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Sanhedrin Daf 52

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

The Gemora asks: Now how does Rabbi Yishmael interpret the verse: she profanes her father?

The Gemora answers: He employs it in accordance with Rabbi Meir's dictum, as it has been taught: Rabbi Meir used to say: What is meant by the verse: she profanes her father? If he [the father] was regarded as holy, he is now treated as mundane; if he was treated with respect, he is now treated with contempt; and men say, “Cursed be he who begot her, cursed be he who raised her, cursed be he from whose loins she issued.”

Rav Ashi said: In accordance with whose view is a wicked man called ‘the son of a wicked man,’ even if he is actually the son of a righteous man? It is in accordance with this Tanna's dictum.

The Mishnah had stated: That is the manner of stoning.

The Gemora explains: To what does this refer? To the statement [in a preceding Mishnah]: When the verdict [of guilty] was finally announced, he [the accused] was led out to be stoned . . . Now, the stoning place was twice a man's height etc. And because the Tanna is about to teach the manner of death through burning, he sums up the foregoing with the words: that is the manner of stoning, etc.

MISHNAH: The manner in which burning is executed is as follows: He who had been thus condemned was lowered into manure up to his knees.

Then a coarse cloth was placed within a soft one, wound round his neck, and the two loose ends pulled in opposite directions, forcing him to open his mouth. A wick was then lit, and thrown into his mouth, so that it descended into his stomach and burned his intestines. Rabbi Yehudah said: Should he, however, have died at their hands [being strangled before the wick was thrown into his mouth], they would not have fulfilled the commandment of burning. Hence it was done as follows: His mouth was forced open with pincers against his wish, the wick lit and thrown into his mouth, so that it descended into his stomach and burned his intestines.

Rabbi Elozar ben Tzadok said: It once happened that a Kohen's daughter committed adultery, whereupon bundles of branches were placed around her and she was burnt. The sages replied: That was because the Beis din at that time was not expert.

GEMORA: What is meant by a wick? Rav Masnah said: A wick of lead.

From where do we know this? It is inferred from the fact that burning is decreed here; and was also the fate of the assembly of Korach; just as there the reference is to the burning of the soul, the body remaining intact, so here too. Rabbi Elozar said: It is deduced from the employment of the word ‘burning’ here and in the case of Aaron's sons; just as there the burning of the soul is meant, while the body remained intact, so here too.



The Gemora asks: Now, he who deduces it from the assembly of Korach, from where does he know [that they were thus burnt]?

The Gemora answers: Because it is written: [Speak unto Elozar . . . that he take up the fire-pans out of the burning . . .] The fire-pans of these sinners against their own souls, implying that their souls were burned, but their bodies were unharmed. And the other? He maintains that they were literally burnt [i.e., their bodies], and what is the meaning of against their own souls? — That they incurred the punishment of fire because of matters pertaining to their souls; as Rish Lakish [taught]. For Rish Lakish said: What is the meaning of the verse: with flattery and mockery, for the sake of a loaf, he gnashed upon me with his teeth? Because of flattery – that they flattered Korach in return for the feast he set before them, the chief of Gehinnom gnashed his teeth against them [for their destruction].

The Gemora asks: Now he [Rabbi Elozar] who infers it from the sons of Aaron, from where does he know [that their bodies were not burnt]?

The Gemora answers: Because it is written: And they died before Hashem, teaching that it was like normal death [from within]. And the other? He maintains that they were actually burnt, while the verse: And he died before Hashem, shows that the fire commenced from within, as in normal death. For it has been taught: Abba Yosi ben Dostai said: Two streams of fire issued from the Holy of Holies, branching off into four, and two entered into each of their nostrils and burned them.

The Gemora asks: But it is written: And the fire devoured them?

The Gemora answers: This implies them, but not their garments.

The Gemora asks: But why should we not learn [the manner of death by fire] from the bullocks that were burnt; just as there they were actually burnt, so here too?

