

אחד דיני ממונות פרק רביעי

משנה א: אחד דיני ממונות ואחד דיני נפשות בדרישה ובחקירה שפאמר משפט אחד יהיה לכם. מה בין דיני ממונות לדיני נפשות. דיני ממונות בשלשה ודיני נפשות בעשרים ושלשה. דיני ממונות פותחין בין לזכות בין לחובה ודיני נפשות פותחין לזכות ואין פותחין בחובה.

Mishnah 1: Both civil suits and criminal suits require cross-examination and investigation¹, as it is said: *One set of rules shall be for you*²³. What is the difference between civil suits and criminal suits? Civil suits are tried before three judges, criminal suits before 23. In civil suits one starts with arguments either for acquittal or conviction; in criminal courts one starts with arguments⁴ for acquittal but not for conviction.

1 Cross-examination is the interrogation of witnesses which changes from trial to trial. Investigation is the determination of answers to the obligatory questions enumerated in Mishnah 5:1.

2 Lev. 24:22.

3 A verdict for the plaintiff means monetary loss for the defendant. A verdict

for the defendant means no money for the plaintiff. Therefore, it is irrelevant which side of the argument is discussed first among the judges.

4 In the discussion by the judges after all evidence was presented.

(22a line 47) **הלכה א:** אחד דיני ממונות כול'. אמר רבי יוחנן. בשביל לחוס על ממון ישראל אמרו. היאך אתה יודע שזה חייב לזה. רבי חייב בר פא בעא קומי רבי יוסי. היך עבדין עובדא. אמר ליה. קרבי יוחנן. דרבי יוחנן אמר. בשביל לחוס על ממון ישראל אמרו. היאך אתה יודע שזה חייב לזה. זעיר בר חנינא בשם רבי חנינה ורב יהודה. חד אמר. ודרשת וחקרת ושאלת היטב. וחד אמר. צדק צדק תרדף. הא כיצד. אם את רואה הדין שיוציא לאמיא חקריהו ואם לאו צדקיהו.

רב הונא פד הנה חמי שהדיו מכוונא הנה חקר וכד הנה חמי הכו והכו הנה מכוון.

Halakhah 1: “Both civil suits,” etc. Rabbi Johanan said, to protect Israel’s money they said, “tell why you know that this person owes the

other.⁵” Rabbi Hiyya bar Abba asked before Rabbi Yasa⁶: What does one do in practice? He answered, following Rabbi Johanan, as Rabbi Johanan said, to protect Israel’s money they said, “tell why you know that this person owes the other.”

Ze’ir bar Hinena in the name of Rabbi Hanina and Rav Jehudah, one said: *You shall cross-examine, investigate, and inquire well*⁷. The other said, *equity, equity you shall pursue*.⁸ How is that? If you see that the verdict will be the truth, investigate it⁹; otherwise, act in equity.¹⁰

¹¹When Rav Huna saw that witnesses said exactly the same, he was investigating. When he saw them essentially identical, he determined the common element.

5 While the Mishnah requires the same kind of cross-examinations and determinations in civil as in criminal cases, R. Johanan holds that by rabbinic *fiat*, witnesses in civil cases are not to be subjected to cross-examinations that stray from the main topic. While it is necessary in criminal trials to disqualify any witness whose testimony is not 100% consistent (since God has promised to punish every evildoer who escapes human justice, *Ex.* 23:7), excessively rigid standards in civil cases would prevent most owners of capital from lending it, therefore leading to the ruin of the poor. It is in the public interest that claims be swiftly and easily adjudicated. The question quoted (Mishnah 3:9) is the paradigm for any questions to be asked.

6 One has to read יוסי for יסא. R. Hiyya bar Abba was R. Yasa’s student and R. Yose’s teacher’s teacher.

7 *Deut.* 13:15, referring to a criminal case.

8 *Deut.* 16:20, referring to all judicial proceedings.

9 In criminal cases, there is an obligation on the judges to ascertain the truth as well as possible. In the Babli, 32a, the duty to careful investigation is emphasized in all cases where the judges suspect foul play by one of the parties; cf. Note 10.

10 In civil cases, the judges have to ascertain that the judgment be equitable.

11 Halakhah 3:9, Notes 139-140.

22a line 55) כִּיצַד פּוֹתְחִין לְזָכוֹת. אוֹמְרִין. אֵיפֶשֶׁר שָׁזָה הָרֵג אֶת הַנֶּפֶשׁ. אָמַר רַבִּי יוֹסִי. אֵין כֵּינִי. אָמַר אֶחָד מִן הָעֲדִים. לֹשׁ לִי לְלַמֵּד עָלַי זָכוֹת. וְכֵן חֲבִירוֹ וְסִינְעוֹ. וְיֵשׁ בָּאֵן סִינְעוֹ. אִם אוֹמַר אֶת כֵּן לֹא נִמְצְאָתָּ חָב לַדִּינִים. וְיֵשׁ עֲדִים לְשַׁקְרָן.

How does one start for acquittal? One says, is it possible that this one be a murderer¹²? Rabbi Yose said, if this is so, if one of the witnesses said, I have

something to say in his defense, and his colleague comes to support him, is that support? If you say so, would you not put guilt on the judges, to lead witnesses to lie?

12 If the judges in their discussions say this, after the evidence was heard, nothing bad can be said. R. Yose reads the question as one directed towards eye witnesses to a murder. An intimation by the judges that

they do not believe the witnesses may lead them to lie to exonerate the murderer; this would make the judges accomplices of the murderer after the fact.

22a line 58) אָמַר רַבִּי יוֹחָנָן. כָּל-שְׂאִינֵי יוֹדְעִי לְדוֹן אֶת הַשֶּׁרֶץ לְטָהָר וּלְטָמְאָו מֵאַה כְּעִמִּים אֵין יָכוֹל לְפָתוּחַ בְּזָכוֹת. כִּי־צַד דָּנִין הַשֶּׁרֶץ. אָמַר רַבִּי יֵנְאִי. מֵה אִם הִנָּחַשׁ שְׂמִמִּית טָהוֹר. עֲקָבָר שְׂאִין מִמִּית אֵינוֹ דִּין לְהִיּוֹת טָהוֹר. אוֹ חִילּוֹף. עֲקָבָר שְׂאִין מִמִּית טָמֵא. נָחַשׁ שְׂמִמִּית אֵינוֹ דִּין לְהִיּוֹת טָמֵא. הִתִּיב רַבִּי פִּינְחָס. הָרִי עֲקָבָר מִמִּית וְהָרִי הוּא טָהוֹר. אֲשַׁכַּח תִּנִּי אָמַר. הוּא נָחַשׁ הוּא עֲקָבָר.

אָמַר רַבִּי. תִּלְמִיד וְנֹתִיק הֵיךְ לְרַבִּי וְהֵיךְ מְטָהֵר אֶת הַשֶּׁרֶץ וּמְטָמֵא ק' כְּעִמִּים. אָמְרִין. הֵהוּא תִּלְמִידָא לָא הֵנֹה יָדַע מוֹרִיָּה. אָמַר רַבִּי יַעֲקֹב בַּר דִּסְאִי. הֵהוּא תִּלְמִידָא קְטוֹעַ מְטוֹרָא דְסִינֵי הֵנֹה.

