Zealotry and Its Consequences: The Case of Yishai Schlissel

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On Thursday, July 30, 2015, a Haredi former convict named Yishai Schlissel stabbed six marchers in Jerusalem's Gay Pride parade; a few days later, one of his victims, 16-year-old Shira Banki died of her wounds. Schlissel had been released from prison only three weeks earlier, having served for 10 years for committing a virtually identical crime in 2005. Although the stabbing made headlines, it was soon overshadowed by the murder of a West Bank Palestinian family, which was quickly attributed to radical settlers.

Much has been written about what has motivated radical settler groups, the rabbis who appear to condone their activities, and the putative halakhic rulings that purportedly justify them. Far less attention has been paid to the halakhic rationalizations that might have justified Schlissel's actions; it is noteworthy that with a few exceptions, Haredi leaders remained silent in the aftermath of the stabbings—even after Shira Banki's death.

Schlissel refused legal counsel, saying he did not recognize the legal standing of the court since it was secular, not rabbinical. Appearing in court on August 24, 2015 for his formal indictment, sporting a long unkempt black beard that matched his heavy jet-black eyebrows, black peyot that extended far below his shoulders, handcuffed, and wearing his tallit katan over a long-sleeved prisoner's

shirt, Schlissel reiterated his contempt for the proceedings. Clearly unrepentant, he asserted that "the pride parade must be cancelled to elevate Shira Banki's soul. If you care for her well-being, you must cease this blasphemy against God. The parades bring harsh decrees upon Israel." [1] Schlissel's remarks and attitude mirrored his behavior in 2005, when he refused to stand before the judge who convicted him. And it also reflected the refusal of many Haredi leaders to recognize the validity of the State of Israel's courts on the grounds that they are arkaot, non-Jewish courts, and that Jews should not bring their cases before them.

Schlissel told the court in 2005 that he was on "a mission from God," and, as his comments to the court indicated, he no doubt believed the same when he repeated his rampage 10 years later. What, then, was the basis for his assertion, and to what extent does the silence of the Haredi rabbis essentially reflect the same view? It is likely that the answer to both of these questions lies in the concept of kanaim pog'im bo—the right for zealots to attack a violator of major Torah laws.

What Is a Kana'i?

The biblical Pinhas and Elijah are the archetypes of what is now called the kana'i. Pinhas was outraged by the publicly promiscuous behavior of the tribal leader Zimri the son of Salu and his Moabite paramour, Kozbi the daughter of Zur, one of the five Midianite emirs. Without seeking advice or a ruling from Moses, Pinhas grabbed a pike [2] and stabbed and killed them both. For this act of individual vigilantism, which God described as "displaying...his passion for me" (bekan'o et kin'ati), He granted Pinhas His "pact of friendship." [3]

In contrast to Pinhas, whom the Torah described as a zealot, Elijah identified himself as one. Relating how he slaughtered the false prophets of Baal, Elijah twice told God, in identical language, I have been zealous for the Lord, the God of hosts.[4] Also in contrast to Pinhas, who took on a heroic aura when his act brought an end to the plague that had inflicted on Israel because of their promiscuity before the Midianite god, Baal Pe'or, Elijah was forced to flee after his murder of the priests. It was God who told him to return to civilization, first by crowning Hazael in Damascus as king of Aram and then by anointing Jehu as king of the 10 northern tribes.

The Talmud and Midrash generally approved of both men's behavior. Rav, the great amora, stated that while Moses could not recall the halakhic ruling regarding intercourse between a Jew and a non-Jewess, Pinhas reminded him that he who cohabits with a gentile woman can be attacked by zealots. R. Isaac said

Pinhas did not even have to consult Moses, since the Divine Name was being profaned. R. Elazar further asserted that when the ministering angels prevented Pinhas from attacking Zimri and Kozbi, God ordered them to withdraw, since Pinhas was a “zealot the son of a zealot,” who, like his ancestor Levi (who together with Simeon had killed the residents of Shechem for tolerating the rape of Dinah) “turned away wrath.”[5] When the divine spirit rested on Pinhas, his face “burned like a torch.”[6] Indeed, the Talmud goes so far as to assert that “he who sees Pinhas in a dream will benefit from a miracle.” [7]