The Gemora answers: It is logical to learn this from man, because these have the following points in common: — [i] man, [ii] sin, [iii] soul, and [iv] piggul.

The Gemora counters: On the contrary, should we not compare it rather to the burnt bullocks, since they have in common [i] the carrying out of God's command , and [ii] permanency?

The Gemora replies: Even so, the others have more in common.

The Gemora asks: Now, he who deduces it from the assembly of Korach, why did he not learn it from Aaron's sons?

The Gemora answers: Because they were actually burnt [this being his opinion].

The Gemora counters: Then why not deduce from them [that this shall be the method of burning]?

Rav Nachman answered in the name of Rabbah bar Avuha: The verse said: You shall love your neighbor as yourself, [which implies:] choose an easy death for him.

The Gemora asks: Now, since we have Rav Nachman's dictum, what need is there of the gezeirah shavah?

The Gemora answers: If not for the gezeirah shavah, I would think that burning of the soul, the body remaining intact, is not deemed burning at all; while as for [the implication of the verse]: You shall love your neighbor as yourself - this can be fulfilled by piling up an abundance of branches to cause a speedy death. Hence the teaching of the gezeirah shavah.



The Gemora relates: Moshe and Aaron once walked along, with Nadav and Avihu behind them, and all Israel following in the rear. Then Nadav said to Avihu, "When will these two old men might die, so that you and I should be the leaders of our generation?" But the Holy One, Blessed be He, said to them: We shall see who will bury whom.

Rav Pappa said: Thus men say: Many an old camel is laden with the hides of younger ones.

Rabbi Elozar said: How is the scholar regarded by the ignorant? — At first, like a golden ladle; if he converses with him, like a silver ladle; if he [the scholar] derives benefit from him, like an earthen ladle, which once broken cannot be mended.

Imrasa the daughter of Tali, a Kohen, committed adultery. Thereupon Rav Chama bar Toviah had her surrounded by branches and burnt. Rav Yosef said: He [Rav Chama] was ignorant of two laws. He was ignorant of Rav Masnah's dictum and of the following braisa: And you shall come unto the Kohanim, the Levites, and unto the judge that shall be in those days: This teaches us that when the Kehunah is functioning [in the Temple], the judge functions [in respect of capital punishment]; but when the Kehunah is not functioning, the judge may not function.

The Mishnah had stated: Rabbi Elozar the son of Rabbi Tzadok said: It once happened that a Kohen's daughter committed adultery, etc.

Rav Yosef said: It was a court of Sadducees that did this. Now, is this what Rabbi Elozar the son of Rabbi Tzadok said, and did the sages answer him so? Has it not been taught: Rabbi Elozar the son of Rabbi Tzadok said: I remember when I was a child riding on my father's shoulder that a Kohen's adulterous daughter was brought [to the place of execution], surrounded by branches, and burnt. The Sages answered him: You were then a minor, whose testimony is

inadmissible? There were two such incidents. Now which incident did he first relate to them? Shall we say that he first told them of the incident first mentioned here [which happened in his majority]; but if he told them what happened in his majority, and they paid no attention to him, surely he would not proceed to tell them what occurred in his minority? Rather, he must have related this one [of the braisa] first, to which they replied: You were a minor. Then he told them of the case that occurred in his majority, and they replied: That was done because the Beis din at that time was not learned in the law.

MISHNAH: Execution by the sword was performed as follows: the condemned man was decapitated by the sword, as is done by the civil authorities. Rabbi Yehudah said: This is a hideous disfigurement; but his head was laid on a block and severed with an axe. They replied: no death is more disfiguring than this.