Rebbi Johanan said, anybody who cannot argue for the crawling animal to make it pure a hundred times cannot start arguing for acquittal¹³. How does one argue about a crawling animal? Rebbi Johanan said, since a snake which kills¹⁴ is pure, a rat which does not kill logically should be pure. Since a rat which does not kill is impure, a snake which kills logically should be impure. Rebbi Phineas objected: Is there not the scorpion which kills and is pure? It was found that a Tanna said, snake and scorpion both follow the same rules.

¹⁵Rebbi said, Rebbi [] had a self-confident student who was arguing for purity or impurity of the crawling animal a hundred times. They said, this student never could instruct¹⁶. Rebbi Jacob bar Dositheos said, this student was cut-off from Mount Sinai¹⁷.

13 In the Babli, 17a, Rav states that anybody who cannot argue for the purity of crawling animals is not a candidate for membership in the Synhedrion. *Lev.* 11:29-38 describes the impurity of eight particular crawling animals (mostly

reptiles). The list includes the rat. (For some reason, the commentator to the Babli 91a, probably Rashi's son-in-law Jehuda ben Nathan, defines עֲקָבָר as *écureuil*, "squirrel".) All other crawling animals,

including snakes (*Lev. 11:42*), are forbidden as food but their carcasses are not impure.

14 It kills both humans and domestic animals, thereby causing the severe impurities of corpses and animal carcasses. For logical consistency, the agent of impurity should be impure; Babli *Eruvin* 13b.

15 In the Babli *Eruvin* 13b, Rabbi Johanan said, Rabbi Meir had a student by the name of Symmachos who could give 49 reasons for everything pure and 49 reasons for everything impure. [In *Midrash Tehillim*, ed. Buber p. 108 Note 37, it is R. Aqiba's student Rabbi Meir.] Since Symmachos is praised, the stories are not parallel and the names cannot be copied. It

is clear that the second "Rebbi" needs to be followed by a name.

The same Babli also quotes a *baraita* that at Jabneh there was a self-confident (ותיק ואثق) student who could give 150 reasons for the purity of crawling animals. This is the parallel to the *baraita* here.

16 A Sophist cannot come to a clear decision of what is right.

17 Even though all future Jewish souls, including proselytes, participated in receiving the Torah at Mount Sinai, that student was excluded as not being Jewish. (Cf. H. Guggenheimer, *The Scholar's Haggadah*, Northvale NJ 1995, p. 308-309.)

משנה ב: דיני ממונות מטין על פי עד אחד בין לזכות בין לחובה ודיני נפשות מטין על פי עד אחד לזכות ועל פי שנים לחובה. (fol. 21d)

Mishnah 2: Civil suits are decided¹⁸ by one witness¹⁹ whether for credit or debit; criminal suits are decided by one witness¹⁹ for acquittal and two for conviction²⁰.

18 The use of the verb נטה "to bend" referring to judicial decision is from *Ex. 23:2*.

19 This is a rather frequent scribal error (including the *editio princeps* of Maimonides's Code) induced by the common expression "one witness". Decisions are not made by witnesses but by

votes of judges. The word "witness" has to be deleted both times (cf. *Diqduqe Soferim Sanhedrin* p. 87, Note 1.)

20 If 12 judges vote for conviction and 11 for acquittal, it is a potential mistrial. A difference of two votes between those voting for conviction or acquittal is possible only if an odd number of judges abstain.

הלכה ב: דיני ממונות מטין כול. אמר רבי ינאי. אילו ניתנה התורה חתוכה לא היתה להגל עמידה. מה טעמא. וידבר יי אל-משה. אמר לפניו. רבונו של עולם. הודיעני היאך היא ההלכה. אמר לו. אחרי רבים להטות: רבי המוצין זכו. רבי המחייבין חייבו. כדי

שְׁתֵּיהֶם הַתּוֹרָה נִדְרָשֶׁת מ"ט פְּנִים טָמֵא וּמ"ט פְּנִים טָהוֹר. מִנִּיין וּדְגֵלָה. וְכֵן הוּא אוֹמֵר אֲמָרוֹת
 יי אֲמָרוֹת טָהוֹרוֹת כִּסּוֹף צָרוּף בְּעֵלִיל לְאָרֶץ מְזִיקָה שְׁבַע־עֶשְׂרִים: וְאוֹמֵר מִישְׁרִים אֶהְיֶה:

Halakhah 2: "Civil suits are decided," etc. Rabbi Yannai said, if the Torah had been given decided²¹, no foot could stand. What is the reason? *The Eternal spoke to Moses*²². He said before Him: Master of the Universe, inform me what is the practice. He told him, *to bend*²³ *after the majority*.¹⁸ If there was a majority for acquitting, they acquitted; if there was a majority for convicting, they convicted; so that the Torah²⁴ could be explained in 49 ways impure and 49 ways pure, the numerical value of²⁵ וּדְגֵלָה. And so it says²⁶: *the commands of the Eternal are pure sayings; molten silver in an earthenware crucible, refined sevenfold*. And it says²⁷, *the straightforward love You*.

21 חתך "to cut" in this connection is a translation of Latin *decidere* (literally "to cut off; settle, decide.") There is no reason why R. Yannai could not have acted as a Roman Judge, just like his contemporary R. Jonathan (cf. *Bava batra* 3:4 and *Introduction to Tractate Neziqin*.) R. Yannai counts it as an advantage that the Torah is formulated as a set of potentially ambiguous principles rather than a collection of court decisions which would represent unchangeable precedents.

22 *Qorban He'edah* takes this as a reference to Ex. 12:1, where v. 2 continues: *This month is for you the beginning of months; first it shall be for you of the year's months*. The two clauses in the verse have different status. In the first part, God designated the first month of the year of the Exodus. In the second part, Moses and his successors are commanded to determine every year which month should be "first". The Torah does not give an algorithm to determine which lunar month has to serve as

"Spring Month" (Ex. 13:4). Any calendar system agreed to by Moses's successors has divine sanction. (The current method, concentrating on designating the seventh month, from time to time yields rather questionable results.)

23 This is the opposite of rigidity. The understanding of Torah and with it the entire code of behavior required by it is a function of time. While precedents should be overthrown only for very weighty reasons, no rule is invariable for all times.

24 That means, every precept in the Torah can be explained as having 49 different negative and 49 different positive aspects.

25 *Cant.* 2:4: "His banner over me is love." The numerical value is $6+4+3+30+6 = 49$.

26 *Ps.* 12:7. "Sevenfold" is interpreted as $7^2 = 49$.

27 *Cant.* 1:4. Since מִישְׁרִים is a plural, it indicates that the Torah has a plurality of straightforward interpretations.

fol. 21d) **משנה ג:** דיני ממונות מחזירין בין לזכות בין לחובה. דיני נפשות מחזירין לזכות ואין מחזירין לחובה.

Mishnah 3: Civil suits can be retried²⁸ both for credit and for debit. Criminal suits can be retried for acquittal²⁹ but not for conviction.

28 As explained in 3:10-13, civil suits can be re-opened if new documents or new witnesses become available.

29 Appeals and retrials are possible only after conviction but never after acquittal.

(22a line 74) **הלכה ג:** דיני ממונות מחזירין בין לזכות בין לחובה כול. הרי שניצא מבית דין זכאי ומצאו לו חובה. שומע אני שניחזירוהו. תלמוד לומר צדיק אל תהרוג. הרי שניצא מבית דין חייב ומצאו לו זכות. שומע אני שלא ניחזירוהו. תלמוד לומר ונקי אל תהרוג. וכול אם צדק בדינך יצדק בדיני. תלמוד לומר כי לא אצדיק רשע: אמר רבי יצחק. אמר לי רבי יוסי. לא שנייא אלא אפילו נדבכה בטעות מחזירין אותו.

