



1:3 Both the laying of hands by the Sages and the breaking of the heifer's neck in a case where a person was found murdered and it is not known who killed him (see Deuteronomy 21:1–9) are performed in front of a panel of three judges; this is the statement of Rabbi Shimon. Rabbi Yehuda says: These rituals are performed in front of five judges. Both halitza, the ritual through which the yavam, a surviving brother of a married man who died without sons, frees the yevama, the widow, of her levirate bond in a case where the yavam does not wish to marry the yevama (see Deuteronomy 25:5–10), and the refusal of a girl before reaching majority to remain married to the man to whom her mother or brother married her off, are performed before a court of three judges. The halakha concerning fruit of a fourth-year sapling and second-tithe produce is that they are to be brought to Jerusalem and eaten there. If this is impractical, the produce can be redeemed and the redemption money brought to Jerusalem, where it is used to purchase food and drink. Valuation of fruit of a fourth-year sapling or second-tithe produce in cases where their value is not known is performed by three judges. The valuation of consecrated property for purposes of redemption is performed by three judges, and the valuations that are movable property (see Leviticus 27:1–8) are performed by three judges. Rabbi Yehuda says: One of the three judges must be a priest. And the valuation of consecrated land is performed by nine judges and, in addition, one priest. And the valuation of a person for the purpose of a vow is performed in a similar manner to that of land.

1:4 Cases of capital law are judged by twenty-three judges. An animal that copulated with a person and an animal that was the object of bestiality are judged by twenty-three judges, as it is stated: “And if a woman approaches any animal to lie with it, you shall kill the woman and the animal” (Leviticus 20:16), and it states: “And if a man lies with an animal, he shall be put to death and you shall kill the animal” (Leviticus 20:15). In cases of bestiality, the verse juxtaposes the execution of the animal to the execution of the person, and therefore the case of the animal is adjudicated in the same way as cases of capital law. Similarly, an ox that is to be stoned because it killed a person is judged by twenty-three judges, as it is stated: “But if the ox was wont to gore in time past, and warning has been given to its owner, but he did not guard it and it kills a man or a woman the ox shall be stoned and also its owner shall be put to death” (Exodus 21:29). From this verse it is derived that just as the manner of the death of the owner, so is the manner of the death of the ox. The same halakha applies in the case of a wolf or a lion, a bear or a leopard, or a cheetah, or a snake that killed a person: Their death is decreed by twenty-three judges. Rabbi Eliezer says these dangerous animals do not need to be brought to court; rather, anyone who kills them first merits the performance of a mitzva. Rabbi Akiva says: Their death is decreed by twenty-three judges.

1:5 The court judges cases involving an entire tribe that sinned, or a false prophet (see Deuteronomy 18:20–22), or a High Priest who transgressed a prohibition that carries a possible death sentence, only on the basis of a court of seventy-one judges, i.e., the Great Sanhedrin. And the king may bring the nation out to an optional war, i.e., a war that was not mandated by the

Torah and is not a war of defense, only on the basis of a court of seventy-one judges. They may extend the city of Jerusalem or the courtyards of the Temple only on the basis of a court of seventy-one judges. And they may appoint a lesser Sanhedrin of twenty-three judges for the tribes only on the basis of a court of seventy-one judges. A city may be designated as an idolatrous city, i.e., a city whose residents all practice idolatry, and therefore according to Torah law all the residents must be killed and the city must be destroyed (see Deuteronomy 13:13–19), only in accordance with the ruling of a court of seventy-one judges. Additionally, the court may not designate a city as an idolatrous city if it is on the frontier, close to the borders of Eretz Yisrael, and three adjoining cities may not be designated as idolatrous cities. But the court may designate one city, or two adjoining cities, as idolatrous cities.

1:6 With regard to the number of judges in the different courts the mishna presents a halakhic midrash: The Great Sanhedrin was composed of seventy-one judges, and a lesser Sanhedrin was composed of twenty-three. From where is it derived that the Great Sanhedrin was composed of seventy-one judges? As it is stated: “Gather Me seventy men of the Elders of Israel, whom you know to be the Elders of the people and officers over them, and bring them into the Tent of Meeting, and they shall stand there with you” (Numbers 11:16), and together with Moses at the head of this body, there are a total of seventy-one. Rabbi Yehuda says: Moses was indeed at the head of the body, but he is not counted as part of the group. Consequently, a future Great Sanhedrin modeled after these Elders is to be composed of seventy judges. And from where is it derived that a lesser Sanhedrin is composed of twenty-three judges? As it is stated: “And the congregation shall judge between the assailant and the avenger...and the congregation shall save the manslayer from the hands of the avenger” (Numbers 35:24–25). Therefore, there must be a congregation, which consists of at least ten judges, that judges the accused and attempts to convict him, and there must be a congregation, also consisting of at least ten judges, which attempts to save the accused by finding him innocent. Together, there are twenty judges here. Before proceeding to derive the requirement for the final three judges, the mishna clarifies: And from where is it derived that a congregation consists of at least ten men? As it is stated concerning the spies: “How long shall I bear with this evil congregation that keep complaining about me?” (Numbers 14:27) There were twelve spies; excluding Joshua and Caleb, who did not complain, there would be ten men who are called: A congregation. Accordingly, the verses describing a congregation that attempts to convict the accused and a congregation that attempts to acquit him together add up to twenty judges. And from where is it derived to bring three more judges to the court? From the implication of that which is stated: “You shall not follow a multitude to convict” (Exodus 23:2), I would derive that I may not convict a person on the basis of a majority but I should follow the majority to exonerate. If so, why is it stated in the same verse: “To incline after a multitude,” from which it can be understood that the majority is followed in all cases? In order to resolve the apparent contradiction it must be explained: Your inclination after the majority to exonerate is not like your

inclination after the majority to convict. Your inclination after the majority to exonerate can result in a verdict by a majority of one judge. But your inclination after the majority to convict a transgressor must be by a more decisive majority of at least two. Therefore, the court must have at least twenty-two judges. And since there is a principle that a court may not be composed of an even number of judges, as such a court may be unable to reach a decision, therefore they add another one to them, and there are twenty-three judges here. And how many men must be in the city for it to be eligible for a lesser Sanhedrin? One hundred and twenty. Rabbi Nehemya says: Two hundred and thirty, corresponding to the ministers of tens, as outlined by Moses and Yitro in the wilderness (Exodus, chapter 18). That is to say, each member of the Sanhedrin can be viewed as a judge with responsibility for ten residents. If there are not enough men in the city to enable this calculation, it would not be honorable to appoint a Sanhedrin, as their members will each preside over less than the minimum of ten residents.

2:1 The High Priest judges others if he is sufficiently wise, and others judge him when he transgresses. He testifies before the court and others testify concerning him. He performs halitza with his brother's widow and his brother performs halitza with his wife; and his brother consummates levirate marriage with his wife. But he does not consummate levirate marriage with his brother's widow, because it is prohibited for him to marry a widow (see Leviticus 21:14), and can therefore never fulfill the mitzva of levirate marriage, as a yevama is by definition a widow. If a relative of the High Priest dies, he does not follow the bier carrying the corpse, since it is prohibited for the High Priest to become ritually impure even for immediate relatives (see Leviticus 21:11). Rather, once the members of the funeral procession are concealed from sight by turning onto another street, he is revealed on the street they departed, and when they are revealed, then he is concealed, and in this way, he goes out with them until the entrance of the gate of the city, from where they would take out the corpse, since the dead were not buried in Jerusalem. This is the statement of Rabbi Meir. Rabbi Yehuda says: He does not emerge from the Temple at all for the burial of his relatives, as it is stated: "And from the Temple he shall not emerge and will not desecrate the Temple of his God; for the separateness of the oil of the anointment of his God is on him" (Leviticus 21:12). The mishna continues: And when he consoles others in their mourning when they return from burial, the way of all the people is that they pass by one after another and the mourners stand in a line and are consoled, and the appointed person stands in the middle, between the High Priest and the people. And when he is consoled by others in his mourning, all the people say to him: We are your atonement. And he says to them: May you be blessed from Heaven. And when they comfort him with the first meal after the burial of one of his relatives, all the people recline on the ground as if they are taking his mourning on themselves, and he reclines on the bench out of respect for his status as High Priest.

2:2 The mishna continues, enumerating the halakhot pertaining to the king in similar matters: The king does not judge others as a member of a court and others do not judge him, he does not testify and others do not testify

concerning him, he does not perform halitza with his brother's widow and his brother does not perform halitza with his wife, and he does not consummate levirate marriage with his brother's widow and his brother does not consummate levirate marriage with his wife, as all these actions are not fitting to the honor of his office. Rabbi Yehuda says: These are not restrictions, but his prerogative: If he desired to perform halitza or to consummate levirate marriage, he is remembered for good, as this is to the benefit of his brother's widow. The Sages said to him: They do not listen to him if he desires to do so, as this affects not only his own honor but that of the kingdom. And no one may marry a king's widow, due to his honor. Rabbi Yehuda says: Another king may marry the widow of a king, as we found that King David married the widow of King Saul, as it is stated: "And I have given you the house of your master and the wives of your master in your bosom" (II Samuel 12:8).

2:3 If a relative of the king dies, he does not emerge from the entrance of his palace [palterin], as it does not befit one of his stature to accompany the deceased. Rabbi Yehuda says: If he wishes to follow the bier, he follows it, as that is what we found with regard to King David, who followed the bier of Abner. As it is stated: "And King David followed the bier" (II Samuel 3:31). The Sages said to Rabbi Yehuda: The matter was only to appease the people, so that they should not suspect David of ordering Abner's death. And when the people comfort the king with the meal of comfort, all the people recline on the ground, and he reclines on the dargash.

