

did he any longer pay them the least regard, either as their subject or their friend, but his affairs were in a very improving and flourishing condition in the times of Alexander Zebina, and especially under these brethren, for the war which they had with one another gave Hyrcanus the opportunity, of enjoying himself in Judea quietly, insomuch that he got an immense quantity of money. (274) However, when Antiochus Cyzicenus distressed his land, he then openly showed what he meant. And when he saw that Antiochus was destitute of Egyptian auxiliaries, and that both he and his brother were in an ill condition in the struggles they had one with another, he despised them both.

2. (275) So he made an expedition against Samaria, which was a very strong city; of whose present name Sebaste, and its rebuilding by Herod, we shall speak at a proper time; but he made his attack against it, and besieged it with a great deal of pains; for he was greatly displeas'd with the Samaritans for the injuries they had done to the people of Marissa, a colony of the Jews, and confederate with them, and this in compliance to the kings of Syria. (276) When he had therefore drawn a ditch, and built a double wall round the city, which was fourscore furlongs long, he set his sons Antigonus and Aristobulus over the siege; which brought the Samaritans to that great distress by famine that they were forced to eat what used not to be eaten, and to call for Antiochus Cyzicenus to help them, (277) who came readily to their assistance, but was beaten by Aristobulus; and when he was pursued as far as Scythopolis by the two brethren, he got away; so they returned to Samaria, and shut them again within the wall, till they were forced to send for the same Antiochus a second time to help them. (278) who procured about six thousand men from Ptolemy Lathyrus, which were sent them without his mother's consent, who had then in a manner turned him out of his government. With these Egyptians Antiochus did at first overrun and ravage the country of Hyrcanus after the manner of a robber, for he durst not meet him in the face to fight with him, as not having an army sufficient for that purpose, but only from this supposal, that by thus harassing his land he should force Hyrcanus to raise the siege of Samaria; (279) but because he fell into snares, and lost many of his soldiers therein, he went away to Tripoli, and committed the prosecution of the war against the Jews to Callimander and Epicrates.

3. (280) But as to Callimander, he attacked the enemy too rashly, and was put to flight, and destroyed immediately; and as to Epicrates, he was such a lover of money, that he openly betrayed Scythopolis, and other places near it, to the Jews; but was not able to make them raise the siege of Samaria. (281) And when Hyrcanus had taken the city, which was not done till after a year's siege, he was not contented with doing that only, but he

demolished it entirely, and brought rivulets to it to drown it, for he dug such hollows as might let the waters run under it; nay he took away the very marks that there had ever been such a city there. (282) Now a very surprising thing is related of this high priest Hyrcanus, how God came to discourse with him; for they say that on the very same day on which his sons fought with Antiochus Cyzicenus, he was alone in the temple as high priest offering incense, and heard a voice, that his sons had just then overcome Antiochus. (283) And this he openly declared before all the multitude on his coming out of the temple; and it accordingly proved true; and, in this posture were the affairs of Hyrcanus.

4. (284) Now it happened at this time, that not only those Jews who were at Jerusalem and in Judea were in prosperity, but also those of them that were at Alexandria, and in Egypt and Cyprus. (285) for Cleopatra the queen was at variance with her son Ptolemy, who was called Lathyrus, and appointed for her generals, Chelcias and Ananias, the sons of that Onias who built the temple in the prefecture of Heliopolis, like that at Jerusalem, as we have elsewhere related. (286) Cleopatra instructed these men with her army; and did nothing without their advice, as Strabo of Cappadocia attests, when he saith thus:—(287) 'Now the greater part, both those that came to Cyprus with us, and those that were sent afterward thither, revolted to Ptolemy immediately only those that were called Onias's party, being Jews, continued faithful, because their countrymen Chelcias and Ananias were in chief favor with the queen.' These are the words of Strabo.

5. (288) However, this prosperous state of affairs moved the Jews to envy Hyrcanus; but they that were the worst disposed to him were the Pharisees, who are one of the sects of the Jews, as we have informed you already. These have so great a power over the multitude, that when they say anything against the king or against the high priest, they are presently believed. (289) Now Hyr-

