

## CHAPTER VII.

RULES AND REGULATIONS CONCERNING THE FOUR KINDS OF DEATH PRESCRIBED IN THE SCRIPTURE, AND HOW THEY OUGHT TO BE EXECUTED. THE ENUMERATION OF THOSE WHO COME UNDER THE CATEGORY OF STONING. HOW THE EXAMINATION CONCERNING BLASPHEMY SHOULD BE CONDUCTED. CONCERNING THOSE WHO TRANSFER THEIR CHILDREN TO MOLECH; FAMILIAR SPIRITS, ETC. CONCERNING CURSING FATHER AND MOTHER, SEDUCERS AND MISLEADERS, ETC.

MISHNA I.: Four kinds of capital punishment are prescribed to the court by the Scriptures; viz., stoning, burning, slaying by the sword, and choking. R. Simeon, however, maintains: Their order is: burning, stoning, choking, and slaying by the sword. The laws of stoning are already explained above (in the preceding chapter).

GEMARA: Rabha in the name of R. S'hora, quoting R. Huna, said: Where the sages give an arrangement (plan of action), one must not be particular with it, as it does not matter if one changes the order and acts with the latter before the former, except in the case of the seven dyes with which a spot of menstruum is to be tested, which are mentioned in Chapter IX., Mishna 4, of Tract Nida, of which the Mishna says: If one tested with them not according to the order mentioned, or one mixed all the seven together and tested with them, he has done nothing. R. Papa the Elder in the name of Rabh said: The same is the case in the four kinds of capital punishment mentioned in our Mishna. As R. Simeon differs in their order, it must be understood that the Mishna is particular in their arrangement. But why does not R. Huna mention them? R. Huna speaks of that in which all agree, but where there is dissension he does not. R. Papa himself said: Also concerning the arrangement of worshipping on the Day of Atonement (when the Temple was in existence), as there is a Mishna (Yoma, p. 84). All the rites on the Day of Atonement, whose order is prescribed by the Bible . . . if they are performed in a wrong order, one has done nothing. R. Huna, however, did not mention this.

[paragraph continues] For the reason of not changing the order prescribed by the Scripture is because of the holiness of that day, and not because one act is more rigorous than the other. R. Huna b. R. Jehoshua maintains that the order of the daily offerings is also not changeable, as there is a Mishna (in Tract Thamid): This is the arrangement. However, R. Huna, who did not mention it, maintains that this is only meritorious. And the rule mentioned above in the name of R. Huna excludes also the ceremony of Halitzah, and also the dressing of the priests at their worship in the Temple, as explained elsewhere. [1](#)

"Stoning, burning," etc. Stoning is more rigorous than burning, as blasphemers and idolaters are punished with it. And why are these two crimes considered more rigorous than others? Because

the sinners laid their hands on the main principle of the Jewish faith (*i.e.*, disbelief and denying the power of God). But why not say, on the contrary, that burning is more rigorous, as it applies to the daughter of a priest who has sinned? And why should this crime be more rigorous? Because it reads that she violates her father, which means that her father loses his priesthood. The rabbis hold that only a married woman who was the daughter of a priest is to be burned if she sinned; but if betrothed, stoning is applied. And because a betrothed woman is distinguished from a married one, who bears the name of her husband and not of her father, while a betrothed still bears the name of her father, we see that stoning is more rigorous. The same is also more rigorous than slaying by the sword, because of the reason stated above. But why not say that the sword is more rigorous, because it applies to the men of a misled town? And what is the rigor of a misled town--that their property is to be destroyed? It may be answered that a misleader is always considered more criminal than those who are seduced. And there is a Boraitha that the punishment of a misleader is stoning. Stoning is also more rigorous than choking. And lest one say that choking is more rigorous, as it applies to one who strikes his father or mother, and the rigor is because the honor of the parents is equalized with the honor of the Omnipotent, it is inferred from the case of a daughter of a common Israelite, who is excluded from choking, which applies to a married daughter of the same, and is included in the category of stoning; and it is already explained above that a betrothed

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disgraces her father and his whole family, while the disgrace of a married one belongs more to her husband. [1](#)

Burning is more rigorous than the sword, as it applies to a sinning daughter of a priest, whose crime is more rigorous for the reason stated above. But why not say, on the contrary: The sword is more rigorous, because it applies to a misled town, the property of which is to be destroyed? We find the term "her father" concerning stoning, and the same term is used concerning burning. And it is to be said: As the term "her father," used concerning stoning, is more than the sword, the same is it with the term which is used by burning--that burning is also more rigorous than the sword.

Burning is also more rigorous than choking. This is inferred from the fact that a married daughter of a priest is excluded from choking, which applies to a married daughter of a common Israelite, and is included in the category of burning. And lest one say that choking is more rigorous, as it applies to him who has struck his father or mother, the honor of whom is equalized with the honor of the Omnipotent, it is already decided above that they who laid their hands on the main principle, etc., are considered the greatest criminals.

"*R. Simeon said,*" etc. According to him, burning is more rigorous than stoning because it applies to a daughter of a priest who has sinned; and it is considered more criminal because her father loses his- priesthood. And he (Simeon) differs from the rabbis, who make a distinction between a betrothed and a married woman, as according to him both are punished with burning; and because the greatest criminal is punished with burning, it is to be inferred that this punishment is more rigorous than all others. [2](#)

R. Simeon also differs concerning the punishment of misleaders of a misled town, as according to him they also are punished with choking.

R. Johanan used to say: A betrothed young girl, who is the daughter of a priest, is to be stoned if she has sinned; but according to R. Simeon, she must be burned. And the same is

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the case if she had sinned with her father. (Although, if such a case happened with a commoner, burning is applied, nevertheless she is to be stoned, according to the rabbis); as according to their theory stoning is more rigorous, and there is a rule that he who is guilty of two crimes liable to capital punishment is to be executed with the more rigorous one. And according to R. Simeon, that burning is more rigorous, she is to be put to death by that. And where do we find R. Simeon saying so? In the following Boraitha: R. Simeon said: There are already two general expressions about adultery; viz. [Lev. xx. 10]:

"Then shall the adulterer be put to death, "together with the adulteress." And this applies either to a betrothed or to a married woman, with whom the daughter of a priest is certainly included. Why, then, does the Scripture distinguish a daughter of a priest [ibid. xxi. 9]: "And if the daughter of any priest profane herself by committing harlotry, her father doth she profane: with fire shall she be burnt," which makes no difference between a betrothed and a married woman? To exclude her from the punishment of a betrothed commoner, to whom stoning applies; and if married, choking applies, and puts her in the category of those who are to be burned. Now, as to the punishment of a married one, which applies to a daughter of a priest, all agree that it is more rigorous than that of a commoner; the same is the case with a betrothed one, whom the Scripture excluded from an easier punishment, for a severer one. Hence burning is more severe than stoning. However, collusive witnesses (to whom, according to the Scripture, the same must be done as to the defendant, if their testimony were true) are not excluded from that punishment which they would have to suffer if they had been found collusive in the case of a daughter of a commoner, and are punished with the death of their accused; no matter if the accused were the daughter of a commoner or of a priest; namely, if they had testified regarding a betrothed one, and thereafter were found collusive; the death which would apply to her, were she a daughter of a commoner, applies to them. And the same is the case if they had testified regarding a married one.

The rabbis taught: It reads: "And if the daughter of any priest profane herself." Lest one say that it means that she profaned herself by violating the Sabbath, Therefore it reads further, "by committing harlotry." But lest one say, even if she were single, it reads here, "her father." And the same expression

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is used concerning a betrothed woman; as there the sin is because of her bond to a husband, the same is the case here. It is considered a crime liable to capital punishment if she were already betrothed or married. But perhaps it means when she has sinned with her father, and not with some one else? Therefore it reads, "she profane," which means that she has profaned him, and not he her. Hence from the analogy of expression, father, we infer that the sin is because of her husband. But from this analogy of expression it is inferred when she was betrothed. Whence do we know that, if she was not of age and nevertheless married, or of age and betrothed or married, or even if she were already an old woman, that the same is the case? Therefore it is written: "And the daughter of any priest," which means, whatever her condition. But lest one

say: It speaks only when she was married to a priest, but if to Levite or to a common Israelite, to a heathen, to a descendant of one who has profaned the priesthood, to a bastard, or to a descendant of the Gibeonites who were temple-servants, it is different? Therefore it is written: "The daughter of any priest," which means, even though she was not the wife of a priest. She is to be burned, but not her paramour. She is to be burned, and not her collusive witnesses.

R. Eliezer said: With her father, burning applies; with her father-in-law, stoning applies. How is this to be understood? Shall we assume that he means she has sinned with her father? Then why only a daughter of a priest? Is not the case the same even when she was a daughter of a common Israelite? Burning applies to committing a crime with a daughter, and stoning to the crime with a daughter-in-law. We must then say that with the expression, "with her father," he means when she was still under the control of her father; and the same is it with the expression, "with her father-in-law." Now, let us see in accordance with whom is his theory. It is not in accordance with the rabbis, as they hold that only a married woman is to be burned, but not a betrothed. It is also not in accordance with R. Simeon, as he holds that there is no difference between betrothed and married--both are to be burned. And also not in accordance with R. Ishmael, as he holds that only a betrothed is to be burned, but not one married. And he also holds that if she had committed a crime with her father-in-law, choking applies. As to this, Rabin sent a message in the name of R. Jose b. Hanina: This Boraitha is to be explained thus: It is in

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accordance with the rabbis. And the expression of R. Eliezer, "with her father," means thus: If such a crime be punished, with an easier death than if the crime had been committed with her father--*e.g.*, that of a married woman, daughter of a commoner, to whom choking applies, in her case, because she is a daughter of a priest, the death of her father, if he should commit the crime with her, applies to her--*viz.*, burning. And if such a crime by a commoner were punished with a heavier death than if the crime were with her father--*e.g.*, a betrothed daughter of a commoner, to whom stoning applies, no exception is to be made, and the punishment of her sinning with her father-in-law applies--*viz.*, stoning. R. Jeremiah opposed: Does, then, the Boraitha read "easier" and "heavier death," which it should do according to your explanation? "Therefore," said he, "it must be said that R. Eliezer is in accordance with R. Ishmael; and the expression, 'with her father,' means under the control of her father--*viz.*, a betrothed, not yet married, to whom burning applies; and 'with her father-in-law' means, literally, if she had sinned with her father-in-law she is to be stoned, but if with some one else choking applies."

Said Rabha: This explanation is still more complicated than the first one, as both expressions must be explained equally: either both are to be taken literally, or both mean "under the control." And therefore said Rabbina: R. Eliezer is in accordance with the rabbis, and his decision was just the reverse. "With her father," stoning applies, and "with her father-in-law," burning applies. And both expressions mean "under the control." And although a betrothed woman is no longer considered under the control of her father, he so expressed himself because of the latter expression, "under the control of her father-in-law."

Said R. Na'hman in the name of Rabha b. Abuhu, quoting Rabh: The Halakha prevails according to the message which was sent by Rabbin in the name of R. Jose b. Hanina. Said R. Joseph: Do you come to teach a Halakha which will be used only then when the Messiah shall appear? Said Abayi to him: According to your theory, why should we study the section Holiness (which treats about sacrifices, at the time when the Temple was in existence) at all? Is not the whole for the

time when the Messiah shall appear? You must then say that we must study and be rewarded for it by Heaven. The same is the case here. We have to study, although it is not for use to us

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at this time, and the reward will come from Heaven." Answered R. Joseph: I mean to say, may one name Halakha in the explanation of a Boraitha (*i.e.*, the message of Rabbin was only concerning the explanation of the Boraitha)? To which it may be said, that such an explanation is correct. The expression "Halakha," however, means "law," which does not correspond with his meaning.

Where do we find R. Ishmael's opinion, of which it is said above that Eliezer holds with him? In the following Boraitha: It reads, "the daughter of any priest profane," etc., speaking of a young betrothed maiden. But perhaps it means a married woman? This is not the case, as the law about adultery is already written in Lev. xx., in which a daughter of a priest is included. However, we find that the Scripture has distinguished a daughter of a commoner, and applied stoning to her, if she was betrothed and not married. The same is the case with the distinction of a priest's daughter, to whom the Scripture applies burning, meaning also when she was betrothed only. Her collusive witnesses, however, are to be punished with the same death that applies to her paramour, because it reads [Deut. xix. 19]: "Then shall ye do unto him as he had purposed to do unto his brother." "To his brother," but not to his sister. So is the decree of R. Ishmael. R. Aqiba, however, maintains: There is no difference whether she was betrothed or married, as in both cases burning applies. And to the question of R. Ishmael: Why should we make a distinction concerning a daughter of a priest, the expression for which is "Naahra" (a maiden), while the same expression is used concerning a commoner who is betrothed only? R. Aqiba rejoined: Ishmael, my brother, I infer it from the word *and*, which begins the verse--"and the daughter of any priest." Rejoined R. Ishmael: "Do you desire that this should be burned, because the Vav (which means *and*) is in your way?"

Let us see! R. Ishmael infers the punishment of a priest's daughter from an analogy of expression. How does he explain the above-cited verse, "her father has she profaned"? He explains it as in the following Boraitha: R. Meir used to say: This phrase means that if, until now, their custom was to consider her father holy, from that time they consider him common; if until that time he was honored, from that time he is disgraced. As people say: "Cursed be such a man who has born such a daughter; cursed is he who has brought her up; cursed

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is he that he has such an offspring." Said R. Ashi: According to whom do we name a wicked person, "wicked, the son of a wicked," although his father was upright? In accordance with the Tana of the just-mentioned Boraitha.