Halakhah 3: “Civil suits can be retried both for credit and for debit,” etc.
³⁰If he left the court being acquitted, and they found reasons for conviction, could I understand that one returned him? The verse says³¹, *do not slay the acquitted*. If he left the court being convicted, and they found reasons for acquittal, could I understand that one should not return him? The verse³¹ says, *but do not slay the innocent*. I could think that if he is acquitted in your court, he is acquitted in My court; the verse³¹ says, *I shall not acquit the wicked*.

Rebbi Isaac said, Rebbi Yose told me: There is no difference; if the acquittal was in error³², one retries him.

30 Babli 33b, *Mekhilta dR. Ismael Mišpatim* 20 (p.327-328), *dR. Simeon ben Iohai* 23:7; shortened *Sifry Deut.* 144.

31 *Ex.* 23:7.

32 For example, if the clerk of court made an error in tallying the votes. The Babli, 33b, holds that a retrial is possible if an acquittal was in clear violation of a biblical verse.

fol. 22a) **משנה ד:** דיני ממונות הכל מלמדין זכות וחובה. דיני נפשות הכל מלמדין זכות ואין הכל מלמדין חובה.

Mishnah 4: In civil suits, anybody³³ may argue for credit or debit. In criminal suits, anybody may argue for acquittal but not everybody may argue for conviction³⁴.

33 Every judge.

34 As explained in Mishnah 5.

(22b line 4) **הלכה ד:** דיני ממונות הכל מלמדין זכות וחובה כול. רבי מי בעא קומי רבי יוחנן. אפילו נואף ונואפת. אמר ליה. אתקלף מרקיעך.

Halakhah 4: “In civil suits, anybody may argue for credit or debit,” etc. Rabbi Immi asked before Rabbi Johanan: Even an adulterer and an adulteress³⁵? He told him, your patch came off³⁶.

35 It is obvious that this Halakhah does not refer to Mishnah 4. From the parallel in the Babli, 33b, where R. Hiyya bar Abba asked and received an insulting answer, one might refer to the preceding statement in Halakhah 3, whether adulterers who were acquitted after the adultery was proven may be retried. This interpretation requires one to adopt the Babli’s explanation of R. Yose’s statement.

If the Halakhah belongs to Mishnah 5, the question might be whether a judge who argued for acquittal in the case of an adulterer may argue for conviction in the following trial of the adulteress. Halakhah 9 and Tosephta 7:2 prescribe that adulterer and adulteress have to be tried separately on different days.

36 The question is stupid; it is as if you had a hole in your pants.

(fol. 22a) **משנה ה:** דיני ממונות המלמד זכות מלמד חובה והמלמד חובה מלמד זכות ודיני נפשות המלמד חובה מלמד זכות. אבל המלמד זכות אינו יכול לחזור וללמד חובה.

Mishnah 5: In civil suits, one who argued for credit may argue for debit and one who argued for debit may argue for credit; but in criminal suits one who argued for conviction may argue for acquittal but one who argued for acquittal is barred from arguing for conviction.

(22b line 6) **הלכה ה:** דיני ממונות המלמד זכות כול. רבי אמר. ובלבד שלא יהו מחוסרין לומר. איש פלוני אתה זכאי ואתה חייב. אבל אם היו מחוסרין במשה ובמתן לא בדה. רבי יוסי בן חנינה אמר. אפילו מחוסרין במשה ומתן.

Halakhah 5: “In civil suits, one who argued for credit,” etc. Rabbi said, if they only miss saying, Mr. X, you are acquitted, or you are convicted; it

does not apply to the discussion³⁷. Rabbi Yose ben Hanina said, it also applies to the discussion³⁸.

37 A judge who argued for acquittal during the discussion is barred from voting for conviction during the final vote but a judge originally arguing for acquittal may change his mind during the discussion and later argue for conviction. In the Babli, 34b,

Rav reads the Mishnah as implying that during the discussion, a person arguing for acquittal cannot then argue for conviction but the next day he may vote for conviction.

38 A judge originally arguing for acquittal cannot later argue for conviction.

משנה ו: דְּיָנִי מְמוֹנוֹת דְּנִין בַּיּוֹם וְגוֹמְרִין בַּלַּיְלָה וְדִינֵי נַפְשוֹת דְּנִין בַּיּוֹם וְגוֹמְרִין בַּיּוֹם. (fol. 22a)

Mishnah 6: Civil suits are tried during the day and may be decided in the night but criminal suits are tried during the day and decided during daytime.

הלכה ו: דְּיָנִי מְמוֹנוֹת דְּנִין בַּיּוֹם כו'. מְנַלְךָ. וְשִׁפְטוֹ אֶת־הָעָם בְּכָל־עֵת. וְאֵית קָרִי לְשַׁעֲבֵר. אָמַר רַב שְׁמוּאֵל בְּרַב יְצָחָק. בֵּינֵי מִתְנִיתָא. שָׂאֵם טַעֵי וְדָנוּ בַּלַּיְלָה שְׂדִינָם דִּין. תִּלְמוּד לֹאִמַר וְשִׁפְטוֹ אֶת־הָעָם בְּכָל־עֵת. אָמַר. הָא אֲמִירָה.

Halakhah 6: “Civil suits are tried during the day,” etc. From where this? *They judged the people at all times*³⁹. But this is a verse about what happened⁴⁰! Rav Samuel⁴¹ ben Rav Isaac said: so is the *baraita*: If they erred and judged in the night, their judgment stands, as the verse said: *they shall judge the people at all times*⁴². He⁴³ said, that is a statement⁴⁴.

39 Ex. 18:26.

40 Information about what Moses had people do in the desert is quite different from prescription of future organization of courts. The context makes it clear that courts organized on Jethro's suggestion only handled civil suits *between a man and his neighbor*.

41 The name must be either *Rebbi* Samuel bar Rav Isaac or Rav *Nahman* bar Rav Isaac; cf. *Bava gamma* 9:1, Note 12.

42 Ex. 18:22, the prescription of future organization. The Babli, 34b, disagrees and permits only finishing a trial which started during daytime.

43 The person who had raised the objection in the first place. In *Bava gamma* 9:1 (Note 16) the expression is used by Rav Nahman bar Jacob.

44 A true statement. Tosaphot *Yebamot* 104a s. v. מר feel forced to emend the text. This is unnecessary.

(fol. 22a) **משנה ז:** דיני ממונות גומרין בו ביום בין לזכות בין לחובה. ודיני נפשות גומרין בו ביום לזכות וביום שלאחריו לחובה. לפיכך אין דנין לא בערב שבת ולא בערב יום טוב:

Mishnah 7: Civil suits are decided on the same day, whether for credit or debit. But criminal suits are decided the same day for acquittal, the next day⁴⁵ for conviction. Therefore one does not judge on Sabbath eve or holiday eve⁴⁶.

45 If there be a majority for conviction, one puts off the final vote for reasons for acquittal might be found in the meantime.

46 Neither judgment can be rendered nor the judgment executed on a Sabbath or holiday. The possibility of a trial taking longer than one day is not contemplated.

