

הורה כהן משיח פרק שני

(fol. 46b) **משנה א:** הורה כהן משיח לעצמו ועשה שוגג מביא פר. שוגג ועשה מזיד מזיד ועשה שוגג פטור שהורנית כהן משיח לעצמו בהורנית בית דין לציבור:

Mishnah 1: If the Anointed Priest¹ ruled for himself in error and acted in error, he brings a bull². If in error but he acted intentionally, or intentionally and he acted in error, he is not liable³ since the ruling of the Anointed Priest for himself is like the ruling of the Court for the public.

1 This is the expression used in *Lev.* 4:1-12 for the High Priest. Since the verse refers here to “the Anointed Priest” while in *Lev.* 21:10 he is called “the High Priest”, it is inferred (*Mishnah* 3:4, *Megillah* 1:9) that High Priests of the Second Temple who were not anointed were not entitled to this ceremony. The Anointed has to confess his sin while leaning with his hands on the bull’s head. The remainder of the ceremony, as also

that of the Court’s bull, may be performed by a common priest. *Sifra Wayyiqra* 2 *Parashah* 3(6).

2 As described in *Lev.* 4:1-12, his private purification offering.

3 He cannot bring a purification offering unless it was an unintentional act. If he ruled wrongly but then did not act on his ruling because he did not trust his judgment, no sacrifice is due or possible.

(46c line 15) **הלכה א:** הורה כהן משיח כול. לְפָשׁ אִם הִכְהֵן הַמְשִׁיחַ. הָרִי מְשִׁיחַ כְּיָחִיד. מֵה יָחִיד אִם אָכַל בְּהוֹרֵנִית בֵּית דִּין פְּטוּר. אִף זֶה אִם אָכַל בְּהוֹרֵנִית בֵּית דִּין פְּטוּר. מֵה יָחִיד אִם אָכַל בְּלֹא הוֹרֵנִית חֵיב. אִף זֶה אִם אָכַל בְּלֹא הוֹרֵנִית חֵיב. תִּלְמוּד לומר לְאִשְׁמַת הָעֵם. הָרִי אֲשַׁמְתוּ כְּאִשְׁמַת הָעֵם. מֵה הָעֵם אֵינָן חֵיבִין אֶלָּא אִם כֵּן הוֹרִי. אִף זֶה אֵינָן חֵיבִין אֶלָּא אִם כֵּן הוֹרִי. אֵית תִּנְיִי תִנְיִי. הָעֵם בֵּית דִּין. מֵה הָעֵם הוֹרִי הֵן וְעָשׂוּ אֲחֵרִים חֵיבִין אִף זֶה הוֹרִי הוּא וְעָשׂוּ אֲחֵרִים יְהֵא חֵיב. תִּלְמוּד לומר אֲשֶׁר חָטָא. עַל מֵה שֶׁחָטָא הוּא מְבִיא וְאֵינוּ מְבִיא עַל מֵה שֶׁחָטָאוּ אֲחֵרִים. אֵית תִּנְיִי תִנְיִי. הָעֵם צִיבּוֹר. מֵה הָעֵם הוֹרִי אֲחֵרִים וְעָשׂוּ הֵן חֵיבִין אִף זֶה הוֹרִי אֲחֵרִים וְעָשׂוּ הוּא יְהֵא חֵיב. תִּלְמוּד לומר אֲשֶׁר חָטָא. עַל מֵה שֶׁחָטָא הוּא מְבִיא. אֵינוּ מְבִיא עַל מֵה שֶׁחָטָאוּ אֲחֵרִים. רַבִּי יַעֲקֹב בְּשֵׁם רַבִּי לֵעָזֵר. וְהוּא שֶׁיְהֵא יוֹדֵעַ לִישָׁא וְלִיתֵן בְּהִלְכָּה. דְּלֹא כֵן מֵה כֵן אֲמָרִין. וְיֵשׁ שׁוֹטִים מוֹדִין. מְשִׁיחַ שֶׁאָכַל בְּהוֹרֵנִית בֵּית דִּין פְּטוּר. בְּהוֹרֵנִית מְשִׁיחַ אַחֵר חֵיב. בְּהוֹרֵנִית בֵּית דִּין פְּטוּר. שְׂאִין הוֹרֵנִית אֲחֵרִים אֶצֶל הוֹרֵנִית כּוֹלֵן. בְּהוֹרֵנִית מְשִׁיחַ אַחֵר חֵיב. וְהוּא שֶׁהוֹרֵה כְּיוֹצֵא בּוֹ.

1 כול' וכו' הרי - 2 בהוריית | בהורית | בהוריית | בהוראת מה | או מה 3 בלא הוריית | בלי הוראה (2)
 5 הן - הוא - 7 ציבור | צבור 8 אינו | ואינו 9 יעקב | יעקב בר אחא לעזר | אלעזר 10 אמרין |
 קיימין בהוריית | בהוראת בהוריית | בהורית 11 בהוריית | בהוריית אחרים | הוריתו הוריית כולן
 { הוריתן כלום בהוריית | בהורית }

Halakhah 1: “If the Anointed Priest ruled,” etc. *A person; if the Anointed Priest.*⁴ This makes the Anointed like a private person⁵. Since the private person is not liable if he ate⁶ on the Court’s ruling, also neither is this one liable if he ate on the Court’s ruling. Since the private person is liable if he ate without a ruling, this one also should be liable if he ate without a ruling⁷; the verse says, *for the fault of the people*. As the people⁸ are liable only if they issued a ruling, this one also is liable only if he issued a ruling. There are Tannaïm who state that *the people* are the Court. Since the people⁸ are liable if they instructed and others acted, this one also should be liable if he ruled and others acted. The verse says, *as he sinned*. He brings for what he sinned but he does not bring for what others sinned. There are Tannaïm⁹ who state that *the people* are the public. Since the people are liable if others ruled and they acted, this one also should be liable if others ruled and he acted. The verse says, *as he sinned*. He brings for what he sinned but he does not bring for what others sinned¹⁰. Rabbi Jacob¹¹ in the name of Rabbi Eleazar. Only if he is competent to argue about practice¹². Otherwise, would we say the incompetents give instructions?

The anointed who ate following the Court’s prescript is not liable; following another Anointed’s prescript he is liable. Following the Court’s prescript he is not liable, since the prescript of others is nothing¹³ compared to their prescripts¹⁴. Following another Anointed’s prescript he is liable, on condition that he instructed similarly¹⁵.

4 Lev. 4:2,3.

5 In v. 2, the High Priest is mentioned as “a person”; only in v. 3 as Anointed. It is concluded that the Anointed Priest follows the rules of private persons unless there is an indication to the contrary. Babli 7b, *Sifra Wayyiqra 2 Parṣeta* 2(1).

6 Taking eating forbidden fat as standard example of a forbidden action.

7 The question is raised why does the Mishnah require a sacrifice only if the Anointed Priest first gives an inadvertent wrong instruction and then acts on it without realizing his error? This mixes required features of the purification offerings both of the Court (only after issuing a prescript, not acting on it themselves) and the private person (not

instructing anybody but acting).

8 This argument identifies “the people” as the Court.

9 Babli 7a, *Sifra Wayyiqra 2 Pereq* 2(1,4).

10 Including the Court. Since the High Priest is mentioned before the Court, his purification offering cannot be dependent on the Court’s ruling.

11 In B: R. Jacob bar Aha. It is impossible to decide which reading is preferable or whether the same person is meant in both sources.

12 This shows that the rules are applicable to the High Priests of the Second Temple, who were invested but not anointed. The High Priests of the First Temple were supposed to be the

guardians of the Law. The Hasmonean kings and the later High Priests mostly had no claim to learning.

13 The translation follows B. The text of the ms., “since the prescript of others is by all their prescripts” does not make any sense.

14 As explained in Note 10, the High Priests cannot be made dependent on the prescripts of others. The High Priest is “not dependent on the Court” *ex officio*. But as explained earlier, he cannot bring his purification offering unless his action was based on his own ruling.

15 It is not required that the High Priest have original thoughts when acting; he is presumed to follow (correct) precedent.

משנה ב: הוֹרָה בְּכֹהֵן עֲצָמוֹ וְעָשָׂה בְּכֹהֵן עֲצָמוֹ מִתְכַּפֵּר לוֹ בְּכֹהֵן עֲצָמוֹ. הוֹרָה עִם הַצִּיּוֹר וְעָשָׂה עִם הַצִּיּוֹר מִתְכַּפֵּר לוֹ עִם הַצִּיּוֹר. שָׂאִין בֵּית דִּין חִיּוּבִין עַד שְׂיֹרוֹ לְבָטֵל מִקְצֵת וּלְקַיִּים מִקְצֵת. וְכֵן הַמְּשִׁיחַ. וְלֹא בְּעִבּוּדָה זָרָה עַד שְׂיֹרוֹ לְבָטֵל מִקְצֵת וּלְקַיִּים מִקְצֵת: (fol. 46c)

Mishnah 2: If he ruled for himself and acted for himself, it is atoned for himself. If he ruled with the public and acted with the public, it is atoned for him with the public¹⁶. As the Court is not liable unless they instruct to void part and confirm part, so is the Anointed¹⁷. Also for idolatry they are not liable unless they instruct to void part and confirm part¹⁸.

