## שבועות שתים פרק ראשון

(fol. 32c) משנה א: שְבוּעוֹת שְתַּיִם שֶהֵן אַרְבַּע. יְדִיעוֹת הַאֶּמְאָה שְׁתַּיִם שֶהֵן אַרְבַּע. יִצִיאוֹת הַשְּבַּת שָתַּים שֵהֵן אַרְבַּע. מַרְאוֹת נְנָעִים שָנִים שֵהָם אַרְבַּעָה:

**Mishnah 1:** There are two kinds of oaths which are four kinds<sup>1</sup>. There are two kinds of awareness of impurity which are four kinds<sup>2</sup>. There are two kinds of export on the Sabbath which are four kinds<sup>3</sup>. There are two kinds of appearances of skin disease which are four kinds<sup>4</sup>.

- 1 Lev. 5:4 requires a reparation sacrifice for inadvertent breach of a commitment made by oath, "what was pronounced, negatively or positively." The standard example of a positive oath is somebody swearing that he will eat certain foods. The corresponding negative is an oath that he will refrain from eating certain foods. The exact expression used, אָרָתֶע וֹ אַוֹ לְתֵילִיע ), by its hiph 'il form points to the future. A natural complement are backward looking oaths, if a person swears that he ate or did not eat certain foods in the past (Mishnah 3:1). These four cases are equal in sanctions for willful or inadvertent breach.
- 2 Lev. 5:2-3 requires a reparation sacrifice for a person who became impure, forgot it, and then either ate sancta in his impurity or entered the Sanctuary. The two added cases are that he knew about being impure but forgot that the food was holy or that the place was a Sanctuary.
- 3 It is forbidden to transport anything on the Sabbath from a private domain to the

public domain (Mishnah Šabbat 1:1). "Transport" includes lifting up, moving, and setting down. The two cases where one is liable (for a sacrifice if the sin was unintentional, punishment if the transgression was intentional and is prosecutable, or extirpation by Divine decree if the crime was intentional but is not prosecutable) are "export" by a person standing inside the private domain, lifting something up inside the domain and putting it down on the outside (e. g., through a window) even without moving his feet, or "import". somebody lifting an object from the outside to the inside and depositing it there. The two cases where one is not liable refer to a person inside who lifts an object, hands it to a person outside (so that the object never is at rest) and the second person puts it down. Since no one person completed a criminal act, no one can be held liable even though the combined action clearly is forbidden.

4 Lev. 13:2 defines impure skin disease as שָׁאֵת אָוֹ־סַפְּׁחֵת אָוֹ בַּהַּׁתַת "an elevated spot, or *sapaḥat*, or a white spot." This is read as "an elevated spot (which makes the surrounding skin look elevated over the whitish spot) and a really white spot and their appendages", deriving *sapaḥat* from

the root noo, "to append, adjoin." This extends the definition of impure skin disease from two relatively well defined cases to two additional weaker symptoms.

32c line 56) הלכה אּ שְׁבוּעוֹת שְׁתַּיִם שְׁהַן אַרְבַּע כול'. שְׁתַּיִם שְׁהַן אַרְבַּע לְּחִייּנּב וּשְׁהַן אַרְבַּע לְּפְטוֹר. נישְׁמְעִינָה מְן הָדָא. שְׁבוּעוֹת שְׁתַּיִם שְׁהַן אַרְבַּע לִּפְטוֹר. נישְׁמְעִינָה מְן הָדָא. שְׁבוּעוֹת שְׁתַּיִם שְׁהַן אַרְבַּע. אַמְרָה בִּן אַרְבַּע לְּחִייּוּב. אָמַר רְבִּי שְׁמֵים שֶׁהַן אַרְבַּע. לֹא לְחִייּוּב. וְדְכְּוְוָתָה יְצִיאוֹת הַשְּׁבָּת שְׁתַּיִם שְׁהַן אַרְבַּע. לֹא לְחִייּוּב. אָמַר רְבִּי בָּא. תַּמֶּן כּוּלְהוֹן לְחִיּוּב. הָכָא חִיּּיּב וּפְטוֹר אֲתִינֶן הַיְּנִי שְׁתַּיִם שְׁהַן אַרְבַּע. אִית מִימֵר. מִיתְנִי שְׁנֵים שְׁעָּר בְּטוֹר. וְהָתַנֵּי שְׁנֵים עָשֶׁר בְּטוֹר. לֹא אֲתִינֶן מִיתְנֵי אֶלָּא פְטוֹר שָׁהוּא כְנֶגֶד חִייוּב. לֹא אֲתִינֶן מִיתְנֵי אֶלָּא פְטוֹר שָׁהוּא כְנֶגֶד חִייוּב. אָמַר רְבִּי חִייָּה בָּר אָדָא. מָהוּ אָהֵין פְּטוֹר. לֹא אַתִינֶן הָכְּיה וְמְנִים חֲכָמִים שְׁתַּן בְּטוֹר אָהָין בְּטוֹר הְדָּתִינָן הָכָא. מוּתָר. אָמָר רְבִּי חִייָה בָּר אָדָא. מָהוּ אָהֵין בְּטוֹר דְּתַנִּינֶן הָכָא. מוּתָר. אָמָר רְבִּי חִייָה בָּר אָדָא. מָהוּ אָהֵין בְּטוֹר הְינִינָן הָכָּא. מוּתָּר, אַמָּר רְבִּי חִייָה הָּבְלָל. הַמּוֹצִיא מֵרְשׁוֹת לְרְשׁוּת אֵין הַמַּכְנִיס בְּכְלָל. וְעוֹד מֵהְדָּא דְּמֵר רְבִּי יִחְעָּל הְבִיּשׁם רְבִי יוֹחָנָן. הַכְנִיס הְצִי וְבְעוֹה מְלְאֹכָה. רְשִׁם רְבִּי יִּחְלָנָה מְלָּילְכָּה. רְשֵׁם רְבִּי יוֹחָנָן. וַמְלְּהוֹצִיא מִנְדָן לְהַכְּנִיס לַלִילְּהָה רְשֵׁם רְבִּי אָחָא שְׁמֵע לָּה מִן הְדָא. לְתִילְבִיל לְּלִים בְּלִים לְּנִילְבָּים לְכִים בְּלִים הְבִּי אָחָא שְׁמֵע לָה בְּשִׁם רְבִּי אָחָא שְׁמֵע לָה בְּעִבּים לְבִים בְּלִים בְּיִם הָּשָּׁבְּ לִילִישְּבָּר לְבִים לְלִישְּבָּים לְּבִים הְבִּים הַשְּיֹם בְּיִם הָּעָּל בְּיִם הְּבֹּים הְבִּים הְלִבּים לְּלִים בְּלִבּים לְּבִים לְּבִים בְּיִבּים לְּבְים בְּים בְּבִים לְבִים לְּבִים בְּבִים בְּבִים בְּבִים בְּים הְבִּים בְּים בְּבִים בְּבִים בְּבִים בְּבִים בְּבִים בְּבִים בְּים בְּים בְּבִים בְּבִים בְּבִים בְּבִים בְּיִם בְּיִבְּים לְּלִילְּבִים לְלִישְׁבָּב בְּים בְּיִם בְּבִים בְּבִים בְּיִבּים בְּים בְּים בְּבִים בְּיִבּים בְּים בְּבִים בְּיִבּים בְּיִבְים בְּי

Halakhah 1: "There are two kinds of oaths which are four kinds," etc. <sup>5</sup>Two which are four for liability and two which are four for no liability, or four for liability and four for no liability<sup>6</sup>? Let us hear from the following: "There are two kinds of oaths which are four kinds," etc. <sup>7</sup> Rebbi Yose said, the Mishnah says so, "there are two kinds of oaths which are four kinds," not because of liability<sup>8</sup>? And similarly, "there are two kinds of export on the Sabbath which are four kinds," because there is liability<sup>8</sup>. <sup>7</sup>Rebbi Abba said, there all are about liability, but here we come to state both liability and no liability. This implies four of liability and four of no liability. But did we not state, the doors of the Temple hall were two which are four<sup>9</sup>? Can you say, liability and no liability<sup>10</sup>? Should we state twelve cases of no liability<sup>11</sup>? We come to state cases of no liability which correspond to cases of no liability<sup>12</sup>. Rebbi Hiyya bar Ada<sup>13</sup> said, what is this "no liability" which we stated here? Permitted<sup>14</sup>! Rebbi Yose said, the poor man and the rich man are one but the Sages counted them as two. Exporting or importing are two but the Sages

counted them as one<sup>15</sup>. Exporting on the Sabbath does not include importing; if one exports from a domain this does not include importing<sup>16</sup>. If one who exports from one domain to the other, does this not include the one who imports<sup>17</sup>? In addition, from what Rebbi Yasa said in the name if Rebbi Johanan: Somebody who imports half the size of a dried fig and exports half the size of a dried fig is liable<sup>18</sup>. And from where that exporting is called work? Rebbi Samuel in the name of Rebbi Johanan: "Moses ordered, they made a public proclamation in the camp,<sup>19</sup>" etc. The people refrained from taking objects out from their houses to give them to the collectors, who also did not take out anything from them to import into the office. Rebbi Hizqiah in the name of Rebbi Aha understood it from the following: "do not bring out any load from your houses on the Sabbath day, and perform no work.<sup>205</sup>"

This paragraph is a slightly garbled copy of the first paragraph in Tractate Šabbat 1:1. of which there exists a Genizah narallel Ginzberg, Yerushalmi L. Fragments from the Genizah, New York 1909, p. 62). The text in *Šabbat* is original since in both versions, "here" refers to Šabbat while "there" refers to Ševuot, and in addition, the statement of R. Ba logically has to precede that of R. Yose as in the Šabbat text. Probably the scribe of the Ševuot text available to the Leiden ms.'s scribe had omitted the statement of R. Ba and added it in the text when he noticed the omission. S. Liebermann, in his Commentary to the Yerushalmi Šabbat (Hayerushalmi Kipshuto, New York 1995, Jerusalem 1935) holds that the source is *Ševuot*. This is difficult to accept; the text is from Šabbat but the problem is the discrepancy in meaning of the same expression "two which are four" used in very different meanings in our Mishnah.

The problem starts with the rather

complicated language of Mishnah Šabbat 1:1: "There are two cases which are four for exporting and two cases which are four for importing." The Mishnah then goes on to explain that if a rich person, the owner, stands at the window of a house (which is a private domain) and a poor person stands in the street (the public domain), if then the rich person delivers an object to the poor outside, or the poor reaches inside and takes the object, the person acting is liable to prosecution but the other is not liable. (In fact, the passive participant never did do anything; the expression "not liable to prosecution" is inappropriate.) But if the rich person lifted the object, kept nit moving all the time, and handed it to the poor who put it down, nobody is liable since nobody completed a forbidden act. The same naturally applies if the poor takes up a package and keeps it moving until the the owner of the house takes it and puts it down. In this case, the qualification as "not liable" is appropriate since both participants

violated a Sabbath prohibition.

The question now arises whether the formulation "two which are four" always implies that the status of the two additional cases is different from the two original ones since in our Mishnah the same expression is used for oaths and Sabbath violations.

- S. Liebermann (Note 5) proposes to delete "four which are not liable" as induced by the preceding statement about "two and two" even though the text is common to all three versions at our disposal and it is difficult to assume that the redundant text was taught in the Galilean Academy. For the rules of the Sabbath, the case is simple and there is no redundancy. formulation of Mishnah Šabbat 1:1 there are four cases of liability, rich or poor taking out or rich or poor bringing in. There are also four cases where there is no liability, depending on who takes up the object first and who takes over, and what the direction of the move is. The question now is raised whether a similar case can be made for the first clause in Mishnah Ševuot 1:1.
- 7 The statement of R. Abba later in this paragraph should be inserted here as noted in Note 5. While "here" in *Šabbat* the Mishnah itself explains that there are two cases of liability and two of no liability, the situation in *Ševuot* is different; all four cases trigger the obligation of a sacrifice for inadvertent infraction and punishment for intentional infraction in the presence of witnesses.
- 8 Rebbi Yose disagrees with R. Abba. Since everybody agrees that there are four cases which trigger a liability for oaths, the fact that the statement about Sabbath is formulated in the same Mishnah and in

parallel form implies the same meaning in both clauses. Since Note 7 shows that Mishnah Šabbat 1:1 enumerates four cases of liability, there is no obstacle to reading the Sabbath clause in parallel to the oath clause. It is shown later in the paragraph that there are explicit verses only to forbid export; the parallel prohibitions of import are rabbinic interpretations.

- 9 This baraita refers to Mishnah Middot 4:1 which explains that the entrance gate to the Temple hall was built in the manner of a city gate, a thick wall closed by an outer double door opening to the outside and an inner two-winged door opening to the inside. The expression "two doors which are four" is simply the description of the structure of the building.
- 10 This is inappropriate here.
- 11 Mishnah Šabbat 1:1 counts four actions for which one is liable (complete actions, export and import for the rich person, export and import for the poor.) Then it counts four cases for which one is not liable, but since for any incomplete action one is not liable one could consider the possibility that the poor man reaches into the house, lifts the object which the rich then takes up and deposits on the outside. A similar convoluted action is possible for import; two actions for two actors each result in four non-liabilities.
- 12 Only those cases are counted where a direct action, resulting in liability if executed by one person, imply no liability if done by two. The convoluted cases of Note 11 are not noted since they do not correspond to a case that could involve only one actor.
- 13 In *Šabbat*: bar Abba. In the Babli,

*Šabbat* 2b/3a, the argument is by Babylonian Amoraim.

14 The expression "no liability" is used in Mishnah Šabbat 1:1 in two completely different senses. As noted earlier (Note 5) if the complete action is performed by one person, the other one is passive and does not infringe on any law; at all times everything he does is permitted. But if the action is completed by two persons, both sinned. While they are not liable for a sacrifice or punishment, they require repentance and Heaven's forgiveness.

15 Since both the rich man and the poor are described as executing the same actions, there is no intrinsic reason why they should be considered separately. It only is to emphasize the importance of the rules of transporting on the Sabbath. But, as will be shown in the sequel, not to bring out is a direct biblical command while not bringing into a private domain from the public one is an inference; the rules of importing must be transferred from those of exporting.

In *Šabbat*, the Genizah text and the first hand of the Leiden ms. read "Exporting or importing are one but the Sages counted them as two" but as S. Liebermann (Note 5) has noted, the reading here is supported by early Medieval quotes.

16 Since there are no verses spelling out the prohibition of carrying from the public domain to a private one. 17 Importing into one domain is exporting from another. There seems to be no reason to make a distinction between domains (even though there is a big difference since in a private domain one may carry without restriction but in the public domain only for a distance of less than 4 cubits.)

18 While any transport from one domain to another on the Sabbath is sinful, it creates a liability only if the object is of a minimal size (*Šabbat* Chapters 7-8). For solid food, the minimum is fixed at the volume of a dried fig. The two actions mentioned will combine if there was continuous awareness of the Sabbath prohibitions.

19 Ex. 36:6. The verse speaks of donations for the construction of the Tabernacle. The Babli (Šabbat 96b) finds a tenuous connection with the Sabbath by a gezerah šawah. concurrent use of words.

20 *Jer.* 17:22. While prophetic books are not sources of law, they are authentic evidence for the understanding of the Torah by the teachers of past generations. It is proved that in the understanding of Jeremiah (whose student Barukh ben Neriah is credited with bringing the study of Torah to Babylonia) moving objects from a private to the public domain is a violation of biblical law. This supports the interpretation of *Ex.* 36:6.

(32c line 73) רְבִּי מָנָא אָמַר לָהּ סְתָם. רְבִּי אַבִּין בְשַׁם רְבִּי יוֹחָנָן. תַּנִּינָן תַּרְתַּין כְּלָלִין וְלָא דְמְייָן

דֵּין לְדֵין. שְׁבוּעוֹת שְׁתַּיִם שְׁהֵן אַרְבַּע מֵבִיא אַרְבַּע קֶרְבָּנוֹת. מַרְאוֹת נְגָעִים שְׁנֵיִם שְׁהֵן אַרְבַּע מֵבִיא אַרְבַּע קֶרְבָּנוֹת. מְרְאוֹת נְגָעִים שְׁנֵיִם שְׁהֵן אַרְבַּע מֵבִיא שְׁתָּי לָהּ פֶּתֶר חוֹרְן. שְׁבוּעוֹת שְׁתַּיִם שְׁהֵן אֵרְבַּע רְבִּי יִשְׁמָעֵאל. רְבִּי חַנְּיי בְּעָא קּוֹמֵי רְבִּי יוֹסֵי. רְבִּי יִשְׁמָעֵאל. רְבִּי יִשְׁמָעֵאל. וַאֲבִּילוּ כְרָבִּי עֲקִיבָה אָתִיָּא. הִיא יִדִיעָה וְהַעֵּלֵם עַל טוּמָאַת מִקּדְּשׁ וְלַמָּה לִי כְּרְבִּי יִשְׁמַעֵּאל. וַאֲפִילוּ כְּרְבִּי עֲקִיבָה אַתִּיָא. הִיא יִדִיעַה וְהַעֵּלֵם עַל טוּמָאַת מִקּדָּשׁ

יְדִיעָה וְהָעֻלֵם עַל טוּמְאַת הֶקְדָּשׁ. אָמַר לֵיהּ. מָאן אִית לֵיהּ הֶעֱלֵם טוּמְאָה וְהָעֻלֵם מִקְדָּשׁ לָאו רַבִּי וְּיָבֶעָם עַל טוּמְאָה וְהָעֻלֵם מִקְדָּשׁ לָאו רַבִּי וּשְׁלָּא אָחַת. הַיּךְ עָבִי עְבִידָא. נִיטְמָא וְיָדַע נֶעֶלְמָה מִמֶּנוּ טוּמְאָה וְנִכְנַס לַמִּקְדָּשׁ וְיָצָא וְיָדַע. נֶעֶלְמָה מִמֶּנוּ טוּמְאָה וְנִכְנַס לַמִּקְדָּשׁ וְיָצָא וְיָדַע. נֶעֶלְמָה מִמְּנוּ חִיּמְינוּ מִיּקְדָשׁ וְיָצָא וְיָדַע. בָּרוֹ כְאוֹ חֵייָב אָלָא אַחַת. הִיךְּ עַבְּיִם לַמִּקְדָּשׁ וְיָצָא וְיָדַע. הַיְבְּים מִקְדָּשׁ וְאָמִים שְׁיֵשׁ כָּאן כַּמָּה יְדִיעוֹת וְכַמָּה הֶעֱלֵים טוּמְאָה וְהָעֶלֵם מִקְדָּשׁ וְנִינָם לַמִּקְדָּשׁ וְיָדָע נְעֶלְמָה הִימִינּוּ מִקְדָּשׁ וְנִבְנַס לַמִּקְדָּשׁ וְיָדָע וְאָמֵר. טוּמְאָה זוֹ אֵין חֵייִבְין עָלֶיהָ קְרְבָּן. נִיטְמָא וְיָדַע נֶעֶלְמָה הִימִינּוּ טוּמְאָה. עַד שְׁהוּא בְּהֶעֲלֵם טוּמְאָה וְיָדַע וְאָמֵר. טוּמְאָה נָעֻלַם הִימֶינּוּ מִקְדָּשׁ וְנִבְנַס לַמִּקְדָּשׁ וְנִצָא אְנִידִע וְאָמֵר. נוּמְאָה נָעֻלָם הִימֶּינּוּ מִקְדָּשׁ וְנִבְנַס לַמִּקְדָּשׁ וְיָדָע וְאָמֵר. בּמָּה פְּעָמִים וּבְּסוֹף יִדְע. שְׁהָר בֹמָה פְּעָמִים וּבַסּוֹף יִדְע. הַרְיִבְּע וְאָמֵר. וּמִלְאָה נָעֻלֵם הִימֶּינּוּ מִקְדָּשׁ וְנִבְנַס לַמִקְדָּשׁ וְיִצָא אְנִדָע וְאָמִר הִנְעִימִים וּבְּשֹּוֹם וּמִימָּים וּנְבָּלם הִימֶינּוּ מִקְדָּשׁ וְנִבְע מִמְים וּבְשֹּוֹם בּמּוֹמְים וּבְּשֹּוֹם מּוּבְשָׁת וֹתְעִלִים הִימֶינּוּ מִקְּדָּשׁ וְנִיבָע אִמְיִם וּבְּמִים וּבְשֹּוֹם וּמִלְימוֹת וֹהעלימוֹת וּאינוֹ חִייב אלא אחת.

Rebbi Mana said it without attribution<sup>21</sup>; Rebbi Abin in the name of Rebbi Johanan: We did state two principles which do not compare. "There are two kinds of oaths which are four kinds"; one has to bring four sacrifices<sup>22</sup>. "There are two kinds of appearances of skin disease which are four kinds"; one has to bring two sacrifices<sup>23</sup>. Rebbi Eleazar in the name of Rebbi Abin<sup>24</sup> explained it otherwise: "There are two kinds of oaths which are four kinds" was said by Rebbi Aqiba; "there are two kinds of appearances of skin disease which are four kinds" by Rebbi Ismael<sup>25</sup>. Rebbi Haggai asked before Rebbi Yose: why do I need to follow Rebbi Ismael? Does it not come even following Rebbi Aqiba? Knowing and forgetting about impurity of the Sanctuary is the same as knowing and forgetting about impurity of sancta<sup>26</sup>. He told him, does not Rebbi Ismael have forgetting impurity and forgetting the Sanctuary, and we want to follow Rebbi Aqiba<sup>27</sup>?

