

## Talmud - Mas. Horayoth 2a

### CHAPTER I

MISHNAH. IF THE COURT<sup>1</sup> RULED THAT 'ANY ONE OF THE [RITUAL.] COMMANDMENTS MENTIONED IN THE TORAH MAY BE TRANSGRESSED, AND AN INDIVIDUAL PROCEEDED AND ACTED THROUGH ERROR<sup>2</sup>, IN ACCORDANCE WITH THEIR RULING, WHETHER THEY<sup>3</sup> ACTED [THUS]<sup>4</sup> AND HE ACTED WITH THEM<sup>5</sup> OR THEY ACTED<sup>4</sup> AND HE ACTED AFTER THEM OR EVEN IF THEY DID NOT ACT<sup>4</sup> AND HE ACTED,<sup>4</sup> HE IS EXEMPT,<sup>6</sup> BECAUSE HE RELIED ON [A RULING OF] THE COURT. [IF, HOWEVER, WHEN] THE COURT ISSUED [AN ERRONEOUS] RULING ONE OF THEM,<sup>3</sup> WHO KNEW THAT THEY HAD ERRED, OR A DISCIPLE WHO WAS HIMSELF CAPABLE OF DECIDING MATTERS OF LAW, PROCEEDED AND ACTED IN ACCORDANCE WITH THEIR RULING, WHETHER THEY<sup>3</sup> ACTED<sup>4</sup> AND HE<sup>7</sup> ACTED WITH THEM OR THEY ACTED AND HE ACTED AFTER THEM OR THEY DID NOT ACT AND HE ACTED,<sup>4</sup> HE IS LIABLE,<sup>8</sup> SINCE HE<sup>9</sup> WAS NOT DEPENDENT UPON [THE RULING OF] THE COURT. THIS IS THE GENERAL RULE: HE WHO IS [IN A POSITION] TO RELY UPON HIMSELF IS SUBJECT TO A PENALTY, AND [ONLY] HE WHO MUST DEPEND UPON THE COURT IS EXEMPT.<sup>6</sup>

GEMARA. Samuel said: A court is never responsible<sup>10</sup> unless they ruled.<sup>11</sup> 'You are permitted'. R. Dimi of Nehardea said: Unless they ruled, 'You are permitted to act'. What is the reason? — Because [otherwise]<sup>12</sup> the decision is not final. Said Abaye: We also have learned the same: If he<sup>13</sup> returned to his [home] town and continued to teach as he had taught,<sup>14</sup> he is exonerated. If, however, he issued instructions [for the public] to act,<sup>15</sup> he is subject to the penalty.<sup>16</sup> Said R. Abba: We also have learned the same: If the court decided<sup>17</sup> that she<sup>18</sup> may be married, and she went and contracted a forbidden union<sup>19</sup>, she<sup>20</sup> must bring an offering, because the court permitted her only to marry.<sup>21</sup> Rabina said: We also have learned the same: IF THE COURT RULED THAT ANY ONE OF THE [RITUAL] COMMANDMENTS MENTIONED IN THE TORAH MAY BE TRANSGRESSED.<sup>22</sup> Nothing more [need he said about it]. Some read as follows:<sup>23</sup> Samuel said: A court is not responsible unless they' ruled, 'You are permitted to act'.<sup>24</sup> R. Dimi of Nehardea said.' Even [if the ruling was], 'You are permitted' the decision is [regarded as] final. But surely, said Abaye, we have not so learnt: If he returned to his [home] town and continued to teach as he had taught he is exonerated. If, however, he issued instructions [for the public] to act, he is subject to penalty!<sup>25</sup> But surely, said R. Abba, we have not so learned: If the court decided that she may be married and she went and committed adultery, she must bring an offering, because the court permitted her only to be married!<sup>26</sup> But surely, said Rabina, We have not so learned: IF THE COURT RULED THAT ANY ONE OF THE [RITUAL] COMMANDMENTS MENTIONED IN THE TORAH MAY BE TRANSGRESSED!<sup>26</sup> Nothing more [need be said about it]. AND AN INDIVIDUAL PROCEEDED AND ACTED THROUGH ERROR IN ACCORDANCE WITH THEIR RULING. Let it be taught, AND HE ACTED IN ACCORDANCE WITH THEIR RULING; what need was there for<sup>27</sup> THROUGH ERROR! — Raba replied: [The addition of] THROUGH ERROR [was meant] to include [the following case]. If the court ruled that suet<sup>28</sup> was permitted [to be eaten], and a person mistook<sup>29</sup> suet for fat and ate it,<sup>30</sup> he is exonerated;<sup>31</sup> [while] ACCORDING TO THEIR RULING [implies] at their actual ruling.<sup>32</sup> Others read [as follows]. Raba said: Only a person who ACTED THROUGH ERROR [NAMELY] IN ACCORDANCE WITH THEIR RULING IS EXONERATED, but he who mistook suet for fat<sup>33</sup> and ate it is liable.<sup>34</sup> That which was obvious to Raha was raised by Rami b. Hama as a question. For Rami b Hima asked.' What [is the law where] the court ruled that suet was permitted and a person mistook it for fat<sup>35</sup> and ate it?<sup>36</sup> — Raba replied: Come and hear: AN INDIVIDUAL PROCEEDED AND ACTED THROUGH ERROR IN ACCORDANCE WITH THEIR RULING etc. Why should it be necessary to state<sup>37</sup> THROUGH ERROR [and also] IN ACCORDANCE WITH THEIR RULING.<sup>38</sup> Obviously<sup>39</sup> to include [the following case]: Where

the court ruled that suet was permitted and a person mistook suet for fat and ate it, he is exonerated!<sup>40</sup> — Perhaps [it may be retorted, our Mishnah means to] exempt a person only when he ACTED THROUGH ERROR [namely] IN ACCORDANCE WITH THEIR RULING, but when he mistook suet for fat and ate it he is liable. Others say that Raba said: Come and hear AN INDIVIDUAL PROCEEDED AND ACTED THROUGH ERROR IN ACCORDANCE WITH THEIR RULING. This surely implies<sup>41</sup> that only when he acted THROUGH ERROR [namely] IN ACCORDANCE WITH THEIR RULING he is exonerated, but when he mistook suet for fat and ate it he is liable!<sup>42</sup> — Perhaps [it was retorted, our Mishnah implies] either THROUGH ERROR or IN ACCORDANCE WITH THEIR RULING.<sup>43</sup> [The following are] in dispute [on the case mentioned]: If the court ruled that suet was permitted and a person mistook suet for fat and ate it, Rab said: He is exonerated, and R. Johanan said: He is liable. An objection was raised: Of the common people [sin] in doing<sup>44</sup> excludes<sup>45</sup> the apostate.<sup>46</sup> R. Simeon b. Jose said in the name of R. Simeon: This is not necessary; since it is written, [And doeth] through error [any of all the things], which [the Lord hath commanded] not to be done, and is guilty; if [his sin] . . . be known to him,<sup>47</sup> [which shows that only] he who repents when it becomes known to him [that he has sinned] brings a sacrifice for a sin he committed through error, but he who does not repent when he becomes aware [of his sin] does not bring a sacrifice for a sin he has committed through error.<sup>48</sup> Now, if [this view] is tenable, surely [it may be objected], he<sup>49</sup> would not repent even when he becomes aware [of the facts]!<sup>50</sup> — R. Papa replied: R. Johanan holds the view that since the court would repent when [the error] became known to them, and he<sup>51</sup> also would then repent, [such a person] may justly be described as one who repents of his action when he becomes aware [of his sin], and he is, therefore, liable. Raba said: Rab agrees that he is not counted in the making up of the majority of the congregation.<sup>52</sup> What is the reason? Scripture says, through error, implying [that no sacrifice is to be brought] unless all of them shared<sup>53</sup> one and the same ‘error’. WHETHER THEY ACTED [THUS] AND HE ACTED WITH THEM etc. What need was there<sup>54</sup> to teach all these?<sup>55</sup> [In the case of] the former section, this may be justified [as being a climactic arrangement]: ‘not only this but also that:’ in the later section, however, where liability is spoken of, the order, surely, should have been reversed!<sup>56</sup>

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(1) rich. Beth din, House of Judgement or Law, v. Glos.

(2) This will be explained in the Gemara Infra.

(3) The members of the court.

(4) In accordance with their decision.

(5) Eating, e.g., together with them blood or suet.

(6) From bringing the prescribed sin offerings. V. Lev. IV, 27 ff.

(7) The member of the court or the disciple who knew the ruling to be erroneous.

(8) To bring the prescribed sin offerings. Cf. n. 6. supra.

(9) Being capable of deciding such matters for himself.

(10) Lit., ‘guilty’, ‘culpable’.

(11) Lit., ‘until they’ would say’ to them’, i.e., to the public. (12) Unless the ruling was issued in this definite form it is not regarded as final. [Cf. B. B. 130b.] Hence, in the case there the entire, or the majority of the public transgressed by relying on a ruling of a court to which the formula ‘You are permitted’ was not added, neither they nor the court are under an obligation to bring a sin offering (v. Lev. IV, 13 ff). nor is an individual in the case of such a ruling entitled to claim exemption by reason of his reliance upon the court. (The question whether, in any case, the court or the congregation, are to bring the offering is a matter of dispute, infra).

(12) If ‘to act’ is not added.

(13) A ‘rebellious elder’ who defied the authority of the supreme court in Jerusalem. Deut. XVII, 8 ff.

(14) Before the decision of the supreme court.

(15) In accordance with his own decisions.

(16) Sanh. 86b. The expression ‘to act’ in this case implies final decision, similar to the formula ‘You are permitted to act’ required by R. Dimi.

(17) Lit., ‘they taught her or directed her’.

(18) A woman the death of whose husband is attested by one witness only. (In the case of two witnesses no special

ruling of a court is necessary.)

- (19) Which was in any case forbidden to her.
- (20) Her husband having subsequently appeared.
- (21) I.e., to contract a lawful marriage. Yeb. 87b. Since the expression 'decided' and not merely 'allowed' is used, a definite and final decision is meant. Cf. supra note 5.
- (22) 'Ruled . . . may be transgressed', implies definite and final decision to act. Cf. previous note.
- (23) Lit., 'there are who say'.
- (24) V. supra p. I for notes.
- (25) V. supra p. 2 for notes. This proves, contrary to the view of H. Dimi, that the formula 'you are permitted' is not sufficient unless 'to act' is added!
- (26) V. supra p. for notes, and Previous note.
- (27) Lit., 'Why to me'.
- (28) 'Forbidden fat', v. Lev. III, 17. VII, 25.
- (29) Lit., 'it was exchanged for him'.
- (30) Thus sinning through error, though not 'serially 'at their ruling', since he ate the suet not because he depended upon the court but lease he thought the suet was fat.
- (31) Because even if he had known it to be suet he would have eaten it, relying on the ruling of the court.
- (32) I.e., the case where a person ate suet not through his own error but through his reliance upon the ruling of the court.
- (33) V. supra note 5.
- (34) Since his error was not due to the Court's ruling. The Mishnah had to specify both 'through error', and 'in accordance with their ruling', to indicate that where the sin was due to his error alone he is liable.
- (35) V. p. 3, n. 5.
- (36) Is he exempt from a sin offering because the court permitted the eating of suet; or is he liable since he ate the suet not because of his reliance upon the court but through his own error of mistaking suet for fat?
- (37) Lit., 'why to me'.
- (38) [Delete with MS. M.: IN ACCORDANCE WITH THEIR RULING, v. D.S. a.l.]
- (39) Lit., 'not'?
- (40) I.e., in accordance with the first version of Raba's statement.
- (41) Lit., 'what, not'
- (42) I.e., in accordance with the second version of Raba's statement.
- (43) And one is exonerated in either case Hence a person mistaking suet for fat would also be exonerated.
- (44) Lev. IV, 27.
- (45) 'Of the people', **מֵעַם**, the **בְּ** partitive implying, 'not all of them'.
- (46) From whom no offering is to be accepted.
- (47) Lev. IV, 22f
- (48) An apostate does not repent when he becomes aware of his sin.
- (49) The person who mistook suet for fat.
- (50) Because even when it was brought us his notice that he ate suet he would not repent, in view of the ruling of the court. How then could R. Johanan subject one in such a case to the obligation of a sacrifice?
- (51) The person who mistook the suet for fat.
- (52) The sacrifice of a bullock on the part of the congregation (Lev. IV, 13 ff) is brought only when all or at least a majority of the people had committed the same sin through the error of the court. Eating forbidden food by mistake is not the same as eating it deliberately in reliance upon the decision of a court, though erroneous (MS. M. preserves a clearer inference: Num. XV, 26, For in respect of all the people it was done in error.)
- (53) Lit., 'were in'.
- (54) Lit., 'wherefore to him'.
- (55) Acting with, acting after, etc. (10) Not only is one exonerated when acting together with the court (a definite case of dependence on it) but also when acting after them, not only when the court also has so acted but even when one acted alone but in reliance on the court's ruling.
- (56) Since each succeeding case is more obvious than the previous one as regards obligation.

## Talmud - Mas. Horayoth 2b

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— This is a case<sup>1</sup> [of anti-climax]: ‘this, and there is no need to say that.’ ONE OF THEM WHO KNEW THAT THEY HAD ERRED, OR A DISCIPLE WHO WAS HIMSELF CAPABLE OF DECIDING MATTERS OF LAW. What need was there for the two? — Raba replied: Both are required, since, otherwise, it might have been assumed that the reference was only to<sup>2</sup> one who possesses learning and is also capable of logical reasoning and deduction but not to one possessing learning and no capacity for logical reasoning. Said Abaye to him: Surely, CAPABLE OF DECIDING MATTERS OF LAW implies the possession of knowledge and also capacity for logical reasoning! What I mean, the other replied, is this: If [the inference had to be derived] from that,<sup>3</sup> it might have been assumed that the reference is only to<sup>2</sup> one who possesses learning and is also capable of logical reasoning and deduction, but not to one possessing learning and no capacity for logical reasoning and deduction; hence it was taught, CAPABLE OF DECIDING MATTERS OF LAW [so that] from the superfluous Mishnah [it may be inferred that the reference includes] even him who possesses learning only, though incapable of logical reasoning and deduction, [as well as] him who is only capable of logical reasoning and deduction though he possesses no learning. CAPABLE OF DECIDING MATTERS OF LAW etc. Like whom, for instance? — Raba replied: For instance, like Simeon b. Azzai and Simeon b. Zoma.<sup>4</sup> Said Abaye to him: In the case of such [scholars] it would be a wilful transgression!<sup>5</sup> And according to your argument, [the other replied, how will you explain] the following wherein it was taught: ‘In doing one,<sup>6</sup> [implies that if] an individual acts on his own authority he is liable; if under the authority of the ruling of the court, he is exonerated. How is this so? [In the case where] the court ruled that suet was permitted and it was known to one of them, or to a disciple sitting before them and capable of deciding matters of law, such for instance as Simeon b. ‘Azzai, that they erred, it might have been assumed that he is exonerated, hence it was expressly taught, in doing one,<sup>7</sup> [implying that if] an individual acts on his own authority he is liable: if under the authority of the ruling of the court he is exonerated’?<sup>8</sup> How then could this<sup>9</sup> be possible? [Obviously] in such a case as where [the scholar] knew that it<sup>10</sup> was prohibited, but erred in the [interpretation of the] precept of obeying the words of the Sages;<sup>11</sup> according to my view also<sup>12</sup> it is a case where they erred in the [interpretation of the] precept of obeying the words of the Sages. THIS IS THE GENERAL RULE: HE WHO IS [IN A POSITION] TO RELY UPON HIMSELF IS SUBJECT TO A PENALTY. What does this include? It includes one who usually disregards<sup>13</sup> the decisions of the court.<sup>14</sup> ‘HE WHO MUST DEPEND UPON THE COURT includes [the case where] the court issued a decision and when they discovered that they erred they retracted.<sup>15</sup> But this, surely, is explicitly stated!<sup>16</sup> — It was first stated here and later it was amplified. Rab Judah said in the name of Samuel: This<sup>17</sup> is the view of R. Judah, but the Sages maintain that an individual who acted in accordance with [an erroneous] ruling of the court is liable. Which [statement of] R. Judah [is referred to]? — It was taught: If any one person...sin through error in doing,<sup>18</sup> behold there are three limitations<sup>19</sup> [to indicate that only] he who acts on his own authority is liable; [but he who acts] on the authority of the ruling of the court is exonerated. Which [statement of the] Rabbis?<sup>20</sup> — It was taught: Lest it be said<sup>21</sup> that a minority of the congregation who committed a sin are subject to the obligation of a sacrifice because the court does not bring a bullock on their account,<sup>22</sup> but a majority of the congregation who had committed a sin should be exempt because the court brings a bullock on their account,<sup>22</sup> Scripture expressly stated, Of the common people<sup>23</sup> [to indicate that] even if a majority of them<sup>24</sup> or all of them. Now, in what [circumstances was the sin spoken of committed]? If it be suggested through error in action,<sup>25</sup> how [it may be asked] does the court enter at all into the question<sup>26</sup> when [the commission of the sin] was not on the authority of the ruling of the court? Does then a court bring [a sacrifice] when [the commission of the sin] was not under the authority of their ruling!<sup>27</sup> If, however, [it be suggested that the sin had been committed] under the authority of the ruling of the court, surely [it may be pointed out] the text, Of the common people,<sup>23</sup> was written in reference to error in action!<sup>25</sup> Consequently<sup>28</sup> [it must be concluded that] it is this that was meant: A minority of the congregation who committed a sin through error in action<sup>25</sup> are liable, because the court does not bring a bullock on their account in [the case where a sin was committed] on the authority of the ruling of the court,

and yet they<sup>29</sup> are liable.<sup>30</sup> [Since, however,] one might assume that a majority of the congregation who committed [a sin] through error in action<sup>25</sup> should be exempt because the court brings a bullock on their account when [the sin was committed] under the authority of the ruling of the court, it was expressly taught, ‘Of the common people’<sup>31</sup> [to include] even a majority of them.<sup>32</sup> Said R. Papa: Whence [is this proved]? Is it not possible that neither they nor the court [bring any sacrifice]!<sup>33</sup> — If so,<sup>34</sup> why should it be sought to prove that a majority is liable?<sup>35</sup> Must it not then be concluded that [in the case of] a minority acting under a court's ruling it had been definitely established that they were liable, though they had acted under the authority of the ruling of a court;<sup>36</sup> for [otherwise] it should have been sought first to prove that a minority is liable, when sinning through error of action, and then should have come the attempt to prove that a majority also is liable when sinning through error of action. Consequently, since<sup>37</sup> the attempt has not been made [first] to prove that a minority is liable, when sinning through error of action, and only finally to prove that a majority [also] is liable when sinning through error of action, it must be concluded that a minority [committing a sin] under the ruling of the court are liable [to bring] a lamb or a goat, and likewise when they committed the sin under no authority from the ruling of a court, through error of action, they are also liable.<sup>38</sup> Consider, however, this: Both [Baraitas]<sup>39</sup> have been taught<sup>40</sup> anonymously, whence then [is it proved] that the first one [represents the view of] R. Judah and the last [that of] the Rabbis? Might not the reverse be suggested! — Who has been heard to make an exposition on limitations in such a manner?<sup>41</sup> Surely it was R. Judah: for it has been taught: R. Judah said:

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- (1) Lit., ‘he teaches’.
  - (2) Lit., ‘these words’.
  - (3) If one qualification only had been mentioned.
  - (4) They were for some reason never ordained. V. Sanh. 17b.
  - (5) Involving no sacrifice, while our Mishnah does subject such disciples to the obligation of a sacrifice.
  - (6) Lev. IV. 27. **בעשותה** Lit., ‘in her doing one’, ‘her’ referring to ‘soul’, the subject of the sentence.
  - (7) V. p. 6, n. 7.
  - (8) Which shows that even in the case of a Ben ‘Azzai he is not considered a wilful transgressor, contrary to the view of Abaye.
  - (9) The obligation to bring a sacrifice on the part of a scholar who knew the ruling of the court to be wrong.
  - (10) That which the court permitted.
  - (11) Believing that the Sages must be obeyed even here they permit a thing prohibited.
  - (12) Raba's: Instancing b. ‘Azzai and b. Zoma, as the kind of disciple referred to in our Mishnah.
  - (13) Lit., ‘kicks against’.
  - (14) It is obvious, therefore, that on this occasion he acted in accordance with their decision, not because he relied upon their ruling but because it happened to agree with his convenience or with his view.
  - (15) Even in such a case the individual who acted on the authority of their ruling is exonerated.
  - (16) In the Mishnah infra 3b.
  - (17) The ruling of our Mishnah exempting an individual acting on the erroneous decision of the court.
  - (18) Lev. IV, 27. E.V.. ‘If anyone etc.’
  - (19) ‘One’, ‘person’, ‘in its doing’. **נפש אחת בעשותה** Cf. Shab. 93a.
  - (20) The Sages.
  - (21) Lit., ‘I might yet say’.
  - (22) I.e., If they committed the sin by acting in accordance with his erroneous ruling of the court.
  - (23) Lev. IV. 27.
  - (24) Lit., ‘her’, the congregation.
  - (25) The people committed the sin through their own error and not in depending on an erroneous ruling of the court.
  - (26) Lit ‘what is their doing?’
  - (27) [Read with MS. M.: ‘If it be . . . in action, not on the ruling of the court, how does the court enter etc.?’]
  - (28) Lit., ‘but not’.
  - (29) The minority of the congregation.
  - (30) Because, according to the Rabbis, even an individual who acted under the ruling of a court is also obliged to bring

the prescribed sin offering.

(31) V. p. 8, n. 5.

(32) I.e. that even where most of the people committed the sin, everyone of them must bring the sin offering prescribed in Lev. IV, 27ff.

(33) The Baraita cited being interpreted as follows: 'A minority ate liable to bring a sacrifice when they have sinned through error in action because only in the case where their sin was committed on the authority of the court's ruling neither the court nor they themselves (acting as they did under the court's authority) are liable. Whereas in the case of a majority, since the court brings a bullock on their account, they should be exempt in respect of error in action.

(34) That a minority who committed a sin under the authority of a ruling of the court is exempt from the obligation of bringing a sacrifice.

(35) In respect of an error in action when the liability of a minority has not yet been proved.

(36) And this warrants the assumption that they are liable in respect of error in action.

(37) Lit., 'but not'.

(38) [The text in cur. edd. is unduly long and not smooth. MS. M. preserves a better reading: Why should the Tanna have sought to prove that a majority is liable in respect of an error in action, he should first have sought to prove that a minority is liable in respect of error in action and then attempted to show that a majority (too) is liable through error in action. Consequently it must be concluded that a minority (committing a sin) under the ruling' etc.]

(39) The one ascribed to R. Judah and the one ascribed to the Sages.

(40) Lit., 'we learned'.

(41) As supra 'behold these are three limitations'.

### **Talmud - Mas. Horayoth 3a**

This is the law of the burnt offering,<sup>1</sup> behold these are three exclusions.<sup>2</sup> And if preferred I might say, [the statement beginning] 'Lest it be said'<sup>3</sup> cannot be attributed to R. Judah, for in it was taught, 'Where a majority of the congregation committed a sin, the court brings a bullock on their account', while<sup>4</sup> R. Judah had said, 'The congregation only have to bring [the sacrifice] but not the court'; as we learned: R. Judah said: Seven tribes who committed a sin<sup>5</sup> bring seven bullocks.<sup>6</sup> R. Nahman, however, said in the name of Samuel: This<sup>7</sup> is the view of R. Meir, but the Sages maintain that an individual who acted in accordance with [an erroneous] ruling of the court is liable. Which [statement of] R. Meir and which of the Rabbis? — It was taught, 'If they had ruled and acted accordingly, R. Meir exonerates them and the Sages consider them liable'. Now, who are 'those that acted'? If the court be suggested, what [it may be retorted] is the reason of the Rabbis who consider them liable? Surely it was taught, 'Since it might have been assumed that a court who issued [an erroneous] ruling and acted accordingly are liable, it was expressly taught. The assembly, and do,<sup>8</sup> indicate that] action depends on the assembly<sup>9</sup> and ruling depends on the court.'<sup>10</sup> If, again,<sup>11</sup> [it be suggested that the meaning<sup>12</sup> is that] the court ruled and the majority of the congregation acted accordingly, the question arises] what is the reason why R. Meir exonerates them? Must it not then be concluded<sup>13</sup> [that the meaning<sup>14</sup> is that] the court ruled and a minority of the congregation acted accordingly, and that the principle underlying their<sup>15</sup> dispute is the following: The Master<sup>16</sup> holds that an individual who acted under the authority of the ruling of the court is exonerated, and the Masters hold that an individual who acted under the authority of the ruling of the court is liable! R. Papa. however, said: All agree<sup>17</sup> that an individual who acted under the authority of the court's ruling is exonerated, but they differ [on the question] whether the court is counted in the making up of a majority of the congregation.<sup>18</sup> The Masters hold that the court is counted in the making of a majority of the congregation<sup>19</sup> and the Master holds that the court is not to be counted in making up a majority of the congregation. And if preferred I might say [that the meaning<sup>20</sup> is that] the court ruled and a majority of the congregation acted accordingly: and<sup>20</sup> by 'Sages' was meant<sup>21</sup> R. Simeon who stated that both the congregation and the court bring [a sin offering].<sup>22</sup> And if you prefer I might say [that they differ in the case where] one tribe acted in accordance with the ruling of its own court: and by 'Sages' R. Judah was meant; for it was taught, 'A tribe that acted on the authority of [an erroneous] ruling of its court, that tribe is liable.'<sup>23</sup> And if you prefer I might say [that the dispute

relates to] such a case as where the sin was committed by six [tribes] who formed a majority of the congregation or by seven [tribes] although they did not form a majority of the congregation, and [the anonymous author of] our Baraita<sup>24</sup> is<sup>21</sup> R. Simeon b. Eleazar; for it was taught: R. Simeon b. Eleazar said in his<sup>25</sup> name. ‘Six [tribes] who form a majority of the congregation or seven [tribes] although they do not form a majority of the congregation, who have committed a sin are liable [to bring a sin offering].<sup>26</sup> R. Assi said: In [the case of an erroneous] ruling [of a court]<sup>27</sup> the majority of the inhabitants of the Land of Israel are to be taken into account,<sup>28</sup> for it is said, So Solomon held the feast at that time, and all Israel with him, a great congregation, from the entrance of Hamath unto the Brook of Egypt, before the Lord our God, seven days and seven days, even fourteen days.<sup>29</sup> Now, consider, it is written, and all Israel with him a great congregation, what need was there for,<sup>30</sup> from the entrance of Hamath unto the Brook of Egypt? From this it may be inferred that only these<sup>31</sup> are included in the<sup>32</sup> ‘congregation’ but those are not.<sup>28</sup> It is obvious [that the case where] a majority<sup>33</sup> has been reduced<sup>34</sup> to a minority [is a matter of] dispute between R. Simeon and the Rabbis.<sup>35</sup> What, [however, is the law where] a minority<sup>36</sup> has become<sup>37</sup> the majority?<sup>38</sup> Do R. Simeon and the Rabbis differ [in this case also]. R. Simeon, who is guided by<sup>39</sup> [the status of the person at the time of the] discovery [of the sin], holding them liable,<sup>40</sup> and the Rabbis who are guided by [the status of the person at the time of the] commission of the sin, exonerating them,<sup>41</sup> or not? — How could [such a thing]<sup>42</sup> be imagined! It might well be said that R. Simeon was heard to be guided by<sup>39</sup> [the time of the] discovery [of the sin] also:<sup>43</sup> was he heard, however, [to be guided by the time of the] discovery alone!<sup>44</sup> For had that been the case<sup>45</sup> they<sup>46</sup> should have brought [their offering] according to their present status.<sup>47</sup> Consequently [it must be concluded that] R. Simeon requires both commission of the sin and its discovery.<sup>48</sup> The question was raised: What [is the law where] the court ruled that suet was permitted and a minority of the congregation acted accordingly, and, after the court had withdrawn their decision and again issued a similar ruling, another minority acted accordingly? [Are we to say,] since this is a case of two distinct spells of awareness,<sup>49</sup> they do not combine,<sup>50</sup> or perhaps, since both<sup>51</sup> [are concerned with] suet they combine? And if some ground could be found for the decision<sup>52</sup> that, since both<sup>51</sup> [are concerned with] suet, they combine, [the question arises,] what [is the law where one] minority [was involved] in the forbidden fat of<sup>53</sup> the maw and [another] minority in the forbidden fat of<sup>53</sup> the small bowels? Is it certain that in these cases,<sup>54</sup> since [the prohibitions] are derived<sup>55</sup> from<sup>56</sup> two [distinct] texts, they<sup>57</sup> do not combine, or, perhaps, since both<sup>51</sup> [are concerned with] forbidden fat, they<sup>57</sup> combine. And if some ground should be for the decision<sup>52</sup> that, [since the two kinds bear] the name of ‘forbidden fat’, they<sup>57</sup> combine, [the question may be asked,] what [is the law where one] minority [was involved] in the [eating of] suet and [another] minority in that of blood? Is it certain that in this case,<sup>58</sup> since these are two [distinct] prohibitions they<sup>59</sup> do not combine, or perhaps, since the same kind of sacrifice has to be brought in both cases,<sup>60</sup> they combine? And if some ground could be found for the decision<sup>61</sup> that, since the same kind of sacrifice has to be brought in both cases, they<sup>59</sup> combine, [the question might be asked,] What is the law [where one] minority [was involved] in [the eating of] suet and [another] minority in idolatry? Is it certain that in this case,<sup>58</sup> [since] neither the prohibitions nor the sacrifices are alike [they<sup>59</sup> are not to be combined] or, perhaps, since [the punishment] in both cases<sup>62</sup> is that of kareth<sup>63</sup> they are to be combined. — These questions remain undecided.<sup>64</sup> The question was raised: [What is the law where] a court ruled that suet was permitted and a minority of the congregation acted accordingly, and the members of that court died and another court that was appointed also issued a similar ruling and another minority acted [in accordance with that ruling]? According to him who stated that the court brings [the sacrifice] no question arises, for, surely, they are no more in existence. The question, however, arises what [is the law] according to him who stated that the congregation bring [the sacrifice]? The congregation, surely, exists:<sup>65</sup>

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(1) Lev. VI, 2.