2:4 And the king brings out people for conscription in an optional war, i.e., a war that is not mandated by the Torah and is not a war of defense, on the basis of a court of seventy-one, and breaches fences of anyone in his way to create a pathway for himself for his various needs, and no one can protest his power. The pathway of the king has no measure, neither lengthwise nor widthwise, and one cannot protest that this pathway is wider than necessary. And all the people take spoils in war and give them to him, and he takes the first portion of the spoils. mishna The king "shall not add many wives for himself" (Deuteronomy 17:17), but only eighteen. Rabbi Yehuda says: He may add many wives for himself, provided that they are not like those who turn his heart away from reverence for God. Rabbi Shimon says: Even if he wants to marry only one wife, if she turns his heart away, he should not marry her. If so, why is it stated: "He shall not add many wives for himself"? This teaches that even if his wives are like Abigail, who was righteous and prevented David from sin (see I Samuel, chapter 25), it is prohibited for him to have many wives. The king "shall not accumulate many horses for himself" (Deuteronomy 17:16), but only enough for his chariot in war and in peace. "Neither shall he greatly accumulate silver and gold for himself" (Deuteronomy 17:17), but only enough to provide his soldiers' sustenance [aspanya]. And the king writes himself a Torah scroll for his sake, as stipulated in Deuteronomy 17:18. When he goes out to war, he brings it out with him. When he comes in from war, he brings it in with him. When he sits in judgment, it is with him. When he reclines to eat, it is opposite him, as it is stated: "And it shall be with him and he shall read it all the days of his life" (Deuteronomy 17:19).

2:5 One may not ride on the king's horse, and one may not sit on his throne, and one may not use his scepter, and one may not see him when he is having his hair cut, nor when he is naked, nor when he is in the bathhouse, as it is stated: "You shall set a king over you" (Deuteronomy 17:15), meaning, ensure that his fear should be upon you. All of these actions would lessen one's fear of and reverence for the king.

3:1 Cases of monetary law are adjudicated by three. They are chosen in the following manner: This litigant chooses one for himself and that litigant chooses one for himself, and the two of them choose one more for themselves; this is the statement of Rabbi Meir. And the Rabbis say: The two judges that were chosen choose one more judge for themselves. This litigant can disqualify the judge chosen by that litigant and that litigant can disqualify the judge chosen by this litigant; this is the statement of Rabbi Meir. And the Rabbis say: When can one of the litigants disqualify the judges? Only when he brings evidence about them that they are related to one of the litigants or to each other, or that they are disqualified from serving as judges for another reason. But if they are fit to serve as judges or are experts ordained by the court, he cannot disqualify them. This litigant can disqualify the witnesses of that litigant and that litigant can disqualify the witnesses of this litigant; this is the statement of Rabbi Meir. And the Rabbis say: When can one litigant disqualify the other's witnesses? Only when he brings evidence about them that they are related to one of the litigants or to each other, or that they are disqualified from bearing witness for another reason. But if they are fit to serve as witnesses, he cannot disqualify them.

3:2 If one litigant says to the other: My father is trusted to adjudicate for me, or: Your father is trusted to adjudicate for me, or: Three cattle herders, who are not proficient in halakha, are trusted to adjudicate for me, all of whom are disqualified from serving as judges, Rabbi Meir says: The one who made the offer can retract it, and the Rabbis say: He cannot retract it, but must accept their verdict. Similarly, one who was obligated by Torah law to take an oath to another, which is done while grasping a sacred object, and the latter said to him: Instead of taking an oath, merely vow to me by the life of your head that what you claim is true, Rabbi Meir says: The one who made the offer can retract it, and demand that the other litigant take an oath, as he is obligated to do by Torah law. And the Rabbis say: He cannot retract his offer. Once he has agreed to accept a vow, which is of less severity than an oath, he cannot retract his agreement.

3:3 And these on the following list are the ones who are disqualified by the Sages from bearing witness due to their unseemly behavior, as they are considered wicked individuals guilty of monetary transgressions: One who plays with dice [bekubbiyya] for money, and one who lends money with interest, and those who fly pigeons, and merchants who trade in the produce of the Sabbatical Year, which may be eaten but may not be sold as an object of commerce. Rabbi Shimon said: Initially, people would call them: Gatherers of the produce of the Sabbatical Year. Once the tax collectors grew abundant they would then call them: Merchants who trade in the produce of the Sabbatical Year, as the Gemara will explain. Rabbi Yehuda said: When are the people listed above disqualified

from bearing witness? It is when they have no occupation but this one. But if they have an occupation other than this one, although they also make money by these inappropriate means, they are fit to bear witness.

3:4 And these are the ones disqualified from bearing witness or from serving as judges due to their status as relatives of one of the litigants or of each other: One's father, brother, and his paternal uncle, and his maternal uncle, and his sister's husband, and the husband of his paternal aunt, and the husband of his maternal aunt, and his mother's husband, and his father-in-law, and his brother-in-law, i.e., the husband of his wife's sister. They themselves, all of these people, and also their sons, and their sons-in-law are considered relatives. And his stepson alone is disqualified, but not his stepson's sons or sons-in-law. Rabbi Yosei says: This aforementioned halakha is Rabbi Akiva's version of the mishna. But the initial version of the mishna reads as follows: His uncle and the son of his uncle, and anyone who is fit to inherit from him. Only paternal relatives, who are fit to inherit from him, are disqualified; maternal relatives, who do not inherit from him, are not disqualified from bearing witness about him or from adjudicating his case. And the halakha disqualifying a relative from bearing witness or serving as a judge is referring to anyone who is related to him at the time of the trial. If one was once a relative and became unrelated by the time of the trial, e.g., he married the daughter of one of the litigants, but she died or they were divorced, in this case he is fit. Rabbi Yehuda says: Even if his daughter died but her husband, the former son-in-law, has children from her, he is still considered a relative; the children cause them to remain related.

3:5 One who loves or one who hates one of the litigants is also disqualified. With regard to one who loves one of the litigants, this is referring to his groomsman. One who hates is referring to anyone who, out of enmity, did not speak with the litigant for three days. The Rabbis said to Rabbi Yehuda: The Jewish people are not suspected of bearing false witness due to love or hate.

3:6 How do the judges examine the witnesses? They bring them into a room in the courthouse and intimidate them so that they will speak only the truth. And they take all the people, other than the judges, outside so that they should not tell the other witnesses the questions the judges ask and the answers the first witness gives, and they leave only the eldest of the witnesses to testify first. And they say to him: Say how exactly you know that this litigant owes money to that litigant, as the plaintiff claims. If he said: The defendant said to me: It is true that I owe the plaintiff, or if he says: So-and-so said to me that the defendant owes the plaintiff, the witness has said nothing and his testimony is disregarded. It is not valid testimony unless he says: The defendant admitted in our presence to the plaintiff that he owes him, e.g., two hundred dinars. By admitting to the debt in the presence of witnesses he renders himself liable to pay the amount that he mentioned. And afterward they bring in the second witness and examine him in the same manner. If their statements are found to be congruent the judges then discuss the matter. If the opinions of the judges are divided, as two judges say that the defendant is exempt from payment and one says he is liable to pay, he is exempt. If two say

he is liable and one says he is exempt, he is liable. If one says he is liable and one says he is exempt, or even if two of the judges deem him exempt or two of them deem him liable, and the other one says: I do not know, the court must add more judges and then rule in accordance with the majority opinion. This is because the one who abstains is considered as though he is not a member of the court.

3:7 After the judges finish the matter and reach a decision, they bring in the litigants. The greatest of the judges says: So-and-so, you are exempt from paying; or: So-and-so, you are liable to pay. And from where is it derived that when the judge leaves the courtroom he may not say: I deemed you exempt and my colleagues deemed you liable, but what can I do, as my colleagues outnumbered me and consequently you were deemed liable? About this it is stated: "You shall not go as a talebearer among your people" (Leviticus 19:16), and it says: "One who goes about as a talebearer reveals secrets, but one who is of a faithful spirit conceals a matter" (Proverbs 11:13).

3:8 Any time one of the litigants brings additional proof, he can overturn the verdict that was decided according to previous proofs. If one litigant said to the other: Bring all the proofs that you have from now until thirty days from now, if he found additional proof within thirty days, he can overturn the verdict. If he found it after thirty days, he cannot overturn the verdict anymore. Rabban Shimon ben Gamliel said: He can still overturn the verdict, as what should this litigant, who sought and did not find additional proof within thirty days but found it after thirty days, have done? In a case where one litigant said to the other: Bring witnesses, and the latter said: I have no witnesses, and the former said to him: Bring a proof, and he said: I have no proof, and he later brought a proof or found witnesses, in this case, this proof or these witnesses are worth nothing. It is apparently a false proof or false testimony. Rabban Shimon ben Gamliel said: What should this litigant, who did not know that he has witnesses and ultimately found witnesses, or who did not know that he has a proof and ultimately found proof, have done? Therefore, he can still overturn the verdict. If at the beginning of the discussion in the court one did not bring witnesses or other evidence for his claims, but then he saw that he was about to be deemed liable to pay in the judgment, and said: Bring so-and-so and so-and-so, and they will testify on my behalf, or he pulled out a proof from under his belt [pundato], even Rabban Shimon ben Gamliel holds that this is worth nothing. If there was truth in the testimony of these witnesses or in this proof, he would not have hidden it until now.