Sometimes there is forgetting impurity and forgetting the Sanctuary but he is liable for only one sacrifice<sup>28</sup>. How is this? If one became impure, realized it, then forgot about impurity, entered the Sanctuary, and left; then he became aware. Here is forgetting impurity and forgetting the Sanctuary but he is liable for only one sacrifice<sup>29</sup>. Sometimes there are many forgettings of impurity and many forgettings of the Sanctuary but he is liable for only one [sacrifice]. How [is this]<sup>30</sup>? If one became impure and realized it, then forgot and while being oblivious of impurity entered the Sanctuary and left; then he became aware<sup>31</sup>. He said, there is no sacrifice due for this impurity. Again he became impure and realized it, then forgot and while being oblivious of impurity entered the Sanctuary and left even several times; in the end he

became aware. Here are many forgettings of impurity and forgettings of the Sanctuary but he is liable for only one [sacrifice]<sup>32</sup>.

- 21 He did not ascribe the following remark to R. Joḥanan or any other earlier Amora
- 22 Mishnah 3:1, explicit in *Sifra Hovah* (*Wayyiqra* 2) *Parašah* 9(8). For the four cases enumerated in Note 1, R. Aqiba requires four separate sacrifices. R. Ismael infers from the forward-looking formulation of the verse that only future-directed oaths can trigger liability for a sacrifice. According to him, for separate oaths in the same period of oblivion at most two sacrifices may be due.
- 23 The reference to skin disease also is in a difficult Genizah text (G, L. Ginzberg, Yerushalmi Fragments from the Genizah, New York 1909, p. 264 ff.) but it cannot be correct. The purification ceremony of the healed sufferer from skin disease is independent of the particular diagnosis by which he had been declared impure and the number of sacrifices due solely depends on his financial ability. The sequel shows that one has to read "there are two kinds of awareness of impurity which are four kinds," the second clause in the Mishnah.

The difference between RR. Aqiba and Ismael is explained in *Sifra Ḥovah* (*Wayyiqra* 2) *Pereq* 12(7), Babli 14b. Both verses *Lev*. 5:2,3 describe situations in which a person might become impure; they both end with the remark "it was hidden from him but then he knew and was found guilty," i. e., he forgot about the impurity, entered the Sanctuary, and then became aware of his transgression. R. Aqiba holds

that since impurity is mentioned twice but the Sanctuary only by inference, no sacrifice is due for causing impurity of the Sanctuary, only for entering it in impurity. R. Ismael holds that the repetition of the clause implies the obligation of a sacrifice both for impurity of the person and of the Sanctuary. R. Agiba will hold that separate sacrifices might be due for impurity originating outside the person (v. 2) and that created in humans (v. 3). R. Ismael will hold that separate sacrifices are due for a human entering the Sanctuary in impurity and for the impurity thereby caused the The problem is that the Sanctuary. Mishnah is anonymous, representing Meïr's Mishnah, which is R. Aqiba's tradition.

- 24 R. Abin mentioned at the start of the paragraph is R. Abin the son, head of the Academy of Tiberias at the time of R. Mana in Sepphoris. The reading "R. Eleazar in the name of R. Abin" (In G: "in the name of R. Abun", at a second occurrence "R. Eliezer ben R. Abun") is impossible since R. Abin (Abun) the father lived a generation and a half after R. Eleazar. As already recognized by R. David Fraenckel (*Qorban Ha'edah ad loc.*) one must read "R. Eleazar bar Abinna", a third generation Galilean Amora.
- 25 The Tanna of the Mishnah is not inconsistent in his use of parallel expressions but the two parallel sentences represent two different tannaïtic positions.
- 26 Since Mishnah 2:1 explains that even R. Aqiba can hold that "there are two kinds

of awareness of impurity which are four kinds" only if he distinguishes between awareness of impurity and awareness of the Sanctuary, there seems to be a possibility following him to require a sacrifice for infringing on the purity of the Sanctuary when there was awareness of impurity but oblivion of the Sanctuary.

- 27 Only R. Ismael requires a sacrifice both for forgetting impurity of *sancta* and forgetting the Sanctuary (Mishnah 2:6). R. Ḥaggai's inference is incorrect; R. Aqiba will not require a sacrifice in his case.
- 28 Even following R. Ismael.
- 29 There is no guilt attached to being impure. Guilt by impurity is incurred only if either the impure person enters the

Sanctuary or eats from *sancta*. In the case in question there was only one forgetting; there is only one sacrifice required.

The sentence is missing in G.

- 30 Text of G היך עבידה.
- 31 There is only one oblivion and only one sacrifice.

The sentence is missing in G.

32 At the first occasion, he was aware of the Sanctuary but he thought that for his kind of secondary impurity the Sanctuary was not forbidden. Then he entered several times while forgetting about the Sanctuary. Finally he realized his error concerning both impurity and Sanctuary. R. Ismael will agree that only one sacrifice is possible.

(9 32d line) פִּיסְקָּא. מַרְאוֹת נְגָעִים שְׁתַּיִם שֶׁתַּן אַרְבָּעָה: אָמַר רְבִּי יוּסֵי. שָׁאַל יְהוֹשַׁעַ בֶּן רְבִּי עֲקִיבָּה אֶת רְבִּי עִקְיבָה. אָמַר לוֹ. מִפְּנֵי מָה אֲמְרוּ. מֵרְאוֹת נְגְעִים שְׁתַּיִם שְׁתַּיִם שְׁתַּי, אָמַר לוֹ. אָמַר לוֹ. מִפְּנֵי מָה אֲמְרוּ. מִקְרוּם בֵּיצָה וּלְמַעֲלָה טָמֵא. אָמַר לוֹ. לוֹמֵר שָׁאָם אֵין וְאָם לָאו מַה יֹאמְרוּ. אָמַר לוֹ. יֹאמְרוּ. מִקְרוּם בֵּיצָה וּלְמַעֲלָה טָמֵא. אָמַר לוֹ. לוֹמֵר שָׁאָם אֵין בָּקִי בָּהֶן וּבִשְׁמוֹתָן אֵין רוֹאֶה הַנְּגָעִים.

וּמְנֵיִין שָׁמִּצְטֵרְפִּין זֶה עִם זֶה. אָמֵר רְבִּי מָנָא. מָנוּ אוֹתָן חֲכָמִים שְׁנֵיָם וּמָנוּ אוֹתָן אַרְבָּעָה מִצְטֵרְפִין זֶה עִם זֶה אַף אַרְבָּעָה מִצְטֵרְפִין זֶה עִם זֶה. רְבִּי לֵעָזָר בְשָׁם רְבִּי אַבִּין. אִם בְּשָׁאֵינוֹ מִינִּי מִצְטֵרְפִין זֶה עִם זֶה. אַמֵּר רְבִּי יוֹסָה בֵּירְבִּי בּוּן. וְהָיוֹּ אֵין כָּתוּב כָּאן אֶלָּא וְהָיֶה. מְלַמֵּד שָׁאֵינָן מִצְטֵרְפִין זֶה עִם זֶה. תַּנֵּי חִזְקִיָּה. לְנִיגְעֵי צָרַעַת אֵין כְּתִוּב כָּאן אֶלָּא וְהָיֶה. מְלַמֵּד שָׁאֵינָן מִצְטֵרְפִין זֶה עִם זֶה. אָמֵר לוֹ. וְיֹאמְרוּ. מִקְרוּם בִּיצָה וּלְמַצְלָה טְמֵא וּמְצְטֵרְפִין. וְאַל יֹאמְרוּ. מַלְמוֹד שָׁאֵינָן זְה עִם זֶה. אָמֵר לוֹ. וְיֹאמְרוּ. מִקְרוּם בִּיצָה וּלְמַעֲלָה טְמֵא וּמִצְטֵרְפִין. וְאַל יֹאמְרוּ. מַלְחוֹת נְגָעִים שְׁנִים שְׁהַן אַרְבָּעָה. אָמֵר לוֹ. מְלַמֵּד שָׁאִינָן זֶה לְמַצְלָה מָיָה. וְמִיבֶּל הִנְּבָּה אַנְנִים שְׁהַוֹּ וְמִצְאַת אוֹמֵר. הַכָּהָה מִן הַבָּהָא טְמֵא. וְהַכָּהָא טְמִא. וְהַכָּהָא טָחוֹר. וְתִייָא כַּיי טְמָבְר וּיִבְי חָנִינָה. לְבִי מְלְכִים וּשְׁלָּה. וְמִילְה אָבְּרָה וֹשְׁלָזָה. וְמִילְה אַלְּה הָוֹ שְׁלָזָה וְּדֹל מִמִּלְכוֹ שְׁלָזָה וְשִׁלְזָה. וְשְׁלָּה. שְׁמָא שְׁהוֹר. וְשְׁלָּה וְשְׁלָּה וְשִׁלְיָה וְשְׁלָּה. וְשִׁלְּה וְאִינְר בִּי יוֹטִי קּנִינָה בְּשָׁלְתָה וְשְׁלָּה וְשְׁלָּה מָאָה וְשִׁלְיָה וְשְׁלָּיָה וְשְׁלָּה מָבְיּה וְשְׁלָּה בִייִבִּי יוּטִי קּוֹמֵי רְבִּי יוֹסִי קּוֹמִי רְבִּי יוֹסִי. מַתְּנִיתָא אֵמְרָה שְׁצֵילְוֹ זֶה לְמַעֲלָה מָזָּה. אִם לְמִי לְבִּי יוֹסִי קּוֹמִי רְבִּי יוֹסִי. מַתְּנִיתָא אֵמְרָה שְׁצִינֵן זֶה לְמַעֲלָה מָזָּה. אִינִי וְם הָּמָּלָה מָּהָה שִׁלְּה יִבִּי יוֹסִי קּמִי רְבִּי יוֹסִי, מַתְּרָה שִׁמְילָה שְּבְי מְנִילְן בָּב בָּרָת שְׁבָּב בְּי וְם בְּבָּי וְם בְּבִי יוֹסִי. מִתְּנִית בָּב הָבְי לְנִילְ בָּבְעִר בְּי לְבָּי וֹבְי לְם בְּבִי יוֹם לְּתְרָב בִּי וְשְׁבְּר בְּבִּע בְּבְי וּבְי לְבָּי וִישְׁבְּי בְּבִי יוֹם בְּיוֹם בְּיוּב בָּאוֹם בְּבִּה מָב בְּבְּבְּת בּי בְּבָּי בְּבְים בְּבְים בְּים בְּים בְּים בְּיִבּים בְּים בְּיִים בְּיִבְּים בְּים בְּים בְּים בְּים בְּים בְּיבְים בְּיבְּים בְּיּבְים בְּיִים בְּיִים בְּ

כָל־שֶׁבֶּן שֻׁיְּהֵא לָהּ מַרְאָה שֵׁינִי. אָמֵר לֵיהּ. חֲמִי מָה אַתָּ מַר. שֵׁינִי זֵשׁ לָהּ. שְׁלִישִׁי לֹא כָל־שֶׁבֵּן. וּמְה חֲמִית מֵימֵר. בַּהֶרֶת שֻׁבָּהָא מֶן הַכָּהָא שֻׁלָּה טָמֵא זוֹ שְׁאֵת. מִינָה שֻׁלַשְּׁאֵת כִּקְרוּם בֵּיצָה. שְׁאֵת זוֹ שְׂאֵת. בַּהֶּרֶת זוֹ בַהֶּרֶת. סַבּּׁחַת שֵׁינִי לַבַּהֶרֶת. וּמִרְאֵה עַמוֹק שֵׁינִי לַשְּאֵת. מַה לְשׁוֹן שְׁאֵת. מוּגְּבָּהָת. בְּמֶרְאָה הַצֵּל נְבוֹהַ מִמְּרְאֶה הַחַפָּה. מַה לְשׁוֹן עָמוֹק. עְמוּקָה. מִמַּרְאֶה הַמָּה שְׁאֵת הַבְּלֹה. שְׁנָּאֲמֵר סְּבָּחִינִי נֵא אֶל־אַחָת הַכְּהוּנוֹת שְׁאֵת וֹנִי לַאָא בְּלַה בִּנִי רְבִּי לַעָּלֶר. זוֹ דְבְרֵי רְבִּי לִשְׁמֵאל וְרְבִּי עֲקִיבָה. אֲבָל דְּבְרִי חֲכָמִים. שְׁאֵת וּבַהֶּרֶת וֹגוֹ. שָׁבֵּת שִׁבָּר לְבָּי לְצָלֶר. זוֹ דְבְרֵי רְבִּי לְשָׁמָעאל וְרְבִּי עֲקִיבָה. אֲבָל דְּבְרִי חֲכָמִים. שְׁאֵת וּבַהֶּרֶת אָחַת. סְבָּחַת שִׁנִיה לַזָּה לָזָה. מַתְנִיתָא אָמָרָה כֵּן. נַעֲשֵׂית מִסְפַּחַת שְׁאֵת און מִסְבַּחַת עַזָּה.

New paragraph. "There are two kinds of appearances of skin disease which are four kinds." <sup>33</sup>"Rebbi Yose said, Joshua the son of Rebbi Aqiba asked Rebbi Aqiba. He said to him, why did they say, 'There are two kinds of looks of skin disease which are four kinds'<sup>34</sup>? He answered him, if not so, what should they have said? He said to him, they could have said 'starting with eggshell and stronger it is impure.<sup>35</sup>" He said to him, to tell you that anybody not expert for them and their names may not see skin lesions.<sup>36</sup>"

From where that they can be joined one to the other<sup>37</sup>? Rebbi Mana said, the Sages counted them as two and counted them as four. Just as two can be joined one to the other<sup>38</sup> so also four can be joined one to the other. Rebbi Eleazar in the name of Rebbi Abin<sup>24</sup>: If it can be joined to what is not of its kind, so much more of its own kind<sup>39</sup>. Rebbi Yose ben Rebbi Bun said, it is not written "they will be" but "it will be". This teaches that they cannot be joined one to the other<sup>40</sup>. Ḥizqiah stated: It is not written "skin diseases" but "skin disease". This teaches that they cannot be joined one to the other."

<sup>42</sup>"He said to him, they could have said 'starting with eggshell and stronger it is impure' but should not have said, 'there are two kinds of appearances of skin disease which are four kinds.' He answered him, it teaches that they are not one superior to the other. <sup>43</sup>" Could they not be one superior to the other? If you say so, you would have said the darkened one is impure, the very darkened is impure. But the Torah said, *behold, the diseased spot darkened* <sup>44</sup>. The darkened one is impure but the very much darkened is pure. <sup>45</sup>It follows what Rebbi Hanina said, it is comparable to two kings and their two lieutenants <sup>46</sup>. One king is greater then the other king, one lieutenant is greater than the other lieutenant. But the first one's lieutenant is not greater than the other king. Samuel said, it is comparable to two kings and two of

their ambassadors<sup>47</sup>. One king is greater then the other king, one ambassador is greater than the other ambassador. But the first one's ambassador is not greater than the other king. Rebbi Hanina in the name of Rav (Aha) [Ada]<sup>48</sup> bar Ahawa: A king, and his army commander, and the *Arghabeta*<sup>49</sup> and the Head of the Captivity. Rebbi Eleasar ben Rebbi Yose said before Rebbi Yose: The Mishnah implies that one is no greater than the other. If *s'et* whose very darkened spot is pure has a second color, the shiny spot, whose very darkened spot is impure, certainly will have a second color. He answered him, look at what you are saying. It has a second degree; should it not also have a third<sup>50</sup>? What causes you to say that the very white spot, whose very darkened spot is impure, is the *s'et*? The kind of *s'et* is like eggshell.

לווי, this is s'et. בְּלֶּחָת this is the shiny spot. אָאָחָת, this is the shiny spot. [The diseased spot's] look is deepened secondary to s'et. What is the etymology of s'et? Elevated. As the shadow looks elevated compared to the sunny spot. What is the etymology of deepened? It is deep, as the sunny spot looks depressed compared to the shadow. What is the etymology of  $\gamma$ 0 Adjunct. As it is said, adjoin me please to one of the priesthoods, etc." Rebbi Eleazar said, these are the words of Rebbi Ismael and Rebbi Aqiba. But the words of the Sages are that s'et and the shiny spot are one. Sappaḥat is secondary to either one secondary to ei

- 33 Tosephta Nega`im 1:1, Babli *Ševuot* 6a.
- 34 In contrast to the three similar statements in the Mishnah, this one does not seem to have legal implications.
- 35 While white spots on one's skin in general are harmless (*Lev.* 13:38-39), if they contain discolored hair they potentially are sources of impurity. This is characterized in *Lev.* 13:2 as "s'et, adjoint, or shiny spot" which is read as "s'et, shiny spot, or one of their adjoints". It is indicated that the

Cohen has to determine the nature of the impurity but no details are given, possibly to reserve diagnosis to priests. The details therefore are left to tradition. In Mishnah Nega'im 1:1, "shiny spot" is defined by R. Meïr as color of fresh snow, s'et as color of eggshell (or the color of the membrane enclosing a hard boiled egg.) These colors are characterized as appearing as depressions on normal skin (Lev. 13:3). There are secondary forms for which the spots do not appear as if depressed (Lev.

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13:4), these are described as the color of whitewash used in the Temple and that of white wool. The Sages disagreeing with R. Meïr declare eggshell as a secondary color. Since in the Tosephta eggshell is treated as secondary color, R. Meïr cannot represent the teachings of R. Aqiba in this case.

In G there is an added sentence which cannot be reconstructed.

- 36 Since the colors are not described in the Torah, the uninitiated lacks the means of determining purity and impurity.
- 37 A discoloration cannot imply impurity unless it contain an inscribed square of the size of half a Cilician bean; this is defined as (36 hairwidths)<sup>2</sup>. The spot does not have to be of uniform color.
- 38 Since they are mentioned together in one verse.
- 39 If the verse implies that spots classified as *s'et* and "shiny spot" are to be combined then certainly a shiny spot and one of lesser intensity are one and the same.
- 40 This contradicts everything we know from parallel sources, in particular the otherwise exact parallel in Sifra Tazria', Parašat Nega'im, Pereq 1(4) which reads "מְלַמֵּד שְׁהַן מִצְטֵרְפֵּין זֶה עִם זֶה "this teaches that they can be joined one to the other." Already D. Fraenckel in the 18th Century recognized that under the influence of Greek the h sound was lost and there was no difference in sound between שָׁמִּין and שְׁמִּין.
- 41 Again, read "they can". Since the verse mentions three different diseases, the singular implies that for matters of purity all three are one.
- 42 A second version of the discussion between R. Aqiba and his son, not recorded

elsewhere

- 43 One cannot say that the color of fresh snow, which is blinding in bright sunlight, is the same as eggshell, but that for the rules of impurity both are equal and the relation of the color of snow to whitewash is equal to the relation between eggwhite and white (unbleached) wool.
- 44 Lev. 13:6. Since even for a darkened spot there are conditions which have to be satisfied before the sufferer from skin disease is declared pure, it follows that the change of color alone is not sufficient.
- 45 Babli 6b.
- 46 ὕπαρχος, lieutenant, *proconsul, legatus*, the second in command. The decreasing order of brightness is snow, eggshell, whitewash, white wool.
- 47 He thinks that the secondary colors are much darker than the primary ones.
- 48 The reading in parenthesis is that of the ms., the one in brackets that of G. While Rav Ada bar Ahawa (in the Babli Rav Ada bar Ahavah) is well attested to in both Talmudim, a Rav Aha bar Ahawa is not otherwise known.
- 49 Probably the high Sassanid official mentioned in Greek sources as ἀργαπέτης, a Persion word "commander of a fort.". The word is discussed at length by Geiger in *Additamenta ad librum Aruch Completum*, pp. 27b-28b.
- 50 The problem is what combines with what for impurity. It is clear from the biblical text that the spots in the original color combine, also that *baheret* and *s'et* combine. If one would establish a hierarchy of brightness as the parables indicate and *s'et* was less than *baheret*, a combination of *baheret* with its secondary color would be a

combination of degrees 1 and 3, which we had excluded by a previous argument. Therefore *s'et* and *baheret* must be coordinate, not subordinate.

- 51 Sifra Tazria', Parašat Nega'im, Pereq 1(4). A parallel text from another source is in the Babli, 6b.
- 52 Lev. 13:3.

- 53 1S. 2:36.
- 54 Since the word is placed between the two expressions.
- 55 Mishnah Nega'im 7:2. מְּפָבְּחָת is biblical equivalent of מְפָבְּחָת (Lev. 13:6,7) used both for impure and pure spots, thereby validating the distinction between deeper and much deeper colors.