(2) V. Nid. 40a.

(3) The second Baraita, supra 2b.

(4) Lit., ‘and if’.

- (5) Owing to an erroneous ruling of the court.
- (6) But the court brings none, infra 5a.
- (7) V. supra p. 11, n. 7.
- (8) Lev. IV, 13.
- (9) Or 'congregation', i.e the people.
- (10) Consequently 'those who acted' cannot refer to the court.
- (11) Lit 'but'.
- (12) Of the Baraitha cited.
- (13) Lit., 'what, not'?
- (14) Of the Baraitha cited.
- (15) That of R, Meir and the Sages.
- (16) R. Meir.
- (17) Lit., 'all the world', i.e., R. Meir and the Sages.
- (18) Where members of the public as well as the judges of the court had acted in accordance with the court's decision and together only they form a majority of the congregation.
- (19) [In which case there is a liability for a communal offering.]
- (20) As to the question why R. Meir exonerates them.
- (21) Lit., 'who. . .it'.
- (22) And to this R. Meir objected, advancing the view that the congregation is exonerated. The court only has to bring the sacrifice.
- (23) To bring a sin offering. One tribe, in his opinion, is also called 'assembly' or 'congregation' (kahal).
- (24) The Sages.
- (25) R. Meir's
- (26) Infra 5a.
- (27) In connection with which a sin offering of a bullock must be brought if the majority of the people acted in accordance with this ruling.
- (28) Those living outside that land are not to be included in the computation.
- (29) I Kings VIII, 65.
- (30) Lit. 'wherefore to me'.
- (31) Those living within the boundaries of Palestine specified.
- (32) Lit., 'called'.
- (33) Of the people, who acted in accordance with an erroneous ruling of the court.
- (34) Between the time of the emission of the sin and that of bringing the Sacrifice.
- (35) Infra 10a.
- (36) V. supra note 9.
- (37) Between the time of the action and the time when it was discovered to have been a sinful act.
- (38) Owing to cases of death among members of the previous majority.
- (39) Lit., 'goes after'.
- (40) Since at the time their sin came to their notice they were already a majority.
- (41) Because when the sin had been committed they were still a minority.
- (42) That a minority who increased into a majority shall be liable.
- (43) Cur. edd. add, 'where the sin and consciousness of it took place (when the person was under the status of obligation'.
- (44) Lit., 'knowledge (of the sin) that is not (i.e.. without) sin'.
- (45) Lit., 'if so', that discovery alone is the determining factor.
- (46) A High Priest and a prince who assumed office after they had committed a sin as laymen.
- (47) I.e., a bullock, and not (as laymen) a lamb or a goat. Since they are now conscious of the sin why does not R. Simeon consider them liable unless they were also conscious of it before their appointment!
- (48) One without the other is no determining factor. Consequently, in the case under discussion (i.e., a minority that became a majority), no communal sacrifice is to be brought, since the sin was committed when they were still a minority who are exempt if acting on the ruling of the court.
- (49) The acts being based on two separate rulings, the erroneous character of which was subsequently discovered.



- (50) To form a majority and consequently to become liable to bring a communal sacrifice.  
 (51) Lit., 'that and that'.  
 (52) Lit., 'and if you will find to say'.  
 (53) Lit., 'which is upon'.  
 (54) Lit., 'here'.  
 (55) Lit., 'come'.  
 (56) Lit., 'in'.  
 (57) The two minorities.  
 (58) Lit., 'here'.  
 (59) The two minorities.  
 (60) Lit., 'their sacrifice is the same'.  
 (61) Lit., 'and if you will find to say'.  
 (62) Lit., 'that and that'.  
 (63) כרת 'premature, or sudden death through some visitation'. V. Glos.  
 (64) תיקו Teku, v. Glos.  
 (65) Hence the two minorities are to be combined to form a majority, and a sacrifice is to be brought.

### Talmud - Mas. Horayoth 3b

or is it, perhaps, necessary<sup>1</sup> [to have in the case of both minorities] the ruling<sup>2</sup> of the court that ruled [in the first instance]. — This is undecided. R. Jonathan said: Where a hundred [judges] sat down to consider a decision they are not liable<sup>3</sup> unless all of them arrived at the same [erroneous] decision; for it is said, and if the whole congregation of Israel shall err<sup>4</sup> [which implies] that they must all<sup>5</sup> err.<sup>6</sup> Said R. Huna son of Hoshaiyah: Logical deduction leads to the same conclusion.<sup>7</sup> For throughout the Torah there is an established rule that a majority is like the whole and yet it was written here, 'the whole congregation'; and since such is the case<sup>8</sup> [it must be concluded that] even if there were a hundred.<sup>9</sup> We learned, [WHEN] THE COURT ISSUED [AN ERRONEOUS] RULING AND ONE OF THEM, WHO KNEW THAT THEY HAD ERRED OR A DISCIPLE WHO WAS HIMSELF CAPABLE OF DECIDING MATTERS OF LAW PROCEEDED AND ACTED IN ACCORDANCE WITH THEIR RULING, WHETHER THEY ACTED AND HE ACTED WITH THEM OR THEY ACTED AND HE ACTED AFTER THEM, OR THEY DID NOT ACT AND HE ACTED, HE IS LIABLE, SINCE HE WAS NOT DEPENDENT UPON [THE RULING OF THE COURT]. [From this it follows that only] that person<sup>10</sup> is liable, but another<sup>11</sup> is exempt; but why? The decision, surely, was not unanimous!<sup>12</sup> — Here it is a case where that person<sup>13</sup> nodded with his head.<sup>14</sup> Come and hear: If the court issued a ruling, and one of them knew that they erred and said to them, 'You are mistaken', they are exempt.<sup>15</sup> The reason, then, why they are exempt is because he said to them, 'You are mistaken', had he however remained silent they would have been liable and their decision would have been regarded as unanimous;<sup>16</sup> but why? Surely, they did not all arrive at the same decision? — It may be answered that here also it is a case where he nodded with his head. R. Mesharsheya raised an objection: Our Rabbis relied upon the words of R. Simeon b. Gamaliel and upon the words of R. Eleazar the son of R. Zadok who said, 'No law may be imposed upon the public unless a majority of the people can endure it'; and R. Adda b. Abba said: What Scriptural proof is there for this view? Ye are cursed with a curse, yet ye rob me, even this whole nation.<sup>17</sup> Now, surely, it is written here, 'This whole nation,' and yet a majority is regarded as the whole.<sup>18</sup> [Is not this] a refutation of the view of R. Jonathan?<sup>19</sup> — This is a refutation. Why then did the All-Merciful say, 'the whole congregation'? — It is this that was meant: Where they are all present<sup>20</sup> the decision is valid; but if not, their decision is invalid. R. Joshua said: When ten sit in judgment, the responsibility rests upon<sup>21</sup> all of them. Is not this obvious? It teaches us that even a disciple in the presence of his Master [must share the responsibility].<sup>22</sup> When R. Huna went to court he took with him ten students of the college, 'in order that', he said, 'each of us<sup>23</sup> might receive only a chip of the beam',<sup>24</sup> When an animal suffering from an organic disease was brought before R. Ashi<sup>25</sup> he used to bring together ten ritual slaughterers<sup>26</sup> of Matha Mehasia<sup>27</sup> and made them sit down before

him, saying, 'In order that each of us might receive only a chip of the beam'.<sup>22</sup>

MISHNAH. WHERE A COURT ISSUED A DECISION,<sup>28</sup> AND LATER DISCOVERED THAT THEY HAD ERRED AND WITHDREW THEIR DECISION, WHETHER THEY BROUGHT THEIR OFFERING<sup>29</sup> OR WHETHER THEY DID NOT BRING THEIR OFFERING, IF AN INDIVIDUAL<sup>30</sup> PROCEEDED AND ACTED IN ACCORDANCE WITH THEIR [ERRONEOUS] DECISION, R. SIMEON EXONERATES HIM AND R. ELEAZAR DECLARES [HIS CASE] DOUBTFUL.<sup>31</sup> WHICH CASE MAY BE REGARDED DOUBTFUL? IF HE<sup>32</sup> WAS<sup>33</sup> AT HOME, HE IS LIABLE.<sup>34</sup> IF, HOWEVER, HE WENT TO A COUNTRY BEYOND THE SEA HE IS EXEMPT. SAID R. AKIBA: I AGREE THAT A PERSON IN SUCH A CASE<sup>35</sup> IS NEARER TO EXONERATION THAN TO CULPABILITY. SAID BEN 'AZZAI TO HIM: HOW DOES SUCH A PERSON DIFFER FROM ONE WHO REMAINS AT HOME? HE WHO REMAINS AT HOME IS IN A POSITION TO ASCERTAIN THE FACTS<sup>36</sup> BUT THE OTHER WAS NOT IN SUCH A POSITION.<sup>37</sup> IF THE COURT RULED THAT AN ENTIRE PRINCIPLE HAS TO BE UPROOTED; IF THEY SAID, FOR EXAMPLE, THAT [THE LAW CONCERNING THE] MENSTRUANT<sup>38</sup> IS NOT FOUND IN THE TORAH OR THE [LAW CONCERNING THE] SABBATH IS NOT FOUND IN THE TORAH OR [THE LAW CONCERNING] IDOLATRY IS NOT FOUND IN THE TORAH, THEY ARE EXEMPT. IF, HOWEVER, THEY RULED THAT A PART [OF A COMMANDMENT] WAS TO BE ANNULLED AND A PART RETAINED, THEY ARE LIABLE. HOW IS THIS SO? — IF THEY SAID: [THE LAW CONCERNING THE] MENSTRUANT OCCURS IN THE TORAH BUT IF A MAN HAS INTERCOURSE WITH A WOMAN THAT AWAITS A DAY CORRESPONDING TO A DAY<sup>39</sup> HE IS EXEMPT, [OR THAT THE LAW CONCERNING THE] SABBATH OCCURS IN THE TORAH BUT IF A MAN CARRIES ANYTHING FROM A PRIVATE DOMAIN TO A PUBLIC DOMAIN HE IS EXEMPT, [OR THAT THE LAW OF] IDOLATRY OCCURS IN THE TORAH, BUT IF A MAN ONLY BOWS DOWN TO AN IDOL HE IS EXEMPT, THEY ARE LIABLE; FOR SCRIPTURE SAYS, AND IF SOME THING BE HID,<sup>40</sup> 'SOMETHING BUT NOT THE ENTIRE PRINCIPLE.

GEMARA. Rab Judah said in the name of Rab: What is R. Simeon's reason? Because he acted on the authority of the court. Others say that Rab Judah said in the name of Rab: R. Simeon used to say that [in the case of] any ruling [of the court], which has spread<sup>41</sup> to a majority of the congregation, if an individual acted according to it he is exempt;<sup>42</sup> for [he ruling was given for the purpose<sup>43</sup> of distinguishing between one who acts in error<sup>44</sup> and one acting presumptuously.<sup>45</sup> An objection was raised: The bullock required<sup>46</sup> when a matter was hid from the congregation,<sup>47</sup> and the goats [of atonement] for idolatry<sup>48</sup> are to be purchased from a collection made for the purpose:<sup>49</sup> these are the words of R. Simeon. R. Judah said: They are taken<sup>50</sup> from the funds of the Temple treasury.<sup>51</sup> Now, why?<sup>52</sup> Since a collection is made for the purchase of the sacrifices, the facts became known!<sup>53</sup> — If you wish I might say: It is a case, for instance, where the object of the collection was not stated.<sup>54</sup> And if you prefer I might say: In the case, for instance, where he was not in town.<sup>55</sup> And if you prefer I might say: Rab holds the same view as the other Tanna,<sup>56</sup> [in whose name] the reverse was taught: 'A collection is made for the occasion;<sup>57</sup> these are the words of R. Judah. R. Simeon said: They are taken from the funds of the Temple treasury.'<sup>58</sup> It was taught: R. Meir declares him<sup>59</sup> liable and R. Simeon exonerates him; R. Eleazar said, 'doubtful'; in the name of Symmachus it was said, 'suspended'. Said R. Johanan: The difference between them<sup>60</sup> is the obligation to bring an asham talui.<sup>61</sup> Said R. Zera: [As to an] analogy [in respect of the view] of R. Eleazar — to what may the thing be compared? To the case of a man who ate something about which it is doubtful whether it was suet or fat,<sup>62</sup> who, when it becomes known to him<sup>63</sup> brings a guilt offering.<sup>64</sup>

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(1) If the two minorities are to be combined.

(2) Thus Bomberg ed. Cur. edd.: 'knowledge', i.e., 'discovery of the sin'.

(3) To bring the sacrifice if they erred in their decision.

(4) Lev. IV, 13.

- (5) Since Scripture uses the expression 'the whole', which is taken to refer to the assembly of the judges who are the cause of the error committed by the congregation.
- (6) Cur. edd. insert, 'until the rulings will spread among all the congregation of Israel'.
- (7) Lit., 'thus also'.
- (8) 'The whole' being specifically stated.
- (9) They must all arrive at a unanimous decision.
- (10) The member of the court or learned disciple.
- (11) Anyone who did not take part in the deliberations of the court.
- (12) Lit., 'the ruling was not concluded', since there was at least one dissident.
- (13) V. supra note 6.
- (14) Which is taken as consent.
- (15) Infra 4b.
- (16) Cf. note 8.
- (17) Mal. III. 9.
- (18) Since both R. Simeon and R. Eleazar had said, 'a majority of the people'. v. A.Z. 36a.
- (19) Who said supra that a majority of the court is not regarded as the whole.
- (20) Though their opinions differ.
- (21) Lit., 'the collar (or 'chain') hangs on the neck of'.
- (22) Sanh. 10a.
- (23) Lit., 'we'.
- (24) That the responsibility for any wrong decision might be shared by all of them.
- (25) For him to decide whether it was ritually fit for human consumption.
- (26) Who were familiar with the ritual laws relating to diseased animals.
- (27) A suburb of the town of Sura; v. B.B. (Sonc. ed.) p. 10, n. 1.
- (28) And a majority of the people acted accordingly.
- (29) Lit., 'their atonement', the sin offering prescribed in Lev. IV, 13ff.
- (30) Who was unaware that the decision is as rescinded.
- (31) It cannot be determined whether such a case comes under the category of dependence upon the court or under that of acting independently. Hence an asham talui (v. Glos.) must be brought.
- (32) The transgressor who claims not to have heard that an erroneous decision had been withdrawn.
- (33) Lit., 'sat'.
- (34) To bring an asham talui (v. Glos.).
- (35) Lit., 'in this, that he'.
- (36) Lit., 'it was possible for him to hear'.
- (37) Cf. previous note. Since it was an impossibility for him to ascertain the facts his action is regarded as entirely dependent upon the court's decision. Hence he is exonerated.
- (38) Cf. Lev. XV, 19ff: XVIII, 19.
- (39) If during the eleven day's (which follow the seven unclean days that a woman must observe after her menstruation (cf. Lev. XV, 19), she noticed any kind of blood, it is not regarded as the blood of menstruation but as a mere flow; and she need not, therefore, count seven days (as in the case of menstruation) but waits only one day, after which she is again clean.
- (40) Lev. IV, 13.
- (41) Lit., 'went out'.
- (42) [Even after the court had retracted, provided he was unaware of the retraction.]
- (43) Lit., 'was not given but'.
- (44) Believing the decision of the court to be a correct one and thus acting upon it.
- (45) (And this reason applies even after the court has withdrawn its decision.)
- (46) As an offering.
- (47) In consequence of which they committed a transgression, and when the error was discovered must bring an offering, cf. Lev. IV, 13.
- (48) Cf. Num. XV, 24.
- (49) Lit., 'in the beginning they called for them'. Every member of the congregation makes a special contribution

towards the cost of the sacrifice.

(50) Lit., 'they come', i.e., they are purchased.

(51) No special collection from the members of the congregation is to be made. Men. 52a.

(52) Why does R. Simeon exempt the individual in our Mishnah?

(53) Lit., 'it is to be known'. Since every individual contributes towards the cost of the offering everyone must be aware of the fact that the court has retracted!

(54) Hence it is quite possible for individuals to be unaware of the retraction of the court.

(55) He should not know, therefore, of the retraction of the court even if those in town were informed of the object of the collection.

(56) Quoted in the following Baraitha.

(57) V. supra p. 18, n. 10.

(58) So that, according to R. Simeon, individuals might be unaware of the fact that the court had retracted, and are, therefore, as stated by him in our Mishnah, exonerated.

(59) An individual who acted in accordance with an erroneous ruling of the court after it had been rescinded.

(60) R. Eleazar who said, 'doubtful' and Symmachus who said 'suspended'.

(61) V. Glos. According to R. Eleazar such an offering is to be brought as is the case with all 'doubtful' trespasses. According to Symmachus, however, his offering is 'suspended' and he consequently brings nothing.

(62) Lit., 'doubtful suet, doubtful fat', and he took it to be fat.

(63) That it might have been suet.

(64) Asham talui, v. Glos.

## Talmud - Mas. Horayoth 4a

And there is no need<sup>1</sup> [to say that this is so] according to him, who holds that the public bring the offering, since [in that case] the matter is well known;<sup>2</sup> but even according to him who holds that the court brings the sacrifice, in which case the matter is not well known,<sup>3</sup> [the asham talui must be brought, because] had he inquired he would have been told.<sup>4</sup> R. Jose b. Abin — others say, R. Jose b. Zebida — said: [As to an] analogy [in respect of the view'] of Symmachus — to what may the thing be compared? To [the case of] a man who brought [an offering for] his atonement at twilight when there was doubt whether it was still day<sup>5</sup> and<sup>6</sup> his atonement was effective or night has already fallen<sup>7</sup> and his atonement was not effective,<sup>6</sup> who does not bring an asham talui.<sup>8</sup> And there is no need<sup>9</sup> [to say that this is so] according to him who holds that the court bring [the sacrifice] since [in that case] the matter is not sufficiently known;<sup>10</sup> but even according to him who holds that the public bring the sacrifice, in which case the matter is well known and people could have told him,<sup>11</sup> [this case is nevertheless the same] as<sup>12</sup> that of doubt whether it was still day, or night has already fallen.<sup>13</sup> For even if he had wished to ask he might not have found anyone who could tell him.<sup>14</sup> SAID BEN 'AZZAI TO HIM: HOW DOES SUCH A PERSON DIFFER FROM ONE WHO REMAINS etc. R. Akiba, surely, answered Ben 'Azzai well!<sup>15</sup> — Raba replied: The difference between them is [the case of one who started on a journey.<sup>16</sup> According to Ben 'Azzai he is liable because he is still at home;<sup>17</sup> according to R. Akiba he is exempt since he has already started on his journey.<sup>18</sup> IF THE COURT RULED THAT AN ENTIRE PRINCIPLE WAS TO BE UPROOTED. Our Rabbis taught: And something be hid,<sup>19</sup> but not when an entire commandment be uprooted. How? One might assume that if they said, for example, that [the law concerning] the menstriant is not found in the Torah [or the law concerning] the Sabbath is not found in the Torah [or the law concerning] idolatry is not found in the Torah — they are liable,<sup>20</sup> hence it was expressly stated, 'And something be hid'<sup>21</sup> but not when an entire commandment he hid. They are consequently exempt. One might assume, however, that if they said: [The law' concerning] the menstruant occurs in the Torah but if a man has intercourse with a woman that awaits a day corresponding to a day<sup>22</sup> is exempt [or that the law concerning] the Sabbath occurs in the Torah but if a man carries anything from a private domain into a public domain he is exempt. [or that the law' concerning] idolatry occurs in the Torah but if a man only bows down to an idol he is exempt, they<sup>23</sup> are exempt, hence it was expressly stated, 'and something he hid' but not the entire principle. The Master said, 'One

might assume that . . . they are exempt'. But [it may be asked] if when [the ruling was that] part [of a commandment] be retained and a part annulled they are exempt. and when an entire principle be uprooted they are also exempt, in what case, then, would they be liable?<sup>24</sup> — The Tanna bad raised his question thus: It might have been assumed that *dabar*'<sup>25</sup> means the entire commandment,<sup>26</sup> hence it was expressly said. And something be hid. How does this prove it? — 'Ulla replied: In this text, read, 'and a part of a thing was hid'.<sup>27</sup> Hezekiah replied: Scripture says. And do any of the commandments<sup>28</sup> [which implies] of the commandments,<sup>29</sup> but not all the commandments. Does not commandments' denote the plural?<sup>30</sup> — R. Nahman b. Isaac replied: It is written, commandment.<sup>31</sup> R. Ashi replied: *Dabar*,<sup>32</sup> here, is to be deduced from *dabar*' mentioned in the case of a 'rebellious elder.'<sup>33</sup> For concerning a 'rebellious elder' it was written, If there arise a matter too hard for thee<sup>34</sup> . . . thou shalt not turn aside from the sentence which they shall declare unto thee, to the right hand, nor to the left hand,<sup>35</sup> as in the case of the 'rebellious elder' the meaning is 'a part of the thing' and not all the thing<sup>36</sup> so in the case of an [erroneous] ruling, [of a court] a part of the thing [is meant] and not an entire principle. Rab Judah said in the name of Samuel: The court is liable only when they ruled concerning a prohibition<sup>37</sup> which the Sadducees<sup>38</sup> do not admit,<sup>39</sup> but if concerning a prohibition<sup>37</sup> which the Sadducees admit<sup>40</sup> they are exempt.<sup>41</sup> What is the reason? It is a matter which anyone can learn at school.<sup>42</sup> We learnt: [THE LAW' CONCERNING THE] MENSTRUANT OCCURS IN THE TORAH BUT IF A MAN HAS INTERCOURSE WITH A WOMAN THAT AWAITS A DAY CORRESPONDING TO A DAY HE IS EXEMPT. But why? Surely [the law concerning] a woman that awaits a day corresponding to a day is mentioned in the Scriptures: Then she shall number to herself,<sup>43</sup> teaches that she counts one [day] for one [day]!<sup>44</sup> — They might rule that the first stage of contact is permitted and only the consummation of coition is forbidden. Surely this also is written in the Scriptures: He hath made naked her fountain!<sup>45</sup> — They might rule that in the natural way it is forbidden; in an unnatural way it is permitted. but, surely, it is written, As with womankind.<sup>46</sup> — They might rule that in the natural way even the first stage of contact is forbidden; in the unnatural way, however, consummation of coition only is forbidden but the first stage of contact is permitted. If so, [the same might apply] even [to the case of] a menstruant also!<sup>47</sup> — The fact, however, is [that the ruling might have permitted]<sup>48</sup> even in the natural way<sup>49</sup> alleging [that the prohibition of] the first stage<sup>50</sup> has reference to a menstruant woman only.<sup>51</sup> And if you prefer I might say: The — ruling may have been that a woman is not regarded as a *zabah*<sup>52</sup> except during the day time because it is written, all the days of her issue.<sup>53</sup> We learnt: [THE LAW CONCERNING THE] SABBATH OCCURS IN THE TORAH BUT IF A MAN CARRIES ANYTHING FROM A PRIVATE DOMAIN INTO A PUBLIC DOMAIN IS EXEMPT [etc.]. But why? Surely the prohibition of carrying from [one domain into another] is mentioned in the Scriptures: Neither carry forth a burden out of your houses on [the Sabbath day]!<sup>54</sup> — They ruled that carrying out alone is prohibited but bringing in is permitted. And if you prefer I might say: They ruled that only carrying out and bringing in<sup>55</sup> is prohibited but handing across and throwing<sup>56</sup> is permitted.<sup>57</sup> We learnt: [THE LAW CONCERNING] IDOLATRY OCCURS IN THE TORAH BUT IF A MAN ONLY BOWS DOWN TO AN IDOL HE IS EXEMPT [etc.]. But why? The case of him, who bows down is certainly mentioned in the Scriptures: for it is written, Thou shalt bow down to no other god!<sup>58</sup> — They ruled that bowing down is prohibited only when performed in the usual manner but if in an unusual manner it is permitted. And if you prefer I might say: They ruled that bowing itself in a natural manner is only then prohibited when the hands and the feet are stretched out but bowing without stretching out the hands and the feet is permitted.

(1) Lit., 'and it is not required'.

(2) And every individual is thus acquainted with the retraction of the court.

(3) And it might have been assumed that the transgressor could justify his action by claiming that he was not aware of the retraction of the court.

(4) As he did not take the trouble to inquire he must himself bear part of the responsibility.

(5) Sacrifices may only be offered in the day time.

(6) So MS.M., Cur. edd., 'it was atoned for him'.

- (7) Lit., 'from when it was dark'.
- (8) V. Glos.
- (9) V. supra p. 19. n. 12.
- (10) Hence the individual can justify his action by pleading ignorance of the retraction and claiming reliance upon the court's original ruling.
- (11) Cf. Bomberg ed.
- (12) So Ma'aseh Rab, quoted in marginal glosses, a.l., Cur. edd., 'in'.
- (13) As no sacrifice is required in the latter case so it is not required in the former.
- (14) So MS.M. v. D.S. a.l., Cur. edd. 'whom to ask'.
- (15) How then, could the latter differ from the former's view?
- (16) Lit., 'he took hold of the way', i.e., he already left his house but is still in town.
- (17) The town being regarded as home MS.M. reads, 'in town' for, 'in his house' of cur. edd.
- (18) Being pre-occupied with the anxieties of travel he is not in a position to pay attention to what is happening in the town.
- (19) Lev. IX, 13; then a sacrifice is to be brought.
- (20) To bring the prescribed offering.
- (21) V. p. 20,11 13.
- (22) V. Supra p. 17, n. 10.
- (23) The court or the public.
- (24) since it is impossible that there should be no liability at all, how could such an assumption be entertained?
- (25) **דבר** rendered something, may also signify 'a thing', i.e., an entire commandment.
- (26) And that only when an entire commandment was uprooted is liability incurred, but not when a part only was annulled.
- (27) The Mem, **מ** in **ונעלם דבר** is read twice; once as the final letter of **ונעלם** and again as the initial of **דבר** having the force of the partitive; **מדבר** '(a part) of a thing'.
- (28) Lev. ibid.
- (29) I.e., a part was annulled and a part retained.
- (30) Lit., 'two'. Does not 'any of the commandments' imply one of several, and not a part of one,
- (31) **מצות** (with the omission of the waw of the plural) is to be read as mizwath, **מצות**, sing. const., 'commandment of', not mizwoth in the plur.
- (32) **דבר** 'thing'. (Lev. ibid.).
- (33) An elder who defies the authority of the supreme Court in Jerusalem.
- (34) Deut. XVII, 8.
- (35) Ibid. v. II.
- (36) V. Sanh. 88b.
- (37) Lit., 'thing'.
- (38) A sect believing in the Scriptures (the Written Law) but not in the Rabbinic interpretations and traditions (Oral Law).
- (39) I.e., a prohibition not mentioned in the Scriptures.
- (40) A Biblical law'.
- (41) Because their ruling, being Contrary to what everybody is expected to know, has no validity whatsoever.
- (42) Lit 'it (is a matter of) go read at school'. There was no reason why anyone should rely upon the court's erroneous ruling when any school boy knew it to be contrary to a Biblical prohibition.
- (43) Lev. XV, 28.
- (44) Cf. supra p. 17, n. 10. Since she is thus Biblically' considered unclean how could a court rule that one having intercourse with her is exempt?
- (45) Lev. XX, 18.
- (46) Ibid. 13. The plural **משכב** implies natural, and unnatural intercourse.
- (47) Why then was the case of a woman who 'awaits a day corresponding to a day' given as an illustration when the case of a menstruant, already mentioned, should supply the same illustration.
- (48) The first stage of Contact.
- (49) In the case of one 'who awaits a day corresponding to a day'; only consummation of coition being forbidden in her

case.