^b The original of the Sadducees, as a considerable party among the Jews being contained in this and the two following sections, take Dean Prideaux's note upon this their first public appearance, which I suppose to be true:—Hyrcanus," says he, "went over to the party of the Sadducees, that is, by embracing their doctrine against the traditions of the elders, added to the written law, and made of equal authority with it, but not their doctrine against the resurrection and a future state; for this cannot be supposed of so good and righteous a man as John Hyrcanus is said to be. It is most probable, that at this time the Sadducees had gone no farther in the doctrines of the Pharisees were so fond of, for Josephus mentions no other difference at this time between them; neither doth he say that Hyrcanus went over to the Sadducees in any other particular than in the abolishing of all the traditional constitutions of the Pharisees, which our Savior condemned as well as they." (At the year 108.)

many observances by succession from their fathers, which are not written in the law of Moses; and for that reason it is that the Sadducees reject them and say that we are to esteem those observances to be obligatory which are in the written word, but are not to observe what are derived from the tradition of our forefathers; (298) and concerning these things it is that great disputes and differences have arisen among them, while the Sadducees are able to persuade none but the rich, and have not the populace obsequious to them, but the Pharisees have the multitude of their side; but about these two sects, and that of the Essenes, I have treated accurately in the second book of Jewish affairs.

7. (299) But when Hyrcanus had put an end to this sedition, he after that lived happily, and administered the government in the best manner for thirty-one years, and then died, leaving behind him five sons. He was esteemed by God worthy of the three privileges,—the government of his nation, the dignity of the high priesthood, and prophecy; (300) for God was with him, and enabled him to know futurities; and to foretell this in particular, that, as to his two eldest sons, he foretold that they would not long continue in the government of public affairs; whose unhappy catastrophe will be worth our description, that we may thence learn how very much they were inferior to their father's happiness.

^d Here ends the high priesthood, and the life of this excellent person John Hyrcanus; and together with him the holy theology, or divine government of the Jewish nation, and its concomitant oracle by Urim. Now follows the profane and tyrannical Jewish monarchy, first, of the Asameaneus or Maccabees, and then of Herod the Great, the Idumean, till the coming of the Messiah. See the note on *Antiq.* 3.8.9. Hear Strabo's testimony on this occasion, 16.761-62:—"Those," says he, "that succeeded Moses, continued for some time in earnest, both in righteous actions and in piety; but after a while, there were others that took upon them the high priesthood; at first superstitious and afterwards tyrannical persons. Such a prophet was Moses and those that succeeded him, beginning in a way not to be blamed, but changing for the worse. And when it openly appeared that the government was become tyrannical, Alexander was the first that set up himself for a king instead of a priest; and his sons were Hyrcanus and Aristobulus." All in agreement with Josephus, excepting this, that Strabo omits the first king Aristobulus, who reigning but a single year, seems hardly to have come to his knowledge. Nor indeed does Aristobulus, the son of Alexander, pretend that the name of king was taken before his father Alexander took it himself. *Antiq.* 14.3.2. See also 12.1, which favors Strabo also. And indeed, if we may judge from the very different characters of the Egyptian Jews under high priests, and of the Palestine Jews under kings, in the next two centuries, we may well suppose, that the divine Shechinah was removed into Egypt, and that the worshippers at the temple of Onias were better men than those at the temple of Jerusalem.

canus was a disciple of theirs, and greatly beloved by them. And when he once invited them to a feast, and entertained them very kindly, when he saw them in a good humor, he began to say to them, that they knew he was desirous to be a righteous man, and to do all things whereby he might please God, which was the profession of the Pharisees also. (290) However, he desired, that if they observed him offending in any point, and going out of the right way, they would call him back and correct him. On which occasion they attested to his being entirely virtuous; with which commendation he was well pleased; but still there was one of his guests there, whose name was Eleazar, (291) a man of an ill temper, and delighting in seditious practices. This man said, "Since thou desirest to know the truth, if thou wilt be righteous in earnest, lay down the high priesthood, and content thyself with the civil government of the people." (292) And when he desired to know for what cause he ought to lay down the high priesthood, the other replied, "We have heard it from old men, that thy mother had been a captive under the reign of Antiochus Epiphanes." This story was false, and Hyrcanus was provoked against him; and all the Pharisees had a very great indignation against him.