16 As shown in the preceding paragraph, his sacrifice is reserved for inadvertent sins peculiar to himself. Even if he concurred with an erroneous ruling by the Court, a separate offering would be inappropriate. This differs from the ritual of the Day of Atonement where the High Priest has to atone for himself (*Lev. 16:6*)

before he can officiate for the other priests (v. 11) and the people (v. 15). But here he is not acting on behalf of others.

17 All rules established in Chapter 1 for the Court’s bull apply to the High Priest’s bull. In the verse (*Lev. 4:20*) it is formulated the other way: All rules of the High Priest’s bull apply to the Court’s.

18 The rules concerning general an argument similar to Chapter 1, Note infractions are transferred to idolatry by 167.

(46c line 31) **הלכה ב:** הורה בפני עצמו כול'. הורי בית דין והורה אחריהן והחליף. פשיטא נעשית אצלו כעקירת גוף. אלא הורה הוא תחילה והורי בית דין אחריהן והחליפו. אפילו כן נעשית אצלו כעקירת גוף. או מאחר שהורה הוא תחילה ונדחה הוריתו בהוריתו ואינה נעשית אצלו כעקירת גוף. הורי בית דין והורה אחריהן. פשיטא אבל בהורית בית דין פטור. אבל משחזרו בהן בית דין חייב. אמר רבי יוסי. ולא מתניתא היא. הורה בפני עצמו מתכפר לו בפני עצמו. מפני שהורה בפני עצמו ועשה בפני עצמו. אבל אם הורה עם הציבור ועשה עם הציבור מתכפר לו עם הציבור. מפני שהורה עם הציבור ועשה עם הציבור. אבל הורה בפני עצמו מתכפר לו בפני עצמו.

1 הלכה ב. הורה בפני עצמו כול'. - 2 אחריהן | אחריו 3 נעשית | נעשת ונדחה הוריתו בהוריתו | תדחה הוריתו להוריתו 4 נעשית | נעשת 5 משחזרו | משהורו חייב | - יוסי | יוסה היא | - | ועשה בפני עצמו 6 הורה | היה 7 מפני | אמר רבי מנא דשלחת קודמין היא ואמור דברתא הורה עם הציבור ועשה עם הציבור מתכפר לו עם הציבור. מפני אבל | אבל אם 8 - | ועשה בפני עצמו

Halakhah 2: “If he ruled for himself,” etc. The Court ruled, he ruled following them, and then changed. It is obvious that for him it is the equivalent of uprooting the whole¹⁹. But if he ruled first, the Court then ruled following him, and afterwards they reversed themselves. Nevertheless is it for him the equivalent of uprooting the whole²⁰, or because he ruled first, but his ruling was overturned by their ruling, for him it should not be the equivalent of uprooting the whole²¹? If the Court ruled and he ruled following them, it is obvious that he is not liable if he ate²² according to the ruling of the Court²³. But after the Court reversed itself, he is liable²⁴. Rabbi Yose said, is that not the Mishnah? “If he ruled for himself [and acted for himself]²⁵, it is atoned for himself.” Because he ruled for himself and acted for himself. “But if he ruled with the public and acted with the public, it is atoned for him with the public.”²⁶ Because he ruled with the public and acted with the public, but “if he ruled for himself [and acted for himself]²⁵, it is atoned for himself.”

19 R. Moses Margolis (*Pene Moshe* and *Mar'eh Happanim*), the author of the only complete Commentary to *Horaot*, explains that the Court and the High Priest originally issued consistent rulings. Then the High Priest changed his mind, and

issued a new ruling on the same subject so that the two inconsistent prohibitions together amount to a complete removal of a biblical prohibition which according to Mishnah 1:3 prevents atonement by a sacrifice. It is difficult to find this in the

language of the paragraph since it says clearly that the High Priest changed his mind, i. e., he permits what the Court forbade and the Court forbids what the High Priest forbade; neither of the parties uproots the entire commandment.

Therefore, it seems that at first the High Priest followed the High Court's ruling, as stated in the text, but then reversed himself and opposed the High Court's ruling. Then irrespective of the topic of the dispute, the High Court uprooted *Deut.* 17:8-13. If the Court stays with its pronouncement, the High Priest is barred from rehabilitating himself by a sacrifice.

20 If he continues to adhere to his own ruling after the Court reversed itself.

21 Since he first ruled by scriptural authorization. The question remains unanswered.

22 Forbidden fat which the Court had permitted; the standard example of a sin atonable by a sacrifice.

23 Since he follows the public, his action in performing the rites for the Court's

offering also atones for him as noted in the Mishnah.

24 Since the Temple is adjacent to the Court's seat, he will know immediately of the Court's decision and, therefore, his later actions are not covered by the Court's offering (*Halakhah* 1:2). The text in the Babli lacks the last word; this text has to be read as a question: "But after the Court reversed itself? Rabbi Yose said, is that not the Mishnah? . . .", i. e., the answer to the question is obvious. There is no material difference in the meaning of the two texts.

25 Addition from B.

26 B here has an additional text:

Rebbi Mana said, what you want to prove from the first part [of the Mishnah] is stated in the later part, "if he ruled with the public and acted with the public, it is atoned for him with the public."

In this text, the quote of the same statement preceding the statement of R. Mana (II, student of R. Yose and R. Jonah) should be omitted.

משנה ג: אין חייבין אלא על העולם דבר עם שגגת המעשה וכן המשיח. ולא בעבודה זרה אלא על העולם דבר עם שגגת המעשה.

Mishnah 3: They²⁷ are liable only for forgetting a topic²⁸ with action in error; the same applies to the Anointed. Also for idolatry²⁹ only for forgetting a topic with action in error.

27 The High Court.

28 There must be an element of oblivion in their ruling; either forgetting a certain

law or that it applies in the given situation.

29 Since it was stated in *Halakhah* 1:8

that the special offerings required for the sin of idolatry follow the rules of the bull

required for all other infractions.

הלכה ג: אין חייבין אלא על העלם דבר כול'. רבי זעירא בשם רב ירמיה. מתניתא רבי מאיר או דייק רבי מאיר. אמר רבי יוסי. רבי מאיר דאמר. חובת בית דין היא. אמר רבי מנא כרבי מאיר. תני תמן. הורי בית דין ועשי קהל. מת אחד מבית דין פטורין. מת אחד מן הציבור חייבין. אמר להן רבי מאיר. אם לאחרים הוא פטר לא כל-שכן על עצמו. אמרו לו. פטור לאחרים שיש להן במה לתלות. ואל פטור לעצמו שאין לו במה לתלות. רבי ירמיה בעא קומי רבי זעירא. מה כרבי. אין. משיח בשיגגת מעשה הוא. ואין כרבנן. בהעלם דבר הוא. אמר רבי הונא. על רבנן נצרכה. שלא תאמר. משיח נעבדה זרה. רבי אמר. בשיגגת מעשה. ורבנן אמרין. בהעלם דבר. אמר מה לקל מה בגין דלא תנינו משיח. והא קדמיתא לא תנינו משיח ומשיח בכלל. וכן אף על גב דלא תנינו משיח משיח בכלל.

1 רב | רבי 2 מתניתא | מתניתא או דייק | הייך יוסי | יוסה 3 תני | תני 4 הציבור | הצבור להן | להם פטור | פטור על עצמו | לעצמו 5 לתלות | להתלות 6 אין. משיח בשיגגת | דרבי אמר משוח בשגגת 7 הונא | חייא תאמר | תימר 7 ורבנן | הרבנן מי לקל מה | לון 8 קדמיתא | קדמייתא וכא | והא תנינה לא תנינו משיח ומשיח בכלל ובא

Halakhah 3: “They are liable only for forgetting,” etc. Rabbi Ze’ira in the name of Rav Jeremiah. The Mishnah³⁰ is Rabbi Meir’s or has inferences like Rabbi Meir³¹. Rabbi Yose said, Rabbi Meir who said, it is an obligation of the Court. ³²Rabbi Mana said, following Rabbi Meir. There, it was stated: If the Court ruled and the public acted. If a member of the Court died, they are not liable. If a member of the public died, they are liable. Rabbi Meir told them, if he relieves others of their liability, not so much more for himself? They told him, he can relieve others of their liability since they have where to hang on; he cannot relieve himself of liability since he has nothing to hang on.

Rabbi Jeremiah asked before Rabbi Ze’ira: Maybe following Rabbi? If³³ the Anointed, error in action it is. But if the rabbis, oblivion of a topic it is. Rabbi Huna³⁴ said, it was needed for the rabbis. That you should not say, the Anointed and idolatry: Rabbi said, in acting in error; the rabbis said, in forgetting a topic. He said []³⁵, because we did not state about the Anointed. But in the former³⁶, we did not state about the Anointed but the Anointed is included, and here, even though we did not state about the Anointed, the Anointed is included.

