

CHAPTER II.

RULES AND REGULATIONS CONCERNING THE HIGH-PRIEST: IF HE MAY JUDGE AND BE JUDGED, BE A WITNESS AND BE WITNESSED AGAINST; THE LAWS REGARDING A DEATH OCCURRING IN HIS FAMILY AND THE CUSTOM OF THE CONDOLENCE. THE SAME RULES CONCERNING A KING. REGULATIONS AS TO WHAT A KING MAY AND MAY NOT ALLOW HIMSELF: HOW MANY WIVES AND HOW MANY STABLES FOR HORSES HE MAY HAVE; HOW HE MUST BE RESPECTED AND FEARED BY HIS PEOPLE, ETC.

MISHNA I.: The high-priest may judge and may be judged; he may be a witness and may be witnessed against; he may perform the ceremony of Halitzah, and the same may be done to his wife if he dies childless, or his brother may marry his wife in such a case. He, however, must not marry his brother's wife when his brother dies childless--because it is forbidden for a high-priest to marry a widow. If a death occurs in his family, he must not accompany the coffin; but if the coffin with those accompanying it are no longer visible in the street, he goes after them. And so with other streets--when they are not visible, he may enter the street, etc.; and in such manner he may follow the coffin to the gate of the city. So is the decree of R. Meir. R. Jehudah, however, maintains: He must not leave the Temple at all, as it reads [Lev. xxi. 12]: "And out of the sanctuary shall he not go."

When he, the high-priest, condoled with others, it was usual that the people went one after another, and the superintendent of the priests would place him between himself and the people (so that he could say a word of condolence to every one of them); but when he was being condoled with, the people used to say to him: We shall be your atonement (*i.e.*, to us shall occur what ought to occur to you), and his answer was: You shall be blessed by Heaven. And at the condoling meal, all the people were placed on the floor, but he sat on a chair.

A king must not judge, and he is not judged; he must not be a witness, nor be witnessed against. The ceremony of Halitzah does not exist for him, nor for his wife. He does not marry

his childless brother's wife, and his brother must not marry his wife. R. Jehudah, however, maintains: If he was willing to give Halitzah or to marry his brother's wife, he may be remembered among the good. And he was told: Even if he is willing, he must not be listened to.

His widow must not remarry. R. Jehudah said: A king may marry the widow of a king, as so we found with David, who married the widow of Saul; as it reads [II Sam. xii. 8]: "And I gave unto thee the house of thy master, and (put) the wives of thy master into thy bosom."

GEMARA: Is it not self-evident that the high-priest may judge? It was stated, because it was

necessary to say that he may be judged. But this is also self-evident; as if it were not permitted to judge him, how could he judge? Is it not written [Zeph. ii. 1]: "Gather yourselves," which Resh Lakish explained in Middle Gate (p. 287): "Correct yourself first, and then correct others"? Therefore we must say, because in the latter part it was necessary to teach that a king must not judge or be judged, it teaches also that the high-priest may judge and be judged. And if you wish, it may be said that it came to teach us what is stated in the following Boraitha: A high-priest who killed a person-if intentionally, he may be killed; and if unintentionally, he may be sent into exile: he transgresses a positive and a negative commandment, and is also, concerning other laws, considered as a commoner in every respect.

Intentionally-he may be killed. Is this not self-evident? It was necessary to state, if unintentionally, he might be sent into exile. But is this also not self-evident? Nay! One may consider, because it reads [Num. xxxv. 28]: "He shall remain until the death of the high-priest," that he who has a remedy to return to his land by the death of the high-priest shall be sent into exile; but he who has no such remedy should not; and there is a Mishna: He who kills a high-priest, or a high-priest who has killed a person, is not returned from the city of refuge for everlasting, and therefore he should not be exiled-it comes to teach us that it is not so. But perhaps it should be so? There is another verse [Deut. xix. 3]: "Every man-slayer," which includes a high-priest.

The Boraitha states: He transgresses a positive and negative commandment. Must he, then, transgress? It means to say that if it happened he should transgress a positive and a negative commandment, he is considered a commoner in every respect.

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"*Be a witness, and witnessed against,*" etc. May he be a witness? Have we not learned in the following, Boraitha: It reads [Deut. xxii. 1]: "And withdrew thyself." There are cases from which one may withdraw himself, and there are others from which he may not. How so? *E.g.*, a priest who sees a lost thing lying in a cemetery is not obliged to pick it up for the purpose of returning it; or if there were an old, respectable man, and it was not in accordance with his honor to bother with such a thing, or even if one's time is more valuable than the value of the lost thing, he may withdraw himself. Hence it is self-evident that it is not fit for a high-priest to go and witness. Why, then, should he be obliged? Said R. Joseph: He may be a witness in a case that concerns the king. But does not our Mishna state "that a king must not be a witness, and not be witnessed against"? Therefore said R. Zera: He may be witness in the case of a prince, the son of the king. A prince--is he not considered a commoner in all respects concerning the law? Say he may witness before the king. But have we not learned that the king must not be a member of the Sanhedrin; and also that both the king and the high-priest must not take part in the discussion about a leap year? For the honor of the high-priest, the king comes and remains with the Sanhedrin until the testifying of the high-priest ends, and then both depart; and the Sanhedrin themselves deliberate and decide the matter.

