“All Israel Have a Share in the World to Come”—Except for Whom?

The Criteria for Selecting the Exceptions—Between the Mishnah and the Tosefta[[1]](#footnote-2)\*

The final section of the Mishnah in Tractate Sanhedrin deals with the four types of capital punishment administered by the court. Within the discussion of these forms of capital punishment, which precedes the list of those who are executed by strangulation and discussion of the details of the list, there is a section that concerns itself with groups and individuals who have no share in the World to Come.[[2]](#footnote-3) The placement of this bloc of text, its midrashic nature, the nature of the groups and individuals mentioned in it, and their comparison with parallel lists in Midrash Seder Olam and the Tosefta raise many questions.

The uniqueness of Perek Chelekin the Mishnah,[[3]](#footnote-4) deviating from the codificatory indicators of most chapters of this work, provides fertile ground for research into the stages of wording and redaction,[[4]](#footnote-5) relations among Tannaitic works,[[5]](#footnote-6) the time of formation of several principles of Jewish faith (such as resurrection of the dead and the World to Come),[[6]](#footnote-7) the historical background against which the groups of sinners who have no share in the World to Come are defined, and symbolism in the list of biblical kings, commoners, and groups of sinners who are excluded from future reward.[[7]](#footnote-8)

The various components of these research fields are intertwined. Thus, the findings of textual research and study of the formation of chapters influence the estimation of the historical characteristics that create the background for the formation of the credal principles and the nature of the groups on the list.

The aim of this article is to present the questions surrounding the existence of the Perek Chelek unit in a corpus intended mainly to enumerate behaviors for maintaining a religious lifestyle and to propose ways of addressing them. In the first stage, I examine the contribution of identifying levels of redaction to understanding the intentions of the redactor of this unit. In the second stage, I focus on the list of personalities excluded from the World to Come: I propose a common denominator for all members of the list, offer a hypothesis for the focus that is placed on them and not on other biblical sinners or those of other generations, and examine the similarities and differences between the list of those excluded from the World to Come in the Mishnah and the list of those so treated in the Tosefta. Concluding, I propose a hypothesis that may explain the gap that led to the formation of different lists in the two works.

## <H1>Perek Chelek—Puzzlements

The unit of mishnaic text known as Perek Chelek raises many questions that seem to demand precise elucidation to justify the need to search for an underlying meta-halakhic intention behind the lists of sinners and their punishment. I begin by presenting the text of Perek Chelek according to MS Kaufmann with a nod to variations in other wordings. In the second section of the article, I discuss differences between the lists as revealed by comparing the MS version with the printed versions and explain their implications for the thesis that I present regarding the selection of the list of those excluded.

Mishnah 1

All of the Jewish people have a share in the World to Come, as it is stated: “And your people also shall be all righteous, they shall inherit the land forever; the branch of My planting, the work of My hands, for My name to be glorified” (Isaiah 60:21)[[8]](#footnote-9)

And these have no share in the World to Come: One who says: There is no resurrection of the dead,[[9]](#footnote-10) and Torah [is] not from Heaven, and an *epikoros*.

Rabbi Akiva says: Also one who reads external literature, and one who whispers over a wound and says “Every illness that I placed upon Egypt I will not place upon you, for I am the Lord, your Healer” (Exodus 15:26).

Abba Shaul says: Also one who pronounces the name [of God], with its letters

Mishnah 2

Three kings and four commoners have no share in the World to Come.

Three kings: Jeroboam, Ahab, and Manasseh.

Rabbi Judah says: Manasseh has a share in the World to Come, as it is said [II Chronicles 33:13]: “And he prayed to Him, and He was entreated by him and heard his supplication, and He brought him back to Jerusalem to his kingdom.”[[10]](#footnote-11) [The Rabbis] said to [Rabbi Yehuda]: [God] restored him to his kingdom, but did not restore him to his share in life in the World to Come.

The four commoners: Balaam, Doeg, Ahitophel, and Gehazi:[[11]](#footnote-12)

Mishnah 3

The generation of the Flood have no share in the World to Come and will not stand in judgment, as it is stated: “My soul shall not abide [*yadon*] in man forever” (Genesis 6:3); neither judgment [*din*] nor souls. [[12]](#footnote-13)

The people of Sodom have no share in the World to Come[[13]](#footnote-14) … but they will stand in judgment.

Rabbi Neḥemya says: these and those will not stand in judgment, as it is stated: “Therefore the wicked shall not stand in judgment, nor sinners in the congregation of the righteous” [Psalms 1:5]. “Therefore the wicked shall not stand in judgment”; this [is] the generation of the Flood, “nor sinners in the congregation of the righteous”; these are the people of Sodom.

[The Sages] said to [Rabbi Neḥemya]: They will not stand in the congregation of the righteous, but they will stand in judgment in the congregation of the wicked. [[14]](#footnote-15)

Mishnah 4

The generation of the wilderness has no share in the World to Come and will not stand in judgment, as it is stated: “In this wilderness they shall be consumed, and there they shall die.” [This is] the statement of Rabbi Akiva.

Rabbi Eliezer says: about them: “Gather My pious together to Me, those that have entered into My covenant by offering” [Psalms 50:5].

Mishnah 5

The assembly of Korah is not destined to arise, as it is stated: “And the earth closed upon them” [Numbers 16:33], in this world, “And they perished from among the assembly” [Numbers 16:33], in the World to Come; [this is] the statement of Rabbi Akiva.

Rabbi Eliezer says: About them: “The Lord kills and makes alive; He lowers to the grave and raises” [I Samuel 2:6],

Mishnah 6

The ten tribes are not destined to return as it is stated: “And He cast them into another land, as it is this day” [Deuteronomy 29:27]. Just as the day passes never to return, so too, [the ten tribes] go and do not return; [this is] the statement of Rabbi Akiva.

Rabbi Eliezer says: “As it is this day,” just as the day darkens and brightens, the ten tribes as well, it is dark for them, so it is destined to brighten for them.[[15]](#footnote-16)

Below is a list of questions that emerge from the content, nature, and positioning of the Mishnah:

1. Many laws in the Mishnah and the midrash halakha (and perhaps the entire Tractate Makkot) attempt to obviate capital punishment for sinners and replace it with the punishment of flogging.[[16]](#footnote-17) Where does the punishment of *karet* from both worlds, here and after, stand in the hierarchy of death penalties?
2. The seventh chapter of Mishnah Sanhedrin opens the discussion of the court-administered death penalties and enumerates them: “Four types of death [penalty] were given over to the court” stoning, burning, killing [by decapitation], and strangulation (Sanhedrin 49b). These four death penalties are carried out by a court that invokes the most severe methods of punishment for a person who transgresses explicit prohibitions in the Torah. The revocation of a person’s share in the World to Come is certainly not subject to a court ruling. If so, why is this group mentioned in the list of those liable to the death penalty by the court?[[17]](#footnote-18)
3. The laws of the four types of capital punishment are adduced by interpreting verses that deal with the laws pertaining to sinners, in which the execution of the sinner is explicitly mentioned.[[18]](#footnote-19) What is the basis for punishment not explicitly mentioned in Scripture?[[19]](#footnote-20)
4. What is the purpose of the information about the laws pertaining to sinners who have no share in the World to Come, and why is precision in identifying them required if their fate is ultimately determined by a power beyond the Sanhedrin’s authority?[[20]](#footnote-21)
5. The precision invoked in describing the nature of the sin (in the list in mishnah 1) is relevant for understanding the hierarchy of sinners in terms of the severity of the sin. What aggadic contribution is made by defining the severity of the previous generation’s sins within a sequence of laws whose purpose is orthopractic?[[21]](#footnote-22)

The strangeness of the list of those barred from the World to Come in relation to the general context of the last mishnaic chapters of the tractate apparently indicates an ideological void that came about in regard to sinners not included in the detailed list of the four court-imposed death penalties. This lacuna made it necessary to specify the characteristics of another group of sinners, whose misdeeds are no less grievous, if not more grievous, than those of the sinners condemned to the four forms of execution. It seems that the Sages’ tendency to decree a death sentence only for sins explicitly mentioned in the Torah (as opposed to rival sects that created additional lists of capital crimes) required the specification of a punishment that does not require action by the court but emphasizes the severity of the sins committed by describing the gravity of their punishment in the afterlife.

In his book *עונשים וחטאים,* Shemesh stresses the symbolism of the punishments that society imposes on its offenders as able to reflect the legislators’ worldview:

The penal theory of any society reflects its stance on several important matters such as the purposes of punishment and the roles of the court and society in relations between man and God. The set of punishments in any law book also reflects the severity of offenses in the eyes of the legislator.... The Sages..., interpreting the biblical sources and categorizing the various sins into different groups based on the punishments imposed on them, are essentially performing a legislative act. Thus, from the list of punishments, one may also learn about the severity of various sins as [the Sages] perceive them.[[22]](#footnote-23)

We propose that the group of sinners who have no share in the World to Come is a kind of philosophical appendix to the penal theory of the Sages. This group differs from the Sages’ general penal theory in that they are neither judged in courts nor sentenced to physical punishment by the judges (much as with the *karet* punishment). It is appended to the theory, however, because the sins it includes too severe to be atoned for by a nonrecurrent punishment and require the absolute removal of the sinner from continued existence in the world.

Thus, an attempt should be made to find a common denominator for the items on the list and, through it, to understand the worldview that led to the inclusion of the biblical sinners on the list of those deserving of death. First, however, I will attempt to describe the stages of its formation.

## <H1>Perek Chelek—Levels of Redaction**[[23]](#footnote-24)**

The version of the Mishnah that has come down to us reveals the redaction of earlier and later traditions that dealt with defining sinners, some of whom are excluded from the World to Come.[[24]](#footnote-25) Defining the status of sinners who are deprived of the right to eternal life appears to have occupied sages of various generations in the Second Temple era, onward to the mishnaic period, and even after the Mishnah was sealed. It was also debated among sages of the same generation, as may be adduced from parallels in Tannaitic literature, variations of wording in printed versions, and recent developments in Talmudic literature.

In the following list, I point out features of the mishnaic text that may suggest that Perek Chelekis composed of a variety of traditions that the redactor of the Mishnah shaped into a cohesive unit, the common denominator of which is their dealing with individuals and groups of sinners whose punishment continues even after their death.

1. In the introduction to rabbinical dicta such as “Rabbi Akiva says also...” and “Abba Shaul says also...,”. the word “also” indicates an addition. This may be a redactor’s note indicating an additional tradition to which he was exposed, and it is possible that Rabbi Akiva and his contemporary, Abba Shaul, were familiar with their predecessors’ words and sought to add to the list three more sins, which, in their opinion, exclude the sinners from life in the World to Come.[[25]](#footnote-26)
2. A difference in literary structure between mishnahs 1–2 and mishnahs 3–6: The list of sinners in mishnah 1 of Perek Chelek recalls other mishnahs in the tractate that begin with a title and follow with elaboration.[[26]](#footnote-27) Despite its engagement with aggadic content, mishnah 2 exhibits a similar structure. mishnahs 3–6 are untitled, each paragraph enumerating another group of sinners (or two). The title of mishnah 2 does not match mishnahs 3–6 because these deviate from the numerical quantification in mishnahs 3 and 4. Moreover, there is a difference between the anonymous list of sinners in mishnah 2, without exegesis that proves the status of the sinners, and the lists of sinners to which exegetic references are added in paragraphs 3–6.
3. A difference in defining the eschatological punishment of the groups of sinners: In mishnahs 1–2, the punishment is exclusion from the World to Come. In paragraphs 3–4, the distinction between “those who stand [i.e., are resurrected] at judgment” and “those who do not stand at judgment” is added.[[27]](#footnote-28) In mishnah 5, the punishment is “is not destined to rise,” and in mishnah 6, “are not destined to return.” All the punishments mentioned in this chapter deal with postmortem punishment; however, the differences in the terminology used to define the punishment indicate different sources arranged in juxtaposition.
4. The dispute between Rabbi Akiva and Rabbi Eliezer concerns only the last three groups of sinners.
5. Proof of the sinners’ punishment: In the first two groups of sinners (those of the Flood and Sodom), the verse is not harvested from a description of the sinners’ punishment, whereas in the last three groups (the desert generation, Korah, and the ten tribes), the proof is drawn from the way the sinners’ punishment is described.
6. There is a large discrepancy between the list of excluded individuals in the Mishnah and the corresponding list in the Tosefta. The Tosefta begins the list with the phrase “They added to them,” suggesting that the redactor had a list of sinners before him and proposed his own additions.[[28]](#footnote-29) On the other hand, the matter goes beyond mere addition. The Tosefta repeats the names of individuals and groups mentioned in the Mishnah and ignores others, adds individuals and groups not mentioned in the Mishnah,[[29]](#footnote-30) and radicalizes the dispute over the status of several of the groups.[[30]](#footnote-31) This, it seems, would suffice to show that the lists were shaped in a gradual process.

These differences apparently point to editorial work on the part of the redactor of the Mishnah, who sought to represent the Sages’ diverse views about the severity of the sinners of past generations. The presence of a different list of sins in the Tosefta indicates a process of selecting traditions from a broad inventory on the basis of a criterion that carries a meaning that I will propose below.

Another unique aspect of the mishnaic Perek Chelek is the textual variations that one finds by comparing manuscripts, printed editions, and the mishnaic traditions presented in the Bavli. The opening phrase “All Israel have a share in the World to Come” does not appear in MS Kaufmann and is attested in part in MS Parma.[[31]](#footnote-32) The opening passage that deals with “all Israel” does not correspond to the rest of the chapter, which discusses individuals and groups not of Israel. This may be indicative of later editing of the introductory title. Another textual variation is the addition in the printed editions of the sin mentioned in mishnah 1 regarding “one who says there is no resurrection of the dead from the Torah.” There are also differences in textual evidence relating to the lists of sinners, such as the appearance of the Generation of the Dispersion and the Spies in the printed version. While I do not intend here to delve into the evolution of the text, I find it plausible to suggest that the variations in the text indicate the existence of multiple traditions that deal with the issue and the lack of a consensus about the traditions chosen by the redactor of the Mishnah. They may also be indicative of the stages of redaction that the mishnaic text underwent.

