ben Azzai says that it is stated: “You shall not allow a witch to live” (Exodus 22:17), and it is stated in the following verse: “Whoever lies with an animal shall be put to death” (Exodus 22:18). The fact that the Torah juxtaposes this matter to that matter is to teach that just as one who lies with an animal is executed by stoning (see Leviticus, chapter 20), so too, a warlock is executed by stoning.

⁸¹⁹ With regard to this derivation, Rabbi Yehuda said to him: And because the Torah juxtaposes this matter with that matter, shall we take this person out to be stoned? Should he be sentenced to the most severe type of capital punishment on that basis? Rather, the source is as follows: A necromancer and a sorcerer were included in the general category of warlocks, and why were they singled out from the rest, with their prohibition and punishment stated independently? This was done in order to draw an analogy to them and say to you: Just as a necromancer and a sorcerer are executed by stoning, so too, a warlock is executed by stoning.

⁸²⁰ The Gemara asks: According to the opinion of Rabbi Yehuda as well, let the punishment with regard to a necromancer and a sorcerer be considered two verses that come as one, i.e., that teach the same matter, and therefore the halakha of other cases cannot be derived from it, according to the principle that any two verses that come as one do not teach about other cases. In other words, if a halakha is taught with regard to two individual cases in the Torah, the understanding is that this halakha applies only to those cases. Had this halakha applied to all other relevant cases as well, it would not have been necessary for the Torah to teach it twice. The fact that two cases are mentioned indicates that they are the exceptions rather than the rule.

⁸²¹ Rabbi Zekharya says: This means that Rabbi Yehuda holds that two verses that come as one do teach about other cases.

⁸²² § Rabbi Yoḥanan says: Why is sorcery called keshafim? Because it is an acronym for: Contradicts the heavenly entourage [shemakhḥishin pamalia shel mala]. Sorcery appears to contradict the laws of nature established by God.

⁸²³ The verse states: “To you it was shown, so that you should know that the Lord is God; there is none else besides Him” (Deuteronomy 4:35). Rabbi Ḥanina says: This is true even with regard to a matter of sorcery; sorcery is ineffective against a righteous person.

⁸²⁴ The Gemara relates: There was a certain woman who was attempting to take dust from under the feet of Rabbi Ḥanina in order to perform sorcery on him and harm him. Rabbi Ḥanina said to her: If

you succeed, go and do it. I am not concerned about it, as it is written: “There is none else besides Him.”

⁸²⁵ The Gemara asks: Is that so? But doesn’t Rabbi Yoḥanan say: Why are sorcerers called mekhashefim? Because it is an acronym for: Contradicts the heavenly entourage. This indicates that one should be wary of sorcery. The Gemara answers: Rabbi Ḥanina is different, as his merit is great, and sorcery certainly has no effect on such a righteous person.

⁸²⁶ Rabbi Aivu bar Nagri says that Rabbi Ḥiyya bar Abba says that in the verse: “And the magicians of Egypt did in that manner with their secret arts [belateihem]” (Exodus 7:22), these words are describing acts of employing demons, which are invisible, and their actions are therefore hidden [balat]. With regard to the similar term “belahateihem” (Exodus 7:11), these are acts of sorcery, which sorcerers perform themselves, without using demons. And likewise it says: “And the flaming [lahat] sword that turned every way” (Genesis 3:24), referring to a sword that revolves by itself.

⁸²⁷ Abaye says: A sorcerer who is particular about using a certain utensil for his sorcery is employing a demon; one who is not particular about using a certain utensil is performing an act of sorcery.

⁸²⁸ Abaye says: The halakhot of sorcery are like the halakhot of Shabbat, in that their actions can be divided into three categories: There are some of them for which one is liable to be executed by stoning, and there are some of them for which one is exempt from punishment by Torah law but they are prohibited by rabbinic law, and there are some of them that are permitted ab initio.

⁸²⁹ Abaye elaborates: One who performs a real act of sorcery is liable to be executed by stoning. One who deceives the eyes is exempt from punishment, but it is prohibited for him to do so. What is permitted ab initio is to act like Rav Ḥanina and Rav Oshaya: Every Shabbat eve they would engage in the study of the halakhot of creation, and a third-born calf would be created for them, and they would eat it in honor of Shabbat.

⁸³⁰ Rav Ashi said: I saw Karna’s father perform a magic trick in which he would blow his nose and cast rolls of silk from his nostrils by deceiving the eye.

⁸³¹ With regard to the verse: “And the magicians said to Pharaoh: This is the finger of God” (Exodus 8:15), Rabbi Eliezer says: It is derived from here that a demon cannot create an entity smaller than the size of a barley grain. Consequently, the magicians were not capable of duplicating the plague of lice, and they realized that this was not an act of sorcery but was performed by God.

⁸³² Rav Pappa said: By God! They cannot create even an entity as large as a camel. They do not create anything. Rather, they can gather these large animals, leading them from one place to another, but they cannot gather those small animals.

⁸³³ Rav said to Rabbi Ḥiyya: I myself saw a certain Arab who took a sword and sliced a camel and then beat a drum [betavla], and the camel arose from the dead. Rabbi Ḥiyya said to him: Was there blood and excretion afterward in that place, which flowed from the camel when it was sliced? Rather, since there was none, that was clearly a deception of the eyes and not sorcery.

⁸³⁴ The Gemara relates: Ze’eiri happened to come to Alexandria of Egypt. He bought a donkey. When he was about to give it water to drink the magic thawed when the donkey touched the water and it was revealed that it was not a donkey, and it turned into the plank of a bridge. The ones who sold it to him said to him: If you were not Ze’eiri, a distinguished person, we would not refund you the money for the donkey. Is there anyone who buys an item here and does not examine it first with

water? Since sorcery was widespread there, anyone who bought an item examined it in order to find out if it was affected by sorcery, and if one did not examine an acquired item by exposing it to water and it turned out to be under a spell, he suffered the loss.

⁸³⁵ The Gemara relates: A man named Yannai arrived at a certain inn. He said to the innkeepers: Give me water to drink. They brought him flour mixed with water. He saw that the lips of the innkeeper woman were moving, and he cast a bit of the drink to the ground, and it turned into scorpions, and he understood that the innkeepers performed sorcery on the drink. Yannai said to them: I drank from yours; you too drink from mine, and he also performed sorcery on the drink. He gave it to her to drink and she turned into a donkey. He rode upon her and went to the marketplace. Her friend came and released her from the sorcery, and people saw him riding on a woman in the marketplace.

⁸³⁶ It is stated with regard to the plagues of Egypt: “And the frog came up and covered the land of Egypt” (Exodus 8:2). Noting that the term “the frog” is written in the singular, Rabbi Elazar says: At first it was one frog; it spawned and filled the entire land of Egypt with frogs.

⁸³⁷ The Gemara comments: This matter is subject to a dispute between tanna'im: Rabbi Akiva says: It was one frog, and it spawned and filled the entire land of Egypt with frogs. Rabbi Elazar ben Azarya said to him: Akiva, what are you doing occupying yourself with the study of aggada? This is not your field of expertise. Take your statements to the tractates of Nega'im and Oholot. In other words, it is preferable that you teach the halakhot of the impurity of leprosy and the impurity imparted in a tent, which are among the most difficult areas of halakha and are within your field of expertise. Rather, the verse is to be understood as follows: It was one frog; it whistled to the other frogs, and they all came after it.

⁸³⁸ § In the mishna, Rabbi Akiva says in the name of Rabbi Yehoshua that two people can each gather cucumbers by sorcery, one of whom is exempt, as he merely deceives the eyes, and one of whom is liable, as he performs real sorcery.

⁸³⁹ The Gemara asks: And did Rabbi Akiva learn these halakhot from Rabbi Yehoshua? But isn't it taught in a baraita: When Rabbi Eliezer took ill, Rabbi Akiva and his colleagues came to visit him. He was sitting on his canopied bed [bekinof], and they were sitting in his parlor [biteraklin]; they did not know if he would be able to receive them, due to his illness.

⁸⁴⁰ And that day was Shabbat eve, and Rabbi Eliezer's son Hyrcanus entered to remove his phylacteries, as phylacteries are not worn on Shabbat. His father berated him, and he left reprimanded. Hyrcanus said to his father's colleagues: It appears to me that father went insane, since he berated me for no reason. Rabbi Eliezer heard this and said to them: He, Hyrcanus, and his mother went insane. How can they neglect Shabbat preparations with regard to prohibitions punishable by stoning, such as lighting the candles and preparing hot food, and engage in preparations concerning prohibitions by rabbinic decree, such as wearing phylacteries on Shabbat?

⁸⁴¹ Since the Sages perceived from this retort that his mind was stable, they entered and sat before him at a distance of four cubits, as he was ostracized (see Bava Metzia 59b). It is forbidden to sit within four cubits of an ostracized person.

⁸⁴² Rabbi Eliezer said to them: Why have you come? They said to him: We have come to study Torah, as they did not want to say that they came to visit him due to his illness. Rabbi Eliezer said to

them: And why have you not come until now? They said to him: We did not have spare time. Rabbi Eliezer said to them: I would be surprised if these Sages die their own death, i.e., a natural death. Rather, they will be tortured to death by the Romans. Rabbi Akiva said to him: How will my death come about? Rabbi Eliezer said to him: Your death will be worse than theirs, as you were my primary student and you did not come to study.

⁸⁴³ Rabbi Eliezer raised his two arms and placed them on his heart, and he said: Woe to you, my two arms, as they are like two Torah scrolls that are now being rolled up, and will never be opened again. I have learned much Torah, and I have taught much Torah. I have learned much Torah, and I have not taken away from my teachers, i.e., I have not received from their wisdom, even like a dog lapping from the sea. I have taught much Torah, and my students have taken away from me, i.e., they have received from my wisdom, only like the tiny amount that a paintbrush removes from a tube of paint.

⁸⁴⁴ Moreover, I can teach three hundred halakhot with regard to a snow-white leprous mark [bebaheret], but no person has ever asked me anything about them. He could not find a student who could fully understand him in those matters. Moreover, I can teach three hundred halakhot, and some say that Rabbi Eliezer said three thousand halakhot, with regard to the planting of cucumbers by sorcery, but no person has ever asked me anything about them, besides Akiva ben Yosef.

⁸⁴⁵ Rabbi Eliezer described the incident: Once he and I were walking along the way, and he said to me: My teacher, teach me about the planting of cucumbers. I said one statement of sorcery, and the entire field became filled with cucumbers. He said to me: My teacher, you have taught me about planting them; teach me about uprooting them. I said one statement and they all were gathered to one place.

⁸⁴⁶ After these comments, the Sages asked him questions of halakha: What is the halakha, with regard to ritual impurity, of a ball made of leather and stuffed with rags, and likewise a last, the frame on which a shoe is fashioned, which is made of leather and stuffed with rags, and likewise an amulet wrapped in leather, and a pouch for pearls, wrapped in leather, and a small weight, which is wrapped in leather? Rabbi Eliezer said to them: They are susceptible to impurity, and their purification is effected by immersing them in a ritual bath as they are, as there is no need to open them up.

⁸⁴⁷ They asked him further: What is the halakha with regard to a shoe that is on a last? Is it considered a complete vessel, which needs no further preparation, and is therefore susceptible to impurity? Rabbi Eliezer said to them: It is pure, and with this word, his soul left him in purity. Rabbi Yehoshua stood on his feet and said: The vow is permitted; the vow is permitted; i.e., the ostracism that was placed on Rabbi Eliezer is removed.

⁸⁴⁸ Rabbi Akiva was not present at the time of his death. At the conclusion of Shabbat, Rabbi Akiva encountered the funeral procession on his way from Caesarea to Lod. Rabbi Akiva was striking his flesh in terrible anguish and regret until his blood flowed to the earth. He began to eulogize Rabbi Eliezer in the row of those comforting the mourners, and said: "My father, my father, the chariot of Israel and its horsemen" (II Kings 2:12). I have many coins, but I do not have a money changer to whom to give them, i.e., I have many questions, but after your death I have no one who can answer them.

⁸⁴⁹ The Gemara returns to the matter at hand: Apparently, Rabbi Akiva learned the halakhot of gathering cucumbers through sorcery from Rabbi Eliezer, not from Rabbi Yehoshua. The Gemara

answers: He learned it from Rabbi Eliezer but he did not understand it. Later he learned it from Rabbi Yehoshua, and Rabbi Yehoshua explained it to him.

⁸⁵⁰ The Gemara asks: How could Rabbi Eliezer have performed that act of sorcery? But didn't we learn in the mishna that one who performs an act of sorcery is liable? The Gemara answers: Performing sorcery not in order to use it, but in order to teach oneself the halakhot is different, and it is permitted; as the Master says that it is derived from the verse: "You shall not learn to do like the abominations of those nations. There shall not be found among you...one who uses divination, a soothsayer, an enchanter, or a sorcerer" (Deuteronomy 18:9–10), so that you shall not learn, i.e., it is prohibited for you to learn, in order to do, but you may learn, i.e., it is permitted for you to learn, in order to understand the matter yourself and teach it to others.

Chapter 8

¹ MISHNA: The Torah describes the punishment given to a son who steals money from his parents to eat a gluttonous meal of meat and wine in the company of lowly men. If his parents bring him to court for this act, he is exhorted to desist and is punished with lashes. If he repeats the same misdeed and is again brought to court by his parents within the same three-month period, he is considered a stubborn and rebellious son [ben sorer umoreh]. He is liable to receive the death penalty, which in this case is execution by stoning. From when does a stubborn and rebellious son become liable to receive the death penalty imposed upon a stubborn and rebellious son?

² From when he grows two pubic hairs, which are a sign of puberty and from which time he is considered an adult, until he has grown a beard around. The reference here is to the lower beard surrounding his genitals, and not the upper beard, i.e., his facial hair, but the Sages spoke in euphemistic terms. As it is stated: "If a man has a stubborn and rebellious son" (Deuteronomy 21:18), which indicates that the penalty for rebelliousness is imposed upon a son, but not upon a daughter; and upon a son, but not upon a fully grown man. A minor under the age of thirteen is exempt from the penalty imposed upon a stubborn and rebellious son, because he has not yet reached the age of inclusion in mitzvot.

³ GEMARA: The Gemara inquires about the source of the halakha taught in the mishna: From where do we derive that a minor is exempt from the punishment imposed upon a stubborn and rebellious son? The Gemara comments: This question is puzzling: From where do we derive this halakha? The reason is as is taught in the mishna: Because he has not yet reached the age of inclusion in mitzvot. And furthermore, where do we find that the verse punishes a minor, so that a special verse should be required here in order to exempt him?

⁴ The Gemara clarifies: This is what we are saying: Is this to say that a stubborn and rebellious son is killed for a sin that he already committed? But, as will be explained (71b), he is killed for what he will become in the end. The Torah understands that since the boy has already embarked on an evil path, he will continue to be drawn after his natural tendencies and commit many offenses that are more severe. It is therefore preferable that he should be killed now so that he may die in relative innocence, rather than be put to death in the future bearing much more guilt. And since he is executed for what he will become in the end, one might have thought that even a minor as well can be

sentenced to the death penalty as a stubborn and rebellious son. And furthermore, the exclusion: “A son,” but not a man, indicates that a minor is in fact included in the halakha, as he is not yet a man.

⁵ Rav Yehuda says that Rav says: A minor is exempt from the punishment imposed upon a stubborn and rebellious son, as the verse states: “If a man has a son” (Deuteronomy 21:18), which indicates that the halakha applies to a son who is close to the stage of having the strength of a man, i.e., close to full maturity, but not to a younger boy.

⁶ § The mishna teaches that a boy can be sentenced as a stubborn and rebellious son only until he has grown a lower beard. Rabbi Ḥiyya teaches a baraita that states: Until the hair surrounds the corona. When Rav Dimi came from Eretz Yisrael to Babylonia he said in explanation of Rabbi Ḥiyya’s statement: The reference in the mishna is to hair surrounding the penis and not to hair surrounding the sac holding the testicles, which grows later.

⁷ § Rav Ḥisda says: In the case of a minor who fathered a child, his son cannot become a stubborn and rebellious son, as it is stated: “If a man has a stubborn and rebellious son,” which indicates that the halakha applies only if a man has a son, but not if a son, i.e., one who is not yet a man, has a son. The Gemara asks: How can Rav Ḥisda derive his halakha from this verse? Doesn’t he require this verse to teach us that which Rav Yehuda says that Rav says, namely, that a minor is exempt from the punishment imposed upon a stubborn and rebellious son? The Gemara answers: This verse teaches two halakhot, as, were the intention to teach only the halakha that a minor is exempt, let the verse say: If there be a son to a man. For what reason does the verse introduce a change into the normal word order and state: “If a man has a son”? Conclude from it that the verse serves to teach the ruling of Rav Ḥisda.

⁸ The Gemara asks: If so, say that the entire verse comes to teach us this, i.e., what Rav Ḥisda said, and that it does not teach that a minor is not included in the halakha of a stubborn and rebellious son. The Gemara answers: If so, the verse should have stated: If there be the son of a man. What is the meaning of: “If a man has a son”? Conclude two conclusions from it, both that a minor cannot become a stubborn and rebellious son and that if a minor fathered a son, the son cannot become a stubborn and rebellious son.

⁹ The Gemara comments: And Rav Ḥisda’s statement disagrees with the opinion of Rabba, as Rabba says in connection with one who returns stolen property after having taken a false oath that he did not steal it: A minor cannot father a child, as it is stated: “But if the man has no relative to whom restitution may be made, let the trespass that is recompensed to the Lord be the priest’s” (Numbers 5:8). And is there any man in the Jewish people who does not have a relative? All members of the Jewish people are related, as they all descend from the patriarch Jacob, and therefore every person has a relative who is fit to inherit from him.

¹⁰ Rather, the verse is speaking of the robbery of a convert, who is treated like a newborn child and considered to have no ties to his natural parents or relatives. If he did not father any children after his conversion, he is a man with no relatives at all, and therefore if he dies, property that had been stolen from him must be returned to a priest.

¹¹ And the Merciful One states: “But if the man has no relative,” teaching that it is only in the case of a convert who is a man that you must go around seeking whether or not he has relatives, i.e., children who were born to him after his conversion. But in the case of a convert who is a minor, you do not

have to go around searching for relatives; it is known that he has no relative, since a minor cannot father a child.

¹² Abaye raised an objection to Rabba from a baraita discussing a designated maidservant, about whom the verse states: “And if a man lies carnally with a woman who is a maidservant designated to a man, and not fully redeemed, nor freedom given her, inquiry shall be made; they shall not be put to death, because she was not free” (Leviticus 19:20). From the word “man,” I have derived only that this halakha applies to an adult man. But as for a minor aged nine years and one day, who is fit for engaging in intercourse, from where is it derived that he too is subject to this halakha? The verse states: “And if a man.” The extraneous letter vav, meaning “and,” serves to include a minor who is nine years old, as already at that age he can perform complete intercourse.

¹³ Rabba said to Abaye: There is no proof from here, as even though a nine-year-old boy has sperm, he cannot father a child. His sperm is like the seed of grain that was cut even though it had not yet reached one-third of its growth. Such seed, even if planted, will not grow.

¹⁴ A Sage of the school of Hīzkiyya taught: The verse states: “But if a man comes intentionally [yazid] against his neighbor, to slay him with guile, you shall take him from My altar, that he may die” (Exodus 21:14). The use of the term yazid in this context and its juxtaposition to the word “man” teaches that a man can heat [mezid] himself up and produce viable sperm, but a minor cannot heat himself up and produce viable sperm. Therefore, even though a minor can engage in full intercourse with a woman, he cannot father a child. Rav Mordekhai said to Rav Ashi: From where may it be inferred that this word mezid is a term meaning heating up? As it is written in a different verse: “And Jacob cooked [vayyazed] pottage” (Genesis 25:29).

¹⁵ The Gemara asks: But didn’t the school of Rabbi Yishmael teach the following baraita concerning a stubborn and rebellious son: The verse that states: “If a man has a stubborn and rebellious son,” teaches that a son can become a stubborn and rebellious son, but not a father, so that one who has a child cannot be sentenced as a stubborn and rebellious son.

¹⁶ The Gemara asks: What are the circumstances? If we say that his wife conceived after he grew two pubic hairs and the baby was born before he grew a beard around his genitals, is there such a long interval between these two times to allow for carrying the child to term? But doesn’t Rabbi Kruspedai say: The entire time during which it is possible to judge and sentence a stubborn and rebellious son is only three months, the time between the appearance of two pubic hairs and the growth of a beard around the genitals? Consequently, it is impossible for a child to be born to the stubborn and rebellious son during this period. Rather, is it not that his wife conceived before he grew two pubic hairs, and the baby was born before he grew a beard around his genitals? And you can learn from it that a minor can, in fact, father a child.

¹⁷ The Gemara rejects this reasoning: No, actually, you can explain that his wife conceived only after he grew two pubic hairs, and the baby was born after he grew a beard around his genitals. And as for that which is difficult for you based on the statement of Rabbi Kruspedai that the halakha governing a stubborn and rebellious son applies for only three months, it can be explained as follows: When Rav Dimi came from Eretz Yisrael to Babylonia, he said that they say in the West, Eretz Yisrael, that the term “son” teaches that only a son can become a stubborn and rebellious son, but not one who is fit to be called a father. That is to say, the verse does not exclude someone whose child was born

during this period, but rather one whose wife conceived during this time, so that he is fit to be called a father.

¹⁸ § Returning to the matter itself: Rabbi Kruspedai says that Rabbi Shabbtai says: The entire time during which it is possible to judge and sentence a stubborn and rebellious son is only three months. The Gemara asks: But didn't we learn in the mishna that a boy can be judged as a stubborn and rebellious son from when he grows two pubic hairs until he grows a beard around his genitals? This seems to indicate that his liability depends on his physical maturity, and not on any specific time period. The Gemara answers: If he grew a beard around his genitals, then even if three months have not passed, he can no longer become liable as a stubborn and rebellious son. And if three months passed, then even if he has not grown a beard around his genitals, he is similarly exempt.

¹⁹ Rabbi Ya'akov from Nehar Pekod sat before Ravina and sat and said in the name of Rav Huna, son of Rav Yehoshua: Learn from the statement that Rabbi Kruspedai says that Rabbi Shabbtai says that when a woman gives birth at seven months, her fetus cannot yet be discerned after one-third of her days of pregnancy. In a nine-month pregnancy, the fetus can be discerned after three months, which is one-third of the pregnancy. In the case of a pregnancy that lasts seven months, the fetus cannot be discerned at the end of one-third of the pregnancy, i.e., after two and one-third months, but after three months, as in a standard nine-month pregnancy.

²⁰ Rabbi Ya'akov explains the inference: As if it enters your mind that when a woman gives birth at seven months, her fetus can already be discerned after one-third of her days of pregnancy, i.e., after two and one-third months, why do I need three months from the time the boy reaches adulthood until the end of the time that he can become liable as a stubborn and rebellious son? A period of two and one-third months should suffice. If he engaged in intercourse with a woman immediately upon reaching adulthood and the intercourse resulted in a seven-month pregnancy, the fetus would be able to be discerned after two and one-third months, and he would be fit to be called a father already from then. From the statement of Rabbi Kruspedai, citing Rabbi Shabbtai, it is clear that the earliest time the fetus can be discerned is after three months of the pregnancy have passed.

²¹ Ravina said to Rabbi Ya'akov: Actually, I could say to you that even when a woman gives birth at seven months, her fetus can already be discerned after one-third of her days of pregnancy. But the halakha with regard to a stubborn and rebellious son was not adjusted accordingly because of the principle that one follows the majority. Most women give birth at nine months, and their fetuses are discernible only after three months. Therefore, the fact that one would be fit to be called a father in the case of a seven-month pregnancy is disregarded.

²² The Sages stated this answer before Rav Huna, son of Rav Yehoshua, whereupon he said to them: But do we blindly follow the majority in cases of capital law and not judge each case on its own merits? Doesn't the Torah state: "And the congregation shall judge...and the congregation shall deliver" (Numbers 35:24–25), from which it is derived that the court must make every effort to find exculpatory arguments in support of the accused; and yet you say that one follows the majority? If it is possible that already after two and one-third months the stubborn and rebellious son will be fit to be called a father, from that time on he should be exempt from punishment.

²³ The Sages then brought Rav Huna's analysis back to Ravina and presented it before him. Ravina said to them: And do we not follow the majority in cases of capital law? But didn't we learn in the mishna (Sanhedrin 40a): If one witness says that the event occurred on the second of the month, and

one witness says that the event occurred on the third of the month, this is not regarded as a contradiction and their testimony stands, since it is possible to say that this witness knows of the addition of a day to the previous month, and according to his tally the event occurred on the second of the month, and that witness does not know of the addition of a day to the previous month, and according to his tally the event occurred on the third of the month.

²⁴ And if it enters your mind that we do not say that one follows the majority in cases of capital law, let us then say that these witnesses are testifying with precision, and that they contradict each other, and therefore the accused should be acquitted. Rather, is it not because we say that one follows the majority, and the majority of people are apt to err with regard to the addition of an extra day to the month?

²⁵ Rabbi Yirmeya of Difti says: We learn in another mishna (Nidda 44b) as well that one follows the majority even in cases of capital law: A girl who is three years and one day old whose father arranged her betrothal can be betrothed with intercourse, as, despite her age, the legal status of intercourse with her is that of full-fledged intercourse. And in a case where the childless husband of a girl three years and one day old dies, if his brother, the yavam, engages in intercourse with her, he acquires her as his wife. And if a girl of that age is married, a man other than her husband is liable for engaging in intercourse with her due to violation of the prohibition against adultery, as despite her age she is legally considered to be a married woman.

²⁶ The mishna continues: And if she is impure due to menstruation, she transmits impurity to one who engages in intercourse with her, who then renders all the items designated for lying beneath him impure like the items designated for lying above him. If she marries a priest, she may partake of teruma like any other wife of a priest. If she is unmarried and one of the men who is unfit for the priesthood, e.g., a mamzer or ḥalal, engaged in intercourse with her, he has disqualified her from marrying into the priesthood, and if she is the daughter of a priest, she is disqualified from partaking of teruma. And if one of any of those with whom relations are forbidden, which are enumerated in the Torah, engaged in intercourse with her, e.g., her father or father-in-law, the man is executed by the court for engaging in intercourse with her, and she is exempt because she is a minor.

²⁷ Rabbi Yirmeya of Difti explains how this mishna demonstrates that one follows the majority even in cases of capital law: Why is a man who engaged in intercourse with a three-year-old girl who was married to another man liable to receive the death penalty? Say that perhaps it will turn out that she is a sexually underdeveloped woman [ailonit] who is incapable of bearing children, and her husband did not betroth her with this understanding; and consequently the marriage is null, as it was entered into in error. Therefore, a man who engaged in intercourse with her should not be liable to receive the death penalty for adultery. Rather, is it not that we say that one follows the majority, and the majority of women are not sexually underdeveloped women, and therefore the assumption is that the betrothal was valid? This is proof that even in cases of capital law one follows the majority.

²⁸ The Gemara refutes this claim: No; rather, what is the meaning of that which is taught in the mishna: And if she is married, a man other than her husband is liable for engaging in intercourse with her due to violation of the prohibition against intercourse with a married woman? This means that if a man unwittingly engaged in intercourse with a three-year-old girl who was married to another man, he is liable to bring a sin-offering, but there is no liability to receive the death penalty based on a majority.

²⁹ The Gemara asks: But wasn't it taught in the mishna: And if one of any of those with whom relations are forbidden, which are enumerated in the Torah, engaged in intercourse with her, the man is executed by the court for engaging in intercourse with her? The Gemara answers: This is referring to a case where her father or some other close relative engaged in intercourse with her, so that the prohibition is incest, rather than adultery.

³⁰ The Gemara asks: But wasn't it taught: If one of any of those with whom relations are forbidden engaged in intercourse with her, the man is executed by the court for engaging in intercourse with her? This seems to indicate that the death penalty is imposed for all types of forbidden intercourse with a three-year-old girl, even if the intercourse is forbidden as a result of her being married. The Gemara refutes this claim: Rather, what are we dealing with here? With a case where the husband explicitly accepted her upon himself as his wife even if she turns out to be a sexually undeveloped woman. Therefore, another man who engages in intercourse with her is liable to receive the death penalty even if he is not one of her close relatives.

³¹ § The Sages taught in a baraita: If a woman was acting lewdly with her minor son and he performed the initial stage of intercourse with her, Beit Shammai say that he has thereby disqualified her from marrying into the priesthood. And Beit Hillel deem her fit to marry into the priesthood, because they maintain that the intercourse of a minor is not regarded as intercourse.

³² Rabbi Hiyya, son of Rabba bar Naḥmani, says that Rav Ḥisda says, and some say that Rav Ḥisda says that Ze'eiri says: All, i.e., both Beit Shammai and Beit Hillel, concede with regard to a boy nine years and one day old that his intercourse is regarded as intercourse and disqualifies a woman from marrying into the priesthood as well as results in her liability to receive the death penalty, even though he himself is not liable to receive it. And they also all concede concerning a boy less than eight years old that his intercourse is not regarded as intercourse vis-à-vis these halakhot. They disagree only about a boy who is eight years old, as Beit Shammai maintain that we learn from earlier generations, when people were able to father children at that age, and we apply that reality to the present; and Beit Hillel maintain that we do not learn from earlier generations.

³³ The Gemara asks: And from where do we derive that in earlier generations men fathered children at this age? If we say that we know this from the following calculation: It is written: "Is this not Bathsheba, daughter of Eliam, wife of Uriah the Hittite?" (II Samuel 11:3). And it is also written: "And Eliam, son of Ahithophel the Gilonite" (II Samuel 23:34), which teaches that Bathsheba was the granddaughter of Ahithophel. And it is written with reference to the birth of Solomon: "And he sent by the hand of Nathan the prophet, and he called his name Jedidiah, for the Lord's sake" (II Samuel 12:25).

³⁴ And later it is written: "And it came to pass after two years, that Absalom had sheepshearers" (II Samuel 13:23), and at that time Amnon was killed (see II Samuel 13:23–29), this being at least two years after Solomon was born. And afterward it is written: "So Absalom fled, and went to Geshur, and was there three years" (II Samuel 13:38), so that this was five years after Solomon was born.

³⁵ And it is written: "So Absalom dwelt two years in Jerusalem, and did not see the king's face" (II Samuel 14:28), bringing the tally to seven years after Solomon was born. And it is written: "And it came to pass after forty years, that Absalom said to the king, I pray you, let me go and pay my vow, which I have vowed to the Lord, in Hebron" (II Samuel 15:7). This was the beginning of Absalom's rebellion against David. Accordingly, at that time Solomon was at least seven years old. And at some

point during the rebellion it is written: “And when Ahithophel saw that his counsel was not followed, he saddled his donkey, and arose, and went to his house, to his city, and put his household in order, and strangled himself and died” (II Samuel 17:23).

³⁶ And it is written: “Bloody and deceitful men shall not live out half their days” (Psalms 55:24). And in keeping with this verse, it is taught in a baraita: All of Doeg’s years were only thirty-four and Ahithophel’s were only thirty-three. Neither reached the age of thirty-five, half of the normal life span of seventy years. Based on this, one can calculate: How many years did Ahithophel live? Thirty-three. Subtract seven years, Solomon’s age at the time of Ahithophel’s death, which leaves Ahithophel twenty-six years old at the time of Solomon’s birth. Subtract two more years for three pregnancies, one preceding the birth of Eliam the son of Ahithophel, one preceding the birth of Bathsheba, daughter of Eliam, and one preceding the birth of Solomon, son of Bathsheba. It turns out that three generations were born in twenty-four years, and that each and every parent begot a child at the age of eight.

³⁷ The Gemara refutes this proof: From where do you prove this? Perhaps both Ahithophel and his son Eliam fathered children when they were each nine years old, and Bathsheba gave birth to Solomon when she was six, because a woman is stronger and can conceive at an earlier age. Know that this is true that women conceive at an earlier age, as Bathsheba had already given birth to a child from David before giving birth to Solomon (see II Samuel 11:27). Therefore, no proof can be derived from here.

³⁸ Rather, it is from here that one can deduce that in earlier generations men fathered children at the age of eight, as it is written: “And these are the generations of Terah; Terah begot Abram, Nahor, and Haran” (Genesis 11:27). And Abraham was at least one year older than Nahor, and Nahor was one year older than Haran, so it turns out that Abraham was two years older than Haran. And it is written: “And Abram and Nahor took wives for themselves; the name of Abram’s wife was Sarai and the name of Nahor’s wife was Milka, daughter of Haran, father of Milka and father of Ischah” (Genesis 11:29).

³⁹ And Rabbi Yitzḥak says: Ischah is in fact Sarah. And why was she called Ischah? Because she envisioned [shesokha] hidden matters by means of divine inspiration. And this explains what is written: “In all that Sarah has said to you, hearken to her voice” (Genesis 21:12). Alternatively, Sarah was also called Ischah, because all gazed [sokhim] upon her beauty. And it is written: “And Abraham fell upon his face, and laughed, and said in his heart: Shall a child be born to him that is a hundred years old? And shall Sarah, who is ninety years old, give birth?” (Genesis 17:17). How much older was Abraham than Sarah? He was ten years older than her and, as stated above, he was two years older than her father, Haran. It turns out then that when Haran begot Sarah, he begot her at the age of eight.

⁴⁰ The Gemara refutes this proof: From where do you prove this? Perhaps Abraham was the youngest of the brothers, and not the oldest among them. The fact that Abraham is listed first is no proof that he was the oldest, as perhaps the verse listed them in the order of their wisdom and therefore Abraham, being the wisest, was mentioned first.

⁴¹ Know that it is true that the verse sometimes lists brothers not according to their birth order, but in the order of their degrees of wisdom, as it is written: “And Noah was five hundred years old; and Noah begot Shem, Ham, and Japheth” (Genesis 5:32). According to this, Shem was at least one year

older than Ham, and Ham one year older than Japheth, so it turns out that Shem was two years older than Japheth. And it is written: “And Noah was six hundred years old when the flood of waters was upon the earth” (Genesis 7:6). And it is written: “These are the descendants of Shem; Shem was one hundred years old, and begot Arpachshad two years after the flood” (Genesis 11:10). If Shem was the oldest brother, how could he be only 100 years old? He must have been at least 102 years old, as Noah was 500 years old when his third son was born, and he was 600 years old at the time of the flood.

⁴² Rather, the verse listed them in the order of their degrees of wisdom, Shem being the wisest. With regard to his age, Shem was the youngest of the brothers, having been born when Noah was 502 years old. Shem begot his son 100 years later, which was two years after the flood. Here too, then, with regard to the sons of Terah, it can be argued that the verse lists them in the order of their degrees of wisdom.

⁴³ Rav Kahana says: I stated this discussion before Rav Zevid of Neharde’a. When he heard it, he said to me: You learn that Shem was not Noah’s oldest son from there, and we learn it from here: “And to Shem, the father of all the children of Eber, the brother of Japheth the elder, to him also were children born” (Genesis 10:21). This verse indicates that Japheth, rather than Shem, was the oldest of the brothers.

⁴⁴ The Gemara asks: Rather, from where do we derive that in earlier generations men fathered children at the age of eight? From here, as it is written: “And Bezalel, son of Uri, son of Hur, of the tribe of Judah, made all that the Lord commanded Moses” (Exodus 38:22). And it is written: “And Azubah died, and Caleb took for himself Ephrat, who bore him Hur. And Hur begot Uri, and Uri begot Bezalel” (I Chronicles 2:19–20). And when Bezalel made the Tabernacle how old was he? He must have been at least thirteen years old, as it is written: “And all the wise men that carried out all the work of the sanctuary, came every man from his work that they did” (Exodus 36:4), and one who is less than thirteen is not called a man. And it is taught in a baraita: In the first year following the exodus from Egypt Moses made the Tabernacle; in the second year he erected the Tabernacle and sent out the spies.

⁴⁵ And it is written that Caleb, Bezalel’s great-grandfather, said to Joshua: “I was forty years old when Moses the servant of the Lord sent me from Kadesh Barnea to spy out the land” (Joshua 14:7). And he added: “And now, behold, I am this day eighty-five years old” (Joshua 14:10). How many years old was Caleb when he was sent off with the spies? He was forty. Subtract fourteen years, as Bezalel was at least fourteen years old when Caleb was sent to spy out the land. This is known because that mission took place a year after the Tabernacle was erected. This leaves twenty-six years. Subtract two more years for three pregnancies, one preceding the birth of Hur, son of Caleb, one preceding the birth of Uri, son of Hur, and one preceding the birth of Bezalel, son of Uri. It turns out that three generations were born in twenty-four years, and that each and every parent begot a child at the age of eight.

⁴⁶ § The mishna teaches that the penalty for rebelliousness is imposed upon a son, but not upon a daughter. It is taught in a baraita: Rabbi Shimon says: It would be reasonable that a daughter should be fit to be treated like a stubborn and rebellious son, and to be punished like him if she sins in the same way as he does.

⁴⁷ The reason is that all are found frequently with her in sin, and in the end she will be a sinner and cause others to sin. But it is a Torah edict that the penalty for rebelliousness is imposed only upon a son, and not upon a daughter.

⁴⁸ MISHNA: From when is a stubborn and rebellious son liable? From when he eats a tarteimar of meat and drinks a half-log of Italian wine. Rabbi Yosei says: From when he eats a maneh of meat and drinks a log of wine.

⁴⁹ The mishna now lists a series of conditions concerning his eating and drinking. If he ate these items with a group assembled for the performance of a mitzva, or he ate them at a meal celebrating the intercalation of a month, or he ate the items when they had second tithe status, in Jerusalem, he does not become a stubborn and rebellious son because each of these circumstances involves some aspect of a mitzva. If he ate the meat of unslaughtered animal carcasses or animals that had wounds that would have caused them to die within twelve months [tereifot] or repugnant creatures or creeping animals, or he ate untithed produce from which tithes and terumot were not separated, or first tithe from which its teruma was not separated, or second tithe outside Jerusalem or consecrated food that was not redeemed, each of which involves a transgression, he does not become a stubborn and rebellious son.

⁵⁰ The mishna summarizes: If he ate an item that involves performing a mitzva or an item that involves committing a transgression, or if he ate any food in the world but did not eat meat, or if he drank any beverage but did not drink wine, he does not become a stubborn and rebellious son, unless he actually eats meat and actually drinks wine, as it is stated: “This son of ours is stubborn and rebellious; he does not listen to our voice; he...is a glutton [zolel] and a drunkard [vesovei]” (Deuteronomy 21:20). One is not called a glutton and a drunkard unless he eats meat and drinks wine. And although there is no explicit proof to the matter that the reference in the Torah is to meat and wine, there is an allusion to the matter in another verse, as it is stated: “Be not among wine drinkers [besovei], among gluttonous eaters [bezolelei] of meat” (Proverbs 23:20).

⁵¹ GEMARA: Rabbi Zeira says: Concerning this tarteimar that is mentioned in the mishna, I do not know what its measure is. But since Rabbi Yosei is found to have doubled the measure of the wine, as the unattributed opinion in the mishna speaks of a half-log whereas Rabbi Yosei requires a log, he presumably is found to have doubled the measure of the meat as well. Therefore, it turns out that a tarteimar is equivalent to one-half of a maneh.

⁵² Rav Ḥanan bar Molada says that Rav Huna says: A stubborn and rebellious son is not liable unless he purchases inexpensive [bezol] meat and eats it, and he buys inexpensive wine and drinks it, as it is written: “He is a glutton [zolel] and a drunkard.”

⁵³ And Rav Ḥanan bar Molada says that Rav Huna says: A stubborn and rebellious son is not liable unless he eats raw meat and drinks undiluted wine. The Gemara raises a difficulty: Is that so? But don't Rabba and Rav Yosef both say: If he ate raw meat or drank undiluted wine he does not become a stubborn and rebellious son? Ravina said: The two conflicting statements can be reconciled. If he ate totally raw meat or drank totally undiluted wine, he is in fact exempt. The undiluted wine for which he is liable is wine that is diluted but not diluted properly. And the raw meat for which he is liable is meat that is cooked but not cooked properly, like the scorched meat that thieves are wont to eat, due to the hasty manner in which they must prepare their food.

⁵⁴ Rabba and Rav Yosef both say: If he ate heavily salted meat or drank wine from his winepress, i.e., wine that has not finished fermenting, he does not become a stubborn and rebellious son. And on a related topic we learned in a mishna elsewhere (Ta'anit 26b): On the eve of the Ninth of Av, a person may not eat two cooked dishes in one meal. And furthermore, he may neither eat meat nor drink wine. And a tanna taught in a baraita: But one may eat heavily salted meat, as it is not considered meat, and one may drink wine from his winepress before it has properly fermented.

⁵⁵ The Gemara asks: With regard to salted meat on the eve of the Ninth of Av, how long must this meat remain in salt before it is permitted? Rabbi Ḥanina bar Kahana says: As long as it is like a peace-offering, which could be eaten for two days and one night after it was sacrificed. After this time has passed, it is no longer the type of meat that one may not eat during that meal. Therefore, if it was salted for longer than this, it may be eaten on the eve of the Ninth of Av.

⁵⁶ The Gemara inquires further: And with regard to wine from his press before it has properly fermented, until when is wine considered in this category? As long as it is still fermenting. And it is taught in a baraita: Fermenting wine is not subject to the prohibition of exposed liquids, as there is no concern that a snake will leave its venom in that wine. And how long is its initial fermenting period? Three days from the time the grapes were pressed.

⁵⁷ The Gemara clarifies: These definitions of salty meat and wine from his winepress were stated with regard to the prohibitions applying on the eve of the Ninth of Av. Here, concerning a stubborn and rebellious son, what is considered salty meat and wine from his press? The Gemara answers: There, with regard to the eve of the Ninth of Av, the prohibition is due to joy; as long as the meat is like a peace-offering, there is still joy. But here, with regard to a stubborn and rebellious son, it is due to the son becoming drawn to it, and if the taste of the meat is flawed only slightly he will not be drawn to it. And with regard to wine, there is no concern that he will be drawn to it until it is forty days old.

⁵⁸ § The Gemara's discussion turns to wine in general. Rav Ḥanan says: Wine was created in the world only to comfort mourners in their distress, and to reward the wicked in this world so that they will have no reward left in the World-to-Come, as it is stated: "Give strong drink to him that is ready to perish, and wine to the bitter of soul" (Proverbs 31:6). "Him that is ready to perish" is referring to the wicked, who will perish from this world, while "the bitter of soul" denotes mourners.

⁵⁹ Rabbi Yitzḥak says: What is the meaning of that which is written: "Look not upon wine when it is red" (Proverbs 23:31)? Look not upon wine that reddens the faces of the wicked in this world when they drink it, and whitens their faces, i.e., embarrasses them, in the World-to-Come. Rava says that this is how the verse should be understood: "Look not upon wine that reddens [yitaddam]" means: Look not upon wine, as it leads to bloodshed [dam], indicating that one who drinks wine will end up committing an act of killing or will be killed because of it.

⁶⁰ Rav Kahana raises a contradiction: The verse states: "Therefore, they shall come and sing in the height of Zion, and shall flow to the bounty of the Lord, for wheat, and for wine, and for oil, and for the young of the flock and of the herd" (Jeremiah 31:12). The word for wine is written *tirash*, without the letter *vav*, but we read it as *tirosh*, with the letter *vav*. The matter can be explained as follows: If one merits and drinks a moderate amount he becomes a leader [*rosh*], whereas if he does not merit and drinks excessively he becomes poor [*rash*].

⁶¹ Rava raises a similar contradiction: It is written: “And wine that gladdens the heart of man” (Psalms 104:15). The word for gladdens could be read as yeshamah, meaning that wine makes one crazy, but we read it as yesamah, gladdens the heart. The matter can be explained as follows: If one merits and drinks a moderate amount the wine gladdens him [mesameho], whereas if he does not merit and drinks excessively it makes him crazy [meshamemehu]. And that is what Rava meant when he said: Wine and fragrant spices have made me wise; that is to say, the controlled drinking of wine is beneficial to the drinker.

⁶² Rav Amram, son of Rabbi Shimon bar Abba, says that Rabbi Ḥanina says: What is the meaning of that which is written: “Who cries, Woe? Who cries, Alas? Who has quarrels? Who has complaints? Who has causeless injuries? Who has redness of eyes? They who tarry long at the wine, they who go to seek mixed wine” (Proverbs 23:29–30)? When Rav Dimi came from Eretz Yisrael to Babylonia, he said that they say in the West, Eretz Yisrael, that one who interprets this verse from the beginning to the end interprets it in a way that has meaning and significance. And also one who interprets it from the end to the beginning interprets it in a meaningful manner. It is possible to interpret these verses from the beginning to the end and say: Woe and alas to one who drinks wine; and it is also possible to interpret them from the end to the beginning: Who drinks wine? He who has quarrels, complaints, and injuries.

⁶³ A visitor from the Galilee expounded: The converse vav is stated thirteen times in the passage concerning wine, as it is stated: “And Noah began [vayyaḥel] to be a farmer, and he planted [vayyita] a vineyard, and he drank [vayyesht] of the wine, and was drunk [vayyishkar]; and he was uncovered [vayyitgal] within his tent. And Ham, the father of Canaan, saw [vayyar] the nakedness of his father, and told [vayyagad] his two brothers outside. And Shem and Japheth took [vayyikah] the garment, and laid it [vayyasimu] upon both their shoulders, and went [vayyelekhu] backward, and covered [vaykhassu] the nakedness of their father; and their faces were backward, and they did not see their father’s nakedness. And Noah awoke [vayyiketz] from his wine, and knew [vayyeda] what his younger son had done to him” (Genesis 9:20–24). All thirteen instances of the converse vav here are followed by the letter yod. Together they form the word vay, meaning woe, and allude to the suffering and misfortune caused by uncontrolled drinking.

⁶⁴ Having cited the passage discussing Noah, the Gemara enters into a discussion about what was actually done to him by his younger son, Ham. Rav and Shmuel disagreed: One says that Ham castrated Noah and one says that Ham sodomized him.

⁶⁵ The Gemara explains: The one who says that Ham castrated Noah adduces the following proof: Since he injured Noah with respect to the possibility of conceiving a fourth son, which Noah wanted but could no longer have, therefore Noah cursed him by means of Ham’s fourth son. Ham’s sons were Cush, Mizraim, Put, and Canaan (see Genesis 10:6), and of all of these, it was Canaan whom Noah cursed (see Genesis 9:25–28). And the one who says that Ham sodomized Noah learned this from a verbal analogy between the words “and he saw” and “and he saw.” Here it is written: “And Ham, the father of Canaan, saw the nakedness of his father”; and there it is written: “And Shechem, son of Hamor the Hivite, prince of the country, saw her, and he took her, and lay with her, and afflicted her” (Genesis 34:2). This indicates that the term “saw” alludes to sexual intercourse.

⁶⁶ The Gemara asks: Granted, according to the one who says that Ham castrated Noah, it is due to that reason that Noah cursed Ham by means of Ham’s fourth son. But according to the one who says

that Ham sodomized him, what is different about his fourth son? He should have cursed Ham directly. The Gemara answers: This Sage holds that both this offense and that offense were committed. All agree that Ham castrated Noah, and some say that Ham also sodomized him.

⁶⁷ The Gemara continues to analyze the passage relating to Noah. The verse states: “And Noah began to be a farmer, and he planted a vineyard.” In explanation of this matter, Rav Ḥisda says that Rav Ukva says, and some say that Mar Ukva says that Rabbi Zakkai says: The Holy One, Blessed be He, said to Noah: Noah, shouldn’t you have learned from Adam the first man, whose banishment from the Garden of Eden was caused only by wine? The Gemara notes: This is in accordance with the opinion of the one who says that the tree from which Adam the first man ate was a grapevine.

⁶⁸ As it is taught in a baraita: Rabbi Meir says: The tree from which Adam the first man ate was a grapevine,

⁶⁹ as, even today, nothing except wine brings wailing and trouble upon a person; most sins are caused by drunkenness. Rabbi Yehuda says: The Tree of Knowledge was the wheat plant. This is proven by the fact that, even today, an infant does not know how to call out to his father or mother until he tastes the taste of grain, and for this reason wheat is called “the Tree of Knowledge.” Rabbi Neḥemya says: The Tree of Knowledge was a fig tree, because it was with the matter with which they sinned that they were rehabilitated, as it is stated: “And they sewed together fig leaves, and made for themselves loincloths” (Genesis 3:7).

⁷⁰ § The Gemara continues its discussion of wine. Referring to the verse that states: “The words of King Lemuel, the burden with which his mother corrected him” (Proverbs 31:1), Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: This teaches that when Solomon’s mother Bathsheba saw Solomon engaged in excessive drinking, she bound him to a pillar to have him flogged. And she said to him: “What, my son? And what, son of my womb? And what, son of my vows?” (Proverbs 31:2). She meant: “What, my son?” Everyone knows that your father, David, was a God-fearing man, and now, when they see you sin, they will all say that his mother caused him to drink, i.e., that you engage in these behaviors because you are my son.

⁷¹ “And what, son of my womb?” That is to say: With regard to all of the women of your father’s house, once they conceive they no longer see the face of the king, but I pushed myself in and entered the king’s chamber while I was pregnant, so that I might have a son who is strong and fair-skinned. There are times during a woman’s pregnancy when intercourse is beneficial for the development of the fetus. Bathsheba was telling Solomon: I did my utmost to ensure that you have extra strength and beauty, and now you use that strength and appeal to pursue drink.

⁷² “And what, son of my vows?” That is to say: With regard to all of the women of your father’s house, they would take vows while they were pregnant, saying: Let me have a son who is fit to be king. But I, by contrast, took a vow and said: Let me have a son who is diligent and filled with knowledge of the Torah and fit for prophecy.

⁷³ It is further stated there: “It is not for kings, O Lemuel, it is not for kings to drink wine; nor for princes to say: Where is strong drink?” (Proverbs 31:4). The Gemara provides an explanation of the meaning of each part of this verse. “It is not for kings”: Bathsheba said to her son Solomon: What have you to do with kings who drink wine and become intoxicated and say: Why [lamma] do we need God [El]? The Gemara continues to explain the verse. “Nor for princes [rozenim] to say: Where is strong drink?” This means that one like Solomon, to whom all the secrets [razei] of the world are

revealed, should he drink wine and become intoxicated? Alternatively, there are those who say that this part of the verse should be understood as follows: One like Solomon, to whom all the princes of the world rise early to come to his door, should he drink wine and become intoxicated?

⁷⁴ Rabbi Yitzḥak says: From where can it be learned that Solomon repented and admitted to his mother that she was justified in her rebukes? As it is written: “For I am more foolish than a man, and have not the understanding of a man” (Proverbs 30:2). This should be understood as follows: “For I am more foolish than a man [ish]”; that is, I am more foolish than Noah, who sinned with wine and is called “a man,” as it is written: “And Noah began to be a farmer [ish ha’adama]” (Genesis 9:20). “And have not the understanding of a man [adam]”; this is a reference to Adam the first man, who also sinned with wine, in accordance with the opinion of Rabbi Meir, who says that the Tree of Knowledge was a grapevine.

⁷⁵ § The mishna teaches that if the son ate and drank the requisite amounts of meat and wine with a group assembled for the performance of a mitzva, he does not become liable as a stubborn and rebellious son. Rabbi Abbahu says: He is not liable unless he eats with a group that is entirely made up of idlers. This seems to indicate that if he eats and drinks in the company of decent people, even if he consumes the required amounts that would otherwise make him liable, he does not become a stubborn and rebellious son.

⁷⁶ The Gemara asks: But didn’t we learn in the mishna: If the son ate and drank the requisite amounts of meat and wine with a group assembled for the performance of a mitzva he does not become liable as a stubborn and rebellious son? A precise reading of the mishna indicates that the reason that he does not become liable is that he ate and drank with a group assembled for the performance of a mitzva. But if they were not assembled for the performance of a mitzva he would be liable even if the group is not entirely made up of idlers. The Gemara answers: There is no contradiction between the mishna and the statement of Rabbi Abbahu. In fact, the son is liable only if he eats with a group of whom all are idlers. And the mishna teaches us this: That even if the group is entirely composed of idlers, since they are occupied with a mitzva, there is no concern that he will be drawn to sin.

⁷⁷ The mishna teaches that if the son ate and drank the requisite amounts of meat and wine at a meal celebrating the intercalation of the month he does not become liable as a stubborn and rebellious son. The Gemara asks: Is this to say that meat and wine are brought up to the upper chamber where the month is intercalated? But isn’t it taught in a baraita: They ascend to intercalate the month only with a meal consisting of bread made of grain and legumes? The Gemara answers: The mishna teaches us this: Even though they ordinarily ascend to the upper chamber only with bread and legumes, and he brought up meat and wine and ate them, since they are occupied with a mitzva, there is no concern that he will be drawn to sin.

⁷⁸ The Sages taught in a baraita: No fewer than ten men ascend to the upper chamber for the intercalation of the month; and they ascend to intercalate the month only with bread made of grain and legumes; and they ascend only on the night of the month’s intercalation; and they ascend not by day, but only at night. The Gemara asks: But isn’t it taught in another baraita: They ascend not at night, but only by day? The Gemara explains: As Rabbi Ḥiyya bar Abba said to his sons: When you come to intercalate the month, ascend early and leave early so that people should hear your comings

and goings, and thereby know that you have been addressing this matter. The proper time for this is at daybreak, between night and day.

⁷⁹ § The mishna teaches that if he ate second tithe in Jerusalem he is not liable as a stubborn and rebellious son. The Gemara explains: Since he eats the second tithe in the normal way, i.e., as he is commanded, in Jerusalem, he will not be drawn to sin.

⁸⁰ The mishna teaches that if he ate the meat of unslaughtered animal carcasses or tereifot or repugnant creatures or creeping animals, he is not liable as a stubborn and rebellious son. Rava says: If the boy ate the meat of fowl, even if he ate the required amount, he does not become a stubborn and rebellious son.

⁸¹ The Gemara raises a difficulty: But didn't we learn in the mishna that if the boy ate the meat of unslaughtered animal carcasses or tereifot or repugnant creatures or creeping animals, he does not become a stubborn and rebellious son? A precise reading of the mishna indicates that it is only if he ate the meat of such animals that he is not liable; but if he ate the meat of kosher animals, which includes the meat of fowl, he would become a stubborn and rebellious son, counter to the ruling of Rava. The Gemara resolves this difficulty: When we learned this in the mishna as well, it was in reference to completing the measure of meat. Rava was speaking of the primary consumption of meat.

⁸² The mishna teaches that if he ate an item that involves performing a mitzva or an item that involves committing a transgression, he does not become a stubborn and rebellious son. The Gemara explains: This ruling concerning an item that involves performing a mitzva includes mitzvot by rabbinic law, such as comforting mourners. And the ruling concerning an item that involves committing a transgression includes transgressing prohibitions by rabbinic law, such as eating on a communal fast.

⁸³ The Gemara asks: And what is the reason that eating an item involving a mitzva or a transgression does not render him a stubborn and rebellious son? The Gemara answers: The verse states: "This son of ours is stubborn and rebellious; he will not obey our voices" (Deuteronomy 21:20), which indicates that the halakha applies to a boy who does not obey "our voices," i.e., the voice of his parents, but not to one who also does not obey the voice of God.

⁸⁴ The mishna teaches that if the rebellious boy ate any other food but did not eat meat, or if he drank any beverage but did not drink wine, he is not liable as a stubborn and rebellious son. The Gemara clarifies. That which the mishna teaches: The statement: If he ate any other food but did not eat meat, comes to include pressed figs from the town of Ke'ila, the eating of which is as satisfying as eating meat, but for which one is not liable. And that which the mishna teaches: The statement: If he drank any beverage but did not drink wine, comes to include honey and milk, which, though they can have a slightly intoxicating effect, do not render him liable as a stubborn and rebellious son.

⁸⁵ From where is it learned that honey and milk are intoxicating? As it is taught in a baraita: If a priest ate pressed figs from Ke'ila, or drank honey or milk, thereby becoming intoxicated, and he then entered the Temple to perform the Temple service,

⁸⁶ he is liable for entering the Temple while intoxicated.

⁸⁷ § The mishna teaches that the boy does not become a stubborn and rebellious son unless he actually eats meat and drinks wine. The Sages taught in a baraita: If he ate any other food but did not

eat meat, or if he drank any other beverage but did not drink wine, he does not become a stubborn and rebellious son unless he actually eats meat and drinks wine, as it is stated: “This son of ours is stubborn and rebellious; he will not obey our voices; he is a glutton and a drunkard.”

⁸⁸ And although there is no explicit proof to the matter, there is an allusion to the matter in another verse, as it is stated: “Be not among wine drinkers, among gluttonous eaters of meat” (Proverbs 23:20). And the verse states: “For the drunkard and the glutton shall come to poverty, and drowsiness shall clothe a man with rags” (Proverbs 23:21). That is to say, a person who is a glutton and a drunkard, and sleeps a lot due to his excessive eating and drinking, will end up poor and dressed in rags. Rabbi Zeira expounds the same verse and says: With regard to anyone who sleeps in the study hall, his Torah shall become tattered, as it is stated: “And drowsiness shall clothe a man with rags.”

⁸⁹ MISHNA: If he stole that which belonged to his father and ate on his father’s property, or he stole that which belonged to others and ate on the property of others, or he stole that which belonged to others and ate on his father’s property, he does not become a stubborn and rebellious son, unless he steals that which belonged to his father and eats on the property of others. Rabbi Yosei, son of Rabbi Yehuda, says: He does not become a stubborn and rebellious son unless he steals that which belonged to his father and that which belonged to his mother.

⁹⁰ GEMARA: The Gemara explains the reasons for the various halakhot taught in the mishna: If he stole that which belonged to his father and ate on his father’s property, even though this is accessible to him and it is easy for him to steal, he is afraid that his father will see him eating what he had stolen, and therefore he will not be drawn after his action to further evil.

⁹¹ If he stole that which belonged to others and ate on the property of others, even though he is not afraid of them, as they neither know him nor watch over him, this theft is not easily accessible to him, as it is performed on someone else’s property, and therefore he will not be drawn to additional sin. And all the more so if he stole that which belonged to others and ate on his father’s property, in which case it is not accessible to him, and he is also afraid of his father.

⁹² Therefore, he is not liable unless he steals that which belonged to his father and eats on the property of others, in which case it is easily accessible to him, and he is not afraid, and there is concern that he will be drawn after his action to additional sin.

⁹³ The mishna teaches that Rabbi Yosei, son of Rabbi Yehuda, says that he is not liable as a stubborn and rebellious son unless he steals that which belonged to his father and that which belonged to his mother. The Gemara asks: With regard to his mother, from where does she have independently owned property that her son can steal? The basis for this question is the halakha that anything that a woman acquires is acquired by her husband. Rabbi Yosei, son of Rabbi Ḥanina, says in answer to this question: The mishna is referring to a case where the boy stole food from a meal that had been prepared for his father and for his mother. In such a case the husband grants his wife ownership of the food that she will eat over the course of her meal.

⁹⁴ The Gemara raises a difficulty. But doesn’t Rabbi Ḥanan bar Molada say that Rav Huna says: A stubborn and rebellious son is not liable unless he purchases inexpensive meat and eats it, and he purchases inexpensive wine and drinks it, which indicates that he becomes liable only if he steals money, not if he steals the actual meat and wine? Rather, say that the boy stole from money set aside for a meal that was to be prepared for his father and for his mother.

⁹⁵ The Gemara presents another answer to the question posed concerning the opinion of Rabbi Yosei, son of Rabbi Yehuda: If you wish, say instead that another person gave property to the mother and said to her: This shall be yours on the condition that your husband shall have no right to it. In such a case, the woman acquires the property for herself and her husband does not acquire it. Therefore, it is possible for the son to steal from his mother's property.

⁹⁶ MISHNA: If his father wishes to have him punished but his mother does not wish that, or if his father does not wish to have him punished but his mother wishes that, he does not become a stubborn and rebellious son, unless they both wish that he be punished. Rabbi Yehuda says: If his mother was not suited for his father, the two being an inappropriate match, as the Gemara will explain, he does not become a stubborn and rebellious son.

⁹⁷ GEMARA: The Gemara asks: What does Rabbi Yehuda mean when he speaks of the mother as being not suited for the father? If we say that due to their union they are among those who are liable to receive karet, in which case the marriage does not take effect, and certainly if the union puts them in the category of those who are liable to receive one of the types of court-imposed death penalty, in which case the marriage also does not take effect, there is a difficulty: Why should it matter if they are not married? Ultimately, his father is still his father and his mother is still his mother, and the verses concerning the stubborn and rebellious son can be fulfilled.

⁹⁸ Rather, Rabbi Yehuda is saying that the boy's mother must be identical to his father in several aspects. The Gemara comments: This is also taught in a baraita: Rabbi Yehuda says: If his mother was not identical to his father in voice, appearance, and height, he does not become a stubborn and rebellious son. The Gemara asks: What is the reason for this? As the verse states: "He will not obey our voices [kolenu]" (Deuteronomy 21:20), which indicates that they both have the same voice. And since we require that they be identical in voice, we also require that they be identical in appearance and height.

⁹⁹ The Gemara asks: In accordance with whose opinion is that which is taught in a baraita: There has never been a stubborn and rebellious son and there will never be one in the future, as it is impossible to fulfill all the requirements that must be met in order to apply this halakha. And why, then, was the passage relating to a stubborn and rebellious son written in the Torah? So that you may expound upon new understandings of the Torah and receive reward for your learning, this being an aspect of the Torah that has only theoretical value. In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Yehuda, who requires that the parents have certain identical characteristics, making it virtually impossible to apply the halakha.

¹⁰⁰ If you wish, say instead that this baraita is in accordance with the opinion of Rabbi Shimon. As it is taught in a baraita that Rabbi Shimon says: And is it simply due to the fact that the boy ate a tarteimar of meat and drank a half-log of Italian wine that his father and his mother shall take him out to stone him? Rather, there has never been a stubborn and rebellious son and there will never be one in the future. And why, then, was the passage relating to a stubborn and rebellious son written in the Torah? So that you may expound upon new understandings of the Torah and receive reward for your learning. Rabbi Yonatan says: This is not so, as I saw one. I was once in a place where a stubborn and rebellious son was condemned to death, and I even sat on his grave after he was executed.

¹⁰¹ The Gemara raises a similar question: In accordance with whose opinion is that which is taught in a baraita: There has never been an idolatrous city and there will never be one in the future, as it is

virtually impossible to fulfill all the requirements that must be met in order to apply this halakha. And why, then, was the passage relating to an idolatrous city written in the Torah? So that you may expound upon new understandings of the Torah and receive reward for your learning. In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Eliezer, as it is taught in a baraita that Rabbi Eliezer says: Any city that has even one mezuzah or any other sacred scroll cannot become an idolatrous city. It is difficult to imagine an entire city without even one mezuzah.

¹⁰² The Gemara asks: What is the reason that a city that has even one mezuzah cannot become an idolatrous city? The Gemara answers: The verse states: “And you shall gather all the spoil of it into the midst of the open space of the city, and shall burn with fire both the city and the entire plunder taken in it” (Deuteronomy 13:17). And since if there is a mezuzah there it is impossible to burn all the contents of the city, as it is written: “And you shall overthrow their altars, and break their pillars, and burn their asherim with fire...This you shall not do so to the Lord your God” (Deuteronomy 12:3–4). It is derived from this verse that it is prohibited to destroy a sacred item such as a mezuzah. Therefore, in a city that has even one mezuzah, it is impossible to fulfill the halakhot of an idolatrous city, as not all of its contents may be burned. Rabbi Yonatan says: This is not so, as I once saw an idolatrous city that was condemned to destruction, and I even sat on its ruins.

¹⁰³ The Gemara asks another similar question: In accordance with whose opinion is that which is taught in a baraita: There has never been a house afflicted with leprosy of the house and there will never be one in the future. And why, then, was the passage relating to leprosy of the house written in the Torah? So that you may expound upon new understandings of the Torah and receive reward for your learning. In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Elazar, son of Rabbi Shimon, as we learned in a mishna (Nega'im 12:3) that Rabbi Elazar, son of Rabbi Shimon, says: A house never becomes impure with leprosy until a mark about the size of two split beans is seen on two stones in two walls that form a corner between them, the mark being about two split beans in length and about one split bean in width. It is difficult to imagine that such a precise situation will ever occur.

¹⁰⁴ The Gemara asks: What is the reason for the statement of Rabbi Elazar, son of Rabbi Shimon, that a house does not become impure unless it has a mark precisely in the corner? The verse states: “And he shall look at the leprous mark, and, behold, if the leprous mark be in the walls of the house, in greenish or reddish depressions, which in sight are lower than the wall” (Leviticus 14:37). In one part of the verse it is written “wall,” and in another part of the verse it is written “walls.” Which wall is like two walls? You must say this is a corner.

¹⁰⁵ It is taught in a baraita: Rabbi Eliezer, son of Rabbi Tzadok, says: There was a place in the area of Gaza, and it was called the leprous ruin; that is to say, it was the ruin of a house that had been afflicted with leprosy. Apparently, then, leprosy of the house has existed. Rabbi Shimon of the village of Akko said: I once went to the Galilee and I saw a place that was being marked off as an impure place, and they said that stones afflicted with leprosy were cast there. This too indicates that a house afflicted with leprosy has existed.

¹⁰⁶ MISHNA: If one of the parents was without hands, or lame, or mute, or blind, or deaf, their son does not become a stubborn and rebellious son, as it is stated: “Then shall his father and his mother lay hold of him, and bring him out to the elders of his city and to the gate of his place. And they shall say to the elders of his city: This son of ours is stubborn and rebellious; he will not obey our voices;

he is a glutton and a drunkard” (Deuteronomy 21:19–20). The Sages derive: “Then shall his father and his mother lay hold of him,” but not people without hands, who cannot do this. “And bring him out,” but not lame people, who cannot walk. “And they shall say,” but not mutes. “This son of ours,” but not blind people, who cannot point to their son and say “this.” “He will not obey our voices,” but not deaf people, who cannot hear whether or not he declined to obey them.

¹⁰⁷ After he is brought before the elders of the city, he is admonished before three people and then they flog him for having stolen. If he sins again, he is judged by a court of twenty-three judges, but he is not stoned unless the first three judges before whom he had been flogged are present there, as it is stated: “This son of ours,” this is the son who was already flogged before you.

¹⁰⁸ GEMARA: The Gemara draws a conclusion from the mishna: You can learn from the mishna that we require that a verse be fulfilled precisely as it is written, in strict conformity with its literal sense, and not in looser or more expansive fashion. The Gemara rejects this suggestion: There is no proof from here. Here it is different,

¹⁰⁹ since the entire verse is superfluous. The verse’s description of how the father and mother bring their son out appears to be unnecessary, and therefore each element in the verse limits the halakha in a precise manner. When a verse is not superfluous, it is not strictly interpreted.

¹¹⁰ § The mishna teaches that after the rebellious son is brought before the elders of the city, he is admonished before three people. The Gemara asks: Why do I need him to be admonished before three people? Two witnesses should suffice, as in all other matters of halakha. Abaye says: This is what the mishna is saying: He is admonished before two people, who serve as witnesses, and he is flogged before three people, who constitute a court.

¹¹¹ The Gemara asks: Where is it written that lashes are administered to a stubborn and rebellious son? There is no explicit mention of lashes in the verse. The Gemara answers: It is as Rabbi Abbahu said in another context, as Rabbi Abbahu says: We learned the meaning of the word “chastise” as stated with regard to a defamer: “And the elders of that city shall take that man and chastise him” (Deuteronomy 22:18), by means of a verbal analogy from the word “chastise” stated with regard to a rebellious son (Deuteronomy 21:18). And the meaning of the word “chastise” in the latter verse is derived from the word “son” that appears in the same verse. And the meaning of the word “son [ben]” with regard to a rebellious son is derived from the similar word “bin” stated with regard to lashes: “Then it shall be if the wicked man deserves [bin] to be flogged” (Deuteronomy 25:2). Consequently, the chastisement mentioned with regard to both a defamer and a rebellious son involves flogging.

¹¹² The mishna teaches: If he sins again, he is judged by a court of twenty-three judges, which must include the three judges before whom he was brought initially, as it is stated: “This son of ours,” this is the son who was already flogged before you. The Gemara asks: But isn’t that verse needed for the derivation mentioned earlier: “This son of ours,” but not blind people, who cannot point to their son and say “this”? The Gemara answers: If so, that these words serve only to teach that the original judges must also be present, the verse should have written: He is our son, which would indicate: He who was already flogged before you. What is the meaning of: “This son of ours”? Conclude two conclusions from it: That the three original judges must also be present at the second trial, and that the son of blind parents cannot become a stubborn and rebellious son.

¹¹³ MISHNA: If the rebellious son ran away before he was sentenced, and afterward, before he was caught, his lower beard grew around, he is exempt from the death penalty. Once his lower beard grows around his genitals, he can no longer be judged as a stubborn and rebellious son. But if he ran away only after he was sentenced, and afterward, by the time he was caught, his lower beard had already grown around, he is liable to receive the death penalty. Once he is sentenced to death his sentence remains in force.

¹¹⁴ GEMARA: Rabbi Ḥanina says: If a descendant of Noah blessed, i.e., cursed, the name of God, and afterward he converted to Judaism, he is exempt from punishment, since his trial procedure changed, and the death penalty to which he is subject also changed. A descendant of Noah is tried by a single judge, and he can be sentenced to death on the basis of the testimony of a single witness even without having been forewarned; whereas a Jew is tried by a court of twenty-three and can be executed only on the basis of the testimony of two witnesses, and this only after having been forewarned. A descendant of Noah is killed by the sword for this transgression, whereas a Jew is killed by stoning.

¹¹⁵ The Gemara asks: Shall we say that the mishna supports him: If the rebellious son ran away before he was sentenced, and afterward, before he was caught, his lower beard grew around, he is exempt from the death penalty? What is the reason for this exemption? Isn't it because we say: Since his legal status has changed, his liability has also changed?

¹¹⁶ The Gemara rejects this claim: No, it is different here, with regard to a stubborn and rebellious son, as were he now, after he grew his lower beard, to perform the same actions that render one liable as a rebellious son, he would not be fit for execution, and therefore he is exempt. This is different from a gentile who cursed God's name and then converted, as even if he cursed God after having converted, he would still be liable to receive the death penalty.

¹¹⁷ The Gemara suggests: Come and hear a proof from the latter half of the mishna: But if he ran away only after he was sentenced, and afterward, by the time he was caught, his lower beard had already grown around, he is liable to receive the death penalty. This indicates that even though his legal status has changed, he is nevertheless executed. The Gemara rejects this argument: There is no proof from here; you speak of a case where he was already sentenced to death. Once he was already sentenced, he is considered a dead man and his verdict can no longer be changed.

¹¹⁸ The Gemara suggests: Come and hear another proof from what was stated in a baraita: If a descendant of Noah struck and killed another gentile or engaged in intercourse with the wife of another gentile, and he then converted to Judaism, he is exempt. But if he did this to an Israelite, killing a Jew or engaging in intercourse with the wife of a Jew, and then converted, he is liable. But why should this be so? Let us say that since his legal status changed, his liability changed as well, and therefore he should no longer be subject to the death penalty. The baraita indicates that this rationale is not accepted.

¹¹⁹ The Gemara refutes this proof: There is no comparison between the cases, because in order to nullify one's death penalty we require a change both in his trial procedure and in the specific death penalty to which he is subject. But this descendant of Noah, though his trial procedure changed, the death penalty to which he is subject did not change.

¹²⁰ The Gemara raises a difficulty: Granted, with regard to the case of a murderer, this answer is understandable, as initially, while he was still a gentile, he was subject to death by the sword, and

now that he is a Jew he is still subject to death by the sword. Consequently, there is no change in the punishment to which he is subject. But with regard to the case of one who engaged in intercourse with a married woman, initially when he was still a gentile he was subject to death by the sword, but now that he is a Jew he is subject to death by strangulation. Accordingly, there is a change both in his trial procedure and in the type of capital punishment to which he is subject.

¹²¹ The Gemara answers: The case of a married woman mentioned here involves a man who engaged in intercourse with a betrothed young woman, so that in both this case, where he engaged in intercourse with her when he was still a descendant of Noah, and in that case, where he did so when he was already a Jew, he is subject to death by stoning. Since there was no change in the type of capital punishment to which he is subject, he remains liable and is executed.

¹²² The Gemara raises an objection: But the baraita teaches the case where he did this to an Israelite, i.e., engaged in intercourse with the wife of a Jew, similar to the case where he engaged in intercourse with the wife of another gentile. Both cases seem to be addressing identical circumstances, and the unique halakha governing a betrothed young woman exists only for Jews, not for descendants of Noah. Accordingly, the baraita must be discussing the case of a fully married woman.

¹²³ Rather, the lenient punishment is included in the severe one. If initially, when he was a gentile, he was liable to receive a more severe punishment, and now that he is a Jew he is liable to receive a more lenient punishment, the lenient punishment is included in the severe one, and he remains liable to receive the lenient punishment. By contrast, if the punishment that he is now liable to receive is more severe, he is exempt from all punishment.

¹²⁴ The Gemara raises a difficulty: This works out well according to the opinion of the Rabbis, who say that death by the sword is more severe than death by strangulation. Therefore, if a descendant of Noah engaged in intercourse with a married woman, so that he was subject to death by the sword, and then he converted to Judaism, so that his sentence was lightened to death by strangulation, he is still executed. But according to the opinion of Rabbi Shimon, who says that death by strangulation is more severe than death by the sword, what can be said? The convert should now be exempt from all punishment.

¹²⁵ The Gemara answers: Rabbi Shimon holds in accordance with the opinion of the tanna of the school of Menashe, who says: Any death mentioned in connection with the descendants of Noah is nothing other than death by strangulation, and not death by the sword. Accordingly, if a descendant of Noah engaged in intercourse with a married woman, and he then converted, his punishment did not become more severe with his conversion; rather, it stayed the same, death by strangulation, and he is still executed.

¹²⁶ The Gemara challenges: Granted, with regard to the case of a married woman, this answer is understandable. Initially, when he was still a descendant of Noah, he was subject to death by strangulation, and now, after his conversion, he is subject to death by strangulation. But as for a murderer, initially, when he was still a descendant of Noah, according to the tanna of the school of Menashe he was subject to death by strangulation, but now, after his conversion, he is subject to death by the sword. The Gemara explains: The lenient punishment is included in the severe one, and according to the opinion of Rabbi Shimon, death by strangulation is more severe than death by the sword. Consequently, he is executed.

¹²⁷ The Gemara suggests: Shall we say that the following baraita supports Rabbi Ḥanina: If a betrothed young woman sinned by committing adultery, and afterward she reached her majority, at which time she was brought to trial, she is sentenced to death by strangulation like any other betrothed grown woman who commits adultery. What is the reason that she is not sentenced to death by stoning, the punishment imposed upon a betrothed young woman who commits adultery? Is it not that since her legal status changed, her liability changed as well? And all the more so here, in the case of the descendant of Noah who converted, where he changed completely from a gentile to a Jew, his sentence should change. The Gemara rejects this argument: No proof can be derived from here, as doesn't Rabbi Yoḥanan say to the tanna who taught this baraita before him: Emend your version of the baraita and teach: She is sentenced to death by stoning.

¹²⁸ MISHNA: A stubborn and rebellious son is sentenced to death not because of the severity of the transgression that he already committed but on account of his ultimate end, because a boy of his nature will grow up to lead an immoral life, and it is better that he should die while he is still innocent, before causing excessive harm, and not die after he becomes guilty. This is because the death of the wicked is beneficial to them, because they can no longer sin, and it is also beneficial to the world, which is now rid of those who do it harm. Conversely, the death of the righteous is detrimental to them, as they can no longer engage in the performance of mitzvot, and it is also detrimental to the world, as the righteous are now absent from it.

¹²⁹ By way of association, the mishna continues: The wine and sleep of the wicked are beneficial to them and beneficial to the world, as when they are sleeping or under the influence of wine, they do not cause harm to others. And, conversely, the wine and sleep of the righteous are detrimental to them and detrimental to the world, as wine and sleep prevent them from engaging in their good deeds.

¹³⁰ The dispersal of the wicked, so that they are not found in close proximity to each other, is beneficial to them, as they are less likely to provoke each other to sin, and it is beneficial to the world. The dispersal of the righteous is detrimental to them and detrimental to the world. The assembly of the wicked in one place is detrimental to them and detrimental to the world, while the assembly of the righteous is beneficial to them and beneficial to the world. The tranquility of the wicked is detrimental to them and detrimental to the world, while the tranquility of the righteous is beneficial to them and beneficial to the world.

¹³¹ GEMARA: It is taught in a baraita that further elaborates upon the words of the mishna: Rabbi Yosei HaGelili says: Is it simply due to the fact that the boy ate a tarteimar of meat and drank a half-log of Italian wine that the Torah states that he shall be taken out to court to be stoned? Rather, the Torah penetrated the ultimate mind-set of the stubborn and rebellious son and the inevitable results of his actions, and it is understood that he will continue on this path, and in the end he will squander his father's property, and then, seeking the pleasures to which he had become accustomed but not finding them, he will go out to the crossroads and rob people.

¹³² The Torah said that it is better that he should die now when he is still innocent, and he should not die later when he is guilty. This is because the death of the wicked is beneficial to them and also beneficial to the world, while the death of the righteous is detrimental to them and detrimental to the world. The sleep and wine of the wicked is beneficial to them and beneficial to the world, while that of the righteous is detrimental to them and detrimental to the world. The tranquility of the wicked is

detrimental to them and detrimental to the world, while the tranquility of the righteous is beneficial to them and beneficial to the world. The dispersal of the wicked is beneficial to them and beneficial to the world, while the dispersal of the righteous is detrimental to them and detrimental to the world.

¹³³ MISHNA: A burglar who is found breaking into a house may be killed by the owner of the house with impunity (see Exodus 22:1). He too is sentenced on account of his ultimate end, as it is presumed that if the owner of the house would resist the burglar, the burglar would kill the owner of the house. If the burglar was breaking into a house, and in the course of doing so he broke a barrel, if there is blood-guiltiness for killing him, i.e., if the homeowner would be liable for killing him, the burglar is liable to pay for the value of the barrel. An example of this is if a father broke into his son's house, in which case it is presumed that even if the son resists his father, his father would never kill him, and therefore the son may not kill his father, and if he does so he is liable. If there is no blood-guiltiness for killing him, i.e., if the homeowner would be exempt from punishment for killing him, the burglar is exempt from paying for the barrel.

¹³⁴ GEMARA: Rava says: What is the reason for this halakha concerning a burglar who breaks into a house? He explains: There is a presumption that a person does not restrain himself when faced with losing his money, and therefore this burglar must have said to himself: If I go in and the owner sees me, he will rise against me and not allow me to steal from him, and if he rises against me, I will kill him. And the Torah stated a principle: If someone comes to kill you, rise and kill him first.

¹³⁵ Rav says: If a burglar broke into a house and took certain vessels, and he then left and was caught only afterward, he is exempt from the obligation to pay restitution for the vessels. What is the reason? He acquired the vessels with his blood. When he broke into the house, he risked his life, as the owner could have killed him. This grave risk that he took exempts him from any other more lenient punishments that could otherwise have been imposed upon him, including the obligation to pay restitution. Rava says: Rav's statement is reasonable in a case where he broke the vessels in the course of robbing, so that they no longer exist, and the issue is only whether he has to pay for them. But if he took the vessels and they are still extant, Rav's ruling does not apply.

¹³⁶ The Gemara comments: But by God! Rav states his ruling even with regard to a case where the burglar took the vessels and they are still extant. That is to say, Rav himself does not distinguish between the two cases, as in a case where there is blood-guiltiness for killing him, e.g., in a case where a father came to steal from his son, if an accident occurred to the vessels, the burglar is liable to pay for them. Apparently, the vessels are established in the burglar's possession, and he must pay for any damage that occurs to them. Here also, then, where there is no blood-guiltiness, the vessels are established as being in the burglar's possession and they are his.

¹³⁷ Rava explains: But this is not so, i.e., there is no proof from that case that can be applied to this one. One can claim that when the Merciful One established the vessels in the burglar's possession, that was only concerning accidents, so he should be liable to pay for any damage that occurs to them. But as for ownership, they remain in the possession of their owner, just as it is in the case of a borrower. Even though a borrower is liable to pay for all the accidental damage caused to the item he borrowed, nevertheless the borrowed item does not become his property.

¹³⁸ The Gemara raises an objection against Rav: We learned in the mishna that if the burglar was breaking into a house, and in the course of doing so he broke a barrel, if there is blood-guiltiness for killing him, the burglar is liable to pay the value of the barrel. If there is no blood-guiltiness for

killing him, he is exempt from paying for the barrel. A precise reading of the mishna indicates that the reason he is exempt is that he broke the barrel, so where there is no blood-guiltiness for killing him, he is exempt from paying for it. But if he took the barrel, he would not be exempt; rather, he would be liable, counter to the ruling of Rav.

¹³⁹ The Gemara explains: The same is true, i.e., that the burglar would be exempt, even if he took the barrel. And that which was taught in the mishna: He broke the barrel, serves to teach us that when there is blood-guiltiness for killing him, then even though he broke the barrel and it is no longer extant, he is also liable to pay for it.

¹⁴⁰ The Gemara raises an objection: Isn't it obvious that he is liable? This burglar is like any other person who causes damage and is liable to pay for it. The Gemara answers: This mishna teaches us that he is liable even if he broke the barrel unintentionally. The Gemara objects once again: What is the mishna teaching us with this ruling? Does it teach that the legal status of a person is always that of one forewarned, and therefore he is liable even for unintentional damage? But we already learn this in a baraita: The legal status of a person is always that of one forewarned, whether the damage was done unintentionally or intentionally, whether by unavoidable accident or whether it was done willingly. The Gemara comments: Indeed, this presents a difficulty for Rav.

¹⁴¹ Rav Beivai bar Abaye raises an objection to the ruling of Rava from a baraita: One who steals a purse on Shabbat and takes it out into a public domain is liable to pay for what he stole even though he also desecrated Shabbat, which is a transgression for which one is executed by stoning. Ordinarily, one who is liable to receive two punishments for the same offense is administered only the more severe punishment and exempt from the other one. Here, however, he is liable to pay for the purse and is executed, because he was already liable to pay for the theft as soon as he lifted the purse, and this took place before he came to violate the prohibition of performing prohibited labor on Shabbat by carrying the purse into the public domain.

¹⁴² The baraita continues: If he did not lift the purse, but rather was dragging it on the ground and exiting the private domain, he is exempt from paying for what he stole, as in this case, since he did not lift the purse, he would become liable to pay for the stolen item only when he drags it out of its owner's property into the public domain. Accordingly, the prohibition of theft and the prohibition of performing prohibited labor on Shabbat, which is punishable with death by stoning, are violated simultaneously, and one who is liable to receive the death penalty is exempt from monetary liability that he incurred with the selfsame act. This poses a difficulty to Rava, who ruled that if the stolen item is extant the burglar must return it, whereas this baraita indicates that if one commits a transgression for which he is liable to receive the death penalty, he is exempt from all payments.

¹⁴³ The Gemara answers: And the halakha is that the baraita must be understood as referring to a case where the burglar threw the purse into a river. Since the purse is no longer extant, he is exempt from having to pay for it even though he caused the damage intentionally. But if the purse is extant, he is in fact required to return it.

¹⁴⁴ It is related that rams were once stolen from Rava by burglars who broke into his house. The burglars came to return the animals to him, but Rava did not accept them. Rava said: Since a ruling issued from Rav's mouth that a burglar who may be killed acquires the items he stole, I no longer agree to take them.

¹⁴⁵ § Apropos a burglar who breaks into a house, the Sages taught in a baraita: The verses state: “If a burglar is found breaking in, and is smitten and dies, there shall not be blood shed on his account. If the sun is risen upon him, there shall be blood shed on his account” (Exodus 22:1–2). A question may be raised: But did the sun rise only upon him? Rather, these words must be understood in a metaphoric sense: If the matter is as clear to you as the sun that the burglar is not coming to you in peace, but rather his intention is to kill you, arise and kill him first. But if you are not sure about his intentions, do not kill him.

¹⁴⁶ It is taught in another baraita: The verse states: “If the sun is risen upon him, there shall be blood shed on his account.” A question may be raised: But did the sun rise only upon him? Rather, these words must be understood as follows: If the matter is as clear to you as the sun that the burglar is coming to you in peace, do not kill him. But if you are not sure about his intentions, arise and kill him. The Gemara notes a difficulty: The halakha in the undetermined case as stated in the first baraita contradicts the halakha in the undetermined case as stated in the second baraita. The first baraita indicates that if the homeowner is unsure about the burglar’s intentions, he is prohibited from killing the burglar, whereas the second baraita indicates that in such a case, he is permitted to kill the burglar.

¹⁴⁷ The Gemara answers: This is not difficult.

¹⁴⁸ Here, where the baraita teaches that if one is unsure about the burglar’s intentions it is prohibited for him to kill him, it is referring to a father who comes to rob his son. A father has great compassion for his son, and therefore it may be presumed that he will not kill his son if he resists. Accordingly, the son is prohibited from killing his father unless he knows for certain that his father has the intention of killing him. There, where the baraita teaches that if one is unsure about the burglar’s intentions it is permitted for him to kill him, it is referring to a son who comes to rob his father. Since a son has less compassion for his father, it may be presumed that he would be ready to kill his father if he resists. Therefore, the father is permitted to kill his son unless he knows for certain that his son would never kill him.

¹⁴⁹ Rav says: With regard to anyone who breaks into my house, I would kill him, as I would presume that he is ready to kill me, except for Rav Ḥanina bar Sheila, whom I would not kill. The Gemara asks: What is the reason that Rav excludes Rabbi Ḥanina bar Sheila? If we say that Rav trusts him because he is a righteous person, this is difficult, as the case is one where he broke into his house, which indicates that he is not a righteous person. Rather, it is because he would say: I am certain that he would have mercy upon me just like a father would have mercy on a son.

¹⁵⁰ § The Sages taught in a baraita: “If the sun is risen upon him, there shall be blood shed on his account” (Exodus 22:2), both during the week and on Shabbat. “If a burglar is found breaking in... there shall not be blood shed on his account” (Exodus 22:1), both during the week and on Shabbat.

¹⁵¹ The Gemara clarifies this baraita: Granted that with regard to “there shall not be blood shed on his account,” it was necessary to say that this applies both during the week and on Shabbat, as it might enter your mind to say that this is just as it is in the case of those who are executed by the court, who are not executed on Shabbat. Therefore, the baraita teaches us that the burglar may be slain in self-defense even on Shabbat. But with regard to “there shall be blood shed on his account,” the statement that this applies both during the week and on Shabbat is puzzling. Now, if on a weekday he may not be slain, is it necessary to say that he may not be slain on Shabbat?

¹⁵² Rav Sheshet says: This ruling is necessary only to teach that if a building collapsed on the burglar on Shabbat, one is obligated to clear the pile of stones from on top of him and perform any action necessary to rescue him, even if it involves the desecration of Shabbat; one does not say that while he is not permitted to actively kill him, he is also not obligated to save him.

¹⁵³ § Concerning the verse that states: “If a burglar is found breaking in, and is smitten and dies, there shall not be blood shed on his account” (Exodus 22:1), the Sages taught a baraita: “And is smitten,” by any person who strikes him; “and dies,” by any means of death by which you can put him to death. The Gemara clarifies this baraita: Granted, with regard to the words “and is smitten,” it was necessary to say that he may be struck by any person, as it might enter your mind to say that it is only the owner of the house whom the burglar is certain will resist him, because there is a presumption that a person does not restrain himself when faced with losing his money, and therefore it is only the homeowner’s life that is in danger from the burglar. But as for another person, the burglar is not sure that he will try to stop him, and therefore that other person may not kill him, since the burglar did not come with the intention of killing him.

¹⁵⁴ Therefore, the baraita teaches us that this burglar is considered a pursuer, and he is subject to the same halakha as anyone who pursues another in order to kill him, namely, that anyone may kill the pursuer in order to rescue the one being pursued. Therefore, even another person is permitted to kill the burglar in order to save the homeowner. But that which the baraita teaches, that the words “and dies” teach that he may be slain by any means of death by which you can put him to death, why do I need this?

¹⁵⁵ The Gemara clarifies the difficulty: This can be derived from the halakha governing a murderer, as it is taught in a baraita: The verse with regard to a murderer states: “He that smote him shall be put to death, for he is a murderer” (Numbers 35:21). I have derived only that the murderer is put to death with the mode of execution stated concerning him, namely, killing by decapitation. From where do I derive that if you cannot put him to death with the mode of execution written concerning him, e.g., if he is escaping, that you can put him to death with any mode of execution with which you can put him to death? The verse states: “He that smote him shall be put to death [mot yumat],” the doubled verb teaching that he is put to death in any case, by any mode of execution. Why not derive the halakha of a burglar from the halakha of a murderer?

¹⁵⁶ The Gemara rejects this reasoning: There it is different, as the verse explicitly states: “Mot yumat,” which serves to include all modes of execution.

¹⁵⁷ The Gemara asks: But why not learn from it a principle that can be applied to all people who may be put to death? The Gemara rejects this reasoning: This case does not serve as a source for a principle, because the halakhot of a murderer and of a blood redeemer, i.e., a relative of one who was killed who is allowed to kill his relative’s killer (see Makkot 11b), are two verses that come as one, and two verses that come as one do not teach a principle. In other words, if a halakha is stated with regard to two specific cases in the Torah, the halakha is understood to apply only to those cases. Had the halakha applied to all other relevant cases as well, it would not have been necessary for the Torah to teach it twice. Therefore, the baraita had to teach us that this halakha also applies to a burglar who breaks into a person’s house.

¹⁵⁸ § The Sages taught in a baraita: From the words: “If a burglar is found breaking in” (Exodus 22:1), I have derived only that this halakha applies to a burglar who came breaking in through a wall.

But from where do I derive that the same halakha applies if he was found on his roof, in his yard, or in the enclosed area behind his house? Therefore, the verse states: “If a burglar is found,” which teaches that the halakha applies in any case. If that is so, what is the meaning when the verse states: “Breaking in”? Because the Torah speaks of a common case, and most thieves are found breaking in.

¹⁵⁹ It is taught in another baraita: From the words: “If a burglar is found breaking in,” I have derived only that this halakha applies to a burglar who came breaking in through a wall. But from where do I derive that the same halakha applies if he was found on his roof, in his yard, or in the enclosed area behind his house? Therefore, the verse states: “If a burglar is found,” which teaches that the halakha applies in any case. If that is so, what is the meaning when the verse states: “Breaking in”? This teaches that his breaking in is his forewarning. If a burglar is found breaking into a house, the owner need not formally forewarn him before killing him. If he is found elsewhere, such a forewarning is necessary.

¹⁶⁰ § Rav Huna says: If a minor was pursuing another person in order to kill him, the pursued party may be saved with the pursuer’s life. That is to say, one is permitted to save the pursued party by killing the minor who is pursuing him, and one does not say that since the minor lacks halakhic competence, he is not subject to punishment. The Gemara explains: Rav Huna maintains that a pursuer, in general, does not require forewarning, and there is no difference with regard to this matter between an adult and a minor. The essence of the matter is rescuing the pursued party from death, and therefore the pursuer’s liability to receive the death penalty is irrelevant.

¹⁶¹ Rav Hisda raised an objection to Rav Huna from a baraita: If a woman was giving birth and her life was being endangered by the fetus, the life of the fetus may be sacrificed in order to save the mother. But once his head has emerged during the birthing process, he may not be harmed in order to save the mother, because one life may not be pushed aside to save another life. If one is permitted to save the pursued party by killing the minor who is pursuing him, why is this so? The fetus is a pursuer who is endangering his mother’s life. The Gemara answers: This is not difficult, as it is different there, with regard to the woman giving birth, since she is being pursued by Heaven. Since the fetus is not acting of his own volition and endangering his mother of his own will, his life may not be taken in order to save his mother.

¹⁶² The Gemara suggests: Let us say that a baraita supports the ruling of Rav Huna, who said that a pursuer does not require a forewarning: If a pursuer was pursuing another person in order to kill him, a third party says to the pursuer: See that he whom you are pursuing to kill is a Jew, and a loyal member of the covenant, and the Torah stated: “Whoever sheds the blood of man, by man shall his blood be shed” (Genesis 9:6). The Torah stated: Save the blood of this person who is being pursued with the blood of that person who is pursuing him. The fact that there is no indication here that the pursuer must say that he heard the forewarning suggests that forewarning is not required, as stated by Rav Huna.

¹⁶³ The Gemara rejects this suggestion: Perhaps this baraita was taught in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda. As it is taught in a baraita: Rabbi Yosei, son of Rabbi Yehuda, says: A ḥaver, who is thoroughly knowledgeable in halakha, does not need to be issued a forewarning by witnesses in order to become liable to be punished, because forewarning is given only to distinguish between unintentional sin and intentional sin, and a ḥaver is certainly aware of the halakha. The same may be said about a pursuer: Since his malice is clear, he does not require a

forewarning; his sin is obviously intentional. Those who disagree with Rabbi Yosei, son of Rabbi Yehuda, and say that even a *ḥaver* needs to be issued a forewarning would say that a pursuer must be forewarned as well.

¹⁶⁴ The Gemara suggests: Come and hear a proof that a pursuer must be forewarned, and therefore one may not save a pursued party by killing a minor who is pursuing him, from a baraita: If a pursuer was pursuing another person in order to kill him, and a third party said to him: See that he whom you are pursuing to kill is a Jew, and a loyal member of the covenant, and the Torah stated: “Whoever sheds the blood of man, by man shall his blood be shed” (Genesis 9:6), in this case, if the pursuer said: I know this to be so, he is exempt from being killed, but if he said: I am doing it on this condition, i.e., knowing that I am liable to be killed for this, he is liable to be slain. This indicates that even a pursuer must be issued a forewarning.

¹⁶⁵ The Gemara rejects this proof: This forewarning is not necessary except in a case where the pursuer and the person issuing the warning are standing on two opposite sides of a river, so that the latter cannot save the party being pursued by killing the pursuer. What is there for him to do? Unable to save the pursued party, he wants at least to bring the pursuer to court, so that he will be convicted and have the death penalty administered to him. But in order to administer punishment, the court requires that the offender receive proper forewarning. It is for this reason that the baraita speaks of forewarning, but a pursuer may be killed by a bystander even without having been forewarned.

¹⁶⁶ If you wish, say instead that Rav Huna could have said to you: I stated my opinion that it is permitted to kill a minor pursuer in accordance with the tanna who spoke of the issue of a burglar who breaks into a house. As this tanna says that his breaking in is his forewarning, that is, a burglar who breaks into a house needs no further forewarning. Here, too, anyone who is pursuing another in order to kill him does not require forewarning since his pursuit is his forewarning.

¹⁶⁷ MISHNA: And these are the ones who are saved from transgressing even at the cost of their lives; that is to say, these people may be killed so that they do not perform a transgression: One who pursues another to kill him, or pursues a male to sodomize him, or pursues a betrothed young woman to rape her. But with regard to one who pursues an animal to sodomize it, or one who seeks to desecrate Shabbat, or one who is going to engage in idol worship, they are not saved at the cost of their lives. Rather, they are forewarned not to transgress, and if they proceed to transgress after having been forewarned, they are brought to trial, and if they are found guilty, they are executed.

¹⁶⁸ GEMARA: The Sages taught in a baraita: From where is it derived that with regard to one who pursues another in order to kill him, the pursued party may be saved at the cost of the pursuer’s life? The verse states: “You shall not stand idly by the blood of another” (Leviticus 19:16); rather, you must save him from death. The Gemara asks: But does this verse really come to teach us this? This verse is required for that which is taught in a baraita: From where is it derived that one who sees another drowning in a river, or being dragged away by a wild animal, or being attacked by bandits [listin], is obligated to save him? The Torah states: “You shall not stand idly by the blood of another.” The Gemara answers: Yes, it is indeed so that this verse relates to the obligation to save one whose life is in danger.

¹⁶⁹ The Gemara asks again: But from where do we derive that one may be saved at the cost of the pursuer’s life? The Gemara answers: It is derived by means of an a fortiori inference from the halakha governing a betrothed young woman who was assaulted by a rapist: If in the case of a

betrothed young woman, whom the rapist comes only to degrade, i.e., the result of the rape will be that her status is lowered, the Torah said that she may be saved even at the cost of the rapist's life, then in the case of one who pursues another person to kill him, all the more so should one say that he may be saved even at the cost of the pursuer's life.

¹⁷⁰ The Gemara asks: But does the court administer punishment based on an a fortiori inference? The Gemara answers: A Sage of the school of Rabbi Yehuda HaNasi taught: This halakha is also derived from an analogy based on a juxtaposition. How so? With regard to the rape of a betrothed young woman it is written: "But you shall do nothing to the young woman; the young woman has committed no sin worthy of death; for as when a man rises against his neighbor, and slays him, so too with this matter" (Deuteronomy 22:26). But why would the verse mention murder in this context? But what do we learn here from a murderer?

¹⁷¹ Now, the mention of murder came in order to teach a halakha about the betrothed young woman, and it turns out that, in addition, it derives a halakha from that case. The Torah juxtaposes the case of a murderer to the case of a betrothed young woman to indicate that just as in the case of a betrothed young woman one may save her at the cost of the rapist's life, so too, in the case of a murderer, one may save the potential victim at the cost of the murderer's life.

¹⁷² The Gemara asks: And with regard to the betrothed young woman herself, from where do we derive that she may be saved at the cost of the rapist's life? The Gemara explains: As it was taught in the school of Rabbi Yishmael: The verse states: "For he found her in the field, and the betrothed young woman cried out, and there was none to save her" (Deuteronomy 22:27). But if there was someone to save her, he must do so by any means that can save her, even by killing the potential rapist.

