

כהן משיח שחטא פרק שלישי

(fol. 47a) **משנה א:** כהן משיח שחטא ואחר כך עבר ממשיחותו. וכן נשיא שחטא ואחר כך עבר מגדולתו. כהן משיח מביא פר. והנשיא מביא שעיר:

Mishnah 1: An Anointed Priest who sinned and then was removed from his anointed status, or a Prince who sinned and then was removed from his exalted status. The Anointed Priest brings a bull and the Prince brings a goat¹.

משנה ב: כהן משיח שעבר ממשיחותו ואחר כך חטא וכן הנשיא שעבר מגדולתו ואחר כך חטא כהן משיח מביא פר והנשיא כהדיוט:

Mishnah 2: An Anointed Priest who was removed from his anointed status and then sinned, or a Prince who was removed from his exalted status and then sinned: The Anointed Priest brings a bull and the Prince is like a commoner².

1 Since at the moment of the sin they became obligated for the sacrifices, a later change of status has no influence. The difference between ecclesiastical and political offices will become clear in Mishnah 2.

2 Again the moment of the sin determines the kind of sacrifice. Priestly offices follow the rule that "one rises in holiness; one does not descend;" the

former Anointed Priest remains in his status. He cannot officiate as Anointed Priest since another one holds the office; neither can he officiate as common priest since he may not descend in rank. The same is true for an unanointed High Priest. But a politician who loses his rank is free to run for any other office; his sacrifice is a female goat or sheep like everybody else's.

(47a) **הלכה א:** כהן משיח שחטא כול. **הלכה ב:** כהן משיח שעבר ממשיחותו כול. אמר רבי לעזר. כהן גדול שחטא מלקין אותו ואין מעבירין אותו מגדולתו. אמר רבי מנא. כתיב כי נזר שמו משחת אלהיו עליו אגן יי. כביכול מה אני בגדולתי אף אהרון בגדולתו. אמר רבי אבון. קדוש יהיה לו. כביכול אני בקדושותי אף אהרון בקדושתו. רבי חנינה כתובא רבי אחא בשם רבי שמעון בן לקיש. כהן משיח שחטא מלקין אותו בבית דין שלשלשה. אין תימר בבית דין שלכ"ג. נמצא עלמיתו ורידה לו. רבי שמעון בן לקיש אמר. נשיא שחטא מלקין אותו בבית דין שלשלשה. מה מחזירין ליה. אמר רבי חגי. מוטב דיעון מחזירין ליה דו קטלון ליה. שמע רבי יודה נשיאה וכעס. שלח גותיין למיתפש ית רבי שמעון בן לקיש. וערק בדא דמוגדלא.

וְאֵת דְּמָרֵינוּ בְּרָה דְּכֶפֶר חִיטָּיָא. סָלִיק רַבִּי יוֹחָנָן לְבֵית וּוְעָדָא. סָלֵק רַבִּי יוֹדָה נְסִינָא לְבֵית וּוְעָדָא. אָמַר לֵיהּ. לָמָּה לֵּית מָרִי אָמַר לוֹן מִיִּלְהָ דְּאוּרִינָא. שְׂרִי טַפַּח בְּחָדָא נְדִיהָ. אָמַר לֵיהּ. וּבְחָדָא נְדָא טַפְחִין. אָמַר לֵיהּ. לָאוּ. אִין לֹא בֶן לְקִישׁ לֹא. אָמַר לֵיהּ. לֹא. אָמַר לֵיהּ. וְאִנּוּ מִפְתָּחָא. אָמַר לֵיהּ. בְּרָא דְמוֹנְדָלָא. אָמַר לֵיהּ. אָנָּא וְאַתָּה נָפִיק לְקַדְמִיָּה. שְׁלַח רַבִּי יוֹחָנָן גְּבִי רַבִּי שְׁמַעוֹן בֶּן לְקִישׁ. עָתִיד לֵךְ מִיִּלְהָ דְּאוּרִינָא דְּנִשְׁיָא נָפִיק לְקַדְמָא. נָפִיק לְקַדְמוֹן. מַר. דִּיגְמָא דִּיכֹחֵן דְּמִי לְבָרִיכֹן. כִּד אָתָּא רַחֲמָנָא לְמַפְרָק יֵת יִשְׂרָאֵל מִמַּצָּרִים לֹא שְׁלַח לֹא שְׁלִיחַ וְלֹא מִלְאָךְ. אֱלֹא הַקְדוּשׁ בְּרוּךְ הוּא בְּעַצְמוֹ. דְּכֹתִיב וְעַבְדִּי בְּאַרְצִי-מִצְרַיִם בְּלִילָה הַזֶּה. וְלֹא עוֹד אֱלֹא הוּא וְכָל-דּוֹרְגוֹן דִּינִיהָ. אֲשֶׁר הִלָּךְ אֱלֹהִים אִין כְּתוּב כָּאֵן אֱלֹא אֲשֶׁר הִלְכוּ-אֱלֹהִים. אָמַרִין לֵיהּ. מַה חֲמִיתָה מִימּוֹר לֹן הָדָא מִיִּלְתָּא. אָמַר לוֹן. מַה אַתּוֹן סָבְרִין. מַה דְּחִיל מֵינְכוֹן הוּיָנָא מִנֵּעַ אוּלְפָּנִיהָ דְּרַחֲמָנָא. אָמַר רַבִּי שְׁמוּאֵל בְּרַב רַב יַחֲזֵק אֶל בְּנֵי כִּי לֹא טוֹבָה הַשְׁמוּעָה וְגו'. מַעֲבִירִים עִם-יִי. מַעֲבִירִין אוֹתוֹ.

Halakhah 1: “An Anointed Priest who sinned,” etc. **Halakhah 2:** “An Anointed Priest who was removed from his anointed status,” etc.

³Rebbi Eleazar said, if a High Priest sinned, one whips him but does not remove him from his elevated status. Rebbi Mana said, it is written: *For the crown of his God's ointment is on him, I am the Eternal*; if one could compare it, just as I am in My Greatness, so Aaron is in his greatness. Rebbi Abun said, it is written⁴: *Holy shall he be for you*; if one could compare it, I am in My Sanctity, so Aaron is in his sanctity. Rebbi Ḥanina the scribe, Rebbi Aḥa in the name of Rebbi Simeon ben Laqish: if an Anointed Priest sinned, one whips him in a court of three [judges]. If you would say in a court of 23, his elevation would be his degradation. Rebbi Simeon ben Laqish said, if a patriarch sinned, one whips him in a court of three [judges]. Does one return him? Rebbi Haggai said, better if one did return him, he would kill them. Rebbi Jehudah the Prince heard this and became angry. He sent Goths to catch Rebbi Simeon ben Laqish. He fled to Magdala, some say to Kefar Hiṭṭim. Rebbi Johanan went to the assembly hall; Rebbi Jehudah the Prince also went to the assembly hall. He said to him, why is the master not telling us words of instruction? He started clapping with one hand. He asked, does one clap with one? He answered him, no, but without ben Laqish there is nothing. He said, no. He told him, I shall free him. He said to him, in Magdala. He told him, I and you will go out to meet him. Rebbi Johanan sent to Rebbi Simeon ben Laqish, prepare for yourself some words of instruction

since the Patriarch will go out to meet you. He went out to meet them and said, your example is similar to that of your Creator. For when the Merciful went to liberate Israel from Egypt, He sent neither messenger nor angel but He went Himself, as is written: *I shall pass through the Land of Egypt in that night, not only He but all His Court*. It is not written in this context “when Power went” but *when Powers went*⁵. They asked him, why did you say these things? He told them, what are you thinking? That for fear of you I would refrain from the teachings of the Merciful? As Rebbi Samuel ben Rav Isaac said, *No my sons, because the reputation is not good, etc., you remove the Eternal’s people*⁶, one removes him.

3 A slightly enlarged version of a paragraph in *Sanhedrin* 2:1, Notes 14 ff. The paragraph is missing in B, as in all similar cases it was added by later editors of the Babli from the Yerushalmi. Only the few added verses are indicated here. The additions are printed in a different

typeface. In a few places, the text here is slightly shortened.

4 Lev. 21:8.

5 2S. 7:23.

6 IS. 2:24. This quote is the gist of the entire sermon, missing in *Sanhedrin*.

משנה ג: חטאו עד שלא נתמנו ואחר כך נתמנו הרי אילו כהדיוט. רבי שמעון אומר אם נודע להם עד שלא נתמנו חייבין ומשנתמנו פטורין. ואי זה הוא הנשיא זה המקלף שנאמר ויעשה אחות מכל-מצות יי אלהיו נשיא שאין על גביו אלא ה' אלהיו. ואי זה הוא המנשיא זה המנשיא בשמן המשחה ולא המרוצה בבגדים.

Mishnah 3: If they sinned before being appointed; when afterwards they were appointed, they remain commoners^{1,7}. Rebbi Simeon says, if it became known to them before they were appointed, they are obligated; if after they were appointed they are not liable.

Who is the Prince? This is the king, as it is said⁸, *if he transgressed one of the commandments of the Eternal, his God*; a Prince who has none above him but the Eternal, his God.

And who is the Anointed? This is one anointed with the anointing oil, not one clothed in multiple garb⁹.

משנה ד: אין בין כהן המשוח בַּשֶּׁמֶן הַמִּשְׁחָה לַמְרוֹבֶה בְּגָדִים אֶלָּא פֶּר הַבָּא עַל כָּל הַמִּצְוֹת. וְאִין בֵּין כֹּהֵן מְשֻׁמֵּשׁ לְכֹהֵן שֶׁעֶבֶר אֶלָּא פֶּר יוֹם הַכִּיפּוּרִים וְעִשְׂרִית הָאִיפָה.

Mishnah 4: The only difference between the priest anointed with the anointing oil and the one clothed in multiple garb is the bull brought for all commandments¹⁰. And the only difference between an officiating High Priest and a deposed one is the bull of the Day of Atonement¹¹ and the tenth of an *ephah*¹².

משנה ה: זֶה נֶזֶה שְׁוִיין בְּעִבּוּדַת יוֹם הַכִּיפּוּרִים וּמִצְוִיין עַל הַבְּתוּלָה וְאַסּוּרִין עַל הָאֵלֶמְנָה וְאִינוּ מִיִּטְמְאִין בְּקִרְוֵיָהּ וְלֹא פּוֹרְעִין וְלֹא פּוֹרְמִין וּמִחֲזִירִין אֶת הָרוֹצֵחַ:

Mishnah 5: Both are equal in the office of the day of Atonement¹³, commanded about the virgin¹⁴, and prohibited for a widow¹⁵, and do not defile themselves for close relatives¹⁶, and may not let their hair grow¹⁷ or rend their garments¹⁸, and let the homicide return¹⁹.

7 For the purposes of this sacrifice.

8 Lev. 4:22.

9 Making the anointing oil was commanded personally to Moses (*Ex.* 30:25). All High Priests up to the time of king Josiah were anointed with it. Since that time, the oil was no longer available; it cannot be reconstituted. The later High Priests were inducted into their office by investiture with the High Priest's garments.

10 The rules about the High Priest's purification sacrifice explained in Chapter 2 became obsolete with the destruction of the First Temple and could be restored to validity only if a dig on the Temple Mount would recover the flask containing the original oil. The High Priests of the Second Temple had the status of commoners in this respect.

11 Which has to be acquired by the High Priest with his own money together with a goat (*Lev.* 16:3).

12 The personal daily offering of the High Priest, *Lev.* 6:12-16, of about 3.84 l of fine flour.

13 If the acting High Priest becomes impure or otherwise incapacitated, a former High Priest can replace him without special dedication. No common priest can perform any of the prescribed acts of the Day of Atonement.

14 *Lev.* 21:13. This applies only if the High Priest marries while High Priest. If he married a widow while a common priest, he still may be elevated to High Priest.

15 *Lev.* 21:14.

16 *Lev.* 21:11.

17 *Lev.* 21:10.

18 *Lev.* 21:10. These are forbidden as mourning rites.

19 *Num.* 35:25 (where anointing is mentioned), 32 (where anointing is not mentioned).

56) **הלכה ג:** חטאו עד שלא נתמנו כול'. חבריא אמרין טעמא דרבי שמעון. משם שהגדולה מכפרת. אמר רבי יוסי. שאין חטאו וידעתו שוין. מה מפקה מביניהון. רישא דפירקא. כהן משיח שחטא ואחר כך עבר ממשירותו. וכן נשיא שחטא ואחר כך עבר מגדולתו. כהן משיח מביא פרה והנשיא מביא שעיר: חטאו בספק. מאן דמר. משם שהגדולה מכפרת. כשם שהיא מכפרת על הנדאי כך היא מכפרת על הספק. מאן דמר. אין חטאו וידעתו שוין. אין חטאו וידעתו שוין. חטאו עד שלא נתמנו משנתמנו עברו. מאן דמר. משם שהגדולה מכפרת. כיפרה הגדולה על הראשון והיב על השני ועל השלישי. מאן דמר. אין חטאו וידעתו שוין. חטאו על שמיעת קול ועל ביטוי שפתיים ועל טומאת מקדש וקדשיו. מאן דמר. אין חטאו וידעתו שוין. הרי חטאו וידעתו שוין. מאן דמר. משם שהגדולה מכפרת. אפילו כן הגדולה מכפרת.

1 משם | כשם 2 יוסי | יוסה רישא | רישיה 3 ממשירותו | ממשירותו 4 מאן | מן משם | כשם 5 מאן | ומן 6 משנתמנו | ומשנתמנו מאן | מן 7 משם | כשם השיני | השני מאן | מן 8 קול | הקול 9 מאן | מן (2) משם | כשם

Halakhah 3 “If they sinned before being appointed,” etc. The colleagues say that the reason of Rabbi Simeon is because greatness atones²⁰. Rabbi Yose said, because his sin and his knowledge are not equal²¹. What is the difference²² between them? Referring to the beginning of the Chapter: “An Anointed Priest who sinned and then was removed from his anointed status, or a Prince who sinned and then was removed from his exalted status. The Anointed Priest brings a bull and the Prince brings a goat;” if there is any doubt whether they sinned. He who said, because greatness atones; just as it atones for the certain [sin] so it atones for the doubt. He who said, because his sin and his knowledge are not equal; his sin and his knowledge are not equal²³. If they sinned before they were appointed and after they were appointed they breached, for him who said, because greatness atones, greatness atoned for the first, but he is liable for the second and the third²⁴. For him who said, because his sin and his knowledge are not equal²⁵. If they sinned regarding hearing a sound, or expression of the lips, or the impurity of the Temple and its *sancta*, for him who said, because his sin and his knowledge are not equal, here his sin and his knowledge are equal²⁶. For him who said, because greatness atones, even in this case greatness atones²⁷.

20 As will become clear later (Note 29), it is not the high office which atones but the appointment to high office. This is the

Babli's interpretation of /S. 13:1, that Saul was 1 year old when he became king; his sins were remitted and he was

innocent like a one year old baby (*Yoma* 22b).

The colleagues are Rav Hanania and Rav Oshia, two Babylonians of the third generation of Amoraim who lived in Galilee but never held office there.

21 This is the only opinion mentioned in the Babli, 3a. Since the status of the individual at the moment of the sin determines the appropriate sacrifice, if later his status changes he is prevented from sacrificing.

22 Are there practical differences depending on which doctrine one chooses? Since only R. Simeon's opinion is discussed, it seems that the Yerushalmi accepts his as practice, as far as these rules have practical applications.

23 There is no practical difference between rulings based on the colleagues' or R. Yose's opinions.

24 The first case occurred before he was appointed, the second while he was in office, the third after he was removed from office. According to the colleagues,

the induction into exalted office cancels the previous sins; once he entered office no further benefits accrue; cf. Note 29.

25 No detail is given since the answer is complicated; the problem is taken up again in Note 64. There is no sacrifice possible if the status of the sinner has changed between the date of the sin and the realization that it happened. The only problem is that of a sin committed in stage 1 which becomes known in stage 3; whether or not a sacrifice is possible depends on the difference between R. Johanan and R. Simeon ben Laqish in 1:2, cf. there Note 74; cf. also the following Note 61.

26 A sacrifice of variable value is required in all three cases; for R. Simeon under the restrictions of Chapter 2, Note 84.

27 The complications discussed in Chapter 2 regarding the variable sacrifice become irrelevant by the elevation of a person to exalted status.

47a line 68) אָמַר רַבִּי מִתְּנִיָּה. לְעוֹלָם אֵין הַגְדִּילָהּ מִכִּפָּרֶת עַד שֶׁתִּיּוֹדַע לוֹ גְּדִילָתּוֹ. אֲכַל חֲצִי זֵית עַד שֶׁלֹּא נִתְּמַנָּה וְחֲצִי זֵית מִשְׁנֵתְמַנָּה. אֲפִילוּ בְּעֵלֶם אֶחָד פְּטוּר. סָפַק חֲצִי זֵית עַד שֶׁלֹּא נִתְּמַנָּה וְסָפַק חֲצִי זֵית מִשְׁנֵתְמַנָּה. מִבֵּיא אֲשֶׁם תְּלִי. מְצִינֵי דְּבָר עֵיקָרוֹ פְּטוּר סְפִיקוֹ חֵיב. וְלֹא אֲשַׁכְּחֵנוּ כֵּן. אֲכַל שְׁנֵי זֵיתִים וְנִתְּוֹדַע לָךְ בְּוֹדֵייוֹ שֶׁלֹּאֶחָד מֵהֶן. שְׁנֵי עֲמִיד לוֹ בְּסִפִּיקוֹ. רַבִּי יַעֲקֹב דְּרוֹמִיָּא בָּעָא קוֹמִי רַבִּי יוֹסִי. מַה נִּכְשָׁן. חֵלֵב אֲכַל כִּיפָר. אָמַר רַבִּי יוֹסִי. כָּל־דְּבָר שֶׁנִּרְאָה עָלָיו לְהֵבִיא אֲשֶׁם תְּלִי יֵדִיעַת סְפִיקָה קוֹבְעֶתוֹ לְחֻטָּאוֹ. הֲרִי מְצִינֵי דְּבָר עֵיקָרוֹ פְּטוּר וְסְפִיקוֹ חֵיב. וְכָא עֵיקָרוֹ פְּטוּר וְסְפִיקוֹ חֵיב.

1 מתניא | מתניא 2 גדולתו | שגגתו אפילו בעלם אחד פטור. ספק חצי זית עד שלא נתמנה וספק חצי זית משנתמנה | - 28 3 עיקרו | שעיקרו ספיקו | וספיקו 4 אשכחן | אשכחן אכל | אלא אכל ומתוודע לך בודייו | ונדע לו בודאי שני | את השני ספיקו | ספקו 5 דרומיאי | דרומיאי יוסי | יוסה (2X) כיפר | כפר שומן אכל כפר 6 ספיקה | ספקו ספיקו | ספקו 7 ספיקו | ספקו

Rebbi Mattania said: Greatness cannot atone (until his greatness becomes known to him) [unless his error became known to him.]²⁹ If he ate half the

volume of an olive before he was appointed and half the volume of an olive after he was appointed, even in one oblivion he is not liable³⁰. A doubt of half the volume of an olive before he was appointed and a doubt of half the volume of an olive after he was appointed: he brings a suspended reparation offering³¹. Do we find anything where for the actual offense he is not liable but for a doubt he is liable? We do not find this! If he ate the volume of two olives, the true nature of one of them became known to him, the other remained for him in doubt³². Rabbi Jacob the Southerner asked before Rabbi Yose: As you take it, if he ate forbidden fat, it atoned. [If he ate permitted fat, it atoned.]³³ Rabbi Yose said, anything which convinced him to bring a suspended reparation offering, the knowledge of the doubt establishes his transgression³⁴. So we find a case where for the actual offense he is not liable but for a doubt he is liable³⁵.

28 Omission because of homeoteleuton.

29 The text in parentheses is from L, the one in brackets is from B. It seems that the latter is the correct one. Since it was established in the preceding paragraph that in the opinion of the colleagues it is the act of elevation which wipes off earlier guilt, only those transgressions which are known to the person being elevated are being atoned for. The argument is also acceptable to R. Yose since once the transgression became known to the person, it determines the sacrifice which he is obligated to bring. If then his status changes, he might be prevented from ever bringing this sacrifice.

30 While the consumption of any forbidden food is sinful, the transgression is prosecutable, or if committed inadvertently requires a sacrifice, only if the amount consumed was at least the volume of an olive (except if one ate a

complete being, such as an ant.) All transgressions committed during one period of oblivion are added together, on condition that their accumulation result in one and the same sacrifice. But if his appointment changes the nature of the sacrifice, the partial transgressions cannot be added.

31 Since the appointment does not change the nature of the required suspended reparation sacrifice (except that the Anointed Priest is not liable for possible infractions relating to the purity of the Temple and its *sancta*.)

32 This now refers to anybody and is not subject to varying purification sacrifices. If he ate two different foods, for one it became known to him that it was forbidden, the other is only suspected of not being kosher. Then for the forbidden food he is liable to bring a purification sacrifice, for the suspected one a suspended reparation sacrifice. Bringing

a suspended reparation sacrifice implies an obligation to bring a purification sacrifice if it should become clear that a sin had actually been committed.

33 The text in brackets is from B; it makes for a smoother reading but one could argue that it is redundant.

R. Jacob's argument is that a second purification sacrifice (and possibly the suspended reparation sacrifice) should be unnecessary (and therefore impossible) since if the two kinds of food were both known to be not kosher and they were eaten in one period of oblivion, one purification sacrifice would be prescribed. If the second food turned out to be kosher,

no sacrifice would be needed.

34 The previous argument is rejected. The obligation of sacrifices is fixed at the moment the person realizes the sinfulness of his actions. Since at that moment, the status of the second food remained in doubt, it required a suspended reparation sacrifice. But a suspended reparation sacrifice carries with it the implicit obligation of a purification sacrifice in case the situation could be cleared up.

35 In case of a certain violation, one sacrifice would have been due. Because of the doubt, two or three are due now. The previous statement is disproved.

1 (47b line 1) אָכַל כְּזֵית עַד שֶׁלֹּא נִתְמַנָּה וְכֵזֵית מִשְׁנַתְמַנָּה. בְּהֶעֱלֵם אֶחָד אֵינוֹ חַיִּיב אֶלָּא אַחַת. סָפֵק כְּזֵית עַד שֶׁלֹּא נִתְמַנָּה וְסָפֵק כְּזֵית מִשְׁנַתְמַנָּה. בְּהֶעֱלֵם אֶחָד אֵינוֹ חַיִּיב אֶלָּא אַחַת. בְּשָׁנִי הֶעֱלִימוֹת חַיִּיב שְׁתֵּי.

3 העלימות | העלמות

אָכַל שְׁלֹשָׁה זֵיתִים וְסָבּוּר שֶׁהָיוּ שְׁנִים. הִפְרִישׁ חֲטָאת כְּדָרְבֵי יוֹחֲנָן. דָּרְבֵי יוֹחֲנָן אָמַר. נִתְכַּפֵּר מִקֶּצֶת הַחֵט נִתְכַּפֵּר כּוֹלּוֹ. רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ אָמַר. נִתְכַּפֵּר מִקֶּצֶת הַחֵט לֹא נִתְכַּפֵּר כּוֹלּוֹ.

1 וסבור | סבור כר' יוחנן | אחת כפר דר' | ר' 2 החט | החטא (2x)

אָכַל חֲמִשָּׁה זֵיתִים וְנִתְוַדַּע לוֹ בְּסָפֵק כָּל-אֶחָד וְאֶחָד. וְאַחֵר כִּף נִתְוַדַּע לוֹ בֵּית דִּין. רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ אָמַר. וְדִיעַת סָפִיקוֹ קוֹבַעְתּוֹ לְחֲטָאוֹ. רַבִּי יוֹחֲנָן אָמַר. אֵין וְדִיעַת סָפִיקוֹ קוֹבַעְתּוֹ לְחֲטָאוֹ. רַבִּי יוֹסִי בִּירְבִּי בּוֹן בָּשָׁם רַבִּי שְׁמוּאֵל בֶּר רַב יִצְחָק. מוֹדָה רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ בְּכֶהֱן מְשִׁיחַ שְׁאֵין וְדִיעַת סָפִיקוֹ קוֹבַעְתּוֹ לְחֲטָאוֹ. וְיָמָּה טָעַם. בְּחֲטָאת כְּאֶשֶׁם. אֵת שְׁהוּא מִבֵּיא אֶשֶׁם תְּלוֹי סָפִיקוֹ קוֹבַעְתּוֹ לְחֲטָאוֹ. וְאֵת שְׁאֵינוֹ מִבֵּיא אֶשֶׁם תְּלוֹי אֵין סָפִיקוֹ קוֹבַעְתּוֹ לְחֲטָאוֹ.

1 ונתוודע | ונתוודע | נתוודע | בית דין | בודאי 2 קובעתו | קובעת 3 קובעתו | קובעת יוסי | יוסי בשם | אמ' ר' שמעון בן לקיש | ריש לקיש 4 קובעתו | קובעת ומה | מה שהוא מביא | שמביא 5 קובעתו | קובעת

מִחֲלָפָה שִׁטְיָתִיהָ דְּרַבִּי שְׁמַעוֹן בֶּן לָקִישׁ. תַּמָּן הוּא אָמַר. וְדִיעַת סָפִיקוֹ קוֹבַעְתּוֹ לְחֲטָאוֹ. וְכָא אָמַר. אֵין וְדִיעַת סָפִיקוֹ קוֹבַעְתּוֹ לְחֲטָאוֹ. תַּמָּן אָשְׁמוּ קוֹבַעוֹ. וְכָא מָה אֵית לָךְ.

1 אמר | אמר 2 וכא אמ' | והא הוא אמר | קובעו | קובעתו

מחלפה שיטתיה דרבי יוחנן. תמן הוא אמר. נתכפר מקצת החט נתכפר כולו. וכא הוא אמר אכן. לא אמר רבי יוחנן אלא בידיעה אחרונה שאין בזה שום קרבן.
 1 אמ' | אומר החט | החטא וכא | והא 2 אמ' אכן | אומר הכן | אחרונה | האחרונה שום | חיוב

One ate the volume of an olive before he was appointed and the volume of an olive after he was appointed. If it was in one oblivion, he is liable only for one [sacrifice]³⁶. If the volume of an olive was in doubt before he was appointed, and the volume of an olive was in doubt after he was appointed, in one oblivion he is liable only for one, in two forgettings he is liable for two [sacrifices].³⁷

One ate the volume of three olives but was of the opinion that he ate only two. {He selected a sacrifice following Rabbi Johanan.³⁸} [If he selected one sacrifice, this atones.³⁹] For Rabbi Johanan said, if part of the sin was atoned for, all of the sin was atoned for. Rabbi Simeon ben Laqish said, if part of the sin was atoned for, not all of the sin was atoned for.

One ate five times the volume of an olive; he separately realized a doubt about each one. Afterwards it became known to him (in court) [as a certainty.⁴⁰] Rabbi Simeon ben Laqish said, the knowledge about his doubt determines his kind of transgression. Rabbi Johanan said, the knowledge about his doubt does not determine his kind of transgression⁴¹. Rabbi Yose bar Abun in the name of Rabbi Samuel bar Rav Isaac: Rabbi Simeon ben Laqish agrees that for the Anointed Priest the knowledge about his doubt does not determine his kind of transgression⁴². What is the reason? *Like purification offering, like reparation offering*⁴³. The knowledge about his doubt determines his kind of transgression for one who brings a suspended reparation offering. The knowledge about his doubt does not determine his kind of transgression for one who does not bring a suspended reparation offering.

The argument of Rabbi Simeon ben Laqish seems to be inverted. There he says, the knowledge about his doubt determines his kind of transgression. But here he says, the knowledge about his doubt does not determine his kind of transgression. There, his reparation offering determines it. Here what do you have⁴⁴?

The argument of Rabbi Johanan seems to be inverted. There, he said, if part of the sin was atoned, all of the sin was atoned. And here he says so? Rabbi Johanan said this only for the last realization which does not require any sacrifice⁴⁵.

36 The moment of realization of the transgression determines the kind of sacrifice required. Since the Anointed and the king are forbidden to offer the sacrifice of a commoner and vice-versa, only one sacrifice is possible.

37 Since a suspended reparation sacrifice is authorized for everybody, it can be offered both by a commoner and by an Anointed Priest or a king. But it was established earlier that elevation starts new obligations of sacrifices. Therefore, obligations of suspended reparation sacrifices before and after elevation cannot be combined.

38 Text of L.

39 Text of B. The two texts have the same meaning; B's is more easily understood. The Babli, *Šabbat* 71b, switches the attributions between RR. Johanan and Simeon ben Laqish.