6. (293) Now there was one Jonathan, a very great friend of Hyrcanus, but of the sect of the Sadducees, whose notions are quite contrary to those of the Pharisees. He told Hyrcanus that Eleazar had cast such a reproach upon him, according to the common sentiments of all the Pharisees, and that this would be made manifest if he would but ask him the question, What punishment they thought this man deserved? (294) for that he might depend upon it, that the reproach was now laid on him with their approbation, if they were for punishing him as his crime deserved. So the Pharisees made answer, that he deserved stripes and bonds; but that it did not seem right to punish reproaches with death; and indeed the Pharisees, even upon other occasions, are not apt to be severe in punishments. (295) At this gentle sentence Hyrcanus was very angry, and thought that this man reproached him by their approbation. It was this Jonathan who chiefly irritated him, and influenced him so far, (296) that he made him leave the party of the Pharisees, and abolish the decrees they had imposed on the people, and punish those that observed them. From this source arose that hatred which he and his sons met with from the multitude; (297) but of these matters we shall speak hereafter. What I would now explain is this, that the Pharisees have delivered to the people a great

^e This slander, that arose from a Pharisee, has been preserved by their successors the rabbis to these later ages; for Dr. Hudson assures us that David Ganz, in his Chronology, S. Pr. p. 77, in Vorstius's version, relates that Hyrcanus's mother was taken captive in Mount Moab, see 13.5.

allowed to walk a greater distance'.¹ 'Contentious man', said Raba² to him, 'in respect of the laws of 'erub no one takes any notice of the ruling of R. Akiba'.³

(1) As the Sabbath limit of the town. This advice was given in accordance with R. Akiba's ruling that a man is allowed to walk no further than two thousand cubits from the place and not from the walls surrounding the place, of his 'erub. (2) A similar expression against Mar Judah was used by Rabbah (cf. *Kid.* 58a). (3) Since in the case of the 'erub laws the *halachah* always rests with the author adopting the more lenient view.

'ERUBIN

CHAPTER VI

MISHNAH. IF A MAN LIVES IN A COURTYARD WITH A HEATHEN OR WITH ONE WHO DOES NOT ACKNOWLEDGE THE PRINCIPLE OF 'ERUB,¹ EITHER OF THEM² CAUSES HIM TO BE RESTRICTED IN THE USE OF THE COURTYARD.³ R.⁴ ELIEZER B. JACOB RULED: NEITHER⁵ CAN RESTRICT HIM⁶ UNLESS THERE ARE⁷ TWO ISRAELITES⁸ WHO⁹ IMPOSE RESTRICTIONS UPON EACH OTHER.¹⁰

R. GAMALIEL¹¹ RELATED: A SADDUCEE ONCE LIVED WITH US IN THE SAME ALLEY IN JERUSALEM AND FATHER TOLD US:¹² 'HASTEN AND CARRY OUT'¹³ ALL NECESSARY ARTICLES INTO THE ALLEY¹⁴ BEFORE HE CARRIES OUT HIS¹⁵ AND THEREBY IMPOSES RESTRICTIONS UPON YOU'.¹⁶ R. JUDAH RELATED,

(1) A Samaritan. Cf. *Mishnah supra* 31b. (2) Lit., 'behold this'. (3) As he is not the only possessor of the courtyard he is forbidden to carry objects from his house into the courtyard or *vice versa* unless he has, before the commencement of the Sabbath, rented from his neighbour, for the duration of the Sabbath, the right the latter has in their common courtyard. (4) In some of the separate edd. of the *Mishnah* this is preceded by 'So R. Meir.' (5) Lit., 'for ever'. (6) In the use of the common courtyard. (7) Besides the heathen or the Samaritan (v. n. 1). (8) Living in houses in the same courtyard and thus having a share in it. (9) Unless they properly joined together in the preparation of one 'erub. (10) Only in such circumstances does the right of a third tenant of the type mentioned, wherever that right has not been duly rented from him, restrict their use of the common courtyard. He cannot, however, impose any restrictions upon an Israelite if the latter and he are the only tenants. The reason is explained in the *Genara infra*. (11) On the identity of the bearer of this name v. *Tosaf. s.v. גמליאל*. (12) On a certain occasion when the Sadducee renounced his right to his share in the alley. (13) Just before the Sabbath begins. (14) In order to acquire by that act the Sadducee's share. (15) And thereby acquires again the right he at first renounced. (16) A Sadducee, according to this view, is not regarded as a heathen, whose right in a courtyard or an alley must be rented, but as a heretic Israelite who may renounce his right by a mere declaration, no renting of it being necessary. Since

