

## כהן גדול פרק שני

(fol. 19d) **משנה א:** כהן גדול דן ודנין אותו מעיד ומעידין אותו. חולץ וחולצין לאשתו ומינבמין לאשתו. אבל הוא אינו מינבם מפני שהוא אסור באלמנה. מת לו מת אינו יוצא אחר המטה אלא הן ניכסין והוא נקלה. הן ניגלין והוא נכסה. ויוצא עמהן עד פתח העיר דברי רבי מאיר. רבי יהודה אומר אינו יוצא מן המקדש שנאמר ומן המקדש לא יצא.

**Mishnah 1:** The High Priest judges and one judges him; he testifies and one testifies against him<sup>1</sup>. He gives *halisah* and one gives *halisah* to his wife, and one marries his wife in levirate marriage<sup>2</sup>. But he may not marry in levirate marriage since a widow is forbidden to him.<sup>3</sup> If a family member of his dies, he cannot follow the bier but if they<sup>4</sup> are unseen he can be seen; if they are seen he must be unseen. He leaves with them up to the city gate, the words of Rabbi Meir; Rabbi Jehudah said, he does not leave the Temple since it is said: *The Sanctuary he shall not leave*<sup>5</sup>.

1 These statements are only necessary as contrast to the rules for the king, to whom they do not apply (Mishnah 3).

2 If his brother dies childless, he gives *halisah* to his sister-in-law, which will be allowed to marry anybody but a Cohen. If he dies childless, any brother not appointed

High Priest in his stead may marry his widow.

3 Lev. 21:14.

4 The people carrying the bier. The High Priest may never be seen together with them.

5 Lev. 21:12.

(19d line 58) **הלכה א:** כהן גדול דן ודנין אותו כול'. ניחא דן. דנין אותו. וימנה לו אנטלר. הגע עצמך שנפלה לו שבועה. ואנטלר בשבועה. דיני ממונות שלו בכמה. בכ"ג. נישמעניה מהדא. אין מלך יושב בסנהדרין ולא מלך וכהן גדול יושבין בעיבור. רבי חנינה ורבי מנא. חד אמר. אין מלך יושב בסנהדרין מפני החשד. ולא בעיבור מפני החשד. ולא מלך וכהן גדול יושבין בעיבור. שאין כבוד המלך לישב בשבועה. תא חמי. בשבועה אין כבוד לישב לא כל-שכן שלשה. הדא אמרה דיני ממונות שלו בעשרים ושלשה.

**Halakhah 1:** “The High Priest judges and one judges him,” etc. One understands that he judges. Why does one judge him<sup>6</sup>? Can he not appoint a plenipotentiary<sup>7</sup>? Think of it, if an oath should be imposed on him, may a plenipotentiary take the oath?

His monetary suits are heard by how many? By 23, as we understand from the following<sup>8</sup>: “The king may not sit in the Synhedrion, neither king nor High Priest may participate in intercalations.” Rabbi Hanina<sup>9</sup> and Rabbi Mana, one said the king does not sit in the Synhedrion because of suspicion<sup>10</sup>; he cannot participate in intercalations because of suspicion<sup>11</sup>. <sup>12</sup>Neither king nor High Priest may participate in intercalations since it is not to the king’s honor to sit with seven, so much less with three. This implies that his monetary suits are heard by 23<sup>13</sup>.

6 Why can he be compelled to appear in court in person?

7 In G אנטליר which S. Lieberman (*Greek and Hellenism in Jewish Palestine*, Jerusalem 1963, pp. 10-11) reads as *antellar* as a composite of Greek ἐντέλλω “enjoin, command, invest with legal powers” with Latin suffix *-arius* “belonging to, invested with,” etc.

8 Tosephta 2:15.

9 In G correctly Hananiah, the contemporary of R. Mana II.

10 That the judges do not dare to voice an opinion contradicting the king.

11 Since the king can be expected to favor adding a 13<sup>th</sup> month every year so that all contracts for services which his government has concluded will be extended for another month without him having to pay for it.

12 The second opinion is missing here. In G it is extended for three lines but no intelligible text can be extracted from the few remaining words. G in all cases says “the king of Israel”.

13 This is unknown to the Babli.

(19d line 66) אָמַר רַבִּי לֵעָזֵר. כֹּהֵן גָּדוֹל שֹׁחֵט מֶלֶקִין אוֹתוֹ וְאִין מַעֲבִירִין אוֹתוֹ מִגְדִּילָתוֹ. אָמַר רַבִּי מֵנָא. כְּתִיב כִּי יָזַר שֹׁמֵן מִשְׁחַת אֱלֹהֵיוּ עָלָיו אֲנִי יי. כְּבִיכּוֹל מָה אֲנִי בִקְדוּשָׁתִי אֶף אֶהְרֹן בִּקְדוּשָׁתוֹ. רַבִּי חֲנִינָה כְּתוּבָא רַבִּי אַחָא בְּשֵׁם רִישׁ לְקִישׁ. כֹּהֵן גָּדוֹל שֹׁחֵט מֶלֶקִין אוֹתוֹ. אִין תִּימַר בְּכ”ג. נִמְצָאת עֲלֵיתוֹ וְרִידָתוֹ. וְרִישׁ לְקִישׁ אָמַר. נִשְׂיָא שֹׁחֵט מֶלֶקִין אוֹתוֹ בְּבֵית דִּין שְׁלֹשָׁה. מִה מַחְזֵר לֵיהּ. אָמַר רַבִּי חֲנִינִי. מוֹשֶׁה. אִין מַחְזֵרִין לֵיהּ דִּי קָטַל לוֹן. שְׁמַע רַבִּי יוֹדֵן נִשְׂיָא וְכַעַס. שְׁלַח גִּיתוֹן לְמִיתָפוֹס לְרִישׁ לְקִישׁ. טָרְפוֹן. עֶרֶק לָדָא מוֹגְדָלָא. וְאִית דְּמָרִין לְהָדָא כֹּפֶר חִטָּיָא. לְמַחֵר סֶלֶק רַבִּי יוֹחָנָן לְבֵית וְעָדָא וְסֶלֶק רַבִּי יוֹדֵן נִשְׂיָא לְבֵית וְעָדָא. אָמַר לֵיהּ. לְמָה לֵּיהּ מָרִי אָמַר לוֹן מִיָּלָה דְּאוּרִיָּא. שְׂרִי טַפַּח בְּחָדָא דִּיהּ. אָמַר לֵיהּ. וּבְחָדָא טַפַּחִין.

אָלָא אָמַר לֵיהּ. לֹא וְלֹא בִן לְקִישׁ לֹא. אָמַר לֵיהּ. אָלָא אָנִי מִפְתָּחָהּ. אָמַר לֵיהּ. בְּהָדָא מְגִדְלָא. אָמַר לֵיהּ. לְמַחֵר אָנָּא וְאַתָּה נִיפּוּק לְקַדְמִיָּה. שְׁלַח רַבִּי יוֹחָנָן גָּבִי רִישׁ לְקִישׁ. עֲתִיר לָךְ מִיִּלָּה דְאֹרִיָּא דְנִשְׁיָא נְפִיק לְקַדְמָךְ. נִפְק לְקַדְמוֹן וְמַר. דִּיגְמָא דִּידְכוֹן דְּמִיָּא לְבִירִיתְכוֹן. כִּד אָתָּא רַחֲמֵנָא לְמַפְרוֹק יֵת יִשְׂרָאֵל לֹא שְׁלַח לֹא שְׁלִיחַ וְלֹא מְלָאךְ אָלָא הוּא בְּעֶצְמוֹ. דְּכִתְיָב וְעִבְרִתִּי בְּאַרְצ־מִצְרַיִם. הוּא וְכָל־דְּרָגוֹן דִּידִּיהּ. אָמַר לֵיהּ. וַיְמַה חֲמִית מִימַר הָא מִיִּלְתָּא. אָמַר לוֹן. מַה אָתוֹן סָבְרִין. מַה דְּחִיל מִינְכוֹן הוּיָנָא מְנַע אוּלְפִּנְיָה דְּרַחֲמֵנָא. דְּמַר רַבִּי שְׁמוּאֵל בַּר רַב יִצְחָק אֶל בְּנֵי כִי לֹא־טוֹבָה הַשְׁמוּעָה.

2 בקדושתו | Gה בגדולתי 3 בקדושתו | Gה בגדולתו - | Gה אמ' ר' אבון. קדוש יהיה לך. כביכול אני בקדושתו אף אהרן בקדושתו ריש | Gה ר' שמעון בן גדול | Gמשיח אותו | Gה אותו בבית דין ה שלשלה | Gשל שלשה 4 בכ"ג | ה בבית דין שלכ"ג | G בבית דין שלעשרים ... ירידתו | Gה ירידה לו וריש | Gה ר' שמעון בן 5 מחזור | Gה מחזירן משה | ה מוטב דינון די קטל לון | ה גו קטלון ליה | Gה דו קטלון 6 יודן נשייא | ה יודה נשיא גנתון | Gה גותיין למיתפוס לריש לקיש | ה למיתפש ית ר' שמעון בן לקיש | Gה למתפוס לר' שמעון בן לקיש טרפון | ה - ערק | Gה וערק לדא | Gה בהדה מוגדלא | Gה דמוגדלא דמרין להדא | ה דאמרין ברה | Gה דמרין בהדה 7 חטיא | Gה חטייה סלק | Gה סליק וועדא | Gה וועדא (2 times) וסלק ר' יודן נשייא | ה סליק ר' יודה נשייא 8 ליה | Gה לית דאוריאי | Gה דאוריאי בהגא | Gה בהדה ובחדא | Gה ובחדא - | Gה ידי 9 לא ולא | ה לאו. אין לא | Gה לא ואין לו אלא אני מפתחה | ה ואנו מפתחה | Gה והנו מופתחה בהדא מגדלא | ה ברא דמוגדלא 10 ניפוק | ה נפיק ריש | Gה ר' שמעון בן 11 נשייא | Gה נשייא ומר | ה מר לבירייתכון | ה לבירייתכון 12 למפרוק | ה למפרק ישראל | Gה ישראל ממזרים הוא | ה הקב"ה 13 דרגון | ה גורגון

<sup>14</sup>Rebbi Eleazar said, if a High Priest sinned, one whips him but does not remove him from his elevated status<sup>13</sup>. Rebbi Mana said, it is written<sup>5</sup>: *For the crown of his God's ointment is on him, I am the Eternal*; if one could compare it, just as I am in My Sanctity, so Aaron is in his sanctity<sup>15</sup>. Rebbi Hanina the scribe, Rebbi Aha in the name of Rebbi Simeon ben Laqish: if a High Priest sinned, one whips him<sup>16</sup>. If you would say by 23, his elevation would be his degradation<sup>17</sup>. And Rebbi Simeon ben Laqish said, if a patriarch sinned, one whips him by a court of three [judges]. Does one return him? Rebbi Haggai said, by Moses, if one would return him, he would kill them. Rebbi Jehudah the Prince<sup>18</sup> heard this and became angry. He sent Goths<sup>19</sup> to catch Rebbi Simeon ben Laqish. They beat him. He fled to Magdala, some say to Kefar Hitim<sup>20</sup>. The next day, Rebbi Johanan went to the assembly hall, when Rebbi Jehudah the Prince also went to the assembly hall. He<sup>21</sup> said to him, why is the master not<sup>22</sup> telling us words of instruction? He<sup>23</sup> started clapping with one hand. He<sup>21</sup> asked, does one clap with one? He<sup>23</sup> answered

him, no, but without ben Laqish there is nothing<sup>24</sup>. He<sup>21</sup> told him, I shall free him. He<sup>23</sup> said to him, in Magdala. He<sup>21</sup> told him, tomorrow I and you will go out to meet him. Rabbi Johanan sent to Rabbi Simeon ben Laqish, prepare<sup>25</sup> for yourself some words of instruction since the Patriarch will go out to meet you. He went out to meet them and said, your example is similar to that of your Creator. For when the Merciful went to liberate Israel [from Egypt]<sup>26</sup>, He sent neither messenger nor angel but He went Himself, as is written: *I shall pass through the Land of Egypt*<sup>27</sup>, He and all His Court<sup>28</sup>. He asked him, why did you say these things<sup>29</sup>? He told him, what are you thinking? That for fear of you I would refrain from the teachings of the Merciful? As Rabbi Samuel ben Rav Isaac said, *No my sons, because the reputation is not good*<sup>30</sup>.

14 There exists a copy of this paragraph in *Horaiot* 3:2 (ה). It is missing in the Yerushalmi reproduced in the *editio princeps* of the Babli. A different version is in *Midrash Samuel* 7(5).

15 The two other sources read: I in My Greatness, also Aaron in his greatness. R. Abun said (*Lev.* 21:8), *holy he shall be to you*, if one could compare it, as I Am in My Holiness, so Aaron is in his holiness.

16 In the two other sources: by a court of three judges. The sequel requires this text.

17 Since so many people would sit in judgment over him.

18 R. Jehudah II.

19 Following the reading of the other two sources. Krauss conjectures that the inserted ם indicates nasal pronunciation, but by the evidence of the other two sources גנתי instead of גנתי seems to be a scribal error. [Instead of Goths they might have been *Gaetuli*, a people from Northwestern Africa (E. G.).]

