

Criminal Justice:

An Eighth Grade Talmud Unit
BAVLI SANHEDRIN 6

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Worksheets and Assessments

Name _____

Date _____

משנה א: בית הסקילה והחזרת הגדון, סנהדרין מב ע"ב
Mishnah 1: The Stoning House and the Appeals Process

Open-Notes Questions – Independent, Graded Work

1) What פסוק does the mishnah quote? Write it in Hebrew and in English:

2) What do the rabbis say about בית הסקילה *based on this פסוק*?

3) What are the roles of the scarf and the horse?

4) Why do you think the rabbis established the appeals* process described in this mishnah?

*appeal = after a person is found guilty of something, an "appeal" is an attempt to re-open the case and do the trial over.

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סוגיא א: "משל מי?" , סנהדרין מג ע"א – Sugya 1: Who Pays for It?

Outline and Color-Coding

Instructions: **First** fill in each step of the *sugya* **in your own words**, and **then** color code the text in the Gemara itself.

Something that is obvious to Rav Huna:

Reason that's obvious: _____

Rav Huna's Question:

Two possible answers:

(1) _____

Reason for that answer: _____

(2) _____

Reason for that answer: _____

Without answering Rav Huna's question, the Gemara now turns to an additional step in the process of the death penalty:

Statement of *amora* (Rav Hisda) describing additional requirement:

Pasuk this requirement is based on (write it in Hebrew and in English):

Baraita's description of how this requirement used to be done:

Question about this requirement: _____

Answer: _____

Reason for answer (based on textual evidence from *pasuk* above):

Name _____

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סוגיא א: "משל מי?" , סנהדרין מג ע"א – Sugya 1: Who Pays for It?

Open-Notes Questions – Independent, Graded Work

(1) What are the Talmud's reasons for having either the public or the convict provide the scarf and horse described in our mishnah?

Convict should pay: _____

Public should pay: _____

(2) What evidence does the Gemara use to figure out who should pay for the convict's numbing drink (spiced wine)? Explain the evidence.

(3) What is your personal opinion about who should provide the scarf, horse, and numbing drink? Why? (Full points for a clear and *explained* opinion.)

(4) Think about the American court system today. What are some objects or services that must be paid for in order for a criminal to be punished? (You may list them.) In your opinion (in full sentences), who should pay for them?

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סוגיא ב: "נשתתק", סנהדרין מג ע"א – Sugya 2: Interrupted Appeals

Outline and Color-Coding

Rav Aha bar Rav Huna's Question:

Rav Sheshet's response:

The Stam's response to Rav Sheshet:

Rabbi Yossi bar Haninah's assist:

The problem with Rabbi Yossi bar Haninah's assist:

Name _____

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סוגיא ג: "ממש בדבריו", סנהדרין מג ע"א – Sugya 3: Substantial Cause for Appeal – Outline and Color-Coding

Question about the mishnah's instructions:

Apparent answer found in a *baraita*:

Rav Pappa's interpretation of the mishnah's instructions, based on the *baraita*:

Another question about the mishnah's instructions:

Abaye's answer:

Suggestion about the procedure:

Reason for rejecting that suggestion:

Name _____

Date _____

Sugya 2: Interrupted Appeals – סוגיא ב: "נשתתק", סנהדרין מג ע"א –
Sugya 3: Substantial Cause for Appeal – סוגיא ג: "ממש בדבריו", סנהדרין מג ע"א –

Open-Notes Questions – Independent, Graded Work

Part 1:

Sugya 2: Interrupted Appeals – סוגיא ב: "נשתתק", סנהדרין מג ע"א (*beginning at the start of the paragraph labeled ב in the Steinsaltz Talmud on א"מ*)

(1) What is the main question that this sugya asks?

(2) The sugya includes two different analogies* to the original question, each presented by a different rabbi. Each analogy is then criticized as a bad analogy* to the original question. Write each analogy (the similar case), who presented it, and the sugya's criticism of it: (8 points total – continued on next page)

Analogy #1: _____

Who presented it? _____

The sugya's criticism of this analogy: _____

*analogy = a case that is similar to the case we're talking about, and can therefore help us to understand the case we're talking about.

*a bad analogy = a case that might seem similar to the case we're talking about, but that actually is different in an important way, and therefore cannot help us understand the case we're talking about.

Analogy #2: _____

Who presented it (analogy #2)?

The *sugya*'s criticism of this analogy: _____

(3) Does the *sugya* present a clear and decisive answer to this question? (Write either Yes or No)

(4) This question has two parts. Be sure to do both parts! Use extra paper if you need.

(a) Give an example of an imaginary scenario from today's world of an appeal that is interrupted, as in the cases presented in this *sugya*.

(b) If you were the judge, what would you do in that case?

Part 2:

Sugya 3: Substantial Cause for Appeal – סנהדרין מג ע"א – "ממש בדבריו", סנהדרין מג ע"א – א
(beginning with the quote from the mishnah "אפילו הוא כו'")

(1) What is the topic of this sugya?

