

Talmud Ha-Igud

edited by
Shamma Friedman

BT SANHEDRIN
CHAPTER V

With Comprehensive Commentary

by
Netanel Ba'adani



The Society for the Interpretation of the Talmud
Jerusalem 2012



This volume is lovingly dedicated to Leah and Harry Cabakoff, may they rest in peace, who lived quiet lives of simplicity, humility and dignity. Though their lives were marked by struggle and hard work, they managed to reserve significant portions for what they held most dear, Torah values and Talmudic scholarship.

These volumes, in which scholars immerse themselves in an ambitious project to apply the disciplines of academic scholarship to the Talmud Bavli, extend and perhaps deepen Talmudic inquiry begun more than 1,000 years ago. Yet, their work springs from the same source that informed the lives of the Cabakoffs: the love of learning.

Thus, it is fitting to dedicate such volumes to the Cabakoffs, born in Russia, who married and started a family there but were forced to flee its persecutions and pogroms. Forced to uproot their lives and seek refuge elsewhere, they arrived on American shores just after the turn of the 20th Century to settle in Columbus, Ohio. There they would remain and there raise their children. There they would join Agudas Achim Synagogue, the city's Orthodox *shul*, and remain active for a lifetime.

Herschel Cabakoff rarely let a day go by without immersing himself in Talmud study. Talmudic study was at the core of his life and his value system. Leah Cabakoff also liked to study about Torah, about Judaism and its practice and pass the lessons she learned to her children.

One of them, daughter Bella, married Harry Wexner, himself a Russian émigré. Late in life they embarked on a business venture, starting a small women's clothing store in Columbus, a family business that would eventually include their children. After years of devotion to their business, enormous perseverance and unrelenting hard work, they achieved late in life their dream of creating one of the major retail conglomerates in the world.

This success made possible the funding to perpetuate the legacies of scholarship, historical inquiry and research that meant so much to both of them and which they hoped to inspire in future generations. In order to carry forth their legacies, a foundation was established to continue the work they had begun in their lifetimes, the Legacy Heritage Fund of New York and Jerusalem. The generous support of Legacy Heritage Fund made this volume possible.

Eventually, these volumes exploring the teachings of ancient scholarship through the lens of modern scholarship, will do more than promote learning. In marrying the ancient and medieval to the modern they will reach farther than their forefathers ever dreamed possible – by arraying their scholarship on the Internet and giving access to it to all the world.

In this way, the old will inspire the young as the old inspires the new, breathing life into the words that drove the Cabakoffs, the Wexners and their forebearers and which drives Legacy Heritage Fund to carry forth their yearnings and aspirations: "The light of the past will illuminate the future."

Table of Contents

Editor's English Preface	ix
English Abstracts	xi
<i>Sugya</i> 1: Seven Examinations (40a-40b)	3
<i>Sugya</i> 2: Do You Recognize Him? (40b-41a)	31
<i>Sugya</i> 3: False Witnesses Who had Accused an Engaged Maiden of Promiscuity (41a)	57
<i>Sugya</i> 4: Extended Examinations (41a-41b)	69
<i>Sugya</i> 5: The Difference Between <i>Bediqot</i> and <i>Haqiroth</i> (41b)	89
<i>Sugya</i> 6: An Explanation as to Why the Witnesses May Err in Reporting the Date of the Crime (41b)	109
<i>Sugya</i> 7: The Blessing of the New Moon (41b-42a)	119
<i>Sugya</i> 8: The Fourth Saying of Rav Aḥa bar Ḥanina in the name of Rav Asi in the Name of Rabbi Yoḥanan: ' <i>Taḥbulot</i> ' (42a)	139
<i>Sugya</i> 9: The Witnesses Err as to the Hour of the Crime (42a)	147
<i>Sugya</i> 10: The Rabbinical Student's Successful Tort Results in the Acquittal of the Accused and in the Student's Own Promotion to the Judiciary (42a)	157
<i>Sugya</i> 11: The Verdict is Postponed to the Morrow (42a)	167
<i>Sugya</i> 12: A Hung "Jury" in the Sanhedrin (42a)	173
Synopsis	181
Bibliography	235
List of Illustrations	242
Indeces	243

In Memory of

Nathalie Kleinhaus Friedman z"l

Wise and generous and beautiful

Full of dignity and grace

March 11, 1913 - October 5, 2009

Editor's Preface

This volume is the sixth publication by the Society for the Interpretation of the Talmud. It was preceded by *Five Sugyot*, Jerusalem 2002, whose purpose was to introduce the work of the Society to the community at large; *Talmud Ha-Igud*, Berakhot Chapter One, with commentary by Moshe Benovitz, 2006; *Talmud Ha-Igud*, Shabbat Chapter Seven, with commentary by Stephen G. Wald, 2007; *Talmud Ha-Igud*, Eruvin Chapter Ten, with commentary by Aviad A. Stollman, 2008; and *Talmud Ha-Igud*, Pesahim Chapter Four, with commentary by Aaron Amit, 2009.

