

ואילו הן הנחנקין פרק אחד עשר

(fol. 29b) **משנה א:** ואילו הן הנחנקין המכה אביו ואמו וגו' נפ' מישקאל וזקן ממרא על פי בית דין ונביא השקר והמתנבא בשם עבודה זרה והבא על אשת איש וזוממי בת כהן ובוועלה.

Mishnah 1: But the following are strangled¹: One who hits his father or his mother², and one who kidnaps a person from Israel³, and the Elder who rebels against the Court⁴, and the false prophet⁵, and one who prophesies in the name of foreign worship⁶, and one who copulates with a married woman⁷, and the perjured witness of a Cohen's daughter and her paramour⁸.

1 Since no particular form of execution is prescribed for them.

2 Ex. 21:15.

3 In order to sell him or her as a slave, Ex. 21:16, Deut. 24:7.

4 The Supreme Court sitting in the Temple court. Deut. 17:12.

5 Deut. 18:20-22.

6 Deut. 13:6.

7 Deut. 22:22. This also applies to the woman.

8 Even though the adulterous daughter of a Cohen is burned, there is no verse to apply the same punishment to the adulterer. Since witnesses to adultery are witnesses simultaneously to both parties, they cannot be punished more than the adulterer would be.

(30a line 13) **הלכה א:** ואילו הן הנחנקין כול'. אזהרה למכה אביו ואמו מניין. ארבעים יכנו לא יוסיף. מה אם מי שהוא מצווה להכות הרי הוא מצווה שלא להכות. מי שאינו מצווה להכות אינו דין שיהא מצווה שלא להכות.

Halakhah 1: But the following are strangled," etc. From where warning⁹ for one who hits his father or his mother? *Forty times he shall hit him, he may not add*¹⁰. Since one who is commanded to hit is commanded not to hit, one who is commanded not to hit *a fortiori* is commanded not to hit¹¹.

9 Cf. Chapter 7, Note 129.

10 Deut. 25:3, speaking of punishment decreed by the court.

11 It is sinful to hit anybody one is not commanded to hit. But only hitting a parent may be a capital crime. *Mekhilta dR. Ismael*

Mišpatim 5 (ed. Horovitz-Rabin p. 266). The argument establishes a guide for ethical behavior; it is not one in criminal law for which only explicit verses may form the basis.

30a line 16) אינו חייב עד שיעשה בהן חבורה. כאי זה חבורה. כחבורת שבת כחבורת נזקין. אין תימר כחבורת שבת. אפילו לא חיסר. ואין תימר כחבורת נזקין. עד שעה שישחור.

“He is not punishable unless he inflict a wound on them¹².” What kind of wound? A wound for the laws of the Sabbath, a wound for the law of torts? If you say, as a wound for the laws of the Sabbath, even if he did not cause them to miss anything¹³; if you say, as a wound for the laws of torts, only if he caused them to miss something¹⁴.

12 Mishnah 2.

14 Some particle of skin or blood. Cf.

13 It is a desecration of the Sabbath to cause a contusion. Mishnah *Sabbat* 14:1.

Bava qamma 8:1, Notes 15-17.

משנה ב: המכה אביו ואמו אינו חייב עד שיעשה בהן חבורה. זה חומר במקל מבמכה שהמקל לאחר מיתה חייב והמכה לאחר מיתה פטור. וגונב נפש מ ישראל אינו חייב עד שיכניסנו לרשותו. רבי יהודה אומר עד שיכניסנו לרשותו וישתמש בו שנאמר והתעמר בו ומכרו. הגונב את בנו רבי יוחנן בן ברוקה מחייב וחכמים פוטרין. גנב מי שחציו עבד וחציו בן חורין רבי יוחנן בן ברוקה מחייב וחכמים פוטרין:

Mishnah 2: One who hits his father or his mother is not punishable unless he inflict a wound on them. The following is more aggravating about one who curses¹⁵ than one who hits, in that one who curses is punishable even after death, but one who hits after death cannot be prosecuted. And one who kidnaps a person from Israel is not punishable unless he bring him into his property¹⁶. Rabbi Jehudah says, unless he bring him into his property and use him, as it is said, *and enslaved him or sold him*. One who kidnaps his own son, Rabbi Johanan ben Beroqa¹⁷ declares punishable but the Sages make him not prosecutable. One who kidnapped a person half slave and half free Rabbi Johanan ben Beroqa declares punishable but the Sages make him not prosecutable.

15 Father or Mother; Mishnah 7:14.

shows that in the last sentence also here one

16 Or sells him as a slave.

has to read *R. Jehudah*, not *R. Johanan ben*

17 The Babylonian attributions in the last two cases are different. The Halakhah

Beroqa.

(fol. 29b) **הלכה ב:** המכה אביו ואמו כול'. אזהרה לגניבה הראשונה מניין. לא תגנוב. אזהרה לגניבה השנייה מניין. ולא תגנובו. לא תגנוב על מנת למקט. לא תגנובו על מנת לשלם תשלומי כפל על מנת לשלם תשלומי ארבעה וחמשה. בן בגבג אומר. לא תגנב את שלך מאחר הגנב. שלא תראה גנב.

רבי בא רבי יוחנן בשם רבי הושעיה. אינו חייב עד שייגנוב מעות. רבי זעירא רבי יוחנן בשם רבי הושעיה. אינו חייב עד שיוזל מעות. מהו עד שיוזל מעות. מה נן קיימין. אם באו דאמר. הא לך חמשה וזהב לי תלתא. שוטה הוא. הא לך תלתא וזהב לי חמשה. בר נש הוא. אלא כי נן קיימין באו דמר. הא לך חמשה וזהב לי חמשה.

היידינו גנב והיידינו גזלן. אמר רבי הילא. גנב בפני עדים גנב. בפני הבעלים גוזלן הוא. אמר רבי זעירא. מעתה אפילו נתבונן לגזילה ולבעילה אולה אין גוזלן. והיידינו גוזלן על דרבי זעירא. רבי שמאל בר סוסרטא בשם רבי אבהו. עד שגזול בפני גשרה בני אדם. בניין אב שבכילן ויגזול את החנית מיד המצרי וגו'.

¹⁸From where a first warning about stealing: *you shall not steal*. From where a second warning about stealing: *you shall not steal*. *You shall not steal*, in order to aggravate; *you shall not steal*, in order to pay double restitution, in order to pay quadruple or quintuple restitution. Ben Bagbag says, do not steal your own property back from the thief, lest you be seen stealing.

Rebbi Abba, Rebbi Johanan in the name of Rebbi Hoshia: he is punishable only if he steals money. Rebbi Ze'ira in the name of Rebbi Hoshia: he is punishable only if he shows contempt for money. What means showing contempt for money? Where do we hold? If about him who says, here you have five and give me for three, he is an idiot. Here you have three and give me for five, he is a regular person. But we deal with one who says, here you have five and give me for five.

What is a thief and what is a robber? Rebbi Hila said, if he stole in the presence of witnesses, he is a thief, in the presence of the owners he is a robber. Rebbi Ze'ira asked: but if he intended to rob (for copulation)¹⁸, he is not a robber. What is a robber according to Rebbi Ze'ira? Rebbi Samuel ben Sosarta in the name of Rebbi Abbahu: only if he rob in the presence of ten people. The prototype for all these: *He robbed the spear from the hand of the Egyptian*, etc.

- 17 The entire paragraph is from Halakhah 8:3, Notes 38-43. “for sexual intercourse” instead of לבעילה “in front of its owners” as in Halakhah 8:3.
- 18 A copyist’s error who wrote לבעילה

34) (30a line 34) מה טעמא דרבי יוחנן בן ברוקה. מבני ישראל. מה טעמון דרבנן. מאחיו. לא מבניו. מה טעמא דרבי יהודה. מאחיו. מפילו מקצת אחיו. מה טעמון דרבנן. מאחיו. עד שיהא כולו אחיו.

What is the reason of Rabbi Johanan ben Beroqa? *Of the Children of Israel*. What is the reason of the rabbis? *Of his brothers*, not his sons²⁰.

What is the reason of Rabbi Jehudah? *Of his brothers*, even partially his brother. What is the reason of the rabbis? *Of his brothers*, unless he be totally his brother.

20 Deut. 24:7 reads: *If a man be found kidnapping one of his brothers, of the Children of Israel, and enslaves him or sells him, the kidnapper shall die; you shall eliminate evil from Israel*. This paragraph speaks of the son, the next (cf. Note 17) of the half-emancipated slave. *Sifry Deut.* 273 parallels the first paragraph but in the case

of the semi-emancipated slave treats the rabbis’ as unanimous opinion. The Babli 86a finds a reason to exclude the semi-emancipated slave from the partitive *mem* in the verse *of the Children of Israel*, which implies “not all of the Children of Israel.”

משנה ג: זקן ממרא על פי בית דין שנאמר כי יפלא ממך דבר למשפט בין־דם | לדם בין־דין לדין. שלשה בתי דינין היו שם. אחד על פתח הר הבית. ואחד על פתח העזרה. ואחד בלשכת הגזית. באין לזה שעל פתח הר הבית ואומר כן דרשתי וכן דרשו חברי כן למדתי וכן למדו חברי. אם שמעו אמרו להם. ואם לאו באין לזה שעל פתח העזרה ואומר כן דרשתי וכן דרשו חברי כן למדתי וכן למדו חברי. אם שמעו אמרו להם. ואם לאו איילו ואילו באין לבית דין הגדול שבלשכת הגזית שמשם תורה יוצאה לכל ישראל, שנאמר מן המקום ההוא אשר יבחר ה'.

Mishnah 3: The Elder who rebels against the Court, as it is said: *If a law case is too difficult for you, whether blood and blood, or case and case*²¹, etc. Three courts were there, one at the entrance of the Temple Mount, one at the entrance of the Temple courtyard, and one in the ashlar hall. They come to

the one at the entrance to the Temple Mount and he says, so I argued and so my colleagues argued, so I taught and so my colleague taught. If they had heard it²², they tell them; otherwise they come to the one at the entrance of the Temple courtyard and he says, so I argued and so my colleagues argued, so I taught and so my colleagues taught. If they had heard it, they tell them; otherwise these and those²³ come to the Supreme Court in the ashlar hall, for from there instruction goes out to all of Israel as it is said²⁴, *from that place which the Eternal will choose*.