(2) Abayye answers a certain question in this sugya. What is the question and what is Abayye's answer?

The question Abayye answers: _____

Abayye's answer: _____

(3) According to this sugya, when do we allow appeals to move forward even if there is no ממש בדבריו, and why?

When? (Be sure to answer fully and clearly):

Why? (According to the Stam in our sugya):

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Date _____

The Story of Achan, from ספר יהושע, Chapter 7

The story of Achan begins right after the famous battle of Jericho. You know, the one where the Israelites blow *shofarot* and the walls come tumbling down. It was a huge victory for Israel under the leadership of Yehoshua.

The one instruction Yehoshua gave the people at the end of the battle was not to take any gold or valuables or any stuff at all from the destroyed city. Don't touch it. Just don't. No taking stuff. That stuff is forbidden stuff: **חָרָם** (forbidden stuff).

Achan didn't listen. He took stuff from Jericho. God was super mad. But no one other than God knew that he took stuff.

So then Yehoshua went about making plans for the next battle (Yehoshua led a lot of battles conquering the cities of Canaan). The next battle was to be at a place called Ai (pronounced: eye). It seemed like it would be a pretty easy victory for Israel. And it probably would have been... if God hadn't been so mad at Achan for disobeying the order not to take stuff from Jericho.

Instead of winning at Ai, the Israelites lost. Terribly. Yehoshua was upset and confused. So he asked God, "What the what?!" (He did not use those words.) God said that the Israelites were not going to be allowed to continue conquering Canaanite cities until they dealt with the theft of forbidden things from Jericho. God said they should wait until the morning, and then the sinner would be identified in front of all the people.

In the morning, God identified Achan as the sinner who took the stuff from Jericho. This is how Yehoshua responded (this is a quote from the book of Yehoshua):

(יט) וַיֹּאמֶר יְהוֹשֻׁעַ אֶל עָכָן:

בְּנִי, שִׁים נָא כְבוֹד לַה' אֱלֹהֵי יִשְׂרָאֵל וְתֵן לוֹ תוֹדָה, וְהִגַּד נָא לִי, מָה עָשִׂיתָ. אֵל תִּכְחַד מִמֶּנִּי:

My son, give honor to Hashem the God of Israel, and give him a **confession**, and tell me please what you did. Do not hide anything from me.

(כ) וַיַּעַן עָכָן אֶת יְהוֹשֻׁעַ וַיֹּאמֶר:

Achan answered Yehoshua, saying:

אָמְנָה אֲנֹכִי חָטָאתִי לַה' אֱלֹהֵי יִשְׂרָאֵל וְכִזַּאת וְכִזַּאת עָשִׂיתִי: (כא) וְאָרָא בְּשַׁלַּל אֲדָרַת שְׁנַעַר אַחַת טוֹבָה וּמְאֹתָיִם שְׁקָלִים כֶּסֶף וְלִשׁוֹן זָהָב אֶחָד חֲמִשִּׁים שְׁקָלִים מִשְׁקָלוֹ וְאַחַד מֵאָה וְאַחַד מֵאָה וְהֵנָּה טְמוּנִים בְּאֶרֶץ בְּתוֹךְ הָאֲהָלִי וְהִכְסֹף תַּחְתֵּיהָ:

It is true. I sinned before Hashem the God of Israel, and this is what I did: I saw among the spoils* a fine shawl from Shinar, 200 silver shekels, and a wedge of gold worth 50 shekels, and I wanted them. So I took them, and they are now hidden in the ground beneath my tent, with the silver underneath.

Yehoshua sent people to check in Achan's tent, and lo and behold there were the things he took, just as he had described.

So then it was time to punish Achan. They brought him to a valley to stone him. Before the stoning, Yehoshua had something to say to him:

(כה) וַיֹּאמֶר יְהוֹשֻׁעַ: מָה עָכַרְתָּנוּ! יַעֲכֹרְךָ ה' בַּיּוֹם הַזֶּה!

Yehoshua said: How you have troubled us! Hashem will trouble you on this day!

Then they stoned him, and the valley they stoned him in was named עֵמֶק עָכֹר – Valley of Trouble.

--- The End ---

(1) Why do you think Yehoshua makes Achan confess, even though God already told everyone that Achan had sinned by taking the stuff?

(2) What does Yehoshua mean by those final words he says to Achan before the stoning?

* Spoils means possessions of conquered people. This refers to the stuff from Jericho, which Yehoshua had told the people that God said not to take.

Mishnah 2: Confession – מג ע"ב, וידוי, משנה ב'

Havruta Discussion Guide

(1) According to the Mishnah – specifically – what does a person gain by confessing before they are put to death?

(2) Why do you think the rabbis thought confession before being put to death was this important? (*This answer must be different – and dig deeper than – the answer to the first question.*)

(3) What are other possible reasons that confession might be an important part of the punishment of a criminal? With your *havruta*, come up with as many ideas as you can, beyond what you answered for the first two questions.