¹⁷³ Concerning the matter itself, it is taught in a baraita: From where is it derived that one who sees another drowning in a river, or being dragged away by a wild animal, or being attacked by bandits, is obligated to save him? The verse states: "You shall not stand idly by the blood of another" (Leviticus 19:16). The Gemara asks about this derivation: But is this really derived from here? It is derived from there, i.e., from a different verse, as it is taught: The Torah teaches that one must return lost property to its rightful owner. But from where is it derived that one must help his neighbor who may suffer the loss of his body or his health? The verse states: "And you shall restore it [vahashevato] to him [lo]" (Deuteronomy 22:2), which can also be read as: And you shall restore him [vehashevato] to him, i.e., saving his body. Consequently, there should be no need for the additional verse: "You shall not stand idly by the blood of another."

¹⁷⁴ The Gemara answers: If this halakha were derived only from there, I would say that this matter applies only to saving the person in danger by himself, i.e., that he himself must come to his neighbor's rescue if he can, as is the halakha with regard to returning a lost item. But to trouble himself and hire workers for this purpose, one might say that he is not obligated, just as he is not obligated to hire workers to recover another's lost item. Therefore, the verse "Do not stand by the blood of another" teaches us that he must even hire workers, and he transgresses a prohibition if he does not do so.

¹⁷⁵ § The Sages taught yet another baraita on the topic of a pursuer: One who pursues another to kill him; or pursues a male to sodomize him; or pursues a betrothed young woman to rape her; or pursues a woman who is forbidden to him by a prohibition, the violation of which renders him liable to

receive a court-imposed death penalty; or pursues a woman who is forbidden to him by a prohibition, the violation of which renders him liable to receive karet, all these people are to be saved at the cost of the life of the transgressor. But with regard to a widow who is being pursued by a High Priest, or a divorcée, or a woman who has performed ḥalitza [ḥalutza] who is being pursued by an ordinary priest, they are not saved at the cost of the rapist's life, because these unions are subject only to a mere prohibition.

¹⁷⁶ Furthermore, if a sin had already been committed with the betrothed young woman, she is not saved at the cost of the rapist's life. In addition, if there is one to save her, i.e., if there is another way to save the betrothed young woman that does not involve killing the rapist, she is not saved at the cost of his life. Rabbi Yehuda says: Also, if the betrothed young woman says to those who come to rescue her: Let the rapist be, she is saying this so that he should not kill her, and therefore the rapist is not killed.

¹⁷⁷ The Gemara asks: From where are these matters derived? The Gemara answers: The verse states: "But you shall do nothing to the young woman [na'ara]; the young woman has committed no sin worthy of death" (Deuteronomy 22:26). The word is read as young woman, "na'ara," but it is written as young man, na'ar. Na'ar, as it is written, this is an allusion to sodomy. "Na'ara," as it is read, this is a betrothed young woman. "Sin"; these are women who are forbidden to him by a prohibition the violation of which renders him liable to receive karet. "Death"; these are women who are forbidden to him by a prohibition the violation of which renders him liable to receive a court-imposed death penalty.

¹⁷⁸ The Gemara asks: Why do I need all these different cases? Why does it not suffice to offer one example from which all the others can be derived? The Gemara answers: These cases are all necessary, as had the Merciful One written only na'ar to teach the halakha with regard to sodomy, one might say that this victim alone is saved at the cost of his attacker's life, because it is not his way to engage in intercourse with a man, and so he would suffer excessive embarrassment and pain were he not saved. But a young woman, whose natural way is to engage in intercourse with a man, one might say that her attacker may not be killed.

¹⁷⁹ And had the Merciful One written only "na'ara" to teach the halakha concerning a betrothed young woman, one might say that she alone is saved at the cost of her attacker's life, because he degrades her by taking her virginity, and she will be cheapened in the eyes of her betrothed. But a young man, who is not similarly degraded, one might say that his attacker may not be killed.

¹⁸⁰ And had the Merciful One written both of these,

¹⁸¹ one might say that these two alone are saved at the cost of their respective attackers' lives, because for this one it is not his natural way, and that one he degrades. But one who rapes one of the other women with whom relations are forbidden, whose natural way is to engage in intercourse with a man, and their degradation is not great, one might say that their attackers may not be killed. Therefore, the Merciful One wrote "sin" to include in this halakha the other women with whom relations are forbidden.

¹⁸² And had the Merciful One wrote only "sin," I would say that this applies even to women who are forbidden only by a mere prohibition, that they too are to be saved even at the cost of their attackers' lives. Therefore, the Merciful One wrote "death," to teach us that this halakha applies only to transgressions that are punishable by the death penalty.

¹⁸³ And had the Merciful One wrote only “death,” I would say that those women who are forbidden to him by a prohibition the violation of which renders him liable to a court-imposed death penalty are indeed to be saved even at the cost of their attackers’ lives, as these are very serious sins, for which they are punished by the court. But those women who are forbidden to him by the type of prohibition the violation of which renders him liable to receive *karet*, a punishment from God, are not to be saved at the cost of their attackers’ lives. Therefore, the Merciful One wrote “sin,” to teach that this *halakha* applies even to prohibitions that are punishable by *karet*.

¹⁸⁴ The Gemara challenges: But let the Merciful One write only “sin worthy of death” and it would no longer be necessary to specify *na’ar* and “*na’ara*.” The Gemara explains: Yes, this is indeed so; the words “sin worthy of death” suffice to include all those who are included in this *halakha*. But *na’ar* and “*na’ara*” are mentioned here not to include a case, but rather to exclude a case. One serves to exclude someone who seeks to worship idols, and one serves to exclude someone who seeks to sodomize an animal or desecrate Shabbat, teaching that these transgressors are not killed in order to prevent them from transgressing.

¹⁸⁵ The Gemara asks: And according to the opinion of Rabbi Shimon ben Yoḥai, who says that an idol worshipper must be saved from transgressing even at the cost of his life, why do I need the two terms *na’ar* and “*na’ara*”? The Gemara answers: One serves to exclude someone who seeks to sodomize an animal, and one serves to exclude someone who seeks to desecrate Shabbat.

¹⁸⁶ The Gemara explains why both are needed: It might enter your mind to say that the *halakha* with regard to one who desecrates Shabbat can be derived from the *halakha* with regard to idol worship by way of a verbal analogy between the word “desecration” mentioned in connection with Shabbat and the word “desecration” mentioned in connection with idol worship. Consequently, you might think that one who seeks to desecrate Shabbat must also be saved from transgressing even at the cost of his life. Therefore, a special derivation was necessary to teach that a potential Shabbat desecrator is not to be saved at the cost of his life.

¹⁸⁷ The Gemara asks: And according to the opinion of Rabbi Elazar, son of Rabbi Shimon, who says that one who comes to desecrate Shabbat must be saved from transgressing even at the cost of his life, because the *halakha* with regard to one who desecrates Shabbat can be derived from the *halakha* with regard to idol worship by way of a verbal analogy between the word “desecration” mentioned in connection with Shabbat and the word “desecration” mentioned in connection with idol worship, what is there to say? The Gemara answers: One exclusion serves to exclude someone who seeks to sodomize an animal; and as for the other, since the Merciful One wrote *na’ar*, He also wrote “*na’ara*.” That is to say, the form in which the word is written in this verse and the form in which it is read do not teach two separate *halakhot*.

¹⁸⁸ § The baraita cited previously teaches: Rabbi Yehuda disagrees with the Rabbis and says: Also, if the betrothed young woman says to those who come to rescue her: Let the rapist be, she is saying this so that he should not kill her, and therefore the rapist is not killed. The Gemara asks: With regard to what do they disagree?

¹⁸⁹ Rava says: They disagree about the case where the young woman is particular about the degradation that she is to suffer as a result of the rape, but nevertheless she allows him to rape her so that he should not kill her. The Rabbis maintain that the Torah is particular about her degradation, which is why the rapist may be killed, and she too is particular about her degradation. And Rabbi

Yehuda maintains that the Merciful One says that a rapist must be killed because his victim is prepared to sacrifice her life rather than yield to rape. The woman in this case, however, who asks that the rapist not be harmed, is not prepared to sacrifice her life, and therefore her rapist may not be killed.

¹⁹⁰ Rav Pappa said to Abaye: If the reason that the rapist may be killed is the woman's degradation, as claimed by the Rabbis, a High Priest also degrades a widow when he engages in intercourse with her, as he makes her a ḥalala, a woman who is disqualified from marrying a priest. Why then is she not saved even at the cost of her attacker's life? Abaye said to Rav Pappa: For a great level of degradation, involving karet and potentially a child that is a mamzer, the Merciful One is particular; but for a small level of degradation, as in the case of a ḥalala, the Merciful One is not particular.

¹⁹¹ § The baraita taught that the word "sin" is referring to women who are forbidden to a man by a prohibition the violation of which renders him liable to receive karet. From here it is derived that a man who attempts to rape a woman who is forbidden to him under penalty of karet may be killed. The Gemara raises a contradiction between this and what is taught in a mishna (Ketubot 29a): These are the cases of young women for whom there is a fine paid to their fathers by one who rapes them, and the list includes: One who engages in intercourse with his sister. One who engages in intercourse with his sister is punished with karet, and accordingly, a woman being raped by her brother may be saved even at the cost of her brother's life. Whenever one is liable to be killed at the hands of people, even if the transgressor is not killed, the transgressor is exempt from paying any fine or payment. Therefore, since one attempting to rape his sister may be killed, he should be exempt from the fine ordinarily imposed upon a rapist.

¹⁹² The Sages stated this solution before Rav Ḥisda: From the time of the initial stage of intercourse, when he has already degraded her, as she is considered to have engaged in intercourse from that time, he is already exempt from being killed, as it was taught in a baraita that once the sin has been committed, and the woman has been degraded, the rapist may no longer be killed. But he does not become obligated to pay any money until the conclusion of the act of intercourse, when the signs of her virginity are completely taken away. Since the two types of liability are not incurred simultaneously, there is no exemption from paying the fine.

¹⁹³ Rav Ḥisda said to those Sages: This works out well according to the one who says that the definition of the initial stage of intercourse is a kiss, i.e., external contact of the sexual organs, as it is inevitable that there will be some slight penetration. But according to the one who said that the definition of the initial stage of intercourse is the insertion of the corona, what is there to say? This stage takes away the woman's virginity. From the time of the initial stage of intercourse she is no longer a virgin, and he becomes liable to pay the fine at the very moment that he may be killed in order to save him from his transgression.

¹⁹⁴ Rather, Rav Ḥisda says: The mishna should be understood as referring to a case where the brother first engaged in intercourse with his sister in an atypical manner, i.e., anal intercourse. With this intercourse he degraded her, but she is still considered a virgin. Afterward, he again engaged in intercourse with her in a typical manner. Only at that point did he become liable to pay the fine paid by one who engaged in intercourse with a virgin and took away her virginity. But he could not then be killed, as she had already been degraded, so there is no exemption from the fine.

¹⁹⁵ Rava says: The mishna is referring to a case where the sister allows her brother to rape her and asks that he not be harmed so that he should not kill her, and it is taught in accordance with the opinion of Rabbi Yehuda, who says that in such a case she is not to be saved at the cost of her brother's life.

¹⁹⁶ Rav Pappa says: The ruling of the mishna, which lists his sister among those for whom he must pay a fine, is stated with regard to a young woman who was seduced, and in the case of seduction all agree that the woman is not saved at the cost of the seducer's life, as the intercourse was consensual.

¹⁹⁷ Abaye says: The ruling of the mishna is stated with regard to a young woman who was raped in a case where one was able to save her by injuring the pursuer in one of his limbs, so that it was not necessary to kill him in order to achieve her rescue, and it is in accordance with the opinion of Rabbi Yonatan ben Shaul. As it is taught in a baraita: Rabbi Yonatan ben Shaul says: If a pursuer was pursuing another to kill him, and one was able to save the pursued party without killing the pursuer, but instead by injuring him in one of his limbs, but he did not save him in this manner and rather chose to kill him, he is executed on his account as a murderer.

¹⁹⁸ The Gemara explains: What is the reason of Rabbi Yonatan ben Shaul? As it is written: "If men strive and strike a woman with child, so that her fruit departs, and yet no further harm ensues, he shall be punished, according to the demands that the woman's husband makes on him; and he shall pay it as the judges determine" (Exodus 21:22). And concerning this Rabbi Elazar says: The verse is speaking of striving to kill, where each man was trying to kill the other. The proof is that it is written: "But if any harm ensues, then you shall give life for life" (Exodus 21:23), and if there was no intention to kill, why should he be executed? And even so, the Merciful One states: "And yet no further harm ensues, he shall be punished," teaching that he must pay the monetary value of the fetus to the woman's husband.

¹⁹⁹ Granted, if you say that in a case where one is able to save the pursued party by injuring the pursuer in one of his limbs, he may not save the pursued party at the cost of the pursuer's life, and if he killed the pursuer rather than injure him he is liable to receive the death penalty, that is how you find the possibility that the one who ultimately struck the woman would be punished. This would be in a case where it was possible to save the man under attack, i.e., one of the men who were fighting, by injuring the pursuer, i.e., the other man, who ultimately struck the woman, in one of his limbs. In this case, the one who ultimately struck the woman was not subject to being killed. Therefore, he is subject to pay a fine.

²⁰⁰ But if you say that even if one is able to save the pursued party by injuring the pursuer in one of his limbs, he can also save him at the cost of the pursuer's life, how can you find the possibility that the one who ultimately struck the woman would be punished? When he was going to strike the other man, he was at risk of being killed, as anybody could have killed him at that time, and the halakha is that anybody who commits an act warranting death exempts himself from any monetary obligation ensuing from that act.

²⁰¹ The Gemara tries to refute this reasoning: Perhaps it is different here because his two liabilities are not on account of the same person; rather, his liability to be put to death is on account of this person, the man with whom he fought, while his liability to give payment is on account of that person, the woman he ultimately struck. Consequently, he is liable to receive both punishments.

²⁰² The Gemara rejects this distinction: There is no difference. As Rava says: If a pursuer was pursuing another to kill him, and during the course of the chase the pursuer broke vessels belonging either to the person being pursued or to anyone else, he is exempt from paying for the broken vessels. What is the reason for this? The reason is that he is liable to be killed, since everyone is entitled to kill him in order to save the victim's life, and one who commits an act rendering himself liable to be killed is exempt from any monetary obligation arising from that act, even if the payment were to be made to a person not connected to the act for which he is liable to be killed.

²⁰³ Rava continues: And if the pursued party broke vessels while fleeing from the pursuer, if those vessels belonged to the pursuer, the pursued party is exempt. But if they belonged to anyone else, he is liable to pay for them. The Gemara explains: If the vessels belonged to the pursuer, he is exempt. The reason for this is so that the pursuer's property should not be more precious to the pursuer than his own body. Were the one being pursued to cause the pursuer bodily harm, he would be exempt; all the more so when the pursued one breaks the pursuer's vessels. And if the vessels belonged to anyone else, he is liable, as he saved himself at the expense of another's property, and that other person should not have to suffer a loss on his account.

²⁰⁴ Rava continues: But if one pursuer was pursuing another pursuer in order to save him, i.e., if he was trying to save the person being pursued by killing the pursuer, and while doing so he broke vessels belonging either to the pursuer or to the one being pursued, or to anyone else, he is exempt from paying for them. The Gemara comments: This is not by strict law, as if one who saves himself at another's expense is liable to pay for the damage, certainly one who saves another at the expense of a third party should bear similar liability. Rather, it is an ordinance instituted by the Sages. This is because if you do not say that he is exempt, it will be found that no person will save another from a pursuer, as everyone will be afraid of becoming liable to pay for damage caused in the course of saving the pursued party.

²⁰⁵ § The mishna teaches: But with regard to one who pursues an animal to sodomize it, or one who seeks to desecrate Shabbat, or one who is going to engage in idol worship, they are not saved at the cost of their lives. It is taught in a baraita: Rabbi Shimon ben Yoḥai says: One who seeks to worship idols may be saved from transgressing at the cost of his life. This is derived through an a fortiori inference: If to avoid the degradation of an ordinary person, such as in the case of a rapist who degrades his victim, he can be saved even at the cost of his life, all the more so is it not clear that one may kill the transgressor to avoid the degrading of the honor of God through the worship of idols? The Gemara asks: But does the court administer punishment based on an a fortiori inference? The Gemara answers: Rabbi Shimon ben Yoḥai maintains that the court administers punishment based on an a fortiori inference.

²⁰⁶ It is taught in a baraita: Rabbi Elazar, son of Rabbi Shimon, says: One who seeks to desecrate Shabbat may be saved from transgressing even at the cost of his life. The Gemara explains that Rabbi Elazar holds in accordance with the opinion of his father, Rabbi Shimon, who says: The court administers punishment based on an a fortiori inference, and the halakha with regard to one who desecrates Shabbat is derived from the halakha with regard to idol worship by way of a verbal analogy between the word "desecration" mentioned in the context of Shabbat and the word "desecration" mentioned in the context of idol worship.

²⁰⁷ § The Gemara now considers which prohibitions are permitted in times of mortal danger. Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yehotzadak: The Sages who discussed this issue counted the votes of those assembled and concluded in the upper story of the house of Nitza in the city of Lod: With regard to all other transgressions in the Torah, if a person is told: Transgress this prohibition and you will not be killed, he may transgress that prohibition and not be killed, because the preserving of his own life overrides all of the Torah's prohibitions. This is the halakha concerning all prohibitions except for those of idol worship, forbidden sexual relations, and bloodshed. Concerning those prohibitions, one must allow himself to be killed rather than transgress them.

²⁰⁸ The Gemara asks: And should one not transgress the prohibition of idol worship to save his life? But isn't it taught in a baraita: Rabbi Yishmael said: From where is it derived that if a person is told: Worship idols and you will not be killed, from where is it derived that he should worship the idol and not be killed? The verse states: "You shall keep My statutes and My judgments, which a person shall do, and he shall live by them" (Leviticus 18:5), thereby teaching that the mitzvot were given to provide life, but they were not given so that one will die due to their observance.

²⁰⁹ The baraita continues: One might have thought that it is permitted to worship the idol in this circumstance even in public, i.e., in the presence of many people. Therefore, the verse states: "Neither shall you profane My holy name; but I will be hallowed among the children of Israel: I am the Lord Who sanctifies you" (Leviticus 22:32). Evidently, one is not required to allow himself to be killed so as not to transgress the prohibition of idol worship when in private; but in public he must allow himself to be killed rather than transgress.

²¹⁰ The Gemara answers: Those in the upper story of the house of Nitza stated their opinion in accordance with the opinion of Rabbi Eliezer. As it is taught in a baraita that Rabbi Eliezer says: It is stated: "And you shall love the Lord your God with all your heart, with all your soul, and with all your might" (Deuteronomy 6:5). If it is stated: "With all your soul," why is it also stated: "With all your might," which indicates with all your material possessions? And if it is stated: "With all your might," why is it also stated: "With all your soul"? One of these clauses seems to be superfluous.

²¹¹ Rather, this serves to teach that if you have a person whose body is more precious to him than his property, it is therefore stated: "With all your soul." That person must be willing to sacrifice even his life to sanctify God's name. And if you have a person whose property is more precious to him than his body, it is therefore stated: "With all your might." That person must even be prepared to sacrifice all his property for the love of God. According to the opinion of Rabbi Eliezer, one must allow himself to be killed rather than worship an idol.

²¹² From where is it derived that one must allow himself to be killed rather than transgress the prohibition of forbidden sexual relations and the prohibition of bloodshed? This is in accordance with the opinion of Rabbi Yehuda HaNasi. As it is taught in a baraita: Rabbi Yehuda HaNasi says: With regard to the rape of a betrothed young woman it is written: "But you shall do nothing to the young woman; the young woman has committed no sin worthy of death; for as when a man rises against his neighbor, and slays him, so too with this matter" (Deuteronomy 22:26). But why would the verse mention murder in this context? But what do we learn here from a murderer?

²¹³ Now, the mention of murder came in order to teach a halakha about the betrothed young woman, and it turns out that, in addition, it derives a halakha from that case. The Torah juxtaposes the case of a murderer to the case of a betrothed young woman to indicate that just as in the case of a betrothed

young woman one may save her at the cost of the rapist's life, so too, in the case of a murderer, one may save the potential victim at the cost of the murderer's life.

²¹⁴ And conversely, the Torah juxtaposes a betrothed young woman to a murderer to indicate that just as with regard to a potential murderer, the halakha is that if one was ordered to murder another, he must be killed and not transgress the prohibition of bloodshed, so too, with regard to a betrothed young woman, if she is faced with rape, she must be killed and not transgress the prohibition of forbidden sexual relations.

²¹⁵ The Gemara asks: From where do we derive this halakha with regard to a murderer himself, that one must allow himself to be killed rather than commit murder? The Gemara answers: It is based on logical reasoning that one life is not preferable to another, and therefore there is no need for a verse to teach this halakha. The Gemara relates an incident to demonstrate this: As when a certain person came before Rabba and said to him: The lord of my place, a local official, said to me: Go kill so-and-so, and if not I will kill you, what shall I do? Rabba said to him: It is preferable that he should kill you and you should not kill. Who is to say that your blood is redder than his, that your life is worth more than the one he wants you to kill? Perhaps that man's blood is redder. This logical reasoning is the basis for the halakha that one may not save his own life by killing another.

²¹⁶ § When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said: The Sages taught that one is permitted to transgress prohibitions in the face of mortal danger only when it is not a time of religious persecution. But in a time of religious persecution, when the gentile authorities are trying to force Jews to violate their religion, even if they issued a decree about a minor mitzva, one must be killed and not transgress.

²¹⁷ When Ravin came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said: Even when it is not a time of religious persecution, the Sages said that one is permitted to transgress a prohibition in the face of mortal danger only when he was ordered to do so in private. But if he was ordered to commit a transgression in public, even if they threaten him with death if he does not transgress a minor mitzva, he must be killed and not transgress.

²¹⁸ The Gemara asks: What is a minor mitzva for this purpose? Rava bar Yitzḥak says that Rav says:

²¹⁹ Even to change the strap of a sandal. There was a Jewish custom with regard to sandal straps. If the gentile authorities were to decree that Jews must change their practice and wear sandal straps like those worn by the gentiles, one would be obligated to give up his life rather than veer from the accepted custom.

²²⁰ The Gemara asks: And the presence of how many people is required so that it should be deemed a public act? Rabbi Ya'akov says that Rabbi Yoḥanan says: An action is not considered a public act if it is performed in the presence of fewer than ten people. The Gemara clarifies this point: It is obvious that we require that these ten people be Jews, as it is written in the verse from which we derive the requirement of ten for the sanctification of God's name: "And I shall be sanctified among the children of Israel" (Leviticus 22:32). Rabbi Yirmeya asks: What is the halakha if there were nine Jews and one gentile present?

²²¹ The Gemara answers: Come and hear an answer from what Rav Yannai, the brother of Rabbi Ḥiyya bar Abba, teaches in a baraita: This is derived by means of a verbal analogy between the word "among" written with regard to the sanctification of God's name, and the word "among" written with

regard to Korah and his assembly. Here, with regard to the sanctification of God's name, it is written: "And I shall be sanctified among the children of Israel," and there, with regard to Korah, it is written: "Separate yourselves from among this congregation" (Numbers 16:21). The meaning of the word "congregation" written with regard to Korah is derived by means of a verbal analogy to the word "congregation" written with regard to the spies sent out by Moses to scout the land: "How long shall I bear with this evil congregation" (Numbers 14:27). Just as there, the congregation of spies numbered ten, and all were Jews, so too here, concerning the sanctification of God, there must be ten, all of them being Jews.

²²² The Gemara raises a difficulty: But wasn't the incident involving Esther, i.e., her cohabitation with Ahasuerus, a public sin? Why then did Esther not surrender her life rather than engage in intercourse? The Gemara answers: Abaye says: Esther was merely like natural ground, i.e., she was a passive participant. The obligation to surrender one's life rather than engage in forbidden sexual intercourse applies only to a man who transgresses the prohibition in an active manner. A woman who is passive and merely submits is not required to give up her life so that she not sin.

²²³ Rava says that there is another justification for Esther's behavior: When gentiles order the transgression of a prohibition not in order to persecute the Jews or to make them abandon their religion, but for their own personal pleasure, it is different. In such a situation there is no obligation to sacrifice one's life, even when the sin is committed in public.

²²⁴ Rava explains: As if you do not say so, then how do we give them coal shovels [kevakei vedimonikei]? The Persian priests would take coal shovels from every house, fill them with coals, and use them to heat their temples on their festival days. Although this involved assisting idol worship in public, Jews would not sacrifice their lives in order not to do so. Rather, the reason they cooperated is certainly that a measure enacted for the gentiles' personal pleasure is different. Here too, concerning Esther, Ahasuerus engaged in intercourse with her for his personal pleasure, and a measure enacted for a gentile's personal pleasure is different, and there is no obligation to sacrifice one's life to avoid it.

²²⁵ The Gemara comments: And Rava follows his own line of reasoning, as Rava says: If a gentile said to a certain Jew: Cut grass [aspasta] on Shabbat and throw it before the cattle, and if you do not do this I will kill you, he should cut the grass and not be killed. But if the gentile said to him: Cut the grass and throw it into the river, he should be killed and not cut the grass. What is the reason for the latter ruling? Because it is clear that the gentile is not seeking his own personal pleasure, but rather he wants to force the Jew to violate his religion.

²²⁶ § The Sages raised a dilemma before Rabbi Ami: Is a descendant of Noah, who is commanded to refrain from idol worship, also commanded about the sanctification of God's name, or is he not commanded about the sanctification of God's name?

²²⁷ Abaye says: Come and hear an answer to this question from a baraita in which it was taught: Descendants of Noah were commanded to observe seven mitzvot: To establish courts of law, to refrain from cursing God, idol worship, adultery, bloodshed, robbery, and from eating the limb of a living animal. And if it is so that they are commanded about the sanctification of God's name, then there would be eight mitzvot in which they are commanded. Rava said to him: There is no proof from here, as when the baraita speaks of seven mitzvot it means the seven mitzvot themselves with

all their associated [avzaraihu] obligations. The mitzva to sanctify God's name can be understood as a detail of the prohibition of idolatry.

²²⁸ The Gemara asks: What halakhic conclusion was reached about this matter? Rav Adda bar Ahava says that they say in the school of Rav: It is written that Naaman, commander of the army of the king of Aram, said to the prophet Elisha: "For this matter may the Lord pardon your servant, that when my master goes into the house of Rimmon to bow down there and he leans on my hand, and I bow myself down in the house of Rimmon" (II Kings 5:18). That is, he was forced to bow down before an idol out of fear of his master, the king of Aram. And it is written in the following verse: "And he said to him: Go in peace," indicating that Elisha did not criticize him for acting in this manner.

²²⁹ And if it is so that a descendant of Noah is commanded about the sanctification of God's name, he should not have said to him: "Go in peace." The Gemara answers: This situation, where Elisha permitted Naaman's conduct, happened in private. When Naaman bowed down in the house of Rimmon, he did not do so in the presence of ten Jews. Whereas that question that was raised is whether or not a descendant of Noah must sanctify God's name in public, in the presence of ten Jews. Consequently, the question remains without a solution.

²³⁰ § Apropos the discussion of the obligation to allow oneself to be killed rather than engage in forbidden sexual intercourse, the Gemara notes that Rav Yehuda says that Rav says: There was an incident involving a certain man who set his eyes upon a certain woman and passion rose in his heart, to the point that he became deathly ill. And they came and asked doctors what was to be done with him. And the doctors said: He will have no cure until she engages in sexual intercourse with him. The Sages said: Let him die, and she may not engage in sexual intercourse with him. The doctors said: She should at least stand naked before him. The Sages said: Let him die, and she may not stand naked before him. The doctors suggested: The woman should at least converse with him behind a fence in a secluded area, so that he should derive a small amount of pleasure from the encounter. The Sages insisted: Let him die, and she may not converse with him behind a fence.

²³¹ The Gemara comments: Rabbi Ya'akov bar Idi and Rabbi Shmuel bar Nahmani disagree about this issue. One of them says: The woman in question was a married woman, and the other one says: She was unmarried. The Gemara tries to clarify the issue: Granted, according to the one who says that she was a married woman, the matter is properly understood. Since the case involved a severely prohibited forbidden relationship, the Sages did not allow any activity hinting at intimacy. But according to the one who says that she was unmarried, what is the reason for all this opposition? Why did the Sages say that the man must be allowed to die, rather than have the woman do as was requested?

²³² Rav Pappa says: This is due to the potential family flaw, i.e., harm to the family name, as it is not permitted to bring disgrace to the entire family in order to save the lovesick man. Rav Aha, son of Rav Ika, says: This is so that the daughters of Israel should not be promiscuous with regard to forbidden sexual relations. Were they to listen to the doctors' recommendations, Jewish women might lose moral restraint.

²³³ The Gemara asks: But if the woman was unmarried, let the man marry her. The Gemara answers: His mind would not have been eased by marriage, in accordance with the statement of Rabbi Yitzhak. As Rabbi Yitzhak says: Since the day the Temple was destroyed, sexual pleasure was taken away from those who engage in permitted intercourse and given to transgressors, as it is stated:

“Stolen waters are sweet, and bread eaten in secret is pleasant” (Proverbs 9:17). Therefore, the man could have been cured only by engaging in illicit sexual interaction.

Chapter 9

¹ MISHNA: And these are the transgressors who are burned in the implementation of the court-imposed death penalty: One who engaged in intercourse with a woman and her daughter, and one who is the daughter of a priest and who committed adultery.

² Included in the category of the prohibition of engaging in intercourse with a woman and her daughter and the resulting execution by burning, there are: His daughter, and the daughter of his daughter, and the daughter of his son. Likewise, the following are also included in this category: Intercourse with the daughter of his wife, even though she is not his daughter, and the daughter of her daughter, and the daughter of her son, as well as intercourse with his mother-in-law, and the mother of his mother-in-law, and the mother of his father-in-law. The prohibition and punishment apply both in cases where a man marries a woman and then engages in intercourse with her daughter, and in cases where a man marries a woman and then engages in intercourse with her mother.

³ GEMARA: The tanna does not teach the case of one who engaged in intercourse with a woman whose daughter he previously married. Rather, the tanna teaches the case of one who engaged in intercourse with a woman and her daughter. By inference, one may conclude that both the woman and her daughter are mentioned in the mishna for the purpose of establishing that there is a prohibition of intercourse with either of them, and when he engages in intercourse with the first of them he is liable to be executed. And who are these women? The reference is to his mother-in-law and the mother of his mother-in-law.

⁴ And the tanna teaches: Additional women are included in the category of the prohibition of and the punishment for engaging in intercourse with a woman and her daughter. By inference, one may conclude that with regard to both his mother-in-law and the mother of his mother-in-law, the prohibition and punishment are written explicitly in the Torah, and with regard to those additional women enumerated in the mishna, the prohibition and punishment are derived by means of interpretation.

⁵ The Gemara comments: This works out well according to Abaye, who says that with regard to the dispute between Rabbi Yishmael and Rabbi Akiva cited later in the Gemara (76b), the difference between their opinions is only concerning the interpretation of the meaning of the verse, but there is no practical difference between their opinions. According to Abaye, whose opinion is expressed in the mishna? It is the opinion of Rabbi Akiva. Abaye explains that Rabbi Akiva maintains that the prohibition of engaging in intercourse with the mother of one's mother-in-law is stated explicitly in the Torah.

⁶ But according to Rava, who says that the difference between their opinions is with regard to the prohibition of engaging in intercourse with one's mother-in-law after the death of his wife, whose opinion is expressed in the mishna? The opinion of the tanna of the mishna corresponds neither to the opinion of Rabbi Akiva nor to the opinion of Rabbi Yishmael, as they both maintain that the prohibition of engaging in intercourse with the mother of one's mother-in-law is not stated explicitly

in the Torah. The Gemara answers: Rava could say to you: Emend the mishna and teach: One who engaged in intercourse with a woman whose daughter he previously married.

⁷ The mishna teaches: Included in the category of the prohibition of engaging in intercourse with a woman and her daughter and the resulting execution by burning, there are: His mother-in-law, and the mother of his mother-in-law, and the mother of his father-in-law. The Gemara comments: Abaye holds that everyone agrees that the prohibition of engaging in intercourse with one's mother-in-law is stated explicitly in the Torah, and the tanna enumerates his mother-in-law together with relatives concerning whom the prohibition is derived by means of interpretation. Therefore, according to Abaye, since the tanna seeks to teach that the mother of his father-in-law is included in the prohibition, he teaches the halakha of his mother-in-law and the mother of his mother-in-law as well, despite the fact the prohibition of engaging in intercourse with one's mother-in-law is stated explicitly in the Torah.

⁸ By contrast, Rava holds that the woman and her daughter mentioned in the first clause of the mishna are his wife and his mother-in-law. Therefore, according to Rava, since the tanna seeks to teach that the mother of his father-in-law and the mother of his mother-in-law are included in the prohibition, he teaches the halakha of his mother-in-law in the latter clause as well, despite the fact that it is stated explicitly in the Torah.

⁹ § The mishna enumerates several women with whom intercourse is forbidden who are included in the prohibition of engaging in intercourse with a woman and her daughter, which is punished by execution by burning. The Gemara asks: From where are these matters derived? They are derived as the Sages taught: "And if a man takes a woman and her mother, it is lewdness; they shall be burned with fire both him and them, and there shall be no lewdness among you" (Leviticus 20:14). I have derived only that this punishment applies to one who engages in intercourse with a woman and with her mother. From where is it derived that one who engages in intercourse with the daughter of the woman married to him, or with the daughter of her daughter, or with the daughter of her son, is also liable to be executed by burning?

¹⁰ The baraita continues: Lewdness is stated here, with regard to the punishment: "There shall be no lewdness among you" (Leviticus 20:14), and lewdness is stated there, with regard to the prohibition: "You shall not uncover the nakedness of a woman and her daughter; you shall not take her son's daughter, or her daughter's daughter, to uncover her nakedness; they are near kinswomen, it is lewdness" (Leviticus 18:17). It is derived by means of a verbal analogy that just as there the prohibition applies to the woman's daughter, and the daughter of her daughter, and the daughter of her son, so too here, the punishment of burning applies to one who engages in intercourse with the woman's daughter, and to the daughter of her daughter, and to the daughter of her son.

¹¹ The baraita continues: From where is it derived to render the status of males like that of females with regard to this punishment? Lewdness is stated here and lewdness is stated there. Just as there, the Torah renders the status of males like that of female relatives, so too here, the Torah renders the status of males like that of females.

¹² From where is it derived to render the status of relatives below like the status of relatives above? Lewdness is stated here and lewdness is stated there. Just as there, the Torah renders the status of relatives below like that of relatives above, so too here, the Torah renders the status of relatives below like that of relatives above. And just as here, the Torah renders the status of relatives above

like that of relatives below, so too there, the Torah renders the status of relatives above like that of relatives below.

¹³ The Gemara proceeds to elaborate on the derivations cited in the baraita. The Master says: From where is it derived to render the status of males like that of females? The Gemara asks: What is the meaning of: The status of males like that of females? If we say that it means that one who engages in intercourse with the daughter of the son of his wife is executed by burning like one who engages in intercourse with the daughter of her daughter, the status of the daughter of her son and the daughter of her daughter are derived together in the first clause of the baraita, as both are written explicitly in the prohibition.

¹⁴ Rather, this clause in the baraita means that one who engages in intercourse with the mother of his father-in-law is executed by burning like one who engages in intercourse with the mother of his mother-in-law. The Gemara asks: Now, we have not yet established the halakha of one who engages in intercourse with the mother of his mother-in-law, and the baraita is seeking to derive the halakha of one who engages in intercourse with the mother of his father-in-law from the halakha of the mother of his mother-in-law?

¹⁵ Abaye says: This is what the baraita is saying. From where is it derived to render a relative who comes from his family, e.g., the daughter of his daughter and the daughter of his son, like a relative who comes from her family, e.g., the daughter of his wife and the daughter of his wife's daughter? Lewdness is stated here and lewdness is stated there. Just as there, the Torah renders the status of male relatives like that of female relatives, so too here, the Torah renders the status of males like that of females. The Gemara asks: But isn't it so that with regard to a relative from his family the term lewdness is not written, as the verse states: "The nakedness of your son's daughter, or of your daughter's daughter, their nakedness you shall not expose; for theirs is your own nakedness" (Leviticus 18:10)?

¹⁶ Rava says: Rav Yitzḥak bar Avudimi said to me: The equation of his relative to her relative is derived by means of a verbal analogy between the word "henna" written with regard to his relative: "The nakedness of your son's daughter, or of your daughter's daughter, their nakedness you shall not expose; for theirs [henna] is your own nakedness" (Leviticus 18:10), and the word "henna" written with regard to her relative: "You shall not uncover the nakedness of a woman and her daughter; you shall not take her son's daughter, or her daughter's daughter, to uncover her nakedness; they [henna] are near kinswomen; it is lewdness" (Leviticus 18:17). Additionally, it is derived from a verbal analogy between the word "lewdness" (Leviticus 18:17) and the word "lewdness" in the verse: "And if a man takes a woman and her mother, it is lewdness; they shall be burned with fire both him and them, and there shall be no lewdness among you" (Leviticus 20:14).

¹⁷ The Master says: From where is it derived to render the status of a relative below like the status of a relative above? The Gemara asks: What is the meaning of: The status of a relative below like the status of a relative above? If we say this means that the status of second-generation relative, i.e., the daughter of the son of his wife and the daughter of her daughter is like the status of first-generation relative, i.e., her daughter, this is difficult, as they are derived together, as all of them are mentioned in the same verse (see Leviticus 18:17).

¹⁸ Rather, it means that the status of the mother of his father-in-law and the mother of his mother-in-law is like that of his mother-in-law. The Gemara challenges: If so, is this an example of: A relative

below is like the status of a relative above? On the contrary, it is an example of: A relative above is like the status of a relative below. The Gemara responds: Emend the baraita and teach: The status of a relative from the generation above is like the status of a relative from the generation below them.

¹⁹ The Gemara asks: If so, as for the continuation of the baraita: Lewdness is stated here, with regard to the prohibition, and lewdness is stated there, with regard to the punishment, now, if the mother of his father-in-law and the mother of his mother-in-law are not written in the Torah and are derived through interpretation, is the term lewdness written concerning them?

²⁰ Abaye says: This is what the baraita is saying: From where is it derived to render the status of a relative for three generations above, his wife, his mother-in-law, and the mother of his mother-in-law, like the status of a relative for three generations below, his wife, his daughter, and the daughter of his daughter? Lewdness is stated with regard to relatives below, the offspring of his wife (Leviticus 18:17), and lewdness is stated with regard to relatives above, the ancestors of his wife (Leviticus 20:14). Just as with regard to relatives below, one is liable for engaging in intercourse with three generations of women, so too with regard to relatives above, one is liable for engaging in intercourse with three generations of women.

²¹ And just as with regard to punishment, the verse rendered the status of relatives below like that of relatives above, so too, with regard to the prohibition, the verse rendered the status of relatives above like that of relatives below.

²² Rav Ashi says: Actually, it is not necessary to emend the baraita, and the baraita may be interpreted as it is taught. And what is the meaning of the term below? The reference is to below in terms of the prohibition, i.e., below refers to more distant relatives, e.g., the mother of his mother-in-law, with regard to whom the prohibition is less severe, and above refers to closer relatives, e.g., his mother-in-law, with regard to whom the prohibition is more severe.

²³ Based on that interpretation of the baraita, the Gemara asks: If so, why not say: Just as the mother of the mother of his wife is forbidden to him, so too the mother of his mother is forbidden to him, and say that he would be liable to be executed by burning?

²⁴ Abaye says that it is not possible that one is liable to be burned for engaging in intercourse with the mother of his mother, as the verse states: “The nakedness of your father and the nakedness of your mother you shall not expose; she is your mother, you shall not expose her nakedness” (Leviticus 18:7). Infer from this: Due to his intercourse with his mother you deem him liable to be executed, but you do not deem him liable to be executed due to his intercourse with the mother of his mother.

²⁵ Rava says: Both according to the one who says with regard to the method of derivation by means of a verbal analogy: Infer the halakha from it, i.e., from the source of the verbal analogy, and derive the details from it, i.e., from that source, and according to the one who says: Infer the halakha from it but interpret the halakha according to its own place, i.e., the derived halakha is subject to the principles that govern that which is derived by means of the verbal analogy, it is not derived that one is liable to be burned for engaging in intercourse with the mother of his mother.

²⁶ The Gemara elaborates: According to the one who says: Infer the halakha from it and derive the details from it, one might infer: Just as with regard to relatives of his wife, the mother of her mother is forbidden to him, so too with regard to his relatives, the mother of his mother is forbidden to him. And derive again from it: Just as with regard to relatives of his wife, he is liable to be executed by

burning due to his intercourse with the mother of her mother, so too with regard to his relatives, he is also liable to be executed by burning due to his intercourse with the mother of his mother.

²⁷ The Gemara proceeds to explain why one cannot derive that one is liable to be burned for engaging in intercourse with the mother of his mother. According to the one who says: Execution by burning is more severe than execution by stoning, the inference from the halakha of relatives of his wife can be refuted as follows: What is notable about her relatives, where he is liable to be burned for engaging in intercourse with the mother of her mother? They are notable in that one who engages in intercourse with the mother of his wife is liable to be executed by the more severe punishment of burning, not the less severe, more common, punishment of stoning. Will you then say that the same halakha should apply with regard to his relatives, where one who engages in intercourse with his mother is liable to be executed by the less severe punishment of stoning?

²⁸ And furthermore, as one who engages in intercourse with his mother is executed by the less severe punishment of stoning, is it possible that one who engages in intercourse with the mother of his mother, a more distant relative, is executed by the more severe punishment of burning?

²⁹ And furthermore, just as with regard to her relatives, you did not distinguish between her mother and the mother of her mother, and one who engages in intercourse with either is executed by burning, so too with regard to his relatives, you should not distinguish between his mother and the mother of his mother. Since one who engages in intercourse with his mother is punished by stoning, not burning, it follows that one who engages in intercourse with the mother of his mother is punished by stoning, not burning.

³⁰ And according to the one who says that stoning is more severe than burning, although the first two refutations of the derivation, based on the fact that execution by burning is more severe, are not relevant, due to this third difficulty, this halakha is not derived. Just as with regard to her relatives, you did not distinguish between her mother and the mother of her mother, so too with regard to his relatives, you should not distinguish between his mother and the mother of his mother.

³¹ And according to the one who says: Infer the halakha from it but interpret the halakha according to its own place, one might infer: Just as with regard to relatives of his wife, the mother of her mother is forbidden to him, so too with regard to his relatives, the mother of his mother is forbidden to him. And interpret the halakha according to its own place: It is there, with regard to the relatives of his wife, that one who engages in intercourse with the mother of her mother is executed by burning; but here, with regard to his relatives, one who engages in intercourse with the mother of his mother is executed by stoning, as we found that this is the punishment with regard to one who engages in intercourse with his mother.

³² The Gemara explains why the derivation with regard to the prohibition is not valid. According to the one who says that execution by burning is more severe than execution by stoning, the derivation can be refuted:

³³ What is notable about her relatives? They are notable in that one who engages in intercourse with the mother of his wife is liable to be executed by the more severe punishment of burning. Will you then say that there is a prohibition with regard to his relatives, where one who engages in intercourse with his mother is liable to be executed by the less severe punishment of stoning?

³⁴ And furthermore, one must say that the status of his relatives is like the status of her relatives; and just as with regard to her relatives, you did not distinguish between her daughter and the mother of her mother, and one who engages in intercourse with either is executed by burning, so too with regard to his relatives, you should not distinguish between his daughter and the mother of his mother and he should receive the same punishment for engaging in intercourse with either. Since one who engages in intercourse with the mother of his mother is executed by stoning and one who engages in intercourse with his daughter is executed by burning, the parallel between his relatives and her relatives is incomplete, and the prohibition cannot be derived.

³⁵ The Gemara continues: And according to the one who says that stoning is more severe than burning, due to this third difficulty, the fact that intercourse with the mother of his mother is forbidden, this halakha is not derived, as the parallel between his relatives and her relatives is incomplete.

³⁶ The Gemara asks: If a parallel is drawn between his relatives and the relatives of his wife with regard to the prohibition, just as with regard to his relatives, his daughter-in-law is forbidden to him, so too with regard to her relatives, her daughter-in-law is prohibited to him?

³⁷ Abaye says: That is not so, as the verse states: “You shall not expose the nakedness of your daughter-in-law; she is your son’s wife, you shall not expose her nakedness” (Leviticus 18:15). Due to his intercourse with the wife of his son you deem him liable to be executed, but you do not deem him liable to be executed due to his intercourse with the wife of the son of his wife.

³⁸ Rava says: That derivation is unnecessary, as with regard to the method of derivation by means of a verbal analogy, both according to the one who says: Infer the halakha from it and derive the details from it, and according to the one who says: Infer the halakha from it but interpret the halakha according to its own place, it is not derived that intercourse with one’s wife’s daughter-in-law renders him liable to be executed.

³⁹ The Gemara elaborates: According to the one who says: Infer the halakha from it and derive the details from it, one might infer: Just as with regard to his relatives, his daughter-in-law is forbidden to him, so too with regard to her relatives, her daughter-in-law is forbidden to him. And derive again from it: Just as with regard to his relatives, he is liable to be executed by stoning due to his intercourse with his daughter-in-law, so too with regard to her relatives, he is also liable to be executed by stoning due to his intercourse with her daughter-in-law.

⁴⁰ The Gemara proceeds to explain why this is not a valid derivation. According to the one who says: Execution by stoning is more severe than execution by burning, the inference can be refuted: What is notable about his relatives? They are notable in that one who engages in intercourse with his mother is liable to be executed by the more severe punishment of stoning. Will you then say that the same is true with regard to her relatives, where one who engages in intercourse with her mother is liable to be executed by the less severe punishment of burning?

⁴¹ And furthermore, as one who engages in intercourse with the daughter of his wife, is executed by the less severe punishment of burning, is it possible that one who engages in intercourse with the daughter-in-law of his wife, a more distant relative, is executed by the more severe punishment of stoning? The Gemara rejects that refutation: He himself, with regard to his own relatives, will prove that it is in fact possible, as one who engages in intercourse with his daughter is executed by burning, and one who engages in intercourse with his daughter-in-law is executed by stoning.

⁴² Rather, just as with regard to his relatives, you did not distinguish between his mother and his daughter-in-law, and one who engages in intercourse with either is executed by stoning, so too with regard to her relatives, you should not distinguish between her mother and her daughter-in-law. Since one who engages in intercourse with the mother of his wife is executed by burning, apparently, one who engages in intercourse with her daughter-in-law is punished by stoning, not burning. Therefore the parallel between his relatives and her relatives is incomplete, and the prohibition cannot be derived. And according to the one who says that burning is more severe than stoning, although the refutations based on the fact that execution by stoning is more severe are not relevant, due to this difficulty, this halakha is not derived.

⁴³ And according to the one who says: Infer the halakha from it but interpret the halakha according to its own place, one might infer: Just as with regard to his relatives, his daughter-in-law is forbidden to him, so too with regard to her relatives, her daughter-in-law is forbidden to him. And interpret the halakha according to its own place: It is there, with regard to his relatives, that one who engages in intercourse with his daughter-in-law is executed by stoning; but here, with regard to her relatives, one who engages in intercourse with her daughter-in-law is executed by burning, as we found that this is the punishment with regard to one who engages in intercourse with her mother.

⁴⁴ The Gemara proceeds to explain why this is not a valid derivation. According to the one who says: Execution by stoning is more severe than execution by burning, the inference can be refuted: What is notable about his relatives? They are notable in that one who engages in intercourse with his mother is liable to be executed by the more severe punishment of stoning. Will you then say that the same is true with regard to her relatives, where one who engages in intercourse with her mother is liable to be executed by the less severe punishment of burning?

⁴⁵ And furthermore, just as with regard to his relatives, you distinguished between his daughter and his daughter-in-law, and one who engages in intercourse with his daughter is executed by burning while one who engages in intercourse with his daughter-in-law is executed by stoning, so too with regard to her relatives, distinguish between her daughter and her daughter-in-law. This is contrary to the parallel drawn between his relatives and her relatives, and the halakha cannot be derived. And according to the one who says that burning is more severe than stoning, although the refutations based on the fact that execution by stoning is more severe are not relevant, due to this latter difficulty, this halakha is not derived.

⁴⁶ § Throughout, it is clear from the Gemara that one who engages in intercourse with his daughter is executed by burning. The Gemara asks: With regard to one's daughter born from a woman whom he raped, from where is it derived that she is forbidden to him? The Gemara answers: Doesn't Abaye say that this is inferred a fortiori: If one is punished for engaging in intercourse with the daughter of his daughter, for engaging in intercourse with his daughter is it not all the more so that he is punished?

⁴⁷ The Gemara asks: But does the court administer punishment based on an a fortiori inference without an explicit source? The Gemara replies: This is a mere disclosure of the matter, not a derivation by means of an inference. Presumably, the punishment administered to one who engages in intercourse with the daughter of his daughter stems from the kinship with his daughter. When the verse states with regard to the daughter of his daughter: "For theirs is your own nakedness" (Leviticus 18:10), his daughter is included.

⁴⁸ Rava says: Rabbi Yitzḥak bar Avdimi said to me that the prohibition of engaging in intercourse with one's daughter who is not the daughter of his wife is derived by means of a verbal analogy between the word "henna," written with regard to his descendants: "The nakedness of your son's daughter, or of your daughter's daughter, even their nakedness you shall not uncover; for theirs [henna] is your own nakedness" (Leviticus 18:10), and the word "henna" written with regard to the descendants of his wife: "You shall not uncover the nakedness of a woman and her daughter; you shall not take her son's daughter, or her daughter's daughter, to uncover her nakedness; they [henna] are near kinswomen; it is lewdness" (Leviticus 18:17). Then, it is derived from a verbal analogy between the word "lewdness" (Leviticus 18:17) and the word "lewdness" in the verse: "And if a man takes a woman and her mother, it is lewdness; they shall be burned with fire both him and them, and there shall be no lewdness among you" (Leviticus 20:14).

⁴⁹ The father of Rabbi Avin teaches: Due to the fact that we did not learn a punishment for one who engages in intercourse with his daughter born from a woman whom he raped from an explicit verse in the Torah, it was necessary for the verse to state: "And if the daughter of any priest profanes herself by acting licentiously, it is her father [et aviha] whom she is profaning; she shall be burned with fire" (Leviticus 21:9). The verse can be interpreted: And if the daughter of any priest profanes herself by acting licentiously with her father [et aviha]...she shall be burned with fire.

⁵⁰ The Gemara asks: If so, why not say that just as in the case of the daughter of a priest who commits adultery, she is executed by burning but her paramour is executed by strangulation, not by burning, so too in the case of one who engages in intercourse with his daughter born from a woman whom he raped, she is executed by burning but her paramour, i.e., her father, is executed by other means and not by burning?

⁵¹ Abaye says that the verse states: "It is her father whom she is profaning," from which it is inferred that one who profanes her father by acting licentiously is executed with a court-imposed death penalty different from the death penalty imposed upon her paramour; excluded from that halakha is this case of a daughter whose father engaged in intercourse with her, where it is her father who profanes her.

⁵² Rava says: Granted, there, in the case of the daughter of a priest who commits adultery, based on the inference, you excluded the paramour from the punishment of the daughter of a priest, execution by burning, and you established his punishment to correspond with the punishment of an adulterous Israelite woman, who is executed by strangulation. But here, in the case of one who engages in intercourse with his daughter, to correspond with whose punishment do you establish the father's punishment? The Torah does not state any other form of execution in that case. Will you establish his punishment to correspond with the punishment of an unmarried woman who engages in intercourse, who is not liable to be executed at all? Therefore, there is no alternative to the conclusion that the father, too, is executed by burning.

⁵³ § The Gemara asks: From where is the prohibition against engaging in intercourse with his daughter born from a woman whom he raped derived? Granted, according to Abaye and Rava, who, respectively, derive the punishment a fortiori or by means of a verbal analogy, from the same source from which they derive the punishment, from there they derive the prohibition as well, as the source includes a prohibition.

⁵⁴ But according to that which Rabbi Avin's father teaches, that the punishment is derived from the verse written with regard to the daughter of a priest, what is the source for the prohibition? Rabbi Ile'a says that the prohibition is derived from a verse, as the verse states: "Do not profane your daughter by causing her to act licentiously [lehaznotah], lest the land falls into licentiousness, and the land becomes full of lewdness" (Leviticus 19:29), from which it is derived that one may not engage in intercourse with his daughter.

⁵⁵ Rabbi Ya'akov, brother of Rav Aḥa bar Ya'akov, objects to this: Does this verse: "Do not profane your daughter by causing her to act licentiously," come to teach that halakha? This verse is necessary to derive that which is taught in a baraita: With regard to the verse: "Do not profane your daughter by causing her to act licentiously," one might have thought that it is with regard to a priest who marries his daughter to a Levite or Israelite that the verse is speaking, since marrying an Israelite disqualifies her from partaking of teruma. To counter this, the verse states "by causing her to act licentiously," indicating that it is with regard to profaning that involves licentiousness that the verse is speaking. The reference is to one who gives his daughter to a man for the purpose of intercourse that is not for the sake of marriage.

⁵⁶ The Gemara answers: If so, and that is the sole derivation from the verse, let the verse say: Do not profane [taḥel]. What is the reason that the verse uses the more complex form: Do not profane [teḥalel]? Conclude two derivations from it. The Gemara asks: And according to Abaye and Rava, who derive the prohibition against engaging in intercourse with one's daughter from a different source, what do they do with this verse: "Do not profane your daughter by causing her to act licentiously"? Rabbi Mani says: This verse is referring to one who marries his daughter to an old man. Since she will not be satisfied with him, it will ultimately lead her to engage in adultery, and her father is responsible for causing that situation.

⁵⁷ This derivation is as it is taught in a baraita: "Do not profane your daughter by causing her to act licentiously." Rabbi Eliezer says: This is referring to one who marries his daughter to an old man. Rabbi Akiva says: This is referring to one who delays the marriage of his daughter who is a grown woman. Since she finds no permissible outlet for her sexual desire, she is apt to engage in licentiousness.

⁵⁸ Rav Kahana says in the name of Rabbi Akiva: You do not have a pauper among the Jewish people other than one who is a conniving wicked person, who seeks to conceal his true nature, and one who delays the marriage of his daughter who is a grown woman. The Gemara asks: Is that to say that one who delays the marriage of his daughter who is a grown woman is not a conniving, wicked person? He connives to delay her marriage to ensure that she will stay at home and do the housework, sparing him the cost of domestic help, and thereby causes her to sin.

⁵⁹ Abaye says:

⁶⁰ This is what Rav Kahana is saying: Who is a pauper who, due to his poverty, becomes a conniving, wicked person? This is one who delays the marriage of his daughter who is a grown woman. And Rav Kahana says in the name of Rabbi Akiva: Beware of one who advises you according to his own interests, as he is likely motivated by personal gain.

⁶¹ Rav Yehuda says that Rav says: One who marries his daughter to an old man, and one who takes a wife for his minor son, and one who returns a lost item to a gentile are all individuals who are the cause of sin. Marriage to an old man or a minor leaves the woman unsatisfied and is apt to lead to

licentiousness. One who returns lost property to gentiles adds to the property that they stole from Jews. With regard to each of them the verse states: “Lest there should be among you a man or a woman...whose heart turns away this day from the Lord...saying: I will have peace, even though I walk in the stubbornness of my heart, that the quenched shall be added to the thirsty. The Lord will not be willing to pardon him” (Deuteronomy 29:17-19).

⁶² The Gemara raises an objection to one element of the ruling of Rav from a baraita: One who loves his wife as he loves himself, and who esteems her by giving her clothing and jewelry more than he esteems himself, and one who instructs his sons and daughters to follow an upright path, and who marries them to appropriate spouses adjacent to their reaching puberty, ensures that his home will be devoid of quarrel and sin. Concerning him the verse states: “And you shall know that your tent is in peace; and you shall visit your habitation and shall miss nothing” (Job 5:24). The baraita indicates that it is a mitzva to marry one’s children to appropriate spouses while they are young, contrary to the statement of Rav that one who takes a wife for his minor son causes sin. The Gemara replies: Adjacent to their reaching puberty is different from marrying her to a minor, as there is no concern that his daughter will sin during the brief period until her husband reaches puberty.

⁶³ The Sages taught: One who loves his neighbors, and one who brings his relatives close, and one who marries the daughter of his sister, an example of a woman that he knows and likes before taking her as his wife, and one who lends a sela to a poor man at his time of need, when he has no alternative source of funds, with regard to each of them the verse states: “Break your bread for the hungry, and the poor that are cast out bring to your house; when you see the naked, you shall clothe him, and hide not yourself from your own flesh...then shall you call, and the Lord will answer; you shall cry, and He will say: Here I am” (Isaiah 58:7–9).

⁶⁴ § The Sages taught with regard to the verse: “And if a man takes a woman and her mother, it is lewdness; they shall be burned with fire both him and them, and there shall be no lewdness among you” (Leviticus 20:14). What is the meaning of “both him and them”? It means him and one of them, as one woman is his wife. He is liable for engaging in intercourse with the other woman; this is the statement of Rabbi Yishmael. Rabbi Akiva says: It means him and the two of them.

⁶⁵ The Gemara asks: What is the difference between them? Clearly Rabbi Akiva does not hold that his wife is punished when he engages in intercourse with her relative. Abaye says: The difference between Rabbi Akiva and Rabbi Yishmael is with regard to the interpretation of the meaning of the verse.

⁶⁶ Rabbi Yishmael holds that the term “both him and them [et’hen]” means him and one of them, as in the Greek language one calls the number one heina. The prohibition in the verse is with regard to one who engages in intercourse with the mother of his wife. And the prohibition of engaging in intercourse with the mother of his mother-in-law is derived through an interpretation of the verses and is not written explicitly in the Torah. Rabbi Akiva holds that the term “both him and them” means him and both of them; the prohibition in the verse is with regard to one who engages in intercourse with his mother-in-law, and the prohibition for engaging in intercourse with the mother of his mother-in-law is also written here explicitly.

⁶⁷ Rava says: Rabbi Yishmael and Rabbi Akiva agree that the prohibition with regard to the mother of his mother-in-law is derived through interpretation, and the difference between them is with regard to one who engages in intercourse with his mother-in-law after the death of his wife. Rabbi Yishmael

holds that one who engages in intercourse with his mother-in-law after the death of his wife is executed by burning. The verse indicates: Both him and one of them, meaning that he is liable to be executed by burning even if only one of the pair of his wife and mother-in-law is alive, i.e., when his wife is deceased and he engages in intercourse with his mother-in-law. And Rabbi Akiva maintains that in that case, one violates a mere prohibition and is not liable to be executed.

⁶⁸ MISHNA: And these are the transgressors who are killed by decapitation in the implementation of the court-imposed death penalty: The murderer; and the residents of an idolatrous city, all of whom engaged in idol worship.

⁶⁹ The mishna elaborates: In the case of a murderer who struck another with a stone or with iron, or held him in the water or in the fire, and the victim could not extricate himself from there and he died, the murderer is liable to be executed.

⁷⁰ If one pushed another into the water or into the fire and that person could have extricated himself from there but failed to do so, and he died, the one who pushed him is exempt from punishment by a court, as he caused the death but did not actually kill the victim. For the same reason, if one set a dog against another and the dog killed him, or if one set a snake against another and the snake killed him, the one who set the dog or the snake is exempt from punishment. If he imbedded the snake's fangs into another and caused the snake to bite him and kill him, Rabbi Yehuda deems him liable to be executed, as he is a murderer, and the Rabbis exempt him, as they maintain that he indirectly caused the individual's death.

⁷¹ GEMARA: The verses state with regard to a murderer: "And if he struck him with a stone in hand, by which a man may die...or if he struck him with an instrument of wood in hand, by which a man may die, and he died, he is a murderer; the murderer shall be put to death" (Numbers 35:17-18). The term "in hand" indicates that one is liable for murder only if he utilized a stone or a wooden instrument that was of at least a certain measure. Shmuel says: For what reason was the term "in hand" not stated with regard to the iron instrument, as it is written: "But if he struck him with an instrument of iron, so that he died" (Numbers 35:16)? The reason is that an iron instrument of any size kills.

⁷² This is also taught in a baraita. Rabbi Yehuda HaNasi says: It is revealed and known before He Who spoke and the world came into being that an iron instrument of any size kills. Therefore, the Torah did not provide a measure for it. The Gemara comments: And this statement applies only when the murderer stabbed him with the iron instrument. But in a case where the murderer struck another with an iron instrument, he is liable only if the instrument was at least a certain measure capable of causing death.

⁷³ § The mishna teaches: Or held him in the water and that other person died, the murderer is liable. The Gemara comments: The first clause of the mishna teaches us a novel element, and the latter clause of the mishna teaches us a novel element. The first clause teaches us a novel element: Even though it was not he who pushed the individual into the water, since he held the victim and the victim could not extricate himself from there and he died, the one who held him in the water is liable to be executed. The latter clause teaches us a novel element: Even though he pushed the individual into the water, since the victim could have extricated himself from there but failed to do so and he died, the one who pushed him is exempt from punishment.

⁷⁴ The Gemara asks: From where do we derive that one who held another in the water is liable to be executed? Shmuel says: It is derived from a verse, as the verse states: “Or in enmity he struck him with his hand and he died, the assailant shall be put to death; he is a murderer” (Numbers 35:21). The phrase “or in enmity” serves to include one who confines another in a place where he cannot survive.

⁷⁵ There was a certain man who confined the animal of another in a place in the sun and it died from exposure to the sun. Ravina deemed the man liable to recompense the owner as though his action caused the death of the animal. Rav Aḥa bar Rav deemed him exempt from recompensing the owner, as it was not his action that caused the death of the animal.

⁷⁶ The Gemara elaborates: Ravina deemed him liable to recompense the owner, and he derived it by means of an a fortiori inference: Just as with regard to a murderer, where the Torah did not render the legal status of one who kills unwittingly, who is exiled, like that of one who kills intentionally, who is executed, and did not render the status of one who kills due to circumstances beyond his control, who is exempt from punishment, like that of one who kills with intent, who is liable, nevertheless the Torah rendered one who confines another in a place where he cannot survive liable to be executed, even though he did not perform an action;

⁷⁷ with regard to damage, where the Torah rendered the legal status of one who causes damage unwittingly like that of one who causes damage intentionally, and the status of one who causes damage due to circumstances beyond his control like that of one who causes damage with intent, as one is always responsible for damage that he caused (see Bava Kamma 26a), is it not logical that the Torah rendered one who confines an animal in a place where it cannot survive liable to pay restitution even though he did not perform an action?

⁷⁸ The Gemara explains the conflicting opinion. Rav Aḥa bar Rav exempts the one who confined the animal in the sun from recompensing the owner. Rav Mesharshiyya said: What is the reason for the opinion of Rav Aḥa, the father of my father, who exempts him from payment? The reason is that the verse states: “Or in enmity he struck him with his hand and he died, the assailant shall be put to death; he is a murderer” (Numbers 35:21). The phrase “he is a murderer” restricts the liability of one who confines another. It is in the case of a murderer that the Torah renders for us one who confines another liable to be executed. But in the case of damage the Torah does not render for us one who confines the animal of another liable to recompense the owner, as it was not his action that caused the damage.

⁷⁹ § Rava says: If one bound another and he died of starvation, he is exempt from the liability to receive a court-imposed death penalty, as it was not his action that caused the death of the victim. Even if the victim was hungry when he was bound, the starvation that caused his death ensued at a later stage. The one who bound him is liable to be punished by the heavenly court. And Rava says: If one bound another in the sun and he died of the heat, or in a cold place and he died of exposure, he is liable to be executed, as from the moment that he bound him, the victim began dying. But if one bound another in a place that at the time was not exposed to the sun or the cold, even though ultimately the sun would arrive at that place, or ultimately the cold would reach that place, he is exempt from execution, as when he bound the victim, the future cause of death was not present.

⁸⁰ And Rava says: If one bound another before a lion, he is exempt from execution. Since perhaps the lion will choose not to prey on the victim it was not his action that caused the damage. If he bound another before mosquitoes he is liable to be executed, as inevitably, the mosquitoes will bite

him until he dies. Rav Ashi says: Even if he bound an individual before mosquitoes he is exempt from execution, as the mosquitoes who were there when he bound the individual are not the ones who killed him. Rather, those mosquitoes went and these other mosquitoes came. Therefore, this case is comparable to the case where one bound another in a place where the sun or the cold would ultimately arrive.

⁸¹ It was stated that there is an amoraic dispute with regard to one who overturned a vat upon another and he died of suffocation, or breached plaster covering the roof and the lack of a ceiling caused another to die of exposure. Rava and Rabbi Zeira disagree. One says that he is liable to be executed, and one says that he is exempt from execution.

⁸² The Gemara suggests: Conclude that Rava is the one who says that the perpetrator is exempt from execution, as Rava says: If one bound another and he died of starvation, he is exempt from execution, as it was not his action that caused the death of the victim.

⁸³ The Gemara rejects that suggestion: On the contrary, conclude that it is Rabbi Zeira who says that the perpetrator is exempt, as Rabbi Zeira says: With regard to this individual who took another into a hermetically sealed house of marble and he kindled a lamp [sheraga] for him, and he died of the fumes, the perpetrator is liable to be executed. One may infer that the reason he is liable is because he kindled a lamp for him, but if he did not kindle a lamp for him, no, he is not liable, although the victim would have ultimately died even without the lamp. Apparently, Rabbi Zeira also maintains that the perpetrator is liable only if the perpetrator's action caused the death, or at least caused the process of dying to begin. This case is identical to the case of the overturned vat.

⁸⁴ The Sages say: In the case there, where one confines another in a house of marble, without a kindled lamp, the atmosphere does not begin to cause suffocation

⁸⁵ at the time of the perpetrator's action, as the room is sufficiently large to enable the individual to breathe. Here, in the case where one overturns a vat upon another, even without a kindled lamp the atmosphere begins to cause suffocation at the time of the perpetrator's actions. Therefore, the two cases are not comparable, and it is Rava who exempts the one who overturned a vat upon another.

⁸⁶ § The Gemara cited a mnemonic for the halakhot that follow with regard to causing the death of another: Ladder, shield, herbs, in a wall.

⁸⁷ Rava says: In a case where one pushed another into the pit and there was a ladder in the pit that would enable him to emerge from it, and another individual came and removed the ladder, or even if the perpetrator himself removed the ladder before the one whom he pushed could emerge, causing him to die of starvation, the perpetrator is exempt from execution. The reason is that at the time that he cast him into the pit, the victim was able to ascend and emerge from the pit. Pushing him into the pit did not cause his death, and the removal of the ladder merely prevented the victim from emerging, but was not an action that directly caused his death.

⁸⁸ And Rava says: In the case of one who shot an arrow at another, and there was a shield [teris] in the victim's hand, if another individual came and took the shield from him, or even if the one who shot the arrow took the shield before the arrow reached the victim, the attacker is exempt from execution. The reason is that at the time that he shot the arrow at the victim, his arrows were blocked from the one being attacked by the shield, and they could not harm him. The victim's death was caused indirectly, by removal of the shield.

⁸⁹ And Rava says: In the case of one who shot an arrow at another and the victim had herbs in his possession capable of healing the wound from the arrow before it became fatal, if another individual came and scattered the herbs, or even if the one who shot the arrow scattered them before the victim could heal his wound with the herbs, the attacker is exempt from execution. The reason is that at the time that he shot the arrow at him, the victim was able to be cured. The arrow caused injury, but the victim died due to the unavailability of a cure.

⁹⁰ Rav Ashi says: It is established that one who shoots an arrow at another is exempt when herbs that could facilitate his recovery are available; therefore, even if there are herbs available in the marketplace, the attacker is exempt from execution, as in that case, too, the herbs are available. Rav Aḥa, son of Rava, said to Rav Ashi: If the herbs were not available in the marketplace, and herbs capable of healing the wound happened to enter into the victim's possession, yet he neglected to use them and died, what is the halakha? Rav Ashi said to Rav Aḥa: He emerged from the court innocent. As long as there was a possibility that the victim could heal his wound with the herbs, the one who shot the arrow is not a murderer; rather, he is merely one who caused death indirectly.

⁹¹ § And Rava says: In the case of one who threw a stone with the intent to kill another, and the stone caromed off the wall and rebounded back and killed a different individual, the attacker is liable. And the tanna taught a similar halakha in a baraita: In a case where those who were playing with a ball killed another by hitting him with the rebounding ball, if they did so intentionally, they are executed by beheading; if they did so unwittingly, they are exiled.

⁹² The Gemara asks: If they did so unwittingly, they are exiled; isn't this obvious? All unwitting murderers are exiled. The Gemara answers: The novel element in this baraita is not that the unwitting murderer is exiled; rather, it was necessary for the tanna to teach that if they did so intentionally, they are executed. This halakha needed to be taught lest you say that they cannot be executed because the death penalty requires certain forewarning, i.e., forewarning of an action that will certainly lead to the death penalty, and in this case the forewarning is uncertain, as who is to say that the ball will rebound and cause death? Therefore, the tanna teaches us that those who play ball are trained in throwing it and the ball will certainly rebound; therefore, there is no uncertainty.

⁹³ Rav Taḥlisa, from the West, Eretz Yisrael, taught this baraita before Rabbi Abbahu: In a case where those who were playing with a ball killed an individual by hitting him with the ball, if the ball struck the individual within four cubits of the one who threw the ball, he is exempt from being exiled, as it was certainly not his intent to throw the ball so short a distance; beyond four cubits, he is liable to be exiled.

⁹⁴ Ravina said to Rav Ashi, questioning this halakha: What are the circumstances? If he was amenable to having the ball travel a short distance, then he should be liable even for a throw less than four cubits. And if he was not amenable to having the ball travel the distance that it traveled, but he wanted it to travel farther, then he should not be liable even for a throw greater than four cubits. In what case is the measure of four cubits significant? Rabbi Abbahu said to him: With regard to ordinary people who play with a ball, the farther they enter and approach the wall, the more amenable they are to the result, as the ball caroms off the wall and rebounds farther. Therefore, presumably their intent was that the ball would travel a distance greater than four cubits.

⁹⁵ The Gemara questions the principle underlying this halakha. Is that to say that in a case like this, when an item caroms off the wall, the action is considered the result of his force? And the Gemara

raises a contradiction from a mishna (Para 6:1): In the case of one who sanctifies the waters of purification by placing the ashes of the red heifer into the water, in order to sprinkle on one impure with impurity imparted by a corpse, and the sacred ashes fell on his hand or on the side of the vessel and only thereafter it fell into the water in the trough, the purification waters are unfit, since there is a requirement that the ashes must be placed in the water by the force of his action. Likewise, when an item caroms off a wall, the action is not generated by the force of his action; therefore, he should not be liable.

⁹⁶ The Gemara answers: With what are we dealing here? We are dealing with a case where the ashes trickle from his hand or from the sides of the vessel into the water, a slow movement that is not generated by the force of his action. This is in contrast to the case where he throws a ball off the wall.

⁹⁷ The Gemara suggests: Come and hear proof that only an action that one generates directly is considered the force of his action, as it is taught in a mishna (Para 12:2): Concerning a needle that was impure with impurity imparted by a corpse and was placed on an earthenware shard, and one sprinkled water of purification; if there is uncertainty whether he actually sprinkled the purification water on the needle or whether he sprinkled it on the earthenware shard and the water inadvertently sprayed upon the needle, his sprinkling is unfit. Apparently, an action performed indirectly is not considered to have been generated by his force.

⁹⁸ Rav Hinnana bar Yehuda said in the name of Rav: Emend the mishna: Sprayed [mitza] was not stated in the mishna; found [matza] was stated. That is, it was found that the needle was wet, and it is not clear whether it was wet from purification water sprinkled directly upon it or from water that dripped from the earthenware onto the needle. This case is not comparable to the case of one who throws a ball off a wall.

⁹⁹ Rav Pappa says: With regard to this one who bound another and diverted a flow of water upon him and he died, the water is tantamount to his arrows that were effective in committing the murder, and he is liable. And this matter applies only in a case where he killed the other individual by primary force, as the individual was near to him and was directly drowned by the water. But if the individual was further away and was killed by secondary force after the water flowed on its own, it is not his action; rather, it is merely an indirect action, and he is exempt.

¹⁰⁰ And Rav Pappa says: In a case where one threw a stone upward and it went to the side, and killed an individual, he is liable. Mar, son of Rav Ashi, said to Rav Pappa: What is the reason that you say he is liable? Is it due to the fact that the result is generated by the force of his action? That cannot be, as if it is generated by the force of his action, the stone should go directly upward where he threw it, and not to the side.

¹⁰¹ Rav Pappa answered: And were it not for the force of his action, the stone would go down and not to the side. Rather, although it is a weak force, the force of his action is a partial cause of the damage caused by the stone going to the side; therefore, he is liable.

¹⁰² The Sages taught: If ten people struck an individual with ten sticks and as a result of the beating he died, whether they beat him simultaneously, or whether they beat him one after the other, they are exempt from liability for killing him, as two people are not liable for an action that they performed together. Rabbi Yehuda ben Beteira says: If they struck him one after the other, the one who struck him last is liable, because he hastened his death.

¹⁰³ Rabbi Yoḥanan says: And both Rabbis, i.e., the first tanna and Rabbi Yehuda ben Beteira, interpreted the same verse in drawing their halakhic conclusion. The verse states: “And a man who strikes any soul mortally, he shall be put to death” (Leviticus 24:17). The Rabbis hold that “any soul” means that one is liable for murder only when there is an entire soul, i.e., when the murderer alone is responsible for taking the entire life of the victim. And Rabbi Yehuda ben Beteira holds that “any soul” means that one is liable for murder for taking any soul, even if the victim had already been beaten and was close to death.

¹⁰⁴ § Rava says: All concede that in the case of one who kills one who has a wound that will cause him to die within twelve months [tereifa] he is exempt from liability, as in a certain sense the legal status of the victim is that of a dead person. All concede in a case where one kills an individual dying from an illness caused at the hand of Heaven that he is liable, as no other individual took action contributing to his death, and the murderer alone took his remaining soul. They disagree only in a case where one kills an individual dying from injury caused at the hand of a person. One Sage, the Rabbis, likens this case to the case of a tereifa, and therefore rules that the one who kills him is exempt. And one Sage, Rabbi Yehuda, likens this case to the case of an individual dying from an illness caused at the hand of Heaven, and therefore rules that the one who kills him is liable.

¹⁰⁵ The Gemara asks: As for the one who likens this case to the case of a tereifa, what is the reason that he does not liken it to the case of an individual dying from an illness caused at the hand of Heaven? The Gemara answers: In the case of an individual dying from an illness caused at the hand of Heaven, no action was performed by a person to kill him, whereas in this case of an individual dying from injury caused at the hand of a person, an action was performed by an individual to kill him. Therefore, it is a case of two people who performed an action together, and they are not liable.

¹⁰⁶ The Gemara asks: And as for the one who likens this case to the case of an individual dying from an illness caused at the hand of Heaven, what is the reason that he does not liken it to a tereifa? The Gemara answers: In the case of a tereifa, his status is like that of one whose organs, the trachea and the esophagus, are cut, who is considered to be slaughtered. The status of this individual dying from injury caused at the hand of a person is not like that of one whose organs, the trachea and the esophagus, are cut, as there is no particular defect; rather, he is like one suffering from general frailty, like any frail or elderly individual.

¹⁰⁷ A tanna taught a baraita before Rav Sheshet: The verse that states: “And a man who strikes any soul mortally, he shall be put to death” (Leviticus 24:17), serves to include the case of one who strikes another and it is a blow in which there is not sufficient force to kill, and then another individual comes and kills him; the verse teaches that the second individual is liable.

¹⁰⁸ The Gemara challenges: If the first individual struck him with a blow in which there is not sufficient force to kill, this halakha is obvious, as the first did not perform an act of killing at all, and it is only the second who killed him. Rather, emend the baraita to teach: The verse serves to include the case of one who strikes another and it is a blow in which there is sufficient force to kill, and then another individual comes and kills him; the verse teaches that the second individual is liable. And this unattributed baraita is in accordance with the opinion of Rabbi Yehuda ben Beteira, who holds that one who completes the killing of an individual is liable to be executed as a murderer.

¹⁰⁹ Rava says: One who kills a tereifa is exempt as it is as though he killed a dead person. And as for a tereifa who kills another individual, if he killed him before the judges in court, he is liable to be executed. If the killing was not before the judges in court, he is exempt.

¹¹⁰ The Gemara explains: In the case of a tereifa who killed before the court, what is the reason that he is liable? He is liable, as it is written: “And you shall eradicate the evil from your midst” (Deuteronomy 13:6), from which it is derived that there is a mitzva for the court to eradicate evil that it witnesses firsthand. In the case where the killing was not before the judges in court, he is exempt, as any testimony against the tereifa is testimony that you cannot render conspiratory testimony. Even if the witnesses testifying that the tereifa committed murder are found to be conspiring witnesses, they cannot be executed, as they conspired to kill a tereifa. And any testimony that you cannot render conspiratory testimony is not characterized as testimony, and is not accepted in court.

¹¹¹ And Rava says: One who sodomizes a male who is a tereifa is liable to be executed for committing an act of sodomy. And as for a tereifa who sodomizes a male, if he does so before the judges in court, he is liable to be executed. If the act of sodomy was not before a court, he is exempt. The Gemara explains: If he committed an act of sodomy before the court, he is liable, as it is written: “And you shall eradicate the evil from your midst.” If the act of sodomy was not before a court, he is exempt, as any testimony against a tereifa is testimony that you cannot render conspiratory testimony.

¹¹² The Gemara asks: Why do I also need this ruling? This case of sodomy is identical to that case of murder; why then does Rava cite two cases with regard to capital transgressions involving a tereifa? The Gemara answers: It was necessary for him to mention the case of one who sodomizes a tereifa, as there is a novel element introduced in that halakha. Lest you say: Let the status of one who sodomizes a male who is a tereifa be like one who engages in necrophilia, and let him be exempt from execution. To counter this, Rava teaches us that his liability is due to the pleasure that he experiences, and this man who sodomizes a tereifa has pleasure, as, although the legal status of a tereifa is that of a dead person in certain senses, he is, in fact, alive.

¹¹³ And Rava says: Witnesses who testified with regard to a tereifa that he committed a capital transgression, and then they were rendered conspiring witnesses are not executed, as they conspired to kill one whose status is that of a dead person. Witnesses who are themselves tereifa who were rendered conspiring witnesses are executed. Rav Ashi says: Even witnesses who are themselves tereifa who were rendered conspiring witnesses are not executed, due to the fact that they are not susceptible to a situation where witnesses who rendered them conspiring witnesses can themselves be rendered conspiring witnesses. Witnesses who render the witnesses who are themselves tereifa conspiring witnesses who then are rendered conspiring witnesses are not executed, because they sought to kill a tereifa, whose status is that of a dead person. Therefore, their testimony is testimony that you cannot render conspiratory testimony and is disregarded.

¹¹⁴ And Rava says: An ox that is a tereifa that killed an individual is liable to be executed, like any animal that kills a person. And an ox belonging to a person who is a tereifa that killed an individual is exempt. What is the reason for this halakha? It is as the verse states: “The ox shall be stoned and its owner shall also be put to death” (Exodus 21:29). Based on the juxtaposition between the owner and his ox it is derived: Anywhere that we can read concerning the situation: “And its owner shall also be put to death,” we read, i.e., apply, concerning it: “The ox shall be stoned.” And anywhere that we

cannot read concerning it: “And its owner shall also be put to death,” we do not read concerning it: “The ox shall be stoned.” Since the owner of the ox cannot be executed, as he is a tereifa, his ox is also not liable to be stoned.

¹¹⁵ Rav Ashi says: Even an ox that is a tereifa that killed an individual is exempt. What is the reason for this halakha? Based on the juxtaposition between the ox and the owner, since if the owner were a tereifa he would be exempt, an ox that is a tereifa that killed an individual is also exempt.

¹¹⁶ § The mishna teaches: If one set a dog against an individual and the dog killed him, or if one set a snake against an individual and the snake killed him, the one who set the dog or the snake is exempt from punishment. If he imbedded the snake’s fangs into another person and caused the snake to bite him and kill him, Rabbi Yehuda deems him liable to be executed, and the Rabbis exempt him. Rav Aḥa bar Ya’akov says: When you analyze the matter you will find that according to the statement of Rabbi Yehuda, venom of a snake stands within its fangs, and in this case the entire action is performed by the individual who imbeds the fang in the other person’s skin. The snake is passive. Therefore, the one who causes the snake to bite is liable to be executed by beheading with a sword as a murderer, and the snake is exempt.

¹¹⁷ According to the statement of the Rabbis, venom of a snake is discharged by the snake itself. The snake directly causes the death, while the individual who imbeds the fang is merely an indirect cause. Consequently, the snake is executed by stoning, and the one who caused the snake to bite is exempt from execution.

¹¹⁸ MISHNA: In the case of one who strikes another, whether he does so with a stone or with his fist, and the doctors assessed his condition, estimating that it would lead to death, and then his condition eased from what it was, and the doctors revised their prognosis and predicted that he would live, and thereafter his condition worsened and he died, the assailant is liable to be executed as a murderer. Rabbi Neḥemya says: He is exempt, as there is a basis for the matter of assuming that he is not liable. Since the victim’s condition eased in the interim, a cause other than the blow struck by the assailant ultimately caused his death.

¹¹⁹ GEMARA: The Sages taught: Rabbi Neḥemya interpreted this verse in arriving at his ruling. It is written: “If he rises and walks outside

¹²⁰ upon his staff, then he that struck him is absolved; only for his loss of livelihood shall he give and he shall heal him” (Exodus 21:19). The phrase: “Then he that struck him is absolved,” is superfluous; would it enter your mind to say that this individual whom he struck is walking in the marketplace, and that individual who struck him will be executed as a murderer? Rather, this is referring to a case where the doctors assessed his condition, saying that it would lead to death, and his condition eased somewhat from what it was and he walked in the marketplace, and thereafter his condition worsened and he died, and the verse is teaching that he is exempt.

¹²¹ The Gemara asks: And as for the Rabbis who disagree with Rabbi Neḥemya and hold that he is liable in that case, what do they interpret from that phrase: “Then he that struck him is absolved”? The Gemara explains that according to the Rabbis, the verse teaches that they incarcerate him until the fate of the victim can be determined, and the phrase: “Then he that struck him is absolved,” means that he is freed from incarceration.

¹²² The Gemara asks: And as for Rabbi Neḥemya, from where does he derive the halakha of incarceration? The Gemara answers: He derives it from the incident of the wood gatherer in the wilderness with regard to whom it is written: “And they placed him under guard” (Numbers 15:34).

¹²³ The Gemara challenges: And the Rabbis too, let them derive the halakha of incarceration from the incident of the wood gatherer. The Gemara explains: With regard to the wood gatherer, he was incarcerated because it was known from the outset that he was liable to be killed, and Moses did not know with what form of capital punishment his death would be implemented. This is to the exclusion of this individual who struck another, with regard to whom we do not know if he is liable to be killed or if he is not liable to be killed. Therefore, one cannot derive the halakha in this case from the case of the wood gatherer.

¹²⁴ The Gemara asks: And Rabbi Neḥemya, from where does he derive the halakha? He too should not be able to derive the halakha from the case of the wood gatherer. The Gemara answers: Rabbi Neḥemya derives the halakha with regard to one who strikes another from the incident of the blasphemer (see Leviticus 24:12), where Moses did not know if he was liable to be killed, and he nevertheless imprisoned the blasphemer.

¹²⁵ The Gemara asks: And the Rabbis, why don’t they derive the halakha from the incident of the blasphemer? The Gemara answers: The Rabbis hold that the case of the blasphemer was a provisional edict.

¹²⁶ The difference between the uncertainty in the case of the wood gatherer and the uncertainty in the case of the blasphemer is as it is taught in a baraita: Moses our teacher knew that the wood gatherer was liable to be sentenced to death, as it is stated: “And you shall observe the Shabbat as it is sacred to you; one who desecrates it shall be put to death” (Exodus 31:14). But he did not know with which death penalty he was to be killed, as it is stated: “And they placed him under guard, as it had not been declared what should be done to him” (Numbers 15:34). But concerning the blasphemer it is stated only: “And they placed him under guard that it might be declared to them according to the Lord” (Leviticus 24:12), as Moses did not know if the blasphemer was liable to be killed at all, or not.

¹²⁷ The Gemara asks: Granted, according to Rabbi Neḥemya, that is the reason that two assessments are written. It is written in one verse: “And if men quarrel and one strikes the other with a stone or with his fist, and he did not die but is bedridden” (Exodus 21:18), indicating that after the initial blow the victim is assessed to determine whether or not he is expected to die. In the following verse it is written: “If he rises and walks outside upon his staff, then he that struck him is absolved” (Exodus 21:19), indicating that there is an additional assessment to determine whether or not he fully recovers. One verse is where they assessed his condition, saying that it would lead to death, and he recovered fully; and one verse is where they assessed his condition, saying that it would lead to death, and his condition eased from what it was and he died thereafter. But according to the Rabbis, why do I need two assessments?

¹²⁸ The Gemara answers: According to the Rabbis, one assessment is where they assessed his condition, saying that it would lead to death and he recovered fully, in which case the assailant is certainly not executed but pays compensation. And one assessment is where they assessed his condition, saying that it would lead to life and he died, in which case the assailant is also not executed but pays compensation.

¹²⁹ The Gemara asks: And Rabbi Neḥemya, from where does he derive these two halakhot? The Gemara answers: He holds that in the case where they assessed his condition, saying that it would lead to life, and he died, one does not need an explicit verse to exempt the assailant from execution, as he emerged from the court after the first hearing innocent when they predicted that the victim would live, and the court does not rescind its initial ruling and convict him.

¹³⁰ The Sages taught: In the case of one who strikes another and they assessed his condition, saying that it would lead to death, and he recovered fully, the court exempts the assailant. If they assessed his condition saying that it would lead to death and his condition eased from what it was, they assess the victim with a second assessment to determine the monetary restitution for damages. And if thereafter his medical condition worsened and he died, the halakha is: Follow the assessment that was assessed at the intermediate stage, which determined that the victim would live, and the assailant is not executed; this is the statement of Rabbi Neḥemya. And the Rabbis say: There is no assessment after assessment. The death of the victim proves that the assessment at the intermediate stage was erroneous, and the assailant is executed.

¹³¹ It is taught in another baraita: If they assessed his condition, saying that it would lead to death, and his condition improved, they assess his condition to determine whether it would lead to life. If they assessed his condition, saying that it would lead to life, and his condition deteriorated, they do not then assess his condition to determine whether it would lead to death, but the assailant is exempted based on the initial determination. If they assessed his condition, saying that it would lead to death, and his condition eased from what it was, they assess the victim with a second assessment to determine the monetary restitution for damages, as the assailant is certainly liable to pay restitution for the injury that he caused. And if thereafter his medical condition worsened and he died, the assailant pays restitution to the heirs for injury and suffering that he caused.

¹³² The Gemara asks: From when is the initial assessment of the value of the victim performed to determine the sum of the damages that the assailant pays? It is the assessment of his value from the moment that the assailant struck him. The Gemara notes: And this unattributed baraita is in accordance with the opinion of Rabbi Neḥemya, as according to the opinion of the Rabbis, he is liable to be executed even if there was a temporary improvement in his condition before he died.

¹³³ MISHNA: If one intended to kill an animal, and he killed a person standing adjacent to it, or if he intended to kill a gentile, for whose murder he is not liable to be executed in court, and he killed a Jew, or if he intended to kill non-viable newborns, for whose murder one is not liable, and he killed a viable person, the assailant is exempt from execution, since his intent was to kill one for whose murder he is not liable.

¹³⁴ If one intended to strike another on his loins, and the blow was not powerful enough to kill him if it were to land on his loins, but instead the blow landed on his chest over the victim's heart, and it was powerful enough to kill him when it landed on his chest over his heart, and the victim died as a result of the blow, the assailant is exempt from execution, as he did not intend to strike the victim a blow that would cause his death. If he intended to strike him on his chest over his heart

¹³⁵ and the blow was powerful enough to kill him were it to land on his chest over his heart, and instead the blow landed on his loins, and it was not powerful enough to kill him when it landed on his loins, and nevertheless the victim died, the assailant is exempt. Although the assailant intended to

kill the victim, the blow was not powerful enough to kill. Ostensibly, his death was not a result of the blow.

¹³⁶ If one intended to kill an adult and the blow was not powerful enough to kill the adult, and instead the blow landed on a minor, and the blow was powerful enough to kill the minor and the minor died, the assailant is exempt. If one intended to kill a minor and the blow was powerful enough to kill a minor, and the blow landed on an adult and the blow was not powerful enough to kill the adult, and nevertheless, the adult died, the assailant is exempt.

¹³⁷ But if one intended to strike another on his loins, and the blow was powerful enough to kill him were it to land on his loins, and instead the blow landed on his chest over his heart, and he died, the assailant is liable, since in any event, his intent was to kill the victim and the blow was powerful enough to kill him wherever it struck him. If one intended to strike an adult and the blow was powerful enough to kill the adult, and the blow landed on a minor and he died, the assailant is liable. Rabbi Shimon says: Even if one intended to kill this one and he killed that one, although he would be liable for killing either, he is exempt, because one is executed only if his action completely corresponded with his intent.

¹³⁸ GEMARA: The Gemara asks: With regard to which clause of the mishna does Rabbi Shimon disagree? If we say that he disagrees with the latter clause of the mishna, concerning one who intended to kill an adult and killed a minor, the mishna should have employed the formulation: Rabbi Shimon exempts him, not the extended statement of: Even if one intended to kill this one and he killed that one, he is exempt.

¹³⁹ Rather, he disagrees with the first clause of the mishna, which states: If one intended to kill an animal, and he killed a person, or he intended to kill a gentile and he killed a Jew, or he intended to kill non-viable newborns and he killed a viable person, the assailant is exempt from execution; and from which it may be inferred: But if one intended to kill this one and he killed that one, the assailant is liable. Rabbi Shimon disagrees and says: Even if one intended to kill this one and he killed that one, he is exempt.

¹⁴⁰ The Gemara comments: If Reuven and Shimon were standing, and before throwing the stone or shooting the arrow, the assailant said: I intend to kill Reuven, and I do not intend to kill Shimon, it is obvious that this is the dispute between the Rabbis and Rabbi Shimon. If the assailant said: I intend to kill one of them, and he did not specify whether it is Reuven or Shimon, what is the halakha? Alternatively, in a case where he intended to kill one whom he thought was Reuven and he killed him and he was found to be Shimon, what is the ruling? The Gemara suggests: Come and hear a resolution of this matter, as it is taught in a baraita that Rabbi Shimon says: He is not liable until he says: I intend to kill so-and-so, and he then kills him.

¹⁴¹ The Gemara seeks to clarify the rationale underlying the opinions of the Rabbis and Rabbi Shimon, and asks: What is the reason for the opinion of Rabbi Shimon? The verse states: “But if there will be a man who hates his neighbor, and he lies in wait for him and rises up against him, and strikes him mortally and he dies” (Deuteronomy 19:11). Based on the repeated use of pronouns in the phrase: “And lies in wait for him and rises up against him,” Rabbi Shimon derives: One is not liable to be executed until he intends to kill specifically him, the actual victim. The Gemara asks: And the Rabbis, what do they derive from the repetitive pronouns in that phrase? The Gemara answers: The Sages of the school of Rabbi Yannai say that one derives: This is to the exclusion of one who casts a

stone into the midst of a group of people and one of them is killed. Since he did not intend to kill any specific individual, he is not executed.

¹⁴² The Gemara asks: What are the circumstances? If we say that it is a case where there are nine gentiles and one Jew among them, there is no need for a derivation; derive that he is exempt from the fact that they are a majority of gentiles, and based on that majority, the probability is that the stone will strike a gentile. Alternatively, if the group of people comprises half gentiles and half Jews, the principle is that the ruling in a case of uncertainty with regard to cases of capital law is to be lenient, and therefore the one who threw the stone will be exempt from punishment.

¹⁴³ The Gemara explains: No, it is necessary to have this derivation only in a case where there are nine Jews and one gentile among them, as this is a case where the gentile is a fixed presence in the group, and the principle is: The legal status of any item fixed in its place is like that of an uncertainty that is equally balanced, and one does not follow the majority. This is what the Rabbis derive from the phrase: “And he lies in wait for him” (Deuteronomy 19:11).

¹⁴⁴ The Gemara asks: Granted, according to the Rabbis, who say that if one intended to kill this individual and he killed that individual he is liable, there is support for their opinion from that which is written: “If men struggle and they hurt a pregnant woman so that her child departs from her, and there is no tragedy, he shall be punished, as the husband of the woman shall impose upon him, and he shall give as the judges determine” (Exodus 21:22). It can be inferred from the verse that if there is a tragedy, i.e., if the woman dies, there is no payment of restitution. And Rabbi Elazar says: It is with regard to a quarrel that involves the intent of each to cause the death of the other that the verse is speaking, as it is written: “But if there shall be a tragedy then you shall give a life for a life” (Exodus 21:23). This is proof that in a case where one intended to kill one individual and he killed a pregnant woman instead, he is liable to be executed, which is why he does not pay restitution.

¹⁴⁵ But according to Rabbi Shimon, this verse: “Then you shall give a life for a life,” what does he do with it? According to his opinion, the party to the quarrel is exempt from the punishment of execution in this case. The Gemara answers: According to Rabbi Shimon, “a life for a life” is not referring to execution; rather, the reference is to monetary restitution. And this understanding is in accordance with the opinion of Rabbi Yehuda HaNasi, as it is taught in a baraita: Rabbi Yehuda HaNasi says that the phrase “then you shall give a life for a life” does not mean execution, but rather monetary restitution for the life that he took. Do you say that it means monetary restitution, or does it mean only the taking of an actual life? Based on the language employed in the verse, it can be determined that the reference is to monetary payment. In these verses, a term of giving is stated below: “And you shall give a life for a life” (Exodus 21:23). And additionally, a term is stated of

¹⁴⁶ giving above: “He shall be punished, as the husband of the woman shall impose upon him, and he shall give as the judges determine” (Exodus 21:22). Just as there, in the phrase: “Give as the judges determine,” the reference is to monetary restitution, so too here, in the phrase: “Give a life for a life,” the reference is to monetary restitution.

¹⁴⁷ Rava says: That which the school of Ḥizkiyya taught diverges from the statement of Rabbi Yehuda HaNasi, and diverges from the statement of the Rabbis. The school of Ḥizkiyya holds that in the case where one intended to kill one individual and killed another individual, he is exempt from both liability to be executed, counter to the opinion of the Rabbis, and from the obligation to pay monetary restitution. As the school of Ḥizkiyya taught: The verse states: “And he who kills an animal

shall pay for it, and he who kills a man shall be put to death” (Leviticus 24:21), indicating that one who kills a man and one who kills an animal are comparable.

¹⁴⁸ This teaches that just as with regard to one who kills an animal, the Torah did not differentiate between whether he does so unwittingly or intentionally, whether he acts with intent or with no intent, or whether he strikes in the course of a downward motion or in the course of an upward motion, and this is not to exempt him from paying monetary restitution in all these cases but rather to render him liable to pay monetary restitution, as one who kills an animal is liable in any event; similarly, with regard to one who kills a person, do not differentiate concerning him whether he does so unwittingly or unintentionally, whether he acts with intent or with no intent, or whether he strikes in the course of a downward motion or in the course of an upward motion, and this is not to render him liable to pay monetary restitution for the damage he causes in the process of killing him but rather to exempt him from paying monetary restitution in any event.

¹⁴⁹ Accordingly, it is derived from here that one who commits a transgression carrying the death penalty is exempt from paying damages for his action, even if he is not given the death penalty in practice. The Gemara asks: What is the meaning of with no intent? If we say that it means that he had no intent to kill at all and he happened to kill a person, that is unwitting murder that is mentioned explicitly in the baraita. Rather, it is obvious that the reference in the baraita is to one who does not intend to kill this individual, but does intend to kill that individual. And it is taught: This is not to render him liable to pay monetary restitution for the damage he causes in the process of killing him but rather to exempt him from paying monetary restitution. And if according to the school of Ḥizkiyya he is liable to be executed, for what reason was it necessary to exempt him from monetary restitution? Clearly the halakha is that one who is executed is exempt from payment.

¹⁵⁰ Rather, must one not conclude from it that he is neither liable to be executed, nor is he liable to pay monetary restitution. With regard to liability to be executed in a case where one intended to kill one individual and he killed another, the school of Ḥizkiyya holds in accordance with the opinion of Rabbi Shimon that he is exempt from the death penalty, and holds that he is exempt from paying monetary restitution as well.

¹⁵¹ MISHNA: With regard to a murderer who was intermingled with others and it is not possible to identify the murderer, all of them are exempt from liability to be executed. Rabbi Yehuda says: The court gathers them into the vaulted chamber [lakippa] where they will eventually die.

¹⁵² With regard to all those liable to be executed with different court-imposed death penalties who became intermingled with each other and it cannot be determined which individual was sentenced to which death, they are all sentenced to the most lenient form of execution to which any of them was sentenced. In a case where those who are liable to be stoned were intermingled with those who are liable to be burned, Rabbi Shimon says: They are all sentenced to be executed by stoning, as burning is a more severe form of execution than stoning. And the Rabbis say: They are all sentenced to be executed by burning, as stoning is a more severe form of execution than burning.

¹⁵³ Rabbi Shimon said to the Rabbis: If burning were not more severe than stoning, it would not have been administered to a priest's daughter who committed adultery. A betrothed daughter of an Israelite who committed adultery is executed by stoning. If burning were not a more severe form of execution than stoning, it would not have been administered to the daughter of a priest who committed adultery, who would presumably receive a more severe punishment. The Rabbis said to

Rabbi Shimon: If stoning were not more severe than burning it would not have been the death penalty administered to a blasphemer and to an idol worshipper, as their actions violate the very core of the Jewish faith.

¹⁵⁴ There is a parallel dispute: In a case where those who are liable to be killed by beheading were intermingled with those who are liable to be strangled, Rabbi Shimon says: They are all sentenced to be beheaded with a sword, as strangulation is a more severe form of execution than beheading. And the Rabbis say: They are all sentenced to be executed by strangulation, as beheading is a more severe form of execution than strangulation.