Mishnah scholars have engaged in attempts to date parts of the Mishnah and, despite differences among them, many agree on dividing the traditions into three periods. The first list of sinners in mishnah 1 is identified as characteristic of Hellenistic Jewish or Sadducean polemics; therefore, it is estimated to be an ancient tradition from the Second Temple period.[[32]](#footnote-33) The traditions in which Rabbi Akiva added to the list of sins in mishnah 1, or those in which his position is presented in contrast to Rabbi Eliezer’s, are more simply dated to these sages’ respective times. The additions to the list of sins in mishnah 5 are explained as stemming from the Pharisaic struggle against the Jewish Christians (the heretics),[[33]](#footnote-34) who had begun to embrace Christian customs and belief in the healing qualities of Jesus.[[34]](#footnote-35) Yuval and others identify the opening statement of the Mishnah as a late editorial stratum from the late Tannaitic period, added with the spread of the Pauline doctrine of election as formulated in Paul’s Letter to the Romans 11:26. This doctrine is similarly phrased, including only churchgoers, those who believe in the resurrection of Jesus, as eligible for the World to Come.[[35]](#footnote-36)

The dating of the traditions and editorial strata of Perek Chelek amounts to plausible speculation. Even if we do not adopt it in its entirety, we cannot ignore the craft of mounting non-monolithic traditions atop each other while leaving the solder unbroken. Now, we need to elucidate the considerations in choosing the traditions and determine whether the choice not to blur the linkages among the traditions was intentional.

## <H1>Perek Chelek—Polemical Components

The codificatory nature of the Mishnah leaves no room for philosophical polemics and disputation over the interpretation of biblical verses. The hypothesis of the existence of subtle polemical elements[[36]](#footnote-37) acquires plausibility through the search for reasons for the laws established in the Mishnah that are not directly adduced from biblical verses or even where a halakhic decision clashes with what the plain meaning of the verses teaches.[[37]](#footnote-38) It seems that the deviation of Perek Chelek from the codificatory and orthopractic nature of the Mishnah, and its modular ranking of the severity of sins, sinners, and their punishments, point to a fundamental tendency to theological polemics. In this section, we focus on aspects of the content, context, and phrasing of this text that may hint at these polemical leanings.

1. Context: the list of sinners and the exceptional punishments that conclude the chapter on “the ones who are burned.”

The chapter introduced with the phrase “The mitzva of the ones who are burned,” which precedes Perek Chelek in the Mishnah, concludes with a halakha that lists four deviants whose punishment is death but whose execution depends not on the decision of the court but on immediate action by those who witness their deeds (zealots or young men of the priesthood), and one case of a sinner about whom there is a dispute whether his judgment is by and earthly or a heavenly court.

One who steals a *kasva*, and one who curses with a sorcerer, and one who engages in intercourse with an Aramean woman, zealots strike him.

A priest who performed [the Temple] service in ritual impurity, his priestly brethren do not bring him to court; rather, the young men of the priesthood remove him from the Temple courtyard and pierce his skull with pieces of wood.

A non-priest who performed the service in the Temple, Rabbi Akiva says: by strangulation, and the Rabbis say: at the hand of Heaven. (m. Sanhedrin 9:46)

The oddity of the “zealots strike him” halakha relative to the general trend in Tractate Sanhedrin, which tries to thwart capital punishment to the extent possible and even limits the power of the court for this purpose, prompted the Talmudic sage Rav Dimi to term the halakha of one who “engages in intercourse with an Aramean woman” as a temporary ruling from the days of the Hasmoneans: “When Rav Dimi came, he said: The court of the Hasmoneans issued a decree that one who engages in intercourse with a gentile woman is liable due to a menstruating woman, maidservant, a gentile woman, [and] a married woman” (b. Sanhedrin 82a). In the continuation of the discussion, the Rabbis suggest that such an action is undesirable and the zealot is in effect a pursuer [רודף]: “It is also stated, Rabbah bar Bar Hana said in the name of Rabbi Yochanan: ‘One who comes to consult [with the court when he sees a Jewish man engaging in intercourse with a gentile woman], the court does not instruct him. Moreover, if Zimri had separated and Pinehas killed him, [Pinehas would] have been executed for him. [Furthermore, if] Zimri had turned and killed Pinehas, he would not have been executed for killing him, as Pinehas was a pursuer.’” In the Palestinian Talmud, the Sages’ demurral is explicit: “He saw the act and was reminded of the law: Those who have intercourse with non-Jewish women, zealots strike them.” “It was taught: ‘Not by the will of the Sages’ and ‘Pinehas, not by the will of the Sages’” (y. Sanhedrin 9:7, 27b).

Before us, therefore, is an early ad hoc ruling dealing with practical capital law, influenced by the challenges of the time, in the spirit of the time being “a time to act for the Lord.” Mishnah scholars have described how the elements of the case that permit the exceptional act of “zealots strike him,” and the same action by young men of the priesthood, correspond to descriptions of the Sadducees’ conduct during the libation ceremony in the Temple and the actions and culture of the Hellenizers.[[38]](#footnote-39)

This addition to the “the ones who are burned” chapter presents us with the reality of an extension of the Sages’ theory of punishment that is based on a complex system of biblical offenses but does not provide an answer for extreme sinners who endanger the stability of the religion. In view of the cultural challenges that ancient generations faced in an environment of idol worshippers, the encounter of Jews with their Christian neighbors and sectarian adversaries caused new religious and cultural confrontations to arise.

1. Revision of the “World to Come” doctrine

The reward of a portion in the World to Come as recompense for the worthy and punishment for sinners is first mentioned in Daniel 12:2–3. The sectarian literature and the Dead Sea Scrolls refer to the survival of the soul in terms of a reward reserved only for the Sons of Light who have separated from the Sons of Belial.[[39]](#footnote-40) In Rabbinic literature, belief in the afterlife became one of the fundamental principles of the faith. The afterlife topic evolved during the Second Temple period and the mishnaic era along three parallel paths: Christian theology continued the sectarian conception, according to which there exists a distinct group— churchgoers who believe in Jesus —who will merit life after death.[[40]](#footnote-41) The Sadducees denied the survival of the soul.[[41]](#footnote-42) In the Pharisaic literature, two stages can be distinguished: in the baraita attributed to Shammai, the reward of life after death is reserved for the righteous,[[42]](#footnote-43) while in our mishnah, a distinction is made between Israel and the nations in eligibility for life in the World to Come (except for individuals and groups who have lost this right).[[43]](#footnote-44)

It can be assumed that the challenges posed by new and egregious sinners and the development of a theological principle of retribution that is not subject to the punishment system of the Sages created the intersection of sin and its punishment. Through this connection, the Sages were able to warn about the severity of sins without having to apply a practical system of punishment (which was denied to them in any case). The extensive occupation with the principle of the afterlife, thanks to the Jewish-Christian sectarian polemic, likely contributed to its status as a severe warning mechanism that could equal the biblical death penalties in its deterrent power.

1. Characteristics of sins and their expansions

Epstein, Schiffman, Shemesh, and Yuval observe several parallels among the specific sins listed in mishnah 2 of Perek Chelek and the customs of the Qumran sect. Others have noted the parallels between the additions of Rabbi Akiva and Abba Shaul and the Pharisees’ polemic with the sectarians, the Jewish Christians, who continued to attend synagogues but had begun to adopt the principles of Christian doctrine. We now examine some of these parallels:

“One who says, there is no resurrection of the dead [from the Torah]”: According to the evidence from good mishnaic manuscripts, the words “from the Torah” were added at a later stage.[[44]](#footnote-45) Epstein believes that this part of the Mishnah is ancient and attributable to the sages of the Temple period; he assumes that “It is an anti-Sadducean mishnah against the Sadducees, who deny the resurrection of the dead.”[[45]](#footnote-46) The late addition “from the Torah” seemingly disputes the Christian conceptualization, according to which Jesus Christ changed the nature of the world through his miraculous resurrection.[[46]](#footnote-47)

“Rabbi Akiva says: Even one who reads from external books and one who whispers over a wound and says [Exodus 15:26]: ‘All the diseases which I have brought upon Egypt, I will not bring upon you, for I am the Lord, your healer’”: On b. Sanhedrin 100b, a baraita that interprets external books as heretical texts is cited.[[47]](#footnote-48) Yuval believes that the two added remarks attributed to Rabbi Akiva are aimed at actions that characterized Jewish Christians. These “external books” are the books of the New Testament[[48]](#footnote-49); whispering on a wound alludes to the powers that characterize Jesus in healing the sick.[[49]](#footnote-50)

“Abba Shaul says: Also one who pronounces the name [of God] with its letters”: Schiffman suggests that this teaching inveighs against an accepted practice among the Samaritan sect,[[50]](#footnote-51) while Yuval believes the prohibition of pronouncing the name of God with its letters may also be attributed in the New Testament to Jesus.[[51]](#footnote-52)

1. The declarative nature of the opening statement

The declarative passage that introduces the chapter, whenever the additon was redacted, is phrased in a manner that may well hint at the presence of those who question its content. Yuval believes that the mishnaic statement responds to a similar declarative statement by Paul in his Letter to the Romans (11:26) and its interpretation by later Christian thinkers, according to which the redemption of Israel depends on faith in Jesus.[[52]](#footnote-53) The inclusive formulation that all of Israel have a share in the World to Come (contrary to the earlier view expressed by Beit Shammai, according to which the promise of the afterworld depends on deeds [b. Rosh Hashanah 16b]), disconnects entitlement to the World to Come from the obligation of a commandment or a belief. The right to a portion in the World to Come is ethnic.

1. “He who says”

According to the explanation that the sins detailed in our mishnah have polemical aspects, one would expect the wording of the prohibitions to include expressions of belief and thought such as “one who denies the resurrection of the dead” and “one who denies the divine origin of the Torah.”[[53]](#footnote-54) Nevertheless, from the shared text regarding the sin, it emerges that the wrongful acts are perpetrated via speech. Does a belief without the practical manifestation of declaration not deny the heretic-by-thought his portion in the World to Come? Grossberg points to the practical nature of the Mishnah, as well as the historical background and religious environment in which it was compiled, as an explanation for the need to specify an actual prohibition.[[54]](#footnote-55) Paul and, subsequently, Justin Martyr, attacked the practical aspects of observing the Torah.[[55]](#footnote-56) The two religions parted ways, *inter alia*, against the backdrop of the tension between practice and doctrine, belief and deeds, and law and grace. The choice of sins as the focus of the polemic, and the emphasis on the practical aspect of their existence, creates a dual polemic: concerning both the content of the sin and the manner of its perpetration.

1. Lists of individuals and groups and their role in ancient polemics

The mishnaic Perek Chelek lists biblical figures and groups who have no share in the World to Come. Those well-versed in biblical stories cannot help but wonder about the selective choice on one hand, which omits arch-villains such as Athaliah, the murderers of the concubine from the era of the Judges, Pharaoh, and Haman, but includes Gehazi and the desert generation, whose sins seems to be disproportionate to the those of their counterparts on the list. Many researchers have identified individual and group constituents of the list as symbols of key Jewish and Christian figures or groups.[[56]](#footnote-57) Balaam and Gehazi were perceived as epitomizing or associated with the image of Jesus.[[57]](#footnote-58) The persona of Judas Iscariot is constructed in the Gospels through cross-fertilization of the biblical characteristics of Doeg and Ahitophel.[[58]](#footnote-59) The references to Manasseh and Korah embody mutual accusations that developed between the members of the sect and the Pharisees and between the Sadducees and the Pharisees.[[59]](#footnote-60) The sins of Sodom are often mentioned in the New Testament in conjunction with the sin of Jerusalem.[[60]](#footnote-61) The mention of Sodom as a place whose inhabitants have no share in the World to Come was intended, one presumes, to distinguish it from the inhabitants of Jerusalem. By thinking inductively, it seems, one may assume that many details on the list, both individual and collective, symbolize elements of a polemic.

Six characteristics of the mishnaic Perek Chelek have been proposed, demonstrating that contrary to the focused orthopractic objectives of the Mishnah with its various layers, Perek Chelek deals with the practical aspects of beliefs and opinions that are put to the test of interfaith polemics. The chapter begins with a description of the eschatological punishment that awaits those who profess belief in principles harvested from the doctrine of the rival religion. What practical implication is derived from the lists of biblical individuals and groups that are mentioned as having no share in the World to Come?

To answer, we must determine the common denominator of the entire list and, through it, understand the role of the list in establishing practical guidelines for coping with polemical situations.

## <H1>Individuals and Groups—Criteria for Selection

From what has been said so far, it appears that the mishnahs of Perek Chelek augment the four court-administered capital punishments by adding a path of recompense to the penal theory of the Sages, which adeptly expounds on the types of punishments for sins explicitly mentioned in the Torah but fails to respond to acts of heresy or moral perversion among their contemporaries, which are different from the actions of idolaters and sinners of the past. The addition of the punishment of exclusion from the World to Come makes it possible to determine the new sinners’ penalty without requiring the Sages to execute them without scriptural support. The list of sins in mishnah 1, which enumerates the actions that characterize the anti-rabbinical sects, provides a model, reflective of its era, of the types of actions for which the perpetrator is excluded from the community of Israel and the promise given exclusively to this collective. It seems that the redactor of the Mishnah, in his decision to reveal the strata of this work by exposing the names of those who add to the text, intends to guide students of the Mishnah toward identifying the criteria for choosing sinners of the different generations from the Second Temple period to Rabbi Akiva’s era and to take a similar approach toward each generation’s newfound transgressors.[[61]](#footnote-62) According to this explanation, the Mishnah does not deviate from its orthopractic nature because, despite the absence of a practical aspect of exclusion from the World to Come, the specification of the generation’s sins allows the sages of each era to construct an independent ranking of sinners who are defined as irredeemable due to the theological danger inherent to them.