(fol. 32e) **משגח ב:** כּל שֶּיֶשׁ בָּהּ יְדִיעָה בַתְּחִילֶּה וְיִדִיעָה בַפּוֹף וְהָעֲלֵם בִּנְתִּחִים הֲהֵי זֶה בְּעוֹלֶה וְיִדְעָה בַפּוֹף שָׁעֵיר הַנַּעֲשֶׁה בִפְּנִים וְיוֹם הַכִּפּוּרִים תּוֹלֶה יְדִיעָה בַפּוֹף שָׁעֵיר הַנַּעֲשֶׂה בִפְּנִים וְיוֹם הַכִּפּוּרִים תּוֹלֶה עֵד שֵּיִוֹדַע לוֹ וֵיִבִיא בָעוֹלֵה וְיוֹרֵד:

**Mishnah 2**: In any case<sup>56</sup> where there is knowledge at the start and knowledge at the end but forgetting in between there is an increasing or decreasing [sacrifice]<sup>57</sup>. If there was knowledge at the start but no knowledge at the end, the ram whose blood in brought inside<sup>58</sup> and the Day of Atonement<sup>59</sup> suspend until it becomes a certainty for him and he brings an increasing or decreasing one<sup>60</sup>.

56 This refers to violations of the laws of purity (Note 2). A sacrifice to atone for such a violation, either by entering the Sanctuary in a state of impurity or eating *sacra* in such a state, is possible only if the violation occurred while the perpetrator was oblivious of his state (*Lev.* 5:2-3). This implies that at some earlier time he was aware of his state. If he never remembers, clearly he has no occasion to bring a

sacrifice.

- 57 Depending of the perpetrator's wealth as explained in *Lev.* 5:1-13.
- 58 Lev. 16:15-16.
- 59 If there is no Temple, the Day of Atonement protects the perpetrator from judgment by the Heavenly Court.
- 60 The Day of Atonement suspends but does not eliminate the obligation; there is no statute of limitations.

(32d line 50) **הלכה ב**' כּל שֶׁיֶּשׁ בָּהּ יְדִיעָה בַתְּחִילָה כול'. וּמְנֵיִין לִידִיעָה בַּתְּחִילָה וּבַסּוֹף וְהָעֱלֵם בּּנְתָיִים. בַּתְּחִילָה לוֹמְר וְנָעֶלַם וְנָעֶלַם שְׁנֵי פְעָמִים. מִכְּלֶל שֶׁבָּאת לוֹ יְדִיעָה בַתְּחִילָּה וּבַסּוֹף וְהָעֱלֵם בִּינְתַיִים. עַד כְּדוֹן כְּרְבִּי עֲקִיבָה. כְּרְבִּי יִשְׁמָעֵאל. דְּרְבִּי יִשְׁמָעֵאל כְּרְבִּי. דְּרְבִּי אָמֵר. וְהָנִּעְלַם בִּינְתַיִים. עַד כְּדוֹן כְּרְבִּי עֲקִיבָה. כְּרְבִּי יִשְׁמָעֵאל. דְּרְבִּי יִשְׁמָעֵאל כְּרְבִּי. וְרְבִּי בְּרָבִי וְוְבִּי כְּרְבִּי וְרָבִי כְּרְבִּי וְרָבִי כְּרְבִּי וְרָבִי כְּרְבִּי וְרָבִי כְּרְבִּי וְרָבִי בְּתְּיִמְוֹת. הָא רְבִּי יְשְׁמָעֵאל כְּרְבִּי. וְרְבִּי כְּרְבִּי

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יְשְׁמָעֵאל. וַאֲפִילוּ כְרָבִּי עֲקִיבָה אַתְיָא. הִיא יְדִיעָה וְהָעֱלֵם בְּטוּמְאַת מִקְדָּשׁ. יְדִיעָה וְהָעֱלֵם בְּטוּמְאַת הַקּוֹדָשׁ. וְאָת דְּבָעֵי נִישְׁמְעִינָהּ מִן הָכָא. וְהָוּא יָדַע וְאָשֶׁם. וַהַלֹא כְבָר נֶאֱמַר וְהָוּא טָמֵא וְאָשֵׁם. אֶלָא אִם אֵינוֹ עִנְייָן לִידִיעָה בַּתְּחִילָּה תְּנֵיהוּ עִנְיִן לִידִיעָה בַּפּוֹף.

Halakhah 2: "In any case where there is knowledge at the start," etc. <sup>61</sup>From where that we require knowledge at the start and at the end but forgetting in between? The verse says, *it was forgotten, it was forgotten* <sup>62</sup> two times; this implies that he had knowledge at the start and at the end but forgetting in between. So far for Rebbi Aqiba; following Rebbi Ismael? For Rebbi Ismael [argues] like Rebbi. As Rebbi said, *it was forgotten by him*, this implies that he knows. "*But he knew*," there is knowledge two times. Hence Rebbi Ismael [argues] like Rebbi, and Rebbi like Rebbi Ismael. This comes even according to Rebbi Aqiba; it is the same for knowledge and forgetting about the impurity of the Sanctuary as for knowledge and forgetting about the impurity of *sancta* <sup>63</sup>. But some want to understand it from the following: *He knew and felt guilty*. Was it not already said, *he became impure and felt guilty* <sup>62,64</sup>? But if it does not refer to knowledge at the beginning, let it refer to knowledge at the end.

- 61 Babli 4a.
- 62 Lev. 5:2,3.
- 63 In Babylonian sources [Babli 14b, Sifra Hova (Wayyiqra 2) Pereq 12(7)] this is consistently attributed to R. Ismael. The difference between the two is that R. Aqiba considers every stylistic variation a change in meaning whereas R. Ismael holds that "the Torah is written in the manner of

common speech."

64 The first quote is from the verse about human impurity, the other about impurity from extra-human sources. While it was argued before that one can only forget what one knew, the knowledge explicitly required in v. 3 must be explicit, it cannot have been unconsciously absorbed.

(32d line 59) רְבִּי בּוֹן בָּעֵי. אָם לֹא נוֹדַע לוֹ בַּסוֹף הֵיךְּ מֵבִיא קְרְבָּן. אֶלָא אִם אֵינוֹ עְנִייָן לִידִיעָה בַּסוֹף תְּנֵיהוּ עְנְייָן לִידִיעָה בַּתְּחִילָּה. הָתֵיבוֹן. הֲרֵי כְתִיב אְוֹ־הוֹדַע אֵלִיוֹ חַטָּאתֹוֹ וְהַבְּיא. מֵעַתָּה אִם אֵינוֹ עְנִייָן לִידִיעָה תְּחִילָּה תְּנֵיהוּ עִנְייָן לִידִיעַת סוֹף. פָּתַר לָהְ בִּמְחוּייָבֵי חַשָּאוֹת וְאֲשָׁמוֹת וֹדָאִין שֶׁעָבַר עֲלֵיהֶן יוֹם הַכִּיפּוּרִים שָׁמֵבִיאִין אַחַר יוֹם הַכִּיפּוּרִים וְחַייָבֵי אֲשָׁמוֹת תְּלוּיִין בְּטוּרִין. תַּלְמוֹּד לוֹמֵר אִוֹּ־הוֹדֵע אֵלָיוֹ חַשָּאתֹוֹ וְ וָהַבֵּיא. אַף לְאַחַר יוֹם הַכִּיפּוּרִים.

Rebbi Bun asked, if he did not know at the end, how could be bring a sacrifice<sup>65</sup>? But if it does not refer to knowledge at the end, let it refer to

knowledge at the beginning<sup>66</sup>. They objected: Is it not written, *or his transgression came to his knowledge, he has to bring*<sup>67</sup>? Then if it does not refer to knowledge at the beginning, let it refer to knowledge at the end<sup>68</sup>! Explain it as referring to those who are obligated for certain purification and reparation offerings for which the Day of Atonement has passed who have to bring after the day of Atonement, while those obligated for suspended reparation sacrifices are no longer liable<sup>69</sup>. The verse says, *or his transgression came to his knowledge, he has to bring* even after the Day of Atonement<sup>70</sup>.

- 65 Since any obligatory offering cannot be brought voluntarily, the fact that a sacrifice is commanded implies that the person can prove it is obligatory, i. e., he knows that a sin has been committed. Therefore the mention of 'knowledge' in the verse cannot refer to his knowledge at the moment he offers the sacrifice.
- 66 And the mention of forgetting must be interpreted as read by R. Aqiba here and R. Ismael in the Babli sources.
- 67 Lev. 4:23, about the purification offering of the prince. Purification offerings are for inadvertent sins; nowhere is prior knowledge and intermediate forgetting

- indicated. R. Bun's argument would force the transfer of the rules for variable sacrifices to purification ones against all tradition.
- 68 A "suspended" reparation sacrifice is brought if the person suspects but is not sure that he has sinned (*Lev.* 5:17-18). If he then gains certainty that he has committed an inadvertent sin, a purification sacrifice is due if and only if he gains this knowledge before the next Day of Atonement. R. Bun's argument is justified.
- 70 *Yoma* 8:6 (45b l. 47), Babli *Keritut* 25b.

(32d line 65) וּמָנֵיִין שָׁאֵין מְדַבּר אֶלֶא עַל טוּמְאַת מִקְדָּשׁ וְקֵדְשִׁיו. הַזְּהִיר וְעָנִשׁ עַל יְדִי טוּמְאָה מָה עוֹנֶשׁ וְאַזְהָרָה הָאָמוּר לְהַלָּן בְּטוּמְאַת מִקְדָּשׁ וְקֵדְשִׁיו. אַף וְחִייֵב קַּרְבָּן עַל טוּמְאָה. מָה עוֹנֶשׁ וְאַזְהָרָה הָאָמוּר לְהַלָּן בְּטוּמְאַת מִקְדָּשׁ וְקֵדְשִׁיו. רְבִּי אֶלִעֶזֶר בֶּן יַצְקֹב אוֹמֵר. בְּתוֹךְ שָׁאָמֵר לְּאַרְאֵל שְׁאָכַל מֵעֲשֵׂר אוֹנֵן אוֹ טָמֵא יָבִיא קַרְבָּן. תַּלְמוּד לוֹמֵר מֵאֲלֶה. יֵשׁ מֵאֵלֶה חַיִּיב וְיִשׁ מֵאֵלֶה בְּטוּר. אוֹצִיא אֶת הַפַּעֲשֵׂר שָׁאֵינוֹ בָּעֵוֹן מִיתָה וְלֹא אוֹצִיא אֶת הַמְּעֲשֵׂר שְׁאֵינוֹ בָּעֵוֹן מִיתָה וְלֹא אוֹצִיא אֶת הַמְּעֲשֵׂר שְׁאֵינוֹ בְּעֵוֹן מִיתָה וְלֹא אוֹצִיא אֶת הַתְּרוּמָה שַׁיְרָי בְּחִירָה. שַׁנָּאֶלֶה הַטִּיר. אוֹ מַה לְהַלָּן בִּתְרוּמָה אַף כָּאן בִּתְרוּמָה. וְלֹא מֵעְבוֹדָה זָרָה לְמַדְתָּה. וַעֲבוֹדָה זְרָה לְמִדְתָּה עַּל כָּל־צְבִירוֹת שֶׁבּּתוֹרָה. לוֹמֵר. מָה עֲבוֹדָה זְרָה מְיִייְבִין עַל זְדוֹנָה כָּתִר בְּחִלְּה מָשְׁלִיה מָשִׁלְּה מָשׁלִיבְה עַל בְּלִיצְבִירוֹת שֶׁבּּתוֹרָה. לוֹמֵר. מָה עֲבוֹדָה זְרָה מְיּנִין עַל זְדוֹנָה כָּרִת וְעַל שְׁגַעָה הַפַּאת. יַצִּאת תָּרוּמָה שַׁאָּינָה אָלָא עַוֹן מִיתָה.

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<sup>71</sup>And from where that it speaks only about the impurity of the Sanctuary and its sancta? He warned and punished about impurity<sup>72</sup> and required a sacrifice about impurity. Since punishment and warning spelled out later on refer to impurity of the Sanctuary and its sancta<sup>73</sup> also when He made liable for a sacrifice it is about impurity of the Sanctuary and its sancta. Rebbi Eliezer ben Jacob says, since it says, I did not eat from it in my deep mourning<sup>74</sup>, I could think that an Israel who ate tithe in deep mourning should bring a sacrifice. The verse says, from these<sup>75</sup>. For some of these he is liable, for some of these he is not liable. I will exclude tithe which is not a deadly sin but will not exclude heave which is a deadly sin as it is said, they would die from it for they desecrated it 76. The verse says from these; for some of these he is liable, for some of these he is not liable. Or since there <sup>77</sup> [one speaks about] heave, also here heave. But did you not learn it from foreign worship<sup>78</sup>? Since foreign worship teaches about all transgressions in the Torah, to say that as foreign worship is special that one is liable for extirpation if done intentionally and for a sacrifice if done unintentionally<sup>79</sup>. This excludes heave which only is a deadly sin<sup>80</sup>.

- 71 Babli 6b; Sifra Ḥovah (Wayyiqra 2) Pereg 11(9).
- 72 In Lev. 22:15-16, both warning and punishment are written for priests who would violate the purity of the Sanctuary and its sancta. For the laity the corresponding verses are Lev. 7:19-20. The sacrifice for violations in purity is mentioned in Lev. 5:2-3; one has to establish that no sacrifice is possible for violations of sancta which do not belong to the Sanctuary such as heave.
- 73 Deut. 26:14. The person who comes to eat his Second Tithe at the place of the Sanctuary has to make a declaration that he followed all the rules; in particular that he did not eat of it while in "deep mourning", occupied in burying a close relative. Second

Tithe has to be eaten in purity but no sanction for violation of its purity is spelled out anywhere in the Pentateuch.

- 74 Deut.14.
- 75 Lev. 5:4. Prefix n always is read as partitive, "some but not all." Since it is not spelled out which infractions of the laws of impurity (or of testimony, or oaths) are included, and which are excluded, the detailed rules are left to rabbinic interpretation. Babli 33b.
- 76 Lev. 22:9. First Tithe (of which heave of the tithe was separated) is totally profane in the hand of the Levite. Second Tithe has to be eaten in purity at the place of the Sanctuary but there is no penalty for violation of its purity. But heave has to be eaten by the Cohen in purity and violation of

its purity is a deadly sin.

77 The verse mentioned in Note 76.

78 The sacrifice atoning for inadvertent idolatry is declared paradigmatic for all sins in *Num.* 15:22.

79 The sacrifice is spelled out in *Num*. 15:22-29; extirpation in vv. 30-31. Babli *Šabbat* 69a.

80 But no extirpation is mentioned for violating purity of heaves.

לו aia line 1) אָמֵר רְבִּי חֲנִינָה קּוֹמֵי רְבִּי מָנָא. וּמֵעֲבוֹדָה זָרָה לְמַדָּשָׁ וַמֻדְשָׁיו בְּעוֹלֶה זְיוֹרָד. וְאִין דָּבָר בִּיִדִיעָה אַחַת. אָמֵר לוֹ. עֲבוֹדָה זָרָה בְּקבוּעַ וְטוּמְאַת מִקְדָּשׁ וַקֵּדְשִׁיו בְּעוֹלֶה וְיוֹרֵד וְאִין לְמִידִין קָבוּעַ מְעוֹלֶה וְיוֹרֵד וְלֹא עוֹלֶה וְיוֹרֵד מִקְבוּעַ וְטוּמְאַת מִקְדָשׁ וְמֵדְשִׁיו בְּעוֹמְאַת הַקּוֹדֶשׁ. הַכְּתוּב מְדַבֵּר. נֶאֱמֵר כָּאן בְּהַמֶּה טְמֵאָה וְנֶאֱמֵר לְהַלֶּן בְהַמָּה טְמֵאָה. מַה בְּהַמָּה טְמֵיאָה הָאֲמוּרָה לְהַלֶּן בְטוּמְאַת הַקּדָשׁ. אַף בְּהַמֶּה טְמֵאָה הָאֲמוּרָה לָחַלְן בְּטוּמְאַת הַקּדָשׁ. אַף בְּהַמֶּה טְמֵאָה הָאֲמוּרָה כָּאן בְּטוּמְאַת הַקּדָשׁ. אֵין לִי הָאָמְ טוּמְאַת הַקּדָשׁ. טוּמְאַת מִימֵר. בְּטוּמְאַת הַקּדָשׁ. עוּמְאָת הָקּדָשׁ עְמָיוֹן. תַּלְמוֹד לוֹמֵר וְטוּמְאָתוֹ עָלְיֵו. בְּטוּמְאַת הַגּוּף וְלֹא בְּטוּמְאַת הָּצִּיר אוֹבָר. וְאָבֶל טְהוֹר אוֹ בְּטָהוֹר שָׁאָכֵל טָמֵא. תַּלְמֵיר לוֹמֵר וְטוּמְאָתוֹ עָלְיֵו. בְּטוּמְאַת הָגוּף וְלֹא בְּטוּמְאַת בָּשָּר. רְבִּי חִימָּאָת בְּשָּר. רְבִּי חִייְה אוֹמֵר. נָאֶמְר בְּשָּר. לְא בְטוּמְאַת הָנִיף. לְא בְטוּמְאַת הָנִיף וְשֹבּי לְשִבּים וְטִּמְאָת בָּשָּר. לֹא בְטוּמְאַת הָנִיף. לֹא בְטוּמְאַת בְּשָּר. רְבִּי מַמִיים וְטוּמְאָת הַנְּלָּי, לֹא בְטוּמְאַת הָנִיף. לֹא בְטוּמְאַת הָנָשְר. לֹא בְטוּמְאָת הָנָשְר. לֹא בְטוּמְאָת בָּשָּר. רְבִּי מְמִיב מְשִׁים וְטִיּמְאָת הָנִיף. לֹא בְטוּמְאָת בָּשָּר. רְבִּי מֵעִיי אוֹמְר. בּשְּר. לֹא בְעָּר שְּעָּר בְּשִׁר. לֹא בְעִי שְׁמִין טוּמְאָה פּוֹרְשָׁת מְמָנּוּ.

Rebbi Hanina<sup>81</sup> said before Rebbi Mana: Did you learn this from foreign worship? Then one should learn from foreign worship that for everything one needs one knowledge<sup>82</sup>! He told him, foreign worship requires a fixed value [sacrifice] but the impurity of the Sanctuary and its sancta an increasing or decreasing one. One cannot infer about a fixed value [sacrifice] from an increasing and decreasing one, nor for an increasing or decreasing from a fixed value one<sup>83</sup>. How did you understand to say that the verse<sup>84</sup> speaks about impurity of Sanctuary sancta? It is said here an impure animal<sup>85</sup> and it is said further on an impure animal<sup>86</sup>. Since an impure animal mentioned there is about impurity of Sanctuary sancta, so an impure animal mentioned here is about impurity of Sanctuary sancta. Not only Sanctuary sancta; from where the impurity of the Sanctuary<sup>87</sup>? <sup>886</sup>The verse says: his impurity is on him<sup>89</sup>. How did you understand to explain it? About an impure person who ate pure [meat], or a pure person who ate impure [meat] 90? The verse says: his impurity is on him. Impurity of the body, not impurity of the meat. Rebbi says, he ate91, his impurity is on him. Impurity of the body, not impurity of the meat. Rebbi Hiyya says, sancta are mentioned in the plural<sup>92</sup> but impurity is

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mentioned in the singular. How can I uphold *his impurity is on him*? Impurity of the body, not impurity of the meat. Rebbi Meïr says, the verse only speaks of one from whom impurity separates<sup>93</sup>. This excludes meat from which impurity does not separate."

- 81 Read: Hinena.
- 82 Since neither prior awareness nor forgetting are mentioned as prerequisite for a sacrifice for unintentional idolatry (nor for any other sacrifice not depending on the sinner's wealth) one would have to explain away the mention of prior awareness for infractions of the laws of purity.
- 83 Therefore the previous argument is invalid; one has to find another argument to exclude any sacrifice for violations of the sanctity of heave.
- 84 Lev. 5:2-3. Babli 7a.
- 85 Lev. 5:2.
- 86 Lev. 7:21.
- 87 Babli Zevahim 43b. The question is whether a violation of the purity of the Sanctuary can be expiated by a sacrifice or whether any such violation requires the full ceremony of *Lev.* 16 describing the Day of Atonement.

- 88 *Sifra Sav Pereq* 14(3-6), partially quoted in *Zevahim* 43b.
- 89 Lev. 7:20.
- 90 This is prohibited in Lev. 7:19.
- 91 Lev. 7:21.
- 92 A well-being offering is always mentioned in the plural, שְּלְמִים. It is argued that therefore a singular cannot refer to the sacrifice. The argument is unconvincing since the sacrifice is not called יוָרָמִים in the plural but אָבָיח שְׁלָמִים in the singular. It also is unnecessary since in 7:20 אָלָיִי "on him" refers to the subject יוֹרְיַנְהַיִּנִי "but the person".
- 93 A person always can remove his impurity, for simple impurity by immersion in a *miqweh*, for severe impurities by one of the prescribed rituals. Impure sacral meat must be burned (*Lev.* 7:19; it also loses its impurity by rotting but as long as it is meat it remains impure.

