

Babylonian Talmud: Tractate Sanhedrin

Folio 17a

with thee:¹ 'With thee' implies, 'and thou with [i.e., in addition to] them.' And R. Judah?² — 'With thee' was stated on account of the *Shechinah*.³ And the Rabbis?⁴ — Scripture saith, And they shall bear the burden of the people with thee:⁵ 'With thee' implies, 'and thou with them'. And R. Judah? — 'With thee' intimates that [the elders must] be like thee,⁶ [Moses]. And the Rabbis?⁷ — Scripture saith, So shall they make it easier for thee and bear the burden with thee;⁸ and the major Sanhedrin is deduced from the minor.

Our Rabbis taught: But there remained two men in the camp.⁹ Some say: They [i.e., their names]¹⁰ remained in the urn.¹¹ For when the Holy One, blessed be He, said to Moses, Gather unto me seventy of the elders of Israel,¹² Moses said [to himself]: 'How shall I do it? If I choose six out of each tribe, there will be two more [than the required number]; if I select five, ten will then be wanting. If, on the other hand, I choose six out of one and five out of another, I shall cause jealousy among the tribes.' What did he do? — He selected six men [out of each tribe], and brought seventy-two slips, on seventy of which he wrote the word 'Elder', leaving the other two blank. He then mixed them all up, deposited them in an urn, and said to them, 'Come and draw your slips.' To each who drew a slip bearing the word 'Elder', he said, 'Heaven has already consecrated thee.' To him who drew a blank, he said: 'Heaven has rejected thee, what can I do?' Similarly, thou readest, Thou shalt take five *shekels* apiece by the poll.¹³ Moses reasoned: How shall I act toward Israel? If I say to a man, 'Give me [the *shekels* for] thy redemption,' he may answer, 'A Levite has already redeemed me.' What did he do? He brought twenty-two thousand slips and wrote on each, 'Levite', and on another two hundred and seventy-three he wrote, 'five shekels'. Then he mixed them up, put them into an urn and said to the people, 'Draw your slips.' To each who drew a slip bearing the word 'Levite', he said, 'The Levite has redeemed thee.' To each who drew a ticket with 'five shekels' on it, he said, 'Pay thy redemption and go.'

R. Simeon said: They¹⁴ remained in the Camp. For when the Holy One, blessed be He, ordered Moses: Gather unto me seventy of the elders of Israel, Eldad and Medad observed, 'We are not worthy of that dignity.' Thereupon the Holy One, blessed be He, said, 'Because you have humbled yourselves, I will add to your greatness yet more greatness.' And how did He add to their dignity? — In that all [the other prophets] prophesied and ceased, but their prophesying did not cease. And what did they prophesy? — They said, 'Moses shall die and Joshua shall bring Israel into the land.'

Abba Hanin said on the authority of R. Eliezer: They prophesied concerning the matter of the quails,¹⁵ [saying], 'Arise, quail; arise, quail.'

R. Nahman said: They prophesied concerning Gog and Magog.¹⁶ as it is said, Thus saith the Lord God: Art thou he of whom I spoke in old time by My servants the prophets of Israel, that prophesied in those days for many

years¹⁷ that I would bring thee against them? etc.¹⁸ Read not 'shanim' [years] but 'shenayim' [two].¹⁹ And which two prophets prophesied the same thing at the same time? — Say, they are Eldad and Medad.

The Master said: 'All the other prophets prophesied and ceased, but they prophesied and did not cease.' Whence do we infer that the others ceased? Shall we say, from the verse, They prophesied 'velo yasafu' [but they did so no more]?²⁰ If so, what of the passage. With a great voice, velo yasaf?²¹ Does that too mean, it went on no more?²² But that must be interpreted, It did not cease!²³ — But here²⁴ it is written, And they prophesied,²⁵ whereas there²⁶ it is stated, [they] were prophesying,²⁷ i.e., they were still continuing to prophesy.