4:1 Both cases of monetary law and cases of capital law are equal with regard to the requirement for inquiry and interrogation of the witnesses, as it is stated: "You shall have one manner of law" (Leviticus 24:22), meaning that all legal procedures must be uniform. Having stated the essential similarity between the two, the mishna enumerates the differences between them. What are the differences between cases of monetary law and cases of capital law? Cases of monetary law are judged by a court of three judges, and cases of capital law are judged by a court of twenty-three judges. In cases of monetary law, the court opens the deliberations either with a claim to exempt the accused, or with a claim to find him liable. And in cases of capital law, the court opens

the deliberations with a claim to acquit the accused, but it does not open the deliberations with a claim to find him liable. In cases of monetary law, the court directs, i.e., issues, the ruling based on a majority of one judge, either to exempt, or to find liable. But in cases of capital law, the court directs the judgment based on a majority of one judge to acquit and based on a majority of two judges to find liable. In cases of monetary law, the court brings the accused back to be judged again if new evidence arises, either with a claim to exempt the accused, or with a claim to find him liable. In cases of capital law, the court brings the accused back to be judged again with a claim to acquit him, but the court does not bring him back to be judged with a claim to find him liable. In cases of monetary law, all those present at the trial may teach a reason to exempt a litigant or to find him liable. In cases of capital law, all those present at the trial may teach a reason to acquit the accused, but not all present may teach a reason to find him liable. Only the judges can teach a reason to find him liable. In cases of monetary law, one who initially teaches a reason to find the accused liable may then teach a reason to exempt him, and one who initially teaches a reason to exempt him may then teach a reason to find him liable. In cases of capital law, one who initially teaches a reason to find him liable may then teach a reason to acquit, but one who initially teaches a reason to acquit may not return and teach a reason to find him liable. In cases of monetary law, the court judges during the daytime, and may conclude the deliberations and issue the ruling even at night. In cases of capital law, the court judges during the daytime, and concludes the deliberations and issues the ruling only in the daytime. In cases of monetary law, the court may conclude the deliberations and issue the ruling even on that same day, whether to exempt the accused or to find him liable. In cases of capital law, the court may conclude the deliberations and issue the ruling even on that same day to acquit the accused, but must wait until the following day to find him liable. Therefore, since capital cases might continue for two days, the court does not judge cases of capital law on certain days, neither on the eve of Shabbat nor the eve of a Festival.

4:2 In cases of monetary law, and likewise in the cases of ritual impurity and purity, the judges commence expressing their opinions from the greatest of the judges. In cases of capital law, the judges commence issuing their opinions from the side, where the least significant judges sit. All are fit to judge cases of monetary law. But not all are fit to judge cases of capital law; only priests, Levites, and Israelites who are of sufficiently fit lineage to marry their daughters to members of the priesthood are fit to judge cases of capital law.

4:3 A Sanhedrin of twenty-three was arranged in the same layout as half of a circular threshing floor, in order that all the judges will see one another and the witnesses. And two judges' scribes stand before the court, one on the right and one on the left, and they write the statements of those who find the accused liable and the statements of those who acquit the accused. Rabbi Yehuda says: There were three scribes. One writes only the statements of those who acquit the accused, one writes only the statements of those who find him liable, and the third writes both the statements of those who acquit the

accused and the statements of those who find him liable, so that if there is uncertainty concerning the precise wording that one of the scribes writes, it can be compared to the words of the third scribe.

4:4 And three rows of Torah scholars sit before the judges, and each and every one among those sitting recognizes his place, i.e., they are seated in accordance with their stature. When the court must ordain an additional judge, e.g., if a judge dies during the proceedings or in the case of a court without a decisive majority (see 40a), the court ordains the greatest Torah scholar from the first row. As a seat in the first row is now vacant, one Torah scholar from the second row comes to the first row, and one Torah scholar from the third row comes to the second row, and the court selects another Torah scholar from among the assembled and they seat him in the third row. And this Torah scholar who moves from the second row to the first row would not sit in the place of the first Torah scholar, who joined the court, rather, he would sit in the place appropriate for him, i.e., at the end of that row, in accordance with his stature.

4:5 How does the court intimidate the witnesses in giving testimony for cases of capital law? They would bring the witnesses in and intimidate them by saying to them: Perhaps what you say in your testimony is based on conjecture, or perhaps it is based on a rumor, perhaps it is testimony based on hearsay, e.g., you heard a witness testify to this in a different court, or perhaps it is based on the statement of a trusted person. Perhaps you do not know that ultimately we examine you with inquiry and interrogation, and if you are lying, your lie will be discovered. The court tells them: You should know that cases of capital law are not like cases of monetary law. In cases of monetary law, a person who testifies falsely, causing money to be given to the wrong party, can give the money to the proper owner and his sin is atoned for. In cases of capital law, if one testifies falsely, the blood of the accused and the blood of his offspring that he did not merit to produce are ascribed to the witness's testimony until eternity. The proof for this is as we found with Cain, who killed his brother, as it is stated concerning him: "The voice of your brother's blood [demei] cries out to Me from the ground" (Genesis 4:10). The verse does not state: Your brother's blood [dam], in the singular, but rather: "Your brother's blood [demei]," in the plural. This serves to teach that the loss of both his brother's blood and the blood of his brother's offspring are ascribed to Cain. The mishna notes: Alternatively, the phrase "your brother's blood [demei]," written in the plural, teaches that that his blood was not gathered in one place but was splattered on the trees and on the stones. The court tells the witnesses: Therefore, Adam the first man was created alone, to teach you that with regard to anyone who destroys one soul from the Jewish people, i.e., kills one Jew, the verse ascribes him blame as if he destroyed an entire world, as Adam was one person, from whom the population of an entire world came forth. And conversely, anyone who sustains one soul from the Jewish people, the verse ascribes him credit as if he sustained an entire world. The mishna cites another reason Adam the first man was created alone: And this was done due to the importance of maintaining peace among people, so that one person will not say to another: My father,

i.e., progenitor, is greater than your father. And it was also so that the heretics who believe in multiple gods will not say: There are many authorities in Heaven, and each created a different person. And this serves to tell of the greatness of the Holy One, Blessed be He, as when a person stamps several coins with one seal, they are all similar to each other. But the supreme King of kings, the Holy One, Blessed be He, stamped all people with the seal of Adam the first man, as all of them are his offspring, and not one of them is similar to another. Therefore, since all humanity descends from one person, each and every person is obligated to say: The world was created for me, as one person can be the source of all humanity, and recognize the significance of his actions. The court says to the witnesses: And perhaps you will say: Why would we want this trouble? Perhaps it would be better not to testify at all. But be aware, as is it not already stated: “And he being a witness, whether he has seen or known, if he does not utter it, then he shall bear his iniquity” (Leviticus 5:1)? It is a transgression not to testify when one can do so. And perhaps you will say: Why would we want to be responsible for the blood of this person? But be aware, as is it not already stated: “When the wicked perish, there is song” (Proverbs 11:10)?

5:1 The court would examine the witnesses in capital cases with seven interrogations, i.e., interrogatory questions, and they are: In which seven-year period, that is, in which cycle of seven years within a jubilee did the event occur; in which year of the Sabbatical cycle did the event occur; in which month did the event occur; on which day of the month did the event occur; on which day of the week did the event occur; at which hour did the event occur; and in what place did the event occur. Rabbi Yosei says: The court would examine the witnesses with only three interrogations: On which day did the event occur, at which hour, and in what place. They would also ask: Do you recognize him as the man who committed the transgression? Did you warn him? They would then ask the witnesses about the particulars of the incident. For example, in the case of one who is an accused idol worshipper, they ask the witnesses: Whom, i.e., which idol, did he worship, and in what manner did he worship it, and so on.

5:2 With regard to all judges who increase the number of examinations, i.e., who add questions about the details of the event, this is praiseworthy, as this may clarify that the witnesses are lying. An incident occurred and ben Zakkai examined the witnesses by questioning them about the color and shape of the stems of figs in order to unearth a contradiction between the witnesses. The mishna explains: What is the difference between interrogations and examinations? With regard to interrogations, if one of the witnesses says: I do not know the answer, their testimony is void immediately. With regard to examinations, if one says: I do not know the answer, and even if two say: We do not know the answer, their testimony still stands. Both with regard to interrogations and examinations, at a time when the witnesses contradict one another, their testimony is void.

5:3 The mishna clarifies: If one witness says the event occurred on the second of the month, and one witness says that the event occurred on the third of the month, this is not regarded as a contradiction and their testimony stands,

since it is possible to say that this witness knows of the addition of a day to the previous month, and according to his tally the event occurred on the second of the month, and that witness does not know of the addition of a day to the previous month, and according to his tally the event occurred on the third of the month. Their testimony is not considered incongruent. By contrast, if this witness says the event occurred on the third of the month and one witness says the event occurred on the fifth of the month, their testimony is void, as this disparity cannot be attributed to a mere error. Therefore, their testimony is not congruent. Similarly, if one witness says that the event occurred at two hours, i.e., the second hour of the day from sunrise, and one witness says that the event occurred at three hours, their testimony stands, as one could reasonably err this amount in estimating the hour of the day. By contrast, if one says that the event occurred at three hours, and one says that the event occurred at five hours, their testimony is void. Rabbi Yehuda says: Also in this case their testimony stands, as one could reasonably err concerning even this length of time. Rabbi Yehuda adds: But if one says that the event occurred at five hours, and one says that the event occurred at seven hours, their testimony is void. Here the difference is recognizable to all, since at five hours the sun is in the east and at seven the sun is in the west, and one could not err concerning this. Therefore, their testimony is not congruent.

5:4 The mishna continues: And afterward, after the court examines the first witness, they bring in the second witness and examine him. If the statements of the witnesses are found to be congruent, the court begins to deliberate the matter. They open the deliberations with an appeal to anyone who can find a reason to acquit the accused. If one of the witnesses said: I can teach a reason to acquit him, or if one of the students sitting before the judges said: I can teach a reason to deem him liable, the judges silence him, i.e., both the witness and the student. The reason is that these people are not allowed to offer information such as this. But if one of the students said: I can teach a reason to acquit him, they raise him to the seat of the court and seat him among them, and he would not descend from there the entire day, but would sit and participate in their deliberations. If the statement of that student has substance, the court listens to him. And if even the accused says: I can teach a reason to acquit me, the court listens to him and considers his statement, provided that his statement has substance.