20 Magdala is on Lake Genezareth, Kefar Hittim in the hills overlooking Tiberias.

21 R. Jehudah the Prince.

22 Translated following G.

23 R. Johanan.

14 Following the text of the other two sources. The text of the Leiden ms. is unintelligible.

25 Translated following G. The text of the other two sources, "get rich", does not make much sense.

26 Added from the other two sources.

27 *Ex.* 12:12.

28 Translated following Eliahu Fulda and H. L. Fleischer in *Levy's Dictionary*. A similar explanation of the verse is found in the Passover Haggadah (*Mekhilta dR. Ismael*, ed. Horovitz-Rabin, p. 23; cf. H. Guggenheimer, *The Scholar's Haggadah* pp. 298-299.)

Here ends the Geniza fragment. The text in *Horaiot* has additions both at this point and at the end of the paragraph which, while relevant, in the absence of a confirming Genizah text cannot be added here.

29 About whipping the Patriarch.

30 *IS. 2:24*. The explanation of the verse is missing; it is given in *Horaiot*. The verse about the misdeeds of Eli's sons ends, *מַעֲבִירִים עִם יי*

*by the Eternal's people*, which he interprets as *being removed by the Eternal's people*, implying that the High Priest has to be removed if he sins.

20a line 9) רבי לעזר בשם כהנא. למעלן. למעלן מקנה שפה. למטון. למטון מקנה שפה. רבי יוחנן אמר. למטון ממש. רבי יוחנן סלק מבקרה לרבי חנינה גו אסטורטה. שמע דדמך. אמר. שלח ואיתי לי מנוי טביא דשובתא ובזעיה. רבי יוחנן פליג על רבי יודן בתרתי. ואתיא דרבי לעזר בשם כהנא כרבי יודה. ואי<sup>31</sup> כרבי יודה לא יפרוס<sup>32</sup> כל-עיקר. לא אתיא דלא אלא על אביו ועל אמו כרבי מאיר. דתני. על פלהמתים אין מבדיל קנה שפה אלא על אביו ועל אמו. דברי רבי מאיר. רבי יודן אומר. כל-קרע שאינו מבדיל קנה שפה הרי זה קרע שלתפלות. מאי קדון. חומר הוא בכהן גדול שיהא מבדיל קנה שפה.

2 סלק | ה סליק מבקרה | ה למבקרא | גו | ה כד הוה | גו | אמ' | ה - 3 ובזעיה | ה ובזעו | ר' יודן | ה דר' יודה | ה בתרתי | ה תרתין 4 ואי | ה אין יפרוס | ה יפרוס | דלא | ה דא 5 כר' מאיר | ה כדברי ר' מאיר אין | ה אינו 6 דברי | ה כדברי 7 חומר | ה אי'

<sup>33</sup>Rebbi Eleazar in the name of Cahana: On top, high starting with the seam<sup>34</sup>, below, low starting with the seam. Rebbi Johanan said, really low<sup>35</sup>. Rebbi Johanan was going up the mountain<sup>36</sup> to visit Rebbi Hanina; on the road he heard that he had died. He sent, brought his good Sabbath garment, and tore it. Rebbi Johanan disagrees with Rebbi Jehudah in two things, but Rebbi Eleazar in the name of Cahana follows Rebbi Jehudah<sup>37</sup>. If following Rebbi Jehudah, he should not tear at all! This refers only to his father or mother, following Rebbi Meïr, as it was stated: One tears the seam for nobody who died except for father and mother, the words of Rebbi Meïr. Rebbi Jehudah says, any tear which does not completely sever the seam is a frivolous tear. How is that? It is a stringency for the High Priest that he shall sever the seam completely<sup>38</sup>.

31 A Babylonism.

32 A scribal error, corrected in the parallel source.

33 This and the following paragraphs refer to Mishnah *Horaiot* 3:6; the origin is to be found there in Halakhah 3:6 (ה). The Yerushalmi printed in the Babli *editio princeps* from a ms. different from the

Leiden one, only quotes the first sentence; it eliminated the remark "continue in Sanhedrin." The paragraph also appears in *Mo'ed qatan*, copied twice in the Leiden ms. The text there is a reformulation, not a copy.

Mishnah *Horaiot* 3:6 reads: "The High Priest tears his clothes below, the simple priest above. The High Priest

officiates when he is a fresh mourner but may not eat; the simple priest neither officiates nor eats.” The High Priest is forbidden to let his hair grow or tear his clothes (*Lev. 21:10*). R. Meïr interprets the verse to mean that in mourning he may not tear his garment in the way other people do [*Sifra Emor Parashah 2(3)*]. The Mishnah is R. Meïr’s. It is obvious that one speaks here of the High Priest’s personal belonging, not his robes of office, which may not be torn (*Ex. 28:32,29:23*).

34 He insists that a valid tear in mourning must sever the thread of the seam. If the cloth of the garment is folded over and then sewn, the tear must reach the place where the cloth is only a single layer.

In Babylonia, the Palestinian קנה שפה was understood as קמי שפה “in front of the seam” (*Mo’ed qatan 22b*), correctly interpreted in the Rashi commentary edited by E. Kupfer (Jerusalem 1961). Cf. *Horaiot* 3:6, Note 201.

35 Without any minimal depth.

36 From Tiberias below Sea level to Sepphoris on a hilltop.

37 R. Jehudah does not require tearing one’s clothing in mourning except for his parents, but if one tears he requires severing the seam.

38 This is the text here, in *Horaiot*, and in the first version of the Halakhah in *Mo’ed qatan* 3:8, but in the second version and in *editio princeps* one reads: “that he may not sever the seam completely.” This seems to be the correct version. The point is made that *Lev. 21:10* does not use the frequently used verb קרע “to tear” but the infrequent פרס “to tear in little pieces”. The is interpreted in *Sifra Emor Parashah 2(3)* to mean that the High Priest is not totally forbidden to rend his garments, only he may not do what everybody does. If he rends it, it may only be at the bottom, where few people will notice, and it may not be deep.

18 (20a line 18) כהן גדול מקריב אוגן ולא אוכל. דברי רבי מאיר. רבי יהודה אומר. כל-אותו היום. רבי שמעון אומר. גומר כל-העבודה שיש בידו ובא לו. בין רבי מאיר לרבי שמעון חדא. בין רבי יודה לרבי שמעון חדא. בין רבי מאיר לרבי יודה הכנסה. רבי יעקב בן דסאי. מפסיק ביניהון. רבי מאיר אומר. הנה בפנים הנה יוצא. הנה בחוץ הנה נכנס. רבי יהודה אומר. הנה בפנים הנה נכנס. הנה בחוץ לא הנה נכנס. רבי שמעון אומר. גומר כל-העבודה שיש בידו ובא לו. רבי יוסי בירבי בון בשם רב הונא. מתניתא לריש לקיש. ומן-המקדש לא יצא. עמהון אין יצא. יוצא הוא אחריהן. הן ניכסין והוא נגלה ויוצא עמהן עד פתח העיר. דברי רבי מאיר. רבי יודן אומר. אינו יוצא מן המקדש. שניאמר ומן-המקדש לא יצא. יצא לא הנה חוץ.

1 יהודה | ה יודה 2 שיש בידו | ה שבידו 3 בן דוסאי | ה בר דסיי מפסיק | ה מפסק 4 היה נכנס | ה לא היה נכנס יהודה | ה יודה 5 נכנס | ה יוצא כל | ה את כל 6 הונא | ה חונא לריש לקיש | ה דר שמעון 7 הן ניכסין | ה אלא הן נכנסין והוא יוצא. הן ניכסין 8 יודן | ה יודה שניא | ה כת יצא | ה למד אלא לא יצא. יצא

<sup>39</sup>“The High Priest sacrifices while in deep<sup>40</sup> sorrow but does not eat, the words of Rabbi Meïr; Rabbi Jehudah says, the entire day<sup>41</sup>. Rabbi Simeon says, he completely finishes the service he is engaged in and then leaves.” Between Rabbi Meïr and Rabbi Simeon there is one [difference], between Rabbi Jehudah and Rabbi Simeon there is one [difference]<sup>42</sup>. Between Rabbi Meïr and Rabbi Jehudah is entering<sup>43</sup>. Rabbi Jacob ben Dositheos: interruption is between them. Rabbi Meïr says, if he was inside, he leaves; if he was outside, he did [not]<sup>44</sup> enter. Rabbi Jehudah says, if he was inside, he enters<sup>45</sup>; if he was outside, he did not enter. Rabbi Simeon says, he completely finishes the service he is engaged in and then leaves. Rabbi Yose ben Rabbi Abun in the name of Rav Huna: a *baraita* is from Rabbi Simeon ben Laqish<sup>46</sup>: <sup>47</sup>*The Sanctuary he shall not leave*, he may not leave with them, but he may leave after them. If they<sup>4</sup> are unseen he can be seen; he leaves with them up to the city gate, the words of Rabbi Meïr; Rabbi Jehudah said, he does not leave the Temple since it is said: *The Sanctuary he shall not leave*<sup>5</sup>. If he left, he may not return.”

39 Tosephta *Zevahim* 11:3.

40 “Deep sorrow” is the period between the death of a close relative and his burial. This is a period of biblically mandated mourning in which consumption of sanctified food is forbidden, *Deut.* 26:14. A simple priest, who is required to defile himself for the burial of a close relative, automatically is barred from the holy precinct until he is purified from the impurity of the dead. The High Priest is prohibited from defiling himself and from leaving the holy precinct (*Lev.* 21:12). The question remains, what is his status on that day?

41 Everybody agrees that if a High Priest is engaged in Divine Service when he is informed of the death of a close relative, he finishes his task. R. Simeon requires that upon completion he leave immediately; if he

was informed while idle he also must leave immediately. R. Meïr holds that if he was in the precinct, he can start sacrificing even after being informed but then has to leave; if he was outside he cannot enter. R. Jehudah does not require him to leave.

42 For R. Jehudah, he does not have to leave after finishing his task. In fact, there are two differences since for R. Jehudah he is permitted to start after being informed of the death, but not for R. Simeon.

43 Whether he has to leave after finishing. The verse seems to support R. Jehudah, *Lev.* 21:12: *The holy precinct he may not leave*.

44 Reading from *Horaiot*.

45 If he was in the Temple precinct, he may start serving; if he was outside, he may not enter, since *Lev.* 21:12 does not apply to his situation.

46 In *Horaiot*: R. Simeon. The name tradition here is quite corrupt. R. Yose bar Abun of the last generation of Galilean Amora'im was a student of R. Jacob bar Dositheos. Also he cannot speak in the name of the second generation Babylonian Rav Huna; one has to read *Rebbi Huna*

against both mss. sources. R. Simeon ben Laqish cannot formulate a *baraita*; neither *baraita* nor Mishnah address R. Simeon's opinion.

47 A similar text is in *Sifra Emor Parashah* 2(8).

(20a line 28) רבי אבהו בשם רבי לעזר. אין אנינה אלא למת בלבד. דכתיב ואנו ואבלו פתחיה. התיב חיה בר אדא. והכתיב ואנו הדייגים. אמר רבי חנינה. כיני מתניתא. אין אנינה טומאה אלא למת בלבד. תני. אי זו היא אנינה. משעת מיתה עד שעת קבורה. דברי רבי. וחכמים אומרים. כל-אותו היום. אשכח מר קולות וחומרות על דעתיה דרבי. קולות וחומרות על דעתיה דרבנן. מה מפקה מביניהון. מת ונקבר בשעתו. על דעתיה דרבנן אסור כל-אותו היום. על דעתיה דרבי אסור אלא אותה שעה בלבד. מת ונקבר לאחר ג' ימים. על דעתיה דרבנן אסור כל-אותו היום. על דעתיה דרבי אסור עד שלשה ימים. אתא רבי אבהו בשם רבי יוחנן ורב חסדא תריהון מרין. מודה רבי לחכמים שאין אסור אלא אותו היום בלבד. כהדא דתני. רבי אומר. תדע לך שאין אנינות לילה תורה. שהרי אמרו. אונן טובל ואוכל פסחו לערב. והרי אמרו אנינות תורה. רבי יסא ברבי בון בשם רבי חונא. תיפתר שנקבר בדמדומי חמה.

2 חייה | פה ר' חייא הדייגים | פה הדייגים ואבלו כל משליכי חכה | כיני | ה - 3 אנינת טומאה | פה אנינות טמאה תני | ה - 4 מר | ה אמר פ חמר על דעת דר' | פה על דר' 5 על דעת דרבנן | פה על דרבנן מת | פ קלת על דרבנן. מת 6 ג' | ה שלשה 7 שלשה | ה ג' 8 ורב | ה רב חסדא | פ חונא 10 אנינות תורה | ה אנינות היום תורה ר' חונא | ה רב חונא פ רב חסדא 11 בדמדומי חמה | פה עם דמדומי חמה. ולית מן שמע מינה כלום

<sup>48</sup>Rebbi Abbahu in the name of Rebbi Eleazar: “Deep sorrow”<sup>49</sup> is only for the dead, for it is written<sup>50</sup>: *Its gates are in deep sorrow and mourning*. Hiyya bar Ada objected: Is it not written<sup>51</sup>: *the fishermen are in deep sorrow*? Rebbi Hanina said, so is the *baraita*: there is no deep sorrow in impurity except for the dead. It was stated<sup>52</sup>: “What is deep sorrow? From the moment of death until the moment of burial, the word of Rebbi. But the Sages say, the entire day.” It turns out that one describes leniencies and stringencies following Rebbi, leniencies and stringencies following the rabbis. What is the difference between them? If he died and was buried within the hour. Following the rabbis, he is forbidden the entire day; following Rebbi he is forbidden only that hour. If he died and was buried after three days.