(22b line 13) **הלכה ז:** דיני ממונות גומרין בו ביום כול. תני. העד אין מלמד לא זכות ולא חובה. מנלו. ועד לא יענה בנפש למות: ומנין שאף הוא אין מלמד לא זכות ולא חובה. תלמוד לומר והוא לא יענה בנפש למות: ריש לקיש אמר. פעמים שאדם רואה את עצמו מודים ומפליג דבריו שלא נמות.

Halakhah 7: “Civil suits are decided on the same day,” etc. It was stated⁴⁷: A witness may not argue either for acquittal or conviction⁴⁸. From where this? *A witness shall not argue about anybody on trial for his life*⁴⁹. And from where that he himself may not argue either for acquittal or conviction? The verse says, one *shall not argue about anybody on trial for his life*⁵⁰. Rabbi Simeon ben Laqish said, sometimes a person sees himself set up by perjured witnesses and he speaks much lest he be put to death⁵¹.

47 A similar *baraita* is quoted in the Babli, 33b, where, however, a dissent is noted.

48 In the formulation of the Babli: A witness cannot turn judge.

49 *Num.* 35:30. In the Babli, R. Yose ben Jehudah reads the verse only as prohibiting a witness from arguing for conviction.

50 This is not a verse. *Num.* 35:30 reads: *A single witness may not argue . . .* This is

split into two sentences: A witness may not, a single person may not.

51 While in the Babli, 34a, R. Simeon ben Laqish is quoted as sustaining the opinion that the accused may not testify for himself since he is party to the proceedings, here it seems clear that he gives the accused the right to point out to the judges the fact that he is accused because of perjured (or otherwise tainted) testimony.

(22b line 17) ומניין שצריך שני ימים סמוכין זה לזה.

רבי חזקיה רבי אחי בשם רבי אבהו. אסור לדון דיני ממונות בערב שבת. והדא מתניתא פליגא. לפיכך אין דנין לא בערב שבת ולא בערב יום טוב. דיני נפשות. הא דיני ממונות דנין. ותיגי רבי חייה כן. דנין דיני ממונות בערב שבת ואין דנין דיני נפשות בערב שבת. אמר. כאן להלכה כאן למעשה.

1 אחי | כב אחא אבהו | כ אבהו אמ' והדה | כב והא 3 ואין דנין | כב אבל לא בערב שבת. אמר | כ - 4 למעשה | כב לדבר תורה

וידונו אותו בערב שבת ויגמר דינו בשבת וייהרג למוצאי שבת. אם אומר את כן נמצא דינו משתקע. ריש לקיש בעי. וידונו אותו בשבת ויגמר דינו בשבת וייהרג בשבת. מה אם עבודה שדוחה שבת רציחת מצוה דוחה אותה. שנאמר מעם מזבחי תקחני למות. שבת שהעבודה דוחה אותה אין דין שתהא רציחת מצוה דוחה אותה. רבי לא בשם רבי ינאי. מיכן לבתי דינין שלא יהו דנין בשבת. מאי טעמא. נאמר כאן בכל מושבותיכם ונאמר להלן והיו אלה לכם לחוקת משפט לדתיכם בכל מושבותיכם: מה להלן בבית דין הכותב מדבר. אף כאן בבית דין הכותב מדבר.

From where that one needs two consecutive days⁵²?

⁵³Rebbi Hizqiah, Rebbi Aha, said in the name of Rebbi Abbahu: It is forbidden to judge money matters on Friday. Does not a Mishnah object: "Therefore one does not judge [criminal matters] on Sabbath eve or holiday eve"? Hence, one judges money matters! Also, Rebbi Hiyya stated thus: One judges money matters on Friday but not criminal matters. One is for practice, the other for action.^{53a}

Could one not judge him on Fridays, pass sentence on the Sabbath, and execute him after the Sabbath? If you say so, it turns out that his judgment is delayed⁵⁴. Rebbi Simeon ben Laqish asked, could he not be judged on the Sabbath, have his sentence passed on the Sabbath, and be executed on the Sabbath? Temple service, which supersedes Sabbath prohibitions⁵⁵, is pushed aside by obligatory executions, since it is said, *from My altar take him to be executed*⁵⁶. Therefore the Sabbath, which is pushed aside by Temple service, logically should be pushed aside by obligatory executions⁵⁷.

Rebbi La in the name of Rebbi Yannai: This⁵⁸ implies that courts may not sit on the Sabbath; what is the reason? It is said here, *in all your dwellings*⁵⁹, and it is said there, *these shall be for you legal procedures for your generations in all your dwellings*⁶⁰. Since there the verse refers to courts, so also here the verse refers to courts.

52 Since the Mishnah requires sentence to be passed on the day immediately following, there should be some biblical justification. The continuation of the argument shows that a reference is missing which would imply that justice delayed is justice denied.

53 The same text is found in *Ketubot* 1:1 (Notes 43-46, ב) and *Besah* 5:2 (64 l. 59, ב).

53a "Practice" means "code of practice", "action" means actual procedure. The parallel sources read: "one is for practice, the other for words of Torah", meaning that in theory one may judge but in practice one does not.

54 This argument really implies that capital crimes be tried only by the Supreme Court whose decrees are final.

55 The Sabbath Temple service, as prescribed in *Num.* 28:10, requires slaughtering and burning. For any other purpose, these are deadly sins and capital crimes if done on the Sabbath.

56 *Ex.* 21:14. The verse is read, not as a denial of asylum for any murderer, but as a commandment to immediately execute a

Cohen even if he was officiating when convicted of murder. (The non-Cohen would commit a deadly sin by touching the altar.)

57 The argument deserves no refutation since the relation "stronger than" underlying an argument *de minore ad majus* is not transitive (*a* stronger than *b*, *b* stronger than *c* does not imply *a* stronger than *c*. Babli *Šabbat* 132b; cf. H. Guggenheimer, *Logical Problems in Jewish Tradition*, in: *Confrontations with Judaism*, London 1967, pp. 182-183.) The Babli, 35b, disproves the argument at length.

58 Mishnah 6.

59 *Ex.* 35:3, the prohibition to start a fire on the Sabbath.

60 *Num.* 35:29, the law of homicide and murder. The argument (Babli 35b) goes as follows. Some capital crimes are punished by burning. *Ex.* 35:3, which has been shown to be applicable to court proceedings, forbids executing a convicted criminal who has to be burned. Therefore no capital punishment can be executed on the Sabbath.

משנה ח: דִּינֵי מְמוֹנוֹת הַטְּהָרוֹת וְהַטְּמְאוֹת מִתְחִילִין מִן הַגְּדוֹל דִּינֵי נִפְשוֹת מִתְחִילִין מִן הַצָּד. הַכֹּל כְּשִׁירִין לְדוֹן דִּינֵי מְמוֹנוֹת וְאֵין הַכֹּל כְּשִׁירִין לְדוֹן דִּינֵי נִפְשוֹת אֶלָּא כְּהֲנִים לְוִיִּים וְיִשְׂרָאֵלִים הַמְּשִׁיאִין לַכְּהוֹנֵה:

Mishnah 8: In cases of money matters, purity, and impurity, one starts with the greatest⁶¹. In criminal cases, one starts from the side⁶². Everybody is qualified to judge money matters but not everybody is qualified to judge criminal matters, but only Cohanim, Levites and Israel whose daughters may marry into the priesthood⁶³.

- 61 The most respected among the judges is requested to give his opinion first. junior members of the court be influenced by the authoritative voice.
- 62 In criminal cases, the most respected judge has to give his opinion last, lest the
- 63 None of whose known ancestors are bastards or desecrated priests.