Now, according to the statement [that they prophesied] that Moses would die, [Joshua's request,] My Lord Moses, forbid them, is understandable; but on these two other views,²⁸ why [did he say], My Lord Moses, forbid them²⁹ — Because their behaviour was not seemly, for they were like a disciple who decides questions in the very presence of his teacher. Now, according to these two other opinions [the wish expressed by Moses,] Would that all the Lord's people were prophets²⁹ is reasonable; but on the view [that they prophesied] that Moses would die, was he then pleased therewith? — They did not complete their prophecy in his presence. How was Moses to 'forbid them' [as Joshua requested]? He [Joshua] said to him: Lay upon them public cares, and they will cease [prophesying] of themselves.³⁰

WHENCE DO WE LEARN THAT WE MUST FIND ANOTHER THREE?

But after all, a majority of two for an adverse verdict is impossible.³¹ If eleven find the man not guilty and twelve find him guilty, there is still a majority of only one;³² and if there are ten for not guilty and thirteen for guilty, there is a majority of three? — R. Abbahu said: [The majority of two] is possible only where [two] judges are added,³³ and then the Mishnah agrees with the opinion of all, whilst in the major Sanhedrin, it is possible in accordance with the view of R. Judah, who holds their number to be seventy.³⁴

R. Abbahu also said: Where judges are added, an evenly-balanced court may be appointed from the very outset. But is this not obvious?³⁵ — You might have assumed that the one who says, 'I do not know' is regarded as an existing member, and that anything he says is to be taken into consideration. We are therefore informed that he who says, 'I do not know,' is regarded as nonexistent, and if he gives a reason [for a particular verdict] we do not listen to him.

R. Kahana said: If the Sanhedrin unanimously find [the accused] guilty, he is acquitted. Why? — Because we have learned by tradition that sentence must be postponed till the morrow in hope of finding new points in favour of the defence.³⁶ But this cannot be anticipated in this case.³⁷

R. Johanan said: None are to be appointed members of the Sanhedrin, but men of stature, wisdom, good appearance, mature age, with a knowledge of sorcery,³⁸ and who are conversant with all the seventy languages of mankind,³⁹ in order that the court should have no need of an interpreter. Rab Judah said in Rab's name: None is to be given a seat on the Sanhedrin unless he is able to prove the cleanness of a reptile from Biblical texts.⁴⁰ Rab said: 'I shall put forward an argument to prove its cleanness.

[To Part b](#)

Original footnotes renumbered.

1. Num. XI, 16.
2. How does he interpret 'with thee'?
3. I.e., in order to deserve that the *Shechinah* should rest upon them, as it is written, And I will take of the spirit which is upon thee etc. (Num. XI, 17). But it does not teach that Moses was to be counted in addition to them.
4. How do they know that Moses was over them, seeing that 'with thee' has a different meaning?
5. Num. XI, 17.
6. E.g., in purity of family descent and bodily perfection.
7. Whence do they deduce this?
8. Ex. XVIII, 22, referring to the minor Sanhedrin.
9. Num. XI, 26.
10. Eldad and Medad.
11. V. *infra*.
12. Num. XI, 16.
13. Num. III, 47. After the completion of the Tabernacle, the Levites were called to replace the firstborns of all Israelites in the service of the Sanctuary, (cf. Ex. XXIV, 5; XIX, 24.) In order to effect this transfer of office, both the firstborn and the Levites were numbered. And when it was found that of the former there were twenty-two thousand two hundred and seventy-three; and of the latter, twenty-two thousand, the two hundred and seventy-three firstborns who were in excess of the Levites were redeemed at the rate of five *shekels* per head. (Five *shekels* is the legal sum for the redemption of a firstborn. v. Num. XVIII, 16). To solve the difficulty of deciding who was to be redeemed and who exchanged, the above scheme was adopted.
14. Eldad and Medad.
15. The birds by which the Israelites were miraculously fed in the wilderness. Ex XVI, 11-13; Num. XI, 31.
16. According to a widespread tradition, Gog and Magog represented the heathen nations or aggregate powers of evil, as opposed to Israel and the Kingdom of God, v. 'Eduy. II, 5. Ezekiel (XXXVIII, 2; XXXIX, 6) pictured the final destruction of the heathen world before the city of Jerusalem, as the defeat of Gog and Magog.
17. [H] which may be read either '*shanim*' years or '*shenayim*' 'two'.
18. Ezek. XXXVIII, 17.
19. I.e., the two prophets who prophesied, etc.
20. [H]
21. [H] Deut. V, 19.
22. But surely this cannot be said of the *Shechinah*.
23. So in the first verse, [H] must bear the same connotation.
24. Speaking of the elders, Num. XI, 25.
25. [H] (imperfect with *waw* conversive = perfect).
26. In the case of Eldad and Medad, Num. XI, 27.
27. [H] (participle).
28. That they prophesied concerning the quails, or about Gog and Magog.
29. Ibid. XI, 29.
30. There is here a play on words, 'forbid them' being connected with 'ceasing'. Communal activities bring sorrow, and prophecy is possible only to the joyous spirit (Tosaf.).
31. In a Sanhedrin of twenty-three.
32. And for conviction, a majority of two is necessary; v. p. 3.
33. As in the following case: If eleven found him guilty and eleven not guilty, while the twenty-third is dubious, the law provides for an addition of two members. In case these agree with the accusers, the majority for condemnation is then two, v. Mishnah *infra* 40a.
34. It might happen that thirty-six condemn and thirty-four acquit.
35. Surely this has already been stated in the Mishnah cited. For if two are added when the twenty-third is dubious, the court consists of an even number.
36. V. *infra* 34a; 35a.
37. Lit., 'But these will no more see for him (any merit).'
38. So as to be able to detect those who seduce and pervert by means of witchcraft, cf. Rashi.
39. This number is given frequently in Talmud and Midrash as the number of languages existing in the world. V. Pirke de R. Eliezer, ch. 24; *Targum* Jonathan