(50) Cf. Lev. XX, 18.

(51) Thus permitting a forbidden act which the Sadducees do not admit.

(52) A woman who has an issue of blood not in the time of her menstruation, and is subject to certain laws of uncleanness and purification (Lev. XV, 25 ff).

(53) Lev. XV, 26. Emphasis being laid on days.

(54) Jer. XVII, 22. Why then should there be liability to a communal offering seeing that the Court ruled against a specific Biblical prohibition?

(55) So Bomberg ed. Cur. edd. delete 'Carrying in' [ V. shap. 96b, where 'carrying in' is treated as a specific Biblical prohibition as well as 'carrying forth'.]

(56) From one domain into another.

(57) These are not mentioned in the Scriptures.

(58) Ex. XXXIV, 14; cf. p. 23. n.9.

## Talmud - Mas. Horayoth 4b

R. Joseph enquired: What [is the law where the court ruled that] ploughing is not forbidden on the Sabbath, is it assumed that, as they had admitted the whole law,<sup>1</sup> the ruling is deemed to be a partial annulment and a partial retention [of a law]<sup>2</sup> or, perhaps, since they have uprooted altogether the law of ploughing it is deemed to be an uprooting of an entire principle? — Come and bear! [THE LAW CONCERNING THE] MENSTRUANT OCCURS IN THE TORAH BUT IF A MAN HAS INTERCOURSE WITH A WOMAN THAT AWAITS A DAY CORRESPONDING TO A DAY HE IS EXEMPT [ . . . THEY ARE LIABLE]. But why? surely, [the law concerning] a woman that awaits a day corresponding to a day has been uprooted completely!<sup>3</sup> — R. Joseph can reply<sup>4</sup> [that the law of] a woman that awaits a day corresponding to a day, that has been mentioned, is to be explained as above.<sup>5</sup> Come and bear: [THE LAW CONCERNING THE] SABBATH OCCURS IN THE TORAH BUT IF A MAN CARRIES ANYTHING FROM A PRIVATE DOMAIN INTO A PUBLIC DOMAIN HE IS EXEMPT [ . . . THEY ARE LIABLE]. But why? Surely, [the law concerning] carrying from [one domain into another] has been completely uprooted!<sup>3</sup> — There also the explanation is as given above.<sup>5</sup> Come and hear: [THE LAW CONCERNING] IDOLATRY OCCURS IN THE TORAH BUT IF A MAN ONLY BOWS DOWN TO AN IDOL HE IS EXEMPT [ . . . THEY ARE LIABLE]. But why? Surely, the law concerning bowing to an idol has been completely uprooted!<sup>6</sup> — It may be reported that [the law of] bowing also is to be explained as above.<sup>7</sup> R. Zera enquired: What [is the law where the court ruled that] no Sabbath is to be kept in the seventh<sup>8</sup> year? Wherein did they err? — In the following text: In ploughing time and in harvest thou shalt rest,<sup>9</sup> when ploughing is carried on, [they explained,] Sabbath is to be observed but when no ploughing is carried on Sabbath is not to be observed. Is it to be assumed that, as they retain it<sup>10</sup> in the other years of the Septennial, [their ruling] is deemed to be a partial annulment and a partial retention [of a law] or, perhaps, since they are uprooting it in the seventh year it is deemed to be an uprooting of an entire principle? Rabina replied: Come and hear! If a prophet taught<sup>11</sup> that any thing<sup>12</sup> of the words of the Torah was to be uprooted, he is guilty; if only to annul a part of it and to retain a part he is, R. Simeon said, exempt. And in respect of idolatry, even if he said that the idol be worshipped only to-day and destroyed to-morrow, he is guilty.<sup>13</sup> From this<sup>14</sup> it may be inferred that [the ruling that] no Sabbath is to be kept in the Sabbatical year is to be deemed as partial annulment and partial retention.<sup>15</sup> This proves it.

MISHNAH. IF THE COURT RULED AND ONE OF THEM KNEW THAT THEY HAD ERRED AND SAID TO THEM, YOU ARE MISTAKEN', OR IF THE MUFLA<sup>16</sup> OF THE COURT WAS NOT PRESENT,<sup>17</sup> OR IF ONE OF THEM WAS A PROSELYTE OR A BASTARD OR A NATHIN<sup>18</sup> OR TOO OLD TO HAVE CHILDREN,<sup>19</sup> THEY ARE<sup>20</sup> EXONERATED, FOR CONGREGATION WAS MENTIONED<sup>21</sup> HERE<sup>22</sup> AND CONGREGATION WAS MENTIONED FURTHER ON,<sup>23</sup> AS CONGREGATION FURTHER ON [REFERS TO MEN] ALL. (IF WHOM

MUST BE CAPABLE OF DECIDING MATTERS OF LAW<sup>24</sup> SO [IN THE CASE OF] CONGREGATION. MENTIONED HERE [THE RULING IS INVALID] UNLESS<sup>25</sup> THEY ARE ALL CAPABLE OF DECIDING MATTERS OF LAW.

GEMARA. OR IF THE MUFLA OF THE COURT WAS NOT PRESENT. Whence is this derived? — R. Shesheth replied, and so It was taught by the School of R. Ishmael: Why has it been said that a court that ruled concerning a prohibition<sup>26</sup> which the Sadducees admit, are exempt? because they should have learned and did not learn; [in the case of] the absence of the mufla of the court they are also exempt, because they should have learned and did not learn.<sup>27</sup> CONGREGATION WAS MENTIONED HERE AND CONGREGATION WAS MENTION FURTHER IN . . . UNLESS THEY ARE ALL CAPABLE OF DECIDING MATTERS OF LAW. And whence is this<sup>28</sup> derived there? — For R. Hisda said: Scripture states, That they may stand there with thee;<sup>29</sup> with thee implies ‘such as are like thee’. Might it not be suggested that with thee [has reference] to the divine presence?<sup>30</sup> — but, said R. Nahman b. Isaac. Scripture states, And they shall bear the burden with thee,<sup>31</sup> ‘with thee’ implies ‘such as are like thee’.<sup>32</sup>

MISHNAH. IF THE COURT ISSUED A [WRONG] DECISION UNWITTINGLY AND ALL THE PEOPLE ACTED UNWITTINGLY ACCORDINGLY, A BULLOCK MUST BE BROUGHT.<sup>33</sup> [IF THE COURT RULED] WILFULLY AND [THE PEOPLE] ACTED UNWILLINGLY ACCORDINGLY, A LAMB OR A GOAT<sup>34</sup> MUST BE BROUGHT. [IF THE COURT RULED] UNWILLINGLY AND [THE PEOPLE] ACTED WILLINGLY ACCORDINGLY, THEY ARE EXEMPT.

GEMARA. [IF THE COURT RULED] UNWITTINGLY AND [THE PEOPLE] ACTED WILFULLY, THEY ARE EXEMPT. [From this<sup>35</sup> it follows] that one acting unwittingly though in a way similar to one acting wilfully, is liable; and how’ is this to be imagined? When e.g., the court ruled that suet was permitted and a man mistook it for fat and ate it.<sup>36</sup> May it then he suggested that this answers Rann b. Hania's enquiry!<sup>37</sup> — He can tell you: Because in the first clause it was taught, [IF THE COURT RULED] WILFULLY AND THE PEOPLE ACTED UNWITTINGLY it was also taught in the final clause,<sup>38</sup> [IF THE COURT RULED] UNWITTINGLY AND [THE PEOPLE] ACTED WILFULLY.<sup>39</sup>

MISHNAH. IF THE COURT ISSUED AN [ERRONEOUS] RULING AND. ALL THE PEOPLE OR A Majority OF THEM ACTED ACCORDINGLY, A BULLOCK MUST BE BROUGHT.<sup>40</sup> AND IN [THE CASE OF] IDOLATRY A BUTTOCK OR A GOAT<sup>41</sup> ARE TO BE BROUGHT; THESE ARE THE WORDS OF R. MEIR. R. JUDAH SAID: THE TWELVE TRIBES BRING TWELVE BULLOCKS,<sup>42</sup> AND IN RESPECT OF IDOLATRY TWELVE BULLOCKS AND TWELVE GOATS.

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(1) Lit., ‘thing’, the corpus of all the laws of Sabbath.

(2) Hence, in accordance with our Mishnah, they are liable.

(3) And yet it is regarded in our Mishnah as partial annulment only. So also in the case of the law of ploughing its denial where the other laws of the Sabbath are retained, should be regarded as partial annulment.

(4) Lit. ‘he said to you’.

(5) Supra 4a, where it was explained that only a part of that law was annulled.

(6) V. p. 24, n. 4.

(7) V. p. 24. N. 6.

(8) v. Ex. XXIII, 10F, DEUT. XV, 1FF.

(9) Ex. XXXIV, 21.

(10) The Sabbath.

(11) Lit., ‘prophesied’.

(12) A Complete law.



- (13) Sanh, 90a.
- (14) That worshipping idols on one day and destroying them in another is regarded as partial annulment and partial retention of the law of idolatry.
- (15) Like the case of idolatry cited the law of the Sabbath was, according to the ruling, to be retained at one time and annulled at another.
- (16) מופלא lit., 'distinguished'; an expert not a member of the court, to whom doubtful points are submitted and by whose directions the court is guided in its deliberations. For a fuller discussion of the term, v. Sanh. 9Sonc.ed.) p. 574, n. 1.
- (17) Lit., 'there'.
- (18) נתין lit., 'given', i.e., dedicated in the service of the Temple and the people. A descendant of the Gibeonites (Josh. IX, 3ff) whom Joshua made into hewers of wood and drawers of water (ibid. v. 27) and David excluded from intermarriage with the Community (Yeb. 78b) [They are not competent to act as members of the Beth din, v. Sanh. 32a]
- (19) Others: 'too aged, or one who never had children.' [These too may not act on the Beth din, v. Sanh. 36b]
- (20) So MS. M. Cur. edd 'he is exempt', is obviously a misprint.
- (21) Lit., 'for it was said'.
- (22) In the case of an erroneous ruling of the court, Lev'. IV, 13.
- (23) In respect of the Sanhedrin. (V. Num. XV, and Sanh. 2a.)
- (24) Proof of this is given in the Gemara infra.
- (25) Lit., 'until'.
- (26) Lit., 'thing'.
- (27) And as such are in be considered wilful transgressors.
- (28) That they' must all be capable of deciding matters of law.
- (29) Num. XI, 16.
- (30) I.e., though God said to Moses, 'Gather unto Me seventy' men', they are to remain 'with thee', i.e., with Moses, and must not venture into the divine presence.
- (31) Ex, XVIII, 22. The section deals with the appointment of judges.
- (32) V. Sanh, (Sonc. ed.) p. 230.
- (33) It will be explained infra by' whom it is to be brought.
- (34) V. Lev, IV, 27ff, 32ff.
- (35) The mention of wilful action only for which a sacrifice cannot atone,
- (36) His eating of the suet was done unwittingly since he believed to be permitted fat, it is nevertheless similar to wilful action since in fact he has not been acting on the strength of the court's decision,
- (37) V. Supra 2a.
- (38) By way of contrast.
- (39) Hence no deduction can be made, and Rami's enquiry remains unanswered.
- (40) Lev. IV, 13ff.
- (41) Num. XV, 24. V. Gemara, infra.
- (42) In his view the people and not the court bring sacrifices, and each tribe is called 'congregation' (kahal).

## **Talmud - Mas. Horayoth 5a**

R. SIMEON SAID: THIRTEEN BULLOCKS;<sup>1</sup> AND IN RESPECT OF IDOLATRY, THIRTEEN BULLOCKS AND THIRTEEN GOATS: A BULLOCK AND A GOAT FOR EACH TRIBE, AND A BULLOCK AND A GOAT FOR THE COURT. IF THE COURT RULED [ERRONEOUSLY] AND SEVEN TRIBES OR A MAJORITY OF THEM<sup>2</sup> ACTED ACCORDINGLY, A BULLOCK IS TO BE BROUGHT; AND IN RESPECT OF IDOLATRY, A BULLOCK AND A GOAT MUST BE BROUGHT; THESE ARE THE WORDS OF R. MEIR. R. JUDAH SAID: THE SEVEN TRIBES WHO SINNED MUST BRING SEVEN BULLOCKS AND THE REST OF THE TRIBES WHO DID NOT SIN MUST BRING BULLOCK[S]<sup>3</sup> (IN THEIR ACCOUNT, BECAUSE EVEN THOSE WHO DID NOT SIN MUST BRING OFFERINGS ON ACCOUNT OF THESE WHO SINNED. R. SIMEON SAID: EIGHT BULLOCKS; AND IN RESPECT OF IDOLATRY, EIGHT BULLOCKS AND EIGHT GOATS, A BULLOCK AND A GOAT FOR EVERY TRIBE AND A

BULLOCK AND A GOAT FOR THE COURT. IF THE COURT OF ONE OF THE TRIBES RULED [ERRONEOUSLY], AND THAT TRIBE ACTED ACCORDINGLY, THAT TRIBE IS LIABLE, BUT ALL THE OTHER TRIBES ARE EXEMPT; THESE ARE THE WORDS OF R. JUDAH. BUT THE SAGES SAY: NO LIABILITY IS INCURRED EXCEPT AS A RESULT OF THE RULINGS OF THE SUPREME COURT ONLY; FOR IT IS STATED, AND IF THE WHOLE CONGREGATION OF ISRAEL SHALL ERR,<sup>4</sup> BUT NOT THE CONGREGATION OF ONE PARTICULAR TRIBE.

GEMARA. Our Rabbis taught: It might have been assumed that, if it had come to the knowledge of the court that a ruling of theirs was erroneous and they had forgotten what the ruling was,<sup>5</sup> they are liable,<sup>6</sup> hence it was expressly stated, When the salt was known,<sup>7</sup> [implying] not, however, when only those who sinned were known. Wherein they have sinned<sup>8</sup> [implies that] if two tribes had sinned they must bring two bullocks,<sup>9</sup> if three had sinned three have to be brought. But is it not possible that this only means<sup>10</sup> that if two individuals had sinned they bring two bullocks, if three had sinned they bring three? It was expressly stated. The congregation,<sup>11</sup> [showing that] only a congregation is liable, and that every congregation<sup>12</sup> is liable. How? If two tribes sinned they bring two bullocks, if seven sinned they bring seven, and also the other tribes who did not sin bring each a bullock on account of the former,<sup>13</sup> because even those who had not sinned must bring sin offerings, because of those who sinned — Hence Scripture stated, ‘congregation’, in order to impose the obligation upon every congregation: these are the words of R. Judah. R. Simeon said: If seven tribes sinned they bring seven bullocks, and the court also brings a bullock on account of them, for ‘congregation’ was mentioned below<sup>14</sup> and ‘congregation’ was also mentioned above,<sup>15</sup> as ‘congregation’ that was mentioned above means both the court and the congregation<sup>16</sup> so ‘congregation’ that was mentioned below means both the court and the congregation. R. Meir said: If seven tribes had sinned the court brings a bullock on their account but they themselves are exempt, for ‘congregation’ was mentioned below<sup>14</sup> and ‘congregation’ was mentioned above,<sup>15</sup> as ‘congregation’ that was mentioned above refers to the court and not to the people<sup>17</sup> so ‘congregation’ that was mentioned below refers to the court and not to the people. R. Simeon b. Eleazar said in his name: If six tribes had sinned and they<sup>18</sup> represent a majority of the people, or seven, although they<sup>18</sup> do not represent a majority of the people, they bring a bullock. The Master said: ‘When the sin was known [implying], not, however, when only those who sinned were known’. Who is the author of this statement? — Rab Judah said in the name of Rab (others say Raba): It is not<sup>19</sup> R. Eliezer, for it was taught:<sup>20</sup> R. Eliezer said,<sup>21</sup> ‘Whatever your assumption [he must bring a sin offering], for if he ate the suet he is liable and if he ate the nothar<sup>22</sup> he is also liable.’<sup>23</sup> R. Ashi said: It may even be said to be R. Eliezer, for here the case is different since it is written, [When the sin] wherein they have sinned [is known]<sup>24</sup> But surely, there<sup>25</sup> also it is written, [If he sin], wherein he has sinned, [be known to him]<sup>26</sup> — That<sup>27</sup> is required for the purpose of excluding the case of one who performed a forbidden act while his intention was to perform a different act.<sup>28</sup> What is the reason of R. Judah? — He holds the opinion that ‘congregation’ was written four times: ‘Congregation’, the congregation congregation, the congregation.<sup>29</sup> One of these is to indicate [that] the obligation bring offering falls on every congregation;<sup>30</sup> one is to indicate that the ruling depends on the court and the action depends on the congregation;<sup>31</sup> one is to indicate attraction,<sup>32</sup> and one has reference to a tribe that acted in accordance with the [erroneous] ruling of its own court.<sup>33</sup> And R. Simeon maintains that ‘congregation’ was written three times: The congregation, congregation, the congregation<sup>34</sup> because the expression, from the eyes of the congregation is the usual form of Biblical speech — as people say, ‘from the eyes of so and so’,<sup>35</sup> one of these<sup>36</sup> is to indicate that the obligation to bring an offering falls on every congregation.<sup>37</sup> and the other two [are required for the following deduction]: ‘Congregation’ was mentioned below and ‘congregation’ was mentioned above, as below the reference is to the court together with the congregation, so here also it refers to the court together with the congregation.<sup>38</sup> And R. Meir makes no exposition on congregation, the congregation. Consequently, congregation was written only twice, and both are required [for the following deduction]: ‘congregation was mentioned below and ‘congregation’ was mentioned above,

as below the reference is to the court and not to the congregation, so here also the reference is to the court and not to the congregation.<sup>38</sup> As to R. Simeon b. Eleazar, what is his reason? It is written, And it shall be it from the eyes of the congregation<sup>39</sup> which clearly refers to a minority, since it is written, from the eyes,<sup>40</sup> but it is also written, For in the respect of all the people it was done in error,<sup>41</sup> which indicates that the reference is only to<sup>42</sup> a majority and not to a minority; how', then, [are these contradictory deductions to be reconciled]? — If the sin was committed by six tribes who represent the majority of the congregation or by seven, even though they do not comprise a majority of the congregation, they are liable.

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- (1) In the case of an erroneous ruling other than idolatry.
- (2) Of each tribe, representing a majority of all Israel.
- (3) Each of them one.
- (4) Lev. IV, 13.
- (5) Lit., 'they knew that they ruled and erred what they ruled'.
- (6) To bring an offering of a bullock if the people unwittingly infringed two prohibitions one or the other of which was that which the court erroneously permitted.
- (7) Lev, IV, 24: Emphasis on sin. Only then is an offering of a bullock to be brought.
- (8) Ibid.
- (9) I.e., one offering is not enough when more than one tribe had sinned.
- (10) Lit., 'or he does not say'.
- (11) **הַקְהָלָא**
- (12) I.e., 'tribe', which is called kahal. V. infra.
- (13) Lit., 'through them'.
- (14) Lev, IV, 24, 'then the congregation shall offer'.
- (15) Ibid, v. 13, 'the thing being hid from the eyes of the congregation'.
- (16) 'The eyes' referring to the court: 'congregation' to the people.
- (17) The eyes of the congregation', according to R. Meir, implying the court only.
- (18) In the number of their individuals,
- (19) Lit, 'that not as'.
- (20) Gut. edd. 'we learnt'.
- (21) In the case where it is not certain which of two prohibited foods a man has eaten through error,
- (22) **נותר**, sacrificial meat that was left over beyond the period allowed for its consumption.
- (23) Shebu. 18b. So here, according to R. Eliezer, a sin offering would be obligatory even if it were not certain to what precise prohibition the ruling of the court referred. (Cf. supra p. 29.11 2).
- (24) Lev, IV, 14. Emphasis on 'knowledge of the sin'.
- (25) The case of all individual who is uncertain which prohibited food he ate. Cf. supra n.4.
- (26) Lev. IV, 23. Emphasis on 'wherein' (**בֵּה**).
- (27) The emphasis bah. V. previous note.
- (28) V. Sanh. (Sonc. ed.) p. 426.
- (29) I.e., 'the congregation' (hakahal), occurs in Lev, IV, 13 and ibid. v. 14, and each expression (because the definite article is used there it could have been omitted) counts for two.
- (30) I.e., 'tribe'.
- (31) V. supra p.10 notes 12 and 13.
- (32) **גְרִירָה** 'dragging', i.e., the tribes who sinned drag with them the others who did not sin into the liability of bringing the sin offerings.
- (33) V. the final section of our Mishnah.
- (34) Cf. p. 30, n. 12.
- (35) I.e., while the definite article in v. 14 is unnecessary and may, therefore, be regarded as doubling the expression of 'congregation', the article in v. 13 is grammatically required by the status constructus.
- (36) Expressions of 'congregation'.
- (37) I.e. tribe,
- (38) V. supra p. 29, for notes.

(39) Num. XV, 24.

(40) מַעֲיִנִי ( מ ) partitive.

(41) Ibid, 26.

(42) Lit., 'yes'.

## Talmud - Mas. Horayoth 5b

And whence does R. Simeon and R. Meir<sup>1</sup> infer that the ruling depends on the court and the action depends on the congregation?<sup>2</sup> — Abaye replied: For Scripture stated, And it shall be it from the eyes of the congregation the sin be committed unwittingly.<sup>3</sup> Raba said: [It is inferred] from, In respect of all the people it was done in error.<sup>4</sup> And [both texts are] required. For if the All Merciful had written only, 'And it shall be if from the eyes of the congregation the sin be committed unwittingly it might have been assumed that the reference<sup>5</sup> is even to a minority', hence it was written, In respect of all the people it was done in error. And if only In respect of all the people it was done in error had been written, It might have been assumed [that there is no obligation]<sup>6</sup> unless the court<sup>7</sup> committed the sin together with the majority, hence it was written. Did it shall be if from the eyes of the congregation the sin be committed unwittingly. But, surely, both these texts speak rather of<sup>8</sup> idolatry! — From the eyes<sup>9</sup> is inferred from [the other expression] from the eyes.<sup>10</sup> IF THE COURT OF ONE etc, The question was raised: Where one tribe acted on the [erroneous] ruling of the supreme court, do the other tribes, according to the view of R. Judah, bring sin offerings] or not? Is it assumed that only where seven tribes [have sinned] do the other tribes bring [sin offerings] together with them because they<sup>11</sup> constitute a majority, but not where one tribe<sup>12</sup> [only had sinned] since it does not constitute a majority, or is there, perhaps, no difference? — Come and hear! 'What do they bring? One bullock. R. Simeon said two bullocks.' Now, under what circumstances?<sup>13</sup> If it be suggested where seven tribes had sinned. [it might be retorted.] R. Simeon, 'surely, requires [in such a case] eight [bullocks]!<sup>14</sup> If, again,<sup>15</sup> [it be suggested,] where one tribe had sinned, [it may be asked] under what authority?<sup>16</sup> If on the ruling of its own court, R. Simeon, surely, does not in such a case admit liability!<sup>17</sup> Consequently it must be a case<sup>18</sup> of acting under the ruling of the supreme court; who, however, is the first Tanna?<sup>19</sup> If it be suggested R. Meir, be, [it may be asked] surely requires a majority;<sup>20</sup> consequently,<sup>21</sup> it must be R. Judah!<sup>22</sup> — It may be argued<sup>23</sup> that here it is a case<sup>24</sup> where a sin was committed by six tribes who constituted a majority of the congregation and it<sup>25</sup> is the view of R. Simeon b. Eleazar. For it was taught: R. Simeon b. Eleazar said in his name, 'Six [tribes] who form a majority of the congregation or seven [tribes], although they do not form a majority of the congregation who committed a sin, bring a bullock.'<sup>26</sup> Come and hear: R. Judah said, 'If a tribe acted on the ruling of its own court, that tribe is liable<sup>27</sup> and all the other tribes are exempt: if, [however, it acted] on the ruling of the supreme court. even the other tribes are liable. This proves it. Said R. Ashi: This may also be deduced from our Mishnah, for it was taught, AND THAT TRIBE ACTED ACCORDINGLY, THAT TRIBE IS LIABLE, BUT ALL THE OTHER TRIBES ARE EXEMPT; what need was there for the statement, THE OTHER TRIBES ARE EXEMPT when<sup>28</sup> it was stated, THAT TRIBE IS LIABLE? Surely, since it was stated, THAT TRIBE IS LIABLE it is obvious that THE OTHER TRIBES ARE EXEMPT! This, consequently, teaches us the following: That only when [one tribe acted] on the ruling of its own court are the other tribes exempt, but if on the ruling of the supreme court even the other tribes are liable — This proves it. The question was raised: Does one tribe who acted on the [erroneous] ruling of the supreme court bring [a sin offering],<sup>29</sup> according to R. Simeon, or not?<sup>30</sup> Come and hear! 'What do they bring? One bullock. R. Simeon said: Two bullocks.' Now, under what circumstances? If it be suggested that seven tribes had sinned, [it may be retorted that in such a case not] two bullocks but eight bullocks are required! Consequently it must be a case where one tribe had sinned, but, [it may be asked,] under what authority?<sup>31</sup> If on the ruling of its own court, R. Simeon surely does not in such a case admit liability! Consequently, [it must be a case of a tribe's acting] under the ruling of the supreme court!<sup>32</sup> Who, however, is to be understood to be the first Tanna? If [it be suggested] R. Meir, be, surely, [it may be asked,] requires a majority!<sup>33</sup> If R. Judah. [surely he holds] that other tribes also must

bring;<sup>34</sup> consequently, it must be [the view of] R. Simeon b. Eleazar, and as it has been taught.<sup>35</sup> Come and hear: But the Sages say. 'One is never liable except when acting on a ruling of the supreme court.'<sup>36</sup> Now, who are the Sages? If it be suggested R. Meir, surely. [it may be retorted,] be requires a majority!<sup>33</sup> Consequently it must represent the view of R. Simeon. This proves it. And whence do R. Judah and R. Simeon infer that one tribe is called 'congregation'? — It may be replied: Because it is written, And Jeheshaphat stood in the congregation of Judah and Jerusalem, in the house of the Lord before the new court.<sup>37</sup> What is meant by 'new'? — R. Johanan replied: They issued new regulations ordaining that an unclean man who bathed during the day<sup>38</sup> must not enter the camp of the Levites. R. Aha b. Jacob demurred: How [does this prove it]?<sup>39</sup> Is it not possible that Jerusalem is different since Benjamin also was there!<sup>40</sup> — But, said R. Aha b. Jacob, because it is written, And he said unto me: Behold, I will make thee fruitful and multiply thee, and I will make of thee a congregation of Peoples;<sup>41</sup> but who was born to him at that time? Only Benjamin! Consequently it must be concluded that the All Merciful said thus: Another congregation will now be born unto thee.<sup>42</sup> Said R. Shaba to R. Kahana: Is it not possible that the All Merciful said to him<sup>43</sup> thus: 'When Benjamin will have been born to you there will be twelve tribes so that you might then be called congregation'? — He said to him: Would twelve tribes, then, be called 'congregation' while eleven tribes would not be called 'congregation'.<sup>44</sup> It was taught, R. Simeon said: What need was there for stating. And a second young bullock shalt thou take for a sin offering<sup>45</sup> If it is to teach that there were two, surely, [it may be pointed out] it has already been stated, And he shall offer the one for a sin offering and the other for a burnt offering, unto the Lord!<sup>46</sup> But [the purpose of the statement is this]: As it might have been assumed that this sin offering was to be eaten by the Levites<sup>47</sup> it was expressly stated, And a second young bullock,<sup>48</sup> [implying that it is] second to the burnt offering; as the burnt offering must not be eaten

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- (1) Who require the two expressions of 'congregation' (Lev. IV, 13 and 14) for the purpose of comparison.
  - (2) A law which R. Judah inferred supra from one of the expressions of 'congregation'.
  - (3) Num. XV, 24. The use of the Niph'al ( נעשתה ) implies that the commission of the sin by the people was due to the error of others, i.e., the court on whom the ruling depends.
  - (4) Ibid. 26. 'All the people', implies the court as well as the congregation, the former through their ruling and the latter through their action.
  - (5) To the obligation of bringing a bullock for a sin offering.
  - (6) Cf. n.4.
  - (7) In addition to their erroneous ruling.
  - (8) Lit., 'are written'.
  - (9) Lev. IV, 13, dealing with an erroneous ruling of the court.
  - (10) Num. XV, 24 speaking of idolatry.
  - (11) The seven tribes.
  - (12) Or any minority of the tribes.
  - (13) Lit., 'in what are engaged'.
  - (14) Seven for the tribes and one for the court.
  - (15) Lit., 'but'.
  - (16) Lit., 'in what'.
  - (17) Lit., 'there is not to him', i.e., he does not impose the obligation to bring a sin offering, the word 'congregation', according to him, occurring only three times providing no Biblical authority for this obligation. (V. supra 5a)
  - (18) Lit., 'but not'.
  - (19) In the Baraita cited,
  - (20) A minority bring no such sin offering.
  - (21) Lit., 'but, not'.
  - (22) Thus it has been proved that according to R. Judah the other tribes do not bring sin offerings on account of the one tribe that sinned, (Cur. edd., 'and for example when one tribe had sinned').
  - (23) Lit., 'said'.
  - (24) Lit., 'in what are we engaged'.