משנה ד: חזר לעירו וְשָׁנָה וְלִמַּד כְּדָרְךָ שֶׁהִיָּה לְמוֹד פְּטוּר. הוֹרָה לַעֲשׂוֹת חַיִּיב שְׁנֵאמַר וְהָאִישׁ אֲשֶׁר יַעֲשֶׂה בְּדוֹן וּגו'. אֵינוֹ חַיִּיב עַד שִׁיִּרָה לַעֲשׂוֹת. תִּלְמִיד שֶׁהוֹרָה לַעֲשׂוֹת פְּטוּר נִמְצָא חוֹמְרוֹ קוּלוֹ:

Mishnah 4: If he returned to his town²⁵, repeated and taught as was his custom, he cannot be prosecuted. If he instructed to act, he is punishable, as it is said⁴, *but the man who would act criminally* etc. He is not punishable unless he instruct to act. A student who instructed to act cannot be prosecuted; it turns out that his severity is his leniency²⁶.

25 The representative of the lower court who had been told by the Supreme Court that his opinion was wrong.

worse than the qualified judge who does not obey the rulings of the Supreme Court. But his punishment is reserved for Heaven, not

26 A person unqualified to judge who nevertheless judges commits a grievous sin,

the human court.

30a line 37) **הלכה ג:** זָקֵן מִמָּרָא כו'. **הלכה ד:** חזר לעירו וְשָׁנָה וְלִמַּד כו'. כְּתִיב כִּי יִפְלֹא מִמֶּךָ דָּבָר לְמִשְׁפָּט. מֵגִיד שֶׁבְּמוֹפֶלֶא שְׁבִבִית דִּין הַכְּתוּב מִדְּבַר. מִמֶּד זֶה עָצָה. דְּבַר זֶה אֲגִידָה. בֵּין-זֶם | לָזֶם בֵּין זֶם נִידָה לָזֶם בְּתוּלִים. בֵּין זֶם נִידָה לָזֶם זִיכָה לָזֶם צָרַעַת. בֵּין-דִּין לְדִין. בֵּין דִּינֵי מְמוֹנוֹת לְדִינֵי נַפְשׁוֹת. בֵּין-דִּין לְדִין. בֵּין הַנִּסְקָלִין לְנִשְׁרָפִין לְנִהְרָגִין וְלַחֲנָקִין. בֵּין נֶגַע לְנֶגַע. בֵּין מְצוּרַע מוֹסָר לְמְצוּרַע מוֹחֵלֵט. בֵּין נֶגַע לְנֶגַע. בֵּין נִיגְעֵי אָדָם לְנִיגְעֵי בְּגָדִים לְנִיגְעֵי בְּתִים. דְּבָרֵי זֶה הַשְׁקִיט סוּסָה וְעָרִיפֶת הַעֲגָלָה וְטָהֳרֶת הַמְצוּרַע. רִיבוֹת אֵילוֹ הַעֲרָכִים וְהַחֲרָמִים וְתַתְּמוּרוֹת וְהַקְדִּישׁוֹת. וְקִמְתָּ. וְקִמְתָּ מִבֵּית דִּין. וְעֲלִיתָ זֶה הַעֲלִיָּה.

Halakhah 3: “The Elder who rebels,” etc. **Halakhah 4:** “If he returned to his town, repeated and taught as was his custom,” etc. ²⁷It is written²⁰: *If something is being distinguished for you in law*, this shows that the verse speaks about the distinguished member of the court²⁸. *For you*, this is

counsel. *Something* is sermonizing²⁹. *Whether blood and blood*, whether menstrual blood or blood of virginity; whether menstrual blood, blood of flux, or blood of skin disease³⁰. *Whether case or case*, between those who are stoned, or burned, or decapitated, or strangled³¹. *Whether defect or defect*, between a quarantined sufferer from skin disease or an absolute one^{31,32}; *whether defect or defect*, between defects of humans or of garments or of houses³³. *Words*, that is the drinking of the suspected adulteress, breaking the neck of the calf, and the purification of the sufferer from skin disease³⁴. *Quarrels*, these are estimations, bans, and dedications³⁵. *You shall get up*, from the court, *and rise*, this is the ascent³⁶.

27 This *baraita* exists in two other versions, Babli 87a and *Sifry Deut.* 152. It is the subject of a study by E. A. Finkelstein, HUCA XXXII (1961) א-כה.

28 The person representing the lower court before the Supreme Court has to be its most distinguished member.

29 In the parallel sources: This is practice. Since the verse defines the areas of competence of the Supreme Court, it is difficult to see what the legal relevance of *aggadah* could be unless one subscribes to Maimonides's opinion that all interpretations of biblical verses by the hermeneutical rules are rabbinic in character, *i. e.*, *aggadic*.

30 As Finkelstein points out, the plain text of the verse seems to restrict the objects of appeal to purely legal cases; the interpretation given here extends it to all areas of life.

31 This sentence is missing in the parallel

sources; it already is contained in the other explanations of the same clause.

32 Cf. Chapter 10, Note 284.

33 *Lev.* 13,14.

34 While the suspected adulteress drinks water with which written words were obliterated (*Num.* 5:23) and the expiation of an unsolved murder case requires the priests to recite words (*Deut.* 21:7-8), the purification of the sufferer from skin disease is a wordless ceremony. Rashi in the Babli explains that skin disease is punishment for calumniating. One could explain that the first step in the purification is a declaration by a priest that the skin disease was healed and his command to assemble the items necessary for purification (*Lev.* 14:3-4).

35 *Lev.* 27; all of these need dedications by explicit declaration.

36 Climbing up all the way to Jerusalem.

מה (30a line 46) דָּבַר אַחֵר. וְעָלִיתָ מִיֵּכוֹן לְבֵית הַבְּחִירָה שֶׁלֹּא יִבְנֶה אֶלָּא בְּגוּבָהוּ שְׁלֵעוּלָם. כִּי בֵּהָר קָדְשִׁי בֵּהָר מְרוֹם יִשְׂרָאֵל אֲשֶׁתִּלְּנוּ וְנִשְׂא עֲנָן וְעָשָׂה כָּרִי וְגו'. וּבֵאתָ לְרִבּוֹת בֵּית דִּין שְׂבִיבָנָה. רַבִּי זְעִירָא אוֹמֵר. לְשִׁאִילָה.

Another explanation: *You shall get up*, from here that the Temple should be built only on the height of the world³⁷. What is the reason? *For on My Holy Mountain, on the mountain of the height of Israel shall I plant it, that it may sprout branch and carry fruit*³⁸. *And you shall come*³⁹, to include the court at Jabneh. Rabbi Ze'ira says, to ask⁴⁰.

37 When in fact the Temple Mount is conspicuously lower than the surrounding hills, to indicate that it is not a Canaanite High Place.

38 Ez. 17:23. For different approaches to the same statement, cf. Note 27, Babli *Qidduṣin* 69a, *Zevahim* 54b, *Sifry Deut.* 37, end.

39 *Deut.* 17:9.

40 As Mishnah 6 shows, disobedience to a court not sitting in the ashlar hall is not a crime punishable by a human court; but

nevertheless the obligation to ask the opinion of the Supreme Court in cases of doubt remains as long as such a court exists.

Since Rabban Johanan ben Zakkai asked for "Jabneh and its Sages" from Vespasian, it follows that even during the times of the Temple an important academy existed at Jabneh (and since Miriam the Hasmonean in her will had given Jabneh to Empress Livia, this was the only place in all of Judea which Vespasian could not give away without declaring himself as emperor.)

30a line 50) זָקוּן מִמָּרָא שֶׁהוֹרָה לַעֲשׂוֹת וְעָשָׂה חַיִּיב. הִנֵּה וְלֹא עָשָׂה פְטוּר. הוֹרָה עַל מִנָּה שֶׁלֹּא לַעֲשׂוֹת פְטוּר. הוֹרָה עַל מִנָּה לַעֲשׂוֹת אֶף עַל פִּי שֶׁלֹּא עָשָׂה חַיִּיב. אָמַר רַבִּי הִילָא. תִּנִּי רַבִּי יִשְׁמַעֵאל כֵּן. אֲשֶׁר יַעֲשֶׂה. לֹא הוּא שֶׁיַּעֲשֶׂה. רַב הוֹנָא אָמַר. הִנֵּה מְלַמֵּד הִלָּכָה וְבֹא וְאַחֲרֵי כֵן אֵירֶע לֹו בֹו מַעֲשֶׂה. עוֹשִׂין לֹו מַעֲשֶׂה. אִם עַד שֶׁלֹּא עָשָׂה לִימַד. עוֹשִׂין לְאַחֲרִים וְלֹא עוֹשִׂין לַעֲצָמוֹ.

A rebellious Elder who instructed to act and acted is punishable. If he instructed but did not act, he is not prosecutable. If he instructed not for application, he is not prosecutable. If he instructed for application, even if he himself did not act, he is punishable⁴¹. Rabbi Hila said, Rabbi Ismael stated thus: *Who would act*⁴, even if he did not act himself.

Rav Huna said, if he was instructing for practice and later a case came up, one acts on his instruction. If he taught it on the occasion of a case, one acts on it for others but not for himself⁴².

41 Babli 88b. *Sifry Deut.* 155 infers from *Deut.* 17:12 which decrees the death penalty for the person who acts against the judgment

which *he* heard from the Supreme Court that any person acting on instructions from a person who *heard* from the Supreme Court

cannot be prosecuted. Therefore, the actions of persons acting on the instructions of a judge are considered actions of the judge, not those of his officers.

42 This is a general legal principle, applicable to civil as well as to criminal law. A legal doctrine formulated before a case

arose can be applied to any case. But a doctrine formulated in the discussion of a case cannot be applied if the party formulating it is party to the case; that would be a conflict of interest (Babli *Yebamot* 77a in the name of Rav, Rav Huna's teacher.)

30a line 55) רבי שמעון בן מנסיא אומר. הנוי והפח והעושר והחכמה והשיבה והכבוד והבנים לצדיקים נאה להם ונאה לעולם. מה טעם. עטרת תפארת שיבה בדרך צדקה תימצא. עטרת זקנים בני בנים ותפארת בנים אבותם: תפארת בחורים כוחם והדר זקנים שיבה: ואומר ונגד זקניו קבד: תני. רבן שמעון בן גמליאל אומר. אילו שבע מידות שקמו חכמים בצדיקים כולן נתקיימו ברבי ובניו. רבי יוחנן אומר. כל שבע מידות שאמרו חכמים בצדיקים הוי ברבי. מאן רבי. הוא רבי הוא רבי יהודה הנשיא. אמר רבי אבהו. הוא רבי הוא רבי יודן הנשיא הוא רבינו.