AS IT BECAME DARK HE¹ CALLED OUT, 'HAS THE SUN SET?' AND THEY ANSWERED, 'YES'. 'HAS THE SUN SET?' AND THEY ANSWERED, 'YES'. 'WITH THIS SICKLE?'² AND THEY ANSWERED, 'YES'. 'WITH THIS SICKLE?' AND THEY ANSWERED, 'YES'. 'INTO THIS BASKET?' AND THEY ANSWERED, 'YES'. 'INTO THIS BASKET?' AND THEY ANSWERED, 'YES'. ON THE SABBATH HE CALLED OUT FURTHER, 'ON THIS SABBATH?' AND THEY ANSWERED, 'YES'. 'ON THIS SABBATH?' AND THEY ANSWERED, 'YES'. 'SHALL I REAP?'³ AND THEY ANSWERED, 'REAP'. 'SHALL I REAP?' AND THEY ANSWERED, 'REAP'. HE REPEATED EVERY MATTER THREE TIMES, AND THEY ANSWERED, 'YES'. 'YES'. 'YES'. AND WHY WAS ALL THIS? BECAUSE OF THE BOETHUSIANS⁴ WHO MAINTAINED THAT THE REAPING OF THE 'OMER WAS NOT TO TAKE PLACE AT THE CONCLUSION OF THE [FIRST DAY OF THE] FESTIVAL.

GEMARA. Our Rabbis taught:⁵ 'On the following days fasting, and on some of them also mourning, is forbidden: From the first until the eighth day of the month of Nisan, during which time the Daily Offering was established, mourning is forbidden.'⁶ From the eighth of the same until the close of the Festival, during which time the date for the Feast of Weeks was re-established, fasting is forbidden.⁷

(1) The reaper to the people assembled. (2) I.e., shall I reap the corn with this sickle and into this basket? (3) On the Sabbath. (4) A sect in opposition to the Pharisees and often regarded as synonymous with the Sadducees. They held that the expression (Lev. XXIII, 11) מִבֹּרֶת הַשֶּׁבֶת, 'the morrow after the Sabbath', must be taken in its literal sense, the day following the first Saturday in Passover. The Pharisees, however, argued that the Sabbath meant here 'the day of cessation from work', i.e., the Festival of Passover. Accordingly the 'Omer was to be offered on the second day of the Festival, and the reaping of the corn on the night preceding, at the conclusion of the first day of the Festival. (5) V. Megillah Ta'anith, I. (6) And needless to say that fasting is forbidden. V. Tosaf. s.v. מִיָּוֶלֶת. (7) But mourning is permitted. So according to Rashi, Sh. Mek. and most MSS. In cur. ed. 'mourning is forbidden'. V. Tosaf. s.v. מִיָּוֶלֶת. Cf. also Ta'anith 17b.

'From the first until the eighth day of the month of Nisan, during which time the Daily Offering was established, mourning is forbidden'. For the Sadducees used to say that an individual may of his own free will defray the cost¹ of the Daily Offering. What was their argument?—It is written, [said they], *The one lamb shalt thou offer in the morning and the other lamb shalt thou offer at dusk*.² And what was the reply [of the Rabbis]?—It is written, *My food which is presented unto Me for offerings made by fire, of a sweet savour unto Me, shall ye observe*.³ Hence all sacrifices were to be taken out of the Temple fund.⁴

'From the eighth of the same until the close of the Festival [of Passover], during which time the date for the Feast of Weeks was re-established, fasting is forbidden'. For the Boethusians held that the Feast of Weeks⁵ must always be on the day after the Sabbath.⁶ But R. Johanan b. Zakkai entered into discussion with them saying, 'Fools that you are! whence do you derive it?' Not one of them was able to answer him, save one old man who commenced to babble and said, 'Moses our teacher was a great lover of Israel, and knowing full well that the Feast of Weeks lasted only one day he therefore fixed it on the day after the Sabbath so that Israel might enjoy themselves for two successive days'. [R. Johanan b. Zakkai] then quoted to him the following verse, '*It is eleven days' journey from Horeb unto Kadesh-Barnea by the way of mount Seir*'.⁷ [65b] If Moses was a great lover of Israel, why then did he detain them in the wilderness for forty years?' 'Master', said the other, 'is it thus that you would dismiss me?' 'Fool', he answered, 'should not our perfect Torah be as convincing as your idle talk! Now one verse says, *Ye shall number fifty days*,⁸ while the other verse says, *Seven weeks shall there be complete*.⁹

(1) Lit., 'may offer and bring'. (2) Num. XXVIII, 4. The precept is stated in the singular, directed to the individual. (3) Ibid. 2. The use of the pronoun 'ye' clearly imposes the obligation upon the community. (4) Lit., 'the offering of the Chamber'. (5) *Azereth*, lit., 'the closing'; the Feast of Weeks being regarded as the closing festival to Passover. (6) I.e., on a Sunday, at the completion of seven full weeks from the offering of the 'Omer' which, according to them, was offered on a Sunday. (7) Deut. I, 2. (8) Lev. XXIII, 16. (9) Ibid. 15.

she profaneth her father? If he [the father] was regarded as holy, he is now regarded as profane;¹ 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 brought her up, cursed be he from whose loins she sprung.' R. 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.²

THAT IS THE MANNER OF STONING.