Five Sugyot presented samples of the work of five scholars by presenting commentary on one *sugya* from each of five chapters of the Talmud researched and explicated by these authors, in anticipation of the publication of these works in their entirety by the Society. Three of the above-mentioned volumes represent the fulfillment by those authors of this aim.

It is hoped that this first series will soon be further augmented to include a total of twenty volumes, representing the first phase of the Society's work, namely, original commentary on chapters of the Babylonian Talmud devoted to the methodological goals formulated in the introduction to *Five Sugyot*. Scheduled to appear among these volumes are, *Sukka IV-V* by Moshe Benovitz, *Makkot III* by Tamas Turan, *Gittin IV* by Yair Furstenburg, *Sukka III* by Avraham Schiff, *Gittin V* by David Zafrani, and *Gittin IX* by Shamma Friedman. A work from this series: *Sanhedrin V* by Netanel Ba'adani, appears in this volume.

At the same time we intend to broaden our horizons to publication of commentary on entire tractates. Two volumes by Stephen G. Wald, Shabbat I-II and III-VI are in printer's proof, and the completion of *Sukka* hopefully shortly afterwards.

The Society for the Interpretation of the Talmud was founded in 1993 with the goal of composing and publishing Talmudic commentary fulfilling the demands of an historical-philological discipline and at the same time authentically integrated with traditional Talmud studies. This determination was a direct outgrowth of earlier work done by the founders of the Society, and their fervent devotion to an intellectual approach which combines academic textual and literary disciplines with their desire to elucidate halakhic institutions and rabbinic thought according to their simple meaning and historical development. Applying this method to each *sugya* consecutively, we hope to produce the first attempt at a contemporary edition of the Talmud with commentary meeting scholarly standards and addressing the intellectual climate in which we function.

The participants have joined together in this extensive project after several of them had already composed and published commentary on chapters of the Talmud.¹ The first phase of the Society's work included determining procedures and guidelines, and composing the first group of commentaries. Now, as we continue to publish these first fruits, we wish to express our satisfaction and gratitude for what has been achieved, and redouble our dedication to continuing the task.

The Society's unique format includes separating the chapter into discrete *sugyot* which are numbered and named, and assigning distinguishable type-faces to each of

1 S. Friedman, *Talmud Arukh, BT Bava Metzi'a VI: Critical Edition with Comprehensive Commentary*, Commentary Volume, Jerusalem, 1990; Text Volume and Introduction, 1996. S.G. Wald, *BT Pesahim III, Critical Edition with Comprehensive Commentary*, New York and Jerusalem 2000. M. Benovitz, *BT Shevuot III, Critical Edition with Comprehensive Commentary*, New York and Jerusalem 2003.

the major formal building blocks of the *sugya*: dicta of Tannaim, Amoraim, and the anonymous editorial voice.

The Society's website www.TalmudHa-Igud.org.il presents updates on progress, information on how to acquire volumes, together with synopses of variant readings and background material associated with present and future volumes. For the current chapter, a full synopsis is included at the end of the volume. The master's thesis by our author, Natanel Ba'adani, a study on the variant readings, is referred to in the body of the commentary as "Text Section", and appears in full on the web site under the 'References' tab.

Our indebtedness to learned scholars of past generations is expressed in our volumes through a page in memory of scholars who perished in the holocaust. May their memory be for a blessing.

Publication of this volume has been made possible through the generous assistance of Legacy Heritage Fund (Keren Morasha) of New York and Jerusalem. By lending its crucial support, and especially through its expression of confidence in our work, the Legacy Heritage Fund has given immeasurable encouragement in our striving to fulfill this historic mission.

The creation of the Igud, and the initial realization of its mission would also not have become a reality without the dedicated friendship and support extended by individuals and institutions, whose participation and partnership in this great vision we hold dear. Full expression of our indebtedness and gratitude are beyond what I can articulate here. None the less, the publication of this significant volume is a most pleasant opportunity to express a small part of our appreciation to the following:

Ethan and Tamar Benovitz

David and Susan Goldsmith

Alex and Vera ל"ר Hornstein

The Jeselsohn family: "In memory of Shimon (Sigmund) and Lina Jeselsohn י"ע who lovingly trained us in the heritage of German Jewry, and instilled in us the spiritual values of 'Torah and Derech Eretz'".

Keren Keshet, and its Director, Arthur W. Fried, Esq.

Hartley Koschitzky

Jonathan Koschitzky

Jay Pomrenze

Rabbi Benjamin W. and Marion Roth

Samuel ל"ר and Evelyn Schechter

David and Ina Tropper

Anonymous

Special thanks are due to Michael and Suzanne Hochstein for the dedication to the memory of her Mother, Nathalie Kleinhaus Friedman ז"ל.

We are grateful to Mordechai Cohen for the production of this volume, to Yehoshua Greenberg and to Dr. Binyamin Elbaum for copy-editing and Hebrew abstracts, to Leor Jacobi for his assistance with proofreading and preparation of the English abstracts. Warm gratitude and appreciation are expressed to my good friend Toby Kahn for the use of his painting: "Vanah" (see p. 118).

May they all enjoy the fruits of our combined labors.

S.F.

Jerusalem

Tammuz 5772 / June 2012