30 The spelling in B is a scribal error.

31 It is difficult to make sense of this statement. The version of B is straightforward: "Which R. Meïr?" Meaning, which statement of R. Meïr fits the Mishnah? The answer to this question is given by R. Yose. Since the Mishnah refers to the Court's, not to the public's monetary responsibility, it must accept R. Meïr's position which, being formulated as anonymous doctrine, becomes practice.

32 This text is from Halakhah 1:8, Notes 185-188. (There, R. Ze'ira reports in the name of a Sage whose identity is not clear.)

33 There is a lacuna in the text which must be filled by the text of B:

[Does it follow Rabbi, for Rabbi said,] the Anointed refers to the case of action in error, but for the rabbis, it refers to forgetting a topic.

In contrast to the Mishnah, which for the High Priest as for the Court requires both an element of oblivion and acting in error, Rabbi points out that for the Court, the forgetting is the Court's but the action in error is the public's. Rabbi compares the status of the High Priest to that of the Court. Since for general errors the Mishnah states that the same rules apply

to the High Priest as to the Court, the argument must be about the sin of idolatry where the High Priest is not mentioned. The rabbis note that the High Priest does not have the status of the Court vis-a-vis the public; his rulings are private, not public actions. Therefore, he cannot be held responsible unless he act. They do not deny that an element of oblivion is required to trigger the obligation of the purification sacrifice.

34 The reading "R. Huna", a student of R. Jeremiah, is preferable to the reading of B: "R. Hiyya", the teacher of R. Ze'ira.

35 The text of the ms., "what for easy what" seems corrupt. It is better to follow the reading of B: "He said to them, why? Because ... ". The Anointed is not mentioned in the last sentence of the Mishnah, but this does not mean that the rule given there does not apply to him.

36 In Mishnah 2, in the last sentence about idolatry the High Priest is not mentioned but everybody agrees that it also applies to him; so the parallel sentence in Mishnah 3 also must apply to him. The Mishnah strictly follows the rabbis, not Rabbi.

(fol. 46b) **משנה ד:** אין חייבין אֶלָּא על דָּבָר שֶׁזָּדוֹנוֹ כָּרַת וְשִׁגְגָתוֹ חֲטָאת וְכֵן הַמָּשִׁיחַ. וְלֹא בְעִבּוּדָה וְזֶה אֶלָּא על דָּבָר שֶׁזָּדוֹנוֹ כָּרַת וְשִׁגְגָתוֹ חֲטָאת:

Mishnah 4. They²⁷ are liable only for something which when intentional is punishable by extirpation³⁷ and when unintentional by a purification sacrifice³⁸. The same applies to the Anointed. Also for idolatry²⁹ only for

Text of B

37 These are enumerated in the first Chapter of Tractate *Keritot*.
38 This excludes violations of *sanctia* which require a different kind of sacrifice as described in *Lev. 5*. Cf. Mishnah 5. There remain 31 topics for which High Priest or Court may be required to sacrifice a bull.

35

מעניי מעניי מה מעניי שנאמר להלן משיח בשגגת המעשה הוא אף מעניי שנאמר כאן בשגגת המעשה הוא לפום כן לא דריש רבי מעניי מעניי אמר רבי יוסה אין ידרוש רבי מעניי מעניי מה מעניי שנאמר להלן דבר שיש בו מיתת בית דין אף מעניי שנאמר כאן דבר שיש בו מיתת בית דין לפום כן לא דריש רבי מעניי מעניי ולית סופיה רבי מדרוש מעניי מעניי דלכו מנן ליה היחיד והנשיא והמשיח לא מעניי מעניי אמר ר' חנינא דלכו מנן ליה עד שיוירו לבשל מקצת ולקיים מקצת לא מעניי דל כן מנן ליה הורית בית דין גדול הורית בית דין קטן לאו מעניי מעניי אמר רבי חנינא קומי רבי מנא. ולית סופיה דרבי מדרוש מעניי מעניי אמר ליה מה את בעי מרבי רבי כדעתיה דרבי אמר משיח בשגגת מעשה הוא ואין כתיב ודון שגגה ליחיד אלא בית דין בלבד אותו מיטע קרבנו למצוה יחידית שלא יכנס מדמו לפניו מה כרבי דרבי אמר משיח בשגגת מעשה הוא ואין כרבנו העולם דבר הוא אמר ר' הונא על רבנו נצרכה שלא תימר הואיל והוא בהכרת יכנס דמו לפני לפניו לפום כן צריך מימר אותו מיטע קרבנו למצוה יחידית שלא יכנס דמו לפניו.

Halakhah 4: “They are only liable for something which when intentional is punishable by extirpation,” etc. ³⁹*The commandments of the Eternal*⁴⁰. I could think that this also includes those who eat abominations and crawling things. ⁴¹It says here *from the eyes* and it says there *from the eyes*. Just as *from the eyes* mentioned there means something which is punished by extirpation in case of intentional sin⁴² and needs a purification sacrifice for an inadvertent sin, so *from the eyes* mentioned here means something which is punished by extirpation in case of intentional sin and needs a purification sacrifice for an inadvertent sin. Or since *from the eyes* mentioned there means something that can lead to the death penalty, so *from the eyes* mentioned here should mean something that can lead to the death penalty⁴³?

⁴⁴Rebbi Yose ben Hanina said, from a place where all incest prohibitions were taken as one set [of sins] causing extirpation, the (married woman) [father’s wife] came out to tell you about the bastard.

⁴⁵Rebbi said *over which, over her*. Since *over her* mentioned there refers to something which is punished by extirpation in case of intentional sin and needs a purification sacrifice for an inadvertent sin, so *over which* mentioned here means something for which one is punished by extirpation in case of intentional sin and needs a purification sacrifice for an inadvertent sin. Why does Rebbi not infer from *from the eyes, from the eyes*?

⁴⁶[Rebbi Ze’ira said: If Rebbi would infer from *from the eyes, from the eyes*, then *from the eyes* mentioned there for the Anointed refers to action

in error; also *from the eyes* mentioned here would have to refer to action in error. Therefore, Rabbi will not infer from *from the eyes, from the eyes.*]

Rebbi Yose said: If Rabbi would infer from *from the eyes, from the eyes*, then since *from the eyes* mentioned there means something that can lead to the death penalty, so *from the eyes* mentioned here means something that can lead to the death penalty⁴⁷. Therefore, Rabbi does not infer from *from the eyes, from the eyes.* (Does Rabbi not have a book) [Will Rabbi not in the end have]⁴⁸ to infer *from the eyes, from the eyes?*

⁴⁹For if it is not so, from where would we have the rules for the individual, the chief, and the Anointed? Not from *from the eyes, from the eyes?*

⁵⁰For if it is not so, from where would we have “unless they ruled to eliminate part and to confirm part”? Not from *from the eyes, from the eyes?*

For if it is not so, from where would we have [the difference between] a ruling of the High Court and a ruling of a lower court⁵¹? Rebbi Hanania⁵² said before Rebbi Mana: Would not Rabbi in the end have to infer from *from the eyes, from the eyes?* He told him, what do you want from Rabbi? Rabbi follows his own opinion, since Rabbi said, the Anointed refers to action in error. Intentional error is only written for the Court⁴⁶.

⁵³*It.* It specifies about his sacrifice that for the singular commandment its blood should not be brought into the Sanctuary. Does this follow Rabbi, as Rabbi said, the Anointed refers to action in error; if it would follow the rabbis, there must be an instance of forgetting. (Rav) [Rebbi]⁵⁴ Huna said, it was needed for the rabbis. Lest you say, because there is extirpation⁵⁵ its blood should be brought into the Sanctuary. Therefore, it was necessary to say *it*, it specifies his sacrifice that for the singular commandment its blood should not be brought into the Sanctuary.

39 Cf. *Yebamot* 4:15, Notes 219-227.

40 Since the introduction to the rules of purification sacrifices, *Lev.* 4:2, seems to prescribe such a sacrifice for *all the Commandments of the Eternal*, it needs an argument why in all four cases (the High

Priest, the High Court, Prince, and commoner) simple transgressions are excluded.

41 Cf. *Halakhah* 1:8, Notes 145 ff. Here also one compares the transgressions for which the Court has to bring a bull to the

sin of idolatry for which a bull and a goat are required.

42 The punishment for idolatry in the absence of witnesses or warning.

43 The punishment for idolatry if there are witnesses for warning and deed.

44 This is a wrong quote from *Yebamot* (Note 220). The father's wife who is not the mother is forbidden in *Deut.* 23:1 (in addition to *Lev.* 18:8, 20:11). The bastard is mentioned in *Deut.* 23:3; it is inferred that the bastard is a child from a forbidden union exemplified by the father's wife.

One may assume that the intended quote from *Yebamot* was the answer given there to the question: "R. Yose ben Hanina said, from the place from which idolatry was singled out to teach about all who are subject to extirpation (*Num.* 15:31), there was no mention of anything but extirpation (*Num.* 15:30-31). But the death penalty is written elsewhere (*Lev.* 20:2, *Deut.* 17:5)." (Note 226).