(22b line 31) **הלכה ח:** דיני ממונות הטהרות והטמאות כול. רבי אומר. לא תענה על-דבר. רב כתיב. שלא תענה אחר הרב אלא קודם לרב. רבי יוסי בן חנינה אומר. לא תענה על-דבר. רב כתיב. שלא תענה קודם לרב אלא אחר הרב. רב אומר. לא תענה. אפילו אחר מאה. דברי רבי פינחס.

Halakhah 8: “In cases of money matters, purity, and impurity,” etc. Rabbi says, *do not argue about a quarrel*⁶⁴. It is written *against the greatest*⁶⁵, that one does not argue after the greatest, only prior to the greatest. Rabbi Yose ben Hanina said, *do not argue about a quarrel*. It is written *before the greatest*⁶⁶, that one does not argue prior to the greatest, only after the greatest⁶⁶. Rav said, *do not argue*, even after a hundred⁶⁷, the words of Rabbi Phineas⁶⁸.

64 Ex. 23:2.

65 The word is written defective. The masoretic text follows the Talmudim in this (Babli 36a). It is difficult to decide whether the pronunciation of “the greatest” was רב or רב.

66 Depending on how one understands the word על, one comes to opposite conclusions. R. Yose ben Hanina denies that there be a difference in procedures between civil and criminal cases.

67 He denies that the verse has any relevance for judicial procedures; he reads it as an injunction not to change one’s mind even in the face of a hundred opposing opinions unless one is convinced that his earlier opinion was incorrect.

68 No Tanna “R. Phineas” is known, nor any such Amora in the first generation. Either the name has to be deleted or the reference is to R. Phineas ben Ya’ir.

(22b line 35) רבי חלקיה בשם רבי סימון. איתפלגון רבי יוחנן וריש לקיש. חד אומר. דינינו כדיניהן. וחד אומר. אין דינינו כדיניהן. קמא דמר דינינו כדיניהן. ביחא. ומאן דמר אין דינינו כדיניהן. מה מקיים ולאמר יהודה. ולאמר ממוכן. ראו דברי יהודה. ראו דברי ממוכן.

Rebbi Hilqiah in the name of Rabbi Simon: Rabbi Johanan and Rabbi Simeon ben Laqish disagreed⁶⁹. One said, our procedures are like their procedures, and one said, our procedures are not like their procedures⁷⁰. He who said, our procedures are like their procedures, is understandable. He who said, our procedures are not like their procedures, how does he understand

*Jehudah said*⁷¹, *Memukhan said*⁷¹? They agreed with what Jehudah said, they agreed with what Memukhan said⁷³.

69 A more complete list of names is in the parallel, *Midrash Esther ad* 1:13.

70 Whether in Gentile courts the presiding judge also votes last in criminal proceedings.

71 When the brothers discussed what to do with Joseph, Jehudah volunteered his plan not to kill Joseph (*Gen.* 37:26) even though he was the fourth of the brothers (but the oldest, Reuben, was absent.) Since this

happened before the revelation of Sinai, one has to assume that the brothers followed general Noahide rules.

72 *Esth.* 1:13. In the trial of Washti, the last named of the Persian grandees gave his opinion first.

73 Since in both cases no other opinions are recorded, we do not know in which order they spoke. Only the opinion which was agreed to in the end is mentioned.

(22b line 39) וּמִנֵּיין שְׁמִתְחִילין בְּדִינֵי נִפְשֹׁת מִן הַצֵּד. תֵּנָא שְׁמוּאֵל הֶזְקֵן קוּמֵי רַבִּי אֲחָא. וְיֵאמֹר דָּוִד לֹאֲנָשׁוּי חֲנָנִי | אִישׁ חֲרָבוֹ. וְאַחֵר כֶּדָּ לְשֹׁבֵנוּ בְּדִין עַל נָבָל. רַבִּי תִימְאָה בַר פִּפְיִס בָּשֵׁם רַב הוֹשְׁעִיָּה. אֶף בְּפִסּוּל מִשְׁפָּחָה מִתְחִילין מִן הַצֵּד.

⁷⁴From where that in criminal trials the voting starts from the side? Samuel the Elder stated before Rabbi Aḥa: *David told his men, each gird his sword*⁷⁵, and after this⁷⁶, they were sitting in judgment about Nabal.

Rebbi Thema bar Pappaia in the name of Rav Hoshia: Also when disqualifying families⁷⁷ one starts from the side.

74 This is quoted in Halakhah 2:3 (Note 98).

75 *IS.* 25:13.

76 When everybody had given his opinion that Nabal should be killed, David girded his sword in assent.

77 A determination that daughters of a certain family cannot be married either by

born Jews since they are descended from a bastard, or by priests since they are descended from a desecrated priest or a woman desecrated by a priest. All restrictions of criminal cases apply here, in the only cases heard by Amoraic courts in Palestine under the rules of criminal trials.

(22b line 42) הִכָּל כְּשִׁירִין לְדוֹן דִּינֵי מְמוֹנוֹת. רַבִּי יְהוֹנָדָה אוֹמֵר. אֶפִּילוּ מִמְּזִירִין. רַבִּי יְהוֹנָדָה אוֹמֵר. אִין מְדַקְדָּקִין בְּיֵין נִסָּד.

“Anybody is qualified to judge money matters.” Rabbi Jehudah says, even bastards⁷⁸. Rabbi Jehudah says, one does not investigate about libation wine⁷⁹.

78 In the Babli, 36b, this is a statement of Rav Jehudah.

79 Wine used in a pagan libation ceremony. The statement is out of place here; it is included as one of R. Jehudah's lenient rulings.

The rules of Gentile wine are the main topic of Tractate *Avodah zarah*. Wine used in a pagan ceremony, even only an

invocation at a pagan dinner, is forbidden biblically for all usufruct. All other Gentile wine is only forbidden rabbinically. Since the wine is forbidden anyhow, R. Jehudah states that one does not have to investigate whether the rigid biblical rules apply to a given wine; one follows the rabbinic rules unless it be known that the wine is biblically forbidden.

(fol. 22a) **משנה ט:** סנהדרין היתה כחצי גורן עגולה כדי שיהיו רואין זה את זה. ושני סופרי דינין עומדין לפניו אחד מימין ואחד משמאל וכותבין דברי מזכין ודברי מחייבין. רבי יהודה אומר שלשה היו. אחד כותב דברי מחייבין ואחד כותב דברי מזכין והשלישי כותב דברי מזכין ודברי מחייבין:

Mishnah 9: The Synhedrion was like a semicircular threshing floor⁸⁰, so that they could see one another. Two court reporters were standing before them, one to the right and one to the left, and they wrote down the arguments of those who argued for acquittal and those who argued for conviction. Rabbi Jehudah says, there were three. One wrote the arguments for conviction, one wrote the arguments for acquittal, and one wrote the arguments for acquittal and for conviction.

80 Not to mention the objectionable word "amphitheater". It is not clear whether this applies only to the original Synhedrion, the High Priest's council, or to any court empowered to try capital cases. It did apply

to the Academy of Jabneh, constituted by Rabban Johanan ben Zakkai after the destruction of Jerusalem, but probably not to any of its successor academies.