For R. Simeon ben Laqish, the dedication of the sacrifice to atone for two infractions requires a new sacrifice for the third. For R. Johanan, the one sacrifice automatically is valid for the third also.

40 The text in parentheses is from L, the one in brackets from B. Since the testimony as to the occurrence of a sinful act by a single witness in court is sufficient to obligate the perpetrator for a sacrifice (even though a single witness is not admissible in any criminal procedure and may be contradicted by an oath in

civil proceedings) the text in parentheses has to be preferred as *lectio difficilior* while the meaning for the English reader is more easily understood from the text of B.

41 The problem discussed here has no direct connection with change of status; it applies as well to a commoner who progressively becomes aware of multiple transgressions of the same kind; *Ševuot* 2:1 (33d l. 10) Babli *Keritut* 18b, *Ševuot* 19b. The Babli finds here a tannaitic controversy. It was stated that the awareness of a transgression determines the obligation of a purification sacrifice, but the obligation of a suspended reparation sacrifice may cover separate incidents. The question then arises what are the obligations if the doubts about a single suspended reparation sacrifice are resolved on different occasions? (In the Babli, R. Simeon ben Laqish's opinion is attributed to Rabbi, that of R. Johanan to Rabbi's teachers R. Yose ben R. Jehudah and R. Eleazar ben R. Simeon.)

In the example, the doubt is whether he ate permitted or prohibited fat.

42 The paragraph is referred to in *Ševuot* 2:1.

Since the Anointed Priest is barred from bringing a reparation sacrifice, the knowledge of the doubt has no influence on his status.

43 *Lev.* 7:7. The verse appears in a

different context, i. e., that the technicalities of purification and reparation sacrifices are identical [*Sifra Saw Pereq* 9(1)]. In Maimonides's opinion, the quote here is an allusion, not a proof.

43 The origin of this paragraph is in *Ševuot* 2:1; therefore "there" means here, "here" means *Ševuot* 2:1. As explained in Note 42, information which does not imply any obligation for a sacrifice cannot influence any further such obligation. The problem discussed in *Ševuot* 2:1 refers to impurity of the Sanctuary, violations of which category are atoned for by a variable sacrifice (*Lev.* 5:1-13) and do not call for a suspended reparation sacrifice in case of doubt. Therefore, information of a doubt in this case does not imply any obligation for a sacrifice.

44 R. Simeon ben Laqish is not inconsistent. Here, he holds that the

moment which determines one's obligation for a reparation offering also determines the conditions for a future purification offering. But in *Ševuot* 2:1, the doubt arises about impurity of the Sanctuary which is not subject to a suspended reparation offering. There is no sacrifice which could define future obligations.

45 This paragraph also appears in *Ševuot* 2:1; its original place is here. In the case of three olives he holds that the supplementary information about the third olive is irrelevant since the purification sacrifice for the first two also covers the third. In the case of the volume of five olives, the supplementary information that he ate forbidden fat triggers the obligation of a purification sacrifice which did not exist before; it is relevant.

רבי יוסי (47b line 19) הכל מודין שאם היתה ראשונה קיימת שהיא נדחית. מה יעשה בה. רבי יוסי אומר. תלויה בכפרה. אומר רבי זעירא. כל-שלא נראית לא היא ולא דמיה מתה מיד.
1 מודין | מודים נדחית | נדחת יוסי | יסה 2 אמ' | אומר מתה | מיתה

Everybody agrees that if the first one was still in existence it is pushed aside⁴⁶. What should be done with it? Rabbi Yose said, it is suspended for atonement⁴⁷. Rabbi Ze'ira said, where neither itself nor its blood are usable it dies immediately⁴⁸.

46 In the case of three volumes of olive size R. Johanan asserts that if a sacrifice was brought for the first two before the person was informed of the third, no additional sacrifice is needed. But if the animal was only dedicated to atone for two and before it was slaughtered its owner was informed of the third, it is asserted that the dedication becomes

invalid and a new animal is needed even according to R. Johanan. (Therefore, a careful person will formally dedicate his animal at the last possible moment, just before entering the Temple precinct. An intention to use the animal, short of formal dedication, is no obstacle to using it for another purpose.)

47 It should be left to graze until it

develops a bodily defect or becomes too old to serve as sacrifice, then be sold and its proceeds used to buy the new purification sacrifice.

While both sources here read “R. Yose”, the only acceptable reading is that of L in the next paragraph, “R. Yasa”, of the generation of R. Ze’ira’s teachers. R. Yose was the student of R. Ze’ira’s

student R. Jeremiah.

48 He objects that the animal now has the status of a purification sacrifice whose owner’s sin was atoned for by another animal, which has to be left to die (Mishnah *Temurah* 2:2) since it can neither be redeemed, nor used, nor allowed to produce young which would perpetuate its impossible situation.

(47b line 21) אַכַּל חֲמִשָּׁה זֵיתִים וְנוֹדַע לוֹ בְּסַפִּיקוֹ מִשְׁנֵתִמְנָה וּבְבֵית דִּין מַעֲבֵר. עַל דְּעֵתִיָּה דְרַבִּי שְׁמַעוֹן בֶּן לִקְיֵשׁ פְּטוֹר. עַל דְּעֵתִיָּה דְרַבִּי יוֹחָנָן חֵיִיב. כֵּן אָמַר רַבִּי שְׁמַעוֹן בֶּן לִקְיֵשׁ לְפָטוֹר וְלֹא לְחַיֵּיב. אֲלֵא כִינִי. אַכַּל חֲמִשָּׁה זֵיתִים וְנִתְּנוּדַע לוֹ בְּסַפִּיקוֹ עַד שֶׁלֹּא נִתְּמַנָּה וְנִדְּיִי מִשְׁנֵתִמְנָה. עַל דְּעֵתִיָּה דְרַבִּי שְׁמַעוֹן בֶּן לִקְיֵשׁ דּוֹ אָמַר. דִּיעֵת סַפִּיקוֹ קוֹבָעֵתוֹ לְחֻטְאוֹ. דּוֹ אָמַר. חֵיִיב. עַל דְּעֵתִיָּה דְרַבִּי יוֹחָנָן דּוֹ אָמַר. אֵין דִּיעֵת סַפִּיקוֹ קוֹבָעֵתוֹ לְחֻטְאוֹ. דּוֹ אָמַר. פְּטוֹר. הַכֹּל מוֹדִין שֶׁאִם הָיְתָה רֹאשׁוֹנָה קִיָּמָת שְׁהִיא נִדְּחִית. מִה לַעֲשֹׂה בָּהּ. רַבִּי יִסָּא אָמַר. תְּלוּיָה בְּכַפְרָה. אָמַר רַבִּי זְעִירָא. כָּל־שֶׁלֹּא נִרְאִית לֹא הִיא וְלֹא דְמִיָּה מִתָּה מִיָּד.

1 וְנוֹדַע | וְנִתְּנוּדַע | בְּסַפִּיקוֹ | וּבְבֵית דִּין מַעֲבֵר | וּבְדִין מַשְׁעֵבֵר | 2 שְׁמַעוֹן בֶּן לִקְיֵשׁ פְּטוֹר | יוֹחָנָן חֵיִיב | יוֹחָנָן חֵיִיב | שְׁמַעוֹן בֶּן לִקְיֵשׁ פְּטוֹר וְלֹא | לֹא | 3 לְחַיֵּיב | לְחַיֵּיב כִּינִי | כִּי וְנִתְּנוּדַע | וְנִתְּנוּדַע בְּסַפִּיקוֹ | בְּסַפִּיקוֹ וְנִדְּיִי | וּבְדִין | 4 דּוֹ אָמַר | דָּאִמַר | סַפִּיקוֹ קוֹבָעֵתוֹ | סַפִּיקוֹ קוֹבָעֵת | דּוֹ | כֵּן | 5 סַפִּיקוֹ | סַפִּיקוֹ | דּוֹ | כֵּן מוֹדִין | מוֹדִים | 6 נִדְּחִית | נִדְּחִית יִסָּא | יוֹסֵה

If he ate five times the volume of an olive; the doubt became known to him before he was appointed (and in court) [as the certainty]⁴⁰ after he was removed⁴⁹. In the opinion of Rebbi Simeon ben Laqish he is not liable; in the opinion of Rebbi Johanan he is liable⁵⁰. Did Rebbi Simeon ben Laqish state to free from liability, not rather to insist on liability⁵¹? But it must be as follows: He ate five times the volume of an olive. The doubt became known to him before he was appointed; the certainty after he was appointed. Following the opinion of Rebbi Simeon ben Laqish who said, the knowledge about his doubt determines his kind of transgression, he must say⁵² that one is liable⁵³. Following the opinion of Rebbi Johanan who said, the knowledge about his doubt does not determine his kind of transgression, he must say that one is not liable⁵⁴.

Everybody agrees that if the first one was still in existence it is pushed aside⁴⁶. What should be done with it? Rebbi Yasa said, it is suspended for

atonement⁴⁷. Rabbi Ze'ira said, if neither itself nor its blood are usable, it dies immediately⁴⁸.

49 One now applies the preceding discussion to the Mishnah, following R. Simeon who insists that the status of the person at the moment at which he receives the information determines his liability.

50 In this interpretation, since according to R. Simeon ben Laqish the obligation of a suspended sacrifice implies that of the corresponding purification sacrifice, the prior obligation which was eliminated by the appointment is not re-instituted by removal from office. For R. Johanan the status of the suspended sacrifice is irrelevant for the purification offering. Since after removal the person is again under the rules of a commoner, his obligation is not changed.

51 Since the original statement of R. Simeon ben Laqish referred to a case where he is more restrictive than R. Johanan, it is inadmissible to quote him in

support of a more lenient position. In the case considered there is unanimity that for a transgression committed as a commoner, which could not have been atoned for while one was elevated, the original obligation of a purification sacrifice of a female sheep or goat is re-instituted.

52 The construction in L is rather awkward; that of B is more smooth, but this probably indicates that the text of B is Babylonized.

53 Since the obligation preceded the elevation it cannot be removed following R. Simeon.

54 Since the obligation of a purification sacrifice became known when the person was prohibited from offering a commoner's sacrifice, following R. Simeon the person is prevented from offering any sacrifice.

(47b line 31) אָכַל חֲצִי זֵית עַד שֶׁלֹּא נִתְמַנָּה וְחֲצִי זֵית עַד מִשְׁנִיתָמָנָה חֲצִי זֵית שֶׁעֲבַר. הוֹאִיל וּבֹא חֵיב קָרְבָּן בִּינְתֵימִים מִצְטָרְפִין. נִישְׁמָעִינָה מִן הַדָּא. הֵיוּ לְפָנָיו שְׁלֹשָׁה. אָכַל אֶת הָרִאשׁוֹן וְלֹא נִתְּוּדָע לוֹ. שֵׁנִי וְשְׁלִישִׁי הִעְלִימוּ שְׁקָרָאשׁוֹן. נִתְּוּדָע לוֹ עַל הָרִאשׁוֹן וְלֹא נִתְּוּדָע לוֹ עַל הַשֵּׁנִי. שְׁלִישִׁי בְּהִעְלָמָם שְׁלֹשִׁי. וְאַחֵר כִּד נִתְּוּדָע לוֹ עַל כּוֹלָהֶם. רַבִּי יוֹחָנָן אָמַר. חֵיב עַל הָרִאשׁוֹן וְעַל הַשֵּׁנִי וּפְטוּר עַל הַשְּׁלִישִׁי. אָמַר רַבִּי יוֹסִי. שֵׁנִי לְדַעְתּוֹ הַדָּבָר תָּלוּי. רָצָה מִתְּכַפֵּר לוֹ עַל הָרִאשׁוֹן. רָצָה מִתְּכַפֵּר לוֹ עַל הַשְּׁלִישִׁי. חֲבֵרִיא מְדַמֵּיָא לָהּ לְאַרְבָּעָה חֲצִי זֵיתִים. אִם הָיָה פִּיקֻחַ מִבֵּית קָרְבָּן אֶחָד. וְאִם לֹא מִבֵּית שְׁנֵי קָרְבָּנוֹת. הֵיךְ עֲבִידָא. מִבֵּית עַל הָרִאשׁוֹן וְעַל הַשֵּׁנִי אֶחָד. עַל הַשְּׁלִישִׁי וְעַל הַרְבִּיעִי אֶחָד. רַבִּי יוֹסִי מְדַמָּה לָהּ לְזֵיתִים שְׁלִימִים. אִם הָיָה פִּיקֻחַ מִבֵּית שְׁנֵי קָרְבָּנוֹת. וְאִם לֹא מִבֵּית אֶחָד. מִבֵּית עַל הָרִאשׁוֹן וְעַל הַשֵּׁנִי אֶחָד וְעַל הַשְּׁלִישִׁי וְעַל הַרְבִּיעִי אֶחָד. אִם הָיָה עַל הָאֲמָצְעִים פְּטוּר עַל הָרִאשׁוֹן וְעַל הַרְבִּיעִי. רַבִּי יוֹסִי מְדַמֵּי לָהּ לְזֵיתִים שְׁלִימִים. אִם הָיָה פִּיקֻחַ מִבֵּית שְׁנֵי קָרְבָּנוֹת וְאִם לֹא מִבֵּית

שְׁלֹשָׁה קֶרְבָּנוֹת. הִידְּ עֲבִידָא. מִבֵּיא עַל הָרֹאשׁוֹן וְעַל הַשֵּׁנִי אֶחָד וְעַל הַשְּׁלִישִׁי וְעַל הָרְבִיעִי אֶחָד. אִם הִבִּיא עַל הָאֲמֻצָּעִים חֵיב עַל הָרֹאשׁוֹן בְּפָנֵי עֲצָמוֹ וְעַל הָרְבִיעִי בְּפָנֵי עֲצָמוֹ.

1 חצי זית שעבר | וחצי זית משעבר | ובא | ולא בא | 2 בינתיים | בינתיים | נישמענה | נשמע | הדא | הדא
שלשה | שלשה זיתים | 3 נתודע | נתודע (X2) | שני ושלישי העלימו שלראשון | שני בהעלמו של ראשון
השני | השני | 4 בהעלמו שלשני | בהעלמו של שני | נתודע | נתודע | 5 השני | השני | יוסי | יוסי
לדעתו | לדעת זה הדבר | דבר | 6 חברייא מדמייא | חברייא מדמייא | חצי | חצי | זיתים | זיתים | 7 פיקח |
פיקח | שני | שני | 8 על | על | ר' יוסי מדמה לה לזיתים שלימים. אם היה 9 פיקח מביא שני קרבנות. ואם
לאו מביא שלשה קרבנות. היך עבידא. מביא על הראשון ועל 10 השני אחד ועל השלישי ועל הרביעי אחד | -
11 שלימים | שלימים | פיקח | פיקח | שני קרבנות | קרבן אחד | 12 שלשה | ב' אחד | -

⁵⁵If one ate half the volume of an olive before he was appointed, half the volume of an olive after he was appointed, half the volume of an olive after he was removed from office. Since [no]⁵⁶ obligation of a sacrifice came in between, do they combine? Let us hear from the following⁵⁷: Before him were three [olive sized pieces]⁵⁸. He ate the first but did not realize it; the second (and the third)⁵⁹ while he was oblivious of the first. He was informed of the first but was not informed of the second. [He ate] the third while oblivious of the second. Afterwards he was informed about all of them. Rabbi Johanan said, he is liable for the first and the second but not liable for the third⁶⁰. Rabbi Yose said, the second depends on his intention. If he wishes, he atones for it with the first; if he wishes, he atones for it with the third⁶¹. The colleagues compare it to four half-olives⁶². If he was intelligent, he brings one sacrifice; otherwise, he brings two sacrifices. How is that? He brings one for the first and the second together; one for the third and fourth together. (Rabbi Yose compares it to full olive sizes. If he was intelligent, he brings two sacrifices; otherwise, he brings three sacrifices. How is that? He brings one for the first and the second together, and one for the third and fourth together.)⁶³ If he brought for the middle ones, he is not liable for the first and the fourth⁶⁴. Rabbi Yose compares it to full olive sizes. If he was intelligent, he brings two sacrifices; otherwise, he brings three sacrifices. How is that? He brings one for the first and the second together, and one for the third and fourth together. If he brought for the middle ones, he is liable for the first separately and for the fourth separately⁶⁵.

55 A similar problem is treated in the Babli, 11a.

56 Text of B, necessary in the text.

Since no full olive-sized piece of forbidden food was eaten while the person was in his privileged appointed status, the

previous argument that the new obligation of sacrifices invalidates the old one does not apply. The question is raised whether the two unrelated episodes of a commoner's obligation can be added. In the Babli, the question remains undecided in principle.

57 Cf. Babli *Šabbat* 71b.

58 Text of B.

59 Text of L. It is preferable to delete it since if the second and third olives are eaten under similar circumstances, the remaining text of the statement becomes redundant.

60 When he became obligated for a purification sacrifice for the first piece, he did not know of his obligation for the second. Following R. Simeon, the obligation for the first piece and the future one for the second are incompatible. But if the information about the second and the third reaches him after the third had been eaten, one sacrifice covers both of them.

61 He disputes R. Johanan's interpretation of R. Simeon's position. Since the first and second pieces were eaten in ignorance, even if the information reached the perpetrator piecemeal, one sacrifice still may cover both. The argument for using one and the same sacrifice for the second and third pieces is the same as that given by R. Johanan.

62 He ate pieces 1,2,3,4 in a situation when while eating piece *i* he was informed about the forbidden character of piece *i*-2 but not yet about piece *i*-1. (If one of these numbers be 0 or negative, the relative information is void.) Then one sacrifice covers pieces 1 and 2 which were eaten in ignorance. But since at the time he was eating piece 3 he already was informed about piece 1, the sacrifice for 1 and 2 cannot be applied to 3. Since he was informed about 2 but not 3 when he ate 4, the last two pieces can be atoned for by one sacrifice.

63 This text, missing in B, is an intrusion of the later text into the current discussion; it should be disregarded.

64 The intelligent person will dedicate his sacrifice for pieces 2 and 3. Then 1 is a single half-olive which does not qualify for a sacrifice. The same holds true for 4. Since the information about 1 was available when 4 was consumed, 1 and 4 do not combine.

65 The situation contemplated by R. Yose is parallel to that considered by the colleagues but this time each of the pieces has the full volume of an olive. Then each piece itself qualifies for a sacrifice. The second best solution of the colleagues now becomes the best for R. Yose; their best now is the second best.

47b line 49) רבי יצחק שאל. אף באכילת פֿרסים כן. אמר רבי יוסי. כל־זה שאילתה דרבי יצחק לית היא כלום. וכתוב באכילת פֿרסים הדבר תלוי. אילו אכל חצי זית בתוך כדי פרס זה וחצי זית בתוך כדי פרס זה שפֿמא כלום הוא. אכל כמה זיתים וכמה פֿרסים בהיעלם אחד אינו חייב אלא אחת. רבנן דקיסרין אמרי. עד דין מדמה לה לחלבים ודמינה לשבת. אילו ארג חוט אחד בתוך כדי בגד זה וחוט אחד בתוך כדי בגד זה שפֿמא כלום הוא. ארג כמה

חוטין בכמה בגדים בהיעלם אחד אינו חייב אלא אחת. הרי בא חייב בקרבן בינתיים ותימר מצטרפין. אמר רבי אבון. תמן חייב בקרבן. ברם הקא קרבן.

1 פרסים | פרסיים יוסי | יוסה כל זה שאילתה | בלדה שאילתה 2 לית | ולית וכתוב | וכי פרסים | פרסיים פרס | אכילת פרס 3 פרס | אכילת פרס וכמה | בכמה 4 קיסרין | קסרין אמרי | אמרין דין | דמזמה | דמזמה ודמינה | דמינה 6 בהיעלם | בהעלם בינתיים | בינתיים 7 אבון | בון חייב בקרבן | חייב בקרבן קרבן | שינוי קרבן

Rebbi Isaac asked: Is it the same with the eating of half loaves⁶⁶? Rebbi Yose said, this question of Rebbi Isaac is nothing. (Is it written) [Does]⁶⁷ the matter depend on eating half loaves? If one ate the volume of half an olive during the time allotted for this half loaf and another volume of half an olive during the time allotted for that half loaf, is that anything⁶⁸? If one ate the volume of several olives during times allotted for several half-loaves in one oblivion, he is liable only for one [sacrifice]⁶⁹. The rabbis of Caesarea say, instead of comparing it to kinds of fat, why not compare it to [the laws of] Sabbath⁷⁰? If he wove a single thread for one cloth and a single thread for another cloth, is that anything? If he wove several threads for several pieces of cloth in one oblivion, he is liable only for one [sacrifice]. Was there not an obligation for a sacrifice in the meantime, and you say that they are counted together⁷¹? Rebbi Abun said, there it is about the obligation of a sacrifice; but here [a change]⁷² of sacrifice.

66 פֶּרֶס is the technical term for half a loaf of bread. (The punctuation פֶּרֶסִים is the ms.'s. The term is derived either from Hebrew פרס "to break bread" or Latin *pars* "part, share, portion" of food). The time needed to eat half a loaf serves as definition of the time needed for a minimal meal. For example, any person entering an infected house becomes impure (*Lev.* 14:46) but his garments also become a source of original impurity only if he stays there for a meal, i. e., the time needed to eat half a loaf (v. 47). Tosephta *Nega'im* 7:10 (Mishnah *Eruvin* 8:2) defines the loaf in question as baked from wheat flour in the volume of a third of a

qab. Halakhah *Terumot* 5:3 (Note 44) estimates a *modius*, 4 *qab*, as the volume of 96 eggs. This makes a פֶּרֶס a piece of bread baked from the volume of 4 eggs of wheat flour. The sources give no indication of a translation of this definition into terms of time.

Snacks eaten at times separated by more than the time needed to eat a *peras* must be counted as separate meals. Therefore, eating forbidden food triggers the obligation of a purification sacrifice only if the volume of an entire olive was eaten in the time needed to eat a *peras* (Mishnah *Keritot* 3:3).

67 The text in parentheses is from L, the

one in brackets from B. It seems that the scribe of L read וִי instead of וְיִ and unthinkingly interpreted כ' as the common abbreviation of כְּתִיב.

68 As explained in Note 56, no atonable sin was committed.

69 As explained before, if an atonable sin was committed, any number of sins corresponding to the same definition committed during one spell of oblivion are atoned for by one sacrifice.

70 This remark does not fit in here; it shows that the text was taken from *Šabbat* 1:1 (2b line 32 ff.) where R. Yose's (the Amora's) remark here is put in the mouth of R. Yudan (the Amora) to explain the opinion of R. Yose (the Tanna) about violations of Sabbath prohibitions. It is forbidden to transport goods from one place to another on the Sabbath. "Transporting" means taking up the goods, moving them from one domain to another, and unloading. If any of the three actions be missing, no prosecutable sin was committed. In addition, for each kind of goods the Mishnah specifies minimal amounts. If less than the amount specified was transported while the person was oblivious of the Sabbath, no purification offering is required. On the other hand, if any number of transports were executed within one period of oblivion, only one sacrifice is needed. R. Yose the Tanna then specifies that repeated transports of less than a minimal amount add up to an atonable sin only if the different pieces were transported between the same domains [*Šabbat* 1:1

(2b line 22), Babli *Šabbat* 80a, *Bava batra* 55b, *Keritut* 17a.] This is compared to the rules specifying purification sacrifices for eating pieces of forbidden fat. The rabbis of Caesarea object that there is no proof that the rules of the Sabbath be identical to the rules for other biblical prohibitions, but the rules detailed for transporting are paralleled by rules for other kinds of activities on the Sabbath. Mishnah *Šabbat* 13:1 states that weaving is forbidden and the threshold for an action requiring a purification sacrifice is weaving two threads. For the majority, weaving two threads in one oblivion triggers the obligation of a sacrifice, for R. Yose only if the two rows were added to the same piece of cloth.

71 Now one returns to the problem posed in the preceding paragraph, of the person who ate three half-olive sized pieces of forbidden fat while he was in different states for possible purification sacrifices. Is it possible to decide between R. Johanan on one side and R. Yose (the Amora) and the colleagues on the other? For the latter, it should make sense to combine the two pieces eaten while the person was a commoner. This is rejected, since the two states of commoner are separated by an interval in which the purification offering had to be different, everybody will agree that the three half sized pieces do not add up to one full sized piece.

72 Text of B, forgotten by the scribe of L.

47b line 59) אָבַל כְּזֹאת עַד שֶׁלֹּא נִתְמַנֶּה וְכִזְזִית מִשְׁנֵתִּמְנָה וְכִזְזִית מִשְׁעֶבֶר. עַל דַּעְתּוֹן דְּחִבְרִיָּא דִּינּוּן אָמְרִין. מִשָּׁם שֶׁהַגְדֻלָּה מְכַפֶּרֶת. כִּיפְרָה הַגְדֻלָּה עַל הָרָאוּשׁוֹן וְחִיב עַל הַשֵּׁנִי וְעַל הַשְּׁלִישִׁי. עַל דַּעְתִּיהָ דְּרַבִּי יוֹסִי דִּי אָמַר. אֵין חֲטָאוּ וְיִדְיַעְתּוּ שְׁוִין. חִיב עַל הָרָאוּשׁוֹן וְעַל הַשֵּׁנִי וּפְטוֹר עַל הַשְּׁלִישִׁי. אָבַל כְּזֹאת. סָפֵק עַד שֶׁלֹּא נִתְמַנֶּה סָפֵק מִשְׁנֵתִּמְנָה. סָפֵק עַד שֶׁלֹּא נִתְגַּיֵּיר סָפֵק מִשְׁנֵתִּגַּיֵּיר. סָפֵק עַד שֶׁלֹּא הִבִּיא שְׁתֵּי שְׁעָרוֹת סָפֵק מִשְׁהִבִּיא שְׁתֵּי שְׁעָרוֹת. מִבִּיא אֶשֶׁם תְּלוּי.

1 דעתון | דעתין | דחברייא | דחבריא 2 הגדולה | גדולה 3 יוסי | יוסה

From the start of line 4 to the end of the discussion, the text is missing in B. There is a Note: here is a lacuna "חסרון יש כאן".

If one ate the volume of an olive before he was appointed, the volume of an olive after he was appointed, and the volume of an olive after he was removed from office. In the opinion of the colleagues who say, because high office atones⁷⁰, the office atoned for the first and he is liable for the second and the third⁷³. In the opinion of Rabbi Yose who said, because his sin and his knowledge are not equal²¹, he is liable for the first and the second, but not liable for the third⁷⁴.

He ate the size of an olive. If it is in doubt whether he ate before he was appointed or after he was appointed⁷⁵, or whether it was before he converted or after he converted⁷⁶, or whether it was before he had grown two pubic hairs or after he had grown two pubic hairs⁶⁷, he brings a suspended reparation sacrifice⁷⁸.

73 As explained at the start of the chapter, it is not the high office but the appointment to high office which atones; the occupant of a high office is responsible for his actions like everybody else.

74 It is difficult to make sense of this statement. If the information became known in stage three, which seems to be the hypothesis, there can be no sacrifice for unresolved sins committed in stage 2. The only problem would be a sin committed in stage 1, for which a sacrifice in stage 3 was ruled out by R. Abun in the preceding paragraph. The author of this

paragraph seems to disagree with R. Abun.

75 In the first case, a purification sacrifice is needed but not in the second, both for the colleagues and R. Yose.

76 The Gentile is not required to observe biblical commandments except the Seven Noahide commandments. In no case is a purification sacrifice possible for an unconverted Gentile.

77 The child before puberty is not obligated for any commandment. It is his parents' duty to educate him in the observation of commandments, but a parent cannot bring a purification sacrifice

for any action of his child.

78 This means that a reparation sacrifice is required not only in case the criminality

of the act is in question but even if the possibility of a purification sacrifice is in doubt.

47b line 66) אָכַל סֶפֶק כְּזֵית וְאֵין יָדוּעַ אִם בְּיוֹם הַכִּיפּוּרִים אָכַלוּ אִם קֹדֶם יוֹם הַכִּיפּוּרִים אָכַלוּ. סֶפֶק כְּפָרָה כִּיפָר. אִם אִם בְּיוֹם הַכִּיפּוּרִים אָכַלוּ אִם לְאַחַר יוֹם הַכִּיפּוּרִים אָכַלוּ. חֲבֵרִיאָא אָמְרִין. סֶפֶק כְּפָרָה כִּיפָר. אָמַר רַבִּי מִתְנִיָּה. לְעוֹלָם אֵין סֶפֶק כְּפָרָה מִכֶּפֶר אֶלָּא עַל מִינֵי דְמִים. מִתְנִיָּתָא מְסִינָא לְחֲבֵרִיאָה. שֶׁבֶת יוֹם הַכִּיפּוּרִים וְעָשָׂה מְלָאכָה בֵּין הַשְּׁמָשׁוֹת. מָה נִפְשָׁד. יוֹם הַכִּיפּוּרִים הוּא כִּיפָר. חוֹל הוּא מוֹתֵר. וְהִתְנִי וְאָכַל. אָמַר רַבִּי יוֹסִי בְּרַבִּי בּוֹן. בְּאַכִּילַת הַיֵּתֶר.