**MISHNA II.:** The prescribed punishment of burning was thus: The sinner was placed in waste knee-deep. Then, placing a twisted scarf of coarse material within a soft one, they wound it around his neck. One (of the witnesses) pulled one end to ward himself, the other doing the same, until he opened his mouth. Meanwhile the executioner lights (heats) the string, and thrusts it into his mouth, so that it flows down through his inwards and shrinks his entrails. To which R. Jehudah said: Should the culprit die before the string is thrust into his mouth, the law of burning has not been properly executed, and there fore his mouth must be opened forcibly with a pair of

pincers. Meanwhile, the string having been lighted, is thrust into his mouth so that it may reach his intestines and shrink his entrails. R. Eliezer b. Zadok, however, said: Once a daughter of a priest, having sinned, was surrounded with fagots and burned. He was answered: The court which so decided was ignorant of the exact law.

GEMARA: What kind of a string was it? Said R. Matnah: A string of lead. And whence is this deduced? They infer this burning from the burning of the congregation of Korah. As there the souls only were burned, but the bodies remained, so also here only the soul is to be burned, but the body is to remain. R. Elazar said: They infer this burning from the burning of the sons of Aaron. As there the souls only were burned and the bodies remained, the same is the case here.

Let us see! He who infers it from the congregation of Korah, wherefrom does he know that the soul, and not the body, was burned? From [Num. xvii. 3]: "The censers of these sinners against their own souls." 1 Which means that the souls only were burned, but the bodies remained. And the other, who infers it from the sons of Aaron, maintains that this phrase means they were burned bodily, and the expression "own souls" means that they were liable to be burned because of their souls. And it is in accordance with Resh Lakish, who said elsewhere: It reads [Ps. xxxv., 16]: "With flattering, babbling mockers, they gnashed upon me with their teeth," which

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means that, because they had flattered Korah for the sake of entertainments (to which he used to invite them), the ruler of Gehenna gnashed upon them with his teeth. And he who inferred this from the sons of Aaron, wherefrom does he know that their souls only were burned, etc.? From [Lev. x. 2]: "And there went out a fire from before the Lord, and consumed them, and they died before the Lord," which means that, although they died before the Lord, they died as all others--only their corpses remained. And the other maintains that the sons of Aaron were burned bodily, and the expression, "they died," means, that the beginning was from inside the body. As we have learned in a Boraita: Abba Jose b. Dusthai said: Two fire cords came out from the Holy of Holies chamber, and were divided into four: two of them entered the nostrils of one, and two the nostrils of the other, and burnt them. But is it not written, "and consumed them"? From which it is to be inferred "them," and not something else. Yea--"them," and not their garments.

But why should burning not be inferred from the offerings of the bullocks, which were burned bodily? Common sense dictates that a man must be inferred from man, and not from cattle: as a man sins, and one infers a man who has sinned from another man, and from him whose soul was taken for his sin to him whose soul is to be taken. But he who infers it from Korah's congregation--why did he not infer it from the sons of Aaron? Because he maintains that the sons of Aaron were burned bodily, and to infer from them would not be proper, as R. Na'hman said in the name of Rabha b. Abuhu: From the phrase "Thou shalt love thy neighbor as thyself," we deduce that one may select a decent death for the sinner. But as the theory of R. Na'hman is accepted--why, then, the analogy of expressions at all? If not for the analogy, one might say that the burning of the soul, while the body remains, is not called burning at all, and that which is written, "Thou shalt love thy neighbor," etc., could be done by increasing the fire by bundles of fagots so that he should die quickly. Therefore the analogy of expression shows that such a burning, although the body remains, is called burning.

There is a tradition that Moses and Aaron used to walk, and Nadob and Abihu followed them, and all Israel after them. And Nadob said to Abihu: When will the two old men die, and you and



I be the leaders of Israel? To which the Holy One,

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blessed be He, said: Time will show who will bury whom. Said R. Papa: This is what people say: "There are many old camels who are laden with the skins of young ones." R. Elazar said: A scholar, in the eyes of a commoner, at first acquaintance (the scholar) appears to him (the ignorant man) like a golden kithon. However, after he holds conversation with him, he appears like a silver kithon; if he accepts a benefit from him, he appears like an earthen one, which, once broken, cannot be mended.

Aimretha bath Tli was the daughter of a priest, who had sinned, and R. Hama b. Tubiah surrounded her with bundles of twigs and burned her. And R. Joseph, when he heard this, said: He erred twice. In the explanation of the Mishna, in which, according to R. Na'hman, the sinner was burned with lead; and (b) he was not aware of the following Boraitha: It is written [Deut. xvii. 9]: "And thou shalt come unto the priests the Levites, and unto the judge that may be in those days." At that time, when the priests acted, judgments concerning capital punishments might be rendered; but when there were no more acting priests, no such judgment could be rendered.

"*Said Elazar b. Zadok,*" etc. Said R. Joseph: The court in question was of the Sadducees (who take the commandments of the Scripture literally). Did, indeed, Elazar say so? And the answer was as stated in the Mishna? Is there not a Boraitha which states: R. Elazar b. Zadok said: I recollect, when I was a child, being carried upon the shoulders of my father, and a daughter of a priest, who was a sinner, was brought, and was surrounded with bundles of twigs and burned? To which the sages answered: At that time you were a child, and we cannot accept any evidence from a child? Two such cases happened in the days of R. Elazar, and when he was answered that no evidence of a child is to be taken into consideration, he related before them the other case which he saw when he was already of age, and to this they answered him: That court was an ignorant one.

MISHNA III.: The prescribed punishment of slaying was thus: He was decapitated, as was customary with the Roman government. R. Jehudah, however, maintains: Such a death is repulsive. But they put his head on the (executioner's) block and cut it off with a butcher's hatchet. And he was answered: There is not a more detestable death than this.

GEMARA: There is a Boraitha: R. Jehudah said to the sages: I myself am aware that the death I explained is repulsive;

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but what can we do against the Scripture, which reads [Lev. xviii. 13]: "And in their customs shall ye not walk," etc.? To which the rabbis answered: As this is written in the Scripture, we are not learning this from them, but they learned it from us. And should one disagree with us, then what would he say to the following Boraitha: Garments and some other valuable things may be burned on the grave of kings, for the sake of their honor. And this custom is not considered the custom of the Amalekites. And why? It is because it is mentioned in the Scripture [Jer. xxxiv. 5].: "And as burnings were made for thy father," etc., we do not learn from them. The same is

the case here.

Let us see! In the succeeding chapter, there is a Mishna: The following are slain with a sword: a murderer, and the men of a misled town. It is correct, "a misled town," as it is plainly written [Deut. xiii. 16], "with the edge of a sword." But whence do we know that the same is the case with a murderer? From the following Boraitha: It reads [Ex. xxi. 20]: "And if a man smite his servant or maid with a rod, and he die under his hand, it shall be surely avenged." And as we do not know what "revenge" means; therefore it is written [Lev. xxvi. 25]: "And I will bring unto you the sword avenging." Hence avenge means with a sword.

But whence do we know that they decapitated him--perhaps they killed him with the sword in another part of the body? It reads, "with the edge of a sword," which excludes stabbing. But perhaps it means splitting the head. It is already inferred by Rabha b. Abuhu from the phrase: "Thou shalt love thy neighbor as thyself," that one must select a decent death. But all this speaks of when one has slain a bondman. Whence do we know that the same is the case with a freeman (whose punishment is death in general, and there is a rule that wherever the kind of death is not mentioned, it means choking)? This cannot be, as an *a fortiori* conclusion is to be drawn: A slave, who is less in value than a freeman, if one kills him, he is punished with slaying by the sword (which is more rigorous than choking); if one kills a freeman, so much the more should he be punished with a more rigorous death. But this would be correct only to him who holds that the sword is more rigorous than choking. But to him who holds the contrary, what can be said? He infers this from another verse, as is stated in the following Boraitha: It is written [Deut. xxi. 9]: "And thou

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shalt put away (the guilt of) the innocent blood from the midst of thee." From this we see that all shedders of blood are compared to the heifer in that connection. And lest one say that as the heifer is killed with a butcher's knife toward the back part of the neck, the same shall be done with all other shedders of blood, it is already inferred above that a decent death must be selected.

MISHNA IV.: The prescribed punishment of choking was thus: The sinner was placed in waste knee-deep. Then, placing a twisted scarf of coarse material within a soft one, they wound it around his neck. One (of the witnesses) pulled one end toward himself, the other doing the same, until the soul of the culprit departed.

GEMARA: The rabbis taught: It reads [Lev. xx. 10]: "And if there be a man "--" man" means to exclude a minor, "Who committeth adultery with a man's wife"--"man's wife" means to exclude the wife of a minor (whose marriage is not considered). "With his neighbor's wife" means to exclude those people who live with their wives in common. 1 [Ibid.]: "Then shall the adulterer be put to death" means choking. But perhaps it means some other kind of death which is prescribed by the Scripture? It was said that wherever it is written in the Torah "death," without specifying which, you must not apply a rigorous one, but an easier one (and choking is the easiest of all the kinds of death mentioned in the Torah). So is the decree of R. Jashiah. R. Jonathan, however, maintains: The reason is not because choking is an easier death, but because there is a tradition that in any place where death is mentioned in the Scripture, without specifying which, it is choking. Rabbi said: The reason is because there is mentioned in the Scripture a heavenly death [Gen. xxxviii. 10], and there is also mentioned death from human hands. And as a heavenly death does not leave any marks on the body of the man, the same must



it be by death from human hands. But perhaps burning is meant, which also does not leave any signs outside of the

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body? As the Scripture prescribed burning to a daughter of a priest, it is to be understood that all other sinners are not punished with the same.

It is correct that choking is to be used, according to R. Jonathan, who says that it is a tradition; and Rabbi gives the reason. But R. Joshiah, who wants only an easier death--whence does he deduce choking at all? (Such is never mentioned in the Scripture.) And perhaps there is no more than three kinds of death, and from these three the easier one must be selected, which is the sword? Said Rabba: The four kinds of death are known traditionally. And the expression of R. Jonathan, "not because it is easier," shows that he and R. Joshiah differ concerning choking, whether it is an easier death. In the same manner differ R. Simeon and the rabbis.

R. Zera said to Abayi: There are sinners who are punished with stoning, although it is not so mentioned in the Scripture. But they are inferred from an analogy of expression, "from a familiar spirit." I question you which expression of the two following is meant--"put to death," or "their blood shall be upon them"? And he answered: The latter expression, as the first is needed, "to death," which is explained above.

MISHNA V.: To the following sinners stoning applies: viz., one who has had connection with his mother, with his father's wife, with his daughter-in-law, with a human male, or with cattle; and the same is the case with a woman who uncovers herself before cattle; with a blasphemer; an idolater, he who sacrifices one of his children to Moloch; one that occupies himself with familiar spirits; a wizard; one who violates the Sabbath; one who curses his father or mother; one who has assaulted a betrothed damsel; a seducer who has seduced men to worship idols, and the one who misleads a whole town; a witch (male or female); a stubborn and rebellious son.

One who has had connection with his mother is guilty of transgressing two negative commandments--the negative commandment as to his mother and the negative commandment as to his father's wife. R. Jehudah, however, maintains: He is guilty only for his mother. One who has connection with his stepmother is also guilty in respect to two negative commandments--the commandment of adultery and the separate commandment as to his father's wife. There is no difference if he has done it while his father was still alive or after his death; and there is also no difference if she was only betrothed to his

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father, or already married. One that commits a crime with his daughter-in-law transgresses also two commandments--adultery and of the separate commandment of his son's wife. And there is also no difference if it was done while his son was still alive or after his death, after her betrothal or after marriage.

GEMARA: There is a Boraita: R. Jehudah said: "If his father had married his mother illegally; he transgresses only the commandment as to "mother" and not as to "his father's wife." And the expression illegally means that by marrying, he has transgressed a negative commandment

which is not punished capitally or with korath. As to such, even according to the rabbis, such a marriage is not considered at all. But to death which is only of a negative commandment--*e.g.*, a widow to a high-priest--according to the rabbis the marriage is considered, and according to R. Jehudah it is not, as he holds with R. Aqiba, who is of the same opinion. R. Oushia objected: There is a Mishna in Yebamoth [Chap. II., 3]: "Owing to other legal prohibitions, or on account of the holiness of station" [ibid. ix.]. By "legal prohibitions" (to marry as above mentioned) are meant the secondary degrees of relationship prohibited by the rabbins as to intermarriage. Those prohibited to intermarry on account of holiness of station are a widow to a high-priest; a woman who had been divorced or performed the ceremony of Halitzah; who had (unlawfully) been married to an ordinary priest. To which a Boraitha adds: R. Jehudah changes the expression, viz., by "legal prohibition," a widow to a high-priest, etc., is meant; and "on account of holiness of station," the secondary degrees of relationship, etc., are meant. Hence we see that R. Jehudah changes the expression only, but nevertheless the ceremony of Halitzah is required. And if it were in accordance with R. Aqiba (that a marriage within secondary degrees is not considered at all), why, then, the ceremony of Halitzah? R. Jehudah collected only the expressions which ought to be in accordance with the opinion of the first Tana, but he himself does not require anything of that kind.