5:5 And if the court found it fit to acquit him during the deliberations, as all or a majority of the judges agreed to acquit him, they excuse him. But if a majority does not find it fit to acquit him, they delay his verdict to the following day, and they then assign pairs of judges to discuss the matter with each other. They would minimize their food intake and they would not drink wine all day. And they would deliberate all night, and the following day they would arise early and come to court and then vote again and tally the votes of the judges. One who yesterday was of the opinion to acquit the defendant says: I said to acquit, and I acquit in my place, i.e., I stand by my statement to acquit. And one who yesterday was of the opinion to deem him liable says: I said to deem him liable, and I deem him liable in my place. One who yesterday taught a reason to deem him liable may then teach a reason to acquit, but one

who yesterday taught a reason to acquit may not then teach a reason to deem him liable. If they erred in the matter, as one of the judges forgot what he had said the previous day, two judges' scribes, who recorded the statements of the judges, remind him. If the court then found it fit to acquit him unanimously, they excuse him, and if not all of the judges determine to acquit, they stand to count the vote. If twelve judges vote to acquit him and eleven judges deem him liable, he is acquitted. The mishna continues: In a case where twelve judges deem him liable and eleven judges acquit; or even if eleven judges acquit and eleven deem him liable and one judge says: I do not know; or even if twenty-two judges acquit or deem him liable and one judge says: I do not know, the judge who said he does not know is disregarded, and the judges add additional judges to the court until they reach a definitive ruling. And how many judges do they add? They add pairs of two judges each time they do not reach a ruling until there are seventy-one judges, but no more than that. At that point, if thirty-six judges acquit and thirty-five judges deem him liable, he is acquitted. If thirty-six judges deem him liable and thirty-five judges acquit, they continue to deliberate the matter, these judges against those judges, until one of those who deems him liable sees the validity of the statements of those who acquit and changes his position, as the court does not condemn a defendant to death by a majority of one judge.

6:1 When the trial has ended in a guilty verdict and the condemned man has been sentenced to be stoned, he is taken out to be stoned. The place of stoning was outside the court and a little beyond it, as it is stated with regard to a blasphemer: "Take out him who has cursed to outside the camp, and let all that heard him lay their hands upon his head, and let all the congregation stone him" (Leviticus 24:14). One man stands at the entrance to the court, with cloths [vehasudarin] in his hand, and another man sits on a horse at a distance from him but where he can still see him. If one of the judges says: I can teach a reason to acquit him, the other, i.e., the man with the cloths, waves the cloths as a signal to the man on the horse, and the horse races off after the court agents who are leading the condemned man to his execution, and he stops them, and they wait until the court determines whether or not the argument has substance. And even if he, the condemned man himself, says: I can teach a reason to acquit myself, he is returned to the courthouse, even four or five times, provided that there is substance to his words. If, after the condemned man is returned to the courthouse, the judges find a reason to acquit him, they acquit him and release him immediately. But if they do not find a reason to acquit him, he goes out to be stoned. And a crier goes out before him and publicly proclaims: So-and-so, son of so-and-so, is going out to be stoned because he committed such and such a transgression. And so-and-so and so-and-so are his witnesses. Anyone who knows of a reason to acquit him should come forward and teach it on his behalf.

6:2 When the condemned man is at a distance of about ten cubits from the place of stoning, they say to him: Confess your transgressions, as the way of all who are being executed is to confess. As whoever confesses and regrets his transgressions has a portion in the World-to-Come. For so we find with regard to Achan, that Joshua said to him: "My son, please give glory to the Lord,

God of Israel, and make confession to Him” (Joshua 7:19). And the next verse states: “And Achan answered Joshua, and said: Indeed I have sinned against the Lord, God of Israel, and like this and like that have I done.” And from where is it derived that Achan’s confession achieved atonement for him? It is derived from here, as it is stated: “And Joshua said: Why have you brought trouble on us? The Lord shall trouble you this day” (Joshua 7:25). Joshua said to Achan as follows: On this day of your judgment you are troubled, but you will not be troubled in the World-to-Come. And if the condemned man does not know how to confess, either from ignorance or out of confusion, they say to him: Say simply: Let my death be an atonement for all my sins. Rabbi Yehuda says: If the condemned man knows that he was convicted by the testimony of conspiring witnesses, but in fact he is innocent, he says: Let my death be an atonement for all my sins except for this sin. The Sages who disagreed with Rabbi Yehuda said to him: If so, every person who is being executed will say that, to clear himself in the eyes of the public. Therefore, if the condemned man does not make such a statement on his own, the court does not suggest it to him as an alternative.

6:3 When the condemned man is at a distance of four cubits from the place of stoning, they take off his clothes. They cover a man’s genitals in the front, and a woman is covered both in the front and in the back; this is the statement of Rabbi Yehuda. But the Rabbis say: A man is stoned naked, i.e., wearing only that cloth covering, but a woman is not stoned naked, but is stoned while clothed.

6:4 The place of stoning from which the condemned man is pushed to his death is a platform twice the height of an ordinary person. He is made to stand at the edge of the platform, and then one of the witnesses who testified against him pushes him down by the hips, so that he falls face up onto the ground. If he turned over onto his chest, with his face downward, the witness turns him over onto his hips. And if he dies through this fall to the ground, the obligation to stone the transgressor is fulfilled. And if the condemned man does not die from his fall, the second witness takes the stone that has been prepared for this task and places, i.e., casts, it on his chest. And if he dies with the casting of this first stone, the obligation to stone the transgressor is fulfilled. And if he does not die with the casting of this stone, then his stoning is completed by all of the Jewish people, i.e., by all the people who assembled for the execution, as it is stated: “The hand of the witnesses shall be first upon him to put him to death, and afterward the hand of all the people” (Deuteronomy 17:7). The corpses of all those who are stoned are hung after their death; this is the statement of Rabbi Eliezer. And the Rabbis say: Only the corpse of the blasphemer, who has cursed God, and the corpse of the idol worshipper are hung. The corpse of a man is hung facing the people, but the corpse of a woman, out of modesty, is hung with facing the tree; this is the statement of Rabbi Eliezer. And the Rabbis say: the corpse of a man is hung, but the corpse of a woman is not hung. Rabbi Eliezer said to the Rabbis: Did Shimon ben Shatah not hang in Ashkelon women who were found guilty of witchcraft, proving that the corpse of a woman who is executed is also hung? They said to him: No proof can be brought from here, as he hanged eighty women

on that day, and the halakha is that the same court may not judge even two people charged with capital transgressions on the same day. It is therefore clear that he was not acting in accordance with Torah law, but rather his execution of the eighty women was an extraordinary punishment necessitated by unusually pressing circumstances. How do they hang the corpse of one who was put to death by stoning? They sink a post into the earth with a piece of wood jutting out, forming a T-shaped structure. And the court appointee then places the dead man's two hands one upon the other, ties them, and hangs him by his hands. Rabbi Yosei says: The post is not sunk into the ground; rather, it leans against a wall, and he hangs the corpse on it the way that butchers do with meat. The dead man hangs there for only a very short time, and then they immediately untie him. And if he was left hanging overnight, a prohibition is transgressed, as it is stated: "His body shall not remain all night upon the tree, but you shall bury him that day, for he that is hung is a curse of God" (Deuteronomy 21:23). That is to say: Were the corpse left hanging on the tree overnight, people would ask: For what reason was this one hung after he was put to death? They would be answered: Because he blessed God, a euphemism for blasphemy. And therefore the name of Heaven would be desecrated were the dead man's corpse to remain hanging, reminding everybody of his transgression.

6:5 Rabbi Meir said: The phrase "for he that is hung is a curse [kilelat] of God" should be understood as follows: When a man suffers in the wake of his sin, what expression does the Divine Presence use? I am distressed [kallani] about My head, I am distressed about My arm, meaning, I, too, suffer when the wicked are punished. From here it is derived: If God suffers such distress over the blood of the wicked that is spilled, even though they justly deserved their punishment, it can be inferred a fortiori that He suffers distress over the blood of the righteous. And the Sages said not only this, that an executed transgressor must be buried on the same day that he is killed, but they said that anyone who leaves his deceased relative overnight without burying him transgresses a prohibition. But if he left the deceased overnight for the sake of the deceased's honor, e.g., to bring a coffin or shrouds for his burial, he does not transgress the prohibition against leaving him unburied overnight. After the executed transgressor is taken down he is buried, and they would not bury him in his ancestral burial plot. Rather, two graveyards were established for the burial of those executed by the court: One for those who were killed by decapitation or strangled, and one for those who were stoned or burned.

6:6 Once the flesh of the deceased had decomposed, they would gather his bones and bury them in their proper place in his ancestral burial plot. And soon after the execution, the relatives of the executed transgressor would come and inquire about the welfare of the judges and about the welfare of the witnesses, as if to say: We hold no grudges against you, as you judged a true judgment. And the relatives of the executed man would not mourn him with the observance of the usual mourning rites, so that his unmourned death would atone for his transgression; but they would grieve over his passing, since grief is felt only in the heart.

7:1 Four types of the death penalty were given over to the court, with which those who committed certain transgressions are executed. They are, in

descending order of severity: Stoning, burning, killing by decapitation, and strangulation. Rabbi Shimon says: They are, in descending order of severity: Burning, stoning, strangulation, and killing. This execution, described in the previous chapter, is referring to the mitzva of those who are stoned, i.e., to the process of execution by stoning.

7:2 The mitzva of those who are burned, i.e., the process of execution by burning, is carried out in the following manner: The executioners submerge the condemned one in dung up to his knees so he cannot move, and they place a rough scarf within a soft one, so his throat will not be wounded, and wrap these scarves around his neck. This one, i.e., one of the witnesses, pulls the scarf toward himself, and that one, the other witness, pulls it toward himself, until the condemned one is forced to open his mouth, as he is choking. And another person then lights the wick and throws it into his mouth, and it goes down into his intestines and burns his intestines and he dies. Rabbi Yehuda says: But if this one who is condemned to death by burning accidentally died at their hands by strangulation, they have not fulfilled the mitzva of execution by burning for this person. Rather, the process is carried out in the following manner: One opens the mouth of the condemned person with prongs, against his will, and one lights the wick and throws it into his mouth, and it goes down into his intestines and burns his intestines and he dies. Rabbi Elazar ben Tzadok said: An incident occurred with regard to a certain priest's daughter who committed adultery, and they wrapped her in bundles of branches and burned her, contrary to the process described in the mishna. The Sages said to him: That court did not act properly; they did so because the court at that time was not proficient in halakha.