If he ate a full olive sized piece⁸⁰ but there is doubt whether he ate it on the Day of Atonement or before the Day of Atonement. The atonement atones for the doubt⁸¹. Whether he ate it on the Day of Atonement or after the Day of Atonement. The colleagues say, atonement atones for the doubt⁸². Rabbi Mattaniah said, the atonement atones only for doubt of the kinds of blood⁸³. A Mishnah supports the colleagues: “Sabbath and the Day of Atonement and he worked in twilight.⁸⁴” As you take it, if it was the Day of Atonement, it atoned. If it was weekday, it is permitted. But did we not state “he ate”⁸⁵? Rabbi Yose ben Rabbi Abun said, eating permitted [food].

80 Kosher food, which only is forbidden on the Day of Atonement.

81 Cf. Chapter 1, Note 19.

82 If the food was eaten in the twilight at the end of the Day of Atonement and the next day already had started, no sin was committed (*Lev.* 23:32). If it still was the day of Atonement, doctrine is that in the absence of a scapegoat the end of the day provides the Atonement [*Yoma* 8:8 45c l. 15; *Sevuot* 1:9 33c l. 3, lacunary *Sanhedrin* 10:1 Note 34; *Tosefta Kippurim* 4:17].

83 R. Mattaniah holds that the Day of Atonement only eliminates a suspended reparation sacrifice which certainly was due. But in the case where the doubt

arises whether it was the Day of Atonement or not, there is no prior obligation and, therefore, it cannot be eliminated.

84 Mishnah *Keritot* 4:2. The Mishnah deals with a case which is impossible in our computed calendar, where the Day of Atonement was either Friday or Sunday and somebody was doing some forbidden work during the twilight between the days. R. Joshua, the overriding authority, holds that in this case no suspended sacrifice is due since one may assume that part of the work was done on the day of Atonement; this part of an unintended sin then is eliminated, leaving an incomplete work for the Sabbath which needs no

sacrifice (Note 60). This shows that the colleagues are correct in extending the power of the Day of Atonement.

85 The questioner thinks that the food in question was forbidden fat. In that case,

the Day of Atonement cannot eliminate the obligation of a suspended sacrifice for the following night. The answer is that in contrast to the cases considered earlier, one supposes that kosher food was eaten.

(47b line 74) אָכַל חֲמִשָּׁה זֵיתִים וְנִתְּוָדַע לוֹ בְּסָפִיקוֹ עַד שֶׁלֹּא נִתְּמַנָּה וּבִבִּית דִּין מִשְׁמַתְמָנָה. עַל דַּעְתָּיה דְּרַבִּי שְׁמַעוֹן בֶּן לָקִישׁ חֵיב. עַל דַּעְתָּיה דְּרַבִּי יוֹחָנָן פָּטוּר. כֵּן אָמַר רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ לְחֵיב וְלֹא לְפָטוּר. אֵלֶּא כִּינִי. אָכַל חֲמִשָּׁה זֵיתִים וְנִתְּוָדַע לוֹ בְּסָפִיקוֹ מִשְׁנֵתְמָנָה וּבִבִּית דִּין מִשְׁעָבֵר. עַל דַּעְתָּיה דְּרַבִּי שְׁמַעוֹן בֶּן לָקִישׁ דּוּ אָמַר. נִתְּכַפֵּר מִקְצֵת הַחֵט לא נִתְּכַפֵּר כּוּלּוֹ. דּוּ אָמַר. פָּטוּר. עַל דַּעְתָּיה דְּרַבִּי יוֹחָנָן דּוּ אָמַר. נִתְּכַפֵּר מִקְצֵת הַחֵט נִתְּכַפֵּר כּוּלּוֹ. דּוּ אָמַר. חֵיב. הַכֹּל מוֹדִין שֶׁאִם הָיְתָה רֹאשׁוֹנָה קִיּוּמָה נִדְּחִית. מֵה יַעֲשֶׂה בָּהּ. רַבִּי יִסָּא אָמַר. תִּלְמִיךָ בְּכַפֵּרָה. אָמַר רַבִּי זְעִירָא. כָּל־שֶׁלֹּא נִרְאִית לֹא הִיא וְלֹא דְמִיָּה מִתָּה מִיָּד.

If he ate five times the volume of an olive; the doubt became known to him before he was appointed, and (in court)⁸⁶ after he was appointed. In the opinion of Rabbi Simeon ben Laqish he is liable; in the opinion of Rabbi Johanan he is not liable⁸⁷. Did Rabbi Simeon ben Laqish state to insist on liability, not rather to free from liability⁸⁸? But it must be as follows: He ate five times the volume of an olive⁸⁹. The doubt became known to him after he was appointed; (in court)⁸⁶ after he was removed. Following the opinion of Rabbi Simeon ben Laqish who said, if the sin was partially atoned for it was not totally atoned, he must say⁴² that he is not liable⁹⁰. Following the opinion of Rabbi Johanan who said, if the sin was partially atoned for it was totally atoned, he must say that one is liable⁹⁴.

Everybody agrees that if the first one was still in existence it is pushed aside⁴⁶. What should be done with it? Rabbi Yasa said, it is suspended for atonement⁴⁷. Rabbi Ze'ira said, if neither it nor its blood are usable it dies immediately⁴⁸.

86 Cf. Note 30. It seems that one should read "its certainty".

87 Since R. Simeon ben Laqish holds that his status at the moment of the first notification determines his obligation for sacrifices (Note 43), he became obligated

for a purification offering. If now he is not a commoner, he is obligated for an exalted person's purification offering. For R. Johanan who disagrees (Note 44), the knowledge of the doubt does not determine the obligation when he is informed

of the certainty. Following R. Simeon, action and information referred to different status; no sacrifice is possible.

88 This is the reverse of the question asked in Note 41; in any case the argument is inconclusive since the exact position of R. Simeon ben Laqish is unknown.

89 Before he was appointed.

90 One does not argue directly from R. Simeon ben Laqiah's statement but from his argument, based on the principle stated, in the case of three pieces when he realized only that he had eaten two (Note 19). R. Simeon ben Laqish holds that the

moment of first information determines his status for sacrifices. Since he was informed of a transgression as a commoner when he was exalted and therefore prevented of bringing a sacrifice, had he then been informed of the certainty, the additional information reaching him after he reverted to commoner status cannot change the situation. R. Johanan, who in the situation of Note 29 extends the validity of the sacrifice, will allow the information reaching him as a commoner to determine the sacrifice due for an act committed as a commoner.

9) (47c line 9) מוֹדָה רַבִּי יוֹחָנָן שֶׁאִם הָיְתָה רֵאשׁוֹנָה קַיִמָּת שֶׁהִיא נִדְחִית. מֶה יַעֲשֶׂה בָּהּ. רַבִּי יִסָּא אָמַר. תְּלוּיָה בְּכַפֶּרֶת. אָמַר רַבִּי זְעִירָא. כָּל־שֶׁלֹּא נִרְאִית לֹא הִיא וְלֹא דְמִיָּה מִתָּה מִיָּד. מוֹדָה רַבִּי יוֹחָנָן שֶׁאִם הָיְתָה רֵאשׁוֹנָה קַיִמָּת שֶׁהִיא נִדְחִית. מֶה יַעֲשֶׂה בָּהּ. רַבִּי יִסָּא אָמַר. תְּלוּיָה בְּכַפֶּרֶת. לָפֹם כֵּן רַבִּי יוֹסִי בִּירְבִּי בּוּי הָיָה עָלֶיהָ. אָכַל חֲמִשָּׁה זֵיתִים וְנִתְּנָדַע לוֹ בְּרֵאשׁוֹן וּמִבֵּיא קָרְבָּן. בְּשִׁנֵּי וּמִבֵּיא קָרְבָּן. בְּשִׁלִּישִׁי וּמִקָּרִיב קָרְבָּן. בְּרִבְעִי וּמִקָּרִיב קָרְבָּן. בְּחֲמִשִּׁי וּמִקָּרִיב קָרְבָּן. רַבִּי יוֹחָנָן אָמַר. נִתְּכַפֵּר לוֹ בְּרֵאשׁוֹן שֶׁהוּא לִפְנֵי אֲכִילַת כּוֹלֵהֶם וְהִשָּׁאֵר יִפְלוּ לִנְדָּבָה. רַבִּי שְׁמַעוֹן בֶּן לָקִישׁ אָמַר. נִתְּכַפֵּר לוֹ בְּאַחֲרוֹן שֶׁהוּא לְאַחֲרֵי אֲכִילַת כּוֹלֵהֶם וְהִשָּׁאֵר יִדְחוּ. רַב חֲסִידָא וְרַב הִמְנוּנָא. רַב חֲסִידָא קָרְבִּי יוֹחָנָן. רַב הִמְנוּנָא קָרְבִּי שְׁמַעוֹן בֶּן לָקִישׁ. מִתֵּיב רַב חֲסִידָא לְרַב הִמְנוּנָא. וְהָא מִתְּנִיתָא מְסִייעָה לָךְ וּפְלִגָא עָלֶי. אִם הָיְתָה יְדִיעָה בֵּיתַיִם. כָּשֶׁם שֶׁהוּא מִבֵּיא חֲטָאת עַל כָּל־אַחַת וְאַחַת כֵּךְ יוֹא מִבֵּיא אֶשֶׁם תְּלוּי עַל כָּל־אַחַת וְאַחַת. אֵילוּ תֵּנָא אֶשֶׁם וְקָם לֵיהּ. יֵאוּת. אָמַר רַבִּי חִינְנָה. אֶפִּילוּ כֵן לִצְדִין דְּתִימַר כֵּן.

Rebbi Johanan agrees that if the first one was still in existence it is pushed aside. What should be done with it? Rebbi Yasa said, it is suspended for atonement. Rebbi Ze'ira said, if neither it nor its blood are usable it dies immediately⁹¹.

Does Rebbi Johanan agree that if the first one was still in existence it is pushed aside⁹²? What should be done with it? Rebbi Yasa said, it is suspended for atonement⁹³. Therefore Rebbi Yose ben Rebbi Abun discussed it. If he ate five times the volume of an olive⁹⁴, the first became known to him and he brought a sacrifice. The second, and he brought a sacrifice. The third,

and he offered a sacrifice. The fourth, and he offered a sacrifice. The fifth, and he offered a sacrifice. Rabbi Johanan said, his sin is atoned for by the first which precedes the eating of all of them; the remainder shall fall to voluntary offerings⁹⁵. Rabbi Simeon ben Laqish said, his sin is atoned for by the last which follows the eating of all of them; the others shall be set aside⁹⁶. Rav Hisda and Rav Hamnuna. Rav Hisda like Rabbi Johanan; Rav Hamnuna like Rabbi Simeon ben Laqish. Rav Hisda remarked to Rav Hamnuna, there is a Mishnah which seems to support you and disagrees with me⁹⁷: “If there was awareness in between, just as he brings a purification sacrifice for each single one, so he brings a suspended reparation sacrifice for each single one⁹⁸.” If he had stated the reparation sacrifice and stopped⁹⁹! Rabbi Hinena said, even so, for all eventualities you may say so¹⁰⁰.

91 It seems that this paragraph is superfluous text. The scribe copied the preceding text with the wrong start and then copied again the (almost) correct text in the next paragraph.

92 R. Yose ben R. Abun will show that the often repeated statement that “everybody agrees” is false; R. Johanan disagrees; the explanation given in Note 36 has to be amended.

93 These two sentences are copied from the previous statement; they are copied to point out that R. Ze'ira's statement is disregarded since it would lead to a complication in R. Simeon ben Laqish's statement.

94 While he ate the five pieces, he was oblivious either of the fact that these were forbidden fat or of the law that certain kinds of fat are forbidden. Then he was informed of the forbidden character of these pieces one by one and immediately after each information dedicated an animal but did not sacrifice yet.

95 The argument is the same as in the case of three pieces discussed earlier; one constructs a case for five only because for R. Johanan in the case of three only one animal was needed. One could have done with four pieces.

For R. Johanan, the validity of the dedication of the first animal can be extended to cover all five pieces. The other four animals cannot be used, but dedicated animals cannot become undedicated. They are sent to graze until they either develop a defect which makes them unfit for the altar or they exceed the age limit for sacrificial animals (Mishnah *Parah* 1:1) when they can be sold and the money used for voluntary elevation offerings.

96 Since for him dedications cannot be extended, only the last animal can legitimately be sacrificed. The others have to be sent to graze.

97 Mishnah *Keritot* 4:2.

98 Since temporary oblivion is a prere-

quisite for the possibility of a purification sacrifice, sins committed when there was an interval of awareness between them cannot be atoned for by one and the same sacrifice. This rule is extended to suspended sacrifices. Since in the case in question the selection of new sacrifices was in response to information, one should read the Mishnah as forbidding the extension of the meaning of dedications.

99 The formulation of the Mishnah and the explanation given in the preceding Note are all wrong. The verses introducing purification sacrifices emphasize that these atone only for *unintentional* sins. The requirement of *oblivion* is only mentioned for the suspended reparation

sacrifice (*Lev. 5:17*). The Mishnah should have mentioned suspended sacrifices first. Since purification sacrifices were mentioned first, the Mishnah cannot be read as referring to the effect of information after the fact, only to information reaching the person between two intrinsically forbidden acts.

100 Rav Hisda's objection is well taken. The formulation of the Mishnah is elliptic. One should read it as follows: "Just as he brings a purification sacrifice for each single one if there was awareness of *certainty* in between, so he brings a suspended reparation sacrifice for each single one if there was awareness of *doubt* in between."

על (47c line 21) אֲשֶׁר נָשִׂיא יִחַטָּא. אָמַר רַבִּן יוֹחָנָן בֶּן זָכָאִי. אֲשֶׁרִי שֶׁהִנָּשִׂיא שְׁלוֹ מִבֵּיא חֲטָאָתָא. עַל

שִׁינְגָתוֹ הוּא מִבֵּיא לֹא כָל-שָׂכָן עַל זִדּוֹנוֹ. נָשִׂיא שְׁלוֹ מִבֵּיא חֲטָאָתָא. לֹא כָל-שָׂכָן הִהְדִּיּוּט.

1 אשר | כתוב אשר אשר | אשרי הדור שלו | - 2 ההדיוט | הדיוט

נָשִׂיא. יָכוֹל נָשִׂיא שֶׁבִטִּים כְּנֻחָשׁוֹ. תִּלְמִיד לּוֹמֵר וְעֵשָׂה אַחַת מִכָּל-מִצְוֹתַי יִי אֱלֹהֵי. וְלִהְיוֹן

הוּא אוֹמֵר לְמַעַן יִלְמַד לִירְאָה אֶת-יִי אֱלֹהֵי. אֱלֹהֵי לְגִזְרָה שׁוֹה. מִה אֱלֹהֵי שְׁנֶאֱמַר לִהְיוֹן

נָשִׂיא שְׁאִין עַל גְּבִי אֶלָּא אֱלֹהֵי. אִם אֱלֹהֵי שְׁנֶאֱמַר כָּאן נָשִׂיא שְׁאִין עַל גְּבִי אֶלָּא אֱלֹהֵי.

1 נשיא | - 2 אלהי | אלהי אלהי 3 אלהי | יי אלהי (2x)

אֲשֶׁר | יֵשׁ צָדִיקִים וְגו'. אֲשֶׁרִיִּהֶם הַצְדִּיקִים שְׁמִיגֵעַ אֲלֵיהֶם כְּמַעֲשֵׂה הַרְשָׁעִים בְּעוֹלָם הָזֶה.

וְיִי לְרָשָׁעִים שְׁמִיגֵעַ אֲלֵיהֶם כְּמַעֲשֵׂה הַצְדִּיקִים בְּעוֹלָם הָזֶה.

1 אשר | כתי אשר וגו' | אשר מגיע אליהם כמעשה הרשעים ויש רשעים שמגיע אליהם כמעשה הצדיקים הזה

הזה כן 2 ווי | ואכלי

מִלֵּךְ. יִשְׂרָאֵל יִמְלֹךְ יְהוּדָה שְׁנִיָּהּ שְׁוִין. לֹא זֶה גְדוֹל מִזֶּה וְלֹא זֶה גְדוֹל מִזֶּה. וּמִה טַעַם.

וּמִלֵּךְ יִשְׂרָאֵל וּמִלֵּךְ יְהוּדָה וְגו' בְּגוֹרָן. כְּבִגְדָן. אָמַר רַבִּי יוֹסִי בִּירְבִּי בּוֹן. וּבִלְחֹד עַד דִּיהוּא בֶּן

נִמְשִׁי. וּמִה טַעַם. בְּנֵי רִבְעִים יִשְׁבּוּ לָךְ עַל-כִּפְסָא יִשְׂרָאֵל. מִכּוֹן וְאִילָךְ בְּלִיסְטִיָּא הָיוּ נוֹטְלִין

אוֹתָהּ.

1 שניה | שניה ומה טעם | מאי טעמא 2 ומלך יהודה וגו' | ויהושפט מלך יהודה יושבים יוסי ביר' בון |

יוסה רבי דיהוא | יהוא 3 בני | בנים ואילך | והלך בליסטיא | בליסטיא

[It is written]¹⁰¹: *If the Prince sin.*¹⁰² Rabban Johanan ben Zakkai said,

fortunate [is the generation]¹⁰¹ whose Prince brings a purification sacrifice.

He brings it for his inadvertent sin, not so much more for his intentional one¹⁰³? If its Prince brings, not so much more the commoner?

“The Prince.” I could think a tribal chieftain like Nahshon; the verse says, “if he transgressed one of the commandments of the Eternal, his God⁸”; and further it says, *that he may learn to fear the Eternal, his God*¹⁰⁴. “His God, [his God]” for an equal cut. Since “his God” mentioned there refers to a Prince over whom there is only [the Eternal]¹⁰¹ his God, so also “his God” mentioned here refers to a Prince over whom there is only [the Eternal]¹⁰¹ his God⁹⁵.

[It is written:]¹⁰¹ *There are just people*¹⁰⁶ [to whom happens what should happen to evildoers and there are evildoers to whom happens what should happen to just people.]¹⁰¹ It is fortunate for just people if to them happens in this world what should happen to evildoers; woe to evildoers if to them happens in this world what should happen to just people¹⁰⁷.

A king of Israel and a king of Jehudah are both equal, neither of them is greater than the other. What is the reason? *The king of Israel and [Josaphat]*¹⁰¹ *the king of Jehudah [were sitting]*¹⁰¹ *in the threshing floor*¹⁰⁸. As in a threshing floor¹⁰⁹. Rabbi Yose ben Rabbi Abun said, but only up to Jehu ben Nimshi. What is the reason? *Your descendants in the fourth generation will sit on the throne of Israel*¹¹⁰. After that they were taking it by robbery.

101 From B, missing in L.

102 Lev. 4:22. The sermon is mentioned in the Babli 10, Tosephta *Bava qamma* 7:5, *Sifra Hova (Wayyiqra II) Parašah* 5(1). It is standard homiletics to derive the conjunction אֲשֶׁר from the root אָשַׁר “to be fortunate.”

103 There is no formal atonement for intentional sin. If the Prince is aware of his unintentional missteps, he will be careful to avoid intentional ones.

104 Deut. 17:19. This is justification for the short statement in the Mishnah. Babli 11a/b, *Sifra Hova (Wayyiqra II) Parašah* 5(1).

105 Since the paragraph in *Deut.* refers to the king, not the Prince.

106 Eccl. 8:14. Since the parallel in the Babli, 10b, also has only a short quote, it seems that the extensive quote of the verse in B is secondary. *Eccl. rabbati* 8(15), wording of B.

107 This is a continuation of Rabban Johanan ben Zakkai’s homily about אֲשֶׁר, אֲשֶׁר. The Just who are poor and unhappy in this world have already been punished for their sins and will go to the World to Come for unlimited eternal bliss. (The Babli somewhat disagrees.) The evildoers who have received the reward of their

good deeds in this world will go to the World to Come for unmitigated pain.

108 *IK*. 22:10.

109 They sat together in a circle (*Mishnah Sanhedrin* 4:9) so that none had any advantage over the other. *Babli Hulin* 5a (*Lev. rabba* 11(8); *Ecccl. rabbati* 1(30)).

110 *2K*. 15:12. Jeroboam became king

with prophetic sanction; Ba'sha at least had prophetic acknowledgment; Omri was appointed by popular acclaim, and Jehu by prophetic anointment. All permanent kings of Israel from Jeroboam I to Jeroboam II's son had religious sanction. After that the kings of Israel with only one exception murdered their predecessors.

47c line 33) וְאִי זֶה הוּא מְשִׁיחַ. הַמְשׁוּחַ בְּשֶׁמֶן הַמִּשְׁחָה כּוּל'. אָמַר רַב חִוּנָּה. כָּל-אוֹתָן שֶׁשָּׂה חֲדָשִׁים שֶׁהָיָה דָּוִד בּוֹרַח מִפָּנֵי אֲבָשָׁלוֹם שְׁעוּרָה הוּתָּה מִתְכַּפֵּר לוֹ כְּהִדְיוּט.

1 ואי | אי משיח | משיח חונה | חונא אותן | - 2 אבשלום | אבשלום בנו שעורה הוות מתכפר לו | היה מתכפר בשעירה

תני. רבי יודה בירבי אלעאי אומר. שֶׁמֶן הַמִּשְׁחָה שֶׁעָשָׂה מִשֶּׂה בָּהָר מַעֲשֶׂה נִסִּים נַעֲשׂוּ בָּהּ מִתְחִילָה וְעַד סוֹף. שֶׁמִּתְחִילָה לֹא הָיָה בּוֹ אֶלָּא שְׁנֵים עָשָׂר לֹג. שֶׁנֶּאֱמַר וַשֶּׁמֶן זֵית הָיָה; אִם לְסוֹף בּוֹ אֶת הַעֲצִים לֹא הָיָה סֶפֶק. עַל אַחַת כְּמָה וְכְמָה שֶׁהָאֹר בּוֹלַע וְהַיּוֹרָה בּוֹלַעַת וְהַעֲצִים בּוֹלַעֲיָן. מִמֶּנּוּ נִמְשְׁחוּ הַמִּשְׁפָּחָה וְכָל-בִּילִי. הַמִּזְבֵּחַ וְכָל-בִּילִי. מִנּוּרָה וְכָל-בִּילִיָּה. כִּיּוֹר וְכוּנֹ. מִמֶּנּוּ נִמְשְׁחוּ אֲהֲרֹן כֹּהֵן גָּדוֹל וּבָנָיו כָּל-שִׁבְעַת יְמֵי הַמִּילּוּאִים. מִמֶּנּוּ נִמְשְׁחוּ כֹהֲנִים גְּדוֹלִים וּמִלְכִּים. מִלֶּךְ בִּתְחִילָה טַעוֹן מְשִׁיחָה. מִלֶּךְ בֶּן מֶלֶךְ אִין טַעוֹן מְשִׁיחָה. שֶׁנֶּאֱמַר קוֹם מְשִׁיחָהוּ כִּי-זֶה הוּא. זֶה טַעוֹן מְשִׁיחָה וְאִין בָּנָיו טַעוֹן מְשִׁיחָה. אֲבָל כֹּהֵן גָּדוֹל בֶּן כֹּהֵן גָּדוֹל אֲפִילוּ עַד עֲשָׂרָה דּוֹרוֹת טַעוֹן מְשִׁיחָה. וְכוּלּוֹ קִיָּם לְעֵתִיד לְבוֹא. שֶׁנֶּאֱמַר שֶׁמֶן מִשְׁחַת-קוֹדֶשׁ יִהְיֶה זֶה לִּי לְדֹרוֹתֵיכֶם:

1 יודה | יהודה בהר | - מעשה | - 2 מתחילה | מתחלה שמתחילה | שמתחלה היה | היו 3 ספק | מספיק 4 ממנו | וממנו (x2) מנורה | המנורה 5 כהן גדול | - ממנו | וממנו כהנים גדולים ומלכים | מלכים וכהנים גדולים 6 אין | אינו שנ' דכתי' קום | ויאמר ה' קום משיחיהו | משחהו 7 ואין | אין בניו | בנו כהן גדול | כתי' גדולי' 8 טעון | טעוין לדורותיכם | לדורותיכם

אין מוֹשְׁחִין אֶת הַמִּלְכִּים אֶלָּא עַל גִּבִּי הַמַּעֲיִין. שֶׁנֶּאֱמַר וְהִרְכַּבְתֶּם אֶת-שְׁלֹמֹה בְּלִי וגו' וּמִשַּׁח אוֹתוֹ שֶׁם צִדּוֹק הַכֹּהֵן וְנָתַן הַנְּבִיא לְמֶלֶךְ עַל-יִשְׂרָאֵל. אִין מוֹשְׁחִין אֶת הַמִּלְכִּים אֶלָּא מִפְּנֵי הַמַּחְלֻקָּה. מִפְּנֵי מַה נִּמְשַׁח שְׁלֹמֹה. מִפְּנֵי מַחְלֻקְתוֹ שֶׁלְאַדְוִינָהוּ. וְיֹאשֻׁפִּי מִפְּנֵי עֲתִלָּה. וְיִהוּא מִפְּנֵי יוֹרֵם. לֹא כֵן כְּתוּב קוֹם מְשַׁחְהוּ כִּי-זֶה הוּא. זֶה טַעוֹן מְשִׁיחָה וְאִין מִלְכִּי יִשְׂרָאֵל טַעוֹיִין מְשִׁיחָה. וְלֹא אֲשַׁחְהוּ גִּנְזוֹ. הִדָּא אֲמַרְהָ. בְּאַפִּי-בִּלְסָמוֹן נִמְשְׁחוּ. וְיֹאחָז מִפְּנֵי הַחֲזִיקִים אֲחִיו שֶׁהָיָה גָּדוֹל מִמֶּנּוּ שְׁתֵּי שָׁנִים. אִין מוֹשְׁחִין מִלְכִּים אֶלָּא מִן הַקֶּרֶן. שְׂאֵל וְיִהוּא נִמְשְׁחוּ מִן הַפֶּה הַיְּהוּדָה מִלְכֻתוֹ מִלְכֻת עֹבְרָת. דָּוִד וְשְׁלֹמֹה נִמְשְׁחוּ מִן הַקֶּרֶן הַיְּהוּדָה מִלְכֻתוֹ מִלְכֻת קַיִּימָה. אִין מוֹשְׁחִין מִלְכִּים כֹּהֲנִים. רַבִּי יוֹדָה עֲנִתְדִירָא. עַל שֵׁם לֹא-יִסּוֹר שֶׁבֶט מִיַּחַדָּהּ. אָמַר רַבִּי חִינָּה בֶּר בָּא. לְמַעַן יֵאָרִיךְ יָמִים עַל-מַמְלַכְתּוֹ הוּא וּבָנָיו בְּקָרֵב כָּל- יִשְׂרָאֵל; מַה כְּתִיב בְּתַרְיָה. לֹא-יִהְיֶה לְכֹהֲנִים הַלְוִיִּם.

1 את המלכים | מלכים המעניין | מעין וגו' | על הפרדה אשר לי והורדתם אותו אל גיחון 2 ונתן הנביא למלך על ישראל וגו' 3 שלאדוניו | של אדוניה ויאש | ויאש ויהוא | יהוא ואין | ואין בנו טעון משיחה.

זה טעון משיחה ואין 5 באפלסמון | באפי בלסמון 7 מלכות - 8 יודה ענתודריא | יודן ענתריה 9
בא | אבא

וְהַכְתִּיב הַבְּכוֹר יוֹחָנָן. הַבְּכוֹר לַמַּלְכוּת. וְהַכְתִּיב הַשְּׁלִישִׁי צִדְקָהוּ הַרְבִּיעִי שְׁלוֹם: שְׁלִישִׁי לַמַּלְכוּת. רְבִיעִי לַתּוֹלְדוֹת. צִדְקָהוּ שְׁצִידֵק עָלָיו אֶת הַדִּין. שְׁלוֹם שְׁבַנְמִי שְׁלָמָה מַלְכוּת בֵּית דָּוִד. לֹא שְׁלוֹם הָיָה שְׁמִיָּה וְלֹא צִדְקָה הָיָה שְׁמִיָּה אֲלָא מִתְנִיָּה. הֵדָּא הָא דְכְּתִיב וַיִּמְלֹךְ מֶלֶךְ-בָּבֶל אֶת-מִתְנִיָּה דָּוִד תַּחְתָּיו וּגְר'.