(33a line 14) אָם כֵּן מַה הוֹעִיל לוֹ יוֹם הַכִּיפּוּרִים. אָמֵר רָבִּי יוֹסֵי בִּירִבִּי בּוּן. נַעֲשִׂית לוֹ יוֹם הַכִּיפּוּרִים כְּאָשֶׁם תָּלוּי. מֵת לִפְנֵי יוֹם הַכִּיפּוּרִים עֲוֹנָה בָה. אַחֵר יוֹם הַכִּיפּוּרִים כְּבָר

ְּרָכֶּבֶר עַל־הַקּוֹדֶשׁ מְטּוּמְאֹת בְּנֵי יִשְׂרָאֵׁל וֹגוֹ'. זֵשׁ לִי בְעִנְיִין זֶה שְׁלֹשׁ טֻמְאוֹת. טוּמְאַת עֲבוֹדָה זֶרָה. שְׁנֶּאֱמַר לְמַעַן טַמֵּאֹ אֶת־מִקְדְּשֹׁי. גִּילוּי עֲרָיוֹת. שֶׁנֶּאֱמַר לְבַּלְתִּי עֲשׁוֹת מֵחוּקוֹת הַתִּוֹעֵבֹת. שְׁנֶּאֱמַר לְבַלְתִּי עֲשׁוֹת מֵחוּקוֹת הַתְּוֹעֵבֹת. שְׁנְּיבִיכוּת דָּמִים. שְׁנֶּאֱמַר וְלָא תְטַמְאוֹ אֶת־הָאָּרֶץ. יָכוֹל עַל כְּל־הַשָּׁמְאוֹת הַלְּלוּ שְׁעִיר זֶה מְבַבְּר. תַּלְמוּד לוֹמֵר מִטּוּמְאוֹת וְלֹא כָל־טוּמְאוֹת. מַה מְצִינוּ שְׁחְלֵק הַכָּתוּב בְּטוּמְאַת מִקְדָשׁ וְקֵדְשׁיוּ אוֹמֵר. בְּבִי יְהוּדְה. רְבִּי שִׁמְעוֹן אוֹמֵר. אַף כָּאן לֹא נַחֲלוֹק אֶלָא בְטוּמְאַת מִקְדָשׁ מְטוּמְאֹת בְּנֵי יִשְׁרָאֵל. כָּל טוּמְאָה שְׁבַּקּוֹדֶשׁ. מִמְקְדִשׁ מְטוּמְאֹת בְּנֵי יִשְׂרָאֵל. כָּל טוּמְאָה שְׁבַּקּוֹדֶשׁ. יָכֵוֹל עַל טוּמְאַת מִקְדָשׁ וָקַדְשִׁיו שְׁעִיר זֶה יְכַפֵּר. תַּלְמוּד לוֹמֵר וּמִבִּשְׁעֵיהֶם. אֵילוּ הַמֶּרְדִין. וְכֵן כִוֹל עַל טוּמְאַת מִקְדְשׁ וְּשִׁרְשִׁיו שְׁעִיר זֶה יְכַפֵּר. תַּלְמוּד לוֹמֵר וּמִבּשְׁעֵיהֶם. אֵילוּ הַמֶּרְדִין. וְכֵן הַאּ אוֹמֵר מֵלָדְ מוֹאַבֹ בְּשִׁע בָּיִ

If it is so, what does the Day of Atonement help him<sup>95</sup>? Rebbi Yose ben Rebbi Bun said, the Day of Atonement acts for him as a suspended reparation sacrifice. In he died before the day of Atonement, *the sin is in her*<sup>96</sup>. After the day of Atonement it already was atoned for<sup>97</sup>.

<sup>98</sup> "He shall atone for the Sanctuary from the impurities of the Children of Israel<sup>99</sup>, etc. In this aspect I have three impurities. The impurity of foreign worship as it is said, to defile My Sanctuary<sup>100</sup>. Sexual offenses as it is said, not to act in the rules of abominations<sup>101</sup>. Spilling of blood as it is said, do not defile the Land<sup>102</sup>. I could think that this ram atones for all these impurities, the verse says, from the impurities, not all impurities<sup>103</sup>. We find that the verse treated the impurity of the Sanctuary and its sancta separately; also here we treat only the impurity of the Sanctuary and its sancta separately<sup>104</sup>, the words of Rebbi Jehudah. Rebbi Simeon says, from its place it is decided, as it is said, he shall atone for the Sanctuary from the impurities of the Children of Israel, any impurity in the Sanctuary. I could think that this ram atones for these impurities, the verse says, and their crimes<sup>99</sup>. These are the rebellions<sup>105</sup>, for so it says, the king of Moab rebelled against me<sup>106</sup>.

95 This refers to the second part of the Mishnah. If at some time the impurity was known, the eventual obligation of a sacrifice is not eliminated by the day of Atonement. Then what is the effect of this day?

96 Num. 15:31. The feminine pronoun refers to נֶפֶשׁ "the breathing person".

97 Even though an eventual obligation remains for the living person, the guilt has been atoned for.

98 Babli 7b, Sifra Ahare Pereq 4(1-3).

99 Lev. 16:16.

100 Lev. 20:3.

101 Lev. 18.30.

102 Num. 35:34, a misquote from memory.

103 Reading the prefix n as partitive, cf. Note 75.

104 In his opinion, the Day of Atonement is exclusively for repairing any damage to the Sanctuary.

105 Intentional sins, intended as "breaking the yoke of Heaven". There is no homily on "תְּשָׁאוֹת "unintentional sins" also mentioned in the verse.

106 2K. 3:7.

(fol. 32c) משנה גי אֵין בָּה יְדִיעָה בַתְּחִילָּה אֲבָל יֶשׁ בָּה יְדִיעָה בַסּוֹף שָׁעִיר הַגַּעֲשֶׂה בַחוּין וְיוֹם הַכָּפוּרִים מְכַפֵּר שֶׁנֶּאֱמֶר מִלְּבַד הַפַּאת הַכִּיפוּרִים עֵל מַה שֶׁיֶּה מְכַפֵּר זֶה מְכַפֵּר. מָה הַפְּנִימִי אין מִכָפּר אלָא עַל דַּבַר שִׁיִּשׁ בּוֹ יִדִיעָה אָף חִיצוֹן לֹא יְכַפּר אלָא עַל דַּבַר שִׁיִּשׁ בּוֹ יְדִיעה:

**Mishnah 3**: If there is no knowledge at the start but there is knowledge at the end<sup>107</sup>, the ram brought outside<sup>108</sup> or the Day of Atonement<sup>109</sup> atone as it is said, *in addition to the atoning purification offering*<sup>110</sup>; what the one atones for the other atones for. Since the one inside atones only on matters which were known<sup>111</sup>, also the outside one should atone only on matters which were known.

107 If there was no knowledge at the start and therefore no forgetting, there can be no variable sacrifice. But since the purity of the Sanctuary or of its *sancta* was impaired, a sacrifice is needed which, however, cannot be that of a particular person. It must be the people's sacrifice.

108 The holiday purification offering of the Day of Atonement (*Num.* 29:11) which

is treated following the rules of all holidays and is not mentioned in *Lev.* 16.

109 If there is no Temple.

110 *Num.* 29:11. The atoning purification offering is the one mentioned in *Lev.* 16:15.

111 Where there is awareness of violation of the rules of purity. For unknown violations see Mishnah 4.

(33a line 26) הלכה ג: אֵין בָּהּ יְדִיעָה בַתְּחִילָּה כול'. מַה חֲמִית מֵימַר. הַפְּנִימִי תוֹלֶה וְהַחִיצוֹן מְלָבָּר גוֹ הַחָיצוֹן תוֹלֶה וְהַפְּנִימִי מְכַבֵּר אוֹ זֶה וָזֶה יִתְּלוּ אוֹ זֶה וָזֶה יְכַבְּרוּ. מַאִי כְּדוֹן. אָמַר רְבִּי זִיְלָבְּ בַּר אָחָא. מִילָה חֲמִית. רֵישׁ לָקִישׁ אוֹתִיב קוֹמֵי רְבִּי יוֹחָנֶן וָאֲתִיב לֵיהּ. מֵחְלּוּקִי כַּבְּרוֹת הֵיא מִילְתָא. וְלִינֶה יְדַע מָה מַר לֵיהּ. אָמֵר לֵיהּ רְבִּי זִירָא. דִּילָמָא דָא הִיא. מַה חֲמִית מֵימֵר. בְּטִּמְא שָׁאָכַל טָהוֹר אוֹ זֵימַר בְטָהוֹר שָׁאָכַל טָמֵא. תַּלְמוּד לוֹמֵר וְטוּמְאָתוֹ עֻלְיִוּ. בְּטוּמְאַת הַגּוּוּ לֹא בְטוּמְאַת בָּשֶּיר. אוֹ זֶה וָזֶה יְבַפְרוּ. מֵאי כְדוֹן. וְהִתְּוַדְּה עָלְיו עֲווֹנוֹת אֵילּוּ הַזְּדוֹנוֹת. פִּשְּעֵיהֶם לֹא בְטוּמְאַת בְּנִיּן בְּשָׁר. אוֹ זֶה וָזֶה יְכַבְּרוּ. מֵאי כְדוֹן. וְהִתְּוַדְּה עָלְיו עֲווֹנוֹת אֵילּוּ הַזְּדוֹנוֹת. פִּשְּעִיהֶם אֵילּוּ הַשְּנְרִים. חַטּאֹתָם אֵילּוּ הַשְּנְּלוֹת וְהְנִיחַ הַשְּׁנְגוֹת. לְּשָׁבִיר אָמָר רְבִּי אִמִּי בְשָׁם רִבִּי יָסָא. לְנְשָׁי הַשְּעִרי עָלְיוֹ אֶת־כְּלּ־לְיוֹנוֹת שָׁ בְּקְבָּן. וְלְמָה בָאוּ לְּכָאוֹ רְבִּי אִילָא בְשָׁם רְבִּי יָסָא. לְתְלִיה. מְשְּעִית שְׁנְבְיוֹ הְנִישׁ הָּבְּלְישִׁים בְּמִלְּישִׁ הְבָּלְייִה. לְנִימָן שְׁנְבְּילִ וְמִילִּם בְּבְּן הִייּיב קַרְבָּן. וְלְמָּה בָאוּ לְבָּעִה שִׁנְבְּעִים וֹנִם הַפִּיפִּוּרִים תּוֹלָה. מַה בְּאִיבָּר לְתָלָן שְׁצֵשׁ בָּהָן חִייּב קָרְבָּן. אַיִּר הְשִּיר הַנְּעִישׁ בְּנִים יוֹם הַכִּיפִּיּוֹים תּוֹלָה. מַה לְּיִבָּה. אֵין בָּה יִדִיעָה בְּהָּוֹלָה אָבֵר לֵשׁ בָּה יִדְיעָה בְּפוֹף.

**Halakhah 3**: "If there is no knowledge at the start," etc. What can you see to say? Does the one inside suspend and the one outside atone, or the one

outside suspend and the one inside atone, or both of them suspend, or both of them atone<sup>112</sup>?

What about it? Rebbi Jacob bar Aha said, I saw something. Rebbi Simeon ben Laqish was asking before Rebbi Johanan and asked him, what are the differences in atoning? I do not know what he answered him. Rebbi Ze'ira said to him, maybe it is the following: 113 How did you understand to explain it? About an impure person who ate pure [meat], or a pure person who ate impure [meat]? The verse says: *his impurity is on him*. Impurity of the body, not impurity of the meat.

Or both of them atone? What about it? 114He should over it confess sins. these are intentional sins, their crimes, these are rebellions 105, their mistakes, these are unintentional sins. Then He said, he will atone. Rebbi Immi said in the name of Rebbi Simeon ben Laqish, the ram will carry all their sins<sup>115</sup>, he grabbed intentional sins and left out unintentional sins 116, to indicate that just as intentional sins do not carry the obligation of a sacrifice, so those unintentional sins which do not carry the obligation of a sacrifice<sup>117</sup>. And why did they come here? Rebbi Ila in the name of Rebbi Yasa, for suspension<sup>118</sup>. Would it be understood to suspend for those who eat abominations and crawling things<sup>119</sup>? Rebbi Samuel in the name of Rebbi Ze'ira: mistakes, their mistakes<sup>120</sup>. Since their mistakes mentioned there are those which carry the obligation of a sacrifice, also their mistakes mentioned here are those which carry the obligation of a sacrifice. This excludes intentional sins which do not carry the obligation of a sacrifice. What is left out by the ram brought inside<sup>112</sup> the Day of Atonement suspends. What did it leave out? If there is no knowledge at the start but there is knowledge at the end. 121

112 Since there are two purification sacrifices brought on the Day of Atonement, one (*Lev.* 16:15 ff.) whose blood is sprinkled on the gobelin separating the Temple Hall from the Holiest of Holies and the incense altar (*Ex.* 30:10), and one (*Num.* 29:11) whose blood is sprinkled on the large altar in the Temple courtyard. The question is whether each of these has a separate

function or whether the day requires a double sacrifice for all its functions.

113 Halakhah 2, Note 90. These are known differences in the power of atonement but have nothing to do with the Day of Atonement.

114 *Lev.* 16:21. Babli *Yoma* 36b, *Ševuot* 12b, *Keritu*t 25b.

115 Lev. 16:22.

116 In fact only rebellions are mentioned to be carried to the desert even though three kinds of transgressions were put on the scapegoat's head.

117 It is not that intentional sins not carry an obligation of a sacrifice but the sinner is prohibited from offering one (*Num*. 15:30-31.) Unintentional sins only require a sacrifice if the corresponding intentional sin is punishable by extirpation (Mishnah *Keritut* 1:2), others require repentance and atonement by the Day of Atonement. Babli *Keritut* 25b

118 The commentators differ in what this means. The Day of Atonement suspends punishment to give the sinner time for repentance (*Qorban Ha'edah*) or the statement refers to the Mishnah that the Day of Atonement eliminates the obligation of a suspended sacrifice (*Pene Mosheh*). The

sequel shows that neither of these alternatives applies but that the first alternative considered in the introductory paragraph applies; one purification sacrifice suspends punishment for certain categories of sins and the second atones.

119 Eating non-kosher animals is a sin (*Lev.* 11, *Deut* 14) but not one leading to extirpation. Therefore it is not subject to atonement by sacrifice.

120 The first חַטּאֹתִם is in *Lev.* 16:21 and refers to the scapegoat and its limited power of atonement, the second one to the final statement *Lev.* 16:34 which declares that *all* mistakes are atoned for on that day.

121 This justifies the Mishnah; both actions of the Day of Atonement are needed. Babli 10a.

(הסו. 32c) משנה ד: וְעֵל שֶׁאֵין בָּהּ יְדִיעָה לֹא בַתְּחִילָּה וְלֹא בַסּוֹף שְּׁעֵירֵי הֵרְנָלִים וּשְּׁעֵירֵי רָאשֵׁי הַבְּי יְהוּדָה. רַבִּי שְׁמְעוֹן אוֹמֵר, שְּעֵירֵי הֵרְנָלִים מְבַפְּרִין אֲבָל לֹא שְּעֵירֵי הַדְשָׁים מְבַפְּרִין אֲבָל לֹא שְעֵירֵי הַרָּאשֵׁי חֲדָשִׁים מְבַפְּרִין עַל מָחוֹר שֶׁאָבַל מָמֵא. רַבִּי מֵאִיר רָאשֵׁי חֲדָשִׁים מְכַפְּרִין עַל מָחוֹר שֶׁאָבַל מָמֵא. רַבִּי מֵאִיר אוֹמֵר כַּל הַשְּעִירִים כַּפָּרַתָן שַׁוָה עַל מוּמָאָת מִקְדָשׁ וַקַדְשֵׁיו.

משנה הּ הָיָה רַבִּי שָּמְעוֹן אוֹמֵר שְּעִירֵי רָאשֵי חֲדְשִׁים מְכַפְּרִין עַל טְהוֹר שֶּאָכֵל טְמֵא וְשֶׁל רְנָלִים מְכַפְּרִין עַל שָאֵין בָּהּ יְדִיעָה לֹא בַתְּחִילָּה וְלֹא בַפּוֹף וְשֶׁל יוֹם הַכִּפּוּרִים מְכַבֵּר עַל שָאֵין בָּה יְדִיעָה בַתְּחַלָּה אֲבָל יָשׁ בָּה יִדִיעָה בַפּוֹף.

**Mishnah 4:** But about where there is no knowledge either at the start or at the end<sup>122</sup>, the rams of the holidays and the rams of the Days of the New Moon<sup>123</sup> atone, the words of Rebbi Jehudah. Rebbi Simeon says, the rams of the holidays atone but not the rams of the Days of the New Moon. What do the rams of the Days of the New Moon atone for? For the pure person who

ate impure<sup>124</sup>. Rebbi Meïr says, the atoning of all rams is the same, about the impurity of the Sanctuary and its *sancta*.

**Mishnah 5**: Rebbi Simeon used to say, the rams of the holidays atone for the pure person who ate impure; those of the holidays atone for where there is no knowledge either at the start or at the end, and those of the Day of Atonement where there is no knowledge at the start but there is knowledge at the end<sup>125</sup>.

122 Undetected infractions of the laws of purity. Mishnaiot 4-6 are reproduced in *Sifra Ahare Pereq* 5(2-50).

123 Num. 28:15,22,30; 29:4,16,19,22,25,

28,31,34,38. These are public sacrifices; they atone for damage to public institutions.

124 Impure sacrificial meat or cereal.

125 Mishnah 3.

(33a line 43) **הלכה ד**: וְעַל שָׁאֵין בָּהּ יְדִיעָה כול'. **הלכה ה**: הָיָה רַבִּי שִׁמְעוֹן אוֹמֵר כול'. רְבִּי לְעָזֶר בְּשֵׁם רְבִּי הוֹשַׁעְיָה. טַעֲמָא דְּרָבִּי יְהוּדָה וּשְׁעִיר עִזְּים חַשָּאת לַיִי. חֵט שָׁאֵין יוֹדֵע בוֹ אֶלֶּא יִי שְׁעִיר זְּה מְכַבֵּר. אֵין לִי אֶלֶּא שְׁעִיר שְׁלְרֹאשׁ חוֹדֶשׁ. שְׁעִיר יְגְלִים מְנַיִּין. אָמַר רְבִּי זֵירָא. וּשְׁעִיר. וָי"ו מוֹסִיף עַל עִנְייָן רְאשׁוֹן. רְבִּי זְעִירָא וְרְבִּי לְעָזֶר בְּשָׁם רְבִּי הוֹשַׁעְיָה רְבִּי זַעֵּקֹב בַּר אָחָא וּשְׁעִיר. וְי"ו מוֹסִיף עַל עִנְייָן רְאשׁוֹן. רְבִּי זְעִירָא וְרְבִּי לְעֵזֶר בְשָׁם רְבִּי יוֹחָנָן. וְאֹתָה וּ וְתָן לְּכָם לְשֵׂאת אֶת־עַנֹן הָעֵלְ הַעַּלְה. מַה נֵן קִייָמִין. אִם בְּשְׁעִיר נַחְשׁוֹן. עַל שְׁבְטוֹ מְכַבֵּר. אִם בְּשָׁעִיר שָׁלְיוֹם הַבִּיפּוּרִים. אֵין כְּיוֹצֵא בוֹ לַדּוֹרוֹת. אֶלֶּא כֵן אֲנָן קִייָמִין בְּשָּעִיר שְׁלְרֹאש חוֹדֶשׁ. מֵאי לְדוֹן. נָאֲמֶר בָּאן נְשִׂיאוּת עָוֹן וְנָאֱמֵר לְהַלָּן נְשִׂיאוּת עָוֹן. וְנָשֶּׁא אֲהַרֹן שָּעִיר וְנָלֵא אֲוֹן הַקְּרִיבִין וְלֹא עָוֹן הַקְּרִיבִין אַף בְּאוֹן הַקְּרִיבִין וְלֹא עָוֹן הַמְּקְריבִין. מַה חְמִית מֵימֵר בְּטָהוֹר שָּאָכֵל טָמֵא נֵימָא בְּטְמֵא שִׁאַבְל טָהוֹר. אָמָר יוּדָה חְלֵק שִׁישִׁת רְבִּי יוֹהָה רְבִּי יוֹנָה בְּשָׁים רְבִּי יִּנְיְה חִלְּשִׁ שְׁכִּבּר אֶלֶּא תוֹלֶה. וַתְּיִיא כְרְבִּי יוֹנָה בְשִׁם רְבִּי זְעִירָא. וְעָשָּהוּ חַבְּיִב שְׁאִריר הַנַּעֲשָׁה בִּנְיִים שְׁאֵין מְכַבֵּר אֶלֶּא תוֹלֶה. וַתְייָא כְרְבִּי יוֹנָה בְשָׁם רְבִּי זְעִירָא. וְעָשָּהוּ הַבְּעִם לְּבָּי לִשְּלֹייָה שָׁלֹּא יִשְׁתְּב.