Following the rabbis, he is forbidden the entire day; following Rabbi he is forbidden up to three days. There came Rabbi Abbahu in the name of Rabbi Johanan, and Rav Hisda, both of whom said that Rabbi agrees with the Sages that he is forbidden only during the first day, as it was stated<sup>53</sup>: Rabbi said, you know that deep mourning in the night is not biblical, since they said<sup>54</sup>, “the deep mourner immerses himself and eats his Passover sacrifice in the evening.” But they said, deep mourning [during daytime]<sup>55</sup> is biblical. Rabbi Yose ben Rabbi Abun in the name of Rabbi Huna: Explain it<sup>56</sup> that he was buried close to sundown [and one cannot infer anything.<sup>55</sup>]

48 In addition to the parallel in *Horaiot*, there exists one in *Pesahim* 8:7 36a l. 76 ff. (א).

49 In its legal implications, that the person not only be forbidden to eat sanctified food but also cannot be counted in a quorum for religious services; cf. *Berakhot* 3:1, Note 42.

50 *Is.* 3:26. The gates of Jerusalem are in sorrow because all its men are dead.

51 *Is.* 19:8. The fishermen are in *deep sorrow* (and they *mourn* as quoted in the two parallel texts) because the Nile dried up. This proves that both terms used for the religious obligations of a person whose close relative died are used in the Bible also to describe other situations.

52 *Babli Zevahim* 100b; a suspect text in *Semahot* 4:4.

53 *Babli Zevahim* 100b.

54 Mishnah *Pesahim* 8:8. This naturally presupposes that the person was not defiled by the impurity of the dead; otherwise, he would have to observe a seven day cleansing period. If he had no occasion to be near the corpse, the biblical prohibitions upon the deep mourner lapse at sundown.

55 Inserted from the parallel sources, necessary for understanding the text.

56 The Mishnah in *Pesahim* only refers to the unlikely case that the deep mourner was not defiled with the impurity of the dead in a case in which both Rabbi and the Sages will agree on the duration of the deep sorrow.

**משנה ב:** וכשהוא מנחם את אחרים דרך כל העם עוברין בזה אחר זה והממונה ממצעו בינו לבין העם. כשהוא מתנחם מאחרים כל העם אומרים לו אנו כפרתו והוא אומר להן התברכו מן השמים. וכשמברין אותו כל העם מסובין על הארץ והוא מיסב על הספסל:

**Mishnah 2:** If he<sup>57</sup> consoles others, common behavior requires the people to come in single file and the executive officer<sup>58</sup> becomes a partition between himself and the people. If he is consoled by others, everybody tells him, we

are his<sup>59</sup> atonement; he answers them, may you be blessed by Heaven. If one brings him the first meal<sup>60</sup>, the people sit in a circle on the ground and he sits in their circle on a footstool<sup>61</sup>.

57 The High Priest makes a visit of condolence.

58 The organizer of the Temple service walks to his left; all other people are required to make a single file to the organizer's left, to make sure that nobody touch the High Priest and defile him.

59 Meaning "your."

60 Mourners are not permitted to prepare their own first meal after the burial. The

people who bring him the food are supposed to eat with him. This is an Amoraic statement in the Babli (*Mo'ed qatan* 27b) but is implied as an ancient custom in 2S. 3:35, *Ez.* 24:17.

61 Latin *subsellium*. Probably the vocalization should be ספסל.

הַלָּכָה בִּ: וְכָשָׁהוּא מְנַחֵם אֶת אֲחֵרִים כּוֹל. הָדָא אָמְרָה. סַפְסָל אֵין בּוּ מִשּׁוּם כְּפִיט הַמִּיטָה. כִּהֵּן גָּדוֹל חֵיב בְּכַפִּיט הַמִּיטָה. (20a line 41)

**Halakhah 2:** "If he consoles others," etc. This implies that a footstool is not meant by "overturning the couch." The High Priest is obligated to overturn his couch<sup>62</sup>.

62 The mourner is not permitted to sit comfortably on a couch; cf. *Berakhot* 3:1, Notes 36-41. The prestige of the High

Priest's office does not permit him to sit on the floor.

תַּנִּי אֵין מוֹצִיאִין אֶת הַמֵּת סְמוּךְ לַקֶּרֶת שְׁמַע אֵלָּא אִם כֵּן הַקְדִּימוּ שְׁעָה אַחַת אוֹ אַיְחָר שְׁעָה אַחַת כְּדִי שִׁיקְרָאוּ וְיִתְפָּלְלוּ. וְהַתְנִינָן קִבְּרוּ אֶת הַמֵּת וְחִזְרוּ. תִּיפְתָּר בְּאֵינוֹן דְּהוּיִן סִבְרִין דְּאֵית בָּהּ עֵנָה וְלִית בָּהּ עֵנָה. (20a line 43)

<sup>63</sup>It is stated: "One does not take the dead for burial close to the recitation of the *Shema* unless one do it one hour in advance or one hour afterwards, so that they may recite and pray." But did we not formulate: "When they buried the dead and returned"? Explain it for those who thought that they had a free period but they did not have a free period.

תני ההספד וכל העוסקין בהספד מפסיקין לקרית שמע ולא לתפילה. מעשה היה והפסיקו רבותינו לקרית שמע ולתפילה. והתנינו אם יכולין להתחיל ולגמור. מתניתא ביום ראשון. מה דתני ביום שיני.

It is stated: The eulogizer and all who participate in a eulogy interrupt for the recitation of *Shema* but do not interrupt for prayer. It happened that our teachers interrupted for the recitation of *Shema* and prayer. Did we not state: "If they are able to start and finish"? Our Mishnah refers to the first day; that the Tanna stated for the second day.

אמר רבי שמואל בר אבדימא זה שנקנס לכנסת ומצאן עומדין לתפילה. אם יודע שיוכל לגמור עד שלא יתחיל שלח ציבור לענות אמן ותפלל. ואם לאו אל יתפלל. באי זה אמן אמרו. תרין אמורין. חד אמר שלחאל הקדוש. וחד אמר שלשומע תפילה. בחול.

Rebbi Samuel ben Eudaimon said: He who enters the synagogue and finds them standing and praying; if he knows that he could start and finish before the reader starts, so that he may answer "Amen", he may pray, otherwise he should not pray. About which "Amen" did the speak? Two Amora'im, one says the Amen of "the Holy King", the other says the Amen of "Who listens to prayer."<sup>64</sup> On weekdays.

תני רבי יהודה אומר. היו כולן עומדין בשורה. משום כבוד חייבין. משום אבל פטורין. ירדו לספד. הרואין פנים פטורין. ושאין רואין פנים חייבין. והדא דתנינן. קשמנחם אחריים כל העם עוברין בזה אחר זה והממונה ממצעו בינו לבין העם. כמשנה הראשונה. והא דתנינן. הפנימין פטורין והחיצוני חייבין. כמשנה הראשונה. אמר רבי חנינה. בראשונה היו משפחות עומדות והאבלין עוברין. משרבת תחרות בציפורין התקין רבי יוסי שיהיו משפחות עוברות והאבלין עומדין. אמר רבי שמואל דסופפתא. חזרי הדברים ליושנן.

It is stated: Rebbi Jehudah says, if they are all standing in one row, those who are standing because of honor are obligated, those because of mourning are exempt. When they descend for a eulogy, those who see inside are exempt, those who do not see inside are obligated. It would be what we stated: "If he consoles others, the people come in single file and the executive officer becomes a partition between himself and the people," the first teaching<sup>65</sup>. And what we stated: "the innermost are exempt and the outer ones obligated," is the first teaching.

Rebbi Hanina said: Originally, all families were standing still and the mourners passed between them. When competition increased in Sepphoris, Rebbi Yose ben Halaphta instituted that the families should pass by and the mourners stand still. Rebbi Samuel Sofefta said: Matters returned to their original state.

63 From here to the end of the Halakhah, the text is from *Berakhot* 3:2, Notes 123-135. The last two paragraphs have been shortened to become partially unintelligible; they are intended to refer the student to the text in *Berakhot*.

64 A sentence has been omitted: R. Phineas said, the Amen of “the Holy King”

refers to the Sabbath, that of “He Who listens to prayer” refers to *weekdays*. Only the last word was left.

65 Half a paragraph has been omitted (*Berakhot loc. cit.* Notes 132-133) that practice had changed in Mishnaic times. The practice of Temple times is not necessarily relevant for later generations.

**משנה ג:** מֶלֶךְ לֹא דָן וְלֹא דָנִין אוֹתוֹ לֹא מַעֲיֵד וְלֹא מַעֲיָדִין אוֹתוֹ לֹא חוֹלֵץ וְלֹא חוֹלְצִין אֶת אִשְׁתּוֹ לֹא מַיִיבִם וְלֹא מַיִיבִין אֶת אִשְׁתּוֹ. רַבִּי יְהוּדָה אוֹמֵר אִם רָצָה לְחַלּוֹץ וּלְיִיבֵם זָכוֹר לְטוֹב. אָמְרוּ לוֹ אִם רָצָה אֵין שׁוֹמְעִין לוֹ. וְאֵין נוֹשְׂאִין אֶת אֲלֻמָּתוֹ. רַבִּי יְהוּדָה אוֹמֵר. נוֹשֵׂא הוּא הַמֶּלֶךְ אֲלֻמָּתוֹ שֶׁל מֶלֶךְ. שֶׁכֵּן מַצִּינוּ בְּדוֹד שֶׁנִּשָּׂא אֲלֻמָּתוֹ שֶׁל שְׂאוֹל שֶׁנֶּאֱמַר וְאֶתְנָה לָּהּ אֶת בֵּית אֲדֹנֶיהָ וְאֶת נָשֵׁי אֲדֹנֶיהָ בְּחִיקָה:

**Mishnah 3:** The king does not judge<sup>66</sup>, nor may one judge him;<sup>67</sup> he does not testify, nor may one testify against him; he does not give *halīṣah*, nor does one give *halīṣah* to his wife<sup>68</sup>. He does not marry in levirate, nor may one marry his wife in levirate. Rebbi Jehudah says, if he wants to give *halīṣah* or marry in levirate, let his good deeds be remembered. They told him, even if he wants to, one does not listen to him<sup>69</sup>. One may not marry his widow; Rebbi Jehudah says, a king may marry a king’s widow<sup>70</sup>, since we find that David married Saul’s widow, as it is said<sup>71</sup>: *I gave your master’s house to you and your master’s wives on your breast*.

66 In the theory of the Yerushalmi this is biblical law, even though historically the administration of justice was the hallmark of kingship. Historically, the explanation of

the Babli (19a) has much to recommend it, that the Mishnaic theory of kingship, positing total separation of the executive from the judiciary, is a reaction to the

misrule of the later Hasmoneans and the Herodians.

67 This would be too dangerous for judges and witnesses.

68 The ceremony would not be consistent with the dignity of his office/

69 The king is obliged to sustain his dignity.

70 This seems to have been Solomon's interpretation when he ordered Adoniah killed for asking Avishag's hand (IK. 2:22).

71 2S. 12:8.

(20a line 60) **הלכה ג:** מלך לא דן ולא דנין אותו כול'. לא דן. והכתוב ויהי דוד עשה משפט וצדקה לכל עמו. ותימר הכן. אמור מעתה. הנה דן הדין. ויפה הזכיר וחיבב החיבב. הנה החיבב עני נותן לו משלו. נמצא עושה דין לזה וצדקה לזה. רבי אומר. הנה דן ויפה הזכיר וחיבב החיבב. מעלה עליו המקום כילו עשה צדקה עם החיבב שהוציא גזילה מידו.

**Halakhah 3:** "The king does not judge, nor may one judge him;" etc. But is it not written<sup>72</sup>: *David administered justice and charity for his entire people*, and you say so? One has to say that he judged by the law, cleared the innocent and condemned the guilty. <sup>73</sup>If a poor person was found liable, he paid from his own money; in that he was administering justice for one party and charity for the other. Rabbi said, if somebody judged, cleared the innocent and condemned the guilty, the Omnipresent will credit him with acting charitably with the guilty by taking the ill-gotten goods out of his hand<sup>74</sup>.

72 2S. 8:15.

73 Babli 6b, the statements to the end of the paragraph. *Deut. rabba* 5(3).

74 Rabbi (in *Deut. rabba* Rav Nahman) objects to the first explanation since

essentially it is a dishonest way of solving disputes. He declares correct judgment in money matters to be an exercise in charity. Cf. Chapter 1, Note 82.