As for Elijah, the Talmud ruled that he could act high-handedly in concert with God when a person behaved improperly, for example, when marrying an unsuitable woman. [8] Likewise, he could rout angels if he judged it appropriate to do so.[9] The Talmud depicted him as a student of Moses.[10] The Midrash went even further, claiming that he was equal in stature to the man recognized as the greatest of all prophets. [11] He is also portrayed as a rabbinical scholar, participating in the debates that took place in the both Great Bet Midrash[12] and that of Rabbi Judah the Prince[13] and authoring his own midrashim, Seder Eliyahu Rabba and Seder Eliyahu Zuta. [14]

Not surprisingly, because of the vigilantism that distinguished these characters, various midrashim identified the two men as the same individual.[15] In a similar vein, the Targum of Jonathan ben Uziel, an early Tanna, states that Pinhas, like Elijah, never died.[16] Jonathan asserts that instead he was transformed into an immortal angel, who would be the harbinger of the redemption at the end of days, [17] thereby acting in the identical role that the prophet Malachi ascribed to Elijah.[18]

A kana’i is therefore someone who acts on his own to sanctify God’s name in the face of its desecration. He acts on impulse, rendering his own shorthand judgment of the circumstances that he confronts. He can respond to those circumstances as he sees fit; nothing is out of bounds. He can kill, if necessary. And he will be praised in Heaven.

The Halakha of Kana’im Pog’im Bo

Although both Pinhas and Elijah won rabbinical praise, the rabbis were less than enamored by the entire concept of zealotry (kana’ut) and were far more restrictive concerning anyone who sought to emulate the two biblical figures. Although the Talmud accepted the principle that zealots could act independently of a court judgment, they limited such activity to the case of a Jewish man having intercourse with a non-Jewish woman. No action could be taken against a Jewish

woman having relations with a non-Jewish man. Even in the former case, no action could be taken unless the zealot actually struck while the couple was in flagrante, and did so “in public,” that is, before a minimum of 10 male witnesses. Moreover, the rabbis argued that were a zealot actually to consult a religious court, he would be prevented from taking further action prior to a court judgment. Indeed, the rabbis asserted that had Pinhas sought Moses’ approval, he would have been forbidden to act against Zimri. [19]

The rabbis also stressed that despite the fact that Pinhas met all the requirements enabling him to act against Zimri, had Zimri actually turned on him and killed him, he would not have been guilty of murder. For, the rabbis argued, Pinhas, though acting out of zealousness for the sanctity of God’s name, was nevertheless a rodef, an attacker with intent to kill, and, a rodef can himself be killed by the person whose life he threatens.[20] This ruling no doubt was intended to create a chilling deterrent effect on a would-be zealot since it imposes a high degree of risk on any act of zealotry.

Maimonides ascribed the principle of kana’im pog’im bo to the laws handed down by Moses at Sinai (halakha l’Moshe mi’Sinai) noting that “if zealots attacked and killed [the transgressor] they are praiseworthy and energetic.”[21] He adopted in toto the talmudic provisos that the sin take place before 10 or more witnesses; that the act of zealotry could only be undertaken during the transgression; that a court could not authorize such an act; that the zealot would be guilty of a capital crime should he kill the transgressor after having sought the court’s approval; and that should the zealot himself be killed, the transgressor would not be prosecuted for murder. Moreover, Maimonides added a further restriction that had not been articulated in the Talmud: the law permitting a zealot to act on his own did not apply to relations between a Jew and the daughter of a ger toshav, which Maimonides defined as a Gentile who was not an idolator.[22] Rabbi Moses of Coucy adopted Maimonides’ language in his Sefer Mitzvot Gadol but added a key word, laShamayim—for Heaven—indicating that the zealot’s motives had to be pure.[23] If his motives were mixed, R. Moses implied, he was no better than any murderer. R. Yaakov ben Asher, popularly known as Baal Haturim, quoted Maimonides extensively, adding R. Moses of Coucy's caveat. He likewise explicitly stated that the prohibited relations had to take place "in the eyes" of 10 Jews, a position that, as will be seen below, a later decisor reinterpreted. [24]