To what does this refer?³—To the statement [in a preceding Mishnah]: When the verdict [of guilty] was finally announced, he [the accused] was led out to be stoned. . . .⁴ Now, the scaffolding [for stoning] was twice a man's height etc.⁵ And because the Tanna is about to teach the manner of death by fire, 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 DUNG UP TO HIS ARMPITS; THEN A HARD CLOTH WAS PLACED WITHIN A SOFT ONE,⁶ 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 BODY AND BURNT HIS BOWELS. R. JUDAH SAID: SHOULD HE HOWEVER HAVE DIED AT THEIR HANDS [BEING STRANGLER BY THE BANDAGE BEFORE THE WICK WAS THROWN INTO HIS MOUTH, OR BEFORE IT COULD ACT], HE WOULD NOT HAVE BEEN EXECUTED BY FIRE AS PRESCRIBED. HENCE IT WAS DONE THUS: HIS MOUTH WAS FORCED OPEN WITH PINCERS AGAINST HIS WISH, THE WICK LIT AND THROWN INTO HIS MOUTH, SO THAT IT DESCENDED INTO HIS BODY AND

(1) In the sense of not holy. (2) That the father is cursed and reviled for his offspring's misdemeanours. (3) [This is Rashi's reading, found also in MS.M.; cur. edd.: What does he teach that he states?] (4) *Supra* 42b. (5) *Supra* 45a. (6) The soft one alone could not exert sufficient pressure to open his mouth; whilst a hard one alone would bruise the skin and unnecessarily disfigure him (Rashi).

BURNT HIS BOWELS: R. ELEAZER B. ZADOK SAID: IT ONCE HAPPENED THAT A PRIEST'S DAUGHTER COMMITTED ADULTERY, WHEREUPON BUNDLES OF FAGGOTS WERE PLACED ROUND ABOUT HER AND SHE WAS BURNT. THE SAGES REPLIED, THAT WAS BECAUSE THE BETH DIN AT THAT TIME WAS NOT WELL LEARNED IN LAW.

GEMARA. What is meant by a wick?—R. Mathna said: A lead bar.¹

Whence do we know this?²—It is inferred from the fact that burning is decreed here;³ and was also the fate of the assembly of Korah;⁴ just as there the reference is to the burning of the soul, the body remaining intact, so here too. R. Eleazar said: It is deduced from the employment of the word 'burning' here and in the case of Aaron's sons;⁵ just as there the burning of the soul is meant, while the body remained intact, so here too.

Now, he who deduces it from the assembly of Korah, whence does he know [that they were thus burnt]?—Because it is written: [*Speak unto Eleazar . . . that he take up the censers out of the burning . . .*] *The censers of these sinners against their own souls,*⁶ implying that their souls were burned, but their bodies were unharmed. And the other?⁷—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 [the pollution of] their souls; as Resh Lakish [taught]. For R. Simeon b. Lakish said: What is the meaning of the verse, *With hypocritical mockers in feasts, they gnashed upon me with their teeth*?⁸ Because they hypocritically [i.e., polluting their own sincerity] flattered Korah in return for the feast he set before them, the Prince of Gehenna⁹ gnashed his teeth against them [for their destruction].

(1) 'Lit' in the Mishnah will therefore mean 'melted'. (2) That death by fire was thus carried out, instead of burning the body. (3) Lev. XXI, 9. *She shall be burnt with fire.* (4) Num. XVII, 4. *And Eliezer the priest took the brazen censers, wherewith they that were burnt had offered.* (5) Lev. X, 6. *Let your brethren . . . bewail the burning which the Lord hath kindled.* (6) Num. XVII, 2f (E. V. XVI, 37f). (7) R. Eleazar. (8) Ps. XXXV, 16. (9) In the valley to the south of Jerusalem, known as the valley of the son of Hinnom, children were at one time sacrificed to

he not learn it from Aaron's sons?—Because they were actually burnt [this being his opinion]. Then why not deduce from them [that this shall be the method of burning]?—R. Nahman answered in the name of Rabbah b. Abbuha: The verse saith, *But thou shalt love thy neighbour as thyself*,¹ [which implies:] choose an easy death for him.² Now, since we have R. Nahman's dictum, what need is there of the *gezerah shawah*?—But for the *gezerah shawah*, I would think that burning of the soul, the body remaining intact, is not deemed burning at all; whilst as for [the implication of the verse], *Thou shalt love thy neighbour as thyself*, this can be fulfilled by piling up an abundance of faggots to cause a speedy death. Hence the teaching of the *gezerah shawah*.