Now we need to discuss the role of the lists of biblical sinners. The mishnah enumerates the transgressors of the Bible from the time of the Flood to the Assyrian exile. As previously noted, however, it omits certain sinners and groups whose misdeeds are explicitly mentioned in the Bible and includes sinners whose iniquities are not necessarily the most severe on the scale of religious and moral delinquency. In the Talmud and the midrashim, persistent attempts are made to tarnish the image of the sinners listed in the Mishnah and attribute to them severe and extreme sins that find only a tenuous basis in Scripture.[[62]](#footnote-63) The wide ambit of misdeeds attributed to each item on the list, and the sense that the same sins may also be attributed to other figures not mentioned in the list (as indeed they were),[[63]](#footnote-64) confirm that the Sages, instead of interpreting the biblical account of sin, seek to derive from this account a generational lesson about the sins of their time, taking advantage of the existence of the mishnaic list of those excluded from the World to Come.[[64]](#footnote-65)

The sages who interpreted the Mishnah did not respond to the selection of a condensed list of sinners from the array of biblical transgressors by defining a common sin among all the transgressors on the list.[[65]](#footnote-66) In the remarks that follow, I set out the criterion that underpinned the selection of sinners in Perek Chelek and the supra-generational key provided by the list for assessing the severity of future sins not included in it.

Several individuals or groups mentioned in the list serve as prototypes of figures from the Sadducees or the early Christian sect (as noted on p. above in reference to Manasseh, the four commoners, Sodom, and Korah). The mention of those who have no share in the World to Come, or who are not destined to ascend to it, reflects the Sages’ view on the spiritual danger posed by representatives of a sect or religion and the disseminators of its message.[[66]](#footnote-67) The fact that the Mishnah includes simulacra who did not pose a real threat by the time the Sadducee sect and the early Christians had disappeared teaches that these figures should be regarded not as concrete personae of the period in which they were created but as keys that posterity may use to identify the instigators of spiritual danger in its time.[[67]](#footnote-68) In other words, the Mishnah lists the representatives of the rival sects or religions up to its time, marking them as those whose counterparts should be identified and noted in the future, in order to warn against their influence.

Alongside these individuals and groups, other biblical sinners who have no obvious counterpart among the Sadducees or the early Christians are mentioned.[[68]](#footnote-69) What is their role?

It seems that intergenerational disparities in levels of sinfulness and the nature of the criminality attributed to them suggest that the criterion of sin that justifies exclusion from the community of Israel changes with each generation. The selection of a given generation’s evildoers is determined, it seems, by the essential doctrine that the sinners endanger. The expansion of the list of individuals and groups creates room for a range of ways of detecting focal points of danger that challenged previous generations. In this manner, the *aggadah* in mishnahs 2–6 reinforces the principle of transgenerational sin derived from the description of sins in mishnah 1, harvested from different generations of polemics.[[69]](#footnote-70) The list of sins in mishnah 1 provides a tool with which the sin of the era that undermines the principles of faith may be identified. The list of sinners warns against the nature of the agents of reform, who must be refuted in order to preserve the integrity of the religion, the people, the nation, and the morals.

I will elucidate my argument by analyzing several examples from the list of biblical sinners according to the biblical narrative and attempting to understand the reason for their selection as reflections of the religious, moral, or national challenge of the generation in which the sinners emerged.[[70]](#footnote-71)

*Jeroboam***—**religious schism and religious reforms are laid at Jeroboam’s feet. The Book of Samuel and the initial chapters of the Book of Kings describe David’s efforts, even at the cost of damaging his own honor, to preserve the unity of his shaky kingdom.[[71]](#footnote-72) In the will attributed to him, David instructs Solomon to retaliate against those who might undermine Solomon’s efforts to maintain the unity of the kingdom.[[72]](#footnote-73) The few years of grace during Solomon’s reign in the unified kingdom are terminated under Jeroboam’s rule and, in order to make the schism a fait accompli, Jeroboam institutes a religious reform that obviates the Northern Kingdom’s need for the Temple and its service. The pain of dissolution was expressed by the prophets of the First Temple, who set reunification as the longed-for goal of the end of days.[[73]](#footnote-74) Jeroboam’s designation as one of the three wicked kings who have no share in the World to Come ranks the sin of schism as the most egregious transgression in the First Temple period, one that endangers the continued existence of the people of Israel.[[74]](#footnote-75)

*Ahab*—Ahab’s sin, involving idolatry, is not the worst that the kings of Judah committed.[[75]](#footnote-76) Even his immoral inheritance of Naboth’s vineyard pales in comparison with the descriptions of social oppression in the Kingdom of Israel in the prophecies of Amos.[[76]](#footnote-77) In Ahab’s favor, he undertook the expansion of the kingdom at personal risk and personal sacrifice.[[77]](#footnote-78) Ahab’s selection as one of the kings who has no share in the World to Come, despite successors who committed more severe offenses than his, seemingly stems from his role in establishing a substitute culture of Baal in the Kingdom of Israel. The monarchs who preceded Ahab merely incorporated elements of idolatry into their conduct, whereas Ahab made this the exclusive culture of the kingdom while persecuting the remnants of the old religious culture. The prophecies and deeds of Elijah, accompanying Ahab’s reign, teach about the sense of spiritual danger felt by those who remained true to the belief in one God.[[78]](#footnote-79) Ahab’s role as one who endangered the spiritual survival of the kingdom places him as a fitting candidate for the list of those excluded from the World to Come.

*The generation of the Flood—*the biblical accountalludes to man’s primeval sins but it is difficult to infer from the description exactly what they were. The Flood narrative begins with a description of the deeds of the “divine beings” with the daughters of men, followed by the words רעה [evil], חמס [violence], and השחתה [corruption] as expressions of the severity of the sin. In the traditions of the Sages from the Tannaitic period, the nature of the sin attributed to the generation of the Flood is theological: ingratitude for God’s gift and denial of Him.[[79]](#footnote-80) Seemingly, this is also attested by the cryptic description of the act of the divine beings.[[80]](#footnote-81) The Genesis narratives describe the difficulty of imparting monotheistic faith to the first generations. The descriptions of sin are believed to engage in a covert polemic with an ancient mythology that seeks to impart the status of deity to entities besides God who determine human moral values.[[81]](#footnote-82) Abraham’s mission is to eradicate polytheistic belief by invoking the name of God. The choice of including the sinners of the Flood generation in the list in Perek Chelek may be explained as stemming from their obstruction of the bequeathing of faith in God as the sole ruler of nature and the determiner of its moral values. The exclusion of the generation of the Flood from the World to Come adds another criterion for the expulsion of sinners from the community: those who liken themselves to supreme beings and enact foreign moral laws.[[82]](#footnote-83)

*The desert generation*—the biblical account of the nomadic period in the desert includes no few episodes of sin. The term “desert generation” ostensibly references the collective sins of the Israelites who left Egypt, due to which the sinners are denied a share in the World to Come. The placement of the desert generation on the list of sinners, however, and the verse used as the basis for proving their exclusion from the World to Come, show that the fate of the desert generation was sealed due to the sin of the spies. So Rabbi Akiva teaches.[[83]](#footnote-84) Rabbi Eliezer disagrees, proving from a verse in Psalms that the sin of the desert generation was forgiven and the transgressors were allowed to keep their share in the World to Come. What is the reason for Rabbi Akiva’s choice of the sin of the spies as the one that sealed the generation’s fate, rather than the sin of the golden calf, the sin of the complainers, or the sin of Peor?[[84]](#footnote-85) In another article, I dealt with the existential fear of loathing the Land of Israel during Rabbi Akiva’s era—a time that corresponded to the Bar Kochba revolt and the devastation that followed—as a motive for his extremely dire view of the fate of the desert generation.[[85]](#footnote-86) Here, I examine the choice of placing this sin on the concise list of all the sinners in Perek Chelek.

The Land of Israel is the coveted destination of the desert generation; it is for this that God led the Israelites out of Egypt. The motif of the Exodus and the sojourn in the desert draws its strength from the promise of their denouement: arrival in a delightful and blessed land flowing with milk and honey.[[86]](#footnote-87) The purpose of the commandments given to Israel during its sojourn in the desert is to enter the land and fulfill the commandments there.[[87]](#footnote-88) The role of the Israelites in conquering and settling the land is well-known and familiar to the Exodus generation. Therefore, there is no doubt about the importance of the journey to the Land of Israel in the desert generation’s quotidian life and in the hierarchy of values toward which God and Moses aim. The Israelites’ response to the words of the spies—“Yet you refused to go up, and flouted the command of your God” (Deuteronomy 1:26)—constitutes a betrayal of the most sacred value of the Exodus generation. Mentioned in the list of unpardonable sins, it teaches about the punishment of those who betray the most sacred value of the era in which they live. The sin of Peor may be more severe due to the risk of cultural assimilation that it bears, and the sin of the complainers in terms of ingratitude, addiction to materialism, and the faithlessness that it reveals. The decision to include the sin of the spies in the list of misdeeds is due not to its severity but to its challenge to the central value of the generation.

*The ten tribes—*the text describing the punishment of the ten tribes does not mention the World to Come. The specific clause relating to the ten tribes after their exile—“[they] do not return” (b. Sanhedrin 110b)—expresses Rabbi Akiva’s stance, according to which the tribes’ descendants will not be able to return to and become part of the people of Israel. The exile or alienation (of the descendants of the ten tribes, who assimilated into the non-Jewish population of the Land of Israel) is eternal and irreparable. This punishment is akin to the loss of a portion in the World to Come in that those punished are eternally severed from the people of Israel and the redemption promised to it. This position of Rabbi Akiva’s contradicts prophetic verses that foresee the re-establishment of the Northern Kingdom and the return of all the tribes to their inheritance, as well as post-biblical halakhic and midrashic traditions that also describe the return of the lost tribes’ descendants.[[88]](#footnote-89) Heinemann, Klausner, Ginzburg, and Urbach argue that the depiction of the ten tribes as those who “do not return” is influenced by Rabbi Akiva’s messianic conceptualization of the redemption as something that must occur by natural forces. The return of the lost tribes requires a miraculous process and deters belief in an imminent redemption that may occur in any generation. The disconnection of the ten tribes from the vision of redemption strengthens belief in the possibility of redemption in the present.[[89]](#footnote-90) This explanation clarifies the peculiarity of Rabbi Akiva’s position. Still unexplained, however, is the relationship of the tribes with the list of biblical sinners in the Mishnah according to the proposed framework. The ten tribes, it seems, should be regarded as symbols of those who espouse a syncretic culture that combines the new and the old. The descendants of the Northern Kingdom, both those exiled and those who remained in the Land of Israel after the Assyrian exile, saw no contradiction between continuing to believe in the Torah and adopting elements of the occupying empire.[[90]](#footnote-91) The returnees from Babylonia encountered their descendants when they returned to the Land of Israel, where the descendants had maintained remnants of Jewish life but were implanted in the dominant Israelite culture during the absence of most Judahns.[[91]](#footnote-92) Their inclusion in the Mishnah serves as an additional warning against identifying with a way of life that endangers the integrity of the religion. The adoption of foreign cultural folklore elements undermines the stability of Jewish culture; therefore, those who practice it cannot be part of the Jewish people. The offspring of the ten tribes, who adopted the customs of the conquering nation, did not sacrifice their lives to preserve their identity and later assimilated into that nation through cultural and familial integration, removed themselves from the collective of Israel, and lost their right to rejoin it.

The menace of cultural and religious assimilation was one of the main dangers that accompanied the Jewish people during the Second Temple period in the face of Hellenistic culture, its allures, and the syncretistic outlook at its core.[[92]](#footnote-93) Subsequently, in the late mishnaic period and the early Talmudic era, the Jews’ Christian neighbors in mixed cities such as Caesarea and Sepphoris were their contemporaries.[[93]](#footnote-94) Farther on came those Christian agitators who promised a destiny of atonement and eternal life to those who would add Christian doctrinal elements to their religious lifestyle. It is therefore not surprising that the historical symbol of those who renounced the exclusivity of the Jewish religion, embodied by the ten tribes, would be included on the list of groups expelled from the nation of Israel. The descendants of the ten tribes posed an acute and ongoing danger to their contemporaries, and their expulsion from the collective of Israel was required as a bitter warning to those of posterity who would find themselves in a tempting cultural environment.

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In the hierarchy of sins, constructed on the basis of factors such as the number of sinners and the ambit of influence of each transgression, it is not certain that the sinners on the list in Perek Chelek would be judged as the most egregious of wrongdoers. It was not this scale, however, that placed them on the list. The new criterion that I propose concerns itself not with the severity of the sin in absolute terms but with the strength of the blow the sinners inflict on the central values of the period in which they commit their misdeeds. Some of the actions listed are grave in any era, such as fomenting national disunity, accommodating a foreign culture while resorting to violence against those who refuse to assimilate into it, and moral wrongdoing ostensibly carried out in the name of the faith. In these cases, there is no dispute among the Sages about their inclusion on the list of sinners. The debate concerns the last two groups listed (the desert generation and the ten tribes). By absolute reckoning, they are not among the egregious of sinners. According to the periodic criterion, however, they dealt a body blow to the central value of their generation or the acute challenge that the generation faced.

The compiler of the list of sins and sinners in the Mishnah did more than rank them according to their absolute severity. Seemingly, he also laid down rules for the identification of sins as measured by their danger to the generation in which they are perpetrated. This provided Rabbi Akiva’s stance, which colored the list in shades appropriate to the period, with a broad platform. What underlay Rabbi Eliezer’s opposition to the last two groups on the list? Did the dispute pertain to the question of absolute sin versus generational sin, or were other theological components at play? I suggest that examining the list in the Tosefta, below, may assist in finding a solution.