(20a line 65) על שם מלפניד משפטי יצא. רבי יצחק בשם רבי. המלך והציבור נידונין לכל יום. שנאמר. לעשות משפט עבדו ומשפט עמו ישראל דבר יום ביומו:

"One may not judge him." Because *from You my judgment will come*<sup>75</sup>. Rabbi Isaac in the name of Rabbi: *To provide the judgment of His servant and the judgment of His people Israel day by day*<sup>76</sup>.

75 Ps. 17:2. Only God judges the king.

76 IK. 8:59.

(20a line 68) רבי יודן אומר אם רצה לחלוץ ולקיים זכור לטוב. אמרו לו אם אתה אומר כן נמצאת פוגם כבוד המלך.

אין נושאין לא אלמנתו ולא גרושתו של מלך. על שם ותהינה צרות עד-יום מותן אלמנות חיות: רבי יודה בר פזי בשם רבי יוחנן. מלמד שהיה דוד מקלעתן ומקשטתן ומכניתן לפניו בכל-יום ואומר ליצרו הרע. תאבדה דבר האסור לה. חיד שפני מתאיבך דבר המותר לה. רבני דקיסרין אמרין. אסורות ממש היו. ומה כלי הדייט שנשתמש בהן הדייט אסור למלך להשתמש בו. כלי המלך שנשתמש בהן הדייט אינו דין שיהא המלך אסור לשמש בהן.

“Rebbi Jehudah says, if he wants to give *halifshah* or marry in levirate, let his good deeds be remembered.” They told him, if you say so, you injure the king’s prestige.

One marries neither the king’s widow nor his divorcee, because *they were secluded to the day of their death, living in widowhood*<sup>77</sup>. Rebbi Jehudah bar Pazi in the name of Rebbi Johanan: This teaches<sup>78</sup> that David had them braided and adorned, and brought them before himself every day and told his evil inclination, you desire something which is forbidden to you,<sup>79</sup> by your life, I shall make you desire what is permitted to you. The rabbis of Caesarea said, they actually were forbidden to him. If a private person’s vessel used by a private person is forbidden for the king’s use<sup>80</sup>, *a fortiori* the king is forbidden to use the king’s vessels which were used by a private person.

77 2S. 20:3, speaking of David’s concubines with whom Absalom had slept in public.

78 He reads צרות not as “bound” but “tied, braided”.

79 Since the concubines were not legally his wives, Absalom sinned by raping them, but they remained permitted to David by

rabbinic rules. It was voluntarily that David refrained from sleeping with them.

80 Since the king is prohibited from marrying his childless brother’s widow, it follows that the only women permitted to a king are either virgins or widows and divorcees of kings.

(20b line 1) רבי יודן אומר. נושא הוא המלך אלמנת המלך. שפנינו בידו שנשא אלמנת שאול. שנאמר. ואתנה לה את-בית אדניך ואת-נשי אדניך בחיקך. זו רצפה ואביגיל ובת שבע.

“Rebbi Jehudah says, a king may marry a king’s widow, since we find that David married Saul’s widow, as it is said: *I gave your master’s house to you*

and your master's wives on your breast.” This refers to Riṣpah<sup>81</sup>, Abigail and Batseba<sup>82</sup>.

81 Saul's concubine, cf. *Yebamot* 2:4, Note 116.

82 These two examples refer to the preceding paragraph and show that the argument of the rabbis of Caesarea is wrong.

David married Abigail, Nabal's widow, when already he claimed kingship (in the interpretation of the next paragraphs) and Batseba, Uriah's widow, when actually he was king.

(20b line 4) שְׁלֹשָׁה בָּנִים הָיוּ לְחֶצְרוֹן. דְּכָתִיב וּבְנֵי חֶצְרוֹן יִרְחֻמָּאֵל וְאֶת־רָם וְאֶת־כְּלוּבָי. הוּא יִרְחֻמָּאֵל קִדְמוּי אֶלָּא שְׁנָשָׁא אִשָּׁה גּוֹיָה לְהַתְעֵטֵר בָּהּ. דְּכָתִיב וַתְּהִי אִשָּׁה אַחֶרֶת לִירְחֻמָּאֵל וַיִּשְׁמָה עֵטָרָה הִיא אִם אוֹנָם. שְׁהִכְנִיסָה אֲנִיָּה לְתוֹךְ בֵּיתוֹ. וְרָם הוֹלִיד אֶת־עַמִּינָדָב. וְעַמִּינָדָב הוֹלִיד אֶת־נַחֲשׁוֹן וְנַחֲשׁוֹן הוֹלִיד אֶת־שַׁלְמָה. וְשַׁלְמוֹן הוֹלִיד אֶת־בָּעָז וּבָעָז נָשָׂא אֶת רוּת.

<sup>83</sup>Hesron had three sons, as it is written<sup>84</sup>: *The sons of Hesron Yerahmeël, and Ram, and Kelubai*<sup>85</sup>. Yerahmeël should have been first,<sup>86</sup> but he married a Gentile woman to crown himself with her, as it is written<sup>87</sup>: *Yerahmeël had another*<sup>88</sup> *wife; her name was Crown, she is the mother of Onam*, for she brought deep sorrow to his house<sup>89</sup>. *And Ram fathered Amminadav, Amminadav fathered Nahshon, Nahshon fathered Salma, Salmon fathered Boaz*<sup>90</sup>, and Boaz married Ruth.

83 This paragraph is inserted as preface to the story about Nabal and David, induced by the mention of Abigail in the preceding sentence.

84 A shortened quote from *IChr.* 2:9.

85 He is Kaleb ben Hesron, presumed ancestor of Nabal.

86 As the firstborn, he should be first in the genealogical list, but his descendants are listed last, vv. 25 ff. The role of firstborn

was taken over by Ram, the ancestor of David.

87 *IChr.* 2:26.

88 Interpreting “another” as “foreign”.

89 Deriving אִם אוֹנָם from the root “to be in deep sorrow”.

90 *Ru.* 4:19-21, but probably *IChr.* 2:10-11 was intended.

(20b line 14) הָא נָבֵל אֶתִּי מִן דְּכְלוּבָי. אָמַר נָבֵל. לִית בִּישְׂרָאֵל בְּרַם טָבִין סָגִין מִינִי. הָדָא הִיא דְּכָתִיב וְאִישׁ בְּמַעֲוֹן וּמַעֲשָׂהוּ בְּכַרְמֶל וְהָאִישׁ גְּדוֹל מְאֹד וְהוּא כְּלוּבָי. דְּאֶתִּי מִן כְּלוּבָי. וַיִּשְׁמַע דָּוִד בְּמַדְבָּר קִיגוּזָא נָבֵל. וְאַמְרַתָּם כֹּה לָחִי. לְקִיּוּמָא. וְאַתָּה שְׁלוֹם וְגו'. אָמַר רַבִּי יוֹסֵפָא בְּרַם שׁוֹנָם. נַעֲשֵׂי מַחֲנֶה. וַיַּעַן נָבֵל אֶת־עַבְדֵּי דָּוִד וְגו'. וּמִנֵּין לְדִינִי נִפְשׁוֹת שְׁמִתְחִילִין מִן הַצֵּד. תָּנָא

שמואל הזקן קומי רבי אחא. ויאמר דוד לאנשיו וגו'. ויעט בהם. מהו ויעט בהם. אפחין במילין. ועתה דעי ורא' מה-תעש' ותפגוש אתם: גילת שוקה והלכו לאורה. ותפגוש אתם: הוקרו כולם. וחד אמר אף לשקר שמרתי וגו'. משתין בקיר: מה עיסקיה דכלבא משתין בכתלא. אפילו על כלבא לי נא חייס. ותרא אביגיל את-דוד וגו'. אמרה ליה. מרי דוד. אנא מה עבדית. בניי מה עבדון. בעיריי מה עבד. אמר לה. מפני שקילל מלכות דוד. אמרה ליה. ומלך אתה. אמר לה. ולא משחני שמואל למלך. אמרה לו. עדיין מוניטא דמרון שאול קיין. ואני אמתך. מלמד שתבעה לתשמיש. מיד הוציאה כתמה והראת לו. אמר לה. וכי רואין כתמין בלילה. אמרה ליה. ולא נשמעו אונקד מי שפיד מדבר. כתמין אין רואין בלילה ודיני נפשות דיני בלילה. אמר לה. כבר נגמר דינו מבעוד יום. אמרה לו. ולא-תהיה זאת | לך לפיקה.

אמר רבי לעזר. פיקפוקי דברים הזה שם. רבי לוי הוה עבר פרשתא. והוה רבי זעירא מפקד לחבריאי. עלון ושמעון קליה דרבי לוי דרש. דלית אפישר ליה דהוא מפקא פרשתא דלא ריבון. געל ואמר לון. לא. ושמע רבי זעירא נמר. אוף באגדתא אית ריבון. לפיקה. פיקפוקי דברים הזה שם.

אמרה ליה. כד תפיק פקפוקי יהו אומרים עליך. שופך דמים אתה. ולמכשול עון. אתה עומד להיכשל באשת איש. מוטב אחת ולא שתיים. עתידה רובה מן הדה מייתי לא תהא דא כדא. ולשפוד דם. עומד אתה למלוד על ישראל והו אומרים עליך. שופך דמים הנה. והדא דתימר. כל-המקלל מלכות בית דוד חייב מיתה. אדיין מחוסר כסא את. וזכרת את-אמתך: מלמד שפקרה עצמה. וכיון שפקרה עצמה פגמה הכתוב. בכל-קריא את קרי אביגיל בר מהדין פסוקא ויאמר דוד לאביגל ברוך יי. מבוא בדמים. דם נדה ושפיכות דמים.

<sup>91</sup>This Nabal<sup>92</sup> was a descendant of Kelubai. Nabal said, nobody in Israel comes from a better family than I. That is what is written<sup>93</sup>: *A man from Ma'on had his business in Karmel; the man was exceedingly rich, a Kalebite, a descendant of Kelubai. David heard in the prairie that Nabal was shearing*<sup>94</sup>. *Tell him, to life*<sup>95</sup>! For long life. *Peace be with you, etc.* Rabbi Justus from Sunem said, they formed a camp<sup>96</sup>. *Nabal answered David's servants*<sup>97</sup>, etc. From where that in criminal trials the voting starts from the side? Samuel the Elder stated before Rabbi Aha: *David told his men*<sup>98</sup>, etc. *He flew at them*<sup>99</sup>. What means *he flew at them*? He made them fly with words<sup>100</sup>. *Now know this and consider what to do*<sup>101</sup>. *She fell in with them*<sup>102</sup>, she bared her thigh and they walked by its light<sup>103</sup>. *She fell in with them, they all were recognizable*<sup>104</sup>. [David] said, *was it in vain that I watched*<sup>105</sup>, etc.? *Pissing on a wall*<sup>106</sup>; why does he refer to the dog pissing on a wall? Even

with the dog I shall not have mercy. *Abigail saw David*<sup>107</sup>, etc. She told him, my lord David, what did I do, what did my children do, what did my animals do? He answered her, because he insulted the kingdom of David. She asked him, are you a king? He told her, did not Samuel anoint me as king? She answered him, our Lord's Saul's coin<sup>108</sup> is still circulating. *And I am your servant*<sup>109</sup>; this proves that he asked her for sex<sup>110</sup>. Immediately, she brought out her stains<sup>111</sup> and showed him. He said, does one investigate stains in the night? She retorted, may your ears hear what your lips say! Stains one does not investigate in the night, does one judge capital cases in the night? He answered, his sentence was already passed in daytime. She retorted, *may this not be פיקה for you*<sup>112</sup>.

<sup>113</sup>Rebbi Eleazar said, matters of reproach are there. Rebbi Levi was reviewing the lesson, when Rebbi Ze'ira commanded the colleagues to come and hear the voice of Rebbi Levi sermonizing, for it was impossible that the lesson would be finished without new insight. He came and told them, *not be*; Rebbi Ze'ira heard it and said, even in his *aggadah* there is new insight. לפיקה matters of reproach are there.

She told him, when you emerge from your tribulations, one will say of you that you that you are a murderer. *And a stumbling block for sin*<sup>112,114</sup>. You are set up to stumble over a married woman, better one than two. In the future it will be enough to bring one, and not to add *spilling blood*. Are you ready to rule over Israel when they will say about you that you were a spiller of blood? Even though anybody who curses the dynasty of David incurs the death penalty<sup>115</sup>, still you are missing the throne. *But remember your servant*<sup>112</sup>, this proves that she showed herself licentious<sup>116</sup>. Since she showed herself licentious, the verse damaged her. In all verses one reads Abigail, except for this verse<sup>117</sup>: *David said to Abigal, praised be the Eternal, etc., to come into blood guilts*, the blood of menstruation and the spilling of blood<sup>118</sup>.

91 A Hebrew version of most of the story is in *Midrash Samuel* (ed. Buber) 25.

92 "Scoundrel". But the name seems to be Arabic نبل "possessed of superior qualities, generous, noble."

93 *IS*. 25:2.

94 *IS*. 25:4.

95 *IS*. 25:6.

97 This is a side remark; it is more explicit in *Erubin* 1, 19c l. 75. In v. 4, it is

stated that David sent 10 men to Nabal; in v. 6 it is stated *they encamped*. He concludes that the legal definition of a camp (for the religious obligations in wartime) refers to a minimum of 10 men.