⁴³Rebbi Simeon ben Menasia says: Beauty, and vigor, and riches, and wisdom, and white hair, and honor, and children, are an adornment for the just. What is the reason? *A crown of glory is white hair; on the way of piety it is found*⁴⁴. *A crown of the elderly are grandchildren; the glory of children are their parents*⁴⁵. *The glory of the young is their force; the splendor of the elderly is white hair*⁴⁶. And it says, *before his Elders in honor*⁴⁷. ⁴⁸It was stated: Rabban Simeon ben Gamliel says, these seven qualities which the Sages enumerated for the just were all realized by Rebbi and his sons. Rebbi Johanan said, all seven qualities which the Sages enunciated about the just were in Rebbi. Who was Rebbi? Rebbi is Rebbi Jehudah the Prince. Rebbi Abbahu said, Rebbi is Rebbi Yudan the Prince, is Our Teacher⁴⁹.

43 Mishnah *Avot* 6:8, Tosephta *Sanhedrin* 11:8. In these sources, the original author is R. Simeon ben Iohai.

44 *Prov.* 16:31.

45 *Prov.* 17:6.

46 *Prov.* 20:29.

47 *Is.* 24:23.

48 This sentence has to be deleted since

Rebbi's father cannot speak about his son and grandsons. Since Rebbi was the last of the Tanna'im, only amoraic statements about him are legitimate.

49 It is not clear whether he refers to R. Jehudah I ben Simeon, mentioned by R. Johanan, or to R. Jehudah II ben Gamliel.

(fol. 29d) **משנה ה:** חומר בדברי סופרים מבדברי תורה האומר אין תפילין כדי לעבור על דברי תורה פטור חמש טקפות להוסיף על דברי סופרים חייב:

Mishnah 5: [Denial] about words of the Sopherim is more serious than about words of the Torah. He who says that there are no phylacteries, to transgress the words of the Torah, is not prosecutable. Five compartments to add to the words of the Sopherim is punishable⁵⁰.

משנה ו: אין ממיתין אותו לא בבית דין שבעירו ולא בבית דין שגבולה אלא מעלין אותו לבית דין הגדול שבירושלם ומשמרין אותו עד הרגל וממיתין אותו ברגל שנאמר וכל־העם ישמעו ויראו דברי רבי עקיבה. רבי יהודה אומר אין מענין את דינו של זה אלא ממיתין אותו מיד וכותבין ושולחין שליחים בכל־המקומות איש פלוני בן איש פלוני נתחייב מיתה בבית דין:

Mishnah 6: One executes him not at the court in his town, nor at the court at Jabneh⁵¹ but one transports him to the Supreme Court in Jerusalem, keeps him until a holiday of pilgrimage, and executes him on the holiday⁵² as it is said, *the entire people shall see and fear*⁵³, the words of Rabbi Aqiba. Rabbi Jehudah says, one does not procrastinate in his case but executes him immediately, writes, and sends messengers to all places: Mr. A son of Mr. B was found guilty to be executed by the court.

50 The person who denies a verse in the Torah (in this case *Deut.* 6:8,11:18; *Ex.* 13:16) is harmless since every schoolchild knows better. But the details of the construction of phylacteries are purely traditional, viz., that the phylacteries on the arm have to be put into one box but those of the head into four compartments. As Y. Yadin has noted in his publication on the phylacteries from the Judean desert, they are

made in the way of rabbinic phylacteries (at least as they used to be made until 200 years ago, with boxes of 1 cm edge length) but the text contains many more than the authorized verses. These *tefillin* therefore have to be classified as non-rabbinical.

51 The nearby court of appeals.

52 On holiday eve when everybody had arrived.

53 *Deut.* 17:13.

(30a line 64) **הלכה ה:** חומר בדברי סופרים כול'. **הלכה ו:** אין ממיתין אותו כול'. חבירא בשם רבי יוחנן. דודים דברי סופרים לדברי תורה וחביבים דברי תורה. וחכמים כיון הטוב. שמעון בר בא בשם רבי יוחנן. דודים דברי סופרים לדברי תורה וחביבים יותר מדברי תורה. פריטובים דודים מין: רבי בא בר כהן בשם רבי יודה בר פזי. תדע לך שדברי סופרים חביבין מדברי תורה. שהרי רבי טרפון אילו לא קרא לא היה עובר אלא בעשה. ועל ידי שעבר על דברי בית הלל נתחייב מיתה. על שם ופרצ גדר ישכנו נחש.

2 וחכך | ת וחכך 3 בא | ת הוא וחביבים | ע ואמונים 4 ר' יודה | ע - שדברי סופרים חביבין | ת
שחביבין דברי סופרים ע חביבין יותר

Halakhah 5: “[Denial] about words of the Sopherim is more serious,” etc. **Halakhah 6:** “One executes him not,” etc. ⁵⁴ The colleagues in the name of Rabbi Johanan: The words of the Sopherim are related to the words of Scripture and are pleasant like the words of Scripture; *your throat is like good wine*⁵⁵. Simeon bar Abba in the name of Rabbi Johanan: The words of the Sopherim are related to the words of Scripture and are more pleasant than the words of Scripture, *for your friendship is better than wine*⁵⁶. Rabbi Abba bar Cohen in the name of Rabbi Judah bar Pazi: You may know that he words of the Sopherim are more pleasant than the words of Scripture, because if Rabbi Tarphon did not recite at all he would only have transgressed a positive commandment. But because he transgressed the words of the House of Hillel he should have suffered death since it says, *if one breaches a wall he will be bitten by a snake*⁵⁶.

54 This and the next paragraphs are from 55 Cant. 7:10

Berakhot 1:7 (Notes 182-191) (ת). It is 56 Cant. 1:2.

copied again in Avodah zarah 2:8 41c l. 46 57 Eccl. 10:8.

(ע).

(30a line 73) תני רבי ישמעאל דברי תורה יש ביהן איסור ויש ביהן היתר. יש ביהן קוללים ויש ביהן חומרים. אבל דברי סופרים כולן חומר. תדע לך שהוא כן. דתנינן תפן. האומר. אין תפילין כדי לעבור על דברי תורה פטור. חמש טוספות להוסיף על דברי סופרים חייב. אמר רבי חנינא בריה דרבי אבא בשם רבי תנחום בר חינה. חמורים דברי זקנים מדברי נביאים. דכתיב אל-תטיפו וטיפו. וכתיב אטוף לך לין ולשכר וגו'. נביא וזקן למה הן דומין. למלך ששלח שני פלמנטרין שלו למדינה. על אחד מהן כתוב. אם אינו מראה חותם שלי וסמנטרין שלי אל תאמינו לו. ועל אחד כתוב. לא. כך נביא כתוב ונתן אליך אות או מופת. ברם הקא. על-פי התורה אשר יורוד.

1 קוללים | ת קולין ע קלין 2 סופרים | ע סופרין חומר | ת חומרין הן תדע לך שהוא כן | ע - 4 חנינא | ת חנינה ע חנינה בריה דר' אבא | ע בשם ר' אדי חמורים | ע חמודים 5 טיפון | ת טיפון אל טיפון לאלה לא יסג כלמות 6 ששלח | ת ששולח ע ששלח פלמנטרין | ת פלמנטרין ע סימנטרין כתוב | ת כתב 7 כתוב | ת כתב וסימנטרין שלי | ת - תאמינו | ת האמינוהו בלי חותם וסימנטרין ע האמינו

Rebbi Ismael stated: In the Torah there are forbidden matters and permitted matters. There are easy parts and severe parts. But in the words of the Sopherim all are severe. You can realize that this is so since we have

stated: "He who says that there are no phylacteries, to transgress the words of the Torah, is not prosecutable. Five compartments to add to the words of the Sopherim is punishable." Rabbi Hinena, the son of Rabbi Ada, in the name of Rabbi Tanhum bar Hiyya: The words of the Sages carry more weight than those of the prophets since it is written, *do not preach, they preach*⁵⁸. And it is written, *I shall preach to you for wine and liquor*⁵⁹. The relation of prophet and scholar can be compared to the case of a king who sent two *diplomatarii*⁶⁰ to a province. About one of them it was written, if he does not show you my seal and *σημαντήριον*⁶¹, do not believe him. About the other it was written, even if he does not show you my seal and *σημαντήριον*, believe him. So about a prophet is written, *he gives you a sign or miracle*⁶². But here it is written, *according to the teachings that they will teach you*⁶³.

58 *Micha* 2:6.61 "Seal" in Greek; *Berakhot* 1:7 Note59 *Micha* 2:11.

190.