45 Babli 8a, *Yebamot* 9a. In *Lev.* 4:14, speaking of the Court's sacrifice, it is said, *and the sin became known concerning which (עֲלֵיָהָ) they had sinned.* In *Lev.* 18:18 one reads: *Do not marry a woman in addition to her sister, to make them co-wives, to uncover her nakedness over her (עֲלֵיָהָ) during her lifetime.* *Lev.* 18:29 is a blanket warning that all sexual crimes mentioned in the Chapter are punishable by extirpation. The wife's sister is not mentioned in the list of punishments in *Lev.* 20. Therefore this is a reference only to divine extirpation; even with witnesses and due warnings no death penalty is involved (*Sanhedrin* 7:5,

Note 78).

46 Text found only in B. Since the argument of R. Ze'ira is identical to that of R. Mana (student of R. Ze'ira's student), the text is suspect. In Halakhah 3 it was established that Rabbi requires the High Priest to bring a sacrifice for an erroneous action even without an element of oblivion. If Rabbi would accept transfer of the argument of Halakhah 1:8, Notes 165ff. to the problem here, he would have to hold that the same applies to the Court. But since forgetting is mentioned in the verse speaking of the Court, this would disprove his thesis. Therefore, Rabbi cannot accept the application of the argument of Halakhah 1:8 to the problem of Mishnah 2:4.

47 He accepts the question (Note 43) as valid.

48 The text in parentheses is from the ms., the one in brackets from B. It seems that the ms. text is a scribal error.

49 Text of the ms. Since Rabbi only denies that for the High Priest's offering an element of oblivion is necessary, for all others he accepts the reasoning of *Sifra Wayyiqra* 2 *Parašah* 4(6) that from a comparison with the rules for unintentional idolatry it is established that both oblivion and unintentional action are needed. The connection is established by *from the eyes, from the eyes.*

50 Text of B. But in Halakhah 3, there is no reference to inferences from idolatry.

51 The fact that the court mentioned in *Lev.* 4 is the High Court is proven from *Num.* 15:24. The connection is established by *from the eyes, from the eyes.*

52 This is the correct attribution, not R. Hanina as in B.

53 *Sifra Wayyiqra 2 Parašah 3(7)*. The reference is to *Lev. 4:5: The Anointed Priest shall take of the bull's blood and bring it to the Tent of Meeting*. "To bring it" could have been expressed as וְהָבִיאוֹ, but it is given as וְהָבִיאוֹ. The choice of a separate word for "it" is read as emphasizing that precisely *this* blood is brought into the sanctuary, not blood of similar sacrifices. The one sacrifice similar to the bull of the High Priest and the one of the Court which follows the same rule (*Lev. 4:16*, where the language

is: *of the bull's blood*) is the bull offered for inadvertent idolatry. The latter is called "the singular commandment" both because it requires a rite of atonement different from all other commandments as also it is the only sin which in one act violates all commandments (cf. *Halakhah 1:6*, Note 135).

54 The text in parentheses is from the ms., the (correct) one in brackets from B. Cf. Note 34.

55 For idolatry which cannot be prosecuted in court for lack of eye witnesses or due warning.

מִשְׁנָה ה': אִין חִיבִין עַל עֲשֵׂה וְעַל לֹא תַעֲשֶׂה שְׁבִמְקֻדָּשׁ וְאִין מְבִיִּאִין אֲשֶׁם תְּלִי עַל עֲשֵׂה וְעַל לֹא תַעֲשֶׂה שְׁבִמְקֻדָּשׁ. אֲבָל חִיבִין עַל עֲשֵׂה וְעַל לֹא תַעֲשֶׂה שְׁבִנְדָה וּמְבִיִּאִין אֲשֶׁם תְּלִי עַל עֲשֵׂה וְעַל לֹא תַעֲשֶׂה שְׁבִנְדָה. וְאִי זֶה הִיא מִצְוַת עֲשֵׂה שְׁבִנְדָה פְּרוֹשׁ מִן הַנִּדָּה. וּמִצְוַת לֹא תַעֲשֶׂה לֹא תָבוֹא אֶל הַנִּדָּה:

Mishnah 5: They are not liable for a positive commandment or a prohibition in the Temple⁵⁶; one does not bring a suspended reparation sacrifice for a positive commandment or a prohibition in the Temple. But they are liable for a positive commandment or a prohibition about the menstruating woman⁵⁷; one brings a suspended reparation sacrifice for a positive commandment or a prohibition about the menstruating woman. What is the positive commandment about the menstruating woman? Separate from the menstruating woman⁵⁸. The prohibition, do not copulate with a menstruating woman⁵⁹.

56 At least not for any incorrect ruling regarding impurity in the Temple or of sacrifices. A private person who unintentionally violates any of those rules is required to offer a sacrifice, as

described in *Lev. 5*, whose value depends on the wealth of the offerer. The sacrifices prescribed in *Lev. 4* for the High Priest, the Court, the Prince, and private persons, all are of fixed value. It will be

argued that both the sacrifice of the Court as also “suspended” sacrifices, those offered for suspected sins, are possible only under circumstances in which the certainly sinning individual would be liable for a fixed-value offering.

57 That means any sin which if committed unintentionally requires a

fixed-value offering. The Mishnah does not refer to the standard example, eating prohibited fat, since there no positive commandment is involved.

58 As will be explained in the Halakhah.

59 A rather weaker statement than *Lev.* 18:19.

הלכה ה: ואין חייבין על עשה ועל לא תעשה שבמקדש כול. כהנא אמר. איפשר לשלם הנה בה ידיעה בתחילה וידיעה בסוף והעלם בינתיים. התיב רבי שמואל בר אבדימי קומי רבי מנא. ויהא כן במזורים. אמר ליה. אנו בעי נבנסין ואת מייתי לך מזורים. מאי קדון. אמר רבי שמואל בר רב יצחק. מצוות מצוות. מה מצוות שנאמר להלן בקבועה אף כאן בקבועה.

1 כהנא B כהנא אמ' B - איפשר B אפשר ש אי אפשר 2 היה | ש היתה בינתיים B בינתים התיב B אויב אבדימי B אבדמי ש אבדימי 3 מנא B מנא ויהא | ש ויהי במזורים | ש המזורים בעי B בעין ש בעי נכנסין B לכנסיה מזורים | ש מזרין מאי B מי 4 מצוות מצוות | ש מצות מצות מצוות | ש מצות בקבועה | ש בקבוע 5 בקבועה | ש בקבוע

Halakhah 5: “They are not liable for a positive commandment or a prohibition in the Temple,” etc. ⁶⁰Cahana said, is it impossible that there was knowledge at the beginning and knowledge at the end and oblivion in between⁶¹? Rabbi Samuel ben Eudaimon objected before Rabbi Mana: Could that be for the teachers⁶²? He told him, we have a problem with those entering and you bring us teachers? What about it? Rabbi Samuel bar Rav Isaac said, *commandments, commandments*. Since *commandments* mentioned there are about fixed-value [offerings], here also about fixed-value [offerings]⁶³.

60 This paragraph also is Halakhah 2:4 in *Ševuot* (ש).

61 He questions why it should be impossible to bring a suspended sacrifice for violating the Temple’s sanctity by impurity. In the introduction to the rules of the variable-value reparation offering (*Lev.* 5:3), one of the cases for such an offering is described as *or if he touch a human’s impurity, any impurity that make him impure, and it was hidden from him,*

and then he knew and was guilty. It is clear that causing damage by impurity is subject to a sacrifice only if there was knowledge of the impurity interrupted by a period of unawareness. Why should it be impossible that this condition be satisfied for one entering the Temple while impure?

62 Since the Mishnah is formulated for the Court, why can it not be read as addressing only the teachers of the law

but not all impure individuals? But for issuing a ruling a suspended reparation sacrifice is impossible; therefore, the Mishnah refers not only to the Court but to everybody.

63 The introduction to the rules of the suspended reparation sacrifice (*Lev. 5:17*) reads: *But if a person sin, violating one of the commandments of the Eternal that are prohibitions; if he is unsure whether he be guilty and have to carry his sin.* The introduction to the rules of the fixed-rate

purification sacrifices of an individual reads: *But if a person of the people of the Land sin inadvertently, violating one of the commandments of the Eternal that are prohibitions, and is guilty.* The parallel language implies parallel rules; suspended sacrifices are possible only for suspected sins whose atonement would be covered by the rules of *Lev. 4*, not *Lev. 5*. A different argument with identical result is in *Sifra Wayiqra 2, Parašah 12(10)*.

