

עונש מוות בבית שני

ספר שושנה א': ע"א-ע"ג [מהספרים החיצוניים, המאה ה-2 לפנה"ס]

(עא) ויקומו כולם על שני הזקנים אשר נלכדו באמרי פיהם על יד דניאל כי שקר ענו בשושנה: (עב) ויעשו להם כמשפט תורת משה "ועשיתם לו כאשר זמם לעשות לאחיו": (עג) ויהרגו אותם וינצלו ביום ההוא משפוך דם נקי בישראל:

The Book of Susanna 1:71-73

And all of them rose up against the two elders who had been caught by the sayings of their (71)

.mouths, by the hand of Daniel, for they had testified falsely against Sussana

And they did to them according to the law of Moses, "And you shall do to him as he had intended (72)

".to do to his brother

.And they killed them, and they were saved on that day from shedding innocent blood in Israel (73)

יומא ס"ט א [אלכסנדר מוקדון מגיע לאי" בשנת 332 לפנה"ס]

...בַּעֲשָׂרִים וְחֲמִשָּׁה [בְּטִבֵּת] יוֹם הָרַ גְּרִזִּים [הוּא], דָּלָא לְמִסְפָּד. יוֹם שֶׁבִּקְשׁוּ כּוֹתֵיִים אֶת בֵּית אֱלֹהֵינוּ מֵאַלְכְּסַנְדְּרוֹס מוֹקְדוֹן לְהַחְרִיבוֹ, וְנִתְּנָה לָהֶם. בָּאוּ וְהוֹדִיעוּ אֶת שְׁמֵעוֹן הַצַּדִּיק. מָה עָשָׂה? לָבַשׁ בְּגָדֵי כְהוֹנָה, וְנִתְּעַטָּף בְּבִגְדֵי כְהוֹנָה, וּמִיָּקִירִי יִשְׂרָאֵל עָמַד, וְאַבּוּקוֹת שֶׁל אוֹר בִּידֵיהֶן. וְכָל הַלֵּילָה, הִלְלוּ הוֹלְכִים מִצַּד זֶה, וְהִלְלוּ הוֹלְכִים מִצַּד זֶה, עַד שֶׁעָלָה עֲמוּד הַשָּׁחַר. כִּיּוֹן שֶׁעָלָה עֲמוּד הַשָּׁחַר, אָמַר לָהֶם: מִי הִלְלוּ? אָמְרוּ לוֹ: יְהוּדִים שֶׁמָּרְדּוּ בָּךְ. כִּיּוֹן שֶׁהִגִּיעַ לְאַנְטִיפֶטְרִס זֶרְחָה חֲמָה וּפָנְעוּ זֶה בְּזֶה. כִּיּוֹן שֶׁרָאָה לְשְׁמֵעוֹן הַצַּדִּיק, גִּרְדַּם מִמֶּרְכָּבָתוֹ וְהִשְׁתַּחֲוָה לִפְנָיו. אָמְרוּ לוֹ: מֶלֶךְ גָּדוֹל כְּמוֹתְךָ יִשְׁתַּחֲוָה לִיהוּדֵי זֶה?! אָמַר לָהֶם: דְּמוּת דְּיוֹקָנוֹ שֶׁל זֶה מְנַצַּחַת לִפְנֵי בְּבִית מִלְחָמָתִי. אָמַר לָהֶם: לָמָּה בָּאתֶם? אָמְרוּ: אֲפֹשֶׁר בֵּית שְׁמֵתִפְלָלִים בּוֹ עָלִיד וְעַל מַלְכוּתְךָ שֶׁלֹּא תִחָרַב, יִתְעוֹד גּוֹיִם לְהַחְרִיבוֹ? אָמַר לָהֶם: מִי הִלְלוּ? אָמְרוּ לוֹ: כּוֹתֵיִים הִלְלוּ, שְׁעוּמָדִים לִפְנֶיךָ. אָמַר לָהֶם: הָרִי הֵם מְסוּרִין בִּידֵיכֶם. מִיָּד נִקְבוּסִים בְּעַקְבֵּיהֶם וְתִלְאוּם בְּזִנְבֵי סוּסֵיהֶם, וְהָיוּ מְגִרְרִין אוֹתָן עַל הַקּוֹצִים וְעַל הַבְּרָקִנִּים, עַד שֶׁהִגִּיעוּ לְהַר גְּרִזִּים. כִּיּוֹן שֶׁהִגִּיעוּ לְהַר גְּרִזִּים — חָרְשׁוּהוּ, וְזָרְעוּהוּ כְּרִשְׁיָנוּ, כִּדְרָךְ שֶׁבִּקְשׁוּ לַעֲשׂוֹת לְבֵית אֱלֹהֵינוּ. וְאוֹתוֹ הַיּוֹם עָשְׂאוּהוּ יוֹם טוֹב...

