Tractate Sanhedrin 43a
(Babylonian Talmud)

The Babylonian Talmud consists of (1) the Mishnah (rabbinic commentaries on the
Torah, compiled about AD/CE 200 by Rabbi Judah ha-Nasi) and (2) later
commentaries on the Mishnah called the Gemarah. The Mishnah was composed in
Hebrew; the Gemara in Aramaic.

This entire compendium of rabbinic traditions was codified around AD/CE 500 as the
"Talmud Bavli." It consists of six major "orders" or divisions: Zeraim ("Seeds"), Moed
("Festival"), Nashim ("Women"), Nezikin ("Damages"), Kadashim ("Sacred Things"), and
Taharot ("Purity"). Each order is divided into "tractactes" or treatises, which are
subdivided into chapters and paragraphs, each of which is called a mishnah.
Sanhedrin is the fourth tractate in the order Nezikin.

The Mishnah portions below are printed in bold font, followed immediately by the
Gemara. Quotations from the Hebrew Bible are printed in italics. Reference numbers
to notes by the modern editor are indicated by numbers in brackets—e.g., [1]—and
the notes follow the preceding paragraph.

The Gemara portion of chapter 43a [printed below] contains references to Yeshua of
Nazareth ["Yeshu" in Aramaic and this English translation] and his disciples. These
portions are highlighted in blue font.

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[Mishnah 6:1]
GEMARA—43a [discussion is continued from 42b]

And the children of Israel did as the Eternal had commanded Moses. [5] If so, [6]
what is the purpose of the sentence. And they stoned him with a stone? [7] — This
is needed for what was taught: And they stoned him with a stone, [8]—him, [9] but not
his garments. With a stone, [10] — [to teach] that if he was killed by a single stone
the commandment is fulfilled. [11] And it was necessary to write [in this instance],
'stone', and [in another], 'stones'. [12] For had the Divine Law written [only] 'a stone', I
might have said: In case he does not die through one stone, no more are to be brought
to kill him. The Divine Law therefore states, 'stones'. Again, had the Divine Law
written 'stones' [only], I might have said that at the outset two must be fetched. The
Divine Law therefore states, 'a stone'. [13]

But this Tanna states, 'Here it is written [etc.].' — He meant, If it were ritten, i.e.,
even if this verse [15] were not found,[16] I could have adduced a gezerah shawah;
seeing, however, that this verse is written, a gezerah shawah is not necessary.

Notes. (5) Ibid. 23. (6) That the words, And they brought forth him etc., must be separately interpreted. (7) Ibid. It is not needed to show
how the execution was carried out, as that was already stated in the
words stated above; hence, by analogy, this too needs a distinctive
interpretation. (8) That is the literal translation, the sing. (stone) being
used here. (9) I.e., his bare body. (10) Sing., as here. (11) And more
stones are not to be thrown at his corpse, to add to his disgrace. (12)
In the case of the gatherer of sticks, it is written, with stones [plural],
Num. XV, 36. (13) To teach that if he died by a single stone, it was
satisfactory. (14) I.e., he deduces the fact that the third camp is
R. Ashi said: Where did Moses reside? In the camp of the Levites. And God said to him: Bring forth him that hath cursed, — i.e., outside the camp of the Levites; without the camp, — i.e., outside the camp of the Israelites. [1] And they brought forth him that had cursed, [2] — this stands for the actual fulfillment [of the command]. But the fulfillment is expressly stated: And the children of Israel did as the Eternal had commanded Moses! — That is necessary to indicate that hands were laid [on the culprit] [3] and that he was hurled down. [4] Whereupon the Rabbis asked R. Ashi: how, according to you, do you interpret all the expressions: 'bring forth', in connection with the bullocks that are [wholly] burned? [5] This is a difficulty.

A man was stoned. R. Huna said: It is obvious to me that the stone with which one is stoned, the gallows on which one is hanged, the sword with which one is decapitated, and the cloth with which one is strangled, are all provided by the Community. And why so? — Because we could not tell a man to go and fetch his own property to kill himself. But, asked R. Huna, who provides the flag for signaling and the horse on which one rides to stop them? [6] Seeing that they are for his protection, must they be provided by him, or rather, since the court is bound to endeavour to save him, by them? Again, what of Ra. Hiyya b. Ashi's dictum in R. Hisda's name: When one is led out to execution, he is given a goblet of wine containing a grain of frankincense, in order to benumb his senses, for it is written, Give strong drink unto him that is ready to perish, and wine unto the bitter in soul. [7] And it has also been taught: The noble women in Jerusalem used to donate and bring it. If these did not donate it, who provided it? — As for that, it is certainly logical that it should be provided out of the public [funds]: since it is written, 'Give', [the implication is] for what is theirs.

Notes. (1) For 'bring forth' itself implies beyond the camp (v. supra 42b, n. d4), therefore the additional phrase denotes another camp. (2) Lev. XXIV, 23. (3) Cf. Lev. XXIV, 14: Let all that heard him lay their hands upon him. (4) From a height, before stoning. V. infra 45a. The phrase quoted above cannot be taken as giving information regarding the carrying out of the stoning, as that has already been stated in the first portion of the verse. It indicates therefore the observance of all other regulations in connection with that penalty, e.g., the laying on of hands etc. (5) Since he maintained that 'bring forth' has a meaning apart from 'without the camp.' What separate meaning does he then give to these expressions when found in connection with the burnt bullock? (6) From carrying out the sentence, in case one of the judges raises a new point for the defence. (7) Prov. XXXI, 6.