46d line 8) וְאִין חֵיבִין עַל כָּל־מִצְוֹת עֲשֵׂה שְׁבוּעָה. אָמַר רַבִּי מִתְּנִיָּה. לֹא אֶתִּין מִתְּנִי אֶלָּא מִלֵּה דְמִיָּא לְמִלָּה. הִיךְ עֲבִידָא. נִכְנָס לְמִקְדָּשׁ טָמֵא חֵיב. נִכְנָס סְהוּר וְנִטְמָא. בָּא לוֹ בְּאַרוּכָה חֵיב וּבִקְצָרָה פָּטוּר. וְדִכְוֹתָהּ. הִיךְ מְשַׁמֵּשׁ עִם הַטְּמֵאָה חֵיב. הִיךְ מְשַׁמֵּשׁ עִם הַטְּהוֹרָה וְאִמְרָה לוֹ. נִטְמָאֲתִי. בָּא לוֹ בְּאַרוּכָה חֵיב וּבִקְצָרָה פָּטוּר. אִי זֶה הִיא קִצְרָה שְׁלֹו. יֵצֵן. 1 כל | - מתני | - 2 מילה דמיא למילה | מלה דמיא למלה 3 ובקצרה | בקצרה ודכותה | ודכותה 4 ובקצרה | בקצרה זו | זה שלו | שלא

But one never is liable for any positive commandment in the Torah⁶⁴! Rebbi Mattaniah said, we only came to state matters similar to the matter⁶⁵. How is that? If he entered the Temple impure, he is liable⁶⁶. If he entered pure but became impure, if he leaves on a long path he is liable, on a short one not liable⁶⁷. Similarly, if he was having sex with an impure woman, he is liable. If he was having sex with a pure one and she said to him, I became impure, if he leaves on a long path he is liable, on a short one not liable⁶⁸. What is his shortcut? He shall cool down⁶⁹.

64 Since the rules for purification sacrifices clearly say that they are for inadvertent violations of prohibitions. *Sifra Wayiqra 2 Paršeta 1(6)*.

65 The only positive commandments which can lead to the liability for a purification sacrifice are special obligations to take steps to avoid certain prohibitions. The only examples are impurity in the Temple and relations with a menstruating

woman; cf. Note 70.

66 There are many verses forbidding entry into the holy precinct to impure people, each one for a specific impurity. For impurity of the dead, the sufferer from skin disease, and the sufferer from gonorrhea *Num. 5:2* (taking together *Num. 19:20, Lev. 13:46, 15:15*); for the woman after childbirth *Lev. 12:4*. The general prohibition covering all impurities is *Lev.*

15:31 as noted in the next paragraph.

67 Babli *Ševuot* 14b. There and in *Nazir* 3:5 (Note 68) it is stated that the person noticing his impurity must leave in less time than is needed to prostrate himself.

68 The Babli, *Ševuot* 18a, last line in the

Wilna ed., objects to a time limit in this case while agreeing with the practice as explained in the next paragraph.

69 He must remain immobilized until his erection has disappeared.

(46d line 14) אִי זֶה הָיָה מְצוּת עֲשֵׂה שְׁבִנְדָה. אָמַר רַבִּי אֲבִין. וְהִזְרַתְּם אֶת-בְּנֵי-יִשְׂרָאֵל מִטּוּמְאָתָם. רַבִּי יוֹנָתָן שָׁלַח שְׁאֵל לְרַבִּי שְׁמַעוֹן בִּירְבִּי יוֹסִי בֶן לִקּוּנְיָא. אֲזַהֲרָה לְמַשְׁמֵשׁ עִם הַטְּמֵאָה מְנִיין. וְיִבְעָא כִּפְהָ מְזוּרֹק בְּתַרְיָה. אָמַר לֵיהּ. מִיָּלָא דְמִיִּינוּקִיָּא אֲמַרְיִן בְּכַנְשָׁתָא בְּכָל-יוֹם אֶתְ שְׁאֵל לֵי. וְאֶל-אִשָּׁה בְּנִידָת טוּמְאָתָה לֹא תִקְרָב לְגִלּוֹת עֲרוּתָהּ. אָמַר לֵיהּ. לֹא צָרִיכָה לֵיהּ הִדָּא. וְלִית צוֹרֶכָא דְלָא. הִנֵּה מַשְׁמֵשׁ עִם הַטְּמֵאָה חֵיב. הִנֵּה מַשְׁמֵשׁ עִם הַטְּהוֹרָה וְאֲמַרָה לוֹ. נְטִמְאָתִי. פִּירֵשׁ מִיד. מָהוּ שְׁיָהָא חֵיב. אָמַר לֵיהּ. אֲנָא וְאֶת צָרִיכָא לָךְ. נִצָּא לַחוּץ וְנִלְמַד. נִפְקִין וְשְׁמַעוֹן קָלִיהּ דְּתַנְיָא תַּנִּי כְּהָדָא דְחֻזְקָהּ. וְאִם שָׁכַב לְשֹׁבֵב אִישׁ אוֹתָהּ. אִין לִי אֶלָּא מַשְׁמֵשׁ עִם הַטְּמֵאָה חֵיב. הִנֵּה מַשְׁמֵשׁ עִם הַטְּהוֹרָה וְאֲמַרָה לוֹ. נְטִמְאָתִי. פִּירֵשׁ מִיד. מָהוּ שְׁיָהָא חֵיב. תִּלְמִיד לּוֹמֵר. וְתַנִּי נְדָתָהּ. וְאֶפְלִי פִירְשָׁה עָלֶיךָ נְדָתָהּ. מָה יַעֲשֶׂה. רַב הוֹשַׁעְיָה רַב וְהוֹדָה בְּשֵׁם שְׁמוּאֵל. יָצָן. לֹא הֵיכָן. אָמַר רַבִּי יוֹסִי. קוֹרָא אֲנִי עָלֶיךָ אֶל תִּקְרָב. אֵל תִּפְרוֹשׁ. קָרִיבָה פְּרִישָׁה. רַב הוֹנָא בְּשֵׁם רַב אֲבָא. כְּהָדָא הָאוּמָרִים קָרַב אֱלִיד אֶל-תִּגְעָה בִּי כִּי קִידְשִׁתִּיד. אָמַר רַבִּי זְעִירָא. יְהָא רֹאֵה אֶת הַחֶרֶב כִּילוּ מַחְתָּבָת בְּבִשְׂרוֹ. וְכָל-עַמָּא רַבִּי זְעִירָא. רַבִּי תַנְחוּמָא בְּשֵׁם רַב חִוְנָה. יְטוּחַ רָאשֵׁי עֶצְבֻּעוֹתָיו בְּכוֹתֵל וְיִהָא מִיָּצוֹן.

כְּתִיב וַתִּשָּׁב בְּאִיתָךְ קִשְׁטוֹ. רַבִּי שְׁמוּאֵל בְּרַחֲמִין. נִמְתַּחַה הַקִּשְׁט וְחִזְרָה. אָמַר רַבִּי אֲבִין. נִתְפָּאֵר זֶרַעוֹ וְנָצָא לוֹ בְּצִיפְרֵי נָדִי. וְנִפְּאֵר זֶרַעֵי נָדִי. רַב חִוְנָה בְּשֵׁם רַב מִתְנָה. תִּלְחָה עֵינָיו וְרָאָה אִיקוּנִין שְׁלָאֲבִין. מִיד הֵיכָן. מִידֵּל אֲבִיר יַעֲלֵב. אָמַר רַבִּי אֲבִין. אִף אִיקוּנִין שְׁלָחֵל רָאָה. מַשֵּׁם רָעָה אֲבִין יִשְׂרָאֵל.

1 אבין | אבון 2 מטומאותם | מטומאותם יוסי | יוסה לקוניא | לקוניא 3 הטמאה מניין | הנדה מניין ובעא | וטען מילא דמיינוקיא | מלה דמיינוקיה בכנשתא בכל יום | בכל יום בכנשתא 5 צריכה | נצרבא ולית | לית 6 מהו | הוא 7 נפקין | נפקון קליה | קריה דתניא | תניי שכב | שכוב איש | - אותה | אותה ותהי נדה עליו וטמא וגו' 9 מהו | מניין נדתה | נדתה עליו פירשה | פירסה עליו נדתה | נדתה עליו 10 בשם | - היצן | הצן יוסי | איסי 11 תפרוש | תפרש פרישה | פריסה 12 קידשתיך | קדשתיך זעירא | זעורא 13 ר' | רב יטוח | יטיח ויהא מיצן | והוא מצן 14 אבון | יצחק 16 שלאביו | של אביו יעקב אבין | בון

“What is the positive commandment about the menstruating woman?”
 Rabbi Abin said, *Keep the Children of Israel away from their impurities*⁷⁰.
 Rabbi Jonathan sent to ask Rabbi Simeon ben Rabbi Yose bar Lakonia, from where a warning for one having sex with an impure woman? He wanted to throw a stone after him; he told him, you are asking me something that children recite every day in the synagogue⁷¹: *To a woman in the separation of*

*her impurity you shall not come near to uncover her nakedness*⁷². He answered him, that is not my problem. My only problem is rather “if he was having sex with an impure woman, he is liable. If he was having sex with a pure one and she said to him, I became impure,” if he separates immediately, is he liable⁷³? He told him, I and you have the same problem. Let us go out and learn. They went out and heard the voice of a Tanna who stated following Hiskiah: *If lying a man will lie with her*⁷⁴. Not only that if he was having sex with an impure woman, he is liable. If he was having sex with a pure one and she said to him, I became impure, if he separates immediately, is he liable? The verse says, *her secretion shall be*⁷⁵, even if her secretion starts⁷⁵ with him. What should he do? Rav Hoshaia, Rav Jehudah in the name of Samuel, he shall cool down. If he did not cool down? Rabbi Yose said, for him I am reading *do not come near*⁷² as “do not separate”. Closeness is separation. Rav Huna in the name of Rav Abba: *Those who say, be close to yourself, do not touch me for I sanctified you*⁷⁶. Rabbi Ze’ira said, he should imagine that a sword is cutting into his flesh. Is everybody Rabbi Ze’ira? Rabbi Tanhuma in the name of Rav Huna: He shall press his fingertips on the wall, then he will cool down⁷⁷.