Yoma 69a

The twenty-fifth of Tevet is known as the day of Mount Gerizim, which was established as a joyful day, and therefore eulogizing is not permitted. What occurred on that date? It was on that day that the Samaritans [kutim] requested the House of our Lord from Alexander the Macedonian in order to destroy it, and he gave it to them, i.e., he gave them permission to destroy it... When dawn arrived, Alexander said to the Samaritans: Who are these people coming to meet us? They said to him: These are the Jews who rebelled against you. When he reached Antipatris, the sun shone and the two camps met each other. When Alexander saw Shimon HaTzaddik, he descended from his chariot and bowed before him. His escorts said to him: Should an important king such as you bow to this Jew? He said to them: I do so because the image of this man's face is victorious before me on my battlefields, i.e., when I fight I see his image going before me as a sign of victory, and therefore I know that he has supreme sanctity. He said to the representatives of the Jewish people: Why have you come? They said to him: Is it possible that the Temple, the house in which we pray for you and for your kingdom not to be destroyed, gentiles will try to mislead you into destroying it, and we would remain silent and not tell you? He said to them: Who are these people who want to destroy it? The Jews said to him: They are these Samaritans who stand before you. He said to them: If so, they are delivered into your hands to deal with them as you please. Immediately, they stabbed the Samaritans in their heels and hung

them from their horses' tails and continued to drag them over the thorns and thistles until they reached Mount Gerizim. When they arrived at Mount Gerizim, where the Samaritans had their temple, they plowed it over and seeded the area with leeks, a symbol of total destruction. This was just as they had sought to do to the House of our Lord. And they made that day a festival to celebrate the salvation of the Temple and the defeat of the Samaritans.

סנהדרין מ"א [שלטון יוני בא"י ממאה 4 לפנה"ס ועד המאה 2 לפנה"ס]

ומעשה באחד שרכב על סוס בשבת בימי יונים, והביאוהו לבית דין וסקלוהו, לא מפני שראוי לכך, אלא שהשעה צריכה לכך. שוב מעשה באדם אחד שהטיח את אשתו תחת התאנה, והביאוהו לבית דין וסקלוהו, לא מפני שראוי לכך, אלא שהשעה צריכה לכך.

And an incident occurred involving one who rode a horse on Shabbat during the days of the Greeks, and they brought him to court and stoned him, not because he deserved that punishment, as riding a horse on Shabbat is forbidden only by rabbinic decree, but because the hour required it,

בבלי, חגיגה ט"ז ב (תלמוד ירושלמי סנהדרין ו' ג') [100 לפנה"ס – 60 לפנה"ס]

דתנו רבנן: אמר רבי יהודה בן טבאי: אראה בנחמה אם לא הרגתי עד זומם, להוציא מלבן של צדוקין. שהיו אומרים: אין עדים זוממין נהרגין עד שיהרג הנידון.

אמר לו שמעון בן שטח: אראה בנחמה אם לא שפכת דם נקי, שהרי אמרו חכמים: אין עדים זוממין נהרגין עד שיזומו שניהם, ואין לוקין עד שיזומו שניהם, ואין משלמין קמון עד שיזומו שניהם.

מיד קבל עליו יהודה בן טבאי שאינו מורה הלכה אלא בפני שמעון בן שטח.

כל ימיו של יהודה בן טבאי היה משתטח על קברו של אותו הרוג, והיה קולו נשמע.