1 והכת' | אמר ר' יוחנן הוא יהואחז הוא יוחנן והכת' השלישי | והשלישי הרביעי | והרביעי 2 לתולדות | לתולדות 3 הוה שמיא | היה שמו הוה שמיא - 4 תחתיו -

“And who is the Anointed? This is one anointed with the anointing oil,” etc. Rav Huna said, the entire six months during which David was in flight before his son Absalom, his sins would have been atoned for by a female goat for a commoner¹¹¹.

¹¹²It was stated: Rabbi Jehudah bar Ilai says: The anointing oil made by Moses on the Mountain¹¹³ was from beginning to end a series of miracles since there were only twelve *log* to start with, as it was said: *and olive oil one hin*¹¹⁴. It would not have been enough to rub the wooden planks with it; so much more since the fire swallows, the kettle swallows, wood absorbs! From it the Tabernacle and all its vessels were anointed, the altar and all its vessels, the candelabra and all its vessels, the wash basin and its base. From it Aaron the High Priest and his sons were anointed all of the seven days of induction; from it all high priests and kings were anointed. A king who is first needs anointing; a king who is a king's son does not need anointing, for it is said: *Do anoint him, for this one is it*¹¹⁵, this one needs anointing, but his son does not need anointing. But a High Priest who is the son of a High Priest needs anointing even for ten generations. Nevertheless, it is there for the future, as it was said: *a holy anointing oil will this be for Me, for all your generations*¹¹⁶.

One anoints kings only at a spring, as it was said: *Let Solomon, my son, ride on my mule and take him down to the Gihon; there Sadoq the priest and Nathan the prophet shall anoint him as king over Israel*¹¹⁷. One anoints kings only because of disputes. Why was Solomon anointed? Because of the dispute of Adoniah, Joash because of Athaliah, Jehu because of Joram. Is it not written, *do anoint him, for this one is it*, this one needs anointing, but the kings of Israel do not need anointing? ¹¹⁸But did not Josiah hide it? That means that they anointed with balsamum. Joahaz because of his brother

Joakin who was two years his elder. One anoints kings only from a horn. Saul and Jehu were anointed from a can because their kingdom was temporary; David and Solomon were anointed from a horn because their kingdom was permanent. One does not anoint priests as kings. Rabbi Jehudah Antordiya said, because of *the scepter shall not be removed from Jehudah*¹¹⁹. Rabbi Hiyya bar Abba said, because of *he shall have many days of his kingdom, he and his sons in the midst of Israel*¹²⁰. What is written after that? *The levitic Cohanim should not*¹²¹.

Rebbi Johanan said, Johanan is Joahaz. But is it not written: *The first born Johanan*¹²², the first in kingdom. ¹²³*The third Sedekiah, the fourth Shallum? Sedekiah*, because he accepted the judgment on himself, *Shallum*, because in his days the dynasty of David was completed. ¹²⁴His name was neither Shallum nor Sedekiah but Mattaniah. That is what is written: *The king of Babylon made his uncle Mattaniah king in his stead*¹²⁵ etc.

111 The same statement also is found in *Roš Haššanah* 1:1 (56b l. 49). A king who is not in control of his government does not have the status of king [Cf. *Sanhedrin* 2:4 (Note 108)].

112 This text is part of a longer text found in *Sotah* 8:3, Notes 69-92 (L. Ginzberg, *Yerushalmi Fragments from the Genizah*, New York 1909, p. 214), and, what seems to be the original source, *Šeqalim* 6:1, 49c l. 52 ff., Babli *editio princeps* 9d l. 21. Only the biblical quotes and major deviations from the *Sotah* text are noted here.

113 In *Sotah* and *Šeqalim*: "in the desert." The place is not mentioned in B.

114 *Ex.* 30:24.

115 *Is.* 16:12.

116 *Ex.* 30:31.

117 *1K.* 1:33-34.

118 In all other sources, this follows the quote about the sons of Josiah. If Josiah had buried the holy oil together with the ark, how could his son have been anointed?

119 *Gen.* 49:10.

120 *Deut.* 17:20.

121 *Deut.* 18:1.

122 *1Chr.* 3:15.

123 There the introduction is missing, that R. Johanan identified Sedekiah and Shallum as one and the same person. In the Babli 11b this and the following are a tannaitic statement.

124 In the *Šeqalim* text of the Babli *editio princeps* the statement is attributed to R. Simeon ben Laqish.

125 *2K.* 24:17.

הַמְּשֻׁחִים בְּשֶׁמֶן הַמִּשְׁחָה. בְּבִינֵי הָרָאשִׁוֹן. לְמַרְוֵבָה בְּבָגְדִים. בְּבִינֵי הָאֲחֵרֹן.
וְאֵתְּאִי כִּי דָמַר רַבִּי אֵינָא בְּשֵׁם רַבִּי אֶהָא. חֲמִשָּׁה דְּבָרִים הָיָה בְּבֵית הַמִּקְדָּשׁ הָאֲחֵרֹן חֲסֵר מִן

הראשון. מאי טעמא. עליו הוה נהבאתם עץ וגו' אַכְבַּד חסר ה'. אלו ה' דברים שהיו בית המקדש האחרון חסר מן הראשון. ואילו הן. אש וארון ואורים ותומים ושמן הקודש.

1 בבנין | בבנין (x2) למרובה | מרובה 2 ואתאי כיי | ואתי כי ר' אינא | ר' שמעון בר ינא בבית | בית 3 מ"ט | דכתי' וגו' | ובנו את הבית וארצה בו אכבד | ואכבד חסר ה' | כתיב חסר אלו | הרי אלו שהיו | שהיה 4 ואילו | ואלו הקודש | המשחה ורוח הקודש

¹²⁶The anointed with the anointing oil," in the first Temple. "The one clothed in multiple garb," in the later Temple. It follows what Rabbi Ina¹²⁷ said in the name of Rabbi Aha: In five things was the later Temple deficient compared with the first. What is the reason? *Go to the mountain, bring wood, etc. I should be honored* is missing a¹²⁸ ה. These are the five things in which the later Temple was deficient compared with the first. And these are it: The fire¹²⁹, the ark, Urim and Tummim¹³⁰, the (holy) oil [of anointing and the holy spirit.]¹³¹

126 Here starts the discussion of the last sentence of the Mishnah, which continues with discussion of Mishnah 4 (= Mishnah Megillah 1:12).

127 In the Babli (*Yoma* 21b) and the Horaiot text in the Babli, as well as the parallels in *Makkot* 2:7 (explained in Notes 125-130), *Ta'anit* 2:1 (65a l. 60): R. Samuel bar Aina. Since the latter name appears as that of a student of R. Aha several times in different Tractates but "R. Ina" only here, the reading of B is preferable.

128 Hag. 1:8. אכבד is the *Ketib*, אכבדה the *Qere*. In the Alexandrian system of numeration by letters, ה' is 5.

129 The fire on the outer altar in the first Temple was of divine origin (2Chr. 7:1), but not that of the second Temple.

130 The oracle whose nature was unknown in later times.

131 Text of B; a necessary addition since the text of L mentions only 4 items. The list in the Babli is slightly different. The holy spirit is that of prophecy.

(47b line 68) תני. כהן המשח מביא פך. אין מרובה בגדים מביא פך. ודלא כרבי מאיר. מה טעמיה דרבי מאיר. משח. ומה תלמוד לומר כהן. להוציא למרובה בגדים. מה טעמיה דרבנן. משח. יכול זה המלך. ומה תלמוד לומר כהן. לרבות מרובה בגדים. הכא אתמר. להוציא למרובה בגדים. וקא אתמר. לרבות מרובה בגדים. אמר רבי הילא. כל מדרש ומדרש לענינו. אילו נאמר משח ולא נאמר כהן. הייתי אומר. על העלם דבר מביא פך ועל שגגת המעשה מביא שעיר. הוי צורך הוא שפאמר כהן. או אילו כהן ולא משח. הייתי אומר. זה המלך. אם תאמר. בפר קדמה פרשת המלך שיוטל על העלם דבר מביא פך ועל שגגת המעשה מביא שעיר. הוי צורך הוא שפאמר משח וצורך הוא שפאמר כהן.

¹³² גרסינן במגלה מן ריש הלכה ועד סופה ועוד היא בכפורים

¹³³It was stated: The Anointed Priest brings a bull, the one clothed in multiple garb does not bring a bull. This disagrees with Rebbi Meïr. What is Rebbi Meïr's reason? *The Anointed*. Why does the verse say *priest*? To exclude the one clothed in multiple garb. What is the rabbis' reason? *The anointed*. I could think that this is the king. Why does the verse say, *priest*? To include the one clothed in multiple garb. Here you say, to exclude the one clothed in multiple garb. But there you say, to include the one clothed in multiple garb. Rebbi Hila said, each inference refers to its meaning. If it had said *the Anointed* but not *priest*, I would have said, he brings a bull for forgetting a topic, but for acting in error he brings a goat. Therefore it is necessary that it mention *priest*. But if it had mentioned *priest* but not *the Anointed*, I would have said, this refers to the king. If you would say by a bull, preceding the paragraph about the king, assuming that for forgetting a topic he brings a bull but for acting in error he brings a goat. Therefore it is necessary that it mention *the Anointed* and that it mention *priest*.

132 Note of B: "One studies all this in *Megillah* (Halakhah 1:12) from beginning of the Halakhah to its end; in addition it (partially) is in *Kippurim*." The text of B continues with the quote later of Mishnah *Yoma* 1:1.

133 The text and the following paragraphs up to the quote from *Idiut* 5:6 is from *Megillah* 1:12. The secondary character of the text here is shown by the thorough

corruption of the present paragraph compared to the parallel text in *Megillah* and partially *Sifra Hovah* (*Wayyiqra* 2) *Paršeta* 2(6). One might conjecture that the editor of B neither did want to rearrange the text nor print it in disorder. The text of *Megillah* is readily understandable; it also explains the mutilated text here. The additional text is given in a different typeface.

תני. כהן המשוח מביא פר. אין המרוצה בגדים מביא פר. ודלא כרבי מאיר. דרבי מאיר אמר. המרוצה בגדים מביא פר. מה טעמיה דרבי מאיר. משית. ומה תלמוד לומר כהן. לרבות את המרוצה בגדים. מה טעמיה דרבי מאיר. משית. יכול זה המלך. תלמוד לומר כהן. אי כהן יכול את המרוצה בגדים. תלמוד לומר משית. או יכול ששני מרוצה את משוח מלכותה. תלמוד לומר משית. שאין על גבי משוח. מלכותה שיפתחו דרבנן. הקא כתיב משוח ויהא כתיב משוח. הקא אינו אמרין. לרבות מרוצה בגדים. והקא אינו אמרין. להוציא את המרוצה בגדים. אמר רבי אילא. כל מדרש ומדרש בענינו. תמן כל הפרשה אמונה באהרן. לארץ דבר נאמר כהן. לרבות את המרוצה בגדים. ברם הקא אין הפרשה אמונה באהרן. אילו נאמר משוח ולא נאמר כהן. הייתי אומר. לעולם על העולם דבר מביא פר ועל שגגת מעשה מביא שער. הוי צורך הוא שיאמר כהן. או אלו נאמר כהן ולא נאמר משוח. הייתי אומר. זה המלך. אין תאמר. כבר קדמה פרשת המלך. הייתי אומר. על העולם דבר מביא פר ועל שגגת מעשה מביא שער. הוי צורך הוא שיאמר משוח וצורך הוא שיאמר כהן.

It was stated: The Anointed Priest brings a bull, the one clothed in multiple garb does not bring a bull. This disagrees with Rebbi Meïr, for Rebbi Meïr said, the one clothed in multiple garb brings a bull¹³⁴. What is Rebbi Meïr's reason? *The Anointed*. Why does the verse say *priest*? To add the one clothed in multiple garb¹³⁵. What is the rabbis' reason? *The anointed*. I could think that this is the king. The verse says, *priest*. If priest, I could think the one clothed in multiple garb. The verse says, *anointed*¹³⁶. Then I could think that I am adding also the one anointed for war¹³⁷. The verse says, *Anointed*; one who has no anointed person over him. The argument of the rabbis seems inverted. Here¹³⁸ is written *anointed* and there is written *anointed*. Here they say, to include the one clothed in multiple garb¹³⁹. But here¹⁴⁰ they say, to exclude the one clothed in multiple garb. Rebbi Hila said, each inference refers to its meaning. There the entire paragraph is said for Aaron. Why is said *priest*? To include the one clothed in multiple garb¹⁴¹. But here the paragraph does not mention Aaron. If it had said *the Anointed* but not *priest*, I would have said, he brings a bull for forgetting a topic, but for acting in error he brings a goat¹⁴². Therefore it is necessary that it would mention *priest*. But if it had mentioned *priest* but not *the Anointed*, I would have said, this refers to the king¹⁴³. If you would say already this¹⁴⁴ precedes the paragraph about the king¹⁴⁵, I would have said that for forgetting a topic he brings a bull but for acting in error he brings a goat. Therefore it is necessary that it mention *the Anointed* and that it mention *priest*.

134 The definite article used in *Lev.* 4:3, *the* priest, would alone have sufficed to characterize the High Priest, biblically distinguished from all others.

135 Tosephta 2:3.

136 The double restriction, *the* priest (the High Priest), *anointed*, makes it clear that only an anointed high priest is meant. The rabbinic disagreement implies that no High Priest of Second Temple times ever brought a purification sacrifice for himself.

137 The one mentioned in *Deut.* 20:3 charged with addressing the army. He also is called *the* priest (*Sotah* Chapter 8) and bound by all restrictions imposed on the High Priest in *Lev.* 21:10-15 (Tosephta 2:1).

138 *Lev.* 6:15, on the daily flour sacrifice

of the High Priest.

139 Mishnah 4 mentions the daily offering of a tenth of a *ephah* as duty of the High Priest clothed in multiple garb [*Sifra* *Saw Pereq* 5(1)].

140 In the Chapter on purification sacrifices.

141 Aaron and his successors are mentioned in v. 13. In v. 15, the mention of "the priest, anointed from his descendants in his stead" does not seem to require a mention of anointing as a definition.

142 As explained in Chapter 2:3, The High Priest may offer a bull only for his forgetting a topic in religious law. One could argue that for simple acting in error, he should bring a commoner's sacrifice (or, since a male is mentioned, the goat

characterized earlier as sacrifice for inadvertent idolatry.) The specific mention of *priest* bars him from a commoner's sacrifice.

143 Since *Cohen* may simply mean "public servant" (2S. 8:18).

144 The unintelligible בפר in the text here is a plausible misreading for כפר.

145 Which is only the third in the Chapter. The argument is parallel to that mentioned in Note 131.

2) אָמַר רַבִּי יוֹחָנָן עֶבֶר וְהֵבִיא עֲשִׂירֶת הָאֵיפָה שָׁלוֹ קֶשֶׁר. (47d line 2)

Rebbi Johanan said, if he transgressed and offered his tenth of an *ephah* it is valid¹⁴⁵.

145 This refers to the statement in Mishnah 4 that the only difference between acting and emeritus High Priests are the High Priest's bull on the Day of Atonement and the daily flour offering of a tenth of an *ephah*. It is now stated that

if the ex-High Priest, who, as will be explained later in the Halakhah, should be unfit to serve as High Priest and is barred from serving as common priest, nevertheless acts as High Priest, the offering is legitimate.

3) מִתְקַיֵּינִי לוֹ כֹּהֵן אַחֵר תַּחֲתָיו שְׁמָא יֵאָרֶע בּוֹ פָּסוּל. מֶה. מִיִּיחָדִין לִיָּה עִימָיָה. אָמַר רַבִּי חֲגִי. מִנְשָׁה. דִּינֵנוּן מִיִּיחָדִין לִיָּה עִימָיָה דּוֹ קָטִיל לִיָּה. אוֹתוֹ. אָחָד מוֹשְׁחִין וְאֵין מוֹשְׁחִין שְׁנִיִּים. אָמַר רַבִּי יוֹחָנָן. מִכְּגִי הָאֵיבָה.

1 מתקנינו | מתקנין מייחדין | מיוחדין | מייחדין | אין מייחדין | מיוחדין | דו | דהוא | ליה | לו עימיה

¹⁴⁶“One arranges for another Cohen as his replacement, maybe a disqualification of his will happen.¹⁴⁷” How? Does one leave them alone together? Rebbi Haggai said, by Moses¹⁴⁸! If one would leave them alone together, he would kill him! *Him*¹⁴⁹. One anoints one, one does not anoint two. Rebbi Johanan said, because of rivalry¹⁵⁰.

146 From here on there is a parallel in *Yoma* 1:1 (38c l. 72 ff.).

147 Mishnah *Yoma* 1:1. Since the entire service of the Day of Atonement is valid only if conducted by the High Priest, a replacement must be available in case the High Priest becomes impure or otherwise incapacitated. The High Priest undergoes a week of preparation for the service, to

train for a very crowded program. The question then arises whether the designated backup also has to undergo the same training, possibly at the same place.

148 In *Yoma* “because of”, a scribal error. “By Moses” was a preferred expression of R. Haggai’s.

149 *Lev.* 6:12; the offering of the High Priest starting with the day he is anointed

for his office. *Sifra Saw Parašah* 3(3). The singular indicates that only one High Priest can be appointed at one time. This implies that the reserve appointee for the day of Atonement cannot have the status of High Priest unless he actually is needed.

150 He disagrees and holds that while the two could not have been anointed on the same day, they could have been anointed on different days. The rule that the back-up Cohen has lower status is practical, not biblical, as is the entire institution of the back-up.

(47d line 6) עבר זה ושימש זה. הראשון כל־קדושת כהונה עליו. השיני אינו כשר לא לכהן גדול ולא לכהן הדיוט. אמר רבי יוחנן. עבר ועבד עבודתו פסולה. עבודתו משל מ. נשמענה מן הדא. מעשה בן אלם בציפורים שאירע קרי בכהן גדול ביום הכיפורים ונכנס בן אלם ושימש תחתיו. יצא ואמר למלך. פר ואיל הקריבים היום משלמי הן קריבין. משלו או משלכהן גדול. ונדע המלך מהו שואלו. אמר לו. לא דינך ששימשת שעה אחת לפני מי שאמר והיה העולם. ונדע בן אלם שהוסע מכהונה גדולה.

1 זה | אחר זה | קדושת | מצות | השיני | השני כשר | ראוי | 2 פסולה | כשרה | עבודתו | עבודה | משל | של | 3 הדא | הדא | אלם | אילם | בציפורים | מציפורי | גדול | - | בן | - | 4 אלם | - | תחתיו | תחתיו | בכהונה | יצא | - | הקריבים | הקריבים | קריבין | - | משלו | משלי | 5 שעה אחת לפני מי שאמר והיה העולם | - | לפני מי שאמר והיה העולם שעה אחת | 6 אלם | אילם | מכהונה הגדולה | מן הכהונה

If one was incapacitated and the other officiated. The first has all the sanctity of the High Priesthood on him; the second one is qualified neither as High Priest nor as common priest¹⁵¹. Rabbi Johanan said, if he transgressed and officiated, his officiating is (invalid) [valid]¹⁵². Whose officiating? ¹⁵³Let us hear from the following: It happened to Ben Illem from Sepphoris¹⁵⁴ that the High Priest experienced an emission of semen on the Day of Atonement¹⁵⁵; Ben Illem entered and officiated in his stead. He went out and asked the king: “The bull and the ram which are brought today, from whose property are they offered? From his or from the High Priest’s?”¹⁵⁶ The king understood what he was asking and answered him, “is it not enough for you that you served once before Him Who spoke and the world was created?” Ben Illem understood that he was removed from the High Priesthood.

151 As the Babli explains (*Yoma* 12b), “one increases in sanctity but never decreases” (cf. *Bikkurim* 3:3, Note 57; *Yoma* 3:8 41a l. 10, *Megillah* 1:12 72a l. 47, *Sevuot* 1:8, 33b l.13). Since the service of the Day of Atonement is valid

only if performed by the High Priest, the substitute becomes a temporary High Priest. He cannot act as a High Priest if the actual High Priest’s temporary disability is removed and he is permanently barred from acting as a

common priest. As the Babli points out, if the High Priest dies, the substitute automatically becomes his successor.

152 The text in parentheses is that of L, the one in brackets that of B as well as the parallels in *Megillah* and *Yoma* and the Babli (*Yoma* 13a). The text of L cannot be correct since it is held in general that a doubt about the legitimacy of officiating in the Temple does not invalidate the offering (*Terumot* 8:1, Note 26).

153 The case is told not only in the two parallels in *Megillah* and *Yoma*, but also in abbreviated form in the Babli, *Yoma* 12b where, however, the ruling is not the king's (necessarily of the Herodian dynasty) but "the rabbis'." There is no reason to doubt the historicity of the Yerushalmi version.

154 This translation follows B and the parallels. The text of L, "in Sepphoris", is impossible.

155 The High Priest is taken to live in the Temple, and therefore deprived of sexual activity, for seven days preceding the Day of Atonement. In the night of the Day of Atonement he is deprived of sleep (*Yoma* Mishnah 1:7) to avoid the danger of him having an involuntary emission. If he has one anyhow, he is disqualified for the entire day even if he immediately purifies himself in a *miqweh* since the disqualification by temporary impurity is not removed by the removal of the impurity until the following sundown (*Lev.* 22:7; cf. *Ma'aser Seni* 3:2, Notes 21-22.)

47d line 14) מַעֲשֶׂה בְּשִׁמְעוֹן בֶּן קִמְחִית שֶׁצָּא לְטִייל עִם הַמֶּלֶךְ עָרַב יוֹם הַכִּיפּוּרִים עִם חֲשִׁיכָה. וְנִתְּנָה צִינוּרָה לְשָׁרוֹק מִפִּי עַל בְּגָדָיו וְטָמְאָתוֹ. וְנִכְנַס יְהוּדָה אָחִיו וְשִׁימַשׁ תַּחְתָּיו. אוֹתוֹ הַיּוֹם רָאָת אִימָן שְׁנֵי בָנֶיהָ כֹהֲנִים גְּדוּלִּים. שֶׁבָּעָה בָּנִים הָיוּ לָהּ לְקִמְחִית וְכוּלָן שִׁימְשׁוּ בְּכַהוּנָה גְּדוּלָה. שָׁלְחוּ וְאָמְרוּ לְקִמְחִית. מָה מַעֲשִׂים טוֹבִים יֵשׁ בְּיָדֶיךָ. אָמְרָה לָהּ. יָבוֹא עָלַי אִם רָאִי קוֹרוֹת בֵּיתִי שְׁעָרוֹת רֹאשֵׁי וְאִמְרַת חֲלוֹקִי מִיָּמַי. אָמְרָיו. כָּל־קִמְחִיָּה קִימְחִין וְקִמְחָא דְקִמְחִית סוּלָת. קָרְאוּ עָלֶיהָ הַפְסִיק הִזָּה כָּל־כְּבוֹדָהּ בַּת־מֶלֶךְ פְּנִימָה מִמִּשְׁבָּצוֹת זָהָב לְבוּשָׁה:

1 המלך | מלך הערבי 2 צינורה | צינורא | יהודה | יודה ושימש | - 3 אימן | אמן

The remainder of the text (to line three of the next paragraph) is missing in B without indication of a lacuna.

¹⁵⁶It happened that Simeon ben Qimhit went out for a walk with the ¹⁵⁷king on the Day of Atonement at sundown and a drop of spittle squirted on his garment and defiled him. His brother Jehudah entered and officiated in his stead. On that day their mother saw two of her sons as High Priests. Qimhit had seven sons; all of them served as High Priests¹⁵⁸. They sent and asked Qimhit, what good deeds are in your hand? She told them, there should come over me if the beams of the roof of my house ever saw the hair on my head or the seam of my undershirt¹⁵⁹. They said, all flours are flour but Qimhit's flour

is fine flour^{159a}. They recited about her the verse¹⁶⁰: *All the honor of the king's daughter is inside; gold settings her garments*¹⁶¹.

156 In addition to the two parallels there is a short version in the Babli, *Yoma* 47a. There, the names are Ismael and Joseph. The passages are discussed in detail by Grätz, *Geschichte der Juden* vol. 3/2¹ Note 19/II. Josephus transcribes כְּרָקְחִית as τοῦ Καμύδου.

157 The text is not clear here. The text of L is also found in the parallel in *Yoma*. The text of B, "with the Arab (Nabatean) king" is also the text of *Megillah*. In the Babli, "with an Arab on the Day of Atonement". (For some reason, the Russian censor of the Wilna Babli changed "Arab" into "a nobleman".) The confusion comes from the similarity if ערב "evening" and ערבי "Arab." The explicit reference to sundown should argue for the version of L. If the Arab was not converted to Judaism, the High Priest would have had to leave the holy precinct on the Day of Atonement, a most unlikely happening before he had finished all his duties.

The version of the text presupposes that the king had immersed himself in a *miqweh* so he could enter the restricted area on the Temple Mount. Nevertheless, (Mishnah *Hagigah* 2:7) "The garments of the vulgar are severely impure for Pharisees; the garments of Pharisees are severely impure for those eating heave; the garments of those eating heave are severely impure for those sacrificing." The severe impurity of מְדָרְס referred to here is the impurity of seats or beds used

by a sufferer from gonorrhea or a menstruating woman, which makes anyone touching it impure and requires immersion in water and waiting until sundown. Since the king could not sacrifice on the Day of Atonement, he could not have immersed himself with the intention which would make him co-pure with the High Priest. Since the incident happened at sundown, the High Priest was automatically disqualified for the next 24 hours.

While a living Gentile is not under the rules of biblical impurity, rabbinically every Gentile is impure and this impurity cannot be removed by immersion in water (Babli *Avodah zarah* 36b).

158 Under the Herodian kings, when the High Priesthood was conferred and removed at the whim of the king.

159 It is indecent for a married woman to be seen in public with uncovered hair. She was clothed at home as she was for the street and never undressed except in the dark. The Babli notes that many women follow this custom.

159a A pun on the name of *Qimhit* "flour lady".

160 *Ps.* 45:14.

161 According to Rashi's commentary in *Yoma*, the argument means that the reward of a woman who behaves with dignity in her home is that her son will be High Priest whose garment is adorned with golden settings for precious stones. (Cf. *Tanhuma Wayyislah* 6, *Bemidbar* 3.)

47d line 22) יָכוֹל לֹא יִהְיֶה מְשֹׁחַ מִלְחָמָה מִפְּנֵי עֲשִׂירִית הָאֵיפָה שָׁלוֹ. תִּלְמוּד לומר תַּחֲתָיו מִבְּנָיו. אֶת שְׁבָנוֹ עוֹמֵד תַּחֲתָיו מִבְּיָא עֲשִׂירִית הָאֵיפָה. וְאֵת שְׂאִין בְּנוֹ עוֹמֵד תַּחֲתָיו אֵינוֹ מִבְּיָא עֲשִׂירִית הָאֵיפָה. וּמִנֵּיין לְמִשּׁוֹחַ מִלְחָמָה שְׂאִין בְּנוֹ עוֹמֵד תַּחֲתָיו. תִּלְמוּד לומר שְׁבָעַת יָמִים לְכַנֵּסם הַכֹּהֵן וְגו'. אֶת שְׂהוּא בָּא אֶל אוֹהֶל מוֹעֵד לְשֶׁרֶת בְּקוֹדֶשׁ בְּנוֹ עוֹמֵד תַּחֲתָיו. וְאֵת שְׂאִינוֹ בָּא אֶל אוֹהֶל מוֹעֵד לְשֶׁרֶת בְּקוֹדֶשׁ אֵין בְּנוֹ עוֹמֵד תַּחֲתָיו. וּמִנֵּיין שְׂהוּא מִתְּמַנֶּה לְהִיּוֹת כֹּהֵן גָּדוֹל. פִּינְחָס בֶּן-אֶלְעָזָר נָגִיד הָיָה עֲלֵיהֶם לְפָנִים יְיָ עֲמוֹ: רַבִּי יוֹסִי כֹד הָיָה בְּעֵי מִקְנֶתְרָה לְרַבִּי לְעֶזֶר בִּירְבִּי יוֹסִי הָיָה אָמֵר לֵיהּ. לְפָנִים עֲמוֹ: בִּימֵי זִמְרִי מִיָּחָה. וּבִימֵי פִילָגֶשׁ בְּגִבְעָה לֹא מִיָּחָה.