When R. Itz'hak came from Palestine, he taught just as our Mishna teaches, viz.: R. Jehudah said: He is guilty only concerning the negative commandment as to the mother. And what is the reason? Said Abayi: Because it reads [ibid. xviii. 7]: "She is thy mother," which means: You have to make him guilty only because of his mother, but not because of the wife of his father. But why do the rabbis make him guilty concerning

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two commandments? Do they not hold this theory? The rabbis apply this expression to that which was said by R. Shesha b. R. Idi, which is stated farther on. But does not R. Jehudah also hold the theory of R. Shesha? Hence, his theory cannot be inferred from it. Therefore said R. Aha b. Iki: It reads [ibid. 7]: "She is thy mother, thou shalt not uncover her nakedness," meaning, "for one nakedness you can make her guilty, but not for two." But if so, why does not R. Jehudah differ concerning a daughter-in-law, who is guilty, according to our Mishna, as to two commandments? It then must be said, because there is one body, although there are two transgressions, he is culpable only for one, as it reads, "her nakedness." The same should be the case concerning the mother? Therefore said Rabha: R. Jehudah holds: At the beginning of the verse, "the nakedness of thy father" means "thy father's wife." And that it means thus he infers from an analogy of expression, as stated farther on. And "father's wife" means that there is no difference whether she is his mother or not. But whence do we know that it is the same with his mother, who is not his father's wife? Therefore it is written: "She is thy mother, thou shalt not uncover her nakedness." Hence only for the crime as to the mother you make him guilty, but not as to that of his father's wife.

There is a Boraitha according to Rabha: "A man" means to exclude a minor [Lev. xxii.]: "That lieth with his father's wife" means that there is no difference whether she is his mother or not. But whence do we know that the same is the case with his mother who is not his father's wife? Therefore it reads: "His father's nakedness," which is pleonastic, 1 and is written only for the purpose of an analogy of expression. "Both of them shall be put to death" means by stoning--but perhaps with some other death? It is written here: "Their blood shall be upon them"; and in the case of "familiar spirits" there is also the same expression. And as concerning the latter stoning

is plainly applied by the Scripture, the same is the case here. But here we have heard only of the punishment. Whence do we know of the warning? Therefore it is written: "The nakedness of thy father," etc., which means of "thy father's wife." But perhaps it means literally the father himself? It is written here, "The nakedness of thy father thou shalt not uncover,"

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and there it is written, "The nakedness of his father he had uncovered." As the latter means his wife, so does the former. And from the expression "his father's wife," it is inferred, whether his mother or not. But whence do we know as to his mother who is not his father's wife? Therefore it is written, "the nakedness of thy mother," etc. But this is only in the warning in which the Scripture has equalized the mother who is not his father's wife with her who is. But whence do we know that the punishment is also equal? From the analogy of the expressions: "the nakedness of thy father thou shalt not uncover," and it reads also: "He has uncovered the nakedness of his father." And so as in the warning it is equalized with the mother who is the wife of his father and with her who is not, the same holds good concerning the punishment. "She is thy mother" means, you can make her guilty only for the crime as mother, but not for the crime as father's wife. But the rabbis, who do not use the above analogy of expression, whence do they deduce the punishment of a mother who is not the wife of one's father? Said R. Shesha b. R. Idi: It reads: "She is thy mother," which means that the Scripture equalized the mother who is not the wife of his father with her who is.

"Who had connection with his daughter-in-law." But let him be guilty also because of the wife of his son? Said Abayi: The verse begins with his daughter-in-law and ends with the wife of his son--to teach that "daughter-in-law" and "wife of his son" are one and the same.

MISHNA V.: One who had connection with a human male or with an animal, and also a human female who uncovers herself before a male animal, are punished with stoning. And should one say: If man has sinned, what is the fault of the animal? Because a misfortune has happened to a human being through it, therefore says the verse: "It shall be stoned," There is also another explanation; viz., should it happen that people saw the animal passing the street, they would say: On account of it so and so was stoned.

GEMARA: A human male--whence is deduced? That which the rabbis taught: "A man" means to exclude a minor; with a male," of any age whatever or a minor. "As they lie [1](#)

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with a woman" means to say that with a woman there are two kinds of lyings, one usual and one unusual; and one is guilty as to both. Said R. Ishmael: This verse came to teach that which was just mentioned, as if not for this teaching it would be pleonastic, for regarding a male there is only one kind of connection. "Both of them have committed an abomination, they shall be put to death"--by stoning, but perhaps by some other death. Therefore it is written: "Their blood shall be upon them." And the same expression is used concerning "a familiar spirit," etc. And as the punishment of the latter is known to be stoning, the same applies here. From this we have heard the punishment. Whence is the warning? [Ibid. xviii. 22]: "And with a man shalt thou not lie as with a woman; it is an abomination." But this is a warning only to him who has done so. But whence is the warning to them with whom the connection was made? As to this it reads [Deut.

xxiii. 18]: "There shall not be a courtesan of the sons of Israel"; and also [I Kings, Xiv. 24]: "And courtesans also were in the land . . . the Lord had driven out." So R. Ishmael. R. Aqiba, however, said: "It was not necessary to have another verse warning him with whom the connection was made, as this is inferred from the same verse, which may apply also to the latter by some change in pronunciation.

Concerning animals, whence is this deduced? The rabbis taught: From Lev. xx. 15. "A man" excludes a minor; "with an animal," it makes no difference whether it was a large or a small one; "shall be put to death" means stoning--but perhaps some other kind of death? It reads here (ibid.) "thahargu" (ye shall kill), and in Deut. xiii. 10, "thahargenu" (thou shalt kill). And as there the punishment is stoning, as it reads plainly in ibid. 11, the same is the case here. Here, however, we have learned only the punishment to the man. But whence do we know that the animal with which the crime was done is also to be killed in the same manner? It reads [Ex. xxii. 18]: "Whosoever lieth with a beast shall surely be put to death," which was not necessary for the man, as there is another verse cited above. Apply it, therefore, to the beast. From this we have learned the punishment for both. But whence is the warning? From the above-cited verse [Lev. xviii. 23]. But this is only a warning to the man, and whence the warning concerning the animal? From Deut. xxiii. 18. (Here are repeated the cited verses in the name of R. Ishmael,

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and also in the name of R. Aqiba, that it is not necessary, as in the above verses there is a warning for both. [1](#))

MISHNA VI.: A blasphemer is not guilty, unless he mentioned the proper name of God (Jehovah). Said R. Jehoshua b. Karha: Through the entire trial the witnesses are examined pseudonymously--*i.e.* (the blasphemer said): "Jose shall be beaten by Jose." (Rashi explains that the name Jose was selected because it contains four letters, as does the proper name of the Lord.) When the examination was ended, the culprit was not executed on the testimony under the pseudonym; but all are told to leave the room except the witnesses, and the oldest of them is instructed: "Tell what you heard exactly." And he does so. The judges then arise, and rend their garments, and they are not to be mended. The second witness then says: I heard exactly the same as he told. And so also says the third witness.

GEMARA: There is a Boraitha: One is not guilty unless he blesses (*i.e.*, curses) the Holy Name by the Holy Name (as illustrated in the Mishna): "Jose shall be beaten by Jose." And whence is this deduced? Said Samuel: From Lev. xxiv. 16, of which the term in Hebrew is "we-nauquib shem," which means, "when he has cursed with the name." And whence do we know that the term "nauquib" means cursing? From [Num. xxiv. 8]: "How shall I curse," etc. And the warning as to this is [Ex. xxii. 27]: "Thou shalt not revile Elohim." But does not "nauquib" mean "hole"? Why, then, not so say--*i.e.*, suppose one wrote the Holy Name on a piece of parchment and tore it, the term "we-yiquaub" [II Kings, xii. 10]? meaning he "bored a hole in its lid"--and the warning as to which should be from [Deut. xii, 3, 4]: "Ye shall destroy their name out of the same place. Ye shall not do so to the Lord," etc. It was said above if the Name should be cursed by the Name, which is not the case here. But perhaps the term "nauquib" is meant as plainly expressed, as the same is used in Num. i. 17, which are expressed by name" (*i.e.*, it was forbidden to

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express the name Jehovah in any case whatever, except in that of the high-priest in *his* worshipping on the Day of Atonement when the temple was in existence; and even then, when the people heard this expression, they used to fall upon their faces). And the warnings should be from [Deut. vi. 13]: "The Lord thy God shalt thou fear" (which means to pronounce His name). This does not hold good, firstly because, as said above, it must be by the Name; and secondly, a warning of a positive commandment cannot be counted as a warning. And if you wish, it may be said because it is so written plainly [Lev. xxiv. 11]: "The son of the Israelitish woman pronounced (*weyiqaub*) the holy name and blasphemed." Hence this term is used to blaspheme. But perhaps one is not guilty unless he did both-expressed the name and blasphemed? This cannot be supposed, as farther on it reads [ibid. 14]: "Lead forth the blasphemer," and the expression "nauquib" is not mentioned. Hence it is one and the same.

The rabbis taught: It reads: "any man whatsoever," etc., meaning to include the heathen, who are warned of blasphemy the same as an Israelite. And they are to be executed by the sword, as wherever it is mentioned in the Scripture concerning death to the children of Noah, it means by the sword, and not otherwise. But is this inferred from the verse cited? Is it not stated farther on that such is inferred from a verse in Genesis? Said R. Itz'hak of Navha: This verse is needed to include the pseudonyms. And it is in accordance with R. Mair of the following Boraitha: Any man whatsoever that blasphemeth his God shall bear his sin. To what purpose is this written? It reads earlier [ibid. 16]: "But he that pronounced the name of the Lord (with blasphemy) shall be put to death"? Because from this one might say that he is not guilty, unless he has done so with the unique proper Name, but not with the pseudonyms. Therefore it reads in the cited verse (15), "his God"--no difference between proper and pseudonym. So is the decree of R. Mair. The sages, however, maintain: For the unique proper Name death is the punishment; and for the pseudonyms it is only a warning by a negative commandment, and the punishment is as for the transgression of a negative commandment. (Says the Gemara:) Itz'hak of Navha differs with R. Maisha, who said: One of the children of Noah, who blasphemed God by any of His pseudonyms whatsoever is guilty, and is put to death, even according to the rabbis.

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The rabbis taught: Seven commandments were given to the children of Noah, and they are: Concerning judges, blasphemy, idolatry, adultery, bloodshed, robbery, and that they must not eat of the member of a body while the animal is still alive. R. Hananiah b. Gamaliel said: Also of the blood of the same. R. Hidka said: Also castration was forbidden to them. R. Simeon said: Also witchcraft. And R. Jose said: All that is said in: the portion on witchcraft is forbidden to a descendant of Noah. As it reads [Deut. xviii. 10-12]: "There shall not be found among thee any one who causeth his son or his daughter to pass through the fire, one who useth divination, one who is an observer of times, or an enchanter, or a conjurer, or a charmer, or a consulter with familiar spirits, or a wizard, or who inquireth of the dead. For an abomination unto the Lord are all that do these things; and on account of these abominations the Lord thy God doth drive them out from before thee." And as there is no punishment without preceding warning, hence they were commanded not to do all this. R. Elazar said: Also Kilaim. I mean to say, the descendants of Noah are allowed to dress themselves with a mixture of wool and flax; and also sow different kinds of seeds together (which are forbidden to the Israelites); but they are forbidden to gender different kinds of animals and to graft two kinds of trees together.

Whence is all this deduced? Said R. Johanan: From Genesis ii. 16. [1](#) Were the descendants of

Noah indeed commanded concerning judges? Is there not a Boraitha: Ten *commandments* were commanded to Israel in Marah; seven of them are those which were accepted by the descendants of Noah, and three were added to them: viz., Judges, Sabbath, and to honor father and mother. Judges--as it is written [Ex. xv. 25]: "There he made for them a statute and an ordinance," etc. And concerning Sabbath and the honor of parents it reads [Deut. v. 12 and 16]: "As the Lord thy God hath *commanded thee*." And R. Jehudah said: "As he hath commanded thee in Marah." Said R. Aha b. Jacob: This means that Israel was commanded to establish courts of justice in every district and

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city; and the children of Noah were commanded concerning judges in general only. But is there not a Boraitha: As Israel was commanded to establish judges in every city and district, so also were the children of Noah commanded? Said Rabha: The Tana of the Boraitha cited above is in accordance with the school of Manasheh, which excluded from the seven commandments judges and blasphemy, and included castration and kilaim. Thus was it taught in the school of Manasheh: Seven commandments were the descendants of Noah commanded: Concerning idolatry, adultery, bloodshed, robbery, a member of a living animal, castration, and kilaim. R. Jehudah, however, said: Adam the First was commanded as to idolatry only, as it reads [Gen. ii. 16]: "And the Lord commanded the man" *i.e.*, the Lord commanded him about the law of God (that he should not be exchanged for another). R. Jehudah b. Bathyra said: Also as to blasphemy. And there are some others who say, also concerning judges.

According to whom is that which was said by R. Jehudah in the name of Rabh: God said to Adam: I am God, thou shalt not blaspheme me. I am God, thou shalt not exchange me for an idol. I am God, the fear of me shall be always upon thee? According to the "some others" just mentioned. (The expression "the fear of me," etc., means to appoint judges who shall punish them who transgress my commandments.)