Rabbi Abraham ben David, known by his acronym Rabad, challenged Maimonides’ ruling in one crucial respect: The transgressor had first to be warned that he was committing a capital sin and he ignored the warning. Later commentators on

Maimonides' code were divided as to whether a warning was indeed called for. Rabbi Vidal of Tolosa was unclear as to whether a warning was necessary, arguing that while it appeared from the biblical text that Zimri received no warning, the Talmud implied that he indeed ignored a warning that he had received regarding his relations with Kozbi.[25] Rabbi Moses Isserlis (known as Ramo) the primary source of most Ashkenazic rulings, followed Rabad's view in his gloss on the Shulhan Arukh, however.[26] On the other hand, Rabbi Shem Tov ben Gaon, argued in that there was no basis for Rabad's assertion. [27]

Although he had addressed the concept of kana'im pog'im bo in his commentary on the Tur, Rabbi Yosef Karo only stated in his Shulhan Arukh that one who had relations with a Gentile woman, and who had not been assaulted by zealots nor received lashes from a Jewish court would receive a heavenly punishment.[28] His oblique reference to zealots, and his omission of the principle of kana'im pog'im bo puzzled at least one of his commentators, who noted, however, that Rabbi Isserlis identified it explicitly.[29] Later decisors actually expanded the construct of kana'im pog'im bo with respect to illicit relations. In his commentary on the Shulhan Arukh entitled Hokhmat Shlomo, Rabbi Shlomo Luria (colloquially known as Maharshal) actually loosened the rabbinic requirement that the zealot could only take the law into his hands if the violators were caught in the act. That was only the case, Maharshal argued, if the male had no prior record of committing such acts. If, however, this was his third such violation, the zealot was permitted to kill him even after the fact. [30]

On Zealots and Zealotry

In addition to differences over the specific circumstances in which a zealot might be permitted to act independently of a rabbinic court, or Bet Din, there are variations among major decisors as to whether it is only with respect to a Jew having illicit relations with a Gentile woman that the principle of kana'im pog'im bo applies; whether the principle applies only to cases where illicit relations are involved; and whether, in any event, the principle can still be acted upon in modern times.

Rabbi Yechiel Yaakov Weinberg, writing in the middle years of the twentieth century, dealt with several different aspects of zealotry, although without explicitly rejecting the concept of independent action by the zealot in question. In a responsum addressing the question whether one should commit martyrdom when the pressure to commit idolatry, or adultery, or murder was exerted privately, as opposed to before 10 or more people, but 10 persons were aware of that pressure, Rabbi Weinberg stressed inter alia that while public awareness

sufficed to justify martyrdom, the act that prompted Pinhas' zealotry actually had taken place before public eyes. In other words, it was only because people actually witnessed Zimri's act that Pinhas was justified in taking the law into his own hands.[31] What prompted Pinhas' behavior, asserted Rabbi Weinberg, was the perpetrators' sheer hutzpah. The couple had no shame when entering a tent together before 10 men. Implicit in R. Weinberg's emphasis on "hutzpah" was that it was not merely the public nature of a sin that justified zealotry, but that it also needed to be one that clearly was outside all the bounds of common decency. [32]

Rabbi Weinberg did not indicate in this responsum whether he condoned or opposed emulation of Pinhas' zealotry. Nor did he do so in a responsum dated 5717 (1957) in which he validated the marriage of an apostate Jew to a Jewess, and noted that the apostate was subject to the law of kana'im pog'im bo.[33] Indeed, in a later portion of what is an exceedingly lengthy responsum, he appeared to accept the notion that kana'im pog'im bo is still applicable. [34]