- (25) The statement of the first Tanna in the Baraita.
- (26) On behalf of all the congregation (v. supra 3a). The first Tanna of the Baraita cited who requires the offerings of one bullock may consequently be R. Simeon b. Eleazar.
- (27) To bring the sin offering of a bullock.
- (28) Lit., 'surely'.
- (29) As it must bring in the case where it committed the sin together with the majority.
- (30) Is one tribe, committing the sin alone, regarded as an individual who is exempt from an offering when acting on the ruling of the court?
- (31) Lit., 'and in what'.
- (32) This shows that according to R. Simeon a single tribe committing a sin has to bring an offering.
- (33) Cf supra p. 33, n.5.
- (34) As shown supra p. 33.
- (35) Ct. p. 33. The Baraita, consequently, does not deal with the case of one tribe.
- (36) Cf. our Mishnah. The Sages ate in dispute with R. Judah who speaks of the case where only one tribe had sinned.
- (37) II Chron. XX, 5. The tribe of Judah alone was mentioned and yet it is described as 'Congregation' (kahal).
- (38) **טבול יום**, lit., 'immersed of the day', a person Levitically unclean who bathed during the day and is awaiting sunset (nightfall) for the completion of his purification,
- (39) That one tribe is called 'congregation'. Lit., 'from what'.
- (40) Congregation (Kahal) may have reference to the two tribes,
- (41) **קהל עמים**, Gen. XLVIII, 4.
- (42) Thus it is proved that one tribe is also called 'Congregation'.
- (43) Jacob.
- (44) Hence, it must have been Benjamin alone who was referred to as 'congregation', proving that one tribe also is so called.
- (45) Num, VIII, 5,
- (46) Ibid, 22.
- (47) As were the other sin offerings.
- (48) Num, VIII, 8.

## Talmud - Mas. Horayoth 6a

so must not this sin offering be eaten. Similarly, said R. Jose: The children of the captivity, that were come out of exile, offered burnt offerings unto the God of Israel twelve bullocks . . . all this was a burnt offering;<sup>1</sup> can it be imagined that 'all this was a burnt offering' [is to be taken literally]? Is it possible for a sin offering to be a burnt offering?<sup>2</sup> But [this is the meaning]: all this was like a burnt offering, as a burnt offering must not be eaten so were those sin offerings not to be eaten,' for it was taught:<sup>3</sup> R. Judah said, 'They brought them for the sin of idolatry'.<sup>4</sup> Furthermore, Rab Judah said in the name of Samuel: [They brought them] for the sin of idolatry that had been committed in the days of Zedekiah. According to R. Judah one can well understand these twelve sin offerings to be possible in the case, for example, where the sin was committed by twelve tribes who must bring twelve goats — or again where the sin was committed by seven tribes where others must bring offerings on account of them.<sup>5</sup> According to R. Simeon, also, this is possible in the case, for example, where the sin was committed by eleven tribes who bring eleven goats, the twelfth<sup>6</sup> being that of the court, According to R. Meir, however, who said that the court, and not the congregation, bring the sin offering. how could [the bringing of] twelve offerings be possible? — In the case, for instance, where they sinned, and sinned again and again unto the twelfth time. But surely, those who had committed the sin<sup>7</sup> were dead!<sup>8</sup> — R. Papa replied: The tradition that a sin offering the owner of which died must be left to die,<sup>9</sup> is applicable only to the offering<sup>10</sup> of an individual, but not to that of a congregation — because a congregation does not die.<sup>11</sup> Whence does R. Papa derive this law? If it be suggested, from the Scriptural text, Instead of thy fathers shall be thy sons,<sup>12</sup> if so, [it may be asked], this should apply to the offering of an individual also! — But R. Papa draws his inference from the goat of the new moon<sup>13</sup> concerning which the All Merciful said that it was to be brought

from the funds of the Temple treasury.<sup>14</sup> but surely, some of Israel had died,<sup>15</sup> how then<sup>16</sup> could those who survived bring [the new moon sin offering]? From this it must consequently be inferred that a sin offering of the congregation — whose owners had died, may be offered. Are these at all alike? [In the case of] the goat for the new moon it is possible that none of the congregation had died, but here<sup>17</sup> [the owners] had certainly died! — R. Papa's proof, however, is derived from here: Because it is written, Forgive, O Lord, thy people Israel, whom thou hast redeemed<sup>18</sup> [which implies that] this offering is fit to atone even for those who departed from Egypt,<sup>19</sup> for it is written, Whom thou hast redeemed.<sup>20</sup> Is this, however, a proper analogy? There<sup>21</sup> they were all<sup>22</sup> present, and since [the heifer] atones for the living it may also atone for the dead: here,<sup>23</sup> however, were there any survivors? — Yes; there were indeed, for it is written, But many of the priests and Levites and heads of fathers' houses etc.<sup>24</sup> Is it not possible that they<sup>25</sup> were only a minority<sup>26</sup> and not a majority?<sup>27</sup> — Surely it is written, So that the people could not discern the noise of the shout of joy from the noise of the weeping of the people. . . . and the noise was heard afar off.<sup>28</sup> Were they not, however, wilful sinners?<sup>29</sup> — That<sup>30</sup> was a temporary measure. This<sup>31</sup> may also be arrived at by reasoning. For should this not be granted, on whose behalf, [it may be asked,] were the ninety and six rams and seventy and seven lambs?<sup>32</sup> But, [it must be granted, that] it was a temporary measure; in this respect also it must have been a temporary measure. Our Rabbis taught: If one of the congregation died<sup>33</sup> they are still liable; if one of the court, they are exempt. Who is the author [of this statement]? — R. Hisda, in the name of R. Zera in the name of R. Jeremiah, in the name of Rab, said: It is R. Meir who maintains that the court, and not the congregation, bring the sin offering. Hence, when one of the congregation dies they are still liable since all the members of the court are alive; if, however, one of the court dies they are exempt, because it is then a sin offering one of whose joint owners died; and for this reason they are exempt. R. Joseph demurred: Let this statement be established in accordance with the view of R. Simeon who maintains that the court together with the congregation [bring the sin offering]. Hence, when one of the congregation dies, they are still liable because a congregation does not die;<sup>34</sup> if one of the court dies they are exempt for the reason given, because it is a sin offering [one] of [whose] joint owners [died]! — Abaye said to him: We have heard R. Simeon say that a sin offering in joint ownership is not to be left to die;<sup>35</sup> for it was taught, 'If the bullock and the goat of the Day of Atonement were lost and others were set aside in their stead,<sup>36</sup> all these must be left to die; so R. Judah. R. Eleasar and R. Simeon said: They shall be left to the pasture,<sup>37</sup> because no congregational sin offering may be left to die.'<sup>38</sup> — Said R. Joseph to him: Do you speak of priests! Priests are different, because they are called 'congregation'; for it is written, And he shall make atonement for the priests and for all the people of the congregation.<sup>39</sup>

(1) Ezra VIII, 35.

(2) The text referred to enumerates sin offerings as well as burnt offerings.

(3) [Read with MS.M. 'And it was taught.' as R. Jose would not likely appeal for support to a statement of R. Judah his contemporary. v. D.S. a.l.]

(4) Such sin offerings must not be eaten (v.Zcb. 47a).

(5) V.supra p. 30, n.14.

(6) Lit., 'and the other',

(7) The generation of Zedekiah, as stated supra.

(8) In the time of Ezra when the offerings were brought. This difficulty arises according to the views of both R. Judah and R. Simeon as well as according to that of R. Meir, since a sin offering, the owner of which had died, must not be offered up.

(9) I.e., not offered up on the altar.

(10) Lit., 'these words'.

(11) Though the whole generation had passed away.

(12) Ps. XLV, 17.

(13) Which was a sin offering. V. Num. XXVIII, 15.

(14) All congregational offerings were purchased from the funds to which all Israel contributed,

(15) Between the time they contributed to the funds and the time the sacrifice was offered.

- (16) Since owners of the sacrifice were dead.
- (17) The sin offerings in the days of Ezra brought for the idolatry of the generation of Zedekiah.
- (18) Deut. XXI, 8.
- (19) Who were obviously dead when the heifer was brought (v. Deut, XXI, I ff).
- (20) An allusion to those 'redeemed' from the slavery of Egypt. As a sin offering could be brought for the dead men of the Exodus so it could be brought for the dead generation of Zedekiah.
- (21) In the case of the heifer (Deut. ibid.).
- (22) All living men concerned,
- (23) The offerings in the days of Ezra,
- (24) Ezra III, 12. The conclusion of the verse reads, The old men that had seen the first house . . . wept with a loud voice, which shows that there were survivors from the days of the first Temple.
- (25) The survivors.
- (26) Of the generation of Ezra.
- (27) If a majority of the sinners had died, the sin offering must not be offered up.
- (28) Ezra III, 13. This shows that the survivors formed a majority of the people. Where a majority of its owners ate alive, a sin offering may be offered up.
- (29) The idolaters in the days of Zedekiah, whose sin, therefore, could not be atoned by an offering.
- (30) The privilege of bringing an offering for a wilful sin.
- (31) That it was a temporary measure.
- (32) Ezra VIII, 35.
- (33) Before the sin offering, for an erroneous ruling of the court that resulted in a transgression by the public, had been offered.
- (34) And consequently a congregational sin offering is to be offered on the altar though a number of individuals (its joint owners) died.
- (35) If one of the owners died: but is to be offered on the altar.
- (36) And after the rite of atonement had been performed with the substituted animal the lost one was found.
- (37) Where they graze until they contract some disqualifying blemish when they are sold and the sum they realize is used for the purchase of free will offerings.
- (38) V. Shebu. 11a, The bullock of the Day of Atonement brought by Aaron and his sons as a sin offering is of joint ownership, and concerning it R. Simeon stated that, unlike the sin offering of an individual, it must not be left to die. Now, since according to R. Simeon no sin offering in joint ownership may be left to die, it is possible that in this case only, where the atonement was performed with a substituted animal, are the original ones to be left to the pasture, but where one of the joint owners died (no animal having been substituted for the original one) it is possible that R. Simeon even allows the sacrifice to be offered on the altar, Hence the Baraita cited cannot be taken, as A. Joseph suggested, to represent his view (Rashi). [Or, better, since the other joint owners (the surviving members of the court) are alive there is no reason why it should not be sacrificed by them (Tosaf. Asheri).]
- (39) Lev, XVI, 33. 'priests' being placed on the same footing as 'congregation', [Tosaf. Asheri reads, 'they are considered a people by themselves, since they ate mentioned separately.] A court, however, cannot be regarded as a 'congregation' and if one of them died their joint sin offering, according to R. Simeon, may have to be killed.

## **Talmud - Mas. Horayoth 6b**

If so,<sup>1</sup> however, let them also bring a bullock in the case of an erroneous ruling! And if it be said that this is really the case,<sup>2</sup> then there would be more tribes!<sup>3</sup> — But, said R. Aha, son of R. Jacob: The tribe of Levi is not called 'congregation',<sup>4</sup> for it is written, Behold, I will make thee fruitful and multiply thee, and I will make of thee a congregation of peoples etc.<sup>5</sup> He who has a possession is designated 'congregation', but he who has no possession is not designated 'congregation'.<sup>6</sup> If so,<sup>7</sup> there would be less than twelve tribes! — Abaye replied: Ephraim and Manasseh, even as Reuben and Simeon, shall be mine.<sup>8</sup> Said Raba: But, surely, it is written, They shall be called after the name of their brethren it, their inheritance,<sup>9</sup> [which shows that] they were compared only in regard to 'inheritance' but not in any other respect!<sup>10</sup> — Were they not? Surely, they were also separated [when mentioned] in [connection with] the banners!<sup>11</sup> — Their campings were like their possessions;



in order to show respect to their banners. But, surely, they were also separated in respect of their princes!<sup>12</sup> — That was done in order to show honor to the princes, as it was taught: ‘Solomon celebrated seven days of dedication; what reason did Moses have for celebrating twelve days of dedication? In order to show honor to the princes.’ What becomes of that?<sup>13</sup> — Come and hear that which has been taught: R. Simeon said: The following five kinds of sin offerings are to be left to die.<sup>14</sup> The young of a sin offering,<sup>15</sup> the exchange of a sin offering, a sin offering whose owner died — a sin offering whose owner has received atonement<sup>16</sup> and a sin offering that passed the age of a year. And since in the case of a congregation one cannot speak of the young of a sin offering, because no female offering is ever brought<sup>17</sup> by a congregation; and one cannot speak of an exchange of a sin offering in the case of a congregation because a congregation may not exchange an offering;<sup>18</sup> and one cannot speak, in the case of a congregation, of a sin offering whose owner died because a congregation does not die; while as regards one whose owner had received atonement and one that passed the age of a year we have not heard;<sup>19</sup> one might suppose that they should be left to die, it is, therefore, pointed out<sup>20</sup> that what is vague may be inferred from what is explicit; as in regard to the law<sup>21</sup> of the young of a sin offering, the exchange of a sin offering and one whose owner had died we find that it applies only to an individual owner<sup>22</sup> and not to a congregation, so also the law<sup>21</sup> in regard to the case of one whose owner has received atonement and one that passed the age of a year it is applicable to an individual and not to a congregation.<sup>23</sup> But may that which is possible<sup>24</sup> be deduced from that which is impossible?<sup>25</sup> — R. Simeon received the tradition [in regard to the five kinds of sin offering that they must be left to die] from one common source.<sup>26</sup>

## CHAPTER II

**MISHNAH. AN ANOINTED HIGH PRIEST<sup>27</sup> WHO MADE A DECISION FOR HIMSELF<sup>28</sup> THROUGH ERROR AND ACTED UNWITTINGLY ACCORDINGLY, MUST BRING A SIN OFFERING OF A BULLOCK.<sup>29</sup> IF, HOWEVER, HE MADE THE DECISION THROUGH ERROR BUT ACTED UPON IT WILFULLY, OR MADE IT WILFULLY BUT ACTED UPON IT UNWITTINGLY, HE IS EXEMPT; FOR A DECISION A HIGH PRIEST MADE FOR HIMSELF IS LIKE A RULING ISSUED BY THE COURT TO THE CONGREGATION.<sup>30</sup>**

**GEMARA. THROUGH ERROR AND ACTED UNWITTINGLY ACCORDINGLY MUST BRING A SIN OFFERING OF A BULLOCK.** Is not this Obvious? — Abaye replied: The case dealt with here is one, for example, where<sup>31</sup> he made a decision and forgot on what ground his decision had been made, and at the time of his action<sup>32</sup> he declared, ‘I am acting on the strength of my<sup>33</sup> decision;’ in view of the fact that [in such a case] it might be assumed that, since, had he recollected<sup>34</sup> he might have retracted, he is like a wilful sinner<sup>35</sup> and, therefore, not liable to a sin offering, hence it was taught [that it is not so]. **OR MADE IT WILFULLY BUT ACTED UPON IT UNWITTINGLY etc.** Whence these words? — For our Rabbis taught: So as to bring guilt upon the people,<sup>36</sup> proves<sup>37</sup> that the anointed High Priest is like the congregation.<sup>38</sup> Could not this be arrived at by deduction?

(1) Lit., ‘From now’, if the priests are designated ‘congregation’.

(2) Lit., ‘thus also’.

(3) Thirteen; while R. Simeon speaks of no more than twelve tribes,

(4) And the same applies to the priests who are descendants of that tribe. Hence the Baraitha, contrary to R. Joseph's arguments, cannot be reconciled with the view of R. Simeon (Rashi). [Tosaf. Asheri: priests nevertheless are considered a ‘people’ in respect of the sacrifice one of the joint owners of which died, so that the Baraitha can be in agreement with R. Simeon.]

(5) Gen. XLVIII, 4, the conclusion of the verse being ‘And I will give this land to thy seed . . . for an everlasting possession.’

(6) Priests and Levites received no possessions when Canaan was divided between the tribes.

(7) That the tribe of Levi was not included in the number of the tribes.

- (8) Gen. XLVIII, 5. The tribe of Joseph was divided into two tribes.
- (9) Ibid. 6.
- (10) In the case, e.g., of the number of offerings on the occasion of an erroneous ruling of the court Ephraim and Manasseh would, consequently, be regarded as one tribe. How, then, is the number twelve in the total of the tribes arrived at?
- (11) V. Num. II, 18-21.
- (12) V. ibid, Vli, 45, 54,
- (13) Lit., what is on it'; the question, supra, whether, according to R. Simeon, a sin offering belonging to joint owners, one of whom has died, is to be offered on the altar or left to die,
- (14) I.e., must not be offered up on the altar,
- (15) Born after its dam had been consecrated.
- (16) Through another offering, in the case where the original could not be found at the time.
- (17) Lit., 'separate'.
- (18) Cf. Tem. 13a.
- (19) Whether, if their owners were a congregation, they were to be offered up on the altar or left to die.
- (20) Lit., 'you said',
- (21) That it must be left to die,
- (22) Lit., 'in an individual the words are said'.
- (23) Tem. 26a.
- (24) The last two cases which may be applicable to a congregational sin offering.
- (25) The first three cases which can never occur with regard to an offering of the congregation.
- (26) Lit., 'place'. Consequently, they must all be subject to the same reservations, and since the first three cannot apply to a Congregation, the last two must all deal with the case of an individual. Similarly since the second case (the 'exchange') applies only to an individual to the exclusion even of joint partners (v. Tem, 13a), the others too must be similarly restricted, It thus follows that according to R. Simeon a sin offering of joint owners, one of whom died, may be offered, Therefore the Tanna of the Baraitha which exempts the court when one of its members died, because the sin offering must be left to die, cannot be R. Simeon,
- (27) כהן משיח the title of the High Priests in the days of the first Temple when they were anointed with the 'holy anointing oil' (v. Ex. XXX, 30 ff).
- (28) In ritual, or other religious matters.
- (29) v. Lev. IV, 3 ff.
- (30) Both action and ruling must be the result of an error.
- (31) Lit., 'here in what are we engaged? As for instance.'
- (32) So MS.M., Cur. edd. 'when he erred'.
- (33) So MS.M. Cur. edd. 'his'.
- (34) The reason for his decision.
- (35) He should have hesitated in his act, in view of the fact that he could no longer recollect the reason of his decision.
- (36) Lev. Iv., 3.
- (37) Lit., 'behold'.
- (38) It is explained infra in what respect.

## Talmud - Mas. Horayoth 7a

A congregation, [it might be argued,] is excluded from the law relating to<sup>1</sup> an individual and the anointed High Priest is excluded from the law relating to an individual; as the congregation is only liable [to bring a sin offering] where there was ignorance of the law<sup>2</sup> together with error in action<sup>3</sup> so an anointed High Priest should only be liable where there was ignorance of the law together with error in action! Or it might be argued thus:<sup>4</sup> A ruler is excluded from the law relating to an individual<sup>5</sup> and an anointed High Priest is excluded from the law relating to an individual; as a ruler brings a sin offering where there was only error in action without ignorance of the law so an anointed High Priest should bring a sin offering where there was error in action without ignorance of the law! — Let us, then, see whom he more resembles. The congregation brings a bullock but does

not bring an asham talui<sup>6</sup> and an anointed High Priest brings a bullock and does not bring an asham talui;<sup>7</sup> as the congregation is liable to a sin offering only where there was ignorance of the law together with error in action so an anointed High Priest should be liable only where there was ignorance of the law together with error in action! Or argue thus: A ruler brings a goat for the sin of idolatry<sup>8</sup> and also brings an asham waddai<sup>9</sup> and an anointed High Priest brings a goat for idolatry and also an asham waddai; as a ruler brings a sin offering where there was error in action only<sup>10</sup> so the anointed High Priest brings a sin offering where there was error in action only. Hence<sup>11</sup> it was definitely stated, So as to bring built upon the people<sup>12</sup> to show that<sup>13</sup> an anointed High Priest is like the congregation; as the congregation bring a sin offering only where there was ignorance of the law together with error in action so the anointed High Priest brings a sin offering only where there was ignorance of the law together with error in action. Since it might be suggested that as [in the case of] a congregation, [if the court] ruled and the congregation acted in accordance with their decision they are liable, so [in the case of] an anointed High Priest where he ruled and they acted in accordance with his ruling he is also liable, it was, therefore, definitely stated, Then let him offer for his sin, which he hath sinned,<sup>14</sup> [which shows that] he brings a sin offering for his own sin<sup>15</sup> only, and that he does not bring a sin offering for the sins of others.<sup>16</sup> The Master said, ‘An anointed High Priest brings a bullock and does not bring an asham talui.’ Whence is it deduced that he does not bring an asham talui? — For it is written,<sup>17</sup> And the priest shall make an atonement for him concerning the error which he committed,<sup>18</sup> [which shows that] only he whose sin and error are alike<sup>19</sup> [brings an asham talui], but not<sup>20</sup> an anointed High Priest whose error and sin are not alike, for it is written, So as to bring guilt upon the people<sup>21</sup> which shows<sup>22</sup> that an anointed High Priest is like the congregation.<sup>23</sup> Did he not, however, speak at that point<sup>24</sup> [on the assumption that]. So as to bring guilt upon the people<sup>21</sup> had not been written!<sup>25</sup> — But [the fact is that the mention of] guilt offering<sup>26</sup> is irrelevant<sup>27</sup> MISHNAH. IF [THE ANOINTED HIGH PRIEST] GAVE [AN ERRONEOUS] DECISION ALONE<sup>28</sup> AND ACTED [ACCORDINGLY] ALONE, HE MARES HIS ATONEMENT ALONE.<sup>29</sup> IF HE GAVE HIS RULING TOGETHER WITH [THE COURT OF] THE CONGREGATION AND ACTED ACCORDINGLY TOGETHER WITH THE CONGREGATION, HE MAKES HIS ATONEMENT TOGETHER WITH THE CONGREGATION.<sup>30</sup> THE COURT IS NOT LIABLE<sup>31</sup> UNLESS THEY RULED TO ANNUL PART OF A COMMANDMENT AND TO RETAIN A PART OF IT; AND SO [IT IS WITH] THE HIGH PRIEST. NOR [ARE THEY LIABLE] FOR IDOLATRY UNLESS THEY RULED TO ANNUL THE LAW IN PART AND TO RETAIN IT IN PART.

GEMARA. Whence are these laws<sup>32</sup> derived? — [From that] which our Rabbis taught; It might have been assumed that if he<sup>33</sup> ruled together with [the court of] the congregation and acted together with the congregation he must bring a bullock independently, this being arrived at by the following argument: A ruler is excluded from the law relating to an individual<sup>34</sup> and an anointed High Priest is excluded from the law relating to an individual; [if the argument — then, be advanced that] as a ruler, if he committed a sin alone, brings his offering alone and if he committed the sin together with the congregation he makes atonement together with the congregation, so in the case of a High Priest, if he sinned alone he must bring a sin offering alone, and if he sinned together with the congregation he must make his atonement together with the congregation, [it can be retorted] no; if this<sup>35</sup> applies to the ruler who makes his atonement together with the congregation on the Day of Atonement, must it also apply to an anointed High Priest who does not make his atonement together with the congregation on the Day of Atonement! Consequently, since his atonement is not made together with the congregation on the Day of Atonement it might have been assumed that he must bring a bullock as a sin offering independently, hence it was expressly stated, For his sin which he hath sinned,<sup>36</sup> how [is this to be understood]? If he sinned alone he brings his sin offering alone, and if he sinned together with the congregation he makes his atonement together with the congregation.<sup>37</sup> How is this<sup>38</sup> to be imagined? It be suggested, that he is a mufla<sup>39</sup> and they<sup>40</sup> are not mufla'in,<sup>41</sup> is it not obvious that he must make his atonement alone since their ruling has no legal force<sup>42</sup> and every individual<sup>43</sup> must bring a lamb or a goat!<sup>44</sup> And if [it be suggested] that they are mufla'in and he is

not a mufla,<sup>45</sup> why should he make his atonement alone? His ruling, surely, has no legal force!<sup>46</sup> —

- (1) Lit., 'general rule', that of bringing a sin offering of a lamb or a goat (Lev. IV. 27ff). The congregation brings a bullock (ibid. 23ff).
- (2) On the part of the court.
- (3) On the part of the congregation.
- (4) Lit., 'finish and go to this way'.
- (5) Cf. n. 3. A ruler brings a goat as a sin offering (Lev. IV, 22 ff).
- (6) V. Glos. Such a guilt offering is brought only by an individual when it is doubtful whether he committed a sin. [This cannot apply to a congregation whose offering is limited to a sin through an erroneous decision.]
- (7) When his sin is in doubt, v. infra.
- (8) [Cf. Num. XV, 27; 'A soul' includes all-commoners, as well as prince or High Priest.]
- (9) אֲשָׁם וְדָאֵי a guilt offering brought in connection with a number of sins (v. Lev. v, 20 ff) when there is no doubt that the sin had been committed. Cf. asham talui in Glos.
- (10) Though there was no ignorance of the law.
- (11) As logically it is uncertain with whom the High Priest is to be compared.
- (12) Lev. IV, 3.
- (13) Lit., 'behold'.
- (14) Lev. IV. 3.
- (15) Lit., 'what he sinned'.
- (16) Lit., 'what others sinned'.
- (17) In the case of an asham talui.
- (18) Lev. V, 18
- (19) I.e., an ordinary individual in whose case error in action alone involves him in the obligation of bringing a sin offering as if he was also ignorant of the law.
- (20) Lit., 'he went out', 'excluded'.
- (21) Lev. IV, 3.
- (22) Lit., 'behold'.
- (23) Before obligation to bring a sin offering is incurred by him, both error in action as well as ignorance of the law are necessary'.
- (24) Lit., 'until here'; i.e., iii the argument, supra, where it was attempted to show that the High Priest resembles the congregation.
- (25) Lit., 'he did not say', i.e., if the assumption is that the text had not been written, how can this presumably non-existent text be adduced as proof?
- (26) The asham talui, v. Glos.
- (27) Lit., 'he took it without any purpose,' the resemblance between an anointed High Priest and the congregation being their respective obligations to bring a bullock, and not a goat or a lamb, as a sin offering, being in itself sufficient to compare the High Priest to the Congregation.
- (28) Though the court had at the same time ruled erroneously concerning another prohibition, e.g., he having permitted suet, and they an idolatrous cult,
- (29) He brings the offering of a bullock on his own behalf.
- (30) His atonement is effected by the communal offering.
- (31) So MS.M. reading, אֲשָׁם [אֲשָׁם] in cur. edd. is explained by Tosaf. Asheri אֲשָׁם v. Bezah 8a.]
- (32) Lit., 'words'; the first two laws in our Mishnah relating to an anointed High Priest.
- (33) A High Priest.
- (34) Cf. supra p. 43, n.6.
- (35) Lit., 'you said'. That if he sinned together with the congregation he brings his offering together with them.
- (36) Lev. IV, 3. I.e., he brings an offering alone, only where he alone has sinned.
- (37) Thus the first two laws in our Mishnah have been proved.
- (38) That where a High Priest ruled erroneously alone he must bring his sin offering alone, though the court had at the same time ruled erroneously concerning another prohibition, e.g., he having permitted suet, and they an idolatrous rite. [R. Han. explains the question as referring to where he sinned together with the congregation in which case he makes his

atonement together with them.]