60 A person authorized to use the imperial mail; *Berakhot* 1:7 Note 189.62 *Deut.* 13:2.63 *Deut.* 17:11.

30b line 8) התורה אָמַרָה. אַרְבַּע טוֹטְפוֹת שֶׁלֹאֲרַבֵּעַ פְּרָשִׁיּוֹת. עֲשֹׂאן חֲמֵשׁ טוֹטְפוֹת שֶׁלֹאֲרַבֵּעַ פְּרָשִׁיּוֹת חֵיב. רַבִּי בָּא רַבִּי יוֹחָנָן בְּשֵׁם רַבִּי הוֹשַׁעְיָה. אֵינוֹ חֵיב עַד שִׁיּוּרָה בְּדָבָר שֶׁעִיִּקְרוּ מִדְּבָרֵי תוֹרָה וּפִירוּשׁוֹ מִדְּבָרֵי סוֹפְרִים. כְּגוֹן הַנְּבִילָה כְּגוֹן הַשָּׂרָץ שֶׁעִיִּקְרוּ מִדְּבָרֵי תוֹרָה וּפִירוּשׁוֹ מִדְּבָרֵי סוֹפְרִין. אָמַר רַבִּי זְעִירָא. לְעוֹלָם אֵינוֹ חֵיב עַד שִׁיִּכְפּוֹר וְיוֹרָה בְּדָבָר שֶׁעִיִּקְרוּ מִדְּבָרֵי תוֹרָה וּפִירוּשׁוֹ מִדְּבָרֵי סוֹפְרִין. כְּגוֹן הַנְּבִילָה וְכְגוֹן שָׂרָץ שֶׁעִיִּקְרוּ מִדְּבָרֵי תוֹרָה וּפִירוּשׁוֹ מִדְּבָרֵי סוֹפְרִין. וְהוּא שִׁיִּגְרַע וְיוֹסִיף בְּדָבָר שֶׁהוּא מְגַרֵעַ וְהוּא מוֹסִיף. זָחָלִין אַפִּי דָּרַב הוֹשַׁעְיָה. אָמַר לֵיהּ. צְרִידָא לָךְ שֶׁחֵק לָךְ. לֹא צְרִידָא לָךְ הַפְּלִיג עֲלֶיךָ. תֵּלֶת עֲשָׂרָה שָׁנִין עָבַד גְּלִיל קוֹמִי רַבִּיָּה דְּלֹא צְרִידָא לֵיהּ. רַבִּי שְׁמוּאֵל בְּשֵׁם רַבִּי זְעִירָא. אֵילוֹ לֹא דִּיּוֹ אֶלָּא שֶׁהִיא מְקַבֵּל פְּנֵי רַבּוֹ. שֶׁכָּל־הַמְקַבֵּל פְּנֵי רַבּוֹ כְּאֵילוֹ מְקַבֵּל פְּנֵי שְׂכִינָה. הֵתִיב רַבִּי בְּרַבְּהִי. וְהָא תַנְיָנָן. גּוֹפָה שֶׁלְּבַהֲרָת כְּגֵרִיס הַקִּילְקִי מְרֻבָּע. אָמַר רַבִּי אֲבָמִיר. מָאן דְּאָמַר דְּכֵן. הֵתִיב רַבִּי בָּא בַר מַמְל. וְהָא תַנִּין. שְׁתֵּי פְרָשִׁיּוֹת שֶׁבְּמִזְוָה. אָמַר לֵיהּ. הֵיא תְּפִילִין הֵיא מִזְוָה. הֵתִיב רַב הַמְנוּנָא. וְהָא תַנִּין. בְּצִיצִית אַרְבַּע אַצְבָּעוֹת שֶׁלֹאֲרַבֵּעַ חוּטִין. עֲשֹׂאן שְׁלֹשׁ אַצְבָּעוֹת שֶׁלֹאֲרַבֵּעַ חוּטִין. אָמַר לֵיהּ. גֵּרַע וְלֹא הוֹסִיף. הֵתִיב רַבִּי חֲנִי קוֹמִי רַבִּי יוֹסִי. וְהָא תַנִּין. שְׁלִישׁ לְרַבִּיכָה שְׁלִישׁ לַחֲלוֹת שְׁלִישׁ לְרַקִּיקִים. שִׁילְשָׁן שְׁלִישׁ לְרַבִּיכָה שְׁלִישׁ לַחֲלוֹת שְׁלִישׁ לְרַקִּיקִים. אָמַר לֵיהּ. מִיִּגְרַע מִן הַרְבִּיכָה וּמוֹסִיף עַל הַחֲלוֹת וְעַל הַרְקִיקִין.

The Torah said, four compartments for four paragraphs⁶⁴. If he made five compartments for four paragraphs, he is punishable. Rabbi Abba, Rabbi Johanan in the name of Rabbi Hoshai: He is punishable only if he instructs in a matter whose root is from the Torah but whose explanation is from the words of the Sopherim; for example, the carcass; for example, the crawling animal, whose root is from the words of the Torah⁶⁵ but whose explanation is from the words of the Sopherim. Rabbi Ze'ira said, he never is punishable unless he deny and instruct in a matter whose root is from the Torah but whose explanation is from the words of the Sopherim; for example, the carcass; for example, the crawling animal, whose root is from the words of the Torah but whose explanation is from the words of the Sopherim, on condition that he simultaneously deduct in a matter which permits subtraction and addition⁶⁶.

The face of Rav⁶⁷ Hoshai lit up⁶⁸. He⁶⁹ told him, do I need you that you enjoy it? I do not need you, I am adding to your statement. Thirteen years he⁶⁹ went and came before his teacher even though he did not need him. Rabbi Samuel in the name of Rabbi Ze'ura: Was it not enough for him to have paid his respects to his teacher since anybody who pays his respects to his teacher is as if he paid his respects to the Divine Presence.

Rabbi Berekhiah objected, did we not state⁷⁰, “the body of *baheret* is the square area of a split cilician bean”? Rabbi Abba Mari said, one who said it is pure⁷¹. Rabbi Abba bar Mamal objected, did we not state⁷², “two paragraphs in the *mezuzah*”? He told him, phylacteries and *mezuzah* are the same⁷³. Rav Hamnuna objected, was it not stated⁷⁴: The *sisit* must be four finger lengths for four threads? He told him, in that he diminished but did not add⁷⁵. Rabbi Haggai objected before Rabbi Yose, was it not stated⁷⁶, one third for the scalded⁷⁷, one third for round cakes, one third for flat cakes. If he used it in thirds, one third for the scalded, one third for round cakes, one third for flat cakes? He told him, he subtracts from the scalded and adds for round cakes and flat cakes⁷⁸.

64 The word טפח (Ex.13:16, Deut. 6:8,11:18) “head *tefillin*” is confirmed by the Babli’s use, *Šabbat* 57a, as “woman’s

headband”. A fancy etymology, which reads the number 4 into the word, to support the statement that head phylacteries must be

made with four compartments (*Sanhedrin* 4b, *Zevahim* 37b, *Menahot* 34b) is rabbinic.

65 The different kinds of impurity of dead animals are described in *Lev.* 11 but the details, in particular the minimal quantities which induce impurity, are rabbinic.

66 R. Ze'ira restricts the original saying of R. Hoshaia, which was extended by R. Johanan to include impurity of dead animals. In the Babli 88b it is asserted that in the interpretation here ascribed to R. Ze'ira the only crime a rebellious Elder could be charged with was to instruct to make head phylacteries not with four but with five compartments. Then he obviously adds to the number of compartments but at the same time, since one of the four texts now has to occupy two compartments, he eliminates the rule which determines the order in which the texts have to be placed into compartments. This is simultaneously adding and subtracting; from the following discussion (Notes 63-71) it follows that this also is the interpretation required for the Yerushalmi. It is clear that *tefillin* of the kind found in the Judean desert (Note 50) are not considered.

67 This should read "Rebbi".

68 He was happy that R. Johanan quoted him even though the extension to include carcasses and dead crawling animals was not his formulation.

69 R. Johanan.

70 Mishnah *Nega'im* 6:1; cf. *Nedarim* 3:2 Note 49, *Ma'aserot* 5:7 Notes 122-125.

Baheret is a skin disease in which white spots appear on the skin (*Lev.* 13). The minimum size of such a spot which makes its bearer impure is that of a "square split cilician bean" which is defined as 36

(hairwidths)². All questions are directed to R. Ze'ira; one tries to find a law other than that of phylacteries where a ruling by a rebellious Elder could simultaneously add and subtract from the received norm.

It was shown in *Ma'aserot*, by a question of R. Berekhiah, that *square* cannot mean that the white spot be an exact square, since nothing in biology exhibits geometrically straight lines and right angles. Therefore, the question can only be whether the spot must contain a square of minimal size or only have surface area of 36 (hairwidths)².

71 For ms. דכן "pure" (*Mishnah Idiut* 8:4) *editio princeps* has הכן "so", which made the clause incomprehensible. In *Ma'aserot* and *Nedarim*, it was determined that the Mishnah has to be read as referring to surface area. An elder who would read the Mishnah as requiring a white spot containing a square of minimal size would actually declare most impure spots as pure. This is diminution; nothing is added.

72 Mishnah *Menahot* 3:7. Again the obligation to write words of the Torah on one's doorposts is biblical (*Deut.* 6:9, 11:19) while the selection of the texts and the details are rabbinic. If one put the two texts into two cases instead of writing them on one sheet of parchment, it would be simultaneously adding and subtracting.

73 It is agreed that instead of "only *tefillin*" one should accept "only *tefillin* and *mezuzzot*" as possible objects of the Elder's misdeeds since both are mentioned together in the biblical texts.

74 *Menahot* 41b, *Bekhorot* 39b, determining the minimal length of the

unknotted part of the *sisit*, the threads to be attached to the corners of one's rectangular garment.

75 This is pure diminution; nothing is added.

76 Mishnah *Menahot* 7:1, *Menahot* 89a, *Sifra Saw Perez* 11(6). The rules of a thanksgiving sacrifice (*Lev. 7:12-14*) require three kinds of unleavened oiled breads in addition to a set of leavened bread. The rabbinic interpretation requires that the flour be divided into three equal parts but that half

of the oil be used on the unleavened bread scalded in hot water like a bagel, the rest being used for the other two kinds. If instead somebody instructed also to distribute the oil evenly, would he not subtract from one kind and add to the others?

77 Explanation of Rashi in *Menahot*.

78 The questioner considered all three kinds of *mazzah* as one commandment when in fact they are three different obligations; there is no simultaneity for one obligation.

(fol. 29d) **משנה ז:** וְנָבִיא הַשֶּׁקֶר וְהַמְתַּנְבֵּא עַל מַה שֶּׁלֹּא שָׁמַע וּמַה שֶּׁלֹּא נֶאֱמַר לוֹ. אֲבָל הַכּוֹנֵשׁ אֶת נְבוֹאָתוֹ וְהַמּוֹתֵר עַל דְּבָרֵי נָבִיא וְנָבִיא שֶׁעָבַר עַל דְּבָרֵי עֲצֻמוֹ מִיתָתוֹ בְּיַד שְׁמַיִם שֶׁנֶּאֱמַר אֲנֹכִי אֲדָרוֹשׁ מֵעַמּוֹ:

Mishnah 7: And the false prophet and one who prophesies what he did not hear and what was not said to him⁷⁹. But as to one who suppresses his vision, and one who disregards the prophet's words, and a prophet who transgressed his own word, their death is by the Hand of Heaven as it is said, *I shall ask it from him*⁸⁰.

79 These are cases for the human court.

80 *Deut. 18:19*, cf. *Sifry Deut. 177*.