The text states that a king must not be a member of the Sanhedrin, nor a king and a high-priest engage in the discussion about a leap year. The first is deduced from [Ex. xxiii. 2]. ¹ And the second--a king--because he would not like to add a month to the year, because of the increase of the wages of the military; and a high-priest, because of the cold (*i.e.*, it is prescribed by the Scriptures to take during the Day of Atonement legal baths five times in cold water, and by adding a month, the month of Tishri would fall when in a usual year is the month of Cheshvi,

which is much colder than Tishri).

Said R. Papa: Infer from this that the seasons of the year follow the usual months, and not according to the intercalary month. Is that so? We know that it happened, three pasturers

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were standing and conversing in the presence of rabbis thus: One of them said: If there were enough heat so that the wheat which was sown in the beginning of the month, and the barley which was sown recently, should sprout, the month could be named Adar; and if not, it remains Shbat. The second said: If in the morning there is such a cold that the ox trembles from it, and in the middle of the day he should hide himself in the shadow of a fig tree, the month may be considered Adar; and if not, it remains Shbat. And the third said: If the winter has already lost its strength, and the air you blow from your mouth moderates the cold brought by the east wind, it is Adar; and if not, it remains Shbat. And as that year was not so in any of these cases, the rabbis intercalated it. Hence we see that the intercalary comes because of the cold, and not *vice versa*?

How can you conceive that the rabbis had relied upon the pasturers to intercalate a year? They relied upon their own reckoning, and the gossip of the pasturers was considered as a support only.

"*He may perform the ceremony of Halitzah,*" etc. The Mishna makes no difference if the widow was from betrothal or from marriage. And this can be correct only with a marriage, as there is a positive commandment that a high-priest must marry a virgin, and a negative commandment that he must not marry a widow; while to marry the wife of his childless brother is a positive commandment only, which cannot invalidate a positive and a negative commandment. But if the widow was from betrothal, she is still a virgin; there remains only one negative commandment, he shall not take a widow. And there is a rule that a positive commandment invalidates a negative commandment? The positive commandment applies only to the first intercourse, but not thereafter, upon which the negative commandments rest. And if the first were allowed, he would come to commit a transgression thereafter, and therefore it is prohibited. And so also a Boraitha states.

"*If death happens,*" etc. The rabbis taught: "He shall not leave the sanctuary" means he shall not go with them, but he may go out after them. How so? "When they are not visible in the street, he may appear," etc.

"*To the gate of the city,*" etc. Is not R. Jehudah correct with his statement? R. Meir may answer: According to your theory, he must not leave the Temple for home? You must then explain this passage, that it means that he must not go out

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from his sanctuary; and while he goes after them, when they are no longer visible, he will not come in contact with the corpse. R. Jehudah, however, fears that because of his sorrow it may happen that when he shall accompany them he will come in contact with the corpse, and violate his sanctity.

"*Condole with others*," etc. The rabbis taught: When he goes in the row to condole with others, his vice and the ex-high-priest are placed at his right, and the head of the priest's family at the mourners'; and all other people are placed at his left. But when he stands in the row to be condoled with by others, the vice only is placed at his right, but not the ex-high-priest, as he may be dejected, thinking that the ex-priest sees a revenge in him.

Said R. Papa: From the Boraitha three things are to be inferred: (a) That the vice and superintendent are identical; (b) that the mourners stand and the people pass by; and (c) that the mourners are placed at the left side of the condolers.

The rabbis taught: Formerly the custom was for the mourners to stand and the people to pass by; but there were two families in Jerusalem who had quarrelled, one saying: I must pass first according to my dignity; and the other said: I must pass first: Therefore it was enacted that the people should stand and the mourners pass. Said Rami b. Aba: R. Jose reëstablished the old custom that the mourners shall stand and people pass, in the city of Sephorias. And he said also: The same enacted in the same city that a woman should not go into the street with her child following her, but that she should follow the child, because of an accident that happened. (Rashi explained: It happened that immoral men had stolen a child who was following its mother, and put it in a house; and while she was crying and searching for it, they said to her: Come with us and we will show it to you. And while doing so, she was assaulted.) He also said: The same enacted in Sephorias that women should talk to each other while they were at their toilet, for the purpose that men should not intrude.

R. Menashia b. Evath said: I questioned R. Jashiah the Great in the cemetery of Huzl, and he told me that a row is not less than ten persons, not counting the mourners, who must not be among them; and there is no difference if the mourners stand and the people pass, or *vice versa*.

"*Being condoled with*," etc. The schoolmen questioned: What did he say when he condoled with others? And they

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were answered from a Boraitha, which states: He used to say: Be comforted.

"*A king must not judge*," etc. Said R. Joseph: This is concerning the kings of Israel; but the kings of the house of David are judged and judge. As it is written [Jer. xxi. 12]: "O house of David, thus said the Lord: Exercise justice on every morning." We see that they did judge; and if they were not to be judged, how could they judge?--as is said above by Resh Lakish. And what is the reason it is prohibited to the kings of Israel? Because an unfortunate thing happened as follows: The slave of King Janai murdered a person; and Simeon b. Cheta'h said to the sages: Notwithstanding that he is the slave of the king, he must be tried. They sent to the king: Your slave has killed a man. And Janai sent his slave to them to be tried. However, they sent to him: You also must appear before the court. As it is written [Ex. xxi. 29]: "Warning has been given to its owner"--which means the owner of the ox must appear at the time the ox is tried. He then came and took a seat. Said Simeon b. Cheta'h: King Janai, arise, so that the witnesses shall testify while you stand; yet not for us do you rise, but for Him who said a word, and the world was created. As it reads [Deut. xix. 17]: "Stand before the Lord." And the king answered: It

must not be as you say, but as the majority of your colleagues shall decide. Simeon then turned to his right, but his colleagues cast their eyes upon the floor without any answer; and the same did his colleagues at his left. Simeon then exclaimed: You are all troubled in mind (disconcerted)! May the One who rules minds take revenge upon you. Gabriel came then and smote them to the floor, that they died. And at that time it was enacted that a king should neither judge nor be judged, neither be a witness nor be witnessed against.