(39) V. Glos. [The term mufla seems here to be used in a loose sense to denote one who is qualified to give decisions, although this would imply that when no qualified scholars were available, the absence of the necessary qualifications would not debar one from acting as judge — v. Tosaf. Asheri, cf. also Tosaf. Sanh. 16b, s.v. **מַטְלָא** .]

(40) The court who ruled erroneously concerning a prohibition other than that permitted by the High Priest.

(41) Plural of mufla.

(42) Lit., 'and nothing'.

(43) Of the Congregation.

(44) V. supra 4b.

(45) V. Glos.

(46) Lit., 'and nothing'.

## Talmud - Mas. Horayoth 7b

R. Papa replied; in the case, for instance, where both<sup>1</sup> were mufla'in. Abaye proposed to say that IF [THE ANOINTED HIGH PRIEST] GAVE [AN ERRONEOUS] DECISION<sup>2</sup> ALONE AND ACTED [ACCORDINGLY] ALONE, is to be understood<sup>3</sup> [as referring to a High Priest and a court] who live<sup>4</sup> in two different places and ruled respectively concerning two different prohibitions. Raba, however, said to him; Is then diversity of domicile<sup>5</sup> the determining factor? [Surely not]; but even if they dwell' in the same place. so long as they ruled concerning two different prohibitions, he<sup>6</sup> is regarded as having sinned alone. It is obvious that if he<sup>6</sup> [transgressed<sup>7</sup> in respect of the prohibition] of Suet and they<sup>8</sup> in respect of idolatry. he [is regarded as] having sinned alone, because these prohibitions are distinct in origin<sup>9</sup> and distinct in respect of sacrifices, he<sup>6</sup> bringing a bullock and they<sup>8</sup> a bullock and a goat.<sup>10</sup> so that they bring, in addition, a goat and he does not bring one; and much more so<sup>11</sup> if he transgressed in respect of idolatry and they in respect of suet, since these prohibitions are entirely distinct in respect of their sacrifices, he having to bring a goat<sup>12</sup> and they a bullock; what, however, is the law where he transgressed in respect of the forbidden fat of the entrails and they in respect of the forbidden fat of the small bowels? Is it assumed that, though they are alike in respect of sacrifices, they are nevertheless, being derived from two different Biblical texts, to be regarded as distinct in their origins<sup>13</sup> or, perhaps, since the designation of 'fat' is the same [in both cases, they are regarded as one]. If some reason could be found for the assumption<sup>14</sup> that [since] the designation of 'fat' is the same [in both cases, they are to be regarded as one], what is the law, [it may be asked], where he<sup>6</sup> transgressed in respect of suet and they<sup>8</sup> in respect of blood? Is it assumed [that these are distinct prohibitions since] they are distinct in their origins, or, perhaps, since they are alike in respect of sacrifices, [they are to be regarded as one] the determining factor being the sacrifice?<sup>15</sup> — This remains undecided.<sup>16</sup> THE COURT IS NOT LIABLE UNLESS THEY RULED TO ANNUL PART OF A COMMANDMENT AND TO RETAIN A PART OF IT etc. Whence is it derived that [they are not liable] UNLESS THEY RULED TO ANNUL PART OF A COMMANDMENT AND TO RETAIN A PART OF IT? — As it has been said in the preceding<sup>17</sup> chapter; And a thing be hid,<sup>18</sup> i.e. 'a thing' but not an entire principle.<sup>19</sup> AND SO IT IS WITH THE ANOINTED HIGH PRIEST. Whence is this deduced? — [From the text] wherein it is written, So as to bring guilt upon the people,<sup>20</sup> which shows<sup>21</sup> that the anointed High Priest is like the congregation. NOR [ARE THEY LIABLE] FOR IDOLATRY etc. Whence is this derived? — [From] what our Rabbis taught: From the fact<sup>22</sup> that idolatry was singled out<sup>23</sup> it might have been assumed that only the uprooting of the entire principle involves the bringing of a sacrifice,<sup>24</sup> hence it was stated here, from the eyes<sup>25</sup> and elsewhere it was stated, from the eyes,<sup>26</sup> as elsewhere the court is meant<sup>27</sup> so here also the court was meant;<sup>27</sup> and as further on only a think<sup>28</sup> [was hid]<sup>26</sup> but not an entire principle so here also<sup>29</sup> a part only, not an entire principle, must have been annulled.

MISHNAH. THE OBLIGATION [UPON THE COURT TO BRING A SACRIFICE]<sup>30</sup> IS INCURRED ONLY WHERE IGNORANCE OF THE LAW WAS ACCOMPANIED BY ERROR IN ACTION, AND SO [IT IS WITH THE] ANOINTED HIGH PRIEST; NOR [DO THEY INCUR

OBLIGATION] IN THE CASE OF IDOLATRY UNLESS IGNORANCE OF THE LAW WAS ACCOMPANIED BY ERROR IN ACTION. GEMARA. Whence is this<sup>31</sup> deduced? — [From] what our Rabbis taught: They err<sup>32</sup> might have been assumed to imply obligation for error in action, hence it was stated, They err and a thing be hid,<sup>32</sup> indicating that no obligation is incurred unless ignorance of the law was accompanied by error in action. AND SO [IT IS WITH] THE ANOINTED HIGH PRIEST. Whence is this deduced? — From the Scriptural text, So as to bring guilt upon the people.<sup>33</sup> which shows<sup>34</sup> that the anointed High Priest is like the congregation. NOR [DO THEY INCUR OBLIGATION] IN THE CASE OF IDOLATRY UNLESS IGNORANCE OF THE LAW WAS ACCOMPANIED BY ERROR IN ACTION. Whence is this derived? — [From what] our Rabbis taught: In view of the fact that the prohibition of idolatry was singled out it might have been assumed that obligation is incurred even for error in action, hence it was stated here, from the eyes,<sup>35</sup> and elsewhere it was stated, from the eyes.<sup>36</sup> [to indicate that] as further on no obligation is incurred unless ignorance of the law was accompanied by error in action so here also no obligation is incurred unless ignorance of the law was accompanied by error in action. Since the anointed High Priest was not mentioned<sup>37</sup> in connection with idolatry, our Mishnah must represent the view of<sup>38</sup> Rabbi. For it was taught: [As to the obligation to bring a sacrifice on the part of] an anointed High Priest in the case of idolatry, Rabbi said, [it depends] on his error in action, and the Sages said, [only if this was accompanied] by ignorance of the law. Both, however, agree<sup>39</sup> that the sacrifice he brings is a goat, and both also agree<sup>39</sup> that he does not bring an asham talui.<sup>40</sup> Consider, however, [this point]; Has [the anointed High Priest] been specified<sup>37</sup> in connection with [the offence] concerning which the punishment is kareth, if it was committed wilfully, and a Sin offering if committed unwittingly?<sup>41</sup> And yet it must be admitted<sup>42</sup> that though he was mentioned in the one case<sup>43</sup> the same law applies to the other,<sup>44</sup> so here also<sup>45</sup> he was mentioned in the first case<sup>46</sup> and the same law applies to the second. What is Rabbi's reason? — Scripture states, And the priest shall make atonement for the soul that erreth, when he sinneth through error.<sup>47</sup> The soul, refers to<sup>48</sup> the anointed High Priest; that erreth, refers to the ruler; when he sinneth through error, implies, according to<sup>49</sup> Rabbi, 'this shall be deemed a "sin"<sup>50</sup> even if due to error in action alone<sup>51</sup>. But the Rabbis are of the opinion [that the reference is to] him whose sin depends on error in action, the anointed High Priest, however, being excluded, since his 'sin'<sup>52</sup> does not depend solely on error in action but also on ignorance of the law.<sup>53</sup> 'Both, however, agree that the sacrifice he brings is a goat like [that of any other] individuals' Whence is this deduced? — [From that] which Scripture stated, And If one person,<sup>54</sup> implying that there is no difference between a private individual, a ruler, or an anointed High Priest. All of them, are included in the general expression of 'one person'

(1) The High Priest and the court.

(2) So MS.M. reading תורה Cur. edd.: תשא 'he sinned'.

(3) Lit., 'how is it to be imagined'.

(4) Lit., 'sit'.

(5) Lit., 'two places'.

(6) The High Priest.

(7) I.e., by erroneous ruling and action.

(8) The court.

(9) Lit., 'in their reasons', each prohibition being derived from a different Biblical text.

(10) Cf. Num. XV, 24.

(11) Is the High Priest regarded as having transgressed alone.

(12) V. supra p. 43, n. 9, and infra p. 50.

(13) V. supra 3a.

(14) Lit., 'if you will find to say'.

(15) Lit., 'we go after the sacrifice'.

(16) Heb., teko, v. Glos.

(17) Lit., 'other'.

(18) Lev. IV, 23.

- (19) Supra 4a.
- (20) Lev. IV, 3.
- (21) Lit., 'behold'.
- (22) Lit., 'because'.
- (23) Lit., 'went out to pass sentence (or 'to judge') separately'. i.e., Scripture did not include the sin of idolatry among the prohibitions for which a bullock is offered (Lev. IV, 13ff) but singled it out for special sacrifices (Num. XV. 22ff).
- (24) Lit., 'they are liable for'.
- (25) Num. XV, 24, referring to idolatry.
- (26) Lev. IV, 13, referring to the other commandments.
- (27) V. supra 5a. Lit., 'in (or about) the court'.
- (28) Heb. dabar, \*\* read with the addition of the Mem \*\* partitive, v. supra p. 21, n. 8.
- (29) Num. XV, 24, referring to idolatry.
- (30) V. Lev. IV, 23.
- (31) The first law in our Mishnah.
- (32) V. Lev. IV, 13.
- (33) Lev. IV, 3.
- (34) Lit., 'behold'.
- (35) Num. XV, 24, referring to idolatry.
- (36) Lev. IV, 13, referring to the other commandments.
- (37) Lit., 'taught'.
- (38) Lit., 'who? it is'.
- (39) Lit., 'and they are alike'.
- (40) Sanh. 61b. V. Glos. Our Mishnah thus represents the view of the Rabbi.
- (41) V. Mishnah, infra 8a.
- (42) Lit., 'but'.
- (43) Lit., 'he taught that', i.e., mentioned the High Priest in the first clause of the Mishnah, infra 5a.
- (44) The second clause.
- (45) In our Mishnah.
- (46) Lit., 'he taught that'.
- (47) Num. XV, 28.
- (48) Lit., 'this'.
- (49) Lit., 'holds the view', 'is of the opinion'.
- (50) For which the must bring a sin offering.
- (51) Lit., 'this sin, in error shall be'.
- (52) In connection with other transgressions.
- (53) V. Supra 7a.
- (54) Num. XV. 27.

## Talmud - Mas. Horayoth 8a

'And both also agree that he does not bring an asham talui'. Whence is this deduced? — From the Scriptural text. And the priest shall make atonement for him concerning the error which he committed.<sup>1</sup> Rabbi is of the opinion [that only] he whose 'sin'<sup>2</sup> depends entirely on error in action<sup>3</sup> [brings such a guilt offering]; a High Priest, however,<sup>4</sup> whose sin<sup>5</sup> does not [invariably] depend entirely on error in action alone but also on ignorance of the law, is excluded. Is it, then, written 'entirely'?<sup>5</sup> — [Virtually] Yes; for otherwise<sup>6</sup> it should have been written, 'Concerning his error'; what need was there for which he committed! Its object, consequently, must be, to teach us that [there is no obligation] unless all one's sin<sup>7</sup> is dependent on error in action.<sup>8</sup> And the Rabbis?<sup>9</sup> — Only he whose sin<sup>7</sup> depends on error in action alone [is liable]; an anointed High Priest, however, is excluded since his sin<sup>7</sup> does not depend on error in action alone, either in idolatry or in the other commandments, but on ignorance of the law together with error in action.

MISHNAH. THE COURT IS UNDER NO OBLIGATION<sup>10</sup> UNLESS THEY RULED CONCERNING A PROHIBITION<sup>11</sup> THE PUNISHMENT FOR WHICH IS KARETH,<sup>12</sup> IF IT WAS TRANSGRESSED WILFULLY, AND A SIN OFFERING IF TRANSGRESSED UNWITTINGLY; AND SO [IT IS WITH] THE ANOINTED HIGH PRIEST. NOR [ARE THEY LIABLE] IN RESPECT OF IDOLATRY UNLESS THEY RULED CONCERNING A MATTER THE PUNISHMENT FOR WHICH IS KARETH, IF IT WAS COMMITTED WILFULLY, AND A SIN OFFERING IF COMMITTED UNWITTINGLY.

GEMARA. Whence is this deduced? — From the following.<sup>13</sup> Rabbi said: Here<sup>14</sup> it is stated ‘aleha,<sup>15</sup> and further on<sup>16</sup> it is stated ‘aleha;<sup>17</sup> as further on<sup>16</sup> the prohibition involves the penalty of kareth,<sup>18</sup> if it was transgressed wilfully, and that of a sin offering if transgressed unwittingly, so<sup>14</sup> here also, [the ruling must be concerning] a prohibition which involves the penalty of kareth, if it was transgressed wilfully and that of a sin offering if transgressed unwittingly. Proof has thus been found for the case of the congregation, whence that of the anointed High Priest? — So as to bring guilt upon the people<sup>19</sup> shows<sup>20</sup> that the anointed High Priest is like the congregation. As to a ruler? — The inference is made by a comparison of ‘commandments’;<sup>21</sup> with ‘commandments’ in respect to a ruler it is written, And doeth [through error] any one of all the commandments which the Lord,<sup>22</sup> and in respect of the congregation it is written, And do any of the commandments,<sup>23</sup> as the [obligation of the] congregation relates to a prohibition involving kareth, if it was transgressed wilfully, and a sin offering if transgressed unwittingly, so also the obligation of a ruler relates to a prohibition involving kareth, if it was transgressed wilfully, and a sin offering if transgressed unwittingly. As to an ordinary individual? — Scripture states, And if any one,<sup>24</sup> and the latter is inferred from the former.<sup>25</sup> NOR [ARE THEY LIABLE] IN RESPECT OF IDOLATRY UNLESS THEY RULED etc. Whence [is this law deduced] in regard to idolatry? — [From] what our Rabbis taught: From the fact that idolatry was singled out<sup>26</sup> it might have been assumed that, [in regard to it] obligation is incurred even in respect of a prohibition which does not involve kareth when it was transgressed wilfully and a sin offering when transgressed unwittingly,<sup>27</sup> hence it was stated here, From the eyes<sup>28</sup> and elsewhere it was stated, From the eyes.<sup>29</sup> as there obligation is incurred only in respect of a prohibition involving kareth when it was transgressed wilfully and a sin offering when transgressed unwittingly, so here also obligation is incurred only in respect of a prohibition involving kareth when it was transgressed wilfully and a sin offering when transgressed unwittingly. Proof has thus been found for the case of the congregation. whence that of an ordinary individual, a ruler or an anointed High Priest? — Scripture stated, And if one person.<sup>30</sup> [which implies that] there is no distinction between a private individual, a ruler, or an anointed High Priest. All of them, are included in the general expression of one person, and the latter may be deduced from the former.<sup>31</sup> [This explanation] is satisfactory in accordance with the view of him who employed<sup>32</sup> the expression of ‘aleha for an analogical purpose, as stated above; whence, however, do the Rabbis, who employed ‘aleha in connection with the laws of incest and rival wives,<sup>33</sup> deduce that obligation is incurred only where the prohibition involves kareth when it was transgressed wilfully, and a sin offering when transgressed unwittingly? — They deduce it from that which R. Joshua b. Levi taught his son: Ye shall have one law for him that doeth aught in error. But the soul that doeth aught with a high hand etc.,<sup>34</sup> all the commandments of the Torah were compared to the prohibition of idolatry;<sup>35</sup> as in regard to idolatry obligation is incurred only where the offence involves the punishment of kareth when it was committed wilfully, and a sin offering when committed unwittingly, so also here obligation is incurred only where the offence involves kareth when committed wilfully and a sin offering when committed unwittingly. Proof has thus been found<sup>36</sup> for the case of a private individual, a ruler and an anointed High Priest both in regard to idolatry and the rest of the commandments; whence, however, [is it proved that the same applies to the] congregation? The former<sup>37</sup> is deduced from the latter.<sup>38</sup> As to Rabbi,<sup>39</sup> what does he do with R. Joshua b. Levi's text? He applies it to the following:<sup>40</sup> Since we find that Scripture made a distinction<sup>41</sup> between a majority and individuals, a majority being punished by the sword and their money destroyed<sup>42</sup> while individuals are punished by stoning and their money is spared.<sup>43</sup> it might have been assumed that a



distinction should also be made in respect of their sacrifices,<sup>44</sup> hence<sup>45</sup> it was expressly stated, Ye shall have one law etc.<sup>46</sup> R. Hilkiyah of Hagronia<sup>47</sup> demurred: is the reason<sup>48</sup> because Scripture did not differentiate in this respect, but had it differentiated it would have been suggested that a distinction should be made [in respect of their sacrifices]? What, however, could they<sup>49</sup> bring! Should they bring a bullock? The congregation, surely, brings a bullock for the infringement of any of the other commandments!<sup>50</sup> Should they bring a bullock for a burnt offering and a goat for a sin offering? The congregation, surely, brings such offerings in respect of idolatry!<sup>51</sup> Should they bring a goat? A ruler, surely, brings such an offering in the case of his transgression of any of the other commandments!<sup>51</sup> Should they bring a goat? This, Surely, is also the sacrifice of an individual!<sup>51</sup> — It<sup>52</sup> is required; because it might have been suggested that whereas the congregation brings a bullock for a burnt offering and a goat for a sin offering, these<sup>53</sup> should reverse the procedure and bring a bullock for a sin offering and a goat for a burnt offering. Or [the meaning<sup>54</sup> may be]; It might have been assumed to be necessary<sup>55</sup> and that consequently there is no remedy for them,<sup>56</sup> hence it was taught [that there was no such necessity].<sup>55</sup> All,<sup>57</sup> at any rate, agree that if these verses were written [for any purpose at all] they were written for that of idolatry; but what is the proof? Raba, (others say R. Joshua b. Levi, and again others say, Kadi), replied: Scripture says; And when ye shall err, and not observe all these commandments.<sup>58</sup> Now, which is the commandment that is as weighty as all other commandments? Surely<sup>59</sup> it is that concerning idolatry. The School of Rabbi<sup>60</sup> taught; Scripture Says, Which the Lord hath spoken unto Moses,<sup>61</sup> and it is also written That the Lord hath commanded you by the hand of Moses.<sup>62</sup> Now, which is the commandment that was given in the words of the Holy One, blessed be He, and also by the hand of Moses? Surely<sup>63</sup> it is that of idolatry; for R. Ishmael recited; [The words] I<sup>64</sup> and Thou shalt not have<sup>65</sup> were heard<sup>66</sup> from the mouth of Omnipotence.<sup>67</sup> The School of R. Ishmael taught:

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- (1) Lev. V, 18, dealing with the laws of asham talui.
  - (2) Making him liable to a sin offering.
  - (3) Lit 'all his sin in error'.
  - (4) Lit., 'this'.
  - (5) Lit., 'all'.
  - (6) Lit., 'if so', i.e., if 'entirely' was not implied.
  - (7) V. p. 50, n. 15.
  - (8) Cur. edd. insert in parenthesis: 'An anointed High Priest is excluded, all whose sin is not in error but in idolatry, not in the rest of the commandments, where it must be through ignorance of the law together with error in action'.
  - (9) Why do they exempt a High Priest from the asham talui?
  - (10) To bring the sin offering prescribed in Lev. IV, 13ff.
  - (11) Lit., 'a thing', 'matter'.
  - (12) V. Glos.
  - (13) Lit., 'for it was taught'.
  - (14) Concerning an erroneous ruling.
  - (15) עֲלֶיהָ Lev. IV, 14. (E.V. 'wherein'.)
  - (16) Concerning the marriage of two sisters.
  - (17) Ibid. XVIII, 18. (E.V. 'to her')
  - (18) V. Ibid. 29.
  - (19) Ibid. IV, 3.
  - (20) Lit., 'behold'.
  - (21) מצוות 'commandments'.
  - (22) Lev. IV, 22.
  - (23) Ibid. 13.
  - (24) Ibid. 27. dealing with one of the common people.
  - (25) Yeb. 9a. Lit., 'lower from the upper', the case of the individual (Lev. IV. 27ff) is deduced from that of ruler (ibid. v. 22ff). [The inference is from the copulative particle. waw', 'and' (Rashi. Yeb. 9a).]
  - (26) V. supra p. 48, notes 6 and 7.

- (27) When the idol, e.g., was only kissed or embraced.
- (28) Num. XV, 24, dealing with idolatry.
- (29) Lev. IV, 13, with reference to other commandments.
- (30) Num. XV, 27.
- (31) Cf. supra p. 52, n. 7. 'One person' (in Num. XV, 27) which includes a private individual, ruler and High Priest is deduced from the law relating to the congregation (ibid. 24).
- (32) I.e., Rabbi.
- (33) V. Yeb. 3b. [Read with MS.M. 'to prohibit the rivals if the forbidden relatives'.]
- (34) Num. XV, 29-30.
- (35) The text quoted refers to idolatry (v. infra), and in it the expression of law or Torah is mentioned.
- (36) By deduction from 'person' (Num. XV. 27) which includes persons of all ranks and the analogy, supra, in Num. XV. 29-30.
- (37) Num. XV, 22, 'and when ye shall err', which refers to the congregation. v. ibid. 24.
- (38) Ibid. 27, 'and if one person'.
- (39) Who derives this latter ruling from the similarity of expressions — 'aleah.
- (40) Lit., 'as it was taught'.
- (41) Where the offence was committed wilfully.
- (42) In the case of a town 'condemned for idolatry'. V. Deut. XIII, 13ff.
- (43) V. ibid. XVII, 21f.
- (44) If the sin was committed unwittingly.
- (45) To show that where an entire town committed idolatry (v. Deut. XIII, 13ff) unwittingly they only bring the same sacrifices as individuals.
- (46) Yeb. 911.
- (47) [A suburb of Nebardea; Obermeyer, Die Landschaft Babylonian, p. 265.]
- (48) Why there is no differentiation between the sacrifices of a majority and those of individuals. V. supra.
- (49) The inhabitants of the 'condemned town'. (V. supra notes 5 and 6).
- (50) If a distinction must be made between the sin offerings of a 'condemned town' and those of individuals, how-much more should such a distinction be made between the sin offerings of such a town and those which the congregation — which must consist of at least one tribe (v. supra 3a) and which consequently is never subject to the laws of a 'condemned town' (v. Sanh. 2a) brings for the transgression of any of the other commandments!
- (51) And consequently if a distinction is to be made, these could not be offerings of a condemned town.
- (52) The Scriptural text of Num. XV. 29.
- (53) The inhabitants of a condemned town.
- (54) Of the citation supra from Yeb. 9a.
- (55) For the inhabitants of a 'condemned town' to bring a special sin offering.
- (56) If the sin was committed unwittingly; since an offering all peculiar to themselves is an impossibility.
- (57) Lit., 'that all the world'.
- (58) Num. XV, 22, emphasis on all.
- (59) Lit., 'be saying'.
- (60) Bomberg Ed., 'R. Ishmael'.
- (61) Ibid.
- (62) Ibid. 23.
- (63) Lit., 'be saying'.
- (64) The first word of the first commandment, 'I am the Lord etc.' Ex. XX, 2.
- (65) First words of the second commandment. Ibid. 3.
- (66) Lit., 'we heard them'.
- (67) The Almighty. Mak. 24a. The commandment was repeated by Mosei in many passages of the Pentateuch. [The other commandments, according to R. Ishmael, the people received from Moses only. This is another way of saying that the Revelation at Sinai that enabled Israel to apprehend in a unique manner the Divine was limited, as far as the people themselves were concerned, to God's special dealings with Israel and to His Oneness as proclaimed in the first two commandments; the others the people accepted on trust at the hands of Moses whose divine mission they had seen confirmed before their eyes.]

## Talmud - Mas. Horayoth 8b

From the day that the Lord gave commandments, and onward throughout your generations;<sup>1</sup> which is the commandment that was spoken at the very beginning?<sup>2</sup> Surely<sup>3</sup> it is that of idolatry.<sup>4</sup> But did not a Master state that Israel was given ten commandments at Marah!<sup>5</sup> — But<sup>6</sup> the best proof is that given at first.<sup>7</sup>

MISHNAH. [THE COURT] ARE UNDER NO OBLIGATION [TO BRING A SIN OFFERING] FOR THE TRANSGRESSION<sup>8</sup> OF A POSITIVE OR A NEGATIVE COMMANDMENT RELATING TO THE SANCTUARY; NOR [DOES ANYONE]<sup>9</sup> BRING AN ASHMTALUI<sup>10</sup> FOR THE TRANSGRESSION OF A POSITIVE OR A NEGATIVE COMMANDMENT RELATING TO THE SANCTUARY. THEY<sup>11</sup> ARE LIABLE, HOWEVER,<sup>12</sup> FOR THE TRANSGRESSION<sup>13</sup> OF A POSITIVE, OR A NEGATIVE COMMANDMENT RELATING TO THE MENSTRUANT; AND [ANY OTHER INDIVIDUALS] BRING AN ASHAM TALUI FOR THE TRANSGRESSION OF A POSITIVE OR NEGATIVE COMMANDMENT RELATING TO THE MENSTRUANT. WHICH IS THE POSITIVE COMMANDMENT CONCERNING THE MENSTRUANT? [THE COMMANDMENT]. SEPARATE THYSELF FROM THE MENSTRUANT.<sup>14</sup> AND THE NEGATIVE COMMANDMENT? — DO NOT COME IN UNTO THE MENSTRUANT.<sup>15</sup>

GEMARA. Whence is it deduced<sup>16</sup> that elsewhere<sup>17</sup> the congregation is not liable to bring a sacrifice and that an individual also is not liable to bring an asham talui?<sup>18</sup> — R. Isaac b. Abdimi replied: Scripture said, And he is guilty in connection with a sin offering<sup>19</sup> and an asham talui,<sup>20</sup> and it also said, And they are guilty in connection with the congregation;<sup>21</sup> as [the phrase] ‘and he is guilty’ in connection with an individual refers to the fixed sin offering<sup>22</sup> So And are guilty, said in connection with the congregation, also refers to the fixed sin offering, and, furthermore, as the congregation brings only the fixed sin offering, so is the asham talui<sup>23</sup> brought only in the case of doubt in respect of one's liability to the fixed sin offering.<sup>24</sup> If so, the same law should also apply to a sliding scale sacrifice<sup>25</sup>, for Surely it is written, And it shall be, when he shall be guilty in one of these things?<sup>26</sup> — Deduction may be made from the analogy between ‘is guilty’ and ‘are guilty’, but no deduction may be made from an analogy between ‘is guilty’ and ‘he shall be guilty’. But what is the difference? The School of R. Ishmael taught. [with reference to the expressions.] The priest shall return<sup>27</sup> and The priest shall come<sup>28</sup> that ‘returning’ and ‘coming’ mean the same thing!<sup>29</sup> Furthermore, let deduction be made from And he is guilty, said in connection with uncleanness relating to the Sanctuary and its consecrated things; for it is written, And [it being hidden from him that] he is unclean and he is guilty!<sup>30</sup> — R. Papa replied: An analogy is drawn only between the expressions. And he is guilty, and, The commandments of the Lord [on the one hand],<sup>31</sup> and the expressions. And are guilty, and, The commandments of the Lord<sup>32</sup> [on the other].<sup>33</sup> Said R. Shimi b. Ashi to R. Papa; Then let deduction be made from the analogy between, ‘And he is guilty, and, Bearing of iniquity<sup>34</sup> [used in reference to the asham talui] and he is guilty, and, Bearing of iniquity<sup>35</sup> [that occur in connection with sliding scale sacrifices]! — But, said R. Nahman b. Isaac: Deduction is made from analogy between ‘he is guilty’, and The things which the Lord hath commanded not to be done<sup>36</sup> [used in reference to asham talui] and ‘they are guilty’ and ‘The things which the Lord hath commanded not to be done<sup>37</sup> [that’ occur in connection with the congregational sin offering];<sup>38</sup> no proof, however, may be adduced from, The hearing of the voice,<sup>39</sup> Swearing clearly with the lips,<sup>40</sup> and uncleanness relating to the Sanctuary and its consecrated things,<sup>41</sup> concerning ‘which it has not been said, ‘he is guilty’ and ‘The things which the Lord hath commanded not to be done’.

