

Fast of the First Born – 12 Nissan 5785

1 -- Sanhedrin 2a

Mishna Cases concerning **monetary law** are adjudicated **by three** judges. Cases concerning **robbery and personal injury** are adjudicated **by three** judges. Cases concerning **damage** that one is responsible for because he or his property caused the damage are adjudicated by three judges as well.

Cases concerning **one who rapes or one who seduces** a virgin girl, **and** cases concerning a **defamer** who falsely asserts that his wife was not a virgin when she married him, are adjudicated **by three** judges; this is **the statement of Rabbi Meir**.

And the Rabbis say: Cases concerning a **defamer** are adjudicated **by** a court of **twenty-three** judges, which is the type of court authorized to judge cases of capital law, **because** this case **includes** the possibility of becoming a case of **capital law**. The husband brings witnesses that his wife committed adultery. If she is found guilty, she is liable to receive the death penalty. This punishment applies to the witnesses if they are exposed as conspiring witnesses.

The **intercalation of the year**, meaning the decision to add an extra month to the year when necessary, is also decided **by** a panel of **three** judges; this is **the statement of Rabbi Meir**. **Rabban Shimon ben Gamliel says:** The deliberations **begin with three** judges, **and they debate** the matter **with five** judges, **and they conclude** the matter **with seven** judges, due to the significance of the decision. **And** Rabban Shimon ben Gamliel concedes that **if they concluded** the matter **with only three** judges, the intercalation is valid and it is a **leap year**.

Cases of **capital law** are judged **by twenty-three** judges. **An animal that copulated with a person and an animal that was the object of bestiality** are judged **by twenty-three** judges, **as it is stated:** “And if a woman approaches any animal to lie with it, **you shall kill the woman and the animal**”.

The court **judges** cases involving an entire **tribe** that sinned, **or a false prophet, or a High Priest** who transgressed a prohibition that carries a possible death sentence, **only on the basis of a court of seventy-one** judges, i.e., the Great Sanhedrin.

A city **may be designated** as an **idolatrous city**, i.e., a city whose residents all practice idolatry, and therefore according to Torah law all the residents must be killed and the city must be destroyed, **only in accordance with** the ruling of a **court of seventy-one** judges.

2 -- Sanhedrin 17a

Rabbi Yoĥanan says: They **place on the Great Sanhedrin only** men of high stature, and of wisdom, and of pleasant appearance, and of suitable age so that they will be respected. And they must also be **masters of sorcery**, i.e., they know the nature of sorcery, so that they can judge sorcerers, and they must **know all seventy languages** in order **that the Sanhedrin will not** need to **hear testimony from the mouth of a translator** in a case where a witness speaks a different language.

3 -- Sanhedrin 18a

Mishna The **High Priest judges** others if he is sufficiently wise, and others **judge him** when he transgresses. He **testifies** before the court and others **testify concerning him**. The mishna continues, enumerating the *halakhot* pertaining to the king in similar matters: **The king does not judge** others as a member of a court and others **do not judge him, he does not testify and others do not testify concerning him**.

4 -- Sanhedrin 24b

Mishna And these on the following list **are the ones** who are **disqualified** by the Sages from bearing witness due to their unseemly behavior, as they are considered wicked individuals guilty of monetary transgressions: **One who plays with dice** for money, and **one who lends money with interest, and those who fly pigeons, and merchants** who trade in the produce of the **Sabbatical Year**, which may be eaten but may not be sold as an object of commerce.

Rabbi Yehuda said: **When** are the people listed above disqualified from bearing witness? It is **when they have no occupation but this one. But if they have an occupation other than this one**, although they also make money by these inappropriate means, **they are fit** to bear witness.

5 -- Sanhedrin 40a

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

6 -- Sanhedrin 42b

Mishna When **the trial has ended** in a guilty verdict and the condemned man has been sentenced to be stoned, **he is taken out to be stoned. The place of stoning was outside the court** and a little beyond it.

One man stands at the entrance to the court, with cloths in his hand, and another man sits on a horse at a distance from him but where he can still see him. If **one** of the judges **says: I can teach a reason to acquit him, the other**, i.e., the man with the cloths, **waves the cloths** as a signal to the man on the horse, **and the horse races** off after the court agents who are leading the condemned man to his execution, **and he stops them**, and they wait until the court determines whether or not the argument has substance. **And even if he**, the condemned man himself, **says: I can teach a reason to acquit myself, he is returned** to the courthouse, **even four or five times, provided that there is substance to his words.**

7 -- Sanhedrin 49b

Mishna **Four types of the death penalty were given over to the court**, with which those who committed certain transgressions are executed. They are, in descending order of severity: **Stoning, burning, killing** by decapitation, **and strangulation. Rabbi Shimon says:** They are, in descending order of severity: **Burning, stoning, strangulation, and killing.**

8 -- Various Quotes from Chapter Eight

As it is stated: “If a man has a stubborn and rebellious son”, which indicates that the penalty for rebelliousness is imposed upon a son, but not upon a daughter; and upon a son, but not upon a fully grown man. A minor under the age of thirteen is exempt from the penalty imposed upon a stubborn and rebellious son, because he has not yet reached the age of inclusion in mitzvot.

Rabbi Kruspedai says that Rabbi Shabbtai says: The entire time during which it is possible to judge and sentence a stubborn and rebellious son is only three months.

The mishna summarizes: If he ate an item that involves performing a mitzva or an item that involves committing a transgression, or if he ate any food in the world but did not eat meat, or if he drank any beverage but did not drink wine, he does not become a stubborn and rebellious son, unless he actually eats meat and actually drinks wine.

If his father wishes to have him punished but his mother does not wish that, or if his father does not wish to have him punished but his mother wishes that, he does not become a stubborn and rebellious son, unless they both wish that he be punished.

9 -- Sanhedrin 90a

Mishna All of the Jewish people, even sinners and those who are liable to be executed with a court-imposed death penalty, have a share in the World-to-Come, as it is stated: “And your people also shall be all righteous, they shall inherit the land forever; the branch of My planting, the work of My hands, for My name to be glorified” . And these are the exceptions, the people who have no share in the World-to-Come, even when they fulfilled many mitzvot: One who says: There is no resurrection of the dead derived from the Torah, and one who says: The Torah did not originate from Heaven, and an *epikoros*, who treats Torah scholars and the Torah that they teach with contempt.

10 -- Sanhedrin 111b

Mishna The residents of an idolatrous city have no share in the World-to-Come. Idol worshippers are not executed as residents of an idolatrous city unless its subverters are from that city and from that tribe, and unless most of the inhabitants of the city are subverted, and unless men subvert the inhabitants of the city. If it occurs that women or children subvert the inhabitants of the city, or that a minority of the inhabitants of the city were subverted, or that its subverters were from outside the city and were neither residents of that city nor members of that tribe, these idol worshippers are judged as individuals. And to judge the inhabitants of a city one requires two witnesses and forewarning for each and every one who engaged in idol worship.

11 -- Sanhedrin 113b

The Sages taught in a *baraita*: When a wicked person comes into the world, wrath comes into the world. When a wicked person is eliminated from the world, good comes into the world. When a righteous person passes from the world, evil comes into the world. When a righteous person comes into the world, good comes into the world with him.