3 ומניין | מנין 4 וגו' | תחתיו מבניו וגו' ואת שאינו | ושאינו 5 ומניין | ומנין 6 פינחס | דכתי' פנחס עליהם | - יי' ה' מקנתרה | מקנתרה 7 עמו | ה' עמו

I could think that the one anointed for war¹³⁷ should (not)¹⁶² bring his tenth of an *ephah*¹³⁹. The verse says¹³⁸, *in his stead, of his sons*. One whose son will stand in his stead brings a tenth of an *ephah*. But one whose sons will not stand in his stead does not bring a tenth of an *ephah*. From where the anointed's for war son will not stand in his stead? The verse says¹⁶³, *seven days shall the priest wear them*, etc. If one officiates in the Tent of Meeting, his son will stand in his stead. But one who does not officiate in the Tent of Meeting, his son will not stand in his stead. From where that he can be appointed as High Priest¹⁶⁴? [As is written,]¹⁶⁵ *Phineas the son of Eleazar was leader over them; in earlier times the Eternal was with him*. When Rabbi Yose wanted to needle¹⁶⁶ Rabbi Eleazar ben Rabbi Yose¹⁶⁷, he said to him, “before, he was with him.” In the days of Zimri¹⁶⁸, he protested. In the days of the concubine at Gibeā¹⁶⁹, he did not protest.

162 Text of L, missing in the two parallels and contradicted by the following text.

163 *Ex.* 29:30. As often, the proof is from the part of the verse not quoted: *Seven days the priest shall wear them who of his sons will stand in his stead to officiate in the Sanctuary*. The only hereditary office in Divine Service is that of the High Priest. *Babli Yoma* 72b/73a.

164 Since the Anointed for War is under the restrictions valid for the High Priest one has to ascertain that his office be subordinate, not coordinate, to the High

Priesthood and that an appointment to High Priesthood does not violate the rule that one may not reduce the holiness of one's position (Note 151).

165 *1Chr.* 9:20. The leader of the priests is the High Priest. Phineas was appointed Anointed for War by Moses, *Num.* 31:6.

166 Hebrew verb built on a Greek root; cf. *Berakhot* 3, Note 96.

167 R. Yose seems to have complained about a lack of leadership on the part of his son.

168 *Num.* 27:1-15.

169 *Jud.* 19-21. In the opinion of *Seder Olam*, based on the teachings of R. Yose the Tanna (who is meant here), the affair at Gibe'a happened at the start of the

period of the Judges, when Phineas was High Priest. Cf. the author's edition of *Seder Olam* (Northvale NJ 1998), pp. 122-123.

47d line 31) וּמִנֵּיין שֶׁהָיָה עוֹבֵד בְּשִׁמוֹנָה. רַבִּי בָּא בֵּר חֵיפָה בְּשֵׁם רַבִּי יוֹחָנָן. וּבִגְדֵי הַקּוֹדֶשׁ אֲשֶׁר לְאַהֲרֹן יְהוֹי לְבָנָיו אַחֲרָיו. וּמָה תִּלְמִיד לֹמֵר אַחֲרָיו. לְגִדּוּלָה שֶׁלְאַחֲרָיו. וּמִנֵּיין שֶׁהוּא נִשְׁאַל בְּשִׁמוֹנָה. רַבִּי יִרְמְיָה רַבִּי אִימִי בְּשֵׁם רַבִּי יוֹחָנָן. וּבִגְדֵי הַקּוֹדֶשׁ אֲשֶׁר לְאַהֲרֹן יְהוֹי לְבָנָיו. וּמָה תִּלְמִיד לֹמֵר אַחֲרָיו. לְקִדּוּשָׁה שֶׁלְאַחֲרָיו. בְּכִמָּה הוּא נִשְׁאַל. אֵינִי יָתִידוֹ רַבְּבָהוּ שֶׁעָלָה מִתְנִיטָא דְּבֵר קִפְרָא מִדְּרוֹמָא וְתָנָא. אֵינִי עוֹבֵד לֹא בְּאַרְבָּעָה שְׁלֹכְתָן הָדִיט וְלֹא בְּשִׁמוֹנָה שְׁלֹכְתָן גָּדוֹל. אָמַר רַבִּי בָּא. בְּדִין הָיָה שֶׁיְהִי עוֹבֵד בְּאַרְבָּעָה. וְלָמָּה אָמְרוּ אֵינִי עוֹבֵד. שֶׁלֹּא יְהוֹי אוֹמְרִי. רָאִינוּ כְּהֵן הָדִיט פְּעָמִים שֶׁהוּא עוֹבֵד בְּשִׁמוֹנָה כְּכֵהֵן גָּדוֹל. אָמַר רַבִּי יוֹנָה. וְלֹא בְּכִנִּים הוּא עוֹבֵד. וְהָלֵא בְּחוּץ הוּא נִשְׁאַל וְטוֹעִין דְּבֵר מִבְּפָנִים לְבָחוּץ. וְכִי רַבִּי טְרַפּוֹן רָבִן שֶׁלְכָל־יִשְׂרָאֵל לֹא טָעָה בֵּין תְּקִיעַת הַקֹּהֶל לְתְּקִיעַת קָרְבָן. דְּכַתִּיב וּבָנִי אַהֲרֹן הַכֹּהֲנִים יִתְקַעוּ בַּחֲצוֹצְרוֹת. תְּמִימִם לֹא בְעָלֵי מוֹמִין. דְּבָרֵי רַבִּי עֲקִיבָה. אָמַר לוֹ רַבִּי טְרַפּוֹן. אֶקְפֹּחַ אֶת בְּנֵי אִם לֹא רָאִיתִי שֶׁמָּעוֹן אַחֲרֵי אִימָה חִיגָר בְּאַחַת מִרְגְּלָיו וְעוֹמֵד בְּעֶזְרָה וְחֲצוֹצְרָתוֹ בִּידוֹ וְתוֹקֵעַ. אָמַר לוֹ רַבִּי עֲקִיבָה. שָׁמָּה לֹא רָאִיתוֹ אֶלָּא בְּשַׁעַת הַקֹּהֶל. וְאַנִּי אוֹמֵר. בְּשַׁעַת קָרְבָן. אָמַר לוֹ רַבִּי טְרַפּוֹן. אֶקְפֹּחַ אֶת בְּנֵי שֶׁלֹּא הִיטִיתָה יָמִין וּשְׂמָאל. אָנִי הוּא שֶׁשִּׁמְעָתִי וְלֹא הָיָה לִי לִפְרֹשׁ. וְאַתָּה דוֹרֵשׁ וּמִסְבִּים שְׁמוּעָה. הָא כָּל־הַפּוֹרֵשׁ מִמֶּךָ כְּפוֹרֵשׁ מִחֵייו.

1 ומניין | מנין | חייה | חייה 2 ומה | מה | ומנין | ומנין 3 אימי | אימי 4 ומה | מה 5 lines missing
10 עקיבה | עקיבא | בני | בני 11 אימה | אמה 12 עקיבה | עקיבא 13 בני | בני היטית | היטית
14 שמועה | על השמועה

¹⁷⁰And from where that he officiated in eight? Rabbi Abba bar Hiyya in the name of Rabbi Johanan: *And Aaron's holy garments shall be for his descendants in his stead*¹⁶³. Why does the verse say, *in his stead*? For greatness after him. And from where that he was asked in eight? Rabbi Jeremiah, Rabbi Immi in the name of Rabbi Johanan: *And Aaron's holy garments shall be for his descendants in his stead*. Why does the verse say, *in his stead*? For holiness after him. In what was he asked? They brought it, a Mishnah of Bar Qappara came from the South which stated: He officiates neither in the four of a common priest nor in the eight of a High Priest. Rabbi Abba said, it would be logical that he officiate in four¹⁷⁶. Why did they say that he did not officiate? Lest people say, we saw a simple priest who sometimes officiated in eight like a High Priest¹⁷⁷. Rabbi Jonah said, would he not officiate inside and would he not be asked outside? Does one

err between inside and outside? But did Rabbi Tarphon, the teacher of all of Israel, not err between blowing for assembly and the blowing for a sacrifice? As it is written: *The descendants of Aaron, the priests, shall blow the trumpets*¹⁷⁸, blameless ones, not with bodily defects, the words of Rabbi Aqiba. Rabbi Tarphon said to him, I would hit my sons¹⁷⁹ if I did not see Simeon, my mother's brother, lame in one of his legs, standing in the Temple court with his trumpet in his hand and blowing! Rabbi Aqiba answered him, maybe you saw him only at the time of assembly¹⁸⁰; but I was saying, at the time of sacrifices¹⁸¹. Rabbi Tarphon said to him, I would hit my sons but you did not deviate right or left. I am the one who heard but I could not explain. You derive it and agree with tradition. Therefore, anybody who separates from you is as if he separated himself from his life¹⁸².

170 The text here up to the quote from Bar Qappara's Mishnah is corrupt, contradictory in itself and mostly missing in B. Since it is a careless copy of the text in *Yoma* (1:1 38b l. 26) and *Megillah* (2:12 71a l. 75), an explanation must be based on that text. The paragraph discusses the rules for the priest Anointed for War. It starts with an assertion that the Anointed for War officiates in the Temple in the High Priest's garb while later it is asserted without dissent that he

he barred from any service in the Sanctuary. The entire topic is a reconstruction of the environment in which one has to place David's inquiries to God as recorded in the books of Samuel.

A consistent whole is found in the *Yoma/Megillah* text. In the following, standard font is used for the *Yoma* text; where the *Megillah* text deviates, it is given in different typeface.

מַנִּין שְׁהִיָּה (שְׁהוּא) נִשְׁאֵל בְּשִׁמוּנָה. ר' בָּא רַבִּי חִיָּה בִּשְׁם רַבִּי יוֹחָנָן. וּבִגְדֵי הַקּוֹדֶשׁ אֲשֶׁר לְאַהֲרֹן יְהִי לְבָנָיו אַחֲרָיו. מֵה תִּלְמוּד לומר אַחֲרָיו. אֶלָּא לְגִדּוּלָה שְׁלֹא אַחֲרָיו. וּמַנִּין (מַנִּין) שְׁהוּא עוֹבֵד בְּשִׁמוּנָה. רַבִּי יְרֵמְיָה ר' אִימִי בִּשְׁם רַבִּי יוֹחָנָן. וּבִגְדֵי הַקּוֹדֶשׁ אֲשֶׁר לְאַהֲרֹן יְהִי לְבָנָיו. מֵה תִּלְמוּד לומר אַחֲרָיו. אֶלָּא לְקִדּוּשָׁה (לְגִדּוּלָה) שְׁלֹא אַחֲרָיו. אָמַר לִיה רַבִּי יוֹנָה. עַמּוּד הֵייתִי. לֹא אָמַר עוֹבֵד אֶלָּא נִשְׁאֵל. וּבִמָּה (בְּמָה הוּא) נִשְׁאֵל. אֵייתִי רַב הוֹשַׁעְיָה מִתְּנִיתָ דָּבָר קִפְרָא מִן דְּרוּמָא (דְּרוּמָה) וְתָנָא. וְחֲכָמִים אוֹמְרִים. אֵינוֹ עוֹבֵד לֹא בְּשִׁמוּנָה שֶׁל כֹּהֵן גָּדוֹל וְלֹא בְּאַרְבָּעָה שֶׁל כֹּהֵן הַדִּיּוֹט.

And from where that he was asked in eight¹⁷¹? Rabbi Abba Rabbi Hiyya in the name of Rabbi Johanan: *And Aaron's holy garments shall be for his descendants in his stead*¹⁶³. Why does the verse say, *in his stead*? For greatness after him¹⁷². And from where that he officiated

in eight¹⁷³? Rabbi Jeremiah, Rabbi Immi in the name of Rabbi Johanan: *And Aaron's holy garments shall be for his descendants*. Why does the verse say, *in his stead*? For holiness after him. In what was he asked¹⁷⁴? Rabbi Jonah said to him¹⁷⁵, I was with you; he did not say "officiated" but "was asked". Rav Hoshia brought a Mishnah of Bar Qappara from the South which stated: He officiates neither in the four of a common priest nor in the eight of a High Priest.

171 The Anointed for War has two jobs. One is to address the army as described in *Deut.* 20:1-9, the other to ask the Urim and Tummim oracle on behalf of the army commander. Since this oracle is mentioned only in connection with the High Priest's garments (*Ex.* 28:30) it is obvious that the Anointed for War must wear one of these garments for the oracle. But since all eight garments of the High Priest form an indivisible unit, he must wear all of them.

172 *Ex.* 29:30 continues: *To be anointed in them and inducted into office*. Since the one Anointed for War is anointed, he seems to qualify.

173 This seems logical. Since the Anointed for War is required to wear the High Priest's garb, "one increases in sanctity but does not decrease" (cf. Note 151). Otherwise one will have to disqualify the Anointed for War from all office in the Sanctuary.

174 If R. Jeremiah, in opposition to R. Abba bar Hiyya, speaks about officiating, what is his opinion about inquiring from the Urim and Tummim?

175 The name of R. Jonah's interlocutor is not given. It must be another student of R. Jeremiah (R. Yose?) since he points out that the words of his teacher were incorrectly transmitted and that R. Jeremiah's statement was identical with

that of R. Abba bar Hiyya, the companion of R. Jeremiah's teacher R. Ze'ira. In the Babli, *Yoma* 73a, the students of R. Johanan already point out that R. Johanan only gave his opinion on interrogation of the oracle, not of officiating.

176 He holds that as a matter of principle, the Anointed for War could use the eight garments of the High Priest strictly for his duties outside the sanctuary and still be a common priest inside without violating the principle of Note 151. The Babli disagrees (*Yoma* 73a) and bases the rule strictly on that principle.

177 In contrast to the Babli, this would be strictly a rabbinic rule, not based on biblical principles, and therefore not a historical reconstruction by a new rule for the days of the Messiah.

178 *Num.* 10:8.

179 His oath formula, cursing himself if his statement should be found false. Babli *Šabbat* 17a.

180 The command to call all the community in the desert by the sound of trumpets (*Num.* 10:3) is extended to use trumpets to introduce the public Torah reading in the Temple at Tabernacles in the Sabbatical Year (*Deut.* 31:10-13).

181 *Num.* 10:10; cf. *Sanhedrin* 3:3 Note 155.

182 A similar text in *Sifry Num.* 75 (a better text *Yalqut* 725).

(47d line 49) וְכָפֹר הַכֹּהֵן אֲשֶׁר־יִמָּשַׁח אוֹתוֹ. מֵה תִלְמִיד לֹמֵר. לְפִי שְׂכַל־הַפֶּךְשָׁה נֶאֱמָרָה בְּאַהֲרֹן. אֵין לִי אֶלָּא מִשּׁוּחַ בְּשִׁמּוֹן הַמִּשְׁחָה. מְרוּבָה בְּגָדִים מְנִיין. תִּלְמִיד לֹמֵר וְאֲשֶׁר יִמָּלֵא אֶת־לֵוֹ. וּמְנִיין לְרִבּוֹת אַחֵר הַמִּתְמַנֶּה. תִּלְמִיד לֹמֵר וְכָפֹר הַכֹּהֵן. בְּמָה הוּא מִתְמַנֶּה. רִבְנִין דִּקְזִיסְרִין בְּשֵׁם רַבִּי חִיָּה בַר יוֹסֵף. בְּפָה. אָמַר רַבִּי זְעִירָא. הִזְדָּא אֶמְרָה שְׁמַמְנִין זְקִינִים בְּפָה. אָמַר רַבִּי חִיָּה בַר אָדָא. מִתְנִיתָא אֶמְרָה כֵּן. חֲזֹר בְּדָ בְּאַרְבָּעָה דְּבָרִים שְׁהֵייתָ אוֹמֵר וְנִעְשָׂךְ אַב בֵּית דִּין לְיִשְׂרָאֵל.

1 נאמרה B | כולה אמורה ו אמורה 2 B | מושח | אהרן עצמו מניין לרבות כהן אחר ת"ל אשר ימשח אותו אין לו אלא מושח מניין B | מנין 3 ומנין B | ומנין כהן המתמנה | ו המתכפר מתמנה | ו מתכפר 4 חייה | ו חייה זעירא | מתמנה | ו המתכפר זעירא | זקנים | מו זקן 5 חייה B | חייה בך B - 8 לישראל | ו עלך ישראל מ -

*The priest shall atone who was anointed*¹⁸³. Since the entire chapter is said about Aaron, from where [to include another priest? The verse says, *who was anointed*;¹⁸⁴ not only the anointed with the anointing oil; from where the one clothed in multiple garb? The verse says, *who was inducted into office*. And from where another who was appointed¹⁸⁵? The verse says, *the priest shall atone*¹⁸⁶. How is he being appointed? The rabbis of Caesarea in the name of Rabbi Hiyya bar Joseph, by mouth¹⁸⁷. Rabbi Ze'ira said, this implies that one may ordain Elders by word of mouth. Rabbi Hiyya bar Ada said, a Mishnah says so: "Recant the four things that you are used to say and we shall make you president of the Court for Israel."¹⁸⁸

183 Lev. 16:32. The problem is the legitimacy of a priest appointed *ad hoc* as High Priest to conduct the service of the Day of Atonement for which common priests are disqualified.

184 From B and the parallels in *Yoma* (י) and *Megillah* (מ) (Note 170). The first 30 verses of the Chapter mention Aaron exclusively.

185 In an emergency of the Day of Atonement where no formal session of a court can be held. Even when anointing

oils was available, simple investiture was enough.

186 Since it does not stress "the High Priest", it follows that any priest can be appointed to fill the office.

187 It does not need the laying on of hands nor a document of appointment. (Tosaphot *Yoma* 12b s. v. כהן).

188 Mishnah *Idiut* 5:6. The oral promise was irrevocable.

Here end the parallels in *Yoma* and *Megillah*.

(47d line 56) הוּא. לֹא הִמָּלֵךְ. הוּא. לֹא הִנָּשִׂיא. הוּא. לְרִבּוֹת כֹּהֵן מִשּׁוּחַ מִלְחָמָה. אֲשֶׁה בְּבִתּוּלָיָה יִקָּח. פֶּרֶט לְבִגְדֵי שְׂכָלוֹ בְּתוּלָיָה. רַבִּי לֵעָזֵר וְרַבִּי שְׁמַעוֹן מְכַשִּׁירֵין בְּבִגְדֵי רַבִּי

יִצְחָק שָׁאֵל. אֵף בְּשָׂאָר כָּל-הַדְּבָרִים כֵּן. קוֹמֵץ וְאַחֵר מִקְטִיר. וּמִקְבֵּל וְאַחֵר זֹרֵק. שׁוֹרֵף וְאַחֵר יִזֶּה. רַבִּי יַעֲקֹב בַּר אִידִי בִשְׁם רַבִּי יִצְחָק. עָשׂוּ אוֹתָהּ חֲטָאת גְּדוּלָּה שְׁלֹא נוֹדָעָה לְרַבִּים. הִדָּא אֲמַרְה. קוֹמֵץ וְאַחֵר מִקְטִיר. מִקְבֵּל וְאַחֵר זֹרֵק. שׁוֹרֵף וְאַחֵר יִזֶּה. רַבִּי בְּרַכְיָה רַבִּי יַעֲקֹב בַּר אִידִי יִצְחָק שָׁאֵל. הִיָּה עוֹמֵד וּמִקְרִיב עַל גְּבִי הַמִּזְבֵּחַ וְנוֹדָע שֶׁהוּא בֶּן גְּרוּשָׁה אוֹ בֶּן חִלְצָה. מִתְּ עֶבֶד לָהּ. שְׁמֹת וְיַחְזִיר הַרֹצֵחַ לְמִקְוָמוֹ אוֹ יַעֲשֶׂה כְמוֹ שְׁנִגְמָר דִּינוֹ בְּלֹא כְהֵן גְּדוּל. וְאֵל יִצָּא מִשֵּׁם לְעוֹלָם.

1 - | הלכה זה וזה שוין בעבודת יום הכיפורים וכו'. המלך | על המלך 2 לעזר | אלעזר 3 ואחר | ואחר כך (3) 4 יזה | מזה בשם - | חטאת | כחטאת גדולה | גזולה | הדא | הכא 5 אמרה | אמרין ואחר | אחר כך (3X) יזה | מזה ר' יעקב | ור' יעקב 6 מת | מה את שמת | כמי שמת 7 ויחזור | ומחזי

[**Halakhah:** “Both are equal in the office of the day of Atonement,” etc.]¹⁸⁹ ¹⁹⁰*He, not the king. He, not the chieftain*¹⁹¹. *He, to include the priest Anointed for War*¹⁹². *A woman in her virginity he shall marry*; this excludes an adult whose hymen has atrophied. Rabbi Eleazar and Rabbi Simeon qualify the adult¹⁹³.

¹⁹⁴Rabbi Isaac asked, are these things so in all other things? He takes the fist full and the other burns it; he receives and the other throws, he burns and the other sprinkles? Rabbi Jacob bar Idi in the name of Rabbi Isaac: They made it like a (great) [robbed]¹⁹⁵ purification sacrifice which was not publicly known. This implies that he takes the fistful and the other burns it, he receives and the other throws, he burns and the other sprinkles.

¹⁹⁶Rabbi Berekhiah, Rabbi Jacob bar Idi: Rabbi Isaac asked. If he was standing sacrificing on the altar when it became known that he was the son of a divorcee or the son of a woman having received *halisah*, how do you treat him? [As if]¹⁹⁷ he had died and the homicide might return to his home town or should he be treated as one whose trial had been concluded without a High Priest and he never can leave from there?

189 The beginning of the discussion of Mishnah 5 is noted only in B.

190 *Sifra Emor Paraṣah* 2(7), on *Lev.* 21:13. Since the High Priest was mentioned in the preceding verses, the pronoun is unnecessary by the rules of grammar. It is added for emphasis; only the High Priest is restricted to marrying a virgin.

191 Since the king was mentioned separately, נָשִׂא here cannot be identified as the king; it must be a tribal chieftain.

192 Since the rules of the High Priest were tied in *Lev.* 21:10 to wearing the High Priest's garments and the Anointed for War is required to wear these when asking the oracle, he is bound by all rules enumerated in vv. 10-15.

193 *Lev.* 21:14. The parallels in the Babli, *Yebamot* 59a, *Ketubot* 97b, identify the first opinion as R. Meïr's. It is agreed that if a girl is fully grown, the breaking of her hymen may not be noticed by the man.

194 The interpretation of this paragraph depends on whether one considers the texts of L and B as two different texts or that the correct text is that of B, except for the name tradition identical with *Terumot* 8:2, Notes 29-31, with the text of L badly corrupted. Since in the characterization of the sacrifice, the text of L is certainly corrupt, the second alternative has much to commend itself. In the text itself, the crucial point is whether to read אחר as אחר "another" or אחר "after". Since the text of L, but not that of B, refers to the High Priest, in the absence of a clear solution

both texts are presented and explained.

In the text of L one refers to the statement in the Mishnah that an acting High Priest and a deposed one are equal in all but the service of the Day of Atonement. The question is whether the acting High Priest may take the required fist full of incense and the deposed one then may bring the incense to the inner altar and burn it there; or the acting High Priest receive the blood of his sacrifices and the deposed one sprinkle of the blood on the walls of the altar. The question is not asked anywhere else and the positive answer is difficult to accept. Therefore, it is better to accept the text of B, even though it does not refer to the High Priest, as necessary introduction to the following paragraph which does.

That text reads:

Rebbi Isaac asked, does this apply to the remaining actions? He took the fist full and afterwards burned it; he received and afterwards threw it, he burned and afterwards sprinkled? Rebbi Jacob bar Idi in the name of Rebbi Isaac: They made it like a robbed purification sacrifice which was not publicly known. This implies that if he took the fistful afterwards he burns it, if he received [the blood] afterwards he throws [it on the walls of the altar], he burned [the red cow] he afterwards sprinkles [water with its ashes to purify others].

As explained in *Terumot*, the question is asked about a Cohen who is informed that he is disbarred from the priesthood because of his birth from a woman forbidden to priests when he had completed one sacral action which by necessity must be followed by a different one. The answer is that the desecrated

son of a Cohen who innocently started officiating may officiate to the end even though in the future he will be barred from officiating.

196 The reference is to Mishnah *Gittin* 5:5, as explained in *Terumot*. The text of L is in parentheses, the correct text in brackets is from B. The point of the

argument is missing here in both texts, that the purification offering is acceptable (i., e., that the Temple authorities are prohibited from inquiring into the way the offerer acquired his animal.)

197 *Terumot* 8:2, Notes 32-33,40. If the High Priest after his elevation was found to be desecrated by his birth and thereby is removed, is this considered to be his

death as far as the Sanctuary is concerned and releases any homicide sentenced during his tenure of office from the city of refuge or is his tenure as High Priest erased from the annals of the Sanctuary (*Makkot* 2:10-11)? No answer is given here; the first eventuality is chosen in *Terumot*.

(fol. 47a) **משנה ו:** כהן גדול פוֹרֵם מִלְמָטוֹן וְהַהֲדִיט מִלְמַעַל. כֹּהֵן גָּדוֹל מִקְרִיב אוֹיֵן וְלֹא אוֹכֵל וְהַהֲדִיט לֹא מִקְרִיב וְלֹא אוֹכֵל:

Mishnah 6: The High Priest rends his garment below, the common priest above¹⁹⁸. The High Priest sacrifices while in deep mourning but does not eat; the common priest neither sacrifices nor eats¹⁹⁹.

198 Rending one's garment is a required mourning rite for a close relative (as defined in *Lev.* 21:2-3). The High Priest is forbidden any mourning rites, including rending his garment (Mishnah 5). One allows him to make a tear at the bottom of his robe where nobody will notice it.

199 "Deep mourning" is the time between the death of a close relative and his burial (on the same day or the following night).

Since the High Priest is forbidden to leave the Sanctuary (*Lev.* 21:12) he must be permitted to officiate. But eating *sancta* while in deep mourning is forbidden to everybody (*Deut.* 26:14), including the High Priest (*Lev.* 10:19-20). The common priest is required to defile himself for the burial of a close relative (*Lev.* 21:1-2); automatically he is excluded from the Sanctuary and all its service.

(47d line 66) **הלכה ו:** כהן גדול פוֹרֵם מִלְמָטוֹן כּוֹל. רַבִּי לַעֲזֹר בְּשֵׁם כֹּהֵנָא. לְמַעַל. לְמַעַל מִקְנֵה שְׁפָה. לְמָטוֹן מִקְנֵה שְׁפָה. רַבִּי יוֹחָנָן אָמַר. לְמָטוֹן מִמָּשׁ. רַבִּי יוֹחָנָן סָלִיק לְמִבְקָרָה לְרַבִּי חֲנִינָה. כִּד הֵוָה גּוֹ אִיסְטֶרְטָה שְׁמַע דְּדָמָן. שְׁלַח וְאִתִּי מְנוֹי טַבִּינָא דְשׁוֹבְתָא וּבִזְעָן. רַבִּי יוֹחָנָן פְּלִיג עַל דְּרַבִּי יְהוֹדָה תְּרִיתִין. וְאִתִּינָא רַבִּי לַעֲזֹר בְּשֵׁם כֹּהֵנָא כְּרַבִּי יוֹדָה. אִין כְּרַבִּי יוֹדָה לֹא יִפְרוֹם כְּלִיעִיקָר. לֹא אִתִּינָא דָא אֶלָּא עַל אֲבִיו וְעַל אִמּוֹ כְּדָבְרִי רַבִּי מֵאִיר. דִּתְנִי. עַל כְּלִיעִיקָרִים אִינוּ מְבָדִיל קִנָּה שְׁפָה אֶלָּא עַל אֲבִיו וְעַל אִמּוֹ. כְּדָבְרִי רַבִּי מֵאִיר. רַבִּי יוֹדָה אוֹמַר. כְּלִיעִיקָרִעַ שְׁאִינוּ מְבָדִיל קִנָּה שְׁפָה הָרִי זֶה קָרַע שְׁלִתְפְּלוּת. מֵאִי כְדוֹן. אוֹמַר הוּא בְכֵהוּ גָדוֹל שְׁיָהָא מְבָדִיל קִנָּה שְׁפָה.

1 לעזר | אליעזר | למעלן למעלה מקנה שפה | למעלה למעלה מקמי שפה²⁰¹ 2 למטן למטן מקני שפה | למטה למטה מקמי שפה | למטן | למטה למטה | סליק | סלק 3 כד הוה | - איסטריטא | אוסטריטא דשבתא | דשבתא The remainder of the Halakhah is missing.