MISHNAH. [THE COURT] ARE UNDER NO OBLIGATION [TO BRING AN OFFERING] FOR [AN ERRONEOUS RULING RELATING TO] THE HEARING OF THE VOICE [OF

ADJURATION].<sup>42</sup> FOR SWEARING CLEARLY WITH THE LIPS<sup>43</sup> AND FOR UNCLEANNESS RELATING TO THE SANCTUARY AND ITS CONSECRATED THINGS;<sup>44</sup> AND THE RULER IS SIMILARLY [EXEMPT]; THESE ARE THE WORDS OF R. JOSE THE GALILEAN. R. AKIBA SAID; THE RULER IS LIABLE<sup>45</sup> IN THE CASE OF ALL THESE EXCEPT THAT OF HEARING OF THE VOICE [OF ADJURATION], BECAUSE THE KING<sup>46</sup> MAY NEITHER JUDGE NOR BE JUDGED, NEITHER MAY HE GIVE EVIDENCE NOR MAY EVIDENCE BE TENDERED AGAINST HIM.<sup>47</sup> GEMARA. ‘Ulla said: What is the reason of R. Jose the Galilean? — Scripture said, And it shall be when he shall be guilty in one of these things;<sup>48</sup> whoever is subject to liability for every one of these is liable for any of them, and whosoever is not subject to liability for every one of these is not liable for any of them.<sup>49</sup> Might not this<sup>50</sup> be suggested to imply that liability is incurred for one<sup>51</sup> even where a person is not subject to liability for all!<sup>52</sup> — But the following is the source from which<sup>53</sup> R. Jose the Galilean derives his reason. It was taught: R. Jeremiah<sup>54</sup> used to say, it was stated in the Scriptures,

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(1) Num. XV, 23.

(2) before any of the other commandments.

(3) Lit., ‘be saying’.

(4) Since it is the first of the Ten Commandments.

(5) Sanh. 56b. Marah was reached long before Sinai where the Ten Commandments were given.

(6) Cut. edd. insert in parenthesis: For it is written, If thou wilt diligently hearken to the voice of the Lord thy God (Ex. XV, 26).

(7) Either that of Rabbi's school or R. Joshua b. Levi.

(8) Through an erroneous timing of theirs (V. Lev. IV. 13).

(9) Who in the case of doubtful transgressions has to bring an asham talui.

(10) V. Glos.

(11) The Court.

(12) To bring a sin offering.

(13) V. supra, note 6

(14) V. Shebu. 18b.

(15) V. Lev. XVIII. 19.

(16) Lit., ‘these words’.

(17) I.e., wherever the sin involves a sliding scale sacrifice, the value of which is determined by the sinner's financial position, as in the case of a transgression relating to the sanctuary, v. Shebu. 2a.

(18) For transgressing a positive or negative precept relating to the Sanctuary.

(19) Lev. IV, 27, dealing with the sin offering of an individual.

(20) Ibid. V. 17.

(21) Ibid. IV, 13.

(22) חטאת קבועה

(23) Of an individual.

(24) But not in the case of an offering that must be brought for the certain transgression of precepts (positive and negative) relating to the Sanctuary, the value of which varies according to one's means.

(25) קרבן עולה ויורד determined by the means of the offender.

(26) Lev. V. 5, dealing with a sliding-scale sacrifice.

(27) Lev. XIV, 39.

(28) Ibid. 44.

(29) Viz. the coming of the priest to the affected house. Now, if a comparison is made between words which resemble each other in their general significance only, how much more should comparison be made between the same verbs that differ in tense only!

(30) Lev. V,2. (Cf. vv. 3 and 4).

(31) Ibid. V, 17, used with reference to the asham talui.

(32) Ibid. IV. 13. used in reference to the congregation.

(33) In the case, however, of uncleanness relating to the Sanctuary and its consecrated things these two expressions do

not occur.

(34) Lev. V, 17.

(35) *ibid.* vv. I and 4.

(36) Lev. V, 17.

(37) *Ibid.* IV. 13.

(38) As the congregation brings the fixed sin offering only so is an *asham talui* to be brought in here there is doubt about that kind of sin offering only; but not where the doubt relates to an offering the value of which is not fixed, and varies according to one's means.

(39) Of adjuration; Lev. V, I.

(40) Lev. V, 4.

(41) For the transgressions for which sliding scale sacrifices are prescribed. v. Lev. V, 1-13.

(42) V. Lev. V, 1.

(43) V. *ibid.* v. 4.

(44) For these transgressions individuals are liable to a sliding scale sacrifice, whereas the court is exempt.

(45) To bring the offering.

(46) Ruler, v. *infra* 10a, Mishnah.

(47) Sanh. 18a. Since he cannot act as witness the laws of evidence cannot apply to him.

(48) Lev. v, 5, dealing with the transgressions enumerated in our Mishnah.

(49) Since the former is exempt from one (hearing of the voice) he is also exempt from the others.

(50) The text cited from Lev. V, 5.

(51) Of the transgressions enumerated.

(52) The ruler should, consequently, be liable for the last two transgressions mentioned though he may be exempt from the first.

(53) Lit., 'from here'.

(54) [A Tanna and contemporary of Rabbi; not to be confused with the Palestine Amora.]

## Talmud - Mas. Horayoth 9a

His means suffice not<sup>1</sup> and later it was stated again. His means suffice not<sup>2</sup> [to indicate that] only he who is subject to the vicissitudes of<sup>3</sup> poverty and wealth [is subject to the laws mentioned], a ruler and an anointed High Priest, however, are excluded since they can never be reduced to poverty. As to 'a ruler', — it is written, And doeth any one of all the things which the Lord his God hath commanded,<sup>4</sup> [implying], he above whom there is none but the Lord his God;<sup>5</sup> as to 'an anointed High Priest', — It is written, And the priest that is highest among his brethren,<sup>6</sup> [meaning,] who is greatest among his brethren in beauty, strength, wisdom and wealth. Others say: Whence is it proved that if he has nothing of his own he must be made to be greater than his brethren? For it was expressly stated, And the priest that is highest among his brethren upon whose head [the anointing oil] is poured,<sup>6</sup> he must be made greater than his brethren. Rabina enquired of R. Nahman b. Isaac: What is the law of a ruler who was stricken with leprosy;<sup>7</sup> [was his obligation] completely set aside,<sup>8</sup> or was he only temporarily exempted?<sup>9</sup> — He said to him: [Does he bring] of yours or of his own!<sup>10</sup> It was taught: R. Akiba said: An anointed High Priest is exempt from all these.<sup>11</sup> Raba said: What is R. Akiba's reason? — Scripture stated, This is the offering of Aaron and his sons,<sup>12</sup> [implying] that only this [one] is obligatory upon him but no other such offering<sup>13</sup> is obligatory upon him. Might it not be suggested that the All Merciful has exempted him only from the poorest offering which is<sup>14</sup> a tenth part of an ephah<sup>15</sup> but not<sup>16</sup> [from those other offerings that are brought in case of] poverty and wealth!<sup>17</sup> — his cannot be imagined at all, for it is written, And the priest shall make atonement for him as touching his sin that he hath sinned in any of these things,<sup>18</sup> whoever may receive atonement by everyone of these<sup>19</sup> may also receive atonement by any of the others,<sup>20</sup> but whosoever may not obtain atonement by every one of these may not obtain atonement by any of the others. Now, however,<sup>21</sup> since it is written, And it shall be, when he shall be guilty in one of these things,<sup>22</sup> is the meaning there also that whosoever is liable for everyone of these can also become liable for any of the others and whosoever is not liable for everyone of these cannot become

liable for the others! Why then have we learned that R. Akiba said: A ruler is liable for all except for hearing of the voice? — Both Abaye and Raba replied: [The expression] in any<sup>23</sup> is regarded by him as proof but that of in one<sup>24</sup> is not regarded by him as proof. But why is ‘in any’ regarded as proof? — Because the All Merciful has written in at the end in connection with the law of the tenth part of an ephah; thus indicating that whosoever is liable to bring the tenth part of an ephah can also come under the obligation to bring any of the others. For could it have been imagined that a person may be liable for one of these offerings [alone] although he cannot become liable for any of the others, in any of these things<sup>25</sup> should have been written either in connection with the offering to the poor<sup>26</sup> or with that for the rich!<sup>27</sup>

MISHNAH. [FOR THE UNWITTING TRANSGRESSION OF ANY OF] ALL THE COMMANDMENTS IN THE TORAH THE PENALTY FOR WHICH, IF COMMITTED WILFULLY, IS KARETH AND, IF COMMITTED UNWITTINGLY, A SIN OFFERING, THE INDIVIDUAL BRINGS AS AN OFFERING A LAMB OR A GOAT;<sup>28</sup> THE RULER BRINGS A GOAT;<sup>29</sup> AND THE ANOINTED HIGH PRIEST AND THE COURT BRING A BULLOCK.<sup>30</sup> IN THE CASE OF IDOLATRY, THE INDIVIDUAL AND THE RULER AND THE ANOINTED HIGH PRIEST BRING A GOAT<sup>31</sup> WHILE THE COURT BRING A BULLOCK AND A GOAT, THE BULLOCK FOR A BURNT OFFERING AND THE GOAT FOR A SIN OFFERING.<sup>32</sup> THE INDIVIDUAL AND THE RULER ARE BOTH SUBJECT TO THE OBLIGATION OF AN ASHAM TALUI,<sup>33</sup> BUT THE ANOINTED HIGH PRIEST AND THE COURT ARE EXEMPT. THE INDIVIDUAL AND THE RULER AND THE ANOINTED HIGH PRIEST ARE SUBJECT TO THE OBLIGATION OF AN ASHAM WADDAI,<sup>34</sup> BUT THE COURT IS EXEMPT. [FOR UNWITTING TRANSGRESSION] IN RESPECT OF THE HEARING OF THE VOICE [OF ADJURATION],<sup>35</sup> FOR SWEARING CLEARLY WITH THE LIPS<sup>36</sup> AND FOR UNCLEANNESS RELATING TO THE SANCTUARY AND ITS CONSECRATED THINGS, THE COURT IS EXEMPT AND THE INDIVIDUAL, THE RULER<sup>37</sup> AND THE ANOINTED HIGH PRIEST ARE LIABLE, WITH THIS EXCEPTION,<sup>38</sup> THAT THE ANOINTED HIGH PRIEST IS NOT LIABLE FOR A TRANSGRESSION RELATING TO THE UNCLEANNESS OF THE SANCTUARY AND ITS CONSECRATED THINGS; THESE ARE THE WORDS OF R. SIMEON. WHAT DO THEY<sup>39</sup> BRING? A SLIDING SCALE SACRIFICE. R. ELIEZER SAID: THE RULER BRINGS A GOAT.<sup>40</sup>

GEMARA. It was taught: R. Simeon laid down the following rule; Wherever the individual is liable to an asham talui<sup>41</sup> the ruler is subject to the same obligation, while an anointed High Priest and the court are exempt; and wherever the individual is liable to an asham waddai<sup>41</sup> a ruler and an anointed High Priest are subject to the same obligation while the court is exempt. In respect of hearing of the voice, swearing clearly with the lips, and the uncleanness relating to the Sanctuary and its consecrated things, the court is exempt while a ruler and an anointed High Priest are liable, except that the ruler is not liable in respect of hearing of the voice nor the anointed High Priest in respect of uncleanness relating to the Sanctuary and its consecrated things. Wherever an individual is liable to a sliding scale sacrifice, the ruler is subject to the same obligation while the anointed High Priest and the court are exempt. Is not this teaching self-contradictory? First it is stated that an anointed High Priest is not liable in respect of uncleanness relating to the Sanctuary and its consecrated things. [from which it follows that] he is exempt only in respect of uncleanness relating to the Sanctuary and its consecrated things but that in respect of hearing of the voice and swearing clearly with the lips he is liable; now read the final clause; ‘Wherever an individual is liable to a sliding scale sacrifice, the ruler is subject to the same obligation while an anointed High Priest and the court are exempt;’ since the exemptions of the High Priest and that of the court were mentioned together<sup>42</sup> [it follows that] as the court is exempt from all these<sup>43</sup> so is the anointed High Priest exempt from all these.

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(1) Lev. V,7, referring to the transgressions enumerated in our Mishnah.

(2) Ibid. V. 11, with reference to the same transgressions.

- (3) Lit., 'he who comes to the hand of'.
- (4) Lev. IV, 22, dealing with the transgression of a ruler. Emphasis is laid on his.
- (5) I.e., he must be supreme in all things including wealth.
- (6) Lev. XXI, 10.
- (7) And was in consequence deposed from office.
- (8) Hence he is never liable to such an offering.
- (9) While he held office. Hence he must bring the offering now.
- (10) Lit., 'treasure'. As he would obviously have to bring the offering out of his own funds there can be no difference between his being in, or out of office. His wealth, which is the cause of his exemption, has not been lost or diminished by his deposition. There is, therefore, no need for him to bring an offering even after his deposition.
- (11) As regards the bringing of a sliding scale sacrifice.
- (12) Lev. VI, 13. with reference to the special priestly offering of a tenth part of an ephah.
- (13) I.e., the offering of a tenth part of an ephah which forms one in the series of offerings the value of which varies according to means. (V. Lev. V, 6-11.)
- (14) Lit., 'and what is it'.
- (15) V. Lev. VI, 13. and *ibid.* V, II.
- (16) Lit., 'the All Merciful did not exclude bins'.
- (17) A lamb or a goat for the rich who can afford it (Lev. V, 6), and turtledoves or pigeons for the poor who cannot afford it (*ibid.* V. 7). How, then, could R. Akiba maintain that a High Priest is exempt from these offerings if his transgression related to any of those enumerated in our Mishnah.
- (18) Lev. V. 13.
- (19) Including the offering of a tenth part of an ephah.
- (20) Lit., 'all of them'.
- (21) If deduction is to be made from 'in any', **מֵאִתָּהּ**
- (22) *Ibid.* v. 5; 'in one', **לְאִתָּהּ**
- (23) Lev. V. 13 (V. p. 60, n. 14).
- (24) *Ibid.* V, 5.
- (25) Lev. V, 13.
- (26) I.e., with that of turtledoves or pigeons (*ibid.* v. 7).
- (27) A lamb or a goat (*ibid.* v. 6). Since, however, it was written in connection with the tenth part of an ephah (the poorest of the offerings) it must have been intended for the purpose of indicating that whosoever is exempt from that offering is also exempt from the rest. An anointed High Priest being exempt from that offering by deduction from Lev. VI, 23 (v. *supra*), is also exempt from all the others.
- (28) Lev. IV, 27ff, 32ff.
- (29) *Ibid.* 22ff
- (30) *Ibid.* IV, 3ff, 13ff. V. *supra* 8a
- (31) Num. XV, 27. V. Gemara *infra*.
- (32) *Ibid.* 24. V. *supra* 7b.
- (33) V. Glos. and Lev. V, 17ff.
- (34) V. Glos. and Lev. V, 14-16, 20-26; *ibid.* XIX, 20-22; *ibid.* XIV, 12; Num. VI, 12.
- (35) Lev. V, I.
- (36) *Ibid.* 4.
- (37) It will be shown *infra* that a ruler is exempt according to R. Simeon from the 'hearing of the voice', even as in the view of R. Akiba in the preceding Mishnah.
- (38) Lit., 'but'.
- (39) The ruler in the case of the two last mentioned transgressions (v. *supra* note 5), and the High Priest in the case of the two first mentioned.
- (40) Lev. IV, 22ff
- (41) V. Glos.
- (42) Lit., 'it taught . . . exempt'.
- (43) The three transgressions enumerated.

## Talmud - Mas. Horayoth 9b

Are not, then, these two statements contradictory! — R. Huna son of R. Joshua replied: There is really no contradiction, one statement referring<sup>1</sup> to the poor<sup>2</sup> and the other<sup>1</sup> to the poorest;<sup>3</sup> and R. Simeon is of the same opinion as R. Akiba in respect of the one, and disagrees with him in respect of the other. He is of the same opinion as R. Akiba that in respect of the poorest offering the High Priest is exempt,<sup>4</sup> and disagrees with him in respect of the poor.<sup>5</sup> WITH THIS EXCEPTION, THAT THE ANOINTED HIGH PRIEST IS NOT LIABLE etc. Hezekiah said; What is A. Simeon's reason?<sup>6</sup> — Because it is written,<sup>7</sup> That soul shall be cut off from the midst of the assembly<sup>8</sup> [which implies that] only he whose offering is like that of the 'assembly' [is liable];<sup>9</sup> he,<sup>10</sup> however, since his offering is not like that of the 'assembly',<sup>11</sup> is excluded. If so, [it may be asked, the offering of] a ruler also is not like that of the 'assembly'!<sup>12</sup> — It is like [that of the 'assembly'] in the atonement of the Day of Atonement. If so, [it may again be asked.] the priests also are not like the 'assembly' in the atonement of the Day of Atonement!<sup>13</sup> — Priests are like the 'assembly' in respect of the other commandments throughout the year. But the anointed High Priest also is like [the 'assembly'] in respect of the other commandments of the year! — But. said Raba. say thus: He whose sin is like that of individuals; and who are they? The 'assembly'.<sup>14</sup> R. ELIEZER SAID; THE RULER BRINGS A GOAT etc. Said R. Johanan; R. Eliezer referred only to the uncleanness relating to the Sanctuary and its consecrated things<sup>15</sup> because the punishment of kareth was mentioned concerning it as in the case of the fixed sin offering.<sup>16</sup> R. Papa said; Logical argument leads to the same conclusion. For if it be imagined that R. Eliezer referred to all of them.) consider this; Since the goat of a ruler or the bullock of an anointed High Priest corresponds to the sin offering of an individual it should also have been stated that an anointed High Priest brings a bullock in respect of a transgression relating to the 'hearing of the voice' and the 'swearing clearly with the lips'! As, however, the anointed High Priest was not mentioned, it must be concluded that the reference is only to the uncleanness relating to the Sanctuary and its consecrated things from which the anointed High Priest is exempt.<sup>17</sup> R. Huna son of R. Nathan said to R. Papa: How is this inferred? Is it not possible that R. Eliezer refers to all of them,<sup>18</sup> but in the case of an anointed High Priest he holds the same opinion as R. Akiba who maintains that the anointed High Priest is exempt in the case of all of them?<sup>19</sup> — He replied to him; And does R. Akiba exempt him from the bringing of the bullock!<sup>20</sup> And there is nothing more [to be said on the subject]. R. Johanan said; R. Eliezer admits that he<sup>21</sup> does not bring a guilt offering.<sup>22</sup> A tanna recited before R. Shesheth: An ashram talui<sup>23</sup> is offered for [the unwitting transgression of the law of] uncleanness relating to the Sanctuary and its consecrated things. He said to him: Who could have told you this? Obviously R. Eliezer who<sup>24</sup> said: Because kareth was mentioned in connection with it, as in the case of a fixed sin offering, a goat must be offered by the ruler for it;<sup>25</sup> but R. Johanan Surely said that R. Eliezer admitted that he<sup>21</sup> does not bring an ashram talui! — This is a difficulty.

### CHAPTER III

MISHNAH. IF AN ANOINTED HIGH PRIEST COMMITTED A SIN AND SUBSEQUENTLY RELINQUISHED<sup>26</sup> HIS HIGH PRIESTHOOD,<sup>27</sup> AND SIMILARLY IF A RULER COMMITTED A SIN AND SUBSEQUENTLY LOST<sup>26</sup> HIS RANK,<sup>28</sup> THE ANOINTED HIGH PRIEST BRINGS<sup>29</sup> A BULLOCK, AND THE RULER BRINGS A GOAT. IF THE ANOINTED HIGH PRIEST RELINQUISHED<sup>26</sup> HIS HIGH PRIESTHOOD<sup>27</sup> AND COMMITTED A SIN AFTERWARDS, AND, SIMILARLY, IF A RULER LOST<sup>26</sup> HIS RANK AND COMMITTED A SIN AFTERWARDS, THE ANOINTED HIGH PRIEST STILL BRINGS A BULLOCK WHILE THE RULER [BRINGS THE SAME SIN OFFERING] AS A LAYMAN.

GEMARA. Now that it had to be stated [that if a High Priest] relinquished his High Priesthood

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(1) Lit., 'here'.



- (2) In the case of an offering brought by a poor man (turtledoves or pigeons) the High Priest is liable in respect of 'Hearing of the voice' and 'Swearing with the lips'.
- (3) In which case the High Priest is exempt, as deduced supra 9a.
- (4) As deduced from 'who is the offering', supra p. 60.
- (5) Though R. Akiba exempts the High Priest in this case also R. Simeon does not, as he does not accept the argument based on the text, 'And the priest shall . . . in any,' loc. cit.
- (6) I.e., why does he exempt a High Priest from transgressions relating to uncleanness of the Sanctuary and its consecrated things
- (7) In connection with such transgressions. (V. previous site.)
- (8) 'Assembly' — congregations'. Num. XIX, 20.
- (9) V. p. 63, n. 9.
- (10) Lit., 'this', the High Priest.
- (11) On the Day of Atonement his offering is a bullock and that of the congregation is a goat.
- (12) For a transgressions committed during the year a ruler brings a goat while the congregation brings a bullock. Why, then, was only a High Priest, and not also a ruler excluded?
- (13) The offering of the priests is the same as that of the High Priest. Since they, like him, differ from the congregation they also should be exempt like him from the same offering (v. p. 63. n. S).
- (14) If individuals, or a congregation, committed a sin through 'error in action', where there was no 'ignorance of the law', every one of them must bring a sin offering. A High Priest, however, is not liable to bring an offering unless his error in action was also accompanied by ignorance of the law.
- (15) Only in that case does a ruler bring an offering of a goat instead of a sliding scale sacrifice.
- (16) Which is brought by individuals only for offenses involving the penalty of kareth, if committed wittingly; and as in the case of a fixed sin offering, the offering for this offence of uncleanness to be brought by the ruler must be that of a goat. In respect, however, of transgressions relating to 'hearing of the voice' and 'swearing with the lips' which are not subject to the penalty of kareth if committed wilfully. the offering of a ruler, in the case of error, is not a goat but the same as that of a private individual — a sliding scale sacrifice. (9) I.e., that a ruler brings an offering of a goat for 'hearing of the voice', 'swearing', and uncleanness relating to the Sanctuary and its consecrated things.
- (17) As suited by R. Simeon in the Mishnah.
- (18) V. p. 64, n. 9.
- (19) Cf supra p. 60. And he consequently could not have mentioned the High Priest.
- (20) He only exempts him from a sliding scale sacrifice. Had R. Eliezer therefore been referring to all the other offenses, he should have mentioned the High Priest as well as the ruler. [There is no warrant for the assumption that R. Akiba would not exempt the High Priest from bringing a bullock. On the other hand if R. Papa's statement was a mere suggestion, it would be devastating for his claim that logical reasoning is in support of R. Johanan. The words 'He replied . . . bullock' are accordingly suspect, especially as they do not occur in MS.M., v. Tosaf. Asheri.]
- (21) The ruler.
- (22) MS.M. reads asham talui. I.e., he agrees with the Mishnah supra p. 56. without differentiating between a ruler and an ordinary individual.
- (23) V. Glos.
- (24) In giving the reason why a ruler brings a goat for all offence of uncleanness relating to the Sanctuary and its consecrated things.
- (25) And from this the liability to an asham talui is obviously deduced.
- (26) Lit., 'he passed'.
- (27) Lit., 'from his anointing'.
- (28) Lit., 'from his greatness'.
- (29) As a sin offering.

## Talmud - Mas. Horayoth 10a

and committed a sin afterwards he still must bring a bullock, was it also necessary to state [that he brings a bullock] where he sinned first and relinquished his high priesthood afterwards? — Since it was stated<sup>1</sup> in respect of a ruler that if he lost his rank and committed a sin afterwards he brings [the

same sin offering] as a layman it stated in respect of an anointed High Priest that if he committed a sin and afterwards relinquished [his high priesthood] he brings a bullock.<sup>2</sup> Whence are these laws derived? — [From] that which our Rabbis taught: Then let him offer for his sin<sup>3</sup> teaches that he<sup>4</sup> brings his sin offering even [if he sinned] after he relinquished office. For it might have been argued,<sup>5</sup> if a ruler who brings a sin offering in case of error in action alone does not bring his sin offering<sup>6</sup> after he lost his rank how much less an anointed High Priest who does not bring his sin offering in case of error in action alone but only where error in action was accompanied by ignorance of the law; hence Scripture expressly stated, ‘Then let him offer for his sin,’<sup>7</sup> which teaches that he brings [the same offering] for his sin even [if he sinned] after he relinquished his office. [And in case it be argued:] Let, then [the law that] a ruler also<sup>8</sup> brings [the same sin offering]<sup>9</sup> be deduced by an inference from major to minor:<sup>10</sup> If an anointed High Priest who does not bring a sin offering for error in action alone brings nevertheless [the same] sin offering<sup>11</sup> [even if he sinned] after relinquishing office, how much more should a ruler who brings a sin offering for error in action alone, bring the same sin offering<sup>12</sup> [even if he sinned] after losing his rank; Scripture expressly stated, When a ruler sinneth,<sup>13</sup> only when he is ‘a ruler’<sup>14</sup> but not when he is a layman.