(30b line 29) **הלכה ז:** וְנָבִיא הַשֶּׁקֶר כּוֹל. הַמְתַּנְבֵּא עַל מַה שֶּׁלֹּא שָׁמַע. כְּצִדְקָה בֶּן כְּנַעֲנָה. וּמַה שֶּׁלֹּא נֶאֱמַר לוֹ. כְּחֻנְיָה בֶּן עֲזַרְיָה. רַבִּי יְהוֹשֻׁעַ בֶּן לֵוִי אָמַר. חֻנְיָה בֶּן עֲזַרְיָה נָבִיא אֱמֻת הָיָה אֲלֵא שֶׁהָיָה לוֹ קִיבוּסָת וְהָיָה שׁוֹמֵעַ מַה שֶּׁיִּרְמְיָה מְתַנְבֵּא בְּשׁוֹק הָעֵלְיוֹן וַיּוֹרֵד וּמְתַנְבֵּא בְּשׁוֹק הַתַּחְתּוֹן. אָמַר לִיהָ חֻנְיָה בֶּן עֲזַרְיָה. כָּל-סִמָּא דְּמִילְתָא לָא דָּא הִיא אֲלֵא לָכִי מְלָאָת לְבַבִּי שְׂבָעִים שָׁנָה אֶפְקוּד אֲתָכֶם. כָּל-יָמָיו שֶׁלְּמִנְשָׁה אֵינָן אֲלֵא חֲמִשִּׁים וְחֲמִשׁ שָׁנָה. צֵא מִהָן עֲשָׂרִים שָׁאִין בֵּית דִּין שֶׁלְּמַעַלָּה עוֹנְשִׁין וְכוֹרְתִים. וְשָׂתִים שֶׁלְּאַמּוֹן וְשִׁלְשִׁים וְאַחַת שֶׁלְּאַשְׁמֹהוּ. הֲדָא הָא דְּכָתִיב וַיְהִי | הַשָּׁנָה הַהִיא בְּרֵאשִׁית מִמְּלֶכֶת צִדְקִיָּהוּ מֶלֶךְ-יְהוּדָה בִּשְׁנַת הַחֲמִשִּׁית בַּחוּדֵשׁ הַחֲמִישִׁי אָמַר אֵלֵי חֻנְיָה בֶּן-עֲזַרְיָה הִנֵּבִיא אֲשֶׁר מִגְּבֻעוֹן בֵּית יְיָ לַעֲיִנִי הַכְּהִמִים וְכָל-הָעָם לֵאמֹר: כֹּה-אָמַר יְיָ צְבָאוֹת אֱלֹהֵי יִשְׂרָאֵל לֵאמֹר שְׂבָרְתִּי אֶת עוֹל מֶלֶךְ בָּבֶל בְּעוֹד | שְׁנָתִים יָמִים אֲנִי מוֹשִׁיב אֶל-הַמִּקְדָּשׁ הַזֶּה אֶת-כָּל-כֹּהֵן בֵּית יְיָ אֲשֶׁר לָקַח נְבוּכַדְנֶאצַּר מֶלֶךְ-בָּבֶל מִן-הָעִיר הַזֹּאת

וַיִּבְיֹאֵם בְּבֶלְ: אָמַר לוֹ יְרֵמְיָהּ. אֶתְּהָ אֹמֵר. בְּעִיד | שְׁנֵתִים יָמִים אֲנִי מְשִׁיבִי וְגו'. וְאֲנִי אֹמֵר
 שְׁנֵבֻכַדְנֶאצַּר בָּא וְנוֹטֵל אֶת הַשָּׂאֵר. בְּבֶלְהָ יִבְיָאוּ וְשָׁמָּה יִהְיוּ וְגו'. אָמַר לוֹ. תָּנוּ סִימָן לְדַבְרֶיךָ.
 אָמַר לֵיהּ. אֲנִי מִתְנַבֵּא לָרָעָה וְאֵינִי יָכוֹל לִיתֵּן סִימָן לְדַבְרִי. שֶׁהַקְדוֹשׁ בְּרוּךְ הוּא אֹמֵר לְהִבְיָא
 רָעָה וּמִתְנַחֵם. וְאַתָּה מִתְנַבֵּא לְטוֹבָה. אֶתְּ הוּא שְׂאֵת הוּא צְרִיךְ לִיתֵּן סִימָן לְדַבְרֶיךָ. אָמַר לוֹ.
 לָאוּ. אֶתְּ הוּא שְׂאֵת צְרִיךְ לִיתֵּן סִימָן לְדַבְרֶיךָ. אָמַר לוֹ. אֵין כֵּינִי הָרִי אֲנִי נוֹתֵן אוֹת וּמוֹפֵת
 בְּאוֹתוֹ הָאִישׁ. הַשְּׁנָה הַהִיא הוּא מֵת. כִּי סָרָה דְּבַר עַל יִי. וְהָיָה לֵיהּ כֵּן וַיָּמָת חֲנַנְיָה הַנָּבִיא
 בַּשְּׁנָה הַהִיא בְּחוֹדֶשׁ הַשְּׁבִיעִי: שָׁנָה אַחֲרֵת הָיְתָה וְתֵּם מֵר הַכִּין. אֱלָא מְלֻמֵּד שְׁמַת בְּעָרֵב רֹאשׁ
 הַשְּׁנָה וְצָנָה אֶת בְּנֵיו וְאֶת בְּנֵי בֵיתוֹ לְהַסְתִּיר אֶת הַדְּבָר שֶׁיִּצְיָאוּהוּ אַחֵר רֹאשׁ הַשְּׁנָה בַּשָּׁבִיל
 לַעֲשׂוֹת נְבוֹאָתוֹ שֶׁל יְרֵמְיָהּ שֶׁקָּר.

Halakhah 7: “And the false prophet,” etc. “And one who prophesies what he did not hear,” like Sedekias ben Kenaana⁸¹. “And what was not said to him,” like Hanania ben Azzur. Rabbi Joshua ben Levi said, Hanania ben Azzur was a true prophet;⁸² only he took instruction⁸³ and heard what Jeremiah prophesied in the upper market; he went and prophesied in the lower market. Hanania ben Azzur told him, is not the essence⁸⁴ of the matter *only once seventy years will be fulfilled for Babylon, I shall remember you*⁸⁵. In all, the days of Manasse were 55 years. Deduct from them 20 years for which the Heavenly Court does not punish or extirpate, add the two of Amon and 31 of Josia⁸⁶. That is what is written⁸⁷: *At the beginning of the reign of Sedekias the king of Jehudah, in the fifth*⁸⁸ *year, in the fifth month, Hanania ben Azzur, the prophet from Gibeon, said to me in the House of the Eternal, before the priests and all the people, as follows: So said the Eternal of Hosts, the God of Israel, as follows. I broke the yoke of the king of Babylon; in another two years I shall return to this place all the Temple vessels which Nebuchadnezzar, the king of Babylon, took from this city and brought to Babylon.* Jeremiah told him, you are saying that *in another two years I shall return*, etc. But I say that Nebuchadnezzar will come and take the remainder. *To Babylon they will be brought and stay there*⁸⁹, etc. He⁹⁰ said to him, give a sign. He⁹¹ answered, I am prophesying bad things and cannot give a sign for my words since the Holy One, praise to Him, said to bring evil and might refrain from it⁹². But you prophesy good things; you are obligated to give a sign. He⁹⁰ said to him, no, it is you who has to give a sign for your words. He⁹¹ answered, if it is so, I shall give a sign and miracle in the person of that

man; this year he dies, for he spoke obstinately about the Eternal. This happened to him; *Hanania the prophet died in this year, in the Seventh month*⁹³. This was another year and you are saying so? But it teaches that he died on the Eve of New Year's Day and ordered his sons and wife to hide the matter, that they should bury him after the new Year in order to falsify Jeremiah's prophecy.

81 *I.K.* 22:11, Babli 89a.

82 Since Jeremiah called him a prophet.

83 Deriving the unexplained דבוסת from Arabic قنس which among other meanings also signifies "to take instructions from somebody." The background is explained in the Babli, 89a: Since Hanania had heard Jeremiah predict the downfall of Elam, which the talmudic authors take as an ally, not an adversary, of Babylonia, and concluded that if the ally fell, the principal would fall with him.

84 Explaining סמא either from Arabic سما "to be high" or from Latin *summa*.

85 *Jer.* 29:10.

86 This follows the author of Kings who puts all blame for the Babylonian exile on Manasse. While the numbers add up to 68, they make no sense. Manasse became king at age 12, therefore he was responsible during 47 years of kingship. (For the doctrine that people become responsible

adults in the eyes of Heaven at age 20, cf. *Bikkurim* 2:1, Note 13, Babli *Šabbat* 89b.) Josia became king at age 8; his 31 years therefore should be reduced to 23 but, since he was the only good king following Manasse, he should not be counted at all. Adding then 2 for Amon, 11 for Joyakim, and 5 for Sedekias, one only obtains 65 years (or 66 if a full year is counted for Joyachin.)

87 *Jer.* 28:1-3.

88 In the verse: fourth.

89 *Jer.* 27:22.

90 Hananiah.

91 Jeremiah.

92 This is generally accepted; repentance always may avert evil.

93 *Jer.* 28:17. While the Talmud assumes that the "Day of Remembrance," the first of the seventh month, always was New Year's Day, it is clear that *Jer.* follows the Judean calendar which starts the year in Spring.

(30b line 56) הכּוֹשֵׁשׁ עַל נְבוּאָתוֹ. כִּיּוֹנֵה בֶן אֲמִיתִי. אֲמַר רַבִּי יוֹנָה. יוֹנָה בֶן אֲמִיתִי נְבִיא אֲמַת הָיָה. אֵת מוֹצֵא בִשְׁעָה שָׁאֲמַר לוֹ הַקֹּדֶשׁ בְּרוּךְ הוּא קוֹם לָךְ אֶל־יִנְיָהָ הָעִיר הַגְּדוֹלָה וְקִרָא עֲלֶיהָ כִּי־עָלְתָה לְרַעְתָּם לְפָנָי: אֲמַר יוֹנָה. יוֹדַע אֲנִי שֶׁהַגּוֹיִם קְרוֹבֵי תְּשׁוּבָה הֵן. וְהָרִינִי הוֹלֵךְ וּמִתְנַבֵּא עֲלֵיהֶם וְהֵם עוֹשִׂים תְּשׁוּבָה וְהַקֹּדֶשׁ בְּרוּךְ הוּא בָּא וּפּוֹרֵעַ מִשׁוֹנְאֵיהֶן שְׁלִישְׁרָאֵל. וְמָה עָלִי לַעֲשׂוֹת. לְבָרוּחַ. וְקָם יוֹנָה לְבָרוּחַ תְּרַשִּׁישָׁה מִלִּפְנֵי יְיָ וַיֵּרֶד יָכֹ וַיִּמְצָא אִנְיָה | בָּאָה תְּרַשִּׁישׁ וַיִּתֵּן שְׁכָרָה וַיֵּרֶד בֵּהּ וְגו'.