Said R. Joseph: It was said in the college: For transgression of the following three commandments a descendant of Noah is put to death: viz., adultery, bloodshed, and blasphemy. R. Shesheth opposed: It is correct concerning bloodshed, as it reads [Gen. ix. 6]: "Whoso sheddeth man's blood, by man shall his blood be shed." But whence do you deduce the two others? And should you say that it is inferred from bloodshed, then why not infer all the seven? And if you infer it from "any man whatsoever," then idolatry is also inferred from same? Therefore said he: In the college it was said: For four they are but not put to death? Said R. Na'hman b. Itz'hak: It means ant of Noah indeed put to death because of idolatry? Have we not learned in a Boraitha concerning idolatry, if for such a crime one is put to death by the court of Israel, the descendants of Noah are warned of it? Hence they are only warned, but not put to death? Said R. Na'hman b. Itz'hak: It means that they are warned if they should commit this they will be put to death. R. Huna and R. Jehudah and also all other disciples

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of Rabh say: For each case of the seven commandments a descendant of Noah is to be killed. As the Scripture prescribed death for one, it shall serve as an example for the others.

When R. Dimi came from Palestine, he said in the name of R. Elazar, quoting R. Hanina: A descendant of Noah who has separated a female slave to one of his male slaves, and thereafter



had connection with her, is to be put to death for this crime. A similarity to this in the crime of bloodshed was not taught. Said Abayi: If such a similarity is to be found, it may be in that which we have learned in the following Boraitha: R. Jonathan b. Saul said: If one runs after his neighbor to kill him, and the one who flees could save himself by injuring one of the members of his pursuer, and he did not so, but killed him, it is a crime of bloodshed and he is put to death for it. 1 R. Jacob b. Aha found a writing in a Haggadic book written by the college of Rabh, thus: A descendant of Noah may be put to death by the decision of one judge, by the testimony of one witness, and although he was not warned previously. However, the testimony must be from a man, and not from a woman; and the testimony holds good even if given by one of his relatives. In the name of R. Ishmael it was said: He is put to death even for killing an embryo. Whence is this deduced? Said R. Jehudah: From [Gen. ix. 5]: "Your blood, however, on which your lives depend, will I require," meaning even by one judge. "At the hand of every beast" means even without warning; "at the hand of man" means even with one witness; "at the hand of every man" means of a man but not of a woman; "brother" means even when the witness was a relative. And the reason of R. Ishmael is [ibid. 6]: "Whoso sheddeth man's blood in man, 2 his blood shall be shed." What is meant by "a man in man," if not an embryo, which is in the entrails of his mother? And the first Tana, who holds that a descendant of Noah is not guilty for an embryo, is in accordance with the school of Manasheh, which maintains that every death which is mentioned regarding the descendants of Noah is choking; and he explains the above-cited verse "in man shall his blood be shed," that it means choking, from which death occurs inside of the body as illustrated above. R. Hammuna objected: Does, then, the commandment

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of bloodshed not apply to a woman? Is it not written [Gen. xviii. 19]: "For I know him, that he will command his sons and his household after him"? And by the "household" it means the woman, as the sons are already mentioned? He objected, and he himself answered: It reads farther on, "that they shall keep the way of the Lord, to do righteousness and justice." It means that he shall command his sons to appoint judges for justice and his household to do righteousness and charity.

Said R. Ibiah the Elder to R. Papa: Say, then, that a woman who is a descendant of Noah shall not be put to death if she has killed a man; as it reads "from the hand of a man," which means not from the hand of a woman? And he answered: So said R. Jehudah: It reads, "Whoso sheddeth the blood of a human," etc., which means any human whatsoever. (Said R. Ibiah again: "Say, then, that a female descendant of Noah should not be punished if she sinned, as it reads [ibid. ii. 24]: "Therefore doth a man leave his father and his mother"--a man, and not a woman. And he answered: So said R. Jehudah: It reads further, "and they become one flesh"; and with this the verse associates them to be equal in every respect.)

The rabbis taught: It should read "a man." Why is it written "any man whatsoever"? To include heathens in the warning of adultery, as well as Israelites. But was it not said above that in the seven commandments which were given to the descendants of Noah adultery is included? Said R. Johanan: It is needed for such a relationship which they do not recognize, but the Israelites do; *e.g.*, a betrothed woman before marriage, whom they consider as single. And if it happened that a heathen should sin with a woman betrothed of an Israelite, he is to be tried in the courts of the Israelites. But if he sins with a married woman, he may be tried in his own courts--the punishment of which is by the sword, and not choking. But is there not a Boraitha: A heathen who has sinned with a betrothed woman is to be stoned; and if with a married, choked? Hence

he is tried in the Israelitish courts, as in his own courts he would be slain by the sword. Said R. Na'hman b. Itz'hak: By the term married woman is meant that the ceremony of marriage was performed, but her husband had not as yet had any connection with her; and such a marriage their courts do not consider, and the bride is still deemed single. Therefore he is to be tried in the courts of Israel, and punished with their prescribed

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death. And so taught R. Haninah: The law of the heathen considers the wife of a man only after their connection, but not after the ceremony of marriage.

There is a Boraitha in accordance with R. Johanan: Every relationship for which the punishment of the courts of Israel is death, a descendant of Noah is warned of it; but all other relationships, the punishment of which is not death, are permissible to them. So is the decree of R. Mair. The sages, however, say: There are many relationships which in our courts are not punished with death, nevertheless the descendants of Noah are warned of them. If it happens that one of the latter has committed a crime with a daughter of Israel, which is considered adultery in the courts of the Israelites, but not in the courts of the heathens, he is to be tried in the courts of Israel. But if such a crime is considered adultery also in the courts of the heathen, he may be tried in their own courts. However, we do not find a case which would be a crime for Israelites and not for heathens, except that of a betrothed woman (as said above). But why does the Boraitha not count the case of a married woman--by the ceremony of marriage only--which is a crime according to our law, and not according to their law? The Boraitha is in accordance with the school of Manasheh: The death of the descendants of Noah is also choking. Hence it makes no difference in which court he should be tried. [1](#)

Resh Lakish said: He who raises his hand to strike his neighbor, although he has not as yet struck him, is called wicked. As it is written [Ex. ii. 13]: "And he said to the wicked one, wherefore smitest thou thy fellow?" It does not read, "why hast thou smitten," but "why smitest thou." Hence he is called wicked even if he only raises his hand to strike. Zeairi in the name of R. Hanina said: He is named sinner. As it reads [I Sam. ii. 16]: "If not, I will take it by force." And immediately after it reads: "The sin of the young men was very great." R. Huna said: If one has the habit of raising his hand against man, his arm may be cut off. As it reads [Job, xxxviii. 15]: "And the high-raised arm should be broken." [2](#) (And R. Huna acted according to his theory, and

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cut off the arm of a man whose habit was to strike men with it.) R. Elazar said: There is no remedy for such a man, but burial. As it is written [ibid. xxii. 8]: "But as for the man of a strong arm, for him is the land." He said again: Only one who has a strong arm may obtain land (as usually there is much trouble to keep away cattle and all other animals which harm the growth, and also to preserve it from thieves, etc.). Resh Lakish said again: It reads [Prov. xii. 11]: "He that tilleth [1](#) his ground will be satisfied with bread." It means, when one makes himself a slave to the earth, he may be satisfied with bread, but not otherwise.

The Boraitha states: R. Hananiah b. Gamaliel, etc. The rabbis taught: It reads [Gen. ix. 4]: "But flesh in which its life is, which is its blood, shall ye not eat." This means any member of the

animal, while it is still alive. And Haninah b. Gamaliel said: Also the blood of same. And his reason is that the verse is to be read thus: Flesh in which its life is, ye shall not eat, and blood in which its life is, ye shall not eat. The rabbis, however, maintain that blood is here mentioned to teach that other animals, as reptiles, are allowed to a descendant of Noah. Similar to this, it reads [Deut. xii. 23]: "Only be firm, so as not to eat the blood; for the blood is its life," which the rabbis explain as meaning the blood of the veins, by which the soul departs.

For what purpose is it written concerning the descendants of Noah, and thereafter repeated in the laws which were given on Mount Sinai? It is as R. Jose b. Hanina said: Every commandment which was given to the descendants of Noah, and thereafter repeated in the laws given on Mount Sinai, applies to both Israel and the descendants of Noah. And that which was given to the descendants of Noah, and not repeated, applies to Israel only. However, we have only one case [Gen. xxxii. 33] which was commanded before the laws were given on Mount Sinai, which was not repeated, and applies only to Israel, according to R. Jehudah's theory (in Tracts Chulin, Chap. vii., which will be explained there).

The master said: A commandment which was repeated on Sinai is for both. Why not the contrary--because it was repeated on Sinai, it must be said it was given to Israel only? Although

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idolatry was repeated on Sinai, as we find that the descendants of Noah were already punished for idolatry, therefore it applies to both. He says further that that which was given to the descendants of Noah and not repeated is for Israel only. Why not the contrary--because it was not repeated, it applies to the descendants of Noah and not to Israel? Because we do not find any case where it is forbidden to the descendants of Noah and allowed to the Israelites, a commandment which was given to the children of Noah and repeated on Sinai applies to both. Is there not circumcision? [Gen. xvii.]: "And God said unto Abraham: But thou, for thy part, shalt keep my covenant"; and it reads also [Lev. xii. 3]: "And on the eighth day shall the flesh of his foreskin be circumcised." And nevertheless it applies to Israel only, and not to the descendants of Noah? The verse just cited was needed to permit the circumcision to be done on Sabbath; as the term "on the eighth day" means even on Sabbath. And if you wish, it may be said that circumcision was given to Abraham especially. As it reads [Gen. xvii.]: "But thou, for thy part, shalt keep my covenant: thou, and thy seed after thee, in their generations"--which means "thou and thy children," but not some other man's. But according to this, let the descendants of Ishmael be obliged to circumcise? It reads [ibid. xxi. 12]: "For in Isaac shall thy seed be called." But if so, let this obligation be for the children of Esau also? It reads "in Isaac," but not the whole of Isaac, which means to exclude the descendants of Esau. R. Oushia opposed: Let, then, the children of Kturah not be obliged to circumcision. And R. Jose b. Abin or R. Jose b. Hanina said: From [ibid. xvii. 14]: "He hath broken my covenant" is understood even the sons of Kturah.

R. Jehudah said in the name of Rabh: Adam the First was not permitted to eat meat. As it reads [ibid. i. 29, 30]: "To you it shall be for food, and to every beast of the field," meaning, but not the beasts to you. However, after the descendants of Noah came, he permitted them. As it reads [ibid. ix. 3]: "Every moving thing that liveth shall be yours for food: even as the green herbs have I given you all things." And lest one say that they may be eaten while still alive, therefore it reads: "But flesh in which its life is, which is its blood, shall ye not eat." And lest one say that this forbids also reptiles, the term "but" excludes them. How is this to be understood? Said R. Huna: It reads "his blood," which means of animals in

which the blood is separated from the flesh, and excludes reptiles, of which the blood is not separated from their flesh.

There was an objection to that which was said that Adam the First was not allowed to eat meat, from that which Jehudah b. Bathyra said (Vol. IX., p. 7): "Adam the First was sitting in the garden of Eden, and the angels served him with roasted meat," etc. Hence he was allowed? And the answer was that with meat which came from heaven it is different. And the question is, was there any meat which came from heaven? It was answered: Yea! As it happened to R. Simeon b. Chalafta, who, being on the road, met lions, which were stirred against him; and a miracle occurred, and two legs fell from heaven, one of which the lions consumed, and the other one remained. Simeon then took it, brought it into the college, and questioned if it was allowed to eat it. And he was answered: An unclean thing never came from heaven. And R. Zera questioned R. Abuhu: How is it if such should come from heaven in the form of an ass? And he was scolded for this question thus: Was it not decided long ago that no unclean thing descends from heaven?

"*R. Simeon said: Also witchcraft.*" What is his reason? It reads [Ex. xxii. 17]: "Thou shalt not suffer a witch to live"; and farther on: "Whosoever lieth with a beast shall surely be put to death"--which applies also to the descendants of Noah. And as this applies to them, the same is the case with the first verse. R. Elazar said: Kilaim! Whence is this deduced? Said Samuel: From [Lev. xix. 19]: "My statutes shall ye keep," which means the "statutes which I stated long ago" (long ago, to the descendants of Noah). "Thy cattle shalt thou not let gender with a diverse kind; thy field shalt thou not sow with mingled seeds." And as concerning cattle "gender" is prohibited, so concerning fields grafting is prohibited; and as the prohibition of the first applies to every place--in Palestine and outside of it--the same is the case with the fields. But if so, why not explain [ibid., ibid. 37]: "Ye shall therefore observe all my statutes, and all my ordinances," in the same way: "my statutes which I stated long ago"? Nay! "You shall therefore observe my statutes" means which I have now given to you. But in the above-cited verse, which begins, "my statutes ye shall observe," it must be said the statutes which are already stated.