MISHNAH. IF THEY<sup>15</sup> COMMITTED A SIN BEFORE THEY WERE APPOINTED, AND WERE SUBSEQUENTLY APPOINTED, THEY ARE REGARDED<sup>16</sup> AS LAYMEN. R. SIMEON SAID: IF THEIR SIN CAME TO THEIR KNOWLEDGE BEFORE THEY WERE APPOINTED THEY ARE LIABLE, BUT IF AFTER THEY WERE APPOINTED THEY ARE EXEMPT. WHO IS MEANT BY RULER? A KING; FOR IT IS STATED IN THE SCRIPTURES, ANY OF ALL THE THINGS WHICH THE LORD HIS GOD HATH COMMANDED,<sup>17</sup> HE ABOVE WHOM THERE IS NONE BUT THE LORD HIS GOD. GEMARA. Whence are these laws derived? — [From] that which our Rabbis taught: If the anointed priest shall sin,<sup>18</sup> excludes sins committed previously.<sup>19</sup> Could not this law, however, be arrived at by logical reasoning: If a ruler who brings a sin offering for error in action alone does not bring one for sins committed previously,<sup>20</sup> how much less should a High Priest, who brings a sin offering only where error in action was accompanied by ignorance of the law, bring one for sins committed previously! But no; if this<sup>21</sup> is said to apply to a ruler who indeed does not bring his sin offering after he lost his rank, could it be said to apply also to an anointed High priest who does bring his sin offering even after he relinquished office?<sup>22</sup> Since he brings his sin offering even after relinquishing office it might have been assumed that he brings also for sins committed previously,<sup>19</sup> hence Scripture stated, ‘The anointed priest shall sin’<sup>18</sup> [which teaches that] if he sinned while he was already anointed High Priest he brings [the prescribed sin offering], if, however, when he was still one of the common people he does not bring it. A similar discussion also took place<sup>23</sup> in respect of a ruler: When in ruler sinneth<sup>24</sup> excludes sins he committed previously.<sup>19</sup> Could not this law, however, be arrived at by logical reasoning: If an anointed High Priest who brings his sin offering even [if he sinned] after he relinquished office does not, nevertheless, bring one for sins he committed previously,<sup>19</sup> how much less should a ruler who does not bring his sin offering<sup>25</sup> [if he sinned] after he lost his rank, bring one for sins he committed previously. The anointed High Priest [it may, however, be retorted] may well be exempt from bringing<sup>26</sup> because he is also exempt [where his sin consisted] of error in action alone, could it be said, however, [that the same law should apply] to a ruler who does bring one [where his sin consisted] of error in action alone? Now, since he brings ‘for error in action alone it might be assumed that he brings also for sins he committed previously,<sup>27</sup> hence Scripture stated, ‘When a ruler sinneth,’<sup>28</sup> only if he sinned when he was already ruler,<sup>29</sup> but not if he sinned while he was still a layman. Our Rabbis taught: When<sup>30</sup> a ruler sinneth<sup>31</sup> might have been taken to imply a decree, hence Scripture stated, If the anointed priest shall sin;<sup>32</sup> as there the meaning is ‘if and when<sup>33</sup> he sinneth’ so here also the meaning is ‘if and when he sinneth’. The Master said, ‘[It] might have been taken to imply a decree’; but could one possibly imagine such a thing!<sup>34</sup> — Yes, it may be answered, for we find that it is written in the Scripture, And I shall put the plague of leprosy in a house of the land of your possession,<sup>35</sup> which is an announcement to them that they will be visited by plagues; these are the words of R. Judah. R. Simeon said: [This text] excludes<sup>36</sup> plagues due to supernatural causes.<sup>37</sup>

Now, as<sup>38</sup> R. Judah declared [that the Scriptural text is] an announcement, so here also it might have been assumed that the text implies a decree, hence 'if' had to be written.<sup>39</sup> According to R. Simeon, however, do not plagues that are due to supernatural causes impart Levitical uncleanness? Surely it was taught, When a man shall have,<sup>40</sup> implies 'from the time of the promulgation onwards'.<sup>41</sup> May not this, however, be arrived at by logical deduction? Uncleanness [is mentioned in connection] with one who has an issue,<sup>42</sup> and uncleanness [is mentioned in respect] of plagues; as in the case of a man who has an issue, [the laws of uncleanness are applicable only] from the time of their promulgation onwards,<sup>43</sup> so in the case of plagues [their laws of uncleanness are applicable only] from the time of their promulgation onwards! No; if [this restriction] is applicable to a man who has an issue, because he does not become unclean where it was due to accident, could it also be said to apply to plagues which do impart uncleanness even where they were due to supernatural causes.<sup>44</sup> Hence Scripture stated, 'When a man shall have'<sup>45</sup> which implies, 'from the time of the promulgation onwards'!<sup>46</sup> — Raba replied: The exclusion<sup>47</sup> refers to plagues that are due to ghosts,<sup>48</sup> R. Papa replied: The exclusion refers to plagues that are due to witchcraft.<sup>48</sup> Our Rabbis taught: When in ruler sinneth<sup>49</sup> excludes a sick man. Should he, because he is, sick, be removed from his rank? — R. Abdimi b. Hama replied: The exclusion refers to a ruler who became leprous; as it is said, And the Lord smote the king, so that he was a leper unto the day of his death, and dwelt in the house of freedom,<sup>50</sup> and Jotham the king's son wins over the household.<sup>51</sup> Since it is stated, In the house of freedom<sup>50</sup> it must be inferred that until then he was a servant;<sup>52</sup> as is illustrated in the case<sup>53</sup> of R. Gamaliel<sup>54</sup> and R. Joshua.<sup>55</sup> They once traveled on board a ship. R. Gamaliel had with him some bread only, while R. Joshua had with him bread and flour. When R. Gamaliel's bread was consumed he depended on R. Joshua's flour. 'Did you know', the former asked him, 'that we should be so much delayed that you brought flour with you?' The latter answered him, 'A certain star rises once in seventy years and leads the sailors<sup>56</sup> astray, and I suspected it might rise and lead us astray.' 'You possess so much knowledge', the former said to him, 'and yet must travel on board a ship!'<sup>57</sup> The other replied, 'Rather than be surprised at me, marvel at two disciples you have on land, R. Eleazar Hisma and R. Johanan b. Gudgada,<sup>58</sup> who are able to calculate how many drops there are in the sea, and yet have neither bread to eat nor raiment to put on. He decided to appoint them as supervisors,<sup>59</sup> and when he landed<sup>60</sup> he sent for them, but they did not come.<sup>61</sup> He sent for them a second time and when they came he said to them, 'Do you imagine that I offer you rulership?

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(1) Lit., 'that it taught'.

(2) )Text of cur. edd. is difficult. Read with MR.M. 'It was necessary to state it on account of a ruler. As I might think since where he had passed from his greatness and then sinned he is treated as a layman, he should be also considered so even where he first sinned and then passed from his greatness, hence we are told that this is not so.'

(3) Lev. IV, 3.

(4) A High Priest.

(5) Lit., 'for he could, is it not (a matter for) reasoning'.

(6) I.e., a he-goat which is the prescribed sin offering for a ruler.

(7) Lev. IV, 3.

(8) Where he sinned after he lost his rank.

(9) A he-goat. V. supra note 2.

(10) Kal wa-homer. V. Glos.

(11) A bullock, as if he were still High Priest.

(12) V. supra note 2.

(13) Lev. IV, 22.

(14) Does he bring the sin offering of a he-goat.

(15) A High Priest and a ruler.

(16) In respect of their sin offerings.

(17) Lev. IV, 22.

(18) Ibid. 3.

(19) Prior to his appointment.

- (20) V. infra.
- (21) That no sin offering is to be brought for sins committed prior to appointment.
- (22) As stated in the previous Mishnah.
- (23) Lit., 'and it was also taught'.
- (24) Lev. IV, 22.
- (25) A he-goat which is the ruler's prescribed sin offering.
- (26) A bullock, the sin offering prescribed for a High Priest. (10) A he-goat which is the ruler's prescribed sin offering.
- (27) Prior to his appointment.
- (28) Emphasis on 'ruler'.
- (29) Only then does he bring the sin offering prescribed for a ruler.
- (30) אֲשֶׁר may be rendered 'when' (i.e., 'if') as well as 'that', (i.e., 'shall').
- (31) Lev. IV, 22.
- (32) Ibid. v. 3.
- (33) The expression 'if', (im, אִם ) having been used.
- (34) Lit., 'a decree? Whence does it come!'
- (35) Lev. XIV, 34.
- (36) From Levitical uncleanness.
- (37) [ נִגְעֵי אֲוֵנוֹסִין ] So Rashi. The argument that follows, however, does not run smoothly: Tosaf. Asheri in the name of the Ramah renders, 'due to accident,' it being assumed at present that the reference is to bodily plagues as those affecting houses were held to be possible only as a result of a providential infliction.]
- (38) Lit., 'not'.
- (39) The expression 'if'( אִם ).
- (40) Lev. XIII, 2.
- (41) But any plagues that broke out prior to the promulgation of the law were not subject to the laws of uncleanness
- (42) V. Lev. XV, 2ff.
- (43) Since the future (imperfect) יִהְיֶה is used in Lev. XV, 2. V. supra p. 69, n. 15.
- (44) [Or 'to accident'.]
- (45) Lev. XIII, 2.
- (46) How, then, could it be said that, according to R. Simeon, plagues that are due to supernatural causes (or to accidents) are not subject to the laws of uncleanness?
- (47) Deduced by R. Simeon.
- (48) Such are not unclean: while in the Baraita cited the reference is to plagues that are due to external violence such as a fall or scald which do impart uncleanness. [According to Tosaf. Asheri: Such are not unclean, while in the Baraita cited the reference is to plagues of houses inflicted providentially, and as such impart uncleanness, it being now maintained that there is an additional agency apart from a special act of Providence for the infliction.]
- (49) Lev. IV, 22.
- (50) הַחֲפֵשִׁית בַּבַּיִת (E.V. 'in a house set apart'), indicating that he became freed of all royal prerogatives and privileges and considered an ordinary individual.
- (51) II Kings XV, 5.
- (52) Of his people, i.e., a ruler.
- (53) Lit., 'that'.
- (54) [R. Gamaliel II on his journey to Rome in the year 95.]
- (55) Which proves that a person in authority is described as 'servant'.
- (56) Who steer their course by the stars. [The star with which R. Joshua was acquainted has been identified as Halley's comet whose periodic time is about 75 years. Brodetsky, Z. disputes this view, since one of the periodic returns of Halley's comet was in the year 66, whereas the journey of R. Gamaliel to Rome was in the year 95. It remains nevertheless remarkable that the periodic time of at least one comet was known to R. Joshua in the second century, about 1500 years before this phenomenon became known even to the most civilized nations. V. Feldman, W.M. Rabbinical Mathematics, pp. 11 and 216.]
- (57) To earn a livelihood.
- (58) [R. Johanan b. Gudgada belonged to a much earlier generation, and the reference must be in R. Johanan b. Nuri, v. Bacher AT., I, 374.]

(59) Thus enabling them to earn a living.

(60) Lit., 'went up', i.e., on land.

(61) being too modest to accept a position of honor.

## Talmud - Mas. Horayoth 10b

It is servitude that I offer you; as it is said, And they spoke to him saying: If thou wilt be a servant unto this people this day.<sup>1</sup> Our Rabbis taught: When a ruler sinneth;<sup>2</sup> R. Johanan b. Zakkai said: Happy<sup>3</sup> is the generation whose ruler brings a sacrifice for a sin he has committed unwillingly. If its ruler brings a sacrifice, is there any need to say what one of the common people would do; and if he brings a sacrifice for a sin he has committed unwillingly, is there any need to say what he would do in case of a sin committed wilfully? Raba son of Rabbah demurred: Now, then, it is written, And he shall make restitution for that which<sup>4</sup> he hath done amiss in the holy thing,<sup>5</sup> and concerning Jeroboam the son of Nebat it is written, Which<sup>4</sup> he hath sinned, and wherewith<sup>6</sup> she hath made [Israel] to sin,<sup>7</sup> could the meaning there<sup>8</sup> also be, 'happy is that generation'? — Here the case is different, because Scripture deliberately changed the expression.<sup>9</sup> R. Nahman b. Hisda made the following exposition: What is meant by the Scriptural text: There is a vanity which is done upon the earth: [That<sup>4</sup> there are righteous men, unto whom it happeneth according to the work of the wicked; again there are wicked men to whom it happeneth] etc?<sup>10</sup> Happy<sup>11</sup> are the righteous men unto whom it happeneth in this world according to the work of the wicked in the world to come;<sup>12</sup> woe<sup>13</sup> to the wicked men to whom it happeneth in this world according to the work of the righteous in the world to come.<sup>14</sup> Said Raba: Would the righteous, then, if they enjoyed both worlds find it so distasteful? — But, said Raba, happy<sup>11</sup> are the righteous men unto whom it happeneth in this world according to the work of the wicked in this world;<sup>14</sup> woe<sup>13</sup> to the wicked men unto whom it happeneth in this world according to the work of the righteous in this world.<sup>12</sup> R. Papa and R. Huna son of R. Joshua once came before Raba. 'Have you', he asked them, 'mastered<sup>15</sup> this or that tractate?' 'Yes', they replied. 'Are you', he asked, 'a little better off?'<sup>16</sup> 'Yes', they replied, 'for we have bought some<sup>17</sup> land.' He, thereupon, exclaimed:<sup>18</sup> Happy are the righteous unto whom it happeneth in this world according to the work of the wicked in this world. Rabbah b. Bar Hana said in the name of R. Johanan: What is meant by the Scriptural text, For the ways of the Lord are right, and the just do walk in them; but transgressors do stumble therein?<sup>19</sup> This may be applied<sup>20</sup> to two men both of whom roasted their paschal lambs, and one of them ate his with the intention of performing the commandment, while the other ate his merely to enjoy a substantial meal.<sup>21</sup> To him who ate with the intention of performing the commandment [applies], The just do walk in them,<sup>22</sup> while to him who ate merely to enjoy a substantial meal [applies], But transgressors do stumble therein.<sup>22</sup> Said Resh Lakish to him: Do you call him 'wicked'? Granted he has not performed the commandment to perfection, has he not, however, eaten of the paschal lamb? But it<sup>22</sup> may be applied<sup>23</sup> to two men, one of whom had his wife and his sister with him at home and the other also had his wife and sister with him at home. One happened to come in contact with his wife while the other happened to come in contact with his sister. To him who happened to come in contact with his wife [applies] The just do walk in them,<sup>22</sup> while to him who happened to come in contact with his sister [applies], But transgressors do stumble therein.<sup>22</sup> What a comparison! We spoke of one way;<sup>24</sup> but here, is it not a case of two ways?<sup>25</sup> But it<sup>22</sup> may be applied<sup>23</sup> to Lot and his two daughters. To them, whose intention was the performance of a commandment [applies], The just do walk in them,<sup>22</sup> but to him, since his intention was to commit a sin [applies], But transgressors do stumble therein.<sup>22</sup> Is it not possible that he also intended to perform a commandment? R. Johanan replied: This entire verse shows that his intention was transgression: And Lot lifted up<sup>26</sup> [is analogous to], His Master's wife lifted up her eyes;<sup>27</sup> His eyes<sup>26</sup> [is analogous to] Samson said. . . . 'Get her for me, for she is pleasing in my eyes;<sup>28</sup> And beheld<sup>26</sup> [is analogous to], Shechem the son of Hamor beheld her;<sup>29</sup> All the plain<sup>30</sup> of the Jordan<sup>26</sup> [is analogous to], For on account of a harlot in man is brought to a loaf<sup>30</sup> of bread;<sup>31</sup> That it was well watered<sup>26</sup> [is analogous to], I will go after my lovers, that give me my bread and my water, my wool and my flax, mine oil and my drink. But was he<sup>32</sup> not a victim

of circumstances?<sup>33</sup> — It was taught in the name of R. Jose son of R. Honi: Why is there a point on the waw of u-be-kumah<sup>34</sup> mentioned in connection with the elder daughter? To indicate that though he did not know when she lay down<sup>35</sup> he well knew when she arose.<sup>35</sup> What, however, could he do?<sup>36</sup> Surely what was done could not be undone?<sup>37</sup> — Matters might have been different: He should not have drunk again on the following evening. Rabbah made the following exposition: What is meant by the Biblical text, A brother transgressed against a strong city, and their contentions are like the bars of a castle?<sup>38</sup> — A brother transgressed against a strong city refers to Lot who separated himself from Abraham;<sup>39</sup> and their contentions are like the bars of the castle, because he caused contentions between Israel and Ammon, as it is said, An Ammonite or a Moabite shall not enter into the assembly of the Lord.<sup>40</sup> Raba (others say R. Isaac) made the following exposition: What is the meaning of the Biblical text, He that separateth himself seeketh his own desire, and snarleth against all sound wisdom?<sup>41</sup> — He that separateth himself seeketh his own desire, refers to Lot who separated himself from Abraham: And snarleth<sup>42</sup> against all sound wisdom, for his shame was exposed<sup>43</sup> in the Synagogues and in the houses of study, as we learnt: An Ammonite and a Moabite are forbidden [to enter into the assembly] for ever. ‘Ulla said: Tamar<sup>44</sup> committed adultery and Zimri<sup>45</sup> also committed adultery. Tamar committed adultery and kings and prophets descended from her;<sup>46</sup> Zimri committed adultery and through him many ten thousands of Israel fell.<sup>47</sup> R. Nahman b. Isaac said: A transgression with good intent is more meritorious than the performance of a commandment with no intent; for it is said, Blessed above women Jael be,<sup>48</sup> the wife of Heber the Kenite, above women in the tent shall she be blessed.<sup>49</sup> Who are the women in the tent? Sarah, Rebeka, Rachel and Leah. But this<sup>50</sup> is not so! For did not Rab Judah say in the name of Rab: Let a man always engage in Torah and the performance of commandments even though his motive may be ulterior,<sup>51</sup> because even ulterior motive will ultimately lead to disinterested [study and performance]?<sup>52</sup> Say. ‘Like the meaningless performance of a commandment.’<sup>53</sup> R. Johanan said: That profligate<sup>54</sup> had seven sexual connections at that hour; for it is said, Between her feet he sunk, he fell. he lay etc.<sup>55</sup> But, surely, she enjoyed the transgression! — R. Johanan said in the name of R. Simeon b. Yohai: Even the favours of the wicked are distasteful to the righteous. [Reverting to] the above text,<sup>56</sup> ‘Rab Judah said in the name of Rab: Let a man always engage in Torah and the performance of commandments even though his motive be ulterior, because ulterior motive will ultimately lead to disinterested [study and performance;]’<sup>57</sup> for as a reward for the forty-two sacrifices which the wicked Balak offered<sup>58</sup> he gained the privilege of having Ruth descended from him; for R. Jose son of R. Hanina said: Ruth was the daughter of the son of Eglon who was the son of the son of Balak the King of Moab. R. Hiyya b. Abba said in the name of R. Johanan: Whence is it deduced that the Holy One, blessed be He, does not deprive one even of the reward for an elegant expression? From here: Whereas in the case of the elder daughter,<sup>59</sup> who called her son Moab,<sup>60</sup> the All Merciful said to Moses, Be not at enmity with Moab, neither contend with them in battle,<sup>61</sup> ‘battle’

(1) I Kings XII, 7, addressed by the old counsel lots to Rehoboam who was at that time King of Judah and Israel.

(2) Lev. IV, 22.

(3) When, אֲשֶׁר, is rendered ‘happy’ like אֲשֶׁרִי .

(4) אֲשֶׁר .

(5) Lev. V, 16.

(6) וְאֲשֶׁר

(7) I Kings XIV. 16.

(8) Lit., ‘here’: the incidents referred to in the texts cited.

(9) While in the case of the High Priest (Lev. IV, 3) and the people (ibid. v. 13) the expression אִם (if) has been used, in that of the ruler the expression is אֲשֶׁר (v. supra p. 71, n. 9).

(10) Eccl. VIII, 14.

(11) Cf. p. 71, n. 9.

(12) They suffer.

(13) וְיִישׁ read as וְיִי (woe that there is).

- (14) They prosper.
- (15) Lit., 'established'.
- (16) Lit., 'richer'.
- (17) Lit., 'a small (piece)'.
- (18) Lit., 'called about them'.
- (19) Hos. XIV, 10.
- (20) Lit., 'compared'.
- (21) [Or, a gluttonous meal, Tosaf. Asheri.]
- (22) Hos. XIV, 10.
- (23) Lit., compared'.
- (24) In which the righteous walk and the transgressors stumble.
- (25) One permitted (wife); and one forbidden (sister).
- (26) Gen. XIII, 10.
- (27) Ibid. XXXIX, 7. With immoral intent.
- (28) Jud. XIV, 3. Unholy marriage with a heathen.
- (29) Gen. XXXIV, 2. Adultery.
- (30) ככר .
- (31) Prov. VI, 26. (12) Hos, II, 7.
- (32) Lot.
- (33) Having been under the influence of drink administered by his daughters (v Gen. XIX, 32ff).
- (34) ובקוֹמָה Gen. XIX. 33.
- (35) Ibid.
- (36) When she arose.
- (37) Lit., 'that which was, was'.
- (38) Prov. XVIII, 19.
- (39) V. Gen. XIII, 11. 'Strong' is a reference to Abraham (cf. Isa. LI, 1-2).
- (40) Deut. XXIII, 4.
- (41) Prov. XVIII, 1.
- (42) יתגלע .
- (43) נתגלה (rt. גלה resembles גלע ).
- (44) V. Gen. XXXVIII, 13ff.
- (45) V. Num. XXV, 6ff and 14.
- (46) Her motive was not gratification but the propagation of her tribe.
- (47) This was a case of common adultery.
- (48) Though she committed a sin (v. infra), her intention was to weaken and exhaust the wicked.
- (49) Jud. V, 24.
- (50) That a meaningless performance of a commandment is worse than a well-meant transgression and must, consequently, be discouraged.
- (51) Lit., 'not for its sake'.
- (52) Which shows that even meaningless performance of a commandment is to be encouraged.
- (53) I.e., not more, but a, meritorious.
- (54) Sisera,
- (55) Jud. V, 27. Each of the expressions, he sunk ( כרע ), and he fell ( נפל ) occurs three times, and he lay ( שכב ), occurs once.
- (56) So in Naz. 23b.
- (57) [This is based on the sound psychologic principle that 'personal experience with the good will induce recognition of its ideal value and teach that it is to be esteemed and sought for its own sake.' Lazarus, M. The Ethics of Judaism, I, p. 173.]
- (58) Seven bullocks and seven rams on each of three altars, V. Num, XXIII, 1f., 14, 29ff.
- (59) Of Lot.
- (60) Meaning 'from the father', thus publicly announcing her indecent act.
- (61) Deut. II, 9.

## Talmud - Mas. Horayoth 11a

only must not [be contended with them] but annoying them was well permitted; in the case, however, of the younger daughter, who called her son Ben-ammi,<sup>1</sup> He told him, Harass them not, nor contend with them<sup>2</sup> at all, even annoying them was not permitted. R. Hiyya b. Abin said in the name of R. Joshua b. Korha: One should always perform a good deed<sup>3</sup> as early as possible, for as a reward for the one night by which she<sup>4</sup> anticipated the younger<sup>5</sup> the elder<sup>5</sup> gained the privilege of royal status [in Israel]<sup>6</sup> four generations earlier.<sup>7</sup> Our Rabbis taught: Of the common people<sup>8</sup> excludes an anointed High Priest;<sup>9</sup> 'of the common people' excludes a ruler.<sup>9</sup> Have not these been once excluded, the anointed High Priest having been subjected to the offering<sup>10</sup> of a bullock and the ruler to that<sup>10</sup> of a he goat? — Since it might have been assumed that an anointed High Priest brings a bullock only where ignorance of the law was accompanied by error in action but where there was error in action alone he brings a lamb or a she-goat,<sup>11</sup> hence it was expressly stated, 'of the common people,' to exclude an anointed High Priest,<sup>12</sup> 'of the common people', to exclude a ruler. This reply satisfactorily explains the case of the anointed High Priest, but as regards that of the ruler, he, surely, does bring [his particular] offering even where there was only error in action!<sup>13</sup> — R. Zebid replied in the name of Raba: Here it is a case<sup>14</sup> where he ate, for instance, suet of the size of an olive<sup>15</sup> while he was still a commoner, then he was appointed to rulership and then his transgression came to his knowledge;<sup>16</sup> it might have been assumed that he must bring a lamb or a she goat,<sup>17</sup> hence it was stated [that the law was not so].<sup>18</sup> This explanation is quite satisfactory according to R. Simeon who is guided by<sup>19</sup> [the time the sin was brought to his] knowledge;<sup>20</sup> what, however, can be said according to the Rabbis who are guided by [the time] the sin was committed?<sup>21</sup> — But, said R. Zebid in the name of Raba, here it is a case<sup>14</sup> where he ate, for instance, suet of the size of half an olive while he was a commoner and then he was appointed to rulership and finished it,<sup>22</sup> and after that his transgression came to his knowledge; since it might have been assumed that these<sup>23</sup> are combined<sup>24</sup> and he must bring an offering of a lamb or a she goat, hence it was stated [that the law was not so].<sup>25</sup> Raba enquired of R. Nahman: Does rulership constitute a break? How is this to be understood? Where a man, for instance, ate suet of the size of half an olive while he was commoner, then he was appointed to rulership, and when he relinquished office he finished it;<sup>22</sup> are [the two halves] in the previous case<sup>26</sup> not combined merely because he ate the one half when he was a commoner and the other when he was ruler, but in this case,<sup>27</sup> since he ate both halves<sup>28</sup> when he was a commoner, the two are combined, or is there perhaps no difference? — This may be solved from the following: For 'Ulla said in the name of R. Johanan: If a man having eaten suet had set aside a sacrifice,<sup>29</sup> and then changed his faith and subsequently retracted, his offering, since it had been suspended,<sup>30</sup> must remain so for ever.<sup>31</sup> How now! An apostate is not a person qualified to bring a sacrifice, but this ruler is, surely, one who is well qualified to bring a sacrifice. R. Zera enquired of R. Shesheth: What is the law if, while a commoner, [the ruler]<sup>32</sup> ate something concerning which there is doubt as to whether it was not suet,<sup>33</sup> and having been appointed to rulership the doubt came to his knowledge?<sup>34</sup> According to the Rabbis who are guided by the time the sin was committed<sup>35</sup> there can be no question that he must bring an asham talui; the question, however, arises according to R. Simeon; does the change<sup>36</sup> affect a case of doubt as it does one of certainty<sup>37</sup> or does it, perhaps, affect a case of certainty only, because the ruler has to bring a different sacrifice,<sup>38</sup> but here, since his sacrifice does not change,<sup>39</sup> it might be said that he must bring an asham talui? — This remains undecided.<sup>40</sup> Our Rabbis taught: Of the common people<sup>41</sup> excludes an apostate.<sup>42</sup> R. Simeon b. Jose said in the name of R. Simeon: [And doeth through] error [any of all the things] which [the Lord his God hath commanded] not to be done, and is guilty<sup>43</sup> implies that only he who repents when he becomes conscious of his sin brings a sacrifice for his error, but he who does not repent on becoming conscious of his sin does not bring a sacrifice for his error. What practical difference is there between them?<sup>44</sup> — R. Hammuna replied: The difference between them lies in the case of one who, being an apostate in respect of the eating of suet, brings a sacrifice for eating blood; the Masters hold that since he is an apostate in respect of the eating of suet he is also regarded as an apostate in



respect of the eating of the blood,<sup>45</sup> while the Master holds that in respect of blood, at least, he repents when he becomes conscious of his sin.<sup>46</sup> But, surely, Raba stated that all agreed that an apostate in respect of the eating of suet is not regarded as an apostate in respect of the blood! — But here they<sup>44</sup> differ in regard to one who eats carrion<sup>47</sup> to satisfy his appetite,<sup>48</sup> and suet was mistaken by him for permitted fat and he ate it;<sup>49</sup> the Masters are of the opinion that, as he would have eaten it to satisfy his appetite even wilfully,<sup>50</sup> he is treated as an apostate,<sup>45</sup> while the Master is of the opinion that, as he does not eat forbidden food when he can obtain permitted food, he is not regarded as an apostate.<sup>51</sup> Our Rabbis taught: He who eats suet is considered an apostate; and who is an apostate?<sup>52</sup> He who eats meat that is nebelah or trefa;<sup>53</sup> loathsome creatures or reptiles; or he who drinks wine of libation.<sup>54</sup> R. Jose son of<sup>55</sup> R. Judah said: Also he who wears a garment made of wool and linen mingled together.<sup>56</sup> The Master said: ‘He who eats suet is considered an apostate; and who is an apostate? He who eats the meat that is nebelah or trefa.’ What does this mean?<sup>57</sup> — Rabbah b. Bar Dana replied in the name of R. Johanan: It is this that was meant: If a man eats suet merely in order to satisfy his appetite he is considered an apostate, but if in defiance of the law he is considered a Sadducee.<sup>58</sup> And which apostate, in the absence of declared motive, is to be regarded a Sadducee? He who<sup>59</sup> eats the meat of animals that is nebelah or trefa, loathsome creatures or reptiles, or he who drinks wine of libation.<sup>60</sup> ‘R. Jose son of R. Judah said: Also he who wears a garment made of wool and linen mingled together.’ What is the practical difference between them?<sup>61</sup> — The difference between them is the case of a mingled texture forbidden only Rabbinically; the Masters hold the opinion that only when something is Biblically forbidden is he [who disregards it] to be deemed an apostate but if it is only Rabbinically forbidden one is not to be deemed an apostate; while the Master is of the opinion that in respect of a mingled texture, since its prohibition is well known, one is deemed an apostate [if he disregards it] even though the prohibition is only Rabbinical. [Concerning this law] there is a dispute between R. Aha and Rabina. One maintains [that he who eats forbidden food] in order to satisfy his appetite is deemed an apostate, but if in defiance of the law he is deemed to be a Sadducee; and the other maintains that even in defiance of the law he is deemed an apostate; but who is a Sadducee? He who worships idols. An objection was raised: ‘If he ate one flea or one gnat he is considered an apostate;’ in this case, surely, he acted in defiance of the law<sup>62</sup> and yet he is called an apostate! — There it is a case where he said, ‘I would like to feel the taste of forbidden food.’<sup>63</sup> WHO IS MEANT BY RULER? A KING etc. Our Rabbis taught: A ruler<sup>64</sup> might signify the ruler of a tribe, like Nahshon the son of Amminadab, hence it was stated, Of all the things which the Lord his God hath commanded,<sup>65</sup> and further on it stated, That he may learn to fear the Lord his God,<sup>66</sup>

(1) I.e., ‘son of my people’, thus displaying some modesty.