Moses and Aaron once walked along, with Nadab and Abihu behind them, and all Israel following in the rear. Then Nadab said to Abihu, 'Oh that these old men might die, so that you and I should be the leaders of our generation.' But the Holy One, blessed be He, said unto them: 'We shall see who will bury whom.' R. Papa said: Thus men say: 'Many an old camel is laden with the hides of younger ones.'³

R. Eleazar said: [52b] 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.⁴

Imarta the daughter of Tali, a priest, committed adultery. Thereupon R. Hama b. Tobiah had her surrounded by faggots and burnt. R. Joseph's said: He [R. Hama] was ignorant of two laws. He was ignorant of R. Mathna's dictum⁵ and of the following Baraita: *And thou shalt come unto the priests, the Levites, and unto the judge that shall be in those days.*⁷ This teaches that when the priesthood is

(1) Lev. XIX, 18. (2) But the burning of the body is a most painful death. (3) I.e., many an old man survives the young. (4) This passage is inserted here because the assembly of Korah has just been mentioned, who were scholars 'the elect men of the assembly' (Num. XVI, 2). These, becoming over familiar with Korah and accepting gifts from him, lost his esteem, until ultimately he incited them to support him in his revolt against Moses. (5) [First of the Sabara'im, v. Funk, *Die Juden in Babylonien*, II, 123.] (6) That burning was carried out by pouring molten lead down the condemned man's throat. (7) Deut. XXVII, 9.

functioning [in the Temple], the judge functions [in respect of capital punishment]; but when the priesthood is not functioning, the judge may not function.¹

R. ELEAZAR B. ZADOK SAID, IT ONCE HAPPENED THAT A PRIEST'S DAUGHTER COMMITTED ADULTERY, etc.

R. Joseph said: It was a Sadducee: Beth din that did this. Now, is this what R. Eleazar b. Zadok said, and did the sages answer him so? Has it not been taught: R. Eleazar b. Zadok said, 'I remember when I was a child riding on my father's shoulder that a priest's adulterous daughter was brought [to the place of execution], surrounded by faggots, and burnt.' The Sages answered him: 'You were then a minor, whose testimony is inadmissible?'—There

(1) Thus R. Hama, an Amora living long after the destruction of the Temple, had no jurisdiction for capital punishment. [According to Funk, *loc. cit.*, R. Hama's rigorous sentence was prompted by his desire to combat the Mazdakian doctrine of the community of wives that had found many adherents in his day.] (2) The party opposed to the Pharisees, and drawing their support mainly from the aristocratic classes. As they represented the nobility and wealth of the country, their interests were centred chiefly in the political, not the religious life, of the people. Their origin is wrapped in obscurity (Weiss, *Dor*, I, 100); but Halevy, *Doroth* Vol. III: 'The Sadducees and Boethusians', regards them as the children of the Hellenizing Jews in the days of the Maccabees; he denies that they were a religious party at all. The passage from Josephus (Ant. XIII, 10, § 6) upon which this assertion is commonly based is explained by him as referring to the rejection of distinctive Rabbinic ordinances as apart from laws derived through interpretation of Scripture. In regard to criminal jurisdiction, they were very rigorous and, as seen in this passage, carried out the penalty of death by fire in a literal manner. Halevy (*op. cit.* Vol. III, p. 412f) observes that the reply of the Sages to R. Eleazar b. Zadok, 'Because the Beth din at that time (amplified by R. Joseph as meaning a Beth din of the Sadducees) were not well learned in the law', shews that their ruling was in the first instance not based on the principle of literal interpretation, but the result of ignorance; it was only subsequently that such ruling crystallized into definite principles. J. Derenbourg (*Essai*, p. 251, n. 2) suggests that the burning of the priest's adulterous daughter, as described by R. Eleazar b. Zadok, took place during the short interval between the death of Festus, the Roman Procurator, (in 62 C.E.) and the coming of Albinus (63 C.E.), during the High-Priesthood of Hanan b. Hanan (a Boethusian mentioned in Tosef. Yoma 1). Cp. also *ibid* p. 262. (3) This refutation differs from that of the Mishnah.