Halakhah 4: "But about where there is no knowledge," etc. Halakhah 5: "Rebbi Simeon used to say," etc. Rebbi Eleazar in the name of Rebbi Hoshaia: The reason of Rebbi Jehudah is and one goat's ram sin offering for the Eternal<sup>126</sup>. This ram atones for a sin known only to the Eternal<sup>127</sup>. I have not only the ram of the Day of the New Moon; from where the rams of the holidays? Rebbi Ze'ira said, and a ram<sup>128</sup>, the copula adds to the prior subject. Rebbi Ze'ira and<sup>129</sup> Rebbi Eleazar in the name of Rebbi Hoshaia, Rebbi Jacob bar Aha in the name of Rebbi Johanan: He gave it to you to lift the sins of the congregation<sup>130</sup>. Where do we hold? If about Nahshon's ram,

it atoned for his tribe. If about the ram of the Day of (Atonement)<sup>131</sup>, there is nothing similar in later generations<sup>132</sup>. But we must deal with the ram of the Day of the New Moon. What about it? It is said here "lifting sin" and it is said there "lifting sin", *Aaron shall lift the sin of the sancta*"<sup>133</sup>. Since there it is the sinfulness of the offerings not the sins of the offerers, also here it is the sinfulness of the offerings not the sins of the offerers <sup>134</sup>. What did you see to say, "for the pure person who ate impure", maybe we should say for the impure person who ate pure? Rebbi Yose ben Rebbi Bun said, Rebbi Jehudah splits the argument of Rebbi Meïr; Rebbi Simeon splits the argument of Rebbi Jehudah<sup>135</sup>. Rebbi Johanan<sup>136</sup> agrees that the ram brought inside does not atone; rather it suspends. This parallels Rebbi Jonah in the name of Rebbi Ze'ira, *he shall make it a purification offering*<sup>137</sup>. He fixed it for suspension, that it could not be changed<sup>138</sup>.

126 Num. 28:15, the sacrifice of the Day of the New Moon. (The verse is quoted not quite correctly.) The root איז in  $p\overline{a}$  al means "to sin" but in pi  $\overline{e}l$  "to cleanse, to restitute, to purify." The word תַּטְאַת "purification" can also mean "sin" (Ex. 34:9). Here it is interpreted in both senses. Babli 9a.

127 In Sifry Deut. 145, the example given is that of a an unknown grave which makes everybody stepping over it impure; the impure person never could know of his impurity.

128 In all occurrences (Note 123) the sentence starts with which also could have been left out. This is read as referring to the first case. Babli 9b.

129 Probably "and" should be replaced by a comma.

130 *Lev.* 10:17, referring to the inauguration of the Tabernacle which was on the first of Nisan. On that day, three purification sacrifices were offered. 1° A

calf, special to this day. 2° A ram for the Day of the New Moon. 3° A ram by the chief of the tribe of Jehudah (*Num.* 7:16). The verse does not spell out to which of the three it refers.

In the Babli 9b, the entire argument is quoted as explanation of R. Simeon's statement; also quoted *Zevahim* 101b.

131 Read: Inauguration.

132 The reference is to the calf (Note 129, 1°) which only in this case served as public purification offering; in all other cases the sacrifice is a ram. Since the verse is in the singular, it follows that only one purification offering was burnt; the other two were eaten [Sifra Šemini Pereq 2(2)]. It is characterized as "given to lift the sin of the congregation"; this is asserted only of the New Moon's Day ram. It follows that the calf of the Inauguration was particular for the Sanctuary and the priests, Naḥshon's for his tribe.

133 Ex. 28:38.

134 It is explicitly stated in the verse that the High Priest's diadem is only effective to cure unknown disabilities of sacrifices, not of humans. In the Babli, *Menahot* 25a, this is the final answer by the fifth Cent. Rav Ashi after a lengthy discussion which also quotes R. Zera (Ze'ira) with a completely different suggestion which is rejected.

135 R. Jehudah accepts the argument of R. Meïr but excludes the rams of the Day of Atonement from the group. R. Simeon accepts the argument of R. Jehudah but excludes the ram of the Day of the New Moon.

136 One may conjecture that originally the text read ר"ל meaning "R. Jehudah" which was misread by a copyist as "R. Johanan". (In Babli texts, י"ל, has both meanings with about the same frequency.)

137 Lev. 16:9. One would have expected the sentence to read אָהְקְרֵיב אַהָּר אָלָה עָלָה עַלָּה ביה מיש would have referred to the ram and meant "purification offering." But the clause חַשְּאַה חַשְּאַה וֹיִשְאַה וֹיִשְאַה שָּׁה עַשָּאַה defines the word as "unintentional sin." The ram whose blood is brought into the Sanctuary turns intentional into unintentional sins.

138 It cannot be used for any other purpose. If the companion scapegoat would die before it is slaughtered, it could not be used for any other purpose; it must be sent grazing until it develops a bodily defect or becomes too old to be used as a sacrifice, then be sold and its value used to buy other sacrifices. Sifra Ahare Pereq 2(5).

(33a line 58) שָׁעִיר שָׁלֹא קָרַב בָּרֶגֶל יִיקָרב בְּרֹאשׁ חוֹדֶשׁ. לֹא קָרַב בְּרֹאשׁ חוֹדֶשׁ יִקָּרֵב לְהַבָּא. שַׁמִּתִּחִילָה לֹא הוּקְדָשׁוּ קַרִבְּנוֹת צִיבּוּר אֵלָא לִיקָרֵב עַל מִזְבֶּחַ הַחִיצוֹן.

A ram which was not brought on the holiday should be brought on the Day of the New Moon. If it was not brought on the Day of the New Moon it should be brought in the future since from the start public sacrifices were dedicated only to be brought onto the outside altar<sup>139</sup>.

139 Tosephta 1:1. It is forbidden to bring profane animals into the Sanctuary precinct. Therefore all animals brought into the Sanctuary have to be dedicated beforehand.

One is careful to make only the most general dedication in order not to lose the use of the animal if something goes wrong.

(33a line 61) וְלֹא כְבָר כִּיפֵּר יוֹם הַכִּיפּוּרִים. אָמַר רְבִּי מָנָא. מִכֵּיוָן דְּכְתִיב חַג הַמַּצְּוֹת וּבְחַג הַשֶּבַאַוֹת וּבְחַג הַסֻּכִּוֹת כְּמִי שָׁכּוּלָן מְכַפְּרִין כַּפָּרָה אַחַת. אָמַר רְבִּי בּוּן. מִכֵּיוָן שָׁכּוּלָן מְכַפְּרִין עַל טוּמָאַת מִקְדָּשׁ וָקֵדָשִׁיו כְּמִי שָׁכּוּלָן מְכַבְּרִין כַּפָּרָה אַחַת.

But did not the Day of Atonement already atone 140? Rebbi Mana said, since it is written, the pilgrimage of Unleavened Bread, the pilgrimage of

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Weeks, and the pilgrimage of Tabernacles<sup>141</sup>, it is as if they all atoned one atonement. Rebbi Bun said, since they all atone for the impurity of the Sanctuary and its *sancta*, it is as if they all atoned one atonement.

140 Since the Day of Atonement leaves a clean slate, why does the following holiday of Tabernacles need another 8 purification sacrifices?

141 *Deut.* 16:16. Since the other two holidays are far removed from the Day of Atonement, the sacrifices are needed.

(33a line 64) רְבִּי יַצְקֹב בַּר אָחָא בָשׁם רְבִּי יָסָא. הָעוֹבֵר לְפְנֵי הַתַּיַבָּה בְּיוֹם טוֹב שְׁלְרֹאשׁ הַשְּׁלָה אֵין צֶרִידְּ לְהַזְּכִּיר שֶׁלְרֹאשׁ חֹדֶשׁ. אָמֵר רְבִּי אָחָא בַּר פָּפָּא. וְתַנֵּי כֵּן. הָעוֹבֵר לְפְנֵי הַתֵּיבָה בְּיוֹם טוֹב שֶׁלְרֹאשׁ הַשְּׁלֵה בְּשָׁחַרִית. בִּית שַׁמֵּי אוֹמְרִים. מַתְפַלֵּל שְׁמוֹנֶה. וּבִית הָלֵל אוֹמְרִים. שֶׁבַע. בְּמִיסַף. בֵּית שַׁמֵּי אוֹמְרִים. עֶשֶׂר. וּבִית הַלֵּל אוֹמְרִים. תַּשְׁע. וְיֹאמֵר אַחַת־עֶשְׂרָה. אָמֵר רְבִּי יזֹסֵי. מֵה פְּלִיגִין. בְּדָבְר שְׁשָעוּן בְּרָכָה בִּפְנֵי עַצְמוֹ. בְּרַם הָכָּא שָׁכֵּן אֲפִילוּ בְחוֹל שָׁאֵינוֹ אֶלֶא מֹי מֵה פְלִיגִין. בְּדָבְר שְׁשָעוּן בְּרָכָה בִּפְנֵי עַצְמוֹ. בְּרַם הָכָא שָׁכֵּן אֲפִילוּ בְחוֹל שָׁאֵינוֹ אֶלֶא הַוֹּדְשׁ בָּאיִן. מֹלְלְן. וְזַיִּכִיר בְּעֲבוֹדָה. רְבִי יוֹסֵי בָּעִי. מֵעִתָּה שְׁעִירִי רֹאשׁ הַשְּׁנָה אִם פִּפֵּר הָרְאשׁוֹן עַל מַה שִׁינִי מְכַבְּר וְתִימֵר אֵין צְרִידְּ לְהַזְּכִיר שֶׁלְרֹאשׁ חוֹדֶשׁ. אָמֵר רְבִּי יוֹסֵי בִּירְבִּי בּוּן. וְלֹא יְאוֹת רְבִי בָּא בָּרְרִאשׁ חוֹדֶשׁ. אָמֵר רְבִּי שִׁמְעוֹן חוֹלְקַ כַּבְּרוֹת. אֶלְא זֶה וְזֶה עַלְי הִבְּיר שְׁמְילוֹן חוֹלְקְ בָּבְּרוֹת. אֶלְא זָה וְזֶה מְחִבְשׁ בְּיִי עֲשָׁר רְבִּי אַבְּעִר. לִית יְכִיל. דְּכְתִיב מִלְבֵד עוֹלת הַחוֹדְשׁ. וְעוֹד מַהְדָא מְעוֹן בּרִישׁ מְעוֹן חוֹלְק בְּבָּרוֹת. אָלָא זָה וְזָה חַבְּי שִׁנְין לְשְׁר לִשְׁנִי עְשֶּר רְבִּי אַבְּעִיר. תַּדְבּי שְׁמְעוֹן וּלְבְּיִב עְשְׁר לִשְׁנִי עִשְׁר חְדְּשִׁ בִּיל הַעְּיְבָי בְּיִב בְּי שְׁמְעוֹן מְבִיאִין מֵה אַבְיּי עַשְּר חִדְּשִׁ בִּי בְּנִי בָּי בְּיִבְי שִּעְבִי בְּיבִר בְשְׁר שְׁבָּי בְּבִי בְּיִבְי בִּוּר בִּי בְּבִי בְּבִי בְּנִי בְעִיבְר לְבְּי שִׁנְיּבְי בִּיּר בְּיִי שְׁבִי בְּיוֹ בְּלְיבִי בְּיבְי בְּילְיבְי בְּיבְי בְּיבְי בְּיבְי בְּבְיי בְּבְיבִי בְּבְי בְּבִי בְּבְיבִי בְּבִי בְּיִי בְּבִיי בְּבִי בְּבִי בְּיבִי בְּעִי תְּיבִי בְּיוֹב בְּי בְּבִי בְּי בְּבְיי בְּבִי בְּבְי בְּבִי בְּבִי בְּבְי בְּבִי בְּבְי בְּבִי בְּיבְי בְּבִי בְּבִי בְּבְיי בְּבִי בְּיבְּי בְּיבְּי בְּבְיבִי בְּבְיּבְי בְּבְים בְּבְיי בְּבִי בְּבְי בְּבְיבְי בְּבִי בְּבְּיבְּי בְּיִי

Rebbi Jacob bar Aha in the name of Rebbi Yasa: The one who stands before the Ark on New Year's holiday does not have to mention the New Moon<sup>142</sup>. Rebbi Aha bar Pappus said, it was stated thus: <sup>143</sup>"The one who stands before the Ark on New Year's holiday in the morning, the House of Shammai say, he prays eight [benedictions]<sup>144</sup>, but the House of Hillel say seven. For *musaf*<sup>445</sup>, the House of Shammai say ten, but the House of Hillel say nine." Should he not say eleven<sup>146</sup>? Rebbi Yose said, where do they disagree? In a matter which needs a separate benediction. But here even on a weekday he simply includes it <sup>147</sup>. So he should mention it in "Service" Rebbi Yose asked, since the two rams of New Year's day come because of the New Moon, why do you say that he does not have to mention the New

Moon<sup>149</sup>? Rebbi Yose ben Rebbi Bun said, does Rebbi Abba bar Mamal<sup>150</sup> not ask correctly? As it was stated: "The two lambs of Pentecost<sup>151</sup> and the two rams of New Year's Day." If the first atoned, what does the second atone for? For impurity that happened between them.<sup>152</sup> Is that not Rebbi Simeon's? And Rebbi Simeon splits atoning<sup>153</sup>. But if both of them were for the New Moon? Rebbi Abba Mari said, you cannot do that, since it is written, *in addition to the elevation offering of the month*<sup>154</sup>. In addition, from what we have stated, "twelve for the twelve months of the year.<sup>155</sup>" A patrician stood before the Ark and did not mention the New Moon; they praised him<sup>156</sup>. Rav Hoshaia asked: think of it, if they slaughtered both of them simultaneously? What impurity happened between them? Rebbi Bun said, if all of Israel are proper, would they not bring what the Torah prescribed for them<sup>157</sup>?

142 The reader stands before the Ark. Before the invention of printing, he was the only one having a prayer text before him and was supposed to recite all prayers aloud. Except on holidays, the congregation were supposed to recite the *Šema* and the *Amidah* by heart.

In the main prayer, the 'Amidah, in all four times (evening, morning, musaf, afternoon) one does not mention that New Year's Day also is New Moon Day. (In the Ashkenazic rite, in which the verses describing the sacrifices of the day are recited, the New Moon is mentioned in the quote of Num. 29:6.)

143 A related text in Tosephta *Berakhot* 3:12.

144 The three beginning and the three final benedictions required daily, one additional benediction for the Sabbath and one for the holiday. The House of Hillel require that the middle benediction refer both to holiday and Sabbath.

145 Every New Year's Day the musaf

prayer contains three middle benedictions, one to praise God's Kingdom, the second to His sitting in judgment over the world, the third remembering the shofar blowing at Mount Sinai and the expectation of the shofar blowing announcing the coming of the Messiah. In this version, everybody agrees that the holiday is mentioned in the declaration of God's Kingdom; the only difference between the Houses of Shammai and Hillel is that the former require a separate benediction for the Sabbath whereas the latter hold that the Sabbath is mentioned together with the holiday in the fourth benediction. None of the parties mentions the New Moon

146 An extra one for the day of the New Moon.

147 In the morning, afternoon and evening prayers on a Day of the New Moon there is no additional benediction; the New Moon is mentioned in an insert in the first of the last benedictions, "Service", which is a prayer for the restoration of the Temple service

with a supplication that our prayers be accepted in lieu of sacrifices.

148 The formula used on the other 11 months of the year. The current text originates from the middle benediction of *musaf* of New Year's Day.

149 While only the elevation offering of the Day of the New Moon is mentioned in the list of sacrifices for New Year's Day (Num. 29:6), the traditional interpretation includes also the day's purification offering (Num. 28:15). Then one should include a mention of the New Moon at least in "Service".

150 It seems that one has to read "R. Yose" since R. Ba bar Mamal is not mentioned in the Halakhah.

151 Read: "the two rams of Pentecost," one prescribed in *Num.* 28:30 for the holiday, the other in *Lev.* 23:19 to accompany the two leavened breads which introduce flour from the new harvest to the Sanctuary. This is a statement of R. Simeon in Tosephta 1:2.

152 Cf. *Qiddušin* 2:7, Note 166.

153 The answer is not acceptable since the *baraita* is attributed to R. Simeon who in

Mishnah 5 explained that different categories of purification sacrifices atone for different categories of impurity. His opinion about the ram accompanying the two leavened loaves has not been recorded.

154 *Num.* 29:6. Since the verse makes a clear distinction between the sacrifices for the Day of Remembrance (New Year) and the New Moon, certainly for R. Simeon they must have different purposes.

155 Tosephta 1:2, a statement of R. Simeon about 32 public purification sacrifices to be brought every year. There is exactly one for each month.

156 When only the outline of the topics of benedictions were given but no prayer text were prescribed.

157 He objects to the entire line of reasoning. The purification sacrifices of the holidays are given "to atone for you" (*Num.* 28:22,30; 29:5,11), but no provision is made to ascertain whether atonement is actually needed. This implies that they must be brought even if not needed for atonement. The same applies to the other public offerings for which the purpose is not explicitly stated.

(fol. 32c) **משנה וּ: אֵמְרוּ** לוֹ מַה הֵן שֶּיִקְרָבוּ זֶה בָזֶה. אָמַר לָהֶם יִקְרְבוּ. אֵמְרוּ לוֹ הוֹאִיל וְאֵין בַּפָּרָתִן שָוָה הַיאַדְּ קְרֵיכִים זֶה בָזֶה. אָמֵר לָהֶן כּוּלְן בָּאִין לְכַפֵּר עַל מוּמְאַת מִקְדְּש וָקֵדְשִׁיוּ:

**Mishnah 6:** They asked him<sup>157</sup>, could they be brought one for the other<sup>158</sup>? He told them, they may be brought. They asked him, since their atoning is not the same<sup>159</sup>, how can they be brought one for the other? He told them, all of them serve to atone for the impurity of the Sanctuary and its *sancta*<sup>160</sup>.

157 The dissenting Sages asked R. Simeon following his statement in Mishnah 5.

158 For example, a ram was dedicated as scapegoat for the Day of Atonement but escaped, another ram was used, and afterwards the original ram was recaptured. Since it had been dedicated, it could not revert to profane status. May it be used as purification offering on the next holiday?

159 As R. Simeon stated in Mishnah 5.

160 The dedication prepares it to atone for impurities, to fulfill a biblical commandment. The particular instances of atonement are not on the mind of the person making the dedication; therefore, the ram may be used on all occasions where Scripture uses similar wording. It is noted in the next Halakhah that a dedication for sacrifice, whatever it will be, is sufficient.

(33b line 6) הלכה וּי אֲמְרוּ לוֹ. מַה הֵן שְׁיִּקְרְבוּ זֶה בָּזֶה כול'. אָמֵר רְבִּי יוֹחָנֶן. דְּבְרִי חֲכָמִים מְשׁנִּין וְדְבְרִי רְבִּי שׁמְעוֹן אֵין מְשׁנִּין. דְּבְרִי חֲכָמִים מְשׁנִּין. וְתִימֵר. מַהוּ שִׁיִּקְרְבוּ זֶה בָּזֶה. בְּשִׁיטְתְּדְּ שְׁאַהְּ אוֹמֵר. אֵין מְשׁנִּין. מַהוּ שִׁיִּקְרְבוּ זֶה בָּזֶה. אָמֵר רְבִּי יוֹחֵי. בְּשִׁיטְתָדְּ שְׁאַהְ אוֹמֵר. אֵין מְשׁנִּין. מַהוּ שִׁיִּקְרְבוּ זֶה בָּזֶה. אָמֵר רְבִּי יוֹדְן. וְתַנֵּי כֵּן. לְשֵׁם אוֹתוֹ זֶבַח שֶׁהוּא קָרֵב לְשְׁמוֹ הוּא קַדְשׁ מִשְׁעָה רְאשׁוֹנָה.

Halakhah 6: "They asked him, could they be brought one for the other," etc. Rebbi Joḥanan said, the words of the Sages [imply] that one may change; the words of Rebbi Simeon [imply] that one may not change<sup>161</sup>. The words of the Sages [imply] that one may change, and you say "could they be brought one for the other" They objected to him according to his argument<sup>163</sup>. According to your argument, since you say that one may not change, could they be brought one for the other? Rebbi Yose said, since public sacrifices are designated only by use<sup>164</sup>. Rebbi Yudan said, it was stated thus<sup>165</sup>: "For the purpose of the sacrifice for which it is brought it was sanctified from the beginning."

161 It may be assumed that the Sages follow R. Meïr, for whom all public purification sacrifices have the same purpose. Then it is obvious that the particular day for which an animal is brought should not have any relevance for the substance of the sacrifice. But for R. Simeon (and also R. Jehudah) there should be a difference; even if in an emergency R. Simeon permits using a ram on the next

available occasion, he might forbid intentional change.