## **<H1>** Perek Chelek—Between Mishnah and Tosefta

The discussion of the types of sins and sinners who have no share in the World to Come takes place in t. Sanhedrin (12:9–11 and 3:1–12), much as it does in the Mishnah, in the transition from the laws dealing with “the ones who are burned” to the laws of the idolatrous city. Nevertheless, there are quite a few differences between the lists.

The question of the integrity of the Tosefta, its relation to the Mishnah, and the way its redactors collected the traditions reported in this work has been extensively discussed in research. Scholarly opinions vary between those who consider the Tosefta an anthology of mishnaic passages or parallel traditions and baraitot not included in the Mishnah, and those who see it as a conscious and deliberate compilation that reflects the worldview of a redactor who cherry-picked from the Mishnah in what corresponded to his worldview and added baraitot not included in the Mishnah to reinforce his positions.[[94]](#footnote-95) Comparison of the Perek Chelek lists, in my judgment, supports the latter position in view of their striking commonalities, as proposed below.

Within the framework of this discussion, I will not be able to cover all the differences between the lists and their biblical references. I will, however, note several fundamental differences, through which I will attempt to elucidate the different purposes of the two lists.[[95]](#footnote-96)

1. The absence of several polemical components on the Tosefta list.

In Part 3 of this article, I presented a hypothesis about the stylistic, editorial, and content components that characterize the Mishnah list. Four of the six components are not attested on the Tosefta list.

* The list of sins and punishments in the Mishnah (m. Sanhedrin 9:6), which allows exceptions from formal court-imposed death penalties and enables zealots to take immediate action, is completely absent in the Tosefta.
* The (later) opening statement, “All Israel have a share in the World to Come,” is absent in the Tosefta.
* In the Tosefta, the verbs relating to sin indicate ideological aspects of sin, such as: “those who deny the Torah” and “those who do not acknowledge the resurrection of the dead,” as opposed to the Mishnah’s practical verb: “one who says.” It has been suggested that the Mishnah takes a stringent stance toward sinners who indulge in heretical rhetoric even if their words do not reflect their beliefs. This is done to distinguish Jewish law from its Christian rival, which is satisfied with faith devoid of practical aspects.[[96]](#footnote-97) The use of ideological sin-verbs neutralizes the polemical aspect of the sin list.
* The four commoners are completely absent from the list of sinners. If we accept the research hypotheses that see the commoners as symbols of key figures from the early Christian period, then ignoring them is another way to purge the list of some of its polemical aspects.[[97]](#footnote-98)

2. In the Tosefta, development takes place in Rabbi Eliezer’s lenient stance on the judgment owed to several groups of sinners whom the Mishnah lists as unentitled to a portion in the World to Come (the desert generation, the congregation of Korah, and the ten tribes). Rabbi Eliezer’s more stringent position is also presented in relation to the category of “all Gentiles have no share in the World to Come” (ibid., 13b), which is mentioned only in the Tosefta.

3. In the Tosefta, the discussion of the punishment of sinners after their death is broadened in a meaningful way. It mentions groups not attested in the Mishnah, notes sins not listed in the Mishnah, and explains other types of posthumous penalties.

Types of sins—four types of transgressors are discussed in the chapter: one who yokes an ox and a donkey together, one who breaches the covenant, one who interprets the Torah in a manner contrary to the law, and one who recites the Song of Songs in a banquet house.

Groups of sinners—minor children of villainous Jews, children of villainous Gentiles, all Gentiles, Jewish sinners and Gentile sinners in physical ways, those who deviate from the ways of the community, those who lead the masses to sin, and those who lay their hands on the Temple.

4. Individual biblical sinners and groups of biblical sinners not mentioned in the Mishnah—Ahaz, the Tower of Babel generation, and the spies. (The important MS versions of the Mishnah omit the spies.)

5. A different order of sinners and biblical groups—in the Mishnah: a general list of sinners, individual biblical sinners, and generations of biblical sinners; and in the Tosefta: a general list of sinners, individual biblical sinners, general groups of sinners, and generations of biblical sinners.

Despite the scholarly controversy surrounding the connection between the traditions of the Mishnah and the Tosefta and evidence for Tosefta traditions that do not necessarily rely on the Mishnah,[[98]](#footnote-99) it is possible to identify nodes at which the redactor of the Tosefta may have reworked traditions from the Mishnah:

* The expression in the Tosefta “They added to them” at the beginning of the list (12:9) testifies that the Tosefta is responding to an earlier tradition that enumerates those who have no portion in the World to Come. The transition between the last part of the halakhot concerning execution by burning, dealing with the law concerning one who is sentenced to an unusual death by force-feeding (“and they feed them barley until their stomachs burst”) to the beginning of the unit dealing with those excluded from the World to Come (“They added to the chapter one who casts aside the yoke, one who breaches the covenant, one who interprets the Torah in a manner contrary to the law, and one who pronounces the name [of God] with its letters, he has no share in the World to Come”) is shaky. The word “added” ostensibly refers to additional cases that the court adjudicates by invoking the unusual death penalty. The continuation, however, indicates the Tosefta has moved on to discussion of halakhot that establish a different punishment not in the court’s hands.
* In halakhot 1–4 of Chapter 13, in the discussion of those who are and are not eligible for the World to Come, a lengthy passage is inserted concerning a Tannaitic dispute over the status of non-Jewish and Jewish transgressors and their punishment after death. The dispute shifts the discussion from the list of those excommunicated from the World to Come to the question of the type of punishment to be imposed on various degrees of sinners among Israel and the nations. This passage has no parallel in m. Sanhedrin; part of it, however, appears with some modifications at the end of the third chapter of Seder ‘Olam. Milikovsky demonstrates the precedence of the Seder ‘Olam source,[[99]](#footnote-100) in which the following groups, some of which are listed in the Mishnah, are mentioned: “But those who have departed from the ways of the community, such as the heretics, the apostates, the informers, the hypocrites, and the Epicureans who deny the resurrection of the dead and say that the Torah is not from Heaven, hell is locked in their faces and they are judged within it forever and ever....”[[100]](#footnote-101) It seems that in order to reconnect the text to the discussion of the World to Come, the redactor of the Tosefta added references to Jeroboam and Ahab, whom he had abandoned for the sake of expansion, as examples of “one who sins and causes the masses to sin”: “… the heretics, the apostates, the informers, the Epicureans, those who deny the Torah, those who depart from the ways of the community, those who do not believe in the resurrection of the dead, and whoever sins and leads the masses to sin, such as Jeroboam and Ahab....”[[101]](#footnote-102) The assumption is that the redactor of the Tosefta sought to expand the mishnaic discussion of the factors that deny one a portion in the World to Come into a broader discussion of posthumous punishment. Therefore, he collected traditions dealing with the fate of sinners after their death and added a connecting sentence to return to the central discussion of the Mishnah.

Assuming that the redactor of the Tosefta possessed an ancient tradition that enumerates those excluded from the World to Come and did not create it *ex nihilo,* I will attempt to speculate on the principles that guided him in reorganizing the list.

1. Focusing on ideological deviations from the Sages’ system of beliefs and views:

The list of sins and sinners in the Tosefta, for which an additional posthumous penalty is prescribed, pertains largely to offenses in the realm of beliefs and views. Such is the case in the expansion of the general list of wrongdoers,[[102]](#footnote-103) the account of the groups of sinners,[[103]](#footnote-104) the addition of Ahaz to the list of sinful kings and the Tower of Babel generation to the list of sinful groups,[[104]](#footnote-105) the omission of commoners whose manifest sin is not theological, demonstrating the religious aspect of the sin of the people of Sodom and the spies,[[105]](#footnote-106) and the expanded description of the dissent to Rabbi Akiva’s position on Korah’s sin, according to which part of Korah’s congregation is not excluded from the World to Come. In the interpretation of the verse that demonstrates Korah’s atonement, the possibility of tracing the rebellion to heresy is neutralized.[[106]](#footnote-107)

1. The distinction between Israel and the nations in the reward of a portion in the World to Come[[107]](#footnote-108):

It appears that the main tendency in the Tosefta list is to create a dichotomy between the reward promised to the people of Israel and that reserved for the nations. Rabbi Eliezer is mentioned in the Mishnah as the advocate for sinners who, in Rabbi Akiva’s view, have lost their right a portion in the World to Come. In the Tosefta, his position is presented unflinchingly in contrast to that of Rabbi Joshua: “All the nations have no share in the World to Come” (t. Sanhedrin 13:2).[[108]](#footnote-109) The main added content in the Tosefta relates to non-Jewish transgressors or Jewish ones who choose to join them by adopting their heretical positions. The Tosefta elaborates on the wickedness and punishment of non-Israelite sinners such as the Flood generation, the Tower of Babel generation, and the people of Sodom. Turning to Jewish sinners, however, it expands in particular on the dissents from Rabbi Akiva’s decision about the fate of the desert generation, Korah, and the ten tribes. The Tosefta proves by scriptural exegesis that their sin was atoned for and they are worthy of the World to Come, and concludes with Rabbi’s pronouncement: “Both of these have a share in the World to Come” (t. Sanhedrin 13, 12b).[[109]](#footnote-110)

1. Absolute sins that are not generation-contingent:

In our discussions of the lists of sinners in the Mishnah, it was suggested that the tendency of the Mishnah is to provide practical tools for the detection of dangerous sinners in every generation. Therefore, items that may be identified as generation-contingent (such as “steal[ing] a *kasva*”) appear on the list, as well as figures that symbolize members of historical rival factions (such as the four commoners) and sins of a severity that is measured only in relation to their era and the danger inherent in them in view of the challenges of the generation. The assumption is that the redactor of the Tosefta sought to list absolute sins that pose an absolute menace; only these, in his opinion, deprive the sinner of the right to a portion in the World to Come. Therefore, he omitted the four commoners, as their inclusion in the Mishnah probably stems from their being symbols of historical adversaries. This also explains the redactor’s defensive stance toward the desert generation, which sinned grievously relative to its generation but poses no tangible threat from a transgenerational perspective.

According to the proposed direction, the Mishnah and the Tosefta differ fundamentally in identifying the sinners whose judgment is not decreed by the four court-imposed death penalties yet should be judged with a severity equal to capital punishment via exclusion from the afterlife. The redactors of the Mishnah operated under the assumption that since the Torah cannot cover all future cases of criminality and sort them into the four court-administered capital penalties, and that even they and their fellow mishnaic sages, who have amassed religious and moral tension from biblical times to their era, cannot predict future flashpoints of religious and moral conflict, principles should be established for future generations that would provide students of the Mishnah with tools to identify the wrongdoers of their time. The redactors laid down these supra-generational rules by providing a historical review of sins and sinners from biblical times to their own—those who endangered the wellbeing of the people, the Land of Israel, morals, or the faith—and identifying the main offenders of each generation. The redactors of the Tosefta, opposing the ranking of sinners according to each generation’s changing realities, sought to lay down absolute rules for sins that, while not subject to the four types of capital punishment, were considered deviations from the mandatory system of beliefs and views of the Torah and the Sages, endangering the integrity of the Jewish religion. Those who commit these sins, be it due to their pagan origins or, in cases of Jewish transgressors, due to the breach of credal tenets and commandments, are doomed to eternal damnation and disentitlement to resurrection in the World to Come.

## <H1>Conclusion

In a Tannaitic homily on the commandment to “remember the days of old, consider the years of ages past” (Deuteronomy 32:7), a practical directive is set forth: remember the punishment of past sinners in order to threaten the sinners of the present generation, who face a punishment that, while similar to that of past sinners, is adjusted to the severity of their actions in the present reality. The midrash elaborates:

“Remember the days of old”: be mindful of what I did to the first generations, what I did to the people of the Flood generation, what I did to the people of the Dispersion generation, what I did to the people of Sodom. “Consider the years of ages past”: No generation lacks for individuals such as those of the generation of the Tower of Babel and those of Sodom, but each one is judged according to his deeds (Sifre Devarim 10).[[110]](#footnote-111)

In this article, I examined the lists of sins and sinners in Chapter 10 of m. Sanhedrin as a practical interpretation of the commandment established in the Sifre homily—creating a catalogue, so to speak, of the sins of the generations and their main offenders and thus providing a metric with which the severity of a sin relative to its generation and its challenges may be judged. I proposed that the indicator of the severity of a sin that dooms its transgressor to exclusion from the World to Come relies on the accepted criteria for measuring sin, such as the determinants of the sin, the extent of its influence on the surroundings, and the range of its future impact. Alongside these criteria, however, is an additional subjective criterion that measures a sin in relation to the characteristics of the period and its challenges and assesses the degree of its severity in view of its concrete harm to the religious and moral culture or the national value system in that generation.

My basis for identifying this unique criterion is the exceptionality of the relevant mishnahs relative to the orthopractic nature of the Mishnah. This is manifested in the inclusion in these paragraphs of halakhic details that were relevant to earlier generations but have no practical present or future implications, midrashic units that demonstrate past generations’ wickedness, polemical subtleties in the contents of the halakhot, and the choice of biblical figures who are identified as reflections of central figures in early Christianity.

By examining the list as a catalogue of types of sins and sinners, we are able to recognize its practical importance as a means of identifying the dangerous sinners of each generation and can explain the placement of these mishnahs within the discussion of those liable to court-imposed capital punishment. The subjectivity of the criterion for identifying sin and its non-reliance on a biblical directive does complicate the implementation of one of the four court-imposed capital penalties. However, it allows for the activation of a metaphysical punishment of expelling the sinner from the community of Israel by excluding him from the eschatological destiny promised to “all Israel” and denying him the reward promised even to those liable to one of the four court-imposed forms of execution.[[111]](#footnote-112)

I hypothesized that the addition of the subjective criterion—contingency on the generation or the inclusion of a sin in the mishnaic list—was rejected by the redactor of the Tosefta. In fact, he expanded the list of exceptions who are punished posthumously but sought to include in it absolute sinners who are not Jewish or who deny God, the religious commandments, and its sanctities—“those who lay their hands on the Temple.”