(22b line 44) **הלכה ט:** סנהדרין היתה כחצי גורן עגולה כול. כתיב לא תטה משפט אביון בריבו: בריבו אי אתה מטה. אבל אתה מטה בדינו שלשור. רבי אבהו בשם רבי יוחנן. ובלבד בדברים שבו דיני ממונות לדיני נפשות. כמה אינון. אגן תנינן. תשע. תני רבי חייה. חד-עשר. הי דינין תרתי אחרנייתא. הסרים וכל-מי שלא ראה לו בנים קשר לדון דיני ממונות ולא דיני נפשות. רבי אבהו בשם רבי יוחנן. אף פחות מכן עשרים ושלא הביא שתי שערות קשר בדיני ממונות ולא בדיני נפשות. ויושב בדינו שלשור. רבי יוסי בן חנינה אמר.

תלת עשרה. והי דינו תרתי אחרנייתא. דנין שני דיני ממונות ביום אחד ואין דנין שני דיני נפשות ביום אחד. אמר רבי אבין. אפילו נזאף ונאפך.

Halakhah 9: “The Synhedrion was like a semicircular threshing floor,” etc. It is written: *Do not bend your destitute’s proceeding in his trial*⁸¹. In his trial you do not bend; you may bend in the ox’s trial⁸². Rabbi Abbahu in the name of Rabbi Johanan: But only in those rules which are different for civil and criminal suits. How many are these? We have stated nine⁸³; Rabbi Hiyya stated eleven. Which rules are the last two? The castrate and one who never had children⁸⁴ is qualified to judge civil suits but not criminal suits. Rabbi Abbahu in the name of Rabbi Johanan: Also one who is less than twenty years of age or who does not have two pubic hairs⁸⁵ is qualified to judge civil suits but not criminal suits. Rabbi Yose ben Hanina said thirteen. Which rules are the last two? One judges two civil suits on one day but one does not try two criminal suits on one day. Rabbi Abin said, even adulterer and adulteress⁸⁶.

81 *Ex.* 23:6. The protection accorded defendants in criminal trials cannot be made dependent on the defendant’s status.

82 While the ox who killed a human is on trial for its life, the rules are those of civil suits since the ox represents its owner’s money.

83 In Mishnaïot 1-7. The Babli, 36b, points out that there is another difference stated in Mishnah 8, but the exclusion of bastards is implicit already in the choice of 23 judges since these judges must in theory be qualified to serve in Moses’s council.

84 The Babli, 36b, also excludes men too

old to remember the trouble they had in raising their children, who also would be inclined to cruelty.

85 Although he is past age 20 he still is infantile; cf. *Yebamot* 10:17 Notes 221-227.

86 Where the proof of guilt of one person equally applies to the other. In the Babli, 46a, Rav Hisda restricts this to the case where the statutory punishments are different, such as adultery with a Cohen’s daughter, where the adulterer is strangled but the adulteress burned. There is no reason to transfer this statement to the Yerushalmi. Cf. Note 35.

משנה י: ושלש שורות של תלמידי חכמים יושבין לפניו וכל אחד ואחד מכיר את מקומו. צרכו לסמוך סומכין מן הראשונה. אחד מן השנייה בא לו לראשונה ואחד מן השלישית בא לו לשנייה. ובוררין להן עוד אחד מן הקהל ומושיבין אותו בשלישית. ולא היה יושב במקומו של ראשון אלא יושב במקום שהוא ראויו:

Mishnah 10: Three rows of students of the Sages⁸⁷ were sitting before them; each one of them knew his place⁸⁸. If they needed to ordain,⁸⁹ they ordained one from the first row. One of the second row came to sit in the first, and one of the third came to sit in the second⁹⁰. They chose a person from the general public and placed him in the third row; he did not sit in the place of the one promoted but in the place befitting him⁹¹.

87 Each criminal court was supposed to function as a law school.

88 Determined by their standing in examinations.

89 If there was a vacancy on the bench.

90 Not that he came by himself but was promoted by the court according to his standing.

91 By the result of the entrance examination.

הלכה י: שֶׁלֹּשׁ שׂוּרוֹת שֶׁלֹּתְלָמִידֵי חֲכָמִים כֹּל'. רַבִּי בָּא בֵּר יָסָא בְּשֵׁם רַבִּי יוֹחָנָן. נֶאֱמַר בָּאן עֵדָה וְנֶאֱמַר לְהֵלֵךְ עֵדָה. מִיֵּיתִי לָהּ רַב מִמֶּתְנִיתָא. מִתְנִיתָא אֲמָרָה. הָיוּ זָנְבֵי לְאִרְיוֹת וְלֹא רֹאשׁ לְשׁוּעָלִים. מִתְּלָא אֲמָרָה. הָיוּ רֹאשׁ לְשׁוּעָלִים וְלֹא זָנְבֵי לְאִרְיוֹת. דִּתְנִינָן. צָרְכֵינוּ לְסִמּוּךְ סוֹמְכִין מִרֹאשׁוֹנָה.

Halakhah 10: “Three rows of students of the Sages,” etc. Rabbi Abba (bar) [Rebbi]⁹² Yasa in the name of Rabbi Johanan: It says here *congregation*, and it says there *congregation*.

Rav brought it from a Mishnah; the Mishnah says “be a tail of lions and not a head of jackals.”⁹³ The parable says, be a head of jackals but not a tail of lions. But we have stated: “If they needed to ordain, they ordained one from the first row.”⁹⁴

92 This is a quote from Halakhah 1:6, Note 338. One has to read with the text there, R. Abba, R. Yasa, rather than introduce an otherwise unknown R. Abba bar Yasa. In the opinion of the Babli, the law school had room for 3 times 23 students. It seems that the Yerushalmi agrees; therefore the derivation of the number 23 of

members of the court is hinted at by the quote of its first sentence.

93 *Avot* 4:15.

94 The Mishnah does not require that the occupant of the first seat of the first row be ordained; it could be anyone from the first row. Therefore, the last seat in the first row is better than the top seat in the second row.

מִשְׁנֵה יֵא: בְּיָצַד מְאִימִין עַל עֲדֵי נִפְשׁוֹת הָיוּ מְכַנְּסִין אוֹתָן וּמְאִימִין עֲלֵיהֶן שְׂפָא תֵּאֲמָרוּ מֵאֲמֵד וּמִשְׁמוּעָה עַד מִפִּי עַד וּמִפִּי אָדָם נֶאֱמָן שְׂמֻעָתָם אוֹ שְׂפָא אֵי אֲתָם יוֹדְעִין

שְׁסוּפִינוּ לְבִדּוּק אֶתְכֶם בְּדִרְשָׁה וּבִחְקִירָה. הוּא יוֹדְעִין שְׁלֹא כְּדִינִי מְמוֹנוֹת דִּינִי נִפְשׁוֹת. דִּינִי מְמוֹנוֹת אָדָם נוֹתֵן מָמוֹן וּמִתְכַּפֵּר לוֹ. דִּינִי נִפְשׁוֹת דָּמוֹ וְדָם זִרְעִיּוֹתָיו תִּלְוִינָן בּוֹ עַד סוּף כָּל-הַדּוֹרוֹת. שָׁכֵן מְצִינוּ בְּזֶקֶן כְּשֶׁהֵרָג אֶת אָחִיו שֶׁנֶּאֱמַר בּוֹ קוֹל דְּמֵי אָחִיךָ צִעֲקִים אֵלַי מִן-הָאֲדָמָה: אֵינוֹ אוֹמֵר דָּם אֶחָד אֶלָּא דְּמֵי אֶחָד דָּמוֹ וְדָם זִרְעִיּוֹתָיו. דָּבָר אַחֵר דְּמֵי אֶחָד שֶׁהִיָּה דָּמוֹ מוֹשְׁלֵךְ עַל הָעֵצִים וְעַל הָאֲבָנִים.