162 Since for the Sages the answer obviously is positive, why does it have to be asked at all?

163 They asked R. Simeon; for themselves the answer was clear.

164 Animals dedicated for public sacrifice are dedicated "for any public sacrifice where they might be needed." The exact kind is

determined only at the time of slaughter.

165 This follows R. Yose (the Tanna) in Mishnah Zevahim 4:6: "Even if somebody did not intend [any of the specific uses] it is qualified; it is a stipulation by the court that the thought is determined by the officiating priest." Since the officiating priest can disqualify a sacrifice by thought, e. g., the intention to eat the sacrificial meat outside

the allotted time or place, he also qualifies the sacrifice by his thought if the animal had been dedicated as sacrifice. For a private sacrifice this implies that even if the owner had a disqualifying thought but the officiating priest served having the correct thought, the sacrifice is qualified. The Babli agrees as explained in Maimonides's Mishnah Commentary *ad loc*.

(הtol. 32c) משנה זו רַבִּי שָּׁטְעוֹז בֶּן יְהוּדָה אוֹמֵר מִשְּׁמוֹ שְּעִירֵי רָאשֵׁי חֲדְשִׁים מְכַפְּרִיז עַל הַשְּׁהוֹר שֶׁאָכַל מָז הַשְּּמֵא מוֹסְף עֲלֵיהֶם שֶׁל רְנָלִים שֶׁמְּכַפְּרִיז עַל הַשְּׁהוֹר שֶׁאָכַל אֶת הַשְּּמֵא וְעַל שֶׁאֵיז בָּהּ יְדִיעָה לֹא בַתְּחָלָּה וְלֹא בַפּוֹף. מוֹסְף עֵלֵיהֶם שֶׁל יוֹם הַכְּפּוּרִים שֶׁהַז מְכַבְּּרִיז עַל הַשְּׁהוֹר שֶׁאָכַל אֶת הַשָּּמֵא וְעַל שֶׁאֵיז בָּהּ יְדִיעָה לֹא בַתְּחָלָּה וְלֹא בַפּוֹף וְעֵל שֶׁאֵיז בָּה בַתְּחָלָּה אֲבָל יֶש בָּהּ יִדִיעָה בַּפּוֹף.

משנה ח: אָמְרוּ לוֹ אוֹמֵר הָיָה רָבִּי שֶׁיּקְרְבוּ זֶה בָזֶה אָמֵר לָהֶם הֵיזְ. אֵמְרוּ לוֹ אָם כֵּן יִהְיוּ שֶׁל יוֹם הַכִּפּוּרִים קְרֵיבִיז בְּרָאשֵי הֲדָשִׁים אֲבָל הֵיאַךְ שֶׁל רָאשֵי הֲדָשִים קְרֵבִיז בְּיוֹם הַכִּפּוּרִים לְכַבֵּר כַּבָּרָה שֵאָינָה שֵׁלָהֵן. אָמַר לָהַן כּוּלָן בָּאִין לְכַבֵּר עַל מוּמִאָת מָקְדָּש וַקַּדְשִיוּ:

**Mishnah 7**: Rebbi Simeon ben Jehudah said in his<sup>166</sup> name, the rams of the New Moon Days atone for the pure person who ate of impure [sacrifice]. Those of the holidays add to them in that they atone for the pure person who ate impure [sacrifice] and for [infractions] of which there was knowledge neither at the start nor at the end. Those of the Day of Atonement add to them in that they atone for the pure person who ate impure [sacrifice] and for [infractions] of which there was knowledge neither at the start nor at the end and those for which there was no knowledge at the beginning but there was at the end<sup>167</sup>.

**Mishnah 8**: They said to him, did not the teacher<sup>166</sup> use to say that they may be sacrificed one for the other? He said, yes. They said to him, if it is so then those of the Day of Atonement could be brought on the Days of the New Moon. But how could those of the Days of the New Moon be brought on the

Day of Atonement to atone an atonement which is not theirs<sup>168</sup>? He told them, all of them serve to atone for the impurity of the Sanctuary and its *sancta*<sup>125,160</sup>.

166 R. Simeon (ben Iohai).

167 He disagrees with the Tanna of Mishnah 5. R. Simeon does not hold that the different kinds of public purification sacrifices are for different kinds of offenses but that there are different kinds of

effectiveness, the power of the sacrifice of a more holy day is strictly greater than that of the day of lesser holiness.

168 Since the rams of the Day of Atonement were destined for two additional powers not in those of the New Moon.

(11 ald line lic) הלכה ח: אֱמְרוּ לוֹ אוֹמֵר הָנָה רְבִּי כול'. אָמֵר רְבִּי יוֹמֵי דְּרוֹמִייָא קוֹמֵי רְבִּי יוֹנֶה. הָבֵּן צוֹרְכָּה לְמִיתְנֵי. אִם כֵּן יְהוּ שֶׁל רָאשִׁי חָדָשִׁים קְרַבִּין בְּיוֹם הַכִּפּוּרִים. שֶׁכֵּן מַעֲלִין בַּקּוֹדֶשׁ וְלֹא מוֹרִיזִין. אֲבָל שֶׁלְיוֹם הַכִּפּוּרִים אֵינֶן קְרֵיבִין בְּרֹאשׁ חוֹדֶשׁ. שֶׁאֵין מוֹרִיזִין בַּקּוֹדֶשׁ. רְבִּי בִּוֹן בְּלְאשׁים הָבִּפּוּרִים קְרַבִּין בְּקּוֹדֶשׁ. רְבִּי בַּעְּם רְבִּי בּוּן פָּתָר לְהֹ בֶּמֶר חוֹרוֹן. אִם כֵּן יְהוּ שֻׁלְיוֹם הַכִּפּוּרִים קְרַבִּין בְּקּוֹדֶשׁים אֵין קְרַבִּין בְּקּוֹדֶשׁים הַעְּבְּיּרִן בַּפְּרִין כַּבְּּרִין וְכַבָּרִת רָאשִׁי חָדְשִׁים. אֲבָל שֶׁל רָאשׁי חָדָשׁים אֵין קְרַבִין בְּיוֹם הַכִּפּוּרִים שְׁנְבִין אָלֶא כַבְּרָתוּן בְּלְבֵּד. אִילּוּ מִי שֶׁאָכֵל חֵלֶב חֲמִשְּׁה זֵיתִים וְהִבְּרִישׁ אַרְבָּעָה קַרְבְּנוֹת שְׁמִשְּׁה שְׁמָשׁה שְׁמָשׁ בִּנְבְרִי עְּלְבְּרִי שְׁמְעוֹן אוֹמֵר. שְׁלְשִׁים וּשְׁנִים שְעִירִים קְרֵבִין עַל וְבָּבוֹר אַרְבָּעָה לֹא כָלִ־שְׁנָה. וְבְּלִי שְׁמָרְרִם וְאָמִים שְׁעִירִם הְצִייִם הְנִים וְאָשִׁיִם שְּשְׁרִים הְבִּיִם וְאִייִר הַמְּשְׁתַּלְתִי וְעָלִים שְּעִירִם הְצְבִיר הַ אָּשְׁתִּ לְיָדִי שְׁנְה וְשְׁמִים שְּשָּׁר חָדְשֵׁי שְׁנָה. שְׁמְבִּי בְּיִים הְצִּבְים וּאְשָּר הַבְּשָׁם בְּבִים שְשִּר חָדְשֵׁי שְׁנָה. שְׁמִרְ בָּיִם הְשְּבְּים הְצִּבְים הְצִּבְים בְּעִּלְ הַלְּחָם. אָשָּר חְדְשִׁי שְׁנָה וְשְבָּיה בָבְּים הִבְּיוֹם הַבְּכִים וְשְשָׁת מְשָׁה בְּבִילְם בְּעִים בְּעִים בְּעִים בְּעָבְיה לִיִי וְבִּיוֹם הָּבִּירִם בְּעִים בְּעְשִׁי הְנִיחִים אְנִבִירה בִּיְרִם בְּיִּבְּים הְבִּילִים בְּעִים בְּעִים בְּעִיבְי הִילְיוֹ בְּבִילְם בְּיִים בְּיִים בְּישִׁי בְּיִים בְּיִים בְּבִילְם בְּיִים בְּיִים בְּבִילְם בְּבִילְם בְּיִבּים בְּעִים בְּעִים בְּעִים בְּיִים בְּרִים בְּבְּילִם בְּבְּלִים בְּבִים בְּיבִיךְ בְּיִם בְּיִים בְּיִבְּים בְּרְים בְּיבִים בְּיִבְים בְּבִילְם בְּבִילְם בְּבִילְם בְּבִיל בְּלְל הַבְּיְם בְּיִים בְּיִים בְּיִים בְּיִים בְּיִבְיוֹם בְּבִילְם בְּבִיים בְּבִילְם בְּבִים בְּבִים בְּבִים בְּבְּים בְּבְילִם בְּבִים בְּיִים בְּיוֹם הְבִּבְּים בְּיִים בְּיִים בְּיִים ב

**Halakhah 8**: "They said to him, did not the teacher use to say," etc. Rebbi Yose the Southerner said before Rebbi Jonah: Would it not have been necessary to state, if it is so then those of the Days of the New Moon could be brought on the Day of Atonement since one increases holiness but one does not diminish; but those of the Day of Atonement cannot be brought on the Days of the New Moon since one does not diminish holiness<sup>169</sup>. Rebbi Eleazar in the name of Rebbi Bun<sup>170</sup> explained it by another explanation<sup>171</sup>: if it is so then those of the Day of Atonement could be brought on the Days of the New Moon, for included in their atoning is the atoning of the Days of the New Moon<sup>172</sup>, but those of the days of the New Moon cannot be brought on the Day of Atonement, for they atone only their atonement. For if anybody

ate five olive-sized pieces of fat and dedicated four sacrifices, being of the impression that he had dedicated five, did he atone<sup>173</sup>? Or if he ate four olive sized pieces of fat, dedicated five sacrifices, being of the impression that he had dedicated four, not so much more<sup>174</sup>? And so <sup>175</sup> Rebbi Simeon used to say, thirty-two rams are brought for the public every year. Thirty one outside, they are eaten. One inside which is not eaten<sup>176</sup>. And the scapegoat. Twelve for the twelve months of the year. Eight on Tabernacles, seven on Passover, two on Pentecost, one for the day and one for the bread. One on New Year's Day and one on the Day of Atonement." <sup>177</sup>When Moses heard this he said, it follows that anybody for whom the doubt of a transgression arises should bring all these sacrifices! Rebbi Tanhuma in the name of Rebbi Simeon ben Laqish: When the Holy One, praise to Him, said to Moses, *he shall confess* on it etc., he started and said, *A Song of confession* inspired by *he shall confess on it*.

169 A general principle (cf. *Bikkurim* 3:3, Note 57; *Yoma* 3:8 41a l. 10, *Megillah* 1:12 72a l. 47, *Horaiot* 3:3 Note 151; Babli *Yoma* 12b). Since this principle cannot be overridden, it is an argument not for practice but against R. Simeon's opinion that the sacrifices can be substituted one for the other and for R. Meïr's that they cannot.

The argument presupposes that the

cumulation of cases for which the sacrifices atone indicates a higher state of holiness.

170 The name tradition is impossible. The second generation R. Eleazar cannot transmit in the name of the third generation R. Bun I or the fourth generation R. Bun II. Probably one should read: R. Bun in the name of R. Elazar or even R. Yose ben R. Bun in the name of R. Eleazar. Cf. Note 24.

171 To uphold the text of the Mishnah. Since the argument is directed against one made in the Academy of R. Jonah, of the last generation of Galilean Amoraim, it

should be attributed to the absolutely last Amora R. Yose ben R. Bun.

172 He asserts that all purification sacrifices have the same status of holiness but their effectiveness depends on the intent of their dedication. One sacrifice atones for all instances for which it was dedicated but none for which it was not dedicated. He must assume that the dedication was for a purification sacrifice, not for "a sacrifice whichever it will be" since the only public sacrifices of rams are purification sacrifices including the scapegoat.

173 Assuming that he is obligated to bring five different sacrifices for five different inadvertent sins punishable by extirpation of which eating fat is the paradigm (cf. *Horaiot* 3:3). If he offered only four, one sin by necessity remains without atonement.

174 Automatically all sins are atoned for (even though one would expect the case never to happen since the owner of the sacrifice is required to confess his sin while leaning with his hands on the head of the sacrifice (*Lev.* 4:29), and probably would detect his error.)

175 Tosephta 1:2.

176 Some of the blood of the purification offering of the Day of Atonement is brought inside the Sanctuary; the rest has to be burned outside the Sanctuary (*Lev.* 6:23). All other purification sacrifices must be eaten by the priests, (*Lev.* 6:22).

177 A similar text in *Midrash Tehillim* 100. It is standard Galilean doctrine that the 11 Psalms 90-100 were composed by Moses (even *Ps.* 99!), not only *Ps.* 90 as indicated

by its header. In the Babylonian tradition (transmitted by prayer texts) Moses was the author of *Pss.* 90-91 and the Sabbath of *Ps.* 92.

178 Lev. 16:21. This resolved Moses's problem and informed him that his prior concern, that the slightest doubt might impose an unbearable financial burden on the sinner, was unfounded.

179 Ps. 100:1. Usually, one translates "a song of thanksgiving" since this is appropriate for the תּנָדָה sacrifice [Lev. r. 9(3)].

(fol. 32e) **משנה ט:** וְעל זְדוֹן מּזּקְאָת מְקְדָּשׁ זְקַדְשָׁיו שָׁעִיר הַנְּעֵשֶּה בְפְנִים וְיוֹם הַכְּפּוּרִים מְכַפֵּר. וְעַל שְׁאָר עֲבֵירוֹת שֶׁבַּתוֹרָה הַקּלּוֹת וְהַחֲמוּרוֹת הַזְּדוֹנוֹת וְהַשְּנֶגוֹת הוֹדָע וְלֹא הוֹדַע עֵשֶּה וִלֹא תַעשֶּה כָּרִיתוֹת וּמִייתוֹת בֵּית דִּין שָׁעִיר הַמִּשְׁתַלֵּהַ מְכַבְּר:

**Mishnah 9**: Intentional impurity<sup>180</sup> of the Sanctuary and its *sancta* is atoned by the ram whose blood is brought inside and the Day of Atonement. The remainder of the transgressions mentioned in the Torah, minor or serious ones, intentional and unintentional, known and unknown, positive commandments and prohibitions, extirpations and capital crimes, the scapegoat atones<sup>181</sup>.

180 Those that cannot be taken care of otherwise; for example, if a person intentionally ate impure *sancta* but was not duly warned beforehand. Then he cannot bring a sacrifice which is reserved for unintentional sins. He cannot be punished in court since he was not warned and

therefore criminal intent cannot be established. The contamination of the Sanctuary and its *sancta* is removed by the Day of Atonement; whether the person's guilt is removed without due repentance is a topic for the Halakhah.

181 This is reformulated in the Halakhah.

HALAKHAH 9 35

(33b line 29) **הלכה ט**ּ וְעַל זְדוֹן טוּמְאַת מִקְדָּשׁ כול'. הָדָא הִיא מְכַפֵּר עַל הַזְּדוֹנוֹת וְתוֹלֶה עַל הַשׁגגוֹת.

לא הֵן קַלּוֹת לֹא תַצְשֶׂה. לֹא הֵן חֲמוּרוֹת כְּרִיתוֹת וּמִיתוֹת בֵּית דִּין. אָמֵר רַב יְהוּדָה. בֵינִי מַתְנִיתָא. הַקַּלּוֹת וְהַחֲמוּרוֹת. אוֹתָן הַקַּלּוֹת בֵּין שֶׁצְשָׁאָן בְּיָדוֹן בֵּין שֶׁצְשָׁאָן בִּשְׁגָה. אוֹתָן הַזִּדוֹנוֹת בֵּין שֶׁנִּתְוֹדָע לוֹ בָהֶן בִּין שֶׁלֹא נִתְּוֹדָע לוֹ בָהֶן. אֵילוּ הֵן קַלּוֹת. צֲשֵׂה וְלֹא תַצֲשֶׂה הַמוּרוֹת כְּרִיתוֹת וּמִיתוֹת בֵּית דִּין. כְּשֵׁם שֶׁהַשְּׁעִיר הַנַּצֲשֶׂה בִּכְּנִים מְכַבֵּר עַל הַזְּדוֹנוֹת וְתוֹלֶה עַל הַשָּׁגְגוֹת. אַף שֻּׁעִיר הַמִּשִׁתַּלֵח בֵּן.

1 הן |י היא לא תעשה |י עשה ולא תעשה הן |י היא אמ' רב יהודה |י ר' יהודה או' 2 שעשאן בשגגה | י שלא עשאן בזדון 3 הזדונות |י החמורות קלות |י הקלות 4 חמורות |י אילו הן החמורות | השגגות |י השגגות בדבר שיש בו חייוב קרבן כן |י (כן) מכפר

Halakhah 9: "Intentional impurity of the Sanctuary." etc. That means it atones for intentional infractions and suspends for the unintentional 182.

<sup>183</sup>Are not minor sins [positive commandments and] <sup>183a</sup> prohibitions; are not serious ones extirpations and capital crimes <sup>184</sup>? Rav <sup>185</sup> Jehudah said, so is the Mishnah: "Minor or serious ones. Those minor ones, whether he committed them intentionally or committed them unintentionally <sup>186</sup>. Those intentional ones, whether he obtained knowledge of them or did not obtain knowledge of them <sup>187</sup>. The following are minor sins: positive commandments and prohibitions <sup>188</sup>. Serious ones, extirpations and capital crimes. Just as the ram whose blood is brought inside atones for intentional infractions and suspends for the unintentional <sup>189</sup>, the same holds for the scapegoat <sup>190</sup>."

182 The purpose of the sacrifice is to safeguard the integrity of the Sanctuary. Therefore it has to repair all infractions which cannot be repaired otherwise, i. e., intentional infractions that cannot be prosecuted (for lack of eye witnesses or prior warnings). Since severe unintentional infractions (those if intentional would be punished by Divine extirpation or judicial execution) require a sacrifice, the public offering does not absolve the sinner from his obligation; it only suspends the damaging influence on the Sanctuary. The statement is incomplete since infractions for which the penalty is not spelled out in the Pentateuch

("simple infractions") cannot be atoned for by a sacrifice and, if committed against the Sanctity of the Sanctuary or is *sancta*, must be atoned for by the public offering.

183 The paragraph is repeated in the Babli, 12b. From here on to the end of the Halakhah there is a parallel in *Yoma* 8:6 (\*). 183a Text of *Yoma*.

184 The Mishnah mentions "minor or serious transgressions"; this covers all biblical commandments. But "positive commandments and prohibitions, extirpations, and capital crimes" also describe all biblical commandments. Therefore the last clause of the Mishnah must be read as

explanation of the preceding one.

185 In *Yoma*: "Rebbi Jehudah". The reading here is supported by the Babli.

186 This must refer either to infractions for which the penalty is not spelled out (Note 182) or to cases where guilt cannot be ascertained. The standard example is that of a person who ate one of two pieces of meat, one of which was kosher, the other one severely forbidden either as forbidden fat or as sacrificial meat which became impure (Rashi, Note 183). If it is not possible to ascertain which of the two he ate, then a suspended reparation sacrifice is due; but obligation to bring a suspended reparation sacrifice is cancelled by the Day of Atonement, as determined in the next paragraph (and Halakhah 1:2, Note 69, Horaiot 1:1 Note 18).

187 This refers to the situation described in the previous Note. If he intended to eat one

of the two, knowing that one was severely forbidden, he either committed no sin or he committed a serious crime for which no personal sacrifice can atone.

188 No biblical penalty is attached to the failure to fulfill a positive commandment. "Prohibitions" are those to which no biblical penalty is attached. The basis for the statement are the homiletics quoted at the end of this Halakhah.

189 The *Yoma* text adds: "for which no sacrifice is due." This is understood, cf. Note 182.

190 Which carries away "all their iniquities", *Lev.* 16:22). This last statement is missing in the Babli *Ševuot;*, it is discussed in *Keritut* 25b. The scribe in *Yoma* originally wrote the same text as here, then crossed out \(\gamma\) "the same holds" and wrote "atones".

(33b line 31) נִיחָא לֹא הוֹדַע. הוֹדַע. וְלֹא כֵן תַּנֵי. מְנַיִּין לְמְחוּינָבֵי חַשָּׁאוֹת וַאֲשְׁמוֹת וַדְּאִין שְׁעָבַר עֲלֵיהֶן יוֹם הַכִּיפּוּרִים שְׁחַייָבִין לְהָבִיא לְאַחַר יוֹם הַכִּיפּוּרִים וְחַייָבֵי אֲשָׁמוֹת תְּלוּיִין שְׁעָבַר עֲלֵיהֶן יוֹם הַכִּיפּוּרִים שְׁחַייָבִי שְׁשָׁמוֹת תְּלוּיִין בְּטוּרִין. אָמֵר רְבִּי בּוֹן בַּר חִייָה. בֵּין שֶׁנֹתְנַדָּע לוֹ בָהֶן בֵּין שֶׁלֹא נִתְנוַדָּע לוֹ בָהֶן. וְלֹא כְבָר כִּיפֵּר יוֹם הַכִּיפּוּרִים. רְבִי שְׁמְעוֹן בְּשֶׁם לֵוִי שובדא. בְּמוֹרֵד בְּיוֹם הַכִּיפּוּרִים הִיא מַתְנִיתָה. וְלְמָה לֹא מֵר בְּשָׁלֹא נִתְוֹדָע בָּהֶן בְּיוֹם הַכִּיפּוּרִים. מִילְתֵיה אֲמְיָרה אֲפִילוּ לֹא נִתְוֹדָע בָּהֶן בְּיוֹם הַכִּיפּוּרִים. מִילְתֵיה אֱמְיָרה אֲפִילוּ לֹא נִתְוֹדָּע בָּהֶן בְּיוֹם הַכִּיפּוּרִים מֹכפר.