"If he was willing to give Halitzah," etc. This is not so? Did not R. Ashi say: Even he who holds that if a prince has relinquished his honor it holds good, agrees that if a king does so his honor is not relinquished. As it is written [Deut. xvii. 15]: "Set a king over you"--which means, that respect (fear) for the king should always be before thy eyes (*i.e.*, and in the ceremony of Halitzah the woman takes off his shoe, and spits before him, which is a disgrace for a king, and must not be done even if he is willing)? R. Jehudah, however, maintains: Where there is a biblical commandment, it is different.

"His widow must not remarry," etc. There is a Boraitha:

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[paragraph continues] The sages answered R. Jehudah: The verse you refer to means, the woman who was ordained to him by the king, Saul; and they were Merab and Michal, his daughters.

The disciples of R. Jose questioned their master: How could David marry two sisters while they were both living? And he answered them: He married Michal after the death of Merab. And R. Jose said so in accordance with his theory in the following Boraitha, which states: He, R. Jose, used to lecture about passages in the Scriptures which were obscure, namely: It reads [II Sam. xxi. 8]: "And the king took the two sons of Rizpah, the daughter of Ayah, whom she had born unto Saul, Armoni and Mephibosheth; and the five sons of Michal, the daughter of Saul, whom she had borne 1 to Adriel, the son of Barzillai the Meholathite." But was Michal given to Adriel? Was she not given to Palti b. Layish? It reads [I Sam. xxv. 44]: "But Saul had given Michal his daughter, David's wife, to Palti, the son of Layish." Hence the Scripture equalizes the betrothing of Merab to Adriel to the betrothing of Michal to Palti b. Layish; as the betrothing of Michal to Palti was a sin (for she was already the wife of David, and according to the law a second betrothing is not considered at all), so also was the betrothing of Merab to Adriel a sin (for she was already David's wife). R. Jesh b. Karha, however, maintains: The betrothal of Merab to David was by an error. As it is written [II Sam. iii. 14]: "Give up to me my wife Michal, whom I espoused," etc. But what would he say to that passage which reads, "the five sons of Michal, the daughter of Saul"? He might say: Did, then, Michal bear them? Was it not Merab who bore them, whereas Michal merely brought them up? But they bore the name of Michal, because the Scripture considers the one who brings up an orphan as if it were born to him.

R. Hanina says: This is inferred from [Ruth, iv. 17]: "There hath been a son born unto Naomi," etc. Did, then, Naomi bear him? Was it not, in fact, Ruth who bore him? Therefore we must say that, though Ruth bore him, he was nevertheless named after Naomi, because she brought him up. R. Eleaser said: From [Ps. lxxvii. 16]: "The sons of Jacob and Joseph. Selah." Were they, then, born to Joseph, and not to

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[paragraph continues] Jacob? They were born to Jacob, but Joseph fed them, and therefore they were named after him.

R. Samuel b. Nahmeni in the name of R. Jonathan said: He who teaches the Torah to the son of his neighbor, the Scripture considers him as if he were born to him. As it is written [Num. iii. 1]: "And these are the generations of Aaron and Moses"; and the following verse reads: "And these are the names of the sons of Aaron." It is only to say that they were born to Aaron and Moses taught them, and therefore they were named after him.

It is written [Is. xxix. 22]: "Therefore thus hath said the Lord unto the house of Jacob, he who hath re, deemed Abraham." Where do we find that Jacob redeemed Abraham? Said R. Jehudah. He redeemed him from the affliction of bringing up his children. (*I.e.*, Abraham was promised by the Lord that He would multiply his children, and so the affliction of bringing them up was to lie upon Abraham; but, in fact, it was Jacob who was afflicted by bringing them up.--Rashi.) And this is what is written [ibid.]: "Not now shall Jacob be ashamed, and not now shall his face be made pale"--which means, he shall not be ashamed of his father and his face shall not become pale because of his grandfather.

In the Scripture there is written in some places "Palti," in other places "Paltiel." Said R. Johanan: His name was Palti; and why was he named Palti-El? "For God saved him from sin" (*i.e.*, "Polat" in Hebrew means "to break through" and "El" means God, and according to tradition Palti did not live with Michal [although he slept with her in one bed], because of her betrothal to David). Said R. Johanan: The strength of Joseph was moderation on the part of Boas, and the strength of the latter was moderation on the part of Palti. "The strength of Joseph was moderation on the part of Boas"--as it is written [Ruth, iii. 8]: "And it came to pass at midnight, that the man became terrified," etc. And Rabh said: His body became as soft as (boiled) turnip heads. "And the strength of the latter was the moderation of Palti"--as with Boas it occurred only on one night, and with Palti it was continually. The same Said again: It is written [Prov. xxxi. 29]: "Many daughters have done virtuously, but thou excellest them all." "Many daughters" means Joseph and Boas. "That feareth the Lord shall indeed be praised" [ibid. 30] means Palti b. Layish. R. Samuel b. Nahmeni in the name of R. Jonathan said [ibid. 30]: "False is grace" means Joseph; "and beauty

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vain "means Boas"; ". . . that feareth the Lord" means Palti b. Layish. According to others, "False is the grace" means the generation of Moses, "and vain is the beauty" means the generation of Joshua; ". . . that feareth the Lord" means the generation of Hezkiah. And still according to others, "False is the grace" means the generation of Moses and Joshua, "and vain is the beauty" means the generation of Hezkiah; ". . . fear of the Lord," etc., means the generation of R. Jehudah b. Elii. As it was said: In the time of that rabbi six disciples had covered themselves with one garment (as they were very poor), and occupied themselves with the study of the Torah.