¹⁵⁵ GEMARA: The mishna teaches the halakha of a murderer who was intermingled with others. The Gemara asks: Who are the others with whom he was intermingled? If we say that the others are upstanding individuals, it is obvious that they are exempt; why would they all be punished for the transgression of one who happened to be among them? And furthermore, shall Rabbi Yehuda say in that case: The court gathers them into the vaulted chamber where they will eventually die? Can innocent people be left to die in this manner?

¹⁵⁶ The Gemara cites a mnemonic, beit, shin, kuf, reish, for the Sages who address the above question: Rabbi Abbahu citing Shmuel, Reish Lakish, and Rava.

¹⁵⁷ Rabbi Abbahu says that Shmuel says: Here we are dealing with a murderer about whom witnesses testified and the judges deliberated, but his verdict was not yet finalized; and he was incarcerated until the end of his trial, and he was intermingled with other murderers whose verdicts were already finalized. It cannot be determined which of them is the murderer whose verdict was not yet finalized so that he may be brought to court for the verdict. The reason for the dispute is: The Rabbis hold that a court finalizes a person's verdict only in his presence. Since the identity of the one whose verdict was not finalized is unknown, he cannot be sentenced to death. Since one of them cannot be executed, none of them can be executed; therefore, they are all exempt. And Rabbi Yehuda holds: Completely exempting them is also not possible, since they are murderers. Therefore, the court gathers them into the vaulted chamber.

¹⁵⁸ Reish Lakish says: In the case where a person who was accused of killing another was intermingled with others, everyone agrees that they are all exempt, because one is not punished for a murder committed by others. But here, it is with regard to an ox whose verdict for goring a person to death was not yet finalized, that was intermingled with other oxen whose verdict was already finalized, that they disagree. The Rabbis hold that based on the juxtaposition between them (see Exodus 21:29), the halakha is that like the death of the owner, so is the death of the ox, and just as a court finalizes an individual's verdict only in his presence, a court finalizes the verdict of an ox only in its presence. Therefore, all the oxen are exempt. And Rabbi Yehuda holds that the court gathers them into the vaulted chamber. Since it is an ox that gored, and the other oxen were sentenced to be stoned, they are incarcerated until they die.

¹⁵⁹ Rava says:

¹⁶⁰ If so, according to Shmuel or Reish Lakish, is that compatible with that which is taught in a baraita with regard to the mishna, that Rabbi Yosei says: This is the halakha even if Abba Ḥalafta, i.e., Rabbi Yosei's father, who himself was a righteous Sage, was among them? This is difficult according to Shmuel, as Rabbi Yosei would certainly not include his father in a group of murderers,

and according to Reish Lakish, what is the connection between Rabbi Yosei's father and a group of oxen?

¹⁶¹ Rather, Rava says: This is what the mishna is saying: In a case where two people were standing together and an arrow emerged from their midst and killed a person, since it is not known which of them shot the arrow, both of them are exempt. And Rabbi Yosei says: This is the halakha even if Abba Ḥalafta was among them. Even if one of the two people from among whom the arrow emerged was a righteous individual like Abba Ḥalafta, who presumably is not a murderer, since there is no conclusive testimony identifying the shooter, uncertainty remains and both are exempt.

¹⁶² The tanna then proceeds to discuss a different matter. And an ox whose verdict was finalized, that was sentenced to execution by stoning, and that was intermingled with other ordinary oxen, i.e., oxen that did not gore, the court stones all of them. Rabbi Yehuda says: They are placed in a vaulted chamber.

¹⁶³ The Gemara notes: And it is taught in a baraita: In the case of a cow that killed a person, and thereafter calved, if it was before its verdict was finalized that the cow calved, its offspring is permitted. If it was after its verdict was finalized that the cow calved, its offspring is prohibited, as it was prohibited together with the cow. If the cow was intermingled with other cows and the identity of the cow that killed cannot be determined, and those other cows were intermingled with yet others, the court gathers them into a vaulted chamber. Rabbi Elazar, son of Rabbi Shimon, says: One brings them to court and the court stones them. The unattributed baraita is in accordance with the opinion of Rabbi Yehuda in the mishna.

¹⁶⁴ The Master says in the baraita: If the cow calved before its verdict was finalized, its offspring is permitted. The Gemara asks: And is that the ruling even though when it gored it was already pregnant? But doesn't Rava say with regard to the offspring of a cow that gores while pregnant: It is prohibited to bring it as an offering, like any animal that killed a person, as the cow and its unborn offspring gored together. And similarly, with regard to the offspring of a cow that was the object of bestiality while the offspring was in utero: It is prohibited to bring it as an offering, as the cow and its unborn offspring were the object of bestiality together. The baraita poses a difficulty according to Rava.

¹⁶⁵ The Gemara answers: Emend the baraita and say that the reference is not to a case where a cow that was pregnant gored; rather, the reference is to a case where a cow was impregnated after it gored, and this is the distinction: If before its verdict was finalized the cow was impregnated and calved, its offspring is permitted; if after its verdict was finalized the cow was impregnated and calved, its offspring is forbidden together with it.

¹⁶⁶ The Gemara challenges: This works out well according to the one who says that in a case where this permitted factor and that forbidden factor cause an outcome to be produced, that outcome is forbidden. The offspring that was produced from a bull from which deriving benefit is permitted and a cow from which deriving benefit is forbidden is therefore forbidden as well.

¹⁶⁷ But according to the one who says that in a case where this permitted factor and that forbidden factor cause an outcome to be produced, that outcome is permitted, what can be said? Since deriving benefit from the bull that sired the offspring is permitted, deriving benefit from the offspring should be permitted as well.

¹⁶⁸ Rather, Ravina says: Emend the baraita and say that the distinction in the baraita is: If before its verdict was finalized, the cow was impregnated and calved, its offspring is permitted. If before its verdict was finalized, the cow was impregnated and after its verdict was finalized it calved, its offspring is forbidden because the legal status of the fetus is not that of an independent entity; rather, its status is like that of its mother's thigh, i.e., a part of its body. Therefore, when the mother is sentenced to death, the offspring is also forbidden once it is born.

¹⁶⁹ § The mishna teaches: All those liable to be executed with different court-imposed death penalties who became intermingled are sentenced to the most lenient form of execution. The Gemara notes: Conclude from the mishna that an individual who is forewarned for a severe matter is forewarned for a lesser matter. If one is forewarned that if he violates a certain prohibition then he is liable to be stoned, while in fact, he is liable to be executed with a less severe form of execution, the forewarning is effective and he is executed with the less severe form of execution. That is the reason for the halakha in the mishna that even those liable to be executed with a more severe form of execution are executed with the less severe form of execution.

¹⁷⁰ Rabbi Yirmeya rejects that proof and says: With what are we dealing here? It is a case where the witnesses forewarned the individual that if he violates the prohibition he is liable to be executed, without specification of the mode of execution. And this halakha is in accordance with the opinion of this tanna, as it is taught in a baraita: With regard to all the others, those who are liable for the various death penalties stated in the Torah other than the inciter to idol worship, the court executes them only when the following elements are present: The congregation, represented by the court, and witnesses, and forewarning just before the defendant commits the transgression. And the court does not execute him unless the witnesses informed the defendant that he is liable to receive the death penalty from the court. Rabbi Yehuda says: The defendant is not executed unless the witnesses informed the defendant by which form of death penalty he is to be executed.

¹⁷¹ Based on the statement of Rabbi Yehuda, it may be inferred that according to the first tanna, although they must inform him that he is liable to be executed, they are not required to inform him of the specific mode of execution. The Gemara explains the basis for the dispute between the first tanna and Rabbi Yehuda: The first tanna derived forewarning from the incident of the wood gatherer (see Numbers 15:32–36), who was executed even though even Moses did not know with which death penalty he was to be executed. Clearly, the mode of execution could not have been included in his forewarning. Rabbi Yehuda says: The execution of the wood gatherer was a provisional edict based on the word of God. The halakha throughout the generations cannot be derived from it.

¹⁷² § The mishna teaches: In a case where those who are liable to be stoned were intermingled with those who are liable to be burned, Rabbi Shimon says: They are all sentenced to be executed by stoning, and the Rabbis say: They are all sentenced to be executed by burning. Rav Yeḥezkel taught a different version to Rami, his son: In a case where those who are liable to be burned were intermingled with those who are liable to be stoned, Rabbi Shimon says: They shall all be sentenced to execution by stoning, as burning is a more severe form of execution.

¹⁷³ Rav Yehuda, son of Rav Yeḥezkel, said to him: Father, do not teach it in that manner, as it is difficult to understand: Why does Rabbi Shimon teach that the reason is specifically that burning is a more severe form of execution than stoning? Derive this halakha, that they are stoned, for a different reason: The principle with regard to a mixture is to follow the majority, and in this case the majority

of the intermingled group is liable to be stoned. Rav Yehezkel asked Rav Yehuda: Rather, how then shall I teach it?

¹⁷⁴ Rav Yehuda said: You should teach: In a case where those who are liable to be stoned were intermingled with those who are liable to be burned, where the majority is liable to be burned, Rabbi Shimon says: They shall all be sentenced to execution by stoning, as burning is a more severe form of execution. Rav Yehezkel, his father, asked: If so, say the latter clause of the mishna: And the Rabbis say: They shall all be sentenced to execution by burning, as stoning is a more severe form of execution. If so, derive this halakha, that they are burned because in this case the majority of the intermingled group is liable to be burned, not because stoning is a more severe form of execution.

¹⁷⁵ Rav Yehuda answered: There, in the latter clause, it is the Rabbis who say to Rabbi Shimon: According to you, who say that burning is a more severe form of execution than stoning, the fact that the majority is liable to be burned does not warrant the execution of the entire group by burning, since the minority was sentenced to stoning, which is more lenient in your opinion. That is not so, as stoning is a more severe form of execution. And that reason is extraneous, as in this case, they are burned because the majority of the group is liable to be burned.

¹⁷⁶ When this narrative was heard, Shmuel said to Rav Yehuda: Long-toothed one:

¹⁷⁷ Do not speak to your father in that manner, where you tell him directly that he is mistaken. Rather, raise the matter in a circumspect manner, as it is taught in a baraita: In a case where one's father was violating Torah matters he should not say to him: Father, you violated Torah matters. Rather, he should say to him: Father, it is written so in the Torah. The Gemara asks: Ultimately, isn't this formulation identical to that previous formulation? In both cases he embarrasses his father. Rather, say to him: Father, there is a verse written in the Torah and this is what it says. Tell him the halakha or the verse in a way in which it is not obvious that it relates to the action that his father performed.

¹⁷⁸ MISHNA: One who is liable to be executed with two different court-imposed death penalties, as he violated two different capital transgressions, is sentenced to the more severe form of execution. If one violated one transgression for which he is liable to receive two death penalties, e.g., if one engaged in intercourse with his mother-in-law, who is also a married woman, he is sentenced to the more severe form of execution. Rabbi Yosei says: He is sentenced to the form of execution that he is liable to receive due to the first relationship that came upon him, i.e., if she was his mother-in-law before she was married, he is executed by burning; if she was married before she was his mother-in-law, he is punished by strangulation.

¹⁷⁹ GEMARA: With regard to the ruling in the mishna that one who is liable to be executed with two different court-imposed death penalties is sentenced to the more severe form of execution the Gemara asks: Isn't this obvious? Rather, would you say that he would profit from the fact that he violated a second capital transgression and would receive a more lenient punishment?

¹⁸⁰ Rava says: With what are we dealing here? We are dealing with a case where he violated a relatively minor transgression punishable by a less severe form of execution, and his verdict was issued for the minor transgression, and he then violated a major transgression punishable by a more severe form of execution. It could enter your mind to say: Once his verdict was finalized for the minor transgression, the legal status of this individual is that of a dead man, and anything that he does thereafter is insignificant. To counter this, the tanna teaches us that he is liable to be punished

for the subsequent transgression, and if it is punishable by a more severe form of execution, he is executed with that form of execution.

¹⁸¹ The father of Rav Yosef bar Ḥama asked of Rabba bar Natan: From where is this matter that the Sages stated derived: One who is liable to be executed with two different court-imposed death penalties is sentenced to the more severe form of execution? Rabba bar Natan answered: It is derived from a verse, as it is written: “And he begets a violent son, a shedder of blood, who does to a brother any of these. And he had not done any of these, for he has eaten upon the mountains and defiled his neighbor’s wife, has wronged the poor and needy, has taken by robbery, does not return collateral, and has lifted his eyes toward the idols, has committed abomination” (Ezekiel 18:10–12).

¹⁸² This is interpreted: “And he begets a violent son, a shedder of blood,” this is one who is liable to be executed by beheading with a sword; “defiled his neighbor’s wife,” this is engaging in intercourse with a married woman, for which one is liable to be executed by strangulation; “lifted his eyes toward the idols,” this is idol worship, for which one is liable to be executed by stoning. And it is written thereafter: “He shall be put to death, his blood shall be upon himself” (Ezekiel 18:13), which means that he is executed by stoning. It appears that one who violates several capital transgressions is executed with the most severe form of execution for which he is liable.

¹⁸³ Rav Naḥman bar Yitzḥak objects to this: Say that all of the transgressions listed in the verse are punishable by stoning. How? “And he begets a violent son, a shedder of blood,” this is a wayward and rebellious son, who is executed by stoning; “defiled his neighbor’s wife,” this is engaging in intercourse with a betrothed young woman, for which one is executed by stoning; “lifted his eyes toward the idols,” this is idol worship, for which one is executed by stoning.

¹⁸⁴ The Gemara answers: If so, according to that understanding of the verse, what is Ezekiel teaching us? According to the first understanding, a new halakha is derived from here; but according to the interpretation of Rav Naḥman bar Yitzḥak there is nothing novel. The Gemara rejects this contention: Perhaps it is the halakhot of the Torah that Ezekiel is reiterating, admonishing the people to fulfill the directives of the Torah. The Gemara answers: If it is so that this was Ezekiel’s intention, it would have been necessary for him to reiterate the halakhot in the manner that Moses our teacher reviewed it, employing the same language. The fact that Ezekiel diverged from Moses’ formulation indicates that he sought to teach a new halakha.

¹⁸⁵ The Gemara cites a homiletic interpretation that Rav Aḥa, son of Rabbi Ḥanina, taught: What is the meaning of that which is written: “He did not eat upon the mountains, nor did he lift his eyes toward the idols of the house of Israel, nor did he defile his neighbor’s wife, nor did he approach a menstruating woman” (Ezekiel 18:6)? This cannot be understood literally, as refraining from performing these transgressions is not sufficient to characterize an individual as righteous. “He did not eat upon the mountains” is an allusion to the fact that he did not eat due to the merit of his fathers; rather, he relies on his own merit and righteousness. “Nor did he lift his eyes toward the idols of the house of Israel” is a reference to one who distances himself from anything similar to idol worship, to the extent that he did not walk with upright stature, typical of a haughty person, as haughtiness is typical of idolaters.

¹⁸⁶ “Nor did he defile his neighbor’s wife” is an allusion to the fact that he did not infringe upon another’s trade, thereby compromising his livelihood. “Nor did he approach a menstruating woman” is an allusion to the fact that he did not benefit from the charity fund even if he was needy. And it is

written with regard to one who refrains from these actions: “He is a righteous man, he shall live” (Ezekiel 18:9). The Gemara relates: When Rabban Gamliel would reach this verse: “And has kept all My statutes, and has performed them, he shall live” (Ezekiel 18:19), he would cry and say: It is one who performs all of them, who lives; one who performs one of them, no, he shall not live.

¹⁸⁷ Rabbi Akiva said to Rabban Gamliel in an attempt to console him: If that is so, that the term “all” is understood in that manner, with regard to that which is written concerning the forbidden relatives enumerated in the Torah: “Do not become defiled with all of these” (Leviticus 18:24), would you also say that there too, one who is in violation of all of the prohibitions, yes, he is punished, but one who is in violation of one of them, no, he is not punished? Rather, clearly, “all of these” means in violation of one of all these; therefore, here too, the verse in Ezekiel: “And has kept all My statutes,” means that in fulfillment of one of all these one merits eternal life.

¹⁸⁸ § The mishna teaches: If one violated one transgression for which he is liable to receive two death penalties, he is sentenced to the more severe form of execution. Rabbi Yosei says: He is sentenced to the form of execution that he is liable to receive due to the first relationship that came upon him. It is taught in a baraita: How, i.e., in what circumstances, does Rabbi Yosei say that he is sentenced to the first relationship that came upon him? If this woman was a widow or a divorcée when she became his mother-in-law, and then she became a married woman and he engaged in intercourse with her, he is sentenced to execution by burning for engaging in intercourse with his mother-in-law. If before he married her daughter she was a married woman, and then she became his mother-in-law, and he engaged in intercourse with her, he is sentenced to execution by strangulation for engaging in intercourse with a married woman.

¹⁸⁹ Rav Adda bar Ahava said to Rava: If this woman was a widow or a divorcée when she became his mother-in-law, and then she became a married woman and he engaged in intercourse with her, is he sentenced to execution by burning for engaging in intercourse with his mother-in-law?

¹⁹⁰ Why is this the halakha? Let him be sentenced for violating the prohibition of a married woman as well, as Rabbi Abbahu says: Rabbi Yosei concedes in the case of an expanded prohibition. Rabbi Yosei holds that generally, a prohibition does not take effect where another prohibition already exists. Nevertheless, when the second transgression is an expanded prohibition, i.e., one that incorporates additional people into the list of those for whom the items or individuals are forbidden, Rabbi Yosei concedes that since the second prohibition applies to others, it takes effect concerning the person included in the first prohibition as well. Here too, the prohibition of intercourse with a married woman is expanded, as it applies to everyone and is therefore more comprehensive than the prohibition of intercourse with his mother-in-law, which applies only to her sons-in-law. Therefore, according to Rabbi Yosei, he should be punished also for violating the prohibition of intercourse with a married woman.

¹⁹¹ Rava said to him: Adda my son, will you kill him with two death penalties? Rabbi Yosei concedes that the prohibition of engaging in intercourse with a married woman takes effect in addition to the prohibition of engaging in intercourse with his mother-in-law. If he had violated the transgression unwittingly, he would have been liable to bring two sin-offerings. But if he violated the transgression intentionally, it is impossible to execute him by strangulation after executing him by burning.

¹⁹² MISHNA: One who was flogged for violating a prohibition and then repeated the violation and was flogged again assumes the status of a forewarned transgressor. The court places him into the vaulted chamber [lakippa] and feeds him barley bread until his belly ruptures due to the low-quality food, and he dies.

¹⁹³ GEMARA: Due to the fact that he was flogged and repeated the violation does the court place him into the vaulted chamber for the duration of his life and advance his death? Rabbi Yirmeya says that Rabbi Shimon ben Lakish says: Here, we are dealing with lashes administered for violations of prohibitions punishable by excision from the World-to-Come [karet]. As when one violates such a prohibition, the man is essentially liable to be punished with death at the hand of Heaven, but his death is not advanced by the court, as it is administered by the heavenly court. And in this case, since he surrenders his life through his repeated transgressions, we advance his execution upon him by placing him in the vaulted chamber.

¹⁹⁴ Rabbi Ya'akov said to Rabbi Yirmeya bar Taḥlisa: Come and I will explain to you the circumstances of this halakha. It is in a case where he was flogged with lashes for repeatedly violating one prohibition punishable with karet that he is considered to have surrendered his life. But if he received lashes for violating two or for violating three different prohibitions punishable with karet, he is not placed in the vaulted chamber, as he merely is tasting the taste of prohibition and wants to enjoy the different experiences, and he is not thereby surrendering his life to that extent.

¹⁹⁵ § The mishna teaches: One who was flogged for violating a prohibition and then repeated the violation, the court places him into the vaulted chamber. The Gemara infers: He is placed in the vaulted chamber if he repeated the violation, doing it a second time, even if he did not again repeat the violation, doing it a third time. Let us say that the mishna is not in accordance with the opinion of Rabban Shimon ben Gamliel, as if it is in accordance with the opinion of Rabban Shimon ben Gamliel, doesn't he say: Presumptive status is not established until the action is performed three times? In his opinion, only after violating the prohibition three times would one assume the status of a forewarned transgressor.

¹⁹⁶ Ravina rejects that proof and says: Even if you say that the mishna is in accordance with the opinion of Rabban Shimon ben Gamliel, the tanna holds that transgressions, not lashes, establish the presumptive status of a transgressor. Therefore, the mishna that teaches: One who was flogged for violating a prohibition and then repeated the violation and was flogged, is placed in the vaulted chamber only after he violated the prohibition a third time, is in accordance with the opinion of Rabban Shimon ben Gamliel.

¹⁹⁷ The Gemara raises an objection from a baraita: If one performed a transgression that has lashes as its punishment, the first and the second time, the court flogs him; and the third time, the court places him in the vaulted chamber. Abba Shaul says: Even the third time the court flogs him; and the fourth time, the court places him in the vaulted chamber. What, is it not that everyone agrees that lashes establish the presumptive status of a transgressor, and it is concerning the dispute of Rabbi Yehuda HaNasi and Rabban Shimon ben Gamliel, whether presumptive status is established after two or three times, that the Rabbis and Abba Shaul disagree?

¹⁹⁸ The Gemara rejects that parallel. No, it can be explained that everyone, the Rabbis and Abba Shaul, agrees with the opinion of Rabban Shimon ben Gamliel that presumptive status is established after three times, and here it is with regard to this matter that they disagree: That one Sage, the

Rabbis, holds: Transgressions establish the presumptive status of a transgressor, and after he is flogged twice and performs the transgression a third time, the court places him in the vaulted chamber; and one Sage, Abba Shaul, holds: Lashes establish the presumptive status of a transgressor, and it is only after he performs the third transgression and is flogged for that transgression that he assumes the status of a forewarned transgressor, and when he performs the transgression a fourth time, he is placed in the vaulted chamber.

¹⁹⁹ The Gemara questions that interpretation of the dispute. And that which is taught in a baraita: With regard to a case where witnesses forewarned him that he was about to violate a prohibition punishable by lashes and he was silent and did not acknowledge that he accepted the forewarning, and likewise a case where the witnesses forewarned him and he bowed his head but did not explicitly acknowledge that he accepted the forewarning, the first and second time they forewarn him the court does not flog him, because he did not accept the forewarning. If this scenario occurs a third time, the court places him in the vaulted chamber. Abba Shaul says: Even the third time the witnesses forewarn him the court does not flog him; and the fourth time, the court places him in the vaulted chamber.

²⁰⁰ And there, in the case in the baraita, there are no lashes, as he did not explicitly acknowledge acceptance of the forewarning. The reference is to a case where one violated the transgression several times, and if their dispute is not with regard to the number of times required to establish presumptive status, with regard to what matter do they disagree? Ravina says: It is with regard to whether placing an individual into a vaulted chamber requires forewarning that they disagree. The Rabbis hold that once he disregarded the forewarning three times, the court places him in a vaulted chamber. Abba Shaul holds that after he is forewarned three times that he will be flogged if he performs the transgression, he requires additional forewarning, before the fourth time, that he will be placed in a vaulted chamber if he performs the transgression again.

²⁰¹ The Gemara clarifies: And what is the nature of this vaulted chamber? Rav Yehuda says: It is a small chamber that is the full height of the transgressor, and it does not allow him to move in it. The Gemara asks: And where is this punishment intimated? Reish Lakish said that it is intimated in the verse: "Evil shall kill the wicked" (Psalms 34:22). Ultimately, an evildoer finds his demise through his evil, and the result is this harsh form of death.

²⁰² The Gemara cites a related statement. And Reish Lakish says: What is the meaning of that which is written: "For man also knows not his time, like fish snared in an evil net" (Ecclesiastes 9:12)? What is the nature of this evil net? Reish Lakish says: It is a hook; although it is small and the fish is much larger, the fish cannot escape it.

²⁰³ MISHNA: With regard to one who kills a person not in the presence of witnesses and it is impossible to judge him in court, the court places him into a vaulted chamber and feeds him sparing bread and scant water (see Isaiah 30:20).

²⁰⁴ GEMARA: The Gemara asks: If there are no witnesses, from where do we know that he killed a person and is liable to be punished? Rav says: The tanna of the mishna is speaking about a case of disjointed testimony, where the witnesses were not together and they witnessed the murder from different vantage points. The court cannot convict a person for committing a murder based on that type of testimony even though it is clear that the witnesses are telling the truth. And Shmuel says:

The tanna of the mishna is speaking about a case where the witnesses testified that they witnessed the murder but there was no forewarning, and therefore the court cannot convict him.

²⁰⁵ And Rav Ḥisda says that Avimi says: The tanna of the mishna is speaking of a case where the witnesses contradicted each other in the examinations that involve matters peripheral to the murder but did not contradict each other in the interrogations, which are integral to the murder, i.e., time and place. Therefore, it is clear to the court that the accused is guilty and consequently they place him in the vaulted chamber. As we learned in a mishna (40a): There was an incident and ben Zakkai examined the witnesses with regard to the stems of figs on the fig tree beneath which the murder took place. Rabban Yoḥanan ben Zakkai questioned the witnesses about the thickness of the stems in order to determine whether they would contradict each other in this peripheral detail in order to save the accused (see 41a).

²⁰⁶ The mishna teaches: And feeds him sparing bread and scant water. The Gemara asks: What is different in the mishna here that the tanna teaches that the court gives him sparing bread and scant water in the vaulted chamber, and what is different in the previous mishna there that the tanna teaches that the court feeds him barley bread until his belly ruptures; are these two different punishments? Rav Sheshet says: Both this and that are one punishment; first, the court gives him sparing bread and scant water until his intestines contract due to his starvation diet, and then the court feeds him barley bread that expands in his innards until his belly ruptures.

²⁰⁷ MISHNA: With regard to one who steals a kasva, and one who curses with a sorcerer, and one who engages in intercourse with an Aramean woman, zealots strike him and kill him. Although the Torah does not say that one who performs one of these actions is liable to be executed, it is permitted for anyone who zealously takes the vengeance of the Lord to do so. In the case of a priest who performed the Temple service in a state of ritual impurity, his priestly brethren do not bring him to court for judgment; rather, the young men of the priesthood remove him from the Temple courtyard and pierce his skull with pieces of wood. In the case of a non-priest who performed the service in the Temple, Rabbi Akiva says: His execution is by strangulation, and the Rabbis say: He is not executed with a court-imposed death penalty; rather, he is liable to receive death at the hand of Heaven.

²⁰⁸ GEMARA: The Gemara asks: What is the kasva mentioned in the mishna? Rav Yehuda says: It is a term used to describe any service vessel utilized in the Temple. And likewise, it is stated: “And the jars [kesot] with which to pour libations” (Numbers 4:7). The Gemara asks: And where is it intimated that one who steals a service vessel is liable to be killed by zealots? The Gemara answers that it is intimated in the verse: “But they shall not come to see the sacred items as they are being covered [kevala], lest they die” (Numbers 4:20). The Gemara interprets the term kevala as one who ingests, i.e., who takes (see Job 20:15), and the verse thereby teaches that one who steals a service vessel is liable to be killed.

²⁰⁹ The mishna teaches: And one who curses with a sorcerer is among those liable to be killed by zealots. Rav Yosef teaches that the reference is to one who says: Let the sorcerer strike his sorcerer, meaning one who curses God in the name of idol worship. He does not explicitly say God’s name, but he believes that a sorcerer can curse the sorcerer who provided him with his powers, i.e., the Divine Presence. The Rabbis, and some say that it was Rabba, son of Mari, say that the reference is to one who says: Let the sorcerer strike him, i.e., the individual with whom he is quarreling, and his Creator and his Provider. Since he curses God, it is permitted for zealots to kill him.

²¹⁰ The mishna teaches that one who engages in intercourse with an Aramean woman is among those liable to be killed by zealots. Rav Kahana asked of Rav:

²¹¹ If zealots did not strike him, what is the halakha? Rav forgot that which he learned through tradition concerning this matter. They read this verse to Rav Kahana in his dream: “Judah has dealt treacherously and an abomination is committed in Israel and in Jerusalem, as Judah has profaned the sacred of the Lord, which he loves, and has engaged in intercourse with the daughter of a strange god” (Malachi 2:11). Rav Kahana came and said to Rav: This is what they read to me in my dream.

²¹² Rav then remembered that which he learned through tradition and said: “Judah has dealt treacherously,” this is a reference to the sin of idol worship. And likewise it says: But as a wife who treacherously departs her husband, you have dealt treacherously with Me, house of Israel, says the Lord (Jeremiah 3:20). “And an abomination is committed in Israel and in Jerusalem,” this is a reference to male homosexual intercourse, and likewise it says: “You shall not lie with a man as one lies with a woman; it is an abomination” (Leviticus 18:22). “As Judah has profaned the sacred [kodesh] of the Lord,” this is a reference to a prostitute, and likewise it says: “There shall be no harlot [kedesha] of the daughters of Israel” (Deuteronomy 23:18). “And has engaged in intercourse with the daughter of a strange god,” this is a reference to one who engages in intercourse with a gentile woman.

²¹³ And it is written thereafter with regard to those enumerated in the verse: “May the Lord excise the man who does this, who calls and who answers from the tents of Jacob, and he who sacrifices a meal-offering to the Lord of hosts” (Malachi 2:12). The Gemara interprets the verse: If he is a Torah scholar, he will have neither one among his descendants who calls and initiates discourse among the Sages, nor one who answers among the students, i.e., one who is capable of answering questions posed by the Sages. If he is a priest, he will not have among his descendants a son who sacrifices a meal-offering to the Lord of hosts.

²¹⁴ Rabbi Ḥiyya bar Avuya says: With regard to anyone who engages in intercourse with a gentile woman it is as though he married the object of idol worship itself, as it is written: “And has engaged in intercourse with the daughter of a strange god.” Does a strange god have a daughter? Rather, this is a reference to one who engages in intercourse with a gentile woman who is an adherent of a strange god.

²¹⁵ § The Gemara cites another of Rav Ḥiyya bar Avuya’s statements. Rabbi Ḥiyya bar Avuya says: It was written on the skull of Jehoiakim king of Judea: This and yet another, indicating that he will suffer a punishment in addition to the punishment that he already received. The Gemara relates: The grandfather of Rabbi Perida, Rabbi Ḥiyya bar Avuya, found a skull that was cast at the gates of Jerusalem, and upon it was written: This and yet another. He buried it, and it then emerged [navug] from beneath the soil. He buried it and it then emerged from beneath the soil again. He said: This is the skull of Jehoiakim, as it is written in his regard: “With the burial of a donkey he shall be buried, drawn and cast beyond the gates of Jerusalem” (Jeremiah 22:19). He will find no rest in a grave.

²¹⁶ Rabbi Ḥiyya bar Avuya said: He is a king and it is not proper conduct to treat him contemptuously. He took the skull, wrapped it in silk [beshira’ei] and placed it in a chest [besifta]. His wife came and saw the skull, went out and told her neighbors and asked them what it was. The neighbors said to her: This is the skull of the first wife to whom he was married, as he has not forgotten her and he keeps her skull in her memory. That angered his wife, and she kindled the oven

and burned the skull. When Rabbi Ḥiyya son of Avuya came and learned what she had done, he said: That is the fulfillment of that which is written about him: This and yet another. Having his remains cast beyond the gates of Jerusalem did not complete the punishment of Jehoiakim. He suffered the additional indignity of having his remains burned.

²¹⁷ § When Rav Dimi came from Eretz Yisrael to Babylonia, he said: The court of the Hasmoneans issued a decree that one who engages in intercourse with a gentile woman is liable due to his violation of prohibitions represented by the letters: Nun, shin, gimmel, ales. He is liable for engaging in intercourse with a menstruating woman [nidda] who did not immerse in a ritual bath and remains impure. Although by Torah law there is no impurity of menstruation with regard to gentiles, it has been decreed that one must distance himself from them as he does from a menstruating woman. He is liable for engaging in intercourse with a Canaanite maidservant [shifḥa], as relative to a Jewish woman, the status of a gentile woman is that of a maidservant. He is liable for engaging in intercourse with a gentile woman [goya] and with a married woman [eshet ish].

²¹⁸ When Ravin came from Eretz Yisrael to Babylonia, he said: He is liable due to his violation of prohibitions represented by the letters: Nun, shin, gimmel, zayin. Ravin agreed with Rav Dimi that the Hasmoneans decreed that one who engages in intercourse with a gentile woman is liable for engaging in intercourse with a menstruating woman, a maidservant, and a gentile woman. He adds that the individual is liable for engaging in intercourse with a zona. But he disagrees with Rav Dimi and holds that one is not liable due to the violation of the prohibition involving matrimony, i.e., of engaging in intercourse with a married woman, because the halakhic framework of matrimony does not exist among gentiles. Their relationships are fundamentally temporary. And the other amora, Rav Dimi, holds that gentiles certainly do not forsake their wives; therefore, the status of the wife of a gentile is that of a married woman.

²¹⁹ Rav Ḥisda says: Concerning one who comes to consult with the court when he sees a Jewish man engaging in intercourse with a gentile woman, the court does not instruct him that it is permitted to kill the transgressor. It was also stated that Rabba bar bar Ḥana says that Rabbi Yoḥanan says: Concerning one who comes to consult with the court, the court does not instruct him that it is permitted to kill the Jewish man engaging in intercourse with a gentile woman.

²²⁰ Moreover, if Zimri son of Salu (see Numbers 25:1–9) had separated himself from the woman and only then Pinehas killed him, Pinehas would have been executed for killing him, because it is permitted for zealots to kill only while the transgressor is engaged in the act of intercourse. Furthermore, if Zimri would have turned and killed Pinehas in self-defense, he would not have been executed for killing him, as Pinehas was a pursuer. One is allowed to kill a pursuer in self-defense, provided that the pursued is not liable to be executed by the court.

²²¹ It is stated: “And Moses said to the judges of Israel: Each of you shall slay his men who have adhered unto Ba’al-Peor” (Numbers 25:5). The tribe of Simeon went to Zimri, son of Salu, their leader, and said to him: They are judging cases of capital law and executing us and you are sitting and are silent? What did Zimri do? He arose and gathered twenty-four thousand people from the children of Israel, and went to Cozbi, daughter of Zur, princess of Midian, and said to her: Submit to me and engage in intercourse with me. She said to him: I am the daughter of a king, and this is what my father commanded me: Submit only to the greatest of them. Zimri said to her: He, too, referring to himself, is the head of a tribe; moreover, he is greater than Moses, as he is the second of the

womb, as he descends from Simeon, the second son of Jacob, and Moses is the third of the womb, as he descends from Levi, the third son of Jacob.

²²² He seized her by her forelock and brought her before Moses. Zimri said to Moses: Son of Amram, is this woman forbidden or permitted? And if you say that she is forbidden, as for the daughter of Yitro to whom you are married, who permitted her to you? The halakha with regard to the proper course of action when encountering a Jewish man engaging in intercourse with a gentile woman eluded Moses. All of the members of the Sanhedrin bawled in their weeping, and that is the meaning of that which is written: “And they are crying at the entrance of the Tent of Meeting” (Numbers 25:6). And it is written thereafter: “And Pinehas, son of Elazar, son of Aaron the priest, saw and arose from the midst of the congregation and took a spear in his hand” (Numbers 25:7).

²²³ The Gemara asks: What did Pinehas see that led him to arise and take action? Rav says: He saw the incident taking place before him and he remembered the halakha. He said to Moses: Brother of the father of my father, as Moses was the brother of his grandfather Aaron, did you not teach me this during your descent from Mount Sinai: One who engages in intercourse with a gentile woman, zealots strike him? Moses said to him: Let the one who reads the letter be the agent [parvanka] to fulfill its contents.

²²⁴ And Shmuel says: Pinehas saw and considered the meaning of the verse: “There is neither wisdom nor understanding nor counsel against the Lord” (Proverbs 21:30), which the Sages interpreted to mean: Anywhere that there is desecration of the Lord’s name, one does not show respect to the teacher. In those situations, one need not consult his teacher, but must immediately proceed to right the wrong that is transpiring. Therefore, he took the spear and took immediate action. Rabbi Yitzḥak says that Rabbi Eliezer says: He saw that an angel came and destroyed among the people in punishment for the sin of Zimri, and he realized that he must take immediate action to ameliorate the situation.

²²⁵ It is written with regard to Pinehas: “He arose from amidst the assembly and he took a spear in his hand” (Numbers 25:7). From here, where it is written that he took the spear only after he arose from the assembly, it is derived that one does not enter the study hall with a weapon. The assembly in this context is referring to the seat of the Sanhedrin. Pinehas removed the blade of the spear and placed it in his garment [be’unkalo] and held the shaft of the spear like a walking stick, and he was

²²⁶ walking, leaning on his walking stick, the shaft of the spear. And once he reached the tribe of Simeon he said: Where did we find that the tribe of Levi is greater than that of Simeon? If all the members of your tribe submit to the temptation of the women of Moab, I may do so as well. After hearing that statement, the members of the tribe of Simeon said: Allow him to enter; like us, he too is entering to attend to his needs and engage in intercourse with the Moabite women. They rejoiced and said: Apparently, the pious and God-fearing have permitted this matter, as Pinehas is one of them.

²²⁷ Rabbi Yoḥanan says: Six miracles were performed for Pinehas when he killed Zimri. One is that Zimri should have separated himself from Cozbi, and he did not separate himself. Had he done so, it would have been prohibited for Pinehas to kill him. And one is that Zimri should have spoken and alerted the members of his tribe to come to his assistance, and he did not speak. And one is that Pinehas directed the spear precisely to the male genitals of Zimri and to the female genitals of Cozbi so that the reason that he killed them would be evident. And one is that Zimri and Cozbi did not fall from the spear. And one is that an angel came and raised the lintel of that chamber so that Pinehas

could emerge holding them aloft on the spear. And one is that an angel came and caused destruction among the people, distracting them from interfering with the actions of Pinehas.

²²⁸ Pinehas came and slammed them on the ground before the Omnipresent and said before Him: Master of the Universe, will twenty-four thousand of the children of Israel fall due to these sinners? As it is stated: “And those that died in the plague were twenty-four thousand” (Numbers 25:9). And that is the meaning of that which is written: “And Pinehas stood and wrought judgment and the plague was stayed” (Psalms 106:30).

²²⁹ Rabbi Elazar says: It is not stated in the verse: And prayed [vayitpallel]; rather, it is stated vayefalel. This teaches that Pinehas, as it were, wrought judgment [pelilut] with his Creator. The ministering angels sought to push him away because he spoke harshly to God. The Holy One, Blessed be He, said to them: Leave him be; he is a zealot, son of a zealot, from the tribe of Levi, who was zealous in avenging the violation of his sister Dinah; he is an alleviator of wrath, son of an alleviator of wrath, a descendant of Aaron, who alleviated the wrath of God during the plague that followed the assembly of Korah.

²³⁰ The tribes began to demean Pinehas: Did you see this son of Puti, so-called because his mother was one of the daughters of Putiel (see Exodus 6:25), and they interpreted homiletically: As Yitro, the father of his mother, according to one rabbinic tradition, fattened [shepitem] calves for idol worship, and he impudently killed the prince of a tribe of Israel without a trial. In response, the verse comes and provides his lineage as “Pinehas, son of Elazar, son of Aaron the priest” (Numbers 25:11). It is due to that lineage that he zealously executed Zimri.

²³¹ The Holy One, Blessed be He, said to Moses: Be the first to greet Pinehas with a blessing of peace, to honor him before the people, as it is stated: “Therefore say: I hereby give to him My covenant of peace” (Numbers 25:12), and it is stated: “And it shall be unto him and to his descendants after him a covenant of eternal priesthood, because he was zealous for his God and he atoned for the children of Israel” (Numbers 25:13), and this atonement that he facilitated is worthy of continuing to atone forever.

²³² § With regard to the same matter, Rav Nahman says that Rav says: What is the meaning of that which is written: “The thigh-belted greyhound [zarzir], or the he-goat, and the king against whom none can rise” (Proverbs 30:31)? That wicked Zimri engaged in four hundred and twenty-four, the numerical value of the word zarzir, acts of intercourse with Cozbi that day. And Pinehas waited until his strength waned from all that activity. And Pinehas did not know that it was not necessary to wait that long because the king against whom none can rise, a reference to the Holy One, Blessed be He, was with him.

²³³ It was taught in a baraita: Zimri engaged in intercourse sixty times until he became like an addled egg whose contents are a muddled and non-differentiated fluid, and Cozbi was like a garden bed full of water. Rav Kahana said to underscore her disgrace resulting from her extensive sexual activity: And her seat was as wide as the area required for sowing one se’a of seed [beit se’a]. Rav Yosef taught: The opening of her womb was a cubit.

²³⁴ Rav Sheshet says: Cozbi was not her given name; rather, Shevilnai, daughter of Zur, was her real name. And why was she called Cozbi? Because through her actions, she distorted [shekizzeva] the instructions of her father. He told her to submit only to the greatest of the children of Israel, and she

submitted to the leader of a tribe. Alternatively: She was called Cozbi because she said to her father: Slaughter [kos] this people through me [bi], as I will seduce them to engage in licentiousness.

²³⁵ Her name was Shevilnai; and this is as people say in reference to a famous prostitute: Between reeds and willows, what does Shevilnai seek? Clearly, she seeks licentiousness. There is another adage: Among the peels of the reeds, what does Shevilnai seek? Clearly, she seeks licentiousness. She prostituted her mother. Apparently, Shevilnai became a name popularly used to connote a prostitute. Since everyone refers to her as prostitute, daughter of prostitute, she has implicated her mother with her licentiousness.

²³⁶ Rabbi Yoḥanan says: Zimri has five names: Zimri; and son of Salu; and Saul; and son of the Canaanite woman; and Shelumiel, son of Zuri Shaddai. He was called Zimri because of the fact that he became like an addled [hamuzeret] egg as a result of engaging in multiple acts of intercourse. He was called son of Salu because of the fact that he evoked [shehisli] the sins of his family. He was called Saul [Shaul] because of the fact that he lent [shehishil] himself to sinful matters. He was called son of the Canaanite woman because of the fact that he performed an act of Canaan, as the Canaanites are renowned for their licentiousness. And what is his given name? Shelumiel, son of Zuri Shaddai, is his name, the leader of the tribe of Simeon (Numbers 1:6).

²³⁷ § The mishna teaches: In the case of a priest who performed the Temple service in a state of ritual impurity, the young of the priesthood kill him. Rav Aḥa bar Huna raised a dilemma before Rav Sheshet: In the case of a priest who performed the Temple service in a state of ritual impurity, is he liable to receive death at the hand of Heaven or is he not liable to receive death at the hand of Heaven?

²³⁸ Rav Sheshet said to him: You learned the resolution of that dilemma from the mishna itself, as we learned: In the case of a priest who performed the Temple service in a state of ritual impurity, his priestly brethren do not bring him to court for judgment; rather, the young of the priesthood remove him from the Temple courtyard and pierce his skull with pieces of wood. And if it enters your mind to say that he is liable to receive death at the hand of Heaven, let the young of the priesthood leave him, so that he will be killed at the hand of Heaven. Rather, what must one say? He is not liable to receive death at the hand of Heaven.

²³⁹ Rav Aḥa bar Huna rejects that proof: Is there any act for which the Torah absolves him of the death penalty and we shall arise and execute him? Rav Sheshet said to him: And are there not cases where one is executed even though the Torah absolves him? But didn't we learn in a mishna: One who was flogged for violating a prohibition and then repeated the violation, the court places him into the vaulted chamber? There too, the Merciful One absolves him of the death penalty and we execute him. Rav Aḥa bar Huna rejects that proof: Doesn't Rabbi Yirmeya say that Reish Lakish says: We are dealing with lashes administered for violations of prohibitions punishable by karet? As in that case, the man is essentially liable to be punished with death at the hand of Heaven.

²⁴⁰ Rav Sheshet said to him: But isn't there the case of one who steals a kasva, who is exempt from punishment by Torah law, and the mishna says that zealots strike him? Rav Aḥa bar Huna rejects that proof: But doesn't Rav Yehuda say: We are dealing with a service vessel utilized in the Temple, and the fact that one who steals a service vessel is liable to be killed by zealots is intimated in the verse: "But they shall not come to see the sacred items as they are being covered, lest they die" (Numbers 4:20).

²⁴¹ Rav Sheshet said to him: But isn't there the case of one who curses the sorcerer, who is exempt from punishment by Torah law, and the mishna says that zealots strike him? Rav Aḥa bar Huna rejects that proof: But didn't Rav Yosef teach that the reference is to a case where one says: Let the sorcerer strike his sorcerer, which appears to be like one who is blessing, a euphemism for cursing, the name of God, and he is liable to be executed for desecration of the name of God.

²⁴² Rav Sheshet said to him: But isn't there the case of one who engages in intercourse with an Aramean woman, who is exempt from punishment by Torah law, and the mishna says that zealots strike him? Rav Aḥa bar Huna rejects that proof: Didn't they read a verse to Rav Kahana in his dream and when he related his dream to Rav, Rav remembered that which he learned through tradition that God will excise the soul of one who engages in intercourse with a gentile woman?

²⁴³ Rav Aḥa bar Huna raises an objection to the opinion of Rav Sheshet that a priest who performs the Temple service in a state of ritual impurity is not liable to receive death at the hand of Heaven. A baraita teaches: With regard to a priest who pours oil onto a meal-offering, and one who mixes the oil into the meal-offering, and one who breaks a baked meal-offering into pieces, and one who salts the meal-offering, and one who waves it toward the altar, and one who brings the meal-offering to the altar, and one who arranges the Table of the shewbread, and one who removes the ashes from the lamps of the Candelabrum, and one who removes the handful from the meal-offering, and one who collects the blood after the slaughter of one of the offerings; if the priest performs any of these sacrificial rites outside the Temple, although there are severe prohibitions with regard to performing the Temple service outside the Temple, he is exempt from karet.

²⁴⁴ And one is not liable for their performance,

²⁴⁵ neither due to non-priesthood, if a non-priest performs one of those rites in the Temple, he is not liable to receive the death penalty; nor due to the performance of any of these rites in a state of ritual impurity; nor due to the performance of any of these rites as a priest lacking the requisite priestly vestments; nor due to the performance of any of these services without the washing of his hands and feet. The reason for the lack of liability is that in all these cases, additional rites must be performed in order to complete the service. One is liable for performing the service outside the Temple, or performing the service as a non-priest, in a state of ritual impurity, etc., only when performing a ritual that completes the service.

²⁴⁶ From the baraita, one may infer: But one who burns the offering on the altar in one of these circumstances, including in a state of ritual impurity, is liable. What, is it not teaching that he is liable to receive death at the hand of Heaven, and there is proof from the baraita to resolve Rav Aḥa bar Huna's dilemma? The Gemara rejects that proof: No, he is liable for violating a prohibition, without the punishment of death.

²⁴⁷ The Gemara asks: But according to that understanding, as for the non-priest who is mentioned in the baraita together with the priest who performs the Temple service in a state of impurity, is he too liable for violating a prohibition, and not death, if he burns the offering on the altar? But isn't it written: "And the non-priest who approaches shall be put to death" (Numbers 18:7)? The Gemara answers: Do not extrapolate the liability of a non-priest from the liability of a ritually impure priest, as this case of ritual impurity is as it is, and that case of a non-priest is as it is; each situation is discussed independently.

²⁴⁸ The Gemara asks: Is that to say, by inference, that a priest who pours oil onto a meal-offering and one who mixes the oil into the meal-offering, in a state of ritual impurity, does not violate even a prohibition? But isn't it taught in a baraita: From where is a prohibition against pouring oil and against mixing oil in a state of ritual impurity derived? It is derived from a verse, as the verse states: "They shall be sacred to their God and they shall not profane the name of their God; for the fire offerings of the Lord, the bread of their God, they offer" (Leviticus 21:6). The Gemara answers: No proof may be cited from that verse, as the prohibition against performing Temple rites that do not complete the service in a state of impurity is by rabbinic law, and the verse is a mere support, not a Torah prohibition.

²⁴⁹ The Gemara raises an objection from a baraita (Tosefta, Zevahim 12:17): And these are they who are liable to receive death at the hand of Heaven: Among those enumerated is an impure individual who performed the Temple service. The Gemara concludes: This is a conclusive refutation of the opinion of Rav Sheshet, and proof that an impure individual who performs the Temple service is liable to receive death at the hand of Heaven, and young priests and zealots may kill only one who is liable to receive death at the hand of Heaven.

²⁵⁰ § In order to discuss the matter itself, the Gemara cites the Tosefta: And these are they who are liable to receive death at the hand of Heaven: One who partakes of untithed produce, and a ritually impure priest who partook of ritually pure teruma, and a non-priest who partook of teruma, and a non-priest who performed the Temple service, and a ritually impure priest who performed the Temple service, and a priest who was ritually impure who immersed that day and is waiting for nightfall for the purification process to be completed, who performed the Temple service, and a priest lacking the requisite priestly vestments, and a priest who has not yet brought an atonement offering to complete his purification process as a leper or zav, and a priest who did not wash his hands and feet before beginning the Temple service; and priests who performed the Temple service while intoxicated with wine, and priests who performed the Temple service with overgrown hair on their heads.

²⁵¹ The baraita continues: But a priest who performs the Temple service while uncircumcised or as an acute mourner on the day that one of his close relatives dies, or a priest who performs the Temple service while seated, are not punished with death at the hand of Heaven; rather, they are liable for violating a prohibition. With regard to a blemished priest who performs the Temple service, Rabbi Yehuda HaNasi says: He is punished with death at the hand of Heaven, and the Rabbis say: He is liable only for violating a prohibition.

²⁵² As the Torah states the halakha only in the case of one who misuses consecrated property unwittingly, there is a dispute with regard to one who intentionally performed an action of misuse of consecrated property. Rabbi Yehuda HaNasi says: He is punished with death at the hand of Heaven, and the Rabbis say: He is liable only for violating a prohibition.

²⁵³ The Gemara elaborates: It was taught in the baraita that one who partakes of untithed produce is liable to receive death at the hand of Heaven. The Gemara asks: From where do we derive this halakha? The Gemara answers: As Shmuel says in the name of Rabbi Eliezer: From where is it derived that one who partakes of untithed produce is punished with death at the hand of Heaven? It is derived from a verse, as it is written: "They shall not desecrate the sacred items of the children of Israel, which they will set apart unto the Lord" (Leviticus 22:15). From the fact that it is formulated in the future tense: "Which they will set apart," it is clear that the verse is speaking about items that

are destined to be separated in the future, i.e. untithed produce from which teruma and tithes will be separated.

²⁵⁴ And the tanna derives the punishment by means of a verbal analogy: The term of desecration written with regard to untithed produce is derived from the term of desecration written with regard to an impure priest who partakes of teruma (see Leviticus 22:9). Just as there, with regard to teruma, he is punished with death at the hand of Heaven, so too here, with regard to untithed produce, he is punished with death at the hand of Heaven.

²⁵⁵ The Gemara challenges: And let us derive the punishment by means of a different verbal analogy: Derive the term of desecration written with regard to untithed produce from the term of desecration written with regard to meat leftover from an offering after the time allotted for its consumption [notar] (see Leviticus 19:6, 8). Just as there, with regard to notar, he is punished with karet, so too here, with regard to untithed produce, he is punished with karet.

²⁵⁶ The Gemara answers: It is reasonable to say that he should have derived the punishment for partaking of untithed produce from teruma, as there are many elements common to teruma and untithed produce. Unlike notar, they are germane to the halakhot of teruma; they are not in effect outside of Eretz Yisrael; both of them can become permitted, as an impure priest can immerse and partake of teruma, and untithed produce can become permitted by taking teruma and tithes; in both cases, the term of desecration is formulated in the plural, while with regard to notar it is formulated in the singular; both apply to produce; and neither the halakha of an offering that was sacrificed with the intent to consume it after its designated time [piggul], nor the halakha of notar, apply in either case.

²⁵⁷ The Gemara rejects that conclusion: On the contrary, he should have derived the punishment for the partaking of untithed produce from notar, as there are elements common to notar and untithed produce. Both cases relate to the unfitness of the food, while in the case of an impure individual partaking of teruma, it is the person who is unfit; and in both cases there is no permission granted by means of immersion in the ritual bath, while in the case of an impure individual partaking of teruma, immersion is effective. The Gemara answers: Those elements common to teruma and untithed produce are more numerous, therefore that is the preferred derivation. Ravina says: There is no need for a tally of common elements, as deriving desecration in the plural by means of a verbal analogy from desecration in the plural is preferable.

²⁵⁸ The Gemara continues to analyze the baraita. From where do we derive that an impure priest who partook of pure teruma is liable to receive death at the hand of Heaven? It is derived as Shmuel says: From where is it derived with regard to an impure priest who partakes of pure teruma that he is punished with death at the hand of Heaven? It is derived from a verse, as it is written with regard to a priest who partakes of teruma: “And they shall keep my charge lest they bear a sin for it and die therein if they desecrate it: I am the Lord” (Leviticus 22:9).

²⁵⁹ The Gemara asks: From where is it derived that for partaking of ritually pure teruma, yes, the impure priest is liable, but for partaking of impure teruma, no, the priest is not liable? It is derived as Shmuel says that Rabbi Eliezer says: From where is it derived that an impure priest who partakes of impure teruma is not punished with death at the hand of Heaven? It is derived from a verse, as it is stated in that verse: “And die therein if they desecrate it,”

²⁶⁰ to the exclusion of teruma that is impure and already desecrated.

²⁶¹ § The Gemara continues in its analysis of the baraita: A non-priest who partook of teruma is liable to receive death at the hand of Heaven. Rav says: A non-priest who partook of teruma is flogged. Rav Kahana and Rav Asi said to Rav: Let the Master say that he is punished with death at the hand of Heaven, as it is written: “And they shall keep my charge lest they bear a sin for it and die therein if they desecrate it: I am the Lord Who sanctifies them. No non-priest shall eat of the sacred, a tenant of a priest, or a hired servant, shall not eat of the sacred” (Leviticus 22:9–10). Based on the juxtaposition between them, one should say that just as an impure priest who partakes of teruma is punished with death at the hand of Heaven, so too a non-priest who partakes of teruma is punished with death at the hand of Heaven.

²⁶² Rav responded: The phrase “I am the Lord Who sanctifies them” ends the matter of death, so the matter of a non-priest who partakes of teruma is not juxtaposed to it. The Gemara raises an objection to the opinion of Rav from the baraita: And these are they who are liable to receive death at the hand of Heaven: A non-priest who partakes of teruma. The Gemara explains: Are you raising a contradiction from a baraita to the opinion of Rav? Rav is a tanna, and as such has the authority to dispute the determination of the baraita.

²⁶³ The baraita continues: The punishment for a non-priest who performed the Temple service is death at the hand of Heaven, as it is written: “You and your sons with you shall safeguard your priesthood with regard to every matter of the altar...and any non-priest who approaches shall die” (Numbers 18:7).

²⁶⁴ The baraita continues: The punishment for an impure priest who performed the Temple service is death at the hand of Heaven. The source for this is explained: As Rav Ḥiyya bar Avin asked of Rav Yosef: From where is it derived that an impure priest who performed the Temple service is punished with death at the hand of Heaven? Rav Yosef answered: It is derived from a verse, as it is written in the context of admonishing priests to avoid impurity: “Speak to Aaron and his sons that they shall separate themselves from the sacred items of the children of Israel that they sanctify to Me, and they shall not desecrate My sacred name: I am the Lord” (Leviticus 22:2).

²⁶⁵ Rav Yosef continues: And the tanna derives the punishment by means of a verbal analogy. He derives the meaning of the term of desecration written with regard to an impure priest who performs the Temple service from the term of desecration written with regard to an impure priest who partakes of teruma (see Leviticus 22:9). Just as there, with regard to teruma, he is punished with death at the hand of Heaven, so too here, with regard to an impure priest who performs the Temple service, he is punished with death at the hand of Heaven.

²⁶⁶ The Gemara asks: And let us derive the punishment by means of a different verbal analogy: Derive the term of desecration written with regard to an impure priest who performs the Temple service from the term of desecration written with regard to notar. This would teach that just as there, with regard to notar, he is punished with karet, so too here, with regard to an impure priest who performs the Temple service, he is punished with karet.

²⁶⁷ The Gemara answers: It is reasonable to say that it is from teruma that he should have derived the punishment for an impure priest who performs the Temple service, as there are many elements common to an impure priest who partakes of teruma and an impure priest who performs the Temple service. In both of these cases, unlike notar, the problem relates to the body of the priest; both relate to impurity; in both, the issue can be resolved through immersion in a ritual bath; and in both, the

term of desecration is formulated in the plural, while with regard to notar it is formulated in the singular.

²⁶⁸ The Gemara rejects that conclusion: On the contrary, it is from notar that he should have derived the punishment for an impure priest who performs the Temple service, as there are elements common to notar and an impure priest who performs the Temple service. Unlike teruma, both are cases involving sacrificial matters; both involve acts performed inside the Temple; and in both cases, the disqualification of piggul and the disqualification of notar are applicable. The Gemara explains: Although the number of elements common to an impure priest who partakes of teruma equals the number of elements common to notar, deriving desecration in the plural by means of a verbal analogy from desecration in the plural is preferable.

²⁶⁹ The baraita continues: The punishment for a priest who was ritually impure, who immersed that day and is waiting for nightfall for the purification process to be completed, and who performed the Temple service, is death at the hand of Heaven. The Gemara asks: From where do we derive this halakha? The Gemara answers: It is derived as it is taught in a baraita that Rabbi Simai says: From where in the Torah is the allusion with regard to a priest who immersed that day, that if he performed the Temple service he desecrated that service? It is derived from a verse, as the verse states: “They shall be sacred to their God and they shall not desecrate the name of their God” (Leviticus 21:6).

²⁷⁰ If this verse is not written with regard to the matter of an impure priest who performed the Temple service, as that halakha is derived for us from the verse: “That they shall separate themselves from the sacred items of the children of Israel” (Leviticus 22:2), then apply it to the matter of a priest who immersed that day who performed the Temple service. Although he is no longer impure in every sense, the priest remains impure in terms of the prohibitions of partaking of teruma and sacrificial food, and of entering the Temple.

²⁷¹ And the tanna derives the punishment by means of a verbal analogy. He derives the meaning of the term of desecration written with regard to a priest who immersed that day who performed the Temple service from the term of desecration written with regard to an impure priest who partakes of teruma (see Leviticus 22:9). Just as there, with regard to teruma, he is punished with death at the hand of Heaven, so too here, with regard to an impure priest who performs the Temple service, he is punished with death at the hand of Heaven.

²⁷² The baraita continues: And the punishment for a priest who is lacking the requisite priestly vestments and who performed the Temple service is death at the hand of Heaven. The Gemara asks: From where do we derive that this is his punishment? Rabbi Abbahu says that Rabbi Yoḥanan says, and there are those who determined that this halakha is a tradition that was cited in the name of Rabbi Elazar, son of Rabbi Shimon: It is stated: “You shall gird them with a belt, Aaron and his sons, and you shall wrap the headdresses upon them; and they shall have the priesthood as an eternal statute, and you shall inaugurate Aaron and his sons” (Exodus 29:9).

²⁷³ From that verse it is derived: At a time when their vestments are upon them, their priesthood is upon them; but when their vestments are not upon them, their priesthood is not upon them. Therefore, priests who are lacking the requisite priestly vestments assume the status of non-priests in this respect, and the Master says earlier in the baraita: A non-priest who performs the Temple service is punished with death at the hand of Heaven.

²⁷⁴ The baraita continues: And the punishment for a priest who has not yet brought an atonement offering to complete the purification process and who performs the Temple service is death at the hand of Heaven. The Gemara asks: From where do we derive that this is his punishment? Rav Huna says: It is derived from a verse, as the verse states with regard to a woman after childbirth who is obligated to bring an atonement offering: “And the priest shall atone for her and she shall become purified” (Leviticus 12:8). He infers: As the verse states “shall become purified,” by inference, one concludes that until the priest sacrifices her atonement offering she is impure to a certain extent. And the Master says earlier in the baraita: An impure priest who performs the Temple service is punished with death at the hand of Heaven.

²⁷⁵ The baraita continues: And the punishment for a priest whose hands and feet are not washed and who performed the Temple service is death at the hand of Heaven. The Gemara asks: From where do we derive this halakha? The Gemara answers: It is derived from a verse, as it is written: “Whenever they come to the Tent of Meeting, they shall wash with water that they shall not die” (Exodus 30:20).

²⁷⁶ The baraita continues: And the punishment for priests who performed the Temple service while intoxicated with wine is death at the hand of Heaven, as it is written: “Drink no wine nor strong drink, you and your sons with you, when you come into the Tent of Meeting, that you shall not die” (Leviticus 10:9).

²⁷⁷ The baraita continues: And the punishment for priests who performed the Temple service with overgrown hair on their heads is death at the hand of Heaven, as it is written: “Neither shall they shave their heads nor allow their hair to grow long” (Ezekiel 44:20), and it is written thereafter: “Neither shall any priest drink wine when they enter the inner courtyard” (Ezekiel 44:21). One with overgrown hair on his head is juxtaposed to priests who are intoxicated with wine. Just as priests who are intoxicated with wine are punished with death at the hand of Heaven, so too priests with overgrown hair on their heads are punished with death at the hand of Heaven.

²⁷⁸ The baraita continues: But a priest who performs the Temple service while uncircumcised, or as an acute mourner on the day that one of his close relatives dies, or a priest who performs the Temple service while seated, is not punished with death at the hand of Heaven; rather, he is liable for violating a prohibition and his punishment is lashes. The Gemara asks: From where do we derive that it is prohibited for an uncircumcised priest to perform the Temple service? Rav Ḥisda says: This matter we did not learn from the Torah of Moses our teacher. It was not learned until Ezekiel, son of Buzi, the prophet, came and taught it to us, as it is stated: “No foreigner uncircumcised in heart

²⁷⁹ or uncircumcised in flesh may enter My Temple” (Ezekiel 44:9).

²⁸⁰ The Gemara asks: From where do we derive that it is prohibited for an acute mourner priest to perform the Temple service? It is derived from a verse, as it is written with regard to a High Priest whose mother or father died: “And from the Temple he shall not emerge and he shall not desecrate the Temple of his God” (Leviticus 21:12), from which it may be inferred that another, who is not a High Priest but an ordinary priest, who did not emerge from the Temple and who continued to perform the service, has desecrated the service.

²⁸¹ Rav Adda said to Rava: And let us derive it by means of a verbal analogy: Derive the meaning of the term of desecration written with regard to an acute mourner who performs the Temple service from the term of desecration written with regard to an impure priest who partakes of teruma. Just as there, with regard to teruma, he is punished with death at the hand of Heaven, so too here, with

regard to an acute mourner who performs the Temple service, he is punished with death at the hand of Heaven.

²⁸² Rava answers: Is desecration written with regard to the matter of a priest who performs the Temple service as an acute mourner itself? It is derived from that which is written with regard to the High Priest, by inference. Therefore, it is a matter that emerges from an inference, and the principle is: Any matter that emerges from an inference cannot be derived by means of a verbal analogy. A verbal analogy can be derived only when the matter is written explicitly.

²⁸³ The Gemara asks: From where do we derive that it is prohibited for a priest who is seated to perform the Temple service? Rava says that Rav Nahman says: The verse states: “For him has the Lord chosen from among all your tribes, to stand and minister in the name of the Lord” (Deuteronomy 18:5). God states in the verse that I chose him for service while he is standing, but not for service while seated.

²⁸⁴ § The baraita continues: With regard to a blemished priest who performs the Temple service, Rabbi Yehuda HaNasi says: He is punished with death at the hand of Heaven, and the Rabbis say: He is liable only for violating a prohibition. The Gemara elaborates: What is the reason for the opinion of Rabbi Yehuda HaNasi? It is as it is written: “But he shall not come into the curtain and he shall not approach the altar as he has a blemish, that he desecrate not My sacred places” (Leviticus 21:23). And Rabbi Yehuda HaNasi derives the punishment by means of a verbal analogy: The meaning of the term of desecration written with regard to a blemished priest who performs the Temple service is derived from the term of desecration written with regard to an impure priest who partakes of teruma. Just as there, with regard to teruma, he is punished with death at the hand of Heaven, so too here, with regard to a blemished priest who performs the Temple service, he is punished with death at the hand of Heaven.

²⁸⁵ The Gemara challenges: And let us derive the punishment by means of a different verbal analogy: Derive the meaning of the term of desecration written with regard to a blemished priest who performs the Temple service from the term of desecration written with regard to notar. Just as there, with regard to notar, he is punished with karet, so too here, with regard to a blemished priest who performs the Temple service, he is punished with karet.

²⁸⁶ The Gemara explains: It is reasonable to say that he should have derived the punishment for a blemished priest who performs the Temple service from teruma, as the tanna derives the bodily disqualification of a blemished priest from the bodily disqualification of the impure priest. The Gemara challenges: On the contrary, he should have derived the punishment for a blemished priest who performs the Temple service from notar, as there are elements common to notar and a blemished priest who performs the Temple service. Unlike teruma, both are cases involving sacrificial matters; both involve matters performed inside the Temple; and in both cases, the disqualification of piggul and the disqualification of notar are applicable.

²⁸⁷ Rather, Rabbi Yehuda HaNasi derives the halakha of a blemished priest who performed the Temple service from the halakha of an impure priest who performed the Temple service, due to the elements common to both. He derives the bodily disqualification of a blemished priest from the bodily disqualification of an impure priest who performs the Temple service, and he derives the case of a blemished priest, whose case involves sacrificial matters, matters performed inside the Temple,

and the relevance of both piggul and notar, from the case of an impure priest, whose case involves sacrificial matters, matters performed inside the Temple, and the relevance of both piggul and notar.

²⁸⁸ The Gemara asks: And the Rabbis, what is the reason that they hold that he is liable only for violating a prohibition? It is as the verse states: “And die because of it if they desecrate it; I am the Lord Who sanctifies them” (Leviticus 22:9), from which it is derived: “Because of it” they receive death at the hand of Heaven, but not in the case of a blemished priest.

²⁸⁹ The baraita continues: With regard to one who intentionally performed an action of misuse of consecrated property. Rabbi Yehuda HaNasi says: He is punished with death at the hand of Heaven, and the Rabbis say: He is liable only for violating a prohibition. The Gemara elaborates: What is the reason for the opinion of Rabbi Yehuda HaNasi? Rabbi Abbahu says: He derives a verbal analogy: The meaning of the term of sin written with regard to one who intentionally misuses consecrated property (see Leviticus 5:15) is derived from the term of sin written with regard to an impure priest who partakes of teruma (see Leviticus 22:9). Just as there, with regard to teruma, the priest is punished with death at the hand of Heaven, so too here, one who intentionally misuses consecrated property is punished with death at the hand of Heaven.

²⁹⁰ The Gemara explains: And the Rabbis say that the verse states with regard to teruma: “Because of it” they receive death at the hand of Heaven, but not in the case of the intentional misuse of consecrated property.

²⁹¹ The Gemara cites a dispute between the Sages with regard to the punishment of a non-priest who performed the Temple service. It is taught in a baraita that Rabbi Yishmael says: It is stated here: “You and your sons with you shall keep your priesthood in everything that pertains to the altar...and any non-priest who approaches shall be put to death [yumat]” (Numbers 18:7), and it is stated there: “Anyone who approaches the Tabernacle of the Lord shall die [yamut]” (Numbers 17:28). Just as there, the reference is to death at the hand of Heaven; so too here, in the case of a non-priest who performs the Temple service, the reference is to death at the hand of Heaven.

²⁹² Rabbi Akiva says that it is stated here: “And any non-priest who approaches shall be put to death [yumat]” and it is stated there: “And that prophet or that dreamer of a dream shall be put to death [yumat]” (Deuteronomy 13:6). Just as there, with regard to the prophet, he is executed by stoning, so too here, a non-priest who performs the Temple service is executed by stoning. Rabbi Yoḥanan ben Nuri says: Just as there, with regard to the prophet, he is executed by strangulation, so too here, a non-priest who performs the Temple service is executed by strangulation.

²⁹³ The Gemara asks: With regard to what principle do Rabbi Yishmael and Rabbi Akiva disagree? The Gemara answers: Rabbi Akiva holds: In the verbal analogy, one derives yumat from yumat and one does not derive yumat from yamut. And Rabbi Yishmael holds: Although the terms are not identical, one derives by means of a verbal analogy the halakha of an ordinary person from the halakha of an ordinary person and one does not derive the halakha of an ordinary person from the halakha of a prophet. The Gemara asks: And what does Rabbi Akiva hold? Once the prophet incited others to idol worship, you have no greater example of an ordinary person than that, i.e., he no longer has the status of a prophet.

²⁹⁴ The Gemara asks: With regard to what principle do Rabbi Akiva and Rabbi Yoḥanan ben Nuri disagree? The Gemara answers: They disagree with regard to the issue that is the subject of the dispute of Rabbi Shimon and the Rabbis, as it is taught in a baraita: A prophet who incited others to

idol worship is executed by stoning. Rabbi Shimon says: He is executed by strangulation. The Gemara asks: Didn't we learn in a mishna with regard to a prophet who incites others to idol worship that Rabbi Akiva says: He is executed by strangulation, contrary to Rabbi Akiva's opinion cited in the baraita?

²⁹⁵ The Gemara answers: These are two tanna'im and they disagree with regard to the opinion of Rabbi Akiva. The mishna, which cites the opinion that Rabbi Akiva holds that a prophet who incited others to idol worship is executed by strangulation, is citing the opinion of Rabbi Shimon in accordance with the opinion of Rabbi Akiva. Rabbi Shimon was his preeminent disciple. The baraita, which cites the opinion that Rabbi Akiva holds that a prophet who incited others to idol worship is executed by stoning, is citing the opinion of the Rabbis, who disagree with Rabbi Shimon, and they too hold in accordance with the opinion of Rabbi Akiva.

Chapter 10

¹ MISHNA: These are the transgressors who are strangled in the implementation of the court-imposed death penalty: One who strikes his father or his mother, and one who abducts a Jewish person, and a rebellious elder according to the court, and a false prophet, and one who prophesies in the name of idol worship, and one who engages in intercourse with a married woman, and conspiring witnesses who testify that the daughter of a priest committed adultery, even though were she guilty, she would be executed by burning. And her paramour is also executed via strangulation as in any case where a man engages in intercourse with a married woman.

² GEMARA: The mishna teaches: One who strikes his father or his mother is executed by strangulation. The Gemara asks: From where do we derive this halakha? The Gemara answers: It is derived from a verse, as it is written: "One who strikes his father or his mother shall be put to death" (Exodus 21:15), and every death stated in the Torah without specification is referring to nothing other than strangulation.

³ The Gemara suggests: Say that one is not executed for striking his father or mother unless he kills him or her. The Gemara explains: Does it enter your mind to say that if one kills one other person, he is executed by beheading with a sword, but if he kills his father or mother he is executed by strangulation? That is not reasonable.

⁴ The Gemara asks: This works out well according to the one who said that strangulation is a more lenient form of execution than decapitation. But according to the one who said that strangulation is a more severe form of execution than decapitation, what is there to say? Perhaps one is liable to receive the death penalty for striking his father or mother only if he kills the parent, and the added severity for killing a parent is in terms of the specific form of death penalty.

⁵ The Gemara answers: Rather, prove that one is executed by strangulation for striking his father or mother even if he does not kill them from the fact that it is written: "One who strikes a man and he dies shall be put to death" (Exodus 21:12), and it is written: "Or if in enmity he struck him with his hand and he died he shall be put to death" (Numbers 35:21). Learn from these verses in which it states: Strikes and he dies, that anywhere that there is mention of striking without specifying a resultant death, it is not referring to a case where the blow caused one's death.

⁶ The Gemara notes: And it was necessary for the Torah to write: “One who strikes a man,” and it was necessary for the Torah to write: “Anyone who kills a soul, the murderer shall be slain on the basis of witnesses” (Numbers 35:30), since if the Merciful One wrote only: “One who strikes a man and he dies,” I would say that one who strikes a man, i.e., an adult, who is obligated in the fulfillment of mitzvot, yes, he is executed, but one who kills a minor, no, he is not executed. Therefore, the Merciful One writes: “Anyone who kills a soul.” And if the Merciful One wrote only: “Anyone who kills a soul,” I would say that one is executed even if he killed a non-viable newborn, or even if he killed a child born after a gestation period of eight months, who, in talmudic times, was also considered non-viable. Consequently, both verses are necessary.

⁷ The Gemara asks: But if that is the source for the halakha that one is liable for striking his father or mother, why not say that he is liable even though he did not wound him or her and draw blood? Why, then, did we learn in a mishna (85b): One who strikes his father and his mother is not liable unless he wounds them?

⁸ The Gemara answers that the verse states: “And one who strikes an animal shall pay for it; and one who strikes a person shall be put to death” (Leviticus 24:21), juxtaposing one who strikes an individual with one who strikes an animal. An earlier verse states: “One who strikes the soul of an animal shall pay for it” (Leviticus 24:18). Based on this it is derived: Just as one who strikes an animal is not liable unless he wounds it and draws blood, as “soul” is written concerning it, and it can be derived from the verse: “For the blood is the soul” (Deuteronomy 12:23), that the term “soul” is a reference to blood, so too, one who strikes a person is not liable unless he causes a wound and draws blood.

⁹ Rav Yirmeya objects to this proof: If that is so, then in a case where one weakened the animal by placing a burden of stones upon it and thereby injured or killed it, would one say that so too in that case he is not liable because he did not draw blood? Clearly he is liable to pay for the damage that he caused. Rather, with regard to the term soul in the verse: “One who strikes the soul of an animal,” if it is not a matter that is relevant to the soul of an animal, as even in a case where one weakens the animal by placing a burden of stones upon it, he is liable, apply it to the matter of the soul of a person, and thereby derive that one who strikes his parent is liable to be executed only if he wounds his parent and draws blood.

¹⁰ The Gemara asks: But if the fact that one who strikes his parent is liable only if he draws blood is derived based on the principle: If it is not a matter, why do I need the juxtaposition between the striking of a man and the striking of an animal? The Gemara answers: The juxtaposition is necessary in order to derive the halakha for that which is taught in a baraita in the school of Ḥizkiyya: Just as in the case of one who strikes an animal there is no distinction between one who does so unwittingly and one who does so intentionally, and in both cases he is liable to pay damages, so too, in the case of one who strikes a person there is no distinction between one who does so intentionally and is executed, and one who does so unwittingly and is not executed. In both cases he is exempt from paying damages based on the principle that one receives only the greater punishment.

¹¹ The Gemara asks: This works out well according to the one who holds in accordance with the opinion of the tanna of the school of Ḥizkiyya, but according to the one who does not hold in accordance with the opinion of the tanna of the school of Ḥizkiyya, why do I need the juxtaposition between the striking of a man and the striking of an animal?

¹² The Gemara answers: He derives that just as one who strikes an animal for medical purposes is exempt from payment of restitution, so too, one who strikes a person for medical purposes is exempt, even if it results in the death of the one that he treated.

¹³ The Gemara explains: As a dilemma was raised before the Sages: What is the halakha with regard to whether a son may let blood for his father? Is he liable for wounding his father? Rav Mattana says that it is written: “And you shall love your neighbor as yourself” (Leviticus 19:18); just as one would want others to heal him when the need arises, one must heal others when the need arises. It is prohibited for one to do to others only those actions that he would not want done to him. Therefore, it is permitted for one to heal his father even if the procedure entails wounding him. Rav Dimi bar Hinnana says: This is derived from the juxtaposition between one who strikes a person and one who strikes an animal. Just as one who strikes an animal for medical purposes is exempt from paying restitution, so too, one who strikes a person for medical purposes is exempt from liability.

¹⁴ The Gemara relates: Rav did not allow his son to extract a thorn from him, due to the concern that his son would unwittingly wound him. Mar, son of Ravina, did not allow his son to pierce his blister, lest he wound him, which would be an unwitting violation of a prohibition.

¹⁵ The Gemara challenges this: If so, this should be a concern when another who is not his son treats him as well, as it is prohibited for one Jew to injure another. The Gemara explains: There is a distinction, as when another treats him, the concern is that the individual would be in unwitting violation of a prohibition. By contrast, when his son treats him, the concern is that he would be in unwitting violation of a prohibition punishable by strangulation.

¹⁶ The Gemara asks: But with regard to that which we learned in a mishna (Shabbat 122b): It is permitted on Shabbat to move an ordinary hand needle used for sewing garments to extract a thorn with it, why is it permitted to extract a thorn on Shabbat? Let us be concerned lest he wound the individual in the process, which would be an unwitting violation of a prohibition punishable by stoning.

¹⁷ The Gemara answers: There, even if one wounds the individual, he is unwittingly performing a labor for a destructive purpose, i.e., he is causing an injury, and one is liable to be executed only for the performance of a labor for a constructive purpose on Shabbat.

¹⁸ The Gemara asks: This works out well according to the one who said that one who performs a labor on Shabbat for a destructive purpose is exempt. But according to the one who said that even when performing the labor for a destructive purpose, there are cases where one is liable if he benefits from the action, what is there to say?

¹⁹ The Gemara answers: Whom did you hear that said that one who is destructive in causing a wound is liable to be executed if there is a constructive element to his action? It is Rabbi Shimon,

²⁰ and doesn't Rabbi Shimon say: With regard to one who performs any prohibited labor that is not necessary for its own sake, it is labor for which he is exempt? In this case, causing the wound was inadvertent and was not his objective when performing the action.

²¹ § The Sages raised a dilemma before Rav Sheshet: What is the halakha with regard to whether a son may be designated an agent of the court in order to flog his father or to curse him if the court sentenced him to ostracism?

²² Rav Sheshet said to them: And did the Torah render it permitted to flog or curse another who is not his father? The Torah prohibited such actions. Rather, the reason that an agent of the court may flog or curse the one found liable is that the honor of Heaven takes precedence over the honor due to another. Here too, a son may serve as an agent of the court because the honor of Heaven takes precedence over the honor due to his father.

²³ The Gemara raises an objection from a baraita: And just as with regard to one who is commanded to strike him there is a mitzva not to strike him under other circumstances, with regard to one who is not commanded to strike him is it not right that there is a mitzva not to strike him?

²⁴ The Gemara explains the baraita: What, is it not that both this first clause of the statement of the baraita and that latter clause of the statement of the baraita are referring to a situation where striking another is a mitzva, e.g., where the other is liable to receive lashes. The distinction between them is that this latter clause, which is referring to one who is not commanded to strike him, is concerning a case where the agent is his son and is therefore prohibited from striking his father even in that capacity, while that first clause, which is referring to one who is commanded to strike him, is concerning a case where the agent is another individual and not his son. This indicates that it is prohibited for a son to flog his father as an agent of the court.

²⁵ The Gemara answers: No, in both this clause and that clause it is no different if the agent is his son and it is no different if the agent is another. And it is not difficult to distinguish between the clauses: Here, in the first clause, the reference is to a situation where striking another is a mitzva, as he is an agent of the court; there, in the latter clause, the reference is not to a situation where striking another is a mitzva.

²⁶ And accordingly, this is what the baraita is teaching: And just as in a situation where striking another is a mitzva, where the agent of the court is commanded to strike him, there is a mitzva not to strike him even one lash beyond the number determined by the court, as it is written: "Forty lashes shall he strike him, he shall not exceed, lest if he shall exceed to strike him" (Deuteronomy 25:3), accordingly, in a situation where striking another is not a mitzva, where one is not commanded to strike him, is it not right that there is a mitzva not to strike him? The general prohibition against striking another in any situation is derived from this verse.

²⁷ The Gemara suggests: Come and hear a proof from a baraita: In the case of one who emerges from the court condemned to be executed and his son came and struck him or cursed him, the son is liable to be executed for striking or cursing his father. If another came and struck him or cursed him, he is exempt. And we discussed it as follows: What is different about the case where his son strikes or curses him that he is liable, and what is different about the case where another strikes or curses him that he is exempt? And Rav Hisda says: The baraita is referring to a case where they are imploring the condemned man to emerge from the court to be executed but he is not emerging. Therefore, it is necessary to employ force. Apparently, even under those circumstances, where the use of force is sanctioned by the court, it is prohibited for the son to strike his father.

²⁸ The Gemara rejects this proof: Rav Sheshet interprets this baraita as referring to a case where they are not imploring him to emerge from the court for his execution. It is referring to a case where the condemned man is proceeding willingly, and it is not an agent of the court but someone else who strikes and curses him at his own initiative.

²⁹ The Gemara challenges: If so, even another who strikes one who is condemned to death should be liable, as it is prohibited to strike or curse another. The Gemara responds: If another does so he is exempt, since the legal status of the one condemned to death is that of a dead man. Therefore, one is not liable for striking or humiliating him.

³⁰ The Gemara asks: But doesn't Rav Sheshet himself say: If one humiliates another who is sleeping and the individual never awakens and dies, the one who humiliated him is liable to compensate his heirs for that humiliation? Apparently, even if the status of the condemned is that of a dead person, the one who cursed him should be liable to compensate his heirs. The Gemara answers: With what are we dealing here in the baraita? We are dealing with a case where he struck him with a blow that does not have sufficient force to cause damage worth one peruta, in which case no compensation is paid.

³¹ The Gemara asks: But doesn't Rabbi Ami say that Rabbi Yoḥanan says: In a case where one struck another with a blow that does not have sufficient force to cause damage worth one peruta, he is flogged for violating the prohibition: "He shall not exceed"? Why does the baraita exempt another entirely? The Gemara explains: What is the meaning of the term exempt that is stated in this baraita? It means that he is exempt from monetary restitution, but he is liable to receive lashes.

³² The Gemara asks: If the clause of the baraita that discusses a case where another individual strikes or curses him states that he is exempt only from payment of restitution, one may conclude by inference that the clause of the baraita that discusses his son states that he is liable to pay monetary restitution. That is certainly not the case. Rather, the clause of the baraita that discusses his son states that he is liable to be punished in accordance with his appropriate sentence; here too, the clause of the baraita that discusses another individual states that he is exempt from punishment in accordance with his appropriate sentence. The question remains: Why is another exempt from receiving lashes in a case where he struck him with a blow that does not have sufficient force to cause damage worth one peruta?

³³ The Gemara answers: Rather, this is the reason that another is exempt: As the verse states: "Nor curse a ruler of your people" (Exodus 22:27), from which it is inferred that this prohibition applies only with regard to one who performs an action of "your people," i.e., an action befitting a Jew. There is no prohibition against cursing one whose actions are inconsistent with the conduct appropriate for a Jew.

³⁴ The Gemara asks: This explanation works out well with regard to cursing, as that is the prohibition mentioned in that verse. From where do we derive that the halakha is the same with regard to striking? The Gemara answers: We derive that the halakha is the same for both, as we liken striking to cursing based on the juxtaposition between the verses that address the cases of one who strikes his father (Exodus 21:15) and one who curses his father (Exodus 21:17).

³⁵ The Gemara challenges: If so, and the prohibition does not apply to one whose actions are inconsistent with the conduct appropriate for a Jew, his son too should be exempt if he strikes or curses his father whose conduct is inappropriate. The Gemara explains: As Rav Pineḥas says in another context that the reference is to a case where the one in question repented, so too, the baraita is referring to a case where the condemned man repented. Although he is being taken to his execution, because he repented he is considered as one who performs actions "of your people," and his son is liable for striking or cursing him.

³⁶ The Gemara challenges: If so, and the baraita is referring to one who repented, another should be rendered liable as well. Rav Mari says: One derives from the expression “of your people” that the prohibition applies only to one enduring among your people, not to one whose execution is imminent.

³⁷ The Gemara challenges: If so, his son should be exempt as well, since his father’s execution is imminent.

³⁸ The Gemara answers: The halakha here is just as it is after the death of his father, and the son is liable for cursing his father even after his death. Therefore, he is also liable when his father’s death is imminent.

³⁹ Despite several attempts to cite proof contradicting his opinion, there is no conclusive refutation of the statement of Rav Sheshet that a son may serve as an agent of the court to punish his father. The Gemara asks: What halakhic conclusion was reached about this matter? Rabba bar Rav Huna says, and likewise the school of Rabbi Yishmael taught: With regard to all cases a son is not designated as an agent to strike his father or to curse him, except in a case where his father incites others to worship idols, as the Torah states: “Neither shall you spare, nor shall you conceal him” (Deuteronomy 13:9).

⁴⁰ MISHNA: One who strikes his father or his mother is not liable to be executed unless he wounds one of them. This is a stringency with regard to one who curses his father that is more severe than the halakha with regard to one who strikes his father, as one who curses his father or his mother after his or her death is liable, but one who strikes one of them after his or her death is exempt, as he did not cause a wound.

⁴¹ GEMARA: The Sages taught in a baraita that it is written: “For any man who curses his father and his mother shall die; he has cursed his father and his mother; his blood shall be upon him” (Leviticus 20:9). This is referring to one who curses his parents even after their death, as one might have thought: Since one is liable for striking and one is liable for cursing, just as one who strikes is liable only when his father or mother are alive, so too, one who curses is liable only when they are alive.

⁴² Furthermore, one may draw an a fortiori inference: If, with regard to one who strikes another, where the Torah deemed the status of striking one who performs actions not of your people, i.e., a sinner, like that of striking one who performs actions that are of your people, yet the Torah did not deem him liable for striking another after death, then with regard to one who curses, where the Torah deemed the status of cursing one who performs actions not of your people like that of cursing one who performs actions that are of your people, is it not right that the Torah did not deem him liable for cursing another after their death?

⁴³ Therefore, the verse states the extraneous phrase: “He has cursed his father and his mother,” to include even one who curses his father or mother after that parent’s death.

⁴⁴ The Gemara asks: This works out well according to the opinion of Rabbi Yonatan, for whom the phrase “his father and his mother” is extraneous. But according to the opinion of Rabbi Yoshiya, who disagrees with him, what is there to say?

⁴⁵ This is as it is taught in a baraita that it is written: “For any man [ish ish] who curses his father and his mother shall be put to death, he has cursed his father and his mother; his blood shall be upon him.” What is the meaning when the verse states redundantly: “Ish ish”? It serves to include not only

a son, but also a daughter, one whose sexual organs are indeterminate [tumtum], and a hermaphrodite who curse their parent. When the verse states: “Who curses his father and his mother,” I have derived only liability for cursing both his father and his mother. From where is liability derived for one who cursed his father but who did not curse his mother, or one who cursed his mother but who did not curse his father? The verse states: “He has cursed his father and his mother,” from which it is derived that the halakha is as if the verse states: He cursed his father or he cursed his mother. This is the statement of Rabbi Yoshiya.

⁴⁶ Rabbi Yonatan says: In verses of this kind when two subjects are joined with a prefix of the letter vav, that prefix indicates the conjunction “and,” meaning both subjects together, and it also indicates the conjunction “or,” meaning each one by itself, unless the verse specifies with the word: “Together,” in which case the meaning is both together. Therefore, the phrase “he has cursed his father and his mother” is extraneous.

⁴⁷ Since according to the opinion of Rabbi Yoshiya, the phrase is not redundant, from where does he derive that one is liable for cursing his father after his death? The Gemara answers: He derives it from that which is written: “And one who curses his father or his mother shall be put to death” (Exodus 21:17).

⁴⁸ The Gemara asks: And the other tanna, Rabbi Yonatan, what does he derive from that verse? The Gemara answers: He requires the other verse to include a daughter, a tumtum, and a hermaphrodite in the prohibition against cursing a parent.

⁴⁹ The Gemara challenges: But let him derive that halakha from the redundant use of “ish ish,” as Rabbi Yoshiya does. The Gemara responds: Rabbi Yonatan holds that the Torah spoke in the language of people. The repetition of the term ish is merely a rhetorical flourish commonly employed in speech, and no additional halakhot can be derived from it.

⁵⁰ § The Gemara asks with regard to the mishna: And let the tanna teach a second stringency in the mishna: This is a stringency with regard to one who strikes his father that is more severe than the halakha with regard to one who curses his father, that with regard to one who strikes a parent the Torah deemed the status of striking one who performs actions not of your people to be like that of striking one who performs actions of your people, which is not so with regard to one who curses a parent. The Gemara responds: The tanna of the mishna disagrees and holds that we liken striking to cursing based on the juxtaposition of the verses.

⁵¹ The Gemara suggests: Let us say that the opinions of these following tanna'im are parallel to the opinions of those following tanna'im, as it is taught in one baraita: With regard to a Samaritan, you are commanded to refrain from striking him, but you are not commanded to refrain from cursing him. And it is taught in another baraita: You are commanded neither to refrain from cursing him nor to refrain from striking him.

⁵² It is assumed that everyone, i.e., the tanna of each baraita, agrees that Samaritans are true converts. Since their conversion was sincere, their status is that of a Jew who sinned. Based on that assumption, the Gemara suggests: What, is it not that they disagree about this: That one Sage, the tanna of the second baraita, holds that we liken striking to cursing and the halakha is the same with regard to both, and therefore it is neither prohibited to strike a Samaritan, nor is it prohibited to curse him; and one Sage, the tanna of the first baraita, holds that we do not liken striking to cursing, and there is no prohibition against cursing a sinner, but there is a prohibition against striking him?

⁵³ The Gemara rejects the parallel between the two tannaitic disputes. No, everyone, i.e., the tanna'im in each baraita, agrees that we do not liken striking to cursing, and here they disagree about this: One Sage, the tanna of the first baraita, holds that Samaritans are true converts and their status is that of a Jew who sinned. Therefore, there is no prohibition against cursing him, but there is a prohibition against striking him. And one Sage, the tanna of the second baraita, holds that Samaritans are converts who converted under duress due to the threat of lions (see II Kings, chapter 17) and their conversion was never valid. Therefore, their legal status is that of a gentile and it is neither prohibited to strike a Samaritan nor to curse him.

⁵⁴ The Gemara asks: If so, is that consistent with that which is taught with regard to the second baraita: And in terms of damage caused to his ox his status is like that of a Jew? Apparently, even the tanna of the second baraita holds that the conversion of the Samaritans was sincere. Rather, learn from it that the two tanna'im disagree with regard to the juxtaposition of the two prohibitions, as initially suggested; their dispute is not with regard to the status of a Samaritan. The Gemara affirms: Conclude from it that this is the crux of their dispute.

⁵⁵ MISHNA: One who abducts a Jewish person is not liable to be executed unless he brings the abductee into his domain. Rabbi Yehuda says: He is not liable unless he brings him into his domain and exploits him, as it is stated: "If a man shall be found abducting a person of his brethren from the children of Israel, and he exploited him and sold him, then that abductor shall die" (Deuteronomy 24:7). The phrase "exploited him" indicates using him for labor. With regard to one who abducts his own son and sells him, Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, deems him liable, and the Rabbis deem him exempt. If one abducted one who is a half-slave half-freeman, i.e., a Canaanite slave who belonged to two owners and was emancipated by one of them, Rabbi Yehuda deems him liable, and the Rabbis deem him exempt.

⁵⁶ GEMARA: The Gemara asks: And does the first tanna not require exploitation as a condition for liability? The Torah states it explicitly in the verse in Deuteronomy. Rabbi Aḥa, son of Rava, says: The difference between them is in a case of exploitation worth less than the value of one peruta. The first tanna holds that one is liable for any exploitation and there is no minimum value in order to establish liability. Rabbi Yehuda holds that one is liable only if one derives benefit equal to at least one peruta from his exploitation.

⁵⁷ Rabbi Yirmeya raises a dilemma: If one abducted another and sold him while he was asleep, what is the halakha? If one abducted and sold a pregnant woman solely for benefit from her fetus, what is the halakha? Is that a manner of exploitation for which one is liable to be executed or is that not a manner of exploitation for which one is liable to be executed?

⁵⁸ The Gemara asks with regard to the dilemmas raised by Rabbi Yirmeya: But let him derive that the abductor is not liable, as there is no exploitation at all of a sleeping individual or a fetus. The Gemara answers: No, it is necessary to raise the dilemma only with regard to the sleeping individual in a case where one reclines on him, and with regard to the pregnant woman where one stands her in the face of the wind to protect himself from the wind. In those cases, is that a manner of exploitation for which one is liable to be executed or is that not a manner of exploitation for which one is liable to be executed? What is the halakha? The Gemara concludes: The dilemma shall stand [teiku] unresolved.

⁵⁹ The Sages taught in a baraita that it is written: “If a man shall be found abducting a person of his brethren from the children of Israel, and he exploited him and sold him, then that abductor shall die” (Deuteronomy 24:7). I have derived only that a man who abducted another is liable. From where is it derived that a woman who abducts another is liable as well? It is derived from the verse that states: “And one who abducts a man, and sells him, if he be found in his hand, he shall be put to death” (Exodus 21:16), where the sex of the abductor is not specified.

⁶⁰ I have derived only that a man who abducted another, whether a man or a woman, is liable, as it is written: “If a man shall be found abducting a person”; the abductor is male but the sex of the abductee is not specified. And I derived that a woman who abducted a man is liable, as it is written: “And one who abducts a man”; the sex of the abductor is not specified but the abductee is male. From where is it derived that a woman who abducted a woman is liable as well? It is derived from the verse that states: “Then that abductor shall die” (Deuteronomy 24:7); the abductor shall die in any case, regardless of the sex of the one who was abducted.

⁶¹ It is taught in another baraita that it is written: “If a man is found abducting a person of his brethren,” from which it is derived that whether he abducts a man, or whether he abducts a woman, or whether he abducts a convert, or whether he abducts an emancipated slave or a minor, he is liable. If he abducted another but did not sell him, or if he sold him but he remains in his domain, the abductor is exempt. If he sold him to the father of the abductee, or to his brother, or to one of his other relatives, the abductor is liable. One who abducts slaves is exempt.

⁶² A tanna who recited mishnayot and baraitot in the study hall recited that baraita, where the tanna holds that one is liable for abducting another and selling him to the abductee’s father, before Rav Sheshet. Rav Sheshet said to him: I teach that Rabbi Shimon says: From the term “of his brethren” it is derived that there is no liability unless he removes the abductee from the domain of his brethren, and you say that one who sells the abductee to his father is liable? Emend the baraita and teach instead: He is exempt.

⁶³ The Gemara asks: What is the difficulty raised by Rav Sheshet? Perhaps that statement that he cited is the opinion of Rabbi Shimon, while this baraita is the opinion of the Rabbis, who disagree with him.

⁶⁴ The Gemara responds: That should not enter your mind, as the unattributed baraita that was cited is a passage from the halakhic midrash on the books of Numbers and Deuteronomy entitled Sifrei, and Rabbi Yoḥanan says: An unattributed mishna is in accordance with the opinion of Rabbi Meir; an unattributed baraita in the Tosefta is in accordance with the opinion of Rabbi Neḥemya; an unattributed baraita in the Sifra, the halakhic midrash on the book of Leviticus, is in accordance with the opinion of Rabbi Yehuda; and an unattributed baraita in the Sifrei is in accordance with the opinion of Rabbi Shimon. And all of these are in accordance with the opinion of Rabbi Akiva, as all the Sages mentioned were his disciples. Therefore, it is unlikely that an unattributed baraita from the Sifrei would run counter to the opinion of Rabbi Shimon.

⁶⁵ § The mishna teaches that there is a dispute between Rabbi Yehuda and the Rabbis with regard to the liability of one who abducts his son. The Gemara asks: What is the reason for the opinion of the Rabbis, who deem him exempt?

⁶⁶ Abaye said: It is derived from the verse that states: “If a man shall be found abducting a person of his brethren” (Deuteronomy 24:7), to exclude one who is already found in the custody of the

abductor before the abduction. Since the son is already in the custody of his father, the father is not liable for abducting him.

⁶⁷ Rav Pappa said to Abaye: If that is so, then the verse: “If a man shall be found lying with a woman married to a husband, then they shall both of them die” (Deuteronomy 22:22), may also be interpreted: “If a man shall be found,” to exclude one who was already found. So too, would one say that adulterers are exempt from liability if they commit adultery in, for example, the house of so-and-so, where married women are commonly found and they have a preexisting reputation for licentiousness?

⁶⁸ Abaye said to Rav Pappa: The Rabbis’ opinion is derived from the phrase: “Or if he is found in his possession, he shall be put to death” (Exodus 21:16), from which I am saying my inference, that it is derived: If he is found, to the exclusion of one who was already found.

⁶⁹ Rava said: Therefore, with regard to those teachers of children [dardekei] and those who recite mishnayot to Torah scholars, the status of their students is as though they are found in their possession, and the teachers are exempt from liability for abducting them.

⁷⁰ § The mishna teaches that there is a dispute between Rabbi Yehuda and the Rabbis with regard to liability if one abducted one who is half-slave half-freeman. We learned in a mishna there (Bava Kamma 87a) that Rabbi Yehuda says: There is no indemnity for the humiliation of a slave, since he is not a full-fledged Jew.

⁷¹ The Gemara asks: What is the reason for the opinion of Rabbi Yehuda? It is derived from the verse that states: “When men struggle together, a man and his brother, and the wife of the one drew near to deliver her husband from the hand of the one who smites him, and extended her hand, and grabbed his genitals” (Deuteronomy 25:11). This is the source for liability to pay restitution for humiliating another. From the term “his brother” it is derived that one who has brotherhood, i.e., who is halakhically related to his biological family, receives payment for humiliation. A slave is excluded, as he has no brotherhood, i.e., he is not halakhically related to his family.

⁷² And what is the reason for the opinion of the Rabbis? They hold that although the slave has no family ties, he is the brother of the assailant with regard to the fulfillment of mitzvot, as a Canaanite slave is obligated to fulfill the same mitzvot that a woman is obligated to fulfill.

⁷³ The Gemara asks: And here, with regard to abduction, how does Rabbi Yehuda interpret the verses and arrive at the conclusion that one is liable for abducting one who is half-slave half-freeman? Shouldn’t the term “from his brethren” render exempt from liability one who abducts a slave?

⁷⁴ The Gemara answers that Rabbi Yehuda holds that the term in the verse: “From his brethren” (Deuteronomy (24:7), serves to exclude from liability one who abducts slaves. Had the verse continued: The children of Israel, that phrase would have been interpreted to exclude from liability one who abducts one who is half-slave half-freeman. Since the verse states: “From the children of Israel,” the prefix letter mem, meaning from, indicates that there are some from the children of Israel for whose abduction one is liable and there are some for whose abduction one is exempt. That prefix also serves to exclude from liability one who abducts one who is half-slave half-freeman. Therefore, this is an example of a restriction following a restriction, and there is a hermeneutical principle that a restriction following a restriction serves only to amplify the halakha and to include in the category of those who are liable one who abducts one who is half-slave half-freeman.