כסבורין העם לומר שקולו של הרוג הוא.

אמר להם: קולי הוא. תדעו, שלמחר הוא מת, ואין קולו נשמע.

Chagigah 16b

Rabbi Yehuda ben Tabbai said: I swear that I will not see the consolation of Israel if I did not kill a conspiring witness. This means that Rabbi Yehuda ben Tabbai sentenced a conspiring witness to death, in order to counter the views of the Sadducees, who would say: Conspiring witnesses are not executed unless the sentenced one has been executed. Their views opposed the traditional view, which maintains that conspiring witnesses are executed only if the one sentenced by their testimony has not yet been executed. Shimon ben Shatah said to him: I swear that I will not see the consolation of Israel if you did not shed innocent blood, as the Sages said: Conspiring witnesses are not executed unless they are both found to be conspirators; if only one is found to be a conspirator, he is not executed. And they are not flogged if they are liable to such a penalty, unless they are both found to be conspirators. And if they testified falsely that someone owed money, they do not pay money unless they are both found to be conspirators. Hearing this, Yehuda ben Tabbai immediately accepted upon himself not to rule on any matter of law unless he was in the presence of Shimon ben Shatah, as he realized he could not rely on his own judgment. The baraita further relates: All of Yehuda ben Tabbai's days, he would prostrate himself on the grave of that executed individual, to request

forgiveness, and his voice was heard weeping. The people thought that it was the voice of that executed person, rising from his grave. Yehuda ben Tabbar said to them: It is my voice, and you shall know that it is so, for tomorrow, i.e., sometime in the future, he will die, and his voice will no longer be heard.

“At a distance of four cubits from the place of stoning,” etc. “Rebbi Jehudah ben Tabbar said, may I never see consolation if I did not execute a perjured witness, for they were saying, until he was executed, as it is said, *a life for a life*. Simeon ben Shetaḥ told him, may I never see consolation if it is not held against you that you spilled innocent blood. At that time, he took it upon himself not to teach except what he heard from Simeon ben Shetaḥ.”

משנה סנהדרין ו' ד' [100 לפנה"ס – 60 לפנה"ס]

אמר להן רבי אליעזר, והלא שמעון בן שטח תלה נשים באשקלון.

Mishnah Sanhedrin 6: 4

The corpses of all those who are stoned are hung after their death; this is the statement of Rabbi (4) Eliezer. And the Rabbis say: Only the corpse of the blasphemer, who has cursed God, and the corpse of the idol worshipper are hung. The corpse of a man is hung facing the people, but the corpse of a woman, out of modesty, is hung with facing the tree; this is the statement of Rabbi Eliezer. And the Rabbis say: the corpse of a man is hung, but the corpse of a woman is not hung. Rabbi Eliezer said to the Rabbis: Did Shimon ben Shataḥ not hang in Ashkelon women who were found guilty of witchcraft, proving that the corpse of a woman who is executed is also hung? They said to him: No proof can be brought from here, as he hanged eighty women on that day, and the halakha is that the same court may not judge even two people charged with capital transgressions on the same day. It is therefore clear that he was not acting in accordance with Torah law, but rather his execution of the eighty women was an extraordinary punishment necessitated by unusually pressing circumstances.

קדמוניות היהודים כ' ט': א' [יוסף בן מתתיהו (יוספוס פלוויוס), 37 לספירה-100 לספירה]

אנאנוס (חנן) היה בעל נטייה זו(צדוקיות), הוא חשב שיש לו כעת הזדמנות ראויה [להפעיל את סמכותו]. פסטוס היה כעת מת, ואלבינוס היה רק בדרך; אז הוא כינס את סנהדרי השופטים, והביא לפניו את אחיו של ישוע, אשר נקרא משיח, אשר שמו יעקב, ואחרים, [או, חלק מחבריו]; וכשהטיח נגדם כתב אישום כפורעי חוק, **מסר אותם לסקילה**.

יוסף בן מתתיהו כתב גם על עצמו (מלחמות היהודים ב כ) כי כינס שבעים זקנים בגליל לדון דיני נפשות.