In future research, it would be interesting to examine the criteria that later sages used to append additional biblical figures or lists of sins to the group of those excluded from the reward of a portion in the World to Come.[[112]](#footnote-113) For example, Rabbi Yochanan Nappaha, decreeing that the biblical figure Yohanan b. Korah has no share in the World to Come,[[113]](#footnote-114) continues the subjective mishnaic school of thought, which weighs a sin relative to the damage it caused those of Yohanan b. Korah’s generation[[114]](#footnote-115) and not according to an absolute measure. It is possible that every addition to the list in the Tosefta clearly belongs to the mishnaic school, for if it is an absolute list of values that is not generation-contingent, then from the moment it was enumerated, it, and not others, is exceptioned from the proclamation “All Israel have a share in the World to Come.”

1. \* This translation has been supported by the Research Authority at Herzog Academic College. [↑](#footnote-ref-2)
2. The question of the original placement of this chapter within Tractate Sanhedrin-Makkot, arising from comparison with the order of topics in the Babylonian Talmud in most high-quality manuscripts, is extensively discussed in the writings of the Rishonim. For a summary of the various opinions, see M. Sabato (1998), “כתב יד תימני למסכת סנהדרין (בבלי) ומקומו במסורת הנוסח”, Ph.D. Diss. (The Hebrew University of Jerusalem, 1998), 220–1. [↑](#footnote-ref-3)
3. The acceptance of the term “Perek Chelek” as the title here, more than in other mishnaic passages in the Talmud, seems to stem from Maimonides’ foundational work “הקדמה לפרק חלק”, which contains central principles of the Jewish worldview, starting with sins that deny one the reward of life in the afterworld. [↑](#footnote-ref-4)
4. Many scholars have dwelled on the uniqueness of Perek Chelek in m. Sanhedrin. See, for example, William Scott Green, ed., *Approaches to Ancient Judaism: Theory and Practice* (Missoula, MT: Scholars Press, 1978), 78; Jacob Neusner, *A History of the mishnaic Law of Purities*, 10, Literary and Historical Problems (Leiden: Brill, 1976), 230; Ed Parish Sanders, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (Philadelphia: Fortress, 1977), 151. [↑](#footnote-ref-5)
5. See, for example, Menahem Kahana, “הדרשות במשנה וההלכות במדרש: בחינת זיקות הגומלין"”, *Tarbiz,* no. 86(A–B) (2016): 17–76, George Foot Moore, *Judaism in the First Centuries of the Christian Era: The Age of Tannaim,* Vol. I (Cambridge: Harvard University Press, 1997), 389, with special reference to Perek Chelek. [↑](#footnote-ref-6)
6. This refers to an extensive list of studies, of which we will mention a few: Arthur Marmorstein, “The Doctrine of the Resurrection of the Dead in Rabbinical Theology,” *American Journal of Theology* 19, no. 4 (1915): 577–91; Bruce D. Chilton, “Resurrection in the Gospels.,” In: Alan J. Avery-Peck and Jacob Neusner, eds. *Judaism in Late Antiquity 4. Death, Life-After-Death, Resurrection and the World-to-Come in the Judaisms of Antiquity* (Leiden: Brill, 2000), 215–30; Dag Øistein Endsjø, “Jewish Beliefs on the Afterlife.” In: *Greek Resurrection Beliefs and the Success of Christianity* (New York: University Press of America, 2009), 121–40. [↑](#footnote-ref-7)
7. See, for example, Sanders: “It is difficult to know precisely how to take the other exclusions, whether as serious statements that the individuals and groups named would not participate in the World to Come or as homiletical exercises which show how various texts in the Bible can be used to exclude individuals and groups in Israel’s history.” Certainly, in the later parallels considerable ingenuity was displayed in finding reasons to exclude individuals and groups. It seems likely, however, that the exceptions of 10.2–3 are more seriously meant. We note that only the worst individual sinners and only the most unregenerate generations are named.” Sanders, *Paul and Palestinian Judaism*, 149. [↑](#footnote-ref-8)
8. This entire section appears in the print editions but not in MS Kaufmann. In MS Parma, the first part appears without the proof from the verse in Isaiah. [↑](#footnote-ref-9)
9. In the print additons the phrase “from the Torah” appears here. [↑](#footnote-ref-10)
10. In MS Parma, the clause “וישא תפילתו” is inconsistent with the Masoretic text. [↑](#footnote-ref-11)
11. In MS Parma, Ahijah is mentioned between the first two commoners and the last two. [↑](#footnote-ref-12)
12. In the print editions, the following is added: “Not law and not spirit, the generation of the dispersion has no share in the World to Come, as it is said [Genesis 11], ‘And the Lord scattered them from there upon the face of all the earth,’ and the Lord scattered them in this world and from there the Lord scattered them to the World to Come.” [↑](#footnote-ref-13)
13. In the print editions, the following is added: “As it is said [Genesis 13:13], ‘“The men of Sodom were wicked and sinners before the Lord exceedingly,’” wicked in this world and sinners in the World to Come.” [↑](#footnote-ref-14)
14. In the print editions, the following is added: “Spies have no share in the world to come, as it is said [Numbers 14:37], ‘“And the men who brought up an evil report of the land died by the plague before the Lord.’” They died in this world by the plague, [and so too] in the world to come.” [↑](#footnote-ref-15)
15. In the MS and printed versions of the Mishnah, the laws of the idolatrous city are presented following the mishnahs that discuss those excluded from the world to come even though they belong to the laws of אלו הן הנהרגין (“These are the ones who are executed by beheading with a sword”). Some infer that they were added to Perek Chelek due to the double punishment administered to the inhabitants of the idolatrous city: execution in this world and exclusion from the privilege of life in the World to Come. This solution is unsatisfactory because, in several Mishnah MSS, the passage “they have no portion in the World to Come” does not appear at all in the introduction to the discussion of the punishment of the inhabitants of the idolatrous city (as in MS Kaufmann and in the version of the Mishnah cited by Maimonides). Furthermore, the death penalty for the inhabitants of the idolatrous city is adduced by *midrash halakha* (halakhic exegesis) of the verses describing their punishment, thereby distinguishing them materially from the list of individuals and groups who have no share in the World to Come. In this article, I do not include a discussion of the punishment of exclusion from the World to Come for the inhabitants of the idolatrous city due to its categorical association with the laws of *elu hen ha-neheragin*. Proposed reasons for the placement of the laws of the condemned city in the Mishnah may be found in Joseph Slotnick, “קריאה לסדר – עיון במבנה ובעריכה של פרק הנחנקין ופרק חלק (פרקים י-יא) במסכת סנהדרין”, *Asufot,* no. 5 (2017): 99–118. [↑](#footnote-ref-16)
16. In m. Makkot 3:15, for example, we read: “All those liable to receive *karet* who were flogged are exempted from their *karet*.” For a discussion of who is liable to receive *karet*, what sins are included in the punishment of *karet*, and how their punishment is converted into flogging, contrary to the convention in the Qumran sect, see Aharon Shemesh, *עונשים וחטאים: מן המקרא לספרות חז"ל* (Jerusalem: Magnes, 2003), 57–98. The Sages’ nuanced attitude toward the death penalty may be adduced from Mishnah Makkot 1:10, which calls a Sanhedrin that decrees a death sentence once in seven years “destructive” and notes Rabbi Akiva’s opinion that if even courts were able to judge capital cases in his time, they would not sentence anyone to death. See also Meir Friedmann (Ish-Shalom), “מאמר בענין עדים זוממים וענין התראה ”, *Beit Talmud* 5 (1939): 259–61; Paltiel Daykan, “ההתראה במשפט העברי”. In: Yitzhak Oren, ed. *מבחר מונוגרפיות, מחקרים ומאמרים* (Tel Aviv: Yavne, 1975), 361–71; Eliezer Haddad, *כבוד האדם וצלם אלוהים שוויון ושוני* (Jerusalem: Israel Democracy Institute, 2019), 49–53. [↑](#footnote-ref-17)
17. In Mishnah Avot 3:11, another list of sins appears, for which it is stated “they have no share in the World to Come.” The placement of this passage in a tractate that provides guidance in the realm of ethics and manners is not surprising, as it is understood to be part of education in fear of God and good character traits. This is not the case when the list appears amid practical instructions for the judicial authority to be established. [↑](#footnote-ref-18)
18. Twenty-eight sinners, for all of whom the Torah specifies death as their punishment, are listed in these verses. The Torah also specifies the method of execution of twelve of them; the methods for the other sixteen are adduced by the Tannaim through exegesis of the verses. M. Halbertal, *ערכים כשיקולים פרשניים במדרשי ההלכה* [Jerusalem: Magnes, 1997] 143–59), examines the infiltration of value considerations in shaping the four court-imposed methods of capital punishment. On the ways of classifying death in the midrash halakha, see Shemesh, “עונשים וחטאים”, 11–12. Death by strangulation was imposed on sinners for whom the Torah decreed a death penalty but did not specify the type. On the need for a fourth type of court-imposed death penalty, see D. J. Halperin, “Crucifixion: The Nahum Pesher and the Rabbinic Penalty of Strangulation,” *JJS,* no. 32 (1981): 32–46. [↑](#footnote-ref-19)
19. The Mishnah’s adherence to sins explicitly noted in the Torah stands out when compared with rival sects’ books of decrees, which added prohibitions not ordained by the Torah and banished transgressors of these bans from the community and from life. The Scholion on Megillat Taanit presents the death penalty as one of the focal points of dispute between Pharisees and Sadducees. Sadducees are accused of adhering to a Book of Decrees in which those deserving of death are listed even though they could not provide evidence from the Torah to substantiate the status of the sinners. See Vered Noam, *מגילת תענית* (Jerusalem: Mossad Izhak Ben-Zvi, 2004), 207–16, for her interpretation of the Book of Decrees and the nature of the polemic. The Temple Scroll adds groups of capital sinners. A case in point is the gossipmonger: “[If there is] a man who is a gossipmonger among his people [and likens his people to a foreign nation and does evil among his people, you shall hang him on a tree and he shall die by the word of two]” and the one who curses: “If there is a man who has committed a sin worthy of death and he flees into the nations [and curses his] people, the children of Israel [you shall also hang him on a tree and he shall die...].” See F. G. Martínez and E. J. C. Tigchlaar, eds., *The Dead Sea Scrolls Study Edition* (Leiden: Brill, 1999), 1048. [↑](#footnote-ref-20)