“And one who suppresses his prophecy,” like Jonah ben Amitai⁹⁴. Rabbi Jonah said, Jonah ben Amitai was a true prophet. You find that when the Holy One, praise to Him, told him, *get up and go to the great city of Nineveh and call out over it that their evil came before Me*⁹⁵, Jonah said, I know that Gentiles are close to repentance; if I would go and prophesy for them and they repented, the Holy One, praise to Him, would make himself paid from the haters of Israel⁹⁶. What can I do? I must flee! *Jonah got up to flee to Tarshish from before the Eternal; he descended to Jaffa, found a ship destined for Tarshish, paid his fare and entered it,*⁹⁷” etc.

94 Babli 89a; Tosephta 14:15.

96 I. e., punish Israel for not repenting.

95 *Jonah* 1:2.

97 *Jonah* 1:3.

זֶה (30b line 63) וְהַמְּוֹתֵר עַל דְּבָרֵי הַנְּבִיא. כְּעִידוֹ הַחוּצָה. אָמַר רַבִּי שְׁמוּאֵל בֶּר רַב יִצְחָק. זֶה אֲמַצְיָה כֹהֵן בֵּיתֶאֱל. אָמַר רַבִּי יוֹסִי. פִּיתְפוּתֵי בָצִים הָיָה שָׁם. וְאִי זֶה זֶה. זֶה יְהוֹנָתָן בֶּן גֵּרְשׁוֹם בֶּן מְנַשֶּׁה.

“And one who disregards the prophet’s words.” Like the seer Ido⁹⁸. Rabbi Samuel bar Rav Isaac said, this is Amasiah the priest of Bethel. Rabbi Yose said, this is breaking of eggs⁹⁹; who is it? He is Jonathan ben Gershom ben Manasse¹⁰⁰.

98 The text is lacunary. One must read with the Tosephta (14:15) and the Babli (89b): One who disregards the prophet’s words, like the companion of Micha (*IK*. 20:35) and the prophet who disregards his own words like the seer Ido (mentioned in *2Chr.* 12:15 who in all talmudic sources is identified as the anonymous “prophet from Jehudah” in *IK*. 13). R. Samuel bar Rav Isaac said, the old prophet living in Bethel (*IK*. 13:11) is Amasiah the priest of Bethel (*Am.* 7:12).

99 R. Samuel bar Rav Isaac spoke in error; the old prophet at the time of Jeroboam I cannot be the priest at the time of Jeroboam II.

100 Jonathan ben Gershom ben Moses, as asserted in an anonymous note (*Berakhot* 9:3, Note 135). To support this assertion, the next paragraph is a rearrangement of a text in *Berakhot* 9:3 (Notes 128-135); it lacks the punch line that Jonathan was the old prophet.

אֶת מוֹצֵא בְּשָׁעָה שָׂבָא דָּוִד וּמָצְאוֹ שְׁהוּא עוֹבֵד עֲבוּדָה זָרָה אָמַר לוֹ. אֵתָּה בֶּן בְּנֵי שְׁלֹאֲתוֹ צִדִּיק וְאַתָּה עוֹבֵד עֲבוּדָה זָרָה. אָמַר לוֹ. מְסוּרֶת בְּיָדֵי מַאֲבֵי אֲבָא. מְכֹר עֲצָמָךְ לְעֲבוּדָה

זָרָה וְאֵל תַּצְטַרְדָּ לְבָרִיּוֹת. אָמַר לוֹ. חֵס וְשָׁלוֹם לֹא אָמַר לָךְ כֵּן אֶלָּא מְכוֹר עֲצָמְךָ לַעֲבוֹדָה שֶׁהִיא זָרָה לָךְ וְאֵל תַּצְטַרְדָּ לְבָרִיּוֹת. כִּיּוֹן שֶׁרָאָה דָּוִד שֶׁהָיָה הִמָּמוֹן חֲבִיב עָלָיו מִיֵּנְהוּ קוֹמֵס תִּיסוּוֹרִין עַל בֵּית הַמִּקְדָּשׁ. הִדָּא הָא דְכָתִיב וְשָׁבוּאֵל בֶּן־גֵּרְשׁוֹם בֶּן־מִנְשֵׁה נִגִּיד עַל־הָאוֹצְרוֹת: שְׁבוּאֵל שֶׁשָּׁב אֶל אֵל בְּכָל־כּוֹחוֹ. נִגִּיד עַל־הָאוֹצְרוֹת. שֶׁמִּיֵּנְהוּ קוֹמֵס תִּיסוּוֹרִין עַל־הָאוֹצְרוֹת.

חֲבִרִיָּא בְּעוֹן קוֹמִי רַבִּי שְׁמוּאֵל בַּר נַחֲמָן. כּוֹמֵר לַעֲבוֹדָה זָרָה וְהָאֲרִיז יָמִים. אָמַר לוֹן. עַל שֶׁהָיָה עֵינֵי צָרָה בַּעֲבוֹדָה זָרָה שְׁלוֹ. וְיָמָּה הָיָה עֵינֵי צָרָה בַּעֲבוֹדָה זָרָה שְׁלוֹ. הֵנָּה בַּר נִשְׁמִיטִי לִיָּה תוֹר אוֹ אִימֵר אוֹ גָּדִי לַעֲבוֹדָה זָרָה וְאָמַר לִיָּה. פִּיִּסְיָה עָלֶי. וְהוּא אָמַר לִיָּה. לָמָּה. וְכִי מָה מוֹעִילָה לָךְ. אֵינָה אוֹכֶלֶת וְאֵינָה שׁוֹתָה וְלֹא מְטִיבָה וְלֹא מְרִיעָה. וְהוּא אָמַר לִיָּה. הֵיךְ נַעֲבִיד. וְהוּא אָמַר לִיָּה. אֵיזֵל וְאֵינִי לִי חַד פִּינֵךְ דְּסוֹלֶת וְעֶשֶׂר בִּיעֵין עָלָיו וְנָא מִפִּיִּס לִיָּה עָלָךְ. כִּיּוֹן דְּהָרָה אֲזַל הָנָה אֲכִיל לוֹן. אֲתָא חַד בַּר פַּחִין וְאָמַר לִיָּה כֵּן. אָמַר לִיָּה. אִם אֵינָה מוֹעִילָה כָּלִים מָה אַתָּה עֹבֵיד חֵקָא. אָמַר לִיָּה. בְּגִין חֵי.

מִתְבִּיב לְרַבִּי שְׁמוּאֵל בַּר נַחֲמָן. וְהָא כְּתִיב עַד־יֹס גְּלוֹת הָאֲרֶץ. אָמַר לוֹן כִּיּוֹן שְׁמֵית דָּוִד וְעַמְד שְׁלָמָה וְהַחֲלִיף כָּל־סִינְקְלִיטִין שְׁלוֹ חֲזָר לְקִילְקוּלוֹ.

You find that when David came and found him serving foreign worship, he asked him: You are the grandson of that righteous man and you worship idols? *He*^{100a} said to him, *I have a tradition from my grandfather, sell yourself to foreign worship rather than need other people.* He said to *him*: Heaven forbid! He did not say so, but rather sell yourself to work that is strange to you rather than need other people. When David saw that *he* loved money, he made *him* Count^{100b} of the Temple treasuries. That is what is written, *Shabuel ben Gershom ben Moshe, overseer of the treasuries.* “Shabuel” because he returned to God with all his might; “overseer of the treasuries” that he made him Count of the treasuries.

The colleagues asked before Rabbi Samuel ben Nahman: *He* was a priest of idol worship and lived so long? He said to them, because *he* was grudging to his idol. How was *he* grudging to his idol? If a man came to sacrifice an ox, a sheep, or a goat to the idol and told him: Make it favorably inclined towards me, *he* would say, what use does it have for you? It never eats, nor drinks, nor does good or evil. He said to *him*, what should we do? *He* said to him, go, make, and bring me a wooden vessel full of fine flour and put on it ten eggs, then *I* shall make it favorably inclined towards you. After he left, *he* would eat it. One day, a son of pashas came and *he* said that to him. He said

to him, if it is of no use, what are *you* doing here? *He* answered him, because of my livelihood.

They objected to Rabbi Samuel bar Nahman: *Until the day the Land went into exile.* He said to them, when David died, Solomon rose and exchanged all his counselors^{100c}. *He* returned to his former bad ways.

100a *Italics* show that Jonathan is the speaker.

The combination תִּסְוִיָּוִין עַל-הָאֻצְרוֹת is a Greek-Hebrew double expression.

100b Latin *comes* “associate, partner”, a Byzantine title for a high-level bureaucrat.

100c A description of Byzantine practices.

(30c line 9) וְנָבִיא שְׁעָבַר עַל דְּבָרֵי עֲצָמוֹ. כְּחִבְרִי שְׁלֵמִיכָה. הִדָּא הֵיא דְכְּתִיב וְנָבִיא אֶחָד זָקֵן יֵשֵׁב בְּבֵית-אֵל וְיָבֵא בָנוּ וְיִסְפְּרוּ לָנוּ אֶת-כָּל-הַמַּעֲשֵׂה אֲשֶׁר-עָשָׂה אִישׁ-הָאֱלֹהִים וְגו'. וַיֹּאמֶר לָהֶם אֲבִיָּהֶם אִי-יָהּ הַדֶּרֶךְ הַלֵּךְ וְגו'. וַיֹּאמֶר אֶל-בָּנָיו חֲבֹשׁוּ-לִי אֶת הַחֲמֹר וְגו'. וְלֵךְ אַחֲרַי אִישׁ הָאֱלֹהִים וְלִמְצָאָהוּ יוֹשֵׁב תַּחַת הָאֵלֶּה וְגו'. וַיֹּאמֶר לָךְ אֹתִי הַבִּיטָה וְאֵכֵל לֶחֶם: וַיֹּאמֶר לֹא אוֹכֵל לָשׁוּב וְגו' עַד וַיֹּאמֶר לוֹ גַּם-אֲנִי נָבִיא כְּמוֹךָ וּמִלֵּאָךְ דָּבָר אֵלַי בְּדָבָר יִי לֵאמֹר וְגו' עַד וַיֵּאכֵל לֶחֶם בְּבֵיתוֹ וַיֵּשֶׁת מִיָּם כִּיחֹשׁ לוֹ: מָה הוּא כִּיחֹשׁ לוֹ. שִׁיקָר בֵּינָהּ. וַיֵּלֶי הֵם יוֹשְׁבִים עַל הַשֵּׁלֶחָן וַיְהִי דָּבָר יִי אֶל-הַנָּבִיא אֲשֶׁר הֵשִׁיבוֹ: אֲשֶׁר הוֹשֵׁב אֵין כְּתוּב כָּאֵין אֶלָּא אֲשֶׁר הֵשִׁיבוֹ. וְהָרִי הַדְּבָרִים קָל וְחֹמֶר. וְיָמָּה אִם מִי שֶׁהֵאכִיל אֶת חֲבִירוֹ לֶחֶם שֶׁקָּר זָכָה שְׁנֵיתִיחַד עָלָיו הַדִּיבֵר. הַמַּאכִיל אֶת חֲבִירוֹ לֶחֶם אֲמַת עַל אַחַת כְּמָה וְכְמָה.