In a follow-up responsum that same year Rabbi Weinberg challenged the minority position taken by the thirteenth-century decisors, Rabbi Mordechai ben Hillel (colloquially known as The Mordechai) and Rabbi Moshe Mintz, that a woman who has relations with a non-Jew also is subject to attack by zealots. [35] His challenge was based on a ruling by Nachmanides that the principle of kana'im pog'im bo applies only to Jewish males who have relations with non-Jewish females, and not to Jewish females having relations with non-Jewish males. Rabbi Weinberg did not, however, question whether such a ruling, whether with respect to males or females, applies in modern times. [36]

It is possible, of course, that Rabbi Weinberg in all of the aforementioned responsa was addressing the concept of action by zealots in the abstract. His focus was on other issues, namely, what to do about a woman who married an apostate and became "chained" to him, or whether the harshness of the law of zealotry applied to a woman as much as to a man. Nevertheless, a reader could conclude zealotry was not a thing of the past, and that one could still take the law into one's own hands if conditions justified doing so.

On the other hand, zealotry under any circumstances tends to be frowned upon by leading contemporary decisors and commentators. For example, Dr. Itamar Warhaftig, citing Rabbi Reuven Margaliot, argued that the principle of kana'im pog'im bo applies only when there is a Sanhedrin that is sitting in Jerusalem with the power to apply capital punishment.[37] By definition, this is not the case today. [38]

Chief Rabbi R. Avraham Shapira took a similar view. In a 1996 interview he noted the link between acts of kana'ut, which are "enmeshed" (kerukhim) in forbidden practices, and the notion of gedola aveira lishma—the greatness of a sin committed to achieve positive outcomes, in other words, cases where the ends justify the means (more about which below). Specifically, he addressed the question of kana'ut likhvod ha'uma (zealotry to uphold the honor of the people), such as Herschel Grynszpan's 1938 murder of the Nazi diplomat Ernst von Rath in Paris. Rabbi Shapira then pointed out that just as the murder ignited kristallnacht, so similar acts of individual zealotry could have far reaching negative consequences. He therefore posited that an individual could not reach his/her own judgment in such "complicated matters," as he put it, particularly those affecting the Jewish people as a whole, but instead should seek guidance from leading rabbinical authorities. [39]

Rabbi Shapira's recommendation that one seek rabbinical guidance before acting, while certainly compelling, is deficient in one respect, however. The rabbis explicitly asserted that a zealot who was in a position to sanctify God's name should not consult a Bet Din. Indeed, if he did so, he was forbidden to act on his own. Surely, Rabbi Shapira was aware of this proviso. Yet it is arguable that Rabbi Shapira ruled as he did precisely because he had the rabbinical injunction in mind. In other words, by requiring a zealot to seek rabbinical guidance, the Chief Rabbi was ipso facto preventing him from acting. This approach would therefore be consistent with that of Rabbi Reuven Margaliot.

A different example of modern rabbinic reaction to zealotry emerges in the course of a reply to a question that had been put to R. Moshe Feinstein, the foremost Ashkenazic decisor of the second half of the twentieth century. In a discussion regarding the permissibility of a man to kiss his prospective granddaughter-in-law, Reb Moshe, as he was universally known, forcefully rejected the opinion of "zealots" who wanted to force a breakup of the engagement. He asserted that they were "far from being granted the stature of zealots in behalf of the God's name" and that they needed to consider whether they were themselves in violation of several statutes including verbally causing pain (ono'at devarim) and respect for a scholar [presumably the grandfather]. Finally, Reb Moshe stated that "in matters of rebuke and zealotry one must obtain a ruling from a halakhic decisor and not rule on one's own." [40] In this respect his view was similar to, but not congruent with, that of Rabbi Shapira. For whereas the former seemed entirely to rule out acts of zealotry, Reb Moshe, like R. Weinberg, appeared prepared to accept them, although in Reb Moshe's case they needed to be rabbinically approved, which was unlikely to be the case, but not beyond the

realm of possibility.