7:3 The mitzva of those who are killed, i.e., the process of execution by decapitation, is carried out in the following manner: The executioners cut off his head with a sword, the way that the monarchy does when a king sentences a person to death. Rabbi Yehuda says: This manner of execution is improper, as it degrades him. Rather, they place the head of the condemned on the block, and chop it off with a cleaver [bekofitz]. The Rabbis said to him: If you are concerned about his degradation, there is no death penalty more degrading than that. It is better for him to be executed in the manner described first. The mitzva of those who are strangled is carried out in the following manner: The agents of the court submerge the condemned one in dung up to his knees so he cannot move, and one of them places a rough scarf within a soft one, and wraps it around his neck. This one, i.e., one of the witnesses, pulls the scarf toward him, and that one, the other witness, pulls it toward him, until the soul of the condemned one departs.

7:4 These transgressors are those who are stoned to death: One who engages in intercourse with his mother; or with his father's wife, even if she is not his mother; or with his daughter-in-law; or with a male; or with an animal; and a woman who engages in intercourse with an animal. And one who blasphemes, and one who engages in idol worship. And one who gives of his offspring to Molekh, and a necromancer, and a sorcerer. And one who desecrates Shabbat, and one who curses his father or his mother, and one who engages in intercourse with a betrothed young woman, and an inciter who incites individuals to idol worship,

and a subverter who incites an entire city to idol worship, and a warlock, and a stubborn and rebellious son. The mishna elaborates: One who unwittingly engages in intercourse with his mother who is also his father's wife is liable to bring two sin-offerings for his intercourse with her: One due to the prohibition against engaging in intercourse with one's mother and one due to the prohibition against engaging in intercourse with one's father's wife. Rabbi Yehuda says: He is liable to bring only one sin-offering, due to the prohibition against engaging in intercourse with one's mother. One who unwittingly engages in intercourse with his father's wife while his father is married to her is liable to bring two sin-offerings: One due to the prohibition against engaging in intercourse with one's father's wife and one due to the prohibition against engaging in intercourse with a married woman. He is liable due to the former prohibition both during his father's lifetime and after his father's death, and whether the relationship between the woman and his father is one of betrothal or one of marriage. Likewise, one who unwittingly engages in intercourse with his daughter-in-law during his son's lifetime is liable to bring two sin-offerings for his intercourse with her: One due to the prohibition against engaging in intercourse with one's daughter-in-law, and one due to the prohibition against engaging in intercourse with a married woman. The former liability applies both during his son's lifetime and after his son's death, and whether the relationship between the woman and his son is one of betrothal or one of marriage. A man who engages in intercourse with a male or with an animal, and a woman who engages in intercourse with an animal, are executed by stoning. The animal is likewise stoned to death. The mishna asks: If the person sinned by doing this, how did the animal sin? Rather, because a calamity was caused to a person by it, therefore the verse states that it should be stoned, so that it does not cause another to sin.

Alternatively, it is so that this animal will not pass through the marketplace, and those who see it will say: This is the animal because of which so-and-so was stoned, and its existence would shame his memory.

7:5 One who blasphemes, i.e., one who curses God, is not liable unless he utters the name of God and curses it. Rabbi Yehoshua ben Korha said: On every day of a blasphemer's trial, when the judges judge the witnesses, i.e., interrogate the witnesses, they ask the witnesses to use an appellation for the name of God, so that they do not utter a curse of God's name. Specifically, the witnesses would say: Let Yosei smite Yosei, as the name Yosei has four letters in Hebrew, as does the Tetragrammaton. When the judgment is over, and the court votes to deem the defendant guilty, they do not sentence him to death based on the testimony of the witnesses in which they used an appellation for the name of God, without having ever heard the exact wording of the curse. Rather, they remove all the people who are not required to be there from the court, so that the curse is not heard publicly, and the judges interrogate the eldest of the witnesses, and say to him: Say what you heard explicitly. And he says exactly what he heard. And the judges stand on their feet and make a tear in their garments, as an act of mourning for the desecration of the honor of God. And they do not ever fully stitch it back together again. And the second witness says: I too heard as he did, but he does not repeat the curse

explicitly. And the third witness, in the event that there is one, says: I too heard as he did. In this manner, the repetition of the invective sentence is limited to what is absolutely necessary.

7:6 One who worships idols is executed by stoning. This includes one who worships an idol, and one who slaughters an animal as an idolatrous offering, and one who burns incense as an idolatrous offering, and one who pours a libation in idol worship, and one who bows to an idol, and one who declares that he accepts an idol upon himself as a god, and one who says to an idol: You are my god. But with regard to one who hugs an idol, or one who kisses it, or one who cleans it, or one who sprays water before it, or one who washes it, or one who rubs it with oil, or one who dresses it, or one who puts its shoes on it, he transgresses a prohibition but is not liable to receive capital punishment. With regard to one who vows in an idol's name and one who affirms his statement by an oath in its name, he transgresses a prohibition. One who defecates before the idol known as Ba'al-Peor is liable to receive capital punishment, even though defecating is a degrading act, as that is its form of worship. Likewise, one who throws a stone at Mercury is liable to receive capital punishment, as that is its form of worship.

7:7 One who gives of his offspring to Molekh, for which one is executed by stoning, is not liable unless he hands over his child to the priests of Molekh and passes the child through the fire. If he handed over the child to the priests of Molekh but did not pass him through the fire, or if he passed him through the fire but did not hand him over to the priests of Molekh, he is not liable, unless he hands the child over to the priests of Molekh and passes him through the fire. The list of those liable to be executed by stoning includes those who practice various types of sorcery. The mishna describes them: A necromancer is a pitom from whose armpit the voice of the dead appears to speak. And a sorcerer is one from whose mouth the dead appears to speak. These, the necromancer and the sorcerer, are executed by stoning, and one who inquires about the future through them is in violation of a prohibition.

7:8 Also liable to be executed by stoning is one who desecrates Shabbat by performing a matter that for its intentional performance one is liable to receive karet and for its unwitting performance one is obligated to bring a sin-offering. One who curses his father or his mother is not liable to be executed by stoning unless he curses them with the name of God. If he cursed them with an appellation of the name of God, Rabbi Meir deems him liable, and the Rabbis deem him exempt.

7:9 One who engages in intercourse with a betrothed young woman is not liable to be executed by stoning unless she is a young woman, i.e., neither a minor nor an adult; a virgin; betrothed but not yet married; and she lives in her father's home, having yet to move in with her husband. If two men engaged in intercourse with her, the first is liable to be executed by stoning, and the second is liable to be executed by strangulation. The second man is executed in this manner in accordance with the halakha of one who engages in intercourse with a married or non-virgin betrothed woman, as she was no longer a virgin when he engaged in intercourse with her.

7:10 With regard to the case of an inciter, listed among those liable to be

executed by stoning, this is an ordinary person, not a prophet. And it is referring to one who incites an ordinary person and not a multitude of people. What does the inciter do? He says: There is an idol in such and such a place, which eats like this, drinks like this, does good for its worshippers like this, and harms those who do not worship it like this. The mishna states a principle with regard to the halakha of an inciter: With regard to all of those mentioned in the Torah who are liable to receive the death penalty, if there are no witnesses to their transgressions, the court does not hide witnesses in order to ensnare and punish them, except for this case of an inciter. The mishna elaborates: If the inciter said his words of incitement to two men, they are his witnesses, and he does not need to be warned before the transgression; they bring him to court and stone him. If he said his words of incitement to one man alone, that man's testimony would not be sufficient to have the inciter executed. Therefore he says to the inciter: I have friends who are interested in this; tell them too. This way there will be more witnesses. The mishna continues: If the inciter is cunning, and he knows that he cannot speak in front of two men, the court hides witnesses for him behind the fence so that he will not see them, and the man whom the inciter had previously tried to incite says to him: Say what you said to me when we were in seclusion. And the other person, the inciter, says to him again that he should worship the idol. And he says to the inciter: How can we forsake our God in Heaven and go and worship wood and stones? If the inciter retracts his suggestion, that is good. But if he says: This idol worship is our duty; this is what suits us, then those standing behind the fence bring him to court and have him stoned. The halakha of an inciter includes one who says: I shall worship idols, or one of the following statements: I shall go and worship idols, or: let us go and worship idols, or: I shall sacrifice an idolatrous offering, or: I shall go and sacrifice an idolatrous offering, or: Let us go and sacrifice an idolatrous offering, or: I shall burn incense as an idolatrous offering, or: I shall go and burn incense, or: Let us go and burn incense, or: I shall pour an idolatrous libation, or: I shall go and pour a libation, or: Let us go and pour a libation, or: I shall bow to an idol, or: I shall go and bow, or: Let us go and bow. With regard to the case of the subverter listed among those liable to be executed by stoning, this is one who says to a multitude of people: Let us go and worship idols.

7:11 The warlock is also liable to be executed by stoning. One who performs a real act of sorcery is liable, but not one who deceives the eyes, making it appear as though he is performing sorcery, as that is not considered sorcery. Rabbi Akiva says in the name of Rabbi Yehoshua: For example, two people can each gather cucumbers by sorcery. One of them gathers cucumbers and he is exempt, and the other one gathers cucumbers and he is liable. How so? The one who performs a real act of sorcery is liable, and the one who deceives the eyes is exempt.

8:1 The Torah describes the punishment given to a son who steals money from his parents to eat a gluttonous meal of meat and wine in the company of lowly men. If his parents bring him to court for this act, he is exhorted to desist and is punished with lashes. If he repeats the same misdeed and is again brought to

court by his parents within the same three-month period, he is considered a stubborn and rebellious son [ben sorer umoreh]. He is liable to receive the death penalty, which in this case is execution by stoning. From when does a stubborn and rebellious son become liable to receive the death penalty imposed upon a stubborn and rebellious son? From when he grows two pubic hairs, which are a sign of puberty and from which time he is considered an adult, until he has grown a beard around. The reference here is to the lower beard surrounding his genitals, and not the upper beard, i.e., his facial hair, but the Sages spoke in euphemistic terms. As it is stated: "If a man has a stubborn and rebellious son" (Deuteronomy 21:18), which indicates that the penalty for rebelliousness is imposed upon a son, but not upon a daughter; and upon a son, but not upon a fully grown man. A minor under the age of thirteen is exempt from the penalty imposed upon a stubborn and rebellious son, because he has not yet reached the age of inclusion in mitzvot.