MISHNA II: If a death occurs in the house of the king, he must not leave the gate of the palace. R. Jehudah, however, maintains: If he is willing to accompany the coffin, he may do so, as we find that David accompanied the coffin of Abner [II Sam. iii. 31]: "And King David walked behind the bier." But he was told that David did so only to appease the spirit of the people. And at the condoling meal all the people are placed on the floor and he is seated on the dais.

GEMARA: The rabbis taught: In those places where it is customary for women to follow a coffin, they may do so; and where it is customary for them to precede the coffin, they have to do accordingly. R. Jehudah, however, maintains that women must always precede the coffin, as we find in the case of David, who followed the coffin, as in the above-cited verse in the Mishna. And he was told that this was only to appease the spirit of the people. And they were appeased, because David used to go from the men to the women and from the women to the men for this purpose. As it is written [ibid. 37]: "And all the people and all Israel understood on that day that it had not been of the king." Rabha lectured: It is written [ibid. 35]: "And all the people came to cause David to eat food while it was yet day." (The term "to cause" is expressed in Hebrew *Le habroth*, and according to him it was written *Le hakhbroth*. The first term means food and the second means to destroy--*Korath*); from which it is to be inferred that in the beginning the people came to destroy him because of the death of Abner, but after he had appeased them they caused him to eat. [1](#)

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Said R. Jehudah in the name of Rabh: Why was Abner punished? Because he ought to have warned Saul he should not kill the priest of Nob, and he did not do so. R. Itz'hak, however, maintains: He did warn, but was not listened to. And both infer this from the following verses [ibid. 33, 34]: "And the king lamented over Abner, and said, O that Abner had to die as the worthless dieth! Thy hands were not bound and thy feet were not put in fetters . . ." The one who said that he did not warn interprets thus: "Thy hands were not bound and thy feet were not put in fetters." Why didst thou not warn? And he who said that he did, but was not listened to, interprets it thus: "O that Abner should die as the worthless dieth! Thy hands were not bound . . ." And thou didst warn Saul. Why, then, "as one falleth before men of wickedness art thou fallen"? But according to the latter, that he did warn--why was Abner punished? Said R. Na'hman b. Itz'hak: Because he postponed the kingdom of David for two years and a half.

MISHNA III.: And he (the king) declares a war which is not commanded in the Scripture, after consultation with the court of twenty-one judges. He may also establish a way in private property, and nobody has a right to protest against it. The way of a king has no limit. When the military take plunder from the enemy, they must transfer it to the king, and he takes his share first.

GEMARA: Was not this already taught in the first Mishna of this tract: A court of seventy-one judges is needed to decide upon battles which are not commanded, etc.? Because it teaches of other things which belong to the king, this is also repeated. R. Jehudah in the name of Samuel said: All which is written in I Samuel, viii. in that portion relating to a king, the king is allowed to do. Rabh, however, maintains that the whole portion was not said except to warn them. The above Amoraim differ in the same respect as the Tanaim of the following Boraitha: It is written [Deut. xvii. 15]: "Set a king over thee," etc. According to R. Jose, all that is written concerning a king in Samuel, the king is allowed to do. R. Jehudah, however, maintains that the whole portion is written only to frighten them, as the expression, "to set a king over thee," means that the fear of the king shall be always upon you. And thus R. Jehudah used to say: There are three positive commandments which Israel was commanded at the time they entered Palestine, viz.: They shall

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appoint a king; they shall destroy the descendants of Amalek; and they shall build a temple. R. N'hurai, however, says: The whole portion was said only because they murmured against Samuel, requesting a king. As it is written [ibid., ibid. 14]: "And thou sayest, I wish to set a king over me," etc.

There is a Boraitha: R. Eliezer said: The elders of that generation rightly asked Samuel for a king. As it reads [I Sam. viii. 5]: "Appoint for us a king to judge us like all the nations." But the commoners who were among them degraded the case. As it reads [ibid., ibid. 20]: "That we also may ourselves be like all the nations; and that our king may judge us, and go out before us, and fight our battles."

There is another Boraitha: R. Jose said: Three positive commandments Israel was commanded when they entered Palestine, viz.: They shall appoint a king; they shall destroy the descendants of Amalek; and they shall build a temple. But it was not known which was the first. However, from [Ex. xvii. 16], "And he said, Because the Lord hath sworn on his throne that the Lord will have war with Amalek from generation to generation," it is to be inferred that the commandment relating to the king was first, because the word "throne" implies a king. As it is written [I Chron. xxix. 23]: "Then sat Solomon on the throne of the Lord as king." But it was still unknown which should be first, the case of Amalek or the temple. But from [Deut. xii. 10], "He will give you rest from all your enemies . . . and then shall it be that the place," etc., it is to be inferred that the cutting off of the nation of Amalek was to be first. And so was it with David. As it reads [II Sam. vii. 1]: "And it came to pass, when the king dwelt in his house, and the Lord had given him rest," etc., he spake then to Nathan the prophet about the Temple.