20. A similar question may be asked about the other death penalties mentioned in the Mishnah because the Sanhedrin lost its power to impose capital punishment by the time the Mishnah was redacted—making these laws, too, purely theoretical. Nevertheless, a distinction must be made between laws that have future potential of practical implementation (like many laws in the Mishnah concerning sacrifices) and laws that will forever remain beyond the reach of the judges. On the cessation of capital punishment after the destruction of the Temple, see b. Sanhedrin 41a; y. Sanhedrin 1:1, 18a; and, in modern research: Gedaliah Alon, *תולדות היהודים בארץ ישראל בתקופת המשנה והתלמוד,* vol. 1 (Tel Aviv: Hakibbutz Hameuchad, 1953), 129–31; M. Stern, “הבית השני”. In:*תולדות עם ישראל*,Vol. 1, ed. H.H. Ben-Sasson (Tel Aviv: Dvir, 1969), 241. On the shaping of the aggadic sections of the Mishnah despite their inapplicability, see Yair Lorberbaum, *צלם אלוהים: הלכה ואגדה,* (Jerusalem: Schocken, 2004), 135–43. [↑](#footnote-ref-21)
21. On the orthopractic nature of the Mishnah, See J. Neusner, *“A History of the mishnaic Law of Purities,”* *Parah: Literary and Historical Problems* 10, (Leiden: Brill, 1976): 230: “[T]he mishnaic rabbis express their primary cognitive statements, their judgments upon large matters, through ritual law, not through myth or theology, neither of which is articulated at all.” [↑](#footnote-ref-22)
22. Aharon Shemesh*, מן המקרא לספרות חז”ל עונשים וחטאים* (Jerusalem: Magnes, 2003): 1–2. [↑](#footnote-ref-23)
23. For discussion of the original location of Perek Chelek within the tractate, see M. Sabato, “כתב יד תימני למסכת סנהדרין ומקורו במסורת הנוסח “*,* Ph.D. Diss., The Hebrew University of Jerusalem, 1998), 220–21. [↑](#footnote-ref-24)
24. On the nature of actions taken in redacting the Mishnah, see Elizabeth Shanks Alexander, *Transmitting Mishnah: The Shaping Influence of Oral Traditions* (Cambridge: Cambridge University Press, 2006). [↑](#footnote-ref-25)
25. Epstein, in his review of m. Sanhedrin–Makkot, focuses on parts of the Mishnah that he identifies as predating the Temple period and on those he identifies as later additions. He includes in subsequent additions in Perek Chelek all sections that mention Rabbi Akiva’s dissenting position on Tanna Kamma. See Yaakov Nachum Epstein, *מבואות* לספרות התנאים, vol. 2 (Jerusalem: Magnes, 1957), 417. On Rabbi Akiva’s role in redacting the Mishnah, see Abraham Goldberg, “The Mishna—A Study Book of halakha.” In: Shmuel Safrai, ed., *The Literature of the Jewish People in the Period of the Second Temple and the Talmud,* vol. 3 (Assen: Van Gorcum, 1987) 211–62. [↑](#footnote-ref-26)
26. For example, in Chapter 9 of m. Sanhedrin: “And these are the ones who are burned: one who engaged in intercourse with a woman and her daughter, and the daughter of a priest who has committed adultery, ….” [↑](#footnote-ref-27)
27. The term “stand at judgment” appears in the Mishnah and the Bavli only in the context of a list of those who are, or are not, eligible for the World to Come. From the context, it appears that this refers to an eschatological reward that evildoers in the present world are denied. [↑](#footnote-ref-28)
28. Epstein, *מבואות*, 241, uses this text to demonstrate the chronological precedence of the Mishnah to the Tosefta. This position is not universally accepted in scholarship. Some find the existence of intertextual connections between the compositions, making it impossible to establish a definitive chronology between them. For a summary of scholars’ opinions and Hauptman’s unique position, see Judith Hauptman, *Rereading the Mishnah: A New Approach to Ancient Jewish Texts* (Tubingen: Mohr Siebeck, 2005), 14–16. We will return to and discuss this matter below. In any case, even if the redactor of the Tosefta did not have the text of the Mishnah before him, his use of the phrase “they added to them” indicates the existence of traditions dealing with sinners from whom access to the World to Come is withheld. [↑](#footnote-ref-29)
29. Milikowsky, finding a connection between the list of sins in Seder ‘Olam and the list of sins in the Tosefta, proposes a chronological trajectory for the development of these lists. Chaim Milikowsky, “גיהנם ופושעי ישראל על פי 'סדר עולם',” Tarbiz 55 (1986): 311–43. [↑](#footnote-ref-30)
30. We address this in Section 5. [↑](#footnote-ref-31)
31. For evidence of the late provenance of the Tosefta, see Ephraim E. Urbach, *חז"ל – פרקי אמונות ודעות* (Jerusalem: Magnes, 1998), 588, note 11. For expanded treatment, see Israel Jacob Yuval, “All Israel Have a Portion in the World to Come.” In Fabian E. Udoh, ed., *First-Century Jewish and Christian Identities: Essays in Honor of Ed Parish Sanders* (Notre Dame, IN: University of Notre Dame Press, 2008), 114–38. [↑](#footnote-ref-32)
32. Louis Finkelstein, *Introduction to the Treatises Abot and Abot of Rabbi Nathan* (New York 1951, pp. 104-105; Epstein, Introductions, p. 417; Urbach, חז"ל, 588–89; Sanders, *Paul and Palestinian Judaism,* 150-52; George Foot Moore, *Judaism in the First Centuries of the Christian Era: The Age of Tannaim,* vols. I–III (Cambridge, MA: Harvard University Press, 1927), 381–2; Lawrence H. Schiffman, “At the Crossroads: Tannaitic Perspectives on the Jewish-Christian Schism.” In: E.P. Sanders with Albert I. Baumgarten and Alan Mendelson, eds. *Jewish and Christian Self-Definition* 2 (Philadelphia: Fortress Press; London: SCM Press, 1981), 115–56, 338–52, and, more extensively, Yuval, *כל ישראל.* [↑](#footnote-ref-33)
33. On polemical aspects vis-à-vis Christian Jews in mishnaic halakhic collections, see Reuven Kimelman, “Birkat Ha-Minim and the Lack of Evidence for an Anti-Christian Jewish Prayer in Late Antiquity.” In: E. P. Sanders, Albert I. Baumgarten, and Alan Mendelson, eds. *Jewish and Christian Self-Definition, 2 : Aspects of Judaism in the Graeco-Roman Period* (Philadelphia: Fortress Press, 1981), 226–44; 392, note 18; Alan F. Segal, *Two Powers in Heaven: Early Rabbinic Reports about Christianity and Gnosticism* (Leiden: Brill, 2002).4– 7; 98; Yaakov Y. Teppler, *Birkat haMinim: Jews and Christians in Conflict in the Ancient World* (trans. Susan Weingarten) (Tubingen: Mohr Siebeck, 2007), 229: “[A]lthough every one of the sources in the Mishnah dealing with these bans and restrictions can be explained in various ways, together these bans can only be understood as reflections of the polemic with the early developments in Christianity.” [↑](#footnote-ref-34)
34. On the parallels between the list of sins and the fundamental principles of Christianity, see Yuval, *כל ישראל*, Schiffman, *At the Crossroads,* and also David M. Grossberg, “Orthopraxy in Tannaitic Literature,” *Journal for the Study of Judaism,* no. 41 (2010): 517–61. [↑](#footnote-ref-35)
35. Yuval, *כל ישראל,* 119–20; 133, footnote 24. Yuval disagrees with Urbach’s assertion, *חז"ל,* 269–70, that there are no signs of struggle with Pauline ideas until the beginning of the Amoraic period, and proves with Urbach’s own words that the latter interprets the words of the Tanna Rabbi Elazar HaModa’i as a response to Paul’s doctrine. [↑](#footnote-ref-36)
36. In contrast to places where the Sadducees, the heretics, or the Boethusians are explicitly mentioned. [↑](#footnote-ref-37)
37. See, at length, Jack N. Lightstone, “Sadducees versus Pharisees: The Tannaitic Sources.” In: Jacob Neusner, ed. *Christianity, Judaism, and Other Greco-Roman Cults*, III (Leiden: Brill, 1995), 206–217. See also Yair Furstenberg, קובלין אנו עליכם פרושים: לעיצובה של תמונת העולם הפרושית במשנה", ” In: Avinoam Rosenak and Dafna Schreiber, eds.,*ההלכה*: *הקשרים רעיוניים ואידיאולוגיים גלויים וסמויים* (Jerusalem: Magnes, 2012), 211–83. [↑](#footnote-ref-38)
38. See Epstein, *מבואות*, 56; and on 418: “One who steals a *kasva*”: “בלשון הכתוב! ואת קשות הנסך. הבועל ארמית וכו'—גזירת ב״ד של חשמונאי. כהן ששמש בטומאה וכו' [...] היא משנה אנטי צדוקית"” Namely, “this is an anti-Sadducee Mishna.” Gedaliah Alon, *מחקרים בתולדות ישראל*, vol. 1, 100–106 and 102: “We may assume that this law [...] was created in the early days of the Hasmoneans and under the influence of the actions of the Hellenizers, who desecrated the Temple and intermingled with the Gentiles.” See Avraham Büchler, *הכהנים ועבודתם* (Jerusalem: Mossad Harav Kook, 1966), 57–58: “It is clear that this harsh instruction belongs to the year 68/69, a period of terrifying chaos as the fraternal war raged in all its horrors and a sense of indifference also took hold of the priests performing the service, among some of whom matters went so far that they began to disregard the laws of impurity and purity that the Pharisaic authorities insisted upon with all severity.... And since in the state of upheaval caused by the fraternal war was no room to think about conducting a proper trial, the zealous priests were forced to resort to the means mentioned in the Mishnah in order to punish with the greatest severity those who desecrated the sacred and those who engaged in illicit relations with the daughters of the people that was the mortal enemy of the Jewish nation.” For discussion of the plausibility of Second Temple period sources in Rabbinic literature, see: Vered Noam,*מקומראן למהפכה* *התנאית, היבטים בתפיסת הטומאה* (Jerusalem: Yad Izhak Ben-Zvi, 2010), 1-21; Yair Furstenberg, “Outsider Impurity: Trajectories of Second Temple Separation Traditions in Tannaitic Literature.” In: Menahem Kister, Hillel I. Newman, et a., eds. *Tradition, Transmission, and Transformation from Second Temple Literature through Judaism and Christianity in Late Antiquity* (Leiden: Brill, 2011), 40–68. [↑](#footnote-ref-39)
39. For example, Book of Enoch I, 22, 9–14; Wisdom of Solomon 5, 16–17; 8, 13 *inter alia,* and in the Scroll of the Sons of Light against the Sons of Darkness Scroll 1Q33.13.7-9 <https://maagarim.hebrew-cademy.org.il/Pages/PMain.aspx?mishibbur=7000&page=7>