8:2 From when is a stubborn and rebellious son liable? From when he eats a tarteimar of meat and drinks a half-log of Italian wine. Rabbi Yosei says: From when he eats a maneh of meat and drinks a log of wine. The mishna now lists a series of conditions concerning his eating and drinking. If he ate these items with a group assembled for the performance of a mitzva, or he ate them at a meal celebrating the intercalation of a month, or he ate the items when they had second tithe status, in Jerusalem, he does not become a stubborn and rebellious son because each of these circumstances involves some aspect of a mitzva. If he ate the meat of unslaughtered animal carcasses or animals that had wounds that would have caused them to die within twelve months [tereifot] or repugnant creatures or creeping animals, or he ate untithed produce from which tithes and terumot were not separated, or first tithe from which its teruma was not separated, or second tithe outside Jerusalem or consecrated food that was not redeemed, each of which involves a transgression, he does not become a stubborn and rebellious son. The mishna summarizes: If he ate an item that involves performing a mitzva or an item that involves committing a transgression, or if he ate any food in the world but did not eat meat, or if he drank any beverage but did not drink wine, he does not become a stubborn and rebellious son, unless he actually eats meat and actually drinks wine, as it is stated: "This son of ours is stubborn and rebellious; he does not listen to our voice; he...is a glutton [zolel] and a drunkard [vesovei]" (Deuteronomy 21:20). One is not called a glutton and a drunkard unless he eats meat and drinks wine. And although there is no explicit proof to the matter that the reference in the Torah is to meat and wine, there is an allusion to the matter in another verse, as it is stated: "Be not among wine drinkers [besovei], among gluttonous eaters [bezolelei] of meat" (Proverbs 23:20).

8:3 If he stole that which belonged to his father and ate on his father's property, or he stole that which belonged to others and ate on the property of others, or he stole that which belonged to others and ate on his father's property, he does not become a stubborn and rebellious son, unless he steals that which belonged to his father and eats on the property of others. Rabbi Yosei, son of Rabbi Yehuda, says: He does not become a stubborn and rebellious son unless he steals that which belonged to his father and that which belonged

to his mother.

8:4 If his father wishes to have him punished but his mother does not wish that, or if his father does not wish to have him punished but his mother wishes that, he does not become a stubborn and rebellious son, unless they both wish that he be punished. Rabbi Yehuda says: If his mother was not suited for his father, the two being an inappropriate match, as the Gemara will explain, he does not become a stubborn and rebellious son. If one of the parents was without hands, or lame, or mute, or blind, or deaf, their son does not become a stubborn and rebellious son, as it is stated: “Then shall his father and his mother lay hold of him, and bring him out to the elders of his city and to the gate of his place. And they shall say to the elders of his city: This son of ours is stubborn and rebellious; he will not obey our voices; he is a glutton and a drunkard” (Deuteronomy 21:19–20). The Sages derive: “Then shall his father and his mother lay hold of him,” but not people without hands, who cannot do this. “And bring him out,” but not lame people, who cannot walk. “And they shall say,” but not mutes. “This son of ours,” but not blind people, who cannot point to their son and say “this.” “He will not obey our voices,” but not deaf people, who cannot hear whether or not he declined to obey them. After he is brought before the elders of the city, he is admonished before three people and then they flog him for having stolen. If he sins again, he is judged by a court of twenty-three judges, but he is not stoned unless the first three judges before whom he had been flogged are present there, as it is stated: “This son of ours,” this is the son who was already flogged before you. If the rebellious son ran away before he was sentenced, and afterward, before he was caught, his lower beard grew around, he is exempt from the death penalty. Once his lower beard grows around his genitals, he can no longer be judged as a stubborn and rebellious son. But if he ran away only after he was sentenced, and afterward, by the time he was caught, his lower beard had already grown around, he is liable to receive the death penalty. Once he is sentenced to death his sentence remains in force.

8:5 A stubborn and rebellious son is sentenced to death not because of the severity of the transgression that he already committed but on account of his ultimate end, because a boy of his nature will grow up to lead an immoral life, and it is better that he should die while he is still innocent, before causing excessive harm, and not die after he becomes guilty. This is because the death of the wicked is beneficial to them, because they can no longer sin, and it is also beneficial to the world, which is now rid of those who do it harm. Conversely, the death of the righteous is detrimental to them, as they can no longer engage in the performance of mitzvot, and it is also detrimental to the world, as the righteous are now absent from it. By way of association, the mishna continues: The wine and sleep of the wicked are beneficial to them and beneficial to the world, as when they are sleeping or under the influence of wine, they do not cause harm to others. And, conversely, the wine and sleep of the righteous are detrimental to them and detrimental to the world, as wine and sleep prevent them from engaging in their good deeds. The dispersal of the wicked, so that they are not found in close proximity to each other, is beneficial to them, as they are less likely to provoke each other to sin, and

it is beneficial to the world. The dispersal of the righteous is detrimental to them and detrimental to the world. The assembly of the wicked in one place is detrimental to them and detrimental to the world, while the assembly of the righteous is beneficial to them and beneficial to the world. The tranquility of the wicked is detrimental to them and detrimental to the world, while the tranquility of the righteous is beneficial to them and beneficial to the world.

8:6 A burglar who is found breaking into a house may be killed by the owner of the house with impunity (see Exodus 22:1). He too is sentenced on account of his ultimate end, as it is presumed that if the owner of the house would resist the burglar, the burglar would kill the owner of the house. If the burglar was breaking into a house, and in the course of doing so he broke a barrel, if there is blood-guiltiness for killing him, i.e., if the homeowner would be liable for killing him, the burglar is liable to pay for the value of the barrel. An example of this is if a father broke into his son's house, in which case it is presumed that even if the son resists his father, his father would never kill him, and therefore the son may not kill his father, and if he does so he is liable. If there is no blood-guiltiness for killing him, i.e., if the homeowner would be exempt from punishment for killing him, the burglar is exempt from paying for the barrel.

8:7 And these are the ones who are saved from transgressing even at the cost of their lives; that is to say, these people may be killed so that they do not perform a transgression: One who pursues another to kill him, or pursues a male to sodomize him, or pursues a betrothed young woman to rape her. But with regard to one who pursues an animal to sodomize it, or one who seeks to desecrate Shabbat, or one who is going to engage in idol worship, they are not saved at the cost of their lives. Rather, they are forewarned not to transgress, and if they proceed to transgress after having been forewarned, they are brought to trial, and if they are found guilty, they are executed.

9:1 And these are the transgressors who are burned in the implementation of the court-imposed death penalty: One who engaged in intercourse with a woman and her daughter, and one who is the daughter of a priest and who committed adultery. Included in the category of the prohibition of engaging in intercourse with a woman and her daughter and the resulting execution by burning, there are: His daughter, and the daughter of his daughter, and the daughter of his son. Likewise, the following are also included in this category: Intercourse with the daughter of his wife, even though she is not his daughter, and the daughter of her daughter, and the daughter of her son, as well as intercourse with his mother-in-law, and the mother of his mother-in-law, and the mother of his father-in-law. The prohibition and punishment apply both in cases where a man marries a woman and then engages in intercourse with her daughter, and in cases where a man marries a woman and then engages in intercourse with her mother. And these are the transgressors who are killed by decapitation in the implementation of the court-imposed death penalty: The murderer; and the residents of an idolatrous city, all of whom engaged in idol worship. The mishna elaborates: In the case of a murderer who struck another with a stone or with iron, or held him in the water or in the fire, and the victim could not extricate himself from there and he died, the

murderer is liable to be executed. If one pushed another into the water or into the fire and that person could have extricated himself from there but failed to do so, and he died, the one who pushed him is exempt from punishment by a court, as he caused the death but did not actually kill the victim. For the same reason, if one set a dog against another and the dog killed him, or if one set a snake against another and the snake killed him, the one who set the dog or the snake is exempt from punishment. If he imbedded the snake's fangs into another and caused the snake to bite him and kill him, Rabbi Yehuda deems him liable to be executed, as he is a murderer, and the Rabbis exempt him, as they maintain that he indirectly caused the individual's death. In the case of one who strikes another, whether he does so with a stone or with his fist, and the doctors assessed his condition, estimating that it would lead to death, and then his condition eased from what it was, and the doctors revised their prognosis and predicted that he would live, and thereafter his condition worsened and he died, the assailant is liable to be executed as a murderer. Rabbi Nehemya says: He is exempt, as there is a basis for the matter of assuming that he is not liable. Since the victim's condition eased in the interim, a cause other than the blow struck by the assailant ultimately caused his death.

9:2 If one intended to kill an animal, and he killed a person standing adjacent to it, or if he intended to kill a gentile, for whose murder he is not liable to be executed in court, and he killed a Jew, or if he intended to kill non-viable newborns, for whose murder one is not liable, and he killed a viable person, the assailant is exempt from execution, since his intent was to kill one for whose murder he is not liable. If one intended to strike another on his loins, and the blow was not powerful enough to kill him if it were to land on his loins, but instead the blow landed on his chest over the victim's heart, and it was powerful enough to kill him when it landed on his chest over his heart, and the victim died as a result of the blow, the assailant is exempt from execution, as he did not intend to strike the victim a blow that would cause his death. If he intended to strike him on his chest over his heart and the blow was powerful enough to kill him were it to land on his chest over his heart, and instead the blow landed on his loins, and it was not powerful enough to kill him when it landed on his loins, and nevertheless the victim died, the assailant is exempt. Although the assailant intended to kill the victim, the blow was not powerful enough to kill. Ostensibly, his death was not a result of the blow. If one intended to kill an adult and the blow was not powerful enough to kill the adult, and instead the blow landed on a minor, and the blow was powerful enough to kill the minor and the minor died, the assailant is exempt. If one intended to kill a minor and the blow was powerful enough to kill a minor, and the blow landed on an adult and the blow was not powerful enough to kill the adult, and nevertheless, the adult died, the assailant is exempt. But if one intended to strike another on his loins, and the blow was powerful enough to kill him were it to land on his loins, and instead the blow landed on his chest over his heart, and he died, the assailant is liable, since in any event, his intent was to kill the victim and the blow was powerful enough to kill him wherever it struck him. If one intended to strike an adult and the

blow was powerful enough to kill the adult, and the blow landed on a minor and he died, the assailant is liable. Rabbi Shimon says: Even if one intended to kill this one and he killed that one, although he would be liable for killing either, he is exempt, because one is executed only if his action completely corresponded with his intent.