"*Said R. Jehoshua b. Karha,*" etc. Said R. Aha b. Jacob:

[paragraph continues] Infer from this that one is not guilty unless he blesses (curses) the Name which contains four letters, but not that of two letters (*e.g.*, a Jud and Heh--"Ja"; or Aleph and Lamedh, which is "ehl." But is this not self-evident? Does not the Mishna state, *e.g.*, "Jose . . . by Jose," which contains four letters? Lest one say that this is only an example, but not in particular, he comes to teach us that it is not so. According to others, Aha b. Jacob said: Infer from this that a name which contains four letters is also considered. Is this not self-evident? The example is given, "Jose by Jose," which contains four. Lest one say that one is not guilty, unless he blesses (curses) the great Name (Rashi explains: Which contains forty-two letters--which are not known to us, and the example is not particular, he comes to teach us that it is not so). [1](#)

"*They arise.*" Whence is this deduced? Said R. Itz'hak b. Ami: From [Judges, iii. 20]: "And Ehud came unto him; and he was sitting in the summer upper chamber, which was for himself

alone. "And Ehud said: I have a word of God unto thee. And he arose out of his chair." Is there not to be drawn an *a fortiori* conclusion--Eglon, the king of Moab, who was a heathen, to whom the God of Israel was known only by a pseudonym, rose up from his chair when he heard the Name of God: An Israelite, hearing the great Name, so much the more must he arise?

"*Rend*," etc. Whence is this deduced? From [II Kings, xviii. 37]: "Then came Elyakim the son of Chilkiyah, who was superintendent over the house, and Shebua the scribe, and Yoach the son of Assaph the recorder, to Hezekiah, with their clothes rent; and they told unto him the words of Rabshakeh."

"*Not to be mended*." Whence is this deduced? Said R. Abuhu: From an analogy of expression--"rent." It reads here: "With their clothes rent"; and [ibid. ii. 12]: "And Elisha saw it, and he cried, My father, my father, the chariot of Israel, and their horsemen. And he saw him no more; and he took hold of his clothes and rent them in two pieces." Why the word "pieces"? Is it not self-evident that when he rent them in two, they became pieces? Hence this term means that they should remain pieces and never be mended.

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The rabbis taught: There is no difference if one hears it from the blasphemer himself or from the witness who heard it from the blasphemer--he must rend his garments. However, the witnesses themselves are not obliged to rend their garments again, as they already did so when they heard the blasphemy. But supposing they have already rent? Do they not hear this now? Hence they should rend again? This cannot be supposed, as it reads [Ibid., ibid., 19]: "And it came to pass, when King Hezekiah heard it, that he rent his clothes." Hence Hezekiah rent, but they who told him did not rend again.

R. Jehudah said in the name of Samuel: If one hears a blasphemy from the mouth of a heathen, he is not obliged to rend his garments. And should one say: Why did they rend when they heard it from Rabshakeh?--he was not a heathen, but an apostate Jew. The same said again in the name of the same authority: Garments must be rent only upon the unique proper Name, but not upon a pseudonym. And he differs from R. Hyya in both his decisions, as R. Hyya said: If one hears a blasphemy in our times, he is not obliged to rend; for if one should say he is obliged, then all garments would be full of rents. Now, who are the blasphemers--Israelites? Are they so bold as to blaspheme God? Hence he means heathens. And are, then, the heathen aware of the unique proper Name? Hence he means a pseudonym. And nevertheless he says, "in our times," from which we understand that in previous times it was obligatory to rend upon a pseudonym also. Infer from this that so it was.

"*The second witness says: I heard exactly the same*," etc. Said Resh Lakish: Infer from this that in civil cases, as well as in criminal, if one of the witnesses says: "I have heard just the same," and does not repeat what he has heard, it is lawful. And that which the court used to require from the witnesses, that each of them should explain how the case was, is only a higher standard which the rabbis have enacted. In the case of blasphemy, however, in which it is impossible that the second witness should repeat, they leaned on the biblical law. As, if it were biblically illegal, how could it be supposed that because it is forbidden to repeat, a man should be put to death?

"*And so also says the third witness*." This anonymous Mishna is in accordance with R. Aqiba,

who compares three witnesses to two.

MISHNA VII.: He is considered an idolater who worships

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it with its proper 1 worship; and even if he only sacrifices, smokes incense, or pours wine. He is also so considered if he bows himself to it, or accepts it as a god, even without any other act. And also if he only says: Thou art my god. However, he who arms, kisses, wipes the dirt, sprinkles water, washes, anoints, dresses, or shoes it, transgresses a negative commandment [Ex. xx. 5]. He who vows or determines in its name transgresses also a negative commandment [ibid. xxiii. 13]. He who uncovers himself before Baal Peor, and commits a nuisance (is guilty, for) this is the mode of worshipping him; also, he who casts a stone on a *merculis* (*hermaeon*)--that is the way of worshipping it (and he is guilty).

GEMARA: Whence is this deduced? The rabbis taught: It is written [Ex. xxii. 19]: He that sacrificeth unto any god, save unto the Lord only, shall be utterly destroyed. If the word "any" were omitted from this verse, I would say it speaks of one who sacrifices animals outside of the sanctuary; but as the word is written, it is to explain that it means: who sacrifices to any idol. From this, however, we infer sacrificing only. But whence do we know that the same is the case with smoking incense or pouring wine? From the words "unto the Lord only," which would be superfluous if they do not mean: all the kinds of worshipping the Lord--if he has done it to an idol, he is guilty. Now, as sacrificing is included in the worshipping of the Eternal, and nevertheless specified, it is to be assumed that it comes to teach that one is guilty for that kind of worshipping which takes place inside of the sanctuary. Whence, then, do we know that bowing is also considered? From [Deut. xvii. 3]: "And he hath gone and served other gods and bowed 2 himself to them"; and [ibid., ibid. 5]: it reads: "Then shalt thou bring forth that man," etc. But from this we know the punishment--whence is the warning? [Ex. xxxiv. 14]: "For thou shalt bow thyself to no other god." And lest one say that arming, kissing, shoeing are also included to be crimes subject to capital punishment, as they are to be inferred from bowing, therefore sacrificing was specified, to show that nothing is to be inferred from bowing, and also to teach that as a distinction is made concerning the worshipping inside of the sanctuary, the same is the case with all other worshippings which are used inside--if with such one has worshipped an idol,

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he is liable to a capital punishment. However, bowing is out of this rule and stands alone.

The master said: If not for the word "any," I would say it speaks of sacrificing out of the sanctuary. But is not such a crime under the category of Korath? Should one say that it is when he was not warned, but if he was, capital punishment applies, he comes to teach us that it is not so.

Said Rabha b. R. Hanan to Abayi: Why not say that from bowing "all kinds of worshipping" is to be inferred, and the specification of sacrificing is needed for itself, to teach that an intention of worshipping an idol with any future act, although one does not intend it by the first act, is considered worship; *e.g.*, if one slaughters a cow with the intention of sprinkling its blood, or of burning its fat before the idol, although with the slaughtering he does not worship it, it is



nevertheless considered, and it is prohibited to derive any benefit from the cow, according to Johanan? But according to Resh Lakish the cow is permissible for use, as he does not hold this theory. And the reason of R. Johanan is because he infers it from the worshipping inside, as to which a future intention, *e.g.*, to sprinkle the blood on the morrow--makes invalid the whole sacrifice. The same is the case with an outside act, as illustrated here.

Said R. Aha of Difti to Rabhina: According to Rabha b. R. Hanan, who said to Abayi: Why not say that from bowing all kinds of worshipping are to be inferred? What, then, would he exclude from the passage which reads [Deut. xii. 30]: "How did these nations serve their god?" And lest one say that one who uncovers himself for such idols as are worshipped with sacrifices is excluded, this may be inferred from bowing: as the act of bowing is an honor to the idol, so are all kinds of worship which are in order to honor. But uncovering, which is a disgrace, is not considered a worship? Say--to exclude the one who uncovers himself for Mercuris. And lest one say that as the kind of worship of Mercuris is a disgrace, the same shall be the case with the disgrace of uncovering, it comes to teach us that it is not so. But did not R. Elazar say: Whence do we know that if one sacrifices an animal to Mercuris he is guilty? From [Lev. xvii. 7]: "So that they shall offer no more their sacrifices unto evil spirits," which is not needed for itself, as this is already written elsewhere? Apply it, therefore, to bringing an offering to an idol of which the kind of worshipping is not sacrificing. Now, as from bowing is inferred all kinds of

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worshipping which are of honor, so one is liable if he did it for any idol, whatsoever be the kind of its worship. Why, then, does R. Eliezer need the above-cited verse? He means to say: Even if he had sacrificed to Mercuris, not as an honor but for dishonor, he is nevertheless liable for the transgression of the negative commandment cited above.

It happened to Hamnuna that he lost his oxen, and while searching for them Rabha met him, and propounded to him a contradiction from the two following Mishnayoth: In our Mishna it is stated: "He who worships idols," from which is to be inferred only worshipping, but not saying. And there is another Mishna, farther on, which states: He who says: "I will worship," or "I will go to worship," or "We will go to worship"--is already considered an idolater. And he answered: Our Mishna means that he said: I do not accept this idol as a god unless by worshipping. Said R. Joseph to him: You are saying this as if it were your own opinion. Do you ignore the Tanaim who differ on this point in the following Boraitha: If one says: "Come ye and worship me, for I am a god," R. Mair makes him guilty as a seducer, and R. Jehudah frees him. However, if there were some who had already worshipped him, all agree that he is guilty. Thus it reads [Ex. xx. 41 Thou shalt not make unto thyself," etc., which means also, "Thou shalt not make thyself for an image." But the point of their difference is that he was not as yet worshipped. R. Mair makes him guilty because, according to his opinion, talking is to be taken into consideration; and according to R. Jehudah it is not. Hence we see that Tanaim differ on this point? After deliberating, however, said R. Joseph: What I said was not correct; as we find in the following Boraitha that R. Jehudah also makes one guilty for talking: R. Jehudah said: One is not guilty unless he says: "I will worship," or "I will go and worship," or "We will go and worship." And the point of their difference in the Boraitha cited above is thus: If one who is a seducer for himself (*i.e.*, "Worship me"), and there were some people who said, "Yea," according to R. Mair he is considered a seducer because there were some people who answered, "Yea"; and according to R. Jehudah this is not considered, as their answer, "Yea," is only a joke. They ridicule him, saying: Are you not a man like us? And the Mishnayoth, which contradict each other, are to be

explained thus: Our Mishna, which states "who worshipped," treats if he who was seduced, listened and

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worshipped him, he is guilty; because if an individual made up his mind to worship him, it is to be presumed that he will not retract. And the other Mishna treats of when many people were seduced and worshipped him, it is not to be considered, as it is to be supposed that they will reconsider, seeing there is nothing in him, and will retract. And R. Joseph said: Whence did I take my theory? From [Deut. xiii. 9]: "Then shalt thou not consent unto him, nor shalt thou hearken unto him." From which it is to be understood that if he did listen, and consented unto him, he is culpable. Abayi objected to him: Is there indeed a difference between an individual who was seduced and a majority? Is there not a Boraitha: It reads [ibid., ibid. 7]: "If thy brother, the son of thy mother, should entice thee," means that there is no difference between an individual and a majority, if they were seduced? And the verse which excluded an individual from a majority, is to make more rigorous his body--viz., to be stoned--and lenient concerning his property, which remains for his heirs; and excluded also a majority from an individual, to make more lenient their bodies--viz., slaying by the sword--and rigorous concerning their property, which must be burned. Hence we see that only on this point is there a difference between them, but on all other points they are equal. And therefore he explains the two contradictory Mishnayoth, that one speaks of when he has seduced himself--therefore he is not culpable unless he worshipped, as from his talk only, it is supposed that he will retract after deliberating. And that Mishna which makes him culpable for talking only, speaks of when he was seduced by others, as it is not to be supposed that he will retract. On the contrary, as they are many, it is highly probable that he will be inclined to them. And Abayi also infers his theory from the above-cited verse, "If he did not consent," etc., from which it is to be understood that if he did, he is culpable. Rabha, however, maintains that both Mishnayoth speak of when he was seduced by others, but one treats of when the seducers said to him: "So does the idol eat, so does it drink, so does it good, and so does it harm; and the other one treats of when he was not so informed. And he adds: Whence do I deduce my theory? From [ibid., ibid. 8]: "Some of the gods of the nations which are round about you, that are nigh unto thee," etc. To what purpose is it written? Is there a difference if the idols were near to him or far from him? It must be explained that the verse means

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thus: From the nature of the idols which are near to thee, thou mayst understand the nature of those which are far from thee. (*I.e.*, usually a seducer comes to tell one from such as are not known to him, and relates before him all the good of the idol, and so seduces him to worship. Hence he said to him: "So does it eat, so does it drink," etc.) R. Ashi maintains: The Mishna which makes one guilty for talking treats of an apostate, who is guilty for talking, as such would not retract after it is seen that such is his habit." Rabhina, however, said: Both Mishnayoth speak of an Israelite, not of an apostate, and they do not differ at all, as the first Mishna says, "who worshipped," and the second states not only "worship," but if he says, "I will," he is also culpable.

It was taught: If one worship an idol because he loves it, or because he fears it, according to Abayi he is culpable, and according to Rabha he is free. The former said so because, after all, he has worshipped it, and therefore he is guilty; and the latter maintains: He is guilty only when he

accepts it as a god; but when this is no longer the case, he is free.