⁷⁵ And the Rabbis, who deem one who abducts one who is half-slave half-freeman exempt, how do they interpret the verse? They do not exclude slaves based on the term “from his brethren,” as the slave is the brother of the abductor with regard to the fulfillment of mitzvot. Concerning the expression “children of Israel” and the more expanded expression “from the children of Israel,” one serves to exclude from liability one who abducts slaves, as the slave is not a full-fledged Jew, and one serves to exclude from liability one who abducts one who is half-slave half-freeman.

⁷⁶ § The Gemara asks: From where is a prohibition against abducting a person derived? Rabbi Yoshiya says that it is derived from the verse: “You shall not steal” (Exodus 20:13). Rabbi Yoḥanan says that it is derived from the verse: “They shall not be sold as slaves” (Leviticus 25:42). The Gemara comments: And they do not disagree, as each requires both verses to derive the prohibition. One Sage, Rabbi Yoshiya, enumerates the prohibition against abduction, and one Sage, Rabbi Yoḥanan, enumerates the prohibition against selling the abductee into slavery.

⁷⁷ The Sages taught in a baraita: “You shall not steal” (Exodus 20:13), and it is with regard to one who abducts people that the verse is speaking. Do you say that the verse is speaking with regard to one who abducts people, or perhaps the verse is speaking only with regard to one who steals property? You say: Go out and learn from one of the thirteen hermeneutical principles: A matter derived from its context. With regard to what context are the adjacent prohibitions “You shall not kill; you shall not commit adultery” in the verse speaking? They are speaking with regard to capital cases. So too here, the prohibition is speaking with regard to a capital case of abduction.

⁷⁸ It is taught in another baraita: “You shall not steal” (Leviticus 19:11), and it is with regard to one who steals property that the verse is speaking. Do you say that the verse is speaking with regard to one who steals property, or perhaps the verse is speaking only with regard to one who abducts people? You say: Go out and learn from one of the thirteen hermeneutical principles: A matter derived from its context. With regard to what context is the subsequent verse: “You shall neither exploit your neighbor nor rob him” (Leviticus 19:13), speaking? It is speaking with regard to property. So too here, the verse is speaking with regard to property.

⁷⁹ It was stated: If the witnesses to the abduction and the witnesses to the sale of a person were rendered conspiring witnesses, Ḥizkiyya says: The typical sentence of conspiring witnesses is not implemented and they are not executed. Rabbi Yoḥanan says: They are executed.

⁸⁰ The Gemara elaborates: It is Ḥizkiyya who said his statement in accordance with the opinion of Rabbi Akiva, who said one derives from the verse: “On the basis of two witnesses...shall a matter be established” (Deuteronomy 19:15), that the testimony of witnesses is valid only when they attest to an entire matter, but not to half a matter. Since each pair of witnesses provides testimony concerning only half the transgression for which the perpetrator would be liable, i.e., they each testify to only the abduction or the sale, the testimony of each pair is not valid. Therefore, when they are deemed conspiring witnesses, they are not executed. And Rabbi Yoḥanan says his statement in accordance with the opinion of the Rabbis, who said that one derives from the verse that the testimony is valid when they testify with regard to an entire matter, and even when they testify with regard to half a matter. Since the testimony of the two pairs of witnesses together constitutes a complete testimony, if they are rendered conspiring witnesses, they are executed.

⁸¹ The Gemara notes: And Ḥizkiyya concedes with regard to the final witnesses of a stubborn and rebellious son who were rendered conspiring witnesses that they are executed. A stubborn and

rebellious son is executed only if witnesses testified that he engaged in gluttonous and drunken conduct and he was flogged, and then a second pair of witnesses testifies that he again engaged in gluttonous and drunken conduct. His death sentence is based solely on the testimony of the second pair, as the first witnesses could say:

⁸² It is in order to flog him, not to execute him, that we came to court. And these other witnesses, through their testimony, are the ones who did this to him, i.e., they are responsible for the entire matter of his execution, and are therefore liable to be executed for giving conspiring testimony.

⁸³ Rav Pappa objects to this: If so, and Ḥizkiyya concedes to Rabbi Yoḥanan in the case of the final testimony of the stubborn and rebellious son, let them also execute the witnesses to the sale of one who was abducted, as the witnesses to the abduction could say: It is in order to flog the abductor, not to execute him, that we came to court. And if you would say that Ḥizkiyya holds that one who abducts another and does not sell him is not flogged, that is difficult.

⁸⁴ But wasn't it stated: With regard to witnesses to the abduction who were rendered conspiring witnesses prior to the testimony of the witnesses to the sale, Ḥizkiyya and Rabbi Yoḥanan disagree. One says: They are flogged, and one says: They are not flogged. And we say: It may be concluded that it is Ḥizkiyya who said that they are flogged, from the fact that Ḥizkiyya said: They are not executed.

⁸⁵ Since if one were to suggest that it is Rabbi Yoḥanan who said that they are flogged, that cannot be. Since he says that conspiring witnesses are executed in this case, it is a prohibition that is given as a warning of liability for a court-imposed death penalty, and the principle is: With regard to any prohibition that is given as a warning of liability for a court-imposed death penalty, one is not flogged for its violation, even in a case where the transgressor is not executed. The abductor is not flogged. How then could the conspiring witnesses be flogged for testifying against them, as the punishment for conspiring witnesses is identical to the punishment of the one against whom they testified? Rather, it is certain that Ḥizkiyya holds that the conspiring witnesses to the abduction are flogged, and therefore everyone agrees that the conspiring witnesses to the sale are executed.

⁸⁶ Rather, Rav Pappa says: The previous explanation is rejected, and instead the dispute must be explained as follows: With regard to the witnesses to the sale of the abductee, it is clear that everyone agrees that they are executed, as theirs is testimony concerning an entire matter and would have led to his execution. When they disagree, it is with regard to the witnesses to the abduction. Ḥizkiyya says: They are not executed, as he holds that abduction stands discrete as an independent prohibition punishable by lashes, and the sale stands discrete as an independent prohibition punishable by strangulation. Rabbi Yoḥanan says: They are executed, as the abduction is the beginning of the process that culminates with the sale. The witnesses testifying to the abduction are testifying to a transgression that will culminate with the sale of the abductee.

⁸⁷ The Gemara notes: And Rabbi Yoḥanan concedes with regard to the initial witnesses concerning a stubborn and rebellious son who testified that he engaged in gluttonous and drunken conduct and who were rendered conspiring witnesses that they are not executed, as they could say: It is in order to flog him for past conduct, not to execute him for actions that he might perform in the future, that we came to court. Therefore, there is no connection between their testimony and punishment for future actions.

⁸⁸ Abaye said in summary: All concede in the case of a stubborn and rebellious son, and all concede in the case of a stubborn and rebellious son, and there is a dispute with regard to a stubborn and rebellious son.

⁸⁹ The Gemara elaborates: With regard to the initial witnesses, all, even Rabbi Yoḥanan, concede in the case of a stubborn and rebellious son that they are not executed if they are rendered conspiring witnesses, as they could say: It is in order to flog him for past conduct, not to execute him, that we came to court.

⁹⁰ And with regard to the final witnesses, all, even Hizkiyya, concede in the case of a stubborn and rebellious son that they are executed if they are rendered conspiring witnesses, due to the fact that the initial witnesses could say: It is in order to flog him for past conduct that we came to court, and these final witnesses are the ones who did this to him, i.e., they are responsible for the entire matter of his execution and are therefore liable to be executed.

⁹¹ And there is a dispute with regard to a stubborn and rebellious son in a case where two of the final witnesses, who testify after the son was already flogged for engaging in gluttonous and drunken conduct, say: He stole in our presence, and two other witnesses say: He ate in our presence. The dispute is whether the testimony of these two pairs of witnesses is testimony concerning an entire matter or testimony concerning half a matter.

⁹² Rav Asi says: The witnesses to the sale of a person who were rendered conspiring witnesses are not executed, due to the fact that the one against whom they testified could say: Although they testified that I sold an individual, it was my slave that I sold. In that case, the witnesses are not testifying that he violated a capital transgression, as they cannot attest to the fact that the individual he sold was first abducted.

⁹³ Rav Yosef says: In accordance with whose opinion is that halakha of Rav Asi? It is in accordance with the opinion of Rabbi Akiva, who says: The testimony of witnesses is valid only when they attest to an entire matter and not to half a matter. Abaye said to Rav Yosef: According to your explanation, it is in accordance with the opinion of Rabbi Akiva, as, if it were in accordance with the opinion of the Rabbis, who hold: The testimony is valid when they testify to an entire matter and even when they testify to half a matter, are the conspiring witnesses executed? Doesn't Rav Asi say that they are not executed due to the fact that the one against whom they testified could say: Although they testified that I sold an individual, it was my slave that I sold? According to that reasoning, even the Rabbis would concede that they are not executed.

⁹⁴ Rather, you may even say that Rav Asi's statement is in accordance with the opinion of the Rabbis, and it is concerning a case where only witnesses to the sale came to testify and witnesses to the abduction did not come to testify. In that case the accused can avoid punishment; therefore, the conspiring witnesses are not executed. The Gemara asks: If so, what is the purpose of stating that halakha? Obviously, in that case they are not executed, as there is no way to determine that the one he sold is not a slave. The Gemara answers: No, it is necessary to teach that they are not executed even if witnesses to the abduction ultimately came after the witnesses to the sale had testified and testified that he sold a freeman, not his slave.

⁹⁵ The Gemara asks: But still, what is the purpose of stating that halakha? When the witnesses to the sale testified, their testimony was not sufficient to execute the accused. The Gemara answers: No, it is necessary to teach the halakha in a case where they are not executed even where the first and

second pairs of witnesses gesture to one another, ostensibly indicating that the conspiring witnesses to the sale were aware that the witnesses to the abduction would follow and that therefore the initial witnesses are part of the conspiracy to testify and execute the accused. And consequently, it is necessary to teach this halakha lest you say: Gesturing is a significant matter, and the legal status of the two testimonies is that of a single testimony. Therefore, Rav Asi teaches us that gesturing is nothing of significance.

⁹⁶ MISHNA: A rebellious elder according to the court, who does not observe the ruling of the court, is executed by strangulation, as it is stated: “If there shall be a matter too hard for you in judgment... and you shall arise and ascend unto the place that the Lord your God shall choose...and you shall do according to the matter that they shall declare unto you...and the man that shall do so intentionally, not to listen...and that man shall die” (Deuteronomy 17:8–12). There were three courts there in Jerusalem. One convenes at the entrance to the Temple Mount, and one convenes at the entrance to the Temple courtyard, and one convenes in the Chamber of Hewn Stone.

⁹⁷ An elder who issues a ruling contrary to the ruling of his colleagues, and his colleagues come to that court that is at the entrance to the Temple Mount, and the elder says: This is what I interpreted and that is what my colleagues interpreted; this is what I taught and that is what my colleagues taught. If the members of the court heard a clear halakhic ruling in that case, the court says it to them.

⁹⁸ And if not, they come to those judges who are convened at the entrance to the Temple courtyard, which is a more significant tribunal. And the elder says: This is what I interpreted and that is what my colleagues interpreted; this is what I taught and that is what my colleagues taught. If the members of the court heard a clear halakhic ruling in that case, the court says it to them.

⁹⁹ And if not, these judges and those judges come to the High Court, the Sanhedrin of seventy-one judges that is in the Chamber of Hewn Stone, from which Torah emerges to the entire Jewish people, as it is stated: “And you shall do according to the matter that they shall declare unto you from that place that the Lord shall choose and you shall observe to perform according to all that they shall teach you” (Deuteronomy 17:10). They are the ultimate arbiters who establish the halakha that is binding. If they ruled contrary to the ruling of the elder and the elder then returned to his city, and nevertheless, he taught in the manner that he was teaching previously, he is exempt from punishment. But if he instructed others to act on the basis of his ruling that stands contrary to the ruling of the Sanhedrin, he is liable to be executed, as it is stated: “And the man that shall do so intentionally not to listen” (Deuteronomy 17:12), meaning that one is not liable unless he instructs others to act.

¹⁰⁰ A student who is not yet an elder, i.e., he has not been ordained, who instructs others to act contrary to the ruling of the Sanhedrin, is exempt, as a ruling given prior to ordination is not a valid ruling. It follows that his stringency is his leniency. The stringency imposed upon the student that he is not sanctioned to issue rulings results in the leniency that if he instructs others to act on the basis of his ruling that is contrary to the ruling of the Sanhedrin, he is exempt.

¹⁰¹ GEMARA: The Sages taught with regard to that which is stated: “If there shall be a matter too hard for you in judgment, between blood and blood, between plea and plea, and between mark and mark, even matters of controversy within your gates, then you shall arise, and ascend to the place that the Lord your God shall choose” (Deuteronomy 17:8). “If there shall be a matter too hard [yippaleh] for you”;

¹⁰² it is with regard to the most distinguished [mufla] member of the court, an ordained, expert judge, that the verse is speaking. “For you [mimmekha]”; this is a reference to an adviser, who is consulted with regard to significant matters, e.g., intercalation of the year; and likewise it says: “From you [mimmekh] he emerged, who devised evil against the Lord, an adviser of wickedness” (Nahum 1:11). “A matter”; this halakha transmitted to Moses from Sinai. “In judgment”; this is a logical inference, which is one of the hermeneutical principles.

¹⁰³ “Between blood and blood”; this is the ability to discern between the disparate halakhot relevant to the blood of a menstruating woman, the blood of childbirth, and the blood of a gonorrhea-like discharge [ziva]. “Between plea and plea”; this is the ability to discern between cases of capital law and cases of monetary law, with regard to which there are differences in evidence protocols, and laws involving the liability to receive lashes. “Between mark and mark”; this is the ability to discern between the disparate halakhot relevant to leprous marks of a person, leprous marks on houses, and leprous marks on garments (see Leviticus, chapter 14).

¹⁰⁴ “Matters of [divrei]”; these are the dedications to God or to a priest, and the valuations of one’s value to the Temple, and the consecrations, all of which are matters of speech [dibbur]. “Controversy”; this is the giving of the bitter waters to a sota (see Numbers, chapter 5), which results from a dispute between husband and wife; and the heifer whose neck is broken, which results from an unresolved murder (Deuteronomy 21:1–9); and the purification of a leper, who is afflicted due to evil speech. “Within your gates”; this is referring to gleanings, forgotten sheaves, and produce in the corner of the field [pe’a], all of which are given to the poor who eat at the gates of the city.

¹⁰⁵ “Then you shall arise” from the court where he sits as a judge. “And ascend”; this teaches that the Temple is higher than the rest of Eretz Yisrael, and Eretz Yisrael is higher than all the other lands. Therefore, the language of ascent is employed with regard to travel to Eretz Yisrael. “To the place that the Lord, your God, shall choose”; this teaches that the location that God chose for the Sanhedrin to convene causes their rulings to be authoritative, in the sense here in the mishna that the rebellious elder who instructs others to act contrary to a ruling issued there is liable.

¹⁰⁶ The Gemara asks: Granted, the fact that the Temple is higher than the rest of Eretz Yisrael is derived from this verse, as it is written: “And ascend.” But from where does the tanna derive the fact that Eretz Yisrael is higher than all the other lands? The Gemara answers that it is derived from this verse, as it is written: “Therefore, behold, the days come, says the Lord, and they will no longer say: As the Lord lives, Who brought up the children of Israel from the land of Egypt; rather, as the Lord lives, Who brought up and led the descendants of the house of Israel from the north country and from all the countries where I had driven them, and they shall dwell upon their land” (Jeremiah 23:7–8). Apparently, coming from other countries to Eretz Yisrael is also characterized as ascent.

¹⁰⁷ The Sages taught in a baraita: A rebellious elder is liable only for instructing another to perform an action involving a matter for whose intentional violation one is liable to receive karet, and for whose unwitting violation one is liable to bring a sin-offering; this is the statement of Rabbi Meir. Rabbi Yehuda says: One is liable for a matter whose essence is known from the words of the Torah itself and whose explanation is understood from traditional rabbinic interpretations of the Torah. The elder is not liable if the essence of the matter with regard to which he issues his ruling does not appear in the Torah or if the entire matter is written in the Torah. Rabbi Shimon says: Even if he

differs with regard to one of the minutiae of the scribes in interpreting the Torah, the elder is liable, irrespective of the severity of the transgression.

¹⁰⁸ The Gemara elaborates: What is the reason for the opinion of Rabbi Meir? He derives a verbal analogy between the term matter written here and the term matter that is written elsewhere. Here, matter is written in the verse: “If there shall be a matter too hard for you in judgment” (Deuteronomy 17:8), and there, it is written: “And the matter shall be concealed from the eyes of the assembly” (Leviticus 4:13). Just as there, in the verse in Leviticus, the sin-offering of the congregation is brought only for a matter for whose intentional violation one is liable to receive karet, and for whose unwitting violation one is liable to bring a sin-offering, so too here, the rebellious elder is liable only for a matter for whose intentional violation one is liable to receive karet, and for whose unwitting violation one is liable to bring a sin-offering.

¹⁰⁹ And what is the reason for the opinion of Rabbi Yehuda? It is as it is written with regard to the rebellious elder: “According to the Torah that they shall instruct you” (Deuteronomy 17:11), indicating that there is no liability until it is a matter that consists of elements of both the Written Torah and in that the Sages shall instruct you in interpretation of the Written Torah.

¹¹⁰ And what is the reason for the opinion of Rabbi Shimon? It is as it is written with regard to the rebellious elder: “That they shall declare unto you from that place” (Deuteronomy 17:10), from which Rabbi Shimon derives that one is liable even if he deviates from the ruling of the Sanhedrin to any degree whatsoever.

¹¹¹ Rav Huna bar Hinnana said to Rava: Interpret for me that baraita, in which the liability of the rebellious elder for rulings in different areas of halakha is derived from the verses, in accordance with the opinion of Rabbi Meir, who says that the rebellious elder is liable only for a matter for whose intentional violation one is liable to receive karet, and for whose unwitting violation one is liable to bring a sin-offering. How is such a prohibition found in each of the categories enumerated in the baraita? Rava said to Rav Pappa his student: Go and interpret it for him.

¹¹² Rav Pappa said to Rav Huna: “If there shall be a matter too hard”; there the verse is speaking with regard to the most distinguished member of the court. “For you”; this is referring to an adviser, who knows how to intercalate years and establish months. How is there liability in this matter for karet or a sin-offering? It is as we learned in a mishna (Eduyyot 7:7): Rabbi Yehoshua and Rabbi Pappeyas testified that the judges may intercalate the year throughout the entire month of Adar, as the other Sages would say that the judges may do so only until the day of Purim.

¹¹³ A ruling contrary to the ruling of the Sanhedrin could result in a matter for which one is liable to receive karet, as, if his disagreement is to this side, e.g., the court intercalated the year and the rebellious elder ruled that the year is not intercalated, his ruling permits consumption of leavened bread on Passover according to the calendar established by the Sanhedrin. And if his disagreement is to that side, e.g., the court did not intercalate the year and the rebellious elder ruled that the year is intercalated, his ruling permits consumption of leavened bread on Passover according to the calendar established by the Sanhedrin. One who intentionally eats leavened bread on Passover is liable to receive karet, and one who does so unwittingly is liable to bring a sin-offering.

¹¹⁴ “A matter”; this is a halakha transmitted to Moses from Sinai. This is a matter involving karet in the case of the halakhot of eleven days, which is the minimal number of days between one menstrual period and another, when if a woman experiences a flow of blood on three consecutive days during

those eleven days, she assumes the status of a greater zava, with regard to whom there are unique halakhot, e.g., the passage of seven clean days before purification by Torah law. When the woman experiences a discharge of blood for one or two days, she is a lesser zava, and if she observes the third day clean from the discharge of blood she may immerse immediately and she is ritually pure. As it was stated that there is an amoraic dispute with regard to a woman who experiences a discharge of blood on the tenth of those eleven days. Rabbi Yoḥanan says: The status of the tenth day is like that of the ninth day, and Rabbi Shimon ben Lakish says: The status of the tenth day is like that of the eleventh day.

¹¹⁵ The Gemara elaborates: Rabbi Yoḥanan says: The status of the tenth day is like that of the ninth day: Just as a discharge on the ninth day requires the woman to examine herself the following day and requires the observance of a day clean from discharges, so too does a discharge on the tenth day require observance of a day clean from discharges on the eleventh day before immersing in a ritual bath. According to Rabbi Yoḥanan, a woman who experiences a discharge on the tenth day assumes the status of a woman who observes a clean day for one or two days after she experiences a discharge.

¹¹⁶ And Reish Lakish says: The status of the tenth day is like that of the eleventh day: Just as a discharge on the eleventh day does not require observance of a day clean from discharge before immersing in a ritual bath, so too does a discharge on the tenth day not require observance of a day clean from discharges on the eleventh day. Even if she were to experience a discharge of blood on the days that follow, the eleventh and the twelfth days, she would not assume the status of a greater zava, as in that case the blood that she saw on the twelfth day would be the blood of menstruation and not the discharge of a zava. According to Reish Lakish, she does not assume that status. Therefore, if the Sanhedrin issued a ruling in accordance with Rabbi Yoḥanan's opinion, one who engages in intercourse with that woman before her purification is liable to receive karet. If the rebellious elder issued a ruling in accordance with the opinion of Reish Lakish, then one who intentionally engaged in intercourse with the woman is liable to receive karet. If he did so unwittingly, he is liable to bring a sin-offering.

¹¹⁷ "In judgment"; this is a logical inference, which is one of the hermeneutical principles,

¹¹⁸ for example, the halakha of the prohibition against engaging in intercourse with one's daughter born from the victim of his rape.

¹¹⁹ As Rava says: Rav Yitzḥak bar Avudimi said to me: This prohibition is derived by means of a verbal analogy between the word henna, in the verse: "The nakedness of your son's daughter, or of your daughter's daughter, even their nakedness you shall not uncover; for theirs [henna] is your own nakedness" (Leviticus 18:10), and the word henna in a different verse: "You shall not uncover the nakedness of a woman and her daughter; you shall not take her son's daughter, or her daughter's daughter, to uncover her nakedness: They [henna] are near kinswomen; it is lewdness" (Leviticus 18:17). This verbal analogy indicates that just as intercourse with one's granddaughter and with one's wife's daughter or granddaughter is forbidden, so too, intercourse with one's daughter is prohibited.

¹²⁰ Furthermore, it is derived from a verbal analogy between the word "lewdness" (Leviticus 18:17) and the word "lewdness" in the verse: "And if a man take with his wife also her mother, it is lewdness; they shall be burned with fire, both he and they, so that there be no lewdness among you"

(Leviticus 20:14), that one who engages in sexual intercourse with his daughter or granddaughter is liable to be executed by burning.

¹²¹ “Between blood and blood”; this is the ability to discern between the disparate halakhot relevant to the blood of menstruation, the blood of childbirth, and the blood of a gonorrhea-like discharge [ziva]. In each of these cases, there is a dispute between the Sages with regard to a matter for whose intentional violation one is liable to receive karet. In the case of the blood of menstruation, it is with regard to the issue that is the subject of the dispute between Akavya ben Mahalalel and the Rabbis, as we learned in a mishna (Nidda 19a): With regard to blood that is green that is discharged by a woman, Akavya ben Mahalalel deems it blood of menstruation and impure, and the Rabbis deem it pure. According to Akavya ben Mahalalel, one who engages in intercourse with a woman who discharged green blood is liable to receive karet, while according to the Rabbis, he is exempt.

¹²² In the case of the blood of childbirth, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rav and Levi. This is as it was stated that Rav says: Blood that a woman discharges after childbirth is all from one source; the Torah deemed ritually impure the blood discharged for one week after the birth of a male and two weeks after the birth of a female, and the Torah deemed ritually pure the blood that is discharged for the subsequent thirty-three days for a male and sixty-six days for a female. Even if the blood flows continuously, the status of the blood changes after the conclusion of the period of impurity.

¹²³ And Levi says: It is from two sources; the impure source is sealed after one week for a male and two weeks for a female, and then the pure source is opened, and at the conclusion of the period of the discharge of pure blood, the pure source is sealed and the impure source is opened. Only if the flow of impure blood ceases is a subsequent discharge deemed pure. Therefore, if one engaged in intercourse with a woman who experienced a continuous flow of blood beyond the time of the conclusion of the period of the flow of pure blood, according to Levi, he is liable to receive karet, and according to Rav, he is exempt.

¹²⁴ In the case of the blood of ziva, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Eliezer and Rabbi Yehoshua. As we learned in a mishna (Nidda 36b): In a case where a woman experienced labor pain accompanied by an emission of blood lasting three consecutive days within the eleven days between the periods when her emissions render her a menstruating woman, during which the emission of blood renders the woman a zava, if she ceased experiencing labor for a twenty-four-hour period, indicating that the blood was not the result of imminent birth, and then she gave birth, that woman gives birth as a zava and is liable to bring the purification offerings of both a woman after childbirth and a zava; this is the statement of Rabbi Eliezer.

¹²⁵ The mishna continues: And Rabbi Yehoshua says: That is her status only if she ceased experiencing labor for a twenty-four-hour period that is a night and the day that follows, like Shabbat evening and the day that follows it. When the mishna says that she ceased, it is referring to a case where she ceased from having labor pains and not from having the flow of blood. The dispute is whether the woman who gave birth has the status of a zava, who is required to count seven clean days before immersing in flowing water, or whether she has the status of a woman after childbirth. If the two weeks of the blood of impurity after childbirth elapsed and she did not immerse in flowing water, according to Rabbi Eliezer, she remains a zava, and one who engages in intercourse with her is

liable to receive karet. According to Rabbi Yehoshua, at that point the blood becomes the blood of purity, and one who engages in intercourse with her is not liable to receive karet.

¹²⁶ “Between plea and plea”; this is the ability to discern between cases of capital law, cases of monetary law, and cases of laws involving lashes. The Gemara elaborates: In cases of monetary law, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Shmuel and Rabbi Abbahu, as Shmuel says: With regard to two judges who sat in judgment and issued a ruling in cases of monetary law, their ruling is a valid ruling, but they are characterized as an impudent court. And Rabbi Abbahu says: Everyone agrees that their ruling is not a valid ruling. If a tribunal of two judges rules that one of the litigants must pay the other money, and that litigant uses the money to betroth a woman, according to Shmuel she is betrothed, and one who intentionally engages in intercourse with her is liable to receive karet. According to Rabbi Abbahu she is not betrothed, and one who engages in intercourse with her is not liable.

¹²⁷ In cases of capital law, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Yehuda HaNasi and the Rabbis, as it is taught in a baraita that Rabbi Yehuda HaNasi says with regard to that which is written: “If men struggle and they hurt a pregnant woman...and if there shall be a tragedy you shall give a life for a life” (Exodus 21:22–23), the reference is to a monetary payment for the life that he took. The tragedy referenced is the unintentional killing of the mother.

¹²⁸ The tanna deliberates: Do you say that the reference is to a monetary payment, or perhaps the reference is only to giving his actual life? Based on the language employed in the verse, it can be determined that the reference is to monetary payment. In these verses, giving is stated above: “And you shall give a life for a life,” and giving is stated below: “He shall be punished, as the husband of the woman shall impose upon him, and he shall give as the judges determine” (Exodus 21:23). Just as there, in the phrase “Give as the judges determine,” the reference is to monetary payment, so too here, in the phrase “Give a life for a life,” the reference is to monetary payment. The Rabbis hold that the reference is to giving his actual life. If an heir of the victim betrothed a woman with money seized from the assailant, according to Rabbi Yehuda HaNasi the woman is betrothed, while according to the Rabbis she is not betrothed.

¹²⁹ In cases of laws involving lashes, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Yishmael and the Rabbis, as we learned in a mishna (2a): Cases concerning the violation of prohibitions that render one liable to receive lashes are adjudicated by three judges. The Sages stated in the name of Rabbi Yishmael: Cases concerning lashes are adjudicated by twenty-three judges. According to Rabbi Yishmael, if a tribunal of three sentences an individual to lashes, that individual can claim damages for any injury caused as a result of the lashes, and if he betroths a woman with that money the betrothal is valid. According to the Rabbis, he cannot claim damages, as the court is authorized to sentence him to receive lashes.

¹³⁰ “Between mark and mark”; this is the ability to discern between the disparate halakhot relevant to leprous marks of a person, leprous marks on houses, and leprous marks on garments.

¹³¹ In the case of leprous marks of a person, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Yehoshua and the Rabbis, as we learned in a mishna (Nega'im 4:11): If the snow-white leprous mark [baheret] preceded the white hair, the individual is impure with leprosy, as that is the order of events that appears in the Torah, and if the

white hair preceded the baheret, the individual is pure. If there is uncertainty concerning which appeared first, the Rabbis say: He is impure, and Rabbi Yehoshua says: It has darkened. The Gemara asks: What is the meaning of: It has darkened? Rava says: Its status is like that of a baheret that darkened, with regard to which the Torah says that he is pure. If one with a baheret and a white hair entered the Temple, and there is uncertainty concerning which appeared first, according to the Rabbis he is liable to receive karet, and according to Rabbi Yehoshua he is not liable.

¹³² In the case of leprosy marks of houses, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Elazar, son of Rabbi Shimon, and the Rabbis, as we learned in a mishna (Nega'im 12:3): Rabbi Elazar, son of Rabbi Shimon, says: A house is never deemed impure with leprosy unless the leprosy mark will be seen to be the size of two Cilician beans, on two stones, on two walls, in a corner between two walls. The length of the mark is that of two Cilician beans and its width is that of one Cilician bean.

¹³³ The Gemara asks: What is the reason for the opinion of Rabbi Elazar, son of Rabbi Shimon? The Gemara answers: The word wall is written in the verse and the word walls is written in the same verse: And he shall see the leprosy mark...in the walls of the house with hollow streaks, greenish or reddish, and their appearance is lower than the wall" (Leviticus 14:37). Which is one wall that is like multiple walls? You must say: This is a corner between two walls. The Rabbis hold that it is a leprosy house even if the mark appears on one wall. Therefore, one who entered a house with a leprosy mark on one wall and then entered the Temple is liable to receive karet according to the Rabbis; according to Rabbi Elazar, son of Rabbi Shimon, he is not liable.

¹³⁴ In the case of leprosy marks on garments, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Yonatan ben Avtolemos and the Rabbis, as it is taught in a baraita that Rabbi Yonatan ben Avtolemos says: From where is it derived

¹³⁵ with regard to a case where there is a spread of leprosy in garments that culminates with the garment's being completely covered with leprosy marks that the garment is pure, just as it is with regard to leprosy of a person?

¹³⁶ Karaḥat and gabbahat are stated with regard to leprosy of a person (see Leviticus 13:42), in the sense of baldness on the back of one's head and forehead, and karaḥat and gabbahat are stated with regard to leprosy of garments (see Leviticus 13:55), in the sense of the newer and the older sections of the garment. Just as there, with regard to leprosy of a person, if the leprosy spread to his entire body he is pure, so too here, with regard to leprosy of garments, if the leprosy spread to the entire garment it is pure. The Rabbis disagree and hold that even if the leprosy spreads, the garment remains impure. Therefore, if one touches the garment throughout which the leprosy spread and enters the Temple, according to the Rabbis, he is liable to receive karet, while according to Rabbi Yonatan ben Avtolemos, he is not liable.

¹³⁷ "Matters of"; these are the valuations, and the dedications, and the consecrations. The Gemara elaborates: In the case of valuations, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Meir and the Rabbis, as we learned in a baraita: In the case of one who values a child less than one month old, for whom the Torah does not specify a value, Rabbi Meir says: He gives the monetary value of the child, as it is apparent that his intent was to give a donation, not a valuation. And the Rabbis say: He did not say anything. If the money is

consecrated and one betrothed a woman with it, she is not betrothed, and one who engages in intercourse with her is liable to receive karet.

¹³⁸ In the case of dedications, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Yehuda ben Beteira and the Rabbis, as we learned in a mishna (Arakhin 28b): Rabbi Yehuda ben Beteira says: Dedications dedicated without specification of their purpose are designated for Temple maintenance, as it is stated: “Every dedicated item is most sacred unto the Lord” (Leviticus 27:28).

¹³⁹ And the Rabbis say: Dedications dedicated without specification of their purpose are designated for the priest, as it is stated with regard to one who consecrated a field and did not redeem it: “As a field dedicated; to the priest shall be its possession” (Leviticus 27:21). If so, why must the verse state: “Every dedicated item is most sacred unto the Lord”? It is to teach that dedication takes effect on offerings of the most sacred order and offerings of lesser sanctity. According to the Rabbis, the property is not consecrated, and if a woman is betrothed with that property, the betrothal takes effect, and one who engages in intercourse with her is liable to receive karet. According to Rabbi Yehuda ben Beteira, the property is consecrated and he is not liable.

¹⁴⁰ In the case of consecrations, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Eliezer ben Ya’akov and the Rabbis, as it is taught in a baraita: Rabbi Eliezer ben Ya’akov says: Even a small fork that is consecrated property requires a court consisting of ten people in order to redeem it. The Rabbis say: A court of three judges is sufficient. According to Rabbi Eliezer ben Ya’akov, if it is redeemed before a court of three, the property remains consecrated. According to the Rabbis, the property is not consecrated, and if a woman is betrothed with that property, the betrothal takes effect, and one who engages in intercourse with her is liable to receive karet. According to Rabbi Eliezer ben Ya’akov, the property is consecrated and he is not liable.

¹⁴¹ “Disputes”; this is the giving of the bitter waters to a sota to drink, and the heifer whose neck is broken, and the purification of a leper. In the case of giving the bitter waters to a sota to drink, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Eliezer and Rabbi Yehoshua, as we learned in a mishna (Sota 2a): With regard to one who issues a warning to his wife not to seclude herself with a particular man, Rabbi Eliezer says: He issues a warning to her based on the presence of two witnesses; only then is the warning effective. And the husband gives her the bitter waters based on the testimony of one witness who saw the seclusion, or even based on his own testimony.

¹⁴² Rabbi Yehoshua says: He both issues a warning to her based on the presence of two witnesses and gives her the bitter waters to drink based on the testimony of two witnesses to the seclusion. If the seclusion took place in the presence of one witness, according to Rabbi Eliezer, she is a sota and not entitled to receive payment of her marriage contract. According to Rabbi Yehoshua, she is not a sota and she is entitled to receive payment of her marriage contract. The difference is whether the money of her marriage contract is hers. According to Rabbi Eliezer, if she gave that money to another who betrothed a woman with it, it is a betrothal with stolen property and the woman is not betrothed. According to Rabbi Yehoshua, the betrothal would not take effect.

¹⁴³ In the case of the heifer whose neck is broken, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Eliezer and Rabbi Akiva, as we

learned in a mishna (Sota 45b): From where on the body of the murder victim would they measure the distance to determine which city is closest? Rabbi Eliezer says: From his navel. Rabbi Akiva says: From his nose. Rabbi Eliezer ben Ya'akov says: From the place where he became a slain person, which is from his neck. According to all of these tanna'im, if the corpse was measured from a place on the body other than the place prescribed, the heifer is not consecrated for its purpose. According to Rabbi Akiva, if the measurement was taken from his navel, the heifer is not consecrated for its purpose, while according to Rabbi Eliezer, it is consecrated for its purpose. This has clear ramifications with regard to a situation in which one attempts to betroth a woman with that heifer.

¹⁴⁴ In the case of the purification of a leper, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Shimon and the Rabbis, as we learned in a mishna (Nega'im 14:9): If a leper does not have a thumb, or a big toe, or a right ear upon which the Torah says that blood and oil must be placed as part of the purification process for a leper, he has no possibility of purification forever. Rabbi Eliezer says: The priest places the blood and oil for him on its place, i.e., where those body parts would have been if they were intact, and he fulfills his obligation. Rabbi Shimon says: The priest places the blood and oil on his left thumb, toe, and ear, and he fulfills his obligation. Both Rabbi Eliezer and Rabbi Shimon maintain that it is possible to purify such a leper, who would then not be liable to be punished with karet if he were to enter the Temple. The Rabbis, who maintain that such a leper has no possibility of purification, hold that if he enters the Temple he is liable to be punished with karet.

¹⁴⁵ "In your gates"; this is gleanings, forgotten sheaves, and produce in the corner of the field [pe'a]. In the case of gleanings, the dispute concerning such a prohibition is as we learned in a mishna (Pe'a 6:5): Two stalks that were not cut with the sheaves and are then found in a field by a poor person are gleanings and belong to the poor person. Three stalks are not gleanings and the owner of the field can take them, if he chooses. In the case of forgotten sheaves, the same mishna teaches that if he forgot two sheaves, they are forgotten sheaves and belong to the poor, whereas three or more bundles are not forgotten sheaves and belong to the owner of the field.

¹⁴⁶ And with regard to all of them, Beit Shammai say: If there are three, it belongs to the poor person, and if there are four, it belongs to the owner. According to Beit Hillel, if a poor person took three stalks or sheaves, they do not belong to him, and if he betrothed a woman with them, the betrothal does not take effect. According to Beit Shammai, she is betrothed.

¹⁴⁷ In the case of pe'a, the dispute concerning such a prohibition is with regard to the issue that is the subject of the dispute between Rabbi Yishmael and the Rabbis, as we learned in a baraita: The mitzva of pe'a is to designate it from the standing grain still growing from the ground. If he did not designate it from the standing grain, but reaped the entire field, he designates a portion from the sheaves as pe'a. If he did not designate it from the sheaves, he designates it from the pile where one places the kernels after threshing, before he smooths the pile, at which point the produce is considered grain from which one is obligated to take terumot and tithes. If he already smoothed the pile before designating the pe'a, he tithes the grain in the pile and then gives the pe'a to the poor. If he ground the kernels into flour, he no longer designates pe'a.

¹⁴⁸ In the name of Rabbi Yishmael they said: One designates pe'a even from the dough. If a poor person takes pe'a from the dough and betroths a woman with the dough, according to the Rabbis the betrothal does not take effect, while according to Rabbi Yishmael, she is betrothed.

¹⁴⁹ § The mishna teaches: There were three courts there in Jerusalem. The mishna then details the procedure followed when a rebellious elder appeared before these courts. Rav Kahana says: If the rebellious elder says his ruling on the basis of the tradition he received from his teacher, and the members of the court say their ruling on the basis of the tradition they received from their teachers, the rebellious elder is not executed, because there is a legitimate basis for his ruling.

¹⁵⁰ If the rebellious elder says: This is the correct understanding in my eyes, and does not claim that his ruling is based on tradition, and the members of the court say: This is the correct understanding in our eyes, he is not executed. And all the more so if he says his ruling on the basis of the tradition, and the members of the court say: This is the correct understanding in our eyes, he is not executed. He is not executed unless he flouts tradition on the basis of his understanding and says: This is the correct understanding in my eyes, and the members of the court say their ruling on the basis of the tradition. Know that this is so, as Akavya ben Mahalalel was not executed despite the fact that he ruled contrary to the consensus ruling of his contemporaries, because he based his ruling on a tradition that he received.

¹⁵¹ And Rabbi Elazar says: Even if the rebellious elder says his ruling on the basis of the tradition, and the members of the court say: This is the correct understanding in our eyes, he is executed, so that discord will not proliferate among Israel and to ensure that there will be a standard halakhic ruling. And if you say: For what reason was Akavya ben Mahalalel not executed? It is due to the fact that he did not issue his ruling as practical halakha; he merely claimed that his understanding was correct in theory, which is always permitted.

¹⁵² We learned in the mishna that the rebellious elder says: This is what I interpreted and that is what my colleagues interpreted; this is what I taught and that is what my colleagues taught. The Gemara asks: What, is it not including a case where he says his ruling on the basis of the tradition, and the members of the court say: This is the correct understanding in our eyes? The Gemara rejects this: No, the reference is to a case where he says: This is the correct understanding in my eyes, and the members of the court say their ruling on the basis of the tradition.

¹⁵³ Come and hear proof from that which Rabbi Yoshiya says: There are three matters that Zeira, one of the residents of Jerusalem, said to me: The first is that in the case of a husband who, after warning his wife not to enter into seclusion with a certain man, retracted his warning, his warning is retracted, and if she enters into seclusion with that man, she is not rendered forbidden to her husband.

¹⁵⁴ The second matter is that in the case of a stubborn and rebellious son whose father and mother sought to forgive him for his gluttonous and drunken conduct and decided not to bring him to court, they can forgive him.

¹⁵⁵ The third is that in the case of a rebellious elder whom his court sought to forgive for his deviation from their ruling, they can forgive him. And when I came to my colleagues in the South, with regard to two of the cases they agreed with me, but with regard to a rebellious elder they did not agree with me, so that discord would not proliferate in Israel. This supports the opinion of Rabbi Elazar and is a conclusive refutation of the opinion of Rav Kahana.

¹⁵⁶ It is taught in a baraita that Rabbi Yosei said: Initially, discord would not proliferate among Israel. Rather, the court of seventy-one judges would sit in the Chamber of Hewn Stone. And there were two additional courts each consisting of twenty-three judges; one would convene at the entrance to the

Temple Mount, and one would convene at the entrance to the Temple courtyard. And all the other courts consisting of twenty-three judges would convene in all cities inhabited by the Jewish people.

¹⁵⁷ If the matter was unclear and it was necessary to ask and clarify it, those uncertain of the halakha would ask the court that is in their city. If the members of the court heard a clear halakhic ruling with regard to that matter, they said it to them, and if not, they would come to a court that is adjacent to their city. If the members of the court heard a clear halakhic ruling with regard to that matter, they said it to them, and if not, they would come to the court at the entrance to the Temple Mount. If the members of the court heard a clear halakhic ruling with regard to that matter, they said it to them, and if not, they would come to the court at the entrance to the Temple courtyard.

¹⁵⁸ And the elder whose ruling deviated from the ruling of his colleagues says: This is what I interpreted and that is what my colleagues interpreted; this is what I taught and that is what my colleagues taught. If the members of the court heard a clear halakhic ruling with regard to that matter, they said it to them, and if not, these judges and those judges would come to the Chamber of Hewn Stone, where the Sanhedrin would be convened from the time that the daily morning offering is sacrificed until the time that the daily afternoon offering is sacrificed.

¹⁵⁹ And on Shabbatot and Festivals, when court is not in session, the members of the court would sit at the rampart. When a question was asked before them, if the members of the court heard a clear halakhic ruling with regard to that matter, they would say it to them, and if not they would stand for a vote on the matter. If the judges who deemed the item in question ritually impure outnumbered those who deemed it pure, the court would deem the item impure. If the judges who deemed the item in question ritually pure outnumbered those who deemed it impure, the court would deem the item pure.

¹⁶⁰ From the time that the disciples of Shammai and Hillel grew in number, and they were disciples who did not attend to their masters to the requisite degree, dispute proliferated among the Jewish people and the Torah became like two Torahs. Two disparate systems of halakha developed, and there was no longer a halakhic consensus with regard to every matter.

¹⁶¹ The baraita continues its discussion of the workings of the Sanhedrin: From there, the Sanhedrin writes and dispatches the following statement to all places: Anyone who is wise and humble and the minds of people are at ease with him shall be a judge in his city. If he is successful in his city, from there, they promote him to the court at the entrance to the Temple Mount if there is a vacant seat on the court, and from there they promote him to the court at the entrance to the Temple courtyard, and from there to the court in the Chamber of Hewn Stone.

¹⁶² Apropos the appointment of judges, the Gemara relates that they sent the following statement from there, i.e., Eretz Yisrael: Who is the one destined to receive a place in the World-to-Come? It is one who is modest and humble, who bows and enters and bows and exits, and who studies Torah regularly, and who does not take credit for himself. The Sages cast their eyes on Rav Ulla bar Abba, as they perceived him as the embodiment of all these characteristics.

¹⁶³ The mishna teaches: If the rebellious elder returned to his city and he taught in the manner that he was teaching previously, he is exempt from punishment, unless he instructs others to act on the basis of his ruling. The Sages taught: He is not liable unless he acts in accordance with his ruling, or he instructs others and they act in accordance with his ruling.

¹⁶⁴ The Gemara challenges: Granted, if he instructs others and they act in accordance with his ruling there is a novel element in the fact that he is liable to be executed, as initially, before he was deemed a rebellious elder, he is not liable to receive the death penalty for instructing others to perform the transgression, and now, he is to receive the death penalty. But if he acts in accordance with his ruling, initially, before he was deemed a rebellious elder, he is also liable to receive the death penalty for performing that action. The Gemara clarifies the difficulty: This works out well in a case where he ruled with regard to forbidden fat and blood, as initially he would not have been liable to receive the death penalty; rather, he would have been liable to receive karet, and now he is liable to receive the death penalty. But in a case where he ruled with regard to a transgression for which one is liable to receive a court-imposed death penalty, initially, he is also liable to receive the death penalty.

¹⁶⁵ The Gemara explains: There is a novel element even in a case where he acts in accordance with his ruling, as initially, before he is deemed a rebellious elder, he requires forewarning in order to be executed; now, he does not require forewarning in order to be executed.

¹⁶⁶ The Gemara asks: If the rebellious elder's ruling was with regard to one who instigates others to engage in idol worship, who does not require forewarning, what is there to say? Both before and after he is deemed a rebellious elder he is executed without forewarning. The Gemara answers: Initially, before the rebellious elder ruled that instigating others to engage in idol worship is permitted, if after he instigated others, he stated a reason why he thought that it is permitted, we accept his explanation from him and exempt him. Now, after he issued the divergent ruling, if he stated a reason, we do not accept the explanation from him, since he already indicated that he holds that instigating others to engage in idol worship incitement is permitted and that is the reason that he engaged in instigation.

¹⁶⁷ MISHNA: With regard to the rulings of the rebellious elder the mishna states: There is greater stringency with regard to traditional rabbinic interpretations of the Torah than with regard to matters of Torah. If one states: There is no mitzva to don phylacteries, and his intention is in order to have others violate matters of Torah, he is exempt from punishment as a rebellious elder. One who disputes matters written explicitly in the Torah is not considered an elder and a Torah scholar, and therefore does not assume the status of a rebellious elder. If, however, he disputed a matter based on rabbinic tradition, e.g., he stated that there should be five compartments in the phylacteries of the head, in order to add an extra compartment to the four established according to traditional rabbinic interpretations of the Torah, he is liable.

¹⁶⁸ GEMARA: Rabbi Elazar says that Rabbi Oshaya says: One is liable only for issuing a ruling with regard to a matter whose essence, whose basic obligation, is from matters of Torah and whose explanation is from traditional rabbinic interpretations of the Torah and which includes the possibility to add to it, and if one added to it, one compromises his fulfillment of the mitzva and does not satisfy his obligation. And we have only the mitzva to don phylacteries that meets those criteria. And Rabbi Oshaya's statement is in accordance with the opinion of Rabbi Yehuda, who says: A rebellious elder is liable only for a matter whose essence is from matters of Torah and whose explanation is from traditional rabbinic interpretations of the Torah.

¹⁶⁹ The Gemara asks: But isn't there the mitzva of lulav and the other species that one takes on the festival of Sukkot, whose essence is from matters of Torah, and whose explanation is from traditional rabbinic interpretations that establish the identity and the number of the four species enumerated in

the Torah, and which includes the possibility to add other species to it, and if one added to it, one compromises his fulfillment of the mitzva and does not satisfy his obligation?

¹⁷⁰ The Gemara rejects this possibility: That is not the case, as with regard to the mitzva of lulav, what do we hold? If we hold that fundamentally a lulav does not require binding of the species together in order to fulfill the mitzva, then adding an additional species is inconsequential, as these species with which he fulfills the mitzva stand alone and that additional species stands alone. It is as though he were holding the species of the mitzva and an additional unrelated item that does not affect fulfillment of the mitzva. And if we hold that a lulav requires binding of the four species together in order to fulfill the mitzva, fulfillment of the mitzva is already compromised from the outset. The rebellious elder is liable only when the object of the mitzva was as it should be and the addition compromised that object and disqualifies it. In this case, the object was never as it should be.

¹⁷¹ The Gemara asks: But isn't there the mitzva of ritual fringes, whose essence is from matters of Torah, and whose explanation is from traditional rabbinic interpretations that establish the number of fringes enumerated in the Torah and the number of threads in each fringe, and which includes the possibility to add fringes or threads to it, and if one added to it, one compromises his fulfillment of the mitzva and does not satisfy his obligation?

¹⁷² The Gemara rejects this possibility: That is not the case, as with regard to ritual fringes, what do we hold? If we hold that the upper knot is not mandated by Torah law, and one fulfills his obligation by placing the threads on the corner of the garment, these threads with which he fulfills the mitzva are independent and that additional thread is independent and does not compromise fulfillment of the mitzva. The additional string is not considered as joined to the required strings. And if we hold

¹⁷³ that the upper knot is mandated by Torah law, then fulfillment of the mitzva is already compromised from the outset when the additional string is tied together with the other threads.

¹⁷⁴ The Gemara challenges: If so, the status of phylacteries is also the same. If one crafts phylacteries of the head with four compartments, and he then brings another compartment and places it alongside them, these compartments with which he fulfills the mitzva stand alone and that additional compartment stands alone and does not compromise the fulfillment of the mitzva. And if one crafts phylacteries of the head with five compartments, the fulfillment of the mitzva is already compromised from the outset. The Gemara answers: But doesn't Rabbi Zeira say: If there is an obstruction which creates an outer compartment of the phylacteries of the head that is not exposed to the air, the phylacteries of the head are unfit for use in the fulfillment of the mitzva? Therefore, adding a fifth compartment to the four compartments of the phylacteries of the head always compromises the fulfillment of the mitzva.

¹⁷⁵ MISHNA: One does not execute the rebellious elder, neither in the court that is in his city, nor in the court that is in Yavne, although that was the seat of the Sanhedrin after the destruction of the Second Temple. Rather, one takes him up to the High Court in Jerusalem. And they guard him in incarceration until the pilgrimage Festival, and the court executes him during the pilgrimage Festival, as it is stated: "And all the nation shall hear, and fear, and no longer sin intentionally" (Deuteronomy 17:13); this is the statement of Rabbi Akiva. Rabbi Yehuda says: One does not delay administering justice to this individual. Rather, the court executes him immediately, and the judges write reports and dispatch agents to all the places, informing them: So-and-so is liable to be punished with the court-imposed death penalty for disobeying the court.

¹⁷⁶ GEMARA: The Sages taught in a baraita (Tosefta 11:3): One does not execute the rebellious elder, neither in the court that is in his city, nor in the court that is in Yavne. Rather, one takes him up to the High Court that is in Jerusalem. And they guard him in incarceration until the pilgrimage Festival, and the court executes him during the pilgrimage Festival, as it is stated: “And all the nation shall hear, and fear” (Deuteronomy 17:13); this is the statement of Rabbi Akiva.

¹⁷⁷ Rabbi Yehuda said to Rabbi Akiva: Is it stated: And all the nation shall see and fear, which would indicate that the entire nation must actually witness his execution? But isn’t it stated only: “And all the nation shall hear and fear,” indicating that merely informing the people of the execution is sufficient? Why delay administering justice to this individual? Rather, the court executes him immediately, and the judges write reports and dispatch agents to all the places informing them: So-and-so was sentenced and found liable to be punished with execution in court.

¹⁷⁸ The Sages taught: There are four transgressors condemned to be executed whose verdicts require a proclamation to inform the public: One who instigates others to engage in idol worship, and the stubborn and rebellious son, and the rebellious elder, and conspiring witnesses. In all of these cases, it is written concerning them: “And all the nation” (Deuteronomy 17:13), or: “And all Israel” (Deuteronomy 13:12, 21:21), except with regard to conspiring witnesses, where it is written: “And those who remain shall hear and fear” (Deuteronomy 19:20), as not everyone is fit for providing testimony. Therefore, rather than saying that all of the nation or all of Israel must be informed, only those remaining who are not disqualified from providing testimony are those who must heed the verse: “Hear and fear and shall henceforth commit no more such evil in the midst of you” (Deuteronomy 19:20).

¹⁷⁹ MISHNA: The false prophet mentioned in the Torah includes one who prophesies that which he did not hear from God and one who prophesies that which was not said to him, even if it was said to another prophet. In those cases, his execution is at the hand of man, through strangulation imposed by the court.

¹⁸⁰ But with regard to one who suppresses his prophecy because he does not want to share it with the public, and one who contemptuously forgoes the statement of a prophet and refuses to heed it, and a prophet who violated his own statement and failed to perform that which he was commanded to do, his death is at the hand of Heaven, as it is stated: “And it shall come to pass, that whosoever shall not hearken unto My words that he shall speak in My name, I will exact it of him” (Deuteronomy 18:19).

¹⁸¹ One who prophesies in the name of idol worship and says: This is what the idol said, even if he approximated the correct halakha in the name of the idol to deem ritually impure that which is ritually impure and to deem ritually pure that which is ritually pure, is executed by strangulation.

¹⁸² In the case of one who engages in intercourse with a married woman once she entered her husband’s domain for the purposes of marriage, even if the marriage was not yet consummated, as she did not yet engage in intercourse with him, one who engages in intercourse with her is executed by strangulation. Before marriage, one who engages in intercourse with her is liable to be executed by stoning.

¹⁸³ And conspiring witnesses who testified that the daughter of a priest committed adultery are executed by strangulation, even though were she guilty, she would be executed by burning. And her paramour is also executed by strangulation, as in any case where one engages in intercourse with a married woman. As all those who are rendered conspiring witnesses are led to their deaths via the

same mode of execution with which they conspired to have their victim executed, except for conspiring witnesses who testified that the daughter of a priest and her paramour committed adultery. In that case, although the priest's daughter who commits adultery is executed by burning, the conspiring witnesses who sought to have her executed are executed by strangulation, as is the paramour whom they also conspired to have executed.

¹⁸⁴ GEMARA: The Sages taught in a baraita about the punishment of those who sin concerning prophecy: With regard to three of them, their execution is at the hand of man, and with regard to three of them, their execution is at the hand of Heaven. In the case of one who prophesies that which he did not hear from God, and one who prophesies that which was not stated to him, and one who prophesies in the name of idol worship, their execution is at the hand of man. In the case of one who suppresses his prophecy, and one who contemptuously forgoes the statement of a prophet, and a prophet who violated his own statement, their execution is at the hand of Heaven.

¹⁸⁵ The Gemara asks: From where are these matters derived? Rav Yehuda says that Rav says that it is derived from a verse, as the verse states: "But the prophet who shall sin intentionally to speak a word in My name that I have not commanded him to speak, or who shall speak in the name of other gods, that prophet shall die" (Deuteronomy 18:20). The Gemara analyzes the verse: "But the prophet who shall sin intentionally to speak a word in My name"; this is a reference to one who prophesies that which he did not hear. The verse then states: "That I have not commanded him," from which it is inferred: But I did command another. This is a reference to one who prophesies that which was not stated to him. "Or who shall speak in the name of other gods"; this is a reference to one who prophesies in the name of idol worship. And it is written with regard to all of these: "That prophet shall die." And every death stated in the Torah without specification is referring to nothing other than strangulation.

¹⁸⁶ One who suppresses his prophecy, and one who contemptuously forgoes the statement of a prophet, and a prophet who violated his own statement, their execution is at the hand of Heaven, as it is written: "And it shall come to pass, that whosoever shall not hearken [yishma] unto My words that he shall speak in My name, I will exact from him" (Deuteronomy 18:19). The reference is to one who forgoes the statement of a prophet. Read into the verse: Who shall not voice [yashmia]; the reference is to one who suppresses the prophecy. And read into the verse: Shall not heed [yishama]; the reference is to one who violated his own statement. And it is written with regard to all of these: "I will exact from him," meaning he is liable to receive death at the hand of Heaven.

¹⁸⁷ § The mishna lists among those liable to be executed as a false prophet one who prophesies that which he did not hear. The Gemara comments: For example, Zedekiah, son of Chenaanah, who prophesied that Ahab should wage war against the kingdom of Aram and would be successful, as it is written: "And Zedekiah, son of Chenaanah, made for him horns of iron, and said: So says the Lord: With these shall you gore the Arameans, until they are consumed" (II Chronicles 18:10). The Gemara asks: What was Zedekiah, son of Chenaanah, to do? Why was he held responsible? After all, the spirit of Naboth misled him, as it is written: "And the Lord said: Who shall entice Ahab, that he may go up and fall at Ramoth Gilead...and there came forth the spirit, and stood before the Lord, and said: I will entice him. And He said...You shall entice him, and shall prevail also; go forth, and do so" (I Kings 22:20–22).

¹⁸⁸ Rav Yehuda says: What is the meaning of the apparently unnecessary term: “Go forth”? Could the Lord not have sufficed with telling the spirit: Do so? The term means: Go forth from My proximity. Since the spirit volunteered to engage in deceit, it was no longer fit to stand in proximity to God. What is the identity of the spirit that undertook to entice Ahab? Rabbi Yoḥanan says: It was the spirit of Naboth the Jezreelite, who was eager to take revenge upon Ahab.

¹⁸⁹ The Gemara comments: It was incumbent upon Zedekiah to discern between actual prophecies and false prophecies, in accordance with the statement of Rabbi Yitzḥak, as Rabbi Yitzḥak says: A prophetic vision relating to one and the same subject matter [sigenon] may appear to several prophets, but two prophets do not prophesy employing one and the same style of expression.

¹⁹⁰ An example of identical content expressed in different styles is the prophecy where Obadiah said: “The pride of your heart has beguiled you” (Obadiah 1:3), and Jeremiah said a similar message employing slightly different language: “Your terribleness has deceived you, even the pride of your heart” (Jeremiah 49:16). And with regard to these false prophets, from the fact that in their case all the prophets are saying their prophecies like each other, i.e., employing an identical style, conclude from it that they are saying nothing of substance and that it is a false prophecy.

¹⁹¹ The Gemara asks: Perhaps Zedekiah, son of Chenaanah, did not know this statement of Rabbi Yitzḥak, and therefore should not have been held responsible? The Gemara answers: Jehoshaphat, king of Judea, was there, and he said to them that they were false prophets, as it is written: “But Jehoshaphat said: Is there not here besides a prophet of the Lord, that we might inquire of him?” (I Kings 22:7). Ahab said to him: But aren’t there all these prophets here? Why seek others? Jehoshaphat said to Ahab: This is the tradition that I received from the house of the father of my father, the house of David: A prophetic vision relating to one and the same subject matter may appear to several prophets, but two prophets do not prophesy employing one and the same style of expression. They are false prophets, as they employed the same language when stating their prophecy.

¹⁹² § The mishna lists among those liable to be executed as false prophets one who prophesies that which was not stated to him. The Gemara comments: For example, Hananiah, son of Azzur, as Jeremiah was standing in the upper market in Jerusalem and saying: “So says the Lord of hosts: Behold, I will break the bow of Elam, the chief of their might” (Jeremiah 49:35). Hananiah raised an a fortiori inference himself: If, with regard to Elam, which came only to assist Babylonia, the Holy One, Blessed be He, said: “Behold, I will break the bow of Elam,” all the more so are the Chaldeans, i.e., the Babylonians, themselves, destined to fall. Hananiah came to the lower market and said: “So speaks the Lord of hosts, the God of Israel, saying: I have broken the yoke of the king of Babylon” (Jeremiah 28:2). As a result, Hananiah, son of Azzur, was killed at the hand of Heaven (Jeremiah 28:16).

¹⁹³ Rav Pappa said to Abaye: Referring to this case as one who prophesies that which was not said to him is not precise, as not only was it not said to Hananiah, neither was this prophecy stated to another prophet. Abaye said to him: Since this matter can be inferred by means of an a fortiori inference, it is like a prophecy that was said to Jeremiah, as inferring matters a fortiori is a legitimate manner of derivation. It is Hananiah who misrepresented the prophecy, as it was not stated to him, i.e., to Hananiah, and then he presented the prophecy as though he heard it from God.

¹⁹⁴ The mishna lists among those liable to be executed as false prophets one who prophesies in the name of idol worship. The Gemara comments: For example, the prophets of the Baal (see I Kings, chapter 18).

¹⁹⁵ The mishna lists among those liable to receive death at the hand of Heaven one who suppresses his prophecy. The Gemara comments: For example, Jonah, son of Amittai (Jonah 1:1–3). The mishna also lists: And one who forgoes the statement of a prophet. The Gemara comments: For example,

¹⁹⁶ the colleague of the prophet Micah, son of Imla (see II Chronicles 18:7–8), as it is written: “And a certain man of the sons of the prophets said unto his colleague by the word of the Lord: Strike me, please. And the man refused to strike him” (I Kings 20:35). And it is written: “Then he said to him: Because you have not listened to the voice of the Lord, behold, as soon as you leave me, a lion shall slay you. And as soon as he left from him, a lion found him; and slew him” (I Kings 20:36).

¹⁹⁷ The mishna lists among those liable to receive death at the hand of Heaven: And a prophet who violated his own statement. The Gemara comments: For example, Iddo the prophet, who, according to tradition, prophesied the punishment of Jeroboam in Bethel, as it is written: “I will neither eat bread nor drink water in this place, for it so was commanded me by the word of the Lord” (I Kings 13:8–9). And it is written: “And he said to him: I too am a prophet like you; and an angel spoke unto me by the word of the Lord, saying: Bring him back with you into your house, that he may eat bread and drink water” (I Kings 13:18). And it is written: “And he went back with him, and ate bread in his house, and drank water” (I Kings 13:19). And it is written that he died at the hand of Heaven: “And he went, and a lion met him by the way, and killed him” (I Kings 13:24).

¹⁹⁸ § A tanna taught a baraita before Rav Ḥisda: One who suppresses his prophecy is flogged. Rav Ḥisda said a parable to him: Is one who eats dates in a sieve flogged? How can he be flogged? Who forewarns him if he eats dates infested with worms that no one sees? Likewise, as no one knows whether the prophet received a prophecy, how can he be forewarned? Abaye said: His fellow prophets forewarn him.

¹⁹⁹ The Gemara asks: From where do they know that he received a prophecy? Abaye says: They know, as it is written: “For the Lord God will do nothing, unless He reveals His counsel to His servants the prophets” (Amos 3:7). The Gemara challenges: And perhaps the heavenly court reconsidered with regard to the prophecy, and the prophet is no longer commanded to disseminate the prophecy. The Gemara answers: If it is so that they reconsidered with regard to the prophecy, the heavenly court would have informed all the prophets.

²⁰⁰ The Gemara challenges: But in the case of Jonah, they reconsidered it and did not inform them that the people of Nineveh had repented for their sins and were therefore spared the foretold destruction. The Gemara explains: In the case of Jonah, from the outset, the heavenly court told him to say: “Nineveh will be overturned” (Jonah 3:4). Still, he did not know if the sentence would be for the good, as their corruption would be overturned through repentance, or if it would be for the bad, as the city would be overturned through destruction. Therefore, the prophecy was never revoked, but simply fulfilled in accordance with one of its possible interpretations.

²⁰¹ The Gemara asks: In the case of one who forgoes the statement of a prophet, from where does he know that the one prophesying is actually a prophet and that he will be punished for failing to comply with the prophecy? The Gemara answers: It is referring to a case where the prophet provides him with a sign indicating that he is a prophet. The Gemara asks: But in the case of Micah, who did

not provide him with a sign, and yet he was punished, how could he have known that Micah was a prophet? A case where he has already assumed the presumptive status of a prophet is different, and no sign is necessary.

²⁰² The Gemara continues: Since if you do not say so, and claim that even the prophecy of one established as a prophet requires a sign, then in the case of Abraham at Mount Moriah, how did Isaac listen to him and submit to being slaughtered as an offering? Likewise, in the case of Elijah at Mount Carmel, how did the people rely upon him and enable him to engage in the sacrifice of animals slaughtered outside the Temple, which is prohibited? Rather, perforce, a case where he has already assumed the presumptive status of a prophet is different.

²⁰³ § Apropos the binding of Isaac, the Gemara elaborates: It is written: “And it came to pass after these matters [hadevarim] that God tried Abraham” (Genesis 22:1). The Gemara asks: After what matters? How does the binding of Isaac relate to the preceding events?

²⁰⁴ Rabbi Yoḥanan said in the name of Rabbi Yosei ben Zimra: This means after the statement [devarav] of Satan, as it is written: “And the child grew, and was weaned, and Abraham prepared a great feast on the day that Isaac was weaned” (Genesis 21:8). Satan said before the Holy One, Blessed be He: Master of the Universe, this old man, you favored him with a product of the womb, i.e., a child, at one hundred years of age. From the entire feast that he prepared, did he not have even one dove or one pigeon to sacrifice before You as a thanks-offering? God said to Satan: Did Abraham prepare the feast for any reason but for his son? If I say to him: Sacrifice your son before Me, he would immediately slaughter him. Immediately, after these matters, the verse states: “And God tried Abraham.”

²⁰⁵ The Torah continues: “And He said: Take, please [na], your son” (Genesis 22:2). Rabbi Shimon bar Abba says: The word na is nothing other than an expression of entreaty. Why did God request rather than command that Abraham take his son? The Gemara cites a parable of a flesh-and-blood king who confronted many wars. And he had one warrior fighting for him, and he overcame his enemies. Over time, there was a fierce war confronting him. The king said to his warrior: I entreat you, stand firm for me in this war, so that others will not say: There is no substance in the first victories, and you are not a true warrior. Likewise, the Holy One, Blessed be He, also said to Abraham: I have tried you with several ordeals, and you have withstood them all. Now, stand firm in this ordeal for Me, so that others will not say: There is no substance in the first ordeals.

²⁰⁶ God said to Abraham: “Please take your son, your only, whom you love, Isaac” (Genesis 22:2). When God said: “Your son,” Abraham said: I have two sons. When God said: “Your only,” Abraham said: This son is an only son to his mother, and that son is an only son to his mother. When God said: “Whom you love,” Abraham said: I love both of them. Then God said: “Isaac.” And why did God prolong His command to that extent? Why did He not say Isaac’s name from the outset? God did so, so that Abraham’s mind would not be confused by the trauma.

²⁰⁷ Satan preceded Abraham to the path that he took to bind his son and said to him: “If one ventures a word to you, will you be weary...you have instructed many, and you have strengthened the weak hands. Your words have upheld him that was falling...but now it comes upon you, and you are weary” (Job 4:2–5). Do you now regret what you are doing? Abraham said to him in response: “And I will walk with my integrity” (Psalms 26:11).

²⁰⁸ Satan said to Abraham: “Is not your fear of God your foolishness?” (Job 4:6). In other words, your fear will culminate in the slaughter of your son. Abraham said to him: “Remember, please, whoever perished, being innocent” (Job 4:7). God is righteous and His pronouncements are just. Once Satan saw that Abraham was not heeding him, he said to him: “Now a word was secretly brought to me, and my ear received a whisper thereof” (Job 4:12). This is what I heard from behind the heavenly curtain [pargod], which demarcates between God and the ministering angels: The sheep is to be sacrificed as a burnt-offering, and Isaac is not to be sacrificed as a burnt-offering. Abraham said to him: Perhaps that is so. However, this is the punishment of the liar, that even if he speaks the truth, others do not listen to him. Therefore, I do not believe you and will fulfill that which I was commanded to perform.

²⁰⁹ The Gemara cites an alternative explanation of the verse: “And it came to pass after these matters that God tried Abraham” (Genesis 22:1). Rabbi Levi says: This means after the statement of Ishmael to Isaac, during an exchange between them described in the verse: “And Sarah saw the son of Hagar...mocking” (Genesis 21:9). Ishmael said to Isaac: I am greater than you in the fulfillment of mitzvot, as you were circumcised at the age of eight days, without your knowledge and without your consent, and I was circumcised at the age of thirteen years, with both my knowledge and my consent. Isaac said to Ishmael: And do you provoke me with one organ? If the Holy One, Blessed be He, were to say to me: Sacrifice yourself before Me, I would sacrifice myself. Immediately, God tried Abraham, to confirm that Isaac was sincere in his offer to give his life.

²¹⁰ § The Sages taught: A prophet who incites others to worship idols is executed by stoning. Rabbi Shimon says: He is executed by strangulation. Those who incite residents of a city to worship idols, leading the city to be declared an idolatrous city, are executed by stoning. Rabbi Shimon says: They are executed by strangulation.

²¹¹ The Gemara elaborates: A prophet who incites others to worship idols is executed by stoning. What is the reason for the opinion of the Rabbis? They derive a verbal analogy to clarify the meaning of the word incitement written with regard to a prophet who incites others to worship idols from the word incitement written with regard to a layman who instigates others to worship idols. Just as there, the layman who incites others to worship idols is executed by stoning, so too here, the prophet who incites others to worship idols is executed by stoning.

²¹² And Rabbi Shimon says: With regard to a prophet, the term death is written concerning him. And every death stated in the Torah without specification is referring to nothing other than strangulation.

²¹³ The Gemara continues: Those who incite residents of a city to worship idols, leading the city to be declared an idolatrous city, are executed by stoning. What is the reason for the opinion of the Rabbis? They derive a verbal analogy to clarify the meaning of the word incitement written with regard to those who incite residents of a city to worship idols, leading the city to be declared an idolatrous city, from the word incitement written either with regard to a layman who instigates others to worship idols or from the word incitement written with regard to a prophet who incites others to worship idols. Just as there, the layman who incites others to worship idols is executed by stoning, so too here, the prophet who incites others to worship idols is executed by stoning.

²¹⁴ And Rabbi Shimon derives a verbal analogy to clarify the meaning of the word incitement written with regard to those who incite residents of a city to worship idols, leading the city to be declared an

idolatrous city, from the word incitement written with regard to a prophet who incites others to worship idols, who, in his opinion, is executed by strangulation.

²¹⁵ The Gemara challenges: Let him derive the punishment from the punishment of one who is not a prophet who instigates others to worship idols, as those cases are similar. The Gemara answers: Rabbi Shimon derives the punishment for one who instigates the multitudes from the punishment of one who instigates the multitudes, and does not derive the punishment for one who instigates the multitudes from the punishment of one who instigates an individual. The Gemara asks: On the contrary, one derives the punishment for an ordinary person, i.e., one who is not a prophet, who instigates others from the punishment of an ordinary person who incites an idolatrous city, and one does not derive the punishment for an ordinary person who instigates others from the punishment of a prophet who instigates others.

²¹⁶ And Rabbi Shimon holds that in this case there is no distinction between prophet and layman; once the prophet has incited others to idol worship, you have no greater example of an ordinary person than that.

²¹⁷ Rav Ḥisda says:

²¹⁸ The dispute is with regard to a prophet who prophesies to abolish the essence of the prohibition of idol worship, or a prophet who espouses fulfillment of part of the prohibition and nullification of part of the prohibition of idol worship, asserting that idol worship is permitted in certain circumstances, as the Merciful One says: “And that prophet...shall be put to death; because he has spoken perversion against the Lord...to divert you from the way on which the Lord your God commanded you to walk” (Deuteronomy 13:6). It may be inferred from this verse: If he diverts you even from part of the way. In these cases, Rabbi Shimon holds that he is executed by strangulation, and the Rabbis hold that he is executed by stoning.

²¹⁹ But if a prophet abolishes the essence of the rest of the mitzvot, everyone agrees that he is executed by strangulation. And if the prophet espouses fulfillment of part and nullification of part of other mitzvot, everyone agrees that he is exempt from punishment. If a true prophet espouses temporary nullification of a specific mitzva, one must heed his words.

²²⁰ Rav Hamnuna raises an objection from a baraita that interprets the phrase in the verse “to divert you from the way on which the Lord your God commanded you to walk.” “To walk”; this is a reference to a positive mitzva. “On which”; this is a reference to a prohibition. And if it enters your mind that the verse is stated with regard to idol worship, how can you find a positive mitzva relating to idol worship? The Gemara answers: Rav Ḥisda interpreted that the positive mitzva referred to in the verse is: “And you shall smash their altars, and break their pillars, and burn their asherim in fire; and you shall hew down the graven images of their gods; and you shall destroy their name from that place” (Deuteronomy 12:3). A prophet is liable to receive the death penalty if he abolishes this mitzva.

²²¹ Although his objection was resolved, Rav Hamnuna suggests an alternative explanation of the dispute and says: The dispute is with regard to a prophet who prophesies to abolish the essence of a mitzva, whether it is with regard to idol worship or with regard to the rest of the mitzvot; or a prophet who espouses fulfillment of part of the prohibition and nullification of part of the prohibition of idol worship. This is as the Merciful One says: “From the way,” from which it may be inferred: If he

diverts you from even part of the way. In these cases, Rabbi Shimon holds that he is executed by strangulation, and the Rabbis hold that he is executed by stoning.

²²² But if the prophet espouses fulfillment of part and nullification of part of other mitzvot, everyone agrees that he is exempt from punishment, as that is within the prophet's mandate.

²²³ The Sages taught: In the case of one who prophesies to abolish a matter from the Torah, he is deemed a false prophet and is liable to be executed by strangulation. If he prophesies to fulfill part or to nullify part of a matter in the Torah, Rabbi Shimon deems him exempt from execution. And with regard to idol worship, even if he says: Worship it today and tomorrow nullify it, everyone agrees that he is liable.

²²⁴ The Gemara comments: Abaye holds in accordance with the opinion of Rav Ḥisda and explains the baraita in accordance with the opinion of Rav Ḥisda. Rava holds in accordance with the opinion of Rav Hamnuna and explains the baraita in accordance with the opinion of Rav Hamnuna.

²²⁵ The Gemara elaborates: Abaye holds in accordance with the opinion of Rav Ḥisda and explains the baraita in accordance with the opinion of Rav Ḥisda. In the case of one who prophesies to abolish a matter from the Torah, everyone agrees that he is executed by strangulation. If he prophesies to fulfill part or to nullify part of a Torah law, Rabbi Shimon deems him exempt from execution, and the same is true of the Rabbis, who also hold that he is exempt. And with regard to idol worship, even if he says: Worship it today and nullify it tomorrow, everyone agrees that he is liable to be executed. What form of death penalty is imposed? One Sage, the Rabbis, rules in accordance with what he holds, i.e., stoning, and one Sage, Rabbi Shimon, rules in accordance with what he holds, i.e., strangulation.

²²⁶ Rava holds in accordance with the opinion of Rav Hamnuna and explains the baraita in accordance with the opinion of Rav Hamnuna. In the case of one who prophesies to abolish a matter from the Torah, whether it is with regard to idol worship or with regard to the rest of the mitzvot, he is liable to be executed. What form of death penalty is imposed? One Sage, the Rabbis, rules in accordance with what he holds, i.e., stoning, and one Sage, Rabbi Shimon, rules in accordance with what he holds, i.e., strangulation. If he prophesies to fulfill part or to nullify part of a Torah law other than idol worship, Rabbi Shimon deems him exempt from execution, and the same is true of the Rabbis, who also hold that he is exempt. And with regard to idol worship, even if he says: Worship it today and nullify it tomorrow, everyone agrees that he is liable to be executed. What form of death penalty is imposed? One Sage, the Rabbis, rules in accordance with what he holds, i.e., stoning, and one Sage, Rabbi Shimon, rules in accordance with what he holds, i.e., strangulation.

²²⁷ Rabbi Abbahu says that Rabbi Yoḥanan says, in summary: With regard to all mitzvot, if a prophet will say to you: Violate matters of Torah on a provisional basis, heed him, except for idol worship, as even if he establishes that he is a bona side prophet and stops the sun for you in the middle of the sky, do not heed him. It is taught in a baraita that Rabbi Yosei HaGelili says: The Torah ascertained the depth of the mentality of idol worship, the danger that it presents, and the lure of its ideology. Therefore, the Torah ascribed the false prophet with dominion in its regard, recognizing that a false prophet could perform wonders on the basis of idol worship. Therefore, even if the false prophet stops the sun for you in the middle of the sky, do not heed him.

²²⁸ It is taught in a baraita that Rabbi Akiva says: Heaven forbid that the Holy One, Blessed be He, would stop the sun for those who violate His will. A false prophet could never perform an actual

miracle. Rather, this warning is relevant only in the case of a prophet, for example, Hananiah, son of Azzur, whose origin was as a true prophet, at which point he could perform miracles; and ultimately, he was a false prophet. Therefore, although he had already been established as a true prophet, once he espouses idol worship, it is clear that he is a false prophet.

²²⁹ § The mishna teaches: And conspiring witnesses who testified that the daughter of a priest and her paramour committed adultery are executed by strangulation. The Gemara asks: From where are these matters derived? Rav Aḥa, son of Rav Ika, says: It is derived as it is taught in a baraita that Rabbi Yosei says: What is the meaning when the verse states with regard to conspiring witnesses: “And you shall do to him as he conspired to do to his brother” (Deuteronomy 19:19)? The verse is formulated in this manner due to the fact that in all cases involving those rendered conspiring witnesses who are mentioned in the Torah, e.g., forbidden relatives, the sentences of their conspiring witnesses and their paramours are similar to their own sentences, and the witnesses are executed by strangulation.

²³⁰ The baraita continues: The daughter of a priest is an exception, as she is executed by burning if she commits adultery, and her paramour is not executed by burning. With regard to conspiring witnesses who testified that they committed adultery, I do not know if the witnesses are likened to the paramour or if they are likened to the daughter of the priest, in terms of punishment. When the verse states with regard to conspiring witnesses: “As he conspired to do to his brother,” one infers: As he conspired to do to his brother, but not as he conspired to do to his sister. The execution of the conspiring witnesses is likened to the execution of the paramour, who is executed by strangulation, and is not likened to the execution of the daughter of the priest, who is executed by burning.

Chapter 11

¹ MISHNA: All of the Jewish people, even sinners and those who are liable to be executed with a court-imposed death penalty, have a share in the World-to-Come, as it is stated: “And your people also shall be all righteous, they shall inherit the land forever; the branch of My planting, the work of My hands, for My name to be glorified” (Isaiah 60:21). And these are the exceptions, the people who have no share in the World-to-Come, even when they fulfilled many mitzvot: One who says: There is no resurrection of the dead derived from the Torah, and one who says: The Torah did not originate from Heaven, and an epikoros, who treats Torah scholars and the Torah that they teach with contempt.

² Rabbi Akiva says: Also included in the exceptions are one who reads external literature, and one who whispers invocations over a wound and says as an invocation for healing: “Every illness that I placed upon Egypt I will not place upon you, for I am the Lord, your Healer” (Exodus 15:26). By doing so, he shows contempt for the sanctity of the name of God and therefore has no share in the World-to-Come. Abba Shaul says: Also included in the exceptions is one who pronounces the ineffable name of God as it is written, with its letters.

³ Three prominent kings mentioned in the Bible and four prominent commoners who are described in the Bible as men of great wisdom have no share in the World-to-Come. The three kings are: Jeroboam, son of Nebat, and Ahab, both of whom were kings of Israel, and Manasseh, king of Judea.

Rabbi Yehuda says: Manasseh has a share in the World-to-Come, as it is stated concerning Manasseh: “And he prayed to Him, and He received his entreaty, and heard his supplication and brought him back to Jerusalem unto his kingdom” (II Chronicles 33:13), indicating that he repented wholeheartedly and effectively. The Rabbis said to Rabbi Yehuda: He regretted his actions, and his repentance was effective to the extent that God restored him to his kingdom, but God did not restore him to his share in life in the World-to-Come. The four commoners are: Balaam, son of Beor; Doeg the Edomite; Ahithophel; and Gehazi.

⁴ GEMARA: And why is one punished to that extent for saying that there is no resurrection of the dead derived from the Torah? The Sages taught in a baraita: He denied the resurrection of the dead; therefore he will not have a share in the resurrection of the dead, as all measures dispensed by the Holy One, Blessed be He, to His people are dispensed measure for measure, i.e., the response is commensurate with the action.

⁵ This is based on that which Rabbi Shmuel bar Nahmani says that Rabbi Yonatan says: From where is it derived that all measures dispensed by the Holy One, Blessed be He, are dispensed measure for measure? It is derived from a verse, as it is stated concerning the siege of Jerusalem: “And Elisha said: Hear the word of the Lord; so said the Lord: Tomorrow at this time one se’a of fine flour will be sold for one shekel and two se’a of barley for one shekel in the gate of Samaria” (II Kings 7:1). And it is written: “And the officer on whose hand the king leaned answered the man of God and said: Will the Lord make windows in heaven? Might this thing be? And he said: You shall see it with your eyes, but you shall not eat from there” (II Kings 7:2).

⁶ And it is written: “And it was for him so, and the people trampled him in the gate, and he died” (II Kings 7:20). The Gemara challenges: Perhaps it was the curse of Elisha that caused the officer to die in that manner, not the principle of punishment measure for measure for his lack of belief, as Rav Yehuda says that Rav says: The curse of a Sage, even if baseless, comes to be fulfilled? This is all the more so true concerning the curse of Elisha, which was warranted. The Gemara answers: If so, let the verse write: And they trampled him and he died. What does the term “in the gate” serve to teach? It teaches that he died over matters relating to the gate [sha’ar]. It was for the cynical dismissal of the prophecy of Elisha that the officer voiced at the city gate that he was punished measure for measure and was trampled at the city gate.

⁷ § Rabbi Yoḥanan says: From where is the resurrection of the dead derived from the Torah? It is derived from this verse, as it is stated with regard to teruma of the tithe: “And you shall give the teruma of the Lord to Aaron the priest” (Numbers 18:28). And does Aaron exist forever so that one can fulfill the mitzva by giving him the teruma of the tithe? But is it not so that Aaron did not enter Eretz Yisrael, the only place where the people would give him teruma? Rather, the verse teaches that Aaron is destined to live in the future and the Jewish people will give him teruma. From here it is derived that the resurrection of the dead is from the Torah.

⁸ The school of Rabbi Yishmael taught a different derivation from this verse. From the term “to Aaron” one derives that teruma must be given to a priest like Aaron; just as Aaron is one devoted to the meticulous observance of mitzvot, particularly those relating to ritual purity, teruma, and tithes [ḥaver], so too one gives teruma to his descendants who are ḥaverim.

⁹ Rabbi Shmuel bar Nahmani says that Rabbi Yonatan says: From where is it derived that one does not give teruma to a priest who is an am ha’aretz? It is derived from a verse, as it is stated: “And he

commanded the people who dwelled in Jerusalem to give the portion of the priests and of the Levites, so that they may firmly adhere to the Torah of the Lord” (II Chronicles 31:4). Everyone who firmly adheres to the Torah of the Lord has a portion, and anyone who does not firmly adhere to the Torah of the Lord does not have a portion.

¹⁰ Rav Aḥa bar Adda says that Rav Yehuda says: With regard to anyone who gives teruma to a priest who is an am ha’aretz, it is as though he placed the teruma before a lion. Just as with regard to a lion, there is uncertainty whether it will maul its prey and eat it, and uncertainty whether it will not maul its prey and instead eat it alive, so too, with regard to a priest who is an am ha’aretz to whom one gives teruma, there is uncertainty whether he will eat it in purity, and there is uncertainty whether he will eat it in impurity, thereby violating a prohibition by Torah law.

¹¹ Rabbi Yoḥanan says: One who gives teruma to a priest who is an am ha’aretz even causes the priest’s death, as it is stated with regard to teruma: “And die therefore if they profane it” (Leviticus 22:9). Priests who partake of teruma in a state of ritual impurity profane it and are liable to be punished with death at the hand of Heaven. The school of Rabbi Eliezer ben Ya’akov taught: By giving teruma to a priest who is an am ha’aretz, one also brings upon him a sin of guilt, i.e., a sin that will lead to additional sins, as it is stated: “And so bring upon them a sin of guilt when they eat their sacred items” (Leviticus 22:16).

¹² § It is taught in a baraita that Rabbi Simai says: From where is resurrection of the dead derived from the Torah? It is derived from a verse, as it is stated with regard to the Patriarchs: “I have also established My covenant with them to give to them the land of Canaan” (Exodus 6:4). The phrase: To give to you the land of Canaan, is not stated, as the meaning of the verse is not that God fulfilled the covenant with the Patriarchs when he gave the land of Canaan to the children of Israel; rather, it is stated: “To give to them the land of Canaan,” meaning to the Patriarchs themselves. From here is it derived that the resurrection of the dead is from the Torah, as in the future the Patriarchs will come to life and inherit the land.

¹³ The Gemara records a mnemonic for those cited in the upcoming discussion: Tzadi, dalet, kuf; gimmel, mem; gimmel, shin, mem; kuf, mem. Heretics asked Rabban Gamliel: From where is it derived that the Holy One, Blessed be He, revives the dead? Rabban Gamliel said to them that this matter can be proven from the Torah, from the Prophets, and from Writings, but they did not accept the proofs from him.

¹⁴ The proof from the Torah is as it is written: “And the Lord said to Moses, behold, you shall lie with your fathers and arise” (Deuteronomy 31:16). The heretics said to him: But perhaps the verse should be divided in a different manner, and it should be read: “Behold, you shall lie with your fathers, and this people will arise and stray after the foreign gods of the land.”

¹⁵ The proof from the Prophets is as it is written: “Your dead shall live, my corpse shall arise. Awake and sing, you that dwell in the dust, for your dew is as the dew of vegetation, and the land shall cast out the dead” (Isaiah 26:19). The heretics said to him: But perhaps the prophecy was fulfilled with the dead that Ezekiel revived. No proof may be cited from that verse with regard to any future resurrection.

¹⁶ The proof from Writings is as it is written: “And your palate is like the best wine that glides down smoothly for my beloved, moving gently the lips of those that sleep” (Song of Songs 7:10), indicating that the dead will ultimately rise and speak. The heretics said to him: But perhaps merely

their lips will move, in accordance with the opinion of Rabbi Yoḥanan, as Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yehotzadak: Anyone in whose name a halakha is stated in this world, his lips move in the grave as if repeating the statement cited in his name, as it is stated: “Moving gently the lips of those that sleep.” No proof may be cited from that verse, as it is unrelated to resurrection.

¹⁷ This exchange continued until Rabban Gamliel stated to them this verse: “That your days may be multiplied, and the days of your children, upon the land that the Lord took an oath to your forefathers to give them” (Deuteronomy 11:21). The phrase: To give you, is not stated; rather, it is stated: “To give them,” to the Patriarchs themselves, as in the future the Patriarchs will come to life and inherit the land. From here resurrection of the dead is derived from the Torah.

¹⁸ And there are those who say that it is from this following verse that he said to them his ultimate proof: “But you who cleave to the Lord your God every one of you is alive this day” (Deuteronomy 4:4). Wasn’t it obvious with regard to the children of Israel whom God was addressing, that “every one of you is alive this day”? Rather, the meaning of the verse is: Even on the day when everyone is dead you will live; just as today every one of you is alive, so too, in the World-to-Come every one of you will be alive.

¹⁹ The Romans asked Rabbi Yehoshua ben Ḥanania: From where is it derived that the Holy One, Blessed be He, revives the dead, and from where is it derived that He knows what is destined to be? Rabbi Yehoshua ben Ḥanania said to them: Both of those matters are derived from this verse, as it is stated: “And the Lord said to Moses, Behold, you shall lie with your fathers and arise; this people will go astray” (Deuteronomy 31:16). This indicates that Moses will die and then arise from the dead and that the Holy One, Blessed be He, knows what the children of Israel are destined to do.

²⁰ The Romans asked: But perhaps the verse should be divided in a different manner, and it should be read: “Behold, you shall lie with your fathers and this people will arise and go astray after the foreign gods of the land.” Rabbi Yehoshua ben Ḥanania said to them: Take at least a response to half of your question in your hands from that verse, that God knows what is destined to be. The Gemara comments: It was also stated on a similar note by an amora citing a tanna, as Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: From where is it derived that the Holy One, Blessed be He, revives the dead, and from where is it derived that He knows what is destined to be? It is derived from a verse, as it is stated: “Behold, you shall lie with your fathers and arise.”

²¹ It is taught in a baraita that Rabbi Eliezer, son of Rabbi Yosei, says: With this following matter, I refuted the books of the Samaritans, as they would say that there is no source for the resurrection of the dead from the Torah. I said to them: You falsified your torah and you accomplished nothing, as you say there is no source for the resurrection of the dead from the Torah, and the Torah states: “That soul shall be excised; his iniquity shall be upon him” (Numbers 15:31). You interpret the phrase “that soul shall be excised” to mean that a sinner will be punished with death in this world. If so, with regard to the phrase “his iniquity shall be upon him,” for when is that destined to be? Is it not for the World-to-Come, i.e., the world as it will exist after the resurrection of the dead? Apparently, there is a World-to-Come and there is an allusion to it in the Torah.

²² Rav Pappa said to Abaye: And let Rabbi Eliezer, son of Rabbi Yosei, say to the Samaritans that both of those matters can be derived from the phrase “shall be excised [hikkaret tikkaret].” “Hikkaret” indicates that the sinner is excised from this world, and “tikkaret” indicates that the sinner is excised from the World-to-Come. Abaye answered: Rabbi Eliezer, son of Rabbi Yosei, preferred

not to cite proof from the compound verb, because the Samaritans would say: The Torah spoke in the language of people, and the compound verb is merely a stylistic flourish.

²³ The Gemara notes: These derivations of Rabbi Eliezer and Rav Pappa are parallel to a dispute between tanna'im with regard to "hikkaret tikkaret," as follows: "Hikkaret" indicates that the sinner is excised in this world, and "tikkaret" indicates that the sinner is excised in the World-to-Come; this is the statement of Rabbi Akiva. Rabbi Yishmael said to him: Isn't it already stated in the previous verse: "That person that blasphemes the Lord, that soul shall be excised [venikhreta]" (Numbers 15:30), and are there three worlds from which the sinner is excised? Rather, from the term "venikhreta" it is derived that the sinner is excised in this world, from "hikkaret" it is derived that the sinner is excised in the World-to-Come, and from the compound verb "hikkaret tikkaret" nothing is derived, as the Torah spoke in the language of people.

²⁴ The Gemara asks: According to both Rabbi Yishmael and Rabbi Akiva, what do they do with, i.e., what do they derive from, the phrase "His iniquity shall be upon him"? The Gemara answers: That phrase is necessary for that derivation which is taught in a baraita: One might have thought that the sinner is excised even after he repented. Therefore, the verse states: "His iniquity shall be upon him." God states: I said that the sinner will be excised only when his iniquity remains upon him.

²⁵ § The Gemara relates: Queen Cleopatra asked Rabbi Meir a question. She said: I know that the dead will live, as it is written: "And may they blossom out of the city like grass of the earth" (Psalms 72:16). Just as grass grows, so too, the dead will come to life. But when they arise, will they arise naked or will they arise with their garments? Rabbi Meir said to her: It is derived a fortiori from wheat. If wheat, which is buried naked, meaning that the kernel is sown without the chaff, emerges with several garments of chaff, all the more so will the righteous, who are buried with their garments, arise with their garments.

²⁶ The Roman emperor said to Rabban Gamliel: You say that the dead will live. Aren't they dust? And does dust come to life?

²⁷ The daughter of the emperor said to Rabban Gamliel: Leave him, and I will respond to him with a parable. She said: There are two craftsmen in our city; one fashions vessels from water, and one fashions vessels from mortar. Which is more noteworthy? The emperor said to her: It is that craftsman that fashions vessels from water. His daughter said to him: If he fashions a vessel from the water, all the more so is it not clear that he can fashion vessels from mortar? By the same token, if God was able to create the world from water, He is certainly able to resurrect people from dust.

²⁸ The school of Rabbi Yishmael taught that resurrection of the dead a fortiori from glass vessels: If concerning glass vessels, which are fashioned by the breath of those of flesh and blood, who blow and form the vessels, and yet if they break they can be repaired, as they can be melted and subsequently blown again, then with regard to those of flesh and blood, whose souls are a product of the breath of the Holy One, Blessed be He, all the more so can God restore them to life.

²⁹ The Gemara relates that a certain heretic said to Rabbi Ami: You say that the dead will live. Aren't they dust? And does dust come to life? Rabbi Ami said to him: I will tell you a parable. To what is this matter comparable? It is comparable to a flesh-and-blood king who said to his servants: Go and construct for me a great palace [palterin] in a place where there is no water and earth available. They went and constructed it. Sometime later, the palace collapsed. The king said to them: Return to your

labor and construct the palace in a place where there is earth and water available. They said to him: We are unable to do so.

³⁰ The king became angry at them and said to them: If in a place where there is no water and earth available you constructed a palace, now that there is water and earth available all the more so should you be able to do so. Similarly, concerning man, whom God created ex nihilo, all the more so will God be able to resurrect him from dust. And if you do not believe that a being can be created from dust, go out to the valley and see an akhbar, a creature that today is half flesh and half earth, and tomorrow the being will develop and all of it will become flesh. Lest you say that creation of living creatures is a matter that develops over an extended period, ascend a mountain and see that today there is only one snail there; then ascend tomorrow, after rain will have fallen, and see that it will be entirely filled with snails.

³¹ The Gemara relates that a certain heretic said to Geviha ben Pesisa: Woe unto you, the wicked, as you say: The dead will come to life. The way of the world is that those who are alive die. How can you say that the dead will come to life? Geviha ben Pesisa said to him: Woe unto you, the wicked, as you say: The dead will not come to life. If those who were not in existence come to life, is it not reasonable all the more so that those who were once alive will come to life again? The heretic said to Geviha ben Pesisa angrily: You called me wicked? If I stand, I will kick you and flatten your hump, as Geviha ben Pesisa was a hunchback. Geviha ben Pesisa said to him jocularly: If you do so, you will be called an expert doctor and will take high wages for your services.

³² § Apropos Geviha ben Pesisa and his cleverness in debate, the Gemara cites additional incidents where he represented the Jewish people in debates. The Sages taught in Megillat Ta'anit: On the twenty-fourth day in Nisan it is a joyous day, since the usurpers [dimusana'ei] were expelled from Judea and Jerusalem. When the people of Afrikiya came to judgment with the Jewish people before the emperor, Alexander of Macedon, they said to him: The land of Canaan is ours, as it is written: "This is the land that shall fall to you as an inheritance, the land of Canaan according to its borders" (Numbers 34:2). And the people of Afrikiya said, referring to themselves: Canaan is the forefather of these people.

³³ Geviha ben Pesisa said to the Sages: Give me permission and I will go and deliberate with them before Alexander of Macedon. If they will defeat me, say to them: You have defeated an ordinary person from among us, and until you overcome our Sages, it is no victory. And if I will defeat them, say to them: The Torah of Moses defeated you, and attribute no significance to me. The Sages gave him permission, and he went and deliberated with them.

³⁴ Geviha ben Pesisa said to them: From where are you citing proof that the land of Canaan is yours? They said to him: From the Torah. Geviha ben Pesisa said to them: I too will cite proof to you only from the Torah, as it is stated: "And he said: Cursed will be Canaan; a slave of slaves shall he be to his brethren" (Genesis 9:25). And with regard to a slave who acquired property, the slave belongs to whom and the property belongs to whom? The slave and his property belong to the master. And moreover, it is several years now that you have not served us. Therefore, not only are you not entitled to the land, there are additional debts that must be repaid, as well as a return to enslavement.

³⁵ Alexander the king said to the people of Afrikiya: Provide Geviha ben Pesisa with a response to his claims. They said to Alexander: Give us time; give us three days to consider the matter. The emperor gave them the requested time and they examined the matter and did not find a response to

the claims. Immediately, they fled and abandoned their fields when they were sown and their vineyards when they were planted. The Gemara adds: And since that year was a Sabbatical Year, with the accompanying restrictions on agricultural activity, this benefited the Jewish people, as they were able to consume the produce of those fields and vineyards.

³⁶ The Gemara relates: On another occasion, the people of Egypt came to judgment with the Jewish people before Alexander of Macedon. The Egyptian people said to Alexander: It says in the Torah: “And the Lord gave the people favor in the eyes of Egypt, and they lent them” (Exodus 12:36). Give us the silver and gold that you took from us; you claimed that you were borrowing it and you never returned it.

³⁷ Geviha ben Pesisa said to the Sages: Give me permission and I will go and deliberate with them before Alexander of Macedon. If they will defeat me, say to them: You have defeated an ordinary person from among us, and until you overcome our Sages, it is no victory. And if I will defeat them, say to them: The Torah of Moses, our teacher, defeated you, and attribute no significance to me. The Sages gave him permission, and he went and deliberated with them.

³⁸ Geviha ben Pesisa said to them: From where are you citing proof that you are entitled to the silver and gold? They said to him: From the Torah. Geviha ben Pesisa said to them: I too will cite proof to you only from the Torah, as it is stated: “And the sojourning of the children of Israel, who dwelt in Egypt, was four hundred and thirty years” (Exodus 12:40), during which they were enslaved to Egypt, engaged in hard manual labor. Give us the wages for the work performed by the 600,000 men above the age of twenty (see Exodus 12:37) whom you enslaved in Egypt for four hundred and thirty years.

³⁹ Alexander of Macedon said to the people of Egypt: Provide Geviha ben Pesisa with a response to his claims. They said to him: Give us time; give us three days to consider the matter. The emperor gave them the requested time and they examined the matter and did not find a response to the claims. Immediately, they abandoned their fields when they were sown and their vineyards when they were planted, and fled. The Gemara adds: And that year was a Sabbatical Year.

⁴⁰ The Gemara relates: And on another occasion, the descendants of Ishmael and the descendants of Keturah came to judgment with the Jewish people before Alexander of Macedon. They said to the Jewish people before Alexander: The land of Canaan is both ours and yours, as it is written: “And these are the generations of Ishmael, son of Abraham, whom Hagar the Egyptian, Sarah’s maidservant, bore unto Abraham” (Genesis 25:12), and it is written: “And these are the generations of Isaac, son of Abraham” (Genesis 25:19). Therefore, the land should be divided between Abraham’s heirs.

⁴¹ Geviha ben Pesisa said to the Sages: Give me permission and I will go and deliberate with them before Alexander of Macedon. If they will defeat me, say to them: You have defeated an ordinary person from among us, and until you overcome our Sages, it is no victory. And if I will defeat them, say to them: The Torah of Moses, our teacher, defeated you, and attribute no significance to me. The Sages gave him permission, and he went and deliberated with them.