1 תני|י תנינן מניין למחוייבי|י חייבי 2 שחייבין להביא לאחר יום הכיפורים|י חייבין 4-3 ולא כבר... מתניתא|י appears after the next sentence שובדא|י סובייה 5 מר|י אמר בהן ביום הכיפורים|י לו בהן אפי'|י ואפילו בהן ביום הכיפורים|י לו בהן

It is understandable if it did not come to his knowledge<sup>191</sup>. If it did come to his knowledge<sup>192</sup>? Was it not stated:<sup>193</sup> "From where that those obligated for purification sacrifices and certain reparation sacrifices for whom the Day of Atonement had passed, are obligated to bring them after the Day of Atonement, but those obligated for suspended reparation offerings are no longer liable?" Rebbi Abun bar Hiyya said, whether it was known to him on

it, or not known to him on it, did not the Day of Atonement already atone<sup>194</sup>? Rebbi Simeon in the name of Levi [Sokhia]<sup>195</sup>, the Mishnah speaks of one who rebels against the day of Atonement<sup>196</sup>. Why did he<sup>197</sup> not say, if it was not known to him on the Day of Atonement? His words imply that even if it was not known to him on the Day of Atonement, the Day of Atonement atones<sup>196</sup>.

191 Then no private sacrifice is due and the public sacrifice must atone for the damage done to the sanctuary.

192 Did we not imply that the public offering does not relieve the individual of his obligation to bring a sacrifice?

193 *Horaiot* 1:1, Note 20. The parallel in *Yoma* seems to quote instead from parts of Mishnah *Keritut* 6:4. Purification sacrifices must be brought even after the Day of Atonement but obligations of suspended reparation sacrifices are eliminated.

194 He asks whether the Day of Atonement eliminates the possibility of a suspended reparation sacrifice for the possibility of a sin committed prior to the Day. The positive answer was deduced from biblical verses in *Horaiot* 1:1.

195 This is the name ("from Sokho") by which this Amora of the first generation is quoted in *Yoma* and other places by R.

Simeon (ben Laqish). The name given here does not appear anywhere else. In the Yoma text, the sentence appears after the next; this seems to be more appropriate.

196 While it is inferred from the Mishnah that the answer to R. Abun bar Ḥiyya's question is positive, it is pointed out that the answer still might be negative if the person in question rejects the notion of the Day of Atonement and does not want to be its beneficiary. The Babli, *Keritut* 7a (partially Ševuot 13a), has another example: a person who violates the Sanctuary late on the Day of Atonement and then dies. This example shows even according to Rebbi (later in the Halakhah) who holds that the Day of Atonement atones even without repentance, that the answer to R. Abun bar Ḥiyya might be negative.

197 The Tanna of the Mishnah.

(33b line 43) עֲשֶׁה אַף עַל פִּי שֶׁלֹא עָשֶׂה תְשׁוּבָה. לֹא תַעֲשֶׂה. רְבִּי שְׁמוּאֵל בְּשֶׁם רְבִּי זֵירָא. וְהוּא שֶׁעֲשֶׂה תְשׁוּבָה. הָאוֹמֵר. אֵין הָעוֹלָה מְכַפֶּרֶת אֵין הָעוֹלָה מְכַפֶּרֶת. מְבַפֶּרֶת הִיא עַל כּוֹרְחוֹ. הָא עֵל כּוֹרְחוֹ. הָא עֵל כּוֹרְחוֹ. הָא עָל כּוֹרְחוֹ. אֵי אֶיפְשִׁי וֹם הַכִּיפוּרִים מְכַפֵּר אֵין יוֹם הַכִּיפוּרִים מְכַפֵּר הוּא עַל כּוֹרְחוֹ. אָי אֶיפְשׁי שִׁיּרָכֵּר לִי. אֵין מְכַפֵּר לוֹ עַל כּוֹרְחוֹ. אָמֵר רְבִּי חֲנִינָה בֵּירְבִּי הִלֵּל. לֶא מִסְתַּבְּרָה דְאֵילָא חִילוּבִּין. לָא כּוֹלְא מִן בַּר נַשֶּׂא מִימַר לְמַלְכָּא. דְּלֵית אַתְּ מְלִידְּ.

<sup>198</sup>A positive commandment, even if he did not repent. A prohibition? Rebbi Samuel in the name of Rebbi Ze`ira, only if he repented<sup>199</sup>. If one said, "the elevation offering does not atone,<sup>200</sup>" does the elevation offering not

atone? It atones even against his will. If one said, "the Day of Atonement does not atone," does the Day of Atonement not atone? It atones even against his will. "I cannot accept that it atone for me," it does not atone against his will<sup>201</sup>. Rebbi Ḥanina ben Rebbi Hillel said, the opposite is reasonable<sup>202</sup>. It is not up to a person to tell the King, "you do not reign."

198 After the first two sentences, which are identical here and in Yoma except for the spelling of R. Ze'ira's name, the text in *Yoma* is quite different (Note 202).

199 While the Mishnah in Rav Jehudah's interpretation treats positive commandments and simple prohibitions in parallel, there is a difference between the two kinds of sins. The non-performance of a positive commandment is atoned for even without repentance while the atoning for breaching simple prohibitions requires repentance.

200 The biblical text does not indicate for which kind of sin an elevation offering does atone but *Lev.* 1:4 indicates that it atones.

The next paragraph will investigate for which sins it is atoning.

201 In the prior formulation, it was simply a false statement. But if somebody said, I am opting out, the atoning power of sacrifices shall not be valid for me, what he offers would be profane. If there is no offering, there cannot be atonement.

202 Since he brings the offering on his own initiative, if it is not brought for atoning it does not atone. But the Day of Atonement is given by God; it is not up to man to say what it can or cannot do. This is clearer from the *Yoma* text which therefore must be taken as original:

הָאוֹמֵר. אֵין הָעוֹלָה מְכַּפֶּרֶת. אֵין הָעוֹלָה מְכַפֶּרֶת עָלי. מְבַפֶּרֶת הָיא. אֵי אֶיפְשִׁי שְׁתְּכַפֵּר לִי. אֵינָהּ מְכַפֶּרֶת לוֹ עַל כֶּרְחוֹ: אֵין יוֹם הַכִּיפּוּרִים מְכַפֵּר מִכַפֶּרֶת הִיא. אֵי אֶיפְשִׁי שַׁיְכַפֵּר לִי. מְכַפֵּר הוּא לוֹ עַל כּוֹרְחוֹ: אָמֵר רְבִּי חֲנַנְיֶה בְּרִיה דְּרְבִי הַלָּל. לָא כוֹלָא מִן הָדֵין בַּר נַשָּׂא מֵימוֹר לְמַלְכָּא. לֵית אַתְּ מֶלְדָּ.

If one said, "the elevation offering does not atone," "the elevation offering does not atone for me," it atones. "I cannot stand that it atone for me," it does not atone against his will. "The day of Atonement does not atone," it atones. "I cannot stand that it atone for me," it atones for him against his will. Rebbi Ḥanania ben Rebbi Hillel said, it is not up to that man to say to the King, you are no King.

Here the introductory statement of R. Hanina (Hanania) ben R. Hillel is missing correctly. The two texts are separate

formulations.

In the Babli, *Keritut* 7a, there is a related discussion.

(33b line 49) הָעוֹלָה מְכַפֶּרֶת עַל הִיְרְהוּר הַלָּב. מַאי טַעֲמָא. וְהֶעוֹלָה עַל־רַוּחֲכֶּׁם הָיֹה לְּא תְהְיֶהָ. אָמֵר רְבִּי לֵוִי. הָעוֹלָה מְכַפֶּרֶת עַל רוּחֲכֶם. וְכֵן אִיּוֹב הוּא אוֹמֵר. אוּלֵי חָטְאַוּ בָּנֵיי וּבַרְכִּוּ אֱלֹהָים בִּלְבָבֶם. הָדָא אָמֶרָה שְּׁעוֹלָה מְכַפֶּרֶת עַל הִיִּרְהוּר הַלֵּב. <sup>203</sup>The elevation offering atones for thoughts. What is the reason? What rises in your spirits will not be<sup>204</sup>. Rebbi Levi said, the elevation offering atones for your spirits<sup>205</sup>. And so in Job he says, maybe my children sinned and cursed God in their hearts<sup>206</sup>. This implies that the elevation offering atones for thoughts.

203 In slightly different formulation in *Yoma*. In *Lev. rabba* 7(3) the paragraph is reproduced and the doctrine is attributed to R. Simeon ben Iohai.

204 Ez. 20:32.

205 This is an untranslatable pun. The verbal noun קעולה "that which rises" (*scil*. "your thoughts", f.) is identified with the

homonym הְּטִּוּלְה "the elevation offering". 205 Job 1:5. The verse starts noting that Job offered elevation offerings since he said maybe . . . The Yoma text quotes only the first part of the verse, assuming that one remembers the remainder, in standard

(33b line 53) רְבִּי אוֹמֵר. עַל כָּל־עֲבֵירוֹת שֶׁבַּתוֹרָה יוֹם הַכִּיפוּרִים מְכַבֵּר חוּץ מִפּוֹרֵק עוֹל וּמֵיבֵר בְּרִית וּמְנֵלֶה פָנִים בַּתּוֹרָה. שָׁאִם עָשָׂה תְשׁוּבָה מִתְכַּבֵּר לוֹ. וְאָם לָאו אֵין מִתְּכַּבֵּר לוֹ. רְבִּי יָסֶא מִקְשָׁה. מִיקְבֵּר קְבִּי שִׁיוֹם הַכִּיפּוּרִים מְכַבֵּר בְּלֹא תְשׁוּבָה. אֲתַא רְבִּי אַשְׁיוֶן רְבִּי יוֹנָה רְבִּי בָּא רְבִּי חִייָה בְשֵׁם רְבִּי יוֹחָנֶן. יוֹם הַכִּיפּוּרִים מְכַבֵּר בְּלֹא תְשׁוּבָה וּמִיתָה מְמֶנֶרֶקֶת בְּלֹא תְשׁוּבָה. וְבָי תֹּנָה רִבִּי וְתַנִּי כֵּן. יוֹם מִיתָה כִּתְשׁוּבָה. מָאן תַּנִּיתָה. רְבִּי. הָדָא הִיא דְתַנִּינֶן תַּמֶּן. מִיתָה וְיוֹם הַכִּפּוּרִים מְכַבֵּר בְּלֹא תְשׁוּבָה. מִיתָה וְיוֹם הַכִּפּוּרִים מְכַבֵּרִין עֵם הַתִּשׁוּבָה. דְּלֹא כְּרְבִּי.

talmudic style.

<sup>206</sup>Rebbi says, the Day of Atonement atones for all sins against the Torah except for him who tears away the yoke, or who breaks the Covenant, or who finds aspects in the Torah<sup>207</sup>, where it atones if he repented but does not atone otherwise. Rebbi Yasa asked: Does Rebbi think that the Day of Atonement atones without repentance? There came Rebbi Ashian, Rebbi Jonah, Rebbi Abba, Rebbi Ḥiyya in the name of Rebbi Johanan: The Day of Atonement atones without repentance, and death cleanses without repentance<sup>208</sup>. We have stated thus: The day of death equals repentance. Who stated this? Rebbi! Then what we stated<sup>209</sup>, "death and the Day of Atonement atone with repentance," does not follow Rebbi<sup>210</sup>.

206 Babli 13a, *Yoma* 85b, *Keritut* 7a. The parallel in *Yoma* (45b l. 63 ff.) at the end reports the opposite of the tradition here.
207 This was explained in *Peah* 1:1 Notes

199-213; cf. also *Sanhedrin* 10:1, Note 8. One who tears away the yoke is he who recognizes the authority of the Torah but decides to break its laws; one who breaks

the covenant is he who tries to reconstruct a prepuce and does not circumcise his sons; one who finds aspects in the Torah is he who denies the divine origin of the Torah. 208 In Yoma: Rebbi agrees that the Day of Atonement does atone without repentance, but death atones without repentance. The Babli supports the statement here about the Day of Atonement; it has no statement of Rebbi about the power of Death.

209 Mishnah Yoma 8:7.

210 Since the Mishnah requires repentance also on the Day of Atonement. Rebbi formulated an anonymous Mishnah, i. e., authoritative doctrine, following the majority against his own opinion.

(33 line 60) שָׁאַל רְבִּי מַתְיָה בֶּן חָרָשׁ אֶת רְבִּי לְעָזֶר בֶּן עֲזַרְיָה. שְׁמַעְתָּה אַרְבָּעָה חֲלוּקֵי כַפְּרָה שְׁרָבָּי יִשְׁמָעֵאל דּוֹרָשׁ. אָמַר לוֹ. שְׁלשָׁה הֵן חוּץ מִן הַתְּשׁוּבָה. כָּתוּב אֶחָד אוֹמֵר שְׁיוּבוּ בְּנִים שְׁיֹבָבִים וגו'. וְכָתוּב אֶחָד אוֹמֵר וּפְקַדְתְּי שְׁיִבָּיוֹם הַאָּה יְכָפֵּר עֲלֵיכֶם וגו'. וְכָתוּב אֶחָד אוֹמֵר שְּׁבִּר הָעָוֹן הַאָּה לְכֶם עַד־תְּמוּתוּן. הָא כֵיצַד. עָבַר בְּשְׁבֶּט פִּשְׁעֵם וגו'. וְכָתוּב אֶחָד אוֹמֵר אִם יְכוּפַּר הָעָוֹן הַאָּה לָכֶם עַד־תְּמוּתוּן. הָא כֵיצַד. עָבַר עַל מִצְוֹת עֲשֵׂה וְשִׁבּּב. אֵינוֹ זִּי מִשֶּׁם עַד שִׁיִימָחֵל לוֹ. עָלְיו הוּא אוֹמֵר שְׁוּבּוּ בְּנִים שְׁוֹבָּלִים וּגו'. עָבַר עַל מִצְוֹת לֹא תַּעֲשֶׂה וְשָׁב מְיַד. הַתְּשׁוּבָה תוֹלָה וְיוֹם הַכִּיפּוּרִים מְכַפֵּר. עֻלָּיו הַכְּתוּב אוֹמֵר וּיִבְיִּיוֹם הַאָּה וְשִׁבָּה וְשִׁבְּיִם עָבְּר עַל כְּרִיתוֹת וּמִיתוֹת בִּית דִּין בְּמֵזִיד. הַתְּשׁוּבָה וְיוֹם הַכִּיפוּרִים מְכַפְּרִין מֶחֱצָה וְהַיִּיִםוּרִין מְתַבְּרִין מֶחֱצָה וְמִבּיל שַׁם שְׁמִים עַל יָדוֹ אֵין כֹּחָ לוֹ הַכָּתוֹב אוֹמֵר וּפְקַדְתִּי בְּשְׁבֶּט פִּשְׁעֵם וּהְנִוֹים הַבְּּרִין מְחָצָה וְמִיתָּה וְמְבִּיך מְשְׁבָּר הְעִלְיוֹ הַכָּתוֹב אוֹמֵר וּמְם שְׁבָּר הְעִל יְדוֹ מִתְבִירִים מְכַבְּרִין מְמֶבְיר וְלֹשְׁבָּר הְעִלוֹן וְמִיתָה מְמָבְרָין לְמְבִיל, אֶלָּי תְשִׁבּיר הְעֹל לְבִיל בִּב אוֹמֵר אִם לְּעִבּר הְעִל לְבָּיר הָעִלוֹן וְמִיתָה מְמְבֶר הְעִּל בְּבָר וְלֹא לַיִיים הַנְּעוֹן לְמִרִים. אָלֹין הַבָּתוֹב אוֹמֵר אִם הְעָבּר הָעֶלוֹן הַבָּר הָעָוֹן הָבָּתוֹב רּוֹם הָעָּוֹן הַבְּתוֹב אוֹמֵר אִם הְעָבֹי הָשְׁרִים הְנִיל בְּיִבּר מִישְׁב בּוֹעבר אִימָר אִם לְּעִלְים הַבְּינִוּים תּוֹלִין וְמִיתָּה בּעוֹב אוֹמֵר אִם הְעָוֹן הַבָּת הָעוֹן הְעַשְׁה בְּיוֹ בְּבּר הָּבְּתְיּים הְתוֹים הְנִיל הָבְיר הָב בְּעֹב ב אוֹמֵר אִם הְעֹבְר הָּעוֹן הַבְּרְתִּים בְּבֹר וְלֹא לִיִים הַבְּתוֹב ר אוֹבְר בּי בְּעָרְוּ הְבָּב רְתְוֹי בְּבְּר הְעָם בְּוֹל בְּיב בְּעֹב ב אוֹמֵר אִם הְבֹּי בְּלְבְּי בְּבְּבְי בְּבֹּי בְּיבְי בְּיבְבְי בְּבְיב בְּיבֹּב בּי בְּיב בְּתִיב בּיל בְיב בְּיבְּר הְיב בְּיבְר בְּבְי בְּבְיב בְּבְיב בְּים ב

7 כריתות | G הכרתות במזיד | G במיזיד | G מכפרין | G בשאר כל ימות השנה מכפרים הכ' | G הוא פעונם | G וגו' על ידו | G בו לתשובה | G בתשובה | G למרק | G למקק אלא תשובה | G התשובה ומיתה G ממקקת

<sup>211</sup>Rebbi Matthew ben Ḥarash asked Rebbi Eleazar ben Azariah in the Academy, did you hear the four types of Atonement which Rebbi Ismael explained? He answered him, there are three in addition to repentance. One verse says, *return*, *naughty children*<sup>212</sup>, etc. But another verse says, *for on that day, He shall pardon you*<sup>213</sup>, etc. And another verse says, *I shall visit their crime with the rod*<sup>214</sup>, etc. And another verse says, *the iniquity of this people shall not be atoned for until you die*<sup>215</sup>. How is this? If somebody violates a positive commandment and repents, before he moves from there it will be forgiven to him. About this one it says, *return*, *naughty children*, etc. If one transgresses a prohibition and immediately repents, repentance suspends judgment, and the Day of Atonement pardons. About this one it says, *for on* 

that day, He shall pardon you. If one intentionally transgressed [sins punishable by] extirpations or death penalties, repentance and the Day of Atonement atone half, and sufferings atone half. About this one it says, I shall visit their crime with the rod, and their iniquities with plagues. But by whom the Name of Heaven was desecrated, there is no power in repentance to suspend judgment, nor in the Day of Atonement to pardon, nor in sufferings to scour; but repentance and the Day of Atonement suspend, and death scours with sufferings<sup>212</sup>. About this one it says, the iniquity of this people shall not be atoned for until you die. From this we learn that death scours.