9:3 With regard to a murderer who was intermingled with others and it is not possible to identify the murderer, all of them are exempt from liability to be executed. Rabbi Yehuda says: The court gathers them into the vaulted chamber [lakippa] where they will eventually die. With regard to all those liable to be executed with different court-imposed death penalties who became intermingled with each other and it cannot be determined which individual was sentenced to which death, they are all sentenced to the most lenient form of execution to which any of them was sentenced. In a case where those who are liable to be stoned were intermingled with those who are liable to be burned, Rabbi Shimon says: They are all sentenced to be executed by stoning, as burning is a more severe form of execution than stoning. And the Rabbis say: They are all sentenced to be executed by burning, as stoning is a more severe form of execution than burning. Rabbi Shimon said to the Rabbis: If burning were not more severe than stoning, it would not have been administered to a priest's daughter who committed adultery. A betrothed daughter of an Israelite who committed adultery is executed by stoning. If burning were not a more severe form of execution than stoning, it would not have been administered to the daughter of a priest who committed adultery, who would presumably receive a more severe punishment. The Rabbis said to Rabbi Shimon: If stoning were not more severe than burning it would not have been the death penalty administered to a blasphemer and to an idol worshipper, as their actions violate the very core of the Jewish faith. There is a parallel dispute: In a case where those who are liable to be killed by beheading were intermingled with those who are liable to be strangled, Rabbi Shimon says: They are all sentenced to be beheaded with a sword, as strangulation is a more severe form of execution than beheading. And the Rabbis say: They are all sentenced to be executed by strangulation, as beheading is a more severe form of execution than strangulation.

9:4 One who is liable to be executed with two different court-imposed death penalties, as he violated two different capital transgressions, is sentenced to the more severe form of execution. If one violated one transgression for which he is liable to receive two death penalties, e.g., if one engaged in intercourse with his mother-in-law, who is also a married woman, he is sentenced to the more severe form of execution. Rabbi Yosei says: He is sentenced to the form of execution that he is liable to receive due to the first relationship that came upon him, i.e., if she was his mother-in-law before she was married, he is executed by burning; if she was married before she was his mother-in-law, he is punished by strangulation.

9:5 One who was flogged for violating a prohibition and then repeated the violation and was flogged again assumes the status of a forewarned transgressor. The court places him into the vaulted chamber [lakippa] and feeds him barley bread until his belly ruptures due to the low-quality food, and he

dies. With regard to one who kills a person not in the presence of witnesses and it is impossible to judge him in court, the court places him into a vaulted chamber and feeds him sparing bread and scant water (see Isaiah 30:20).

9:6 With regard to one who steals a kasva, and one who curses with a sorcerer, and one who engages in intercourse with an Aramean woman, zealots strike him and kill him. Although the Torah does not say that one who performs one of these actions is liable to be executed, it is permitted for anyone who zealously takes the vengeance of the Lord to do so. In the case of a priest who performed the Temple service in a state of ritual impurity, his priestly brethren do not bring him to court for judgment; rather, the young men of the priesthood remove him from the Temple courtyard and pierce his skull with pieces of wood. In the case of a non-priest who performed the service in the Temple, Rabbi Akiva says: His execution is by strangulation, and the Rabbis say: He is not executed with a court-imposed death penalty; rather, he is liable to receive death at the hand of Heaven.

10:1 All of the Jewish people, even sinners and those who are liable to be executed with a court-imposed death penalty, have a share in the World-to-Come, as it is stated: “And your people also shall be all righteous, they shall inherit the land forever; the branch of My planting, the work of My hands, for My name to be glorified” (Isaiah 60:21). And these are the exceptions, the people who have no share in the World-to-Come, even when they fulfilled many mitzvot: One who says: There is no resurrection of the dead derived from the Torah, and one who says: The Torah did not originate from Heaven, and an epikoros, who treats Torah scholars and the Torah that they teach with contempt. Rabbi Akiva says: Also included in the exceptions are one who reads external literature, and one who whispers invocations over a wound and says as an invocation for healing: “Every illness that I placed upon Egypt I will not place upon you, for I am the Lord, your Healer” (Exodus 15:26). By doing so, he shows contempt for the sanctity of the name of God and therefore has no share in the World-to-Come. Abba Shaul says: Also included in the exceptions is one who pronounces the ineffable name of God as it is written, with its letters.

10:2 Three prominent kings mentioned in the Bible and four prominent commoners who are described in the Bible as men of great wisdom have no share in the World-to-Come. The three kings are: Jeroboam, son of Nebat, and Ahab, both of whom were kings of Israel, and Manasseh, king of Judea. Rabbi Yehuda says: Manasseh has a share in the World-to-Come, as it is stated concerning Manasseh: “And he prayed to Him, and He received his entreaty, and heard his supplication and brought him back to Jerusalem unto his kingdom” (II Chronicles 33:13), indicating that he repented wholeheartedly and effectively. The Rabbis said to Rabbi Yehuda: He regretted his actions, and his repentance was effective to the extent that God restored him to his kingdom, but God did not restore him to his share in life in the World-to-Come. The four commoners are: Balaam, son of Beor; Doeg the Edomite; Ahithophel; and Gehazi.

10:3 The members of the generation of the flood have no share in the World-to-Come and will not stand in judgment at the end of days, as it is stated: “My soul shall not abide [yadon] in man forever” (Genesis 6:3);

neither will they stand in judgment [din] nor shall their souls be restored to them. The members of the generation of the dispersion have no share in the World-to-Come, as it is stated: "And the Lord scattered them from there upon the face of all the earth" (Genesis 11:8), and it is written: "And from there did the Lord scatter them upon the face of all the earth" (Genesis 11:9). "And the Lord scattered them" indicates in this world; "and from there did the Lord scatter them" indicates for the World-to-Come. The people of Sodom have no share in the World-to-Come, as it is stated: "And the men of Sodom were wicked and sinners before the Lord exceedingly" (Genesis 13:13). "Wicked" indicates in this world; "and sinners" indicates for the World-to-Come. But they will stand in judgment and they will be sentenced to eternal contempt. Rabbi Nehemya says: Both these, the people of Sodom, and those, the members of the generation of the flood, will not stand in judgment, as it is stated: "Therefore the wicked shall not stand in judgment, nor sinners in the congregation of the righteous" (Psalms 1:5). "Therefore the wicked shall not stand in judgment"; this is referring to the generation of the flood, about whom it is written: "The wickedness of man was great upon the earth" (Genesis 6:5). "Nor sinners in the congregation of the righteous"; these are the people of Sodom, about whom it is written: "And the men of Sodom were wicked and sinners" (Genesis 13:13). The Sages said to Rabbi Nehemya: They will not stand in judgment for resurrection in the congregation of the righteous, but they will stand in judgment in the congregation of the wicked. The spies who spread an evil report of their visit to Canaan have no share in the World-to-Come, as it is stated: "And those men who spread the evil report about the land died by plague before the Lord" (Numbers 14:37). "And...died" indicates in this world; "by plague" indicates for the World-to-Come. The members of the generation of the wilderness have no share in the World-to-Come and will not stand in judgment, as it is stated: "In this wilderness they shall be consumed, and there they shall die" (Numbers 14:35). "They shall be consumed" indicates in this world; "and there they shall die" indicates for the World-to-Come; this is the statement of Rabbi Akiva. Rabbi Eliezer says: The members of the generation of the wilderness were essentially righteous, and about them the verse says: "Gather My pious together to Me, those that have entered into My covenant by offering" (Psalms 50:5). It is they who entered into the covenant with God and they will certainly be rewarded in the future. The assembly of Korah is not destined to arise for resurrection, as it is stated: "And the earth closed upon them" (Numbers 16:33), meaning in this world, and also: "And they perished from among the assembly" (Numbers 16:33), meaning in the World-to-Come; this is the statement of Rabbi Akiva. Rabbi Eliezer says: About them the verse says: "The Lord kills and makes alive; He lowers to the grave, and raises" (I Samuel 2:6), indicating that the assembly of Korah has a share in the World-to-Come. The ten tribes are not destined to return to Eretz Yisrael, even during the messianic era, as it is stated: "And He cast them into another land, as it is this day" (Deuteronomy 29:27). Just as the day passes never to return, so too, the ten tribes go into exile and do not return; this is the statement of Rabbi Akiva. Rabbi Eliezer says: "As it is this

day,” meaning just as the day darkens and then the sky brightens the next day, with regard to the ten tribes as well, although it is dark for them now, so it is destined to brighten for them.

10:4 The residents of an idolatrous city have no share in the World-to-Come, as it is stated: “Certain men, wicked persons, are gone out from your midst, and have subverted the inhabitants of their city, saying: Let us go and let us worship other gods” (Deuteronomy 13:14). And idol worshippers are not executed as residents of an idolatrous city unless its subverters are from that city and from that tribe, and unless most of the inhabitants of the city are subverted, and unless men subvert the inhabitants of the city. If it occurs that women or children subvert the inhabitants of the city, or that a minority of the inhabitants of the city were subverted, or that its subverters were from outside the city and were neither residents of that city nor members of that tribe, these idol worshippers are judged as individuals. And to judge the inhabitants of a city one requires two witnesses and forewarning for each and every one who engaged in idol worship. This is a stringency with regard to individuals who worship idols that is more stringent than the halakha with regard to multitudes who worship idols: As the individuals who worship idols are executed by stoning; therefore, since there is a stringency with regard to their mode of execution, their property is spared and is inherited by their heirs. And the multitudes are executed by the sword; therefore, since there is a leniency with regard to their mode of execution, their property is eliminated.

