

Torture?

A neo-Nazi college student went on a shooting spree at a university. He was stopped by a quick response from law enforcement. As they examined his body and dorm room, they discovered threats that he had also planted live explosive around the campus set to go off later that day. They also found hidden supplies and schematics for making such bombs. His roommate and best friend shares his ideology but denies knowing anything about his planned shooting spree or the bombs.

(M) Makkot 3:11

1 If they estimated him capable of receiving forty [lashes], and after receiving some they said he cannot receive forty, he is exempt [from the rest]. If they estimated him fit to receive eighteen, and after he was lashed they said he could receive forty, he is exempt [from the rest].

(M) Makkot 3:14

2 If the offender dies while he is flogged, the flogger is exempt [from penalty]. If he gave him one more lash and the offender died, he goes into banishment. If the offender befouled himself either with feces or urine, he is exempt from further punishment. Rabbi Judah says: "Feces in the case of a man and [even] urine in the case of a woman.

(BT) Sotah 8a-b

3 In the case of a man [who is to be stoned] they cover him with a piece of cloth in front, and a woman with two pieces, one in front and one behind. This according to Rabbi Judah; but the other Sages say: A man is stoned naked but a woman is stoned clothed.

Deuteronomy 20:10-12

6 When you come near a city to attack it, you shall offer it words of peace. If it responds with peace and lets you in, then all the people shall serve you at forced labor. But if it will not make peace but war, then you shall besiege it.

(BT) Berakhot 58a, Yoma 85b & Sanhedrin 72a

7 If someone comes to kill you, get up early in the morning to kill him first.

(YT) Terumot 8,4

8 If a group of people were told by non-Jews: Give us one of you that we may kill him, or else

Criminals

What is the reason here? Rav Nahman said in the name of Rabbah bar Abbuha: The Torah states: *You shall love your neighbor as yourself* — this means to choose for him a light (easier) death. Do the Rabbis and Rabbi Judah disagree about Rav Nahman's teaching? — No; everybody agrees, but they differ on the following point: The Rabbis hold that disgrace is worse than physical pain, and Rabbi Judah holds that physical pain is worse than disgrace. [They disagree on which is the *easier* death.]

4 (BT) Sanhedrin 32b & Sotah 8a

Rabbi Simeon ben Eleazar says: The Court moves the witnesses from place to place so their minds may become confused and they retract [their evidence, if false].

(M) Bava Kamma 8:1

5 He who wounds his fellow is liable to compensate him on five counts: for injury, for pain, for healing, for loss of income and for indignity.... 'For pain'? If he burned him with a spit or a nail, even though it was on his fingernail, a place where it leaves no wound, they estimate how much money such a man would be willing to take to suffer so.

War

we will kill you all - they should all be killed rather than deliver to them a single Jewish soul.

However, if they specified someone in the manner that Sheva ben Bichri was designated (2 Samuel 20), they should deliver him to them rather than that all of them be killed... R. Shimon says: This is what she said to them (in order to permit delivering Sheva ben Bichri): One who rebels against the kingdom of David deserves the death penalty. cites a controversy concerning this passage: "R. Shimon B. Lakish said: This applies if he is deserving death like Sheva ben Bichri. R. Yochanan said: "Even if he was not deserving of death like Sheva ben Bichri."

Ramban

9 God commanded us that when we lay siege to a city that we leave one of the sides without a siege so as to give them a place to flee to. It is from this commandment that we learn to deal with compassion even with our enemies even at time of war; in addition by giving our enemies a place to flee to, they will not charge at us with as much force.

Deuteronomy 20:19-20

10 When you lay siege to a city for a long time, fighting against it to capture it, do not destroy its trees by putting an ax to them, because you can eat their fruit. Do not cut them down. Are the trees of the field people, that you should

(BT) Sanhedrin 74a

13 If the pursued (i.e., victim) broke some articles as they fled: if they belonged to the *rodef* (i.e., the attacker), he is not liable for them; if to someone else, he is — because he saved himself at his neighbor's expense.

13 But if someone was pursuing a *rodef* to save him (the victim) and broke some utensils, whether of the *rodef*. or the pursued. or of any other person, he is not liable for them. This should not be so in equity but if you do not rule this way, no one will save his neighbor from a *rodef*.

13 However, one cannot murder another *innocent* person in order to save one's own life or the lives of others, for "how do you know that your blood is redder? Perhaps his blood is redder"

besiege them? However, you may cut down trees that you know are not fruit trees and use them to build siege works until the city at war with you falls.

Ramban

11 It is prohibited to remove fruit trees so as to induce suffering, famine, and unnecessary waste in the camp of the enemy.

Ramban

12 The removal of all trees is permissible if needed for the building of fortification: it is only when done to deliberately induce suffering that it is prohibited.

Rodef

(SA) Chosen Mishpat 225:1

14 If one is pursuing (*rodef*) his fellow in order to kill him, and he has been warned but nonetheless continues to pursue him... every Jew is commanded to save him (through) the limbs of the pursuer. If they can not aim accurately and save him without killing the pursuer, they may kill him even though he has not yet committed murder.

... and someone who causes great danger, for example a counterfeiter in a place where the government is exacting, he is judged as a *rodef* and we hand him over to the government.

(SA) Chosen Misphat 388:9

15 It is permissible to kill an informer in a case where there is suspicion he will report against you or if it impossible to save oneself some other way.

Rodef – Literally, a pursuer. Someone who is chasing a person in order to murder or rape them. A bystander is obligated to intervene to try and stop the *rodef* and save the victim.

(M) – Mishnah (c.250 C.E)

(BT) – Babylonian Talmud (c.600 C.E)

(JT) – Jerusalem Talmud (c.400 C.E)

(MT) – Mishneh Torah of Rambam (c.1170 C.E)

(SA) – Shulchan Aruch of Rabbi Karo and the Rama (c.1560-70 C.E)