The rabbis taught: The treasures of kings which are plundered in time of war belong to the king only; all other plunder, however, half to the king and half to the people. Said Abayi to R. Dimi, according to others to R. Aha: It is correct that the treasures of kings belong to the king, as so it is customary. But from where do we know that other plunder is half to the king, etc.? From [I Chron. xxix. 22]: "And they anointed him unto the Lord as chief ruler, and Zadok as priest." We see, then, that he compares the ruler to Zadok. As in the case of Zadok the high-priest, a half belongs to him and a half to his brother, the same is the case with the ruler. And wherefrom do you

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know that in the case of Zadok it is so? From the following Boraitha: Rabbi said: It reads [Lev. xxiv. 9]: "And it shall belong to Aaron and to his sons," meaning half to Aaron and half to his sons.

MISHNA IV.: He (the king) must not marry more than eighteen wives. R. Jehudah, however, maintains: He may marry as many as he likes, provided that they shall not turn his heart away. And R. Simeon maintains: Even one wife, should she be liable to turn his heart away, he must not marry her. And the verse which reads, "Neither shall he take to himself many wives," means even when they were similar to Abigail.

GEMARA: Shall we assume that R. Jehudah takes account of the reason mentioned in the Scriptures and R. Simeon does not? Have we not heard elsewhere just the reverse? A widow must not be pledged, no matter if she be rich or poor. As it is written [Deut. xxiv. 17]: "Thou

shalt not take in pledge the raiment of a widow." So is the decree of R. Jehudah. R. Simeon, however, maintains: If she be rich she may be pledged, but when she is poor she must not be pledged. And one is obliged to return the pledge to her. And to the question: How is this to be understood? it was said thus: If you take a pledge from her, you are obliged, biblically, to return it every evening, and by this act she will get a bad name, etc. Hence we see that R. Jehudah does not take account of the reason mentioned in the Scriptures (as there it is written: "You shall return to him; as if not, he will not have whereupon to sleep," which treats only of the poor, and R. Jehudah's theory is that even a rich person must not be pledged)? R. Jehudah does not take account of the reason in all other cases. But here it is different, as the verse itself explains the reason--that "his heart shall not be turned away." And R. Simeon may also say: Do we not take account in all other cases of the reason? Why, then, does the Scripture give the reason here? Let it say, "He shall not marry many wives," and we would understand the reason that it is because of his heart. And as the reason is mentioned, it is for the purpose that even if only one, and she is liable to "turn his heart away," he must not marry her.

The number eighteen mentioned in the Mishna, whence is it deduced? From [II Sam. iii. 2-5]: "And there were born unto David sons in Hebron: And his first-born was Amnon, of Achinoam the Yizreelitess; and his second was Kilab, of Abigayil the wife of Nabal the Carmelite; and the third, Abshalom, the

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son of Maachah the daughter of Thalmi the king of Geshur; and the fourth, Adonijah, the son of Chagith; and the fifth, Shephatyah, the son of Abital; and the sixth, Yithream by Eglah, David's wife. These were born unto David in Hebron." And the prophet said [ibid., ibid. xii. 8]: "And if this be too little, I could bestow on thee yet many more like these." [1](#)

Now let us see! The number of the wives mentioned in the Scriptures is six. "Like this" is six more, "and like this" is again six more, of which the total is eighteen. But was not Michal his wife, who is not mentioned? Said Rabh: Eglah is identical with Michal. And why was she named Eglah? Because he liked her with the liking of a cow for her new-born calf. And so also it reads in judges, xiv. 18: "And he said unto them, If he had not ploughed with my heifer," etc. (from which we see that he names the wife heifer or calf). [2](#) But had, then, Michal children? Is it not written [II Sam. vi. 23]: "And Michal the daughter of Saul had no child," etc.? Said R. Hisda: She had no children after that time (mentioned in the Scripture), but previous to this she had children. But is it not written [ibid. v. 13]: "And David took yet more concubines and wives out of Jerusalem." (Hence it is to be supposed that he married more than eighteen.) Nay, he married more, to fulfil the number of eighteen. What are wives, and what are concubines? Said R. Jehudah: Wives are married by betrothal and marriage contract; concubines are without both of them.

R. Jehudah in the name of Rabh says: Four hundred children were born to David by the handsome women whom he took captive (*i.e.*, those mentioned in Deut. xxi. 11). All of them had never cut their hair. They were placed in golden *carra*. And in time of war they were placed with the chief officers of the military, and they were the mighty soldiers in David's army. The same said again in the name of the same authority: Tamar was a daughter of one of the above-mentioned handsome women. As it reads [II Sam. xiii. 13]: "But now, O speak, I pray thee, unto the king; for he will not withhold me from thee." And if she were really his daughter, how could she say that the king would allow a sister to marry her brother? Infer from this that she was one

of the children borne by one of the above-mentioned handsome women. It reads [ibid. 3-10]:
"But Amnon had a