“And a prophet who transgressed his own word,” like the companion of Micha¹⁰¹. That is what is written¹⁰²: *An old prophet was dwelling at Bethel; his son came and told him all the actions which the man of God had wrought, etc. Their father asked them, which way did he go, etc. He told his sons, saddle the donkey for me, etc. He followed the man of God and found him sitting under the terebinth, etc. He said to him, come with me to my house and eat. He told him, I cannot return, etc., up to he said to him, I also am a prophet like you and an angel spoke to me the words of the Eternal as follows, etc., up to he should eat food and drink water; he tricked him.* What means “tricked him”? He lied to him. *While they were sitting at table, the word of the Eternal came to the prophet who had turned him back.* It is not written “who had returned,” but “who had turned him back.” Is that not an argument *de minore ad majus*? Since one who fed his neighbor food in falsehood was

worthy of the Word to be addressed to him, one who feeds his neighbor food in truth, so much more.

101 This should read: “the prophet Ido” (Note 91).

102 /K. 13:11-20. The verses obviously are quoted from memory.

(30c line 21) כְּתוּב וְאִישׁ אֶחָד מִבְּנֵי הַנְּבִיאִים אָמַר אֶל־רֵעֵהוּ בְּדִבְרֵי יְיָ וְגו'. וַיֹּאמֶר לוֹ יַעֲקֹב אֶשֶׁר לֹא־שָׁמַעְתָּ בְּקוֹל יְיָ הַנֶּזֶק הוֹלֵךְ מֵאֵתֶיךָ וְהַכֹּכַב הָאֲרִיָּה וְיִלְכֹךְ מֵאֵתוֹ וַיִּמְצָאֵהוּ הָאֲרִיָּה וַיִּכְהֶה: וַיִּמְצָא אִישׁ אֲחֵר וַיֹּאמֶר הַכִּינִי נָא וַיִּכְהֶהוּ וְגו'. וְיִלְכֹךְ הַנְּבִיא וַיַּעֲמִיד לְמַלְכָּךְ עַל־הַדָּרָךְ וַיִּתְחַפֵּשׂ בְּאַפֵּר עַל־עֵינָיו: וַיְהִי הַמֶּלֶךְ עוֹבֵר וְהוּא צָעֵק אֶל־הַמֶּלֶךְ וְגו'. וַיְהִי עֲבָדָךְ עֹשֶׂה הִנֵּה וְהִנֵּה וְגו'. וַיִּמְהָר וַיִּסָּר אֶת־הָאֶפֶר מֵעַל עֵינָיו וְגו'. וַיֹּאמֶר לוֹ כֹּה אָמַר יְיָ יַעֲקֹב אֶשֶׁר שְׁלַחְתָּ אֶת־אִישׁ־חֲרָמִי מִיָּד וְהִיתָה נִפְשְׁךָ תַּחַת נִפְשׁוֹ וְעַמְּךָ תַּחַת עַמּוֹ: וְכְתוּב וַיִּצָּשׂ אִישׁ הָאֱלֹהִים וַיֹּאמֶר כֹּה־אָמַר יְיָ וְלָקַח וַיֹּאמֶר וַיֹּאמֶר שְׁנֵי פְעָמִים. אֲלָא בְּאֻמְרָהּ רֵאשׁוֹנָה אָמַר לוֹ. אִם בָּא בְּךָ הַדָּד מֶלֶךְ אָרָם תַּחַת יָדְךָ אֶל תַּחוּס עָלָיו וְאֶל תַּחְמוֹל עָלָיו. וּבְאֻמְרָהּ הַשְּׁנִיָּה אָמַר לוֹ יַעֲקֹב אֶשֶׁר שְׁלַחְתָּ אֶת־אִישׁ־חֲרָמִי וְגו'. כִּמְהָ מַצִּידוֹת וְחֲרָמִים עֲשִׂיתִי לוֹ עַד שְׁמֹסְרֵתִי תַּחַת יָדְךָ וְשְׁלַחְתּוֹ וְהָלַךְ בְּשָׁלוֹם. לְפִיכָךְ וְהִיתָה נִפְשְׁךָ תַּחַת נִפְשׁוֹ וְעַמְּךָ תַּחַת עַמּוֹ: אֵת מוֹצֵא בְּשָׁעָה שְׂצִיאוֹ יִשְׂרָאֵל לְמִלְחָמָה לֹא מֵת מִכּוֹפֶלֶם אֲלָא אַחֲאָב מֶלֶךְ יִשְׂרָאֵל בִּלְבָד. וְהָדָא הֵיא דְכְּתוּב וְאִישׁ מִשְׁדֵּךְ בְּקִשְׁתִּי לְתוֹמֹו וַיֵּךְ אֶת־מֶלֶךְ יִשְׂרָאֵל בֵּין הַדְּבָקִים וּבֵין הַשְּׂרִיָּן וַיֹּאמֶר לְרַכְבּוֹ הַפּוֹךְ יָדְךָ וְהוֹצִיאֵנִי מִן־הַמִּחְנֶה כִּי הִחֲלִיתִי: כֹּה אֲנִי מְקַיֵּים וְעַמְּךָ תַּחַת עַמּוֹ: רַבִּי יוֹחָנָן בְּשֵׁם רַבִּי שְׁמַעוֹן בֶּן יוֹחִי. אוֹתָהּ הִטִּיפָה שְׂצִיאוֹת מֵאוֹתוֹ צָדִיק כִּיפָּרָה עַל כָּל־יִשְׂרָאֵל.

It is written¹⁰³: *One of the young prophets said to his neighbor by the Word of the Eternal, etc. He told him, since you did not listen to the Word of the Eternal, when you depart from me the lion will hit you; he departed from him, the lion found him and hit him. He found another man, said to him, hit me, and he hit him*¹⁰⁴ etc. *The prophet went, stood in the king's way, and had disguised himself by a band over his eyes. When the king passed by, he cried to the king, etc. Your servant went to and fro, etc. He told him, so says the Eternal: Because you sent away from your hand the man whom I had banned, your life will be for his life, and your people for his people. And it is written*¹⁰⁵: *The man of God approached and said, so says the Eternal. Why two times “and said”?* But in the first address he told him, if Ben Hadad falls into you hand, do not have mercy on him and do not spare him. In the second address he told him, *because you sent away from your hand the man whom I had banned, how many traps and hunting nets*¹⁰⁶ *I made for him until I*

delivered him into your hand, and you sent him away and he went in peace. Therefore, *your life will be for his life, and your people for his people*.

You find that when Israel went to war, nobody of them died but Ahab, the king of Israel. That is what is written¹⁰⁷: *A man shot from his bow without aiming and hit the king of Israel between the joints of his armor; he told the driver, take me out of the camp because I became sick*. How can I confirm *your people for his people*? Rabbi Johanan in the name of Rabbi Simeon ben Iohai: That drop of blood which was drawn from the just man¹⁰⁸ did atone for all of Israel.

103 1K. 20:35-42.

104 The quote stops short of *he injured him* which later (Note 101) will be shown to be essential.

105 *Threni rabbati* 1(43). The full verse reads: *The man of God approached and said to the king of Israel and said...*

106 Identifying חרם “ban” with חרם

חרם “netting”.

107 1K. 22:34.

108 The prophet who was injured (Note 103). The suffering of the Just as atonement for the entire people is an idea found in apocryphal literature such as IV Maccabees; in rabbinic texts otherwise only in Midrash literature [*Tanhuma Wayyaqhel* 9 = *Ex. rabba* 35(4), *Lev. rabba* 2(1).]

משנה ח: המתנבא בשם עבודה זרה ואומר קד אִמְרָה עֲבוּדָה זָרָה אֶפְלוּ כִּיּוֹן אֶת הַהִלְכָה לְטָמֵא אֶת הַטָּמֵא וּלְטָהֵר אֶת הַטָּהוֹר. הָבָא עַל אִשֶּׁת אִישׁ כִּיּוֹן שֶׁנִּכְסְהָ לְרִשּׁוֹת הַבַּעַל מִן הַנִּישׁוּאִין אִף עַל פִּי שְׁלָא נִבְעֵלָה הָבָא עָלֶיהָ הָרִי זֶה בְּחִנְקָה. וְזֹמְמִי בֵּת כְּהֵן וּבִזְעֵלָה. הָא כָּל־הַזֹּמְמִין מִקְדָּיִמִּין לְאוֹתָהּ מִיָּתָהּ חוּץ מִזֹּמְמִי בֵּת כְּהֵן וּבִזְעֵלָה:

Mishnah 8: One who prophesies in the name of foreign worship¹⁰⁹ and says, so speaks the foreign worship, even if he stated practice correctly to declare the impure impure and the pure pure. One who copulates with a married woman, from the moment she is in the husband's domain for definitive marriage even if she did not have intercourse¹¹⁰, one who copulates with her is strangled. And the false witnesses of a Cohen's daughter and her paramour. Therefore all false witnesses are executed by that death except for the false witnesses of a Cohen's daughter and her paramour¹¹¹.

109 Who is strangled, Mishnah 11:1.

110 The preliminarily married virgin and her paramour are stoned. But once she entered the place where the definitive marriage is scheduled to take place, even though she still is a virgin, her adultery is punished by strangulation. This presupposes that the definitive marriage is celebrated on the husband's property.

111 The whoring daughter of a Cohen is burned only if she committed adultery while married (Chapter 7, Notes 8-12). But the adulterer with a married woman is strangled.

The perjured witnesses have to be executed in the way the adulterer would have been executed had their testimony stood up in court since (*Deut.* 19:19) *you shall do to him what he intended to do to his brother*. Therefore, it is impossible to punish the perjured witnesses of a Cohen's daughter by exactly the death they intended to bring her to. This is the introduction to the next Chapter (*Makkot* 1 - *Sanhedrin* 12) which starts by exploring the punishment of perjured witnesses accusing a Cohen of breaking priestly rules.