97 *IS*. 25:10.

98 *IS*. 25:13. The argument is quoted in the Babli, 36a, in the name of R. Johanan. The verse explains that David told his men to gird their swords; he girded his sword last. This is read to mean that he first polled his men whether Nabal should be executed for the crime of lèse-majesty; he gave his vote last.

99 *IS*. 25:14.

100 Rashi quotes this in his Commentary to the verse.

101 *IS*. 25:17.

102 *IS*. 25:20.

103 Since in v. 3 she is described as a radiant beauty.

104 In the dark of the night.

105 *IS*. 25:21.

106 *IS*. 25:22.

107 *IS*. 25:23.

108 Latin *moneta*.

109 *IS*. 25:25.

110 Since in each sentence she repeats that she only is his servant, she has to emphasize that she is not going to be his companion.

111 Indicating that she was not available since she was menstruating, and treating him as a rabbi, competent to decide whether blood was menstrual or not (cf. Introduction to Tractate *Niddah*.)

112 *IS*. 25:31.

113 A paragraph inserted to discuss the meaning of the *hapax* פִּקָּה. It is assumed that the root פק is the same which appears reduplicated in the rabbinic Hebrew verb פקפק ("to doubt", Arabic "to dote"). In the Babli, a parallel argument is in *Megillah* 14b.

114 In the verse: *a stumbling block of my lord's heart*.

115 In imitation of Roman law; Babli *Megillah* 14a.

116 She indicated her desire to be his wife when she still was married to Nabal.

117 *IS*. 25:32.

118 *IS*. 25:33; explaining the plural "bloods" used in the verse. Babli *Megillah* 14b.

**משנה ד:** מֵת לֹו מֵת אֵינוּ יוֹצֵא מִפֶּתַח פְּלוֹטוּרִין שָׁלוֹ. רַבִּי יְהוֹנָתָן אָמַר אִם רוֹצֵה לְצִאת אַחֵר הַמֵּיטָה יוֹצֵא שָׁבוֹן מְצִינֵי בְדוּד שֶׁנֶּצֶא אַחֵר מִיטָתוֹ שֶׁל אֲבִנֵּר שֶׁנֶּאֱמַר וְהַמֶּלֶךְ דָּוִד הֵלֵךְ אַחֲרֵי הַמֵּיטָה. אָמְרוּ לוֹ לֹא הָיָה הַדָּבָר אֶלָּא לְפִי־יֵס. וְכַשֶּׁמְבָרִין אוֹתוֹ, כָּל הָעָם מְסוּבִין עַל הָאֶרֶץ וְהוּא מֵיֵסֵב עַל הַדֶּרֶגֶשׁ:

**Mishnah 4:** If a relative of his<sup>119</sup> died, he does not leave his palace<sup>120</sup>.

Rebbi Jehudah says, if he wants to follow the bier, he may follow it, as we find that David followed Abner's bier, as it is said<sup>121</sup>: *King David followed*

*the bier*. They told him, this was only to quiet<sup>122</sup>. When one brings him the first meal<sup>60</sup>, the people sit in a circle on the floor and he sits in their circle on a couch<sup>123</sup>.

119 The king's.

120 Latin *palatium*, "palace". The ending *-orium* may have been added in parallel to *praetorium* "official residence of the governor of a province".

121 2S. 3:31.

122 To quell rumors that the king was involved in Abner's murder.

123 For the particular kind of couch mentioned here; cf. *Berakhot* 3:1, Note 31.

(20b line 40) **הלכה ד'**: מת לו מת אינו יוצא מפתח פלטורין שלו. הדא אמרה. דרגש יש בו משום כפיית המיטה. המלך אינו חייב בכפיית המיטה.

**Halakhah 4**: "If a relative of his died, he does not leave his palace." This implies that a *dargesh* is included in overturning one's bed<sup>124</sup>. The king is not required to overturn his bed.

124 Since it is mentioned that the king is required to sit on a *dargesh* when receiving condolence visits, one implies that no other mourner may sit on this kind of couch since the king in mourning is not required to sit or sleep on an overturned coach. However, it

is spelled out elsewhere (*Berakhot* 3:1 Note 31, *Mo'ed qatan* 5:1 83a l. 11, *Nedarim* 7:5 Note 49; Babli *Sanhedrin* 20a) that a *dargesh* is turned 90° in contrast to other couches which are turned upside down.

(20b line 42) אית תנאי תני. הנשים מהלכות תחילה והאנשים אחריהם. ואית תנאי תני. אנשים תחילה והנשים אחריהם. מאן דמר הנשים תחילה. שהן גרמו מיתה לעולם. מאן דמר האנשים תחילה. מפני כבוד בנות ישראל שלא יהו מביטין בנשים. והכתיב והמלך דוד הלך אחרי המיטה: אמרו לא היה הדבר אלא לפיכך. מאן דהנה מפיס לנשיא הנה מפיס לגובריא ומאן דהנה מפיס לגובריא הנה מפיס לנשיא.

Some Tanna'im state<sup>125</sup>: Women go first<sup>126</sup>, after them men. But some Tanna'im state: Men first, women after them. He who says women first, since they caused death to the world. He who says men first, for the honor of the daughter of Israel, lest people<sup>127</sup> look at women. But was it not written: *King David followed the bier*<sup>121,128</sup>. They said, this was only to quiet. Whoever was calming the women was calming the men, and whoever was calming the men was calming the women.

- 125 *Gen. rabba* 17(13). *entire* includes women. But it still is  
 126 In a funeral procession, they precede undecided who went first. In the Babli, 20a,  
 the bier. the verse is quoted as proof that the women  
 127 The onlookers. must have preceded the bier since the king  
 128 In v. 32 it says that David cried at immediately followed it.  
 Abner's grave, and so did the entire people;

(20b line 48) כְּתִיב וַיִּסּוּב דָּוִד וּגְו'. מִהוּ הָרִיקִים. אָמַר רַבִּי בָּא בַר כְּהֵנָּה. הָרִיקִים שֶׁבְּרִיקִים זֶה אֲרֻכְסֵט. אָמְרָה לֹו. הַיּוֹם נִגְלָה כְּבוֹד בֵּית אָבָא. אָמְרוּ עָלָיו עַל בֵּית שְׁאוּל שְׁלֵא רָאוּ אוֹתוֹ לֹא עָקֵב וְלֹא גֹדֵל מִימֵיהֶן. הֵדָא הוּא דְכְּתִיב וַיָּבֹא אֶל־גְּדֵרֹת הַצֹּאן. רַבִּי בִּוֵּן בִּירְבִּי לַעֲזֹר. גְּדֵר לַפְּנִים מִגְדֵּר הִיא. וַיָּבֹא שְׁאוּל לְהִסָּף אֶת־רִגְלָיו. הִנֵּה חֲמִי לִיה מְשֻׁלָּשֶׁל צָבָחַר וּמִסְלִיק צָבָחַר. אָמַר. אֲרוּר מִנְעַ בְּהִדִּין צְנִיעָה. הֵדָא דִּוּ מַר לִיה. הִנֵּה הַיּוֹם הָיָה אֲשֶׁר רָאוּ עֵינֶיךָ וּגְו'. וְאַחוּס עֲלִיד אֵין כְּתִיב כָּאֵן אֶלָּא וַתִּחַס עֲלִיד. צְנִיעִיתָּהּ הִיא חֲסָה עֲלִיד. וַיֵּאמֶר דָּוִד אֶל־מִיכָל וּגְו'. וְעַם הָאֲמָהוֹת אֲשֶׁר אָמַרְתָּ עִמָּם אֲכַבְּדָהּ; שְׂאִינָן אֲמָהוֹת אֶלָּא אִמָּהוֹת. וּבִמָּה נִאֲנָשָׁה. וְלִמִּכָּל בֵּת־שְׁאוּל לֹא־הָיָה לָהּ וּלְדָ. וְהַכְּתִיב וְהַשְׁשִׁי יִתְרָעַם לְעִגְלָה אֲשֶׁתּוֹ. אֶלָּא שְׁנַעַת כְּעִגְלָה וְמָתָה.

<sup>129</sup>It is written: *David turned*<sup>130</sup>. Who are the “empty ones”<sup>131</sup>? Rabbi Abba bar Cahana said, the most empty one, that is the dancer<sup>132</sup>. She told him, today the honor of my father's house became obvious. One said about the family of Saul that one never saw a heel or a thumb of them. That is what is written: *He came to the sheep fences*<sup>133</sup>. Rabbi Abun ben Rabbi Eleazar: That was a fence inside a fence<sup>134</sup>. *Saul came to spread his feet*<sup>135</sup>. He saw him how he lifted a little and covered a little. He said, one who would touch such modesty would be cursed. That is what he told him, *behold, what your eyes saw today*<sup>136</sup>, etc. Is it not written “I had mercy on you” but *it had mercy on you*<sup>137</sup>, your modesty had mercy on you. *David told Michal*<sup>138</sup>, etc. *With the servant girls you mentioned, with them I shall be honored*<sup>139</sup>, for they are not servant girls but mothers. How was she punished? *Michal, Saul's daughter, had no child*<sup>140</sup>. But is it not written: *The sixth Yitre'am, of his wife Calf*<sup>141</sup>. She mood like a calf and died.

129 A somewhat more explicit version of this is in *Sukkah* 5:4 (55c l. 7); a different version of this and the following paragraphs is found in the last part of *Num. rabba* 4.

130 *1Chr.* 16:43. Probably what was intended was 2S. 6:20 (correctly quoted in *Sukkah*), the end of the story of the transfer of the Ark to the City of David.

131 2S. 6:20, where Michal criticizes David for dancing in the street.

132 Greek ὁρχηστῆς, οὐ, ὁ.

133 1S. 24:3.

134 This explains the plural used in the verse and shows that Saul went to relieve himself in the cave guarded from the outside by a double fence. In the Babli, *Berakhot* 62b, this is quoted as tannaitic text.

135 1S. 24:10.

136 2S. 6:21.

137 2S. 6:22.

138 2S. 6:23. The verse ends: *up to the day of her death*, implying that she died in childbirth.

139 2S. 3:5. Only Michal is called "David's wife" (1S. 25:44). The problem that Yitre'am was born in Hebron is not addressed; it is discussed in the Babli, 21a.

(20b line 58) אין לך אדם בישראל שביזה עצמו על המצות יותר מדוד. מפני מה ביזה עצמו על המצות. שהיו מביטין בארון ומתים. דכתיב וַיִּזְבַּח בְּאַנְשֵׁי בֵּית־שֹׁמֶשׁ וגו'. רבי חנינה ורבי מנא. חד אמר. ויזבחו בעם שבועים איש זו סנהדרין. וחמשים אלה שהיו שקולין כנגד חמשים אלה. וחד אמר. ויזבחו בעם שבועים איש זו סנהדרין. וחמשים אלה מעם הארץ. כתיב שיר המעלות לדוד יי לאגבה לבי בשעה שמשחני שמואל. ולא דמו עיני בשעה שהרגתי את גולית. ולא הלכתי בגדולות בשעה שהעלתי הארון. ובנפלאות ממני בשעה שהחזירוני למלכותי. אלא אם לא שיויתי ודוממתי כגמול על אמו כגמול על נפשי. כהו ינוקא דנחית ממעי אמיה כן הוות נפשי עלי.

<sup>140</sup>No person in Israel was abasing himself before the Commandments more than David. Why was he abasing himself before the Commandments? Because people were looking at the Ark and dying, as it is written<sup>141</sup>: *He smote of the people of Bet Shemesh, etc.*

Rebbi Hanina and Rebbi Mana<sup>142</sup>. One said, *He smote among the people seventy men*, that is the Synhedrion. And *50'000 men*<sup>143</sup>, for they were worth 50'000. The other said, *He smote among the people seventy men*, that is the Synhedrion. And *50'000 men* from the people of the Land.

It is written<sup>143a</sup>: *A song of ascent of David. O Eternal, my heart was not haughty when Samuel anointed me; my eyes were not overbearing when I slew Goliath; and I did not decide on matters too great when I brought up the Ark; and wonderful for me, when He brought me back to my kingdom. But rather I prayed, and silenced my soul like a baby by its mother, like a baby my soul is for me. Like a baby delivered from his mother's womb is my soul for me.*

140 Since the preceding paragraph speaks of the introduction of the Ark into Jerusalem, one continues with sermons about the Ark.

141 *IS.* 6:19. There, it is stated explicitly, *because they were staring at the Eternal's ark.*

143 A different interpretation is in the Bab-

li, *Sotah* 35b, also by Galilean Amoraim.

143 The conjunction ו is not in the masoretic text. The quote is correct in the existing mss. (Munich and Rome) of *Babli Sotah*, incorrect in the Bomberg *Babli* of 1520-23.

143a *Ps.* 131.

(fol. 19d) **משנה ה:** ומוציא למלחמת הרשות על פי בית דין של שבעים ואחד. ופורץ לעשות לו דרך ואין ממחין בידו. דרך המלך אין לו שעור. וכל העם בוזזין ונותנין לפנני, והוא נוטל חלק בראש.