Mishnah 11: How does one instill fear in witnesses in criminal cases⁹⁵? One brings them in and instills fear in them. Maybe you would testify by a guess, or by a rumor, or from the mouth of a witness, or you heard it from a trustworthy source⁹⁶, or maybe you do not know that we shall examine you by cross-examination and interrogation¹. You should know that criminal trials are not like civil trials. In civil trials a person⁹⁷ pays money and is forgiven. In criminal trials, his blood and the blood of all his descendants hang in the balance, to the end of all generations. So we find when Cain slew his brother, it is said: *The sounds of your brother's bloods cry to me from the earth*⁹⁸. It does not say *your brother's blood* but *your brother's bloods*, his blood and that of his descendants. Another explanation⁹⁹: *Your brother's bloods*, the blood was splashed on trees and stones.

95 A criminal trial is one where the punishment is either death or flogging. Flogging is potentially life-threatening. A crime for which the punishment is a fine is tried as civil infraction under the rules of civil suits.

96 This still is hearsay evidence which is

inadmissible.

97 On whose incorrect testimony another person was found owing money.

98 Gen. 4:10; cf. *Gen. rabba* 22(21).

99 This is a possible correct interpretation of the verse, not to be used as sermon in court. Cf. *Gen. rabba* 22(22).

(22b line 58) **הַלָּכָה יֵא:** כִּי־צַד מֵאִימִין כּוֹל'. כִּי־צַד מֵאוּמָד. לֹא תֵאֱמַר. רְאִינוּהוּ רוֹדֵף אַחֲרָיו וְסִיף בְּיָדוֹ. נִכְנָס לַחֲרוּבָה אַחֲרָיו. נִכְנָסוּ אַחֲרָיו וּמִצָּאנוּהוּ הָרוּג. רְאִינוּהוּ יוֹצֵא וְהִסִּיף מִטְפִּטְפֵּת דָּם. אָמַר רַבִּי שְׁמַעוֹן בֶּן שִׁשְׁתִּי. אָרְאָה בְּנִחְמָה אִם לֹא רְאִיתִי רוֹדֵף אַחֵר אַחֵר נִכְנָס לַחֲרוּבָה. נִכְנָסְתִּי אַחֲרָיו וּמִצָּאנוּהוּ הָרוּג וְזֶה יוֹצֵא וְסִיף מִנִּטְף דָּם. אָמַרְתִּי לוֹ. אָרְאָה בְּנִחְמָה שֶׁזֶה הָרוּג. אֲבָל מָה אֶעֱשֶׂה שְׂאִין דָּמָךְ מְסוּר בְּיָדִי אֶלָּא הִידַע מִחֻשְׁבוֹת וּפְרַע מֵאוֹתוֹ הָאִישׁ. לֹא הִסְפִּיק לְצֹאת מִשָּׁם עַד שֶׁהִכִּישׁוּ נֶחֱשׁ וּמָת.

Halakhah 11: “How does one instill fear,” etc. What is meant by a guess? ¹⁰⁰“Do not say, we saw him with a sword in his hand running after another person. He entered a ruined building after him; we entered after him

and found him slain. We saw him coming out and his sword was dripping blood¹⁰¹. Simeon ben Shetah¹⁰² said: May I not see consolation¹⁰³ if I did not see one running after another person into a ruined building. I entered after him and found him slain while the other left with his sword dripping blood. I said to him, may I not see consolation if you did not kill him. But what can I do since your blood is not delivered into my hands. But He Who knows thoughts may collect from that person. He did not manage to leave before a snake bit him and he died.

100 Babli 37b, Tosephta 8:3.

101 A death sentence can never be pronounced on circumstantial evidence.

102 The head of the Synhedrion under his sister Queen Salome (Shalomsion).

103 I. e., may I not have part in the Future Life if . . .

(fol. 22a) **משנה יב:** לפיכך נברא האדם יחידי בעולם ללמד שקל-המאבד נפש אחת מעליו עליו כאילו איבד עולם מלא. וכל-המקיים נפש אחת מעליו עליו כאילו קיים עולם מלא. ומפני שלום הבירות, שלא יאמר אדם לחברו אבא גדול מאביך ושלא יהו המינין אומרים הרבה רשויות יש בשמים.

Mishnah 12: Therefore man was created single in the world to teach that for anybody who destroys a single life it is counted as if he destroyed an entire world, and for anybody who preserves a single life it is counted as if he preserved an entire world. And because of peace among men, that nobody could say to another, my father was greater than your father. And that sectarians¹⁰⁴ could not say, there are a plurality of powers in Heaven.

104 In general, מין denotes a Jewish Christian. If Jesus was identical in nature with God, he could not have been created or born. If Jesus was similar in nature to God, his creation would contradict the thesis of

unique creation of man. If Jesus was simply referring to himself as God's son in the meaning of *Deut.* 11:1, he is no power in Heaven.

(22b line 65) **הלכה יב:** לפיכך נברא האדם כול'. אדם נברא יחידי בעולם מפני המשפחות שלא יהו מתגרות זו בזו. והלא דברים קל וחומר. ומה אם בזמן שהיו בני אב אחד מתגרות זו

בְּזוֹ. אֵילּוּ הָיוּ בְּנֵי שְׁנַיִם עַל אַחַת כְּמָה וְכְמָה. דָּבָר אַחֵר. שֶׁלֹּא יִהְיוּ הַצְדִּיקִים אוֹמְרִים. אֲנִי בְּנִי צְדִיק וְאַתֶּם בְּנֵי רָשָׁעִים.

Halakhah 12: “Therefore man was created,” etc.¹⁰⁵ “Man was created single in the world because of the families, lest they should attack one another. Is that not argument *de minore ad majus*? Since now that they are all descendants of one father they attack one another, if they had been descendants of two not so much more? Another explanation: The just ones should not say, we are the descendants of a just man, but you are the sons of evildoers¹⁰⁶.”

105 Babli 38a, Tosephta 8:4.

106 There is no predestination, genetic or otherwise.

(fol. 22a) **משנה יג:** וְלִהְיִיד גְּדוּלָּתוֹ שֶׁל מֶלֶךְ מַלְכֵי הַמְּלָכִים הַקְדוּשׁ בְּרוּךְ הוּא שֶׁאֵדָם טוֹבֵעַ כְּמָה מִטְבָּעוֹת בְּחוֹתָם אֶחָד וְכוּלָּן דּוֹמִין זֶה לָזֶה. וּמֶלֶךְ מַלְכֵי הַמְּלָכִים הַקְדוּשׁ בְּרוּךְ הוּא טוֹבֵעַ כָּל-אֶדָם בְּחוֹתָמוֹ שֶׁל אֶדָם הָרִאשׁוֹן וְאֵין אֶחָד דּוֹמֶה לַחֲבֵרוֹ. לְכִיכָּךְ כָּל-אֶחָד וְאֶחָד חַיִּיב לוֹמַר בְּשִׁבְלִי נִבְרָא הָעוֹלָם.