⁷⁸It is written: *His bow was sitting immobile*. Rabbi Samuel bar Nahman: his bow was spanned and relaxed. Rabbi Abun said, his semen spread out and came out from under his fingernails, *the arms of his hands were excited*. Rav Huna in the name of Rav Mattanah, he lifted his eyes, saw the picture⁷⁹ of his father, and cooled down immediately, *from the hands of the noble Jacob*. Rabbi Abin said, he also saw the picture of Rachel, *from there the shepherd, the rock of Israel*.

70 Lev. 15:31. The verse continues: *Lest they die in their impurities when they defile My abode which is in their midst*. This is the positive commandment not to defile the Temple. The verse concludes the chapters on impurities created by the human body (childbirth, skin diseases, male and female venereal diseases, menstruation, and sexual relations with a

menstruating woman). Therefore it also is the positive commandment regarding the menstruating woman and is interpreted to forbid sexual relations with a woman close to the expected onset of her menses. The question about the woman experiencing a discharge during sex must refer to an unexpected event. Babli Ševuot 18b, most of the paragraph.

71 Serving as elementary school under the system of compulsory elementary education instituted by Joshua ben Gamla.

72 *Lev.* 18:19.

73 As the Babli explains, interrupting the coition during an erection is pleasurable for the male and therefore forbidden under the circumstances. The end of the erection must precede the separation.

74 *Lev.* 15:24.

75 The rabbinic expression for the onset on the menses is פֶּרֶס נִדָּה, “breaking through”.

76 *Is.* 65:5. Also in the Babli the verse

is quoted in support of the interpretation of the root קרב as “to separate”.

77 Babli *Ševuot* 18a.

78 An explanation of the difficult verse *Gen.* 49:24 as describing Joseph’s reaction to the advances of Potiphar’s wife, as appendix on the difficulties of eliminating an unwanted erection. *Gen. rabba* 98(24).

79 Greek εἰκότιον. It would not be impossible to vocalize אֵיקוֹנִין. In B: “The picture of our father Jacob; immediately he cooled down.”

מִשְׁנָה ו: אֵין חֵיבִין עַל שְׁמִיעַת הַקּוֹל וְעַל בִּיטּוֹי שְׁפָתַיִם וְעַל טוּמְאַת מְקֹדֶשׁ וְקֹדֶשׁוֹ. וְהַנָּשִׂא כִּי־צִא בָּהֶם דְּבָרֵי רַבִּי יוֹסִי הַגָּלִילִי. רַבִּי עֲקִיבָה אוֹמֵר הַנָּשִׂא חֵיב בְּכוֹלֵן חוּץ מִשְׁמִיעַת קוֹל שֶׁהִמְלִיךְ לֹא דָן וְלֹא דִּנֵּן אוֹתוֹ לֹא מַעֲיֵד וְלֹא מַעֲיָדִין אוֹתוֹ:

Mishnah 6: They are not liable for hearing a sound, or expression of the lips, or the impurity of the Temple and its *sancta*⁸⁰. The same applies to the Prince⁸¹, the words of Rabbi Yose the Galilean. Rabbi Aqiba says, the Prince is liable for all of them except the hearing of a sound since the king does not judge, nor may one judge him; he does not testify, nor may one testify against him⁸².

80 As explained in the preceding Halakhah, the Court does not bring a sacrifice for a false ruling in a case subject to a sacrifice which depends on the wealth of the person. These are enumerated in *Lev.* 5:1-4; the Mishnah uses the biblical expressions to characterize the different categories.

“Hearing of a voice” refers to *Lev.*

5:1: *If a person sin, for he heard the sound of an imprecation when he is a witness, or saw, or knew; if he does not tell he has to bear his iniquity.* If a person is asked by another to testify in his case before the court; he refuses and assents to an oath to the effect that he does not know about the case, if that was a lie he is subject to the variable reparation offering for swearing falsely.

“Expression of the lips” (v.4) refers to an oath made by a person on his own initiative but not kept since he forgot about his own oath. This also subjects the maker to the same obligation.

Improper handling of impurity

because of oblivion is mentioned in vv. 2-3.

81 He is identified with the king.

82 Mishnah *Sanhedrin* 2:3. He extends the rules created for the non-Davidic kings to all kings.

37 (46d line) **הלכה ו:** אין חייבין על שמיעת קול אלה כול. אמר רבי יוחנן. טעמא דרבי יוסי הגלילי. ואם-דל הוא ואין דו-משנה. את שהוא ראוי לבוא לידי דלות. נצא משיח שאינו ראוי לבוא לידי דלות. רבי שמעון בן לקיש אמר. והיה כייאושם לאחת מאלה. את שהוא חייב על כולן חייב על מקצתו. ואת שאינו חייב על כולן אינו חייב על מקצתו. רבי יצחק שאל. מעתה לא יטמא בצרעת. שאינו ראוי בקלות וכן דלות וכן דלי דלות. רב הושעיה בעי. מעתה אשה לא תהא חייבת על ביאת המקדש. אין האשה מביאה. רבי יוסי בשם רבי יוחנן. טעמא דרבי עקיבה. זה קרבן אהרן ובניו. זה הוא מביא. אינו מביא עשירית האיפה אחרת. רבי זעירא בעא קומי רבי יסא. ואינו מביא נדבה. אמר ליה. אין. חובה אינו מביא נדבה הוא מביא. ביני מתניתא שהמלך לא מעיד ולא מעידין אותו:

2 לבוא | לבא שאינו | שאין 3 דלות | דלות התיב' והרי נשיא הרי אינו ראוי לבא לידי דלות 5 בקלות וכן | לבא 6 אין | שאין יוסי | יוסה 7 עקיבה | עקיבא האיפה | איפה 8 יסא | יוסה

Halakhah 6: “They are not liable for hearing the sound of an imprecation,” etc. Rabbi Johanan said, the reason of Rabbi Yose the Galilean is, *if he is poor and cannot afford it*⁸³. Somebody who is apt to fall into poverty; this excludes the Anointed⁸⁴ who is not apt to fall into poverty. [⁸⁵They objected: There is the prince who is not apt to fall into poverty.] Rabbi Simeon ben Laqish said, *it shall be if he becomes guilty of any of these*⁸⁶. He who can be liable for all of them is liable for part of them; but one who cannot be liable for all of them is not liable for part of them⁸⁷. Rabbi Isaac asked: Then he should not become impure by skin disease since he is not apt (easily and then) [to fall]⁸⁸ into poverty or the deepest of poverty⁸⁹. Rav Hoshia asked: Then a woman should not be liable for entering the Temple. Does the woman not bring⁹⁰?

Rebbi Yose in the name of Rabbi Johanan: The reason of Rabbi Aqiba, *this is the offering of Aaron and his sons*⁹¹. This one he brings; he does not bring another tenth of an *ephah*. Rabbi Ze'ira asked before Rabbi Yasa⁹² may he not bring a voluntary offering? He told him, yes. He does not bring an obligatory one; he may bring a voluntary one.

So is the Mishnah, ⁹³“since the king does not testify, nor may one testify against him.”

83 *Lev.* 14:21. This is a wrong quote since it refers to the sacrifice of the healed sufferer from skin disease. The expression used in *Lev.* 5 is לֹא־יָגִיעַ דָּרָךְ “if it is out of his reach” for the poor person and יָדָהּ לֹא־יָגִיעַ “if he cannot afford” for the poorest.

84 He is not mentioned in our Mishnah text, but Mishnah 8 states that the High Priest is exempt according to everybody; only for the king does R. Aqiba disagree; Babli 9a. According to Tosephta 1:10, the king is exempted only for disregarding a request for testimony and the High Priest for violations of impurity (since his diadem is a permanent atonement for imperfect sacrifices, *Ex.* 28:38.)

The High Priest is required (*Lev.* 21:10) to be the richest priest; if he is not, the other priests have to make him so. R. Joseph David Sinzheim (*Yad David* on *Horaiot*) notes that the High Priest had the choice always to officiate at the burning of incense. Any other priest was given only a once in a lifetime occasion for this (Mishnah *Yoma* 2:4) since presenting the incense made the presenter rich (explicit in the Babli, implicit in the Yerushalmi, *Yoma* Halakhah 2:4, 40a 12). The king natu- rally has taxing powers.

Since king and High Priest are never able to bring a sacrifice according to the rules of the poor (*Lev.* 5:7-10) or the very poor (vv. 11-13), they are prohibited from ever bringing a sacrifice depending on the offerer’s wealth.