Aveira Lishma

It is possible, though not likely, that Yishai Schlissel conflated the notion of aveira lishma, a transgression with good intent, with kana'im pog'im bo. Aveira lishma is the talmudic version of what today is termed "the ends justify the means," which of course, would have underpinned Schlissel's twisted logic.

It is undeniable that Talmud speaks of aveira lishma in positive terms. Tractates Horayot and Nazir both record: "R. Nahman bar Yitzhak said: A transgression with good intent is more meritorious than the performance of a commandment with no intent." It then modifies the statement to read "A transgression with good intent is like the meaningless performance of a commandment." R. Nahman bar Yitzhak cites the behavior of Yael the wife of Heber the Kenite, who, according to R. Yohanan had sexual relations with Sisera seven times in order to weaken him. Once thus weakened, the fearsome Hazorite general was in no position to resist her when she drilled a tent peg into his skull and thereby helped liberate the Israelites from Hazor's domination.[41] Commentators on the Talmud uniformly praise her otherwise criminal action because she "saved all of Israel."[42] Schlissel may well have concluded that just as adultery is a capital crime, yet, as Deborah and Barak sang, Yael should be "blessed above women" [43] so too might his murderous act be justified as a transgression with good intent, since in his mind he too was "rescuing" the Jewish people.

As with kana'im pog'im bo, however, any such interpretation is actually wide of the mark in contemporary circumstances and even in the talmudic context. To begin with, as R. Johanan himself said in the name of R. Simeon b. Yohai: "Even the favors of the wicked are distasteful to the righteous."[44] Moreover, in a long discussion on the subject, Rabbi Naftali Zvi Yehuda Berlin (known as Netziv) argued that two conditions had to be fulfilled in order to justify aveira lishma. First, the person committing the sin should receive absolutely no benefit or pleasure from his act. Second, that the negative consequences of the act would outweigh any good that it brought about; Netziv explicitly points to the communal discord that such an act could bring about as invalidating its legitimacy.[45] Rabbi Haim of Volozhin, whom Rabbi Shapira quotes, went further. He asserted unequivocally that aveira lishma no longer applied in modern times.[46] At the end of the day, therefore, there is simply no halakhic basis for Schlissel's violent and ultimately deadly behavior.

What Motivated Schlissel: Misreading Hashkafa for Halakha

It is difficult to know what exactly was going through Yishai Schlissel's mind either in 2005 or 10 years later when he attacked marchers in a gay pride parade. There is no evidence that he is particularly scholarly, much less an expert in halakha. His refusal to recognize the authority of the State of Israel, even more than his dress and demeanor, mark him out as more extreme than the ordinary Israeli Haredi.

Schlissel certainly has delusions of grandeur. He clearly sees himself as a latter-day Pinhas, taking the law into his own hands, avoiding seeking a ruling from a rabbinical court, and stabbing his victims with a knife, much as Pinhas stabbed Zimri and Kozbi with a short-bladed romah. He probably sees gay behavior as no better than that of Zimri. By avoiding a rabbinical ruling, he no doubt justified his actions as being against those who committed the equivalent of Zimri's sin.

Yet Schlissel may have had some sense that what he was doing was halakhically tolerable. After all, not all decisors ruled out the validity of the principle of kana’im pog'im bo in modern times. Were he aware of Rabbi Weinberg's views, he might have misinterpreted R. Weinberg's position. He may have concluded that extra judicial action by zealots was permissible as long as it could safely be assumed that 10 or more men who would have witnessed the parade marchers would have surmised that the marchers engaged in what the Torah considers to be an abomination. As noted above, Rabbi Weinberg does not provide clear guidance on this matter. On the other hand, his well-known objections to the positions of radical Haredim, the group with which Schlissel clearly identifies, renders it unlikely that he would have condoned the practical implementation of kana’im pog'im bo.