Name _____

Date _____

Sugya 4: Exoneration – מד ע"ב, ניקוי, סוגיא ד: Discussion Guide

ניקוי = **Exoneration** = clearing from blame, declaration of innocence

(1) Why does our *sugya* think it is a bad idea to allow criminals who are being put to death to announce that they are innocent right before they die?

(2) Make a list of pros and cons for allowing prisoners to announce that they are innocent right before they are put to death:

<u>PROS</u>	<u>CONS</u>

(3) In today's world, what could be the equivalent of a convict saying "תְּהֵא מִיתְתִי בְּפֶרֶה עַל כָּל עֲוֹנוֹתַי חוּץ מֵעוֹן זֶה" right before they are put to death or put in prison?

(4) Do you think this self-exoneration without evidence should be allowed? Why or why not?

Name _____

Date _____

סוגיא ד: ניקוי, מד ע"ב – Sugya 4: Exoneration

BARAITA: Plot, Principles, and Judgment

PLOT: Describe the plot (the storyline) of the *sugya's baraita* in your own words.

PRINCIPLES: Identify the principles (ideas and commitments) that appear in the *baraita's* story. (Hint: Why do the **חכמים** make the decision they make, according to the *baraita*?) Try to identify two principles.

JUDGMENT: What is your personal judgment (opinion) of the **חכמים's**? Explain. What principles led you to your opinion? (Continue on the back if necessary.)

Name _____

Date _____

Sugya 4: Exoneration – מד ע"ב, ניקוי, סוגיא ד:

Outline (in your own words) and Color-Coding

The debate from the mishnah that this sugya responds to: _____

Stam's initial response to the rabbis' objection to Rabbi Yehudah's suggestion:

Stam's answer to the above (explaining the rabbis' objection to Rabbi Yehudah's suggestion):

Related story told by the *baraita* (in your own words):

Stam's first objection to the *baraita* (two parts):

Stam's response to this objection:

Stam's objection to that response (two parts):

Stam's response to that objection:

Name _____

Date _____

סוגיא ד: ניקוי, מד ע"ב – Sugya 4: Exoneration

Open-Notes Questions – Independent, Graded Work

Mishnah Question (מג ע"ב)

(1) Rabbi Yehudah suggests that if a convict knows himself/herself to be framed, s/he should say at the stoning house: "תהא מיתתי כפרה על כל עונותי חוץ מעון זה". What is the rabbis' objection to that suggestion?

Sugya Questions (מד ע"ב)

(2) According to the Stam at the beginning of our *sugya*, why would it be problematic to follow Rabbi Yehudah's suggestions from the mishnah?

(3) In the *baraita*, the rabbis say that it would be impossible to stop the execution as a result of what the convict has just said. Why? (Hint: Think of how the convict's statement here was different from what one says to be brought back for an appeal.)

(4) Explain (don't just translate; *explain*) this line of the *baraita*:
"ויהא קולר תלוי בצואר עדים".

(5) What information (or plot points) does the Stam add to the *baraita* as it explains the חכמים's decision not to reopen the case? (Be thorough; there are two pieces of information.)

(6) Explain (don't just translate) the following rabbinic principle from our *sugya*:
"כיון שהגיד שוב אינו חוזר ומגיד"

Current Events: **Choose one of the following two questions, or do both and earn some extra credit.**

(7a) How is The Innocence Project related to this *sugya*?

(7b) Write two things you learned from the handout and videos about the Innocence Project:

Name _____

Date _____

סוגיא ה: וכבוד הנסקל: סנהדרין מה ע"א
Sugya 5: The Dignity of the Convict

Outline (in your own words) and Color-Coding

- The part of the procedure (described in the mishnah) that the sugya relates to:

- The related tannaitic teaching:

- The Stam's question:

- The analogy that motivates that question:

- Rabbah bar Avuha's answer to that question (include both the פסוק he quotes and the interpretation he gives of it):

- The Stam's suggestion in light of Rabbah bar Avuha's comment:

- The reason for rejecting that suggestion:

Name _____

Date _____

משנה ג, סוגיא ה: תהליך הסקילה וכבוד הנסקל: סנהדרין מה ע"א
Mishnah 3: Death Penalty Procedures; Sugya 5: The Dignity of the Convict

Open-Notes Questions – Independent, Graded Work

(1) In your own words, describe the rabbinic process of death by stoning:

(2) Describe in your own words exactly what the Gemara is asking when it says: "ומי בעינן כולי האי?" (Be precise.)

(3) In this *sugya* specifically, how do the rabbis interpret the *mitzvah* of וְאָהַבְתָּ לְרֵעֶךָ כְּמוֹךָ?

(4) How is this *sugya* related to the 8th Amendment of the Constitution of the United States? (Do not just state what's in the 8th Amendment; explain how that's related to our *sugya*.)