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friend . . . and Yonadab was a very shrewd man." Said R. Jehudah in the name of Rabh: He was shrewd to advise evil. It reads [ibid. 19]: "And Tamar put ashes on her head, and the garment of divers colors which was on her she rent." There is a Boraitha in the name of R. Jehoshua b. Karha: From that which happened to Tamar, a great safeguard was decreed by the sages, as it was said: If it so happened to daughters of kings, so much the more could it happen to daughters of commoners; and if to the chaste, so much the more to the lewd. And therefore said R. Jehudah in the name of Rabh: At that time a decree was made that one must not stay with a married woman alone, nor with a single one. Is that so? Is this not prohibited biblically? As R. Johanan in the name of R. Simeon b. Johozadek said: Where do we find a hint in the Scriptures that one must not stay alone with a married woman? [Deut. xiii. 7]: "If thy brother, the son of thy mother . . . should entice thee." Does, then, only a brother from the mother's side entice, and not a brother from the father's side? It is but to say that only a son may stay alone with his mother, but it is not allowed for anyone besides to stay alone with a married woman. (Hence it is biblical?) Say that at that time it was decreed that one must not stay alone even with a single woman.

It is written [I Kings, i. 5]: "And Adoniyah the son of Chaggith exalted himself, saying, I shall be king." Said R. Jehudah in the name of Rabh: Infer from this that he wanted to place the crown on his head and could not. (Rashi explains this that there was a band of gold in the crown which fitted the descendants of David who had an indentation in their heads which Adoniyah had not.) It is written further: "And he procured himself a chariot and horsemen, and fifty men who ran before him." What is there exceptional in this for a prince? Said R. Jehudah in the name of Rabh: The milt of all of them was taken out (so that it should be easy for them to run), and also the flesh of the soles of their feet was cut off.

MISHNA V.: He (the king) must not acquire many horses--only sufficient for his chariots; and also he must not acquire more gold and silver than to pay the military. He must also write the Holy Scrolls for himself; when he goes to war he must bear them with him; when he enters the city they must be with him, and the same when he sits judging the people; and when he takes his meals they must be placed opposite him. As it is

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written [Deut. xvii. 19]: "And it shall be with him, and he shall read therein all the days of his life."

GEMARA: The rabbis taught: He shall not acquire many horses, and lest one say even those which are needed for his chariots, therefore it is written "for himself," from which it is to be inferred that for the chariots he may; but if so, what, then, is meant by "he shall not acquire many horses"? It means horses which should remain idle. And whence do we deduce that even one horse which is idle is under the negative commandment, "He shall not acquire many horses"? For it is written there [ibid., ibid. 16], "in order to acquire many horses." Is it not said above of even one horse, and it is idle, that he transgresses the commandment, "He shall not acquire many horses"? Why is it written "in order to acquire," etc.? That he should be

responsible for the transgressing of the above commandment for each horse which is idle. But how would it be if in the Scripture were not mentioned "for himself"--he would not be allowed even for the chariots? Is this possible? Then, it could be explained, he should have the exact number needed, but not more.

"*Much gold and silver,*" etc. The rabbis taught: It is written: "He shall not acquire much gold and silver"--lest one say not even sufficient for paying the military, therefore it is written "for himself." But how would it be if this were not written--he would not be allowed, even for paying the military. Is that possible? Then, it could be explained that he should have the exact amount, but not more. Now, as we see that from the words "for himself" things are inferred, what do you infer from the same words which are written concerning wives? This excludes commoners, who are allowed to take as many as they please.

R. Jehudah propounded a contradiction in the following verses [I Kings, v. 6]: "And Solomon had forty thousand stalls for the horses for his chariots, and twelve thousand horsemen"; and [II Chron. ix. 25]: "And Solomon had four thousand stalls for horses and chariots, and twelve thousand whom he quartered in the cities for chariots, and near the king at Jerusalem." How is it to be understood? If there were forty thousand stables, every one of them contained four thousand stalls; and if it were only four thousand stables, then each contained forty thousand stalls. R. Itz'hak propounded the following contradiction: It reads [I Kings, x. 21]. "None were of silver; it was not *in the*

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least valued in the days of Solomon"; and [ibid. 27]: "And the king rendered the silver in Jerusalem like stones." (Hence it had some value?) This presents no difficulty. The first verse speaks of before Solomon married the daughter of Pharaoh, and the second after this.

R. Itz'hak said: (Here is repeated from Tract Sabbath, 1st ed., page 109, in the name of R. Jehudah. See paragraph there--same rabbi.)

The same said again: Why does not the Scripture explain the reason of its law? Because in two verses it was so done, and the greatest men of a generation stumbled because of them. They are, "he shall not acquire many wives," for the purpose that they should not "turn his heart away." And King Solomon said: I shall take many wives, and my heart shall not be turned away. However [I Kings, xi. 4]: "And it came to pass . . . that his wives turned away his heart." And the same was the case with the horses, of which he said: I shall acquire many, and shall not return to Egypt. However [ibid. x. 29]: "And a chariot-team came up and went out of Egypt," etc.

"*Write the Holy Scrolls.*" There is a Boraitha: He must not suffice himself with those left by his parents. Rabba said: It is a meritorious act for one to write the Holy Scrolls at his own expense, though they were left to him by his parents. As it is written [Deut. xxxi. 19]: "Now therefore write this song." Abayi objected from our Mishna: "He shall write the Holy Scrolls for himself," and must not suffice himself with those of his parents. And this speaks only of a king, but not of a commoner. Our Mishna treats of two Holy Scrolls, as it is explained in the following Boraitha: It is written [ibid. xvii. 18]: "He shall write for himself a copy of this law," which means that he must write for himself two Holy Scrolls, one which he must bear with him wherever he goes, and one which shall remain in his treasury. The one he has to bear with him he shall write in the

form of an amulet, and place it on his arm. However, he must not enter with it a bath or toilet house. As it is written [ibid., ibid. 19]: "And it shall be with him and he shall read," which means it shall be with him in those places where it is allowed to read it, but not in those where it is not.