⁴² Geviha ben Pesisa said to the descendants of Ishmael: From where are you citing proof that the land of Canaan belongs to both you and the Jewish people? They said to him: From the Torah. Geviha ben Pesisa said to them: I too will cite proof to you only from the Torah, as it is stated: “And Abraham gave all that he had to Isaac. But to the sons of the concubines that Abraham had, Abraham

gave gifts, and he sent them away from his son, while he yet lived, eastward, to the east country” (Genesis 25:5–6). In the case of a father who gave a document of bequest [agatin] to his sons during his lifetime and sent one of the sons away from the other, does the one who was sent away have any claim against the other? The father himself divided his property. The Gemara asks: What were these gifts that Abraham gave to the sons of the concubines? Rabbi Yirmeya bar Abba says: This teaches that Abraham provided them with the name of the supernatural spirit of impurity, enabling them to perform witchcraft.

⁴³ § Apropos exchanges with prominent gentile leaders, the Gemara cites an exchange where Antoninos, the Roman emperor, said to Rabbi Yehuda HaNasi: The body and the soul are able to exempt themselves from judgment for their sins. How so? The body says: The soul sinned, as from the day of my death when it departed from me, I am cast like a silent stone in the grave, and do not sin. And the soul says: The body sinned, as from the day that I departed from it, I am flying in the air like a bird, incapable of sin. Rabbi Yehuda HaNasi said to him: I will tell you a parable. To what is this matter comparable? It is comparable to a king of flesh and blood who had a fine orchard, and in it there were

⁴⁴ fine first fruits of a fig tree, and he stationed two guards in the orchard, one lame, who was unable to walk, and one blind. Neither was capable of reaching the fruit on the trees in the orchard without the assistance of the other. The lame person said to the blind person: I see fine first fruits of a fig tree in the orchard; come and place me upon your shoulders. I will guide you to the tree, and we will bring the figs to eat them. The lame person rode upon the shoulders of the blind person and they brought the figs and ate them.

⁴⁵ Sometime later the owner of the orchard came to the orchard. He said to the guards: The fine first fruits of a fig tree that were in the orchard, where are they? The lame person said: Do I have any legs with which I would be able to walk and take the figs? The blind person said: Do I have any eyes with which I would be able to see the way to the figs? What did the owner of the orchard do? He placed the lame person upon the shoulders of the blind person just as they did when they stole the figs, and he judged them as one.

⁴⁶ So too, the Holy One, Blessed be He, brings the soul on the day of judgment and casts it back into the body, as they were when they sinned, and He judges them as one, as it is stated: “He calls to the heavens above and to the earth that He may judge His people” (Psalms 50:4). “He calls to the heavens above”; this is the soul, which is heavenly. “And to the earth that He may judge His people”; this is the body, which is earthly.

⁴⁷ The Gemara relates another exchange. Antoninos said to Rabbi Yehuda HaNasi: For what reason does the sun emerge in the east and set in the west? Rabbi Yehuda HaNasi said to him: If it were the reverse, you would have also said that to me, as the sun must emerge from one direction and set in the other. Antoninos said to him: This is what I am saying to you: For what reason does the sun set in the west and not occasionally deviate and set elsewhere?

⁴⁸ Rabbi Yehuda HaNasi said to him: The sun always sets in the west in order to greet its Creator, as it is stated: “And the hosts of heaven worship You” (Nehemiah 9:6). Setting is a form of worship; it is as though the sun is bowing to God. The Divine Presence rests in the west, as is evident from the fact that the Holy of Holies in the Temple, in which the Ark, the resting place of the Divine Presence, is located in the west. Antoninos said to him: If so, let the sun come until the midpoint of the sky, set

slightly and greet its Creator, and return and enter its place of origin in the east and set there. Rabbi Yehuda HaNasi answered him: The sun sets in the west due to workers and due to travelers, as, if the sun did not proceed from east to west with the light of day gradually waning, they would not know that it is time to return home or to find an inn.

⁴⁹ And Antoninos said to Rabbi Yehuda HaNasi: From when is the soul placed in a person? Is it from the moment of conception or from the moment of the formation of the embryo, forty days after conception? Rabbi Yehuda HaNasi said to him: It is from the moment of the formation of the embryo. Antoninos said to him: That is inconceivable. Is it possible that a piece of meat could stand for even three days without salt as a preservative and would not rot? The embryo could not exist for forty days without a soul. Rather, the soul is placed in man from the moment of conception. Rabbi Yehuda HaNasi said: Antoninos taught me this matter, and there is a verse that supports him, as it is stated: “And Your Providence [pekudatekha] has preserved my spirit” (Job 10:12) indicating that it is from the moment of conception [pekida] that the soul is preserved within a person.

⁵⁰ And Antoninos said to Rabbi Yehuda HaNasi: From when does the evil inclination dominate a person? Is it from the moment of the formation of the embryo or from the moment of emergence from the womb? Rabbi Yehuda HaNasi said to him: It is from the moment of the formation of the embryo. Antoninos said to him: If so, the evil inclination would cause the fetus to kick his mother’s innards and emerge from the womb. Rather, the evil inclination dominates a person from the moment of emergence from the womb. Rabbi Yehuda HaNasi said: Antoninos taught me this matter, and there is a verse that supports him, as it is stated: “Sin crouches at the entrance” (Genesis 4:7), indicating that it is from the moment of birth, when the newborn emerges from the entrance of his mother’s womb, that the evil inclination lurks.

⁵¹ § Reish Lakish raises a contradiction between two verses written with regard to the resurrection of the dead. It is written: “I will bring them from the north country and gather them from the ends of the earth, and with them the blind and the lame, the woman with child and the woman giving birth together” (Jeremiah 31:7), indicating that at the end of days there will still be people with physical defects. And it is written: “Then shall the lame man leap as a deer and the tongue of the mute sing; for in the wilderness shall waters break out, and streams in the desert” (Isaiah 35:6), indicating that at the end of days there will be no people with physical defects. How so? When resurrected, the dead will arise still afflicted with their defects, and they will then be healed.

⁵² Ulla raises a contradiction. It is written: “He will swallow death forever; and the Lord God will wipe tears from all faces” (Isaiah 25:8), indicating that death will no longer exist at the end of days. And it is written: “There shall be no more an infant a few days old then...for the youngest shall die one hundred years old” (Isaiah 65:20). The Gemara answers that this contradiction is not difficult. The verse here, in Isaiah chapter 25, is written with regard to the Jewish people, who will live forever after resurrection; the verse there, in Isaiah chapter 65, is written with regard to gentiles, who will ultimately die after an extremely long life. The Gemara asks: And what do gentiles seek, i.e., why will they merit to live, in that era? The Gemara answers that the verse is referring to those gentiles about whom it is written: “And strangers shall stand and feed your flocks, and aliens shall be your plowmen and vinedressers” (Isaiah 61:5).

⁵³ Rav Ḥisda raises a contradiction. It is written: “Then the moon shall be confounded and the sun ashamed, when the Lord of hosts will reign in Mount Zion and in Jerusalem, and before His elders

shall be His glory” (Isaiah 24:23), indicating that the sun and the moon will no longer shine at the end of days. And it is written: “And the light of the moon shall be as the light of the sun, and the light of the sun shall be sevenfold, as the light of seven days” (Isaiah 30:26), indicating that the sun and the moon will exist then and they will shine more brightly. The Gemara answers that this is not difficult. The verse here, in Isaiah chapter 30, is written with regard to the days of the Messiah, when the sun and moon will shine more brightly; the verse there, in Isaiah chapter 24, is written with regard to the World-to-Come, when the only light will be the light of God.

⁵⁴ The Gemara asks: And according to Shmuel, who says: The difference between this world and the messianic era is only subjugation of the exiles, as during that era the Jewish people will be freed from that subjugation, how is the contradiction resolved? The Gemara answers that even according to Shmuel this contradiction is not difficult. The verse here, in Isaiah chapter 30, is written with regard to the light in the camp of the righteous; the verse there, in Isaiah chapter 24, the verse is written with regard to the camp of the Divine Presence, when the only light will be the light of God.

⁵⁵ Rava raises a contradiction. It is written: “I will kill and I will bring to life” (Deuteronomy 32:39), indicating that God is capable of reviving the dead. And it is written immediately afterward: “I wounded and I will heal,” which indicates that God will only heal the wounded. Rather, it should be understood: The Holy One, Blessed be He, is saying: What I kill, I bring to life, indicating that God revives the dead. And then what I wounded, I will heal.

⁵⁶ § The Sages taught in a baraita with regard to the verse: “I will kill and I will bring to life.” One might have thought that it means that there will be death for one person and life for one other person, in the typical manner that the world operates. Therefore, the verse states: “I wounded and I will heal.” Just as wounding and healing take place in one person, so too, death and bringing back to life take place in one person. From here there is a response to those who say that there is no resurrection of the dead derived from the Torah.

⁵⁷ It is taught in a baraita that Rabbi Meir said: From where is resurrection of the dead derived from the Torah? It is derived from a verse, as it is stated: “Then Moses and the children of Israel will sing this song to the Lord” (Exodus 15:1). It is not stated: Sang, in the verse; rather, the term “they will sing” is stated, indicating that Moses will come back to life and sing the song in the future. From here it is proved that resurrection of the dead is derived from the Torah. On a similar note, you can say: “Then Joshua will build an altar to the Lord God of Israel on Mount Ebal” (Joshua 8:30). It is not stated: Built, in the verse; rather, the term “will build” is stated. From here, resurrection of the dead is derived from the Torah.

⁵⁸ The Gemara challenges: If that is so, then in the verse: “Then Solomon will build an altar for Chemosh the abomination of Moab” (I Kings 11:7), does this also mean that Solomon will build in the future? Rather, the use of the future tense here should be understood differently. Solomon did not build an altar to the idol; rather, the use of the future tense teaches that the verse ascribes him blame as though he built it, since he did not prevent his wives from doing so. Therefore, no proof for the resurrection of the dead may be cited from this verse.

⁵⁹ Rabbi Yehoshua ben Levi says: From where is resurrection of the dead derived from the Torah? It is derived from a verse, as it is stated: “Happy are they who dwell in Your house; they will yet praise You, Selah” (Psalms 84:5). It is not stated: They praised you, in the verse; rather, the term “they will praise you” is stated. From here, resurrection of the dead is derived from the Torah. And Rabbi

Yehoshua ben Levi says: Anyone who recites song to God in this world is privileged and recites it in the World-to-Come, as it is stated: “Happy are they who dwell in Your house; they will yet praise You, Selah.”

⁶⁰ Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: From where is resurrection of the dead derived from the Torah? It is derived from a verse, as it is stated: “Your watchmen, they raise the voice; together shall they sing, for they shall see eye to eye the Lord returning to Zion” (Isaiah 52:8). It is not stated: They sang, in the verse; rather, the term “together shall they sing” is stated. From here resurrection of the dead is derived from the Torah. And Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: All the prophets are all destined to recite song in one voice, as it is stated: “Your watchmen, they raise the voice; together shall they sing.”

⁶¹ Rav Yehuda says that Rav says: With regard to anyone who withholds halakha from being studied by the mouth of a student who seeks to study Torah, it is as though he robs him of the inheritance of his ancestors, as it is stated: “Moses commanded us the Torah, an inheritance of the congregation of Jacob” (Deuteronomy 33:4), indicating that the Torah is an inheritance for all of the Jewish people from the six days of Creation. Rav Ḥana bar Bizna says that Rabbi Shimon Ḥasida says: With regard to anyone who withholds halakha from being studied by the mouth of a student who seeks to study Torah, even fetuses in their mother’s womb curse him, as it is stated: “He who withholds bar,

⁶² the people [leom] shall curse him [yikkevuhu], but blessing shall be upon the head of one who provides” (Proverbs 11:26). And the term leom is referring to nothing other than fetuses, as it is stated: “Two nations are in your womb, and two peoples shall be separated from your bowels; and the one leom shall overcome the other leom” (Genesis 25:23). And kabbo is referring to nothing other than curse, as it is stated in the statement of Balaam: “How can I curse one who is not cursed [kabbo] by God?” (Numbers 23:8). And bar is referring to nothing other than Torah, as it is stated: “Pay homage to bar lest He be angry” (Psalms 2:12), i.e., observe the Torah to avoid God’s wrath.

⁶³ Ulla bar Yishmael says: One perforates like a sieve a person who withholds halakha from a student. It is written here: “He who withholds bar, the people yikkevuhu” (Proverbs 11:26), and it is written there: “And he bored [vayyikkov] a hole in its lid of it” (II Kings 12:10). And Abaye says: One perforates him like a launderers’ utensil used for sprinkling water on garments.

⁶⁴ And if one teaches the student halakha rather than withholding it, what is his reward? Rava says that Rav Sheshet says: He is privileged to receive blessings like Joseph, as it is stated at the end of that verse: “But blessing shall be upon the head of one who provides [mashbir]” (Proverbs 11:26). And mashbir is referring to no one other than Joseph, as it is stated: “And Joseph was the governor of the land, and he was the provider [hamashbir] to all the people of the land” (Genesis 42:6).

⁶⁵ Rav Sheshet says: Anyone who teaches Torah in this world is privileged and teaches it in the World-to-Come, as it is stated: “And he who satisfies abundantly [umarveh] shall be satisfied himself [yoreh]” (Proverbs 11:25). Rav Sheshet interprets the verse homiletically: By transposing the letters of the word marveh: Mem, reish, vav, heh, one arrives at the word moreh, meaning teaches. The verse means that one who teaches [moreh] will teach [yoreh] in the future as well.

⁶⁶ The Gemara returns to the topic of the source for resurrection in the Torah. Rava says: From where is resurrection of the dead derived from the Torah? It is derived from a verse, as it is stated: “Let Reuben live and not die, in that his men become few” (Deuteronomy 33:6). This is interpreted: “Let Reuben live” in this world “and not die” in the World-to-Come. Ravina says that resurrection is

derived from here: “And many of those who sleep in the dust of the earth shall awaken, some to everlasting life, and some to reproaches and everlasting disgrace” (Daniel 12:2). Rav Ashi says proof is derived from here: “But go you your way until the end be; and you shall rest, and arise to your lot at the end of days” (Daniel 12:13).

⁶⁷ § Rabbi Elazar says: Any communal leader who leads the community calmly, without anger and honestly, is privileged and leads them in the World-to-Come, as it is stated: “For he that has compassion upon them will lead them, even by the springs of water shall he guide them” (Isaiah 49:10). Just as he led them in this world, so too will he guide them in the World-to-Come.

⁶⁸ The Gemara proceeds to cite additional statements of Rabbi Elazar relating to recommended conduct. And Rabbi Elazar says: Great is knowledge, as it was placed between two letters, two names of God, as it is stated: “For a God of knowledge is the Lord” (I Samuel 2:3).

⁶⁹ And Rabbi Elazar says: Great is the Holy Temple, as it too was placed between two letters, two names of God, as it is stated: “The place in which to dwell that You have made, Lord, the Temple, Lord, which Your hands have prepared” (Exodus 15:17). Rav Adda Karḥina’s objects to the explanation that being placed between two names of God accords significance. If that is so, the same should hold true for vengeance. Shall one say: Great is vengeance, as it was placed between two letters, as it is written: “God of vengeance, Lord, God of vengeance shine forth” (Psalms 94:1)?

⁷⁰ Rabbi Elazar said to him: In its context, indeed, vengeance is great, in accordance with the statement of Ulla. As Ulla says with regard to these two appearances: “O Lord, God to Whom vengeance belongs; God to Whom vengeance belongs, appear” (Psalms 94:1), and: “He appeared from Mount Paran” (Deuteronomy 33:2), why are both necessary? One, the second verse, is necessary for the attribute of divine good, with which God gave the Torah at Sinai, and one, the first verse, is necessary for the attribute of divine punishment, with which God exacts vengeance against the enemies and oppressors of the Jewish people.

⁷¹ And Rabbi Elazar says: With regard to any person in whom there is knowledge, it is as though the Temple was built in his days, as this, knowledge, was placed between two letters and that, the Temple, was placed between two letters.

⁷² And Rabbi Elazar says: Any person in whom there is knowledge ultimately becomes wealthy, as it is stated: “And by knowledge are the chambers filled with all precious and pleasant riches” (Proverbs 24:4).

⁷³ And Rabbi Elazar says: With regard to any person in whom there is no knowledge, it is prohibited to have mercy upon him, as it is stated: “For it is a people of no understanding; therefore its Maker will have no mercy on them, and its Creator will show them no favor” (Isaiah 27:11). If God has no mercy upon them, all the more so should people not show them mercy.

⁷⁴ And Rabbi Elazar says: With regard to anyone who gives his bread to one without knowledge, afflictions befall him, as it is stated: “They who eat your bread will place mazor under you, in whom there is no discernment” (Obadiah 1:7). And mazor means nothing other than afflictions, based on the parallel with another verse, as it is stated: “And Ephraim saw his sickness and Judah his wound [mezoro]” (Hosea 5:13). This indicates that one who gives his bread to one without discernment will ultimately fall ill.

⁷⁵ And Rabbi Elazar says: Any person in whom there is no knowledge is ultimately exiled, as it is stated: “Therefore my people are exiled, for lack of knowledge” (Isaiah 5:13).

⁷⁶ And Rabbi Elazar says: With regard to any house in which there are no matters of Torah heard at night, the fire of Gehenna consumes it, as it is stated: “All darkness is laid up for his treasures, a fire not fanned shall consume him; it shall go ill with a sarid in his tent” (Job 20:26). Sarid is referring to no one but a Torah scholar, as it is stated: “And among the seridim, those whom the Lord shall call” (Joel 3:5). A house that is dark at night and in which no Torah is heard will be consumed by a fire that does not require fanning with a bellows, the fire of Gehenna.

⁷⁷ And Rabbi Elazar says: Anyone who does not benefit Torah scholars from his property never sees a sign of blessing, as it is stated: “None of his food shall remain [sarid]; therefore his prosperity shall not endure” (Job 20:21). Sarid is referring to no one but Torah scholars, as it is stated: “And among the seridim, those whom the Lord shall call.” No prosperity will come to one who does not share his food with a Torah scholar.

⁷⁸ And Rabbi Elazar says: Anyone who does not leave bread on his table at the end of his meal indicating his gratitude to God for providing him more than enough never sees a sign of blessing, as it is stated: “None of his food shall remain; therefore his prosperity shall not endure.”

⁷⁹ The Gemara asks: But doesn’t Rabbi Elazar say: With regard to anyone who leaves pieces of bread on his table, it is as if he worships idols, as it is stated: “Who prepare a table for Fortune [Gad] and offer blended wine for Destiny” (Isaiah 65:11). The people would leave pieces of bread on the table as an offering to the constellation Gad, which they believed influences the fortune of the home. This practice was a form of idol worship. The Gemara answers: This apparent contradiction is not difficult: This case, where leaving pieces of bread is a form of idol worship, applies when there is a whole loaf together with the pieces, as the addition of the pieces is clearly for idol worship; that case, where failure to leave bread on the table is criticized, applies when there is no whole loaf together with the pieces.

⁸⁰ And Rabbi Elazar says: With regard to anyone who amends the truth in his speech, it is as though he worships idols. As, it is written here, in the verse where Jacob sought to resist taking his father’s blessing from Esau: “And I shall seem to him a deceiver [metate’a]” (Genesis 27:12), and it is written there with regard to idol worship: “They are vanity, the work of deception [tatuim]” (Jeremiah 10:15).

⁸¹ And Rabbi Elazar says: With regard to anyone who looks at nakedness [erva], his bow is emptied, i.e., he will be robbed of his potency, as it is stated: “Your bow is stripped bare [erya]” (Habakkuk 3:9).

⁸² And Rabbi Elazar says: Forever be in the dark, i.e., anonymous, and you will continue to exist. Rabbi Zeira says: We learn a similar idea in a mishna as well (Nega’im 2:3): In a dark house, one does not open windows to illuminate it in order to see whether or not its blemish is leprosy, and the house retains the presumptive status of ritual purity. Those matters that are obscured are allowed to continue. The Gemara affirms: Conclude from that mishna that this is so.

⁸³ § The Gemara returns to the topic of the source for resurrection in the Torah. Rabbi Tavi says that Rabbi Yoshiya says: What is the meaning of that which is written: “There are three that are never satisfied...the grave, and the barren womb, and earth that does not receive sufficient water”

(Proverbs 30:15–16)? And what does a grave have to do with a womb? Rather, they are juxtaposed to say to you: Just as a womb takes in and gives forth, so too a grave takes in and also gives forth, with the resurrection of the dead.

⁸⁴ And are these matters not inferred a fortiori: If with regard to a womb, into which one introduces the embryo in secret, one removes the baby from it accompanied by the loud sounds of the woman crying out during childbirth, then with regard to the grave, into which one introduces the corpse with sounds of wailing and mourning the dead, is it not right that one removes from it the resurrected dead accompanied by the loud sounds of the resurrected multitudes? From here there is a response to those who say: There is no resurrection of the dead derived from the Torah.

⁸⁵ The school of Eliyahu taught: The righteous whom the Holy One, Blessed be He, is destined to resurrect do not return to their dust, as it is stated: “And it shall come to pass, that he who remains in Zion and he who remains in Jerusalem shall be called holy, anyone who is written unto life in Jerusalem” (Isaiah 4:3). Just as the Holy One exists forever, so too will they exist forever.

⁸⁶ And if you say: During those years when the Holy One, Blessed be He, is destined to renew His world, as it is stated: “And the Lord alone shall be exalted on that day” (Isaiah 2:11), what are the righteous to do? How will they survive? The Holy One, Blessed be He, will make wings like eagles for them and they will fly over the surface of the water, as it is stated: “Therefore, we will not fear when God changes the land, and when the mountains are moved in the midst of the sea” (Psalms 46:3). Although God will renew the land, they will not fear, because they will be in the sky over the sea at that time. And lest you say that they will endure suffering from flying uninterrupted for an extended period, the verse states: “But they who wait for the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; they shall walk, and not tire” (Isaiah 40:31).

⁸⁷ The Gemara suggests: And let us derive from the dead that Ezekiel revived (see Ezekiel, chapter 37) that the resurrected dead will not live forever, but will die at some point. The Gemara explains: The school of Eliyahu holds in accordance with the opinion of the one who says: In truth, Ezekiel’s depiction of the dry bones that came to life was a parable, from which nothing can be derived with regard to the nature of resurrection.

⁸⁸ This is as it is taught in a baraita, that Rabbi Eliezer says: The dead that Ezekiel revived stood on their feet and recited song to God and died. And what song did they recite? The Lord kills with justice and gives life with mercy. Rabbi Yehoshua says that it was this song that they recited: “The Lord kills, and gives life; He lowers to the grave and elevates” (I Samuel 2:6). Rabbi Yehuda says: Ezekiel’s depiction of the dry bones that came to life was truth and it was a parable.

⁸⁹ Rabbi Nehemya said to Rabbi Yehuda: If it was truth, why do you refer to it as a parable, and if it was a parable, why do you refer to it as truth? Rather, it means: In truth, it was a parable. Rabbi Eliezer, son of Rabbi Yosei HaGelili, says: Not only was it not a parable, the dead that Ezekiel revived ascended to Eretz Yisrael and married wives and fathered sons and daughters. Rabbi Yehuda ben Beteira stood on his feet and said: I am a descendant of their sons, and these are phylacteries that my father’s father left me from them.

⁹⁰ The Gemara asks: And who are the dead that Ezekiel revived?

⁹¹ Rav says: These were the descendants of Ephraim who calculated the time of the end of the enslavement and the redemption from Egypt and erred in their calculation. They left before the appointed time and were killed, as it is stated: “And the sons of Ephraim; Shuthelah, and Bered his son, and Tahath his son, and Eleadah his son, and Tahath his son. And Zabad his son, and Shuthelah his son, and Ezer and Elead whom the men of Gath that were born in the land slew, because they came down to take their cattle” (I Chronicles 7:20–21), and it is written: “And Ephraim their father mourned many days, and his brothers came to comfort him” (I Chronicles 7:22).

⁹² And Shmuel says: These dead that Ezekiel revived were people who denied the resurrection of the dead, as it is stated: “Then He said to me: Son of man, these bones are the whole house of Israel; behold, they say: Our bones are dried and our hope is lost; we are cut off” (Ezekiel 37:11). God tells Ezekiel that these were people who had lost hope for resurrection.

⁹³ Rabbi Yirmeya bar Abba says: These were people in whom there was not even the moist residue of a mitzva, as it is stated: “The dry bones, hear the word of the Lord” (Ezekiel 37:4). Even during their lifetime they were comparable to dry bones.

⁹⁴ Rabbi Yitzhak Nappaḥa says: These are the people who covered the Sanctuary with repugnant creatures and creeping animals, as it is stated: “So I entered and saw and behold, every form of creeping animal and repugnant animal, and all the idols of the house of Israel, etched upon the wall around” (Ezekiel 8:10), and it is written there with regard to the prophecy of the dry bones: “And he passed me over them around and around” (Ezekiel 37:2). By means of a verbal analogy between: Around, in one verse and the identical term in the other it is derived that the two verses are referring to the same people.

⁹⁵ Rabbi Yoḥanan says: These are the dead from the Dura Valley (see Daniel, chapter 3). And Rabbi Yoḥanan says: These corpses filled the area from the Eshel River to Rabat, which constitutes the Dura Valley. As, at the time that Nebuchadnezzar the wicked exiled the Jewish people to Babylonia, there were among them youths who overshadowed the sun with their beauty, and the Chaldean women would see them, and desire them, and discharge the flow of a zava. These women told their husbands, and their husbands told the king. The king ordered the youths executed, and his servants executed them. And their execution did not resolve the problem, as the women were still discharging the flow of a zava. Even after death, the youths’ beauty remained intact. The king ordered that their corpses be taken to the valley, and his servants trampled them so that their form would no longer be visible.

⁹⁶ § The Sages taught in a baraita: At the moment that Nebuchadnezzar the wicked cast Hananiah, Mishael, and Azariah into the fiery furnace, the Holy One, Blessed be He, said to Ezekiel: Go and revive the dead in the Dura Valley. Once Ezekiel revived them, the bones came and struck Nebuchadnezzar, that wicked man, in his face. Nebuchadnezzar said: What is the nature of these? His servants said to him: The friend of these three, Hananiah, Mishael, and Azariah, is reviving the dead in the Dura Valley. Nebuchadnezzar began and said: “How great are His signs and how mighty are His wonders; His kingdom is an everlasting kingdom and His dominion is from generation to generation” (Daniel 3:33).

⁹⁷ Rabbi Yitzhak says: Molten gold should be poured into the mouth of that wicked person. His mouth should be sealed in the course of an extraordinary death; in deference to royalty, Rabbi Yitzhak suggested that gold would be used to accomplish that task. The reason is that if an angel had

not come and struck him on his mouth to prevent him from continuing his praise, he would have sought to overshadow all the songs and praises that David recited in the book of Psalms.

⁹⁸ The Sages taught in a baraita: Six miracles were performed on that day that Hananiah, Mishael, and Azarya were delivered from the furnace, and they are: The furnace rose from where it was sunken to ground level; and the furnace was breached; and its limestone dissipated; and the graven image that Nebuchadnezzar established, which he commanded his subjects to worship (see Daniel 3:5–6), fell on its face; and four ranks of officials from monarchies, who stood around the furnace, were burned; and Ezekiel revived the dead in the Dura Valley.

⁹⁹ And the knowledge that all of the miracles were performed is based on tradition. And the four ranks of officials from monarchies that were burned is related in a verse, as it is written: “Then Nebuchadnezzar the king sent to gather together the satraps, the prefects and the governors, the counselors, the treasurers, the justices, the magistrates and all the rulers of the provinces” (Daniel 3:2). And it is written: “There are certain Jews...they do not serve your gods, nor worship the golden image you have erected” (Daniel 3:12). And it is written in the verse after Hananiah, Mishael, and Azariah left the fiery furnace: “And the satraps, the prefects, the governors, and the king’s counselors gathered and saw these men” (Daniel 3:27) who emerged from the fire unscathed. Nebuchadnezzar sent to gather eight ranks of officials, and only four ranks witnessed Hananiah, Mishael, and Azariah emerge from the furnace. Apparently, the other four ranks were burned in the fire.

¹⁰⁰ The school of Rabbi Eliezer ben Ya’akov teaches: Even during a period of danger, a person should not deviate from his prominence and demean himself, as it is stated: “Then these men were bound in their mantles, their tunics, and their hats, and their other garments, and they were cast into the blazing fiery furnace” (Daniel 3:21). Even when cast into the furnace, they donned garments befitting their station.

¹⁰¹ Rabbi Yoḥanan says:

¹⁰² The righteous are greater than the ministering angels, as it is stated: “He answered and said: I see four men unbound, walking in the midst of the fire, and they have no hurt; and the appearance of the fourth is like a son of the gods” (Daniel 3:25). Nebuchadnezzar saw three righteous people and an angel in the fire of the furnace and noted the presence of the righteous people before noting the presence of the angel.

¹⁰³ § Rabbi Tanḥum bar Ḥanilai says: At the moment that Hananiah, Mishael, and Azariah emerged from the fiery furnace, all the nations of the world came and struck the enemies of Israel, a euphemism for the Jewish people, in the face and said to them: You have a God with capabilities like that and you bow to the graven image? Immediately Hananiah, Mishael, and Azariah began and said: “Lord, righteousness is Yours, but we are shamefaced, as of this day” (Daniel 9:7).

¹⁰⁴ Rabbi Shmuel bar Naḥmani says that Rabbi Yonatan says on a similar note: What is the meaning of that which is written: “I said: I will climb into the palm tree; I will grasp its boughs” (Song of Songs 7:9)? “I said: I will climb into the palm tree”; this is a reference to the Jewish people, who are likened to a palm tree, as they are upright and have one heart directed toward their Father in Heaven. God continues: And now that I have tested them by means of the decrees of Nebuchadnezzar, I have succeeded in grasping in My hand only the one bough of Hananiah, Mishael, and Azariah, as only they were willing to give their lives.

¹⁰⁵ Rabbi Yoḥanan says: What is the meaning of that which is written: “I saw the night, and behold, a man riding upon a red horse, and he stood among the myrtle bushes that were in the depths” (Zechariah 1:8)? What is the meaning of the phrase “I saw the night”? The Holy One, Blessed be He, sought to transform the entire world into night and destroy it, as there were no righteous people. “And behold, a man riding”; the word “man” is referring to no one but the Holy One, Blessed be He, as it is stated: “The Lord is a man of war, The Lord is His name” (Exodus 15:3). “Upon a red horse” alludes to the fact that the Holy One, Blessed be He, sought to transform the whole world into blood.

¹⁰⁶ Once He looked at Hananiah, Mishael, and Azariah He was placated, as it is stated: “And he stood among the myrtle bushes [hadassim] that were in the depths [bametzula].” And hadassim is referring to no one but the righteous, as it is stated: “And he raised Hadassah, that is Esther, his uncle’s daughter” (Esther 2:7). Hadassah is an appellation for the righteous Esther. And metzula is referring to no place but Babylonia, as it is stated with regard to the downfall of Babylonia: “That says to the deep [latzula]: Be dry, and I will dry up your rivers” (Isaiah 44:27). Immediately those messengers, in the form of horses, filled with anger and became gray, and those who were red became white. Rav Pappa says: Conclude from it that seeing a white horse in a dream is a good portent for that dream, as it presages peace and quiet.

¹⁰⁷ The Gemara asks: And with regard to the Sages, Hananiah, Mishael, and Azariah, where did they go after their miraculous deliverance, as there is no further mention of them? Rav says: They died as the result of the evil eye, as everyone was jealous of their deliverance. And Shmuel says: They drowned in the spittle of the nations of the world who held the Jewish people in contempt due to their failure to serve God in the appropriate manner. And Rabbi Yoḥanan says: They ascended to Eretz Yisrael and married women and fathered sons and daughters.

¹⁰⁸ The Gemara comments: This amoraic dispute is parallel to a dispute between tanna'im. Rabbi Eliezer says: They died as the result of the evil eye. Rabbi Yehoshua says: They drowned in the spittle. And the Rabbis say: They ascended to Eretz Yisrael and married women and fathered sons and daughters, as it is stated: “Hear now, Joshua the High Priest, you and your fellows who sit before you, for they are men of wonder” (Zechariah 3:8). Who are the people who had a wonder performed for them in that generation? You must say that it is Hananiah, Mishael, and Azariah.

¹⁰⁹ The Gemara asks: And where did Daniel go? He certainly did not bow to the graven image, and he was not cast into the furnace. Apparently, he was elsewhere. Rav says: He went to dig the great river in Tiberias. And Shmuel says: Daniel went to bring choice alfalfa seed from a distance, and therefore he was not in Babylonia. And Rabbi Yoḥanan says: He went to bring the high-quality pigs of Alexandria of Egypt. The Gemara asks: Is that so that he went to bring the pigs? But isn't it taught in a baraita that Theodosius the doctor says: No cow or sow emerges from Alexandria of Egypt whose womb is not severed so that it will not give birth? The Gemara answers: They were small pigs that he brought without the knowledge of the people of Alexandria.

¹¹⁰ The Sages taught: Three were partners in that plan to ensure that Daniel would not be in Babylonia when the decree of persecution was in effect: The Holy One, Blessed be He; Daniel; and Nebuchadnezzar. The Holy One, Blessed be He, said: Let Daniel go from here, so that people would not say that Hananiah, Mishael, and Azariah were delivered from the fiery furnace due to the virtue of Daniel, rather than due to their own righteousness.

¹¹¹ And Daniel said to himself: I will go away from here so that this verse will not be fulfilled in my regard: “The graven images of their gods shall you burn with fire” (Deuteronomy 7:25). Daniel was concerned that because Nebuchadnezzar worshipped him like a deity, his legal status was that of an idol, and he would be burned.

¹¹² And Nebuchadnezzar said: Daniel should go away from here so that the people will not say: Nebuchadnezzar burned his god in fire. And from where is it derived that Nebuchadnezzar worshipped Daniel? It is derived from a verse, as it is written: “Then the king Nebuchadnezzar fell upon his face and worshipped Daniel and commanded that they should offer an offering and pleasing aromas to him” (Daniel 2:46).

¹¹³ § Apropos the deliverance of Hananiah, Mishael, and Azariah, the Gemara cites the verses: “So says the Lord of hosts, the God of Israel, concerning Ahab, son of Kolaiah, and of Zedekiah, son of Maaseiah, who prophesy to you a lie in My name: Behold, I will deliver them into the hand of Nebuchadnezzar, king of Babylonia; and he shall slay them before your eyes” (Jeremiah 29:21). And it is written: “And of them shall be taken a curse by all the captivity of Judea, who are in Babylonia, saying: May the Lord make you like Zedekiah and like Ahab, whom the king of Babylonia toasted in the fire” (Jeremiah 29:22). It is not stated: Whom the king of Babylonia burned, but “whom the king of Babylonia toasted.” Rabbi Yoḥanan said in the name of Rabbi Shimon ben Yoḥai: This teaches that he rendered them like toasted wheat, which is toasted on all sides.

¹¹⁴ The verse states: “Because they have committed baseness in Israel, and have committed adultery with the wives of their neighbors” (Jeremiah 29:23). What did they do? The Gemara relates: They went to the daughter of Nebuchadnezzar. Ahab said to her: So says the Lord: Submit to Zedekiah and engage in intercourse with him. And Zedekiah said to her: So says the Lord: Submit to Ahab and engage in intercourse with him. She went and said to her father what they said to her. Nebuchadnezzar said to her: The God of these people abhors lewdness, so this is likely a false prophecy. When they come to you, send them to me.

¹¹⁵ When they came to her, she sent them to her father. Nebuchadnezzar said to them: Who told you to do this? They said: It was the Holy One, Blessed be He. Nebuchadnezzar said: But haven't I asked Hananiah, Mishael, and Azariah about this and they said to me: It is prohibited? They said to him: We too are prophets like they are. God did not say this prophecy to them; He said it to us. Nebuchadnezzar said to them: If so, I wish to put you to the test to determine if you are righteous, just as I put Hananiah, Mishael, and Azariah to the test.

¹¹⁶ Ahab and Zedekiah said to Nebuchadnezzar: They were three and we are only two, and our merit is not great enough to save us from the fire. Nebuchadnezzar said to them: Choose for yourselves a third person, whomever you wish, to be put to the test with you. They said to him: We choose Joshua the High Priest. They chose him because they thought: Let Joshua the High Priest come with us, since his merit is great and it will protect us.

¹¹⁷ They took the three of them down and cast them into the furnace. They were burned, and as for Joshua the High Priest, his garments were singed, as it is stated: “And He showed me Joshua the High Priest, standing before the angel of the Lord, and Satan was standing at his right to thwart him” (Zechariah 3:1). And it is written: “And the Lord said to Satan, the Lord shall rebuke you, Satan, the Lord Who has chosen Jerusalem shall rebuke you; is this man not a firebrand plucked from fire?”

(Zechariah 3:2). This is an allusion to the fact that he was delivered from the fiery furnace, although he was slightly singed.

¹¹⁸ Nebuchadnezzar said to Joshua the High Priest: I know you are righteous because you were delivered from the fire, but what is the reason that the fire was slightly effective concerning you, and for Hananiah, Mishael, and Azariah the fire was not effective concerning them at all, and their garments were not singed? Joshua the High Priest said to him: They were three righteous people, and I am one. Nebuchadnezzar said to him: But wasn't Abraham one person, and when he was cast into the furnace the fire had no effect? Joshua answered him: There, in the case of Abraham, there were no wicked people with him, and license to cause damage was not given to the fire. Here, in this case, there were wicked people with me, and license to cause damage was given to the fire. The Gemara adds that this explains the adage that people say: If there are two dry firebrands and one moist one in a fire, the dry firebrands burn the moist one.

¹¹⁹ The Gemara asks: What is the reason that Joshua the High Priest was punished and was cast into the furnace? Rav Pappa says: It was due to the fact that his sons would marry women who were not fit for marriage into the priesthood, and he did not reprimand them, as it is stated: "And Joshua was clothed in filthy garments, and he stood before the angel" (Zechariah 3:3). And was it the typical manner of Joshua to wear filthy garments? Rather this verse teaches an allusion that his sons would marry women who were not fit for marriage into the priesthood, and he did not reprimand them. That is why he appeared with soiled garments in the vision of the prophet Zechariah.

¹²⁰ § Apropos Hananiah, Mishael, and Azariah, the Gemara cites that which Rabbi Tanḥum says that bar Kappara taught in Tzipori: What is the meaning of that which is written with regard to the statement of Ruth to Naomi concerning Boaz: "These six grains of barley he gave me" (Ruth 3:17). What is the meaning of the phrase "six grains of barley"? If we say that the reference is to six actual grains of barley, is it the typical manner of Boaz to give a minimal gift of six grains of barley?

¹²¹ Rather, he gave her six se'a.

¹²² The Gemara asks: And is it the typical manner of a woman to take a heavy burden of six se'a of barley? Rather, Boaz alluded to Ruth that six descendants are destined to emerge from her who would each be blessed with six blessings, and these are they: David, and the Messiah, Daniel, Hananiah, Mishael, and Azariah. The Gemara elaborates: David was blessed with six virtues, as it is written: "And one of the servants answered and said: Behold, I have seen a son of Yishai of the house of Bethlehem who knows to play, and is a fine warrior, and a man of war, and prudent in speech, and a comely man, and the Lord is with him" (I Samuel 16:18).

¹²³ Rav Yehuda says that Rav says: Doeg the Edomite, one of Saul's servants, stated this entire verse only as malicious speech, in an attempt to incite Saul to be jealous of David. "Who knows how to play" means that he knows how to ask complex and germane questions about Torah matters. "A fine warrior" means that he knows how to answer questions raised with regard to matters of Torah. "A man of war," means that he knows to negotiate his way in the battle to understand the Torah. "A comely man" is one who displays understanding in facets of halakha and explains it well. "And prudent in speech [davar]" means that he infers one matter [davar] from another matter. "And the Lord is with him" means that the halakha is ruled in accordance with his opinion in every area of halakha.

¹²⁴ The Gemara relates: In response to all of these virtues listed in praise of David, Saul said to his servants: My son Jonathan is his equal. Once Doeg said to Saul: “And the Lord is with him,” meaning that the halakha is ruled in accordance with his opinion in every area of halakha, a matter that did not apply even to Saul himself, he was offended and grew jealous of David. As with regard to Saul it is written: “And wherever he turned he put them to the worse” (I Samuel 14:47), and with regard to David it is written: And wherever he turns he does prosper. Although the verse about Saul is referring to his victories and his prominence in Torah, he was not privileged to have all of his conclusions accepted as halakha.

¹²⁵ The Gemara asks: From where do we derive that it was Doeg who listed the virtues in this verse? The Gemara answers that it is written here: “And one [eḥad] of the servants answered,” meaning the most notable [meyuḥad] of the servants. And it is written there: “And a certain man of the servants of Saul was there that day, detained before the Lord, and his name was Doeg the Edomite, the chief of the herdsmen that belonged to Saul” (I Samuel 21:8).

¹²⁶ The Messiah was blessed with six virtues, as it is written: “And the spirit of the Lord shall rest upon him, the spirit of wisdom and understanding, the spirit of counsel and might, the spirit of knowledge and of the fear of the Lord” (Isaiah 11:2); and it is written: “And his delight [vahariḥo] shall be the fear of the Lord, and he shall neither judge after the sight of his eyes, nor decide after the hearing of his ears” (Isaiah 11:3).

¹²⁷ Rabbi Alexandri says that the term hariḥo teaches that God burdened the Messiah with mitzvot and afflictions like millstones [reiḥayim]. Rava says that hariḥo teaches that the Messiah will smell [demorah] and then judge on that basis, sensing who is right, as it is written: “And he shall neither judge after the sight of [lemareh] his eyes, nor decide after the hearing of his ears; and with righteousness shall he judge the poor, and decide equity for the meek of the earth” (Isaiah 11:3–4).

¹²⁸ The Gemara relates: Bar Koziva, i.e., bar Kokheva, ruled for two and a half years. He said to the Sages: I am the Messiah. They said to him: With regard to the Messiah it is written that he is able to smell and judge, so let us see ourselves whether he, bar Kokheva, is able to smell and judge. Once they saw that he was not able to smell and judge, the gentiles killed him.

¹²⁹ Six virtues were ascribed to Daniel, Hananiah, Mishael, and Azariah, as it is written in their regard: “Youths in whom was found no blemish, and well favored, and skillful in all wisdom, and discerning in knowledge, and perceptive in understanding, and who had strength in them to stand in the king’s palace, and whom they might teach the learning and the tongue of the Chaldeans” (Daniel 1:4).

¹³⁰ The Gemara asks: What is the meaning of the phrase “in whom was found no blemish”? Rabbi Ḥama bar Ḥanina says: Even a scratch like the wound that remains after bloodletting was not found in them. What is the meaning of the phrase “and who had strength in them to stand in the king’s place”? What strength is needed to do so? Rabbi Ḥama, son of Rabbi Ḥanina, says: This teaches that they would force themselves to refrain from laughter, and from conversation, and from sleep, and would restrain themselves when they felt the urge to relieve themselves via their orifices, due to fear of the monarchy.

¹³¹ § The Gemara explores more of their attributes. The verse states: “Now among these were, of the descendants of Judah: Daniel, Hananiah, Mishael, and Azariah” (Daniel 1:6). Rabbi Eliezer says:

They were all of the descendants of Judah. And Rabbi Shmuel bar Naḥmani says: Daniel was of the descendants of Judah, and Hananiah, Mishael, and Azariah were descendants of other tribes.

¹³² Isaiah prophesied to Hezekiah: “And of your sons that shall issue from you, they shall be taken away; and they shall be officers [sarisim] in the palace of the king of Babylonia” (Isaiah 39:7). The Gemara asks: What is the meaning of sarisim? Rav says: It means literally eunuchs, whom the Babylonians castrated to render them suitable for employment in all aspects of the king’s service. And Rabbi Ḥanina says: It means that idol worship was emasculated during their lifetime, as it became clear to all that it lacks substance.

¹³³ The Gemara asks: Granted, according to the one who says that idol worship was emasculated during their lifetime, that is as it is written: “And they have no hurt” (Daniel 3:25), indicating that the bodies of Hananiah, Mishael, and Azariah were intact and they were not castrated. But according to the one who says that they were literally eunuchs, what is the meaning of the phrase “And they have no hurt”? The Gemara answers: It means they had no hurt from the fire of the furnace, not that their bodies were completely intact. The Gemara asks: But isn’t it already written: “Nor had the odor of fire passed over them” (Daniel 3:27)? There was no need to repeat that they were unaffected by the fire. The Gemara answers: This means that there was neither hurt from the fire nor harm from the odor of the fire.

¹³⁴ The Gemara asks: Granted, according to the one who says that idol worship was emasculated during their lifetime, that is as it is written: “For so says the Lord to the sarisim who observe My Shabbatot, and choose what pleases Me, and keep My covenant” (Isaiah 56:4). This verse calls them sarisim due to their miraculous deliverance from the furnace. But according to the one who says that they were literally eunuchs, would the verse speak in denigration of the righteous? Would the verse identify Hananiah, Mishael, and Azariah by their blemish rather than by their names? The Gemara answers: According to the one who says that they were literally eunuchs, both this, the physical imperfection, and that, the fact that idol worship was emasculated during their lifetime, were true concerning them.

¹³⁵ The Gemara asks from another perspective: Granted, according to the one who says that they were literally eunuchs, that is as it is written in the next verse: “And to them I will give in My house and within My walls a memorial better than sons and daughters: I will give him an everlasting name, that shall not be excised” (Isaiah 56:5). But according to the one who says that idol worship was emasculated during their lifetime, what is the meaning of the phrase “better than sons and daughters”? Rav Naḥman bar Yitzḥak says: It is consolation concerning children that they already had and who died, that they would also be memorialized. The Gemara asks: What is the meaning of the phrase “an everlasting name that shall not be excised”? Rabbi Tanḥum says that bar Kappara taught in Tzipori: This is referring to the book of Daniel, which is called by his name.

¹³⁶ § Apropos books of the Bible named for a prominent person, the Gemara asks: Now with regard to all the matters of the book of Ezra, Nehemiah, son of Hacaliah, said them and wrote most of them; and with regard to Nehemiah, son of Hacaliah, what is the reason that a book was not called by his name? Over the course of many generations, extending many years after the talmudic period, the book that is today named for Nehemiah was not a separate book and was included in the book of Ezra. Rabbi Yirmeya bar Abba says: The book was not named for Nehemiah because he took credit for himself and boasted about his good deeds, as it is stated: “Remember me, God, for good”

(Nehemiah 13:31). The Gemara asks: Is that a shortcoming? King David also said: “Remember me, Lord, when You show favor to Your people; visit me with Your salvation” (Psalms 106:4). The Gemara answers: David was asking for compassion and formulated his words as a prayer. Nehemiah stated them as a fact and a demand.

¹³⁷ Rav Yosef says: Nehemiah was punished because he spoke in denigration of his predecessors, as it is stated: “But the former governors who were before me placed burdens upon the people, and took from them for bread and wine beyond forty shekels of silver; even their servants ruled over the people; but I did not do so, due to the fear of God” (Nehemiah 5:15). And he related these disparaging statements even about Daniel, who was greater than he was.

¹³⁸ The Gemara asks: From where do we derive that Daniel was greater than he was? The Gemara answers: It is derived from a verse, as it is written: “And I, Daniel, alone saw the vision, and the men who were with me did not see the vision; but a great trembling fell upon them, and they fled to hide” (Daniel 10:7). The Gemara asks: “And the men who were with me did not see the vision”; and who were these men? Rabbi Yirmeya, and some say Rabbi Hiyya bar Abba, says: That is referring to Haggai, Zechariah, and Malachi, who were with him and did not see. Evidently, Daniel was greater than these prophets, and all the more so was he greater than Nehemiah, who was never privileged to prophesy.

¹³⁹ Apropos Daniel, Haggai, Zechariah, and Malachi, the Gemara notes: In certain respects, the latter three were greater than Daniel, and in certain respects, Daniel was greater than the latter three. They were greater than he, as they were prophets and he was not a prophet. Haggai, Zechariah, and Malachi were designated to transmit their visions of God to the Jewish people, but Daniel was not designated to share his visions with others. And he was greater than they, as he saw this vision, and they did not see this vision.

¹⁴⁰ The Gemara asks: And since they did not see the vision, what is the reason that they were frightened? The Gemara answers: Although they did not see the vision, their guardian angels saw it, and they were overcome with fear and fled. Ravina said: Conclude from it that in the case of this person who becomes frightened with no apparent cause, although he does not see what causes his fear, his guardian angel sees it.

¹⁴¹ What is his remedy? Let him leap four cubits from his current location to distance himself from the perceived danger. Alternatively, let him recite Shema, which will afford him protection. And if he is standing in a place of filth, where it is prohibited to recite verses from the Torah, let him say this formula: The goat of the slaughterhouse is fatter than I, and let the demon harm the goat instead.

¹⁴² § Apropos Hezekiah, the Gemara cites that which is stated: “That the government may be increased [leamarbe] and of peace there be no end, upon the throne of David, and upon his kingdom, to establish it and uphold it through justice and through righteousness, from now and forever; the zeal of the Lord of hosts does perform this” (Isaiah 9:6). Rabbi Tanḥum says that bar Kappara taught in Tzipori: Due to what reason is it that every letter mem in the middle of a word is open and this mem, of the word lemarbe, is closed? In the Masoretic text, the letter mem in the word “leamarbe” is written in the form of a mem that appears at the end of a word, closed on all four sides. This is because the Holy One, Blessed be He, sought to designate King Hezekiah as the Messiah and to designate Sennacherib and Assyria, respectively, as Gog and Magog, all from the prophecy of

Ezekiel with regard to the end of days (Ezekiel, chapter 38), and the confrontation between them would culminate in the final redemption.

¹⁴³ The attribute of justice said before the Holy One, Blessed be He: Master of the Universe, and if with regard to David, king of Israel, who recited several songs and praises before You, You did not designate him as the Messiah, then with regard to Hezekiah, for whom You performed all these miracles, delivering him from Sennacherib and healing his illness, and he did not recite praise before You, will You designate him as the Messiah? It is for that reason that the mem was closed, because there was an opportunity for redemption that was thwarted.

¹⁴⁴ Immediately, the earth began and stated before Him: Master of the Universe, I will recite song before You in place of that righteous person, i.e., Hezekiah, and designate him as the Messiah. The earth began and recited a song before Him, as it is stated: “From the uttermost part of the earth have we heard songs: Glory to the righteous. But I said, my secret is mine, my secret is mine, woe unto me. The treacherous deal treacherously; the treacherous deal very treacherously” (Isaiah 24:16).

¹⁴⁵ The angel appointed to oversee the world said before Him: Master of the Universe, perform the will of this righteous person. A Divine Voice emerged and said: “My secret is Mine, My secret is Mine”; this matter will remain secret, as I am not yet bringing the redemption. The prophet said: “Woe unto me,” woe unto me; until when will the exile continue? A Divine Voice emerged and said: “The treacherous deal treacherously; the treacherous deal very treacherously” (Isaiah 24:16). And Rava, and some say Rabbi Yitzhak, says: Until looters and looters of looters come, the Messiah will not come.

¹⁴⁶ On a similar note, Isaiah said: “The burden of Dumah. One calls to me out of Seir: Watchman, what of the night? Watchman, what of the night? The Watchman said: The morning comes and also the night; if you will inquire, inquire; return, come” (Isaiah 21:11–12). Rabbi Yoḥanan says: That angel, who is appointed over the spirits [seirim], his name is Dumah. All the spirits assembled near Dumah and said to him: “Watchman, what of the night? Watchman, what of the night? Does God, Guardian of Israel, say that the time for redemption has arrived?” The angel answered: “The Watchman said: The morning comes and also the night; if you will inquire, inquire; return, come.” The Holy One, Blessed be He, said that the morning of redemption has come as well as the night of the exile. If you inquire and seek repentance, inquire and repent, and return to God and redemption will come.

¹⁴⁷ It was taught in the name of Rabbi Pappeyas: It is a disgrace for Hezekiah and his associates that they did not recite a song themselves and that a song was not recited until the earth began and recited a song, as it is stated: “From the uttermost part of the earth have we heard songs: Glory to the righteous” (Isaiah 24:16). On a similar note, you say: “And Jethro said: Blessed be the Lord, Who has delivered you out of the hand of Egypt and out of the hand of Pharaoh” (Exodus 18:10). It was taught in the name of Rabbi Pappeyas: It is a disgrace for Moses and the six hundred thousand adult men of the children of Israel whom he led out of Egypt that they did not say: Blessed, until Yitro came and said: “Blessed be the Lord.”

¹⁴⁸ It is written in the previous verse: “Vayyihad Yitro for all the goodness that the Lord had done to Israel, whom He had delivered out of the hand of Egypt” (Exodus 18:9). Rav and Shmuel disagreed with regard to the meaning of vayyihad. Rav says: He passed a sharp [had] sword over his flesh, i.e., he circumcised himself and converted. And Shmuel says: He felt as though cuts [hiddudim] were

made over his flesh, i.e., he had an unpleasant feeling due to the downfall of Egypt. Rav says with regard to this statement of Shmuel that this is in accordance with the adage that people say: With regard to a convert, for ten generations after his conversion one should not disparage a gentile before him and his descendants, as they continue to identify somewhat with gentiles and remain sensitive to their pain.

¹⁴⁹ § The verse states: “Therefore shall the Master, the Lord of hosts, send among his fat ones [mishmanav] leanness” (Isaiah 10:16). What is the meaning of the phrase “send among his fat ones leanness”? The meaning is that the Holy One, Blessed be He, said: Let Hezekiah, who has eight [shemona] names, come, and exact retribution from Sennacherib, who has eight names. The Gemara elaborates: The eight names of Hezekiah are as it is written: “For to us a child is born, to us a son is given; and the government is upon his shoulder; and his name is called Pele Joez El Gibbor Abi Ad Sar Shalom” (Isaiah 9:5). The Gemara asks: But isn’t there an additional name, Hezekiah? The Gemara explains: That was not a given name; rather, it is an appellation based on the fact that God strengthened him [hizzeko]. Alternatively, he was called Hezekiah due to the fact that he strengthened the devotion of the Jewish people to their Father in Heaven.

¹⁵⁰ The eight names of Sennacherib are as it is written in his regard among the kings of Assyria: “Tiglath-Pileser” (II Kings 15:29), “Tiglath-Pilneser” (II Chronicles 28:20), “Shalmaneser” (II Kings 17:3), “Pul” (II Kings 15:19), “Sargon” (Isaiah 20:1), and “the great and noble Asenappar” (Ezra 4:10). And the Gemara asks: But isn’t there an additional name, Sennacherib [Sanheriv]? The Gemara explains: That was not a given name; rather, it is an appellation based on the fact that his speech is contentious [siḥato riv], leading to quarrel and shame. Alternatively, he was called Sanheriv due to the fact that he spoke [saḥ] and snorted out [niḥer] contemptuous statements vis-à-vis the Transcendent.

¹⁵¹ Rabbi Yoḥanan says: For what reason was that wicked person privileged to be named “the great and noble Asenappar”? It was due to the fact that he did not speak [sipper] in disparagement of Eretz Yisrael, as it is stated: “Until I come and take you to a land like your own” (II Kings 18:32), and he did not say that he was taking them to a superior land.

¹⁵² Rav and Shmuel disagreed with regard to that statement of Sennacherib: One says he was a clever king and one says he was a foolish king. According to the one who says he was a clever king, he said that he is taking them to a land like their own, as he thought: If I say to them: I am taking you to a land that is superior to your land, they will say: You are lying. And as for the one who says he was a foolish king, he explains: If so, if he said that he is not taking them to a superior land, what is his greatness and how would they be convinced to go into exile?

¹⁵³ The Gemara asks: To where did Sennacherib exile the ten tribes? Mar Zutra says: He exiled them to Afrikei, and Rabbi Ḥanina says: To the Selug Mountains. The Gemara adds: But those exiled from the kingdom of Israel spoke in disparagement of Eretz Yisrael and extolled the land of their exile. When they arrived at one place, they called it Shosh, as they said: It is equal [shaveh] to our land. When they arrived at another place, they called it Almin, as they said: It is like our world [almin], as Eretz Yisrael is also called beit olamim. When they arrived at a third place they called it Shosh the second [tere], as they said: For one measure of good in Eretz Yisrael, there are two [terein] here.

¹⁵⁴ The Gemara cites additional verses written with regard to Sennacherib. “And beneath his glory shall be kindled a blaze like the blaze of a fire” (Isaiah 10:16). Rabbi Yoḥanan says: A blaze was

kindled beneath his glory, but it was not actually kindled on his glory. The blaze consumed the bodies of the troops of Sennacherib beneath their garments, which were referred to as glory, as in that practice of Rabbi Yoḥanan, who would call his garments: My glory. Rabbi Elazar says: It means beneath his actual glory, i.e., the blaze consumed their souls, and their flesh was not consumed, like the burning of the sons of Aaron. Just as there, the death of the sons of Aaron entailed the burning of the soul, and the body remained intact, so too here, the death of the troops of Sennacherib entailed the burning of the soul, and the body remained intact.

¹⁵⁵ It was taught in the name of Rabbi Yehoshua ben Korḥa: With regard to Pharaoh, who himself blasphemed God, the Holy One, Blessed be He, Himself exacted retribution from him. With regard to Sennacherib, who blasphemed God

¹⁵⁶ by means of an agent, the Holy One, Blessed be He, exacted retribution from him by means of an agent.

¹⁵⁷ Pharaoh blasphemed God, as it is written that he said to Moses and Aaron: “Who is the Lord that I should obey His voice?” (Exodus 5:2) The Holy One, Blessed be He, Himself exacted retribution from him, as it is written: “And the Lord overthrew Egypt in the midst of the sea” (Exodus 14:27), and it is written: “You have trodden through the sea with Your horses” (Habakkuk 3:15). Sennacherib blasphemed God by means of an agent, as it is written: “By your messengers you have taunted the Lord” (II Kings 19:23). The Holy One, Blessed be He, exacted retribution from him by means of an agent, as it is written: “Then the angel of the Lord went forth and smote in the camp of the Assyrians one hundred and eighty-five thousand” (II Kings 19:35).

¹⁵⁸ Rabbi Ḥanina bar Pappa raises a contradiction. It is written that Sennacherib said: “And I will enter into its farthest height” (Isaiah 37:24), and it is written in a parallel verse that he said: “And I have entered into its farthest lodge” (II Kings 19:23). The Gemara resolves the contradiction. That wicked person said: Initially, I will destroy the earthly dwelling place below, i.e., the Temple, its farthest lodge, and thereafter, I will destroy the heavenly dwelling place above, its farthest height.

¹⁵⁹ § Rabbi Yehoshua ben Levi says: What is the meaning of that which is written in the statement of Rab-shakeh, emissary of Sennacherib: “Have 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” (II Kings 18:25). What is this command to destroy the land? Rabbi Yehoshua ben Levi explains: It is referring to the fact that he heard the prophet who said: “Since the people rejected the waters of Shiloah that flow slowly and rejoice with Rezin and the son of Remaliah. Now therefore, behold, the Lord brings upon them...the king of Assyria” (Isaiah 8:6–7).

¹⁶⁰ Rav Yosef says: Were it not for the Aramaic translation of this verse I would not know what it is saying. It is translated: Since this people loathed the reign of the house of David that led them gently, like the waters of the Shiloah, which flow gently, and they preferred Rezin and the son of Remaliah, who were kings from the northern kingdom of Israel. And the verse continues: “Now therefore, behold, the Lord brings upon them...the king of Assyria.”

¹⁶¹ Rabbi Yoḥanan says: What is the meaning of that which is written: “The curse of the Lord is in the house of the wicked, but He blesses the habitation of the just” (Proverbs 3:33)? “The curse of the Lord is in the house of the wicked”; this is a reference to Pekah, son of Remaliah, who would eat forty se’a of fledglings for dessert and would still not be satiated, as his property was cursed. “But He

blesses the habitation of the just”; this is a reference to Hezekiah, king of Judea, who would eat a litra of vegetables at his meal and was satiated, as his property was blessed.

¹⁶² It is written in the verse: “Now therefore, behold, the Lord brings up upon them the strong and abundant waters of the river, the king of Assyria” (Isaiah 8:7). And it is written: “And he shall sweep through Judea; he shall inundate and pass through, reaching even the neck” (Isaiah 8:8). Rab-shakeh alluded to that prophecy when he said in the verse in Kings that the Lord said to destroy the land.

¹⁶³ The Gemara asks: But what is the reason that Sennacherib was punished if he was merely fulfilling God’s command? The Gemara answers: The prophet prophesied about the destruction of the kingdom of Israel and the exile of the ten tribes, but he directed his attention to destroy all of Jerusalem. The prophet came and said to him: “For there is no weariness [mu’af] that is set [mutzak] against her” (Isaiah 8:23). Rabbi Elazar bar Berekhya says that the verse is interpreted homiletically: A nation that is weary [ayes] from its constant engagement in Torah study is not delivered into the hands of one who oppresses [metzik] it.

¹⁶⁴ What is the meaning of the continuation of the verse, which states: “Now the former has lightly afflicted [hake] the land of Zebulun and the land of Naphtali but the latter has dealt a more grievous blow [hikhd] by way of the sea, beyond the Jordan in the district [gelil] of the nations”? The generation in Judea in the time of Hezekiah is not like the former generation of Ahaz, who eased [hekellu] the yoke of Torah from upon the people. But the latter generation of Hezekiah, who intensified [hikhd] the yoke of Torah upon the people, is fit for God to perform a miracle for them like the miracles performed for those who crossed the Red Sea and those who trod through the Jordan River. God is saying: If Sennacherib reconsiders his planned conquest, good, but if he does not, I will render him wallowing [galil] in shame among the nations.

¹⁶⁵ The verse states: “After these matters and this truth, Sennacherib, king of Assyria, came and entered Judea and encamped against the fortified cities and sought to breach them for himself” (II Chronicles 32:1). The Gemara asks: Is this gift [rishna], the invasion of Sennacherib, appropriate compensation for that gift [pardashna], Hezekiah’s restoration of the Temple and the worship of God in Judea?

¹⁶⁶ The Gemara explains: When the verse states: “After these matters and this truth [emet],” after what matters is the verse referring to? Ravina says: This is referring to after the Holy One, Blessed be He, preempted and took an oath, referenced with the term emet, that He will deliver the spoils of the army of the king of Assyria into the hands of Hezekiah. And this was because He had said: If I say to Hezekiah: I will bring Sennacherib and I will deliver him into your hands; he will then say: I neither want him delivered into my hands nor do I want the accompanying fear of him.

¹⁶⁷ Immediately, the Holy One, Blessed be He, preempted Hezekiah and took an oath: I take an oath that I will deliver him, as it is stated: “The Lord of hosts has taken an oath, saying: Is it not as I imagined it, so has it come to pass; and as I have proposed, so shall it arise, that I will break Assyria in My land, and upon My mountains subdue him [avusennu]; then shall his yoke depart from them, and his burden depart from its shoulder” (Isaiah 14:24–25). Rabbi Yoḥanan says that the Holy One, Blessed be He, said: Sennacherib and his entourage shall come and be transformed into a feeding trough [evus], in the sense of a source of sustenance for Hezekiah and his entourage.

¹⁶⁸ § It is stated with regard to the downfall of Assyria: “And it shall come to pass on that day, his burden shall be taken from on your shoulder, and his yoke from on your neck, and the yoke shall be

destroyed due to fatness [shamen]” (Isaiah 10:27). Rabbi Yitzhak Nappaḥa says: The yoke of Sennacherib was destroyed due to the oil [shemen] of Hezekiah that would burn in the synagogues and study halls when the Jewish people were engaged in Torah study at night.

¹⁶⁹ What did Hezekiah do to ensure Torah study? He inserted a sword at the entrance of the study hall and said: Anyone who does not engage in Torah study shall be stabbed with this sword. As a result, they searched from Dan in the north to Beersheba in the south, and did not find an ignoramus. They searched from Gevat to Antipatris and did not find a male child, or a female child, or a man, or a woman who was not expert even in the complex halakhot of ritual purity and impurity.

¹⁷⁰ And it is about that generation that the prophet says: “And it shall come to pass in that day, that a man shall nourish a young calf and two sheep. And it shall come to pass, from the abundance of milk that they produce, he shall eat butter, for butter and honey shall everyone eat, everyone who remains in the midst of the land” (Isaiah 7:21–22). And the prophet continues and says: “And it shall come to pass in that day that every place where there were one thousand vines for one thousand silver coins, it shall be for briars and thorns” (Isaiah 7:23). Although one thousand vines are worth one thousand silver coins and one could earn substantial profits through agricultural labor, the fields will grow briars and thorns due to neglect. The people of that generation were devoted to the study of Torah and engaged in labor only minimally to sustain themselves.

¹⁷¹ It is written: “And your spoils shall be gathered like the gathering of the locusts; as the advance of the locusts shall he advance” (Isaiah 33:4). The prophet said to the Jewish people: Gather your spoils from the army of Sennacherib. They said to him: Are we to pillage the spoils, each person for himself, or are we to divide the spoils with the monarchy? He said to them: Gather the spoils like the gathering by the locusts. Just as in the gathering by the locusts, each and every one of the locusts takes food for itself, so too, in gathering your spoils, each and every one of you shall take spoils for himself.

¹⁷² They said to him: Since the army of Sennacherib came to Jerusalem after its conquest of the kingdom of Israel, isn’t the property of the ten tribes intermingled with it, and therefore, gathering the spoils would be robbery? He said to them: “As the advance of the locusts [gevīm] shall he advance” (Isaiah 33:4). Just as these pools of water elevate a person up from a state of ritual impurity to a state of purity through immersion, so too the property of the Jewish people, once it falls into the hands of gentiles, it immediately purifies the property, in the sense that it is no longer considered robbery to take it, as its owners despair of its recovery. This is in accordance with the statement of Rav Pappa, as Rav Pappa says: The property of Ammon and Moab was purified through the conquest of Sihon. Although the Torah rendered it prohibited to conquer the land of Ammon and Moab, once Sihon conquered their land, it was permitted for the Jewish people to conquer it.

¹⁷³ § Rav Huna says: That wicked Sennacherib traveled ten journeys on that day, as it is stated: “He is come to Aiath, he is passed through Migron; at Michmas he deposited his baggage. They passed [averu] Mabara; they have taken up their lodging at Geba; Ramah trembles; Gibeath Shaul has fled. Cry with a shrill voice, daughter of Gallim; hearken, Laish; poor Anathoth. Madmenah is in flight; the inhabitants of Gebim flee to cover. This very day shall he halt at Nov; he shall shake his hand against the mountain of the daughter of Zion, the hill of Jerusalem” (Isaiah 10:28–32). He traveled to all these places on the same day.

¹⁷⁴ The Gemara asks: Aren't these more than ten? The Gemara answers that in the verse: "Cry with a shrill voice, daughter of Gallim," it is the prophet who is saying it to the congregation of Israel: "Cry with a shrill voice, daughter of Gallim," daughter of Abraham, Isaac, and Jacob, who performed mitzvot as numerous as the waves of the sea. "Hearken, Laish"; from this king, Sennacherib, fear not; but fear Nebuchadnezzar, the wicked who is likened to a lion, as it is stated: "The lion [arye] is gone up from its thicket" (Jeremiah 4:7).

¹⁷⁵ The Gemara asks: What is the meaning of the phrase:

¹⁷⁶ "Poor [aniyya] Anathoth" (Isaiah 10:30)? Jeremiah, son of Hilkiah, is destined to prophesy about Nebuchadnezzar from Anathoth, as it is written: "The statements of Jeremiah, son of Hilkiah, of the priests who were in Anathoth in the land of Benjamin" (Jeremiah 1:1).

¹⁷⁷ The Gemara asks: Are these matters comparable? There, in Jeremiah, Nebuchadnezzar is called ari, as the verse refers to him with the term arye, and here, in Isaiah, Nebuchadnezzar is called laish. The Gemara explains that the verses are not contradictory, as Rabbi Yoḥanan says: There are six Hebrew terms for the lion, and they are: Ari, kefir, lavi, layish, shaḥal, shaḥatz. The Gemara challenges: If it is so that this verse is unrelated to the journeys of Sennacherib, then the places listed in the verse are too few, as there are not ten. The Gemara explains: Averu and Mabara are in fact the names of two separate places.

¹⁷⁸ The Gemara asks: What is the meaning of the phrase: "This very day shall he halt at Nov" (Isaiah 10:32)? Rav Huna says: That was the final day that remained from the punishment that the Jewish people received from the sin of Nov (see I Samuel, chapter 22). The astrologers said to Sennacherib: If you go and conquer them now, you will overcome the Jewish people; and if not, you will not overcome the Jewish people. The Gemara relates: He walked and traversed in one day a road upon which one must walk for ten days in order to traverse it.

¹⁷⁹ When they arrived in Jerusalem they cast mats [bistarkei] for Sennacherib and piled them high until he ascended and sat above the wall, to the extent that he was able to see the entire city of Jerusalem. When he saw it, it seemed small in his eyes and he said: Is this the city of Jerusalem for which I have disrupted all my camps and for which I have conquered all these countries? Is it smaller and weaker than all the cities of the nations that I have conquered with my might? He went up and shook his head in contempt, and dismissively waved his hand at the Temple Mount that is in Zion and at the courtyard that is in Jerusalem.

¹⁸⁰ His officers said to him: Let us attack now and begin the conquest of Jerusalem. Sennacherib said to them: You are weary. Tomorrow, each and every one of you will bring me a piece of a stone from the wall equivalent in size to the seal [gulmo harag] of a letter, and this will suffice to breach the wall and vanquish the city. The verse recounts that immediately: "And it came to pass that night, that the angel of the Lord went forth and smote in the camp of the Assyrians one hundred and eighty-five thousand; and when men arose in the morning, behold, they were all dead corpses" (II Kings 19:35). Rav Pappa says that this is in accordance with the adage that people say: When quarrel lies and is delayed overnight, the quarrel is nullified. Since Jerusalem was not conquered that day, the decree was voided.

¹⁸¹ § Apropos the massacre of Nov, the Gemara relates: "And Ishbibenob, who was of the sons of the giant, the weight of whose spear was three hundred shekels of brass; and he was girded with new armor and planned to slay David" (II Samuel 21:16). The Gemara asks: What is the meaning of

Ishbibenob? Rav Yehuda says that Rav says: This is a man [ish] who came to punish David over matters of Nov. The Holy One, Blessed be He, said to David: Until when will this sin be concealed in your hand without punishment? Through your actions the inhabitants of Nov, the city of priests, were massacred, and through your actions, Doeg the Edomite was banished from the World-to-Come, and through your actions Saul and his three sons were killed.

¹⁸² God said to David: Your arrival in Nov and your misleading Ahimelech the priest generated the chain of events, and therefore you must be punished. You may choose the punishment. Is it your desire that your descendants will cease to exist or that you will be handed to the enemy? David said before Him: Master of the Universe, it is preferable that I will be handed to the enemy and my descendants will not cease to exist.

¹⁸³ One day David went to hunt with a falcon [liskor bazzai]. Satan came and appeared to him as a deer. He shot an arrow at the deer, and the arrow did not reach it. Satan led David to follow the deer until he reached the land of the Philistines. When Ishbibenob saw David he said: This is that person who killed Goliath, my brother. He bound him, doubled him over, and placed him on the ground, and then he cast him under the beam of an olive press to crush him. A miracle was performed for him, and the earth opened beneath him so he was not crushed by the beam. That is the meaning of that which is written: "You have enlarged my steps beneath me, that my feet did not slip" (Psalms 18:37).

¹⁸⁴ The Gemara relates: That day at dusk on Shabbat eve, Abishai ben Zeruiah shampooed his hair with four jugs of water in preparation for Shabbat. He saw four bloodstains. There are those who say: A dove came and fluttered its wings before him. Abishai said: The congregation of Israel is likened to a dove, as it is stated: "You shall shine as the wings of a dove covered with silver and her pinions with yellow gold" (Psalms 68:14); conclude from it that David, king of Israel, is in a state of distress. He came to David's house and did not find him. Abishai said that we learned in a mishna (22a): One may not ride on the king's horse, and one may not sit on his throne, and one may not use his scepter. In a period of danger, what is the halakha? He came and asked in the study hall what the ruling is in that situation. They said to him: In a period of danger one may well do so.

¹⁸⁵ He mounted the king's mule and arose and went to the land of the Philistines. The land miraculously contracted for him and he arrived quickly. As he was progressing he saw Orpah, Ishbibenob's mother, who was spinning thread with a spindle. When she saw him, she removed her spindle and threw it at him, intending to kill him. After failing to do so, she said to Abishai: Young man, bring me my spindle. He threw the spindle and struck her at the top of her brain and killed her.

¹⁸⁶ When Ishbibenob saw him, he said: Now they are two, David and Abishai, and they will kill me. He threw David up in the air, and stuck his spear into the ground. He said: Let David fall upon it and die. Abishai recited a sacred name of God and suspended David between heaven and earth so that he would not fall.

¹⁸⁷ The Gemara asks: And let David himself recite the name of God and save himself. Why did he need Abishai? The Gemara answers: A prisoner does not release himself from a prison but requires someone else to release him. Similarly, one in danger is incapable of rescuing himself.

¹⁸⁸ Abishai said to David: What do you seek here and why did you fall into Ishbibenob's hands? David said to him: This is what the Holy One, Blessed be He, said to me, and this is what I responded to Him; the time to submit to my enemy has arrived. Abishai said to him: Reverse your prayer and pray that your descendants will cease to exist rather than that you will be handed to the

enemy, in accordance with the adage that people say: Let your son's son be a poor peddler and sell wax, and you will not suffer. Do not limit your expenses to leave an inheritance for your descendants.

¹⁸⁹ David said to him: If so, help me. That is the meaning of that which is written: "And Abishai, son of Zeruiah, came to his aid, and smote the Philistine and killed him" (II Samuel 21:17). Rav Yehuda says that Rav says: This means that he came to his aid in prayer. Abishai recited another sacred name of God and caused David to land safely after being suspended between heaven and earth, and they fled.

¹⁹⁰ Ishbibenob pursued them, intending to kill them. When they reached the place named Kuvi they said: The name of the place is an abbreviation for the phrase meaning: Stand and battle against him [kum beih]. When they reached a place called Bei Terei, David and Abishai said: With two [bitrei] cubs they killed the lion, meaning they expected to be successful. They said to Ishbibenob: Go find Orpah, your mother, in the grave. When they mentioned his mother's name to him and told him she died, his strength diminished, and they killed him. The Gemara notes: It is after this that it is written: "Then David's men took an oath to him saying: You shall not go with us to war anymore and you will not douse the lamp of Israel" (II Samuel 21:17).

¹⁹¹ § The Sages taught in a baraita with regard to land contracting to shorten a journey: For three individuals the land contracted, and each one miraculously reached his destination quickly: Eliezer, servant of Abraham, and Jacob our forefather, and Abishai, son of Zeruiah. The Gemara elaborates: The case of Abishai, son of Zeruiah, is that which we said. The case of Eliezer, servant of Abraham, is as it is written: "And I came that day to the well" (Genesis 24:42). His intention was to say to the members of Rebecca's family that on that day he left Canaan and on the same day he arrived, to underscore the miraculous nature of his undertaking on behalf of Abraham. The case of Jacob our forefather

¹⁹² is as it is written: "And Jacob departed from Beersheba and went to Haran" (Genesis 28:10), and it is written thereafter, ostensibly after he arrived in Haran: "And he encountered [vayyifga] the place, and he slept there, for the sun had set" (Genesis 28:11). This means that when Jacob arrived at Haran, he said: Is it possible that I bypassed a place where my forefathers prayed and I did not pray there? He sought to return to Beit El. Once he contemplated in his mind to return, the land contracted for him, and immediately: "And he encountered the place," indicating that he arrived there unexpectedly, sooner than he would have arrived without a miracle.

¹⁹³ Alternatively, encounter means nothing other than prayer, as it is stated: "And you, do not pray on behalf of this nation, and do not raise on their behalf song and prayer, and do not encounter [tifga] Me, for I do not hear you" (Jeremiah 7:16).

¹⁹⁴ It is written: "And he slept there because the sun had set" (Genesis 28:11). After Jacob prayed and he sought to return to his travels, the Holy One, Blessed be He, said: This righteous man came to My inn. Will I allow him to take leave without sleeping here? Immediately the sun set, not at the proper time, and that is the meaning of that which is written with regard to Jacob: "And the sun shone for him when he passed Peniel" (Genesis 32:32). The Gemara asks: And did the sun shine only for him? But didn't the sun shine for the entire world? Rather, Rabbi Yitzhak says: The sun that set not at the proper time exclusively for him shone not at the proper time exclusively for him in order to rectify the disparity created by the premature sunset.

¹⁹⁵ Apropos David's prayer that his descendants cease, the Gemara asks: And from where do we derive that David's descendants ceased to exist? It is derived from a verse, as it is stated: "And Athaliah the mother of Ahaziah saw that her son was dead, and she arose and destroyed all the royal descendants" (II Kings 11:1). The Gemara asks: But didn't Joash remain alive, and therefore, not all of David's descendants ceased to exist? The Gemara answers: There too, in the massacre in Nov, Abiathar, one of the priests, remained alive, as it is written: "And one of the sons of Ahimelech, son of Ahitub, named Abiathar, escaped" (I Samuel 22:20). Rav Yehuda says that Rav says: Were it not for the fact that Abiathar remained alive for Ahimelech, son of Ahitub, there would have been no remnant or refugee remaining from the descendants of David.

¹⁹⁶ § Apropos Sennacherib, Rav Yehuda says that Rav says: Sennacherib the wicked came upon them with forty-five thousand men, sons of kings, sitting in carriages of gold, and with them were consorts and prostitutes, and with eighty thousand warriors each wearing a coat of mail, and with sixty thousand sword-bearers running before him, and the rest were cavalry. And likewise, when the four kings came upon Abraham to wage war in the land of Canaan (see Genesis, chapter 14), they brought forces of that magnitude. And likewise, forces of that magnitude are destined to come with Gog and Magog in the ultimate war.

¹⁹⁷ It was taught in a baraita: The length of the camp of Sennacherib was four hundred parasangs and the width of the necks of his horses side by side was forty parasangs. The total number of soldiers in his camp was 260 ten thousands, i.e., 2,600,000, minus one. Abaye asks: Is the tanna saying minus one unit of ten thousand, or minus one unit of one thousand, or minus one unit of one hundred or minus one? The Gemara concludes: The question shall stand unresolved.

¹⁹⁸ It was taught: The first set of soldiers in the army of Sennacherib crossed by swimming across the Jordan, as it is stated: "And he shall sweep through Judea; he shall overflow and pass" (Isaiah 8:8). Since the water level diminished with their crossing, the middle group of soldiers passed while standing upright, as it is stated: "It shall reach even the neck" (Isaiah 8:8). The last soldiers already kicked up dust with their feet, and they did not find water in the river to drink, and they had no water until they brought water from another place and drank it, as it is stated: "I dug and drank water" (Isaiah 37:25).

¹⁹⁹ The Gemara asks: But isn't it written: "Then the angel of the Lord went forth and smote in the camp of the Assyrians one hundred and eighty-five thousand. And when they arose early in the morning, behold, they were all dead corpses" (Isaiah 37:36)? Apparently, there were many fewer soldiers than the number listed in the baraita. Rabbi Abbahu says: These listed here are regiment leaders, who commanded numerous soldiers.

²⁰⁰ Rav Ashi says: It is also precise in the formulation of the verse, as it is written: "Therefore shall the Master, the Lord of hosts, send among his fat ones leanness" (Isaiah 10:16), indicating that it was the fat, i.e., significant, among them who were afflicted. Ravina says: The language is also precise in the formulation of another verse, as it is written: "And the Lord sent an angel, who obliterated the mighty men-at-arms and the leaders and captains in the camp of the king of Assyria. So he returned shamefacedly to his own land. And when he came into the house of his God, his own offspring slew him there with a sword" (II Chronicles 32:21). The Gemara affirms: Conclude from it that the leaders of the regiment were the ones killed.

²⁰¹ The Gemara asks: With what did the angel strike them? Rabbi Eliezer says: He struck them by hand, as it is stated: “And Israel saw the great hand” (Exodus 14:31), where the term for hand, *yad*, is preceded by the definite article *ha*, indicating that this was the hand that was destined to exact retribution from Sennacherib. Rabbi Yehoshua says: He struck them with His finger, as it is stated: “And the sorcerers said to Pharaoh: This is the finger of God” (Exodus 8:15), indicating that it is the finger that was destined to exact retribution from Sennacherib. Rabbi Eliezer, son of Rabbi Yosei HaGelili, says that the Holy One, Blessed be He, said to Gabriel: Is your scythe honed? Gabriel said before Him: Master of the Universe, it is standing honed from the six days of Creation, as it is stated: “For they have fled from the swords, from the honed sword” (Isaiah 21:15).

²⁰² Rabbi Shimon ben Yoḥai says: That period was the season of the ripening of the fruit. The Holy One, Blessed be He, said to Gabriel: When you emerge to ripen the fruits, attend to the army of Assyria and destroy them, as it is stated: “As often as it passes through, it shall take you; for morning by morning shall it pass through, by day and by night; and the mere understanding of the report shall bring terror” (Isaiah 28:19), indicating that Gabriel was to kill them while engaged in another activity. Rav Pappa says that this is in accordance with the adage that people say: While on your path, appear before your enemy and afflict him.

²⁰³ And there are those who say: The angel blew into the soldiers of the Assyrian army through their noses and they died, as it is stated: “When he blows upon them, and they wither” (Isaiah 40:24). Rabbi Yirmeya bar Abba says: The angel clapped his hands to them and they died, as it is stated: “I will also strike My hands together and I will assuage My anger” (Ezekiel 21:22). Rabbi Yitzḥak Nappaḥa says: He revealed ears for them and they were able to hear the songs of praise from the mouths of the celestial creatures drawing the chariot of God, and they died, as it is stated: “From Your exaltation the nations were scattered” (Isaiah 33:3), indicating that their death was caused by the revelation of God’s greatness.

²⁰⁴ And how many of the soldiers remained alive? Rav says: Ten soldiers, as it is stated: “And the rest of the trees of his forest shall be few, that a child may write them” (Isaiah 10:19). And what number can a child easily write? It is the number ten, represented by the letter *yod*, which is the smallest letter. And Shmuel says: Nine remained, as it is stated: “And gleanings shall be left of him, as in the beating of an olive tree, two or three berries in the top of the uppermost bough, four or five in the branches of a fruitful tree” (Isaiah 17:6). Four and five total nine.

²⁰⁵ Rabbi Yehoshua ben Levi says: Fourteen remained, as it is stated: “Two or three...four or five,” which total fourteen. Rabbi Yoḥanan says: Five remained: Sennacherib, and his two sons, and Nebuchadnezzar, and Nebuzaradan, the captain of the guard. The fact that Nebuzaradan was among them is learned through tradition. Nebuchadnezzar was among them, as it is written that Nebuchadnezzar said when he saw an angel with Hananiah, Mishael, and Azariah: “And the appearance of the fourth is like that of an angel” (Daniel 3:25). And if he had not seen the angel that smote Sennacherib’s army, from where would he have known that the fourth person looked like an angel? Sennacherib and his two sons were among them, as it is written later in their regard: “And it came to pass as he was worshipping in the house of Nisroch his god that Adrammelech and Sarezer, his sons, smote him with the sword” (II Kings 19:37). Evidently, the three of them survived.

²⁰⁶ § Rabbi Abbahu says: Were the following verse not written, it would have been impossible to say it, since it appears to be a desecration of the name of God, as it is written: “On that day shall the Lord

shave with a hired razor in the parts beyond the river the king of Assyria, the head, and the hair of the legs, and it shall also sweep away the beard” (Isaiah 7:20). The blasphemous indication is that the Holy One, Blessed be He, will Himself shave Sennacherib.

²⁰⁷ Rather, this is the incident depicted in the verse: The Holy One, Blessed be He, came and appeared to Sennacherib as an old man. God said to him: When you go to the kings of the east and the west whose children you brought and killed, what will you say to them? Sennacherib said to the Holy One, Blessed be He: That man, referring to himself, also sits overcome with the same fear, as I do not know what to say to them. Sennacherib said to the Holy One, Blessed be He: What should we do? The Holy One, Blessed be He, said to him: Go

²⁰⁸ and change your appearance so that they will not recognize you. Sennacherib asked him: With what shall I change it? God said to him: Go bring me scissors and I will shear you Myself. Sennacherib asked: From where should I bring the scissors? The Holy One, Blessed be He, said to him: Go to that house and bring them. He went and found ministering angels, who came and appeared to Sennacherib as men; and the angels were grinding date pits.

²⁰⁹ Sennacherib said to them: Give me scissors. The ministering angels said to him: Grind a se’a of pits and we will give it to you. He ground a se’a of pits and they gave him scissors. By the time he came back with the scissors it grew dark. The Holy One, Blessed be He, said to Sennacherib: Go and bring fire to provide light. Sennacherib went and brought fire. While he was fanning it, the fire ignited his beard and it spread and sheared his head and his beard. The Sages said: This is the meaning of that which is written: “And it shall also destroy the beard” (Isaiah 7:20). Rav Pappa says that this is in accordance with the adage that people say: If you scorch a gentile and it is pleasant for him, ignite a fire in his beard and you will never tire of ridiculing him. It means that if one does not protest when others ridicule him, they will escalate the ridicule. The adage is based upon this incident involving Sennacherib.

²¹⁰ Sennacherib went and found a beam from Noah’s ark, from which he fashioned a god. He said: This beam is the great god who delivered Noah from the flood. He said: If that man, referring to himself, goes and succeeds, he will sacrifice his two sons before you. His sons heard his commitment and killed him. This is the meaning of that which is written: “And it came to pass as he was worshipping in the house of Nisroch his god that Adrammelech and Sarezer, his sons, smote him with the sword, and they fled to Ararat” (II Kings 19:37), where Noah’s ark had come to rest. The Gemara explains that this interpretation is based upon the etymological similarity between neser, the Hebrew term for beam, and Nisroch, the god that Sennacherib fashioned from a beam.

²¹¹ § Apropos the war between the kings and Abraham mentioned above, the Gemara explains a verse: “And he pursued as far as Dan. And he divided himself against them by night [laila], he and his servants, and smote them” (Genesis 14:14–15). The term “by night” [laila] appears out of place in this verse. Rabbi Yoḥanan says: That angel that happened to come and assist Abraham in that war, Laila is his name, as it is stated: “And Laila said: A man-child is brought forth” (Job 3:3), indicating that there is an angel named Laila. And Rabbi Yitzḥak Nappaḥa says: God performed for him an act of night, i.e., the stars in heaven waged war on his behalf, as it is stated: “They fought from heaven; the stars in their courses fought against Sisera” (Judges 5:20). Reish Lakish said: The statement of Rabbi Yitzḥak Nappaḥa, the smith, is preferable to the statement of the son of the smith, Rabbi Yoḥanan.

²¹² With regard to the previous verse: “And he pursued as far as Dan” (Genesis 14:14), Rabbi Yoḥanan says: Once that righteous person, Abraham, came to Dan, his strength weakened. He saw through the Divine Spirit that his descendants were destined to worship idols in Dan, as it is stated: “And he fashioned two calves of gold...and he set one in Bethel, and the other one he placed in Dan” (I Kings 12:28–29). And even that wicked person, Nebuchadnezzar, did not prevail until he reached Dan, as it is stated: “From Dan the snorting of his horses is heard” (Jeremiah 8:16).

²¹³ Rabbi Zeira says: Even though Rabbi Yehuda ben Beteira sent a statement from Netzivin: Be vigilant with regard to treating with deference an elder who forgot his studies due to circumstances beyond his control, and be vigilant with regard to cutting the jugular veins when slaughtering an animal in accordance with the opinion of Rabbi Yehuda, and be vigilant with regard to treating with respect the children of ignoramuses, as from some of them Torah will emerge, we inform them of a message like this matter.

²¹⁴ The verse states: “Right would you be, Lord, were I to contend with You; yet will I reason with You: Why does the path of the wicked prosper; why are all who deal treacherously secure? You have planted them, they have also taken root; they grow, they also bring forth fruit” (Jeremiah 12:1–2). What did they respond to Jeremiah from heaven? “If you have run with the pedestrians, and they have wearied you, how can you contend with horses? And though in a land of peace you feel secure, how will you do in the wild country of the Jordan?” (Jeremiah 12:5).

²¹⁵ The Gemara interprets the verse according to its straightforward meaning. This is a parable of a person who said: I can run three parasangs before the horses in the swamplands. He encountered a pedestrian and ran before him for three mil on dry land and wearied. The people said to him: And if running before a pedestrian you grew so weary, then if you were to run before horses, all the more so would you become weary. And if after running three mil you grew so weary, then if you were to run three parasangs, four times that distance, all the more so would you become weary. And if after running on dry land you grew so weary, then if you were to run in the swamplands, all the more so would you become weary.

²¹⁶ The Gemara explains: So too, you, Jeremiah: And if with regard to the reward for four paces that I compensated that wicked person, Nebuchadnezzar, who ran in My honor, you are astonished at its magnitude, when I compensate Abraham, Isaac, and Jacob, who ran before Me like horses throughout their lives, all the more so will their reward be great. This teaches the potency of even a minor mitzva. That is the meaning of that which is written: “Concerning the prophets. My heart within me is broken; all my bones shake; I am like a drunken man and like a man whom wine has overcome, due to the Lord and due to His sacred words” (Jeremiah 23:9).

²¹⁷ The Gemara asks: With regard to these four paces of Nebuchadnezzar, what is the incident to which the Gemara alludes? The Gemara answers that the incident is as it is written: “At that time Merodach-Baladan, son of Baladan, king of Babylonia, sent a letter and a gift to Hezekiah, as he had heard that he had been ill and was recovered” (Isaiah 39:1). The Gemara asks: Due to the fact that Hezekiah had been ill and was recovered, he sent him a letter and a gift? The Gemara answers: Yes, and he did so in order “to inquire of the wonder that was in the land” (II Chronicles 32:31). As Rabbi Yoḥanan says: On that day that Hezekiah’s father, Ahaz, died, daylight lasted two hours, ten hours shorter than the standard day, so that the wicked Ahaz would be buried hurriedly, without the pomp typically accorded kings.

²¹⁸ And when Hezekiah fell ill and recovered, the Holy One, Blessed be He, restored those ten hours to Hezekiah, as it is written: “Behold, I will return the shadow of the dial, which descended on the sundial of Ahaz, ten degrees backward. So the sun returned ten degrees, by which it had gone down” (Isaiah 38:8). Merodach said to his servants: What is this wonder that the day was extended? They said to him: Hezekiah fell ill and recovered, and the sun shone for him. Merodach said: There is a man like that and I do not need to send him greetings? The ministers of Merodach wrote to Hezekiah: Greetings to King Hezekiah, greetings to the city of Jerusalem, and greetings to the great God.

²¹⁹ Nebuchadnezzar was the scribe of Baladan, and at that time he was not there. When he came there he said to the other scribes: How did you write the king’s message? They said to him: We wrote this: Greetings to King Hezekiah, greetings to the city of Jerusalem, and greetings to the great God, as we were commanded. Nebuchadnezzar said to the scribes: You called him: The great God, and you wrote Him at the end of the list of greetings? He said: Rather, write this: Greetings to the great God, greetings to the city of Jerusalem, and greetings to King Hezekiah. The scribes said to Nebuchadnezzar: The one who reads the letter, let him be the messenger. You gave the advice; you correct the text.

²²⁰ Nebuchadnezzar pursued the messenger to take the letter from him and revise it. When he ran four paces, the angel Gabriel came and stopped his pursuit. Rabbi Yoḥanan says: If Gabriel had not come and stopped his pursuit there would have been no remedy for the enemies of the Jewish people, a euphemism for the Jewish people. Had Nebuchadnezzar succeeded in revising the letter, his reward would have been so great that he would have been able to destroy the Jewish people, as he desired.

²²¹ The Gemara asks: What is the meaning of: Merodach-Baladan, son of Baladan? If his name was Merodach it was not Baladan. The Sages say: Baladan was a king, and his visage was transformed and became like that of a dog. His son was sitting on the throne in his stead and when he would write a letter he would write his name and the name of his father, King Baladan. That is the meaning of that which is written with regard to the honor accorded by gentiles to their fathers: “A son honors his father and a servant his master” (Malachi 1:6).

²²² The Gemara elaborates: “A son honors his father” is referring to that which we stated with regard to Baladan. “And a servant his master” is referring to a verse, as it is written: “And in the fifth month, on the tenth day of the month, which was the nineteenth year of Nebuchadnezzar, king of Babylonia, came Nebuzaradan, captain of the guard, who stood before the king of Babylonia, into Jerusalem. And he burned the House of the Lord, and the house of the king” (Jeremiah 52:12–13).

²²³ The Gemara asks: And did Nebuchadnezzar ascend to Jerusalem? But isn’t it written with regard to Zedekiah: “And they took the king, and brought him up to the king of Babylonia, to Riblah” (II Kings 25:6), and Rabbi Abbahu says: This place called Riblah is a reference to Antioch. Apparently, Nebuchadnezzar was in Antioch, not in Jerusalem. Rav Ḥisda and Rav Yitzḥak bar Avudimi resolved this apparent contradiction. One says: An image of Nebuchadnezzar’s likeness was engraved on Nebuzaradan’s chariot, and he regarded that image as though Nebuchadnezzar were actually there. And one says: Nebuzaradan was in extreme fear of Nebuchadnezzar, and it was as though Nebuzaradan was always standing before Nebuchadnezzar. That is an example of the honor of a servant to his master mentioned in the verse.

²²⁴ § The Gemara proceeds to discuss the role of Nebuzaradan in the destruction of the Temple. Rava says: Nebuchadnezzar sent to Nebuzaradan three hundred mules laden with iron axes that cut iron.

All of them were incapacitated in the attempt to breach one gate of Jerusalem, as it is stated: “And now they pound its carved work together with hatchet and with hammers” (Psalms 74:6).

Nebuzaradan sought to return to Babylonia and said: I am afraid. I want to ensure that they will not do to me just as they did to Sennacherib, whose downfall was in Jerusalem.

²²⁵ A Divine Voice emerged and said: Leaper, son of a leaper; Nebuzaradan, take the leap, as the time has arrived for the Temple to be destroyed and the Sanctuary to burn. One ax remained for him to use. He went and struck the gate with the dull end of the ax and it opened, as it is stated: “He became known as the wielder of axes upward in a thicket of trees” (Psalms 74:5). At the appropriate time the gate was breached as though the ax were cutting trees.

²²⁶ He was proceeding and killing until he reached the Sanctuary. When he reached the Sanctuary, he ignited a fire in it. The Sanctuary rose, seeking to enter Heaven so that it would not burn. They trod upon it from Heaven and returned it to its place, as it is stated: “The Lord has trodden the virgin, the daughter of Judah, as in a winepress” (Lamentations 1:15). Nebuzaradan became haughty, taking pride in his conquest. A Divine Voice emerged and said to him: Your haughtiness is unwarranted, as you killed a nation that was already dead, you burned a Sanctuary that was already burned, and you ground flour that was already ground, as it is stated with regard to Babylonia: “Take millstones and grind flour; uncover your locks, tuck up the train, uncover the leg, pass over rivers” (Isaiah 47:2). It was not stated: Grind wheat, but “grind flour,” indicating that all the destruction had already been wrought by God, and the role played by the enemy was insignificant.

²²⁷ When he reached the Sanctuary, he saw the blood of Zechariah the priest boiling. It had not calmed since he was killed in the Temple (see II Chronicles 24:20–22). Nebuzaradan said to the priests there: What is this? They said to him: It is the blood of offerings that was spilled. Nebuzaradan said to them: Bring animals and I will test to determine if the blood of the animals is similar to the blood that is boiling. He slaughtered the animals and their blood was not similar to the boiling blood. Nebuzaradan said to the priests: Reveal the source of that blood to me, and if not I will comb your flesh with an iron comb.

²²⁸ The priests said to Nebuzaradan: This blood is the blood of a priest and a prophet who prophesied for the Jewish people with regard to the destruction of Jerusalem and whom they killed. He said to the priests: I will pacify the blood so the boiling will stop. He brought the Sages and killed them over the blood and its boiling did not cease. He brought schoolchildren and killed them over the blood and its boiling did not cease. He brought young priests and killed them over the blood and its boiling did not cease. He continued killing until he killed 940,000 people over the blood, and its boiling did not cease.

²²⁹ Nebuzaradan approached the blood and said: Zechariah, Zechariah, the worthy among them I killed on your behalf. Is it satisfactory for you that I kill them all? Immediately the boiling ceased. Nebuzaradan contemplated repentance. He said: If they, who caused only one person to perish, gained atonement only after all this killing, then with regard to that man, referring to himself, what will be required for him to gain atonement? He deserted his army and dispatched a last will to his house and converted.

²³⁰ The Sages taught in a baraita: Naaman the Aramean (see II Kings, chapter 5) was a *ger toshav*, meaning that he accepted upon himself to refrain from idol worship but did not convert to Judaism. Nebuzaradan was a completely righteous convert. Among the descendants of Sisera (see Judges,

chapter 4) were those who studied Torah in Jerusalem. Among the descendants of Sennacherib were those who taught Torah in public. The Gemara asks: And who are they? The Gemara answers: They were Shemaya and Avtalyon.

²³¹ The baraita continues: Among the descendants of Haman were those who studied Torah in Bnei Brak. And even among the descendants of that wicked person, Nebuchadnezzar, were those whom the Holy One, Blessed be He, sought to bring beneath the wings of the Divine Presence and have them convert. The ministering angels said before the Holy One, Blessed be He: Master of the Universe: The one who destroyed Your House and burned Your Sanctuary, will You introduce him beneath the wings of the Divine Presence? The Gemara explains: That is the meaning of that which is written: “We have healed Babylonia, but she is not healed” (Jeremiah 51:9). Ulla says: This verse is a reference to Nebuchadnezzar, none of whose children converted. Rabbi Shmuel bar Nahmani says: This is not a reference to a person; rather, these are the rivers of Babylonia, and interpret it as referring to the bitter saltwater rivers of Babylonia.