Said Abayi: I take my theory from our Mishna, which states, "If one worship," etc., "sacrifice," etc. Now, as the Mishna explains farther on all the kinds of worshipping, the term "worshipped," without specifying the kind, means for love or for fear. Rabha, however, maintains that the Mishna is to be explained as by R. Jeremiah. Said Abayi: I may infer my theory from the following Boraitha: It reads: "Thou shalt not bow thyself to them"--but thou mayst bow thyself to a man who is equal to thee. But lest one say, "Even if the man were worshipped like Haman?" therefore it reads: "Thou shalt not worship them." Now, Haman was worshipped for fear. We see, then, that such a worship is considered. Rabha, however, explains the Boraitha: Like Haman, who established himself as an idol, but not like him who was worshipped only for fear. And Abayi said again: I infer my theory from the following Boraitha: The anointed priest for war may bring an offering, if he acted unintentionally concerning idolatry. So is the decree of Rabbi. Now, let us see! What means, "he acted unintentionally"? Shall we assume that he thought, of a house of idolatry, that it was a synagogue, and bowed himself? Then why should he bring an offering--his heart was toward Heaven? We must then say that he saw an image and bowed himself. Now, if he accepted it is a god, then he has acted intentionally

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and should be put to death. But if he has not accepted it as a god, but bowed himself--*e.g.*, for the honor of the king who was with him? Then it cannot be considered a sin at all, even to the extent of bringing an offering. We must then say that "unintentionally" means for love or for fear. Rabha, however, maintains that his error was that he thought that such a thing was allowed.

R. Zakkai taught in the presence of R. Johanan: If one has [sacrificed](#), smoked incense, poured wine, and bowed himself before an idol, because of one forgetfulness (that the law does not allow it), he is liable for one sin-offering only. And R. Johanan answered him: Go and teach your teaching outside of the college (*i.e.*, it is nonsense). Said R. Abba: As to the theory of R. Zakkai, R. Jose and R. Nathan differ in the following Boraitha: The negative commandment of kindling on Sabbath, which is already included in the negative commandment, "Thou shalt not do any labor," is written for the purpose of teaching that he who kindles transgresses only a negative commandment, which is not under the category of Korath or capital punishment, as for all other labor on Sabbath. And R. Nathan differs from him (see Sabbath). And there is the same difference here concerning bowing. According to R. Jose, bowing was specified for the purpose of showing that he who does so transgresses only a negative commandment, to which capital punishment does not apply. And R. Nathan differs from him with the same theory as concerning kindling.

When R. Samuel b. Jehudah came from Palestine, he said that R. Zakkai had taught before R. Johanan thus: Concerning Sabbath it is more rigorous than all other commandments in one respect, and all other commandments are more rigorous than concerning Sabbath in another respect--*viz.*, concerning Sabbath, if one has done two kinds of labor by one forgetfulness (*e.g.*, he forgot that it was Sabbath), he is liable for two sin-offerings; and in all other commandments--if, for instance, he worshipped with two kinds by one forgetfulness--he is liable to one sin-offering. And in another respect the other commandments are more rigorous than concerning Sabbath; as concerning Sabbath, if he had done any labor unintentionally--*i.e.*, he intended to do another thing and did this--he is not liable at all, while concerning other commandments, if such a thing occurs, he is liable for a sin-offering.

R. Ami said: If one has worshipped by all three worships--

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viz., sacrificing, smoking, and pouring--in one forgetfulness, he is liable only for one sin-offering. Said Abayi: The reason of R. Ami's theory is: Because it is written, "Ye shall not worship them," hence the Torah has included all kinds of worship into one. Did Abayi indeed say so? Has he not said: There is written in the Scripture three times "bowing," concerning idolatry: once, that one is culpable if the worship of the idol was by bowing; second, that one is culpable even if the worship of the idol was not by bowing; and the third, to distinguish it from all other worships--that one is liable for it to a capital punishment? You say once, when the usage is to worship thus. Is, then, a verse needed as to this? Is it not written plainly [Deut. xii. 30]: "How did these nations serve their gods? even so will I do likewise"? Say then, once, for such an idol as is not accustomed to be worshipped by bowing, but only occasionally; and once, for such as before which bowing is not used at all"--e.g., Baal Peor; and once, to separate it for capital punishment? Hence we see that he is not in accordance with R. Ami? He said so to give a reason for R. Ami's theory, but he himself does not agree with him.

"*And also if he only says, 'Thou art my god.'*" R. Na'hman in the name of Rabba b. Abuhu, quoting Rabh, said: As soon as he has said, "Thou art my god," he is culpable. But what news is this? If he means capital punishment, did not the Mishna say so? He means to say that he is liable to bring a sin-offering, if this was said by an error, even according to the rabbis, who require an act. But does not a Boraitha state: One is not culpable unless by acting--e.g., sacrificing, smoking, pouring, or bowing? To which Resh Lakish said: Who is the Tana who holds that bowing is also an act? R. Aqiba, who does not require a mental act--from which it is to be understood that the rabbis do? Rabh also means to say in accordance with R. Aqiba. But is this not self-evident? Does not R. Aqiba say that even an unintentional blasphemer is also liable for a sin-offering? Lest one say that R. Aqiba holds liable a blasphemer because the punishment of korath is mentioned in the Scripture concerning him, but concerning bowing, which is not mentioned, even R. Aqiba frees him from this obligation, he comes to teach us that they are compared. As it reads [Ex. xxxii. 8]: "They have bowed themselves to it, and have sacrificed unto it," etc.

R. Johanan said: If not for the Vav in the word "he-elukha"

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(brought thee up) in the above-cited verse (which makes it plural and means that they also took part in the exodus from Egypt), all Israel would be liable to be destroyed. However, in this the following Tana'im differ: Anonymous teachers say: If not for the Vav in the word "he-elukha," etc. Said R. Simeon b. Johai to them: This is still worse, as there is a tradition: He who conjoins the name of Heaven with something else is to be destroyed; and therefore the Vav in "he-elukha," which makes the word plural, shows that they were fond of many gods.

"*He who arms, kisses,*" etc. When Rabbin came from Palestine, he said in the name of R. Elazar that one is not punished with stripes for all them, unless one vows or determines in its name. But let us see! Why is one not punished for all these? Because the negative commandment is not

plainly written to this effect, but was included in the negative commandment, "Thou shalt not worship them." And there is a rule that for such a commandment no stripes apply. Why, then, should stripes apply to one who vows? This commandment is also not for mental labor, but for manual. And there is a rule that concerning a commandment in which mental labor is not involved, stripes do not apply. He is in accordance with R. Jehudah, who said that for such a negative commandment stripes do apply. As we have learned in the following Boraitha: It reads [Ex. xii. 10]: "And ye shall not let anything of it remain until morning, and that which remaineth of it until morning ye shall burn with fire." Hence the Scripture came to give a positive commandment (ye shall burn) after a negative commandment (ye shall not leave), to say that for the transgression of such a negative commandment stripes do not apply. So R. Jehudah. R. Jacob, however, says: The reason why stripes do not apply is not because of that which is said by R. Jehudah, but because in this commandment no mental labor is involved, and to such no stripes apply. Hence we see that, according to R. Jehudah, even to such stripes do apply.

"*He who vows in its name,*" etc. Whence is this deduced? From [Ex. xxiii. 13]: "And of the name of other gods ye shall make no mention"--which means, one must not say to his neighbor: Await me in such and such a place, where such and such an idol is to be found. "It shall not be heard out of thy mouth" means, one shall not vow or determine in its name, and shall also not cause others to do so. Another explanation to, "It shall not be heard out of thy mouth," is that it is a warning

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to a seducer and to a misleader. But concerning a seducer is it not written plainly [Deut. xiii. 12]: "And all Israel shall hear and be afraid"? Therefore it must be said that it is a warning to a misleader, and also that one shall not cause others to vow or determine in its name. And this is a support to Samuel's father, who said that one must not make partnership with an idolater, as it may be that his partner will owe an oath to him, and he will swear by the name of his idol. And the Torah says: "It shall not be heard out of thy mouth," which means: You shall not cause others to vow in its name.

It happened once that Ula lodged in Khalmbu, and when he came to Rabha, he asked him: "Where did the master lodge last night?" And he said: In Khalmbu. Said Rabha to him: Is it not written: "The name of other gods ye shall not mention"? Rejoined Ula: So said R. Johanan: Every idol which is mentioned in the Scripture, one may mention.

R. Jehudah in the name of Rabh said: It happened to a female heathen who was very sick and vowed that if she recovered she would worship all the idols which were to be found. And after her recovery she did so. When she reached Baal Peor she asked how it should be worshipped. And she was told that worshippers ate mangcorn, drank beer, and then uncovered themselves in its face. And she said: "I would rather suffer the same sickness again than perform such a worship." But yet the house of Israel have not done so, as it reads [Num. xxv. 5]: "That have been joined unto Baal Peor," which means like the cover to a pot. However [Deut. iv. 4]: "But ye that cleave unto the Lord," etc., as a twin of dates. A Boraitha states. "Joined to Peor," as a ring on the finger of a woman, "cleave to the Lord" means, literally.

The rabbis taught: It happened to Saphta b. Als, who hired his ass to a certain female heathen. And when she reached the place of Baal Peor, she said to him: "Await me here, I will enter only for a while and come out." And when she came out, he also said to her: "Await me here, I will



also do the same." And to her question: "Are you not a Jew?" he answered: "What do you care?" He then entered, uncovered himself and put the dirt on the nose of the idol. And the ministers of Peor praised him for this, saying that there was no man who worshipped Peor as properly as he did. The sages, however, made him guilty for the proper worship of the idol, although his intention was to disgrace it. And the same is the case if he

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throws a stone at Mercuris, although with the intention of stoning it, he is nevertheless guilty, for so is the kind of its worship.

R. Menassah went to the city of Turta, and was told that this place is of an idol. And he took up a lump and threw it at it (the idolatrous statue). He was then told that it was Mercuris, and he answered that the Mishna states "he who throws a stone at Mercuris," *i.e.*, to worship. And when he came to the college he was told that the Mishna means, even if his intention was to stone it. He then said: I will go and take it up. However, he was told that it is the same transgression, for by taking one stone he makes room for another.

MISHNA VIII.: If one gives one of his children to Molech, he is not guilty unless he had transferred him to the servants of Molech and let him pass through the fire. If, however, he had transferred and not passed through the fire, or *vice versa*, he is not guilty.

GEMARA: The Mishna speaks of idols, and mentions Molech. Said R. Abiu: Our Mishna is in accordance with him who says that Molech is not an idol at all. As we have learned in the following Boraitha: There is no difference whether one has given of his children to other idols or to Molech--he is culpable. R. Eliezer b. R. Simeon, however, maintains: Only if he has done it to Molech he is guilty, but not if to another idol. Said Abayi: R. Elazar b. Simeon and Hanina b. Antiguus have said the same--R. Elazar b. Simeon, in the Boraitha cited; and Hanina, who said in the following Boraitha: Why does the Torah use the term Molech? 1 To say of every one whom they have accepted as a king over them--be it even a piece of wood--one is guilty if he had transferred one of his children for it. Hence we see that, according to him, one is guilty only concerning Molech, but not concerning another idol. Rabha, however, maintains that Simeon and Hanina differ concerning a temporary Molech, as according to R. Simeon one is not guilty on account of such.

R. Janai said: One is not guilty unless he transfers a child to the servants of the idol, as it reads [Lev. xviii. 2]: "And from thy children thou shalt not give to pass through the fire to Molech." And so also we have learned in the following Boraitha: Lest one say that when he passed his child and has not transferred, he should be guilty, therefore it reads, "Thou shalt not give." If he has transferred and not passed through

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the fire, he is also not guilty, because it reads, "to pass through the fire." And if one has done both, but not for Molech, one might say he is guilty? Therefore it reads, "to Molech." If one has transferred and passed to Molech, but not through fire, he is also not guilty, because it reads, "through fire." And it is written also [Deut. xviii. 10]: "There shall not be found among thee any one who causeth his son or his daughter to pass through the fire." And we infer one from the



other. As there it is mentioned plainly "fire," so here also it is meant fire; and as here is meant Molech, so also there is meant Molech. Said R. Aha b. Rabha: If one has transferred all his children to Molech, he is not guilty, as the verse reads, "and from thy children"--but not all. R. Ashi questioned: How is it if one has passed through the fire a son blind or asleep, or one of his grandchildren? The last question may be answered from the following: It reads [Lev. xx. 3]: "Because of his seed he has given unto Molech." To what purpose was it written? Because in the above-cited verse in Deuteronomy it reads "son" and "daughter," and one might say, but not of grandchildren. Therefore it is written [ibid., ibid. 4]: "When he giveth of his seed," in which grandchildren are included.

Let us see! The Tana begins with verse three [3] and ends with verse four [4]. He did so because of another teaching. One might say that one is guilty only for legitimate children, but not for illegitimate; therefore it reads in verse four, from his "seeds," which includes all.

Said R. Jehudah: One is not guilty unless he let him pass in the usual manner. What was that? Said Abayi: A row of bricks were placed for passing, and on both sides fire was kindled. Rabha, however, maintains that it was by jumping, as children used to jump on Purim. (Rashi explains that they used to have a pit in which fire was kindled, and the people used to jump over it.)

There is a Boraitha in accordance with Rabha: One is not culpable unless he has passed in the usual manner of worship. However, if he passed it by, not jumping, he is not guilty. He is also culpable only when he passed his descendants; but not if his brother, sisters, father, mother, or even himself. R. Eliezer b. R. Simeon, however, makes guilty him who passed himself. There is no difference whether he has passed to Molech or to any other idol. R. Eliezer b. R. Simeon, however, maintains: To Molech, but not to others.