 Regarding the various aspects of the development of belief in the afterlife during the Second Temple period, see John J. Collins, “Death and Afterlife.” In: John Barton, ed. *The Biblical World,* vol. 2 (New York: Routledge, 2002), 277–357; Richard Bauckham, “Life, Death, and the Afterlife in Second Temple Judaism.” In: Richard Bauckham, *The Jewish World around the New Testament, Collected Essays I* (Tübingen: Mohr Siebeck, 2008): 245–256. [↑](#footnote-ref-40)
40. Paul transformed the belief in Jesus’ eternal life into the central doctrine of the Church. Only those who share the belief in life after the death of Jesus will be entitled to it themselves. See the Letter to the Corinthians 15. For the development of the Pauline conception of the afterlife following the death of Jesus, see Bruce Chilton, “Resurrection in the Gospels.” In: Alan J. Avery-Peck and Jacob Neusner, eds. *Judaism in Late Antiquity 4. Death, Life-After-Death, Resurrection and the World-to-Come in the Judaisms of Antiquity* (Leiden: Brill, 2000), 215–230. See also Sanders, *פאולוס ויהדות ארץ ישראל,*, 447–511. [↑](#footnote-ref-41)
41. Josephus, *The Jewish War*, II (Jerusalem: 1993), 154–158; Josephus, *Antiquities of the Jews*, Shalit Edition (Jerusalem: 1963), XVIII 16; *Acts of the Apostles* 23, 8. On belief in the afterlife as a component of the dispute with the Pharisees, see Emmanuelle Main, “La question de la résurrection des morts comme point de focalisation des polémiques entre pharisiens et sadducéens,” in S. C. Mimouni, ed. *Les communautés religieuses dans le monde gréco-romain* (Turnhout: Brepols, 2003), 149–67. [↑](#footnote-ref-42)
42. t. Sanhedrin 13:3 and b. Rosh Hashanah 16b. [↑](#footnote-ref-43)
43. On the development of belief in the afterlife between halakha and aggadah, see Jacob Neusner, *Performing Israel’s Faith: Narrative and Law in Rabbinic Theology* (Waco, TX: Baylor University Press, 2005), 178–84. [↑](#footnote-ref-44)
44. They are absent in MS Kaufmann manuscript and MS Parma. [↑](#footnote-ref-45)
45. Epstein, מבואות, 56. On the controversy surrounding the principle of resurrection of the dead, see, at length, A. Marmorstein, “The Doctrine of the Resurrection of the Dead in Rabbinical Theology,” *The American Journal of Theology* 19, no. 4 (1915): 577–591. See also: Yifat Monnickendam, “'אני אמית ואחיה מחצתי ואני ארפא' – לגלגולה של טענה בפולמוס על תחיית המתים,” *Tarbiz,* no. 76 (2007): 329–351. [↑](#footnote-ref-46)
46. See the dispute of the early Christians and their successors in the interpretation of the Witch of Endor story, around the question of the antiquity of the resurrection of the dead: Margaret M. Mitchell, “Patristic Rhetoric on Allegory: Origen and Eustathius Put 1 Samuel 28 on Trial,” *Journal of Religion,* no.85 (2005): 414–444. [↑](#footnote-ref-47)
47. Contrary to the position of Rav Yosef in Bavli, who believed that these external books are the books of Ben Sira, and contrary to the interpretation in y. Sanhedrin 10:1, 28a. In Sifre Naso 16, 47, Rabbi Akiva rules that books of the sectarians are to be burned because they were not written in sanctity. The extreme disapproval of certain books in both traditions may indicate that the traditions are identical, namely, that Rabbi Akiva refers to the books of the sectarians as external books. [↑](#footnote-ref-48)
48. Regarding the content of the books of the sectarians, see *Tosefta Kifshuta* at b. Shabbat 16, 206, note 16. [↑](#footnote-ref-49)
49. See Yuval, *כל ישראל*, 117–8. On the healing powers of Jesus, see Matthew 9:30 and 12:24, and also Morton Smith, *Jesus the Magician* (New York: Harper & Row, 1978). [↑](#footnote-ref-50)
50. Y. Schiffman, *הלכה הליכה ומשיחיות בכת מדבר יהודה* (Jerusalem: Zalman Shazar Center, 1993), 219; Lawrence Schiffman, *At the Crossroads,* 115–56, 338–52. [↑](#footnote-ref-51)
51. Yuval, *כל ישראל*, 118, and S. Kraus, *Das Leben Jesu nach jüdischen Quellen* (Berlin: S. Calvary, 1902), 41–42, 189. [↑](#footnote-ref-52)
52. Yuval, *כל ישראל*, 119–120. [↑](#footnote-ref-53)
53. Indeed, some of these sins are formulated thus in t. Sanhedrin 13:5: “But the heretics, the apostates, the informers, the Epicureans, those who deny the Torah, those who separate from the ways of the community, and those who deny the resurrection of the dead.” [↑](#footnote-ref-54)
54. Grossberg, *אורטופרקטי*, 553. [↑](#footnote-ref-55)
55. Consider Paul’s words in his Letter to the Romans 3, 28: “Therefore we conclude that a man is justified by faith without the deeds of the law,” and 9, 30–33: “What shall we say then? That the Gentiles, which followed not after righteousness, have attained to righteousness, even the righteousness which is of faith. But Israel, which followed after the law of righteousness, hath not attained to the law of righteousness. Why? Because they sought it not by faith, but as it were by the works of the law. For they stumbled at that stumbling stone; As it is written, Behold, I lay in Zion a stumbling stone and rock of offence: and whosoever believeth on him shall not be ashamed.” On the status of faith as a substitute for commandments in Pauline theology, see Rudolf Bultmann, *Theology of the New Testament* (New York, Charles Scribner’s Sons, and London, S.C.M. Press, 1952), 340–345; E. P. Sanders, “On the Question of Fulfilling the Law in Paul and Rabbinic Judaism.” In: E. Bammel, C. K. Barrett, and W. D. Davies, eds. *Donum gentilicium; New Testament Studies in Honour of David Daube* (Oxford: Clarendon, 1978), 103–26; E. P. Sanders, “Common Judaism Explored.” In: Wayne O. McCready and Adele Reinhartz, eds. *Common Judaism: Explorations in Second-Temple Second Temple Judaism* (Minneapolis: Fortress Press, 2008), 11–23. See recently Paula Fredriksen, *Paul: The Pagans’ Apostle* (New Haven, CT: Yale University Press, 2017), who offers a different view of the Pauline doctrine. [↑](#footnote-ref-56)
56. See, for example, Peter Schäfer, *Jesus in the Talmud* (Princeton: Princeton University Press, 2007), 30–33; Israel Jacob Yuval, “Christianity in Talmud and Midrash, Parallelomania or parallelophobia?” In: Franklin T. Harkins, ed., *Transforming Relations*; *Essays on Jews and Christians throughout History in Honor of Michael A. Signer* (Notre Dame, IN: University of Notre Dame Press), 50–74; Jonathan A. Draper, “‘Korah’ and the Second Temple.” In: William Horbury, ed. *Templum Amicitia* (Sheffield: JSOT, 1991), 150–74. See also Schiffman, *צומת דרכים*; and Sanders, *פאולוס ויהדות ארץ ישראל,* 150–1. [↑](#footnote-ref-57)
57. Robert Travers Herford, *Christianity in Talmud and Midrash* (New York: KTAV, 1975 [1903]), 63–77; 97–102. E. E. Urbach, “דרשות חז"ל על נביאי אומות העולם ועל פרשת בלעם לאור הוויכוח היהודי נוצרי,” *Tarbiz,* no. 25 (1957): 272–89; Gila Vachman, “הוא קדוש ואין תלמידו קדוש—קווים לדמותו המדרשית של גיחזי,” *Derekh aggadah,* No. 12 (2013): 95–128; A. Tropper, “*'המקדיח תבשילו ברבים': על גיחזי וישו הנוצרי", כחומר ביד היוצר* (Jerusalem: Zalman Shazar Center, 2011), 89–110. [↑](#footnote-ref-58)
58. See my article, “'רבנין פתרין קריא בדואג ואחיתופל' – מגמות פולמוסיות בעיצוב דמותם של דואג ואחיתופל בספרות חז"ל ” (in press). [↑](#footnote-ref-59)
59. Jonathan A. Draper, “‘Korah’ and the Second Temple.” In: William Horbury, ed. *Templum Amicitia* (Sheffield: JSOT, 1991), 150–74. See also Bracha Elitzur, “על מה חלק קורח”, in: *דיוקן בשביל הדורות* (Ramat Gan: Bar-Ilan University, 2021), 130–63; H. Mack, “The Image of Manasseh King of Judah in the Eyes of the Sages,” *Proceedings of the First Conference on the Thought of the Sages* (Haifa: University of Haifa, 1990), 101–116; Bracha Elitzur, “מה גילה מנשה בן חזקיה בתורה? על שרידי הלכה צדוקית-כיתתית בספרות חז"ל", מגילות: מחקרים במגילות מדבר יהודה,, no. 2 (2004): 91–103. [↑](#footnote-ref-60)
60. See, for example, Matthew 10, 14–15; 11, 23, and J. A. Loader and T. Baarda, A Tale of Two Cities: Sodom and Gomorrah in the Old Testament, Early Jewish and Early Christian Traditions (Kampen: Kok, 1990). [↑](#footnote-ref-61)
61. Regev explains the Tannaitic focus on polemical aspects with the Sadducees, even years after the period of theological rivalry with them, similarly: “The polemic with Sadducean halakha serves the Sages in delineating the boundaries of the legitimacy of halakhic dispute. Thus, they take positions that deviate from the legitimate sphere and should not be taken seriously according to the criteria of the rabbinical culture of disputation. One ventures as far as the Sadducees and disputes the most basic halakhot or fundamental halakhic assumptions does not deserve a serious response and places himself outside the walls of the *bet midrash*. It involves a rhetoric that has no connection to the historical Sadducees. Be it a practical issue or a theoretical statement, however, the Sages convey to their adherents a message about the legitimacy of halakhic disputes within the community of Israel” (Eyal Regev, “צילם של הצדוקים: הפולמוס עם הצדוקים כגורם מעצב בהגותם ההלכתית של חז"ל,” *ירושלים וארץ ישראל* nos. 10–11 (2018): 273–89; quotation from 286. [↑](#footnote-ref-62)
62. For a centralized presentation, see b. 102b–103a and y. Sanhedrin 10:2, 28b–10:5, 29c, as well as parallels and expansions in the Midrashic literature. [↑](#footnote-ref-63)
63. See, for example, the five sins attributed to Esau, which include misdeeds that the Mishnah judges as depriving perpetrators of their share in the World to Come: “Rabbi Yoḥanan says: That wicked Esau committed five transgressions on [the day Abraham died]: He engaged in sexual intercourse with a betrothed maiden, he killed a person, he denied the principle [of God’s existence], he denied resurrection of the dead, and he despised the birthright” (b. Bava Batra 16b). [↑](#footnote-ref-64)
64. Zeev Safrai, *משנת ארץ ישראל, סנהדרין מכות,* Part B (Yavneh: Kevutsat Yavneh, 1981), 207: “The surfeit of accusations indicates that we are dealing with negative stereotypes for which no specific definition of guilt is given; they are identified not with a real figure but with a complex of negative phenomena in the world of the Sages.” [↑](#footnote-ref-65)
65. While it is said of some of them that their transgression was “they sinned and caused the masses to sin” (Ahab, Jeroboam, Gehazi), this misdeed is not attributed to all the miscreants on the list. In contrast, there is a tradition that accuses Gehazi of three other sins for which he was banished from the World to Come: “Gehazi was a man mighty in Torah, but he had three things in him: a narrow eye, sexual immorality, and disbelief in the resurrection of the dead” (y. Sanhedrin 10:2 29b). Similar and even more severe sins are attributed to Esau, including violating a betrothed maiden and denying the resurrection of the dead (see note \_\_\_ above), yet he is not counted among those banished from the World to Come. Many more examples exist. [↑](#footnote-ref-66)
66. This assumes that the Christian or sectarian reflection preceded the tradition that included them in the mishnaic list. For a study that deals with the sectarian and religious reflection of several items on the list in Perek Chelek and its explanation that their selection in the mishnaic list resulted from this reflection, see above in reference to them in notes 70–72. [↑](#footnote-ref-67)
67. In this context, see Regev, *צילם של הצדוקים*, 285: “This insistence of the Sages on contending with the Sadducean halakha, which survived only as a historical legacy, is explained in view of the human tendency, especially among ideological groups, to create an identity through confrontation with an adversary, and for this purpose it is even possible to ‘invent’ a ‘virtual’ adversary.... The Sadducees were not active social elements during the mishnaic and Talmudic periods; instead, they took part in the construction of the halakhic identity of the rabbis or their Pharisaic forefathers: the emphasis on the identity of the ‘other,’ of the rejected halakha, helps to clarify the uniqueness of the rabbis’ halakhic system. What is more, it grants them a collective identity, reinforcing their uniqueness and authority. Since the Sages did not find a school in their time that would serve as a worthy adversary or an oppositionist ‘other’ on the halakhic field, they had to ‘revive’ the Sadducees, recall and mention their positions, and demonstrate the superiority of their own path.” [↑](#footnote-ref-68)
68. At least according to the scholarship I examined on this matter. [↑](#footnote-ref-69)
69. On the role of mishnaic aggadah as serving mishnaic halakha, see Alexander Samely, *Rabbinic Interpretation of Scripture in the Mishna* (New York: Oxford University Press), 81–109. See also Yair Lorberbaum, *צלם אלהים* (Jerusalem and Tel Aviv: Schocken, 2004), 135, who refers to aggadic sections of laws dealing with capital punishment. Fraade enumerates the roles of aggadah in the Mishnah, some of which are formal literary roles, but he also extensively addresses the aggadah as serving and establishing the halakha. See S. D. Fraade and M. Simon-Shoshan, “Halakha and Aggada in Tannaic Sources.” In: Christine Hayes, ed. *The Literature of the Sages: A Re-Visioning* (Leiden, Boston: Brill, 2022), 463–543. One of the examples mentioned in this source is the aggadah of Perek Chelek (p. 500): “The tenth chapter of Sanhedrin contains an extensive discussion of those who have no share in the World to Come. These references to the hereafter not only deepen the Mishna’s discussion of reward and punishment but expand the horizons of the Mishna’s nomic universe. Beyond this world—in which the halakhic life is carried out—lies another world where the ramifications of such a life are fully realized.” [↑](#footnote-ref-70)
70. In our review of the analysis of the actions of individuals and groups in Biblical texts, below, we refer to what is described about them in the Bible according to the Masoretic text and according to what is accepted in rabbinical tradition as to the time of the composition of the books of the Bible, as a basis for the development of the list of sinners and the interpretation of their sin in the rabbinical literature. Therefore, we will not dwell on issues related to Biblical Criticism and research hypotheses regarding the dates of the composition of the books of the Bible. The individuals and groups from the list that are discussed in this section are only those for whom no class or religious affiliation is found. [↑](#footnote-ref-71)
71. This may explain the covenant with Abner, Saul’s military commander (II Samuel 3:12–13) and his ignoring the insults of Shimei of the Tribe of Benjamin (16:11). [↑](#footnote-ref-72)
72. This is how we should understand the strange instruction in David’s will to kill Joab, his faithful minister, because he harmed David’s attempts to unify the kingdom: “What he did to the two commanders of the armies of Israel...” “And he shall execute, and put the blood of war in peace...” (I Kings 3:5), and of course, the instructions regarding Shimei and Adonijah who tried to undermine the legitimacy of David’s reign or that of his heir. [↑](#footnote-ref-73)
73. The pain of the schism is mentioned, for example, in the prophecy of disaster to Ahaz in Isaiah 7:17: “The Lord will bring upon you, your people, and your father’s house such days as have not come since the day that Ephraim departed from Judah—the king of Assyria.” Consider the longing for unity in the prophecies of Isaiah 11:11–13; Ezekiel 36:19; Jeremiah 31: 19, and Micah 5: 1–5. [↑](#footnote-ref-74)
74. On the critical portrayal of the schism as the gravest disaster in the history of the kingdom in the Books of Kings and Chronicles, see Amos Frisch, *הקריעה הגדולה: סיפור פילוג הממלכה בספר* מלכים (Be’er Sheva: Ben-Gurion University of the Negev, 2014), 238–60; Itzhak Amar, “The Characterization of Rehoboam and Jeroboam as a Reflection of the Chronicler’s View of the Schism,” *Journal of Hebrew Scriptures,* no. 17 (2017): 1–30. On the use of the term “sins of Jeroboam” as a continuous description of the negation of the Northern Kingdom in the Bible, see E. Theodore Mullen, Jr., “The Sins of Jeroboam: A Redactional Assessment,” *Catholic biblical Quarterly,* no. 49:2 (1987): 212–32. [↑](#footnote-ref-75)
75. His successors amplified his deeds (II Kings 17:20–12), as did his future adversaries, kings Ahaz and Manasseh of Judah. [↑](#footnote-ref-76)