R. Aha son of R. Huna inquired of R. Shesheth: What if one of the disciples said, 'I have a statement to make in his favour,' and there and then becomes speechless? [1] R. Shesheth blew into his hand, [2] and said: [You ask, what] if one becomes speechless! Why there may also be some one in the farthest part of the earth [who could make such a statement]? [3] — In the latter case, however, no one has actually said so, but in the former case, such a declaration has been made! [Hence the problem.] What then? — Come and hear! For R. Jose b. Hanina said: If one of the disciples who argued for acquittal died, he is regarded as though alive and in his place. [4] Thus, it is so only if he had actually spoken in favour of acquittal, [5] but not otherwise. [6] That does not solve it: where one has not actually argued for acquittal. I have no doubts; but the problem arises if he only declared [that he could do so]. [7]

And even if he himself, etc. Even the first and second time? [8] But it has been taught: 'The first and second time, whether his statement has substance or not, he is brought back; thereafter, if there is substance or not, he is brought back; thereafter, if there is substance in his statement, he is brought back, but not otherwise? — Said R. Papa: Interpret it, from the second time [9] onwards.

Notes. (1) I.e., should it be assumed that his garments would have
been weighty, and so now that he is unable to give them, the case should be retried by other judges? (2) As a sign of ridicule at the question. [[The figure of speech is probably taken from the method of blowing at the chaff when sifting ears of corn from one hand to the other, v. Ma'as IV, 5.] (3) Justice is impossible if such assumptions are permitted. (4) I.e., when the vote is taken (supra 34a). (5) I.e., gave his grounds for doing so. (6) Hence if one said he could speak for the defence and there and then became dumb, his declaration is disregarded. (7) I.e., when R. Jose states, 'argued for acquittal,' did he mean that he must have given reasons for his statement, or that he merely said he could do so, even if he was subsequently prevented from giving his reasons? (8) I.e., must there be substance in his statement even the first and second time? (9) Exclusive, not inclusive, i.e., from the end of the second time, viz., from the third time.

How do they [the judges] know? [1] — Abaye said: Two Rabbis are sent to him: if this statement has substance, he is [brought back]; if not, he is not [brought back]. But why not do so in the first place? [2] — Because being terrified, he cannot say all he wishes. [3]

MISHNAH [6:1 cont.]. If then they find him innocent, they discharge him; but if not, he goes forth to be stoned. And a herald precedes him [crying]: so and so, the son of so and so, is going forth to be stoned because he committed such and such an offence, and so and so are his witnesses. Whoever knows anything in his favour, let him and state it.

GEMARA. Abaye said: it must also be announced: On such and such a day, at such and such an hour, and in such and such a place [the crime is committed], in case there are who know [to the contrary], so that they can come forward and prove the witnesses Zomemim. [4]

AND A HERALD PRECEDES HIM etc. This implies, only immediately before [the execution], but not previous thereto. [5] [In contradiction to this] it was taught: On the even of the Passover Yeshu [6] was hanged. For forty days before the execution took place, a herald went forth and cried, He is going forth to be stoned because has practised sorcery and enticed Israel to apostacy. Any one who can say anything in his favour, let him come forward and prove the witnesses. But since nothing was brought forward in his favour he was hanged on the even of the Passover! [7] — 'Ulla retorted: Do you suppose that he was one for whom a defence could be made? Was he not a Meshith [enticer, concerning whom Scripture says, Neither shalt thou spare, neither shalt thou conceal him.]

Notes. (1) Whether his statement has substance. (2) I.e., as soon as he starts out for the place of execution, so as to avoid an unnecessary return even the first time. (3) Therefore the first two times he receives the benefit of the doubt. (4) V. Glos. (5) E.g., not forty days before. The two passages that follow have been expunged in all censored editions. [As to the historical value to be attached to them, v. Klausner, Jesus, p. 27ff.] (6) Ms. M. adds ‘the Nazarean’.] (7) A Florentine MS. adds: and the eve of Sabbath.]

[1] With Yeshu however it was different, for he was connected with the government [or royalty, i.e., influential].

Our Rabbis taught: Yeshu had five disciples, Matthai, Nakai, Netzer, Buni and Todah. When Matthai was brought [before the court] he said to them [the judges], Shall Matthai be executed? Is it not written, Matthai [when] shall I come and appear before God? [2] Thereupon they retorted: Yes, Matthai shall be executed, since it is written, Matthai [when] shall [he] die and his name perish. [3] When Nakai was brought in he said to them: Shall Nakai be executed? It is not written, Naki [the innocent] and the righteous slay thou not? [4] Yes, was the answer. Nakai shall be executed, since it written, In secret places does Naki [the innocent] slay. [6] When Netzer was brought in, he said, Shall Netzer be executed? Is it not written, And Netzer [a twig] shall grow
forth out of his roots. [7] Yes, they said, Netzer shall be executed, since it is written, 
But thou art cast forth away from thy grave like Netzer [an abhorrent offshoot]. [8] 
When Buni was brought in, he said, Shall Buni be executed? Is it not written, Beni [my son], my first born? [9] Yes, they said, Buni shall be executed, since it is written, 
Behold I will slay Bine-ka [thy son] thy first born. [10] And when Todah was brought in, he said to them: Shall Todah be executed? Is it not written, A psalm for Todah [thanksgiving]? [11] Yes, they answered, Todah shall be executed, since it is written, Whoso offereth the sacrifice of Todah [thanksgiving] honoured me. [12]


- Paul Sumner

Hebrew Streams