It is also possible that Schlissel might have acted upon Reb Moshe's ruling that kana’ut requires the approbation of a leading rabbinical decisor. Certainly, no such rabbi has publicly condoned Schlissel's murderous behavior. On the other hand, few Haredi rabbis have condemned it. Might Schlissel have obtained a green light from a radical rabbi? Such men are not unknown in contemporary Israel, though they are more often identified with those who have written tracts condoning violence against Palestinians.

Most likely, however, Schlissel may simply have interpreted, or have had interpreted for him, the well-known writings of Rabbi Yoel Teitelbaum, the Satmar Rebbe, as justifying his behavior. The Satmar Rebbe "famously linked the Holocaust to the sin of Zionism."[47] To the Rebbe's mind, the state was nothing more than "apostasy...[that had] called down the Divine wrath upon the Jewish people."[48] More than that, the Rebbe considered the State to be nothing less

than the work of Samael, the evil archangel, also identified as the angel of death. As he wrote in his tract, Al HaGeula v'al HaTemura, which sought to explain Israel's victory in the Six Day War in light of his negative perspective on the Jewish State,

just as in the case of the sin of the Golden Calf, for which the people exchanged His blessed glory due to the false miracles of Samael...and by virtue of this frightening sin they undermined our redemption and prolonged our exile due to our transgressions until the flaw will be repaired and the sin eradicated...so too as a result of our many transgressions it now again occurred that Samael and the Sitra Ahara (the realm of evil) are empowered to create strange images appearing as miracles and salvation in order to blind the eyes of the children of Israel so that they should follow the apostates and blasphemers and imagine them to be saviors. [49]

Schlissel has given no indication that he has read the Rebbe's volume. But certainly is likely to have been familiar with its contents, which are central to the views of Satmar-linked groups like the Neturei Karta. He may also have been made aware of the fact that the Rebbe specifically referred to Pinhas' zealotry in his critique of Israel's victory the Six Day War.

As the Rebbe wrote, contemporary Jewry needed to absorb the lesson of Pinhas' action. The Torah tells us that God stressed that had it not been for Pinhas' action, He would have wiped out the entire nation over what was but one man's sin was that no one had protested his action. But because, the Rebbe wrote, Pinhas acted "with such powerful commitment" he inspired the people to "great zealotry" which in turn led them to repent that they too had not acted as he did. The Rebbe then postulated the need for "our lowly generation" to draw the correct inference from Pinhas' zealotry at a time when the government of apostasy (minut) ...continues to battle with all sorts of stratagems against the Torah." [50]

That Schlissel acted as he did should therefore have come as no surprise. To his mind, he was violating the laws of a government he considered to be a tool of the devil. Instead, he had taken up Pinhas' cudgels, zealously sanctifying God's name by killing those who to his mind were no less public in their blasphemous behavior than Zimri had been.

It is ironic that the Satmar Rebbe himself not only never condoned such violence but often spoke out against any manifestations of outrageous behavior that would undermine the cause he championed. As one of his close colleagues has written,

"The Rebbe abhorred sensationalism...He didn't allow wild pranks, and condemned in the strongest of words those who engaged in such reckless and reprehensible behavior." [51]Unfortunately, many of the Rebbe's followers have been far more circumspect in denouncing abusive behavior or outright violence, be it the burning of tires that endangers children with smoke inhalation or the habitual rock throwing at Haredi demonstrations that only miraculously has thus far not resulted in a fatal injury. From there it is, perhaps, a far smaller leap to the murderous behavior of a Yishai Schlissel than might otherwise be the case.

It is equally ironic that Pinhas himself did not end his career in a blaze of glory. The Midrash teaches that he lived to an advanced age, so that he was a contemporary of the judge Yiftah. The latter had foolishly vowed to sacrifice the first being he saw after returning home the victor over the Ammonites. When the first to greet him was his daughter, he could have had his vow annulled had he sought an annulment from Pinhas. He was too proud to approach the priest, but Pinhas was too proud to journey to Yiftah to save the child by absolving the vow. As a result, Yiftah suffered his loss, and also died a horrible death. But, the Rabbis tell us, Pinhas, the archetypical zealot, who acted to defend God’s name, was punished as well. He lost the power of prophecy and the Shekhinah departed from him. [52]

Pinhas’ ultimate fate incorporates a lesson that Yishai Schlissel may have forgotten, or may never have learned. Far more worrying is that in the absence of forceful admonitions by Haredi rabbis, there may be other Yishai Schlissels lurking in the background, taking the law into their own hands, while grotesquely fantasizing that they are sanctifying God's holy name.