²³² § On a related note, the Gemara describes the events that led to the destruction of the Temple. Ulla says: Ammon and Moab were bad neighbors of Jerusalem. Once they heard the prophets who prophesied about the destruction of the Jerusalem, they sent to Nebuchadnezzar: Emerge from your dwelling place and come conquer them. Nebuchadnezzar said to them: I am afraid. I want to ensure that they will not do to me just as they did to my predecessors.

²³³ Ammon and Moab sent to him that it is written: “For the ish is not at home; he is gone on a long journey” (Proverbs 7:19), and ish is referring to no one but the Holy One, Blessed be He, as it is stated: “The Lord is an ish of war” (Exodus 15:3). Nebuchadnezzar sent to them in response: He is in a nearby location, and He will come. They sent to Nebuchadnezzar: “He has gone on a journey from afar” (Proverbs 7:19). Nebuchadnezzar said to them: They have righteous among them who will pray for mercy and bring Him to return.

²³⁴ Ammon and Moab sent to Nebuchadnezzar: “He has taken a bundle of kesef with him” (Proverbs 7:20), and kesef is referring to nothing other than the righteous, as it is stated: “So I bought her to me for fifteen pieces of kesef and for a kor of barley and a half-kor of barley” (Hosea 3:2). The inference is that God acquired the congregation of Israel due to the presence of righteous people among them, and Ammon and Moab sent a message to Nebuchadnezzar that God had already taken the righteous and they no longer offered protection.

²³⁵ Nebuchadnezzar sent to them: Perhaps the wicked will repent and become righteous and they will pray for mercy and they will bring Him to return. Ammon and Moab sent to Nebuchadnezzar: God already designated the time of their redemption, as it is stated: “On the day of the kesh, He will come home” (Proverbs 7:20), and kesh is referring to nothing other than a designated time, as it is stated: “Sound a shofar at the New Moon, at the kesh on the day of our feast” (Psalms 81:4). Since there is a time designated for redemption, until then you can do as you please. Nebuchadnezzar sent to them: It is winter now and I cannot come and conquer Jerusalem due to the snow and the rain.

²³⁶ Ammon and Moab sent to him: Come on the peaks of mountains, where the rain does not pool, as it is stated: “Send the lamb to the ruler of the land from the peaks of the wilderness to the mount of the daughter of Zion” (Isaiah 16:1). Nebuchadnezzar sent to them: If I come to Jerusalem, I will have no place to dwell while laying siege to the city. Ammon and Moab sent to him: Their burial caves are superior to your palaces, and you can clear the caves and dwell there, as it is written: “At that time,

says the Lord, they shall remove the bones of the kings of Judea, and the bones of his princes, and the bones of the priests, and the bones of the prophets and the bones of the inhabitants of Jerusalem from their graves; and they shall spread them before the sun and the moon and all of the hosts of heaven, whom they have loved, and whom they have served, and after whom they have walked” (Jeremiah 8:1–2). Ultimately Nebuchadnezzar came to conquer Judea and removed the corpses to make room for his army.

²³⁷ § Rav Naḥman said to Rabbi Yitzḥak: Have you heard when the son of giants [bar niflei] will come? Rabbi Yitzḥak said to him: Who is the son of giants? Rav Naḥman said to him: He is the Messiah. Rabbi Yitzḥak asked him: Do you call the Messiah son of giants? Rav Naḥman said to him: Yes, as it is written: “On that day I will establish

²³⁸ the Tabernacle of David that is fallen [hanofelet]” (Amos 9:11). That is why the Messiah is called bar nifli. Rabbi Yitzḥak said to him that this is what Rabbi Yoḥanan says: During the generation in which the Messiah, son of David, comes, Torah scholars decrease; and as for the rest of the people, their eyes fail with sorrow and grief, and troubles increase. And the harsh decrees will be introduced; before the first passes the second quickly comes.

²³⁹ The Sages taught in a baraita: With regard to the seven-year period, i.e., the Sabbatical cycle, during which the Messiah, son of David, comes: During the first year, this verse will be fulfilled: “And I will cause it to rain upon one city and cause it not to rain upon another city” (Amos 4:7). During the second year of that period, arrows of famine will be shot, indicating that there will be famine only in certain places. During the third year there will be a great famine, and men, women, children, the pious, and men of action will die, and the Torah is forgotten by those who study it. During the fourth year there will be plenty but not great plenty. During the fifth year there will be great plenty and they will eat, and drink, and rejoice, and the Torah will return to those who study it. During the sixth year, heavenly voices will be heard. During the Sabbatical Year, wars, e.g., the war of Gog and Magog, will be waged involving the Jewish people. During the year after the conclusion of the Sabbatical Year, the son of David will come.

²⁴⁰ Rav Yosef said: Haven’t there been several Sabbatical cycles during which events transpired in that manner and nevertheless, the Messiah did not come? Abaye said: Have the phenomena: During the sixth year, heavenly voices, and during the Sabbatical Year, wars, transpired? And furthermore, have all these phenomena transpired in the order in which they were listed in the baraita?

²⁴¹ The verse states: “That Your enemies taunted, Lord, that they have taunted the footsteps of Your anointed” (Psalms 89:52). It is taught in a baraita that Rabbi Yehuda says: During the generation that the son of David comes, the hall of the assembly of the Sages will be designated for prostitution, and the Galilee will be destroyed, and the Gavlan, i.e., Bashan, will be desolate, and the residents of the border who flee the neighboring gentiles will circulate from city to city and will receive no sympathy. The wisdom of scholars will diminish, and sin-fearing people will be despised. And the face of the generation will be like the face of a dog in its impudence and shamelessness.

²⁴² And the truth will be lacking, as it is stated: “And the truth is lacking [ne’ederet], and he who departs from evil is negated” (Isaiah 59:15). What is the meaning of the phrase: And the truth is lacking [ne’ederet]? The Sages of the study hall of Rav said: This teaches that truth will become like so many flocks [adarim] and walk away. What is the meaning of the phrase: “And he that departs

from evil is negated”? The Sages of the study hall of Rabbi Sheila said: Anyone who deviates from evil is deemed insane by the people.

²⁴³ § Concerning the lack of truth, Rava says: Initially I would say that there is no truth anywhere in the world. There was a certain one of the Sages, and Rav Tavut is his name, and some say Rav Tavyomei is his name, who was so honest that if they were to give him the entire world, he would not deviate from the truth in his statement. He said to me: One time I happened to come to a certain place, and Truth is its name, and its residents would not deviate from the truth in their statements, and no person from there would die prematurely. I married a woman from among them, and I had two sons from her.

²⁴⁴ One day his wife was sitting and washing the hair on her head. Her neighbor came and knocked on the door. He thought: It is not proper conduct to tell the neighbor that his wife is bathing. He said to her: She is not here. Since he deviated from the truth his two sons died. The people residing in that place came before him and said to him: What is the meaning of this? He said to them: This was the nature of the incident, and told them what happened. They said to him: Please leave our place and do not provoke premature death upon these people.

²⁴⁵ The Gemara resumes its discussion of the messianic period. It is taught in a baraita that Rabbi Nehorai says: During the generation in which the son of David comes, youths will humiliate elders and elders will stand in deference before youths, and a daughter will rebel against her mother, and a bride against her mother-in-law, and the face of the generation will be like the face of a dog, and a son will not be ashamed before his father.

²⁴⁶ It is taught in a baraita that Rabbi Nehemya says: During the generation that the son of David comes, arrogance will proliferate and the cost of living will corrupt people so they will engage in deceit. The vine will produce its fruit, and nevertheless, the wine will be costly. And the entire gentile monarchy will be converted to the heresy of Christianity, and there will be no inclination among the people to accept rebuke. This baraita supports the opinion of Rabbi Yitzhak, as Rabbi Yitzhak says: The son of David will not come until the entire kingdom will be converted to heresy. Rava says: What is the verse from which this statement is derived? It is the verse: “It is all turned white; he is ritually pure” (Leviticus 13:13). One is a leper and ritually impure only if he has a leprous mark, however small, but not if his skin is completely leprous. Similarly, the world will be redeemed only when the Jewish people reach their lowest point.

²⁴⁷ The Sages taught in a baraita: The verse states: “For the Lord shall judge His people and atone for His servants, when He sees that their power is gone and there is none shut up or left” (Deuteronomy 32:36). From the phrase “their power is gone” it is derived that the son of David will not come until informers will proliferate. Alternatively, the Messiah will not come until the number of students of Torah diminishes. Alternatively, the Messiah will not come until the peruta will cease from the purse. Alternatively, the Messiah will not come until they despair from the redemption, as it is stated: “And there is none shut up or left,” as though there were no supporter or helper for the Jewish people.

²⁴⁸ This is as in that practice of Rabbi Zeira, who, when he would find Sages who were engaging in discussions about the coming of the Messiah, said to them: Please, I ask of you, do not delay his coming by calculating the end of days. As we learn in a baraita: There are three matters that come

only by means of diversion of attention from those matters, and these are they: The Messiah, a lost item, and a scorpion.

²⁴⁹ § Rav Ketina says: Six thousand years is the duration of the world, and it is in ruins for one thousand years. The duration of the period during which the world is in ruins is derived from a verse, as it is stated: “And the Lord alone shall be exalted on that day” (Isaiah 2:11), and the day of God lasts one thousand years. Abaye says: It is in ruins for two thousand years, as it is stated: “After two days He will revive us; in the third day He will revive us, and we shall live in His presence” (Hosea 6:2).

²⁵⁰ It is taught in a baraita in accordance with the opinion of Rav Ketina: Just as the Sabbatical Year abrogates debts once in seven years, so too, the world abrogates its typical existence for one thousand years in every seven thousand years, as it is stated: “And the Lord alone shall be exalted on that day,” and it states: “A psalm, a song for the Shabbat day” (Psalms 92:1), meaning a day, i.e., one thousand years, that is entirely Shabbat. And it says in explanation of the equation between one day and one thousand years: “For a thousand years in Your eyes are but like yesterday when it is past, and like a watch in the night” (Psalms 90:4).

²⁵¹ The school of Eliyahu taught: Six thousand years is the duration of the world. Two thousand of the six thousand years are characterized by chaos; two thousand years are characterized by Torah, from the era of the Patriarchs until the end of the mishnaic period; and two thousand years are the period of the coming of the Messiah.

²⁵² That is the course that history was to take, but due to our many sins, the Messiah did not come after four thousand years passed, and furthermore, the years that elapsed since then, which were to have been the messianic era, have elapsed.

²⁵³ Elijah the prophet said to Rav Yehuda, brother of Rav Sala Ḥasida: The world will exist no fewer than eighty-five Jubilee cycles, or 4,250 years. And during the final Jubilee, the son of David will come. Rav Yehuda said to Elijah: Will the Messiah come during the beginning of the Jubilee or during its end? Elijah said to Rav Yehuda: I do not know. Rav Yehuda asked: Will this last Jubilee cycle end before the Messiah comes or will it not yet end before his coming? Elijah said to him: I do not know. Rav Ashi says: This is what Elijah said to him: Until that time do not anticipate his coming; from this point forward anticipate his coming. Elijah did not inform Rav Yehuda of the date of the coming of the Messiah.

²⁵⁴ Rav Ḥanan bar Taḥlisa sent a message to Rav Yosef: I found one man, and in his hand there was one scroll written in Ashurit script and in the sacred tongue, Hebrew. I said to him: From where did this scroll come into your possession? He said to me: I was hired to serve in the Roman army and I found the scroll among the Roman archives. It was clear that the scroll was written by Jews, not Romans. And it is written in the scroll: After 4,291 years have elapsed from the creation of the world, the world will end; during those years there will be the wars of the sea monsters between the leviathan and the animals, and among those years there will be the wars of Gog and Magog and the remaining years of the messianic period. Then the world will be destroyed. And the Holy One, Blessed be He, will renew His world only after the passage of seven thousand years. Rav Aḥa, son of Rava, says that it was stated: After the passage of five thousand years.

²⁵⁵ § It is taught in a baraita that Rabbi Natan says: This verse penetrates and descends until the depths; just as the depths are unfathomable, so too, the period depicted in the following verse is

unquantifiable. “For the vision is yet for the appointed time; and it declares of the end, and does not lie; though it tarry, wait for it, because it will surely come; it will not delay” (Habakkuk 2:3).

²⁵⁶ The Messiah will come not in accordance with the opinion of our Rabbis, who would interpret the verse: “For a period and periods and a half period” (Daniel 7:25), to mean that the duration of the ultimate exile will be three and a half times the duration of the period of the exile in Egypt.

²⁵⁷ And the Messiah will come not in accordance with the opinion of Rabbi Simlai, who would interpret the verse: “You have fed them with the bread of tears and have given them tears to drink in great measure [shalish]” (Psalms 80:6), to mean that the duration of the ultimate exile will be three times the duration of the period of the exile in Egypt.

²⁵⁸ And the Messiah will come not in accordance with the opinion of Rabbi Akiva, who would interpret the verse: “Yet once, it is a little while, and I will shake the heavens and the earth” (Haggai 2:6), to mean that the redemption would transpire soon after the destruction of the Temple.

²⁵⁹ Rather, the first, great, Hasmonean monarchy ruled seventy years. The second kingdom, of Herod and his descendants, ruled fifty-two years, and the duration of the monarchy of bar Koziva, or bar Kokheva, was two and a half years. The duration of the exile that follows is unknown.

²⁶⁰ The Gemara asks: What is the meaning of the phrase “And it declares [veyafe’ah] of the end, and does not lie”? Rabbi Shmuel bar Nahmani says that Rabbi Yonatan says: May those who calculate the end of days be cursed [tippah], as they would say once the end of days that they calculated arrived and the Messiah did not come, that he will no longer come at all. Rather, the proper behavior is to continue to wait for his coming, as it is stated: “Though it tarry, wait for it.” Lest you say we are expectantly awaiting the end of days and the Holy One, Blessed be He, is not awaiting the end of days and does not want to redeem His people, the verse states: “And therefore will the Lord wait, to be gracious to you; and therefore will He be exalted, to have mercy upon you; for the Lord is a God of judgment; happy are all they who wait for Him” (Isaiah 30:18).

²⁶¹ And seemingly, since we are awaiting the end of days and the Holy One, Blessed be He, is also awaiting the end of days, who is preventing the coming of the Messiah? It is the divine attribute of judgment that prevents his coming, as it is written: “For the Lord is a God of judgment,” and we are not worthy. And since the attribute of judgment prevents the coming of the Messiah and we are not worthy of redemption, why do we await his coming daily? We do so in order to receive a reward for awaiting his coming, as it is stated: “Happy are all they who wait for Him.”

²⁶² Apropos that verse, Abaye said: The world has no fewer than thirty-six righteous people in each generation who greet the Divine Presence, as it is stated: “Happy are all they who wait for Him [lo]” (Isaiah 30:18). The numerical value of lo, spelled lamed vav, is thirty-six. The Gemara asks: Is that so? But doesn’t Rava say: The row of the righteous before the Holy One, Blessed be He, extends eighteen thousand parasangs, as it is stated with regard to the city of God at the end of days: “It shall be eighteen thousand reeds round about, and the name of the city from that day shall be: The Lord is there” (Ezekiel 48:35)? The Gemara answers: It is not difficult; this statement of Abaye refers to the thirty-six righteous people who view the Divine Presence through a luminous crystal [be’ispaklarya], and that statement of Rava refers to the multitudes who view the Divine Presence through a crystal that is not luminous.

²⁶³ The Gemara asks: And are those who view the Divine Presence through a crystal that is luminous so numerous? But doesn't Hizkiyya say that Rabbi Yirmeya says in the name of Rabbi Shimon bar Yohai: I have seen members of the group of the spiritually prominent, who are truly righteous, and they are few. If they number one thousand, I and my son are among them. If they number one hundred, I and my son are among them; and if they number two, I and my son are they. Apparently, it is conceivable that there are no more than two who view the Divine Presence through a luminous crystal.

²⁶⁴ The Gemara answers: It is not difficult. This statement of Abaye is referring to those who may enter to view the Divine Presence only by requesting and being granted permission [bar] from the angels. That statement of Rabbi Shimon ben Yohai is referring to the select few who may enter to view the Divine Presence even without requesting permission, for whom the gates of Heaven are open at all times.

²⁶⁵ § Rav says: All the ends of days that were calculated passed, and the matter depends only upon repentance and good deeds. When the Jewish people repent, they will be redeemed. And Shmuel says: It is sufficient for the mourner to endure in his mourning to bring about the coming of the Messiah. Even without repentance, they will be worthy of redemption due to the suffering they endured during the exile. The Gemara notes: This dispute is parallel to a dispute between tanna'im: Rabbi Eliezer says: If the Jewish people repent they are redeemed, and if not they are not redeemed. Rabbi Yehoshua said to him: If they do not repent, will they not be redeemed at all? Rather, the Holy One, Blessed be He, will establish a king for them whose decrees are as harsh as those issued by Haman, and the Jewish people will have no choice but to repent, and this will restore them to the right path.

²⁶⁶ It is taught in another baraita that Rabbi Eliezer says: If the Jewish people repent they are redeemed, as it is stated: "Return, wayward children, I will heal your iniquities" (Jeremiah 3:22). Rabbi Yehoshua said to him: But isn't it already stated: "So says the Lord: You were sold for naught, and without money you shall be redeemed" (Isaiah 52:3)? Rabbi Yehoshua explains: "You were sold for naught" means you were sold for idol worship, which is a sin with no basis. "And without money you shall be redeemed" means you will be redeemed not through repentance and good deeds, but through the will of God.

²⁶⁷ Rabbi Eliezer said to Rabbi Yehoshua: But isn't it already stated: "Return to me and I will return to you" (Malachi 3:7)? Rabbi Yehoshua said to him: But isn't it already stated: "For I have taken you to Myself; and I will take you one from a city and two from a family, and I will bring you to Zion" (Jeremiah 3:14), unconditionally?

²⁶⁸ Rabbi Eliezer said to him: But isn't it already stated: "In ease [beshuva] and rest shall you be saved" (Isaiah 30:15), indicating that redemption is dependent upon repentance [teshuva]? Rabbi Yehoshua said to Rabbi Eliezer: But isn't it already stated: "So says the Lord, Redeemer of Israel, his Holy One, to him who is despised of man, to him who is abhorred of the nation, to a servant of rulers:

²⁶⁹ Kings shall see and arise, princes shall prostrate themselves, because of the Lord, Who is faithful, and the Holy One of Israel, Who has chosen you" (Isaiah 49:7), indicating that redemption will come independent of repentance?

²⁷⁰ Rabbi Eliezer said to him: But isn't it already stated: "If you will return, Israel, says the Lord, return to Me" (Jeremiah 4:1), indicating that redemption is contingent upon repentance? Rabbi Yehoshua said to him: But isn't it already stated: "And I heard the man clothed in linen, who was above the waters of the river, when he lifted up his right hand and his left hand to heaven and swore by the One Who lives forever that it shall be for a period, periods, and a half; when the crushing of the power of the holy people shall have been completed, all these things shall be finished" (Daniel 12:7), indicating that the time for redemption is set and unrelated to repentance? And Rabbi Eliezer was silent, unable to refute the proof from that verse.

²⁷¹ § And Rabbi Abba says: You have no more explicit manifestation of the end of days than this following phenomenon, as it is stated: "But you, mountains of Israel, you shall give your branches, and yield your fruit to My people of Israel, for they will soon be coming" (Ezekiel 36:8). When produce will grow in abundance in Eretz Yisrael, it is an indication that the Messiah will be coming soon. Rabbi Eliezer says: You have no greater manifestation of the end of days than this following phenomenon as well, as it is stated: "For before these days there was no hire for man, nor any hire for beast; nor was there peace from the oppressor to him who exits and to him who enters" (Zechariah 8:10). When there are no wages for work and no rent paid for use of one's animal, that is an indication that the coming of the Messiah is at hand.

²⁷² The Gemara asks: What is the meaning of the phrase: "Nor was there peace from the oppressor to him who exits and to him who enters"? Rav says: It means that even for Torah scholars, with regard to whom the promise of peace is written, as it is written: "Great peace have they who love Your Torah; and there is no obstacle for them" (Psalms 119:165), there will be no peace from the oppressor. And Shmuel says: It means that the Messiah will not come until all the prices are equal.

²⁷³ Rabbi Ḥanina says: The son of David will not come until a fish will be sought for an ill person and will not be found, as it is stated with regard to the downfall of Egypt: "Then I will make their waters clear and cause their rivers to run like oil" (Ezekiel 32:14), meaning that the current in the rivers will come to a virtual standstill. And it is written thereafter: "On that day I will cause the glory of the house of Israel to flourish" (Ezekiel 29:21).

²⁷⁴ Rabbi Ḥama bar Ḥanina says: The son of David will not come until the contemptuous [hazalla] kingdom of Rome will cease from the Jewish people, as it is stated: "And He shall sever the sprigs [hazalzellim] with pruning hooks" (Isaiah 18:5). And it is written thereafter: "At that time shall a present be brought to the Lord of hosts, by a people scattered and hairless" (Isaiah 18:7).

²⁷⁵ Ze'eiri says that Rabbi Ḥanina says: The son of David will not come until the arrogant will cease to exist from among the Jewish people, as it is stated: "For then I will remove from your midst your proudly exulting ones" (Zephaniah 3:11), and it is written afterward: "And I will leave in your midst a poor and lowly people, and they shall take refuge in the name of the Lord" (Zephaniah 3:12).

²⁷⁶ Rabbi Simlai says in the name of Rabbi Elazar, son of Rabbi Shimon: The son of David will not come until all the judges and officers will cease to exist from among the Jewish people, and there will be no more autonomous government in Eretz Yisrael, as it is stated: "And I will turn My hand against you and purge away your dross as with lye and take away your base alloy. And I will restore your judges as at the first" (Isaiah 1:25–26).

²⁷⁷ Ulla says: Jerusalem is redeemed only by means of righteousness, as it is stated: "Zion shall be redeemed with justice and those who return to it with righteousness" (Isaiah 1:27). Rav Pappa says:

If the arrogant will cease to exist, the Persian sorcerers will cease to exist as well. If the deceitful judges will cease to exist, the royal officers [gazirpatei] and taskmasters will cease to exist. Rav Pappa elaborates: If the arrogant will cease, the Persian sorcerers will cease, as it is written: “And I will purge away your dross [sigayikh] as with lye, and I will remove all your alloy [bedilayikh].” When the arrogant [sigim] are purged, the sorcerers, who are separated [muvdalim] from the fear of God, will also cease. And if the deceitful judges cease to exist, the royal officers and taskmasters will cease to exist, as it is written: “The Lord has removed your judgments; cast out your enemy” (Zephaniah 3:15).

²⁷⁸ Rabbi Yoḥanan says: If you saw a generation whose wisdom and Torah study is steadily diminishing, await the coming of the Messiah, as it is stated: “And the afflicted people You will redeem” (II Samuel 22:28). Rabbi Yoḥanan says: If you saw a generation whose troubles inundate it like a river, await the coming of the Messiah, as it is stated: “When distress will come like a river that the breath of the Lord drives” (Isaiah 59:19). And juxtaposed to it is the verse: “And a redeemer will come to Zion” (Isaiah 59:20).

²⁷⁹ And Rabbi Yoḥanan says: The son of David will come only in a generation that is entirely innocent, in which case they will be deserving of redemption, or in a generation that is entirely guilty, in which case there will be no alternative to redemption. He may come in a generation that is entirely innocent, as it is written: “And your people also shall be all righteous; they shall inherit the land forever” (Isaiah 60:21). He may come in a generation that is entirely guilty, as it is written: “And He saw that there was no man, and was astonished that there was no intercessor; therefore His arm brought salvation to Him, and His righteousness, it sustained Him” (Isaiah 59:16). And it is written: “For My own sake, for My own sake will I do it; for how should it be profaned? And My glory I will not give it to another” (Isaiah 48:11).

²⁸⁰ § Rabbi Alexandri says: Rabbi Yehoshua ben Levi raises a contradiction in a verse addressing God’s commitment to redeem the Jewish people. In the verse: “I the Lord in its time I will hasten it” (Isaiah 60:22), it is written: “In its time,” indicating that there is a designated time for the redemption, and it is written: “I will hasten it,” indicating that there is no set time for the redemption. Rabbi Alexandri explains: If they merit redemption through repentance and good deeds I will hasten the coming of the Messiah. If they do not merit redemption, the coming of the Messiah will be in its designated time.

²⁸¹ Rabbi Alexandri says: Rabbi Yehoshua ben Levi raises a contradiction between two depictions of the coming of the Messiah. It is written: “There came with the clouds of heaven, one like unto a son of man...and there was given him dominion and glory and a kingdom...his dominion is an everlasting dominion” (Daniel 7:13–14). And it is written: “Behold, your king will come to you; he is just and victorious; lowly and riding upon a donkey and upon a colt, the foal of a donkey” (Zechariah 9:9). Rabbi Alexandri explains: If the Jewish people merit redemption, the Messiah will come in a miraculous manner with the clouds of heaven. If they do not merit redemption, the Messiah will come lowly and riding upon a donkey.

²⁸² King Shapur of Persia said to Shmuel mockingly: You say that the Messiah will come on a donkey; I will send him the riding [barka] horse that I have. Shmuel said to him: Do you have a horse with one thousand colors [bar ḥivar gavanei] like the donkey of the Messiah? Certainly his donkey will be miraculous.

²⁸³ Rabbi Yehoshua ben Levi found Elijah the prophet, who was standing at the entrance of the burial cave of Rabbi Shimon ben Yoḥai. Rabbi Yehoshua ben Levi said to him: Will I be privileged to come to the World-to-Come? Elijah said to him: If this Master, the Holy One, Blessed be He, will wish it so. Rabbi Yehoshua ben Levi says: Two I saw, Elijah and me, and the voice of three I heard, as the Divine Presence was also there, and it was in reference to Him that Elijah said: If this Master will wish it so.

²⁸⁴ Rabbi Yehoshua ben Levi said to Elijah: When will the Messiah come? Elijah said to him: Go ask him. Rabbi Yehoshua ben Levi asked: And where is he sitting? Elijah said to him: At the entrance of the city of Rome. Rabbi Yehoshua ben Levi asked him: And what is his identifying sign by means of which I can recognize him? Elijah answered: He sits among the poor who suffer from illnesses. And all of them untie their bandages and tie them all at once, but the Messiah unties one bandage and ties one at a time. He says: Perhaps I will be needed to serve to bring about the redemption. Therefore, I will never tie more than one bandage, so that I will not be delayed.

²⁸⁵ Rabbi Yehoshua ben Levi went to the Messiah. He said to the Messiah: Greetings to you, my rabbi and my teacher. The Messiah said to him: Greetings to you, bar Leva'i. Rabbi Yehoshua ben Levi said to him: When will the Master come? The Messiah said to him: Today. Sometime later, Rabbi Yehoshua ben Levi came to Elijah. Elijah said to him: What did the Messiah say to you? He said to Elijah that the Messiah said: Greetings [shalom] to you, bar Leva'i. Elijah said to him: He thereby guaranteed that you and your father will enter the World-to-Come, as he greeted you with shalom. Rabbi Yehoshua ben Levi said to Elijah: The Messiah lied to me, as he said to me: I am coming today, and he did not come. Elijah said to him that this is what he said to you: He said that he will come "today, if you will listen to his voice" (Psalms 95:7).

²⁸⁶ § Rabbi Yosei ben Kisma's students asked him: When will the son of David come? Rabbi Yosei ben Kisma said: I am hesitant to answer you, lest you request from me a sign to corroborate my statement. They said to him: We are not asking you for a sign.

²⁸⁷ Rabbi Yosei ben Kisma said to them: You will see when this existing gate of Rome falls and will be rebuilt, and will fall a second time and will be rebuilt, and will fall a third time. And they will not manage to rebuild it until the son of David comes. The students said to him: Our rabbi, give us a sign. Rabbi Yosei ben Kisma said to them: But didn't you say to me that you are not asking me for a sign?

²⁸⁸ They said to him: And nevertheless, provide us with a sign. Rabbi Yosei ben Kisma said to them: If it is as I say, the water of the Cave of Pamyas will be transformed into blood. The Gemara relates: And it was transformed into blood.

²⁸⁹ At the time of his death, Rabbi Yosei ben Kisma said to his students: Place my coffin deep in the ground,

²⁹⁰ as there is no palm tree that is in Babylonia to which a horse of the Persians will not be tethered when the Persians and Medes go to conquer other lands. And there is no coffin buried in Eretz Yisrael from which a Median horse will not eat straw. During wars, all the coffins will be removed from the ground and used as animal troughs. I do not want my coffin to be used for that purpose.

²⁹¹ Rav says: The son of David will not come until the evil Roman kingdom will disperse throughout Eretz Yisrael for nine months, as it is stated: "Therefore will He give them up, until the time when

she who is in labor has given birth; then the remnant of his brethren shall return with the children of Israel” (Micah 5:2). Once a period equivalent to a term of pregnancy passes, the redemption will come.

²⁹² § Ulla says: Let the Messiah come, but after my death, so that I will not see him, as I fear the suffering that will precede his coming. Likewise, Rabba says: Let the Messiah come, but after my death, so that I will not see him. Rav Yosef says: Let the Messiah come, and I will be privileged to sit in the shadow of his donkey’s excrement. I am willing to undergo all the pain and disgrace associated with his arrival.

²⁹³ Abaye said to Rabba: What is the reason that you are so concerned? If we say it is due to the pains preceding and accompanying the coming of the Messiah, but isn’t it taught in a baraita that Rabbi Elazar’s students asked Rabbi Elazar: What shall a person do to be spared from the pains preceding the coming of the Messiah? Rabbi Elazar said to them: They shall engage in Torah study and acts of kindness. Abaye continued: And as far as the Master is concerned, isn’t there the Torah and aren’t there the acts of kindness that you performed?

²⁹⁴ Rabba said to him: I am concerned lest sin cause me to suffer the pain despite the Torah study and the good deeds in which I engage, in accordance with the statement of Rabbi Ya’akov bar Idi. As Rabbi Ya’akov bar Idi raises a contradiction. It is written that God said to Jacob: “And I am with you, and will keep you wherever you go” (Genesis 28:15), and it is written: “And Jacob was greatly afraid and distressed” (Genesis 32:8). If God assured Jacob that He would keep him, why was he concerned?

²⁹⁵ Rabbi Ya’akov bar Idi explains: He was afraid lest sin on his part cause that assurance to be abrogated, as it is taught in a baraita with regard to the verse: “Until Your people pass over, Lord, until Your people, whom You have acquired, pass over” (Exodus 15:16). “Until Your people pass over, Lord”; this is a reference to the first entry into the land, led by Joshua. “Until Your people, whom You have acquired, pass over”; this is a reference to the second entry into the land, when they returned to Zion from Babylonia.

²⁹⁶ Rabbi Ya’akov bar Idi explains: Say from now, based on this statement, that the Jewish people were worthy for God to perform a miracle on their behalf in the second entry into the land that was like the miracles that were performed during the exodus from Egypt and the first entry into the land, but the sin caused the second entry to take place in an unremarkable manner, with the Jewish people being subject to the dominion of the gentiles.

²⁹⁷ And so too Rabbi Yohanan said: Let the Messiah come, but after my death, so that I will not see him. Reish Lakish said to him: What is the reason that you are concerned? If we say it is because it is written with regard to the day of God: “As when a man did flee from a lion and a bear met him, or went into the house and leaned his arm on the wall and a snake bit him” (Amos 5:19), that is not a reason. Come, and I will show you a counterpart in this world to the situation described in this verse, as even today one encounters those situations. At a time when a person goes out to the field and is accosted by a guard [santar] who demands payment, his situation is similar to that of one who is accosted by a lion. He then enters the city and is accosted by a royal tax collector. His situation is similar to that of one who is accosted by a bear. He then enters his house and finds his sons and daughters afflicted with famine. His situation is similar to that of one whom a snake bit.

²⁹⁸ Rabbi Yoḥanan said to him: Rather, the reason I am concerned is that it is written with regard to the day of God: “Ask now, and see whether a man gives birth. Why, then, do I see every man [kol geveṛ] with his hands on his loins, as a woman in labor, and all faces turned green?” (Jeremiah 30:6).

²⁹⁹ The Gemara clarifies: What is the meaning of the phrase “I see kol geveṛ”? Rava bar Yitzḥak says that Rav says: It is a reference to He Whom all strength is His. It is as though even God will suffer like a woman in labor due to the troubles of the Jewish people. And what is the meaning of the phrase “And all faces turned green”? Rabbi Yoḥanan says: The reference is to the heavenly entourage above, i.e., angels, and the earthly entourage below, i.e., the Jewish people, who will all suffer at the time when the Holy One, Blessed be He, says: These, the Jewish people, are My handiwork, and those, the gentiles, are My handiwork. How shall I destroy those on account of these? It appears that the Holy One, Blessed be He, does not distinguish between the Jewish people and the gentiles. That is why Rabbi Yoḥanan was concerned with regard to the coming of the Messiah.

³⁰⁰ Rav Pappa says that this is in accordance with the adage that people say: An ox runs and falls, and its owner goes and casts a horse in its place. Although the horse is an inferior work animal relative to the ox, when there is no ox available, a horse must suffice. So too, after the Jewish people sin, it is as though the Holy One, Blessed be He, transfers their prominence to the gentiles.

³⁰¹ § Rav Giddel says that Rav says: The Jewish people are destined to eat from the bounty of, i.e., enjoy, the years of the Messiah. Rav Yosef says: Isn’t this obvious? And rather, who else will eat from them? Will Ḥillak and Billak, two shiftless characters, eat from them? The Gemara explains that Rav Giddel’s statement serves to exclude the statement of Rabbi Hillel, who says: There is no Messiah coming for the Jewish people, as they already ate from him, as all the prophecies relating to the Messiah were already fulfilled during the days of Hezekiah.

³⁰² Rav says: The world was created only for the sake of David, by virtue of his merit. And Shmuel says: It was created by virtue of the merit of Moses. And Rabbi Yoḥanan says: It was created by virtue of the merit of the Messiah.

³⁰³ Apropos the Messiah, the Gemara asks: What is his name? The school of Rabbi Sheila says: Shiloh is his name, as it is stated: “Until when Shiloh shall come” (Genesis 49:10). The school of Rabbi Yannai says: Yinnon is his name, as it is stated: “May his name endure forever; may his name continue [yinnon] as long as the sun; and may men bless themselves by him” (Psalms 72:17). The school of Rabbi Ḥanina says: Ḥanina is his name, as it is stated: “For I will show you no favor [ḥanina]” (Jeremiah 16:13). And some say that Menaḥem ben Ḥizkiyya is his name, as it is stated: “Because the comforter [menaḥem] that should relieve my soul is far from me” (Lamentations 1:16). And the Rabbis say: The leper of the house of Rabbi Yehuda HaNasi is his name, as it is stated: “Indeed our illnesses he did bear and our pains he endured; yet we did esteem him injured, stricken by God, and afflicted” (Isaiah 53:4).

³⁰⁴ Rav Naḥman says: If the Messiah is among the living in this generation, he is a person such as me, who already has dominion over the Jewish people, as it is stated: “And their prince shall be of themselves, and their governor shall proceed from their midst” (Jeremiah 30:21), indicating that the redeemer is already in power. Rav says: If the Messiah is among the living in this generation, he is a person such as our saintly Rabbi Yehuda HaNasi, who was renowned for his sanctity, piety, and Torah knowledge. If the Messiah is among the dead he is a person such as Daniel, the beloved man.

³⁰⁵ Rav Yehuda says that Rav says: The Holy One, Blessed be He, is destined to establish another David for the Jewish people as the Messiah, as it is stated: “And they shall serve the Lord their God, and David their king, whom I will establish for them” (Jeremiah 30:9). It is not stated: I established, but “I will establish,” indicating that the name of the future king will be David. Rav Pappa said to Abaye: But isn’t it written: “And my servant David shall be their prince forever” (Ezekiel 37:25), indicating that King David himself will rule over the Jewish people? Abaye said: They will rule in tandem like an emperor and a viceroy; the Messiah will be king and David will be second-in-command.

³⁰⁶ § Rabbi Simlai taught: What is the meaning of that which is written: “Woe to you who desire the day of the Lord. Why would you have this day of the Lord? It is darkness, and not light” (Amos 5:18)? It is comparable to a rooster and a bat who were looking forward to the light of day. The rooster said to the bat: I look forward to light, as light is an indication of my time to be active. But as for you, why do you need light? Nighttime for you is like daytime for me.

³⁰⁷ And that is the background for the following exchange, as a certain heretic said to Rabbi Abbahu: When will the Messiah come? Rabbi Abbahu said to him: He will come when the darkness will enshroud these people, i.e., you. The heretic said to him: Are you cursing me for no reason? Rabbi Abbahu said to him, I am merely relating to you a verse that is written: “For behold, the darkness shall cover the earth, and fog the peoples; but the Lord shall shine upon you, and His glory shall be seen upon you” (Isaiah 60:2).

³⁰⁸ § It is taught in a baraita: Rabbi Eliezer says: The messianic era will be forty years long, as it is stated: “Forty years will I strive with the generation” (Psalms 95:10). The forty years of strife with the gentiles will be followed by the glory days of the Messiah. Rabbi Elazar ben Azarya says: The messianic era will last seventy years, as it is stated: “And it shall come to pass on that day, that Tyre shall be forgotten seventy years, according to the days of one king” (Isaiah 23:15). In this context, one [eḥad], means unique [meyuḥad]. Which is the unique king? You must say that this is a reference to the Messiah.

³⁰⁹ Rabbi Yehuda HaNasi says: The messianic era will last three generations, as it is stated: “May they fear You as long as the sun and moon endure, throughout the generations [dor dorim]” (Psalms 72:5). Dor is singular and dorim is plural, for a total of three generations. Rabbi Hillel says: There is no Messiah coming for the Jewish people, as they already ate from him, as all the prophecies relating to the Messiah were already fulfilled, during the days of Hezekiah.

³¹⁰ Rav Yosef says: May the Master forgive Rabbi Hillel for stating matters with no basis. With regard to Hezekiah, when was his reign? It was during the First Temple period. Whereas Zechariah ben Berechiah, the prophet, prophesied during the Second Temple period and said: “Rejoice greatly, daughter of Zion; shout, daughter of Jerusalem; behold, your king will come to you; he is just and victorious; lowly and riding upon a donkey and upon a colt, the foal of a donkey” (Zechariah 9:9). In the generations after Hezekiah, there are prophecies about both redemption and the coming of the Messiah.

³¹¹ It is taught in another baraita: Rabbi Eliezer says: The messianic era will be forty years long. It is written here with regard to the forty-year sojourn of the children of Israel in the wilderness: “And He afflicted you, and suffered you to hunger and fed you with manna” (Deuteronomy 8:3); and it is

written there: “Make us glad according to the days that You afflicted us, the years that we saw evil” (Psalms 90:15).

³¹² Rabbi Dosa says: The messianic era will last four hundred years. It is written here with regard to the Covenant of the Pieces: “And they shall serve them, and they shall afflict them four hundred years” (Genesis 15:13); and it is written there: “Make us glad according to the days that You afflicted us.”

³¹³ Rabbi Yehuda HaNasi says: The messianic era will last 365 years, corresponding to the number of days of the solar year, as it is stated: “For the day of vengeance is in My heart, and the year of My redeemed is come” (Isaiah 63:4).

³¹⁴ The Gemara asks: What is the meaning of the phrase: “For the day of vengeance is in My heart”? Rabbi Yoḥanan says that it means that God said: I revealed the day of vengeance to My heart, but I did not reveal it to My limbs, as it were, as I never stated it explicitly. Rabbi Shimon ben Lakish says that it means that God said: I revealed this secret to My heart, but I did not reveal it to the ministering angels.

³¹⁵ Avimi, son of Rabbi Abbahu, taught: The messianic era for the Jewish people will last seven thousand years, as it is stated: “And as the bridegroom rejoices over the bride, so shall your God rejoice over you” (Isaiah 62:5). The bridegroom rejoices over the bride for seven days, and the day of the Holy One, Blessed be He, is one thousand years.

³¹⁶ Rav Yehuda says that Shmuel says: The duration of the messianic era is like the duration of the period that runs from the day the world was created until now, i.e., the day when the Messiah will come, as it is stated: “That your days may be multiplied, and the days of your children, in the land that the Lord swore to your fathers to give them, as the days of heaven upon the earth” (Deuteronomy 11:21).

³¹⁷ Rav Naḥman bar Yitzḥak says: The duration of the messianic era is like the duration of the period that runs from the days of Noah until now, i.e., the day when the Messiah will come, as it is stated with regard to redemption: “For this is as the seas of [ki mei] Noah to me; as I have sworn that the seas of Noah shall no more go over the earth, so have I sworn that I will not be angry with you nor rebuke you” (Isaiah 54:9). The words ki mei can be understood as one word, kimei, meaning: Like the days of.

³¹⁸ § Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: In their prophecies with regard to redemption and the end of days, all the prophets prophesied only about the messianic era, but with regard to the World-to-Come the reward is not quantifiable, as it states: “No eye has seen it, God, aside from You, Who will do for those who await Him” (Isaiah 64:3). The Gemara notes: And this statement disagrees with the opinion of Shmuel, as Shmuel says: The difference between this world and the messianic era is only with regard to servitude to foreign kingdoms alone, as they will leave Eretz Yisrael.

³¹⁹ And Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: All of the prophets prophesied their prophecies of consolation only with regard to penitents, but with regard to the reward of the completely righteous it is stated: “No eye has seen it, God, aside from You.” The Gemara notes: And the opinion expressed in this statement disagrees with the opinion of Rabbi Abbahu, who holds that penitents are superior to the righteous, as Rabbi Abbahu says that Rav says: In the place where

penitents stand, even the completely righteous do not stand, as it is stated: “Peace, peace upon him who is far and him who is near” (Isaiah 57:19). Peace and greeting is extended first to him who is far, and only thereafter is peace extended to him who is near. What is the meaning of the term: “Upon him who is far”? It means: One who was initially far, i.e., the penitent. And what is the meaning of the term: “Him who is near”? It means: One who was initially near and continues to be near at present, i.e., the completely righteous individual.

³²⁰ And Rabbi Yoḥanan says: “Upon him who is far” is referring to one who is distant from transgression, the completely righteous individual. “Him who is near” is referring to one who is near to transgression and distanced himself from it, the penitent.

³²¹ And Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: All of the prophets prophesied their prophecies of consolation only with regard to one who values wisdom and therefore marries his daughter to a Torah scholar, and to one who conducts business [perakmatya] on behalf of a Torah scholar, and to one who utilizes his wealth to benefit a Torah scholar from his property in some other way. But the prophets did not describe the extent of the reward for Torah scholars themselves, whose reward is not quantifiable, as it is stated: “No eye has seen it, God, aside from You.”

³²² The Gemara asks: What reward is indicated in the phrase “no eye has seen it”? Rabbi Yehoshua ben Levi says: This is wine preserved in its grapes from the six days of Creation. No person has drunk that wine and therefore no one can appreciate its quality. Reish Lakish says: This is Eden, which no eye has ever seen. And if you say: Where did Adam the first man live, if not in Eden, the answer is that he lived in the garden. And lest you say: The garden is Eden and they are indistinguishable, the verse states: “And a river emerged from Eden to irrigate the garden” (Genesis 2:10), indicating that they are two distinct places.

³²³ § The mishna teaches that those who have no share in the World-to-Come include: And one who says: The Torah did not originate from Heaven. The Sages taught in a baraita that with regard to the verse: “Because he has despised the word of the Lord and has breached His commandment; that soul shall be excised; his iniquity shall be upon him” (Numbers 15:31), this is a reference to one who says: The Torah did not originate from Heaven. Alternatively, one can explain: “Because he has despised the word of the Lord”; this is a reference to an epikoros, who treats the word of God with contempt.

³²⁴ Alternatively, one can explain: “Because he has despised the word of the Lord”; this is a reference to one who interprets the Torah inappropriately. “And has breached His commandment”; this is a reference to one who breaches the covenant of flesh, who refuses to circumcise his foreskin. “Shall be excised [hikkaret tikkaret]”; “hikkaret” refers to being excised in this world, and “tikkaret” refers to being excised from the World-to-Come. From here Rabbi Elazar HaModa’i says: With regard to one who desecrates consecrated items, e.g., intentionally rendering them impure; and one who treats the intermediate days of the Festivals with contempt; and one who breaches the covenant of Abraham our forefather; and one who reveals aspects in the Torah that are not in accordance with halakha; and one who humiliates another in public, even if he has to his credit Torah study and good deeds, he has no share in the World-to-Come.

³²⁵ It is taught in another baraita: “Because he has despised the word of the Lord”; this is a reference to one who says the Torah did not originate from Heaven. And even if one says the entire Torah originated from Heaven except for this verse, i.e., any one verse, claiming that the Holy One, Blessed

be He, did not say it but Moses himself said it on his own, this is included in the category of: “Because he has despised the word of the Lord.” And even if one says the entire Torah originated from Heaven except for this inference inferred by the Sages, or except for this a fortiori inference, or except for this verbal analogy, this is included in the category of: “Because he has despised the word of the Lord.”

³²⁶ It is taught in a baraita that Rabbi Meir would say: With regard to one who studies Torah and does not teach it to others, this person is included in the category of: “He has despised the word of the Lord,” as his conduct indicates that he does not consider the word of God significant enough to teach others. Rabbi Natan says: Anyone who does not pay the requisite attention to the Mishna and does not consider it essential halakha is included in the category of: “Because he has despised the word of the Lord.” Rabbi Nehorai says: Anyone for whom it is possible to engage in Torah study and who nevertheless does not engage in its study is included in the category of: “Because he has despised the word of the Lord.”

³²⁷ Rabbi Yishmael says: This verse: “Because he has despised the word of the Lord,” is a reference to an idol worshipper. The Gemara asks: From where in the verse is this inferred? The Gemara explains: It is derived from a verse, as the school of Rabbi Yishmael taught: “Because he has despised the word [devar] of the Lord”; this is a reference to one who treats with contempt a statement [dibbur] that was stated to Moses at Sinai and heard by all of the Jewish people: “I am the Lord your God... You shall have no other gods beside me” (Exodus 20:2–3).

³²⁸ Apropos Torah study, Rabbi Yehoshua ben Korḥa says: Anyone who studies Torah and does not review it is comparable to a person who sows and does not reap. Rabbi Yehoshua says: Anyone who studies Torah and causes himself to forget it is similar to a woman who gives birth and buries her newborn child.

³²⁹ Rabbi Akiva says:

³³⁰ Sing every day, sing every day, i.e., review your studies like a song that one sings over and over. Rav Yitzḥak bar Avudimi says: From what verse is this derived? It is as it is stated: “The hunger of the laborer labors for him; for his mouth presses upon him” (Proverbs 16:26), i.e., he exhausts his mouth through constant review and study. He labors in Torah in this place, this world, and his Torah labors for him in another place, the World-to-Come.

³³¹ Rabbi Elazar says: Every man was created for labor, as it is stated: “Man is born for toil” (Job 5:7). Based on this verse, I do not know whether he was created for toil of the mouth, speech, or whether he was created for the toil of labor. When the verse states: “For his mouth presses upon him” (Proverbs 16:26), you must say that he was created for toil of the mouth. And still I do not know with regard to the toil of the mouth whether it is for the toil of Torah or for the toil of conversation. When the verse states: “This Torah scroll shall not depart from your mouth” (Joshua 1:8), you must say that he was created for the toil of Torah. And that is the meaning of what Rava said: All bodies are like receptacles to store items until use. Happy is one who is privileged, who is a receptacle for Torah.

³³² The verse states: “He who commits adultery with a woman lacks understanding” (Proverbs 6:32). Reish Lakish says: This is a reference to one who studies Torah intermittently, who is like an adulterer, who sins with the other woman intermittently, as it is stated about words of Torah: “For it is a pleasant thing if you keep them within your belly; let them be established on your lips” (Proverbs 22:18) and keep the Torah always available.

³³³ § The Sages taught in a baraita that with regard to the verse: “But the person who acts high-handedly, whether he is born in the land, or a stranger, that person blasphemes the Lord” (Numbers 15:30), this is a reference to Manasseh ben Hezekiah, king of Israel, who would sit and teach flawed interpretations of Torah narratives.

³³⁴ Manasseh said: But did Moses need to write only insignificant matters that teach nothing, for example: “And Lotan’s sister was Timna” (Genesis 36:22), or: “And Timna was concubine to Eliphaz, son of Esau” (Genesis 36:12), or: “And Reuben went in the days of the wheat harvest and found *duda’im* in the field” (Genesis 30:14)? A Divine Voice emerged and said to him: “You sit and speak against your brother; you slander your own mother’s son. These things you have done, and should I have kept silence, you would imagine that I was like you, but I will reprove you, and set the matter before your eyes” (Psalms 50:20–21). The verses in the Torah are not empty matters, with regard to which you can decide their import.

³³⁵ And about Manasseh ben Hezekiah it is stated explicitly in the texts of tradition, the Prophets: “Woe unto them who draw iniquity with cords of vanity, and sin as with a cart rope” (Isaiah 5:18). What is the meaning of the phrase “as with a cart rope”? Rabbi Asi says: This is a reference to the evil inclination. Initially, it seems like a flimsy spinning [*kuveya*] thread and ultimately it seems like a sturdy cart rope.

³³⁶ Manasseh began by mocking a few verses and ultimately violated the entire Torah. The Gemara asks: With regard to that verse that we came to discuss, in any event, what is the significance of the phrase in the verse “And Lotan’s sister was Timna”? The Gemara explains: Timna was the daughter of kings, as it is written: “The chief of Lotan” (Genesis 36:29), and: “The chief of Timna” (Genesis 36:40), and each chief is a member of a monarchy, albeit without a crown. That is why they are called chief and not king.

³³⁷ Timna sought to convert. She came before Abraham, Isaac, and Jacob, and they did not accept her. She went and became a concubine of Eliphaz, son of Esau, and said, referring to herself: It is preferable that she will be a maidservant for this nation, and she will not be a noblewoman for another nation. Ultimately, Amalek, son of Eliphaz, emerged from her, and that tribe afflicted the Jewish people. What is the reason that the Jewish people were punished by suffering at the hand of Amalek? It is due to the fact that they should not have rejected her when she sought to convert. Therefore, the verse is significant.

³³⁸ “And Reuben went in the days of the wheat harvest” (Genesis 30:14). Rava, son of Rabbi Yitzḥak, says that Rav says: From here it can be seen that the righteous do not extend their hands to engage in robbery even of small items, as rather than taking wheat, Reuben took only the ownerless *duda’im*. The verse continues: “And he found *duda’im* in the field.” The Gemara asks: What are *duda’im*? Rav says: They are a plant called *yavruḥei*. Levi says: They are violets. Rabbi Yonatan says: They are *seviskei*.

³³⁹ § Apropos the significance of Torah study, Rabbi Alexandri says: Anyone who engages in the study of Torah for its own sake introduces peace into the heavenly entourage above and into the earthly entourage below, as it is stated: “Or let him take hold of My stronghold [*ma’uzi*], that he may make peace with Me; and he shall make peace with Me” (Isaiah 27:5). One who observes the Torah, which is called *oz*, introduces peace, even before the presence of God, as it were.

³⁴⁰ Rav says: It is as though he built a palace of heaven above and of earth below, as it is stated: “And I have placed My words in your mouth, and I have covered you in the shadow of My hand, to plant the heavens and lay the foundations of the earth, and say to Zion, you are My people” (Isaiah 51:16). One who has the word of God placed in his mouth through Torah study has established heaven and earth. Rabbi Yoḥanan says: One who engages in Torah study also protects the entire world, as it is stated: “And I have covered you in the shadow of My hand.” And Levi says: He also advances the coming of the redemption, as it is stated: “And say to Zion, you are My people.”

³⁴¹ Reish Lakish said: With regard to anyone who teaches Torah to the son of another, the verse ascribes him credit as though he formed that student, as it is stated: “And Abram took Sarai his wife...and the souls that they formed in Haran” (Genesis 12:5). They are given credit for forming the students to whom they taught Torah. Rabbi Elazar says: It is as though he fashioned [asa’an] the words of Torah themselves, as it is stated: “Observe the words of this covenant, va’asitem otam” (Deuteronomy 29:8), indicating that studying the Torah is like fashioning it. Rava says: It is as though he fashioned himself, as it is stated: “Va’asitem otam.” Do not read “va’asitem otam” as: And you shall fashion them; rather, read it as va’asitem atem, meaning: You shall fashion yourself.

³⁴² Rabbi Abbahu says: With regard to anyone who causes another to engage in a matter of a mitzva, the verse ascribes him credit as though he performed it himself, as it is stated: “And the Lord said to Moses...and your rod, with which you struck the river, take in your hand and go” (Exodus 17:5). And was it Moses who struck the river? But isn’t it written explicitly (see Exodus 7:19–20) that Aaron struck the river? Rather, that verse serves to say to you: Anyone who causes another to engage in a matter of a mitzva, the verse ascribes him credit as though he performed it himself.

³⁴³ § The mishna teaches that those who have no share in the World-to-Come include an epikoros. Rav and Rabbi Ḥanina both say: This is one who treats a Torah scholar with contempt. Rabbi Yoḥanan and Rabbi Yehoshua ben Levi say: This is one who treats another with contempt before a Torah scholar.

³⁴⁴ The Gemara asks: Granted, according to the one who says that one who treats another with contempt before a Torah scholar is the epikoros mentioned in the mishna, one who treats a Torah scholar with contempt is characterized as one who interprets the Torah inappropriately, due to his lowering of the status of a Torah scholar. But according to the one who says that one who treats a Torah scholar himself with contempt is the epikoros mentioned in the mishna, how would he characterize one who interprets the Torah inappropriately? Like what individual does such a person conduct himself? He is like Manasseh, son of Hezekiah, who would teach flawed interpretations of Torah narratives.

³⁴⁵ And there are those who teach this dispute with regard to the latter clause of the baraita: From here Rabbi Elazar HaModa’i said: One who interprets the Torah inappropriately has no share in the World-to-Come. Rav and Rabbi Ḥanina say: This is one who treats a Torah scholar with contempt. Rabbi Yoḥanan and Rabbi Yehoshua ben Levi say: This is one who treats another with contempt before a Torah scholar.

³⁴⁶ The Gemara asks: Granted, according to the one who says that one who treats a Torah scholar himself with contempt is the one mentioned in the baraita who interprets the Torah inappropriately, one who treats another with contempt before a Torah scholar is characterized as the epikoros mentioned in the mishna. But according to the one who says that one who treats another with

contempt before a Torah scholar is the one mentioned in the baraita who interprets the Torah inappropriately, how would he characterize the epikoros mentioned in the mishna? Like whom does he conduct himself? Rav Yosef says: It is referring to one who conducts himself like those who say: In what manner have the Sages benefited us with all their Torah study? They read the Bible for their own benefit and they study the Mishna for their own benefit.

³⁴⁷ Abaye said to him: That person who questions the benefit provided by Sages is also in the category of one who interprets the Torah inappropriately, since with that statement he repudiates the Torah itself, as it is written: “If not for My covenant, I would not have appointed day and night, the laws of heaven and earth” (Jeremiah 33:25). The eternal covenant of the Torah is responsible for maintaining the existence of the entire world. Rav Naḥman bar Yitzḥak says: From here too conclude the same concept from it, as it is stated: “If I find in Sodom fifty just men within the city, then I will spare the entire place for their sakes” (Genesis 18:26). The righteous protect the place where they reside.

³⁴⁸ Rather, the epikoros mentioned in the mishna is referring to one who conducts himself like one who sits before his teacher and a halakha that he learned from another place happens to fall into his consciousness and the student says: This is what we say there, and he does not say deferentially: This is what the Master said, even if he did not learn that matter from his teacher. Rava said: The term epikoros is referring to one who conducts himself like those from the house of Binyamin the doctor, who say: In what manner have the Sages benefited us with all their Torah study? Never

³⁴⁹ have they permitted a raven for us nor have they prohibited a dove for us. They merely tell us matters stated explicitly in the Torah.

³⁵⁰ The Gemara relates with regard to Rava: When they would bring a possible tereifa from the house of Binyamin before him, when he would see in it a reason to permit its consumption, Rava would say to them: See that I am permitting a raven for you, as this is an animal that appeared forbidden. When he would see in it a reason to prohibit its consumption, Rava would say to them: See that I am prohibiting a dove for you.

³⁵¹ Rav Pappa says: The epikoros mentioned in the mishna is referring to one who conducts himself like one who says: Those Sages, with contemptuous overtones. The Gemara relates that Rav Pappa himself forgot in one instance and said: Like those Sages, and he observed a fast to achieve atonement for expressing himself in that manner.

³⁵² The Gemara relates: Levi bar Shmuel and Rav Huna bar Ḥiyya were mending mantles for the sacred scrolls of the school of Rav Yehuda. When they reached the scroll of Esther they said: This scroll of Esther does not require a mantle, as it is not as significant as the other sacred scrolls. Rav Yehuda said to them: A statement of that sort also seems to express irreverence like the irreverence typical of an epikoros, as you should not have referred to the scroll of Esther as: This scroll.

³⁵³ Rav Naḥman says: An epikoros is one who calls his teacher by his name and does not call him Rabbi, as Rabbi Yoḥanan said: For what reason was Gehazi punished? It is due to the fact that he called his teacher by his name, as it is stated: “And Gehazi said: My lord the king, this is the woman, and this is her son, whom Elisha revived” (II Kings 8:5).

³⁵⁴ § The Gemara relates: Rabbi Yirmeya sat before Rabbi Zeira, and sat and said: The Holy One, Blessed be He, will cause a river to emerge from the Holy of Holies, and alongside it all sorts of

delicacies will grow, as it is stated: “And the river upon its bank, on this side and on that side shall grow every tree for food, whose leaf shall not wither, neither shall its fruit fall; it shall bring forth new fruit every month, because their waters emerged from the Sanctuary; and its fruit shall be for food and its leaf for medicine” (Ezekiel 47:12). A certain elder said to Rabbi Yirmeya: Well done, and so Rabbi Yoḥanan said: Well done. Rabbi Yirmeya said to Rabbi Zeira: Does a statement of that sort, when one who is not a Torah scholar says to a Sage that his statement is correct, seem like the irreverence typical of an epikoros?

³⁵⁵ Rabbi Zeira said to him: But isn’t he supporting your statement? He meant no disrespect. Rather, if you heard that at times supporting the statement of a Sage is irreverent, this is what you heard: It is like that case in which Rabbi Yoḥanan sat and taught: The Holy One, Blessed be He, is destined to bring precious stones and jewels that are thirty by thirty cubits, and He will bore in them an opening ten cubits wide by twenty cubits in height and place them to serve as the gates of Jerusalem, as it is stated: “And I will make your pinnacles of rubies and your gates of carbuncles” (Isaiah 54:12). A certain student mocked him and said: Now, at present, we do not find precious stones comparable in size to the egg of a palm dove. Will we find stones as large as those that you described?

³⁵⁶ Sometime later that student’s ship set sail at sea. He saw the ministering angels cutting precious stones that size. He said to the angels: For whom are these stones? The angels said to him: The Holy One, Blessed be He, is destined to place them at the gates of Jerusalem. When the student returned, he found Rabbi Yoḥanan, who was sitting and teaching. The student said to him: My teacher, teach, and it is fitting for you to teach. Just as you said with regard to the precious stones, so I saw. Rabbi Yoḥanan said to him: Good-for-nothing, if you did not see it, you would not believe it? You are one who mocks the statements of the Sages. Rabbi Yoḥanan directed his eyes toward him in anger and rendered him a pile of bones.

³⁵⁷ The Gemara raises an objection from a baraita to the statement of Rabbi Yoḥanan that the gates will be twenty cubits high. The Sages engaged in a dispute concerning the interpretation of the verse: “And I made you go upright [komemiyyut]” (Leviticus 26:13). Rabbi Meir says that in the end of days people will be two hundred cubits tall, the equivalent of twice the height of Adam the first man, who was one hundred cubits tall. Rabbi Yehuda says: People will be one hundred cubits tall, corresponding to the height of the Sanctuary and its walls, as it is stated: “For our sons are as plants grown up in their youth; our daughters as cornerstones, carved in the fashion of a palace” (Psalms 144:12), indicating that the sons and daughters will be one hundred cubits tall, the height of the Sanctuary. If the people are that tall, how will they enter gates twenty cubits high?

³⁵⁸ The Gemara answers: When Rabbi Yoḥanan says that the openings would be twenty cubits high he is referring to the windows through which wind enters. The gates through which people enter will extend considerably higher.

³⁵⁹ § Apropos the river that will emerge from the Holy of Holies, the Gemara asks: What is the meaning of the phrase: And its leaf for medicine [literufa]? Rabbi Yitzḥak bar Avudimi and Rav Ḥisda disagree. One says: This is an abbreviation for the phrase: To unlock the mouth [lehattir peh] that is above, i.e., the leaf heals the mute. And one says: That is the abbreviation, but it means to unlock the mouth that is below, a euphemism for healing the womb of a barren woman.

³⁶⁰ It was also stated that other Sages engaged in a dispute concerning this matter. Ḥizkiyya says that the reference is: To unlock the mouth of mutes, and bar Kappara says that the reference is: To unlock

the mouth of barren women. Rabbi Yoḥanan says: The reference is to actual medicine. The Gemara asks: According to that opinion, what is the meaning of the term: For medicine [literufa]? Rabbi Shmuel bar Nahmani says: It is an abbreviation meaning to beautify the countenance [letoar panim] of the keepers of the mouth [peh], i.e., the Sages, who labored with their mouths to study Torah in this world.

³⁶¹ Rabbi Yehuda, son of Rabbi Simon, taught: For anyone who blackens his face while toiling over matters of Torah in this world, the Holy One, Blessed be He, shines his brightness in the World-to-Come, as it is stated: “His locks are curly black as a raven” (Song of Songs 5:11), and thereafter it is written: “His countenance is like Lebanon, excellent as the cedars” (Song of Songs 5:15), followed by: “His palate is like sweets” (Song of Songs 5:16). One who engages in sweets, i.e., Torah study, in this world, until he is blackened, black as a raven, is privileged to shining brightness in the World-to-Come.

³⁶² Rabbi Tanḥum, son of Rabbi Ḥanilai, says: With regard to anyone who starves himself over matters of Torah in this world, the Holy One, Blessed be He, satisfies him in the World-to-Come, as it is stated: “Your judgments are like the great deep” (Psalms 36:7), indicating that God is exacting with the righteous and does not reward them in this world, and it is stated thereafter: “They are abundantly satisfied with the plenty of Your house, and You feed them drink of the river of Your pleasures” (Psalms 36:9).

³⁶³ When Rav Dimi came from Eretz Yisrael to Babylonia he said: The Holy One, Blessed be He, will give each and every righteous person His handful, as it is stated: “Blessed be the Lord, Who day by day bears our burden; God is our salvation, Selah” (Psalms 68:20). Abaye said to him: And is it possible to say so, that the Holy One, Blessed be He, will give them His handful? But wasn’t it already stated: “Who has measured the waters in the hollow of His hand, and meted out heaven with the span, and comprehended the dust of the earth in a measure” (Isaiah 40:12)? And if the span of the Holy One, Blessed be He, is as great as the heavens, how can a person receive a handful from the Holy One, Blessed be He?

³⁶⁴ Rav Dimi said: What is the reason that you are not familiar with matters of aggada? As they say in the West, Eretz Yisrael, in the name of Rava bar Mari: The Holy One, Blessed be He, will give every righteous person 310 worlds as it is stated: “To bequeath to those who love Me substance [yesh]; and I will fill their treasures” (Proverbs 8:21). In terms of its numerical value, the word yesh, spelled yod, shin, is 310, indicating that God grants the righteous a full measure.

³⁶⁵ In a related matter, it is taught in a baraita that Rabbi Meir says: In accordance with the measure that a person metes out for others the heavenly court metes out for him, i.e., the response is commensurate with the action, as it is written: “In full measure [besasse’a] when You send her away do You contend with her” (Isaiah 27:8). The term besasse’a is interpreted as bese’a se’a, meaning that one receives a measure [se’a] commensurate with the measure [bese’a] that he meted out.

³⁶⁶ Rabbi Yehoshua said to Rabbi Meir: And is it possible to say that if a person gives his handful to a pauper in this world, the Holy One, Blessed be He, gives him His handful in the World-to-Come? But isn’t it written: “And meted out heaven with the span” (Isaiah 40:12)? He asked how one can receive so bountiful a reward. Rabbi Meir answered him: And you do not say so? Which of God’s attributes is greater? Is the attribute of reward greater or is the attribute of punishment greater?

³⁶⁷ You must say that the attribute of reward is greater than the attribute of punishment, as with regard to the attribute of reward it is written: “He commanded the clouds from above, and opened the doors of heaven, and rained upon them manna to eat” (Psalms 78:23–24). And with regard to the attribute of punishment at the time of the flood the verse says: “And the windows of the heavens were opened” (Genesis 7:11). To mete out punishment, God opened only windows, which are considerably smaller openings than doors, indicating that the attribute of reward is greater.

³⁶⁸ With regard to the attribute of punishment it is written: “And they shall go forth, and look upon the carcasses of the men who have rebelled against Me; for their worm shall not die, neither shall their fire be quenched; and they shall be an abhorrence to all flesh” (Isaiah 66:24). The Gemara asks: Is it not so that when a person extends his finger into the fire in this world, he is immediately burned? How, then, can one withstand the fire of Gehenna, which is never extinguished? Rather, just as the Holy One, Blessed be He, provides strength to the wicked to receive their punishment, so too, the Holy One, Blessed be He, provides strength to the righteous to receive their reward, His handful.

³⁶⁹ § The mishna teaches that Rabbi Akiva says: Also one who reads external literature has no share in the World-to-Come. The Sages taught in a baraita: This is a reference to reading books of heretics. Rav Yosef says: It is also prohibited to read the book of ben Sira, due to its problematic content. Abaye said to Rav Yosef: What is the reason that it is prohibited to read the book of ben Sira? If we say that it is prohibited due to the fact that ben Sira wrote in it: Do not flay the skin of the fish from its ear, so that its skin does not go to ruin, but roast it on the fire and eat with it two loaves of bread, and you believe it to be nonsense, that is not a sufficient reason.

³⁷⁰ If your difficulty is from its literal meaning, that does not pose a difficulty, as in the Torah, God also wrote: “You shall not destroy its trees” (Deuteronomy 20:19). It is prohibited to destroy both trees and fish skin arbitrarily. If your difficulty is from its homiletic interpretation as a euphemism, ben Sira is teaching us proper conduct: A man should not engage in sexual intercourse in an atypical manner, i.e., anal intercourse, with his wife, as it causes her discomfort.

³⁷¹ Rather, perhaps the book poses a difficulty because it is written there: A daughter is for her father false treasure; due to fear for her he will not sleep at night: During her minority, lest she be seduced; during her young womanhood lest she engage in licentiousness; once she has reached her majority, lest she not marry; once she marries, lest she have no children; once she grows old, lest she engage in witchcraft (Ben Sira 42:11–14). Perhaps you believe that one should not say this to the father of daughters. Didn’t the Sages also say it with regard to women? They said: It is impossible for the world to exist without males and without females; nevertheless, happy is one whose children are males and woe unto him whose children are females.

³⁷² Rather, perhaps the book poses a difficulty because it is written there: Do not introduce anxiety into your heart, as anxiety has killed mighty men (Ben Sira 14:1; 30:29). Didn’t Solomon already say it in the verse: “Anxiety in a man’s heart dejects him [yashḥena]” (Proverbs 12:25)? Rabbi Ami and Rabbi Asi interpret the term homiletically and read it as yesiḥenna. One says that it means: He shall remove it [yesiḥenna] from his mind, and that will ease his anxiety. And one says: He shall tell it [yesiḥenna] to others, and that will ease his anxiety. Both agree with the statement of ben Sira.

³⁷³ Rather, perhaps the book poses a difficulty because it is written there: Prevent the multitudes from inside your house, and do not bring everyone into your house (Ben Sira 11:37). But didn’t Rabbi Yehuda HaNasi also say it, as it is taught in a baraita that Rabbi Yehuda HaNasi says: A person

should never have many friends inside his house, as it is stated: “There are friends that one has to his own detriment” (Proverbs 18:24), as through his association with them he will become weak and be ruined.

³⁷⁴ Rather, perhaps the book poses a difficulty because it is written there: A sparse-bearded man is clever; a thick-bearded man is a fool. One who blows on his cup is not thirsty. One who said: With what will I eat bread, take the bread from him. One who has a passage in his beard, the entire world is unable to overcome him. Abaye suggests: Due to all this nonsense, it is not appropriate to read this book.

³⁷⁵ Rav Yosef says: Even though there are passages in the book that are inappropriate, we teach the superior matters that are in it even in public. A good wife is a good gift; she will be given into the bosom of a God-fearing man (Ben Sira 26:3). A bad wife is leprosy for her husband. What is his remedy? He shall chase her from his house and will be healed from his leprosy (Ben Sira 25:30). A beautiful wife, happy is her husband; the number of his days is doubled (Ben Sira 26:1). Due to his happiness, it is as though his life is twice as long.

³⁷⁶ We also teach what it states there: Avert your eyes from a woman of grace, lest you be trapped in her snare. Turn not to her husband to mix wine and strong drink with him, as many have been corrupted by the beauty of the beautiful woman, and mighty are all her fatalities (Ben Sira 9:9–11). Many are the wounds of a peddler (Ben Sira 11:36), which in this context is referring to those who accustom others to matters of forbidden sexual relations. Like a spark ignites a coal (Ben Sira 11:43), like a cage full of birds, so too, their houses are filled with deceit (Ben Sira 11:36–37). Prevent the multitudes from inside your house, and do not bring everyone into your house (Ben Sira 11:37). Let many be those who greet you; reveal your secrets to one in a thousand. From she who lies in your bosom guard the openings of your mouth, i.e., do not tell her everything. Grieve not about tomorrow’s trouble, because you know not what a day may bring; perhaps tomorrow you will no longer be, and one will have worried about a world that is not his.

³⁷⁷ The verse states: “All the days of the poor are terrible” (Proverbs 15:15). The book of ben Sira says: Also the nights are terrible, as then the poor person worries. The poor person’s roof is among the lowest roofs in the city, and in the elevation of the hills is his vineyard, at the highest point, as those are of the lowest quality and consequently the least expensive places for each. From the rain on the roofs of the entire city, water will flow down to his roof and dampen it, and the soil of his vineyard is eroded by the rain and swept down to other vineyards.

³⁷⁸ § The Gemara provides a mnemonic for the statements that follow, based primarily on those who authored those statements. Zeira; Rava; Mesharshiyya; Ḥanina toviyya, referring to Rabbi Ḥanina, who spoke of a good [tova] wife; Yannai yafe, referring to Rabbi Yannai, who spoke of one who is broad-minded [da’ato yafe]; Yoḥanan meraḥem, referring to Rabbi Yoḥanan, who spoke of one who is compassionate [meraḥem]; Yehoshua mekatzer, referring to Rabbi Yehoshua ben Levi, who spoke of one who is intolerant [da’ato ketzara].

³⁷⁹ Rabbi Zeira says that Rav says: What is the meaning of that which is written: “All the days of the poor are terrible, and for the good-hearted it is always a feast” (Proverbs 15:15)? “All the days of the poor are terrible”; these are masters of the Talmud, who invest constant effort in their study and encounter endless difficulties and questions. “And for the good-hearted it is always a feast”; these are masters of the Mishna, who study only halakhic conclusions and encounter no difficulties.

³⁸⁰ Rava says that the opposite is true; and this is that which Rav Mesharshiyya said in the name of Rava: What is the meaning of that which is written: “One who quarries stones shall be saddened by them and he who chops wood shall be warmed by it” (Ecclesiastes 10:9)? “One who quarries stones shall be saddened by them”; these are masters of the Mishna, as they invest effort, but are unable to benefit from that effort, as they do not reach halakhic conclusions. “And he who chops wood shall be warmed by it”; these are masters of the Talmud, who invest considerable effort and benefit from it, as they reach halakhic conclusions.

³⁸¹ Rabbi Ḥanina says: “All the days of the poor are terrible”; this is referring to one who has a bad wife. “And for the good-hearted it is always a feast”; this is referring to one who has a good wife. Rabbi Yannai says: “All the days of the poor are terrible”; this is referring to one who is delicate [istenis], i.e., one who is sensitive to repulsive items. “And for the good-hearted it is always a feast”; this is referring to one who is broad-minded [da’ato yafe], i.e., he is not particular and will eat anything. Rabbi Yoḥanan says: “All the days of the poor are terrible”; this is referring to one who is compassionate [meraḥem], as he always senses the suffering in the world and is constantly anxious. “And for the good-hearted it is always a feast”; this is referring to one who is cruel and indifferent to suffering in the world. Rabbi Yehoshua ben Levi says: “All the days of the poor are terrible”; this is referring to

³⁸² one who is intolerant [da’ato ketzara] of others acting against his will. “And for the good-hearted it is always a feast”; this is referring to one who is tolerant and accepts the actions of others. And Rabbi Yehoshua ben Levi says with regard to the verse “All the days of the poor are terrible”: But aren’t there Shabbatot and Festivals, when he rests and eats festive meals? This can be explained in accordance with that statement of Shmuel, as Shmuel says: A change in routine in terms of eating and rest causes the onset of an intestinal ailment. Due to the dramatic deviation on Shabbat from the poor person’s routine he suffers.

³⁸³ § The Sages taught: One who reads a verse from Song of Songs and renders it a form of secular song, and not a sacred text, and one who reads any biblical verse at a banquet house, not at its appropriate time, but merely as a song, introduces evil to the world, as the Torah girds itself with sackcloth and stands before the Holy One, Blessed be He, and says before Him: Master of the Universe, Your children have rendered me like a harp on which clowns play.

³⁸⁴ The Holy One, Blessed be He, says to the Torah: My daughter, during the time that they are eating and drinking, in what should they be engaged? The Torah says before Him: Master of the Universe, if they are masters of the Bible, let them engage in the study of the Torah, Prophets, and Writings. If they are masters of the Mishna, let them engage in the study of the Mishna, in the study of halakha, and in the study of aggada. And if they are masters of the Talmud, let them engage in the study of the halakhot of Passover on Passover, in the study of the halakhot of Shavuot on Shavuot, and in the study of the halakhot of Sukkot on Sukkot. They should not treat the Torah with contempt by using it for their own entertainment. Rabbi Shimon ben Elazar testified in the name of Rabbi Shimon ben Ḥanania: Anyone who reads a verse at its appropriate time and in the appropriate manner introduces good into the world, as it is stated: “And a word in its season, how good is it” (Proverbs 15:23).

³⁸⁵ § The mishna teaches: And among those who have no share in the World-to-Come is one who whispers invocations over a wound. Rabbi Yoḥanan says: And that is the case only where he spits

into the wound while he whispers, as one does not mention the name of Heaven over spittle, and doing so is an act of contempt for God. It was stated that Rav says: Even the verse: “When a leprous mark is in a man, then he shall be brought to the priest” (Leviticus 13:9), in which there is no mention of the name of God, may not be whispered as an invocation. Rabbi Ḥanina says: Even a verse that is unrelated to the specific illness in question, for example: “And He called to Moses” (Leviticus 1:1), may not be whispered as an invocation.

³⁸⁶ The Sages taught in a baraita: One may smear oil on and rub the intestinal area on Shabbat to ease pain, and it is not prohibited as a form of healing. One may whisper incantations of snakes and scorpions on Shabbat to ease the pain of their bite. And one may pass a cool vessel upon an infected eye on Shabbat, to soothe the inflammation. Rabban Shimon ben Gamliel says: In what case are these matters stated? They are stated in the case of a vessel that may be moved on Shabbat. But with regard to a vessel that may not be moved, it is prohibited to pass it upon the infected eye on Shabbat. And one may not consult the words of demons on Shabbat. Rabbi Yosei says: Even during the week it is prohibited to consult demons.

³⁸⁷ Rav Huna said: The halakha is in accordance with the opinion of Rabbi Yosei. The Gemara notes: And even Rabbi Yosei did not say that it is due to the Torah prohibition of witchcraft that it is prohibited during the week; rather, it is prohibited due to danger, lest the demons harm him. This could happen, as in that incident concerning Rav Yitzḥak bar Yosef, who consulted a demon and as a result was swallowed into a cedar tree, and a miracle was performed for him and the cedar split and expelled him.

³⁸⁸ The Sages taught in a baraita: One may smear oil on and rub the intestinal area on Shabbat, and it is not a forbidden form of healing, provided that he does not do so in the manner in which he does during the week. The Gemara asks: How then does one do so on Shabbat? Rabbi Ḥama, son of Rabbi Ḥanina, says: One first smears oil and afterward rubs the body. And Rabbi Yoḥanan says: One smears oil and rubs the body simultaneously.

³⁸⁹ The Sages taught in a baraita: With regard to demons of oil and demons of eggs, i.e., demons consulted by means of oil and eggs, respectively, it is permitted to consult them; but it is futile to do so, due to the fact that they deceive. One may whisper an incantation for healing over oil that is in a vessel and one may not whisper an incantation over oil that is in one’s hand. Therefore, one may smear oil on his body from oil that is brought to him in another’s hand, and there is no concern that perhaps someone whispered over it; and one may not smear oil that is brought to him in a vessel, as perhaps someone whispered over it and it will cause him harm.

³⁹⁰ The Gemara relates: Rav Yitzḥak bar Shmuel bar Marta happened to come to a certain inn, and they brought him oil in a vessel. He rubbed it on his face, and boils developed on his face. He went out to the marketplace, and a certain woman saw him and said: I see here the evil spirit of Ḥamat on your face. She performed an action, i.e., whispered an incantation, for him, and he was healed.

³⁹¹ Rabbi Abba said to Rabba bar Mari that there is an apparent contradiction in a verse. It is written: “All the disease that I placed in Egypt I shall not place upon you, for I am the Lord, your Healer” (Exodus 15:26). And since God does not place the disease upon the Jewish people, why is healing necessary? Rabba bar Mari said to him that this is what Rabbi Yoḥanan says: This verse can be interpreted and the contradiction resolved from the contents of the verse itself, as it is stated: “And He said: If you will diligently hearken to the voice of the Lord, your God” (Exodus 15:26). If you

hearken to God's voice, I will not place the disease upon you, and if you do not hearken to God's voice, I will place the disease upon you. Nevertheless, even if you do not hearken to the voice of God, and I place the disease upon you, know that I will heal you, "for I am the Lord, your Healer."

³⁹² § Rabba bar bar Ḥana says: When Rabbi Eliezer fell ill, his students entered to visit him. Rabbi Eliezer said to them: There is intense wrath in the world, and it is due to that wrath of the Holy One, Blessed be He, Who is angry at His world, that I am suffering from these afflictions. His students began to cry due to their teacher's suffering, and Rabbi Akiva was laughing. They said to him: Why are you laughing? Rabbi Akiva said to them: And for what reason are you crying? They said to him: Is it possible that Rabbi Eliezer, who is as much an exemplar of Torah as a Torah scroll, is afflicted with pain and we will not cry?

³⁹³ Rabbi Akiva said to them: It is for that reason that I am laughing. As long as I would see for my teacher that neither does his wine ferment and spoil, nor is his flax stricken, nor does his oil spoil, nor does his honey turn rancid, I would say to myself: Perhaps, Heaven forbid, my teacher has already received his world in reward for the mitzvot that he fulfilled, and will not receive a reward in the World-to-Come. But now that I see my teacher overcome with suffering, I am happy. He is receiving punishment in this world for the few transgressions that he might have committed, ensuring that he will receive a complete reward in the World-to-Come. Rabbi Eliezer said to him: Akiva, have I failed to fulfill any portion of the entire Torah? Rabbi Akiva said to him, you taught us, our teacher: "For there is not a righteous man upon earth who does good and sins not" (Ecclesiastes 7:20).

³⁹⁴ The Sages taught in a baraita: When Rabbi Eliezer fell ill, four Sages entered to visit him: Rabbi Tarfon, and Rabbi Yehoshua, and Rabbi Elazar ben Azarya, and Rabbi Akiva.

³⁹⁵ Rabbi Tarfon responded to the situation with words of encouragement and said: You are better for the Jewish people than a drop of rain, as a drop of rain provides benefit in this world, and my teacher provides them benefit in this world and in the World-to-Come.

³⁹⁶ Rabbi Yehoshua responded and said: You are better for the Jewish people than the sphere of the sun, as the sphere of the sun provides benefit in this world, and my teacher provides benefit in this world and in the World-to-Come.

³⁹⁷ Rabbi Elazar ben Azarya responded and said: You are better for the Jewish people than a father and mother, as a father and mother provide benefit in this world, and my teacher provides benefit in this world and in the World-to-Come.

³⁹⁸ Rabbi Akiva responded and said: Afflictions are cherished. When Rabbi Eliezer heard this he said to his attendants: Support me so I can sit and hear the statement of Akiva my student, who said: Afflictions are cherished. Rabbi Eliezer said to him: Akiva, from where do you derive this? Rabbi Akiva said: I interpret a verse in order to derive it. It is written: "Manasseh was twelve years old when he began to reign and he reigned fifty-five years in Jerusalem...And he performed that which was evil in the eyes of the Lord" (II Kings 21:1–2). And it is written:

³⁹⁹ "These too are the proverbs of Solomon, which the men of Hezekiah, king of Judea, copied" (Proverbs 25:1), indicating that Hezekiah taught Torah and disseminated it to the multitudes. And is it conceivable that Hezekiah, king of Judea, taught Torah to the entire world and to Manasseh his son he did not teach Torah? Rather, Hezekiah certainly taught Manasseh much Torah; nevertheless, from all his exertion to teach him and from all his toil to teach him, it was only afflictions that elevated

him to the path of good, as it is stated: “And the Lord spoke to Manasseh and to his people but they would not heed. And the Lord brought upon them the captains of the army of the king of Assyria, who took Manasseh with hooks, and bound him with chains, and carried him to Babylonia” (II Chronicles 33:10–11).

⁴⁰⁰ And it is written thereafter: “And when he was in distress, he sought the Lord his God, and humbled himself greatly before the God of his fathers, and he prayed to Him and He was entreated of him, and He heard his supplication, and brought him back to Jerusalem into his kingdom; then Manasseh knew that the Lord He was God” (II Chronicles 33:12–13). You learned from this that afflictions are cherished.

⁴⁰¹ Apropos Manasseh’s repentance, the Gemara cites that the Sages taught in a baraita: Three came with a demand, and these are they: Cain, Esau, and Manasseh. Cain came with a demand, as it is written: “My sin is too great to bear” (Genesis 4:13). Cain said before God: Master of the Universe, is my transgression greater than the transgression of the 600,000 who are destined to sin before You with the Golden Calf, and You will nevertheless forgive them? There should be atonement for my transgression as well. Esau came with a demand, as it is stated: “Have you but one blessing, my father?” (Genesis 27:38). With regard to Manasseh, initially he called to multiple gods, and his prayers were not answered, and ultimately he called to the God of his forefathers with the demand: If God does not answer my prayer, then apparently all the gods are equal to the God of my forefathers.

⁴⁰² § The mishna teaches: Abba Shaul says: Also among those who have no share in the World-to-Come is one who pronounces the ineffable name of God as it is written, with its letters. It is taught in a baraita: This is referring to one who pronounces the name in the outlying areas outside the Temple, and in colloquial [aga] language, for no particular purpose.

⁴⁰³ In the mishna, the tanna enumerated three kings and four commoners who have no share in the World-to-Come. The Sages taught in a baraita: Jeroboam [Yorovam] is an abbreviation for one who debased the Jewish people [riba am]. Alternatively, Yorovam is an abbreviation for one who engendered strife among the people [meriva ba’am], causing the schism between the kingdoms of Judea and Israel. Alternatively, Yorovam is an abbreviation for one who engendered strife between the Jewish people [meriva bein ha’am] and their Heavenly Father, as he instituted the worship of the golden calves (I Kings 12:28–31). He is called son of Nebat because he is the son who looked [nibat] in an effort to assess the situation but did not see the situation accurately.

⁴⁰⁴ It is taught in a baraita: Based on a homiletic interpretation of their names, these three biblical figures are deemed to be the same person. He is called Nebat, he is called Micah, and he is called Sheba, son of Bichri. Nebat, who looked [nibat] but did not see, believed that he was destined for greatness, and that was achieved only by his son. Micah, who was crushed [nitmakhmekh] in the building of the storage cities of Pithom and Raamses, was miraculously saved. And what is his actual name? His name is Sheba, son of Bichri.

⁴⁰⁵ The Sages taught in a baraita: Three looked but did not see and as a result were mistaken in their prognostications. And these are they: Nebat, and Ahithophel, and the astrologers of Pharaoh.

⁴⁰⁶ The Gemara elaborates: Nebat saw fire that emerges from his penis. He thought that it meant that he would rule. But that is not so. It meant that it would be Jeroboam who would emerge from him and rule.

⁴⁰⁷ Ahithophel saw leprosy that glowed on his penis and he thought that he would rule. But it is not so. Instead from Bathsheba his daughter, i.e., his son's daughter, came Solomon the king.

⁴⁰⁸ The astrologers of Pharaoh saw and were mistaken, as Rabbi Ḥama, son of Rabbi Ḥanina, says: What is the meaning of that which is written: "These are the waters of contention" (Numbers 20:13)? These are the waters that the astrologers of Pharaoh saw, and they erred concerning them. As they saw in the stars that the savior of Israel would be stricken by water, Pharaoh said: "Every son that is born you shall cast into the river" (Exodus 1:22), assuming that any potential savior would be drowned. And they did not know that it was over matters involving the waters of Meribah that Moses would be stricken and would not be allowed to enter Eretz Yisrael.

⁴⁰⁹ The Gemara resumes its discussion of Jeroboam. And from where do we derive that Jeroboam does not enter into the World-to-Come? It is derived from a verse, as it is written: "And by this matter there was a sin to the house of Jeroboam, and to eradicate it and to destroy it from off the face of the earth" (I Kings 13:34). It can be interpreted to mean: To eradicate it in this world, and to destroy it for the World-to-Come.

⁴¹⁰ Rabbi Yoḥanan says: For what virtue was Jeroboam privileged to ascend to monarchy? It is due to the fact that he rebuked Solomon for his sins. And for what misdeed was he punished and lost everything? It is due to the fact that he rebuked Solomon and humiliated him in public, as it is stated: "And this was the cause that he lifted his hand against the king: Solomon built the Millo, and repaired the breaches of the city of David his father" (I Kings 11:27). Jeroboam said to Solomon: David, your father, created breaches in the wall so that the Jewish people could ascend for the pilgrimage Festival, and you sealed them in order to marshal forced labor [angarya] for the daughter of Pharaoh, your wife.

⁴¹¹ And what is the meaning of the phrase "and this was the cause that he lifted his hand against the king"? Rav Naḥman says: He removed his phylacteries before Solomon, thereby demonstrating that he does not consider Solomon his superior. Rav Naḥman says: The arrogance that existed in Jeroboam drove him from the World-to-Come, as it is stated: "And Jeroboam said in his heart: Now shall the kingdom return to the house of David. If this people go up to offer sacrifices in the House of the Lord in Jerusalem, then shall the heart of this people turn again to their lord, even to Rehoboam, king of Judea, and they shall kill me and return to Rehoboam, king of Judea" (I Kings 12:26–27).

⁴¹² Jeroboam calculated and said: It is learned as a tradition that sitting in the Temple courtyard is permitted only for kings of the house of Judah alone. Once they see Rehoboam, who is sitting, and they see me standing, they will think: This, Rehoboam, is king, and that, Jeroboam, is the servant. And if I sit there, I will be considered a traitor against the throne, and they will kill me and follow him. Immediately, the following took place: "And the king took counsel, and made two calves of gold, and said to them: It is too much for you to ascend to Jerusalem; behold your gods, Israel, who brought you up from the land of Egypt. And he placed the one in Bethel and the other he placed in Dan" (I Kings 12:28–29).

⁴¹³ What is the meaning of the phrase "and the king took counsel"? Rabbi Yehuda says: It means that he assembled the elders of the kingdom of Israel and seated a wicked person alongside a righteous person and consulted them. He said to the elders: Do you sign a writ of authorization for all that I am doing? They said to him: Yes. He said to them: I want to be the king. They said to him: Yes. Jeroboam said to them: Will you do everything I tell you to do? They said to him: Yes. He said to

them: Even to worship idols? A righteous man said: Heaven forbid; idol worship is unacceptable. The wicked man seated alongside him said to the righteous man: Does it enter your mind that a man like Jeroboam would worship idols? Rather, he merely seeks to test those sitting here, to determine if they accept and will obey his pronouncements.

⁴¹⁴ And even Ahijah the Shilonite erred in this matter and signed that he would accept all of Jeroboam's pronouncements. And generations later this caused Jehu to sin. The Gemara explains: As Jehu was an extremely righteous person. As it is stated: "And the Lord said to Jehu: Because you have done well, to perform what is right in My eyes, and have done to the house of Ahab according to all that was in My heart, your children of the fourth generation shall sit on the throne of Israel" (II Kings 10:30). And it is written: "But Jehu took no care to walk in the Torah of the Lord, God of Israel, with all his heart; he departed not from the sins of Jeroboam, who made Israel sin" (II Kings 10:31).

⁴¹⁵ What caused Jehu to do so? Abaye says: A covenant is made with the lips, as it is stated that Jehu said cunningly in an attempt to entrap the priests of the Baal: "Ahab worshipped Baal a little, but Jehu shall serve him much" (II Kings 10:18). Although it was not his intention, once the statement escaped his lips he began following the path to its fulfillment. Rava says: He saw the seal of Ahijah the Shilonite on the coronation document of Jeroboam and he erred and believed that it was permitted to act as Jeroboam did.

⁴¹⁶ The Gemara continues its discussion of Jeroboam. With regard to that which is written: "And the apostates are deep in slaughter and I am rejected by them all" (Hosea 5:2), Rabbi Yoḥanan says that the Holy One, Blessed be He, says: They issued decrees that are more profound and more extreme than my own. I said: Anyone who does not ascend to Jerusalem for the pilgrimage Festival violates a positive mitzva, and they said: Anyone who ascends to Jerusalem for the pilgrimage Festival will be stabbed with the sword. In that way, Jeroboam successfully prevented the residents of the kingdom of Israel from ascending to Jerusalem.

⁴¹⁷ The verse states: "And it came to pass at that time, and Jeroboam left Jerusalem, and the prophet Ahijah the Shilonite found him on the way, and he was clad in a new garment, and the two were alone in the field" (I Kings 11:29). It was taught in the name of Rabbi Yosei: The phrase "at that time" indicates that it is a time ordained for calamity.

⁴¹⁸ The verse states: "At the time of their punishment, they shall perish" (Jeremiah 51:18). It was taught in the name of Rabbi Yosei: The phrase "at the time" indicates that it is a time ordained for calamity. The verse states: "In an acceptable time have I answered you" (Isaiah 49:8). It was taught in the name of Rabbi Yosei: The phrase "in an acceptable time" indicates that it is a time ordained for good. The verse states: "On the day when I punish, I will punish their sin upon them" (Exodus 32:34). It was taught in the name of Rabbi Yosei: The phrase "on the day when I punish" indicates that it is a time ordained for calamity. The verse states: "And it came to pass at that time, and Judah descended from his brothers" (Genesis 38:1). It was taught in the name of Rabbi Yosei: The phrase "at that time" indicates that it is a time ordained for calamity.

⁴¹⁹ The verse states: "And Rehoboam went to Shechem; for all Israel came to Shechem, to make him king" (I Kings 12:1). It was taught in the name of Rabbi Yosei: Shechem is a place ordained for calamity. In Shechem, they tormented and raped Dinah, in the outskirts of Shechem the brothers sold Joseph, in Shechem the kingdom of the house of David was divided.

⁴²⁰ With regard to the verse which states: “And Jeroboam left Jerusalem” (I Kings 11:29), Rabbi Ḥanina bar Pappa says: It means that he left the destiny of Jerusalem, meaning he removed himself from the category of the residents of Jerusalem, never to return.

⁴²¹ The verse states: “And the prophet Ahijah the Shilonite found him on the way, and he was clad in a new [ḥadasha] garment, and the two were alone in the field.” What is taught by the phrase “in a new garment”? Rav Nahman says: It was like a new garment; just as a new garment has no imperfection, so too, the Torah studies of Jeroboam at that time had no imperfection. Alternatively, “a new garment” teaches that they introduced [sheḥideshu] matters that no ear had ever heard.

⁴²² What is taught by the phrase “and the two were alone in the field”? Rav Yehuda says that Rav says: It teaches that all the Torah scholars of that generation seemed, relative to them, like grass of the field, as they were wiser than all of them. And there are those who say: It teaches that all the rationales of the Torah were revealed to them like a field that is exposed for all to see.

⁴²³ The verse states: “Therefore shall you give parting gifts to Moresheth Gath; the houses of Achzib are a deceitful thing for the kings of Israel” (Micah 1:14). Rabbi Ḥanina bar Pappa says: When they crowned Jeroboam, a Divine Voice emerged and said to the subjects of the kingdom of Israel: He who killed the Philistine and bequeathed the city of Gath to you, i.e., King David, will you give parting gifts to his sons and revolt against them? Ultimately, the houses of Achzib are a deceitful thing for the kings of Israel, as the kings of Israel will also be forsaken by their subjects.

⁴²⁴ Rabbi Ḥanina bar Pappa says: With regard to anyone who derives benefit from this world without reciting a blessing, it is as though he stole from the Holy One, Blessed be He, and the congregation of Israel, as it is stated: “Whoever robs his father and his mother and says: It is no transgression, he is the companion of a corrupter” (Proverbs 28:24). And the term “his father” is referring to none other than the Holy One, Blessed be He, as it is stated: “Is He not your Father Who created you, Who made you and established you?” (Deuteronomy 32:6). And the term “his mother” is referring to none other than the congregation of Israel, as it is stated: “Hear, my son, the discipline of your father, and do not forsake the Torah of your mother” (Proverbs 1:8). The mention of the Torah as emanating from the mother indicates that the mother represents the congregation of Israel, and the Torah of the mother is the tradition of the Jewish people.

⁴²⁵ What is the meaning of the phrase “He is the companion of a corrupter”? It means that he is a companion of Jeroboam, son of Nebat, who corrupted the people of Israel before their Father in Heaven by sinning and by causing others to sin.

⁴²⁶ With regard to the verse: “And Jeroboam drove Israel from following the Lord, and caused them to sin a great sin” (II Kings 17:21), Rabbi Ḥanin says: This is like two sticks that when they collide cause each other to carom, as due to the strife, Jeroboam caused the subjects of the kingdom of Israel to grow distant from God.

⁴²⁷ § Apropos the calves of Jeroboam, the Gemara discusses the Golden Calf discussed in the Torah. The verse states: “And Di Zahav” (Deuteronomy 1:1). The school of Rabbi Yannai said: Moses said before the Holy One, Blessed be He: Master of the Universe, because of the gold and silver that You lavished upon the Jewish people during the exodus from Egypt until they said enough [dai], this wealth caused the Jewish people to fashion for themselves gods of gold. The combination of wealth and leisure left them open to a transgression of that sort. There is a parable for this: A lion does not maul and roar over a basket of straw from which he derives no pleasure; rather, he mauls and roars

over a basket of meat, as he roars only when satiated. In other words, the guilt is not exclusively theirs.

⁴²⁸ Rabbi Oshaya says: Until Jeroboam, Israel was suckling, i.e., suffering the consequences, from worshipping one calf that they fashioned in the wilderness. From that point forward, they were suckling from two and three calves, as Jeroboam added the calves in Bethel and Dan. Rabbi Yitzḥak says: You have no punishment that comes to the world in which there is not one twenty-fourth of the surplus of a litra of the first calf. When weighing a substance, there would often be a disparity of up to one twenty-fourth of its weight. The point is that a minuscule portion of the sin of the Golden Calf is added to every punishment imposed upon the Jewish people, as it is stated: “On the day when I punish, I will punish their sin upon them” (Exodus 32:34), indicating that atonement for that sin is incomplete, and the Jewish people will continue to suffer for it.

⁴²⁹ Rabbi Ḥanina says: After twenty-four generations elapsed from the sin of the Golden Calf, the debt referred to in this verse was collected, as it is stated: “And he cried in my ears with a loud voice, saying: Those who have charge over the city draw near, every man with his deadly weapon in his hand” (Ezekiel 9:1). This prophecy occurred twenty-four generations after the sin of the Golden Calf.

⁴³⁰ The verse states: “And after this matter, Jeroboam returned not from his evil way” (I Kings 13:33). To what event is the verse alluding, when it states: “After this matter”? Rabbi Abba says: It is after the Holy One, Blessed be He, grabbed Jeroboam by his garment, i.e., he sent prophets and implored him, and said to him: Repent, and you and I and the son of Yishai will stroll together in the Garden of Eden. Jeroboam said to Him: Who will walk in the lead? God said to Jeroboam: The son of Yishai will walk in the lead. Jeroboam said: If so, I do not wish to repent.

⁴³¹ § The Gemara relates: Rabbi Abbahu was accustomed to lecture at great length about the three kings enumerated in the mishna, who have no share in the World-to-Come. He fell ill, and he undertook that he would not lecture about those kings. Once

⁴³² he recovered, he then lectured on that topic. His students said to him: Did you not undertake that you will not lecture about them? Rabbi Abbahu said: Did they repent, that I will reconsider and refrain from condemning them?

⁴³³ One day Rav Ashi ended his lecture just before reaching the matter of the three kings. He said to his students: Tomorrow we will begin the lecture with our colleagues the three kings, who, although they were sinners, were Torah scholars like us. Manasseh, king of Judea, came and appeared to him in his dream. Manasseh said to him angrily: You called us your colleague and the colleagues of your father? How dare you characterize yourself as our equal?

⁴³⁴ Manasseh said to him: I will ask you, from where are you required to begin cutting a loaf of bread when reciting the blessing: Who brings forth bread from the earth? Rav Ashi said to him: I do not know. Manasseh said to him: Even this, from where you are required to begin cutting a loaf of bread when reciting the blessing: Who brings forth bread from the earth, you did not learn, and yet you call us your colleague? Rav Ashi said to Manasseh: Teach me this halakha and tomorrow I will lecture and cite it in your name during my public lecture delivered on the Festival. Manasseh said to him: One cuts the loaf from where it crusts as a result of baking.