אָמַר רְבִּי יוֹחָנֶן. זוֹ דְבְרִי רְבִּי לֵעֶזֶר בֶּן עֲזְרָיָה וְרְבִּי יִשְׁמָעֵאל וְרְבִּי עֲקִיבָה. אֲבָל חֲכָמִים אוֹמְרִים. שְּׁעִיר הַמִּשְׁתַּלַחַ מְכַבֵּר. וְאָם אֵין שְׁעִיר יוֹם הַכִּיפוּרִים מְכַבֵּר. כֵּיצֵד מְכַבֵּר. רְבִּי זִירְא אַמְר. בָּסוֹף. מַה בִּינֵיהוֹן. מֵת מִיָּד. עַל דַּעְתַּיה דְּרְבִּי מֲנִינָה אוֹמֵר. בַּסוֹף. מַה בִּינֵיהוֹן. מֵת מִיָּד. עַל דַּעְתַּיה דְּרְבִּי חֲנִינָה לֹא כִּיבֵּר. אָמֵר רְבִּי זֵייְא. וּמַתְנִיתָה מְסֵייְעָא לְרְבִּי מֵינָה. חוֹמֶר בַּשְּעִיר מַה שְׁאֵין בְּיוֹם הַכִּיפּוּרִים וּבִיּוֹם הַכִּיפּוּרִים מְכַבֵּר בְּלֹא שָׂעִיר וְשָׁעִיר אֵין מְכַבֵּר בְּלֹא יוֹם הַכִּיפּוּרִים. וְהַשְּּעִיר מְכַבֵּר מָיָד וְיוֹם הַכִּיפּוּרִים מְכַבֵּר בְּלֹא שָׂעִיר וְשָׁעִיר אָין מְכַבֵּר בְּלֹא יוֹם הַכִּיפּוּרִים. וְהַשְּּעִר מְכַבֵּר הָנָי וְיוֹם הַכִּיפּוּרִים מְכַבֵּר בְּלֹא שָּעִיר וְשָּעִיר אָמָר רְבִּי הוּנָא. אִיתּוֹתָב קּוֹמֵי רְבִי יְרְמָיָה וָמֵר. תִּיִּפְתָּר שְׁהָיָּה, וְמָר. תִּנְבִי הִנְּעָּ, וְמִי בְּלִיהְ הִוּא רוֹאָה אֶת הַנּוֹלֶד. וִיכַבּר לְּהָי וֹשְׁעֵּיר אֲחֵר וְלֹא הֵבִיאוּ. אָמֵר רְבִּי יּוֹסֵי. וְאֵין הַקְּדוֹשׁ בָּרוּדְּ הוּא רוֹאָה אֶת הַנּוֹלְּד. וִיכַבֵּר בְּכִּי יּוֹכִי וְלָא הָבִיאוּ. אָמֵר רְבִּי יוֹסִי. וְאִין הַקְּדוֹשׁ בָּרוּדְּ הוּא רוֹאָה אֶת הַנּוֹלָּד. וִיכַבּר

G עזריה G עזריה חכמ' אומ' G דברי חכמים G ואם G אם כיצד G כיצד זה זירא G חנניה G חנניה G מייד G זירא G זירא G מייד G זירא G מייד G זירא G מייד G זירא G חנניה G מחנית G ומחנית G מחנית G ומחנית G ומחנית G מייד G ומחנית G מייד G מייד G מייד G הכיפורים G אינו בלא G אלא יום G ביום והשעיר G חומר בשעיר שהשעיר מיד G מייד G הכיפורים G הכיפורין G חונה G אמ' G - G בן ר' בון בעי

Rebbi Johanan said, these are the words of Rebbi Eleazar ben Azariah, Rebbi Ismael, and Rebbi Aqiba. But the Sages say that the scapegoat pardons. How does it pardon? Rebbi Ze'ira said, by and by. Rebbi Hanania<sup>216</sup> said, at the end. What is between them? If somebody died in-between. In the opinion of Rebbi Ze'ira, he already was pardoned. In the opinion of Rebbi Hanina, he was not pardoned. Rebbi Ze'ira said, a *baraita* supports Rebbi Hanina: There is strength in the ram which is not in the Day of Atonement, and in the Day of Atonement which is not in the ram: The Day of Atonement pardons without a ram, but the ram does not atone without the Day of Atonement. The ram pardons immediately but the Day of Atonement only at nightfall. Rebbi Huna said, the question was raised before Rebbi

Jeremiah and he said, explain it if they intended to bring another ram but they did not bring it. Rebbi Yose said, but does the Holy One, praise to Him, not see into the future? Then He should pardon immediately.

רְבִּי יִרְמְיָה אָמַר. רְבִּי שְׁמוּאֵל בַּר רַב יִצְחָק בָּעִי. צְדָקָה תִּצְּר תָם־דָּרֶךְ. חֲשָאִים תְּרַדְּף רָעֵה. בְּנִייִ יִשְׁמוֹר. אִם־לַלְצִים הַוּא יָלְיֵץ. סְייָגִיו סְייָגֶה וְתַרְעִין תְּרְעָה. וְכֵינִי. סְייָגִין סְייָגֶה וְתַרְעִין תְּרְעָה. וְכֵינִי. סְייָגִין סְייָגֶה וְתַרְעִין תְּרְעָה. אֶלָא כֵינִי. רְבִּי יִרְמְיָה בְּשׁׁם רְבִּי שְׁמוּאֵל בַּר רַב יִצְחָק. שִׁימֵר אֶדָם עַצְמוֹ מֵעֲבֵירָה בַּעָם רְאשׁוֹנָה שְׁנִייָה וּשְׁלִישִׁית הַקְּדוֹשׁ בָּרוּדְּ הוּא מְשַׁמְּרוֹ. שֶׁנֶּאֲמֵר הֶן־כָּל־אֲלֶה יִּיְבָּא יִבְּיֹחוֹד דְּלָא יְתוּבּ לֵיה. וְהַחוּט הַמְשׁוּלְשׁ לֹא יִפְעֹרִי שְׁלוֹשׁ עִם־גַּבֶּר. אָמֵר רְבִּי זִירָא. וּבְלְחוּד דְּלָא יְתוּב לֵיה. וְהַחוּט הַמְשׁוּלְשׁ לֹא יִנְיתָּק לְעוֹלְם אֵיִן כַּתוֹב כַּאן אָלָא לֹא בַּמְהֵרָה יִנְתָּק. אִין אַטְרָחַת עַלוֹי הוּא מִיבְּסִיק.

אן הוא G און אין G און אין G און מהה טע' אין G און אינתק לעולם G אינתק אינתק אין G און הוא מיפסיק G מפסק הוא

Rebbi Jeremiah said that Rebbi Samuel bar Rav Isaac asked: *Justice* protects the one on the straight path<sup>217</sup>. Evil deeds will pursue the sinner<sup>218</sup>. He will watch over the feet of His pious ones<sup>219</sup>. While He makes scoffers targets of scoffing<sup>220</sup>. Fences are made fences and doors doors. Is it so that fences make fences and doors doors? But so it is: Rebbi Jeremiah in the name of Rebbi Samuel ben Rav Isaac: If a person is careful the first, second, and third times not to commit a sin, then the Holy One, praise to Him, will watch over him, as it is said, all this God will do twice, three times with a man<sup>221</sup>. Rebbi Ze'ira said, but only if the person does not revert [to sin]. What is the reason? It does not say the triple thread "will never snap" but rather will not quickly snap<sup>222</sup>. If you work on it, it will split.

רְבִּי הּוּנָא בְשֵׁם רְבִּי אַבָּהוּ. הַקָּדוֹשׁ בָּרוּדְ הוּא אֵין לְפָנָיו שׁכְחָה. כְּבְיָכוֹל בִשְׁבִיל יִשְׂרָאֵל נַעֲשֶׂה עָרֶן. שֶׁנֶּאֲמֵר מִי־אַל כָּמֹוֹךְ נוֹשֵׁא עָןֹן. נוֹשֵׁא לְנִין. שְׁנֶּאֲמֵר מִי־אַל כָּמֹוֹךְ נוֹשֵׁא עָןֹן. נוֹשֵׁא כְתִיב. וְכֵן דָּוִד אָמֵר נֻשָּׁאתָ עֲלַן עַמֶּּדְ. G ווֹנה בהוא G אבהוא בשביל G הא מפני G שנ'ן וומה טע' עון G עוון G עוון G הונה כיסית כל חטאתם סלה

Rebbi Huna said in the name of Rebbi Abbahu: There is no forgetting before the Holy One, but for Israel He becomes forgetful. What is the reason? As it is said, *Who is a Power like You, forgives sin*<sup>223</sup>. "He forgets" is written. And so David said, *You forgot Your people's sin*<sup>224</sup>.

211 From here to the end of the Halakhah, the text is not only in *Yoma* but also in *Sanhedrin* 10:1, Notes 23-37, 14-22 (and in the Babli *Yoma* 86b). For part of the text

there exists a Geniza fragment (G) edited by L. Ginzberg in his *Yerushalmi Fragments* (1909) p. 267. The main difference between the Leiden ms. text here and in *Yoma* and

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the two other sources is that in the Leiden text the quotes of most verses are shortened so that the punch lines mostly are missing. Therefore the *Sanhedrin* and G texts should be considered original.

212 Jer. 3:22.

213 Lev. 16:20.

214 Ps. 89:33.

215 Is. 22:14.

216 This name is used throughout in G and

Yoma.

217 Prov. 13:6.

218 Prov. 13:4.

219 IS. 2:9.

220 Prov. 3:34.

221 Job 33:29.

222 Eccl 4:12

223 Micha 7:18.

224 Ps. 85:3.

(fol. 32c) משנה י. אֶחָד יִשְּׁרְאֵל וְאֶחָד כּהַנִים וְאֶחָד כֹּהֵן מָשִׁיהַ. מָה בֵּין יִשְּׂרְאֵל לַכּהַנִים לְכֹהֵן מָשִׁיחַ אֶּלָּא שָׁדַּם הַפָּר מְכַפַּר עַל הַכַּהֲנִים עַל מוּמְאַת מְקְדָש וְקֻדְשִׁיוֹ. רַבִּי שִׁמְעוֹן אוֹמֵר מְשָׁבְשׁ שָׁדָּם הַשָּׁעִיר הַנַּעֲשָׂה בִפְנִים מְכַפֵּר עַל יִשְׂרָאֵל כָּדְּ דַּם הַפָּר מְכַבֶּר עַל הַכַּהְנִים. כְּשֵׁם שֶׁוִּדּוּי שֵׁל שָּׁעִיר הַמִּשְׁתַּלָּחַ מְכַבָּר עַל יִשְּׂרָאֵל כַּדְּ וִיִּדּוּייוֹ שֵׁל פַּר מְכַבֶּר עַל הַכַּהְנִים:
שִׁוִּדִּוּי שֵׁל שֻּעִיר הַמִּשְׁתַּלָּחַ מְכַבָּר עַל יִשְׂרָאֵל כַּדְּ וִיִּדּוּייוֹ שֵׁל פַּר מְכַבֶּר עַל הַכַּהְנִים:

**Mishnah 10:** Together Israel, Cohanim, and the Anointed Priest<sup>225</sup>. What is the difference between Israel and a Cohen or the Anointed Priest<sup>226</sup>? Only that the blood of the bull atones for Cohanim in matters of the Sanctuary and its *sancta*. Rebbi Simeon says, just as the blood of the ram which is brought inside atones for Israel, so the blood of the bull atones for the Cohanim<sup>227</sup>. Just as the confession of the scapegoat<sup>228</sup> atones for Israel, so the confession of the bull atones for Cohanim<sup>229</sup>.

225 This fraction of a sentence is the end of the preceding Mishnah. The scapegoat atones equally for Israel, Cohanim and the High Priest. The expression "Anointed Priest" is biblical (*Lev.* 6:15); as explained in Tractate *Horaiot* it excludes the High Priests of the Second Temple who were invested, not anointed.

226 There is a difference not only on the Day of Atonement, but all year round: the purification offering of the Anointed Priest (not the invested one) is a bull, but everybody else's a lamb. For impurity of

the Sanctuary and its *sancta*, everybody has to bring a sacrifice depending on his wealth except the Anointed Priest who is exempt (Mishnah *Horaiot* 2:7).

227 The actual atoning sacrifices on the Day of Atonement are separate for the High Priest (*Lev.* 16:6), the common priests (v. 13), and the people. But for the action of the scapegoat they are all equal.

228 Lev. 16:21.

229 He disagrees with the anonymous Mishnah and restricts the action of the scapegoat to the benefit of the people.

(33c line 21) הלכה יי אֶחָד יִשְׂרְאֵל וְאֶחָד כֹּהֲנִים כול'. וְלֹא תַנִּינֶן מָשִׁיחַ. וְלָפָּה לֹא תַנִּינֶן מָשִׁיחַ. וְלָפָּה לֹא תַנִּינֶן מָשִׁיחַ. אִין תַּימַר. בַּדָּבָר שָׁאֵין בּוֹ חִיּוּב קַרְבָּן אֲנֶן קִייָמִין. יְאוּת לֹא תַנִּינֶן מְשִׁיחַ. אִין תַּימַר. בַּדָּבָר שָׁאֵין בּוֹ חִיּוּב קַרְבָּן . לָפָה לֹא תַנִּינֶן מְשִׁיחַ. אַשְׁכַּח תַּנֵּי. בְּכֹהֵן מְשִׁיח. הָדָא אֶמְרְה בַּדְּבָר שְׁאֵין בּוֹ חִיּוּב קַרְבָּן אֲנֶן קַייָמִין. אָמַר רְבִּי יוֹסֵי בִּירְבִּי בּוּן. וַאֲפִילוּ תֵימָא בַּדָּבָר שְׁיֵשׁ בּוֹ חִיּוּב קַרְבָּן. תִּיּמִין. אָמַר רְבִּי יוֹסֵי בִּירְבִּי בּוּן. וַאֲפִילוּ תֵימָא בַּדָּבָר שְׁיֵשׁ בּוֹ חִיּוּב קַרְבָּן. נְעַשְׁה כְּזָדוֹן. כְּמָה דְתִימֵר. בְּזָדוֹן צָרִיךְּ כַּפָּרָה וְכַפָּרַת יוֹם הַכִּיפּוּרִים. וָכָא צָרִידְּ כַּפָּרָה וְכַבָּרָת יוֹם הִכִּיפּוּרִים. וָכָא צִרִידְּ כַּפָּרָה וְכַבָּרָת יוֹם הִכִּיפּוּרִים.

G מיסה G מיסה G מיסה G מיסה G קרבן G קרבן G קורבן דתימר G בכהן G כברה להדון G אדה G הכפרת וכא G וכה כפרה וכפרת G כפרת G הכפרת וכא G הכפרת וכא G הכפרת וכא G הביד מיטר G הביד מיטר הכפרת וכא G המיטר המיטר המיטר G המיטר G

Halakhah 10: "Together Israel, Cohanim," etc. But we did not state<sup>230</sup> "the Anointed." Why did we not state "the Anointed"? If you say that we are discussing things which do not imply the obligation of a sacrifice<sup>231</sup>, it is correct not to state "Anointed". If you say about things which imply the obligation of a sacrifice, why do we not state "Anointed"<sup>232</sup>? It was found stated "also the Anointed Priest."<sup>233</sup> This implies that we are discussing things which do not imply the obligation of a sacrifice<sup>234</sup>. Rebbi Yose ben Rebbi Abun said, even if you say, about things which imply the obligation of a sacrifice, if it was done intentionally<sup>117</sup>. As you say, intentionally it needs atoning and the atoning of the Day of Atonement, here also it needs atoning and the atoning of the Day of Atonement<sup>235</sup>.

230 The Anointed is mentioned in the anonymous statement, the first sentence of the Mishnah. Why is he not mentioned in R. Simeon's statement?

231 For sins which do not require a purification sacrifice, the status of the High Priest is no different from that of a common priest. The mention of "priests" includes the High Priest.

232 Since the purification sacrifice of the Anointed Priest is different from that of

everybody else (Note 226), it is necessary to mention him if one asserts that the scapegoat really serves everybody.

233 In a baraita.

234 In R. Simeon's statement, the Anointed is not mentioned by design; therefore, the argument of Note 231 applies.
235 As explained by R. Eleazar ben Azariah, intentional sins will be forgiven only by prior repentance combined with the Day of Atonement.

(33c line 28) יֶּעֶמֵד־חַיָּ. מְלַמֵּד שֶׁעָתִיד לָמוּת. עַד מְתַי הוּא חַי. עַד וְכְלֶה ֹמְפַבּּר אֶת־הַקּוֹדֶשׁ. דְּבְרִי יְהוּדָה. רָבִּי שְׁמְעוֹן אוֹמֵר. עַד שְׁעַת ווִידּוּי. עַל דַּעְתֵּיהּ דְּרְבִּי יְהוּדָה הַוִּּידּוּי מְעַבֵּב. עַל דַּעְתֵּיהּ דְּרְבִּי שָׁמְעוֹן אֵין ווִידּוּי מְעַבֵּב. מַה מַפְקָה מְבֵינֵיהוֹן. שְׁחָטוּ בְּלֹא ווִידּוּי. עַל דַּעְתֵּיהּ דְּרְבִּי שִׁמְעוֹן אֵין לְהָבִיא פָּר אַחֵר. עַל דַּעְתֵּיהּ דְּרְבִּי שִׁמְעוֹן אֵין צְרִידְּ לְהָבִיא פָּר אַחֵר. אַף שְּעִיר דְּרְבִּי שִׁמְעוֹן אֵין צְרִידְּ לְהָבִיא פָּר אַחֵר. אַף שְּעִיר

ָהַמִּשְׁתַּלֵּחַ כֵּן. שְׁלָחוֹ בְלֹא וִידּוּי. עַל דַּעְתֵּיהּ דְּרִבִּי יוּדָן צָרִידְּ לְהָבִיא שֶׁעִיר אַחֵר. עַל דַּעְתֵּיהּ דְּרְבִּי שִׁמְעוֹן אֵין צָרִידְּ לְהָבִיא שֶׁעִיר אַחֵר. הִתְּנֶדָּה וּשְׁחָטוֹ וְנִשְׁפַּדְּ הַדָּם. אַתְּ אָמַר. צָרִידְּ לְהָבִיא פָּר אַחֵר וְצָרִידְ לְהִתְנַדּוֹת פַּעַם שְׁנִייָה אוֹ יָצָא בְּוִידּוּי הָרִאשׁוֹן. אַף שָׁעִיר הַמִּשְׁתַּלַחַ כֵּן. שֶׁהוּא צָרִידְּ לִהָגִרִיל פַּעָם שָׁנִייֵה אוֹ כָבַר יַצֵא בָּוִידּוּיוֹ שֵׁלְרִאשׁוֹן.

 $^{236}$ ט שהוא עתיד  $^{6}$ י שהוא עתיד G ו חיי 1

How long must it live? Up to *he will finish from atoning to Sanctuary*<sup>239</sup>, the words of Rebbi Jehudah. Rebbi Simeon says, up to the moment of confession<sup>240</sup>. In Rebbi Jehudah's opinion, the confession is indispensable<sup>241</sup>. In Rebbi Simeon's opinion, the confession is not indispensable<sup>242</sup>. What is the difference between them? <sup>243</sup>If he slaughtered without confession. In Rebbi Jehudah's opinion, he must bring another bull. In Rebbi Simeon's opinion, he does not have to bring another bull. The same holds for the scapegoat. If he sent it without a confession. In Rebbi Jehudah's opinion, he must bring another goat. In Rebbi Simeon's opinion, he does not have to bring another goat. In Rebbi Simeon's opinion, he does not have to bring another goat. If he confessed, slaughtered, then the blood was spilled. Do you say, does he have to bring another bull and confess a second time or did he do his duty with the first confession<sup>244</sup>? The same holds for the scapegoat; must he cast lots a second time or did he do his duty with the first confession<sup>245</sup>?

236 The Genizah fragment ends here.

237 This paragraph is *Yoma* 6:2. However, there the sequence of topics is different. *Sifra Ahare Pereq* 2(6-8).

238 Lev. 16:10. Since the verse later only requires that the scapegoat be sent to a cliff (v. 22) in the desert (v. 21), but nothing is said what happens to the goat there, it is inferred that since it is emphasized that it must be alive as long as it is standing before the Eternal that later it will not continue to live, but will be pushed over the cliff to its death (Sifra Ahare Pereq 2(7,8), Yoma 6:2, Babli Yoma 40b.65a,71a.

239 Lev. 16:20. If the scapegoat dies before the blood of the other ram was

sprinkled on the gobelin and the incense altar in the Sanctuary, the ceremony has to be repeated. Later, no new ram has to be provided.

240 Until after the High Priest leaves the sanctuary to put his hands on the scapegoat to confess the people's sins (v. 21). If the ram dies at the moment the High Priest starts to put his hands on its head, no new ram is needed.

241 Since neither the blood of the bull nor that of the ram may be brought inside the Sanctuary without prior confession (v. 11) the scapegoat may not be sent to the desert without confession; without a scapegoat the atoning is not complete.

242 Since for him the High Priest only has to stand next to the scapegoat, the final confession itself is needed only if the scapegoat is alive at that time.

Commentators note that the Babli *Yoma* 40b seems to switch the positions of RR. Jehudah and Simeon in this matter, but since *Sifra* parallels the Yerushalmi this seems to be unlikely. Maimonides does not mention the matter in his Code.

243 This is a *non sequitur*. But in the *Yoma* text, which has to be considered as original, the scapegoat is treated first, i. e., that a scapegoat sent away without confession for R. Jehudah requires an entire new ceremony with formal confession, but not for R. Simeon. Then it is asserted that by analogy if the bull whose blood is to be brought into the Sanctuary was slaughtered without confession, for R. Jehudah the slaughter is invalid and the entire ceremony

has to be repeated, but not for R. Simeon.

244 If the bull was slaughtered correctly but for some reason its blood could not be brought into the Sanctuary, does R. Jehudah require a full repetition of the ceremony including confession?

245 If the scapegoat dies before it can be sent away, one needs a replacement. May one bring a single ram as replacement or does one have to bring two rams, cast new lots, use one as scapegoat and let the other one graze until it develops a bodily defect when it can be sold and one buys other sacrifices with the money? With the *Yoma* text one has to read:

צָרִידְּ לְהַגְּרִיל פַּעַם שְׁנִייָה אוֹ כְבָר יָצָא *בְּהַגְּרִילוֹ* שׁלֵראשׁווּ.

"Must he cast lots a second time or did he do his duty with the first *casting of lots*?" (Babli *Yoma* 39b/40a.)