76. Amos 2 and Amos 8. [↑](#footnote-ref-77)
77. In his third war with the King of Aram (II Kings 22), despite the prophecy about his death in it. [↑](#footnote-ref-78)
78. On the editorial tendencies to depict Ahab as a religious reformer, See William M. Schniedewind, “History and Interpretation: The Religion of Ahab and Manasseh in the Book of Kings,” *Catholic biblical Quarterly,* no. 55:4 (1993): 649–61; Lissa M. Wray Beal, “Dancing with Death; Dancing with Life: Ahab between Jezebel and Elijah.” In: Keith Bodner and Benjamin J. M. Johnson, eds. *Characters and Characterization in the Book of Kings* (London: T. & T. Clark, 2019), 103–20; Kitty Schneider, “The Omrids: Too Much Theology, Too Little Context,” *Old Testament Essays,* no. 17:2 (2004): 267–81. [↑](#footnote-ref-79)
79. See, for example, Sifre Devarim, Eqev 43: “So too, you find with the people of the generation of the Flood, they did not rebel against God except from a state of abundance. What is said about them? (Job 21:9–13) ‘Their houses are safe from fear, etc., their bull breeds and does not fail, etc., they send forth their little ones like a flock, etc., they spend their days in prosperity, etc.’ It caused them (ibid., 14–15) ‘Therefore they say unto God, Depart from us; for we desire not the knowledge of thy ways. What is the Almighty, that we should serve him? etc.’ They said, ‘One drop of rain, we do not need it’ (Genesis 2:6) ‘But there went up a mist from the earth.’ God said to them, ‘With the goodness that I have done for you, you are arrogant before me. With it, I will take revenge on you’” (ibid., 7:12). See also Umberto (Moshe David) Cassuto, *מנח עד אברהם* (Jerusalem: Magnes, 1959), 1–20, who describes the entire story as a mythical polemic against the idolatrous perception depicted in the Gilgamesh epics. [↑](#footnote-ref-80)
80. On the theological component of the sin of the Sons of God, see Umberto (Moshe David) Cassuto, *מאדם עד נח* (Jerusalem: Magnes, 1953), 199–206; Jonathan Grossman, *בראשית—סיפורן של התחלת* (Alon Shvut: Herzog College, 2017), 160–71, and, especially, the bibliographical references on 326–30. [↑](#footnote-ref-81)
81. See, for example, Brevard S. Childs, *Myth and Reality in the Old Testament* (SBT 27) (London: SCM Press, 1962); E. G. Kraeling, “The Significance and Origin of Gen 6:1- 4,” *JNES*, no. 6 (1974): 193–208. [↑](#footnote-ref-82)
82. Ostensibly, the generation of the dispersion narrative (found in several versions of Perek Chelek) could also have been included in the list of sinners, as it too contains theological elements in the description of a group seeking to emulate God. The advantage of the Flood story is that it combines theological and moral components and also begins with a verse describing divine punishment “My breath shall not abide in humankind forever” (Genesis 6:3), which may be interpreted as denying the afterlife to sinners. The appearance of the sinners of the Tower of Babel on the Tosefta list is discussed below. [↑](#footnote-ref-83)
83. If the matter concerned the collective sin of the participants in the Exodus, then Korah’s rebellion should have appeared earlier. The appearance of the fate of the desert generation before Korah teaches that it was the generation’s response to the slandering of the Land of Israel that doomed that generation. [↑](#footnote-ref-84)
84. Those mentioned in Psalm 106 alongside the sin of the spies and other equally heinous transgressions. [↑](#footnote-ref-85)
85. "'וימאסו בארץ חמדה' - תמורות במוקד חטא המרגלים בספרות חז"ל ובפיוט" (in press). [↑](#footnote-ref-86)
86. See Exodus 3:8; 17; 13:5; 33:3; Leviticus 20:24; Deuteronomy 6:3; 11:9; 27:3. [↑](#footnote-ref-87)
87. For example: Ex. 13:20; Lev. 20:24; Deut. 6:3; 11:9. [↑](#footnote-ref-88)
88. See Isaiah 27:13 and Psalms 147:2. [↑](#footnote-ref-89)
89. Joseph Heinemann, *אגדות ותולדותיהן* (Jerusalem: Keter, 1971), 104; Z. Bachar, *תנאים* A, B (Jerusalem: 1922), 39–40; Louis Ginzburg, *אגדות היהודים*, VI (Jerusalem: Schechter Institute of Jewish Studies, 2009) 244; Joseph Klausner, *הרעיון המשיחי בישראל,* (Jerusalem: Massada, 1950 (231–6; Ephraim Elimelech Urbach, *חז"ל – אמונות ודעות* (Jerusalem: Magnes, 1998), 604–11. [↑](#footnote-ref-90)
90. “They worshiped God, while serving their own gods according to the practices of the nations from which they had been deported. To this day, they follow their former practices. They do not worship God [properly]. They do not follow the laws and practices, the Teaching and Instruction that God enjoined upon the descendants of Jacob—who was given the name Israel” (II Kings 17:33–34). For the development of tension toward the descendants of the Kingdom of Israel who settled in Samaria, see Robker Jonathan Miles, “Die Texttraditionen von 2. Könige 17 als Spiegel der Entwicklung des Verhältnisses von Juden und Samaritanern.” In: Benedikt Hensel, Dany Nocquet, and Bartosz Adamczewski, eds. *Yahwistic Diversity and the Hebrew Bible* (Gomaringen: Laupp &. Göbel,2020): 303–24; Magnar Kartveit, “The Tension between the Law and the Prophets as a Background to the Formation of the Samaritan Pentateuch.” In: *Yahwistic Diversity and the Hebrew Bible*, 263–82. [↑](#footnote-ref-91)
91. The identity of the “adversaries of Judah and Benjamin” mentioned in Ezra 4:1 is debated in scholarship. One view is that they are descendants of the Kingdom of Israel, as they present themselves to Ezra: “We too worship your God, having offered sacrifices to Him since the time of King Esarhaddon of Assyria, who brought us here” (Ezra 4:2). The tribes of Judah and Benjamin are identified in the Tannaitic literature with the Cutheans, who later became Samaritans (see Sifre Deuteronomy 51). The defining characteristic of this ethnic group from its inception is its religious syncretism with those in its surroundings. On the debate about the identity of the “adversaries of Judah and Benjamin,” see Tamara C. Eskenazi and Kent H. Richards, eds. *Second Temple Studies,* vol. 2. *Temple Community in the Persian Period* (Sheffield: Sheffield Academic Press, 1994), 163–299. [↑](#footnote-ref-92)
92. Israel L. Levin, *הלניזם והעולם היהודי בעת העתיקה* (Jerusalem: Zalman Shazar Center, 2010), 91–96; 106–15 and the extensive bibliography therein. [↑](#footnote-ref-93)
93. Moshe Beer, “על מנהיגים של יהודי ציפורי במאה הג,” *סיני*, no. 74 (1974): 133–38; on archaeological findings as evidence of the adoption of foreign cultural elements, see L.V. Rutgers, “Incense Shovels at Sepphoris.” In: Eric M. Meyers, ed. *Social Magic and Social Realities in Late Roman and Early Byzantine Galilee* (Eisenbrauns, 1999), 177–98. [↑](#footnote-ref-94)
94. For a review of scholars’ positions on the question of the redaction of the Tosefta and its relation to the Mishnah, see F. Mandel, "*תוספתא"*. In: M. Kahana et al., eds.*, ספרות חז"ל הארץ ישראלית – מבואות ומחקרים (*Jerusalem: Yad Izhak Ben-Zvi, 2018), 121–5. [↑](#footnote-ref-95)
95. David Henshke, “מה ראוי להסתיר בקריאת המקרא? על מקראות ותרגומים שקריאתם נאסרה,” כניסתא 1 (2001): 13–42, makes a similar comparison between the Mishnah and the Tosefta in the list of scriptures “that are read but not translated” or “that are neither read nor translated.” Focusing on the common denominator of the mishnaic list and that of the Tosefta list, and basing himself on the differences between the lists, Henshke suggests that each system has its own different purpose. I propose a similar method below. [↑](#footnote-ref-96)
96. See Grossberg, אורתופרקסיה בספרות התנאית, 551–4. [↑](#footnote-ref-97)
97. In t. Sotah (4: 19, 176), the four figures referred to in the Mishnah as commoners are mentioned within a list of ten sinners: “And so you find with Cain, Korah, Balaam, Doeg, Ahitophel, Gehazi, Absalom, Adonijah, Uzziah, and Haman, who set their eyes on what they did not deserve. What they sought was not given to them, and what they had was taken from them.” The connection of the baraita to the issue of “they have no share in the World to Come” and its exceptionality from the issue may be adduced from the previous baraitot in the chapter. The entire chapter demonstrates the maxim “By the measure one uses, so is one measured.” In halakhot 12–15, the Tosefta lists sinners who are punished for their sins as follows: “So too you find with the people of the Flood/the Sodomites, etc., wherever the sin began first, they too were punished first and the rest did not escape.” This list is almost identical to that presented by the Tosefta in Perek Chelek as those who have no portion in the World to Come (the flood generation, the people of Sodom, the spies, the desert generation, etc.) (t. Sanhedrin 13). The last baraita, which lists the ten men who set their eyes on what they did not deserve, deals with another proof for the maxim. According to this text, these sinners were punished in the manner of their sin: they did not receive what they sought and were deprived of what they had. It appears, then, that the author of the baraita in the Tosefta is familiar with the list from the Mishnah. However, unlike their rejection due to their heresy as implied by the wording of the Mishnah (according to the context of their appearance), the author of the baraita seeks to attribute their sin to avarice. These sinners deserve severe punishment, of course, but not absolute rejection. [↑](#footnote-ref-98)
98. See Hauptman, *Rereading the Mishnah*, 31–49; S. Y. Friedman, “מקבילות המשנה והתוספתא,” Proceedings of the Eleventh World Congress of Jewish Studies, vol. 3 (Jerusalem: World Union of Jewish Studies,1994), 15–22, 63; “The Primacy of Tosefta to Mishnah in Synoptic Parallels.” In: Harry Fox and Tirzah Meacham, eds. *Introducing Tosefta* (Hoboken, NJ: KTAV, 1999), 99–121 On the precedence of some Tosefta traditions over those in the Mishnah, cf. David Henshke, *מה נשתנה? ליל הפסח בתלמודם של חכמים* (Jerusalem: Magnes, 2016 (509-17), who proves the clear dependence of the Tosefta on the Mishnah. See also I. Rosen-Zvi, “Between Wisdom and Apocalypse: Reading Tosefta Sotah Chapters 10–15,” *HTR,* no. 115:1 (2022): 46–68. [↑](#footnote-ref-99)
99. Milikovsky, גיהנם ופשעי ישראל, 311–43. [↑](#footnote-ref-100)
100. *Seder Olam Rabbah*, Milikowsky edition, 3, 228–9. [↑](#footnote-ref-101)
101. Wording per MS Vienna as cited in “מאגרים.” [↑](#footnote-ref-102)
102. Instead of elaborating on the entire list of sins and their meanings, I will address the first three on the list: “He who rejects the yoke [of the commandments], breaks the covenant, and interprets the Torah in a manner contrary to the law.” These sins are an elaboration of Numbers 15:30–31, which explicitly refer to a sinner in the realm of faith in God and the commandments of the Torah: “But the person, whether citizen or stranger, who acts defiantly reviles YHWH; that person shall be cut off from among the people. Because it was the word of YHWH that was spurned and [God’s] commandment that was violated, that person shall be cut off—and bears the guilt.” In y. Peah 1:5, 16b, “ the one who casts aside the yoke” is “he who says there is Torah and that he cannot bear it.” In the Tannaitic literature, “he who casts aside the yoke” is always paired with two sinners: he who breaches the covenant and he who finds illegitimate facets in the Torah (as in Mekhilta de-Rabbi Ishmael, 5, 15; Sifre Bamidbar 101, 166; and Sifre Bamidbar 102, 121). [↑](#footnote-ref-103)
103. I will not elaborate on all the groups here but will mention two of them: The fate of the group called “the wicked of Israel” [רשעי ישראל] is proven from verses in Malachi 3 that distinguish between the righteous, who have served God, and the wicked, who have not, and Psalms 9:18, in which the wicked are described as “all the nations who ignore God.” On the theological significance of the term “criminals of Israel” [פושעי ישראל] and its allusion to Jewish Christians who adopted the beliefs and doctrines of the rival sect, see Arthur Marmorstein, “Judaism and Christianity in the Middle of the Third Century,” *HUCA,* no. 10 (1935): 223–63. Milikovsky, in *גיהנם ופושעי ישראל*, 329–37, distinguishes among the various epithets applied to sinners, who he calls ideological deviants. [↑](#footnote-ref-104)
104. The sin of Ahaz, as narrated in the prophetic and historiographic literature, is his act of passing his son through fire as an abomination of the nations and his installation of an imitation of the Damascus altar in the Temple (II Kings 16:3, 10–18, II Chronicles 28:2–4, 22–25). [↑](#footnote-ref-105)
105. In the Midrash, the verse that proves the unforgivability of sin of the people of Sodom is Genesis 13:13: “Now the inhabitants of Sodom were very wicked sinners against YHWH.” The specification of “against YHWH” shows that they practiced idolatry in addition to their moral iniquities. The punishment of the spies was decreed upon the sinners due to their betrayal of God: “… the land that I promised on oath to their fathers; none of those who spurn Me shall see it” (Numbers 14:23). [↑](#footnote-ref-106)
106. The verse quoted in the Tosefta to prove the pardon granted to Korah and his assembly is Psalm 119:176, which describes the sinner as one who seeks mercy on the grounds that “I have strayed like a lost sheep; search for Your servant, for I have not neglected Your commandments.” [↑](#footnote-ref-107)
107. The opening title of the (later) mishnaic Perek Chelek also distinguishes between Jews and non-Jews, but this distinction is dissipated in the content of the Mishnah itself. [↑](#footnote-ref-108)
108. On Rabbi Eliezer and his attitude toward the nations, see Yitzhak Dov Gilat, משנתו של רבי אליעזר בן הורקנוס ומקומה בתולדות ההל (Tel Aviv: Dvir, 1968), 301–305. On differences in perspective among the Sages regarding the status of non-Jews, see Marc Hirschman, תורה לכל באי עולם: זרם אוניברסלי בספרות התנאים ויחסו לחכמת העמים (Tel Aviv: Hakibbutz Hameuchad, 1999), 165–73; Joel S. Kaminsky, “Israel’s Election and the Other in Biblical, Second Temple, and Rabbinic Texts.” In: D. C. Harlow, ed. The “Other” in Second Temple Judaism (Grand Rapids: Eerdmans, 2011), 17–30; Y. Rosen-Zvi, הופעת הגוי בספרות חז"ל, מיתוס, ריטואל ומיסטיקה (Tel Aviv: 2014), 361–438. [↑](#footnote-ref-109)
109. One may ask why the redactor of the Tosefta did not adopt the festive title “All of Israel have a share in the World to Come,” which reinforces the tendency toward which he leads in the lists of sinners and transgressors. It is possible that although the mishnaic text was available to the redactor of the Tosefta, the title, identified as a later addition, was neither available nor familiar to him. See note \_\_ above. Another possibility is that he was indeed familiar with it but did not invoke it because it was too far from the content, which also deals with Jewish sinners who have no share in the World to Come. [↑](#footnote-ref-110)
110. Based on MS London cited in “מאגרים.” [↑](#footnote-ref-111)
111. “Those executed by the court have a share in the World to Come because they confess all their sins” (t. Sanhedrin 9:5). [↑](#footnote-ref-112)
112. See, for example, the interesting lists in Avot de-Rabbi Nathan 1, such as: “Seven have no share in the World to Come, and these are they: the scribe and the writer, and the finest of the doctors, and the *dayyan* in his city. And the sorcerer. The cantor. The butcher”; and the addition of Absalom, son of David (ibid.). And in Masekhet Soferim 16b: “R. Yehoshua b. Levi said, this aggada, he who writes it [down] has no portion in the World to Come.”

 “And anyone who walks behind a woman in a river has no share in the World to Come” (b. Eruvin 18b), etc. [↑](#footnote-ref-113)
113. Rabbi Yochanan said: The congregation of Korah has no share in the World to Come. What is the reason? “They have deeply corrupted themselves, as in the days of Gibeah: therefore he will remember their iniquity, he will visit their sins” (Hosea 9:9) (y. Sanhedrin 10:5, 29a). [↑](#footnote-ref-114)
114. The exile was made a fait accompli by the submission of the rump population of refugees in the land of Israel to the leadership of Gedaliah son of Ahikam in Egypt, in defiance of Jeremiah’s prophecy calling for continued settlement in the land of Israel (Jer. 43:2). [↑](#footnote-ref-115)