⁴³⁵ Rav Ashi said to him: Since you were so wise, what is the reason you engaged in idol worship? Manasseh said to him: Had you been there at that time, you would have taken and lifted the hem of

your cloak and run after me due to the fierce desire to engage in idol worship and due to the fact that it was a common faith. The next day Rav Ashi said to the Sages as a prelude to his lecture: We will begin with the treatment of our teachers, those kings who were greater than us in Torah knowledge but whose sins caused them to lose their share in the World-to-Come.

⁴³⁶ § The Gemara proceeds to discuss the second king enumerated in the mishna, Ahab. Ahab [Aḥav], although he was a brother [aḥ] to Heaven, he was a father [av] for idol worship. He was a brother to Heaven, as it is written: “And a brother is born for adversity” (Proverbs 17:17), and in desperate times, he turned to Heaven. He was a father for idolatry. This is the highest level of attachment, as it is written: “As a father has compassion for his children” (Psalms 103:13).

⁴³⁷ With regard to Ahab, it is written: “And it came to pass, the most minor of his transgressions was his walking in the sins of Jeroboam, son of Nebat” (I Kings 16:31). Rabbi Yoḥanan says: The minor sins that Ahab performed were on par with the major sins that Jeroboam performed, as the transgressions committed by Ahab were much more serious than those committed by Jeroboam. And for what reason did the verse attribute the sins of all the kings of Israel to Jeroboam, even though the sins of Ahab were more substantial? It is due to the fact that he was first to engage in iniquity. With regard to the verse: “Their altars shall also be like droppings in the furrows of the field” (Hosea 12:12), Rabbi Yoḥanan says: You do not have even one furrow in Eretz Yisrael upon which Ahab did not place an object of idol worship and bow to it.

⁴³⁸ The Gemara asks: And from where do we derive that Ahab does not enter into the World-to-Come? The Gemara answers: It is derived as it is written: “And I will excise from Ahab every man, and him that is shut up and him that is abandoned in Israel” (I Kings 21:21). “Him that is shut up” indicates he will be excised in this world, while “and him that is abandoned” indicates he will be excised in the World-to-Come.

⁴³⁹ Rabbi Yoḥanan says: For what virtue was Omri, king of Israel, who was Ahab’s father, privileged to ascend to the monarchy? It is due to the fact that he added one city in Eretz Yisrael, as it is stated: “And he bought the hill of Samaria from Shemer for two talents of silver, and built on the hill, and called the name of the city that he built after Shemer, the owner of the hill, Samaria” (I Kings 16:24).

⁴⁴⁰ Rabbi Yoḥanan says: For what virtue was Ahab privileged to ascend to the monarchy and rule for twenty-two years?

⁴⁴¹ It is due to the fact that he respected the Torah, which was given with twenty-two letters, as it is stated: “And he sent messengers to Ahab, king of Israel, into the city, and said to him: So says Ben-Hadad: Your silver and your gold are mine; your wives and also your good children, are mine. And the king of Israel answered and said: It is according to your saying, my lord, O king: I am yours, and all that I have. And the messengers came again, and said: So speaks Ben-Hadad, saying: I sent to you, saying: You shall deliver me your silver, and your gold, and your wives, and your children. Yet I will send my servants to you tomorrow about this time, and they shall search your house, and the houses of your servants, and it shall be, that they shall put in their hand all the delight of your eyes and take it...And he said to the messengers of Ben-Hadad, tell my lord the king: All that you did send for to your servant at the first I will do; but this thing I may not do” (I Kings 20:2-6, 9).

⁴⁴² The Gemara asks: What is “the delight of your eyes” that Ahab refused to give Ben-Hadad after agreeing to give him his wives and his gold? Is it not a Torah scroll? Ahab treated the Torah with deference.

⁴⁴³ The Gemara suggests: Perhaps the delight of his eyes was an object of idol worship. The Gemara answers: That could not enter your mind, as it is written that Ahab consulted the Sages with regard to this matter: “And all the elders and all the people said to him: Do not consent and heed not” (I Kings 20:8). The elders in this verse are presumably the Sages. The Gemara continues: But perhaps they were wicked elders, who worshipped idols. Isn’t it written: “And the saying pleased Absalom well and all the elders of Israel” (II Samuel 17:4), and Rav Yosef says: The elders of Israel mentioned in that verse were wicked elders. Perhaps the elders of Israel with whom Ahab consulted were also wicked.

⁴⁴⁴ The Gemara rejects this: There, with regard to Absalom it is not written: “And all the people,” whereas here, with regard to Ahab, it is written: “And all the people.” As it is impossible that there were not among them righteous people, if the righteous people agreed, apparently, “the delight of your eyes” was sacred. And it is written: “And I will leave seven thousand in Israel; all the knees that have not bent to the Baal, and every mouth that has not kissed it” (I Kings 19:18), indicating that there were righteous people among them.

⁴⁴⁵ Rav Naḥman says: Ahab was balanced in terms of the mitzvot and transgressions that he performed, as it is stated: “And the Lord said, who shall entice Ahab that he may ascend and fall at Ramoth Gilead? And this one said in this manner, and that one said in that manner” (I Kings 22:20), indicating that it is unclear whether or not he was a full-fledged transgressor. Rav Yosef objects to this statement: This is the person about whom the prophet wrote: “But there was none like Ahab who devoted himself to do evil in the eyes of the Lord, whom Jezebel his wife had incited” (I Kings 21:25). And we learn in a baraita: Every day she would weigh gold shekels equal to Ahab’s weight for idol worship. And you say he was balanced? Rather, Ahab was generous with his money and did not scrimp, and since he also benefited Torah scholars with his property, the heavenly court expiated half his sins for him. The result was a balance between mitzvot and transgressions.

⁴⁴⁶ With regard to God’s search for a volunteer to entice Ahab, it is written: “And there came forth a spirit, and stood before the Lord, and said: I will entice him. And the Lord said to him: With what? And he said: I will go out, and I will be a lying spirit in the mouth of all his prophets. And He said: You shall entice him, and also prevail; go out, and do so” (I Kings 22:21–22). The Gemara asks: What spirit was that? Rabbi Yoḥanan says: It was the spirit of Naboth the Jezreelite, who sought to take revenge against Ahab.

⁴⁴⁷ The Gemara asks: What is the meaning of the term “go out” that God instructed the spirit? Ravina says that it means: Go out from within my partition and do not return, as so it is written: “He that speaks falsehoods shall not be established before My eyes” (Psalms 101:7). The spirit that volunteered to lie may no longer be before God. Rav Pappa says that this is in accordance with the adage that people say: One who avenges due to his zealotry destroys his own house. The spirit of Naboth that sought revenge was expelled from before God.

⁴⁴⁸ With regard to the verse: “And Ahab made the ashera; and Ahab did more to provoke the Lord, God of Israel, to anger than all the kings of Israel that were before him” (I Kings 16:33), Rabbi Yoḥanan says: It means that he wrote on the doors of Samaria: Ahab denies the existence of the God of Israel, therefore he has no share in the God of Israel.

⁴⁴⁹ With regard to the verse: “And he sought Ahaziah, and they apprehended him, for he was hiding in Samaria” (II Chronicles 22:9), Rabbi Levi says: What would he do in hiding? He would excise

mentions of God's name in Torah scrolls and write the name of an object of idol worship in their stead.

⁴⁵⁰ The Gemara proceeds to discuss the third king enumerated in the mishna. He was called Manasseh [Menashe] because he forgot God [nasha yah]. Alternatively, he was called Manasseh since he caused the kingdom of Israel to forget [hinshi] their Father Who is in Heaven. And from where do we derive that Manasseh does not enter into the World-to-Come? The Gemara answers: It is derived as it is written: "Manasseh was twelve years old when he began to reign, and he reigned fifty-five years in Jerusalem...And he did that which was evil in the sight of the Lord...And he made an ashera, as did Ahab king of Israel" (II Kings 21:1–3). Just as Ahab has no share in the World-to-Come, so too, Manasseh has no share in the World-to-Come.

⁴⁵¹ § The mishna teaches that Rabbi Yehuda says: Manasseh has a share in the World-to-Come, as it is stated: "And he prayed to him and He was entreated of him, and heard his supplication and brought him back to Jerusalem unto his kingdom" (II Chronicles 33:13). Rabbi Yoḥanan says: And both of them, Rabbi Yehuda and the Rabbis, who disagree with regard to whether Manasseh has a share in the World-to-Come, interpreted one and the same verse, as it is stated: "And I will make them into a horror for all the kingdoms of the earth, on account of Manasseh, son of Hezekiah" (Jeremiah 15:4). One Sage, Rabbi Yehuda, holds that "on account of Manasseh" means that the Jewish people will be judged harshly, as ultimately, one as wicked as Manasseh repented, and they did not do so. And one Sage, the Rabbis, holds that

⁴⁵² "on account of Manasseh" means because he did not repent, and the people followed in his footsteps.

⁴⁵³ Rabbi Yoḥanan says: Anyone who says that Manasseh has no share in the World-to-Come discourages penitents, as Manasseh repented and according to them is nevertheless excluded from the World-to-Come. As the tanna taught a baraita before Rabbi Yoḥanan: Manasseh repented for thirty-three years, as it is written: "Manasseh was twelve years old when he began to reign, and he reigned fifty-five years in Jerusalem...And he did that which was evil...And he made an ashera, as did Ahab king of Israel" (II Kings 21:1–3). How many years did Ahab reign? He reigned twenty-two years. How many years did Manasseh reign? He reigned fifty-five years. Deduct from them the twenty-two years during which he performed evil like Ahab, and thirty-three years remain for him to have repented.

⁴⁵⁴ Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: What is the meaning of that which is written: "And he prayed to Him; and He made an opening for him" (II Chronicles 33:13)? Instead: And He received his entreaty, should have been written. Rather, this teaches that the Holy One, Blessed be He, crafted for him a type of opening in Heaven in order to accept him in repentance. It was necessary for Manasseh to enter the World-to-Come in a clandestine manner, due to the attribute of justice that sought to prevent his entry by claiming that his sentence was irreversible.

⁴⁵⁵ § And Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: What is the meaning of that which is written: "In the beginning of the reign of Jehoiakim, son of Josiah" (Jeremiah 26:1), and it is written: "In the beginning of the reign of Zedekiah" (Jeremiah 28:1). But is it so that until now there were no kings? Why did the prophet use the term "in the beginning" exclusively with regard to these two kings, as opposed to: During the first year of his reign, or a similar formulation?

⁴⁵⁶ Rather, the reason for the unusual formulation is that the Holy One, Blessed be He, sought to restore the entire world to chaos and void, as it was in the beginning before Creation, on account of Jehoiakim the wicked; but He observed Jehoiakim's generation, which included the righteous who had not yet been exiled to Babylonia, and His mind was set at ease. The term "in the beginning" is used to signify that it is as though the world had been created anew.

⁴⁵⁷ Likewise, the Holy One, Blessed be He, sought to restore the entire world to chaos and void, as it was in the beginning before Creation, on account of the generation of Zedekiah, as only the wicked remained after the exile of the righteous; but He observed Zedekiah and His mind was set at ease. The Gemara asks: With regard to Zedekiah it is also written: "And he did evil in the eyes of the Lord" (II Kings 24:19); why was God's mind set at ease? The Gemara answers: Zedekiah was not wicked; rather, he had it in his power to rebuke the people of his generation and he did not rebuke them. Therefore, their sins are attributed to him.

⁴⁵⁸ And Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: What is the meaning of that which is written: "If a wise man contends with a foolish man, whether he is angry or laughs, there is no rest" (Proverbs 29:9)? The Holy One, Blessed be He, said: I was angry with Ahaz and I delivered him into the hand of the kings of Damascus. He then sacrificed offerings and burned incense to their gods, as it is stated: "He sacrificed to the gods of Damascus that smote him; and he said: Because the gods of the kings of Aram help them, I will sacrifice to them, and they will help me. But they were the ruin of him, and of all Israel" (II Chronicles 28:23). When the Holy One, Blessed be He, was angry with Israel and caused them to lose a war to prompt them to repent of their sins, their response was to worship idols.

⁴⁵⁹ I smiled upon Amaziah and I delivered the kings of Edom into his hand. In response, he brought their gods and bowed to them, as it is stated: "And it came to pass after Amaziah came from striking the Edomites, that he brought the gods of the children of Seir and set them up to be his gods and prostrated himself before them, and burned incense to them" (II Chronicles 25:14). The response to victory in war was the same, idol worship. They are incorrigible. Rav Pappa says that this is in accordance with the adage that people say: I cried for the master and he did not know, I smiled for the master and he did not know; woe unto the master who does not know the distinction between good and bad. The Jewish people also resorted to idol worship both when God rewarded them and when He afflicted them.

⁴⁶⁰ With regard to the verse: "And all the princes of the king of Babylonia came in and sat in the middle gate [sha'ar hattavekh]" (Jeremiah 39:3), Rabbi Yoḥanan said in the name of Rabbi Shimon ben Yoḥai: Sha'ar hattavekh was the place in which they would decide [meḥattekhin] halakhot. Rav Pappa says that this is in accordance with the adage that people say: In the place that the master of the house hangs his weapons, there the despicable shepherd hangs his jug. In the place where the Sanhedrin convened, Nebuchadnezzar the wicked and his princes now assemble.

⁴⁶¹ § The Gemara cites a mnemonic for the following statements that Rav Ḥisda said that Rabbi Yirmeya bar Abba said: By the field, houses, shall not befall.

⁴⁶² Rav Ḥisda says that Rabbi Yirmeya bar Abba says: What is the meaning of that which is written: "I passed by the field of an indolent man, and by the vineyard of a man void of understanding; and behold, it was overgrown with thistles, and its surface was covered with nettles, and its stone wall was broken" (Proverbs 24:30–31)? The verse describes the spiritual and political decline of the kings

of Judea. “I passed by the field of an indolent man”; this is a reference to Ahaz. “And by the vineyard of a man void of understanding”; this is a reference to Manasseh. “And behold, it was overgrown with thistles”; this is a reference to Amon. “And its surface was covered with nettles”; this is a reference to Jehoiakim. “And its stone wall was broken”; this is a reference to Zedekiah, in whose days the Temple was destroyed.

⁴⁶³ Apropos the previous statement, the Gemara cites an additional statement. And Rav H̥isda says that Rabbi Yirmeya bar Abba says that four groups do not receive the Divine Presence: This pertains to the group of cynics, the group of liars, the group of flatterers, and the group of slanderers. This pertains to the group of cynics, as it is written: “He withdrew His hand with cynics” (Hosea 7:5), indicating that God distanced Himself from them. This pertains to the group of liars, as it is written: “He that speaks falsehoods shall not be established before My eyes” (Psalms 101:7). This pertains to the group of flatterers, as it is written: “That a flatterer shall not come before Him” (Job 13:16). This pertains to the group of slanderers, as it is stated: “For You are not a God who desires wickedness; evil shall not dwell with You” (Psalms 5:5), which means: You are righteous, and there will be no form of evil in Your dwelling.

⁴⁶⁴ And Rav H̥isda says that Rabbi Yirmeya bar Abba says: What is the meaning of that which is written: “No evil shall befall you, nor shall any plague come near your tent” (Psalms 91:10)? “No evil shall befall you” means that the evil inclination shall not dominate them. “Nor shall any plague come near your tent” means that you will never find your wife in a state of uncertainty whether she has the halakhic status of a menstruating woman when you return from a journey. After a period of separation, when a husband desires his wife, her uncertain status may prove more frustrating than a situation where the prohibition is clear-cut.

⁴⁶⁵ Alternatively, the phrase “no evil shall befall you” means that you will be frightened neither by bad dreams nor by evil thoughts. “Nor shall any plague come near your tent” means that you will not have a child or student who overcooks his food in public, i.e., sins in public and causes others to sin, such as in the well-known case of Jesus the Nazarene.

⁴⁶⁶ Until this point in the psalm, Solomon’s father, David, blessed him, as these are blessings appropriate for a father to bless his son. From this point forward, his mother blessed him, as these are blessings appropriate for a mother to bless her son. “For he shall order His angels to preserve you in all your ways. They shall bear you on their hands, lest they dash your foot against a stone. You shall tread upon the lion and the adder; the young lion and the crocodile shall you trample under foot” (Psalms 91:11–13).

⁴⁶⁷ Until this point in the psalm, his mother blessed him. From this point forward, God in Heaven blessed him, as the psalm proceeds to refer to God in the first person, as though speaking in His name:

⁴⁶⁸ “Because he has desired Me, therefore I will deliver him; I will set him on high, because he has known My name. He shall call upon Me, and I will answer him; I will be with him in trouble; I will deliver him, and honor him. With long life I will satisfy him, and show him My salvation” (Psalms 91:14–16).

⁴⁶⁹ Rabbi Shimon ben Lakish says: What is the meaning of that which is written: “And He will withhold their light from the wicked [resha’im], and the high arm shall be broken” (Job 38:15)? For what reason is the letter ayin of the word resha’im suspended slightly above the rest of the letters? It

is suspended so that the word will be read rashim, meaning poor people. It means: Once a person becomes poor on earth below and the number of his enemies grows, he becomes poor in Heaven above, as he is certainly a sinner and that is why he is hated.

⁴⁷⁰ The Gemara challenges: If that is the meaning, let the ayin not be written at all and let the verse say: Rashim. Rabbi Yoḥanan and Rabbi Elazar both explain why the ayin was not omitted. One says: It was due to the desire to preserve the honor of David, who had numerous enemies below despite the fact that he was a righteous person and had a place in the World-to-Come. And one says: It was due to the desire to preserve the honor of Nehemiah, son of Hacaliah, who also had numerous enemies below, despite his righteousness.

⁴⁷¹ § The Sages taught in a baraita: Manasseh, king of Judea, would study fifty-five different aspects in interpreting Torat Kohanim, the halakhic midrash on Leviticus, corresponding to the years of his reign, indicating that he possessed great knowledge. Ahab was greater and studied eighty-five aspects, and Jeroboam was greater still and studied one hundred and three aspects.

⁴⁷² It is taught in a baraita that Rabbi Meir would say: Absalom has no share in the World-to-Come, as it is stated: “And they smote Absalom and they killed him” (II Samuel 18:15). “And they smote Absalom” is referring to death in this world, while “and they killed him” is referring to death in the World-to-Come. It is taught in a baraita that Rabbi Shimon ben Elazar says in the name of Rabbi Meir: Ahaz and Ahaziah, kings of Judea, and all of the kings of the kingdom of Israel about whom it is written: “And he did evil in the eyes of the Lord” (see, e.g., I Kings 15:34), neither live in the World-to-Come nor are sentenced to Gehenna.

⁴⁷³ It is stated: “And Manasseh shed a great deal of innocent blood, until he filled Jerusalem from one end to another [peh lafeh], beside his sin that he made Judea sin, to do evil in the eyes of the Lord” (II Kings 21:16). Here, in Babylonia, they interpret the verse to mean that he killed the prophet Isaiah (see Yevamot 49b). In the West, Eretz Yisrael, they say that Manasseh crafted an idol so large that it was a burden requiring one thousand people to carry it, and each and every day he would require them to carry it, which would kill all of them. The Gemara asks: In accordance with whose opinion is that which Rabba bar bar Ḥana says: The soul of one righteous person is equal in value to the entire world? It is in accordance with the opinion of the one who says: He killed Isaiah.

⁴⁷⁴ It is written that Manasseh crafted “an idol” (II Chronicles 33:7), and it is written that Manasseh crafted “idols” (II Chronicles 33:19). Rabbi Yoḥanan says: Initially, he crafted one face [partzuf] for the idol, and ultimately, he crafted four faces for it so that the Divine Presence would see it from each side and become angry.

⁴⁷⁵ Ahaz placed that idol in the upper chamber in the Temple, as it is stated: “And the altars that were on the roof of the upper chamber of Ahaz” (II Kings 23:12). Manasseh placed it in the Sanctuary itself, as it is stated: “And he set the graven image of the ashera that he had crafted, in that house of which the Lord said to David, and to Solomon his son: In this house, and in Jerusalem, which I have chosen from all the tribes of Israel, will I put My name forever” (II Kings 21:7). Amon introduced it into the Holy of Holies, as it is stated: “For the bed is too short for spreading, and the covering too narrow for when he gathers himself” (Isaiah 28:20).

⁴⁷⁶ What is the meaning of the phrase “For the bed is too short for spreading”? Rabbi Shmuel bar Naḥmani says that Rabbi Yonatan says that it means: For his bed is too narrow for two colleagues to spread upon it together, as it is impossible that service of God and idol worship will coexist there.

What is the meaning of the phrase “and the covering [masekha] too narrow [tzara] for when he gathers himself [kehitkanes]”? Rabbi Shmuel bar Naḥmani says: When Rabbi Yonatan would reach this verse he would cry. He about whom it is written: “He gathers [kones] the waters of the sea like a rampart” (Psalms 33:7), shall a graven image [masekha] be a rival [tzara]?

⁴⁷⁷ Ahaz nullified the Temple service and sealed the Torah, prohibiting its study, as it is stated: “Bind up the testimony, seal the Torah among my disciples” (Isaiah 8:16). Manasseh excised the mentions of God’s names from sacred books and destroyed the altar. Amon burned the Torah and sacrificed a gecko, an impure creeping animal, upon the altar. Ahaz permitted engaging in sexual intercourse with forbidden relatives, and announced that marriage between those relatives is permitted. Manasseh exploited that pronouncement and engaged in sexual intercourse with his sister.

⁴⁷⁸ Amon engaged in sexual intercourse with his mother, as it is stated: “But Amon increased his guilt” (II Chronicles 33:23), indicating that he performed a greater and more disgraceful transgression than anyone else. Rabbi Yoḥanan and Rabbi Elazar disagreed about his transgression; one says that he burned the Torah, and one says that he engaged in sexual intercourse with his mother. His mother said to him: Do you have any pleasure by engaging in intercourse from the place from which you emerged? He said to her: I am doing this only to express insolence to my Creator, not for my pleasure.

⁴⁷⁹ When Jehoiakim came along and reigned, he said: My predecessors did not know how to express insolence to God. Do we need God even for his light? Since we have parvayim gold that we use that shines, let God take His light from the world. They said to him: Aren’t the silver and the gold His, as it is stated: “The silver is mine and the gold is mine says the Lord of hosts” (Haggai 2:8)? Jehoiakim said to them: He has already given it to us, as it is stated: “The heavens are the heavens of the Lord, but the earth He has given to the children of men” (Psalms 115:16).

⁴⁸⁰ § Rava said to Rabba bar Mari: For what reason did the tanna’im not enumerate Jehoiakim among the kings who have no share in the World-to-Come? One would imagine that he has no share in the World-to-Come, because it is written concerning him: “And the rest of the acts of Jehoiakim and his abominations that he did, and that which was found on him” (II Chronicles 36:8). The Gemara explains: What is the meaning of the phrase “and that which was found on him”? Rabbi Yoḥanan and Rabbi Elazar disagree; one says that he etched the name of idols on his penis due to his devotion to them, and one says that he etched the name of Heaven on his penis in a display of contempt.

⁴⁸¹ Rabba bar Mari said to Rava: With regard to the list of kings, I did not hear why Jehoiakim was excluded; but with regard to the list of commoners, I heard why a certain sinner was excluded. For what reason did the tanna’im not enumerate Micah among those with no share in the World-to-Come? After all, he crafted idols that the Jewish people worshipped (see Judges, chapter 17). It is due to the fact that his bread was available for passersby, as it is stated: All those who pass by the Levites. He would provide sustenance to all hosted in his house.

⁴⁸² With regard to that which is written: “And He shall pass through the sea with affliction and shall strike the waves in the sea” (Zechariah 10:11), Rabbi Yoḥanan says: This affliction is a reference to the idol of Micah, as Micah passed through the sea during the exodus from Egypt. It is taught in a baraita that Rabbi Natan says: The distance from Gerav, where Micah resided, to Shiloh, where the

Tabernacle was at that time, was three mil, and the smoke from the arrangement of wood on the altar in Shiloh and the smoke from the worship of the idol of Micah would intermingle with each other.

⁴⁸³ The ministering angels sought to dismiss him from the world. The Holy One, Blessed be He, said to them: Leave him, as his bread is available for travelers. And it is for this matter, the sin of Micah's idol, that the people involved in the incident of the concubine in Gibeah were punished. The tribes of Israel waged war with the tribe of Benjamin and forty thousand of them were killed. The Holy One, Blessed be He, said to them: You did not protest for My honor and took no action to destroy Micah's idol, but you protested for the honor of one of flesh and blood who was killed? Therefore, the other tribes were initially unsuccessful, and many of their soldiers were killed.

⁴⁸⁴ Rabbi Yoḥanan says in the name of Rabbi Yosei ben Kisma: Great is eating, as it distanced two clans from the Jewish people, as it is stated: "An Ammonite or a Moabite shall not enter into the assembly of the Lord...because they met you not with bread and with water" (Deuteronomy 23:4–5). And Rabbi Yoḥanan himself says: Food distances the near, and draws near the distant, and averts eyes from the wicked, sparing them from punishment, and causes the Divine Presence to rest on the prophets of the Baal; and an unwitting transgression with regard to it is at times considered an intentional transgression.

⁴⁸⁵ The Gemara elaborates: The fact that it distances the near is derived

⁴⁸⁶ from Ammon and Moab. Although they were relatives of the Jewish people, as they descend from Lot, Abraham's nephew, it is prohibited for a Jewish woman to marry a convert from either of those nations, because they failed to provide bread and water to the Jewish people in the wilderness.

⁴⁸⁷ And the fact that it draws near the distant is derived from Yitro, as Rabbi Yoḥanan says: In reward for Yitro telling his daughters: "Call him, that he may eat bread" (Exodus 2:20), inviting Moses to join them for a meal, Yitro's descendants were privileged and sat as scribes in session with the Sanhedrin in the Chamber of Hewn Stone. As it is stated: "And the families of the scribes who dwelt in Jabez; the Tirathites, the Shimeathites, the Sucathites. These were the Kenites who came of Hammath, father of the house of Rechab" (I Chronicles 2:55). And it is written there with regard to the identity of the Kenites: "And the children of the Kenite, Moses' father-in-law, went up from the city of the palm trees with the children of Judah into the wilderness of Judah, which is in the south of Arad; and they went and dwelt with the people" (Judges 1:16).

⁴⁸⁸ And the fact that it averts eyes from the wicked is derived from Micah, who was not punished, because he provided bread to passersby.

⁴⁸⁹ And the fact that it causes the Divine Presence to rest on the prophets of the Baal is derived from the colleague of Iddo the prophet, the elderly prophet who convinced Iddo to eat with him contrary to the directive of God, when Iddo went to Bethel to prophesy to Jeroboam, as it is written: "And it happened as they sat at the table, that the word of the Lord came to the prophet that brought him back" (I Kings 13:20). Although the elderly prophet was a false prophet, he was rewarded with true prophecy as a reward for hosting Iddo.

⁴⁹⁰ And the fact that an unwitting transgression with regard to it is at times considered an intentional transgression is derived as Rav Yehuda says that Rav says: Had Jonathan lent David two loaves of bread when he was fleeing Saul, David would not have sought sustenance from the priests in Nov. The residents of Nov, city of the priests, would not have been killed, and Doeg the Edomite would

not have been banished from the World-to-Come, and Saul and his three sons would not have been killed as punishment for that massacre.

⁴⁹¹ § The Gemara asks: And for what reason did the tanna'im not enumerate Ahaz among the kings with no share in the World-to-Come? His wickedness is extensively recounted in the Bible. Rabbi Yirmeya bar Abba says: He is not enumerated because he is cast between two righteous people, between his father, Jotham, and his son, Hezekiah. Rav Yosef says: He is not enumerated because he had a sense of embarrassment from Isaiah the prophet, as it is stated: "And the Lord said to Isaiah: Go out now to meet Ahaz, you, and Shear-Jashub your son, at the end of the aqueduct of the upper pool in the highway of the launderer's [koves] field" (Isaiah 7:3). What is the meaning of the term koves? There are those who say: It means concealed [kavash], as Ahaz concealed [dekhavshinu] his face and passed by the prophet because he was embarrassed to be seen. And there are those who say: He placed a launderer's vessel over his head and passed by the prophet so that Isaiah would be unable to identify him.

⁴⁹² The Gemara continues and asks: For what reason did the tanna'im not enumerate the wicked Amon among the kings with no share in the World-to-Come? The Gemara answers: He is not enumerated due to the honor of Josiah, his righteous son. The Gemara challenges: Let us also not enumerate Manasseh due to the honor of Hezekiah, his righteous father. The Gemara explains: The son confers merit upon the father, as it is to the father's credit that he raised a righteous son; but the father does not confer merit upon the son, as it is written: "None delivers from My hand" (Deuteronomy 32:39). Abraham does not deliver his son Ishmael from the judgment of Heaven; Isaac does not deliver his son Esau from judgment. The Gemara comments: Now that you have arrived at this understanding, Ahaz too was not enumerated in the mishna due to the honor of his son Hezekiah.

⁴⁹³ The Gemara asks: And for what reason did the tanna'im not enumerate Jehoiakim among the kings with no share in the World-to-Come? His extreme wickedness is described extensively in the Bible. The Gemara explains: It is due to that which was stated by Rabbi Hiyya, son of Rabbi Avuya, as Rabbi Hiyya, son of Rabbi Avuya, says: It was written on the skull of Jehoiakim: This and yet another, indicating that he will receive a double punishment. The Gemara relates that Rabbi Perida's grandfather, apparently Rabbi Hiyya, son of Rabbi Avuya, found a skull that was cast near the gates of Jerusalem, and on it was written: This and yet another. He buried it, but it did not stay buried. He buried it again, and again it did not stay buried. Each time he buried the skull it emerged from the grave.

⁴⁹⁴ He said: This is no doubt the skull of Jehoiakim, as it is written in his regard: "He shall be buried with the burial of a donkey, drawn and cast forth beyond the gates of Jerusalem" (Jeremiah 22:19). The fulfillment of this verse is exemplified in the inability to bury him. Rabbi Perida's grandfather said: He is a king, and it is inappropriate to display contempt for it. He wrapped the skull in silk and placed it in a box. His wife saw the box and thought: This was the skull of his first wife, as he is not forgetting her. She ignited the oven and incinerated the skull. When she informed her husband what she had done, he said: That is the meaning of that which is written on the skull: This and yet another. Not only was his corpse discarded in a demeaning manner and not buried, but his skull was incinerated. That ordeal atoned for some of his transgressions, and he received a share in the World-to-Come.

⁴⁹⁵ § It is taught in a baraita that Rabbi Shimon ben Elazar says: Because of Hezekiah's boastful statement: "And I have done what is good in Your eyes" (II Kings 20:3), he also asked the prophet inappropriately: "What shall be the sign that the Lord shall heal me" (II Kings 20:8). Because of his question: "What shall be the sign," gentiles ate at his table. The sign was that the sun reversed its path and appeared lower, rather than higher, on the sundial of Ahaz, leading the king of Babylonia to dispatch messengers to Hezekiah. Because gentiles ate at his table, it ultimately caused the exile of his descendants. The Gemara comments: This supports the statement of Hizkiyya, as Hizkiyya said: Anyone who invites an idol worshipper into his house and serves him causes the exile of his descendants, as it is stated: "And of your sons who shall issue from you, whom you shall beget, shall they take away; and they shall be eunuchs in the palace of the king of Babylonia" (II Kings 20:18).

⁴⁹⁶ With regard to the verse: "And Hezekiah was glad of them, and showed them his treasury [beit nekhoto], the silver and the gold, and the spices and the precious ointment" (Isaiah 39:2), Rav says: What is the meaning of *beit nekhoto*? It means that his wife, who typically did not appear before strangers for reasons of modesty, poured drinks for them. And Shmuel says: It means that he showed them his actual treasury. Rabbi Yoḥanan says: It means that he showed them a weapon so powerful that it breaks another weapon.

⁴⁹⁷ § Apropos the exile of the descendants of the kings of Judea to Babylonia, the Gemara cites an aggadic statement about the destruction of the Temple and the sins of the Jewish people that caused it. With regard to the verse: "How [eikha] does the city sit solitary" (Lamentations 1:1), Rava says that Rabbi Yoḥanan says: For what reason were the Jewish people stricken and their plight bemoaned with the term *eikha*? It is due to the fact that they violated thirty-six prohibitions punishable with *karet* that are enumerated in the Torah, corresponding to the numerological value of *eikha*, spelled *ales, yod, kaf, heh*.

⁴⁹⁸ Rabbi Yoḥanan says: For what reason were the Jewish people stricken, and their plight bemoaned with an acrostic based on the *ales beit*, as the book of Lamentations contains multiple alphabetical acrostics? It is due to the fact that they violated the Torah, which was given in the language of the *ales beit*.

⁴⁹⁹ With regard to the phrase "Does the city sit solitary," Rava says that Rabbi Yoḥanan says that the Holy One, Blessed be He, said: I said: "And Israel dwells in safety, the fountain of Jacob in solitude, to a land of grain and wine; also His heavens shall drop down dew" (Deuteronomy 33:28), indicating that their solitude shall be one of wealth and prominence. Now that they have rejected my directive and cleaved to and learned from the gentiles, their dwelling shall be solitary in sorrow. With regard to the phrase: "The city that was full of people" (Lamentations 1:1), Rava says that Rabbi Yoḥanan says: They would marry a younger female to an older male and an older female to a younger male so that they would have many children.

⁵⁰⁰ With regard to the phrase describing Jerusalem: "She became like a widow" (Lamentations 1:1), Rav Yehuda says that Rav says: Like a widow, but not an actual widow. Rather, Jerusalem is like a woman whose husband has gone to a country overseas, and yet he intends to return to her. With regard to the phrase: "Great among the nations, and princess among the provinces" (Lamentations 1:1), Rava says that Rabbi Yoḥanan says: Every place they go, when exiled among the nations, the Jewish people become princes to their masters due to their wisdom.

⁵⁰¹ The Sages taught in a baraita: There was an incident involving two Jewish people who were taken captive on Mount Carmel, and their captor was walking behind them.

⁵⁰² One of the captives said to the other: The camel that is walking ahead of us is blind in one of its eyes and laden with two wineskins, one filled with wine and one filled with oil. And two people are driving the camel, one a Jew and one a gentile. The captor said to them: Stiff-necked people, from where do you know these matters that you cannot see?

⁵⁰³ They said to him: We know that the camel is blind from the grass that is before it, as from the grass on the side that it sees, it eats, and from the grass on the side that it does not see, it does not eat, i.e., it eats grass from only one side. And we know that it is laden with two wineskins, one filled with wine and one filled with oil, as wine drips and sinks into the ground and oil drips and floats on the surface, and we see the difference on the ground. And we know that two people are driving the camel, one a Jew and one a gentile, as the gentile defecates on the road and the Jew, in the interests of modesty, goes to the sides of the road to defecate.

⁵⁰⁴ The captor pursued the camel and its drivers to determine whether the statements of the captives were accurate, and found that the reality was in accordance with their statements. He came and respectfully kissed them on their head, and brought them to their house and prepared a great feast for them. And he was dancing before them and said: Blessed is He who chose the descendants of Abraham and granted of His wisdom to them, and in every place that they go they become princes to their lords. And he released them and they went to their houses in peace.

⁵⁰⁵ § The Gemara returns to its interpretation of verses in Lamentations: “She cries [bakho tivke] at night” (Lamentations 1:2). These two cries, indicated by the use of a compound verb, why are they written? Rabba says that Rabbi Yoḥanan says: One is a cry over the destruction of the First Temple, and one is a cry over the destruction of the Second Temple, which was destined to be destroyed. The term “at night” indicates that the crying is over matters of night, as it is stated with regard to the response of the Jewish people to the report of the spies after their return from the land of Canaan: “And all the congregation lifted up their voice, and the people cried that night” (Numbers 14:1).

⁵⁰⁶ Rabba says that Rabbi Yoḥanan says: That day that they heard the spies’ report was the evening of the Ninth of Av. The Holy One, Blessed be He, said to the Jewish people: You cried an unwarranted cry, and so I will establish for you a reason to cry for generations.

⁵⁰⁷ Alternatively, the term “at night” indicates that with regard to anyone who cries at night, his voice is heard due to the ambient silence. Alternatively, the term “at night” indicates that in the case of anyone who cries at night, the stars and the constellations cry with him. Alternatively, the term “at night” indicates that in the case of anyone who cries at night, one who hears his voice is touched by his suffering and cries with him. There was an incident involving one woman, the neighbor of Rabban Gamliel, whose son died, and she would cry over his death at night. Rabban Gamliel heard her voice and cried with her until his eyelashes fell out. The next day his students noticed that he had been crying, and they removed the woman from his neighborhood so that Rabban Gamliel could sleep.

⁵⁰⁸ With regard to the verse: “And her tears are on her cheeks” (Lamentations 1:2), Rava says that Rabbi Yoḥanan says: This is like a woman who cries over the husband of her youth, as it is stated: “Lament like a virgin girded with sackcloth for the husband of her youth” (Joel 1:8). With regard to the verse: “Her adversaries have become the head” (Lamentations 1:5), Rava says that Rabbi

Yoḥanan says: This indicates that anyone who torments the Jewish people becomes a leader, as it is stated: “For there is no weariness to him that is set against her; at the first He lightly afflicted the land of Zebulun, and the land of Naphtali and afterward He afflicted her more grievously by the way of the sea, beyond the Jordan and the Galilee of the nations” (Isaiah 8:23). Rava says that Rabbi Yoḥanan says: From this verse one derives that anyone who harasses Israel does not grow weary.

⁵⁰⁹ With regard to the verse: “It is nothing to you, all you who pass by” (Lamentations 1:12), Rava says that Rabbi Yoḥanan says: From here there is a source from the Torah for complaint, i.e., it is appropriate for one to make his suffering public so that others will have compassion for him. With regard to the phrase “all you who pass by,” Rav Amram says that Rav says that it is as though Jerusalem said: They have rendered me like a city of those who violate the most fundamental precepts of law and morality, as, with regard to Sodom, it is written: “Then the Lord rained upon Sodom brimstone and fire from the Lord out of Heaven” (Genesis 19:24), while with regard to Jerusalem, it is written: “From above He has sent fire into my bones, and it prevails against them” (Lamentations 1:13). In both cities, fire rained down from Heaven. And it is written: “For the iniquity of the daughter of my people is greater than the sin of Sodom” (Lamentations 4:6).

⁵¹⁰ The Gemara asks: And is there partiality in the matter? Why was Jerusalem not overturned like Sodom? Rava says that Rabbi Yoḥanan says: It is because there was an additional measure of suffering in Jerusalem that was not in Sodom, as with regard to Sodom it is written: “Behold this was the iniquity of your sister Sodom; pride, surfeit of bread and careless ease was in her and in her daughters; and yet she did not strengthen the hand of the poor and needy” (Ezekiel 16:49). The people of Sodom were not subject to the afflictions of hunger and famine. Whereas, with regard to Jerusalem it is written: “The hands of compassionate women cooked their own children” (Lamentations 4:10). The residents of Jerusalem were punished with great severity.

⁵¹¹ The verse: “The Lord has spurned all my mighty men in the midst of me” (Lamentations 1:15), means that this is like a person who says to another: This coin was invalidated. The prominent residents of Jerusalem were crushed and discredited, and their reputations were irreversibly tainted.

⁵¹² With regard to the verse: “They have opened their mouths against you” (Lamentations 2:16), Rava says that Rabbi Yoḥanan says: For what reason did the prophet precede the verse beginning with the letter peh to the verse beginning with the letter ayin in several chapters of Lamentations? Since peh means mouth and ayin means eye, it is for the spies who said with their mouths [befihem] what they did not see with their eyes [be’eineihem].

⁵¹³ With regard to the verse: “The eaters of My people ate bread, and they call not upon the Lord” (Psalms 14:4), Rava says that Rabbi Yoḥanan says: Any gentile thief who eats the bread of the Jewish people tastes the flavor of bread, and one who does not eat from the bread of the Jewish people does not taste the flavor of bread. Apparently they enjoy only what they steal from the Jewish people. With regard to the people referred to in the phrase “And they call not upon the Lord,” Rav says: These are the judges who are not God-fearing, and Shmuel says: These are schoolteachers who do not perform their job in the name of God.

⁵¹⁴ § The Gemara resumes its discussion of the kings and commoners enumerated in the mishna who have no share in the World-to-Come. The Gemara asks: Who enumerated them? Rav Ashi says: The members of the Great Assembly enumerated them. Rav Yehuda says that Rav says: They sought to enumerate one more, King Solomon, in the list of kings with no share in the World-to-Come. The

image of the face of his father, King David, came and prostrated itself before them, pleading to omit Solomon from the list, and they paid it no heed. A fire came from Heaven and the fire scorched their benches [safseleihem], and they paid it no heed.

⁵¹⁵ A Divine Voice emerged and said to the members of the Great Assembly: “Do you see a man diligent in his business? He shall stand before kings; he shall stand not before obscure men” (Proverbs 22:29). See the greatness of Solomon, who preceded construction of My House, the Temple, to the construction of his house. Moreover, My House he built quickly, in just seven years, and his house he constructed in thirteen years. Therefore, “he shall stand before kings; he shall stand not before obscure men,” and it is inappropriate to enumerate him among the wicked. And they paid it no heed. A Divine Voice emerged and said: “Shall His recompense be as you will it? For you loathe it, so that you must choose, and not I? Therefore, speak what you know” (Job 34:33). Only God, and not the people, determines who has a share in the World-to-Come.

⁵¹⁶ The Gemara adds: Those who interpret the Torah metaphorically would say: All of those enumerated who have no share ultimately enter the World-to-Come, as it is stated: “Gilead is Mine, and Manasseh is Mine, and Ephraim also is the strength of My head; Judah is My scepter; Moab is My washing pot; over Edom I will cast My shoe; Philistia, cry aloud because of Me” (Psalms 60:9–10, and see 108:9–10). “Gilead is Mine and Manasseh is Mine”; this is referring to Ahab, who fell in Ramoth Gilead. “Manasseh”, in its plain meaning, is referring to King Manasseh. “Ephraim also is the strength of My head”; this is referring to Jeroboam, who comes from the tribe of Ephraim. “Judah is My scepter”; this is referring to Ahithophel,

⁵¹⁷ who comes from the tribe of Judah. “Moab is My washing pot”; this is referring to Gehazi, who was afflicted with leprosy over matters of washing, as he took money from Naaman, whom he instructed to immerse in the Jordan River. “Over Edom I will cast My shoe”; this is referring to Doeg the Edomite. “Philistia, cry aloud [hitroa’i] because of Me”; this is referring to the fact that the ministering angels said before the Holy One, Blessed be He: Master of the Universe, if David, who killed the Philistine and bequeathed the city of Gath to your sons, will come and complain that You gave a share in the World-to-Come to his enemies Doeg and Ahithophel, what will You do concerning him? Will you accept his complaint? God said to the ministering angels: It is upon me to render David and his enemies friends [re’im] with each other, and even David will agree.

⁵¹⁸ § With regard to the verse: “Why is this people of Jerusalem slid back in perpetual backsliding?” (Jeremiah 8:5), Rav says: The congregation of Israel answered with a convincing response to the prophet. The prophet said to the Jewish people: Repent, as your ancestors sinned, and where are they? They said to the prophets: And your prophets who did not sin, where are they? They too died, as it is stated: “Your fathers, where are they, and the prophets; do they live forever?” (Zechariah 1:5). The prophet said to the Jewish people: Your ancestors reconsidered and conceded that the admonitions of the prophets were fulfilled, as it is stated: “By my words and My statutes, which I commanded My servants the prophets, did they not overtake your fathers? And they repented and said: As the Lord of hosts intended to do to us, according to our ways, and according to our doings, so has He dealt with us” (Zechariah 1:6).

⁵¹⁹ Shmuel says that this was the convincing answer: Ten people came and sat before the prophet Ezekiel. He said to them: Repent. They said to Ezekiel: In the case of a slave sold by his owner to another master, or a woman divorced by her husband, does this person have any claim upon that

person? Since God gave the Jewish people to other masters, the ties that existed between Him and us were severed. The Holy One, Blessed be He, said to the prophet: Go say to them: “Where is your mother’s scroll of severance, with which I sent her away? Or to which of My creditors have I sold you? For your iniquities you sold yourselves and for your transgressions was your mother sent away” (Isaiah 50:1). Learn from this that God did not sever His ties to the Jewish people.

⁵²⁰ And that is what Reish Lakish says: What is the meaning of that which is written: “David, My slave” (II Samuel 3:18), and: “Nebuchadnezzar, my slave” (Jeremiah 43:10)? How can the wicked Nebuchadnezzar be depicted as a slave of God in the same manner that David was depicted? Rather, it is revealed and known before the One Who spoke and the world came into being, that the Jewish people are destined to say that God sold them to the nations and they no longer have ties to Him. Therefore, the Holy One, Blessed be He, preemptively called Nebuchadnezzar His slave. With regard to the halakha concerning a slave who acquires property, the slave belongs to whom and the property belongs to whom? They both belong to the master, in this case, the Holy One, Blessed be He.

⁵²¹ With regard to the verse: “And what comes into your mind shall never come to be, that you say: We will be like the nations, like the families of the countries, to serve wood and stone. As I live, says the Lord God, surely with a mighty hand, and an outstretched arm, and with wrath poured out, will I rule over you” (Ezekiel 20:32–33), Rav Nahman says: Let the Merciful One become wrathful at us with all that wrath, and redeem us.

⁵²² With regard to the verse: “And chastise in judgment; his God will instruct him” (Isaiah 28:26), Rabba bar bar Hana says that the prophet said to the Jewish people: Repent. They said to him: We cannot, since the evil inclination dominates us. He said to them: Chastise your inclinations. They said to him: “His God will instruct him,” i.e., God should instruct the evil inclination to allow us to overcome him, as we are incapable of doing so on our own.

⁵²³ § The mishna teaches that four prominent commoners, Balaam, Doeg, Ahithophel, and Gehazi, have no share in the World-to-Come. The Gemara elaborates: The name Balaam is interpreted as a contraction of: Without a nation [belo am], or one who has no share in the World-to-Come with the Jewish nation. Alternatively, the name Balaam is interpreted as one who wore down the Jewish people [bila am]. He is the son of Beor, one who engaged in bestiality [be’ir].

⁵²⁴ It was taught in a baraita: He is Beor, father of Balaam, he is Cushan-Rishathaim, he is Laban the Aramean. He was called Beor because he engaged in bestiality. He was called Cushan-Rishathaim because he performed two evil deeds [rishiyyot] to the Jewish people, one during the time of Jacob, when he pursued him intending to kill him, and one during the time when the judges judged. And what was his actual name? His name was Laban the Aramean.

⁵²⁵ It is written: “Son of Beor” (Numbers 22:5), and it is written elsewhere: “His son Beor” (Numbers 24:3). Rabbi Yoḥanan says in resolving the apparent contradiction: Balaam’s father was his son in terms of prophecy, as Balaam was a much greater prophet.

⁵²⁶ The Gemara infers from the mishna: Balaam is the one who does not come into the World-to-Come; but other gentiles come into the World-to-Come. Whose opinion is expressed in the mishna?

⁵²⁷ It is in accordance with the opinion of Rabbi Yehoshua, as it is taught in a baraita that Rabbi Eliezer says: It is written: “The wicked shall be turned back to the netherworld, all the nations that forget God” (Psalms 9:18). “The wicked shall be turned back to the netherworld”; these are the

sinner of the Jewish people, as only the sinners are sentenced to the netherworld. “All the gentiles that forget God”; these are the sinners of the gentiles. From the fact that it is written: “All the gentiles,” it is apparent that none of the gentiles have a share in the World-to-Come. This is the statement of Rabbi Eliezer. Rabbi Yehoshua said to him: But is it stated in the verse that the sinners of the Jewish people will be like all of the gentiles? It is stated only: “All the gentiles that forget God.” Rather, the wicked shall be turned back to the netherworld, and who are they? They are all the gentiles that forget God. Gentiles who fear God do have a share in the World-to-Come.

⁵²⁸ And that wicked person, Balaam, also provided a sign with regard to himself. He said: “Let me die the death of the righteous, and let my end be like his” (Numbers 23:10). If I die the death of the righteous, by natural causes, my end will be like his, i.e., I will receive a share in the World-to-Come like the Jewish people. And if I do not die by natural causes: “I will go to my people” (Numbers 24:14), i.e., my fate will be that of the rest of the wicked people in my generation, who have no share in the World-to-Come.

⁵²⁹ With regard to the verse: “And the elders of Moab and the elders of Midian set out with their divinations in their hands, and they came to Balaam” (Numbers 22:7), it was taught in a baraita: Midian and Moab had previously never had peace between them, and they were always at war with each other. What led them to make peace at that time? There is a parable of two dogs that were with the flock, and they were hostile to one another. A wolf came and attacked one. The other one said: If I do not help him, today he kills him and tomorrow he comes to attack me. They both went and killed the wolf. Moab and Midian joined together to face the potential common threat, the Jewish people. Rav Pappa says that this is in accordance with the adage that people say: A weasel [karkushta] and a cat made a wedding from the fat of the luckless. Despite their hatred of one another, they join together for their mutual benefit at the expense of a third party.

⁵³⁰ It is written: “And the princes of Moab stayed with Balaam” (Numbers 22:8). The Gemara asks: And to where did the princes of Midian who accompanied the princes of Moab go? The Gemara answers: Once Balaam said to them: “Lodge here this night, and I will bring you word when the Lord speaks to me” (Numbers 22:8), the elders of Midian said: If he seeks permission from the Lord, he will not join us, as is there any father who hates his son? Certainly the Lord will help the Jewish people.

⁵³¹ Rav Nahman says: Impudence is effective even toward Heaven. How so? Initially, it is written that God said to Balaam: “You shall not go with them” (Numbers 22:12), and ultimately after Balaam persisted and asked, it is written: “Rise up and go with them” (Numbers 22:20). Rav Sheshet says: Impudence is monarchy without a crown, as it is an assertion of leadership and lacks only the official coronation as king, as it is written: “And I am this day weak, though anointed king; and these men the sons of Zeruiah are too hard for me” (II Samuel 3:39). The sons of Zeruiah, due to their impudence, were as formidable as David himself.

⁵³² Rabbi Yoḥanan says: Balaam was disabled in one of his legs, as it is stated concerning him: “And he went limping [shefi]” (Numbers 23:3). Samson was disabled in both his legs, as it is stated with regard to Samson, who was from the tribe of Dan, in the prophetic blessing of Jacob: “Dan shall be a serpent by the way, an adder [shefifon] in the path that bites the horse’s heels” (Genesis 49:17). Rabbi Yoḥanan interprets shefifon as the plural of shefi, indicating disability in both legs. Balaam

was blind in one of his eyes, as it is stated: “Whose eye is open” (Numbers 24:3), indicating that one eye was open and the other was blind.

⁵³³ The Gemara relates: Balaam was a diviner by using his penis. It is written here: “Fallen, yet with opened eyes” (Numbers 24:4), and it is written there: “And Haman was fallen upon the divan whereupon Esther was” (Esther 7:8), indicating that the verb fallen has sexual connotations. It was stated that there is an amoraic dispute with regard to this matter. Mar Zutra says: Balaam was a diviner by using his penis. Mar, son of Ravina, says: He engaged in bestiality with his donkey. The one who says that he was a diviner by using his penis derives it as we stated. And the one who says that he engaged in bestiality with his donkey derives it as follows: It is written here: “He crouched, he lay down” (Numbers 24:9), and it is written there: “Between her legs

⁵³⁴ he sunk, he fell, he lay” (Judges 5:27), which is interpreted as a reference to sexual intercourse between Sisera and Jael.

⁵³⁵ § Balaam describes himself: “And he knows the knowledge of the Most High” (Numbers 24:16), and the Gemara asks: Now, if the knowledge of his animal he did not know, is it possible that the knowledge of the Most High he knew? The Gemara explains: What is the meaning of the knowledge of his animal? The princes accompanying him said to him: What is the reason that you did not ride horses? Balaam said to them: I brought the horses to graze in the pasture and rest there.

⁵³⁶ The donkey said to him: “Am I not your donkey” (Numbers 22:30)? Balaam said to the donkey: Merely for burdens, not for riding. The donkey said to him: “Upon which you have ridden” (Numbers 22:30). Balaam said to the donkey: That was mere happenstance and is not a regular occurrence. The donkey said to him: “Your whole life until this day” (Numbers 22:30).

⁵³⁷ The donkey continued: Moreover, I perform a conjugal act for you and we engage in bestiality at night. From where is this derived? It is written here: “Was I ever wont [hahasken hiskanti] to do so to you” (Numbers 22:30)? And it is written there with regard to Abishag the Shunammite: “And let her be a companion [sokhenet] to him” (I Kings 1:2). Just as the root samekh, kaf, nun indicates sexual relations in the case of Abishag, the same is true with regard to the donkey. Balaam was unable to best his donkey in a debate.

⁵³⁸ The Gemara asks: Rather, what, then, is the meaning of the phrase “And he knows knowledge of the Most High”? Is it possible that he knew the knowledge of the Most High? Rather, he would know to determine the moment during which the Holy One, Blessed be He, is angry. He would curse at that moment and the curse was effective.

⁵³⁹ And that is what the prophet said to Israel: “My nation, remember what Balak, king of Moab, advised, and how Balaam, son of Beor, responded; from Shittim to Gilgal, so that you may know the righteous acts of the Lord” (Micah 6:5). What is the meaning of the phrase “So that you may know the righteous acts of the Lord”? The Holy One, Blessed be He, said to Israel: Know how many acts of kindness I performed on your behalf, that I did not become angry during all the days of Balaam the wicked, as had I become angry during all those days, no remnant or refugee would have remained among the enemies of Israel, a euphemism for Israel itself. Instead, God restrained His anger and Balaam’s curse went unfulfilled.

⁵⁴⁰ That is what Balaam said to Balak: “How can I curse, whom God has not cursed? And how can I condemn, whom God has not condemned?” (Numbers 23:8). Since God did not become angry,

Balaam was unable to curse the Jewish people. It is written: “And God is angry every day” (Psalms 7:12). And how long is the duration of His wrath? It is one moment, as it is stated: “For His anger endures but a moment; His favor is for a lifetime” (Psalms 30:6).

⁵⁴¹ If you wish, say instead this proof from another source, as it is stated: “Come, my people, enter you into your chambers, and shut your doors about you; hide yourself for a brief moment, until the anger passes” (Isaiah 26:20), meaning that God’s anger passes in a mere moment. And when is the Holy One, Blessed be He, angry? It is during the first three hours of the day, when the crest of the rooster is white from the sun. The Gemara challenges: Each and every hour of the day the rooster’s crest is also white, as it does not always remain red. The Gemara explains: The difference is that during each and every other hour when the rooster stands that way, there are red streaks in his crest. But at that moment when God is angry, there are no red streaks in the rooster’s crest.

⁵⁴² The Gemara relates: There was a certain heretic who was in Rabbi Yehoshua ben Levi’s neighborhood who would upset him by incessantly challenging the legitimacy of biblical verses. One day, Rabbi Yehoshua ben Levi took a rooster and tied it by its legs and sat and waited. He said: When that moment of God’s wrath arrives, I will curse him. When that moment of God’s wrath arrived, Rabbi Yehoshua ben Levi dozed off. When he awakened, he said: Conclude from the fact that I dozed off that it is not proper conduct to curse even the wicked, as it is written: “Punishment, even for the righteous, is not good” (Proverbs 17:26). Even with regard to heretics, a righteous person should not state a curse in order to punish them.

⁵⁴³ Explaining the cause of God’s anger, it was taught in a baraita in the name of Rabbi Meir: When the sun rises and the kings place their crowns on their heads and bow down to the sun, the Holy One, Blessed be He, immediately grows angry. Since this occurs in the early hours of every day, God becomes angry at His world at that time every day.

⁵⁴⁴ § It is stated: “And Balaam rose early in the morning and saddled his donkey” (Numbers 22:21). It was taught in a baraita in the name of Rabbi Shimon ben Elazar: Love negates the standard conduct of those of prominence. This is derived from Abraham, as it is written: “And Abraham rose early in the morning and saddled his donkey” (Genesis 22:3). Atypically, he saddled the donkey himself and he did not wait for his servants. Likewise, hatred negates the standard conduct of those of prominence. This is derived from Balaam, as it is stated: “And Balaam rose early in the morning and saddled his donkey” (Numbers 22:21).

⁵⁴⁵ Rav Yehuda says that Rav says: A person should always engage in Torah study and performance of a mitzva even if he does not do so for their own sake, as through engaging in them not for their own sake, he will ultimately come to engage in them for their own sake. Proof for this can be cited from the example of Balak, as in reward for the forty-two offerings that Balak sacrificed, even though he sacrificed them to facilitate the destruction of the Jewish people, he was privileged and Ruth descended from him. Rabbi Yosei bar Huna says: Ruth was the daughter of Eglon, son of the son of Balak, king of Moab.

⁵⁴⁶ Apropos Ruth, matriarch of the Davidic line, the Gemara cites that which Rava said to Rabba bar Mari: It is written that the servants of David said to David: “May God make the name of Solomon better than your name and make his throne greater than your throne [mikisekha]” (I Kings 1:47). Rava asks: Is it proper conduct to speak to a king in that manner and say that his son will be greater

than he is? Rabba bar Mari said to Rava: She said to him: May the throne of Solomon be of the nature of your throne.

⁵⁴⁷ He explains: As if you do not say so and do not explain it in this manner, then the verse: “Blessed above women Jael, wife of Heber the Kenite; blessed is she more than the women [minashim] in the tent” (Judges 5:24), is difficult. “The women in the tent,” who are they? They are Sarah, Rebecca, Rachel, and Leah. Is it proper conduct to speak in that manner about the Matriarchs? Rather, of the nature of the Matriarchs is what the verse says, not greater. So too in the case of David’s servants: Of the nature of his throne, is what the verse says.

⁵⁴⁸ The Gemara notes: This explanation disagrees with the opinion of Rav Yosei bar Ḥoni, as Rav Yosei bar Ḥoni says: A person is jealous of everyone except for his son and his student. Since their success reflects well upon him, he celebrates their success. The fact that one is not jealous of his son is derived from King David’s servants telling him: May Solomon be greater than he is. And the fact that one is not jealous of his student; if you wish, say that it is derived from that which Elisha said to Elijah: “I pray you that a double portion of your spirit be upon me” (II Kings 2:9). He asked of his mentor to be greater than him, indicating that it is not an objectionable matter. And if you wish, say instead that it is derived from Moses: “And he laid his hands upon him and commanded him” (Numbers 27:23). God commanded Moses to lay only one hand upon Joshua, and instead he laid both hands upon him with all his strength.

⁵⁴⁹ § With regard to the verse: “And the Lord placed a matter in Balaam’s mouth” (Numbers 23:5), Rabbi Elazar says: It was an angel that spoke from his mouth. Rabbi Yonatan says: It was a hook placed in his mouth to prevent him from saying anything else.

⁵⁵⁰ Rabbi Yoḥanan says: From the blessing of that wicked person, Balaam, you can ascertain what was in his heart. God transformed the curses that he planned into blessings. He sought to say that they should not have synagogues and study halls, and he said instead: “How goodly are your tents, Jacob” (Numbers 24:5), a blessing on their synagogues. He sought to say that the Divine Presence [shekhina] will not rest upon them, and he said instead: “And your dwellings [mishkenot] Israel.” He sought to say that the kingdom of Israel would not continue, and he said instead that it would continue: “Like the winding brooks” (Numbers 24:6), which flow continuously. He sought to say that they would have no olive trees and vineyards, and he said instead: “Like gardens by the river’s side” (Numbers 24:6). He sought to say that their fragrance would not diffuse from their fulfillment of mitzvot, and he said instead: “Like aloes that the Lord has planted” (Numbers 24:6).

⁵⁵¹ He sought to say that they would not have kings of stature, and he said instead: “Like cedar trees beside the waters” (Numbers 24:6). He sought to say that they will not have a king the son of a king, and he said instead: “Water shall flow from his branches” (Numbers 24:7). He sought to say that their kingdom would not rule over the nations, and he said instead: “And his seed shall be in many waters” (Numbers 24:7). He sought to say that their kingdom would not be fierce, and he said instead: “And his king shall be higher than Agag.” He sought to say that there will be no fear of their kingdom, and he said instead: “And his kingdom shall be exalted” (Numbers 24:7).

⁵⁵² Rabbi Abba bar Kahana says: All of the blessings ultimately reverted to be fulfilled as the curse that he originally intended, as all of those circumstances befell the Jewish people, except for the destruction of synagogues and study halls, as it is stated: “And the Lord your God transformed the

curse into a blessing for you, because the Lord your God loved you” (Deuteronomy 23:6). A curse in the singular, not curses in the plural, was transformed permanently.

⁵⁵³ Rabbi Shmuel bar Naḥmani says that Rabbi Yonatan says: What is the meaning of that which is written: “Faithful are the wounds of a friend; but the kisses of an enemy are importunate” (Proverbs 27:6)? Better is the curse that Ahijah the Shilonite cursed the Jewish people than the blessing that Balaam the wicked blessed them. Ahijah the Shilonite cursed Israel with a reed, as it is stated: “For the Lord shall smite Israel as a reed is shaken in water” (I Kings 14:15). There is an aspect of blessing in that curse, as he was saying they will be just like a reed that stands in a place near water, as the water sustains it, and its stalk

⁵⁵⁴ replenishes itself, as if it is cut another grows, and its roots are numerous. And even if all the winds that are in the world come and gust against it, they do not move it from its place and uproot it. Rather, it goes and comes with the winds. And once the winds subside the reed remains in its place.

⁵⁵⁵ But Balaam the wicked blessed them with a cedar. There is an aspect of curse in that blessing, as he was saying they will be just like a cedar that does not stand in a place near water, and its roots are few relative to its height, and its trunk does not replenish itself, as if it is cut it does not grow back. And even if all the winds that are in the world come and gust against it, they do not move it from its place and uproot it; but once a southern wind gusts it immediately uproots the cedar and overturns it on its face. Moreover, it is the reed that was privileged to have a quill [kulmos] taken from it to write scrolls of Torah, Prophets, and Writings. Therefore, the curse of Ahijah is better than the blessing of Balaam.

⁵⁵⁶ § It is stated with regard to Balaam: “And he looked at the Kenite and he took up his parable and said: Though firm is your dwelling place, and though your nest be set in rock” (Numbers 24:21). Balaam said to Yitro: Kenite, were you not in Egypt with us in that counsel to drown the newborn males of Israel? Who placed you alongside the mighty of the world?

⁵⁵⁷ The Gemara comments: And that is what Rabbi Ḥiyya bar Abba says that Rabbi Simai says: Three were associates in that counsel, and they are: Balaam, Job, and Yitro. Balaam, who advised to drown the newborn males, was killed. Job, who was silent and was reluctant to express his opinion, was sentenced to suffer afflictions. And Yitro, who fled after he disagreed with that counsel and Pharaoh sought to kill him, his descendants were privileged to sit as scribes in session with the Sanhedrin in the Chamber of Hewn Stone, as it is stated: “And the families of the scribes who dwelt in Jabez; the Tirathites, the Shimeathites, the Sucathites. These were the Kenites who came of Hammath the father of the house of Rechab” (I Chronicles 2:55). And it is written there with regard to the identity of the Kenites: “And the children of the Kenite, Moses’ father-in-law, went up from the city of the palm trees” (Judges 1:16).

⁵⁵⁸ With regard to the verse: “And he took up his parable, and said: Alas, he who lives from what God has appointed him” (Numbers 24:23), Rabbi Shimon ben Lakish says: Woe unto one who sustains himself in an indulgent manner in the name of God, i.e., Balaam, whose livelihood was from speaking in the name of God. Rabbi Yoḥanan says: Woe unto the nation that will be found hindering the Jewish people at the time when the Holy One, Blessed be He, redeems His children. Who places his garment between a male lion and a female lion when they are mating? One who does so will certainly die.

⁵⁵⁹ With regard to the verse: “And ships come from the coast of Kittim” (Numbers 24:24), Rav says: This is the Roman legion [libbun aspi] that will attack Assyria. “And they shall afflict Assyria, and they shall afflict Eber” (Numbers 24:24). Before they reach Assyria they will kill the Jewish people; from that point forward they will enslave them and not kill them.

⁵⁶⁰ § Balaam said to Balak: “Behold, I go to my people; come therefore, and I shall advise you what this people shall do to your people” (Numbers 24:14). Ostensibly, he should have said: What your people shall do to this people. Rabbi Abba bar Kahana says: Balaam spoke like a person who curses himself but does not wish to utter so awful a matter and instead ascribes his curse to take effect on others.

⁵⁶¹ Balaam said to them: The God of these Jewish people despises lewdness, and they desire linen garments, as they have no new garments; come, and I will give you advice. Make for them enclosures using wall hangings and seat prostitutes in them, with an old woman outside the enclosure and a young woman inside, and have the women sell them linen garments.

⁵⁶² Balak made for them enclosures using wall hangings from the snow mountain, the Ḥermon, until Beit HaYeshimot, and he sat prostitutes in them, with an old woman outside and a young woman on the inside. And at the time when Jewish people were eating and drinking and were glad and going out to stroll in the marketplace, the old woman would say to a Jew: Aren’t you seeking linen garments? He would enter the enclosure and ask the price, the old woman would quote him a price equal to its value, and the young woman would quote him a price less than its value. That scenario would repeat itself two or three times.

⁵⁶³ And thereafter she would say to him: You are like a member of our household, sit and choose for yourself the merchandise that you want. And a jug of Ammonite wine was placed near her, and neither Ammonite wine nor gentile wine had been prohibited yet for Jews. She said to him: Is it your wish to drink a cup of wine? Once he drank the wine, his evil inclination burned within him.

⁵⁶⁴ He then said to her: Submit to me and engage in intercourse with me. She then removed the idol that she worshipped from her lap and said to him: Worship this. He said to her: Am I not Jewish? I am therefore forbidden from engaging in idol worship. She said to him: And what is your concern? We are asking you to do nothing more than defecate in its presence. But he does not know that its worship is conducted in that manner. Once he did so, she said to him: Moreover, I will not leave you until you deny the Torah of Moses your teacher, as it is stated: “But when they came to Ba’al-Peor they separated themselves to the shameful item; and they became detestable like that which they loved” (Hosea 9:10). They devoted themselves to the disgrace of defecation, and detested the name of God.

⁵⁶⁵ With regard to the verse: “And Israel dwelt in Shittim” (Numbers 25:1), Rabbi Eliezer says: Shittim is the name of the place. Rabbi Yehoshua says: It is an allusion to the fact that they were engaged in matters of nonsense [shetut], i.e., prostitution and idol worship.

⁵⁶⁶ With regard to the verse: “And they called [vatikrena] the people to the offerings of their gods” (Numbers 25:2), Rabbi Eliezer says: Naked women encountered them. Rabbi Yehoshua says: They all became those who experienced a seminal emission [kerayin] resulting from the lust that they experienced.

⁵⁶⁷ Apropos the homiletic interpretation of the names of places, the Gemara asks: What is the connotation of the term Rephidim (see Exodus 19:2)? Rabbi Eliezer says: Rephidim is the name of the place. Rabbi Yehoshua says: It is an allusion to the fact that they enfeebled [rippu] themselves with regard to engaging in matters of Torah, as it is stated: “The fathers do not look back to their children from feebleness [rifyon] of hands” (Jeremiah 47:3). There too, the connotation of the name is dereliction in the study of Torah.

⁵⁶⁸ Rabbi Yoḥanan says: Everywhere that it is stated: And he dwelt, it is nothing other than an expression of pain, of an impending calamity, as it is stated: “And Israel dwelt in Shittim, and the people began to commit harlotry with the daughters of Moab” (Numbers 25:1). It is stated: “And Jacob dwelt in the land where his father had sojourned in the land of Canaan” (Genesis 37:1), and it is stated thereafter: “And Joseph brought evil report of them to his father” (Genesis 37:2), which led to the sale of Joseph. And it is stated: “And Israel dwelt in the land of Egypt in the land of Goshen” (Genesis 47:27), and it is stated thereafter: “And the time drew near that Israel was to die” (Genesis 47:29). It is stated: “And Judah and Israel dwelt safely, every man under his vine and under his fig tree” (I Kings 5:5), and it is stated thereafter: “And the Lord raised up an adversary to Solomon, Hadad the Edomite; he was of the king’s seed in Edom” (I Kings 11:14).

⁵⁶⁹ § With regard to Balaam, it is stated: “And they slew the kings of Midian, with the rest of their slain...And Balaam, son of Beor, they slew with the sword” (Numbers 31:8). The Gemara asks: Balaam, what did he seek there; what was his role in that war? He lived in Aram. Rabbi Yoḥanan says: He went to collect payment for twenty-four thousand members of the Jewish people, whom he felled with his advice. Mar Zutra bar Toviya says that Rav says that this is in accordance with the adage that people say: A camel goes to seek horns and the ears that it had are severed from it. Not only was Balaam unsuccessful in collecting his fee, he also lost his life.

⁵⁷⁰ It is stated: “And Balaam, son of Beor, the diviner, did the children of Israel slay with the sword among the rest of their slain” (Joshua 13:22). The Gemara asks: Was he a diviner? He is a prophet. Rabbi Yoḥanan says: Initially he was a prophet, but ultimately, he lost his capacity for prophecy and remained merely a diviner. Rav Pappa says that this is in accordance with the adage that people say: This woman was descended from princes and rulers, and was licentious with carpenters.

⁵⁷¹ With regard to the latter part of the verse: “And Balaam, son of Beor, the diviner, did the children of Israel slay with the sword among the rest of their slain” (Joshua 13:22), Rav says: It means that they accomplished in him all four means of court-imposed executions: Stoning, and burning, beheading, and strangulation.

⁵⁷² A certain heretic said to Rabbi Ḥanina: Have you heard how old Balaam was when he died? Rabbi Ḥanina said to him: It is not written explicitly in the Torah. But from the fact that it is written: “Bloody and deceitful men shall not live half their days” (Psalms 55:24), this indicates that he was thirty-three or thirty-four years old, less than half the standard seventy-year lifespan. The heretic said to him: You have spoken well, I myself saw the notebook of Balaam and it was written therein: Balaam the lame was thirty-three years old when Pinehas the highwayman killed him.

⁵⁷³ Mar, son of Ravina, said to his son: With regard to all of those enumerated as not having a share in the World-to-Come, do not extensively interpret verses homiletically in order to denigrate them, except with regard to Balaam the wicked, as any negative element that you discover in his regard,

continue to interpret homiletically concerning him, as it is appropriate to attribute wickedness to one so wicked.

⁵⁷⁴ § It is written in one verse: “Doeg the Edomite” (I Samuel 22:9), and it is written in another verse: “And the king said to Doyeig” (I Samuel 22:18). Rabbi Yoḥanan says in explaining the discrepancy: Initially, the Holy One, Blessed be He, sat and was concerned [doeg] that perhaps this person would emerge to undertake an evil path. After he emerged on that path, God said: Alas [vai], that person has emerged to undertake an evil path.

⁵⁷⁵ The Gemara cites a mnemonic for the statements of Rabbi Yitzḥak that follow: Mighty, wicked, and righteous, riches, and counter.

⁵⁷⁶ Rabbi Yitzḥak says: What is the meaning of that which is written: “Why boast of your evil mighty one? The mercy of God endures continually” (Psalms 52:3)? The Holy One, Blessed be He, said to Doeg: Aren’t you mighty in Torah? Why do you boast of evil? Isn’t God’s mercy extended over you continually when you engage in His Torah?

⁵⁷⁷ And Rabbi Yitzḥak says: What is the meaning of that which is written: “But to the wicked, God says: What have you to do to declare My statutes, and that you have taken My covenant in your mouth” (Psalms 50:16)? The Holy One, Blessed be He, said to Doeg the wicked: Why do you speak of My statutes and My Torah? When you reach the Torah portion of murderers and the Torah portion of slanderers, how do you teach them? You have violated both. With regard to the end of that verse: “And that you have taken My covenant in your mouth” (Psalms 50:16), Rabbi Ami says: Doeg’s Torah is only insincere lip service, as it is in his mouth but not in his heart. He does not have a profound understanding of the Torah and does not commit himself to the performance of its mitzvot.

⁵⁷⁸ And Rabbi Yitzḥak says: What is the meaning of that which is written: “And the righteous shall see, and fear, and shall laugh at him” (Psalms 52:8)? Initially, they will fear Doeg due to his success, and ultimately they will laugh when they witness his downfall.

⁵⁷⁹ And Rabbi Yitzḥak says: What is the meaning of that which is written: “He has swallowed riches and he shall vomit them again; God shall cast them out of his belly” (Job 20:15)? David said before the Holy One, Blessed be He: Master of the Universe, Doeg shall die. God said to him: “He has swallowed riches and he shall vomit them again.” He is filled with Torah and wisdom; wait until he forgets what he has learned. David said before Him: “God shall cast them out of his belly.” God can remove his Torah knowledge from him before he will forget it on his own.

⁵⁸⁰ And Rabbi Yitzḥak says: What is the meaning of that which is written: “God shall likewise destroy you forever” (Psalms 52:7)? The Holy One, Blessed be He, said to David: Let Doeg enter the World-to-Come. David said before Him: “God shall likewise destroy you forever,” i.e., let Doeg not have eternal life. What is the meaning of that which is written: “He shall pluck you away, and pluck you from your tent, and root you out from the land of the living. Selah” (Psalms 52:7)? The Holy One, Blessed be He, said to David: At least let them state a halakha in the study hall in his name. David said before Him: “He shall pluck you away, and pluck you from your tent,” i.e., let him be completely removed from the tents of Torah. God said to him: Let him have sons who are Sages. David said: “And root you out from the land of the living. Selah,” i.e., let Doeg be entirely uprooted.

⁵⁸¹ And Rabbi Yitzḥak says: What is the meaning of that which is written: “Where is he that counts; where is he that weighs; where is he that counts the towers [migdalim]” (Isaiah 33:18)? Where is he

that counts all the letters of the Torah? Where is he that weighs, who considers all the elements of a fortiori inferences in the Torah? Where is he who counts the towers? This is Doeg, who would count three hundred halakhic conclusions with regard to the purity of a cupboard [migdal] that floats in the air [avir].

⁵⁸² Rabbi Yehuda HaNasi says: Doeg and Ahithophel raised four hundred dilemmas with regard to the purity of a cupboard that floats in the air, and they did not resolve even one, an indication of their great knowledge. Rava says: Is it greatness to raise dilemmas? That is not a barometer of greatness, as in the years of Rav Yehuda all of their Torah study was confined to the order of Nezikin, and we study much more than that, and are expert even in tractate Okatzin, the final tractate in the difficult order of Teharot.

⁵⁸³ Moreover, when Rav Yehuda would encounter the mishna in tractate Okatzin that discusses the extent to which the stems of various fruits and vegetables are considered an integral part of the produce in terms of contracting ritual impurity, where the mishna discusses the halakha concerning a woman who pickles a vegetable in a pot, and some say when he would reach the mishna (Okatzin 2:1): Olives pickled with their leaves are pure, because after pickling, it is no longer possible to lift the fruit by its leaves, so they are no longer considered part of the fruit; he would find it difficult to understand. He would say: Those are the discussions between Rav and Shmuel that we see here. And we, by contrast, teach tractate Okatzin in thirteen academies.

⁵⁸⁴ But nevertheless, when Rav Yehuda would remove one of his shoes the rain would immediately fall, whereas we cry out and no one notices us. Rather, the Holy One, Blessed be He, seeks the heart, and the barometer of greatness is devotion of the heart and not the amount of Torah that one studies, as it is written: “But the Lord looks on the heart” (I Samuel 16:7).

⁵⁸⁵ Rav Mesharshiyya says: Doeg and Ahithophel did not comprehend halakhic discussions. Mar Zutra objects to this statement: These are people with regard to whom it is written: “Where is he that counts; where is he that weighs; where is he that counts the towers” (Isaiah 33:18), and you say that they did not comprehend halakhic discussions? Rather, Doeg and Ahithophel would not conclude halakhic discussions in accordance with halakhic rulings, as it is written: “The secret of the Lord is with those who fear Him” (Psalms 25:14). Since they did not fear God, they did not arrive at halakhic conclusions despite their keen intellect.

⁵⁸⁶ Rabbi Ami says: Doeg died only when he forgot what he learned, as it is stated: “He shall die for want of instruction, and in his folly he shall go astray” (Proverbs 5:23). Rav Ashi says: He was afflicted with leprosy before his death, as it is stated: “Those that go far from You shall perish; You destroy [hitzmatta] all those who go astray from You” (Psalms 73:27).

⁵⁸⁷ Where is the allusion to leprosy in this verse? It is written there: “And the land shall not be sold in perpetuity [litzmitut]” (Leviticus 25:23), and we translate it into Aramaic as: Laḥalutin. And we learned in a mishna with regard to lepers (Megilla 8b): The difference between a quarantined leper, i.e., one examined by a priest who found his symptoms to be inconclusive, and who must therefore remain in isolation for a period of up to two weeks to see if conclusive symptoms develop; and a confirmed [muḥlat] leper, i.e., one whose symptoms were conclusive and the priest declared him a confirmed leper, is only with regard to letting the hair on one’s head grow and rending one’s garments. The derivation is based on the etymological similarity between hitzmatta and litzmitut; the translation of litzmitut as laḥalutin, and the etymological similarity between laḥalutin and muḥlat.

⁵⁸⁸ The Gemara cites a mnemonic for the halakhot that follow: Three, saw, and half, and called him.

⁵⁸⁹ Rabbi Yoḥanan says: Three angels of destruction encountered Doeg: One who caused him to forget his Torah knowledge, one who burned his soul, and one who dispersed the ashes of his soul in synagogues and in study halls to be trampled beneath the feet of the righteous.

⁵⁹⁰ Rabbi Yoḥanan says: Doeg and Ahithophel did not see one another, as both died at a young age. Doeg lived in the days of Saul, and Ahithophel lived in the days of David, toward the end of David's life.

⁵⁹¹ And Rabbi Yoḥanan says: Doeg and Ahithophel did not reach half of their allotted days, as they died before the age of thirty-five, half of the standard lifetime mentioned in the verse: "The days of our years are seventy years" (Psalms 90:10). This is also taught in a baraita: "Bloody and deceitful men shall not live half their days" (Psalms 55:24); all the years of Doeg were only thirty-four, and the years of Ahithophel were only thirty-three.

⁵⁹² And Rabbi Yoḥanan says: Initially, David called Ahithophel his teacher, and eventually, he called him his colleague, and ultimately, he called him his student. Initially, David called Ahithophel his teacher, as it is stated: "But it was you, a man my equal, my master [alufi], and my familiar friend" (Psalms 55:14); a teacher is known as aluf as he trains [me'ales] his students. And eventually, he called him his colleague, as it is stated: "We took sweet counsel together, and walked to the house of God with the throng" (Psalms 55:15); the term together indicates that they were equals. And ultimately, he called him his student, as it is stated: "Even my own familiar friend, in whom I trusted,

⁵⁹³ who did eat of my bread, has lifted his heel against me" (Psalms 41:10). Bread is a metaphor for Torah knowledge.

⁵⁹⁴ § Apropos Ahithophel, the Gemara relates the events that led to his death. Rav Yehuda says that Rav says: A person should never bring himself to undergo an ordeal, as David, king of Israel, brought himself to undergo an ordeal and failed. David said before God: Master of the Universe, for what reason does one say in prayer: God of Abraham, God of Isaac, and God of Jacob, and one does not say: God of David? God said to David: They have undergone ordeals before Me, and you have not undergone an ordeal before Me. David said before Him: Examine me and subject me to an ordeal, as it is stated: "Examine me, Lord, and subject me to an ordeal; try my kidneys and my heart" (Psalms 26:2).

⁵⁹⁵ God said to him: I will subject you to an ordeal, and I will perform a matter for you that I did not perform for the Patriarchs, as for them, I did not inform them of the nature of the ordeal, while I am informing you that I will subject you to an ordeal involving a matter of a married woman, with whom relations are forbidden. Immediately, it is written: "And it came to pass one evening that David rose from his bed" (II Samuel 11:2).

⁵⁹⁶ Rav Yehuda says: Once David heard the nature of his ordeal, he sought to prevent himself from experiencing lust. He transformed his nighttime bed into his daytime bed, i.e., he engaged in intercourse with his wives during the day, in an attempt to quell his lust. But a halakha, i.e., a Torah statement, escaped him: There is a small limb in man that he employs in sexual intercourse. If he starves the limb, and does not overindulge, it is satiated; but if he satiates the limb and overindulges in sexual intercourse, it is starving, and desires more. Therefore, his plan had the opposite effect.

⁵⁹⁷ The verse states: “And he walked upon the roof of the king’s house; from the roof he saw a woman bathing, and the woman was very fair to look upon” (II Samuel 11:2). Bathsheba was shampooing her head behind a beehive, which concealed her from sight. Satan came and appeared to David as a bird. David shot an arrow at the bird, the arrow severed the beehive, Bathsheba was exposed, and David saw her.

⁵⁹⁸ Immediately, it is written: “And David sent and inquired after the woman. And one said: Is not this Bathsheba, daughter of Eliam, the wife of Uriah the Hittite? And David sent messengers, and took her, and she came to him, and he lay with her, for she was purified from her impurity, and then she returned to her house” (II Samuel 11:3–4). And that is the meaning of that which is written: “You have proved my heart; You have visited me in the night: You have tried me, but You find nothing; let no presumptuous thought pass my lips” (Psalms 17:3). David said: Oh, that a muzzle would have fallen upon the mouth of the one who hates me, a euphemism for his own mouth, and I would not have said anything like that and I would have withstood the ordeal.

⁵⁹⁹ Rava taught: What is the meaning of that which is written: “To the leader, of David. In the Lord I put my trust; how can you say to my soul: Flee like a bird to your mountain” (Psalms 11:1)? David said before the Holy One, Blessed be He: Master of the Universe, pardon me for that sin with Bathsheba so that the wicked people will not say: The mountain that is among you, i.e., the luminary of the generation, David, was driven from the world due to a bird that led to his transgression.

⁶⁰⁰ Rava taught: What is the meaning of that which is written: “Against You, only You, have I sinned, and done what is evil in Your eyes; that You are justified when You speak, and right when You judge” (Psalms 51:6)? David said before the Holy One, Blessed be He: It is revealed and known before You that if I sought to suppress my evil inclination, I would have suppressed it; but I said: I will sin, so that they will not say a servant overcame his master and withstood the ordeal even though God said that he would not.

⁶⁰¹ Rava taught: What is the meaning of that which is written: “For I am ready to stumble [letzela] and my pain is always before me” (Psalms 38:18)? Bathsheba, daughter of Eliam, was designated as fit for David from the six days of Creation. Rava interprets that the term letzela is referring to Eve, who was taken from the side [tzela] of Adam, the first man, and explains that she was destined for him, just as Eve was destined for Adam. But she came to him through pain. And likewise, the school of Rabbi Yishmael taught: Bathsheba, daughter of Eliam, was designated as fit for David, but he partook of her unripe, before the appointed time. David would have ultimately married her in a permitted manner after the death of Uriah.

⁶⁰² Rava taught: What is the meaning of that which is written: “And when I limped they rejoiced and gathered, the wretched gather themselves together against me, and those whom I know not; they tore and did not cease [dammu]” (Psalms 35:15)? David said before the Holy One, Blessed be He: Master of the Universe. It is revealed and known before you that if my enemies were to tear my flesh, my blood [dami] would not flow to the ground, due to excessive fasting (see II Samuel 12:16–17).

⁶⁰³ David continued: Moreover, my enemies torment me to the extent that at the time when they are engaged in the public study of the halakhot of the four court-imposed death penalties they interrupt their study and say to me: David, concerning one who engages in intercourse with a married woman, his death is effected with what form of execution? And I said to them: Concerning one who engages in intercourse with a married woman before witnesses and with forewarning, his death is by

strangulation, and he has a share in the World-to-Come. But one who humiliates another before the multitudes has no share in the World-to-Come. The transgression of those who humiliated David is clearly more severe than the transgression of David himself.

⁶⁰⁴ Rav Yehuda says that Rav says: Even during the time of his illness he fulfilled the mitzva of conjugal rights for eighteen wives, as it is stated: “I am weary with my groaning; every night I speak in my bed; I melt away my couch with tears” (Psalms 6:7). Even when he was weary and groaning he still spoke in his bed, a euphemism for sexual intercourse. And Rav Yehuda says that Rav says: David sought to engage in idol worship during Absalom’s coup, as it is stated: “And it came to pass when David was at the top [rosh] of the ascent, where he would bow to God” (II Samuel 15:32), and rosh means nothing other than idol worship, as it is stated: “As for that image, its head [reishei] was of fine gold” (Daniel 2:32).

⁶⁰⁵ It is written: “Behold Hushai the Archite came to meet him with his coat rent and earth upon his head” (II Samuel 15:32). Hushai said to David: Shall they say a king like you will engage in idol worship? David said to him: Is it preferable that they say with regard to a king like me, known to be righteous, that his son will kill him? David continued, referring to himself in third person: It is preferable that he shall engage in idol worship and the name of Heaven shall not be desecrated in public through the murder of a righteous king in this manner.

⁶⁰⁶ Hushai said to him: What is the reason that you married a beautiful woman, the mother of Absalom? David said to him: With regard to a beautiful woman, the Merciful One permitted marrying her. Hushai said to him: But you did not interpret the juxtaposed verses, as juxtaposed to the portion of the beautiful woman is the portion beginning: “If a man has a stubborn and rebellious son” (Deuteronomy 21:18). From that juxtaposition it is derived: Anyone who marries a beautiful woman has a stubborn and rebellious son. Therefore, even if Absalom kills you, there will be no desecration of God’s name, as the people will attribute his actions to his mother.

⁶⁰⁷ Rabbi Dostai from Biri taught: To what is David comparable? He is comparable to a Samaritan merchant, who incrementally lowers the price until the buyer agrees to purchase the merchandise. David said before the Holy One, Blessed be He: Master of the Universe: “Who can discern his errors” (Psalms 19:13), i.e., forgive me for the unwitting sins that I committed. God said to him: They are forgiven for you. David asked more: “Cleanse me from hidden faults” (Psalms 19:13), i.e., pardon me for transgressions that I committed in private, even if I performed them intentionally. God said to him: They are forgiven for you. David requested: “Keep back your servant also from intentional sins” (Psalms 19:14). God said to him: They are forgiven for you. David requested: “Let them not have dominion over me, then I shall be faultless” (Psalms 19:14), and I further request that the Sages will not speak of me and condemn me. God said to him: They are forgiven for you.

⁶⁰⁸ David requested: “And I shall be clear from great transgression” (Psalms 19:14), meaning that my transgression with Bathsheba and Uriah will not be written in the Bible. God said to him: That is impossible. And just as the letter yod that I removed from the name of Sarai, wife of Abraham, when I changed her name to Sarah, was standing and screaming several years over its omission from the Bible until Joshua came and I added the yod to his name, as it is stated: “And Moses called Hosea, son of Nun, Joshua [Yehoshua]” (Numbers 13:16); the entire portion of your transgression, which is fit to be included in the Bible, all the more so it cannot be omitted.

⁶⁰⁹ The verse states: “And I shall be clear from great transgression” (Psalms 19:14). David said before God: Master of the Universe, pardon me for that entire sin. God said to him: Your son Solomon is already destined to say with his wisdom: “Can a man take fire in his lap and his garments not be burned? Can one walk on hot coals and his feet not be scorched? So too one who lies with his neighbor’s wife; anyone who touches her shall not go unpunished” (Proverbs 6:27–29). David said to Him: Will that man, David, be expelled for that entire transgression, with no remedy? God said to David: Accept upon yourself afflictions, and that will atone for your sins. He accepted afflictions upon himself.

⁶¹⁰ Rav Yehuda says that Rav says: For six months David was afflicted with leprosy and the Divine Presence abandoned him and the members of the Sanhedrin dissociated themselves from him. He was afflicted with leprosy, as it is stated: “Purge me with hyssop and I shall be clean; wash me, and I shall be whiter than snow” (Psalms 51:9), indicating that he required purification like a leper. The Divine Presence abandoned him, as it is stated: “Restore me to joy of Your salvation; and uphold me with a willing spirit” (Psalms 51:14). And the members of the Sanhedrin dissociated themselves from him, as it is stated: “Let those who fear You turn to me, and those who have known Your testimonies” (Psalms 119:79). From where do we derive that this lasted for six months? It is derived as it is written: “And the days that David reigned over Israel were forty years;

⁶¹¹ in Hebron he reigned seven years, and in Jerusalem he reigned thirty-three years” (I Kings 2:11). And it is written: “In Hebron he reigned over Judah seven years and six months and in Jerusalem he reigned for thirty-three years over all Israel and Judah” (II Samuel 5:5). And those six months, the prophet did not tally them as part of the forty years of King David’s reign. Conclude from it that there were six months that he was not considered king because he was afflicted with leprosy.

⁶¹² David said before Him after this: Master of the Universe, pardon me for this sin. God said to him: It is forgiven for you. David requested: “Perform on my behalf a sign for good, that they that hate me may see it and be put to shame” (Psalms 86:17); show me a sign in my lifetime so that everyone will know that You have forgiven me. God said to him: In your lifetime I will not make it known that you were forgiven, but I will make it known in the lifetime of your son, Solomon.

⁶¹³ The Gemara explains: When Solomon built the Temple and sought to bring the Ark into the Holy of Holies, the gates clung together and could not be opened. Solomon uttered twenty-four songs of praise, and his prayer was not answered. He said: “Lift up your heads, you gates, and be you lifted up, you everlasting doors, that the King of glory may come in. Who is the King of glory? The Lord strong and mighty, the Lord mighty in battle” (Psalms 24:7-8). And it is stated: “Lift up your heads, you gates, yea, lift them up, you everlasting doors, that the King of glory may come in. Who then is the King of glory? The Lord of hosts; He is the King of glory. Selah” (Psalms 24:9-10), and he was not answered.

⁶¹⁴ Once he said: “O Lord God, turn not away the face of Your anointed; remember the good deeds of David Your servant” (II Chronicles 6:42), he was immediately answered, and the gates opened (II Chronicles 7:1). At that moment, the faces of all of David’s enemies turned dark like the charred bottom of a pot. And all of the Jewish people knew that the Holy One, Blessed be He, had forgiven him for that sin, as it was only by David’s merit that Solomon’s prayer was answered.

⁶¹⁵ § The mishna states that Gehazi, the attendant of Elisha, has no share in the World-to-Come. The Gemara explains that this is as it is written: And Elisha went to Damascus (see II Kings 8:7). Where

did he go, and for what purpose? Rabbi Yoḥanan says: He went to cause Gehazi to repent, but he did not repent. Elisha said to him: Repent. Gehazi said to him: This is the tradition that I received from you: Whoever sins and causes the masses to sin is not given the opportunity to repent.

⁶¹⁶ What did he do that caused the masses to sin? There are those who say that he hung a magnetic rock on Jeroboam's sin, i.e., on the golden calf that Jeroboam established as an idol, so that he suspended it between heaven and earth, i.e., he caused it to hover above the ground. This seemingly miraculous occurrence caused the people to worship it even more devoutly than before. And there are those who say: He engraved the sacred name of God on its mouth, and it would declare and say: "I am the Lord your God" (Exodus 20:2), and: "You shall not have other gods" (Exodus 20:3). The idol would quote the two prohibitions from the Ten Commandments that prohibit idol worship, causing the people to worship it even more devoutly than before.

⁶¹⁷ And there are those who say: Gehazi pushed the Sages away from coming before him, i.e., he prevented them from learning from Elisha, as it is stated: "And the sons of the prophets said to Elisha, behold this place where we are staying before you is too cramped for us" (II Kings 6:1). It may be derived by inference that until now they were not numerous and the place was not cramped for them, as Gehazi would turn people away.

⁶¹⁸ The Sages taught: Always have the left hand drive sinners away and the right draw them near, so that the sinner will not totally despair of atonement. This is unlike Elisha, who pushed away Gehazi with his two hands and caused him to lose his share in the World-to-Come, and unlike Yehoshua ben Peraḥya, who pushed away Jesus the Nazarene with his two hands.

⁶¹⁹ Elisha drove Gehazi away, as it is written: "And Naaman said: Be content, take two talents. And he urged him, and bound two talents of silver in two bags, with two changes of garments" (II Kings 5:23). Naaman offered Gehazi payment for the help Elisha had given him. The verse states: "And Elisha said to him: Where from, Gehazi? And he said: Your servant went nowhere at all. And he said to him: Went not my heart with you, when the man turned back from his chariot to meet you? Is it the time to receive silver and to receive garments, and olive groves, and vineyards, and sheep and cattle, and menservants and maidservants?" (II Kings 5:25-26). The Gemara asks: And did Gehazi take all that? It is merely silver and garments that he took.

⁶²⁰ Rabbi Yitzḥak says: This was the incident involving Gehazi: At that moment, Elisha was sitting and teaching the halakhot of the eight impure creeping animals. Now Naaman, the general of the army of Aram, was a leper. A certain young Jewish woman who had been taken captive from Eretz Yisrael said to him: If you go to Elisha, he will heal you. When Naaman came to him, Elisha said to him: Go immerse in the Jordan. Naaman said to him: Are you mocking me by suggesting that this will cure me? Those companions who were with Naaman said to him: What is the difference to you? Go, try it. Naaman went and immersed in the Jordan and was healed. Naaman came and brought to Elisha all those items that he had taken with him from Aram, and Elisha did not agree to receive them from him. Gehazi took leave from before Elisha and went and took from Naaman what he took, and he deposited them.

⁶²¹ When Gehazi came, Elisha saw the leprosy that had grown on Gehazi's head. Elisha said to him: Wicked one! The time has arrived to take your reward for studying the matter of the eight creeping animals. Since the silver Gehazi received was his reward for studying the matter of the eight creeping animals, Elisha enumerated eight items that Gehazi sought to purchase with the silver that he took.

Then Elisha said to Gehazi: “The leprosy of Naaman shall cleave to you and to your seed forever. And he went out of his presence a leper as white as snow” (II Kings 5:27). With regard to the verse: “And there were four men afflicted with leprosy at the entrance of the gate” (II Kings 7:3), Rabbi Yoḥanan says: These were Gehazi and his three sons, as he and his descendants were cursed.

⁶²² § What is the incident involving Yehoshua ben Peraḥya? The Gemara relates: When King Yannai was killing the Sages, Yehoshua ben Peraḥya and Jesus, his student, went to Alexandria of Egypt. When there was peace between King Yannai and the Sages, Shimon ben Shataḥ sent a message to Yehoshua ben Peraḥya: From me, Jerusalem, the holy city, to you, Alexandria of Egypt: My sister, my husband is located among you and I sit desolate. The head of the Sages of Israel is out of the country and Jerusalem requires his return.

⁶²³ Yehoshua ben Peraḥya understood the message, arose, came, and happened to arrive at a certain inn on the way to Jerusalem. They treated him with great honor. Yehoshua ben Peraḥya said: How beautiful is this inn. Jesus, his student, said to him: But my teacher, the eyes of the innkeeper’s wife are narrow [terutot]. Yehoshua ben Peraḥya said to him: Wicked one! Do you involve yourself with regard to that matter, the appearance of a married woman? He produced four hundred shofarot and ostracized him.

⁶²⁴ Jesus came before Yehoshua ben Peraḥya several times and said to him: Accept our, i.e., my, repentance. Yehoshua ben Peraḥya took no notice of him. One day Yehoshua ben Peraḥya was reciting Shema and Jesus came before him with the same request. Yehoshua ben Peraḥya intended to accept his request, and signaled him with his hand to wait until he completed his prayer. Jesus did not understand the signal and thought: He is driving me away. He went and stood a brick upright to serve as an idol and he bowed to it. Yehoshua ben Peraḥya then said to Jesus: Repent. Jesus said to him: This is the tradition that I received from you: Whoever sins and causes the masses to sin is not given the opportunity to repent. And the Master says: Jesus performed sorcery, incited Jews to engage in idolatry, and led Israel astray. Had Yehoshua ben Peraḥya not caused him to despair of atonement, he would not have taken the path of evil.

⁶²⁵ It is taught in a baraita that Rabbi Shimon ben Elazar says: With regard to the evil inclination, to a child, and to a woman, have the left hand drive them away and the right draw them near. Total rejection of the evil inclination will lead to inaction, unlike channeling its power in a positive direction. One should not draw them too near, lest they lead him to sin, but one should not drive his wife or his child away completely, lest he cause them to abandon the path of righteousness.

⁶²⁶ The Sages taught: Elisha fell ill with three illnesses: One illness was due to the fact that he incited bears to attack and eat children (see II Kings 2:24-25); and one was due to the fact that he pushed Gehazi away with two hands and caused him to despair of atonement; and one was the illness from which he died, as it is stated: “And Elisha was fallen ill of his illness from which he was to die” (II Kings 13:14), indicating that he had previously suffered other illnesses.

⁶²⁷ Apropos the death of Elisha, the Gemara says: Until the time of Abraham there was no aging, and the old and the young looked the same. Anyone who saw Abraham said: That is Isaac, and anyone who saw Isaac said: That is Abraham. Abraham prayed for mercy, that he would undergo aging, as it is stated: “And Abraham was old, well stricken in age” (Genesis 24:1). There is no mention of aging before that verse. Until the time of Jacob there was no weakness, i.e., illness. Jacob prayed for mercy and there was weakness, as it is stated: “And one said to Joseph: Behold, your father is ill” (Genesis

48:1). Until the time of Elisha, there was no ill person who recovered, and Elisha came and prayed for mercy and recovered, as it is stated: “And Elisha was fallen ill of his illness from which he was to die” (II Kings 13:14). That is the first mention of a person who was ill and who did not die from that illness.