[1] Jas Chana, "Jerusalem Pride Parade Stabber Charged With Murder, Attempted Murder," Tablet, August 25, 2015, http://www.tabletmag.com/scroll/193046/jerusalem-pride-parade-stabber-charged-with-murder-attempted-murder.
[2] The Hebrew term is romah, which connotes a short-bladed weapon used with both hands. It is not a spear. See Jacob Milgrom, The JPS Torah Commentary: Numbers (Philadelphia: JPS, 5750/1990), 215.
[3] Numbers 25:6–12.
[4] I Kings 19:10, 14.
[5] BT Sanhedrin 82a–b.
[6] Vayikra Rabba, 1.
[7] BT Berakhot 56b.
[8] BT Kiddushin 70a.
[9] BT Bava Metzia 85b.

[10] BT Sota 13a.
[11] Pesikta Rabba 4:12; see also Midrash Shochar Tov, 90.
[12] Tanna D'Vei Eliyahu Rabba, 9, 16, 18.
[13] BT Bava Metzia 85b.
[14] BT Ketubot 106a.
[15] Yalkut Shimoni , Pinhas 771; Pirkei D'Rabbi Eliezer, 29,47.
[16] Numbers 25:12; TB Moed Katan 26a.
[17] Numbers 25:12.
[18] Malachi 3:23.
[19] BT Sanhedrin 82a. Later decisors did permit beating someone who was violating the law without first obtaining permission to do so (see, for example, R. Israel Isserlein, Terumat Hadeshen, 218 and Ramo on Shulhan Arukh Hoshen Mishpat 421:13). Beating an offender is materially different from taking a life, or even putting it at risk, however. Indeed, halakha specifically enjoins a Bet Din from beating a criminal to death.
[20] It is significant that even though the sinner could have prevented an attack by the zealot simply by ceasing to sin, the Rabbis nevertheless accorded the sinner the right to defend himself to the point of killing the zealot. See R. Dr. Michael Avraham, (Harigat Ganav LTzorech Hagana Al Rechush," ("Killing a thief to protect one's property") Techumin, 28 (5768/2008), 179, f.n. 13).
[21] Rabbi Moshe ben Maimon, Mishne Torah/Yad haHazaka: Hilkhot Issurei Bi'ah, 12:4.
[22] Ibid., 12:5, 14:7 and see Maggid Mishna, ad. loc. s.v. V'Haba).
[23] Sefer Mitzvot Gadol, negative commandment 112. See also and R. Shlomo Luria, Yam Shel Shlomo, Bava Kamma, ch. 3:9, who also applies this standard to beatings; see note 19 above.
[24] Tur Shulhan Arukh: Even Ha'ezer 17. See also Rabbi Shmuel Eidels (Maharsha) on Horayot 10b, s.v. Tamar.
[25] Maggid Mishna, Hilkhot Issurei Bi'ah, loc. cit.., s.v. Kol Habo'el; see also R. Yosef Karo, Beit Yosef: Even Ha'ezer 16, s.v. U'Ma Shkatav D'Pharhesia).
[26] Hoshen Mishpat 425: 4.
[27] Migdal Oz, ad. loc., s.v. katav.
[28] Even Ha'ezer 16:2.
[29] Rabbi Moses ben Isaac Judah Lima, Helkat Mehokek, ibid. 16:4.
[30] Hokhmat Shlomo ad.loc., s.v. sham.
[31] It is noteworthy that Orhot Haim wrote in the name of Nachmanides that the sin of having relations with a non-Jewess was equivalent to adultery and called for martyrdom; see Beit Yosef: Even Ha'ezer 16, s.v. U'Ma Shekatav Vehu.
[32] Rabbi Yechiel Yaakov Weinberg, Sridei Eish vol. 1, Orach Haim, 29 (Jerusalem, 5759/1999), 73; see also ibid., Yoreh De'ah 8, 357, wherein R.