on Gen. XI, 8, and Rashi on Deut. I, 5. As it is impossible for one man to know all these languages, he must have meant that amongst them all, all the languages were to be known. But cf. Rab's dictum below.

40. I.e., he must be of subtle mind, so as to be able to prove the cleanness of reptiles that are definitely declared unclean in Scripture. V. Lev. XI, 29-39.

[Tractate List](#)

Sanhedrin 17b

If a snake which causes so much uncleanness through killing is clean,¹ should not a reptile, which does not kill and spread uncleanness, be clean?' But it is not so, [as is proved] by comparison with an ordinary thorn.²

Rab Judah said in Rab's name: A Sanhedrin must not be established in a city which does not contain [at least] two who can speak [the seventy languages] and one who understands them. In the city of Bethar there were three and in Jabneh four [who knew how to speak them]: [viz.,] R. Eliezer, R. Joshua. R. Akiba, and Simeon the Temanite, who used to discuss before them sitting on the ground.³

An objection is raised: A Sanhedrin that has three⁴ [able to speak the seventy languages] is wise [capable]; if four,⁵ it is of the highest standard possible.⁶ — He⁷ holds the same view as the Tanna [of the following Baraita]: It has been taught: With two, [the Sanhedrin is] wise [capable]; with three, it reaches the highest standard possible.

[The following rules apply throughout the Talmud: The statement,] 'It was argued before the Sages,' refers to Levi who argued before Rabbi. 'It was discussed before the Sages,' refers to Simeon b. Azzai, Simeon b. Zoma, Hanan the Egyptian, and Hanania b. Hakinai.⁸ R. Nahman b. Isaac taught that there were five: the three Simeons,⁹ Hanan [the Egyptian] and Hanania [b. Hakinai].

'Our Rabbis in Babylon' refers to Rab and Samuel.

'Our Rabbis in Eretz Yisrael', to R. Abba.

'The judges of the Exile', to Karna.¹⁰

'The judges of Eretz Yisrael', to R. Ammi and R. Assi.

'The judges of Pumbeditha', to R. Papa b. Samuel,

'The judges of Nehardea', to R. Adda bar Minyomi.

'The elders of Sura', to R. Huna and R. Hisda.

'The elders of Pumbeditha', to Rab Judah and R. 'Aina.

'The keen intellects of Pumbeditha', to 'Efa and Abimi, sons of Rehabah.

'The Amoraim of Pumbeditha', to Rabbah and R. Joseph.

'The Amoraim of Nehardea', to R. Hama.

[Where we read,] 'Those of Neharbelai¹¹ taught,' it refers to Rammi b. Berabi.¹²

'They said in the School of Rab', refers to R. Huna. But did not R. Huna himself say, 'They said in the School of Rab'? — R. Hamnuna is therefore the one referred to.

'They said in the West',¹³ refers to R. Jeremiah.