**Mishnah 5:** He goes to a war of choice<sup>144</sup> by the word of the Court of 71<sup>145</sup>. He breaches fences on his way and one may not protest against him. The king's highway has no measure<sup>146</sup>. When all people plunder<sup>147</sup>, it is put before him and he selects his part first.

144 Any war which is not purely defensive.

145 A misnomer for the Synhedrion, the High Priest's Council when the latter was head of the Commonwealth. The confusion in terminology was caused by the Court of

Jabneh which took over the name of Synhedrion.

146 Cf. *Mishnah Bava batra* 6:7.

147 In war, if orders are given to plunder the enemy.

(20b line 69) **הלכה ה:** ומוציא למלחמת הרשות כול. דכתיב על פני יצאו ועל פני יבואו. ופורץ לעשות לו דרך. דכתיב נהגו לפני המקנה ויאמרו זה שלל דוד.

**Halakhah 6:** "He goes to a war of choice," etc. For it is written<sup>148</sup>: *on his saying they shall go out, on his saying they shall return*. "He breaches fences on his way," for it is written: *they drove before [this] flock and said, this is David's booty*<sup>149</sup>.

148 *Num.* 27:21. The verse subordinates the political leader, Joshua, to the High

Priest, Eleazar. It is presumed that the High Priest act on advice of his Council.

149 *IS*. 30:20. What the verse really proves is that the total booty is called “the king’s booty”, implying that he has the right to first select his share.

(20b line 71) הוא הלה עם דוד באפס דמים. רבי יוחנן אמר. בחקל סומקתה. ורבי שמואל אמר. שמשם נפסקו דמים. ופולשתיים נאספים וגו'. רבי יעקב דכפר חנן אמר. עדשין היו אלא שהיתה ענבה שלהן יפה כשלשעורין. אמר רבי לוי. אילו הן הפולשתיים שהיו באין וקופין כשעורין והלכו להן נמוכין כעדשין. כותב אחד אומר. ותהי שם חלקת השדה מליאה שעורים. וכתוב מליאה עדשים. רבי שמואל בר נחמן אמר. שנה אחת היתה ושתי שדות היו. אחת שעורים ואחת עדשים. פשיטא ליה לאביד וליתן דמים. דילמא פשיטא ליה לאביד שלא ליתן דמים. אי זה מהן יאבד ואי זה מהן יתן דמים. שלעדשין ושלשעורין. אלא שלעדשים מאכל אדם. ושלשעורין מאכל בהמה. שלעדשים אינה חייבת בחלה ושלשעורים חייבת בחלה. עדשין אין עומר בא ממנה. שעורים עומר בא ממנה. ורבנן אמרין. שדה אחת חושתי שנים היו. הנה למד משלששת קד ואין למידין משנה לחבירתה. ויתצבו בתוך החלקה ויצילוה. כותב אחד אומר ויצילוה וכותב אחד אומר ויצילה. אלא מלמד שהחזירה לבעליה והיתה חביבה עליה כשדה מליאה כרפס.

כתיב ויתאיו דוד ויאמר מי ישקני מים מבזר בית לחם וגו'. רבי חייה בר בא אמר. הלכה נצרכה לו. ויבקעו שלשה. ולמה שלשה. שאין הלכה מתבררת פחות משלשה. ולא אבה דוד לשנות. לא אבה דוד שתיקבע הלכה על שמו. ויסד אותם לוי. קבעה מסכת לדורות. ופורץ לעשות לו דרך.

בר קפרא אמר. חג הנה וניסוף המים הנה והיתר במה הנה. ויבקעו שלשה. ולמה שלשה. אחד הורג ואחד מפנה הרועים ואחד מכניס צלוחית בטהרה. כותב אחד אומר וינסוף אותם לוי. וכותב אחד אומר וינסוף. מאן דמר וינסוף מסייע לרבי חייה בר בא. מאן דמר וינסוף מסייע לבר קפרא. רבי הונא בשם רבי יוסי. הילכות שבויים נצרכה לו. רבי שמעון ברבי אומר. בניין בית המקדש נתאנה.

<sup>150</sup> *He was with David at Efes Dammim*<sup>151</sup>. Rabbi Johanan said, at the red field<sup>152</sup>. But Rabbi Samuel said, from there the money stopped.<sup>153</sup> *The Philistines assembled*<sup>151,154</sup>, etc. Rabbi Jacob from Kefar Hanan said, they were lentils but a kernel was as good as a barley grain. Rabbi Levi said, this describes the Philistines who came straight as barley and went away low as lentils, as one verse says, *there was a field full of barley*<sup>151</sup>, and one said, *full of lentils*<sup>154</sup>. Rabbi Samuel bar Nahman said, it was one year but concerning two fields, one of barley and one of lentils. It was obvious to him that he might destroy it and pay for the damage. Perhaps it was obvious to him<sup>155</sup> that he might destroy it and not pay for the damage? Which one might he destroy

and for which one would he have to pay? For the one of lentils or the one of barley? For the one of lentils grows human food, the one of barley animal feed. The one of lentils will not be obligated for *hallah*<sup>156</sup>, barley will be obligated for *hallah*. The *`omer* comes from barley<sup>157</sup>; *`omer* cannot be brought from lentils. But the rabbis said, it was one field and two years. Does one infer from last year, or does one not infer from one year to the next? *They stood up in the property and saved it*<sup>158</sup>. One verse says, *they saved it*, and one says, *he saved it*<sup>159</sup>. This shows that he returned it to its owner and it was dear to him as if it had been a field of saffron.

It is written: *David had a desire and said, who would give me to drink from the cistern of Bethlehem*<sup>160</sup>, etc. Rabbi Hiyya bar Abba said, he questioned practice<sup>161</sup>. *Three broke through*. Why three? For no practice can be elucidated by less than three [opinions]. *But David refused to drink*. David did not want that the practice would be attached to his name<sup>162</sup>. *He poured it out for the Eternal*, he fixed it as a tractate for all generations, “he breaches fences on his way.”

Bar Qappara said, it was the feast of Tabernacles, the time of water libations<sup>163</sup>, and a time when private altars were permitted<sup>164</sup>. *Three broke through*. Why three? One was slaying, one was removing the corpses, and the third brought the flask in purity.

One verse says, *he made a libation for the Eternal*, but another verse says, *he covered*. He who says *וַיִּסַּךְ*, supports Rabbi Hiyya bar Abba<sup>165</sup>. He who says, *he made a libation*, supports Bar Qappara. Rabbi Huna in the name of Rabbi Yose: He had a problem with the rules of captives<sup>166</sup>. Rabbi Simeon ben Rabbi said, he desired to build the Temple<sup>167</sup>

150 Parallel texts are in *Ruth rabba* 5(1), *Midrash Samuel* 10(1), *Yalqut Samuel* #165.

151 *1Chr.* 11:13. In the entire section, the verses are not quoted exactly.

152 He explains the reading of the masoretic text, *פַּס דָּמִים* “a red strip.”

153 He reads *אֵין דָּמִים* “no money” in rabbinic Hebrew, to explain that the king does not pay for damage he inflicts on

private property in the course of his activities on behalf of the people in war or peace. The storytelling is incidental to the attempt to find biblical justification for the rules of the Mishnah. There is no claim of historical validity.

154 *2S.* 23:11.

155 To David, who would be incapable of doing anything unlawful. The Mishnah does

not address the problem of indemnity for the exercise of the power of eminent domain.

156 The heave required to be taken from bread dough; cf. Introduction to Tractate *Hallah*.

157 The flour offering permitting the use of new grain, *Lev.* 23:9-14.

158 *1Chr.* 11:14.

159 *2S.* 23:12.

160 *2S.* 23:15-16; *1Chr.* 11:17-18.

161 One of the rules of the Mishnah, to ask the opinion of the Sages of a mythical Bethlehem. Rabbinic interpretation systematically reduces David to a rabbi, negates all qualities of a warrior, and tries to eliminate all memories of a warlike past.

162 Since the rules of the Mishnah are all anonymous.

163 The water libation at Tabernacles (Mishnah *Sukkah* 4:9), a purely pharisaic practice without biblical sanction, to ask for ample rains in the winter season. Cf. Note 161.

164 After the destruction of Shiloh, before the building of the Temple in Jerusalem, there was no central sanctuary which could claim exclusivity by deuteronomic rules.

According to all opinions, private altars were biblically permitted in that period (Mishnah *Zevahim* 14:7). The pharisaic water libation was a public offering not appropriate for a private altar. It has to be assumed that in this interpretation David acted as king; his altar could represent the nation by public offerings.

165 He does not read the masoretic נִסַּךְ from the root נָסַךְ “to pour, offer a libation” but נִסַּךְ, root סָכַךְ “to cover”.

166 Probably what is the prerogative of the king in appropriating female prisoners of war. Rabbinic theory explains that Tamar was not David’s daughter but the daughter of David’s wife Ma’akha from the time before the latter was taken prisoner by David and forcibly converted by the rules of *Deut.* 21:10-14 (Babli 21a); therefore, she was unrelated to Amnon who could have married her under rabbinic rules.

167 It is unclear to what this may refer, but in any case it would be a case for the Sages of Bethlehem before the capture of Jerusalem.

(fol. 19d) **משנה ו:** לא ירבה לו נשים אלא שמונה עשרה. רבי יהודה אומר מרבה הוא לו ובלבד שלא יהו מקסירות את לבו. רבי שמעון אומר אפילו אחת ומסירה את לבו הרי זה לא ישאנה. אם כן למה נאמר ולא ירבה לו נשים דאפילו כאביגיל.

**Mishnah 6:** *He shall not add wives*<sup>168</sup>, only eighteen<sup>169</sup>. Rabbi Jehudah says, he may have many on condition that they not deflect his mind<sup>170</sup>. Rabbi Simeon says, he should not marry even one if she deflects his mind<sup>171</sup>. Then why was it said, *he shall not add wives*? Even one like Abigail<sup>172</sup>.

**משנה ז:** לא ירבה לו סוסים אלא כדי מרכבתו. וכסף וזהב לא ירבה לו מאד אלא כדי ליתן אפסנייא. וכותב לו ספר תורה לשמו. יוצא למלחמה והוא עמו נכנס והוא עמו. יושב בדין, הוא אצלו. מסב והוא כנגדו שנאמר והיתה עמו וקרא בו כל ימי חייו.

**Mishnah 7:** *He shall not add horses<sup>173</sup>, over and above what he needs for his chariots. And silver and gold he shall not add excessively<sup>168</sup>, over and above what he needs for his payroll<sup>174</sup>. And he shall write a Torah scroll<sup>175</sup> for himself. If he goes to war, it is with him; if he returns, it is with him; if he sits in court, it is with him; if he sits down for dinner, it is with him, as it is said: It shall be with him, and he shall read in it all the days of his life<sup>176</sup>.*

**משנה ח:** אין רוכבין על סוס ויין יושבין על כסאו ואין משתמשין בשרביטו ואין רואין אותו כשהוא מסתפר ולא כשהוא ערום. ולא בבית המרחץ שנאמר שום תשים עליך מלך שתהא אימתו עליך.

**Mishnah 8:** One does not ride on his horse, nor does one sit on his throne, nor does one use his scepter. One may not see him when he is barbered, nor when he is naked, nor when he is in the bath, as it is said<sup>177</sup>: *You certainly shall put a king over you*, that his fear be upon you.

168 Deut. 17:17.

169 This is the number of wives David could have had, as explained in the Halakhah.

170 Deut. 17:17 reads: *And he shall not add wives, lest his mind be deflected* (from his religious duties.) If the prohibition were absolute, it would not need a rationale.

171 R. Simeon in principle objects to R. Jehudah's argument. For him, every biblical commandment has a rationale indicated in the text, even if it is not explicit (Babli 21a). Therefore, *lest his mind be deflected* is a commandment in itself. Hence, 18 wives is

the maximum permitted to a king under any circumstances.

172 Who prevented David from sinning, cf. Halakhah 3. Since she predicted that David would be king, she is counted as a prophetess (*Seder Olam* Chap. 2).

173 Deut. 17:16.

174 Greek οὐσιόνιον, Latin *obsonium*, "victuals, allowance, gratuity", here taken as allowances for everybody on the king's payroll.

175 Deut. 17:18.

176 Deut. 17:19.

177 Deut. 17:15.

**הלכה ו:** לא ירבה לו נשים כול'. רב כהנא אמר. על שם הששי יתקעם לעגלה. וימה כתיב תמן. ואם-מקט ואוספה לך כהנה וכהנה:

**Halakhah 6:** “He shall not add wives,” etc. Rav Cahana said<sup>178</sup>, because of the sixth Yitream by Eglā<sup>139</sup>. What is written there? *At least, I shall give you twice as many*<sup>179</sup>.

178 Babli 21a.

179 2S. 12:8. The verses 2S. 3:2-5 prove that David had six wives in Hebron. The prophet Nathan then told David that God

would have given him an addition of twice as many wives, for a total of  $3 \times 6 = 18$ , had he not sinned with Batseba. Therefore, 18 wives for a king have Divine sanction.

(20c line 24) לא ירבה לו סוסים אלא כדי מרכבתו. על שם ויעקר דוד את-כל-הרכב וגו'. וכסף וזהב לא ירבה לו מאד אלא כדי ליתן אפסניא. רבי יהושע בן לוי אמר. ובלבד אפסניא של שנה זו בלבד.