10:5 From the verse: “You shall smite the inhabitants of that city with the edge of the sword” (Deuteronomy 13:16), it is derived that the caravan of donkeys and the caravan of camels that move from place to place, these donkey or camel drivers save the city. If they were residing in the city for a period, they could join the minority of permanent residents who were not subverted to idol worship in order to create a majority and prevent the destruction of the city and its contents. It is stated: “Destroy it utterly, and all that is in it and its animals, with the edge of the sword” (Deuteronomy 13:16). From here, the Sages stated: The property of the righteous, who did not engage in idol worship, that is inside the city is destroyed with the rest of the city and its contents; but the property of the righteous that is outside the city is spared. And the property of the wicked, whether it is inside the city or whether it is outside the city, these items are destroyed.

10:6 “And you shall gather all of its spoils into the midst of its square” (Deuteronomy 13:17). If the city has no square, one creates a square for the city in order to fulfill the mitzva as it is written. If there was a square outside of the city, they bring it inside the city by expanding the city wall to include the square. It is stated in the continuation of the verse: “And you shall burn it with fire, both the city and all its spoils, entirely for the Lord your God.” The mishna infers: “Its spoils,” but not the spoils of Heaven. From here the Sages stated: The consecrated property in it, which was no longer the property of its inhabitants, must be redeemed, and terumot are neither eaten nor burned; rather they must be left to decay. And second tithe and sacred scrolls that were in the city must be interred. With regard to the

phrase: “Entirely [kalil] for the Lord your God,” Rabbi Shimon says: The Holy One, Blessed be He, says: If you implement judgment on an idolatrous city, I ascribe you credit as though you have sacrificed an entirely [kalil] burnt offering before Me. It is written: “And it shall be a heap forever” (Deuteronomy 13:17), meaning: The idolatrous city shall not be converted even into gardens and orchards; this is the statement of Rabbi Yosei HaGelili. Rabbi Akiva says: From the end of that verse: “It shall not be built again,” it is derived: To restore it to the way it was before destruction, it may not be built; but it may be converted into gardens and orchards. The next verse states: “And there shall cleave nothing of that which was devoted to your hand” (Deuteronomy 13:18). This teaches that as long as the wicked exist in the world, there is wrath in the world; once the wicked are eliminated from the world, wrath leaves the world.

11:1 These are the transgressors who are strangled in the implementation of the court-imposed death penalty: One who strikes his father or his mother, and one who abducts a Jewish person, and a rebellious elder according to the court, and a false prophet, and one who prophesies in the name of idol worship, and one who engages in intercourse with a married woman, and conspiring witnesses who testify that the daughter of a priest committed adultery, even though were she guilty, she would be executed by burning. And her paramour is also executed via strangulation as in any case where a man engages in intercourse with a married woman. One who strikes his father or his mother is not liable to be executed unless he wounds one of them. This is a stringency with regard to one who curses his father that is more severe than the halakha with regard to one who strikes his father, as one who curses his father or his mother after his or her death is liable, but one who strikes one of them after his or her death is exempt, as he did not cause a wound. gemara The Sages taught in a baraita that it is written: “For any man who curses his father and his mother shall be put to death, he has cursed his father and his mother; his blood shall be upon him who curses his father and his mother shall die; he has cursed his father and his mother; his blood shall be upon him” (Leviticus 20:9). This is referring to one who curses his parents even after their death, as one might have thought: Since one is liable for striking and one is liable for cursing, just as one who strikes is liable only when his father or mother are alive, so too, one who curses is liable only when they are alive. One who abducts a Jewish person is not liable to be executed unless he brings the abductee into his domain. Rabbi Yehuda says: He is not liable unless he brings him into his domain and exploits him, as it is stated: “If a man shall be found abducting a person of his brethren from the children of Israel, and he exploited him and sold him, then that abductor shall die” (Deuteronomy 24:7). The phrase “exploited him” indicates using him for labor. With regard to one who abducts his own son and sells him, Rabbi Yishmael, son of Rabbi Yohanan ben Beroka, deems him liable, and the Rabbis deem him exempt. If one abducted one who is a half-slave half-freeman, i.e., a Canaanite slave who belonged to two owners and was emancipated by one of them, Rabbi Yehuda deems him liable, and the Rabbis deem him exempt.

11:2 A rebellious elder according to the court, who does not observe the ruling

of the court, is executed by strangulation, as it is stated: "If there shall be a matter too hard for you in judgment...and you shall arise and ascend unto the place that the Lord your God shall choose...and you shall do according to the matter that they shall declare unto you...and the man that shall do so intentionally, not to listen...and that man shall die" (Deuteronomy 17:8-12). There were three courts there in Jerusalem. One convenes at the entrance to the Temple Mount, and one convenes at the entrance to the Temple courtyard, and one convenes in the Chamber of Hewn Stone. An elder who issues a ruling contrary to the ruling of his colleagues and his colleagues come to that court that is at the entrance to the Temple Mount, and the elder says: This is what I interpreted and that is what my colleagues interpreted; this is what I taught and that is what my colleagues taught. If the members of the court heard a clear halakhic ruling in that case, the court says it to them. And if not, they come to those judges who are convened at the entrance to the Temple courtyard, which is a more significant tribunal. And the elder says: This is what I interpreted and that is what my colleagues interpreted; this is what I taught and that is what my colleagues taught. If the members of the court heard a clear halakhic ruling in that case, the court says it to them. And if not, these judges and those judges come to the High Court, the Sanhedrin of seventy-one judges that is in the Chamber of Hewn Stone, from which Torah emerges to the entire Jewish people, as it is stated: "And you shall do according to the matter that they shall declare unto you from that place that the Lord shall choose and you shall observe to perform according to all that they shall teach you" (Deuteronomy 17:10). They are the ultimate arbiters who establish the halakha that is binding. If they ruled contrary to the ruling of the elder and the elder then returned to his city, and nevertheless, he taught in the manner that he was teaching previously, he is exempt from punishment. But if he instructed others to act on the basis of his ruling that stands contrary to the ruling of the Sanhedrin, he is liable to be executed, as it is stated: "And the man that shall do so intentionally not to listen" (Deuteronomy 17:12), meaning that one is not liable unless he instructs others to act. A student who is not yet an elder, i.e., he has not been ordained, who instructs others to act contrary to the ruling of the Sanhedrin, is exempt, as a ruling given prior to ordination is not a valid ruling. It follows that his stringency is his leniency. The stringency imposed upon the student that he is not sanctioned to issue rulings results in the leniency that if he instructs others to act on the basis of his ruling that is contrary to the ruling of the Sanhedrin, he is exempt.

11:3 With regard to the rulings of the rebellious elder the mishna states: There is greater stringency with regard to traditional rabbinic interpretations of the Torah than with regard to matters of Torah. If one states: There is no mitzva to don phylacteries, and his intention is in order to have others violate matters of Torah, he is exempt from punishment as a rebellious elder. One who disputes matters written explicitly in the Torah is not considered an elder and a Torah scholar, and therefore does not assume the status of a rebellious elder. If, however, he disputed a matter based on rabbinic tradition, e.g., he stated that there should be five compartments in the

phylacteries of the head, in order to add an extra compartment to the four established according to traditional rabbinic interpretations of the Torah, he is liable.

11:4 One does not execute the rebellious elder, neither in the court that is in his city, nor in the court that is in Yavne, although that was the seat of the Sanhedrin after the destruction of the Second Temple. Rather, one takes him up to the High Court in Jerusalem. And they guard him in incarceration until the pilgrimage Festival, and the court executes him during the pilgrimage Festival, as it is stated: “And all the nation shall hear, and fear, and no longer sin intentionally” (Deuteronomy 17:13); this is the statement of Rabbi Akiva. Rabbi Yehuda says: One does not delay administering justice to this individual. Rather, the court executes him immediately, and the judges write reports and dispatch agents to all the places, informing them: So-and-so is liable to be punished with the court-imposed death penalty for disobeying the court.

11:5 The false prophet mentioned in the Torah includes one who prophesies that which he did not hear from God and one who prophesies that which was not said to him, even if it was said to another prophet. In those cases, his execution is at the hand of man, through strangulation imposed by the court. But with regard to one who suppresses his prophecy because he does not want to share it with the public, and one who contemptuously forgoes the statement of a prophet and refuses to heed it, and a prophet who violated his own statement and failed to perform that which he was commanded to do, his death is at the hand of Heaven, as it is stated: “And it shall come to pass, that whosoever shall not hearken unto My words that he shall speak in My name, I will exact it of him” (Deuteronomy 18:19).

11:6 One who prophesies in the name of idol worship and says: This is what the idol said, even if he approximated the correct halakha in the name of the idol to deem ritually impure that which is ritually impure and to deem ritually pure that which is ritually pure, is executed by strangulation. In the case of one who engages in intercourse with a married woman once she entered her husband’s domain for the purposes of marriage, even if the marriage was not yet consummated, as she did not yet engage in intercourse with him, one who engages in intercourse with her is executed by strangulation. Before marriage, one who engages in intercourse with her is liable to be executed by stoning. And conspiring witnesses who testified that the daughter of a priest committed adultery are executed by strangulation, even though were she guilty, she would be executed by burning. And her paramour is also executed by strangulation, as in any case where one engages in intercourse with a married woman. As all those who are rendered conspiring witnesses are led to their deaths via the same mode of execution with which they conspired to have their victim executed, except for conspiring witnesses who testified that the daughter of a priest and her paramour committed adultery. In that case, although the priest’s daughter who commits adultery is executed by burning, the conspiring witnesses who sought to have her executed are executed by strangulation, as is the paramour whom they also conspired to have executed.