85 Text of B. It seems that this text presupposes a Mishnah mentioning only the Anointed; no such Mishnah is known.

86 *Lev.* 5:5.

87 Since the king is exempt from testimony and the High Priest for violations of impurity (Note 84), neither of them is qualified to bring a sacrifice for all cases enumerated in vv. 1-4; they are not under the rules of vv. 6-7.

88 The text in brackets, from B, is the only one making sense; the text of the ms., in parentheses, seems to be a scribal error.

89 Since the verse quoted at the start of the Halakhah refers to the poor sufferer healed from skin disease. But there is no verse requiring that the sufferer from skin disease be able to bring all possible sacrifices; the question does not deserve an answer.

90 Since a woman cannot be a formal witness in court, she cannot be the subject of an imprecation forcing her to testify. But the question is moot since women after childbirth are ordered in *Lev.* 12:6-8 to bring a sacrifice after being impure.

91 *Lev.* 6:13, the daily flour offering of the High Priest, identical in quantity to the variable sacrifice of the very poor. Babli 9a.

92 This is the correct attribution, against the text of B.

93 The fact that he does not judge is irrelevant for our topic (and certainly not true for Davidic kings.)

(fol. 46c) **משנה ז:** כל מצות שבתורה שחייבין על זדוןן כרת ועל שגגתן חטאת היחיד מביא כשבה ושעירה והנשיא שעיר ומשיח ובית דין מביאין פר. ובעבודה זרה היחיד והנשיא והמשיח מביאין שעירה. ובית דין פר ושעיר פר לעולה ושעיר לחטאת:

Mishnah 7: For all commandments of the Torah where one is liable to extirpation for willful infraction and a purification sacrifice for unintentional infraction, the individual brings a sheep or a she-goat⁹⁴, the Prince a he-goat⁹⁵, and the Anointed or the Court bring a bull⁹⁶. For idolatry the individual, the Prince, and the Anointed bring a she-goat, the Court bring a bull as elevation offering and a goat as purification sacrifice⁹⁷.

משנה ח: אשם תלוי היחיד והנשיא חייבין ומשיח ובית דין פטורין. אשם ונדאי היחיד והנשיא והמשיח חייבין ובית דין פטורין. על שמיעת הקול וביטוי שפתיים וטומאת מקדש וקדשיו בית דין פטורין היחיד והנשיא והמשיח חייבין אלא שאין כהן גדול חייב על טומאת מקדש וקדשיו דברי רבי שמעון. ומה הן מביאין קרבן עולה ויורד. רבי אליעזר אומר הנשיא מביא שעיר:

Mishnah 8: For a suspended reparation sacrifice the individual and the Prince are liable but the Anointed and the Court are not liable⁹⁸. For a certain reparation sacrifice the individual, and the Prince, and the Anointed are liable but the Court is not liable⁹⁹. For hearing a sound, or expression of the lips, or the impurity of the Temple and its *sancta*, the Court is not liable, the individual, and the Prince, and the Anointed are liable¹⁰⁰ but the Anointed is not liable for the impurity of the Temple and its *sancta*, the words of Rabbi Simeon⁸⁴. What do they bring? A variable sacrifice. Rabbi Eliezer says, the Prince brings a goat¹⁰¹.

94 Lev. 4:28,32.

95 Lev. 4:23

96 Cf. Mishnaot 1:6, 2:1.

97 Num. 15:22-25.

98 Mishnah 5.

99 The reparation sacrifices for robberies or defrauding (Lev. 5:20-26), larceny of *sancta* (Lev. 5:14-16), the semi-

manumitted slave girl (Lev. 19:20-22), the *nazir* (Num. 6:12), and the healed sufferer from skin disease (Lev. 14:1-32). Since no extirpation is involved, the Court is not liable for a sacrifice in case they rule wrongly in one of these matters.

100 Mishnah 6.

101 This is qualified in the Halakhah.

(46d line 48) **הלכה ז:** כל מצות שבתורה כול. **הלכה ח:** אשם תלוי היחיד והנשיא חייבין כול. נקט. לרבות הנשיא. ירבה המשיח. בחטאה בשגגה. את שהוא בשגגת מעשה. יצא משיח

שְׁאִינוּ בְּשִׁגְגַת מַעֲשֶׂה. וְכַרְבִּי דוּ אָמַר מְשִׁיחַ בְּשִׁגְגַת מַעֲשֶׂה הוּא. אֵת שֶׁהוּא בְּשִׁגְגַת מַעֲשֶׂה לְכָל־הַדְּבָרִים. יָצָא מְשִׁיחַ שְׁאִינוּ בְּשִׁגְגַת מַעֲשֶׂה לְכָל־הַדְּבָרִים. נִפְשׁ. לְרִבּוֹת הַנְּשִׂיא וְהַמְּשִׁיחַ. הִכָּא אֵת מֵר. לְרִבּוֹת הַנְּשִׂיא. וְכָא אֵת מֵר. לְרִבּוֹת מְשִׁיחַ. כְּחֻטָּאת אִשָּׁם. מֵה חֻטָּאת מְכַפֶּרֶת וּמְמַלְקֶת. אִף אִשָּׁם מְכַפֵּר וּמְמַלְקֶה. יָצָא אִשָּׁם תְּלוּי שֶׁהוּא מְכַפֵּר וּמְשִׁיחַ.
2 הנשיא | את הנשיא ירבה | וריבה 3 הוא | - את | או 5 אשם | ואשם

Halakhah 7: “For all commandments of the Torah,” etc. **Halakhah 8:** “For a suspended sacrifice the individual and the Prince are liable,” etc. *A person*, to include the Prince¹⁰². Should it include the Anointed? “*And sinned inadvertently*.”¹⁰³ Any depending on acting inadvertently. This excludes the Anointed who is not depending on acting inadvertently¹⁰⁴. But following Rabbi who said, the Anointed is depending on acting inadvertently¹⁰⁵? One dependent on acting inadvertently in any situation. This excludes the Anointed who is not dependent on acting inadvertently in any situation. *A person*, to include the Prince and the Anointed¹⁰⁶. Here you say, to include the prince, and there you say, to include the Anointed? *Like the purification sacrifices is the reparation sacrifice*¹⁰⁷. Just as the purification sacrifice atones and wipes clean, also the reparation sacrifice atones and wipes clean. This excludes the suspended reparation sacrifice which atones but leaves a residue¹⁰⁸.

102 Lev. 5:17, the introduction to the rules for the suspended reparation sacrifice.

103 Lev. 5:15. There are two problems with this quote: The first that it is a misquote, it reads *בְּחֻטָּאתָּהּ בְּשִׁגְגָה* not *בְּחֻטָּאתָּהּ בְּשִׁגְגָה*. This is easily explainable since in talmudic times under the influence of Greek every ב sounded like v. The serious problem is that the quote is from the paragraph detailing the rules of the fixed reparation sacrifice for larceny committed with *sancta*. It seems that the quote from Lev. 5:17 refers to the full text *וְאִם־לֹפֶשֶׁת* in addition, if a person . . . which in *Sifra Wayyiqra* 2 *Parašah* 12(1) is explained as

meaning that the rules of the suspended reparation sacrifice, vv. 17-19 are an appendix to the rules of the reparation sacrifice for larceny involving *sancta*, vv. 14-16.

104 He is liable for a sacrifice only if there is an element of ruling falsely, Mishnah 3.

105 Halakhah 3. Rabbi declares him liable for a bull and a goat without an element of ruling falsely in case the subject was idolatry, not in any other case. This permits to formulate the preceding argument so it remains valid even for Rabbi.

106 Lev. 5:20, the introduction to the

rules for the reparation sacrifice for monetary offenses.

107 Lev. 7:7.

108 If at the end it becomes clear that a sin had be committed which qualifies for a purification offering, the suspended

offering did not take its place, and a second sacrifice is due. Therefore the rules for the suspended sacrifice are separate from those of other reparation sacrifices.