“*He shall not add horses over and above what he needs for his chariots.*” As in *David destroyed all the chariots*,<sup>180</sup> etc. “*And silver and gold he shall not add excessively over and above what he needs for his payroll.*” Rabbi Joshua ben Levi said, but only for this year’s payroll.

180 2S. 8:4. As usual, the argument is about the part of the verse which is not quoted: *but he reserved from them 100*

*chariots*. This shows that chariots and horses needed for the army are permitted.

(20c line 27) אמר רבי אהא. אמר שלמה. שלשה דברים ששחקה עליהן מידת הדין חיללתים. לא ירבה לו נשים. וכתוב והמלך שלמה אהב נשים נכריות. רבי שמעון בן יוחי אמר. אהב ממש לזנות. חנניה בן אחי רבי יהושע אומר. על שם לא תתחתן בם. רבי יוסי אומר. למושכן לדברי תורה ולקרבן תחת כנפי השכינה. רבי ליעזר אומר. על שם גם-אותו החטאיו הנשים הנכריות: אשכח תימר. רבי שמעון בן יוחי וחנניה ורבי ליעזר חדא. ורבי יוסי פליג על תלתייהו.

לא ירבה לו סוסים. וכתוב ויהי לשלמה ארבעים אלף אוריות סוסים למרכבו ושנים-עשר אלף פראים. בטלגים היו. וההדיוט מותר בכיולן.

וכסף וזהב לא ירבה לו מאד. וכתוב ויתן המלך את-הכסף בירושלם כפאבנים. ולא היו נגבבות. אמר רבי יוסי בן חנינה. אבני עשר אמות ושמונה אמות. תני רבי שמעון בן יוחי. אפילו משקלות שהיו בימי שלמה לא היו של כסף אלא של זהב. ומה טעם. אין כסף נחשב בימי שלמה.

Rebbi Aha said: Solomon said, three things I desecrated where I got the better of the law<sup>181</sup>. *He shall not add wives*, and it is written: *King Solomon*

loved foreign women<sup>182</sup>. Rabbi Simeon ben Iohai said, he really made love to them immorally<sup>183</sup>. Hananiah, Rabbi Joshua's nephew, says, because *you shall not intermarry with them*<sup>184</sup>. Rabbi Yose said, to draw them to the words of the Torah and bring them under the Wings of the Divine Presence<sup>185</sup>. Rabbi Eliezer said, because *also the foreign wives made him sin*<sup>186</sup>. It turns out that one may say that Rabbi Simeon ben Iohai, Hananiah, and Rabbi Eliezer mean the same. Rabbi Yose disagrees with all three of them.

*He shall not add horses*, and it is written: *Solomon had 40'000 horse stables for his chariot, and 12'000 riders*<sup>187</sup>. They were idle<sup>188</sup>. A private person is permitted all of these<sup>189</sup>.

*And silver and gold he shall not add excessively*, and it is written: *The king made silver in Jerusalem to be like stones*<sup>190</sup>. Were they not stolen? Rabbi Yose ben Hanina said, they were stones of ten cubits and eight cubits<sup>191</sup>. Rabbi Simeon ben Laqish stated: In Solomon's times, even weights were not of silver but of gold. Why? *Silver was not valuable in Solomon's times*<sup>192</sup>.

181 *Eccl. r. 2(3)*, *Tanhuma Ahare Mot 1*, *Tanhuma Buber Ahare Mot 2*, *Pesiqta dR. Cahana (Buber) Ahare Mot 168b-168a*.

Most of the verses quoted in these paragraphs are also quoted in the Babli, 21b. Cf. also *Cant. rabba 1(10)*.

182 *1K. 11:1*.

183 He did not marry them but slept with them unmarried to increase his sexual enjoyment.

184 *Deut. 7:3*. He agrees with R. Simeon ben Iohai and notes that by behaving immorally he avoided violating the law. In *Num. r. 10(8)* only Hanania and R. Yose are mentioned.

185 He married all those women with good intentions but violated *Deut. 17:17*. The expression "to take shelter under the Wings

of the Divine Presence" for "to convert to Judaism" is from *Ru. 2:12*.

186 *Neh. 13:26*. He violated Mishnah 7 according to all authorities quoted there.

187 *1K. 5:6*.

188 If all of the chariots and horses had been for military purposes, it would not have been sinful. A Genizah fragment inserts a rhetorical question. Were the 40'000 stables not adequate since it also is written (*1K. 4:20*) that Israel were *many, like the sand at the seashore*? The answer is that the horses and carriages were sinful since the riders were idle most of the time.

189 Wives, horses, and money are limited only for a king.

190 *1K. 10:27, 2Chr. 1:15*.

191 A silver block of 8 cubits side length would weigh 1.7 metric tons.

192 *1K. 10:21, 2Chr. 9:27*.

(20c line 40) כְּתוּב לְשׁוּק אֶמְרָתִי מְהוּלָּל. אָמַר הַקְּדוֹשׁ בְּרוּךְ הוּא לְשִׁלְמָה. מַה עֲטָרָה זֹאת בְּרֹאשָׁךְ. רַד מִכֶּסֶּאִי. רַבִּי יוֹסִי בֶן חֲנִינָה אָמַר. בְּאוֹתָהּ שָׁעָה יָרַד מִלְּאָךְ וְנִדְמָה כְּדַמוֹת שְׁלֹמֹה וְהִעֲמִידוּ מִכֶּסֶּאִי וְנִשְׁבַּ תַּחְתָּיו. וְהָיָה מִחֲזָר עַל בֵּיתִי כְּנִסְיוֹת וּבֵיתִי מִדְּרָשׁוֹת וְאוֹמַר אֲנִי קוֹהֶלֶת הַיְיָ מֶלֶךְ עַל-יִשְׂרָאֵל בִּירוּשָׁלַם: וְהוּא מְרִין לִיָּהּ. מִלְּכָא יְתִיב עַל בִּסְיָלִיו דִּידִיהּ וְתִימַר אֲנִי קוֹהֶלֶת. וְהָיָה מִכֵּין אוֹתוֹ בְּקִנָּה וּמִבִּיאִין לִפְנֵי קַעֲרַת גְּרִיסִין. בְּאוֹתָהּ שָׁעָה אָמַר וְהָ-הִנֵּה חֲלָקִי. אֵית דְּמָרִין. חוּטָרָא. וְאֵית דְּמָרִין. קִנְיָא. וְאֵית דְּמָרִין. קוּשְׁרֵתִיָּה. וּמִי קִיטְרָגוּ. אָמַר רַבִּי הוֹשִׁיעַ בֶּן לִי. יו"ד שְׁבִינְרָבָה קִיטְרָגוּ. תֵּנִי רַבִּי שְׁמַעוֹן בֶּן יוֹחִי. עָלָה סֶפֶר מִשְׁנֵה תוֹרָה וְנִשְׁתַּטַּח לִפְנֵי הַקְּדוֹשׁ בְּרוּךְ הוּא. אָמַר לִפְנֵי. רַבּוֹן הָעוֹלָם. כְּתִבְתָּהּ בְּתוֹרָתָךְ. כָּל-דִּינֵינִקִּי שְׁבִטְלָה מִקְצָתָהּ בְּטָלָה כּוֹפֵלָה. וְהָיָה שְׁלֹמֹה מִבְּקָשׁ לַעֲקוֹר יו"ד מִמֶּנִּי. אָמַר לָהּ הַקְּדוֹשׁ בְּרוּךְ הוּא. שְׁלֹמֹה וְאַלְף כִּיּוּצָא בּוֹ בְּטִילִין וְדָבָר מִמֶּךָ אֵינוֹ בְּטָל.

רַבִּי הוֹנָא בְּשֵׁם רַבִּי אֲחָא. יו"ד שְׁנִטְל הַקְּדוֹשׁ בְּרוּךְ הוּא מֵאֲמַנּוּ שָׁרָה נִיתָן חֲצִיו עַל שָׁרָה וְחֲצִיו עַל אֲבָרָהֶם. תֵּנִי רַבִּי הוֹשִׁעִיָּא. עָלָה יו"ד וְנִשְׁתַּטַּח לִפְנֵי הַקְּדוֹשׁ בְּרוּךְ הוּא וְאָמַר. רַבּוֹן הָעוֹלָמִים. עֲקֶרְתָּנִי מִן הַצִּדְקָת הַזֹּאת. אָמַר לוֹ הַקְּדוֹשׁ בְּרוּךְ הוּא. צָא לָךְ. לְשַׁעֲבֵר הֵייתָ נֶתוּן בְּשֵׁם נְקִיבָה וּבִסּוּף תִּיבָה. חֲיִיד שְׁאֲנִי נוֹתֵנָךְ בְּשֵׁם זָכָר וּבְרֹאשׁ תִּיבָה. הִדָּא הוּא דְכְּתִיב וַיִּקְרָא מֹשֶׁה לְהוֹשִׁיעַ בֶּן-נִין וְהוֹשִׁיעַ:

<sup>181</sup>It is written<sup>193</sup>: *To amusement I said, be praised.* The Holy One, praise to him, said to Solomon: What is this crown on your head? Descend from My throne! Rabbi Yose ben Hanina said, at that moment an angel came down looking like Solomon, removed him from his throne, and sat in his stead. He was going around in synagogues and houses of study, saying *I am Ecclesiastes, I used to be king over Israel in Jerusalem*<sup>194</sup>. They were telling him, the king sits on his chair of honor<sup>195</sup> and you say, *I am Ecclesiastes*? They hit him with a stick and brought a dish of split beans before him. At that moment, he said: *that is my part*<sup>196</sup>. Some say, a staff. Others say, a rod. Others say, with his belt. <sup>197</sup>Who had accused him? Rabbi Joshua ben Levi said, יָרְבֵּה <sup>160</sup>accused him. Rabbi Simeon ben Iohai stated: The book Deuteronomy ascended, bowed down before the Holy One, praise to Him, and said to Him: Master of the Universe, You wrote in Your Torah that any disposition<sup>198</sup> which is partially invalid is totally invalid, and now Solomon wants to uproot a יָרְבֵּה from me! The Holy One, praise to Him, said to it: Solomon and a thousand like him will disappear but nothing from you will disappear.

Rebbi Huna in the name of Rebbi Aha: The י which the Holy One, praise to Him, lifted from our mother Sarah was given half to Sarah and half to Abraham<sup>199</sup>. Rebbi Hoshaiah stated: The י ascended, bowed down before the Holy One, praise to Him, and said to Him: Master of the Universes, you uprooted me from this just woman<sup>200</sup>! The Holy One, praise to Him, said to him: leave. In the past you were the last letter of a woman's name. By your life, I shall make you the first letter of a man's name. That is what is written: *Moses called Hoshea bin Nun Yehoshua*<sup>201</sup>.

193 *Eccl.* 2:2.

194 *Eccl.* 1:12.

195 Latin *bisellium*; cf. Löw in Krauss's *Lehnwörter*.

196 *Eccl.* 2:10.

197 *Cant. r. ad* 5:10, *Lev. r.* 19(2), *Ex. r.* 6(1). Solomon is accused of wanting to remove the imperative from *Deut.* 17:17.

198 Greek διαθήκη "will, disposition".

199 In the Alexandrian system, the numerical value of י is 10, that of ה is 5. Therefore, the *gematria* of the two former names אברהם שרי of Abraham and Sarah is identical to that of the new names אברהם שרה.

200 By changing שרי into שרה.

201 *Num.* 13:16.

20c line 58) וְכֹתֵב לוֹ סֵפֶר תּוֹרָה לְשֵׁמוֹ. שֶׁלֹא יִהְיֶה נִיאוֹת לֹא בְשֵׁלֶבֶבּוֹ וְלֹא בְשֵׁלֶבֶבּוֹ. וּמִגִּיהִין אוֹתוֹ מִסֵּפֶר עֲזָרָה עַל פִּי בֵּית דִּין שֶׁלֵּע"א.

*And he shall write a Torah scroll for himself.*<sup>202</sup> That he should use neither his father's nor his teacher's. One proofreads it from the Temple scroll under the supervision of the court of 71<sup>203</sup>.

202 Babli 21b, Tosephta 4:7.

whose daughters are qualified to marry priests.

203 In the Tosephta: It is proofread first by priests, then by Levites, then by Israel

20c line 60) יוֹצֵא לְמַלְחָמָה וְהִיא עִמּוֹ. שֶׁנֶּאֱמַר וְהִיטָה עִמּוֹ וְקָרָא בּוֹ כָּל-יְמֵי חַיָּיו. וְהָרִי הַדְּבָרִים קֹל וְחוֹמֶר. וְכֵן אִם מֶלֶךְ יִשְׂרָאֵל שֶׁהָיָה עֶסוֹק בְּצָרָתִי יִשְׂרָאֵל נֶאֱמַר בּוֹ וְקָרָא בּוֹ כָּל-יְמֵי חַיָּיו. הֵקְדִּיט עַל אַחַת כַּמָּה וְכַמָּה. כִּיּוֹצֵא בּוֹ נֶאֱמַר בִּיהוֹשֻׁעַ וְהִגִּיתָ בּוֹ יוֹמָם וְלַיְלָה. וְהָרִי הַדְּבָרִים קֹל וְחוֹמֶר. וְכֵן אִם יְהוֹשֻׁעַ שֶׁעוֹסֵק בְּצָרָתִי יִשְׂרָאֵל נֶאֱמַר בּוֹ וְהִגִּיתָ בּוֹ יוֹמָם וְלַיְלָה. הֵקְדִּיט לֹא כָל-שָׁבוֹן.