Mishnah 13: And to proclaim the greatness of the King over kings of kings, the Holy One, praise to Him. For a man coins many coins with one die; they are one like the other. But the King over kings of kings, the Holy One, praise to Him, stamps every man with the stamp of the first man, but no one is like any other. Therefore, everybody is required to say, the world was created for me.

(22b line 70) **הלכה יג:** וְלִהְיִיד גְּדוּלָּתוֹ שֶׁל מֶלֶךְ מַלְכֵי הַמְּלָכִים הַקְדוּשׁ בְּרוּךְ הוּא כּוּל'. לִהְיִיד גְּדוּלַּת מֶלֶךְ מַלְכֵי הַמְּלָכִים שֶׁמְחוֹתָם אֶחָד טוֹבֵעַ כָּל-הַחוֹתָמוֹת וְאֵין אֶחָד מֵהֶן דּוֹמֶה לַחֲבֵרוֹ. שֶׁנֶּאֱמַר וַתִּתְּהֶפֶךְ כְּחוֹמֶר חוֹתָם. וּמִפְּנֵי מָה שֵׁינָה פְּרָצוּפִיהֶן. שֶׁלֹּא יִהְיֶה אֶדָם קוֹפֵץ וְהוֹלֵךְ לְאַשְׁתִּי חֲבִירוֹ אוֹ לְשֹׁדֵה חֲבִירוֹ. תֵּנִי בָשֶׁם רַבִּי מֵאִיר. שֶׁלֹּשָׁה דְּבָרִים שֵׁינָה הַקְדוּשׁ בְּרוּךְ הוּא בְּבְנֵי אֶדָם. מִרְאָה פָּנִים וְדַעַת וְקוֹל. מִרְאָה וְדַעַת מִפְּנֵי הַגּוֹלְגִינִי. וְקוֹל מִפְּנֵי הָעֵרְוָה. אָמַר רַבִּי יִצְחָק. אֵפִילוּ תִּינָתָא אוֹ חִסְתָּא לֹא דִמְנָא לַחֲבִירֶיהָ. אֶדָם נִבְרָא בְּעֶרֶב שַׁבָּת כְּדִי שְׂיִכְנֹס תַּחֲלִילָה לְמַצּוּהָ. דָּבָר אַחֵר. לָמָּה נִבְרָא בְּאַחֲרֶיהָ. מִשָּׁל לְמֶלֶךְ שֶׁעָשָׂה סְעוּדָה. כְּשֶׁמִּתְקִין הַסְּעוּדָה מִזְמִין הָאוֹרְחִין. כִּד חֲכָמוֹת בְּנֵתָה בֵּיתָה. זֶה הַקְדוּשׁ בְּרוּךְ הוּא שֶׁבָּנָה אֶת הָעוֹלָם בְּחִכְמָה. שֶׁנֶּאֱמַר יי

בְּחִכְמָה יִסַּד-אֶרֶץ וגו'. חֲצִבָּה עֲמוּדֶיהָ שְׂבָעָה. אֵילֵי שְׂבָעַת יָמֵי בְּרֵאשִׁית. טַבְחָה טַבְחָה מִסְכָּה
יִינָה. אֵילֵי יָמִים וְנִהְרֹת וְכָל-צֹרֵכֵי הָעוֹלָם. מִי-פָּתִי יִסַּר הֵנָּה. זֶה אָדָם וְחַיָּה.

Halakhah 13: “And to proclaim the greatness of the King over kings of kings, the Holy One, praise to Him,” etc.¹⁰⁶ To proclaim the greatness of the King over kings of kings Who from one die coins all seals and no one is like the other, as it is said: *The seal turns around like clay*¹⁰⁷. Why did He change their looks¹⁰⁸? That no man should jump and go to another’s wife or another’s field. It was stated in the name of Rabbi Meir: Three things did the Holy One, praise to Him, diversify in humans: looks of the face, understanding, and voice. Looks and understanding because of the robbers, voice because of forbidden women. Rabbi Isaac said, even a fig tree or a wheat plant is not identical to any other. Man was created Sabbath Eve so from the start he should enter with a commandment¹⁰⁹. Another explanation: Why was he created last? A parable of a king who made a banquet. After he had ordered the meal, he invited the guests.¹¹⁰ So *wisdom built her house*, that is the Holy One, praise to Him, Who created the world in wisdom, as it is said, *the Eternal in wisdom based the earth*¹¹¹, etc. *She quarried its seven pillars*, these are the seven days of creation. *She slaughtered her slaughtering, mixed her wine*, these are seas and rivers and all the needs of the world. *Any silly one shall come here*, that is Adam and Eve.

106 Babli 38a, Tosephta 8:5,6,9.

109 To celebrate the Sabbath.

107 Job 38:15; cf. Kilaim 9:4 Note 78.

110 Prov. 9:1,2,4.

108 Greek πρόσωπος.

111 Prov. 3:19.

משנה יד: וְשָׂמָא תֹאמְרוּ מַה לָּנוּ וְלַצָּרָה הַזֹּאת וְהֵלֵא כְּבֵר נֹאמֵר וְהוּא לֵד אִו רָאָה אִו
נִדָּע וגו'. שָׂמָא תֹאמְרוּ מַה לָּנוּ לְחֹיִב בְּדָמוֹ שֶׁל זֶה וְהֵלֵא כְּבֵר נֹאמֵר וּבִבְאֻד רְשָׁעִים רָנָה:

Mishnah 14: Maybe you will say, why should we go to all this trouble? There already is written: *If he is a witness, or saw, or knew*¹¹², etc. Maybe you will say, why should we be guilty of this man’s blood? There already is written: *In destruction of evildoers is clamor*¹¹³.

112 Lev. 5:1. As usual, the implication is *sin*.
 from the part of the verse which is not 113 Prov. 11:10.
 quoted: *If he do not tell, he has to bear his*

הָרִינָה (22c line 8) **הַלְכָה יִד:** שָׁמָּה תֹאמְרוּ מָה לָנוּ וְלָצָרָה כֹּל. כְּתִיב וַיַּעֲבֹר הָרִינָה בְּמַחְנֶה. מִהוּ
 הָרִינָה. הִירִינִי. וְכֵן הוּא אוֹמֵר בְּצֵאתָ לִפְנֵי הַחַיִּיץ וְגו'. לְלַמֶּדֶךָ שְׂאֵף מִפֶּלֶת הַרְשָׁעִים אֵינָה
 שְׂמִיחָה לִפְנֵי הַמָּקוֹם.

Halakhah 14: “Maybe you will say, why should we go to all this trouble,” etc. It is written: *The clamor erupted in the camp*¹¹⁴. What is “the clamor”? Quiet¹¹⁵. And so it says, *when they went in front of the armed forces*¹¹⁶, to teach that even the downfall of the evildoers is no joy before the Omnipresent.

114 1K. 22:36.

115 According to N. Brüll, *Jahrbuch für jüdische Geschichte und Literatur* 1, p. 134, this is Greek εἰρήνη “peace, quiet”. Cf. also *Pesiqta dR. Cahana* 20 (ed. S. Buber p. 141a Note 10, as explanation of the verbal form רָנִי Is. 54:1). The death of the evil king Ahab (v. 35) brought quiet to everybody.

116 2Chr. 20:21. The argument is from the part of the verse which is not quoted. When the Levites went before the army against the Moabites and Edomites, they sang: *give praise to the Eternal, for His Grace is forever*, intentionally changing the traditional text (*Ps.* 118:1,136:1), *give praise to the Eternal for He is good, for His Grace is forever*.