(46d line 55) כִּינִי מִתְּנִיתָ. אֶלֶּא שְׁאִין כְּהוּ גְדוֹל חֵיב עַל טוּמְאָת מִקְדָּשׁ וְקִדְּשִׁי. דְּבָרִי הַכֹּל. וְהַנְּשִׂא עַל שְׁמִיעֵת קוֹל. דְּבָרִי רַבִּי שְׁמַעוֹן. אָמַר רַבִּי יוֹחָנָן. וּמִן־הַמִּקְדָּשׁ לֹא יֵצֵא וְלֹא יִחַלֵּל. הָא אִם יֵצֵא אֵינוֹ מִחַלֵּל. רַבִּי אֲשִׁיָּאן רַבִּי יוֹנָה רַבִּי בּוֹן בֶּר כֶּהֱנָא מִקְשִׁי. וְהַכְּתִיב אֶלְמִנָּה וְגִירוּשָׁה וְיַחֲלֶלְהָ וְלֹא אֶת־אֵלֶּה לֹא יִקָּח. הָא אִם לָקַח אֵינוֹ מִחַלֵּל. מֵאֵי כְדוֹן. אָמַר חִזְקִיָּה. וְנִכְרְתָה הַנֶּפֶשׁ הַהוּא מִתּוֹךְ הַקֹּהֵל. אֵת שְׁקָרְבָנוּ שְׁוֵה לַקֹּהֵל. יֵצֵא מְשִׁיחַ שְׁוֵה קָרְבָנוּ לַקֹּהֵל. הַתִּיבּוֹן. הָרִי נִשְׂיָא לֹא שְׁוֵה קָרְבָנוּ לַקֹּהֵל. שְׁוֵה בְּיוֹם הַכִּיפּוּרִים. הָרִי אַחֲיו הַכֹּהֲנִים לֹא שְׁוֵה בְּיוֹם הַכִּיפּוּרִים. שְׁוֵה בְּשַׁעַר מִזְבֵּחַ הַשָּׁנָה. אָמַר רַבִּי יוֹדָן בֶּר שְׁלוֹם. שְׁוֵה בְּמִתֵּן דָּמִים בְּחוּץ. 2 קוֹל | הַקוֹל 3 אֲשִׁיָּאן | אֲשִׁיָּא 4 מֵאֵי | מֵאֵי אֲמַר | תִּנִּי 6 הָרִי | וְהָרִי שְׁוֵה | שְׁוֵה הָרִי | וְהָרִי 7 בֶּר | בֶּר

So is the Mishnah: “but the Anointed is not liable for the impurity of the Temple and its *sancta*, everybody’s opinion, and neither is the Prince for hearing a sound, the words of Rabbi Simeon.”¹⁰⁹ Rabbi Johanan said, and the Sanctuary he shall not leave, nor desecrate. Therefore, if he left, he would not desecrate¹¹⁰. Rabbi Ashian¹¹¹, Rabbi Jonah: Rabbi Abun bar Cahana found a difficulty. Is it not written, *a widow, or a divorcee, or a desecrated, a harlot, these he shall not marry*, therefore if he married he would not desecrate¹¹²? What about it? ¹¹³Hizqiah said, *this person would be extirpated from the community*¹¹⁴. One whose sacrifice is identical to that of the community. This excludes the Anointed whose sacrifice is not equal to that of the community¹¹⁵. They objected, is not also the Prince’s sacrifice not equal to that of the community¹¹⁶? It is equal on the day of Atonement¹¹⁷. But his brothers the priests are not equal on the day of Atonement! They are equal on the other days of the year¹¹⁸. Rabbi Yudan bar Shalom said, they are equal in that the blood is given outside¹¹⁹.

109 Babli 9a; Tosephta 1:10. The Babli 9b points out that there are three levels of variable sacrifices and the argument of Note 84 excludes only the sacrifice of the

very poor for the High Priest. In R. Simeon’s opinion, the High Priest is still liable at least for a poor man’s sacrifice for disregarding a summons to testify.

110 *Lev. 21:12*. The argument seems to be: If the High Priest does not leave the Sanctuary, he has no occasion to desecrate it. Therefore the verse is read as: *and the Sanctuary he shall not leave; he will not desecrate*. The implication would be that the High Priest not only is exempt from bringing a sacrifice (which is a dubious distinction since it denies him a means of atonement) but his infraction of the Sanctuary's purity does not need atonement.

111 A student of R. Jonah's. The reading of B, R. Joshua, referring to an Amora preceding R. Jonah by two generations, is impossible.

112 *Lev. 21:13*. The next verse gives the reason for the prohibition: So he may not desecrate his descendants. Since the child of a Cohen from a woman forbidden to him by the special rules of the priesthood is desecrated, R. Johanan's interpretation of v. 12 is shown to be unacceptable.

113 A slightly different version of the following is in the Babli, 9b.

114 *Num. 19:19*. The entire Chapter deals with the preservation of the purity of the Sanctuary (*Sifry Num. 129*).

115 By his office he is excluded from being one of the community. His sacrifice is either a bull or nothing; the sacrifice of a member of the community is the variable offering (a female sheep or goat, or two pigeons, or flour.)

116 It always is a goat.

117 On that day, the High Priest brings three sacrifices (*Lev. 16*) cf. Note 16. The first one for himself and his family; the second for his fellow priests and their families, and the third a double offering for the people. There the king (unless he is a usurping High Priest and king) is included with the people.

118 The lesser priests are subject to the rules of the variable value sacrifice.

119 On the Day of Atonement, only the blood of the first and third sacrifices are brought inside the Temple to purify the incense altar; the blood of the second sacrifice, the atonement of the priests, is sprinkled on the large outside altar like any other sacrifice. Similarly, the blood of the prince's purification sacrifice is treated like that of a commoner, to be sprinkled on the outside altar.

(46d line 65) אָמַר רַבִּי יוֹחָנָן. לֹא אָמַר רַבִּי לִיעֶזֶר אֶלָּא מִפְּנֵי כְּרִיתוֹ. רַב הוֹשַׁעְיָה בְּעֵי. מַעֲתָה אֶפִּילוּ בְּקוֹבְעָה. אָמַר רַבִּי יוֹנָה. מִיסְבוֹר סָבַר רַבִּי הוֹשַׁעְיָה שְׁנַעֲקָר מִכָּל-הַפָּרָשָׁה. אֶלָּא כִּהְדִּיט עָשִׂיר עֲבִיד לִיה רַבִּי לִיעֶזֶר. אִין כִּהְדִּיט עָשִׂיר עֲבִיד לִיה רַבִּי לִיעֶזֶר אֶפִּילוּ עַל שְׁמִיעַת קוֹל וְעַל בִּיטוּי שְׁפָתַיִם. דְּתַנִּי. לֹא נִחְלְקוּ רַבִּי אֶלְעָזָר וְחֻכְמַיִם עַל עַל שְׁמִיעַת קוֹל וְעַל בִּיטוּי שְׁפָתַיִם שְׁאִינוּ מִבֵּיא שְׁעִיר אֶלָּא שְׁעִירָה. וְעַל מָה נִחְלְקוּ. עַל טוּמְאַת מִקְדָּשׁ וְקִדְּשֵׁי. שְׂרָבִי לִיעֶזֶר אוֹמַר. הוֹאִיל וְהוּא בְּהִיכָרַת לָמָּה אִינוּ מִבֵּיא שְׁעִיר אֶלָּא שְׁעִירָה. הַתִּיבּוֹן. הָרִי מְשִׁיחַ וְעֲבוּדָה זָרָה הָרִי אִינוּ מִבֵּיא שְׁעִיר אֶלָּא שְׁעִירָה.

1 ליעזר | אליעזר הושעיה | הושעיה 2 בקבועה | כן בקבועה הושעיה | הושעיה 3 ליעזר | אליעזר (2X)
 4 קול | הקול ביטוי | בטוי אלעזר | אליעזר 5 קול | הקול ביטוי | בטוי 6 ליעזר | אלעזר בהיכרת |
 בהכרת למה | ולמה

Rebbi Johanan said, Rebbi Eliezer said this only because of his extirpation¹²⁰. Rebbi Hoshiaa asked: If so, then even for a fixed [sacrifice]¹²¹? Rebbi Jonah said, Rebbi Hoshiaa is of the opinion that he is uprooted from the entire paragraph; but Rebbi Eliezer treats him like a rich commoner¹²². Rebbi Mana said, if Rebbi Eliezer treats him like a rich commoner, then also for hearing a sound, or expression of the lips⁸⁰, as it was stated: Rebbi (Eleazar) [Eliezer] and the Sages did not differ about hearing a sound, or expression of the lips, that he does not bring a male goat but a she-goat¹²³. About what did they differ? About impurity of the Sanctuary and its *sancta*, where Rebbi Eliezer says since he is subject to extirpation why should he not bring a male goat instead of a she-goat¹²⁴? They objected: Is there not the Anointed in the case of idolatry where he does not bring a male goat but a she-goat¹²⁵.

120 Of all the sins calling for a variable sacrifice, only infractions of the purity of the sanctuary or of sacrifices are punished by extirpation. Therefore R. Eliezer lets him bring the fixed-value sacrifice prescribed for the Prince for all other cases of possible extirpation.

The entire paragraph has an inconclusive parallel in the Babli 9b.

121 If the argument of R. Johanan were correct, R. Eliezer also should require that the prince bring a he-goat, not a she-goat, as the fixed-value sacrifice required for inadvertent idolatry, against Mishnah 7.

122 R. Hoshiaa's argument is unacceptable since only R. Yose the Galilean denies the Prince any variable-

value sacrifice; we follow R. Aqiba who is granting him a sacrifice for any sin but freeing him from any obligation regarding a summons to testify.

123 In fact only for expression of the lips.

124 Since the king cannot become poor, he should not be under the rules of variable-value sacrifices.

125 Not only the Anointed but also the Prince are included in the rules for the individual inadvertently committing idolatry. Since there are no exceptions for the rules of *Num.* 15, the argument made for R. Eliezer does not hold. In addition,; the she-goat of *Lev.* 5 is a reparation sacrifice but his he-goat of *Lev.* 43 a purification sacrifice.