²⁰⁰Rebbi Eleazar in the name of Cahana: On top, high starting with the seam, below, low starting with the seam. Rebbi Johanan said, really low. Rebbi Johanan was going up to visit Rebbi Hanina; on the road he heard that he had died. He sent, brought his good Sabbath garment, and tore it. Rebbi Johanan disagrees with Rebbi Jehudah in two things, but Rebbi Eleazar in the name of Cahana follows Rebbi Jehudah. If following Rebbi Jehudah, he should not tear at all! This refers only to his father or mother, following Rebbi Meïr, as it was stated: One tears the seam for nobody who died except for father and mother, the words of Rebbi Meïr. Rebbi Jehudah says, any tear which does not completely sever the seam is a frivolous tear. How is that? It is said²⁰² for the High Priest that he shall sever the seam completely.

200 The entire Halakhah is from *Sanhedrin* 3:1, Notes 33-56.

202 This is a simple copyist's error for חומר "a stringency".

201 Cf. *Sanhedrin* 3:1, Note 34.

(47d line 75) כהן גדול מקריב אוגן ולא אוכל. דברי רבי מאיר. רבי יודה אומר. כל-אותו היום. רבי שמעון אומר. גומר כל-העבודה שבגדו ובא לו. בין רבי מאיר לרבי שמעון חדא בין רבי יודה לרבי שמעון חדא. בין רבי מאיר לרבי יודה הכנסה. רבי יעקב בר דסיי. מפשק ביניהון. רבי מאיר אומר. הנה בפנים הנה יוצא. הנה בחוץ לא הנה נכנס. רבי יודה אומר. הנה בפנים הנה יוצא. הנה בחוץ לא הנה נכנס. רבי שמעון אומר. גומר כל-העבודה שבגדו ובא לו. רבי יוסי בירבי בון בשם רב חונא. מתניתא דרבי שמעון. ומן המקדש לא יצא. עמהן אינו יצא. יוצא הוא אחריהן. אלא הן נכנסין והוא יוצא. הן נכנסין והוא נגלה ויוצא אחריהן עד פתח העיר. דברי רבי מאיר. רבי יודה אומר. אינו יוצא מן המקדש. כתיב ומן המקדש לא יצא. למד אלא לא יצא. יצא לא היה חוזר.

"The High Priest sacrifices while in deep sorrow but does not eat, the words of Rebbi Meïr; Rebbi Jehudah says, the entire day. Rebbi Simeon says, he completely finishes the service he is engaged in and then leaves." Between Rebbi Meïr and Rebbi Simeon there is one [difference], between Rebbi Jehudah and Rebbi Simeon there is one [difference]. Between Rebbi Meïr and Rebbi Jehudah is entering. Rebbi Jacob ben Dositheos: interruption is

between them. Rabbi Meïr says, if he was inside, he leaves; if he was outside, he does not enter. Rabbi Jehudah says, if he was inside, he (leaves); if he was outside, he does not enter. Rabbi Simeon says, he completely finishes the service he is engaged in and then leaves. Rabbi Yose ben Rabbi Abun in the name of Rav Huna: a *baraita* is from Rabbi Simeon: “*The Sanctuary he shall not leave*, he may not leave with them, but he may leave after them. (But they enter and he leaves). If they are unseen he can be seen; he leaves with them up to the city gate, the words of Rabbi Meïr; Rabbi Jehudah said, he does not leave the Temple since it is said: *The Sanctuary he shall not leave*. If he left, he may not return.”

(48a line 11) רבי אבהו בשם רבי לעזר. אין אָנינה אַלא לְמַת בְּלָבָד. דְּכָתִיב וְאָנֹכִי וְאָבְלוּ פְתִיחֶיהָ. הָתִיב רַבִּי חִיָּה בַר אֲדָא. וְהָכָתִיב וְאָנֹכִי הַדִּיגִים וְאָבְלוּ כָּל־מַשְׁלִיכֵי בִּנְאוֹר חֶכֶה. אָמַר רַבִּי חֲנִינָה. מִתְּנִיתָא אִין אָנינה טְמֵאָה אַלא לְמַת בְּלָבָד. אִי זֶה הִיא אָנינה. מְשַׁעַת מִיתָה וְעַד שְׁעַת קְבוּרָה. דְּבָרֵי רַבִּי. וְחֻכָּמִים אוֹמְרִים. כָּל־אוֹתוֹ הַיּוֹם. אֲשַׁכַּחַת אָמַר קוּלַת וְחוּמְרַת עַל דְּרָבִי. קוּלַת וְחוּמְרַת עַל דְּרָבָנָן. מַה מִּפְקָה מִבְּיַיְהוֹן. מֵת וְנִקְבֵּר בְּשַׁעֲתוֹ. עַל דַּעֲתָהוֹן דְּרָבָנָן אֲסוּר כָּל־אוֹתוֹ הַיּוֹם. עַל דַּעֲתִיָּה דְּרָבִי אֲסוּר אַלא אוֹתָהּ הַשְּׁעָה בְּלָבָד. מֵת וְנִקְבֵּר לְאַחַר שְׁלֹשָׁה יָמִים. עַל דַּעֲתָהוֹן דְּרָבָנָן אֲסוּר כָּל־אוֹתוֹ הַיּוֹם. עַל דַּעֲתִיָּה דְּרָבִי אֲסוּר עַד ג' יָמִים. אֲתָא רַבִּי אֲבָהוּ בְּשֵׁם רַבִּי יוֹחָנָן רַב חֲסִידָא תִּרְיָהוֹן אָמְרִין. מוֹדָה רַבִּי לְחֻכָּמִים שְׂאִין אֲסוּר אַלא אוֹתוֹ הַיּוֹם בְּלָבָד. כִּהְדָּא דִּתְנִי. רַבִּי אוֹמֵר. תִּדַּע לָךְ שְׂאִין אָנִינּוּת לֵילָה תוֹרָה. שְׁהָרִי אָמְרוּ. אוֹיֵן טוֹבֵל וְאוֹכֵל פֶּסַח וְלַעֲרַב. וְהָרִי אָמְרוּ. אָנִינּוּת יוֹם תוֹרָה. רַבִּי יוֹסִי בִּירְבִי בּוֹן בְּשֵׁם רַב הוּנָא. תִּיפְתֵּר שְׁנִקְבֵּר בְּדַמְדוּמֵי חֲמָה. וְלִית שְׂמַע מִינָה כְּלוּם.

Rebbi Abbahu in the name of Rabbi Eleazar: “Deep sorrow” is only for the dead, for it is written: *Its gates are in deep sorrow and mourning*. Rabbi Hiyya bar Ada objected: Is it not written⁵¹: *the fishermen are in deep sorrow, mourning are all who throw a fish-hook into the Nile*? Rabbi Hanina said, so is the *baraita*: there is no deep sorrow in impurity except for the dead. It was stated: “What is deep sorrow? From the moment of death until the moment of burial, the word of Rabbi. But the Sages say, the entire day.” It turns out that one describes leniencies and stringencies following Rabbi, leniencies and stringencies following the rabbis. What is the difference between them? If someone died and was buried within the hour. Following the rabbis, he is forbidden the entire day; following Rabbi he is forbidden only that hour. If

the person died and was buried after three days. Following the rabbis, he is forbidden the entire day; following Rabbi he is forbidden up to three days. There came Rabbi Abbahu in the name of Rabbi Johanan, and Rav Hisda, both of whom said that Rabbi agrees with the Sages that he is forbidden only during the first day, as it was stated: Rabbi said, you know that deep mourning in the night is not biblical, since they said, “the deep mourner immerses himself and eats his Passover sacrifice in the evening.” But they said, deep mourning during daytime is biblical. Rabbi Yose ben Rabbi Abun in the name of Rabbi Huna: Explain it that the person was buried close to sundown and one cannot infer anything.

משנה ז: (fol. 47a) כָּל הַתָּדִיר מִחֲבִירוֹ קוֹדֵם אֶת חֲבִירוֹ. וְכָל הַמְקֻדָּשׁ מִחֲבִירוֹ קוֹדֵם אֶת חֲבִירוֹ. פֶּר הַמִּשְׁחִים וּפֶר הָעֵדָה עוֹמְדִין פֶּר הַמִּשְׁחִים קוֹדֵם לְפֶר הָעֵדָה בְּכָל מַעֲשֵׂיוֹ:

Mishnah 7: Anything which is more frequent than another precedes the other²⁰³. Anything more holy than another precedes the other²⁰⁴. If the bull of the Anointed and the bull of the community are standing, the Anointed's bull precedes the community's bull in all its ceremonies²⁰⁵.

משנה ח: הָאִישׁ קוֹדֵם לָאִשָּׁה לְהַחְיוֹת וּלְהַשִּׁיב אֲבֵדָה וְהָאִשָּׁה קוֹדֶמֶת לָאִישׁ לְקָסוֹת וּלְהוֹצִיָּאָה מִבֵּית הַשְּׂבִי. בְּזֶמַן שֶׁשְּׂנִיָּהֶם עוֹמְדִים לְקַלְקֵלָה הָאִישׁ קוֹדֵם לָאִשָּׁה:

Mishnah 8: The man precedes the woman to be kept alive²⁰⁶ and to regain his lost property²⁰⁷. But the woman precedes the man for clothing²⁰⁸ and to be freed from captivity²⁰⁹. At a time when both are used for immorality²¹⁰, the man precedes the woman.

משנה ט: כֹּהֵן קוֹדֵם לְלֵוִי לְיִשְׂרָאֵל וְיִשְׂרָאֵל לְמִמְזָר וּמִמְזָר לְנִתְיָן וְנִתְיָן לְגֵר וְגֵר לְעֶבֶד מְשוּחָרֵר. אִימָתִי בְּזֶמַן שֶׁכּוֹנֵן שְׂוִי. אֲבָל אִם הָיָה מִמְזָר תִּלְמִיד חֹכֵם וְכֹהֵן גָּדוֹל עִם הָאֶרֶץ מִמְזָר תִּלְמִיד חֹכֵם קוֹדֵם לְכֹהֵן גָּדוֹל עִם הָאֶרֶץ:

Mishnah 9: A priest precedes a Levite, a Levite an Israel, an Israel a bastard, a bastard a Gibeonite²¹¹, a Gibeonite a proselyte²¹², a proselyte a manumitted slave. When? If they are all equal²¹³. But if the bastard was learned and the High Priest ignorant, the learned bastard precedes²¹⁴ the ignorant High Priest.

203 Anything which is done more frequently is executed before anything less frequent is done. The statement of the Mishnah is repeated in *Zebahim* 10:1, where the implications for the Temple service are detailed. For example, if New Year's Day falls on a Sabbath, the first sacrifices are the daily offerings (offered 365 days a year), followed by the Sabbath sacrifice (52 times), then the New Moon sacrifice (12 times), and last the New Year's Day sacrifice (1). Synagogue practice imitates this rule.

204 For example, if a person brings animals for a purification sacrifice, an elevation sacrifice, and a well-being sacrifice to the Temple, they have to be offered in this order (Mishnah *Zebahim* 10:2).

205 The rules for the Court's (the community's) purification sacrifice (*Lev.* 4:13-21) are dependent on the Anointed's sacrifice (*Lev.* 4:1-12). If they are offered simultaneously then the Anointed's has

precedence.

206 This usually is interpreted to mean that if a man and a woman are simultaneously in mortal danger, the man has to be saved first. But it also could mean that if a man and a woman are looking for a livelihood, the man has to be considered first.

207 Cf. Mishnah *Bava Mesia'* 2:13.

208 A poor man will not be hurt by appearing in rags. A woman cannot possibly be seen in rags.

209 A woman is more likely to be raped in captivity than a man.

210 If they are forced into prostitution, the man is in addition forced into homosexuality.

211 The bastard has (in general) genuinely Jewish parents; the Gibeonites became Jewish by deceit.

212 The Gibeonite's parents were Jewish, the proselyte's not.

213 In religious learning.

214 In honor due to him.

48a line 25) **הלכה ז:** כל התדיר מחבירו כול. לפי שזה מכפר וזה מכפר. מוטב שיקדום המכפר למתכפר. כמה דכתיב וכפר בעדו ובעד ביתו ובעד כל-קהל ישראל: נדבת משיח ונדבת נשיא. נדבת משיח קודמת. נדבת ציבור ונדבת נשיא. נדבת נשיא קודמת. נדבת משיח ונדבת ציבור מי קודם. נישמעניה מן הדא. נדבת משיח וישעירי עבודה זרה עומדין. ישעירי עבודה זרה קודמין מפני שדמן נכנס לפנים. לא מר אלא שדמן נכנס לפנים. הדא אמרה. נדבת משיח ונדבת ציבור נדבת משיח קודמת. היה שם פרה עבודה זרה וישעיר הבא עמו וחסאת אחרת. פרה קודם לשעיר. וישעיר קודם לחסאת אחרת. וחסאת אחרת קודמת לפר. היד עבדה. אמר רבי יוסי. מכין שהשעיר מחוסר זמן לפר כמי שקדמו פרה וחסאת אחרת קודמת לפר. פרה שלעבודה זרה קודם לשעיר הבא עמו מפני שקדמו במקרא. רבי שמואל אחי דרבי ברכיה בעי. מעתה שלראש חודש יקדום לשעיר הבא עמו מפני שקדמו. אמר רבי בא מרי. לית זכיל. חסאת דידה חסר. על-עלת התמיד עשה ונסכו: סמכו לעולת התמיד. קרבן איש וקרבן אשה. קרבן איש קודם. הדא דתימר בשחיו שניהן שוין. אבל אם

הָיָה זֶה פֶּר וְזֶה גָּדִי כִּהְיָא דְמָר רַבִּי פִּינְחָס בְּשֵׁם רַבִּי הוֹשִׁיעִינָה. עֶבֶד מִבִּיא פֶּר וְרַבּוּ מִבִּיא פֶּר. עֶבֶד קוֹדֵם לְרַבּוּ. דִּתְנִינָן תַּמָּן. פֶּר מְשִׁיחַ וּפֶר עֵדָה עוֹמְדִים. פֶּר מְשִׁיחַ קוֹדֵם לְפֶר עֵדָה לְכָל מַעֲשֵׂי:

1 לפי | פר המשיח ופר העדה עומדים פר המשיח קודם לפר העדה בכל מעשיו לפי | שזה מכפר וזה מכפר | שהד' מכפר ודין מתכפר | 3 קודמת | קודמת לנדבת נשיא | נדבת ציבור ונדבת נשיא | נדבת נשיא ונדבת ציבור | 4 קודם | קודמת נדבת | פר עומדין | עומדים | 5 מר | אמרו | 6 ע"ז | של ע"ז | 7 פר | הפר ושעיר | והשעיר | 8 עבדה | עבדה | 10 יקדים | יקדים | שקדמו | שקדמו במקרא | 11 אמ' ר' בא מרי | אמר ר' שמואל אמר ר' אבא מרי | יכיל | את יכיל | חטאת דידה חסר | דחטאת דידה אחר | 12 שניהן | שניהם | 13 כהיא | הדא היא | ר' | - | 14 עבד | העבד | תמן | - | עדה עומדים. פר משיח קודם לפר עדה לכל מעשיו | וכו'

Halakhah 7: “Anything which is more frequent than another,” etc. [“If the bull of the Anointed and the bull of the community are standing, the Anointed’s bull precedes the community’s bull”],²¹⁵ for one is atoning, the other is being atoned for²¹⁶. It is preferable that the atoner precede the atoned for, as it is written, *he shall atone for himself, and for his house, and for all the congregation of Israel*²¹⁷.

Between a voluntary gift of the Anointed and a voluntary gift of the prince, the voluntary gift of the Anointed has precedence²¹⁸. Between a voluntary gift of the community and a voluntary gift of the prince, the voluntary gift of the prince has precedence²¹⁹. Between a voluntary gift of the Anointed and a voluntary gift of the community, which one has precedence? Let us hear from the following: A voluntary gift of the Anointed and rams of idolatry²²⁰ were standing. The rams of idolatry have precedence since their blood enters inside²²¹. He only said “since their blood enters inside;” this implies that between a voluntary gift of the Anointed and a voluntary gift of the community, the voluntary gift of the Anointed has precedence.

If there were standing the bull of idolatry, the ram which accompanies it, and another purification sacrifice. The bull precedes the ram²²², the ram precedes the other purification sacrifice, and the other purification sacrifice precedes the bull²²³. How is this done? Rabbi Yose said, since the ram is dependent in time on the bull, it is as if the bull preceded it, and the other purification sacrifice precedes the bull. The bull of idolatry precedes the ram because it precedes in Scripture²²⁴. Rabbi Samuel the brother of Rabbi Berekhiah asked: But then that of the New Moon should precede the ram which comes with it because it precedes [in Scripture.²²⁵] ²²⁶ Rabbi Abba Mari

said, you cannot do this; its *purification sacrifice* is defective²²⁷: *After the permanent elevation offering it shall be made, with its libation*; it made it lean on the permanent elevation offering.

Between the sacrifice of a man and the sacrifice of a woman, the man's sacrifice has precedence²²⁸. That is, if both were equal. But if one was a bull and the other a lamb, it is what Rebbi Phineas said in the name of Rebbi Hoshaia: A slave brings a bull and his master brings a bull, the slave's precedes the master's, as we have stated there: "If the bull of the Anointed and the bull of the community are standing, the Anointed's bull precedes the community's bull in all its ceremonies."²²⁹

215 From B; a necessary introduction to the following text.

216 This also is the reason given in the Babli (13a) for the precedence of a purification offering over a simultaneously presented elevation offering, both being most holy sacrifices.

217 *Lev. 16:17*. The argument really refers to the service of the Day of Atonement in its entirety, where the High Priest performs three acts of atonement, the first for himself and his family, the second for himself and the priests, and then the third for himself, the priests, and all of Israel. The priest performing the rite of atonement has to be purified himself before being able to serve others. (Tosephta *Horaot* 2:4, *Zevahim* 10:1).

218 Again because the priest has to act to present the king's gift.

219 Since he is the representative of the community.

220 Cf. Chapter 1, Notes 122,135. For the number of rams, cf. *Mishnah* 1:6.

221 While this is not indicated elsewhere, if the bull is identified as the bull prescribed in *Lev. 4*, the ram is attached to

a sacrifice whose blood is brought inside the Sanctuary and which, therefore, has precedence as the more holy sacrifice.

222 As will be explained later in this paragraph.

223 The bull of idolatry is defined as an elevation sacrifice which takes second place after a purification sacrifice (Note 216). The rules lead to an infinite loop.

224 The bull is prescribed in the first half of *Num. 15:24*, the ram in the second half.

225 The sacrifices for the Day of the New Moon are prescribed in *Num. 28:11* (elevation sacrifices) and *28:15* (the purification sacrifice). This contradicts our rule from Note 216.

226 Added from B, not absolutely necessary.

227 The argument is very elliptic. The ram of idolatry follows the bull not really because it is mentioned later in the verse, but mainly because it is spelled defective, not as חטאת but only as חטת (Babli 13a, *Zevahim* 90b). But the purification offering of the special days is directly connected with the daily offerings which start the day in the sanctuary (*Num.*

28:15.)

228 If both are voluntary offerings of equal value. But an obligatory offering always has precedence over a voluntary one (*Tosephta Zevahim* 10:4).

229 The argument is a *non sequitur*. Some commentators want to emend the text, in that the slave brings a bull but his master a goat. While this connects to the preceding, it severs the connection to the statement of R. Phineas. As a matter of principle, an emendation is totally inadmissible since the text is confirmed not only by the two independent sources here but also by *Lev. rabba* 5(4) where the case of slave and master both bringing a bull follows a story about the merit of contri-

buted to the support of scholars. As the text is presented here, one wonders why the following stories are placed here and what connection they could have with the topic of the Mishnah. But *Lev. rabba*, an old text, shows that the case of slave and master is not a legal but a homiletic statement. There the argument is that the High Priest is the servant of the people; the Sanctuary is run only on behalf of the people. After the destruction of the Temple, the rabbinic establishment became the servant of the people, looking after their needs. Therefore, the rules of preference should be transferred from Temple service to the rabbinic establishment.

(48a line 44) מַעֲשֶׂה בִּירְבִי אֱלִיעֶזֶר וְרַבִּי יְהוֹשֻׁעַ וְרַבִּי עֲקִיבָה שֶׁעָלוּ לְחֹלֶת אֲנֹטְכִיָּא עַל עֶסֶק מִגִּבְתַּת חֲכָמִים. וְהָיָה תַּמָּן חָד אַבָּא יְהוּדָה עֲבִיד מַצָּה בְּעֵין טוֹבָה. פָּעַם אַחַת יָרַד מִכְּסִי וְרָאָה רְבוּתֵינוּ וְנִתְיַאֲשׁ מֵהֶן. עָלָה לוֹ לְבֵיתוֹ וּפְנִי חוֹלְנִיּוֹת. אָמְרָה לוֹ אִשְׁתּוֹ. מִפְּנֵי מָה פְּנִיד חוֹלְנִיּוֹת. אָמַר לָהּ. רְבוּתֵינוּ כָּאֵן וְאִינִי יוֹדֵעַ מָה אֶעֱשֶׂה. אִשְׁתּוֹ שֶׁהִיָּתָה צְדָקָת מַמְנֵי אָמְרָה לוֹ. נִשְׁתִּיירָה לָךְ שָׂדֶה אַחַת. לָךְ וּמִכּוֹר חֲצִיָּה וְתָן לָהֶן. הִלָּךְ וְעָשָׂה כֵן. וּבָא לוֹ אֶצֶל רְבוּתֵינוּ וְנָתַן לָהֶן. וְנִתְפַּלְלוּ עָלָיו רְבוּתֵינוּ. אָמְרוּ לוֹ. אַבָּא יְהוּדָה. הַקְדוֹשׁ בְּרוּךְ הוּא יִמְלֵא חֲסִדוֹנוֹתֶיךָ. עִם כְּשֶׁהָלַכְנוּ לָהֶם יָרַד לְחֹרֶשׁ בְּתוֹף חֲצִי שָׂדֶהוּ. עִם כְּשֶׁהוּא חוֹרֵשׁ בְּתוֹף חֲצִי שָׂדֶהוּ שֶׁקָּעָה פָּרְתוֹ וְנִשְׁבְּרָה. יָרַד לְהַעֲלוֹתָהּ וְהָאִיר הַקְדוֹשׁ בְּרוּךְ הוּא עֵינָיו וּמִצָּא סִימָא. אָמַר. לְטוֹבָתִי נִשְׁתַּבְּרָה רָגַל פָּרְתִי. וּבִהְדוֹרֵת רְבוּתֵינוּ שָׁאֲלוֹן עָלָיו. אָמְרִין. מָה אַבָּא יְהוּדָה עֲבִיד. אָמְרִין. מֵאֵן יָכִיל חֲמִי אִפּוּי דְאַבָּא יְהוּדָה. אַבָּא יְהוּדָה דְתוֹרּוּי אַבָּא יְהוּדָה דְגַמְלוּי אַבָּא יְהוּדָה דְחִמּוּרּוּי. תּוֹר אַבָּא יְהוּדָה לְכֻמוֹת שָׁהִיָּה וּבָא אֶצֶל רְבוּתֵינוּ וְשָׁאֵל בְּשִׁלּוּמָן. אָמְרִין לָהּ. אַבָּא יְהוּדָה עֲבִיד. אָמַר לָהֶן. עֲשֵׂתָה תְּפִילָתְכֶם פִּירוֹת וּפִירֵי פִירוֹת. אָמְרוּ לוֹ. אַף עַל פִּי שֶׁנִּתְּנוּ אַחֲרֵים יוֹתֵר מִמֶּךָ בְּרֵאשׁוֹנָה אוֹתָךְ כְּתִבְנוּ רֹאשׁ טִימוֹס. נְטִלוּהוּ וְהוֹשִׁיבוּהוּ אֶצְלָם וְקִרְאוּ עָלָיו הַפְּסוּק הַזֶּה מִתָּן אָדָם יִרְחִיב לוֹ וּלְפָנָיו גְּדָלִים יִנְחִינּוּ:

1 ביר' בר' עקיבה | עקיבא 2 יהודה | יודן עבד | עבד וראה | ראה את 3 מהן | מהם 4 נשתיירה | נשתיר 5 לך | - להן | להם ועשה כן. ובא אצל רבותינו | הלך ומכר חציה להן | להם 6 עליו רבותינו. אמרו לו | ואמרו יהודה | יודן 7 חצי | - פרתו | רגל פרתו 8 לטובתי | לטובתו 9 פרתי | פרתו 9 ובהדורת | ובחירת יהודה עבד | יודן עבד מאן | מי 10 יהודה | יודן (4x) 11 ובא | בא יהודה עבד | יודן עבד 13 עליו הפסוק | את המקרא

²³⁰It happened that Rabbi Eliezer, Rabbi Joshua, and Rabbi Aqiba went to the dunes of Antiochia on the occasion of fundraising for the rabbis²³¹. There was there a certain Abba Jehudah who gave alms generously. Once he lost his property, he saw our teachers and gave up hope about them. He went home looking sickly. His wife asked him, why are you looking sickly? He told her, our teachers are here and I do not know what I could do. His wife, who was even more pious than he, told him: You have a field left; go, sell half of it, and give to them. He went and did so, came to our teachers and gave them. Our teachers prayed for him and said to him, Abba Jehudah, the Holy One, praise to Him, may fill your want. After they left, he went to plough his half of the field. When he was ploughing in his half of the field, his cow sank down and broke [its leg]²³². He went to lift her up when the Holy One, praise to Him, enlightened his eyes and he found a treasure. He said, my cow's leg broke for my benefit. When our teachers returned, they inquired about him. They asked, how is Abba Jehudah doing? They answered, who can appear before Abba Jehudah? Abba Jehudah of his cattle, Abba Jehudah of his camels, Abba Jehudah of his donkeys! Abba Jehudah had returned to his former self; he came to our teachers to greet them. They asked him, how is Abba Jehudah doing? He told them, your prayer brought result and compound results. They told him, even though others had given more than you the last time, we wrote you on top of the honor list²³³. They took him, made him sit with them, and recited for him this verse²³⁴: *The gifts of a man put him at ease; in front of great ones they will make him rest.*

רבי חייה בר בא עבד פסיקא בהין בית מדרשא דטיבריא. והוון תמן מן אילין דבר
סילני. ופסק חזא ליטרא דהב. נטלו רבי חייה רבה והושיבו אצלו וקרא עליו הפסוק הנא
מתן אדם ירחיב לו וגו'.

1 חייה | B חייה בההין | B בההין | מן | B חד מן | 2 חייה רבה | BG חייה בר בא

Rebbi Ḥiyya bar Abba held a pledging for a certain house of study at Tiberias. There was one there of the family of Bar Silene, who pledged a pound of gold. (The Elder Rebbi Ḥiyya) [Rebbi Ḥiyya bar Abba]²³⁵ took him, made him sit with him, and recited for him this verse: *The gifts of a man put him at ease*, etc.

רבי שמעון בן לקיש עאל לבוצרה והנה תמן חד רמיא. חס ליה דלא הנה רמיא אלא
שהנה מרמה במצוות. והנה חמי כמה דציבורא פסק והוא פסיק לקבליה. נטלו רבי שמעון
בן לקיש והושיבו אצלו. וקרא עליו הפסוק הזה מתן אדם ירחיב לו וגו'.

1 רמיא | B רב בון דמיחס ליה חס ליה דלא | B לא רמיא | B רבון רמיא רמיא | G רמי 2
מרמה | GB מרמי כמה | GB מה 3 וגו' | B ולפני גדולים ינחנו

²³⁶Rebbi Simeon ben Laqish went up to Bostra. Over there was a cheater. God forbid that he was a cheater, but he cheated in charity. He looked how much the community pledged, and he pledged the same amount²³⁷. Rebbi Simeon ben Laqish took him, made him sit with him, and recited for him this verse: *The gifts of a man put him at ease*, etc.

230 These texts are also in *Lev. rabba* 5(4); the first one only also in *Deut. rabba* 4(8). Here also starts a Genizah fragment of half-lines (G) edited by L. Ginzberg (*Yerushalmi Fragments from the Genizah*, New York 1909, pp. 281-286.)

231 Projecting third and fourth Cent. fundraising into a story dated at the first. It is a typically oriental story where people do not get rich by commercial success but by finding a treasure.

232 Added from B.

233 Greek *τίμος*, an old poetic form of *τιμή* "esteem, value, honor" appearing also in late prose texts. The talmudic form supports late classical Greek lexicography; cf. also E. and H.

Guggenheimer, *Talmudic Evidence for Greek Spelling*, Studi Classici in Onore di Quintino Cataudela, vol. 4, Catania 1972, pp. 71-72.

234 *Prov.* 18:16.