Weinberg defines "public" for the purposes of kana’im pog'im bo as doing the obvious, as he put it, "entering the tent and not leaving it."
[33] Ibid., Even Ha'ezer 90:35, 268. The issues of whether a Jew who has relations with an apostate Jewess, or even one who is not an apostate, but is a major violator of the law (mumeret), and, in a similar vein, whether a Jewess who has relations with an apostate, or even with a Jew who is a major violator of the law (Yisrael Mumar) are all subject to the principle of kana’im pog'im bo are the subject of a dispute among numerous decisors. See Rabbi Isaac Halevy Herzog et. al, Otzar Haposkim rev. ed. vol. 2 Even Ha'ezer 16 (Jerusalem 5738/1978), s.v. Haba).
[34] Sridei Aish, vol. 1, Even Ha’ezer, 90:38, 269.
[35] This position was actually taken by numerous other decisors, all basing themselves on Rabbi Avraham Hagadol, including Rabbi Israel Isserlein, in his Trumat Hadeshen; Rabbi Jacob Moelin, known as Maharil; and Rabbi Eliyahu Mizrahi, known as R'eym. But others still, ranging from Rav Hai Gaon to Rabbi Moses Sofer—Hatam Sofer—took the same position as Rabbi Weinberg. See Herzog, et. al, loc. cit.
[36] Sridei Eish, vol. 1, 115:10.
[37] Rabbi Reuven Margaliot, Margaliot Hayam/Sanhedrin vol. 1 (Jerusalem: Mossad Harav Kook, 5718/1958), 14.
[38] Dr Itamar Warhaftig, "Go'el Hadam" (The Blood Avenger), Techumin 11(5750/1990), 354.
[39] Interview with Rabbi Abraham Kahane Shapira, “Geula uMikdash” (“Redemption and The Temple,” Techumin 5 (5756/1996), 432).
[40] Rabbi Moshe Feinstein, Sh'eylot U'teshuvot Igrot Moshe: Even Ha'ezer vol. 4, 63 (B'nai Berak: Yeshiva Ohel Yosef, 5745/1985), 124).
[41] BT Horayot 10b and Rashi s,v, nitkavna; see also BT Nazir 23b; BT Yevamot 103a and Tosefot s.v. V'ha).
[42] See Bereishit Rabba 68:18; Tosefot, loc. cit.; Rabbi Yaakov Emden, Hagahot V’hiddushim l/Masechet Nazir, Nazir 23b, s.v. Sham amar: Rabbi Yitzhak Bernstein, “Issur He’arel La’asot V’le’echol Korban Pesah,” in Etz Chaim (Jerusalem: Abelson, 5745/1985).
[43] Judges 5:24, and see BT Horayot, loc. cit.
[44] Ibid.
[45] Rabbi Naftali Zvi Yehuda Berlin, Sh’eylot U’teshuvot Meishiv Davar, vol. 2, no. 9.
[46] Interview with Rabbi Abraham Kahane Shapira, “Geula uMikdash,” 432.
[47] Rabbi Hertz Frankel, The Satmar Rebbe and his English Principal: Reflections on the Struggle to Build Yiddishkeit in America (Brooklyn, NY: Menucha, 2015), 281).

[48] Ibid., 282.
[49] Rabbi Y. Teitelbaum, Al Ha'geulah v'al Ha'Temurah, Brooklyn, NY: Jerusalem Publishing, 5727/1967), 179.
[50] Ibid.,175.
[51] Frankel, The Satmar Rebbe, p. 278.
[52] Bereishit Rabba 60:3; Vayikra Rabba 37:4; Rashi, Judges 11:39, s.v. Va’Tehi; Rashi, I Chronicles 9:20, s.v. U’Pinhas.