“If he goes to war, he carries it with him for it is said: *It shall be with him, and he shall read in it all the days of his life*. Is there not an inference *de minore ad majus*? Since for a king of Israel, who was occupied by the needs of Israel, is it said that *he shall read in it all the days of his life*, a private person so much more. Similarly, it was said to Joshua: *You shall meditate about it day and night*<sup>204</sup>. Is there not an inference *de minore ad majus*? Since for Joshua, who is occupied by the needs of Israel, it is said: *you shall meditate about it day and night*, then certainly a private person.

204 Jos. 1:8.

(20c line 65) מֶלֶךְ יִשְׂרָאֵל אֵין רוֹכְבִּין עַל סוֹסוֹ וְאֵין יוֹשְׁבִין עַל נִסְלוֹ וְאֵין מְשַׁתְּמְשִׁין לֹא בְּכִתְרוֹ וְלֹא בְּשֶׁרְבִיטוֹ וְלֹא בְּאַחַד מִכָּל מְשַׁמְשָׁיו. וְכִשְׁמַת כּוֹלֵן נִשְׂרָפִין לְפָנָיו. שְׁנַאֲמַר בְּשָׁלוֹם תָּמוּת וּבְמִשְׁרָפוֹת אֲבוֹתֶיךָ יִשְׂרָפוּ עֲלֶיךָ.

<sup>205</sup>One does not ride on a horse of a king of Israel, nor does one sit in his chair<sup>195</sup>, nor does one use his crown or his scepter, or any of his personal utensils. When he dies, all these are burned before him, as it is said<sup>206</sup>: *You shall die in peace and like the burnings of your forefathers they will burn for you*.

205 An abbreviated version of Tosephta 206 Jer. 34:5.  
4:2.

(20c line 68) וְאֵין רואִין אוֹתוֹ עֶרּוֹם וְלֹא כְּשִׁמְסִתְפָּר וְלֹא בְּבֵית הַמֶּרְחָץ. עַל שֵׁם מֶלֶךְ בְּנִפְּיוֹ תִּחְיֶינָה עֵינֶיךָ. רַבִּי חֲנִינְיָה סָלַק גָּבִי רַבִּי יוֹדֵן נִשְׁיֵא. נָפַק לְגַבְיָה לְבוּשׁ אוֹתִינִיתִיהָ. אָמַר לִיהָ. חֲזוֹר וּלְבוּשׁ לְגִין דִּידֶךָ. מִשּׁוּם מֶלֶךְ בְּנִפְּיוֹ תִּחְיֶינָה עֵינֶיךָ. רַבִּי יוֹחָנָן סָלַק גָּבִי רַבִּי יוֹדֵן נִשְׁיֵא. נָפַק לְגַבְיָה בְּחִלּוּקָא דְּכִתְנָא. אָמַר לִיהָ. חֲזוֹר וּלְבוּשׁ חִלּוּקָךְ דְּעִימָרָא. מִשּׁוּם מֶלֶךְ בְּנִפְּיוֹ וּגְרָ. מִי נָפַק אָמַר לִיהָ. אֵייתִי עֲטַעֲמָה. אָמַר לִיהָ. שְׁלַח וְאֵייתִי לִי מִנְחָם טָלְמָא. דְּכִתְיֵיב וְתוֹרַת־חֹסֶד עַל־לְשׁוֹנָה: מִי נָפַק חֲמָא רַבִּי חֲנִינְיָה בַּר סִיסִי מִפְּצָע קִיסִין. אָמַר לִיהָ. רַבִּי. לִית הוּא כְּבוֹדֶךָ. אָמַר לִיהָ. וַיֵּמָה נִיעֲבִיד וְלִית לִי מָאן דְּמִשְׁמָשִׁינִי. אָמַר לִיהָ. אֵין לָא הָוָה לָךְ מָאן דְּמִשְׁמָשִׁךְ לָא מְקַבֵּלָא עֲלֶךָ מוֹתְמִינֵיָא.

One may not see him when naked, nor when he is being barbered, nor when he is in his bath, because *your eyes shall see the king in his beauty*<sup>207</sup>. Rabbi Hanina went to visit Rabbi Jehudah the Prince<sup>208</sup>. He came to meet him

dressed in sail-cloth. He told him, go and wear your *labin*<sup>209</sup>, because of *your eyes shall see the king in his beauty*<sup>210,211</sup>.

Rebbi Johanan went to visit Rebbi Jehudah the Prince. He came to meet him dressed in a linen gown. He told him, go and wear your woolen gown, because of *the king in his beauty*. When he left, he told him, bring <sup>212</sup>עטעמה. He answered, send and get Menahem Ptolemy, for it is written: *Graceful teaching is on her tongue*<sup>213</sup>.

Leaving, he saw Rebbi Hanina bar Sisi splitting wood. He told him, Rebbi, that is not fitting for you. He answered, what can I do? I have nobody to serve me. He retorted, if you have nobody to serve you, you should not have accepted ordination<sup>214</sup>.

207 Is. 33:17. The Babli, 22b, infers from the verse that a king has to get a haircut every day.

208 Rebbi's grandson.

209 Greek ὀθονή "sail-cloth".

210 Latin *lacinia, ae*, "edge, corner of garment, garment with fringes, ornament", generally "garment" (E. G.).

(In other occurrences the word לבין means "bottle", Greek λάγυνος, λάγηρος.)

211 The Patriarch, as member of the Davidic dynasty, should uphold the dignity of his family at all times.

212 The meaning and etymology of this word is totally unknown. The commentators see a connection with the word טעם "taste".

It may have been a question about politics since the verse quoted is explained in *Midrash Prov.* as referring to good political advice. Menahem Ptolemy is only mentioned in *Eccl. r. ad* 5:10, in a discussion with R. Hanina, noting that good-looking food tastes better than undistinguished food, therefore it is possible to read the passage as an exhortation to the Patriarch to also show his status by his table.

213 *Pr.* 31:26.

214 An ordained rabbi should at all times uphold the dignity of the office. Similarly, the Babli (*Qiddušin* 70a) frowns upon an ordained rabbi engaged in bodily labor in public.

20d line 2) תירגם יוסי מעוני בכנישתא בטיבא. שמעו זאת הכהנים. למה לית אתון לעין באורייתא. לא יהבית לכו כ"ד מתנתא. אמרו ליה. לא יהבין לך כלום. והקשיבו בית ישראל. למה לית אתון יהבין כ"ד מתנתא דפקידית ותכוון בסיני. אמרו ליה. מלכא נסיב כולה. ובית המלך האזינו כי לכם המשפט. לכם אמרתי וזה משפט הכהנים. עתיד אני לישוב עמך בדין ולפסקן ולאבדן מן העולם. שמע רבי יודן נשיא וכעס. דחל וערק. סלקון רבי יוחנן וריש לקיש לפייס ליה. אמרו ליה. רבי. גברא רבא הוא. אמר ליה. איפשר כלמאן דנא שאיל הוא מגיב לי. אמרו ליה. אין. אמר ליה. מהו דין דכתיב כי זנתה אלים. וכי שרה אמינו זונה

הִיִּיתָה. אָמַר לִיה. קִבַּת כֶּן אִמָּה. כְּדוֹר כֶּן הַנְּשִׂיא. כְּנִשְׂיָא כֶּן הַדּוֹר. כְּמִזְבֵּחַ כְּהֶנֶּזִּי. כְּהֶנֶּזִּי אָמַר  
כֶּן. כְּגִנְתָּא כֶּן גִּנָּה. אָמַר לִיה. לֹא טָב דְּקָלִיל לִי דְלָא בְּאַפּוּי חַד זָמָן. אֵלָּא בְּאַפּוּי תִּלְתָּא זִמְנִין.  
אָמַר לִיה. מָהוּ דִּין דְּכִתְיָב הִנֵּה כָּל־הַמֶּשֶׁל עָלֶיךָ יִמְשׁוּל לְאִמֹּר כְּאַמָּה בְּתָה. וְכִי אִימִינוּ לָאָה  
זוֹנָה הִיִּיתָה. דְּכִתְיָב וַתֵּצֵא דִּינָה. אָמַר לִיה. לָפּוֹם דְּכִתְיָב וַתֵּצֵא לָאָה לְקַרְאָתָהּ. פֶּשְׁטִין יֵצִיאָה  
מִיֵּצִיאָה.

<sup>215</sup>Yose from Maon interpreted<sup>216</sup> in the synagogue of Tiberias: *Listen to this, you priests*<sup>217</sup>, why do you not study Torah? Did I not give you 24 gifts<sup>218</sup>? They told him, they do not give us anything. *And hearken, House of Israel*, why do you not give the 24 gifts which I commanded you at Sinai? They told him, the king<sup>219</sup> takes everything. *Listen, king's court, for yours are legal proceedings*, for you I did say, *these are the priests' legal rights*<sup>220</sup>; in the future I shall sit in judgment over you, to stop them and to eliminate them from the world. Rabbi Jehudah the Prince heard this and became angry. He<sup>221</sup> was afraid and fled. Rabbi Johanan and Rabbi Simeon ben Laqish went to appease him. They told him, Rabbi, he is a great man. He<sup>222</sup> asked them, would it be possible that he<sup>221</sup> could answer any question which I would ask him? They told him, yes. He asked him: What is that which is written<sup>223</sup>: *For their mother whored?* Was our mother Sarah a whore? He answered, like daughter like mother<sup>224</sup>, *like mother like daughter*, like generation like the prince, like the prince like the generation, like the altar like its priests. Cahana used to say<sup>224</sup>, like the garden like its gardener. He told them, not only did he curse me once in my absence, but he cursed me three times in my presence! He asked him, what is that which is written<sup>225</sup>: *Anybody wanting to formulate a simile about you will state as follows: like mother like daughter*; was our mother Leah a prostitute since it is written<sup>226</sup>, *Dinah went out*? He told him, for it is written<sup>227</sup>, *Leah went out towards him*. One identifies *going out* with *going out*.

215 A similar paragraph is in *Gen. r.* 80(1).

216 In the Talmudim, תרגום is only used for interpretation or translation of Scripture. One has to assume that Yose from Maon was reading *Hos. 5* as *Haftara* to *Gen. 34* in the Palestinian 3½ year cycle of Torah reading (cf. J. Mann, *The Bible as Read and*

*Preached in the Old Synagogue I*, Cincinnati 1940). One also has to assume that the Aramaic translator of the *Haftara* had the freedom to expound upon the verses read, similar to what is described in the New Testament (*Luke 4:17-20*).

217 *Hos. 5:1*.

218 The 24 emoluments of priesthood; cf. *Hallah* 4:11 (Note 146) and the sources quoted there.

219 The Patriarch was responsible for collecting the taxes due from the Jewish population in Palestine; there is an intentional ambiguity whether *king* refers to the Roman Emperor or the Davidic Patriarch.

220 *Deut.* 18:3.

221 Yose the Maonite.

222 The Patriarch.

223 *Hos.* 2:7.

224 The text is confirmed by a Genizah fragment (M. Sokoloff, *The Genizah Fragments of Bereshit Rabba*, Jerusalem 1982, p. 167.) The reading in the printed

editions of *Gen. rabba* אָמַר "here, they say" has to be rejected as *lectio facilior*.

225 The Genizah fragment shows that instead of "like daughter like mother", the text read כְּבֵית כְּאֻמָּה "like dynasty like people, like generation like Prince" with the quote from the verse missing, a much more insulting formulation.

226 *Ez.* 16:44.

227 *Gen.* 34:1, the starting verse for the sermon. In both Galilean and Babylonian Aramaic is the prostitute called נִקְתָּ בְּרָא "the one who goes out."

228 *Gen.* 30:16. Leah certainly went out to have sexual relations, with her husband.

רַבִּי חִזְקִיָּה הָיָה מְהַלֵּךְ בְּאוֹרְחָא. פָּגַע בּוֹ חַד כּוֹתֵי. אָמַר לֵיהּ. רַבִּי. אַתָּה הוּא רַבְהוֹן דִּיהוּדָאִי. אָמַר לֵיהּ. אֵין. אָמַר לֵיהּ. חֲמִי מַה כְּתִיב שׁוֹם תַּעֲשִׂים עָלֶיךָ מֶלֶךְ. אֲשִׁים אֵין כְּתִיב אֶלָּא תַּעֲשִׂים. דְּאַתָּה שׁוֹי עָלֶךְ.

Rebbi Hizqiah was walking on a road when he met a Samaritan who asked him, Rabbi, are you not the head of the Jews? He answered him, yes. He said to him, look what is written: *You certainly shall put a king over yourself*<sup>77</sup>. It does not say "I shall put", but "you shall put", you appoint him over yourself<sup>229</sup>.

229 For him the role of king and all appointed officers, including rabbis, is one

of human convention, without religious meaning.