235 The impossible text in parentheses is from L; the correct text in brackets is from B.

236 In B, the last two paragraphs are in the inverse order. This is the chronologically correct order, teacher followed by student. Chronological consistency is one of the hallmarks of the Babli.

237 His cheating was that he gave the minimum amount necessary to maintain his standing as the richest man around.

(48a line 69) האיש קודם לאשה כול'. עד פדון בשהנה זה להחיות וזה להחיות זה לכסות וזה לכסות. הרי שהנה זה להחיות וזה לכסות. נישמענה מן הדא דמר רבי יהושע בן לוי בשם רבי אטינגס. כסות אשת חבר וחי עם הארץ. כסות אשת חבר קודמת לחי עם הארץ מפני כבודו של חבר. לא מר אלא כסות אשת חבר כחי חבר. אבל אם היה זה להחיות וזה לכסות אותו שלחיות קודם.

1 האיש קודם לאשה כול' | G הל' כול' | B להחיות וכו' להחיות | B לכסות 2 הרי שהיה | B - G היה
הדא | B הדא 3 אטינגס | B חניא בן אטינגס (supported by G) 4 מר | B אמר | B כחי חבר | B
וחי עם הארץ | G בחי חבר

הָאִשָּׁה קוֹדֶמֶת לָאִישׁ לְקָסוֹת וּלְהוֹצִיָּאָה מִבֵּית הַשָּׂבִי. סָבְרִין מִימֵר. בְּשָׂאִין רַבּוֹ נָשִׁים. אֲתָא מִימֵר לָךְ. וְאֶפִּילוּ רַבּוֹ נָשִׁים.

5 קודם | G קודמת 6 בשאין | G כשאין מימר | G מימור 7 בשבי | G בשיבי 8 השבי | G [ה]שיבי

“Between his lost property and his father’s lost property, his own has precedence. Between his lost property and his teacher’s lost property, his own has precedence. Between his father’s lost property and his teacher’s lost property, his teacher’s lost property has precedence, for his father brought him to the life of this world, but his teacher who taught him wisdom brought him to the life of the future world.”²⁴³ The teacher who taught him (Mishnah) [wisdom]²⁴⁴, not the teacher who taught him Scripture²⁴⁵. “But if his father was his teacher’s equal, his father’s lost property has precedence.”

What does it help²⁴⁶? Rabbi Yose ben Rabbi Abun said, if half of his learning was from one and half of his learning from the other. His father’s lost property if half of his learning was from him and his mother’s lost property if she was divorced from his father, which has precedence²⁴⁷? Does his father’s have precedence or only if all his learning was from him? His teacher’s lost property if half of his learning was from him and his mother’s lost property if she was divorced from his father, which has precedence²⁴⁸? Does his teacher’s have precedence or only if all his learning was from him? His lost property, and his father’s lost property, and his mother’s lost property, and his teacher’s lost property. His own precedes his father’s, his father’s his mother’s, and his mother’s his teacher’s. Is that not a Mishnah, “the man precedes the woman to be kept alive and to return his lost property”? They wanted to say, if his teacher was not there²⁴⁹. He comes to tell you, even if his teacher was there. He, and his mother, and his teacher, and his father, were in captivity. He precedes his mother, his mother his teacher, and his teacher his father²⁵⁰. Is that not a Mishnah, “but the woman precedes the man for clothing and to be freed from captivity”? They wanted to say, if his teacher was not there. He comes to tell you, even if his teacher was there.

242 The remainder of the discussion of this part of Mishnah 8 is missing in B.

243 Mishnah *Bava Mesi’a* 2:13, Note 135.

244 The text in parentheses is from L, the one in brackets from B. The text of B is the one from the Mishnah, the one of L can be justified as text of the Tanna R.

Yose in the following paragraph.

245 How does the fact that his father was as learned as his teacher change the argument of the Mishnah?

246 As long as his mother was married to his father, his father has precedence since his wife also is bound to honor him (Mishnah *Keritut* 6:9). But the divorced mother in all respects is equal to the father (Babli *Qidduṣin* 31a). If the father was also the teacher then he had precedence as teacher. But if he was only a partial

teacher, is his claim strong enough or does the son still have the choice whom to help first?

248 Is the teacher who taught him half his learning the teacher in the sense of the Mishnah or not?

249 The language implies that the statements in question are tannaitic, similar to the first part of Tosephta *Horaiot* 2:5.

250 Babli 13a.

(48b line 15) אַי זְהוּ רַבּוֹ שְׁלִימְדוֹ חֲכָמָה. כָּל־שִׁפְתָּח לֹו תַחֲלִיָּה. דְּבָרֵי רַבִּי מֵאִיר. רַבִּי יוֹדָה אוֹמֵר. כָּל־שְׂרֹב תִּלְמִידוֹ מִמֶּנּוּ. רַבִּי יוֹסִי אוֹמֵר. כָּל־שֶׁהָאִיר עֵינָיו בְּמִשְׁנָתוֹ. אֶתָּא רַבִּי אֲבָהוּ בְּשֵׁם רַבִּי יוֹחָנָן. הִלְכָּה כְּמִי שֶׁהוּא אוֹמֵר. כָּל־שְׂרֹב תִּלְמִידוֹ הֵימִינָן. וְלָמָּה לֹא פִתַּר לֵה פְּרָבִי יוֹדָה. אֵית תַּנְי תַּנִּי וּמַחֲלִי. רַבִּי לְעֶזֶר קָרַע עַל שִׁפְתָּח לֹו תַחֲלִיָּה. שְׁמוּאֵל חִלַּץ עַל שֶׁהָאִיר עֵינָיו בְּמִשְׁנָתוֹ. וּמָה הָאִיר עֵינָיו בְּמִשְׁנָתוֹ. אָמַר רַבִּי יוֹסִי בִּירְבִי בּוֹן. מִפְּתָח אֶחָד יוֹרֵד לְאַמַּת בֵּית הַשִּׁיחִי וְאֶחָד פּוֹתֵחַ כִּיּוֹן; וּמָה אֶחָד יוֹרֵד לְאַמַּת בֵּית הַשִּׁיחִי. שֶׁהִנֵּה שׁוֹחֵחַ אִמָּה עַד שְׁלֹא יִפְתָּח. רַבִּי תַנְיָה הָרָה מִיִּסְתַּמֵּיךְ בְּרַבִּי חִיָּה בַר בָּא דְצִיפְרִין. חָמָא כָּל־עַמָּא פְּרִי. אָמַר לֵיהּ. לָמָּה כָּל־עַמָּא פְּרִי. אָמַר לֵיהּ. רַבִּי יוֹחָנָן יָתִיב דְּרִישׁ בְּבֵית מִדְרָשָׁא דְרַבִּי בְּנִיָּה וְכָל־עַמָּא פְּרִי מִשְׁמַעֲיָנִיהּ. אָמַר. בְּרִיד רַחֲמָנָא דְחָמִי לִי פִירִין עַד דְּאָנָא בְּחִיִּים. וְכָל־אֲגֻדָּתָא פְּשֻׁטִית לֵיהּ חוּץ מִמִּשְׁלִי וְקוֹהֶלֶת.

1 שלימדו | גילמדו | יודה | ג יהודה 2 אבהו | ג אבהו 3 שרוב | ג שרוב הימני | ג ממ[נ] 5 האיר | ג האיר במשנתו | ג במשנתו 6 כיון | ג כיון ומה | ג מהוא השיחי | ג השיחי ואחד פותח כיון 7 חנניה | ג חניה בר' | ג על ר' בר בא | ג ברויה חמא | ג חמה ליה | ג - 8 פריי | ג פרייה מדרשא | ג מדרשה בנייה | ג בניה 9 דאנא בחיים | ג דאנא בחיין וכל אגדתא | ג כל אגדתה

²⁵¹“Who is the teacher who taught him wisdom? The one who taught him first, the words of Rabbi Meïr. Rabbi Jehudah said, the one from whom he received most of his instruction. Rabbi Yose said, anyone who explained a Mishnah to him.”²⁵² Rabbi Abbahu came in the name of Rabbi Johanan: Practice follows him who said, the one from whom he received most of his instruction. Why did he not explain that this follows Rabbi Jehudah? There are Tannaïm who state it switched²⁵³. Rabbi Eleazar tore his garment for his first teacher. Samuel took off [his phylacteries] for one who had explained a Mishnah to him²⁵⁴. What Mishnah did he explain to him? Rabbi Yose ben

Rebbi Abun said, “for one key he has to go down to his arm-pit and one opens straight.”²⁵⁵ What means “for one he has to go down to his arm-pit,” he had to lower his hand under his arm-pit until it could be opened²⁵⁶.

Rebbi Hanania²⁵⁷ was leaning on Rebbi Hiyya bar Abba in Sepphoris, when he saw everybody running. He asked him, why is everybody running? He answered, Rebbi Johanan is sitting preaching in Rebbi Banaia’s house of study and everybody is running to hear him. He said, praised be the Merciful Who showed me fruits while I am alive. In *Agadah* I explained him everything except Proverbs and Ecclesiastes²⁵⁸.

251 For the following, cf. *Bava mesia`* 3:13, Notes 136-145; *Mo`ed qatan* 3:7.

252 Tosephta 2:5, *Bava mesia`* 2:30.

253 The name tradition in the Tosephta is not certain.

254 As a sign of mourning. The phylacteries are identified as the “splendor” which Ezechiel had to remove in mourning, *Ez.* 24:17. The text in *Bava mesia`* parallels the Babli (*Bava mesia`* 33a) in reporting that he tore his garment.

255 Mishnah *Tamid* 3:6.

256 The doors of the Temple Hall could be opened only from the inside. When the door was locked, a Cohen entered from a small side door which led to a guard room. The lock of this side door was hidden; the Cohen had to take the key, lower his entire arm to the arm-pit behind the partition wall and only then could insert the key. *Tamid* 30b.

257 With G read “Hanina”.

258 This proves that even a teacher of homiletics has the rank of teacher.

48b line 28) שְׁנֵיהֶם עוֹמְדִין בְּקֶלֶן הָאִישׁ קוֹדֵם לְאִשָּׁה: לָמָּה. שֶׁהָאִשָּׁה דִּרְכָּה לָכֵן וְהָאִישׁ אֵין דִּרְכּוֹ לָכֵן. מַעֲשֶׂה בִּירְבִי יְהוֹשֻׁעַ שֶׁעָלָה לְרוֹמִי. אָמְרוּ עָלָיו עַל תִּינוּק אֶחָד יְרוּשְׁלָמִי שֶׁהָיָה אֲדָמוּנִי עִם יָפָה עֵינַיִם וְטוֹב רֹאִי וְקוֹוֹצוֹתָיו מְסוּדָרוֹת לוֹ תִּלְתָּלִים. וְהוּא עוֹמֵד בְּקֶלֶן. וְהָלַךְ רַבִּי יְהוֹשֻׁעַ לְבֻדְקוֹ. כִּיֹּן שֶׁהִגִּיעַ לְפֶתַח נִעְנָה רַבִּי יְהוֹשֻׁעַ וְאָמַר לוֹ. מִי־נָתַן לְמִשְׁיָסָה יַעֲקֹב וַיִּשְׁרָאֵל לְבֻזְזִים הָלֹא יִי. נִעְנָה הִתִּינוּק וְאָמַר לוֹ. זֶי חֲטֵאֲנוּ לֹא וְלֹא־אָבִי בְּדִרְכּוֹ הָלֹךְ וְלֹא שָׁמְעוּ בְּתוֹרָתוֹ: מִדָּ זָלְגוּ עֵינָיו דְּמָעוֹת וְאָמַר. מַעֲיֵד אֲנִי עָלֶי אֶת הַשָּׁמַיִם וְאֶת הָאָרֶץ שֶׁאֵינִי זֶי מִכָּאן עַד שְׂאֲפָדָנִי. וּפָדָא בְּמִמּוֹן הִרְבֵּה וְשִׁילְחוּ לְאָרֶץ יִשְׂרָאֵל. וְקָרָא עָלָיו הַפְּדִיק הָיָה בְּנֵי צִיּוֹן הִקְרִים וּגְרִי.

1 שְׁנֵיהֶם | G | בּוֹמֵן שְׁנֵיהֶם | G | הָאִשָּׁה | G | הָאִשָּׁה | G | 2 בִּיר' | G | 4 לְבֻדְקוֹ | G | לְבֻדְקוֹ | G | כִּיֹּן | G | כִּיֹּן | G | לְפֶתַח | G | לְפֶתַח | G | לְמִשְׁיָסָה | G | לְמִשְׁיָסָה | G | 5 נִעְנָה | G | נִעְנָה | G | 6 מִיד | G | מִיד | G | עָלֵי | G | עָלֵי | G

“If both of them stand in [a house of] ill repute, the man precedes the woman.” Why? For a woman it is natural, for a man it is not natural²¹⁰.

²⁵⁹It happened that Rabbi Joshua went to Rome. They informed him about a child from Jerusalem who was reddish with beautiful eyes, good to look at, and his locks ordered in curls²⁶⁰, standing in [a house of] ill repute. Rabbi Joshua went to check him out. When he came to the door, Rabbi Joshua started and said, *who gave Jacob to be booty and Israel to plunderers, is that not the Eternal*²⁶¹? The child answered him and told him, *it is because we sinned against Him; they did not want to walk in His ways and did not listen to His teaching*²⁶¹. Immediately his eyes were flowing with tears and he said, I take as my witnesses heaven and earth that I shall not move from here until I buy his freedom. He bought his freedom for much money, sent him to the Land of Israel, and quoted for him this verse, *the dear children of Zion*²⁶² etc.

259 Tosephta 2:5,6; *Thr. rabbati* 4(4); *Is.* 17:42, *Cant.* 5:11.

Babli *Gittin* 58a.

261 *Is.* 42:24.

260 A combination of biblical adjectives,

262 *Thr.* 4:2.

48b line 37) כְּהֵן קוֹדֵם לְלוֹי לְיִשְׂרָאֵל וְיִשְׂרָאֵל לְמִמּוֹר כּוֹל. חָכָם קוֹדֵם לְמִלְכָּה. מִלְכָּה קוֹדֵם לְכֹהֵן גָּדוֹל. כְּהֵן גָּדוֹל קוֹדֵם לְנָבִיא. נָבִיא קוֹדֵם לְמִשְׁוֹחַ מִלְחָמָה. מִשְׁוֹחַ מִלְחָמָה קוֹדֵם לְרֹאשׁ מִשְׁמֶר. רֹאשׁ מִשְׁמֶר קוֹדֵם לְבֵית אָב. בֵּית אָב קוֹדֵם לְמַרְכָּל. וְהַמַּרְכָּל קוֹדֵם לְגִיזְבָּר. גִּיזְבָּר קוֹדֵם לְכֹהֵן הַדִּיּוֹט. כְּהֵן הַדִּיּוֹט קוֹדֵם לְלוֹי. לְלוֹי יִשְׂרָאֵל. יִשְׂרָאֵל לְמִמּוֹר. מִמּוֹר לְנִתְיָן. נִתְיָן לְגֵר. גֵּר לְעֶבֶד מְשֻׁחָרֵר. אֵימָתִי. בְּזִמְנֵן שְׂכוּלָן שְׂוִין. אֲבָל אִם הִיא מִמּוֹר תִּלְמִיד חָכָם וְכֹהֵן גָּדוֹל עִם הָאֶרֶץ. מִמּוֹר תִּלְמִיד חָכָם קוֹדֵם לְכֹהֵן גָּדוֹל עִם הָאֶרֶץ:

1 כהן | B הלכה כהן²⁶³ | לוי לישראל ישראל לממור כול | B וכו' | 2 לכהן | G
לכוהן כהן | G וכוהן | 3 לבית | G לראש בית | בית | G ראש בית | למרכל | G למרכל | והמרכל | G מרכל
5 אימתי | G אמתי | שכולן שוין | G [ש]כולם שווים | חכם | G חכמין | וכהן | G וכוהן | 6 חכם | G חכמין
לכהן | G לכוהן

“A priest precedes a Levite, a Levite an Israel, an Israel a bastard,” etc.

²⁶⁴“A Sage has precedence over the king, the king has precedence over the High Priest, the High Priest has precedence over a prophet, a prophet has precedence over the Anointed for War, the Anointed for war has precedence over the head of the watch²⁶⁵, the head of the watch has precedence over the [head of a] clan²⁶⁶, the [head of a] clan has precedence over the executive officer²⁶⁷, the executive officer has precedence over the treasurer²⁶⁸, the treasurer has precedence over a common priest, a common priest has precedence over a Levite, a Levite over an Israel, an Israel over a bastard, a

bastard over a Gibeonite, a Gibeonite over a proselyte, a proselyte over a manumitted slave. When? If they are all equal. But if the bastard was learned and the High Priest ignorant, the learned bastard precedes the ignorant High Priest.”

263 A Note that here starts the discussion of Mishnah 9.

264 Cf. Tosephta 2:10.

265 Of one of the 24 watches into which the Cohanim were organized (*IChr.* 24), each of which served for one week in the Temple.

266 A clan of priests belonging to one of the watches. The correct reading here is

that of G, confirmed later also by L (lines 61ff.)

267 The permanent member of the Temple staff who organizes the daily routine. As a paid official he comes after the volunteers who do the actual officiating. In Babylonian sources, his title is spelled אמרכל.

268 The Temple treasurer.

חָכָם קוֹדֵם לַמֶּלֶךְ. חָכָם שְׁמֵת אֵין לָנוּ כִּיּוֹצֵא בּוֹ. מֶלֶךְ שְׁמֵת כָּל־יִשְׂרָאֵל רֵאיוֹן לַמַּלְכוּת. (48b line 45)

1 חכם | G וכן חכם ראיון | G [ר]אויים

“A Sage has precedence over the king.” If a Sage dies, we do not have a replacement²⁶⁹. If a king dies, all of Israel are qualified for the kingdom²⁷⁰.

269 This restricts the statement to a truly outstanding Sage. In G, this is not a reference to the text of the Mishnah but a continuation of the statement that a learned bastard has precedence over the boorish High Priest, “and similarly, a Sage has precedence over a king.” The text of L is that of Tosephta 2:8.

270 This legitimizes non-Davidic kings.

The Babli (13a) agrees. The current printed Babli editions were adulterated by a censor who inserted “king of Israel”, to preserve the superiority of the ruler by the grace of God. Already Maimonides in his Commentary to the Mishnah notes that all the precedences enumerated in this Mishnah are ethical only, rather than practical.

אָמַר רַבִּי יוֹחָנָן. כָּל־אוֹתָן אֶרְבָּעִים יוֹם שָׁעָשָׂה מִשָּׁה בָּהָר לָמַד תּוֹרָה וַיְמַשְׁכְּהָ. וַיְבַסּוּף נִיתָנָה לוֹ בְּמִתְנָה. כָּל־כֹּף לָמָּה. בְּשִׁבִּיל לְהַחֲזִיר אֶת הַטִּיפָּשִׁים.

1 אותן | B אותם למד | B היה למד G היה למיד 2 ניתנה | B נתנו בשביל | G בישביל הטיפשים | B הטיפשים

Rebbi Johanan said, all these 40 days which Moses spent on the Mountain, he studied Torah and forgot it. At the end it was given to him as a gift. Why so much? To return the stupid ones²⁷¹.

271 To encourage people who do not understand a subject to return to study; they can always hope that at the end the understanding will be given to them in their sleep. The argument would be better

if addressed to scientists who fail to solve a problem; if they persevere they have the hope to finally receive the answer from Heaven in their sleep.

(48b line 49) כִּד דְּמַךְ רַבִּי סִימּוֹן בֶּר זְבִיד אָעַל רַבִּי הִילֵי וְאַפְטֵר עָלוּ. כִּי יֵשׁ לְכַסֵּף מוֹצֵא וְגו' בְּרִזְל מַעֲפָר יִקָּח וְגו'. אֵילוּ אִם אֶבְדּוּ לֵשׁ לָנוּ חֲלִיפִין. אֲבָל תִּלְמִיד חֶכֶם שְׂמַת מִי מְבִיא לָנוּ כִּיּוֹצֵא בּו'. וְהַחֲכָמָה מֵאִיין תִּימָצֵא וְגו'. וְנַעֲלָמָה מְעִינָה כְּלָחִי וְגו'. אָמַר רַבִּי לִוי. מָה אִם אֲחִי יוֹסֵף עַל שְׂמֻצָּאוֹ מְצִיאתָה יָצָא לִיבָם. דְּכָתִיב וַיֵּצֵא לָבָם. אָנוּ שְׂאֵבְדְנוּ רַבִּי סִימּוֹן בֶּר זְבִיד עַל אַחַת כְּמָה וְכְמָה.

1 בר | G בר' | הילי | B - עלוי | B עלוי לגוי וגו' | G [ו]הב יזיקו 2 וגו' | B - G [ו]אבוי [ו]צוק נחושא אילו | B אלו חליפין | G חליפין שמת | B - כיוצא בו | B חליפתו מי יביא לנו תמורתו מי יביא לנו כיוצא בו G מביא 3 וגו' | B ואי זה מקום בינה וגו' | GB ומעוף השמים נסתרה על | B על ידי 4 ליבם | B לבם יוחרדו 5 וכמה | G ואחת כמה

²⁷²When Rebbi Simeon ben Zevid died, Rebbi Illai rose and eulogized him. *But silver has a source*²⁷³, etc. *Iron is taken from dust*²⁷⁴, etc. Those, if they are lost, have replacement. But a scholar who died, who can bring us one similar to him? *Wisdom, where can it be found*²⁷⁵, etc. *It is hidden from the eyes of all living*²⁷⁶, etc. Rebbi Levi said, if the brothers of Joseph lost their spirit because they found a find, as it is written, *they lost their spirit*²⁷⁷, we, who lost Rebbi Simeon bar Zevid, so much more²⁷⁸!

272 The homily here is a considerably shortened version of one in *Berakhot* 1:8 (5c l. 29; Notes 322-324) where R. Illai (La) notes that 4 useful things mentioned in *Job* can be replaced when lost. Text B has the full quotes but still lacks the necessary introduction. The homily of R. Levi is unchanged.

273 *Job* 28:1.

274 *Job* 28:2.

275 *Job* 28:20.

276 *Job* 28:21.

277 *Gen.* 42:28.

278 Note in G the unusual form אַחַת כְּמָה על אַחַת כְּמָה for the common אַחַת כְּמָה וְכְמָה “so much more”.

(48d line 54) מִלְּךָ קוֹדֵם לְכֹהֵן גָּדוֹל. דְּכָתִיב וְהִרְכַּבְתָּם אֶת־שֹׁלֹמֹה בְּנֵי וְגו'. כֹּהֵן גָּדוֹל לְנָבִיא. דְּכָתִיב וּמִשָּׁח אֹתוֹ שֶׁם צִדֹק הִכְלֹו וְנָתַן הַנָּבִיא לְמִלְכָּד. הַקֹּדֵם צִדֹק לְנָתַן. רַבִּי יוֹנָה בְּשֵׁם רַבִּי חֲמַאי בַּר חֲנִינָה. נָבִיא מְכַפֵּת יָדָיו וְרָגְלָיו וְיוֹשֵׁב לוֹ בִּפְנֵי כֹהֵן גָּדוֹל. וּמֵה טַעְמָהּ. שְׁמַעֲלָא יְהוֹשֻׁעַ | הִכְלֹו הַגָּדוֹל אֶתְהָ וְרִיעִיד הַיּוֹשֵׁבִים לְפָנָיִד. כָּכֹל יְהִי הַדִּיּוּטוֹת. תִּלְמִיד לֹמֵר כִּי־אֲנִישׁ מוֹפֵת | הַמָּה. וְאִין מוֹפֵת אֵלָא נְבוּאָה. הִיד מֵה דְתִימֵר וְנָתַן אֱלִיד אֹת אִין מוֹפֵת:

1 לכהן | G לכוהן דכת' | B שנאמר וגו' כהן גדול לנביא דכת' | B על הפרדה אשר לי 2 למלך | B - יונה
| B הונא 3 חמאי | G חמה חנינה | B חנינא מכפת | B מכפר G מכפית כהן | G כוהן טעמי' | B טעם
4 וריעיד | GB וריעך יהוה הדיוטית | B הדיוטות היו 5 היך מה | GB כמה דתימר | G דתמר

²⁷⁹The king has precedence over the High Priest, as it is written: *You shall let my son Solomon ride*²⁸⁰, etc. The High Priest over the prophet, as it is written: *There, Sadoq the Priest and Nathan the Prophet shall anoint him as king*²⁸¹, etc. He mentioned Sadoq before Nathan. Rabbi Jonah in the name of Rabbi Hama bar Hanina: The prophet folds his hands and feet and sits before the High Priest²⁸². What is his reason? *Listen, Joshua the High Priest, you and your friends who are sitting before you*²⁸³. I could think that they were common people; the verse says, *because they are men of miracle*, and “miracle” only means prophecy, as you say, *and he gave you a sign or a miracle*²⁸⁴.

279 Tosephta 2:9, Babli 13a.

his feet folded under him.

280 *1K.* 1:33.

283 *Zach.* 3:8.

281 *1K.* 1:34.

284 *Deut.* 13:2.

282 He sits on the floor or the carpet with

(48b line 61) נָבִיא קוֹדֵם לְמִשּׁוּחַ מִלְחָמָה. מִשּׁוּחַ מִלְחָמָה קוֹדֵם לְרֹאשׁ מִשְׁמֵר. רֹאשׁ מִשְׁמֵר קוֹדֵם לְרֹאשׁ בֵּית אָב. רֹאשׁ בֵּית אָב קוֹדֵם לְמִרְכָּל. וְהַמִּרְכָּל קוֹדֵם לְגִיזְבָּר. גִּיזְבָּר קוֹדֵם לְכֹהֵן הַדִּיּוּט. כֹּהֵן קוֹדֵם לְלוֹי. לְלוֹי לְיִשְׂרָאֵל. (וְיִשְׂרָאֵל לְמִמְזָר). לֹא הוּא לְלוֹי הוּא. אָמַר רַבִּי אֲבוּן. בְּשַׁעַת הַדִּיּוּט שָׁנָה. אָמַר רַבִּי אֲבוּן. גַּר וּמְשׁוּמֵד מְשׁוּמֵד קוֹדֵם מִפְּנֵי מַעֲשֵׂה שְׂאִירָע. מִפְּנֵי מֵה הַכָּל רָצִין אַחֵר הַגִּיּוּרִת וְאִין הַכָּל רָצִין אַחֵר מְשׁוּחָרְרֵת. שֶׁהַגִּיּוּרִת בְּחֻזְקָת מְשִׁתְמָרֵת וּמְשׁוּחָרְרֵת בְּחֻזְקָת הִבְקָר. וּמִפְּנֵי מֵה הַכָּל רָצִין אַחֵר הַעֲכָבָר. מִפְּנֵי שֶׁעֲסָקוּ רַע עִם הַבְּרִיּוֹת. אָמַר רַבִּי יוֹחָנָן. אֵל תִּאֲמִין בְּעֶבֶד עַד שֶׁשָּׂה עֶשֶׂר דּוֹר. בָּא יִשְׁמַעֲאֵל בֶּן־נְתַנְיָה בֶּן־אֱלִישָׁמַע מִזֶּרַע הַמְּלוּכָה וַיִּכָּה אֶת־גְּדַלְיָהוּ בְּמַצָּפָה.

2 למרכל | G למרכיל לגיזבר | GB לגובר גיזבר | GB גזבר 3 כהן | B כהן הדיוט לממור | B קודם
לממור הוא. | B לא הוא ישראל G הוא ישראל אבון | B אבין 4 שני | B שניני אבון | B בון ומשומד | B
משומד שאירע | G שארע 5 רצין | G רצים (2X) משוחררת | המשחררת ומשוחררת | G ומשוחררת 6

ומפני B מפני רצין אחא העכבר GB שואלין על העבד עם G בין מפני B - אמ' B ואמר 7
תאמין B תאמן ששה G שישה נתניה G נתניה 8 גדליהו B גדליה

²⁸⁵“A prophet has precedence over the Anointed for War, the Anointed for War has precedence over the head of the watch, the head of the watch has precedence over the head of a clan, the head of a clan has precedence over the executive officer, the executive officer has precedence over the treasurer, the treasurer has precedence over a common priest, a common priest has precedence over a Levite, a Levite over an Israel (an Israel over a bastard²⁸⁶).” Is not the Levite equal [to an Israel]²⁸⁷? Rabbi Abun said, this was taught in the days of the podium²⁸⁸. Rabbi Abun said, a proselyte and an apostate, the apostate has preference because of what had happened²⁸⁹. “Why does everybody run after a proselyte woman, but not after a freedwoman? For the proselyte is presumed to have been guarding herself but the freedwoman²⁹⁰ is presumed to be irresponsible.” And why does everybody (run after a rat)²⁹¹ [inquire after a slave]²⁹²? Because his dealings are bad for people. Rabbi Johanan said, do not believe a slave up to sixteen generations. *Ismael ben Netaniah ben Elishama of royal descent came and slew Gedaliahu at Mispah*²⁹³.