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Said Ula: The reason why R. Elazar makes guilty him who passes himself is because it reads: "bkho"--literally, "*in thee*," which means "thyself." But do not the rabbis also give attention to the word "bkho"? Is there not a Mishna in Middle Gate: And R. Jehudah said: The reason of it is because it is written "bkho"? There is also another reason--because the verse begins with "although, indeed."

R. Jose b. Hanina said: Three times korath is mentioned concerning idolatry: once for worshipping it as it is done usually; once as not done usually; and once for Molech, although it was not considered an idol. And to him that holds that Molech was also an idol, why is a separate korath needed for it? Is it not included in idolatry? To him who passes his son not in its usual manner (*i.e.*, although he is not put to death by the court, the punishment of korath rests upon him). And to him who holds that he who worships idols--*e.g.*, he sings before one--is also considered blasphemous,--to what purpose is korath mentioned concerning blasphemy? To that which we have learned in the following Boraitha: It reads [Num. xv. 3 1]: "hekorath tekorath"--"hekorath," which means cut off from this world; "tekorath," from the world to come. So R. Aqiba. Said R. Ishmael to him: Is it not written in the preceding verse, "Shall be cut off"? Are there then three worlds? Therefore the expression [in 30] means from this world, and the term "hekorath" means from the world to come; and the expression "tekorath" is not to be considered, as the Torah speaks with the usual language of human beings.

MISHNA IX.: Baal ob (mentioned in the Scripture) is the python that makes the dead speak from his armpit, and Yidouï means one that makes the dead speak from his mouth. These two are to be stoned; and he who queries from them is warned [Lev. xix. 31].

GEMARA: Why does our Mishna count both Baal ob and Yidouï, and in Tract Kerithoth the Tana mentioned only Baal ob and omitted Yidouïm, etc.? (The discussion here is a repetition from Tract Kherithoth, which is the proper place, where it will be translated.)

The rabbis taught: Baal ob is one who ventriloquizes, and a Yidouï is he who puts a certain bone in his mouth, which speaks from itself.

The rabbis taught: There are two kinds of "ob": one who brings up the dead, and one who questions a dead head. He

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who brings up the dead--it appears before him not in the usual manner, but with its feet on top; and on the Sabbath it does not come up at all. But he who does this with the head of one dead answers as usual, and answers also on Sabbath. Also about this, R. Aqiba was questioned by Turnusrupus: Why is this day (of Sabbath) distinguished from all other days? To which Aqiba answered: Why is this man (Turnusrupus) distinguished from all other men? And he answered: Because it is the will of my master (the king). Rejoined R. Aqiba: Sabbath is also distinguished because it is the will of the Lord of the Universe. Said Turnusrupus: You misunderstand me. My question is: Whence do you know that this day is Sabbath? And he answered: From the river of Sabbath (which rests on this day); and it may also be proved from the fact that he who occupies himself with bringing up the dead cannot do his work on Sabbath; and also the grave of your father may prove that the smoke which comes out of it on all week days does not come out of it on all week days does not come out on Sabbath. Exclaimed Turnusrupus: You have disgraced, ashamed, and insulted me.

Is not he who queries an "ob" the same as one who inquires of the dead? Nay! The latter is as we have learned in the following Boraitha: By "inquire of the dead" is meant he who does not take food all day, and while he suffers hunger he goes to a cemetery, and remains there overnight for the purpose that the unclean spirit should rest upon him. And when R. Aqiba used to read this passage, he would weep, saying: Is not an *a fortiori* conclusion to be drawn from this passage? If one who makes himself suffer from hunger, for the purpose that the unclean spirit should rest upon him, usually succeeds, and the spirit in question rests upon him, so much the more, if one makes himself suffer hunger for the purpose that the pure spirit should rest upon him, should he succeed in reaching his desire; but what can we do if our sins cause that our desire shall not be reached, as it reads [Is. lix. 2]: "But your iniquities have ever made a separation between you and your God"? Said Rabha: If the upright would take care to be clean from any sin whatsoever, they would be able to create a world (and he infers it from the verse just cited). Rabha created a man and sent him up to R. Zera. The latter spoke to him, and he did not answer. Exclaimed R. Zera: I see that thou wast created by one of our colleagues. It is [better](#) that thou shouldst be returned to

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the earth from which thou wast taken. R. Hanina and R. Oshia were [accustomed](#) to sit every eve of Sabbath studying the book of creation, and create a calf like that of the third offspring of a living cow, and they used to consume it on Sabbath.

The rabbis taught: An observer of times is, according to R. Simeon, he who passes the outcome of a certain male over his eye (for the purpose of witchcraft); according to the sages, it is he who dazzles the eyes. R. Aqiba, however, said: The one who reckons times and hours, saying: This day is good to go on the road, such a day is good to buy things, on the eves of the Sabbatic years the wheat is fine, such and such a time is good for picking peas as they will not become verminous.

The rabbis taught: An enchanter is he who says: "My bread has fallen from my mouth to-day, and it is a bad sign"; or, "My cane has fallen from my hands"; or, "My son called me up from my back"; or, "A robin is calling me"; or, "A ram has crossed my way"; or, "A snake is on my right, a fox is on my left, and all this is a bad sign." Or, if one says to a collector: Do not begin with me, as this will be a bad sign for me. And the same is it if he says: "To-day is the first day of the month," or, "It is the Sabbath eve, and if I should pay at this time I will have a bad week" or "a bad month." And the same is the case with them who enchant with cats, birds, and fish (*i. e.*, I will not begin this thing because a cat has crossed my way, etc.). So is the teaching of the rabbis.

MISHNA X.: He who violates the Sabbath with such a labor as is liable to korath if done intentionally, and to a sin offering if unintentionally.

GEMARA: From this we see that there are violations of Sabbath to which neither korath nor a sin-offering apply. What are they? The limit of the cities (Te'humi), in accordance with R. Aqiba; and kindling, according to R. Jose.

MISHNA XI.: He who curses his father or mother is not punished with a capital punishment, unless he curse them by the proper Name of God. If he has done so with a pseudonym, according to R. Mair he is guilty, and according to the sages he is not.

GEMARA: Who are the sages? R. Mnahem b. Jose of the following Boraitha, who said thus: It reads [Lev. xxiv. 16]: "When he pronounceth the holy name," etc. Why is here repeated "the holy name"? It should read: "If he blaspheme,"

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etc. To teach that in the case of cursing father and mother one is not guilty unless he do so with the Holy Name.

The rabbis taught It reads [ibid., xx. 9]: "Every one," instead of "one." This came to include a daughter, or an hermaphrodite, or an andogyn. "That curseth his father and his mother." But whence do we know that the same is the case when he curses his father only, or his mother only? Therefore it reads farther on, "his father and his mother has he cursed." Hence the word "cursed" corresponds with the word mother"; and in the beginning of the verse the word "cursed" corresponds with "father," which is to be explained as that he is equally guilty if he has cursed his father or his mother. So is the decree of R. Jashia. R. Jonathan, however, said: The

beginning of the verse can be explained that it means both together, and also one or the other; and in such a case the applicability is to each of them, unless the verse itself explains that both together are meant. "Shall be put to death"--by stoning! But perhaps with some other kind of death mentioned in the Scripture? It reads here, "His blood shall be upon him," and elsewhere it is written, "Their blood shall be upon them." As there it means stoning, the same is it here. But here we have heard of the punishment. Where is the warning? [Ex. xxii. 27]: "The judges thou shalt not revile, and a ruler among thy people thou shalt not curse." "If one's father were one of the two, he is included; but if he was neither a judge nor a Nasi, whence do we know that the same is the case? This can be inferred from the construction of the leading rule in both cases (*i. e.*, one who is to be respected must not be cursed, although the nature of respecting them is not equal), as concerning a judge we are commanded to follow his decision, which is not the case with a Nasi; and concerning the latter We are commanded not to rebel against him, which is not the case with a judge. However, in one case they are equal, in that they are of "thy people," and thou must not curse them. The same is the case with the father, who is also of "thy people" and must be respected by thee. Hence you are warned not to curse him. And lest one say that, after all, we can infer nothing from the case in which they are equal, as their dignity is the reason of their equality, which is not the case with a common father, concerning this it reads [Lev. xix. 14]: "Thou shalt not curse the deaf"--from which we see that the verse speaks of the unfortunates of "thy people." And lest one say that this is also

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different, as the misfortune is the reason, the above case of judge and Nasi proves that this is not so. And again, their dignity is the reason? The case of the deaf proves that it is not so. Hence, although the reason of the one is not similar to that of the other, in one thing, however, they are equal, in that they are of "thy people" and must not be cursed. The same is the case with his father. And still, lest one say that, after all, the three above mentioned are distinguished, which is not the case with the father, it may be said that I the reason is because of distinction, it would not be necessary for the Scripture to write all the three, as a judge and a death or a Nasi and a death would suffice. Why, then, all the three? As it is not needed for itself, apply it to a common father. And all this is correct to him who explains the word "Elohim" in the above-cited verse [Ex. xxii.] with "judges"; but to him who explains the word "Elohim" as meaning God, what can be said? For there is a Boraitha: Elohim in this verse is common, and means "judges." So R. Ishmael. R. Aqiba, however, maintains that Elohim is "holy." And there is another Boraitha: R. Eliezer b. Jacob said that this verse is a warning against blasphemy. He who holds that the word Elohim here is common, must say that the holiness is inferred from this passage (by drawing an *a fortiori* conclusion--if one is warned not to curse a human judge, so much the more is he warned not to curse the Holiness), as we do not find any other warning besides; and he who holds that the word Elohim is "holy," the case of a commoner may also be inferred--from the double Lamed in the word "tekhal" (curse), which could be expressed "tekhal" with one Lamed.

MISHNA XI.: He who sins with a betrothed damsel is not guilty to be stoned unless she was a maiden betrothed and still in her father's house. Should it happen that two had sinned with her, the first is to be stoned and the second choked.

GEMARA: The rabbis taught: It reads [Deut. xxii. 23]: "if a damsel"--not a *vigaros*; "a maiden"--not one who had already known man; "betrothed"--not married. And [ibid., ibid. 21] it reads, "in her father's house," excluding if the father had already transferred her to the

[messengers](#) of her husband.

Said R. Jehudah in the name of Rabh: This is in accordance with R. Mair. The sages, however, say: A betrothed damsel,

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even if she is still a minor. Said R. Aha of Diphthi to Rabhina: Whence do you know that the Mishna is in accordance with R. Mair and excludes a minor--perhaps it is in accordance with the rabbis excluding a *vigaros* only? And he answered: If so, the Mishna should state that he is not guilty but as concerning precession means to exclude a minor also; and about this no more discussion.

R. Jacob b. Adda questioned Rabh: In accordance with R. Mair, if it happened one had sinned with a betrothed minor, does he exclude him from any punishment, or from stoning only? And he answered: Common sense dictates from stoning only. But is it not written [ibid., ibid. 22]: "Shall both of them die," which is explained elsewhere, that it means, provided both were alike concerning age? And Rabh kept silent. Said Samuel: I do not understand why Rabh was silent, and did not refer him to ibid., ibid. 26, which reads: "He shall die alone"?

In this point Tanaim differ. "Both shall die" means, provided both were alike concerning age. So R. Jashia. R. Jonathan, however, said: From the verse [25] is inferred that he alone must be put to death. But what does R. Jashia infer from the verse, "He alone," etc.? That which we have learned from the following Boraitha: If ten men knew her while she was still a virgin, all of them are to be stoned. Rabbi, however, maintains that only the first one is to be stoned, and all the others choked, as thus it reads: "And the man that lay with her shall die alone." What does it mean? Said R. Huna b. R. Jehoshua: Rabbi holds with R. Ishmael that a betrothed damsel is to be burned, but not one married. And the verse which reads about one betrothed is to be explained thus: Only the beginner is to be burned, but all others are to be choked. Said R. Bibi b. Abayi: Our master, R. Joseph, does not say so. But that Rabbi holds with R. Mair, who said that if the daughter of a priest was married to one who was prohibited from marrying her, and she has sinned, her death is choking. And Rabbi meant to say thus: If the beginning of her profanation was sin, then she is to be burned; but if she was already profaned by an illegal marriage, she is to be choked. And his expression, "And so also it reads: 'He shall die alone,'" is not to be taken particularly, but as a remark.

MISHNA XVII.: A seducer means one who is himself a commoner and seduces a commoner--*e. g.*, he says: There is an

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idol in such and such a place which so and so eats, so and so drinks, and so and so does good, and so does harm.

Concerning all who are liable to capital punishment biblically, it is not allowed to hide witnesses except in this case: If, *e. g.*, he said the above to two persons, they are his witnesses--they bring him up to the court, and they themselves stone him. If, however, he said it only to one, he may say: I have some colleagues who will also follow your [advice](#), if you will say the same to them.

But if he is shrewd, and does not want to talk in the presence of two persons, they may hide witnesses behind a fence, and he may say to him: Repeat to me what you said at first. And if he repeats, he may say to him: How can we leave our Heavenly Father and go to worship idols of stone and wood? If he retracts--well and good. If, however, he answers: This will be good for us and also is our duty, the witnesses who are hidden behind the fence may bring him to court and stone him.