הכל היה (30c line 41) הלכה ח: והמתנבא בשם עבודה זרה עול. אמר רבי יוסי בן חנינה. הכל היה בכלל לא-תענה ברעך עד שקר. יצא לידון בין באות בין במופת בין בעבודה זרה בין בשאר כל-המצות. אלא שעבודה זרה בין שנתכוון לעקור את כל-הגוף בין שלא נתכוון לעקור את כל-הגוף דברי רבי שמעון פוטרין אותו. ודברי חכמים סוקלין אותו. אבל בשאר כל-המצות דברי חכמים סוקלין אותו ודברי רבי שמעון גבין ליה פיונטייה.

Halakhah 8: "One who prophesies in the name of foreign worship," etc.

¹¹²Rebbi Yose ben Hanina said, everything was included in *do not testify against your neighbor as a false witness*. It came to judge whether by sign, or by miracle, whether about foreign worship or any other commandment. But about foreign worship, whether he intended to uproot the entire body or did not intend to uproot the entire body, by the words of Rebbi Simeon one does not prosecute him, but by the words of the Sages one stones him. For any other commandment by the words of the Sages one stones him, by the words of Rebbi Simeon he should understand his *pywnt*.

112 This paragraph is thoroughly corrupt; the meaning can be understood approximately by reference to Tosephta 14:13: "He who prophesies to uproot one of the words of the Torah is punishable. Rebbi Simeon says, if he prophesies to uproot one of the words of the Torah but affirms others he cannot be prosecuted; but about foreign

worship, even if he endorses it today but reneges tomorrow he is punishable."

With *Qorban Ha'edah* it seems that the quote from the Ten Commandments (*Ex.* 20:16) was induced by the parallel text at the beginning of the next Halakhah and should be replaced by *Deut.* 18:22. The argument would go as follows: In *Deut.*

18:20-22, the court is commanded to punish the false prophet by a death sentence. The manner of execution is not specified; this implies that it must be by strangling. But in 13:2-12 the punishment of strange worship (idolatry) is stoning.

A person can be punished as a false prophet only if first he had established his credentials as a prophet by a sign or a miracle (*Deut.* 13:2, 18:22; Note 106). Then if the prophet argues for idolatry, even if he does not abolish any commandment of the Torah, he has to be punished (even if he propagates foreign worship in the name of the Eternal; Babli 89b). If he tells others not to obey some of the precepts of the Torah, for the Sages he is punishable, but not for R.

Simeon. The prophet can be prosecuted only if he induces others to neglect Torah precepts, not if he himself seemingly violates them by Divine Command, as Elijah did on Mount Carmel, sacrificing on an altar which was authorized only for him.

Qorban Ha'edah gives a reconstruction of the paragraph which is not impossible but not supported by any parallel evidence.

In the word פִּינִיטִיָּה the ending יָה is the possessive suffix "his". For the remaining פִּינִיטִי the best available conjecture is Kohut's, Latin *punitio*, -onis "punishment" [or *poenaria* (*actiones*), punishable (actions) (E. G.)].

וְהַנְּבִיא שֶׁנִּתְּנָבֵא בְּתַחֲלִילָה. אִם נָתַן אוֹת וּמוֹפֶת שׁוֹמְעִין לוֹ וְאִם לֹא אֵין שׁוֹמְעִין לוֹ. שְׁנֵי נְבִיאִים שֶׁנִּתְּנָבֵאוּ כְּכַדְּךָ אֶחָד. רַבִּי צִחְקִי וְרַבִּי הוֹשִׁעִיָּה. חֵד אָמַר. צָרִיד לִיתֵּן אוֹת וּמוֹפֶת. וְתַרְנָה אָמַר. אֵינוּ צָרִיד לִיתֵּן אוֹת וּמוֹפֶת. מְתִיב מָאן דְּאָמַר צָרִיד לְמָאן דְּאָמַר אֵינוּ צָרִיד. וְהָא כְּתִיב וַיֹּאמֶר חִזְקִיָּהוּ אֶל־יְשַׁעְיָהוּ מֶה אוֹת. אָמַר לֵיהּ. שְׁנִיָּא הֵיא תַמָּן דִּי עֶסֶק בְּתַחֲלִיית הַמּוֹתִים. וְחִינּוּ מִיּוֹמָיִים בְּיוֹם הַשְּׁלִישִׁי יִקְמִינוּ וְנַחֲמָה לְפָנֵינוּ:

If a prophet starts to prophesy, one listens to him if he gives a sign or miracle; otherwise one does not listen to him¹¹³. Two prophets who prophesied indentially, two prophets who prophesied in the same sense¹¹⁴? Rabbi Isaac and Rabbi Hoshia: One said, each one has to provide a sign or a miracle; the other said, not each one has to provide a sign or a miracle¹¹⁵. The one who said he did objected to the one who said he did not: Is it not written¹¹⁶, *Ezekias said to Isaia, what is the sign?* He told him, that is different since he was occupied in reviving the dead. *He shall revive us after two days; on the third day He will lift us up and we shall live before Him*¹¹⁷.

113 *Deut.* 13:2. It is no disrespect to Heaven if one disregards the sayings of an unqualified prophet.

114 This reading (*Pene Moshe*) is

preferable to reading אֶחָד כְּכַדְּךָ "in the same fortified place" (*Qorban Ha'edah*).

115 But the accredited prophet can legitimate his companion.

116 2K. 20:8.

117 Hos. 6:2. The verse is the basic source for the belief that the resurrection has to be on the third day, or that souls have to suffer punishment for their misdeeds while alive for two days and on the third day are

admitted to Paradise (*Berakhot* 5:2 Note 64; *Ta'anot* 1:1 63d 1.52). Ezekias was declared ready to die (2K. 20:1) and was well enough to go to the Temple on the third day; this shows that his recovery was indeed a resurrection.

30c line 54) אָמַר רַבִּי יְהוּדָה בֶּן פָּזִי. לֹא סוּף דָּבָר לַחֲוָפָה אֶלָּא אֶפְּלִי לְבֵית שְׁנֵי שָׁבוּ חוּפָּה. בְּעֵצָה הָדָא מִלְתָּא. טְרִיקְלִין וְקִיטוֹן. חוּפָּה וְקִיטוֹן. נִכְנְסָה לְטְרִיקְלִין. לֵי דָא מִלְתָּא. לְיוֹרְשָׁה. רַבִּי יוֹחָנָן אָמַר. לְיוֹרְשָׁה. רִישׁ לְקִישׁ אָמַר. לְהִפָּר נְדָרֶיהָ. אָמַר רַבִּי זְעִירָא. אִף עַל גַּב דְּרַבִּי שְׁמַעוֹן בֶּן לְקִישׁ אָמַר לְהִפָּר נְדָרֶיהָ. מוֹדָה שְׁאִינוּ מֵיפָּר לָהּ עַד שְׁתִּיכְנַס לַחֲוָפָה. אָמַר רַבִּי הוּנָא. קָרִינָא מְסִינָע לְרַבִּי שְׁמַעוֹן בֶּן לְקִישׁ. לְזוֹת בֵּית אַבִּינָה. פֶּרֶט שְׁמִסְרוּהָ שְׁלוּחֵי הָאֵב לְשְׁלוּחֵי הַבַּעַל. שְׁלֹא תִהְיֶה בְּסָקִילָה אֶלָּא בְּחִנְקָה.

¹¹⁸Rebbi Jehudah ben Pazi said. not only to the bridal chamber but also to a house containing the bridal chamber¹¹⁹. The following is problematic: Dining room¹²⁰ and bedroom¹²¹, bridal chamber and bedroom; if she entered the dining room, for which consequence¹²²? Rebbi Johanan said, to inherit from her¹²³. Rebbi Simeon ben Laqish said, to dissolve her vows¹²⁴. Rebbi Ze'ira said, even though Rebbi Simeon ben Laqish said, to dissolve her vows, he agrees that he cannot actually dissolve them before she enters the bridal chamber¹²⁵. Rebbi Huna¹²⁶ said, a verse supports Rebbi Simeon ben Laqish: *to whore in her father's house*¹²⁷. This excludes the case where the father's agents handed her over to the husband's agents, that she could not be stoned, but is strangled¹²⁸.

118 This now refers to the adulterous definitively married woman. A closely related text is *Ketubot* 4:7, Notes 154-160.

119 Where the definitive marriage is contracted. This חוּפָּה is not the wedding canopy used today, but a room where the newlyweds will consummate the marriage and spend the following week.

From here to the end of *Sanhedrin-Makkot* (except *Makkot* 1:13-2:7) there exists a Genizah fragment (G) edited

(with readings compared to the Krotoschin Yerushalmi) by S. Wieder, *Tarbiz* 17 (1946) 130-135.

120 Greek τρικλίνιον, τό, Latin *triclinium*.

121 Cf. Chapter 7:19, Note 363.

122 Before the definitive marriage ceremony.

123 As definitive husband, if the woman died before entering the bridal chamber. Since this idea is not followed up, it does not represent practice. In *Ketubot*, the name

is R. Eleazar. Therefore, the illegible name in G cannot be emended to “R. Johanan” as given in *Tarbiz* 17.

124 *Nedarim*, Chapters 10,11.

125 If the time allotted to the husband to dissolve his wife’s vows elapses between the arrival of his bride at his home when she stated the fact of her vows and the definitive

marriage ceremony, he lost his right of dissolution.

126 In G, “Huna” is corrected to “Jonah”.

127 *Deut.* 22:21.

128 A preliminarily married virgin who no longer is in her father’s charge is treated in criminal law as if she already were definitively married. Babli *Ketubot* 49a.

כִּיּוֹצֵא בָהֶם בְּשָׂרִיפָה הִיא וְהֵן בְּשָׂרִיפָה. כִּיּוֹצֵא בָהֶן בְּסָקִילָה הִיא וְהֵן בְּסָקִילָה. (30c line 61)
כִּיּוֹצֵא בָהֶן בְּחֶנֶק הִיא וְהֵן בְּחֶנֶק.

Similarly by burning, she and they by burning. Similarly by stoning, she and they by stoning. Similarly by strangulation, she and they by strangulation¹²⁹.

129 This refers to the perjured witnesses. The text is a copy from Halakhah 7:1, Note 17; *Tosephta* 14:17. If no man is involved, the perjured witnesses are punished by what the woman would have suffered had their testimony been truthful.