'A message was sent from Palestine',¹⁴ to R. Jose b. Hanina. 'They laughed at it in the West', to R. Eleazar. But do we not read: 'A message was sent from Palestine: according to R. Jose b. Hanina ...'?¹⁵ — Therefore reverse it: 'A message was sent from Palestine' refers to R. Eleazar; 'They laughed at it in the West', to R. Jose b. Hanina.

WHAT MUST THE POPULATION OF A CITY BE IN ORDER THAT IT MAY QUALIFY FOR A SANHEDRIN? A HUNDRED AND TWENTY, etc. What is the reason for that NUMBER?¹⁶ — Twenty-three, corresponding to the number of the minor Sanhedrin, and three rows of twenty-three,¹⁷ make ninety-two. Adding the ten 'batlanim'¹⁸ of the Synagogue, we have a hundred and two. Then, a further two clerks,¹⁹ two sheriffs,²⁰ two litigants, two witnesses, two *zomemim*,²¹ and two to refute the *zomemim*,²² gives a hundred and fourteen in all. Moreover, it has been taught: A scholar should not reside in a city where the following ten things are not found: A court of justice that imposes flagellation and decrees penalties; a charity fund²³ collected by two and distributed by three,²⁴ a Synagogue; public baths; a convenience; a circumciser; a surgeon, a notary;²⁵ a slaughterer²⁶ and a school-master.²⁷ R. Akiba is quoted [as including] also several kinds of fruit [in the list], because these are beneficial²⁸ to the eyesight.

R. NEHEMIA SAYS, [TWO HUNDRED AND THIRTY etc.]. It has been taught: Rabbi said:

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Original footnotes renumbered.

1. As it is not included in the list of unclean creatures in Scripture; *ibid.*: and its dead carcase does not defile.
2. For a thorn-prick also causes death, and so spreads uncleanness, yet it cannot be regarded by anyone as otherwise than clean.
3. Because he was as yet unqualified owing to his immaturity, yet he was allowed to take part in the discussion.
4. [Lit. 'of three', v. Yad. Ramah.]
5. Cf. preceding note.
6. Hence it appears that at least three such men are needed by a city, in order that it may qualify for a Sanhedrin.
7. I.e., Rab, who says that only two are required.
8. Though not ordained they were permitted to join the discussion in the presence of the ordained Rabbis; v. Bacher, AT. I, 409, 3.
9. I.e., the two Simeons referred to above, and Simeon the Temanite.
10. [Var. lec. Samuel and Karna, v. Rashbam, B.B. (Sonc. ed.) p. 279. n. 8; p. 419, n. 3.
11. [Neharbel identified with Nehar Bil, east of Bagdad, Obermeyer, p. 269.]
12. Beribi (v. Rashi, Bezah 8b); or 'Beroki' according to the Aruch.
13. The Babylonians, when alluding to Palestine, called it the West, as Palestine was to the W. of Babylon. V. Ber. 2b.
14. Lit., 'from there', which refers usually to Palestine, v. p. 15.
15. How then could the sender himself be R. Jose b. Hanina?
16. Lit., 'what has (the number) to do (with that)?'
17. Usually seated behind the Sanhedrin for the purpose of completing courts. For full explanation, v. Mishnah, *infra* 37a.
18. [H] fr. [H] 'to rest from labour', 'to be at ease or idle', hence men with leisure. Ten such men were appointed in every Community to attend religious services, in

- order to ensure the requisite quorum for public worship — the *minyán*. v. Meg. 3b.
19. To take down notes for the prosecution and defence, v. *infra* 37a.
 20. The court beadles, who summoned the litigants and carried out the court sentences, such as flagellation.
 21. V. [Glos](#). No testimony is valid if there is no possibility of its being refuted. Hence two are necessary for that.
 22. As a further precaution, lest false witnesses be hired to refute the first two.
 23. [H] *kupah*, the communal fund from which distributions in money were made to the poor every Friday. B.B. 8b.
 24. V. B.B. 8b.
 25. For writing scrolls, etc.
 26. Rashal deletes this; in that case, the charity fund ranks as two institutions, viz., the collection and distribution.
 27. Rashi suggests the following persons as the six necessary to complete the hundred and twenty: viz., the two collectors and three distributors of charity, and one man capable of practising all the other professions.
 28. Lit., 'enlighten'.

[Tractate List](#)