A seducer is considered he who says: I will worship; I will go and worship; Let us go and worship; I will sacrifice to such and such an idol; or, Let us go and sacrifice; I will smoke incense before it; I will go and smoke; Let us go and smoke; I will pour wine before it; I will go and pour; Let us go and pour; I will bow myself; I will go and bow; Let us go and bow.

GEMARA: The Mishna states: A seducer means a commoner. But how would it be if he should say: I am a prophet, and tell you to do so in the name of the Lord? Choking would apply. And also "he seduces a commoner" (individual). But how if he should seduce many? Then also choking would apply and not stoning. We see, then, that our Mishna is in accordance with R. Simeon of the following Boraitha: To a prophet who had misled, stoning applies. R. Simeon, however, said: Choking. To the misleader of a misled town, stoning applies, according to R. Simeon, choking. How, then, will be understood the succeeding Mishna, which states: A misleader is named he who says, "Let us go and worship idols"? To which R. Jehudah in the name of Rabh said: It speaks of the misleader of a misled town, who is to be stoned, which is in accordance with the rabbis. Hence our Mishna is in accordance with R. Simeon, and the succeeding Mishna in accordance with the rabbis. Said Rabhina: Both are in accordance with the rabbis; and by the expression, "he seduced a commoner," he does not mean to exclude a majority. But it was said in

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the Mishna, "not only"--*i.e.*, not only is he to be stoned who seduces a majority, but even a single commoner. And R. Papa said: Even the beginning of the Mishna, "the seducer is a commoner," does not mean to exclude a prophet, as it was supposed, but it means to say: He is a commoner idiot, to whom hiding witnesses is allowed, which is not the case with all other criminals. And how used they to do with such a person? They used to light a candle in the inner chamber, engaging him with talk, and the witnesses were placed in the outer chamber so that they should see him and hear his voice, while he could not see them; and there the person whom he attempted to seduce tried to make him repeat, as stated above in the Mishna.

MISHNA XVII.: By a misleader is meant one who says: Let us go and worship idols. A conjurer is liable to be stoned only when he did an act, but not if he dazzled the eyes. R. Aqiba said in the name of R. Jehoshua: As, for instance, if there are two who gather cucumbers from a field by enchantment--one of them is liable to a capital punishment and one of them is entirely free. If one has really gathered all of them to one place by witchcraft, he is to be stoned; and the other, who did so only by dazzling the eyes, but in reality the cucumbers remained in their place, is entirely free.

GEMARA: R. Jehudah in the name of Rabh said: The Mishna speaks of the misleader of a misled town. "A conjurer," etc. The rabbis taught: It reads: "A witch." There was no difference whether male or female--why, then, the term "witch"? Because in most cases women used to be engaged in witchcraft. What kind of death applies to them? R. Jose the Galilean said: It reads



[Ex. xxii. 17]: "Thou shalt not suffer a witch to live"; and it reads [Deut. xx. 16]: "Shalt thou not let live a single soul." As there it is meant by the sword, the same is the case here. R. Aqiba, however, said: It is to be inferred from [Ex. xix. 13]: "It shall not live." As there stoning is meant, the same is the case here. Said R. Jose: My analogy is from "techaiah"--"let not live" (a female), while your analogy is from "yechaiah"--"shall not live" (a male). And he answered: My analogy is to infer Israel from Israel, to whom many kinds of deaths are prescribed, while according to your analogy, Israel from the descendants of Noah should be inferred, and there is only one death prescribed for descendants of Noah. Ben Azai, however

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said. Ex. xxii. 17 is to be inferred from the next verse [18] "Whosoever lieth with a beast," etc. As to this stoning applies, the same is the case here. Said R. Jehudah. to him: Because this verse is near to the other, therefore the witch should be stoned? According to my opinion there is another reason. Ob and Yidouï ought to be included in the case of conjurers--why, then, does the Scripture separate them? Only for the purpose of comparing other conjurers to them. As to them stoning applies, so does it to all conjurers.

According to R. Jehudah: Let Ob and Yidouï be considered as two verses which command one and the same. And there is a rule that from such nothing is to be inferred. Said R. Zecharias: Infer from this that R. Jehudah does not hold this theory and maintains that from such it may be inferred. It reads [Deut. iv. 35]: "There is none else besides him." Said R. Hanina: Even witchcraft has no effect against a heavenly decree. There was a woman who tried to take earth from beneath the foot of R. Hanina. And he said to her: If you think you will succeed in affecting me with your witchcraft, go on and do so, as I am not afraid. It reads: "There is none else besides Him." Is that so? Did not R. Johanan say: It may happen that witchcraft may affect even against heavenly decrees? With R. Hanina it was different, as his strength was great, being righteous all his life. Aibu b. Nagri in the name of R. Hyya b. Abba said: In Ex. vii. 11 it reads, "blahatehem," and in ibid. viii. 3 it is written, "blatehem." The latter means by the act of demons, and the former by the act of sorcery. And so also is it expressed in Gen. iii. 24, "lahat," or the sword which revolveth (revolveth by itself, which looked like witchcraft). Said Abayi: A conjurer who is particular to use a utensil, it is by a demon, and he who is not particular, it is by witchcraft.

He said again: The Halakhas of witchcraft are similar to the Halakhas of Sabbath. There are some to which stoning applies; there are some which are not allowed to start with, but if, nevertheless, one has done them, he is free; and some are allowed even to start with. To him who did an act by witchcraft, stoning applies. To dazzle the eyes is not allowed to start with, but if one did, he is free. And it is allowed to start with, as said above. R. Hanina and R. Oshia were accustomed to create a calf, etc.

Said R. Ashi: I have seen the father of a certain man Karna

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scatter strips of silk from his nose. It reads [Ex. viii. 15]: "Then said the magicians of Pharaoh, This is the finger of God." Said R. Elazar: Infer from this that a demon is not able to produce a creation the size of which is less than a barley. Said R. Papa: They are not able to create even the size of a camel; but if they needed it, they got it from far places, which they could not do

with smaller creations.

Said Rabh to R. Hyya: I have seen a rider of a camel who took his sword, cut off the head of the camel, and thereafter rung a bell, and the camel stood up. Said R. Hyya to him: Did you see after it stood up, that the place was dirty from blood and dust? There was nothing. Hence it was only a dazzling of the eyes.

It happened that Zera was in Alexandria of Egypt, and bought an ass. Afterward, when he came (to a river) to let the ass drink, it disappeared (the charm was broken), and there stood a landing board. And he was told: If you were not Zera, your money would not be returned, as there is no one who buys something here and does not try it on water. Janai happened to stop at a certain inn and asked for water. And he was supplied with *sthitha* (water mixed with flour), and he noticed that the woman who brought it mumbled. He poured out a little and a serpent came out of it. And then he said to her: I drank from your water, now you may also drink from mine. She did so and became an ass. He then rode upon her to the market. And her associate, who recognized the witchcraft absolved her, and then every one saw that he was riding on a woman.

It reads [ibid., ibid. 2]: "And the frogs came up." Said R. Elazar: It was only one frog which multiplied over all Egypt with its offspring. In this point Tanaim differ. R. Aqiba said the same as Elazar. Said Elazar b. Azariah to him: Aqiba, what have you to do with Haggadah? Leave it, and show forth thy study in the difficulties of Negaim and Ohaloth. It was only one frog to whose croaking all other frogs were gathered.

"*R. Aqiba said,*" etc. Did R. Aqiba indeed learn this from R. Jehoshua? Is there not a Boraitha: When R. Eliezer became sick, R. Aqiba and his colleagues came to make him a sick-call. He was under a canopy, and they were placed in his palace. That day was an eve of Sabbath, and Hurcanos, his son, entered to undress his phylacteries. 1 His father rebuked

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him, and he went out as if he had been under the ban, and said to his colleagues: It seems to me that the mind of my father is not clear. And R. Eliezer, who heard this, said to them: And I think that the minds of both his mother and himself are unsound, as they occupy themselves with undressing phylacteries on account of which the Sabbath would not be violated, even if they were to remain upon him the whole Sabbath, while so long as they have not as yet prepared other things for Sabbath, which would be a violation subject to a capital punishment if done on Sabbath.

When the above-mentioned sages saw that his mind was clear, they approached him a distance of four ells, and became seated. He then questioned them: To what purpose is your call? To which they answered: We came to learn Torah from you. And to his question: Why have you not come until now? They answered: We had no time. He then exclaimed: I wonder if these people will die a natural death! Said Aqiba to him: And what will be my lot? And he said: Yours will be still harder than theirs. He then took his two arms, put them on his heart, and said: Woe to ye! my two arms, which are as two parchments of the Holy Scrolls, of which nothing can be read when they are rolled together (he meant that when he should die, all his wisdom would go with him, as there were none to whom to teach it). I have studied much and taught much. I have studied much, and have not diminished from the wisdom of my masters even to the extent of

what a dog laps from the sea. I taught much, and my disciples have not diminished from my wisdom--even as the painting pencil which is inserted in a tube. And not this only, but I have learned about three hundred Halakhas as to planting cucumbers, and there was no man who could question me something concerning them except Aqiba b. Joseph. As it once happened, I was on the road with him, and he said to me: Rabbi, teach me something about planting cucumbers. And I said something, and the whole field was filled with cucumbers. And he said to me: Rabbi, with this you taught me the planting of them; now teach me the removing of them. And I said something and all were gathered to one place. Hence we see that he had learned this of R. Eliezer, and not of R. Jehoshua? He learned it from R. Eliezer, but did not understand thoroughly. But thereafter, however, he learned this from R. Jehoshua thoroughly, and it remained in his mind. But how could he do so? Have

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we not learned in a Mishna that he who does an act with witchcraft deserves a capital punishment? To learn it is different. As the Master said: It reads [Deut. xviii. 9]: "Thou shalt not learn to do"--which means: Thou must not learn to do, but thou mayst learn it to understand it for the purpose of deciding cases.

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## Footnotes

[150:1](#) Mishnas mentioned in the text will be translated in their proper places.

[151:1](#) The text here is very complicated, and Rashi, who tries to explain it at length against his method, admits that there may be objections to it, and maintains that the reason of betrothed and married does not hold good. But the basis is, what is said above, that stoning applies to a blasphemer, etc., who laid their hands on the main principle. We have done our best to give an idea of the text to the reader.

[151:2](#) Here also is repeated why stoning is more rigorous than the two others, and the same reasons are given, which it is not necessary to repeat.

[156:1](#) Leeser translates "own lives" according to its sense. We, however, translate it literally, according to the Talmud.

[160:1](#) The text reads, "•••• •••• {Hebrew *L?ShT ?HRYM*}," literally, "the wife of many strangers," and so it means. The explanation of Rashi that the word *acherim* means a Samarite, is probably because he did not know of the existence of such a sect who live in common with their wives. It may also be that the word "Samaritan," in Rashi, was corrected by the censor instead of "heathen" or idolator. However, this is certain, that the expression "acherim" in the Gemara is original, and if it meant a heathen or a Samarite, it would not hesitate to say so. It therefore seems to us, that our translation is correct.

[163:1](#) For the explanation of a pleonastic term we refer the reader to Mielziner's "Introduction to

the Talmud" (page 150).

[164:1](#) The term "as they lie," translated by Leeser, is not correct, as it reads "mishkhbey," which is plural and means "lyings," from which the Gemara infers that there are two lyings regarding a woman.

[166:1](#) We deem it expedient not to translate about two pages of the text preceding the next Mishna, treating of miserable crimes with men and animals, and giving the discussion with questions and answers, it would be undesirable to express in the English language. However, it seems to us important to give the opinion of Rabb: "A minor who was over nine years and one day is guilty, and may be punished the same as one of age, if he commit a crime with man, or an animal of any kind and age." (And there is a Boraitha which agrees with him.) This is all that we think proper to take from the text.

[168:1](#) It would be of no use to quote the verse, as every word in it is used for an analogy of expression of the Hebrew terms. There, is besides, a difference of opinion among the Amoraim, which expression is to be used for an analogy, and what it means; and to translate it all, we would have to fill our page with Hebrew words and their explanations. After all, it would be of no importance, as the fact that to the children of Noah seven commandments were given is traditional.

[170:1](#) We do not understand this similarity, although Rashi in his commentary tries to explain it at length. It is so complicated as to be untranslatable into English.

[170:2](#) The term in Hebrew is "be-adam," literally, "in the man" Leeser, how, ever, translates according to the sense.

[172:1](#) The text farther on discusses about a proselyte, whose mother embraces Judaism when he was yet an embryo--which relationship is allowed to him and which not; also if a heathen is allowed to marry his daughter; if a slave may marry his sister or daughter, etc.--all of which, as we deem it not fit for translation, we omit.

[172:2](#) Leeser's translation does not correspond.

[173:1](#) The term in Hebrew is "obed"; literally, "worshipped," and also "works up"; and *ebed* means "a slave." Hence his analogy.

[176:1](#) It is almost the first time that we have translated against our method, announced in the third of the explanatory remarks on back of title pages, the reason of which we hope the reader will understand.

[178:1](#) This is explained in the Gemara by R. Jeremiah.

[178:2](#) Leeser has omitted this; we do not know the reason why.

[187:1](#) The term for king in Hebrew is *melech*.

[198:1](#) See our "Phylacterien Ritus," p. 49, footnotes.

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