Mar Zutra, according to others Mar Uqba, said: "Originally the Torah was given to Israel in Hebrew characters and in the Hebrew language; the second time it was given to Israel in Ezra's time, but in Assyrian characters and in the Aramaic

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language; finally the Assyrian characters and the Hebrew language were selected for Israel, and the Hebrew characters and the Aramaic language were left to the Hediotim (Idiots). Who are meant by Idiots? Said R. Hisda: The Samaritans. What is meant by Hebrew characters? Said R. Hisda: The Libnuah characters. [1](#)

There is a Boraitha: R. Jose said: Ezra was worthy that the Torah should be given through him, if Moses had not preceded him. Concerning Moses it reads [Ex. xix. 3]: "And Moses went up unto God"; and concerning Ezra it reads [Ezra, vii. 6]: "This Ezra went up." The term "went up" concerning Moses means to receive the Torah, the same being meant by the same expression concerning Ezra. Farther on it is written [Deut. iv. 14]: "And me the Lord commanded at that time to teach you statutes and ordinances." And it is also written [Ezra, vii. 10]: "For Ezra had directed his heart to inquire into the law of the Lord and to do it, and to teach in Israel statutes and ordinances." And although the Torah was not given through him, the characters of it were changed through him. As it is written [ibid. iv. 7]: "And the writing of the letter was written in Aramaic, and interpreted in Aramaic." And it is also written [Dan. v. 8]: "They were not able to read the writing, nor to make its interpretation." (Hence we see that the new characters the Aramaic people could not read.) And why are they named Assyrian? Because they were brought from the country of Assyria.

There is another Boraitha: Rabbi said: In the very beginning the Torah was given to Israel in the Assyrian characters, but after they had sinned it was turned over to them as a dasher. However, after they repented, it was returned to them. As it is written [Zech. ix. 12]: "Return you to the stronghold, ye hopeful prisoners: even to-day do I declare that I will recompense twofold unto thee." And why is it named Assyrian? Because the characters are praised above all other characters. ("Ashur" in Hebrew means "praise.") R. Simeon b. Elazar, however, said in the name of R. Eliezer b. Parta, quoting R. Elazar the Modai, that the characters were not changed at all. As it is written [Ex. xxvii. 10]. [2](#) And it is also written [Book

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of Esther, viii. 9]: "And to the Jews according to their writing, and according to their language." From which it is to be inferred, that as their language was not changed neither was their writing. But if so, what means the term Mishna [1](#) in the verse in Deuteronomy cited above: "He shall write a copy of this law"--the two copies of the Holy Scrolls which a king has to write, as said above: One for the treasury and one which he must bear attached to his arm. As it is written [Ps. xvi. 8]: "I have always set the Lord before me, that, being at my right hand, I might not be moved." But he who maintains that the writing was not changed at all, what does he infer from

the verse just cited? That which was said by R. Hana b. Bizna: He who praises should always think that the Shekinah is opposite him, as the cited verse reads.

MISHNA VI.: One must not ride on his, the king's horse, and also must not seat himself on his chair, and must not make use of his sceptre. And none must be present when he cuts his hair, and not when he is naked, and not when he is in the bathhouse. As it is written: "Thou shalt set a king over thee," which means that his fear shall be always upon thee.

GEMARA: R. Jacob in the name of R. Johanan said: Abishag was allowed to Solomon but not to Adoniyah, because Solomon was a king; and to a king it is allowed to make use of the sceptre of his predecessor, but not to Adoniyah, who was a commoner. How is to be understood that which is written in I Kings, 4: "And she became an attendant on the king"; and to her request that the king should marry her he answered: You are prohibited to me (as I have already eighteen wives). Said R. Shoman b. Aba: Come and see how hard is divorce in the eyes of the sages: So they permitted Abishag to be with David and did not allow him to divorce one of his wives in order to marry her. Said R. Eliezer: He who divorces his first wife, even the altar sheds tears on account of him. As it is written [Mal. ii. 13]: "And this do ye secondly, covering the altar of the Lord with tears, with weeping and with loud complaint, so that he turneth not any more his regard to the offering, nor receiveth it with favor at your hand." And immediately after it reads: "Yet ye say, Wherefore? Because the Lord hath been witness between thee and the wife of thy youth, against whom thou hast indeed dealt treacherously: yet is she thy companion, and the wife of thy covenant."

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R. Johanan, according to others R. Elazar, said: Frequently, one's wife dies when her husband owes money and has not to pay. As it is written [Prov. xxii. 27]: "If thou have nothing to pay, why should he take away thy bed from under thee?" The same said again: To him whose first wife dies, it is as if the Temple had been destroyed in his days. As it is written [Ezek. xxiv. 16 and 19]: "I will take away from thee the desire of thy eyes," etc. "And when I had spoken unto the people in the morning, my wife died at evening"; and [ibid. 21]: "I will profane my sanctuary, the pride of your strength, the desire of your eyes." And R. Alexander said: To him whose wife dies, the whole world is dark for him. As it is written [Job, xviii. 6]: "The light becometh dark in his tent, and his lamp will be quenched above him." And R. Jose b. Hanina adds: Also his steps become shortened, as immediately it reads: "His powerful steps will be narrowed." And R. Abuhu adds. Also his advice is no more of use; as the end of the cited verse reads: "and his own counsel will cast him down."