GEMORA: It had been taught: Rabbi Yehudah said to the Sages: I too know that this is a death of repulsive disfigurement, but what can I do, seeing that the Torah has said: neither shall you walk in their ordinances? But the Rabbis maintain: Since Scripture decreed the sword, we do not imitate them [when using their method]. For if you will not agree to this, then how about that which was taught: Pyres may be lit in honor of deceased kings, and this is not forbidden as being of the 'ways of the Amorites': but why so? Is it not written: neither shall you walk in their ordinances? But because this burning is referred to in the Torah, as it is written: [But you shall die in peace:] and with the burnings of your fathers . . . [so shall they burn for you], it is not from them [the heathens] that we derive the practice. So here too, since the Torah decreed the sword, it is not from them [the Romans] that we derive the practice.

Now we have learned in another chapter: The following are decapitated: A murderer, and the inhabitants of a subverted city. We know this to be true of the inhabitants



of a subverted city, because it is written: [You shall surely smite the inhabitants of that city] with the edge of the sword. But from where do we know it of a murderer? — It has been taught: [And if a man strikes his slave . . . and he die under his hand,] he shall surely be avenged. Now I do not know what form this vengeance is to take; but when the Torah said: And I will bring a sword upon you, that shall execute the vengeance of the covenant, I learn that vengeance is by the sword. But perhaps it means that he must be pierced through? — The Torah said: with the edge of the sword. Then perhaps it means that he must be cut in two [lengthwise]? — Rav Nachman said in the name of Rabbah bar Avuha: Scripture teaches: You shall love your neighbor as yourself; choose an easy death for him. Now we find this law [of execution by the sword] when one murdered a slave; from where do we know that this law holds good if he murdered a free man? — Surely this can be deduced by reasoning from a kal vachomer: if the murderer of a slave is decapitated, shall he who slays a free man be only strangled! Now, this answer agrees with the view that strangulation is an easier death; but what of the view that strangulation is more severe? It is then deduced from the following: It has been taught: So shall you put away the guilt of the innocent blood from among You; this serves to denote that all that shed blood are likened [in treatment] to the atoning heifer; just as there, it is done with a sword and at the neck, so here too, execution is with the sword and at the neck [i.e., the throat]. If so, just as there it was done with an axe, and on the nape of the neck, so here too? — Rav Nachman said in the name of Rabbah bar Avuha: The Torah said: You shall love your neighbor as yourself; choose an easy death for him.

MISHNAH. Strangulation was thus performed: — the condemned man was lowered into dung up to his knees, then a coarse cloth was placed within a soft one, wound round his neck, and the two ends pulled in opposite directions until he was dead.

GEMORA. Our Rabbis taught: [And the man that commits adultery with another man's wife, even he that commits adultery with his neighbor's wife the adulterer and the adulteress shall surely be put to death]. 'The man' excludes a minor; hat commits adultery with another man's wife' excludes the wife of a minor; 'even he that commits adultery with his neighbor's wife' excludes the wife of a heathen; 'shall surely be put to death' - by strangulation. You say, by strangulation; but perhaps one of the other deaths decreed by the Torah is meant here? — I will answer you: Whenever the Torah decrees an unspecified death penalty, you may not interpret it stringently but leniently; these are the words of Rabbi Yoshiyah. Rabbi Yonasan said: Not because strangulation is the most lenient death, but because by every unspecified death in the Torah strangulation is meant. Rebbe [proceeding to demonstrate this] said: Death by God is mentioned in Scripture; and death by man is also decreed. Just as the death by God leaves no mark [of violence on the body], so also death by man must leave no mark [of violence], a condition which only strangling fulfills. But may it not apply to burning? Since the Divine Law explicitly decreed burning for a Kohen's adulterous daughter, it follows that the adulterous married [Israelite] woman is not put to death by burning. Now, Rabbi Yonasan's view raises no difficulty, its reason being explained by Rebbe. But on Rabbi Yoshiyah's view, how do we know that there is death by strangulation at all; perhaps the sword is meant? Rava replied: It is a tradition that there are four deaths. Why does Rabbi Yonasan say, 'not because strangulation is the most lenient death'? — Because his dispute with Rabbi Yoshiyah is on the same lines as that of Rabbi Shimon and the Rabbis.