The Antiquities of the Jews 20: 9: 1

AND now Caesar, upon hearing the death of Festus, sent Albinus into Judea, as procurator. But the king deprived Joseph of the high priesthood, and bestowed the succession to that dignity on the son of Ananus, who was also himself called Ananus... But this younger Ananus, who, as we have told you already, took the high priesthood, was a bold man in his temper, and very insolent; he was also of the sect of the Sadducees, who are very rigid in judging offenders, above all the rest of the Jews, as we have already observed; when, therefore, Ananus was of this disposition, he thought he had now a proper opportunity [to exercise his authority]...so he assembled the sanhedrim of judges, and brought

before them the brother of Jesus, who was called Christ, whose name was James, and some others, [or, some of his companions]; and when he had formed an accusation against them as breakers of the law, he delivered them to be stoned: but as for those who seemed the most equitable of the citizens, and such as were the most uneasy at the breach of the laws, they disliked what was done; they also sent to the king [Agrippa], desiring him to send to Ananus that he should act so no more, for that what he had .already done was not to be justified;

מקורביוס הרומאי (תחילת המאה ה-5 לספירה) :

"כששמע (הקיסר אוגוסטוס (כי בין הבנים מתחת לגיל שנתיים שהורדוס מלך היהודים ציווה בסוריה להמית היה גם בנו של המלך עצמו, אמר (תוך משחק מילים ביוונית): (עדיף להיות חזירו (hus, ὕς) של הורדוס מאשר בנוי (huios, υἱός)

סנהדרין מ"ג א: כ' [30-33 לספירה]

וְהַתְּנִיחַ: בְּעֶרְבַּ הַפֶּסַח תִּלְאוּהוּ לְיֵשׁוּ הַנוֹצֵרִי, וְהַכְרוֹז יוֹצֵא לְפָנָיו אַרְבָּעִים יוֹם: "יֵשׁוּ הַנוֹצֵרִי יוֹצֵא לִסְקָל עַל שְׂכִישֵׁף וְהָסִית וְהָדִיחַ אֶת יִשְׂרָאֵל. כָּל מִי שֵׁינִידֵעַ לוֹ זְכוּת יָבוֹא וְיִלְמַד עָלָיו". וְלֹא מֵצְאוּ לוֹ זְכוּת, וְהִתְלַאוּהוּ בְּעֶרְבַּ הַפֶּסַח.

On Passover Eve they hung the corpse of Jesus the Nazarene after they killed him by way of stoning. And a crier went out before him for forty days, publicly proclaiming: Jesus the Nazarene is going out to be stoned because he practiced sorcery, incited people to idol worship, and led the Jewish people astray. Anyone who knows of a reason to acquit him should come forward and teach it on his behalf. And the court did not find a reason to acquit him, and so they stoned him and hung his corpse on Passover eve.

משנה סנהדרין ז': ב' (סוף בית שני, ויבנה שלאחר החורבן) (70 לספירה)

אָמַר רַבִּי אֱלִיעֶזֶר בֶּן צְדוֹק, מַעֲשֵׂה בְּבֵת כֹּהֵן אַחַת שֶׁזָּנְתָהּ, וְהִקְיִפוּהָ חֲבִילֵי זְמוּרוֹת וּשְׂרָפוּהָ. אָמְרוּ לוֹ, מִפְּנֵי שֶׁלֹּא הָיָה בֵּית דִּין שֶׁל אוֹתָהּ שָׁעָה בָּקִי.

Mishnah Sanhedrin 7: 2

Rabbi Elazar ben Tzadok said: An incident occurred with regard to a certain priest's daughter who committed adultery, and they wrapped her in bundles of branches and burned her, contrary to the process described in the mishna. **The Sages said to him:** That court did not act properly; they did so **because the court at that time was not proficient** in *halakha*.

הבשורה על-פי מתי, פרק ה', 38-39 [80-90 לספירה]

"עין תחת עין, שן תחת שן" ויאילו אני אומר לכם: אל תקוממו נגד מי שעושה רע נגדכם. אם מישוהו סוטר לך על הלחי, הושט לו גם את הלחי השנייה).