⁶²⁸ MISHNA: The members of the generation of the flood have no share in the World-to-Come and will not stand in judgment at the end of days, as it is stated: “My soul shall not abide [yadon] in man forever” (Genesis 6:3); neither will they stand in judgment [din] nor shall their souls be restored to them. The members of the generation of the dispersion have no share in the World-to-Come, as it is stated: “And the Lord scattered them from there upon the face of all the earth” (Genesis 11:8), and it is written: “And from there did the Lord scatter them upon the face of all the earth” (Genesis 11:9). “And the Lord scattered them” indicates in this world; “and from there did the Lord scatter them” indicates for the World-to-Come. The people of Sodom have no share in the World-to-Come, as it is stated: “And the men of Sodom were wicked and sinners before the Lord exceedingly” (Genesis 13:13). “Wicked” indicates in this world; “and sinners” indicates for the World-to-Come. But they will stand in judgment and they will be sentenced to eternal contempt.

⁶²⁹ Rabbi Neḥemya says: Both these, the people of Sodom, and those, the members of the generation of the flood, will not stand in judgment, as it is stated: “Therefore the wicked shall not stand

⁶³⁰ in judgment, nor sinners in the congregation of the righteous” (Psalms 1:5). “Therefore the wicked shall not stand in judgment”; this is referring to the generation of the flood, about whom it is written: “The wickedness of man was great upon the earth” (Genesis 6:5). “Nor sinners in the congregation of the righteous”; these are the people of Sodom, about whom it is written: “And the men of Sodom were wicked and sinners” (Genesis 13:13). The Sages said to Rabbi Neḥemya: They will not stand in judgment for resurrection in the congregation of the righteous, but they will stand in judgment in the congregation of the wicked.

⁶³¹ The spies who spread an evil report of their visit to Canaan have no share in the World-to-Come, as it is stated: “And those men who spread the evil report about the land died by plague before the Lord” (Numbers 14:37). “And...died” indicates in this world; “by plague” indicates for the World-to-Come.

⁶³² The members of the generation of the wilderness have no share in the World-to-Come and will not stand in judgment, as it is stated: “In this wilderness they shall be consumed, and there they shall die” (Numbers 14:35). “They shall be consumed” indicates in this world; “and there they shall die” indicates for the World-to-Come; this is the statement of Rabbi Akiva. Rabbi Eliezer says: The members of the generation of the wilderness were essentially righteous, and about them the verse says: “Gather My pious together to Me, those that have entered into My covenant by offering” (Psalms 50:5). It is they who entered into the covenant with God and they will certainly be rewarded in the future.

⁶³³ The assembly of Korah is not destined to arise for resurrection, as it is stated: “And the earth closed upon them” (Numbers 16:33), meaning in this world, and also: “And they perished from among the assembly” (Numbers 16:33), meaning in the World-to-Come; this is the statement of Rabbi Akiva. Rabbi Eliezer says: About them the verse says: “The Lord kills and makes alive; He lowers to the grave, and raises” (I Samuel 2:6), indicating that the assembly of Korah has a share in the World-to-Come.

⁶³⁴ GEMARA: The Sages taught in a baraita: The members of the generation of the flood have no share in the World-to-Come, as it is stated: “And He obliterated every living thing that was upon the face of the ground, from man to cattle to creeping animal to the birds of the heaven; and they were obliterated from the earth” (Genesis 7:23). “And He obliterated every living thing” indicates in this world, whereas “and they were obliterated from the earth” indicates for the World-to-Come; this is the statement of Rabbi Akiva. Rabbi Yehuda ben Beteira says: The members of the generation of the flood will neither live nor be judged, as it is stated: “My soul shall not abide [yadon] in man forever” (Genesis 6:3), meaning neither will they stand in judgment [din], nor shall their souls be restored to them. Alternatively, “My soul shall not abide” means their souls will not return to their sheaths [nadan], i.e., to their bodies.

⁶³⁵ Rabbi Menahem, son of Rabbi Yosef, says: Even at a time when the Holy One, Blessed be He, restores souls to lifeless corpses, the souls of the generation of the flood will afflict them harshly as if they were in Gehenna, as it is stated: “You shall conceive chaff; you shall bring forth straw; your soul is a fire that shall devour you” (Isaiah 33:11).

⁶³⁶ The Sages taught in a baraita (Tosefta, Sota 3:10): The generation of the flood became haughty and sinned due only to the excessive goodness that the Holy One, Blessed be He, bestowed upon them. And what is written concerning them, indicating that goodness? “Their houses are safe without fear, nor is the rod of God upon them” (Job 21:9). And it is written: “Their bull sires, and will not fall; their cow calves, and does not cast her calf” (Job 21:10). And it is written: “They send forth their little ones like a flock, and their children dance” (Job 21:11). And it is written: “They sing to the timbrel and harp, and rejoice at the sound of the pipe” (Job 21:12). And it is written: “They shall spend their days in prosperity, and their years in pleasures” (Job 36:11). And it is written: “And peacefully they go down to the grave” (Job 21:13).

⁶³⁷ And that success caused them to say to God: “Depart from us; for we desire not the knowledge of Your ways. What is the Almighty, that we should serve Him, and what profit should we have if we pray unto Him” (Job 21:14-15). The members of the generation of the flood said: Do we need Him for anything, even for the drop of rain that He causes to fall? We have rivers and springs from which we take our supply of water; we do not fear Him. The Holy One, Blessed be He, said: With the goodness that I bestowed upon them, with that they infuriate Me and with it I will sentence them, as it is stated: “And behold I will bring the flood of water” (Genesis 6:17).

⁶³⁸ Rabbi Yosei says: The generation of the flood became haughty due only to the covetousness of the eyeball, which is similar to water, as it is stated: “And the sons of the prominent men saw that the daughters of men were fair; and they took for themselves wives from anyone they chose” (Genesis 6:2). Consequently, God punished them with water, which is similar to an eyeball [legalgal ha’ayin], as it is stated: “All the fountains [mayenot] of the great deep were breached, and the flues of heaven were opened” (Genesis 7:11).

⁶³⁹ Rabbi Yoḥanan says: The members of the generation of the flood sinned with “great” and were punished with “great.” They sinned with “great,” as it is stated: “And the Lord saw that the wickedness of man was great” (Genesis 6:5). And they were punished with great, as it is stated: “All the fountains of the great deep were breached” (Genesis 7:11). Rabbi Yoḥanan says: Three fountains of the great deep that were breached in the flood remained, and boiling water continues to flow in

them as it did during the flood. They are: Beloa of Gader, and the hot springs of Tiberias, and the great spring of Beiram.

⁶⁴⁰ With regard to the verse: “For all flesh had corrupted its way upon the earth” (Genesis 6:12), Rabbi Yoḥanan says: This teaches that the people of the generation of the flood mated male domesticated animals with female undomesticated animals, and male undomesticated animals with female domesticated animals, and all male animals with human females, and human males with all female animals. Rabbi Abba bar Kahana says: And after the flood all of the creatures returned to mate with their own species, except for the bird called tushlami, which continued to mate with other species.

⁶⁴¹ With regard to the verse: “And God said to Noah: The end of all flesh is come before Me, for the earth is filled with robbery through them, and behold, I will destroy them with the earth” (Genesis 6:13), Rabbi Yoḥanan says: Come and see how great is the power of robbery, as the generation of the flood violated every precept, but their sentence to be destroyed was not sealed until they extended their hands and engaged in robbery, as it is stated: “For the earth is filled with robbery through them, and behold, I will destroy them with the earth” (Genesis 6:13). And it is written: “Robbery is risen up into a rod of wickedness; nothing comes from them, nor from their multitude, nor from any of them, nor shall there be wailing [no’ah] for them” (Ezekiel 7:11).

⁶⁴² Rabbi Elazar says: This teaches that robbery straightened itself like a rod and stood before the Holy One, Blessed be He, and said before Him: Master of the Universe: “Nothing comes from them, nor from their multitude, nor from any of them, nor shall there be wailing for them,” i.e., none of the robbers are fit to exist.

⁶⁴³ And the sentence of Noah was also sealed; he was going to die with the rest of the generation of the flood, as it is stated: Nor shall there be No’ah for them. The Gemara interprets the term spelled nun, heh, in the aforementioned verse, as if it were spelled nun, het. The school of Rabbi Yishmael taught: The sentence of Noah was also decided; but he was spared through the kindness of God due to the fact that he found favor in the eyes of God, as it is stated: “For I regret that I have made them. And Noah found favor in the eyes of the Lord” (Genesis 6:7-8). The juxtaposition of the term “and Noah” to the phrase “for I regret that I have made them” indicates that Noah should have been killed as well.

⁶⁴⁴ It is written: “Vayyinaḥem the Lord that He made man on the earth [ba’aretz]” (Genesis 6:6). The meaning of the term “vayyinaḥem” is subject to a dispute. When Rav Dimi came from Eretz Yisrael to Babylonia, he said in explanation: The Holy One, Blessed be He, said: I did well that I prepared graves for people in the earth [ba’aretz]. The Gemara asks: From where is it inferred that the term “vayyinaḥem” has a positive connotation? The Gemara answers: It is written here: “Vayyinaḥem,” and it is written there: “And he comforted them [vayenaḥem otam] and spoke to their heart” (Genesis 50:21).

⁶⁴⁵ And there are those who say that the term “vayyinaḥem” has a different meaning: I did not do well that I prepared graves for people in the earth, as I should not have created them in order to destroy them. From where is it inferred that the term “vayyinaḥem” has a negative connotation? It is written here: “Vayyinaḥem,” and it is written there: “And the Lord regretted [vayyinaḥem] the evil that He thought to do to His people” (Exodus 32:14).

⁶⁴⁶ § With regard to the verse: “These are the generations of Noah; Noah was a righteous man, and wholehearted in his generations” (Genesis 6:9), Rabbi Yoḥanan says: Relative to the other people of his generation he was righteous and wholehearted, but not relative to those of other generations. And Reish Lakish says: In his generation he was righteous and wholehearted despite being surrounded by bad influences; all the more so would he have been considered righteous and wholehearted in other generations.

⁶⁴⁷ Rabbi Ḥanina says: There is a parable for the statement of Rabbi Yoḥanan; to what is this matter comparable? It is comparable to a barrel of wine that was placed in a cellar where vinegar is stored; in its place, its fragrance diffuses, i.e., is noticeable, relative to the odor of the vinegar. When it is not in its place surrounded by vinegar, its fragrance does not diffuse, and its pleasant odor is not sensed. Rabbi Oshaya says: There is a parable for the statement of Reish Lakish; to what is this matter comparable? It is comparable to a flask of perfume [palyaton] that was placed in a location of filth. In its place its fragrance diffuses despite the ambient odor, and all the more so is its fragrance noticeable if it is placed in a location where there is perfume.

⁶⁴⁸ With regard to the verse: “And He obliterated every living thing that was upon the face of the ground, from man to cattle to creeping animal to the birds of the heaven” (Genesis 7:23), the Gemara asks: If man sinned, in what way did the animal kingdom sin that it, too, warranted destruction?

⁶⁴⁹ The Gemara answers: It was taught in the name of Rabbi Yehoshua ben Korḥa: There is a parable for this matter, to a man who fashioned a wedding canopy for his son and prepared all sorts of food for the wedding feast. Sometime later, before the wedding, his son died. What did the man do? He arose and dismantled his son’s wedding canopy. He said: Did I do this for any reason other than for my son? Now that my son has died, why do I need a wedding canopy? So too, the Holy One, Blessed be He, said: Did I create domesticated animals and non-domesticated animals for any reason other than for man? Now that man sins and is sentenced to destruction, why do I need domesticated animals and non-domesticated animals?

⁶⁵⁰ It is written: “Of all that was on dry land died” (Genesis 7:22), from which it is inferred: But not the fish that are in the sea, which are not on dry land.

⁶⁵¹ Rabbi Yosei from Caesarea taught: What is the meaning of that which is written: “He is swift upon the face of the waters; their portion is cursed in the earth; he turns not by way of the vineyards” (Job 24:18)? This teaches that Noah the righteous would rebuke the people of his generation and say to them: Repent. And if you do not, the Holy One, Blessed be He, will bring a flood upon you and float your corpses on the water like wineskins filled with air that float on water, as it is stated: “He is swift upon the face of the waters.” Moreover, a curse is taken from them to all who enter the world, as people will curse others, saying: They shall be like the generation of the flood. As it is stated: “Their portion is cursed in the earth.”

⁶⁵² The conclusion of that verse: “He turns not by way of the vineyards,” teaches that they would clear a path through vineyards. They said to Noah: And who is preventing the flood from coming? Noah said to them: I have one pigeon, Methuselah, who will die at his appointed time, which I must remove from among you before the flood.

⁶⁵³ They said to him: If so we will not clear a path through vineyards, i.e., we will continue to sin.

⁶⁵⁴ Rava taught: What is the meaning of that which is written: “A contemptible torch [lapid] in the thought of him that is at ease, a thing ready for them whose foot slips” (Job 12:5)? This teaches that Noah the righteous would rebuke the people of his generation, and he said to them statements that are harsh as torches [kelapidim], and they would treat him with contempt. They said to him: Old man, why are you building this ark? Noah said to them: The Holy One, Blessed be He, is bringing a flood upon you. They said to him: A flood of what? If it is a flood of fire, we have another item and it is called alita, and it is fireproof. And if it is a flood of water that He brings, if He brings the water from the earth, we have iron plates with which we can plate the earth to prevent the water from rising. And if He brings the water from the heavens, we have an item and it is called ekev, and some say it is called ikkesh, which will absorb the water.

⁶⁵⁵ Noah said to them: If He wishes He will bring the water from between your feet and you can do nothing to prevent it, as it is stated: “For them whose foot slips.” It is taught in a baraita: The waters of the flood were as hard and thick as semen, as it is stated: “For them whose foot slips”; foot is a euphemism. Rav Ḥisda says: With hot semen they sinned, and with hot water they were punished. As it is written here, at the conclusion of the flood: “And the waters assuaged” (Genesis 8:1), and it is written there: “Then the king’s wrath was assuaged” (Esther 7:10). Just as the term “assuaged” there is referring to the heat of Ahasuerus’s wrath, so too, “assuaged” with regard to the flood is referring to the heat of the waters.

⁶⁵⁶ With regard to the verse: “And it came to pass that after seven days the waters of the flood were upon the earth” (Genesis 7:10), the Gemara asks: What is the nature of these seven additional days?

⁶⁵⁷ Rav says: These were the days of mourning for the death of Methuselah; and this is to teach you that eulogies for the righteous prevent calamities from ensuing. Alternatively, “after seven days” means that the Holy One, Blessed be He, altered the order of Creation for that generation, i.e., in seven days He reversed the process of Creation, so that the sun would emerge in the west and set in the east. Alternatively, it means that the Holy One, Blessed be He, designated a substantial period for them, one hundred and twenty years, to repent, and thereafter designated a brief period for them, an additional seven days, as a final opportunity for them to repent. Alternatively, “after seven days” means that during those seven days, God gave them a foretaste of the delights of the World-to-Come, which will be actualized during the seventh millennium, so that they would know what munificence their sins prevented them from receiving.

⁶⁵⁸ § With regard to the verse: “Of every kosher animal you shall take to you by sevens, husband and wife” (Genesis 7:2), the Gemara asks: Is there marriage for animals? Rabbi Shmuel bar Nahmani says that Rabbi Yonatan says: The reference is to those animals with which the transgression of relations with another species was not performed. Therefore, the Torah underscores that the animals that entered the ark were husband and wife.

⁶⁵⁹ The Gemara asks: From where did Noah know which animals were not involved in that transgression? Rav Ḥisda says: He passed them before the ark. All animals that the ark accepted, it was known that a transgression had not been performed with them. And any animal that the ark did not accept, it was known that a transgression had been performed with it. Rabbi Abbahu says: Noah took onto the ark only from those animals that came on their own, as it appeared that they were sent from Heaven, and they were certainly fit for this purpose.

⁶⁶⁰ With regard to the verse: “Make you an ark of gopher wood” (Genesis 6:14), the Gemara asks: What is gopher wood? Rav Adda says that they say in the school of Rabbi Sheila: This is wood from the mavliga tree; and some say that it is wood from the willow [gulamish] tree.

⁶⁶¹ With regard to the verse: “A tzohar you shall make for the ark” (Genesis 6:16), Rabbi Yoḥanan says that the Holy One, Blessed be He, said to Noah: Set precious stones and jewels in the ark so that they will shine for you as the afternoon [tzohorayim] sun.

⁶⁶² With regard to the verse: “And to a cubit you shall finish it above” (Genesis 6:16), the Gemara explains that in that manner, having been built wide at its base and narrow at its top, the ark would stand upright and would not capsize.

⁶⁶³ With regard to the verse: “With lower, second and third stories shall you make it” (Genesis 6:16), it was taught in a baraita: The bottom story was for manure, the middle story was for animals, and the top story was for people.

⁶⁶⁴ With regard to the verse: “And he sent forth the raven, which went forth to and fro, until the waters were dried up from the earth” (Genesis 8:7), Reish Lakish says: The raven provided a convincing response to Noah; when it did not wish to leave the ark the raven said to him: Your Master, God, hates me, and you hate me. Your Master hates me, as He commanded to take from the kosher species seven and from the non-kosher species two. And you hate me, as you disregard those from the species of seven, i.e., the kosher birds, and instead dispatch one from the species of two, i.e., the non-kosher birds. If the angel of heat or the angel of cold harms me and kills me, will the world not be lacking one species of creature, as there was only one pair of ravens? Or perhaps you are sending me because it is my wife that you need, in order to engage in intercourse with her.

⁶⁶⁵ Noah said to the raven: Wicked one! If with the woman who is generally permitted to me, my wife, intercourse is forbidden to me, then with regard to domesticated and undomesticated animals, which are generally forbidden to me, is it not all the more so the case that they are forbidden to me?

⁶⁶⁶ The Gemara asks: And from where do we derive that it was prohibited for them to engage in intercourse while in the ark? The Gemara answers: It is derived from that which is written: “And you shall come into the ark, you, and your sons, and your wife, and your sons’ wives with you” (Genesis 6:18); and it is written: “Emerge from the ark, you and your wife, and your sons and your sons’ wives with you” (Genesis 8:16). And Rabbi Yoḥanan says: From here, the Sages derived and said that it was prohibited to engage in intercourse while in the ark, as when Noah and his family entered, the husbands and wives were listed separately, and when they emerged, the husbands were listed with their wives.

⁶⁶⁷ The Sages taught: Three violated that directive and engaged in intercourse while in the ark, and all of them were punished for doing so. They are: The dog, and the raven, and Ham, son of Noah. The dog was punished in that it is bound; the raven was punished in that it spits, and Ham was afflicted in that his skin turned black.

⁶⁶⁸ With regard to the verse: “And he sent forth the dove from him, to see if the waters abated” (Genesis 8:8), Rabbi Yirmeya says: From here it is derived that the dwelling place of kosher birds in the ark was with the righteous people, as the verse emphasizes that Noah dispatched the dove from his place.

⁶⁶⁹ With regard to the verse: “And in her mouth was an olive branch plucked off [taraf]” (Genesis 8:11), Rabbi Elazar says: The dove said before the Holy One, Blessed be He: Master of the Universe, may my sustenance be bitter as the olive and dependent on Your hands, and not sweet as honey and dependent on the hands of flesh and blood. The Gemara asks: From where may it be inferred that taraf is a term that indicates sustenance? The Gemara answers: It is inferred from that which is written: “Feed me [hatrifeni] with my allotted portion” (Proverbs 30:8).

⁶⁷⁰ With regard to the verse: “After their kinds [lemishpeḥoteihem], they emerged from the ark” (Genesis 8:19), Rabbi Yoḥanan says: After their kinds [lemishpeḥotam] the animals emerged, but not them [hem] themselves, as some of the animals that entered the ark died during that year and it was their descendants who emerged.

⁶⁷¹ Rav Ḥana bar Bizna says: Eliezer, servant of Abraham, said to Shem the Great, son of Noah: It is written: “After their kinds, they emerged from the ark,” indicating that the different types of animals were not intermingled while in the ark. Where were you and what did you do to care for them while they were in the ark? Shem said to him: We experienced great suffering in the ark caring for the animals. Where there was a creature that one typically feeds during the day, we fed it during the day, and where there was a creature that one typically feeds at night, we fed it at night. With regard to that chameleon, my father did not know what it eats. One day, my father was sitting and peeling a pomegranate. A worm fell from it and the chameleon ate it. From that point forward my father would knead bran with water, and when it became overrun with worms, the chameleon would eat it.

⁶⁷² With regard to the lion, a fever sustained it, since when it suffered from a fever, it did not need to eat; as Rav said: For no fewer than six days and no more than twelve days, fever sustains a person; he need not eat and is sustained from his own fats. Shem continued: With regard to the phoenix [avarshina], my father found it lying in its compartment on the side of the ark. He said to the bird: Do you not want food? The bird said to him: I saw that you were busy, and I said I would not trouble you by requesting food. Noah said to the bird: May it be God’s will that you shall not die, and through that bird the verse was fulfilled, as it is stated: “And I said, I shall die in my nest, and I shall multiply my days as the phoenix” (Job 29:18).

⁶⁷³ § Rav Ḥana bar Leva’ei says that Shem the Great said to Eliezer, servant of Abraham: When the four great kings of the east and the west came upon you to wage war with Abraham, what did you do? Eliezer said to him: The Holy One, Blessed be He, brought Abraham and placed him to His right, and we would throw dust and it became swords, and we threw straw and it became arrows, as it is stated: “A Psalm of David. The Lord says to my master: Sit to My right, until I make your enemies your footstool” (Psalms 110:1), and it is written: “Who has raised up one from the east at whose steps victory attends? He gives nations before him, and makes him rule over kings; his sword makes them as the dust, his bow as driven straw” (Isaiah 41:2).

⁶⁷⁴ Apropos Abraham’s miraculous weapons, the Gemara relates: Naḥum of Gam Zo was accustomed that in response to any circumstance that arose in his regard, he would say: This too [gam zo] is for the best. One day the Jewish people sought to send a gift [doron] to the emperor. They said: With

⁶⁷⁵ whom shall we send the gift? They decided: We will send it with Naḥum of Gam Zo, as he is experienced in miracles.

⁶⁷⁶ When he reached a certain lodging, he sought to sleep there. The residents of that lodging said to him: What do you have with you? Naḥum said to them: I am taking the head tax to the emperor. They rose in the night, opened his chest and took everything that was in it, and then filled the chest with dirt. When he arrived there, in Rome, earth was discovered in the chest. The emperor said: The Jews are mocking me by giving me this gift. They took Naḥum out to kill him. Naḥum said: This too is for the best. Elijah the prophet came and appeared to them as one of Naḥum's traveling party. Elijah said to them: Perhaps this earth is from the earth of Abraham our forefather, who would throw dust and it became swords, and who would throw straw and it became arrows. They examined the dust and discovered that it was indeed the dust of Abraham.

⁶⁷⁷ There was a province that the Romans were unable to conquer. They threw some of this earth upon that province and they conquered it. In appreciation for the gift that Naḥum of Gam Zo had brought on behalf of the Jewish people, they brought him into the treasury and said: Take that which is preferable to you. He filled his chest with gold. When he returned to that lodging, those residents said to him: What did you bring to the king's palace? Naḥum said to them: What I took from here, I brought to there. The residents concluded that the earth with which they had filled the chest had miraculous properties. They took earth and brought it to the emperor. Once the Romans discovered that the earth was ineffective in battle, they executed those residents.

⁶⁷⁸ § The mishna teaches that the members of the generation of the dispersion have no share in the World-to-Come. The Gemara asks: What sin did they perform? Their sin is not explicitly delineated in the Torah. The school of Rabbi Sheila say that the builders of the Tower of Babel said: We will build a tower and ascend to heaven, and we will strike it with axes so that its waters will flow. They laughed at this explanation in the West, Eretz Yisrael, and asked: If that was their objective, let them build a tower on a mountain; why did they build it specifically in a valley (see Genesis 11:2)?

⁶⁷⁹ Rather, Rabbi Yirmeya bar Elazar says: They divided into three factions; one said: Let us ascend to the top of the tower and dwell there. And one said: Let us ascend to the top of the tower and engage in idol worship. And one said: Let us ascend to the top of the tower and wage war. With regard to that faction that said: Let us ascend to the top of the tower and dwell there, God dispersed them. And that faction that said: Let us ascend to the top of the tower and wage war, became apes, and spirits, and demons, and female demons. And with regard to that faction that said: Let us ascend to the top of the tower and engage in idol worship, it is written: "Because there the Lord confounded the language of all the earth" (Genesis 11:9).

⁶⁸⁰ It is taught in a baraita: Rabbi Natan says: All of those factions intended to build the tower for the sake of idol worship. It is written here: "And let us make a name for us" (Genesis 11:4), and it is written there: "And make no mention of the name of the other gods" (Exodus 23:13). Just as there, the connotation of "name" is idol worship, so too here, the connotation of "name" is idol worship.

⁶⁸¹ Rabbi Yoḥanan says: The uppermost third of the tower was burned, the lowermost third of the tower was swallowed into the earth, and the middle third remained intact. Rav says: The atmosphere of the tower causes forgetfulness; anyone who goes there forgets what he has learned. As a result of the building of the tower, forgetting was introduced into the world. Rav Yosef says: Babylonia and the adjacent place, Bursif, are each a bad omen for Torah, i.e., they cause one to forget his knowledge. The Gemara asks: What is the meaning of Bursif? Rabbi Asi says: It is an abbreviation of empty pit [bor shafi].

⁶⁸² § The mishna teaches: The people of Sodom have no share in the World-to-Come. The Sages taught: The people of Sodom have no share in the World-to-Come, as it is stated: “And the men of Sodom were wicked and sinners before the Lord exceedingly” (Genesis 13:13). “Wicked” indicates in this world; “and sinners” indicates for the World-to-Come.

⁶⁸³ Rav Yehuda says: “Wicked” is referring to sins they committed with their bodies; “and sinners” is referring to sins they committed with their money. “Wicked” is referring to sins they committed with their bodies, as it is written with regard to Joseph and the wife of Potiphar: “And how can I do this great wickedness, and sin against God” (Genesis 39:9). “And sinners” is referring to sins they committed with their money, as it is written: “And your eye is wicked against your poor brother, and you give him nothing...for it shall be reckoned to you as a sin” (Deuteronomy 15:9). “Before the Lord”; this is referring to blessing, a euphemism for cursing, God. “Exceedingly” means that they had intent and sinned and did not sin unwittingly or driven by lust.

⁶⁸⁴ It was taught in a baraita: “Wicked” is referring to sins they committed with their money; “and sinners” is referring to sins they committed with their bodies. “Wicked” is referring to sins they committed with their money, as it is written: “And your eye is wicked against your poor brother and you give him nothing” (Deuteronomy 15:9). “And sinners” is referring to sins they committed with their bodies, as it is written with regard to Joseph and the wife of Potiphar: “And sin against God” (Genesis 39:9). “Before the Lord”; this is referring to blessing, a euphemism for cursing, God. “Exceedingly [meod]” is referring to bloodshed, as it is stated: “Moreover Manasseh shed very [meod] much blood” (II Kings 21:16).

⁶⁸⁵ The Sages taught: The people of Sodom became haughty and sinned due only to the excessive goodness that the Holy One, Blessed be He, bestowed upon them. And what is written concerning them, indicating that goodness? “As for the earth, out of it comes bread, and underneath it is turned up as it were by fire. Its stones are the place of sapphires, and it has dust of gold. That path no bird of prey knows, neither has the falcon’s eye seen it. The proud beasts have not trodden it, nor has the lion passed thereby” (Job 28:5–8). The reference is to the city of Sodom, which was later overturned, as it is stated thereafter: “He puts forth His hand upon the flinty rock; He overturns the mountains by the roots” (Job 28:9).

⁶⁸⁶ The people of Sodom said: Since we live in a land from which bread comes and has the dust of gold, we have everything that we need. Why do we need travelers, as they come only to divest us of our property? Come, let us cause the proper treatment of travelers to be forgotten from our land, as it is stated: “He breaks open a watercourse in a place far from inhabitants, forgotten by pedestrians, they are dried up, they have moved away from men” (Job 28:4).

⁶⁸⁷ Rava taught: What is the meaning of that which is written: “How long will you seek to overwhelm a man? You will all be murdered like a leaning wall or a tottering fence” (Psalms 62:4)? This teaches that the people of Sodom set their sights on property owners. They would take one and place him alongside an inclined, flimsy wall that was about to fall, and push it upon him to kill him, and then they would come and take his property.

⁶⁸⁸ Rava taught: What is the meaning of that which is written: “In the dark they dig through houses; by day they shut themselves up; they know not the light” (Job 24:16)? This teaches that they would set their sights on property owners. They would take one and they would give him balsam, whose smell diffuses, and the property owner would place it in his treasury. In the evening, the people of

Sodom would come and sniff it out like a dog and discover the location of the property owner's treasury, as it is stated: "They return at evening; they howl like a dog, and go round about the city" (Psalms 59:7). And after discovering the location they would come and dig there, and they would take that property.

⁶⁸⁹ The Gemara cites verses that allude to the practices of the people of Sodom: "They lie at night naked without clothing, and they have no covering in the cold" (Job 24:7). And likewise: "They drive away the donkey of the fatherless; they take the widow's ox as a pledge" (Job 24:3). And likewise: "They trespass; they violently steal flocks and graze them" (Job 24:2). And likewise: "For he is brought to the grave, and watch is kept over his tomb" (Job 21:32).

⁶⁹⁰ Rabbi Yosei taught in Tzipori the methods of theft employed in Sodom. That night three hundred tunnels were excavated in Tzipori in order to employ those methods. Homeowners came and harassed him; they said to him: You have given a way for thieves to steal. Rabbi Yosei said to them: Did I know that thieves would come as a result of my lecture? The Gemara relates: When Rabbi Yosei died, the gutters of Tzipori miraculously overflowed with blood as a sign of his death.

⁶⁹¹ The people of Sodom would say: Anyone who has one ox shall herd the city's oxen for one day. Anyone who does not have any oxen shall herd the city's oxen for two days. The Gemara relates: They gave oxen to a certain orphan, son of a widow, to herd. He went and took them and killed them. The orphan said to the people of Sodom:

⁶⁹² Let anyone who has one ox take one hide and let anyone who does not have an ox take two hides. The people of Sodom said to the orphan: What is the reason for this? The orphan said to them: The ultimate rule is parallel to the initial rule; just as the initial rule is that anyone who has one ox shall herd the city's animals for one day and anyone who does not have any oxen shall herd the city's animals for two days, so too, the ultimate rule is: Let anyone who has one ox take one hide and let anyone who does not have an ox take two hides.

⁶⁹³ Furthermore, they declared in Sodom: Let one who crosses on a ferry give one dinar as payment; let one who does not cross on a ferry, but walks in the river, give two dinars. In addition, when there was anyone who had a row of bricks, each and every one of the people of Sodom would come and take one brick and say to him: I am taking only one, and you are certainly not particular about so inconsequential an item, and they would do this until none remained. And when there was anyone who would cast garlic or onions to dry, each and every one of the people of Sodom would come and take one and say to him: I took only one garlic or onion, and they would do this until none remained.

⁶⁹⁴ There were four judges in Sodom and they were named for their actions: Shakrai, meaning liar, and Shakrurai, habitual liar, Zayfai, forger, and Matzlei Dina, perverter of justice. These were the judgments that they rendered: In a case of one who strikes the wife of another and causes her to miscarry, they would say to the woman's husband: Give the woman to the one who struck her, so that she will be impregnated for you again. In a case of one who severed the ear of another's donkey, they would say to the owner of the donkey: Give the donkey to the one who caused the damage, until the ear grows back. In a case of one who wounds another, they would say to the injured party: Give the one who wounded you a fee, as he let your blood.

⁶⁹⁵ And they instituted an ordinance: One who crossed the river on a ferry gives four dinars, and one who crossed the river in the water gives eight dinars. One time a certain launderer came and arrived there. The people of Sodom said to him: Give four dinars as payment for the ferry. He said to them: I

crossed in the water. They said to him: If so, give eight dinars, as you crossed in the water. He did not give the payment, and they struck him and wounded him. He came before the judge to seek compensation. The judge said to him: Give your assailant a fee, as he let your blood, and eight dinars, as you crossed the river in the water.

⁶⁹⁶ Eliezer, servant of Abraham, happened to come there, and they wounded him. He came before the judge to seek compensation. The judge said to him: Give your assailant a fee, as he let your blood. He took a stone and he wounded the judge. The judge said: What is this? Eliezer said to him: The fee that is to be paid to me by you, give it to that person who wounded me, and my money will remain where it remains.

⁶⁹⁷ The Gemara continues to discuss the sins of the people of Sodom: They had beds on which they would lay their guests; when a guest was longer than the bed they would cut him, and when a guest was shorter than the bed they would stretch him. Eliezer, servant of Abraham, happened to come there. They said to him: Come lie on the bed. He said to them: I took a vow that since the day my mother died I do not lie on a bed.

⁶⁹⁸ When a poor person would happen to come to Sodom, each and every person would give him a dinar, and the name of the giver was written on each dinar. And they would not give or sell him bread, so that he could not spend the money and would die of hunger. When he would die, each and every person would come and take his dinar.

⁶⁹⁹ This is what the people of Sodom stipulated among themselves: Whoever invites a man to a wedding, his cloak will be removed. There was this wedding, and Eliezer, servant of Abraham, arrived there and they did not give him bread. When he sought to dine, Eliezer came and sat at the end, behind everyone. They said to him: Who invited you to here? He said to the one sitting next to him: You invited me. That man said to himself: Perhaps they will hear that I invited him and they will remove the garment of that man, referring to himself. The one who sat next to him took his cloak and ran outside. And likewise, Eliezer did the same for all of them until they all left, and he ate the meal.

⁷⁰⁰ There was a young woman who would take bread out to the poor people in a pitcher so the people of Sodom would not see it. The matter was revealed, and they smeared her with honey and positioned her on the wall of the city, and the hornets came and consumed her. And that is the meaning of that which is written: “And the Lord said: Because the cry of Sodom and Gomorrah is great [rabba]” (Genesis 18:20). And Rav Yehuda says that Rav says: Rabba is an allusion to the matter of the young woman [riva] who was killed for her act of kindness. It is due to that sin that the fate of the people of Sodom was sealed.

⁷⁰¹ § The mishna teaches: The spies who spread an evil report of their visit to Canaan have no share in the World-to-Come, as it is stated: “And those men who spread the evil report about the land died by plague before the Lord” (Numbers 14:37). “And...died” indicates in this world, and “by plague” indicates for the World-to-Come.

⁷⁰² The members of the assembly of Korah have no share in the World-to-Come, as it is stated: “And the earth closed upon them” (Numbers 16:33), meaning in this world, and also: “And they perished from among the assembly” (Numbers 16:33), meaning in the World-to-Come; this is the statement of Rabbi Akiva. Rabbi Eliezer says: About the assembly of Korah, the verse states: “The Lord kills and

makes alive; He lowers to the grave, and raises” (I Samuel 2:6), indicating that the assembly of Korah has a share in the World-to-Come.

⁷⁰³ The Sages taught in a baraita (Tosefta 13:9): The members of the assembly of Korah have no share in the World-to-Come, as it is stated: “And the earth closed upon them” (Numbers 16:33), meaning in this world, and also: “And they perished from among the assembly” (Numbers 16:33), meaning in the World-to-Come; this is the statement of Rabbi Akiva. Rabbi Yehuda ben Beteira says: Although it says that they perished, they are like a lost item that is sought, ultimately found, and rehabilitated, as it is stated: “I have gone astray like a lost sheep; seek out your servant, for I do not forget your mitzvot” (Psalms 119:176).

⁷⁰⁴ Apropos Korah, the Gemara proceeds to interpret the verses written concerning him. “And Korah, son of Izhar, son of Kohath, son of Levi, took [vayikkah]” (Numbers 16:1), Reish Lakish says: He purchased [lakah] a bad acquisition for himself, as through his actions he drove himself from the world. “Korah” alludes to the fact that because of him a void [korha] was created in the children of Israel. “Son of Izhar,” is referring to a son who incited the wrath of the entire world upon him like the heat of the afternoon [tzohorayim]. “Son of Kohath,” is referring to a son who blunted [hik’ha] the teeth of his parents, i.e., he shamed them with his conduct. “Son of Levi,” is referring to a son who became an escort [levaya] in Gehenna.

⁷⁰⁵ The Gemara asks: But if Korah’s lineage is being interpreted disparagingly, why not let the Torah also include: Son of Jacob [Ya’akov], and interpret it: A son who contorted [she’akav] himself until he reached Gehenna? Rav Shmuel bar Rav Yitzhak says: Jacob prayed for mercy for himself that his name would not be included in the lineage of Korah, as it is stated: “Let my soul not come into their council; to their assembly let my honor not be united” (Genesis 49:6). “Let my soul not come into their council”; these are the spies. Jacob prayed that his name would not be mentioned in their regard. “To their assembly let my honor not be united”; this is referring to the assembly of Korah.

⁷⁰⁶ The Gemara proceeds to interpret the names of Korah’s cohorts: “Dathan and Abiram, the sons of Eliab, and On, the son of Peleth, sons of Reuben” (Numbers 16:1). “Dathan” is one who violated the precepts [dat] of God. “Abiram” is one who braced [iber] himself from repenting. “And On” indicates one who sat in acute mourning [aninut] over the sin that he committed, and he repented and was spared. “Peleth” is one for whom wonders [pelaot] were performed. Son of Reuben [Reuven], is a son who saw and understood [ra’a vehevin] the nature of what was transpiring and repented.

⁷⁰⁷ Rav says: On, son of Peleth, did not repent on his own; rather, his wife saved him. She said to him: What is the difference to you? If this Master, Moses, is the great one, you are the student. And if this Master, Korah, is the great one, you are the student. Why are you involving yourself in this matter? On said to her: What shall I do? I was one of those who took counsel and I took an oath with them that I would be with them. She said to him: I know that the entire assembly is holy, as it is written: “For all the assembly is holy” (Numbers 16:3), and they observe the restrictions of modesty. She said to him: Sit, for I will save you. She gave him wine to drink and caused him to become drunk and laid him on a bed inside their tent. She sat at the entrance of the tent

⁷⁰⁸ and exposed her hair as though she were bathing. Anyone who came and saw her stepped back. In the meantime the assembly of Korah was swallowed into the ground, and On, son of Peleth, was spared.

⁷⁰⁹ Korah's wife said to him: See what Moses is doing. He is the king, he appointed his brother High Priest, and he appointed his brother's sons deputy priests. If teruma comes, he says: Let it be for the priest; if the first tithe comes, which you as Levites take, he says: Give one tenth to the priest. And furthermore, he shears your hair and waves you as if you are as insignificant as excrement (see Numbers 8:5–11), as though he set his sights on your hair and wishes you to be shaven and unsightly. Korah said to her: But didn't he also do so; he shaved his hair like the rest of the Levites? She said to him: Since it is all done for his own prominence, he also said metaphorically: "Let me die with the Philistines" (Judges 16:30); he was willing to humiliate himself in order to humiliate you.

⁷¹⁰ She said to him: And furthermore, with regard to that which he said to you, to prepare sky-blue dye for your ritual fringes, one could respond to him: If it enters your mind, Moses, that using sky-blue dye is considered a mitzva, take out robes that are made entirely of material colored with sky-blue dye, and dress all the students of your academy in sky-blue robes without ritual fringes; why could one not fulfill the mitzva in that manner? Clearly, Moses is fabricating all this. This is the meaning of that which is written: "The wisdom of women builds her house" (Proverbs 14:1); this is referring to the wife of On, son of Peleth. And: "Folly plucks it down with her hands" (Proverbs 14:1); this is referring to the wife of Korah.

⁷¹¹ It is written: "And they arose before Moses, with men from the children of Israel, two hundred and fifty princes of the congregation, the elect men of the assembly, men of renown" (Numbers 16:2). These men were the distinctive people of the assembly. "The elect men of the assembly [keri'ei moed]" is referring to those who knew how to intercalate the years and establish the months in order to determine the time for each Festival [moed]. "Men of renown [shem]," is referring to those who had a reputation [shem] throughout the world.

⁷¹² With regard to the verse: "And Moses heard and he fell on his face" (Numbers 16:4), the Gemara asks: What report did he hear that elicited that reaction? Rabbi Shmuel bar Nahmani says that Rabbi Yonatan says: He heard that they suspected him of adultery with a married woman, as it is stated: "And they were jealous of Moses in the camp" (Psalms 106:16). Rabbi Shmuel bar Yitzhak says: This teaches that each and every man warned his wife to distance herself from Moses and not enter into seclusion with him, as it is stated: "And Moses would take the tent and pitch it outside the camp" (Exodus 33:7). It was due to this slander that he withdrew from the camp.

⁷¹³ § With regard to the verse: "And Moses arose and went to Dathan and Abiram" (Numbers 16:25), Reish Lakish says: From here we derive that one may not perpetuate a dispute, as Rav says: Anyone who perpetuates a dispute violates a prohibition, as it is stated: "And he will not be like Korah and his assembly, as the Lord spoke by the hand of Moses to him" (Numbers 17:5). Even the aggrieved party must seek to end the dispute. Dathan and Abiram accused Moses and by right should have initiated the reconciliation. Nevertheless, Moses was not insistent on this; he went to them.

⁷¹⁴ Rav Ashi says: One who perpetuates a dispute is fit to be afflicted with leprosy. It is written here: "By the hand of Moses to him," and it is written there: "And the Lord said furthermore to him: Put now your hand into your bosom. And he put his hand into his bosom; and when he took it out, behold, his hand was leprous, as white as snow" (Exodus 4:6). Based on the verbal analogy based on the term "to him" written in both verses, it is derived that the punishment for perpetuating a dispute is leprosy.

⁷¹⁵ Apropos the prohibition of perpetuating a dispute, Rabbi Yosei says: With regard to anyone who disputes the reign of the house of David, it is fitting for a snake to bite him. As it is written here: “And Adonijah slaughtered sheep and cattle and fatlings by the stone of Zohaleth” (I Kings 1:9); and it is written there: “With the poison of crawling things [zoḥalei] of the dust” (Deuteronomy 32:24). Adonijah, who rebelled against his father, King David, was fit to be bitten by a snake.

⁷¹⁶ Rav Ḥisda says: Anyone who disagrees with his teacher is like one who disagrees with the Divine Presence, as it is stated with regard to Dathan and Abiram: “When they strove against the Lord” (Numbers 26:9), although their dispute was with Moses. Rabbi Ḥama, son of Rabbi Ḥanina, says: Anyone who initiates a quarrel [meriva] with his teacher is like one who initiates a quarrel with the Divine Presence, as it is stated: “These are the waters of Meribah, where the children of Israel quarreled with the Lord” (Numbers 20:13), although their quarrel was with Moses.

⁷¹⁷ Rabbi Ḥanina bar Pappa says: Anyone who expresses resentment against his teacher for wronging him, it is as though he is expressing resentment against the Divine Presence, as it is stated: “Your murmurings are not against us, but against the Lord” (Exodus 16:8). Rabbi Abbahu says: Anyone who suspects his teacher of wrongdoing, it is as though he suspects the Divine Presence, as it is stated: “And the people spoke against God, and against Moses” (Numbers 21:5). The verse likens God and Moses with regard to this matter.

⁷¹⁸ § With regard to the verse: “Wealth is kept for the owner to his detriment” (Ecclesiastes 5:12), Reish Lakish says: This is referring to the wealth of Korah, which was of no use to him. The fact that Korah was wealthy is derived from the verse: “And all the substance that was at their feet” (Deuteronomy 11:6), as Rabbi Elazar says: This is referring to a person’s property, which stands him on his feet. And Rabbi Levi says: The keys alone to Korah’s treasury were a burden requiring three hundred white mules to transport them, and moreover, all the keys [aklidei] and locks were of leather. This conveys the vastness of his wealth.

⁷¹⁹ Rabbi Ḥama, son of Rabbi Ḥanina, says: Joseph concealed three buried treasures in Egypt that he accumulated from the sale of grain during the years of famine. The location of one was revealed to Korah, and the location of one was revealed to Antoninus, son of Asveirus, emperor of Rome, and one remains hidden for the righteous in the future, i.e., in the messianic era.

⁷²⁰ And Rabbi Yoḥanan says: Korah was neither among the swallowed nor among the burned; he died in a plague. He was neither among the swallowed, as it is written: “And the earth opened its mouth and swallowed them and their houses and all the men who were with Korah” (Numbers 16:32), from which it is inferred: But not Korah himself. Nor was he among the burned, as it is written: “When the fire consumed two hundred and fifty men” (Numbers 26:10), but not Korah.

⁷²¹ It was taught in a baraita: Korah was both among the burned and among the swallowed. He was among the swallowed, as it is written: “And the earth opened its mouth and swallowed them with Korah” (Numbers 26:10). He was among the burned, as it is written: “And fire came forth from the Lord, and devoured the two hundred and fifty men that burned the incense” (Numbers 16:35), and Korah was with them.

⁷²² Rava says: What is the meaning of that which is written: “The sun and moon stand still in their habitation [zevula], at the light of Your arrows as they go” (Habakkuk 3:11)? This teaches that the sun and moon ascended to zevul, one of the seven firmaments, in which the upper Temple stands. They said before God: Master of the Universe, if You perform justice for Moses, the son of Amram,

and prove his righteousness, we will emerge and illuminate the world. And if not, we will not emerge. They did not emerge until God fired arrows at them and said to them: You did not protest with regard to My honor, as people would see the sun and the moon each day and worship them, but you protested for the honor of flesh and blood? And today, the sun and the moon do not emerge until they are struck, as in deference to God they hesitate to emerge.

⁷²³ Rava taught: What is the meaning of that which is written: “But if the Lord creates a new creation and the earth opens its mouth” (Numbers 16:30)? Moses said before the Holy One, Blessed be He: If Gehenna is already created, good, but if not, God should create it now. The Gemara asks: For what was Moses asking? If we say that his request was for God to actually create Gehenna, but isn’t it written: “There is nothing new under the sun” (Ecclesiastes 1:9)? There are no new creations after the six days of Creation. Rather, Moses asked God to bring the opening of Gehenna close to there, so that the assembly of Korah would be buried alive.

⁷²⁴ With regard to the verse: “And the sons of Korah did not die” (Numbers 26:11), it is taught in a baraita that in the name of our teacher, the Sages said: A place was fortified for them in Gehenna and they sat upon it and recited songs of praise. Rabba bar bar Ḥana said: One time I was walking on the path, and a certain Arab said to me: Come and I will show you those from the assembly of Korah who were swallowed. I went and I saw two fissures in the ground from which smoke was emerging. That Arab took a woolen fleece and dampened it with water and placed it on the tip of his spear and passed it over the fissures there. The fleece was singed, indicating the level of heat there. He said to me: Listen; what do you hear? And I heard that this is what they were saying: Moses and his Torah are truth, and they, referring to themselves, are liars.

⁷²⁵ The Arab said to him: Every thirty days Gehenna returns them to this place like meat cooking in a cauldron, and they say this: Moses and his Torah are truth, and they are liars.

⁷²⁶ § The mishna teaches: The members of the generation of the wilderness have no share in the World-to-Come. The Sages taught: The members of the generation of the wilderness have no share in the World-to-Come, as it is stated: “In this wilderness they shall be consumed, and there they shall die” (Numbers 14:35). “They shall be consumed” indicates in this world; “and there they shall die” indicates for the World-to-Come. And the verse states with regard to the generation of the wilderness: “Wherefore I took an oath in My anger that they should not enter into My rest” (Psalms 95:11), indicating that they will not be privileged to gain eternal rest; this is the statement of Rabbi Akiva.

⁷²⁷ Rabbi Eliezer says: They come to the World-to-Come, as it is stated: “Gather My pious together to Me, those that have entered into My covenant by offering” (Psalms 50:5). Those who left Egypt entered into an eternal covenant with God at Mount Sinai. But how do I realize the meaning of the phrase “Wherefore I took an oath in My anger”? It must be understood: In My anger I took an oath, and I reconsidered and dissolved the oath when My anger subsided.

⁷²⁸ Rabbi Yehoshua ben Korḥa says: This verse was stated to the generation of the wilderness only with regard to future generations, and should be understood in this manner: “Gather My pious together to Me”; these are the righteous that are in each and every generation. “Those that have entered into My covenant by offering”; these are Hananiah, Mishael, and Azariah, who submitted themselves to the fiery furnace to sanctify God’s name. “By offering”; this is a reference to Rabbi Akiva and his colleagues, who gave themselves up to slaughter over matters of Torah.

⁷²⁹ Rabbi Shimon ben Menasya says: The generation of the wilderness comes to the World-to-Come, as it is stated: “And the redeemed of the Lord shall return and come singing into Zion” (Isaiah 35:10), meaning that those whom God redeemed will yet come to Zion. Rabba bar bar Hana says that Rabbi Yoḥanan says: Rabbi Akiva abandoned his piety and uncharacteristically interpreted the verses harshly, as it is stated with regard to the generation of the wilderness: “Go and cry in the ears of Jerusalem saying, so says the Lord: I remember for you the affection of your youth, the love of your espousals, how you went after Me in the wilderness, in a land that was not sown” (Jeremiah 2:2). Now, if others come into the World-to-Come in the merit of the generation that left Egypt and followed God in the wilderness, is it not all the more so that the generation of the wilderness themselves have a share in the World-to-Come?

⁷³⁰ MISHNA: The ten tribes are not destined to return to Eretz Yisrael, even during the messianic era, as it is stated: “And He cast them into another land, as it is this day” (Deuteronomy 29:27). Just as the day passes never to return, so too, the ten tribes go into exile and do not return; this is the statement of Rabbi Akiva. Rabbi Eliezer says: “As it is this day,” meaning just as the day darkens and then the sky brightens the next day, with regard to the ten tribes as well, although it is dark for them now, so it is destined to brighten for them.

⁷³¹ GEMARA: The Sages taught in a baraita (Tosefta 13:12): The ten tribes have no share in the World-to-Come, as it is stated: “And the Lord rooted them out of their land in anger, and in wrath, and in great indignation; and He cast them into another land, as it is this day” (Deuteronomy 29:27). “And the Lord rooted them out of their land” indicates in this world; “and cast them into another land” indicates for the World-to-Come; this is the statement of Rabbi Akiva. Rabbi Shimon ben Yehuda of the village of Akko says in the name of Rabbi Shimon: If their actions continue to be “as it is this day” and they continue to sin, they do not return to Eretz Yisrael. And if not, and they repent, they return to Eretz Yisrael.

⁷³² Rabbi Yehuda HaNasi says: The members of the ten tribes come to the World-to-Come, as it is stated: “And it shall come to pass on that day, that a great shofar will be sounded, and they shall come who were lost in the land of Assyria and who were dispersed in the land of Egypt, and they shall worship the Lord at the holy mountain in Jerusalem” (Isaiah 27:13). Rabba bar bar Hana says that Rabbi Yoḥanan says: Here too, Rabbi Akiva abandoned his piety and uncharacteristically interpreted the verses harshly, as it is stated with regard to the ten tribes: “Go and proclaim these words toward the north, and say: Return you faithless Israel, says the Lord; I will not frown upon you; for I am merciful, says the Lord, and I will not bear a grudge forever” (Jeremiah 3:12). The prophet prophesies about the return of the ten tribes to Eretz Yisrael.

⁷³³ § The Gemara asks: What is the characteristic piety of Rabbi Akiva mentioned above? The Gemara answers: It is as it is taught in a baraita: The minor children of the wicked of the Jewish people, who died with neither their own virtue nor the virtue of their parents, do not come into the World-to-Come, as it is stated: “For behold the day is coming; it burns like a furnace, and all the arrogant and all who do wickedly shall be straw; and the day that is coming shall burn them up, says the Lord of hosts, so that it will leave them neither root nor branch” (Malachi 3:19). “Root” and “branch” are referring to descendants; they will have neither a root in this world nor a branch in the World-to-Come; this is the statement of Rabban Gamliel.

⁷³⁴ Rabbi Akiva says: They come into the World-to-Come, as it is stated: “The Lord preserves the simple [peta’im]” (Psalms 116:6), as in the cities overseas the residents call a child patya. And the verse states with regard to Nebuchadnezzar: “Hew down the tree and destroy it; yet leave the stump of its roots in the earth” (Daniel 4:20). If that is the case with regard to Nebuchadnezzar, all the more so it is the case with regard to the wicked people of Israel. But how do I realize the meaning of the phrase: “So that it will leave them neither root nor branch”? It means that God will not leave for the wicked a mitzva nor the remnants of a mitzva for which they will be rewarded. Rabbi Akiva dug deep to find a way into the World-to-Come for these children. Alternatively, “root”; this is referring to the soul. “Nor branch”; this is referring to the body.

⁷³⁵ But everyone agrees that the minor children of the wicked of the nations of the world will not come into the World-to-Come, as they have no virtue at all. And Rabban Gamliel derives this matter concerning those children from the verse: “And you have caused all their memory to perish” (Isaiah 26:14).

⁷³⁶ It was stated: With regard to a minor who dies, from when, i.e., from what stage, does he come into the World-to-Come? There is a dispute between Rabbi Ḥiyya and Rabbi Shimon bar Rabbi Yehuda HaNasi. One of them says: From the moment that he is born, and the other one says: From the moment that he begins to talk. The Gemara elaborates: The one who says: From the moment that he is born, derives it from that which is stated: “They shall come and shall declare His righteousness to a people that shall be born, that He has done this” (Psalms 22:32). And the one who says: From the moment that he begins to talk, derives it from that which is written: “Their seed shall serve Him; it shall be told of the Lord to the coming generation” (Psalms 22:31), as from the moment he talks, he belongs to God.

⁷³⁷ It was stated that additional amora'im expressed opinions about the same matter. Ravina says: From the moment that the child is conceived, even before his birth, he can enter the World-to-Come, as it is written: “Their seed shall serve Him” (Psalms 22:31); even as seed the child merits to enter the World-to-Come. Rabbi Naḥman bar Yitzḥak says: From the moment that he is circumcised, as it is written: “I am poor and close to death from youth; I suffered your terrors [emekha], I am numb” (Psalms 88:16). From the moment that one bears the mark that the Jewish people have due to fear of God [eima], he turns to God and he belongs to Him.

⁷³⁸ It is taught in the name of Rabbi Meir: From the moment that the child will say amen, as it is stated: “Open the gates, so that the righteous nation that keeps faithfulness may enter” (Isaiah 26:2). Do not read the verse as “that keeps faithfulness [shomer emunim]”; rather, read it as: That says amen [she'omer amen]. From the moment he says amen, the gates to the World-to-Come open.

⁷³⁹ What is the meaning of the term amen? Rabbi Ḥanina says: It is an acronym of the words: God, faithful King [El Melekh ne'eman].

⁷⁴⁰ § With regard to the verse: “Therefore, the netherworld has enlarged itself and opened its mouth without measure [livli ḥok]” (Isaiah 5:14), Reish Lakish says: It is referring to one who leaves even one statute [ḥok] unfulfilled; the netherworld expands for him. Rabbi Yoḥanan says: It is not satisfactory to God, their Master, that you said this about them, as according to Reish Lakish's opinion most of the Jewish people would be doomed to Gehenna. Rather, even if one learned only one statute, he has a share in the World-to-Come, and “livli ḥok” means one who has learned no statutes at all.

⁷⁴¹ With regard to that which is stated: “And it shall come to pass that in all the land, says the Lord, two parts shall be excised and die, but the third shall remain in it” (Zechariah 13:8), Reish Lakish says: “The third” means that only one-third of the descendants of Shem, son of Noah, will remain, and everyone else will die. Rabbi Yoḥanan said to Reish Lakish: It is not satisfactory to God, their Master, that you said this about them, that the overwhelming majority of the world will be destroyed. Rather, even as many as one-third of the descendants of Noah, one-third of the population of the world, will remain.

⁷⁴² With regard to the verse: “For I have taken you to Myself: And I will take out one of a city, and two of a family” (Jeremiah 3:14), Reish Lakish says: The meaning of this statement is as it is written, that only individuals will be spared and the rest will be destroyed. Rabbi Yoḥanan said to him: It is not satisfactory to God, their Master, that you said this about them. Rather, the merit of one from the city causes the entire city to benefit, and the merit of two from a family causes the entire family to benefit and be redeemed. Likewise, the Gemara relates that Rav Kahana sat before Rav, and sat and said: The meaning of this statement is as it is written. Rav said to him: It is not satisfactory to God, their Master, that you said this about them. Rather, the merit of one from the city causes the entire city to benefit, and the merit of two from a family causes the entire family to benefit and be redeemed.

⁷⁴³ The Gemara relates that Rav saw that Rav Kahana was washing the hair on his head and then arose and sat before Rav. Rav said to Rav Kahana: “Nor shall it be found in the land of the living [ḥayyim]” (Job 28:13). Rav Kahana thought that Rav addressed that verse to him and he said to Rav: Are you cursing me? Rav said to him: It is a verse that I am saying to remind you that Torah will not be found in one who sustains [meḥayye] himself in an indulgent manner in its study; rather, Torah is acquired through suffering and difficulty.

⁷⁴⁴ It is taught in a baraita with regard to the few that are destined to be redeemed: Rav Simai says that it is stated: “And I will take you to Me as a people” (Exodus 6:7), and juxtaposed to that verse it is stated: “And I will bring you into the land” (Exodus 6:8). The Torah compares their exodus from Egypt to their entry into the land; just as during their entry into the land only two of six hundred thousand entered the land, as they all died in the wilderness except for Caleb and Joshua, so too, during their exodus from Egypt, in terms of the ratio, only two of six hundred thousand left Egypt and the rest died there. Rava says: And likewise, that will be the situation in the messianic era, as it is stated: “And she shall respond there, as in the days of her youth, and as in the day when she came up out of the land of Egypt” (Hosea 2:17). The ultimate redemption and the exodus from Egypt are juxtaposed, indicating that in the messianic era too, only few will survive.

⁷⁴⁵ § It is taught in a baraita that Rabbi Elazar, son of Rabbi Yosei, says: One time I entered Alexandria of Egypt. I found one old man and he said to me: Come and I will show you what my ancestors, the Egyptians, did to your ancestors, the Jewish people. Some of them they drowned in the sea, some of them they killed with the sword, and some of them they crushed in the buildings. And it is over this matter, Moses’ protest of the afflictions suffered by the Jewish people, that Moses, our teacher, was punished, as it is stated: “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” (Exodus 5:23).

⁷⁴⁶ The Holy One, Blessed be He, said to Moses: Woe over those who are gone and are no longer found; as several times I revealed Myself to Abraham, Isaac, and Jacob as God Almighty [El

Shaddai] and they did not question My attributes, and did not say to Me: What is Your name? I said to Abraham: “Arise, walk through the land in the length of it and in the breadth of it; for unto you I will give it” (Genesis 13:17). Ultimately, he sought a place to bury Sarah and did not find one until he purchased it for four hundred silver shekels, and he did not question My attributes and did not protest that I failed to fulfill My promise to give him the land.

⁷⁴⁷ I said to Isaac: “Sojourn in this land, and I will be with you and will bless you” (Genesis 26:3). His servants sought water to drink and they did not find it until they started a quarrel, as it is stated: “And the herdsmen of Gerar quarreled with Isaac’s herdsmen saying: The water is ours” (Genesis 26:20), and he did not question My attributes.

⁷⁴⁸ I said to Jacob: “The land upon which you lie, to you I will give it” (Genesis 28:13). He sought a place to pitch his tent and he did not find one until he purchased it for one hundred coins, and he did not question My attributes, and did not say to Me: What is Your name? And you, Moses, ask Me: What is Your name, initially, after witnessing My greatness more than they ever did. And now you say to Me: “Neither have You delivered Your people” (Exodus 5:23). The verse then states: “Now shall you see what I will do to Pharaoh” (Exodus 6:1). One can infer: The war with Pharaoh and his downfall you shall see, but you will not see the war with the thirty-one kings in Eretz Yisrael, as you will not be privileged to conquer Eretz Yisrael for the Jewish people.

⁷⁴⁹ § With regard to the verse: “And the Lord passed before him and proclaimed: The Lord, the Lord, compassionate and gracious God, slow to anger, abounding in loving-kindness and truth, extending loving-kindness to thousands of generations...and Moses made haste and bowed his head toward the earth and prostrated himself” (Exodus 34:6–8), the Gemara asks: What did Moses see in these attributes that caused him to hastily prostrate himself?

⁷⁵⁰ Rabbi Ḥanina ben Gamla says: He saw the attribute of slow to anger; and the Rabbis say: He saw the attribute of truth. It is taught in a baraita in accordance with the opinion of the one who said: He saw the attribute of slow to anger, as it is taught in a baraita: When Moses ascended on high, he discovered the Holy One, Blessed be He, sitting and writing: Slow to anger. Moses said before Him: Master of the Universe, is Your attribute of slow to anger only to be used for the righteous? God said to him: It is an attribute even for the wicked. Moses said to Him: Let the wicked be doomed. God said to him: Now, you will see that you will need this, as ultimately you will reconsider that statement.

⁷⁵¹ When the Jewish people sinned in the sin of the spies and Moses asked God to forgive them, the Holy One, Blessed be He, said to Moses: Didn’t you say to Me that the attribute of slow to anger is for the righteous alone? They are not worthy of atonement.

⁷⁵² Moses said before Him: Master of the Universe, and isn’t this what You said to me: It is an attribute even for the wicked? And that is the meaning of that which is written: “And now, I pray You, let the power of my Lord be great, as You have spoken, saying” (Numbers 14:17). Moses was repeating God’s promise with regard to His employment of the attribute of slow to anger.

⁷⁵³ The Gemara relates: Rabbi Ḥagga was walking up the stairs in the school of Rabba bar Sheila. He heard a certain child who said: “Your testimonies are very sure; sanctity becomes Your house, Lord, for the length of days” (Psalms 93:5). The phrase “length of days” is a reference to the attribute of slow to anger. And juxtaposed to it is the phrase: “A prayer of Moses” (Psalms 90:1), indicating that

this chapter was also stated by Moses our teacher. Upon hearing those verses, Rabbi Ḥagga said: Conclude from it that it was the attribute of slow to anger that Moses saw.

⁷⁵⁴ § Rabbi Elazar says that Rabbi Ḥanina says: The Holy One, Blessed be He, is destined to be a crown on the head of each and every righteous person, as it is stated: “In that day shall the Lord of hosts be for a crown of glory, and for a diadem of beauty, unto the remnant of His people” (Isaiah 28:5). What is the meaning of the phrase: “For a crown of glory, and for a diadem of beauty”? It means: A crown for those who perform His will and a diadem for those who await His salvation. One might have thought that this extends to everyone in those categories. Therefore, the verse states: “Unto the remnant of His people,” meaning that God will be a crown and a diadem to one who humbly establishes himself like a remnant, and does not conduct himself with self-importance.

⁷⁵⁵ The Gemara interprets a verse in Isaiah. “And for a spirit of justice to him that sits in judgment and for strength to them who retaliate in battle to the gate” (Isaiah 28:6). “And for a spirit of justice”; this is referring to one who subdues his evil inclination and prevents himself from sinning. “To him that sits in judgment”; this is referring to one who judges a true judgment truthfully. “And for strength”; this is referring to one who overcomes his evil inclination. “Them who retaliate in battle”; this is referring to one who gives and takes and engages in the battle, i.e., in the discourse of Torah. “To the gate” is referring to those Torah scholars who arrive early and remain late within the gates of synagogues and study halls.

⁷⁵⁶ The attribute of justice said before the Holy One, Blessed be He: Master of the Universe, how do these people, who possess these qualities, differ from those who engage in Torah study but lack these qualities? God said to the attribute of justice that those others do not receive the crown and diadem because: “These also reel through wine, and stagger through strong drink...they stumble [paku] in judgment [peliliyya]” (Isaiah 28:7). And puka in this context is referring to nothing other than Gehenna, as it is stated: “That this shall not be a cause of stumbling [puka] for you” (I Samuel 25:31). And the term of pelila in the verse in Isaiah is referring to nothing other than judges, as it is stated: “And he shall pay as the judges [biflilim] determine” (Exodus 21:22). Those who lack the qualities listed in the previous verses are not worthy of the aforementioned reward.

⁷⁵⁷ MISHNA: The residents of an idolatrous city have no share in the World-to-Come, as it is stated: “Certain men, wicked persons, are gone out from your midst, and have subverted the inhabitants of their city, saying: Let us go and let us worship other gods” (Deuteronomy 13:14). And idol worshippers are not executed as residents of an idolatrous city unless its subverters are from that city and from that tribe, and unless most of the inhabitants of the city are subverted, and unless men subvert the inhabitants of the city. If it occurs that women or children subvert the inhabitants of the city, or that a minority of the inhabitants of the city were subverted, or that its subverters were from outside the city and were neither residents of that city nor members of that tribe, these idol worshippers are judged as individuals. And to judge the inhabitants of a city one requires two witnesses and forewarning for each and every one who engaged in idol worship.

⁷⁵⁸ This is a stringency with regard to individuals who worship idols that is more stringent than the halakha with regard to multitudes who worship idols: As the individuals who worship idols are executed by stoning; therefore, since there is a stringency with regard to their mode of execution, their property is spared and is inherited by their heirs. And the multitudes are executed by the sword;

therefore, since there is a leniency with regard to their mode of execution, their property is eliminated.

⁷⁵⁹ From the verse: “You shall smite the inhabitants of that city with the edge of the sword” (Deuteronomy 13:16), it is derived that the caravan of donkeys and the caravan of camels that move from place to place, these donkey or camel drivers save the city. If they were residing in the city for a period, they could join the minority of permanent residents who were not subverted to idol worship in order to create a majority and prevent the destruction of the city and its contents.

⁷⁶⁰ It is stated: “Destroy it utterly, and all that is in it and its animals, with the edge of the sword” (Deuteronomy 13:16). From here, the Sages stated: The property of the righteous, who did not engage in idol worship, that is inside the city is destroyed with the rest of the city and its contents; but the property of the righteous that is outside the city is spared. And the property of the wicked, whether it is inside the city or whether it is outside the city, these items are destroyed.

⁷⁶¹ It is stated: “And you shall gather all of its spoils into the midst of its square” (Deuteronomy 13:17). If the city has no square, one creates a square for the city in order to fulfill the mitzva as it is written. If there was a square outside of the city, they bring it inside the city by expanding the city wall to include the square.

⁷⁶² It is stated in the continuation of the verse: “And you shall burn it with fire, both the city and all its spoils, entirely for the Lord your God.” The mishna infers: “Its spoils,” but not the spoils of Heaven. From here the Sages stated: The consecrated property in it, which was no longer the property of its inhabitants, must be redeemed, and terumot are neither eaten nor burned; rather they must be left to decay. And second tithe and sacred scrolls that were in the city must be interred.

⁷⁶³ With regard to the phrase: “Entirely [kalil] for the Lord your God,” Rabbi Shimon says: The Holy One, Blessed be He, says: If you implement judgment on an idolatrous city, I ascribe you credit as though you have sacrificed an entirely [kalil] burnt offering before Me.

⁷⁶⁴ It is written: “And it shall be a heap forever” (Deuteronomy 13:17), meaning: The idolatrous city shall not be converted even into gardens and orchards; this is the statement of Rabbi Yosei HaGelili. Rabbi Akiva says: From the end of that verse: “It shall not be built again,” it is derived: To restore it to the way it was before destruction, it may not be built; but it may be converted into gardens and orchards. The next verse states: “And there shall cleave nothing of that which was devoted to your hand” (Deuteronomy 13:18). This teaches that as long as the wicked exist in the world, there is wrath in the world; once the wicked are eliminated from the world, wrath leaves the world.

⁷⁶⁵ GEMARA: The Sages taught an interpretation of the verse: “Certain men, wicked persons, are gone out from your midst, and have subverted the inhabitants of their city saying: Let us go and let us worship other gods that you have not known” (Deuteronomy 13:14). From the term “are gone out” it is derived that these halakhot apply only if they, the subverters themselves, subverted the residents, but not agents whom they designated to subvert. From the term “men” it is derived that men in the plural means no less than two. Alternatively, it is derived: Men, but not women; men, but not children.

⁷⁶⁶ The phrase “wicked persons [benei veliyya’al]” is an abbreviation of banim beli ol, meaning: Sons who have cast off the yoke of Heaven from their necks. From the term “from your midst” it is derived that these halakhot apply only to a city located in the center of the country, but not to a city

located on the border. From the phrase “inhabitants of their city” it is inferred: But not inhabitants of another city. The term “saying” alludes to the halakha that in order to convict them one requires witnesses and forewarning for each and every one who worshipped idols.

⁷⁶⁷ It was stated that there is an amoraic dispute. Rabbi Yoḥanan says: One divides one city into the tribal territory of two tribes; and Reish Lakish says: One does not divide one city into the tribal territory of two tribes. Rabbi Yoḥanan raised an objection to the opinion of Reish Lakish from the mishna, which states: Unless its subverters are from that city and from that tribe; what, is it not that although its subverters are from that city, if they are from that tribe, yes, they render the city an idolatrous city, and if not, no, they do not render the city an idolatrous city? Conclude from it: One divides one city into the tribal territory of two tribes, as otherwise, by definition, a resident of that city is a member of that tribe.

⁷⁶⁸ The Gemara rejects that proof: No, even if a city is not divided between two tribes, the scenario in the mishna is possible in a case where the property in the city fell to him as an inheritance from the family of his mother, who was from a different tribe. Alternatively, it is possible in a case where they gave him that property as a gift.

⁷⁶⁹ Rabbi Yoḥanan raised an objection to the opinion of Reish Lakish from a verse written with regard to the cities designated for the Levites: “Nine cities from those two tribes” (Joshua 21:16). What, is it not that those nine cities were equally divided; four-and-a-half from this tribe, and four-and-a-half from that tribe, and conclude from it that one divides one city into the tribal territory of two tribes? The Gemara rejects that proof: No, those nine cities were divided in this manner: Four cities from this tribe and five cities from that tribe.

⁷⁷⁰ The Gemara asks: If so, let the verse state explicitly from which tribe the additional city was taken.

⁷⁷¹ The Gemara comments: The matter presents a difficulty with the opinion of Reish Lakish.

⁷⁷² A dilemma was raised before the Sages: If the inhabitants of an idolatrous city subverted themselves to idol worship and were not subverted by others, what is the halakha? Since the Merciful One states: “And have subverted,” perhaps it may be inferred: But not if they subvert themselves; or perhaps even if they subverted themselves to idol worship, the city can be deemed an idolatrous city.

⁷⁷³ The Gemara suggests: Come and hear a resolution of the dilemma from the mishna: If women or children subvert the inhabitants of the city, these idol worshippers are judged as individuals. Why is that so? Let their status be considered as though they subverted themselves. Apparently, if the inhabitants subverted themselves the city is not deemed an idolatrous city. The Gemara rejects this proof: These cases are not comparable, as these, who subverted themselves, are drawn after their own initiative and worship idols wholeheartedly, and therefore perhaps the city is rendered an idolatrous city. Those, who are subverted by women and children, are drawn after women and children and are not committed to idol worship, and therefore, perhaps the city is not rendered an idolatrous city.

⁷⁷⁴ § The mishna teaches that a city is not deemed an idolatrous city unless most of the inhabitants of the city are subverted. The Gemara asks: How do we act in order to determine if most of the inhabitants have been subverted? Rav Yehuda says: The court judges each inhabitant suspected of idol worship, and if he is found liable imprisons him in a jail, and it judges and imprisons each succeeding idolater until a majority of the city has been convicted. Ulla said to him: That will result

in you delaying justice for those already sentenced and awaiting execution, and it is prohibited to delay justice. Rather, Ulla says: The court judges each inhabitant and stones him if he is found liable, then judges and stones each succeeding idolater until half of the city is found guilty, and all future convicted idolaters are executed by the sword.

⁷⁷⁵ It was stated that there is a parallel amoraic dispute. Rabbi Yoḥanan says: The court judges and stones the idolater, then judges and stones each succeeding idolater. And Reish Lakish says: One increases the number of courts for them so that all the inhabitants of the city can stand trial at the same time and the means of their execution will be determined with no delay of justice.

⁷⁷⁶ The Gemara asks: Is that so? But doesn't Rabbi Ḥama bar Yosei say that Rabbi Oshaya says that it is written: "And you shall take that man or that woman out...to your gates" (Deuteronomy 17:5), from which it is derived: You take a man and a woman out to your gates and they are judged by the local court, but you do not take the entire city out to your gates; instead, they stand trial before the Great Sanhedrin. Rather, the procedure is that one increases the number of courts for them and those courts analyze their cases, and when they conclude that a majority of the inhabitants are guilty of idolatry they are not sentenced; instead, we take them to the High Court [Sanhedrin] and the court issues the verdict of the idolaters and executes them.

⁷⁷⁷ § It is written: "You shall smite the inhabitants of that city with the edge of the sword, destroy it utterly, and all that is in it and its animals, with the edge of the sword" (Deuteronomy 13:16). The Sages taught in a baraita: The caravan of donkeys and the caravan of camels that move from place to place, that lodged in the city and were subverted with it, if they had stayed there thirty days they are executed by the sword and their property is destroyed. If they had stayed there less than that, they are executed by stoning, as individual idolaters, and their property is spared.

⁷⁷⁸ And the Gemara raises a contradiction from a baraita: How long shall one be in the city and as a result, his status will be like that of the residents of the city with regard to giving charity and paying taxes? He is obligated if he remained there twelve months, and not thirty days. Rava says: This contradiction is not difficult, and it may be resolved: This period of twelve months is the period required to become one of the citizens of the city; this period of thirty days is the period required to become one of the inhabitants of the city.

⁷⁷⁹ And so it is taught in a baraita: With regard to one prohibited by a vow from deriving benefit from the citizens of the city, if there is a person who had stayed there twelve months, it is prohibited for the one for whom deriving benefit is forbidden to derive benefit from him. If a person had stayed there less than that, it is permitted for the one for whom deriving benefit is forbidden to derive benefit from him. With regard to one prohibited by a vow from deriving benefit from the inhabitants of the city, if there is a person who had stayed there thirty days, it is prohibited for the one for whom deriving benefit is forbidden to derive benefit from him. If a person had stayed there less than that, it is permitted for the one for whom deriving benefit is forbidden to derive benefit from him. In the context of an idolatrous city, the reference is to the inhabitants of the city, which includes anyone who had stayed there for thirty days.

⁷⁸⁰ It is written: "Destroy it utterly, and all that is in it" (Deuteronomy 13:16). The Sages taught in a baraita with regard to that which is written: "Destroy it utterly, and all that is in it"; this serves to exclude the property of the righteous that is located outside the city, which is not destroyed. "And all that is in it"; this serves to include the property of the righteous that is located inside the city; it is

also destroyed. It is stated: “And you shall gather all of its spoils into the midst of its square” (Deuteronomy 13:17). From the term “its spoils” it is derived: But not the spoils of Heaven; all consecrated property is excluded. The phrase “and you shall gather all of its spoils” serves to include the property of the wicked that is located outside the city; it is also destroyed.

⁷⁸¹ Rabbi Shimon said: For what reason does the Torah say that the property of the righteous that is in it shall be destroyed? Why must they suffer for the sins of others? The reason is: Who caused the righteous to live in this city inhabited by wicked people? It is their property that tied them to this city; therefore, their property is destroyed. The Master said that the phrase “and you shall gather all of its spoils” serves to include the property of the wicked that is located outside the city; it is also destroyed. Rav Ḥisda says: And this is the halakha only with regard to property that can be gathered into the city.

⁷⁸² Rav Ḥisda says: Deposits of the inhabitants of an idolatrous city are permitted, i.e., they are not destroyed. The Gemara asks: What are the circumstances? If we say that Rav Ḥisda is referring to property belonging to inhabitants of another city and that property is deposited within the idolatrous city, it is obvious that the deposits are permitted, as the deposits are not “its spoils”; they are the property of others. But rather, say that Rav Ḥisda is referring to property belonging to the inhabitants of the idolatrous city, and it is deposited within another city. If so, the status of that property should be like any other property belonging to the inhabitants of the idolatrous city; if it is property that can be gathered into the city, why are the deposits permitted? It was already established that the property of the wicked is destroyed. And if it is property that cannot be gathered into the city, didn’t Rav Ḥisda already say once that this property is not burned?

⁷⁸³ The Gemara answers: No, Rav Ḥisda is actually referring to property belonging to inhabitants of another city that is deposited within the idolatrous city; and what are we dealing with here? It is a case where an inhabitant of the idolatrous city assumes financial responsibility for the deposit in his possession. Lest you say: Once he assumes financial responsibility for the deposit in his possession, the status of the deposit is like that of his own property and it should be destroyed, therefore Rav Ḥisda teaches us that deposits are permitted and not destroyed.

⁷⁸⁴ Rav Ḥisda says: An animal that is half the property of an idolatrous city and half the property of another city is forbidden. By contrast, with regard to dough that is half the property of an idolatrous city and half the property of another city, the half that belongs to the other city is permitted. The Gemara asks: What is the reason for the difference between them? The Gemara explains: An animal is like an entity that is not divided, as it is possible to eat part of an animal only through the slaughter of the entire animal. Therefore, if any portion of the animal is forbidden, the entire animal is forbidden. Dough is like an entity that is divided. Therefore, the fact that one portion of the dough is forbidden does not render the entire dough forbidden.

⁷⁸⁵ Rav Ḥisda raises a dilemma: With regard to the animal of an idolatrous city, what is the halakha; is ritual slaughter effective at least in purifying it from the ritual impurity of an unslaughtered animal carcass? If the animals of the city are killed but not ritually slaughtered, they are impure with the impurity of a carcass and transmit impurity by means of contact as well as if they are lifted. Will the ritual slaughter of those animals prevent the transmission of that impurity? Is it so that since the Merciful One states: “And its animals, with the edge of the sword,” indicating that it is no different if one ritually slaughtered the animal, and it is no different if one killed the animal in another way, its

status is that of a carcass and it transmits impurity? Or perhaps, since one ritually slaughtered the animal, ritual slaughter is effective. What is the halakha? The dilemma shall stand unresolved.

⁷⁸⁶ Rav Yosef raises a dilemma: What is the status of the hair of pious women in the idolatrous city; must it be destroyed? Rava says: Is that to say that the hair of wicked women is forbidden and must be destroyed? “And you shall gather...and you shall burn” (Deuteronomy 13:17), is written, and it is derived: An item that is lacking, i.e., that requires, only gathering and burning must be destroyed, excluding this hair, which is lacking detaching, gathering, and burning. Therefore, even the hair of a wicked woman is not forbidden.

⁷⁸⁷ Rather, Rava says: This dilemma is raised with regard to a wig. The Gemara asks: What are the circumstances? If the wig is attached to her body, its status is like that of her body. The Gemara answers: No, this dilemma is necessary only in a case where the wig is hanging on a peg. Is its status like that of the property of the righteous inside the city and therefore it is destroyed, or perhaps, since she enters and exits with the wig, its status is like that of a garment, and it is not destroyed? This dilemma shall stand unresolved.

⁷⁸⁸ With regard to the verse: “And you shall gather all of its spoils into the midst of its square” (Deuteronomy 13:17), the Sages taught: If the city has no square, it does not become an idolatrous city, as it does not fulfill the criterion mandated by the verse; this is the statement of Rabbi Yishmael. Rabbi Akiva says: If the city has no square, one creates a square for the city. The Gemara asks: With regard to what principle do they disagree? The Gemara explains: One Sage, Rabbi Yishmael, holds “its square” indicates a square that existed from the outset. And one Sage, Rabbi Akiva, holds that “its square” can also indicate a square that was created now.

⁷⁸⁹ § The mishna teaches: And the consecrated property in it must be redeemed. The Sages taught in a baraita (Tosefta 14:5): If there were offerings of the most sacred order in it, if they were animals consecrated for sacrifice on the altar, they shall die; one causes their death. Items consecrated for Temple maintenance must be redeemed, and terumot must be left to decay, and second tithe and sacred scrolls must be interred. Rabbi Shimon says: That is not so; rather, the term: “Its animals” (Deuteronomy 13:16), serves to exclude a firstborn animal and animal tithe, as they never belonged to the idolatrous city. The term: “Its spoils” (Deuteronomy 13:17), serves to exclude consecrated money and tithe money.

⁷⁹⁰ The Gemara proceeds to analyze the baraita. The Master said: If there were offerings of the most sacred order in it, if they were animals consecrated for sacrifice on the altar, they shall die. The Gemara asks: But why shall they die? They should graze until they become unfit, and then they should be sold and their value should be allocated for communal gift offerings.

⁷⁹¹ Rabbi Yoḥanan says: They shall die, as it is written: “The offering of the wicked is an abomination” (Proverbs 21:27), and it is unacceptable for sacrifice on the altar. Reish Lakish says: They shall die because the animal is the property of its owner and is not exclusively consecrated property. And the reason it is considered the property of the owner is that here, the tanna is referring to offerings with regard to which one bears financial responsibility for their replacement. That responsibility renders the status of these consecrated animals like that of his property. And this is in accordance with the opinion of Rabbi Shimon, who says: An offering with regard to which one bears financial responsibility for its replacement is the property of its owner.

⁷⁹² The Gemara challenges: From the fact that the latter clause of the baraita is the opinion of Rabbi Shimon, one may infer that the first clause is not in accordance with the opinion of Rabbi Shimon. The Gemara suggests a new explanation: Rather, the animals that shall die are offerings of lesser sanctity, and the ruling of the baraita is in accordance with the opinion of Rabbi Yosei HaGelili, who says: Offerings of lesser sanctity are the property of their owner. The Gemara infers: But offerings of the most sacred order, what shall be done with them? They shall be redeemed.

⁷⁹³ The Gemara asks: If so, rather than teaching in the latter clause of the baraita: Items consecrated for Temple maintenance must be redeemed, let the tanna distinguish and teach a distinction within the category of animals consecrated for sacrifice on the altar itself, as follows: In what case is this statement, that animals shall die, said? It is stated with regard to offerings of lesser sanctity; but with regard to offerings of the most sacred order, they shall be redeemed. The Gemara answers: Since there is among offerings of the most sacred order the case of the sin-offering whose owners were killed in the idolatrous city, rendering the animal a sin-offering whose owners have died, which is left to die, that distinction is not clear-cut for the tanna, as offerings of the most sacred order are not always redeemed. Therefore, the tanna preferred to cite a distinction without exceptions.

⁷⁹⁴ The Gemara comments: Granted, Rabbi Yoḥanan does not say his explanation of the baraita in accordance with the opinion of Reish Lakish, due to the fact that it is written: “The offering of the wicked is an abomination,” and he bases his explanation on that verse. But Reish Lakish, what is the reason he does not say his explanation of the baraita in accordance with the opinion of Rabbi Yoḥanan? The Gemara answers: He could have said to you that when we say: “The offering of the wicked is an abomination,” this statement applies in a case where the offering is in its unadulterated form. But here, since if they were to redeem it, it would have changed and would no longer be the animal of the wicked itself, but rather an animal purchased with the proceeds of the redemption of the original, it would have changed, and it would no longer be an abomination.

⁷⁹⁵ § The baraita continues. Rabbi Shimon says that the term “its animals” serves to exclude a firstborn animal and animal tithe. The Gemara asks: What animals are we dealing with? If we say that Rabbi Shimon is speaking with regard to unblemished animals, like all other offerings they are the spoils of Heaven and not the spoils of the inhabitants of the city. Rather, Rabbi Shimon is speaking with regard to blemished animals, which belong to their owners. If so, they are the spoils of the city, and what is the reason that Rabbi Shimon says that there is no obligation to destroy these animals?

⁷⁹⁶ Ravina says: Actually, Rabbi Shimon is speaking with regard to blemished animals, and his statement should be understood as follows: The mitzva is to destroy that which is eaten as its animals, i.e., as the property of an inhabitant of an idolatrous city. Excluded are those firstborn and tithe animals, which, even when blemished, are not eaten as its animals; rather, they are eaten as firstborn and tithe animals. They are given as gifts to priests, and are considered the spoils of Heaven.

⁷⁹⁷ And this halakha disputes the statement of Shmuel, as Shmuel says: Everything is sacrificed and everything is redeemed. The Gemara asks: What is he saying? The Gemara explains that this is what he is saying: Any offering that is sacrificed on the altar when it is unblemished and is redeemed when it is blemished is excluded from the term “its spoils,” since it is considered the spoils of Heaven. And the halakha concerning any offering that is sacrificed on the altar when it is unblemished and is not

redeemed when it is blemished, e.g., a firstborn animal and animal tithe, is derived from the term “its animals,” as they are not the city’s animals and they are not included in the city’s property.

⁷⁹⁸ § The baraita continues: Terumot must be left to decay. Rav Ḥisda says: The Sages taught this only with regard to teruma that is still in the possession of an Israelite, who has not yet given it to a priest. But concerning teruma that is already in the possession of a priest who lives in the idolatrous city, since it is his property, it shall be burned.

⁷⁹⁹ Rav Yosef raises an objection from the mishna: Second tithe and sacred scrolls must be interred. But isn’t the status of second tithe in the possession of an Israelite like that of teruma in the possession of a priest, as he may partake of it and benefit from it in Jerusalem; and nevertheless, it is taught: They must be interred? Rather, if the statement of Rav Ḥisda was stated, this is what was stated: Rav Ḥisda says: The Sages taught this only with regard to teruma that is already in the possession of a priest who lives in the idolatrous city, as even though it is his property, it maintains the sanctity of teruma. But teruma that is still in the possession of an Israelite, which is not his property at all, shall be given to a priest who is in another city, and should not be left to decay.

⁸⁰⁰ We learned in a baraita there: Second-tithe dough is exempt from having ḥalla separated since it is property belonging to the Most High; this is the statement of Rabbi Meir. And the Rabbis deem one liable to separate ḥalla from second-tithe dough. Rav Ḥisda says: This dispute is with regard to second tithe in Jerusalem; as Rabbi Meir holds: Second-tithe produce is property belonging to the Most High, but the Torah permitted its owners to partake of it in Jerusalem. Since it is the property of Heaven, one is exempt from separating priestly gifts. And the Rabbis hold: It is non-sacred property from which one is liable to separate ḥalla. But with regard to second-tithe dough in the outlying areas, everyone agrees that one is exempt from separating ḥalla, as outside of Jerusalem it is prohibited to partake of it.

⁸⁰¹ Rav Yosef raises an objection from the mishna: Second tithe and sacred scrolls must be interred. What are we dealing with? If we say that the reference is to second tithe in Jerusalem, can Jerusalem be an idolatrous city? But isn’t it taught in a baraita: Ten matters were stated with regard to Jerusalem, and this is one of them: It does not become an idolatrous city. Rather, apparently the reference is to second tithe in a different city that was rendered an idolatrous city, and before it was so rendered one took the second-tithe produce up into Jerusalem. The Gemara asks: In that case, wasn’t the produce admitted by the walls of Jerusalem, making it no longer associated with the idolatrous city, and it should therefore be permitted to partake of it?

⁸⁰² Rather, is the reference in the mishna not to second-tithe produce in an outlying area? And it is taught: They must be interred. Apparently, second-tithe produce is not the property of Heaven; it belongs to an inhabitant of the idolatrous city. The Gemara rejects this: No, actually, the reference in the mishna is to second-tithe produce in a different city, and before it was rendered an idolatrous city one took the second-tithe produce up into Jerusalem. And what are we dealing with here? We are dealing with a case where that second-tithe produce became ritually impure. Since it is prohibited to partake of it, there is no alternative to interment.

⁸⁰³ The Gemara challenges: And let him redeem it in Jerusalem, as Rabbi Elazar says: From where is it derived with regard to second-tithe produce that became impure, that one may redeem it even in Jerusalem? As the verse states: “And if the way is too long for you so that you are unable to carry it [se’eto]...and you shall turn it into money” (Deuteronomy 14:24–25). And se’et means nothing other

than eating, as it is stated: “And he took portions [masot] from before him” (Genesis 43:34), indicating that second-tithe produce that cannot be eaten, whether due to the distance from Jerusalem or due to its impurity, may be redeemed. The Gemara answers: What are we dealing with here? It is not a case where the second-tithe produce became impure; rather, it is a case where an item purchased with second-tithe money became impure.

⁸⁰⁴ The Gemara challenges: And let him redeem that which was purchased with second-tithe money and became ritually impure, as we learned in a mishna (Ma’aser Sheni 3:10): An item that is purchased with second-tithe money and that became ritually impure shall be redeemed. The Gemara answers: The mishna is in accordance with the opinion of Rabbi Yehuda, who says: An item that is purchased with second-tithe money and that became ritually impure shall be buried, and it may no longer be redeemed. The Gemara asks: If so, and the mishna is referring to an item purchased with second-tithe money that became ritually impure, why did the mishna cite this halakha specifically in the case of an idolatrous city? The same would hold true even in cities in general as well, as in Rabbi Yehuda’s opinion, the halakha there too is that the item is buried.

⁸⁰⁵ Rather, actually, the case in the mishna is with regard to pure second-tithe produce of an idolatrous city that was taken into Jerusalem, and it is a case where the walls of Jerusalem then fell. And this halakha is in accordance with the opinion of Rava, as Rava says: The capacity of the wall of Jerusalem to enable one to partake of second-tithe produce is by Torah law. By contrast, the capacity of the wall of Jerusalem to admit second-tithe produce, in the sense that once it enters Jerusalem the produce assumes the status of the property of the Most High and may no longer be redeemed, is by rabbinic law. And the case where the Sages issue the decree that entry into Jerusalem admits the produce is where the wall is intact; however, in a case where the wall is not intact, no, the Sages did not issue a decree, and the second tithe remains the spoils of the idolatrous city.

⁸⁰⁶ § The mishna teaches: Sacred scrolls must be interred. The Gemara comments: The halakha cited in the mishna is not in accordance with the opinion of Rabbi Eliezer, as it is taught in a baraita that Rabbi Eliezer says: Any city in which there is even one mezuzah is not rendered an idolatrous city, as it is stated: “And you shall burn it with fire, both the city and all its spoils, entirely for the Lord your God” (Deuteronomy 13:17). And in a city where there is a mezuzah it is not possible to burn all its spoils, as it is written: “You shall not do so to the Lord your God” (Deuteronomy 12:4), from which it is derived that it is prohibited to destroy any item upon which the name of God appears.

⁸⁰⁷ The mishna teaches that Rabbi Shimon says: The Holy One, Blessed be He, says: If you implement judgment on an idolatrous city, I ascribe you credit as though you have sacrificed an entirely burnt offering before Me, and Rabbi Akiva and Rabbi Yosei HaGelili disagree as to whether one may convert the ruins of the idolatrous city into gardens and orchards. The Gemara posits: Let us say that it is with regard to the statement that Rabbi Avin says that Rabbi Ile’a says that these tanna’im disagree, as Rabbi Avin says that Rabbi Ile’a says: Anywhere that you find a generalization formulated as a positive mitzvah followed by a detail formulated as a prohibition, one does not deduce from it that the generalization includes only the detail based on the hermeneutical principle of a generalization and a detail; rather, one interprets them as two independent halakhot.

⁸⁰⁸ On that basis, say that the dispute is that one Sage, Rabbi Yosei HaGelili, is of the opinion that the ruling is in accordance with the opinion of Rabbi Avin, and one Sage, Rabbi Akiva, is of the opinion that the ruling is not in accordance with the opinion of Rabbi Avin. Rabbi Yosei HaGelili

holds that the positive mitzva: “And it shall be a heap forever,” and the succeeding prohibition: “It shall not be built again” (Deuteronomy 13:17), are independent mitzvot. The result is that the city must remain a heap and may not be converted into gardens and orchards. Rabbi Akiva employs the hermeneutical principle and deduces that the generalization “and it shall be a heap forever” means only that “it shall not be built again,” but converting the ruins of the idolatrous city into gardens and orchards is permitted.

⁸⁰⁹ The Gemara rejects this: No, everyone is of the opinion that the ruling is in accordance with the opinion of Rabbi Avin, and here, they disagree about this: One Sage, Rabbi Yosei HaGelili, holds that the term “again” indicates that it is entirely prohibited to rebuild it at all. And one Sage, Rabbi Akiva, holds that the term “again” indicates that it is not built to be as it was, but it may be converted into gardens and orchards.

⁸¹⁰ § The Sages taught in a baraita: In a case where there were trees in the city, if they are detached from the ground, they are forbidden and must be burned as the spoils of an idolatrous city; if they are attached to the ground they are permitted, i.e., they are not destroyed. By contrast, trees of another city, whether detached or attached, are forbidden. The Gemara asks: To what is the baraita referring with the phrase: Another city? Rav Ḥisda says: The reference is to Jericho, as it is written: “And the city shall be devoted, it and all that is in it, to the Lord...And Joshua charged them at that time by oath, saying: Cursed be the man before the Lord, that rises up to build this city Jericho; he shall lay its foundation with his firstborn, and with his youngest son shall he set up the gates of it” (Joshua 6:17, 26).

⁸¹¹ It is taught in a baraita that this includes a prohibition not to build Jericho even after changing its name to the name of another city, and not to build another city after giving it the name of Jericho, as it is written: “Hiel the Bethelite built Jericho; with Abiram, his firstborn, he laid its foundation, and with his young son Segub set up its gates” (I Kings 16:34).

⁸¹² It is taught in a baraita: From the death of Abiram, his firstborn, the wicked, it was not incumbent upon him to learn not to build Jericho, as Abiram’s death could be attributed to chance. But with the death of Segub his young son, it was incumbent upon him to learn that it was due to Joshua’s curse that they died.

⁸¹³ The Gemara asks: What did Abiram and Segub do that they are characterized as wicked, and what is the baraita saying? The Gemara answers that this is what the baraita is saying: From the death of Abiram, his firstborn, that wicked man Hiel should have learned about the cause of the death of Segub his young son. By inference from that which is stated: “With Abiram, his firstborn,” do I not know that Segub was his young son? Rather, what is the meaning when the verse states: “His young son Segub”? It teaches that he gradually buried all his sons from Abiram through Segub, and he should have suspected that Joshua’s curse caused the deaths.

⁸¹⁴ Ahab was Hiel’s close friend and groomsman. He and Elijah came to inquire about Hiel’s welfare in the house of mourning [bei tamya]. Hiel sat and said: Perhaps when Joshua cursed, this is what he cursed: Not to build Jericho even after changing its name to the name of another city, and not to build another city after giving it the name of Jericho. Elijah said to him: Yes, that is the curse. Ahab said to Elijah: Now the curse of Moses is not fulfilled, as it is written: “And you go astray and worship other gods,” and it is written: “Then the Lord’s anger will flare against you, and He will close the heavens, and there will be no rain” (Deuteronomy 11:16–17). And that man, referring to himself, established

an object of idol worship on each and every furrow in the kingdom of Israel, and the rain is so plentiful that it does not allow him to go and worship it; will the curse of his student, Joshua, be fulfilled?

⁸¹⁵ The verse relates Elijah's reaction: Immediately: "And Elijah the Tishbite, who was of the inhabitants of Gilead, said to Ahab: As the Lord God of Israel lives, before whom I stand, there shall not be dew or rain these years, but according to my word" (I Kings 17:1). Elijah prayed for mercy and they gave him the key to rainfall enabling him to dictate when it would rain, and he arose and went.

⁸¹⁶ It is written about Elijah: "And the word of the Lord came to him, saying: Go from here, and turn eastward, and hide yourself by Wadi Cherith...And the ravens brought him bread and meat in the morning" (I Kings 17:2–3, 6). The Gemara asks: From where did they bring him bread and meat? Rabbi Yehuda says that Rav says: They brought it from the slaughterhouse of Ahab. And it is written: "And it came to pass after some days, that the wadi dried up, because there was no rain in the land" (I Kings 17:7). Since God saw that there is suffering in the world and Elijah was insensitive to it, it is written: "And the word of the Lord came to him, saying: Arise, go to Zarephath" (I Kings 17:8–9), to initiate a chain of events that would lead Elijah to return the key to rainfall to God.

⁸¹⁷ And it is written: "And it came to pass after these matters, that the son of the woman, the mistress of the house, became sick" (I Kings 17:17). Elijah prayed for mercy, for God to give him the key to the resurrection of the dead. They said to him from Heaven: Three keys were not typically passed to an agent: The key to a woman in childbirth, the key to rainfall, and the key to the resurrection of the dead. You already have the key to rainfall; do you also request the key to the resurrection of the dead? People will say: Two keys are in the possession of the student and one key is in the possession of the Master. Bring Me this key to rainfall, and take this key to the resurrection of the dead. Due to Elijah's request, he was forced to revoke his oath, as it is written: "Go, appear before Ahab; and I will give rain" (I Kings 18:1).

⁸¹⁸ A certain Galilean taught before Rav Hisda: There is a parable for the actions of Elijah; to what is this matter comparable? It is comparable to a man who slammed his door and lost his key. Elijah first prevented the rain from falling, and then no longer had possession of the key to enable it to fall again.

⁸¹⁹ Rabbi Yosei of Tzippori taught: Father Elijah, a deferential and affectionate characterization for Elijah the prophet,

⁸²⁰ was difficult. Elijah was accustomed to coming and revealing himself before Rabbi Yosei each day. He was obscured from him for three days and did not come. When he came again, Rabbi Yosei said to him: Why did the Master not come? Elijah said to him: You denigrated me when you called me difficult. Rabbi Yosei said to Elijah: This example that is before us illustrates the point, as my Master was being difficult by not coming during those days.

⁸²¹ § The mishna teaches with regard to the verse: "And there shall cleave nothing of that which was devoted to your hand" (Deuteronomy 13:18), as long as the wicked exist in the world, there is wrath in the world. The Gemara asks: Who are these wicked people mentioned in the mishna? Rav Yosef said: They are thieves.

⁸²² The Sages taught in a baraita: When a wicked person comes into the world, wrath comes into the world, as it is stated: “When the wicked comes into the world, contempt also comes, and with ignominy, reproach” (Proverbs 18:3). When a wicked person is eliminated from the world, good comes into the world, as it is stated: “And when the wicked perish there is jubilation” (Proverbs 11:10). When a righteous person passes from the world, evil comes into the world, as it is stated: “The righteous perishes and no man lays it to heart; and merciful men are taken, none understand that due to the evil the righteous is taken” (Isaiah 57:1) When a righteous person comes into the world, good comes into the world with him, as it is stated with regard to Noah: “This is one who shall comfort us for our work and the toil of our hands” (Genesis 5:29).