Rabba b. Bahana said in the name of R. Johanan: It is hard for heaven to appoint marriages as it was to divide the sea; as in Ps. lxxviii. 7: "God places those who are solitary in the midst of their families: he bringeth out those who are bound unto happiness." [1](#)

R. Samuel b. Na'hman said: For everything there may be an exchange, but for the wife of one's youth. As it is written [Is. liv. 6]: "And as a wife of one's youth that was rejected." R. Jehudah taught to his son R. Itz'hak: One does not find pleasure only in his first wife, as it is written [Prov. v. 19]: "Thy fountain will be blessed; and rejoice with the wife of thy youth." And to the question of his son, Whom do you mean? he answered: *E.g.*, your mother. Is that so? We are aware that the same read before R. Itz'hak his son [Eccl. vii. 26]: "And I find as more bitter than death the woman whose heart is snares and nets," etc. And to the question of his son, Whom do

you mean? he answered. *E.g.*, your mother. True, she was hard to him at the start, but finally she overruled herself and did all he pleased. R. Samuel b. Umayya said in the name of Rabh: A wife is similar to a piece of metal, and does not make any covenant but with him who makes her a vessel. As it is written

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[paragraph continues] [Is. liv. 5]: "For thy husband is thy master," etc. There is a Boraitha: One dies but to his wife, and the wife dies but to her husband. The first is deduced from [Ruth, i. 3]: "Thereupon died Elimelech Naomi's husband"; and the second from [Gen. xlviii. 7]: "And as for me, when I came from Padan, Rachel died by me."

"*Cuts his hair.*" The rabbis taught: The king must cut his hair every day. As it is written [Is. xxxiii. 17]: "The king in his beauty shall thy eyes behold." A high-priest every eve of Sabbath, and the commoner priest every thirty days. Why every eve of Sabbath? Said R. Samuel b. Na'hman in the name of R. Johanan: Because the watching priests are relieved every eve of Sabbath. And why for a commoner every thirty days? Because it reads [Ezek. xliv. 20]: "And their heads shall they not shave close, nor suffer their hair to grow long: they shall only crop (the hair of) their heads." And there is an analogy of expression from a Nazarite [Num. vi. 5]. As concerning a Nazarite it is thirty days, the same is the case here. And whence do we know that for a Nazarite it is thirty days? Said R. Mathna: It reads: Holy shall he be. Because the generation of *Yihiye* counts thirty (a Yod counts ten, a He, five, and in the word *yihiye* there are two Yods and two Hes). Said R. Papa to Abayi: Why not explain the above-cited verse as that they shall not be allowed to let their hair grow at all? And he answered: If it read: "They shall not let their hair grow," your explanation would be correct; but as it reads "to grow long," it must be explained as the rabbis enact: They shall let it grow thirty days. (Said R. Papa again:) If so, in our time, when there is no temple, it is to equalize the cutting of the hair to the partaking of wine, which was prohibited to the priests only when they had to enter the Temple (as after the case of hair-cutting immediately follows the prohibition of the partaking of wine). Is that so? Have we not learned in a Boraitha: Rabbi said: I say that it is prohibited for the priest to drink Wine at any time whatever. But what can I do, in that the destruction of the Temple was their remedy: as they were forbidden to drink wine in order that they should not enter the Temple while drunk, so, now that the Temple no longer exists, they do not care? Said Abayi: According to whom do the priests drink wine in our time? In accordance with Rabbi's statement.

Rabbi was questioned: How was the hair-cutting of the high-priest,

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which it is told was done very artistically? And he answered: Go and see the hair-cutting of Ben Aleshe. And there is a Boraitha: Rabbi said: Not in vain has B. Aleshe expended his money to learn the art of cutting hair: it was only to show how the high-priests used to cut their hair.

Footnotes

[45:1](#) How it is deduced from this verse it is impossible to express in any living language. Even in the Hebrew we have to make from the word Rebh--literally, "quarrel"--the word Rab--literally, "great," and to interpret the passage in another fashion altogether. It would therefore be of no use to insert the verse as it is usually translated.

[49:1](#) Leeser translates "brought up," according to the sense. The term in the Bible, however, is the same as in the first part of this verse; therefore the question in the text.

[51:1](#) In the Scripture which is before us there is nothing of the kind. However, we have remarked several times that their text of the Scripture was different from ours. And so also is it remarked in a foot-note in the Wilna edition, 1895.

[55:1](#) The term in Hebrew is "Khohino ve Khohino"--literally, "like this and like this." Hence the analogy in text.

[55:2](#) Eglah is, literally, "a calf."

[59:1](#) For the explanation of this passage see our "Pentateuch: Its Languages and its Characters" (pp. 14, 15). See also there who Utra or Uqba was.

[59:2](#) We have not inserted the verse, as the translation of it does not correspond at all.

[60:1](#) The term "Shana" means "to repeat," and also "change."

[61:1](#) The Talmud takes the last cited words for the exodus from Egypt, and explains: "Do not read the Hebrew term so, but otherwise," which it is impossible to give in the English version.

[Next: Chapter III](#)