285 Tosephta 2:10, Babli 13a (cf. Notes 264-268).

286 This clause was erased by the scribe of L, it is not in B or G.

287 Added from B and G; must be understood in L.

288 When the Levites had a role in Temple worship, either as singers on the podium or as watchmen. The statement that Levites are no different from Israel shows that the custom that Levites have to pour water of the Cohen's hands before he goes to pronounce the priestly blessing is not talmudic. (The source is *Zohar* III, 146b; the custom is not followed by Yemenites and some other Oriental groups.)

289 If a Gentile comes to a rabbi asking to

become a proselyte and a Jewish apostate comes at the same time asking to be readmitted to the Jewish community, the rabbi has to deal with the apostate's case first, not to turn him away permanently as in the case of Joshua ben Perahia (or Jehudah ben Tabbai) (*Sanhedrin* 6:6, Note 79) and similar stories about Elisha and Gehazi (*Sanhedrin* 10:3, Notes 284,286).

290 As long as the freedwoman (Latin: *libertina*) was a slave, she could not marry and, therefore, was free to have guiltless sex with any man she pleased (except Jews.) She cannot be supposed to have changed her ways radically upon manumission. The proselyte as a free woman is supposed to be married as a virgin (Babli 13a).

291 To kill them. This is the text of L, taken from the Babli 13a, but it seems that one should accept the text of B and G in brackets.

292 Since the slave has no *persona* in law, he is irresponsible, and cannot be sued for damages. Therefore, a prospective buyer is well advised to inquire whether this slave may in the future expose him to suits for damages caused by his slave.

292 2K. 25:25. On *1Chr.* 2:35, about a man who had no sons, only daughters, and gave a daughter to his slave who produced a male grandson, Pseudo-Rashi explains: "From here the Sages said in Yerushalmi (Yebamot) [Horaiot] do not trust a (proselyte) [slave] up to 15 generations

for there were 15 generations from Athai to Ismael and some say 16 generations with Yarha (the slave). In the explanation of our rabbis is is possible that (it does not mean) *of royal descent* since Ismael was from Yerahmeel but not from Ram (David's ancestor), but that he gave of his descendants to the Moloch." This explanation identifies Elishama, the grandfather of Ismael, with Elishama mentioned in *1Chr.* 2:41. According to David Qimhi on *1Chr.* 2:26, *Atarah* "crown", the wife of Yerahmeel, was a converted Gentile from a royal family and from her there were 24 generations to Ismael.

48b line 71) רבי יהושע בן לוי אמר. ראש וזקן וזקן קודם. שאינו ראש אם אינו זקן. מה טעמה. אתם נצבים היום כולכם וגו'. ויאסף יהושע את כל זקני ישראל שכמה. משה הקדים ראשים לזקנים. יהושע הקדים זקנים לראשים. משה על ידי שהיו הכל תלמידיו הקדים ראשים לזקנים. יהושע על ידי שלא היו הכל תלמידיו הקדים זקנים לראשים. משה על שלא צרך להם בביבוש הארץ הקדים ראשים לזקנים. יהושע על ידי שצרך להם בביבוש הארץ הקדים זקנים לראשים. משה על ידי שלא נתייגע בתלמוד תורה הקדים ראשים לזקנים. יהושע על ידי שנתייגע בתלמוד תורה הקדים זקנים לראשים. רבי יהושע דסיכנין בשם רבי לוי. משה על ידי שצפה ברוח הקודש שעתידין ישראל להסתבר במלכות וראשיהן עומדין על גביהן הקדים ראשים לזקנים.

1 זקן | B ראש G (ראש) לוקן שאינו ראש | G - אם אינו זקן | GB - 2 טעמ' | B טעם | ויאסף GB וכתוב ויאסף את כל זקני ישראל שכמה | B את זקני ישראל - | G וגו' הקדים | G היחידים 3 יהושע | יהושע | לזקנים | B לזקנים | זקנים | B זקנים | B 4-3 (and so at all occurrences) the order of the B 4-3 (and so at all occurrences) sentences is switched, Joshua precedes Moses | B בכבוש | B 5 | 6 הקדים | G היקדים (all occurrences) נתייגע | B נתייגע | G נתייגע | B שמתייגע | B שנתייגע | B 8 הקודש | B הקדש שעתידין ישראל | B שישראל עתידין להסתבר | GB להסתבר²⁹³ | 9 על גביהן | B עליהם

Rebbi Joshua ben Levi said: A head²⁹⁴ and an Elder²⁹⁵, the (Elder) [head]²⁹⁶ has precedence, for nobody is a head if he is not an Elder. What is his reason? *All of you are standing today*²⁹⁷, etc. *Joshua assembled all Elders of Israel at Sichem*²⁹⁸. Moses preferred heads over Elders; Joshua preferred Elders over heads. Moses preferred heads over Elders because all were his

students. Joshua preferred Elders over heads because not all were his students. Moses preferred heads over Elders because he did not need them in conquering the Land; Joshua preferred Elders over heads because he needed them in conquering the Land²⁹⁹. Moses preferred heads over Elders because he needed no exertion in the study of Torah, Joshua preferred Elders over heads because he had to exert himself in the study of Torah. Rabbi Joshua of Sikhnin in the name of Rabbi Levi: Moses preferred heads over Elders because he saw by the Holy Ghost that in the future Israel will be (reasonable) [in trouble]^{293,296} with governments and their heads will stand up for them³⁰⁰.

293 Here ends the fragment G.

294 The learned in the law, i. e., the rabbinic authorities.

295 The tribal heads, paradigms for later political office holders.

296 The text in parentheses is that of L, the one in brackets that of B,G. The reason given shows that the latter text was intended by all sources.

297 *Deut.* 29:9; later in the verse the tribal

heads are mentioned before the Elders.

298 *Jos.* 24:1 (misquoted); Elders are mentioned before tribal heads. Similarly in 23:2.

299 While he did not need them for military decisions, they prepared the maps for the distribution of the Land (Chapter 18).

300 A clear declaration of the priority of the political leadership over the religious.

48c line 7) תני. הסודרן קודם לפילפון. רבי שמואל אחוי דרבי ברכיה בעי. אפילו כרבי אמי. אמר ליה. מיתבעי מרבי אימי. הוא הפילפון. הדא אמרה. משנה קודם למקרא. ודא מסיינא ליה. דתני רבי שמעון בן יוחי. העוסק במקרא מידה שאינה מידה. ורבנן עבדין מקרא כמשנה. רבי שמואל בר נחמן אמר. משנה קודם לתלמוד. ומה טעמא. קנה חכמה קנה בינה וגו'. רבי יוחנן אמר. תלמוד קודם למשנה. ומה טעמא. קנה חכמה מה טוב מחריץ. מה מקיים רבי יוחנן טעמיה דרבי שמואל בר נחמן. מים בזול וזין ביוקר. איפשר לעולם לחיות בלא זין. אי אפשר לעולם לחיות בלא מים. ומה מקיים שמואל בר נחמן טעמיה דרבי יוחנן. מלח בזול פילפון ביוקר. איפשר לעולם לחיות בלא פילפון. אי אפשר לעולם לחיות בלא מלח. לעולם הוי רץ אחר המשנה יותר מן התלמוד. הדא דתימר עד שלא שיקע בו רבי רוב משניות. אבל מששיקע בו רבי רוב משניות לעולם הוי רץ אחר התלמוד יותר מן המשנה.

1 הסודרן | הסדרן | 2 אמי | אימי מיתבעי מר' | מאי את בעי מן ר' | הוא הפילפון | דהוא סדרן והוא פלפון קודם | קודמת ודא | והדא | 3 ליה | להאי שאינה ואינה³⁰¹ | ורבנן | ורבנן | The rest is missing.

It was stated: The systematizer has precedence over the dialectician³⁰². Rabbi Samuel, Rabbi Berekhia's brother, asked: Even like Rabbi Immi? He

told him, what do you want from Rabbi Immi? He is a dialectician³⁰³. This means, the Mishnah has precedence over Scripture³⁰⁴. The following supports this, as Rabbi Simeon ben Iohai stated, one who studies Scripture is a qualification which is not a qualification. But the rabbis consider Scripture equally with the Mishnah³⁰⁵.

Rebbi Samuel bar Nahman said, the Mishnah has precedence over the Talmud. What is the reason? *Acquire wisdom, acquire understanding*³⁰⁶, etc. Rabbi Johanan said, the Talmud has precedence over the Mishnah. What is the reason? *Is acquiring wisdom not better than pure gold*³⁰⁷? How does Rabbi Johanan explain Rabbi Samuel bar Nahman's reason? Water is cheap, wine is expensive. It is possible for the world to exist without wine; it is impossible for the world to exist without water³⁰⁸. How does Rabbi Samuel bar Nahman explain Rabbi Johanan's reason? Salt is cheap, pepper is expensive. It is possible for the world to exist without pepper; it is impossible for the world to exist without salt³⁰⁹. Always pursue the Mishnah more than the Talmud. That is, before Rabbi incorporated most Mishnaïot into it³¹⁰. But since Rabbi incorporated most Mishnaïot into it, pursue the Talmud more than the Mishnah.

301 This is typically the Babli's language in quoting the *baraita* (*Bava mesia`* 33a). The version of L is found also in *Berakhot* 1:5 (Note 175), *Šabbat* 1:2 (3c l. 19), 16:1 (15c l. 27).

302 The scholar who can bring order into the vast amount of rabbinic traditions is on a higher level than the one who finds apparent contradictions between traditional statements and explains them by finding the underlying principles. In the Babli (14a) the question is between "Sinai" and "one who uproots mountains" (and grinds them down), i. e., between a living encyclopedia and a practitioner of dialectics, and it is reported that in Galilee Sinai was preferred. There is no mention

there about an effort at systematizing and in fact it is in general impossible to derive a valid rule of practice by basing oneself on one talmudic discussion alone, but all Tractates of the Babli have simultaneously to be considered.

303 In B: "He is both a systematizer and a dialectician." In both Talmudim, the teachings of R. Immi and his companion R. Yasa are too sporadic to allow a judgment between the two versions.

304 Since the Mishnah is a first attempt at systematizing Jewish teaching, its study, while presupposing a prior study of Scripture, is on a higher level since it is less anecdotal or self-contradictory.

305 They agree to the value of analysis

and explanation of Scripture also independent of traditional interpretations.

306 *Prov.* 4:5. "Wisdom" is identified here as the Mishnah, the encyclopedia of traditional knowledge. "Understanding" is the explanation of the formulaic statements of the Mishnah, the Talmud, whether formulated in one of the Talmudim or in a prior state of oral explanation. Wisdom precedes understanding.

307 *Prov.* 16:16. The verse reads: *Is acquiring wisdom not better than pure gold, acquisition of understanding more select than silver?* Here also wisdom precedes understanding, but silver is everyday coin; gold is used only for major transactions and by the very rich.

308 In both verses, the less valuable but more essential is mentioned in second place. This does not make the second less essential.

309 He agrees that without interpretation and explanation ("the Talmud") the Mishnah cannot be applied; the salt of the Talmud, the silver, is absolutely necessary. This does not diminish the value of the gold.

A different version of the preceding arguments is in *Massekhet Sopherim* 15:7, 8.

310 Here it is intimated that Rabbi's edition of the Mishnah from the start was intended as providing the skeleton around which a systematic exposition of the Talmud, the oral tradition, could be organized. In this way, the Mishnah automatically is studied in a privileged way if the Talmud is studied. Cf. *Lev. rabba* 21(4) which declares the study of the Mishnah as prerequisite for everything else.

דַּרְשׁ רַבִּי שְׁמוּאֵל בְּרִיהַ דְּרַבִּי יוֹסִי בִּירְבִּי בּוּן. חֲכָם בְּעֵינָיו אִישׁ עֲשִׂיר וְדָל מִבֵּין יַחְקֲרֵנּוּ: חֲכָם בְּעֵינָיו אִישׁ עֲשִׂיר זֶה בַּעַל הַתְּלֻמוֹד. וְדָל מִבֵּין יַחְקֲרֵנּוּ זֶה בַּעַל אַגְדָּה. לְשָׁנִים שְׁנָנִסּוּ לָעִיר. בִּיָּד זֶה עֲשֻׁתוֹת שְׁלֹזָהב וּבִיָּד זֶה פְּרוּטוֹט. זֶה שְׁבִידוֹ עֲשֻׁתוֹת שְׁלֹזָהב אֵינוֹ מוֹצִיא וְחִיָּה. וְזֶה שְׁבִידוֹ פְּרוּטוֹט מוֹצִיא וְחִיָּה. (48c line 21)

Rebbi Samuel, son of Rebbi Yose ben Rebbi Abun³¹¹, preached: *A rich man is wise in his own eyes, but an understanding poor man will think little of him.* ³¹²*A rich man is wise in his own eyes, this is the master of Talmud. But an understanding poor man will think little of him*³¹³, that is the master of homiletics. A parable of two people who entered a city, in the hand of one are gold bars, in the other's hand small change. The holder of the gold bars cannot spend them and survive; the holder of small change can spend it to survive³¹⁴.

311 One of the very last Amoraim mentioned in the Yerushalmi. He

explains why his generation turned from work on a Talmud to work on Midrashim.

312 Prov. 28:11. *Eccl. rabba* 6:2, end.

313 Cf. Arabic **حقر** “to despise somebody or something, think little of him.”

314 Nobody comes to hear lectures on Talmud, everybody comes to hear a

preacher. Cf. Babli *Bava batra* 145b. For a negative view of homiletics three generations earlier cf. *Ma`serot* 3:10 Note 161 (*Sopherim* Chapter 15).

48c line 25) דַּרְשׁ רַבִּי אָחָא. פֶּלֶס | וּמֵאֲזֵנִי מִשְׁפֹּט לִי מַעֲשָׂהוּ כָּל-אַבְנֵי-כִּיס: פֶּלֶס זֶה הַמִּקְרָא. מֵאֲזֵנִי זֶה הַמְשָׁנָה. מִשְׁפֹּט זֶה הַתְּלָמוּד. לִי זֶה הַתְּוֹסֵפֹת. מַעֲשָׂהוּ כָּל-אַבְנֵי-כִּיס. כּוֹלֵהֶם נוֹטְלִין שְׂכָרָן מִכִּיס אֶחָד.

Rebbi Aha preached: *Scales and balances of justice are the Eternal's; His work are all stones in the purse*³¹⁵. “Scales” is Scripture. “Balances” are the Mishnah. “Justice” is the Talmud. “The Eternal's” are the additions³¹⁶. *His work are all stones in the purse*; they all take their wages from the same purse.

315 Prov. 16:11. The purse is the container in which weight stones are kept (*Deut.* 25:13, *Mi.* 6:11). It may also mean the wallet where money is kept, *Prov.* 1:14, *Is.* 46:6. The sermon identifies the

two and declares all religious studies of equal value.

316 The extra-talmudic texts; not only Tosephta collections but also Midrashim and similar compositions.

48c line 28) רַבִּי אָבָא בַר כַּהֲנָה אָזַל לַחַד אֶתֶר. אֲשַׁכַּח רַבִּי לִי יְתִיב דְּרֵשׁ. אִישׁ אֲשֶׁר יִתֵּן-לִי הָאֱלֹהִים עוֹשֶׁר וְנִכְסִים וְכָבוֹד וְאֵינֶנּוּ חֹסֵר לְנַפְשׁוֹ | מִכָּל אֲשֶׁר-יִתְּאֲזֶה וְלֹא-יִשְׁלִיטֵינוּ הָאֱלֹהִים לֶאֱכֹל מִמֶּנּוּ כִּי אִישׁ נִכְרִי יֵאָכְלֶנּוּ. עוֹשֶׁר זֶה הַמִּקְרָא. נִכְסִים אֵילֵי הַלְבוֹת. וְכָבוֹד זֶה הַתְּוֹסֵפֹת. וְאֵינֶנּוּ חֹסֵר לְנַפְשׁוֹ | מִכָּל אֲשֶׁר-יִתְּאֲזֶה. אֵילֵי מִשְׁנֵיּוֹת גְּדוּלוֹת כְּגוֹן מִשְׁנֵיּוֹת שְׁלָרְבִי חוּנָה מִשְׁנֵיּוֹ שְׁלָרְבִי הוֹשַׁעִיָּה וּמִשְׁנֵיּוֹת שְׁלָבֵר קַפְרָא. וְלֹא-יִשְׁלִיטֵינוּ הָאֱלֹהִים לֶאֱכֹל מִמֶּנּוּ. זֶה בַּעַל אֲגָדָה שְׂאֵינוּ לֹא אוֹסֵר וְלֹא מַתִּיר לֹא מְטַמֵּא וְלֹא מְטַהֵר. כִּי אִישׁ נִכְרִי יֵאָכְלֶנּוּ. זֶה בַּעַל הַתְּלָמוּד. קָם רַבִּי אָבָא בַר כַּהֲנָה וְנִשְׁקִיָּה בְּרִישִׁיָּה. אָמַר. זְכִיתָה מִימְרִינָה יָקִים תְּזַכִּי מִימְרִינָה מִיָּתִיב.

³¹⁷Rebbi Abba bar Cahana went to a certain place where he found Rebbi Levi installed and preaching: *A man to whom God gives riches, and properties, and honor, and nothing is missing of anything he might desire, but God does not let him take possession to eat from it, for a stranger will eat from it*³¹⁸. *Riches*, that is Scripture. *Properties*, these are practices³¹⁹. *And honor*, these are the additions³¹⁶. *And nothing is missing of anything he might desire*, these are the great Mishnah collections³²⁰, such as the Mishnah of

Rebbi Huna³²¹, the Mishnah of Rebbi Hoshiaia, or the Mishnah of Bar Qappara. *But God does not let him take possession to eat from it*, that is the master of Aggadah who neither prohibits nor permits, neither declares impure nor pure. *For a stranger will eat from it*, that is the master of Talmud³²². Rebbi Abba bar Cahana got up and kissed him on his head, saying, just as you were worthy to preach this standing, may you be worthy preaching this sitting³²³.

317 *Eccl. rabba* 6:2.

318 *Eccl.* 6:2.

319 A code of practices in a culture of oral transmission was a very valuable property.

320 *Baraita* collections such as underlying the later Tosephta, or Mishnah collections preceding or competing with Rebbi's Mishnah. *Eccl. rabba* adds R. Aqiba's Mishnah.

321 No collection of Rebbi Huna is known; also he would be an Amora of a later generation, unable to collect an independent collection. In *Eccl. rabba*, the reference is correctly to R. Hiyya (the

Elder.)

322 Who has to master all the preceding topics and has the right to decide between forbidden and permitted acts.

323 R. Levi, who became the foremost preacher of his time, at this moment was rabbi of a small congregation who delivered his sermons in person standing in front of his congregation. R. Abba blessed him that he should become the head of a school who would deliver the concept of his speech to an Amora, a professional speaker, who would elaborate on the topics given to him by the head who remained seated.

ביקשו למנות זקנים מאכן הן ממנין. מטיבניה אמדוניה. אמר רבי סימון. יהודה יעלה. אמר ליה רבי מנא. הדא דתימר למלחמה. אבל למנוי רואי פני המלך היושבים ראשונה במלכות.

רבי יעקב בר אידי בשם רבי יהושע בן לוי. מעשה שנכנסו זקנים לעליית בית גדיא בירחו ויצתה בת קול ואמרה להן. יש ביניכם שנים ראויין לרוח הקודש והלל הזקן אחד מהן. נתנו עיניהן בשמואל הקטן. שוב נכנסו זקנים לעלייה בגבה ויצתה בת קול ואמרה להן. יש ביניכם שנים ראויין לרוח הקודש ושמואל הקטן אחד מהן. נתנו עיניהן באליעזר בן הורקנוס. והיו שמיחין על שהסכימה דעתן לדעת רוח הקודש.

If they intended to appoint Elders, from where do they appoint? From Tiberias or from the South³²⁴? Rebbi Simon said, *Jehudah shall go first*³²⁵. Rebbi Mana said to him, this refers to war. But for ordination, *those who see the face of the king, sitting first in government*³²⁶.

³²⁷Rebbi Jacob bar Idi in the name of Rebbi Joshua ben Levi: It happened that the Elders assembled in the upper story of the House Gadya at Jericho when there came a disembodied voice and told them, there are two among you worthy of the Holy Spirit and one of them is Hillel the Elder. They looked at Samuel Minor. Then the Elders assembled in the upper story at Jabneh when there came a disembodied voice and told them, there are two among you worthy of the Holy Spirit and one of them is Samuel Minor. They looked at Eliezer ben Hyrcanos. They were happy that their opinion coincided with that of the Holy Spirit³²⁷.

324 The main Academy was at Tiberias in Galilee. There were minor centers of learning in the South, at Lydda and at Kefar Darom, in the plain which in Second Temple times was part of Judea. The question was which center of learning should be the first to propose candidates for ordination by the Patriarch.

325 *Jud.* 1:2. R. Simon came from the South.

326 *Esther* 1:14. The preeminent rabbis at this time were in Tiberias.

327 The same text in *Sotah* 9:17 Note 265; most of the story in greater detail *Sotah* 9:13-14, Notes 212-218, and the parallels given there in Note 212.

(48c line 48) אֵילִין דְּבַר פָּזִי וְדָבַר הוֹשַׁעְיָה הָיוּ עָלֵין וְשָׂאֲלִין בְּשָׁלְמִיָּה דְנִשְׂיָא בְכָל-יּוֹם. וְהוּוּן אֵילִין דְּרַבִּי הוֹשַׁעְיָה עָלֵין קְדָמָא. אֲזֵלוּן אֵילִין דְּבַר פָּזִי וְאִיתְחַתְּנוּן בְּנִשְׂיָאֲתָא. אֲתוּן בְּעוֹן מִיעוּל קְדָמָא. אֲתוּן וְשָׂאֲלוּן לְרַבִּי אִמִּי. וְהִקְמוּתָא אֶת-הַמִּשְׁכָּן כְּמִשְׁפָּטוֹ. וְכִי יֵשׁ מִשְׁפָּט לְעַצִּים. אֲלָא אִי זֶה קָרָשׁ זָכָה לִינְתָן בְּצַפּוֹן וִינְתָן בְּצַפּוֹן. בְּדָרוֹם וִינְתָן בְּדָרוֹם.

1 ודבר | ודר' | הושעיה | יהושע' | ושאלין | שאלון | דנשיא | דנשיא | 2 הושעיה | יהושעיה | קדמאי | קדמאי ונפקין קדמאי | אולון | - ואיתחנתון | ואיתחנתון | אתון בעון | ובעון | 3 מיעול קדמאי | למיפק קדמאי | ושאלון | ובעון | אימי | אמי | 4 לינתן | להנתן | ינתן בצפון | ינתן בדרום | ואי זה קרקש זכה להנתן בדרום

תַּרְתִּין זָרְעִין בְּצִיפְרִין בּוּלְוִוִּיָּא וּפְגִנִּיָּא הָיוּ עָלֵין וְשָׂאֲלִין בְּשָׁלְמִיָּה דְנִשְׂיָא בְכָל-יּוֹם. וְהוּוּן בּוּלְוִוִּיָּא עָלֵין קְדָמָא וְנִפְקִין קְדָמִי. אֲזֵלוּן פְּגִנִּיָּא וְזָכוּן לְאֻרִּיָּתָא. אֲתוּן בְּעוֹן מִיעוּל קְדָמָא. אִישְׁתַּאֲלַת לְרַבִּי שְׁמַעוֹן בֶּן לִקְיֹשׁ. שְׂאֵלָה רַבִּי שְׁמַעוֹן בֶּן לִקְיֹשׁ לְרַבִּי יוֹחָנָן. אָעַל רַבִּי יוֹחָנָן וּדְרָשָׁה בְּבֵית מִדְרָשָׁא דְרַבִּי בִּינְיָה. אֶפִּילוּ מִמְּזֹר תִּלְמִיד חָכָם וְכֹהֵן גָּדוֹל עִם הָאָרֶץ מִמְּזֹר תִּלְמִיד חָכָם קוֹדֵם לְכֹהֵן גָּדוֹל עִם הָאָרֶץ: סִבְרִין מִימֵר. לִפְדוּת וְלַחֲחִיּוֹת וְלִכְסוּת. הָא לִישִׁיבָה לָא. אָמַר רַבִּי אֲבוּן. אֶף לִישִׁיבָה. וּמָה טַעַם: יִקְרָה הֵיא מִפְּגִנִּים. וְאֶפִּילוּ מִזָּה שְׁהוּא נִכְבָּשׁ לְפָנֵי לְפָנִים.

1 זרעין | B | זרעיה הוון | ש | זרעין הוון | בצפורין | B | בולבטיה | ש | בולבטיה | ופגניא | B | ופגנייה | ש | ופגנייה | הוון | ש | ופגנייה | הוון | עלין | ש - | ושאלין | B | ושאלון | ש | שאלין | דנשיא | B | דנשיא | 2

בולוטיא | B בולוטיא ש בולוטיא קדמאי | ש קדמאי (2X) פגניא | B פגניא לאורייתא | B לאורייתא ש
 באורייתא 3 קדמאי | B - ש קדמאי אישתאלת | B אשתאלת שאל | B שאל אעל | B על 4 בבית | B בי
 ש בבי דר' בנייה | B דטבריא 5 לפדות | B לפדות ולהחיות ולכסות | ש ולכסות ולהחיות 6 ומה | B
 מה מפנינים | B מפנינים 7 לפני | B לפני

Those of Bar Pazi and (Bar) [Rebbi]³²⁸ Hoshaiia went and greeted the Patriarch every day. Those of Rebbi Hoshaiia went in first [and left first]³²⁹. Those of Bar Pazi went and became related by marriage to the patriarchate. They came and wanted to enter first. They went and asked Rebbi Immi. *You shall erect the tabernacle according to its ruling*³³⁰. Does there exist a ruling for wood? But the log which merited to be put in the North should be put in the North, in the South should be put in the South.

³³¹Two families were in Sepphoris, one of city councillors³³² and one rural³³³, who were greeting the Patriarch every day. The councillors went in first and left first. The rural ones went and acquired [knowledge in] Torah. They came and wanted to have precedence. It was asked before Rebbi Simeon ben Laqish. Rebbi Simeon ben Laqish asked it from Rebbi Johanan. Rebbi Johanan went up and preached in Rebbi Benaiah's house of study³³⁴: "But if the bastard was learned and the High Priest ignorant, the learned bastard precedes the ignorant High Priest³³⁵." They wanted to say, to be redeemed, for livelihood, and for clothing, but not for the Academy. Rebbi Abun said, even for the Academy. What is the reason? *It is more precious than pearls*³³⁶, even than he who enters into the Most Holy [of the Sanctuary.]

328 The text of L is in parentheses, the one from B in brackets. Since the second family is also called "R. Hoshaiia's" later in L, and the entire story makes sense only if this family was distinguished in learning, the reading from B has to be accepted.

329 Ex. 26:30. This argument is a legal argument of R. Immi's in *Šabbat* 12:3 (13c l. 60). The Mishnah states that it is a prosecutable sin to write two letters on the Sabbath. Since the Sabbath prohibition is repeated after the instructions for building

the Tabernacle (Ex. 31:12-17; 35:1-3) it is concluded that the forbidden actions on the Sabbath are exactly those which were necessary for the construction of the Tabernacle. R. Immi explains that all logs which formed the walls of the Tabernacle carried two letters and that sides bearing the same letters were put together when the Tabernacle was re-assembled after being transported. This is taken here as a sign that nothing should be changed; marrying into the family of the patriarch cannot erase the advantage conferred by

learning.

330 *Ex.* 26:30.

331 A parallel text (ϣ) is in *Šabbat* 12:3 (13c l. 62 ff.) The text here is primary; there the story is told as an appendix to the argument of R. Immi which, however, responds not to the question asked about precedence but about Sabbath prohibitions as explained in Note 329.

332 Greek βουλευταί.

333 Latin *pagani*.

334 The text of B, “of Tiberias” has to be rejected. Not only is the text of L confirmed by the text in *Šabbat*, but also the remark that he “went up” refers to going from Tiberias below Sea level to Sepphoris high in the mountains but also the entire story is placed at Sepphoris and only there a public ruling was needed.

335 *Mishnah* 3:9.

336 *Prov.* 3:15.