

DISCUSSION 1, ABSTRACT

Reading:

Mishna Sanhedrin 9:6 with reference to ySanhedrin and bSanhedrin

Mishna Text: Zealots can kill a Jewish man having sexual relations with a Gentile woman.

- What is the relevant sense of 'can'?
- Why are the Rabbis issuing rules regarding Zealots?

- Yerulshami: We rejected Pinchas' instance of such an act.
- Bavli: What if the Zealots don't get the guy? What leftover responsibility do the Rabbis have for the problem?
- Moreover, God spoke in favour of Pinchas's act. (Numbers 25)

Main Issues:

1. The Rabbis don't always listen to God's voice. Why should/shouldn't they in this case?
2. Rabbis don't normally have jurisdiction over the Zealots. It therefore seems odd that that they are issuing a rule permitting the Zealots to do what they are going to do anyways.
 - a. Are the Zealots like renegades or outlaws, then? Are they taking the law into their own hands? What is the legal status of this act?
 - b. Is this case like cases of self-defense (including 3rd party self-defense) and citizen's arrests, in which modern legal systems often do allow people to take the law into their own hands? Are the zealots taking any 'law' into their hands and if so, which law would this be?
 - c. Is it more like a case of private punishment? This seems more unusual from a modern, secular perspective, but not necessarily for Canon law.
 - d. Is this a case where, like in cases of personal insult, the law authorizes private punishment because of the overwhelming insult associated with the act? (where the Zealot is personally insulted by the insult to God, as a case of *chillul hashem*)
 - e. Perhaps this can be understood on the model of honour killings? This reading might have stronger textual support (as in Genesis 34 and bSanhedrin)
3. Do Rabbinic courts have residual authority over Jewish men who have sexual relations with Gentile women (if the Zealots fail to get him first)? What is the nature and origin of this authority?
4. Do questions of lack of control or excuse arise in this context? (Do, perhaps, the Zealots lose their authority over *themselves* in such contexts?) If so, how do these questions interact with the questions of authority raised above?