(2) Ibid. v. 19.

(3) Lit., ‘to a matter of commandment’.

(4) Lit., ‘the elder’,

(5) Daughter of Lot.

(6) So in Naz. 23b.

(7) From the elder daughter descended Ruth the ancestress of Obed, Jesse, David and Solomon (v. Ruth IV, 21f), while from the younger descended Naamah the mother of Rehoboam (v. I Kings XIV, 31) the first King of Judah.

(8) Lev. IV, 27.

(9) Whose sin offering is not to be that of a goat or a lamb as prescribed in that section for laymen.

(10) Lit., ‘to be judged’.

(11) As a layman.

(12) Who is not to bring a sin offering for error in action alone.

(13) What, then, does the text exclude?

(14) Lit., ‘in what are we engaged’?

(15) The minimum quantity for which an offering is due.

(16) Lit., ‘and afterwards it was known to him’.

(17) His sin having been committed while he was still one of the common people.

- (18) His appointment to office exempts him from the offering of the commoner.
- (19) Lit., goes after’.
- (20) I.e., the nature of the offering is determined by the status of the sinner at the time he becomes aware of his sin: not by that in which he was at the time of its commission, v. supra 10a.
- (21) The ruler, surely, having been a commoner at the time of the commission of the sin would have to bring the offering of the layman.
- (22) Eating suet of the size of another half an olive and thus completing the prescribed minimum (v. supra p. note 2).
- (23) The two halves.
- (24) To form together the prescribed minimum.
- (25) The two halves are not to be combined.
- (26) Lit., ‘there’.
- (27) Lit., ‘here’.
- (28) Lit., ‘this and this’.
- (29) An offering for his sin.
- (30) During the period of his apostasy when no offering would be accepted at his hands.
- (31) Lit., ‘shall be suspended’.
- (32) The same question applies mutatis mutandis to a High Priest.
- (33) He being unaware of the doubtful nature of the food.
- (34) Has he to bring an asham talui (v. Glos.)?
- (35) V. supra, p. 77 notes 6-8.
- (36) Of the personal status of the sinner.
- (37) As in the case of certain sin he is entitled to exemption from the offering prescribed for a commoner on attaining to rulership, so should he be exempt in the case of doubtful sin.
- (38) As commoner he had to bring a she goat or a lamb; as ruler he has to bring a he goat.
- (39) Both ruler and commoner having to bring the same kind of offering for a doubtful sin.
- (40) V. Glos. s.v. teko.
- (41) Lev. IV, 27; emphasis on of, i.e., some of and not all.
- (42) From whom no sacrifice is accepted.
- (43) Lev. IV, 22.
- (44) The Rabbis and R. Simeon.
- (45) Hence no sacrifice whatsoever may be accepted from him.
- (46) If, then, he brings a sacrifice as an atonement for having eaten blood it is to be accepted.
- (47) נבילה, the meat of an animal that has not been ritually slaughtered.
- (48) I.e., not just in defiance of the law.
- (49) Believing that he was eating permitted food; and when he discovered his error he desired to bring a sin offering.
- (50) Even if he had known it to be suet.
- (51) And his sacrifice must be accepted.
- (52) The meaning of the question is explained infra.
- (53) V. Glos.
- (54) יין נסך wine that is known, or suspected, to have been consecrated to an idol.
- (55) Cur. edd. omit.
- (56) כלאים, V. Lev. XIX, 19.
- (57) First a definition of apostate is given and then it is asked what is an apostate!
- (58) [Read with MS.M., Min, a general term for sectarian, heretic, not necessarily a Jewish Christian; v. A. Z. (Sonc. ed.) p. 14, n. 2.]
- (59) Lit., ‘be saying’.
- (60) [These are supposed to be unfit for human consumption, trefa denoting here meat of an animal afflicted with a disease which renders it unwholesome for food even as carrion and other loathsome creatures and reptiles. As to wine of libation, it is the gravity of the prohibition which branded the offender as an apostate; v. Tosaf. Asheri.]
- (61) The Rabbis (first Tanna), and R. Jose.
- (62) Since no man would eat such unwholesome things to satisfy his appetite.
- (63) And no defiance was intended.

(64) Lev. IV, 22.

(65) Lev. IV, 22.

(66) Deut. XVII, 29.

## Talmud - Mas. Horayoth 11b

as further on the reference is to him<sup>1</sup> who has none above him save the Lord his God so in the case of the ruler the reference is to him above whom there is none save the Lord his God. Rabbi enquired of R. Hiyya: 'Is one like myself to bring a he-goat?'<sup>2</sup> 'You have your rival in Babylon,'<sup>3</sup> the other replied. 'The Kings of Israel and the Kings of the House of David,' the first objected, 'bring sacrifices independently of one another!' 'There,' the other replied, 'they were not subordinate to one another, here,<sup>4</sup> however, we are subordinate to them.'<sup>5</sup> R. Safra taught thus: Rabbi enquired of R. Hiyya, 'Is one like myself to bring a he-goat?'<sup>2</sup> 'There,'<sup>6</sup> the other replied, 'is the scepter; here<sup>4</sup> only the law giver;' as it was taught. The scepter shall not depart from Judah<sup>7</sup> refers to the exilarch in Babylon who rules Israel with the scepter; nor the ruler's staff from between his feet<sup>7</sup> refers to the grandchildren of Hillel<sup>8</sup> who teach the Torah to Israel in public.<sup>9</sup>

MISHNAH. AND WHO IS THE ANOINTED HIGH PRIEST?<sup>10</sup> HE WHO WAS ANOINTED WITH THE ANOINTING OIL<sup>11</sup> AND NOT HE [WHO MERELY MINISTERS] IN MORE GARMENTS.<sup>12</sup> THE ONLY DIFFERENCE BETWEEN A HIGH PRIEST WHO IS ANOINTED WITH THE ANOINTING OIL AND THE [ONE WHO MERELY MINISTERS] IN MORE GARMENTS IS THE BULLOCK<sup>13</sup> THAT IS OFFERED FOR [THE UNWITTING TRANSGRESSION OF] ANY OF THE COMMANDMENTS.<sup>14</sup> AND THE ONLY DIFFERENCE BETWEEN THE ACTING, AND THE RETIRED<sup>15</sup> HIGH PRIEST IS THE BULLOCK ON THE DAY OF ATONEMENT AND THE TENTH PART OF THE EPHAH.<sup>16</sup> THEY<sup>17</sup> ARE BOTH EQUAL IN THE TEMPLE SERVICE OF THE DAY OF ATONEMENT, AND BOTH ARE COMMANDED TO MARRY A VIRGIN<sup>18</sup> AND ARE FORBIDDEN TO MARRY A WIDOW.<sup>19</sup> BOTH MAY NOT DEFILE THEMSELVES FOR [THE DEAD BODIES OF] THEIR RELATIVES,<sup>20</sup> NEITHER MAY THEY LET THEIR HAIR GROW WILD, NOR MAY THEY REND<sup>21</sup> THEIR CLOTHES, AND BOTH ENABLE THE MANSLAYER TO RETURN.<sup>22</sup>

GEMARA. Our Rabbis taught: The anointing oil which Moses prepared in the wilderness<sup>23</sup> was used for the boiling of<sup>24</sup> the roots;<sup>25</sup> these are the words of R. Judah. R. Jose said: Surely it did not suffice even for the dabbing of the roots!<sup>26</sup> But the roots were soaked in water and over its surface the oil was poured, which thus absorbed the scent and retained it. Said R. Judah to him: Did, then, only one miracle happen with the anointing oil? Surely, it was originally only twelve logs and with it was anointed the Tabernacle and its furniture, Aaron and his sons, throughout the seven days of consecration, and all of it still remained intact for the time to come, as it is said, This shall be a holy anointing oil unto Me throughout your generation.<sup>27</sup> Another [Baraita] taught: And Moses took the anointing oil, and anointed the tabernacle and all that was therein,<sup>28</sup> R. Judah said: With the anointing oil which Moses prepared in the wilderness there occurred many miracles from the beginning to the end. Originally it only measured twelve logs. Now, consider how much the pot absorbed, how much the roots absorbed, and how much the fire burned, and yet it sufficed for the anointing of<sup>29</sup> the Tabernacle and its furniture, and Aaron and his sons, throughout the seven days of consecration; and High Priests and kings also were anointed with it. And even a High Priest who was the son of a High Priest must be anointed,<sup>30</sup> but a king who was the son of a king need not be anointed. And if it be asked: Why was Solomon anointed?<sup>31</sup> It was due, [it may be replied], to the dispute of Adonijah; and so was Joash anointed on account of the claims of Athaliah, and Jehoahaz on account of Jehoiakim who was older than he by two years; and that oil remains for the time to come, as it is said, This shall be a holy anointing oil unto Me throughout your generations,<sup>32</sup> the numerical value of Zeh<sup>33</sup> is twelve — logs. The Master said, 'And even a High Priest who is the son of a High Priest must be anointed.' Whence is this deduced? — [From the Scriptures] wherein it is

written, And the anointed priest that shall be in his stead from among his sons;<sup>34</sup> Scripture should have stated, 'And the priest that shall be in his stead<sup>35</sup> from among his sons,' why, then, the anointed? Consequently it must have been intended to imply<sup>36</sup> that even the son<sup>37</sup> of a High Priest succeeds to his father's office only if he was anointed: otherwise<sup>38</sup> he does not. The Master said, 'But a king who is the son of a king need not be anointed.' Whence is this deduced? R. Aha b. Jacob replied: [From Scripture] wherein it is written, To the end that he may prolong his days in his kingdom [he and his children] etc.<sup>39</sup> which implies that the kingship is an inheritance.<sup>40</sup> Whence is it deduced that in cases of dispute anointing is required, and that the king is not entitled to transmit the kingship as he desires? — R. Papa replied: Scripture stated, He and his children in the midst of Israel,<sup>41</sup> only when there is peace in Israel may the text, He and his children, be applied to him even though no anointing had taken place. A Tanna taught: Jehu the son of Nimshi also was anointed only on account of the dispute of Joram. This surely could have been deduced from the fact that he was the first of a dynasty! — There is a lacuna in the text and the following should be inserted: 'The kings of the House of David were anointed: the kings of Israel were not anointed.'<sup>42</sup> Whence is this deduced? — Raba replied: Scripture stated, Arise, anoint him; for this is he, etc.,<sup>43</sup> only he requires anointing but no other [who is not of the Davidic dynasty] requires anointing. The Master said, 'Jehu the son of Nimshi also was anointed only on account of the dispute of Joram.' Is it permissible to make inappropriate use<sup>44</sup> of the sacred oil on account of the dispute of Joram the son of Ahab? — As R. Papa said elsewhere<sup>45</sup> that the anointing was performed with pure balsam,<sup>46</sup> so here also it was performed with pure balsam. 'And Jehoahaz on account of Jehoiakim who was older than he by two years.' But was he older than he? Surely it is written, And the sons of Josiah: the firstborn Johanan, the second Jehoiakim, the third Zedekiah, the fourth Shallum,<sup>47</sup> and R. Johanan said that Shallum is identical with Zedekiah, and Johanan with Jehoahaz! — Jehoiakim was in fact older, but the meaning of firstborn<sup>48</sup> is 'first in succession to the kingship.' Do, however, younger sons succeed to kingship before the older ones? Surely, it is written, But the kingdom gave he to Jehoram, because he was the firstborn!<sup>49</sup> — Jehoram was worthily filling the place of his ancestors;<sup>50</sup> Jehoiakim was not worthily filling the place of his ancestors. The Master said, 'Shallum is identical with Zedekiah, and Johanan with Jehoahaz.' Were they not, however, enumerated individually, for it is written, the third, the fourth?<sup>51</sup> — 'Third' means third of the sons, and 'fourth' means fourth in succession to the kingdom, since Jehoahaz reigned first, then Jehoiakim, then Jekoniah and finally Zedekiah. Our Rabbis taught: Shallum is identical with Zedekiah. Then why was he called Shallum? Because he was perfect<sup>52</sup> in his deeds. Others say: Shallum implies that the kingdom of David came to end<sup>53</sup> in his days. And what was his real name? Mattaniah; as it is stated, And the king of Babylon made Mattaniah his father's brother king in his stead, and changed his name to Zedekiah.<sup>54</sup> He said to him, 'May God justify<sup>55</sup> my judgment against you, should you rebel against me,' as it is said, And he<sup>56</sup> brought him under an oath;<sup>57</sup> and it is also written, And he also rebelled against King Nebuchadnezzar, who had made him swear by God.<sup>58</sup>

(1) The king. The entire section (ibid. XVII, 14-20) deals with the appointment of a king.

(2) The ruler's sin offering (Lev. IV, 23). i.e., does his office of Patriarch in the Palestine community confer upon him the title of 'ruler' over all Israel?

(3) The Babylonian exilarch.

(4) In Palestine.

(5) V. next paragraph.

(6) In Babylon.

(7) Gen. XLIX, 10.

(8) Rabbi was of the line of Palestine Patriarchs and heads of the principal academies, who descended from Hillel.

(9) V. Sanh. (Sonc. ed.) p. 16, n. 2.

(10) Referred to in Lev. IV, 3.

(11) V. Ex. XXX, 23ff.

(12) **מְרוֹבָה בְּגָדִים** ('having more garments', i.e., more than an ordinary priest) was the title of the High Priests in the days of the Second Temple. In the days of the first Temple when the anointing oil was in use the title was

**כהן מִשׁוּחַ** (or **מִשִּׁיחַ**) 'the anointed High Priest'

(13) Which is to be brought by the anointed High Priest only. The other brings the same sin offering as an ordinary individual.

(14) V. Lev. IV, 2ff.

(15) If the High Priest is for any reason disqualified for the Temple service, a substitute is appointed in his place. When the disqualification is removed the priest returns to his duties while his substitute retires. The former then becomes the acting, and the latter the retired High Priest.

(16) V. ibid. VI, 13-15.

(17) The acting, and the retired High Priest.

(18) V. Lev. XXI, 13.

(19) V. ibid. 14.

(20) Ibid. 11.

(21) In token of mourning. Ibid. 10.

(22) From the cities of refuge. v. Num. XXXV, 25.

(23) V. Ex. XXX, 23ff.

(24) Lit., 'they were boiling in it'.

(25) Of the spices. V. ibid. 23ff.

(26) Much less for boiling them.

(27) Ex. XXX, 31.

(28) Lev. VIII, 10.

(29) Lit., 'and with it was anointed'.

(30) Otherwise he does not succeed to the office.

(31) V. I Kings, I, 34, 39.

(32) Ex. XXX. 31; emphasis on the last three words.

(33) **זֶה** 'this'.

(34) Lev. VI, 15.

(35) [So MS.M.]

(36) Lit., 'he teaches us'.

(37) Lit., 'from his sons'.

(38) Lit., 'and if not'.

(39) Deut. XVII, 20.

(40) Lit., 'an inheritance to you'.

(41) Deut. XVII, 20.

(42) Yet Jehu was anointed for the reason stated.

(43) I Sam. XVI, 12.

(44) Since the other kings of Israel were not anointed.

(45) Infra 12a.

(46) Not with the holy oil.

(47) I Chron. III, 15.

(48) As applied to Johanan (Jehoahaz).

(49) II Chron. XXI, 3.

(50) In the early days of his kingship he was righteous and just.

(51) I Chron. III, 15.

(52) **מִשׁוּחַ** from the same root as **שָׁלוֹם**.

(53) **שְׁלֵמָה** Cf. previous note.

(54) II Kings XXIV, 17.

(55) **יְהוֹשָׁפָט**, a play upon the word **צְדָקָהּ**

(56) The King of Babylon.

(57) Ezek. XVII, 13. This is the reading of Bomberg Ed. M.T. reads **וַיְבִיאֵהוּ** instead of **וַיְבִיאֵהוּ**. Cur. edd. enclose in parentheses, **וַיְבִיאֵהוּ בְּבִלְתָּהּ** which is meaningless in the context.

(58) II Chron. XXXVI, 13.

**Talmud - Mas. Horayoth 12a**

## Talmud - Mas. Horayoth 12a

Was, however, the anointing oil in existence [in the days of Jehoahaz]? Surely it was taught: At the time when the Holy Ark was hidden away there were also hidden the anointing oil, the jar of manna,<sup>1</sup> Aaron's rod with its almonds and blossoms,<sup>2</sup> and the coffer which the Philistines had sent to Israel as a gift and concerning which it is said, And put the jewels of gold, which ye returned Him for a guilt offering, in a coffer by the side thereof; and send it away that it may go.<sup>3</sup> And who hid them? It was Josiah, King of Judah, who hid them; because, having observed that it was written in the Torah, The Lord will bring thee and thy king . . . [unto a nation that thou hast not known],<sup>4</sup> he gave orders that they shall be hidden away, as it is said, And he said unto the Levites that taught all Israel, that were holy unto the Lord, 'Put the Holy Ark into the house which Solomon the son of David, King of Israel, did build; there shall no more be a burden upon your shoulders; now serve the Lord your God and his people Israel;'<sup>5</sup> and R. Eleazar stated: The inference<sup>6</sup> is arrived at by an analogy between the expressions. 'There' and 'there',<sup>7</sup> 'To he kept'<sup>8</sup> and 'to he kept',<sup>9</sup> and 'generations' and 'generations'!<sup>10</sup> — R. Papa replied: [Jehoahaz was anointed] with pure balsam. Our Rabbis taught: How were the kings anointed? — In the shape of a wreath. And the priests? — In the shape of a Chi. What is meant by 'the shape of a Chi'! — R. Menashya b. Gadda replied: In the shape of a Greek \*\*. One [Tanna] reported that oil was poured upon his head first and afterwards some oil was applied between his eyelids, but another [Tanna] reported that first some oil was applied between his eyelids and afterwards oil was poured upon his head!<sup>11</sup> — This is a matter of dispute between Tannaim. Some maintain that anointing takes precedence while others maintain that the pouring takes precedence. What reason is advanced by him who maintains that pouring takes precedence? — [The fact] that it is written. And he poured of the anointing oil upon Aaron's head and anointed him, to sanctify him.<sup>12</sup> And what reason is offered by him who maintains that anointing takes precedence? — He holds this opinion because a similar procedure is found in connection with the vessels of ministry.<sup>13</sup> But, surely, And he poured<sup>12</sup> is written first, and only afterwards And he anointed!<sup>12</sup> — The meaning intended is this: What is the reason why he poured? Because he had already anointed. Our Rabbis taught: It is like the precious oil . . . coming down upon the beard, even Aaron's beard, etc.,<sup>14</sup> two drops like pearls hung from Aaron's beard. R. Papa said: A Tanna taught that when he spoke<sup>15</sup> they ascended and lodged at the root of his beard. And concerning this matter, Moses was anxious. He said, 'Have I, God forbid, made an improper use of the anointing oil?'<sup>16</sup> A heavenly voice came forth and called out, Like the precious oil . . ., like the dew of Hermon;<sup>17</sup> as the law of improper use of holy objects is not applicable to the dew of Hermon, so also is it not applicable to the anointing oil on the beard of Aaron. Aaron however, was still anxious. He said, 'It is possible that Moses did not trespass, but I may have trespassed'. A heavenly voice came forth and said to him, Behold how good and how pleasant it is for brethren to dwell together in unity;<sup>18</sup> as Moses is not guilty of trespass, so are you not guilty of trespass. Our Rabbis taught: The kings are anointed only at a fountain that their sovereignty may endure, as it is said, And the king said unto them: 'Take with you the servants of your lord . . . and bring him down to Gihon'.<sup>19</sup> R. Ammi said: He who wishes to ascertain whether he will live through the year or not shall, during the ten days between the New Year and the Day of Atonement, kindle a lamp in a house wherein there is no draught. If the light continues to burn he may know that he will live through the year. He who desires to engage in business and wishes to ascertain whether he will succeed or not, let him rear up a cock; if it grows plump and fine he will succeed. He who desires to set out on a journey and wishes to ascertain whether he will return home again or not. let him station himself in a dark house; if he sees the reflection of his shadow he may know that he will return home again. This, however, is not a proper thing to do, lest his courage fail him and he meet with misfortune in consequence. Said Abaye: Now that it has been said that omens are of significance, a man should make a regular habit of eating,<sup>20</sup> at the beginning of the year, pumpkin, fenugreek, leek, beet and dates.<sup>21</sup> R. Mesharsheya said to his sons: Whenever you intend coming in for your lesson with your master revise the subject first and then enter the presence of your master; and when you sit before him, look at his mouth, for it is written, But thine eyes shall see thy teacher.<sup>22</sup> When you practice your lessons, practice them by

a river of water so that as the waters advance continually, so may your acquired knowledge advance continually. Rather sit on the rubbish heap of Matha Mehasia<sup>23</sup> than in the palaces of Pumbeditha. Rather eat an unsavory gildana<sup>24</sup> of Matha Mehasia than the kuthha<sup>25</sup> of the lofty mansions.<sup>26</sup> My horn is exalted in the Lord;<sup>27</sup> my horn is exalted but not my flask: The kingdoms of David and Solomon who were anointed with a 'horn'<sup>28</sup> endured; the kingdoms of Saul and Jehu who were anointed with a 'flask'<sup>29</sup> did not endure. HE WHO WAS ANOINTED WITH THE ANOINTING OIL etc. Our Rabbis taught: 'Anointed' might imply a king, hence it was stated 'priest'. If only 'priest' had been stated one might have applied it to the High Priest who was dedicated by the additional garments only, hence it was stated, 'anointed'. If only 'anointed' had been written one might have applied it to the priest anointed for war,<sup>30</sup> hence it was stated, and the anointed Priest<sup>31</sup> above whom there is no other anointed [Priest]. How is this inferred? — As Raba said that 'the thigh'<sup>32</sup> implies the right thigh, so here also 'the anointed' implies the most important of the anointed. The Master said, 'Anointed might imply a king.' Does a king bring a sin offering of a bullock? Surely it is a he-goat that he brings!<sup>33</sup> — It<sup>34</sup> was necessary, since it might have been assumed that only for error in action does a king bring a sin offering of a he-goat but that for ignorance of the law he brings a bullock, hence it was necessary to teach us [that he never brings a bullock]. THE ONLY DIFFERENCE BETWEEN A [HIGH PRIEST WHO IS] ANOINTED WITH THE ANOINTING OIL etc. Our Mishnah cannot be reconciled with the view of R. Meir; for should it be assumed to agree with the view of R. Meir it may be pointed out that it was taught: A High Priest who is dedicated by the additional garments brings a bullock which is the prescribed sin offering for the transgression of all the commandments; these are the words of R. Meir, but the Sages did not agree with him. What is R. Meir's reason? Because it was taught: Anointed only implies a High Priest who was anointed with the anointing oil, whence, however, is it deduced that one dedicated by the additional garments only is also subject to that law? For it was expressly stated, If the priest the anointed.<sup>35</sup> To whom, then is our Mishnah to be attributed? To the Rabbis!<sup>36</sup>

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(1) V. Ex. XVI, 33.

(2) V. Num. XVII, 23.

(3) I Sam. VI, 8.

(4) Deut, XXVIII, 36.

(5) II Chron. XXXV, 3.

(6) That the anointing oil and the other objects mentioned were hidden at the same time as the Ark.

(7) Ex. XVI, 33 (the manna) and ibid. XXX, 6 (the Ark).

(8) Ibid. XVI, 33 (the manna).

(9) Num. XVII, 25 (Aaron's rod).

(10) Ex. XVI, 33 (manna) and ibid. XXX, 31 (anointing oil). Thus it has been shown by analogy that the anointing oil was hidden away in the days of Josiah: how then could it have been in use when Jehoahaz was made king?

(11) How are the two contradictory statements to be reconciled?

(12) Lev. VIII, 12.

(13) Which were only anointed.

(14) Ps. CXXXIII. 2.

(15) [Or when he dipped (his beard).]

(16) [By having applied too much (Rashi Ker. 5b).]

(17) Ibid. 3.

(18) Ibid. 1.

(19) I Kings I, 33.

(20) So in Ker. 5b. Cur, edd.: 'to see'.

(21) These grow in profusion and are symbolic of prosperity.

(22) Isa. XXX, 20.

(23) A suburb of Sura, a place of scholarship and culture; v. B.B. (Sonc. ed.) p. 10, n. 1.

(24) A kind of small fish.

(25) A kind of preserve of curdled milk.

(26) Jastrow, 'than a kuthha which is hard enough to break rocks.'

(27) I Sam. II, 1.

(28) The receptacle of the anointing oil, v. I Sam. XVI, 13, and I Kings I, 39.

(29) V. I Sam. X, 1, and II Kings IX, 1.

(30) V. Deut. XX, 2.

(31) Lev. IV, 3.

(32) Gen. XXXII, 33.

(33) Consequently the context could not possibly have been assumed to refer to a king; what need, then, was there for a specific expression to show the obvious?

(34) The specific expression.

(35) Lev. IV, 3. [So literally. The inference is from the redundant 'the priest', v. Tosaf. Asheri.]

(36) Lit., 'in what did you set it? According to the Rabbis.'

## **Talmud - Mas. Horayoth 12b**

Read, however, the final clause: THE ONLY DIFFERENCE BETWEEN THE ACTING, AND THE RETIRED HIGH PRIEST IS THE BULLOCK ON THE DAY OF ATONEMENT AND THE TENTH PART OF THE EPHAH. This,<sup>1</sup> surely, must represent the view of R. Meir! For it was taught: If some disqualification occurred in the High Priest who consequently retired and another priest was anointed in his stead, when the first<sup>2</sup> returns to his ministry the other retains all the obligations relating to the priesthood; these are the words of R. Meir. R. Jose said: The first returns while the second is rendered unfit either as a High Priest or as an ordinary priest. Said R. Jose, once it happened with Joseph the son of Ailim of Sepphoris<sup>3</sup> that, a disqualification in the High Priest having occurred, he<sup>4</sup> was appointed in his stead; and when the incident was submitted to the Sages they ruled that the first returns to his ministry while the second is rendered unfit either as a High Priest or as an ordinary priest. [He is unfit as] a High Priest owing to enmity;<sup>5</sup> [and he is unfit as] an ordinary priest, because, in the sphere of holiness, you may ascend, not descend.<sup>6</sup> Does the first clause,<sup>7</sup> then, represent the view of the Rabbis and the final clause<sup>7</sup> that of R. Meir! — R. Hisda replied: Yes; the first clause represents the view of the Rabbis and the final clause that of R. Meir. R. Joseph replied: The author of our Mishnah is Rabbi who based<sup>8</sup> it upon the opinions of two Tannaim. Raba replied: The views represented<sup>9</sup> are those of R. Simeon who agrees with R. Meir in one respect and differs from him in the other; as it was taught: The things which distinguish a High Priest from an ordinary priest are the following: The bullock that is offered for [the unwitting transgression of any of] all the commandments, and the bullock of the Day of Atonement, and the tenth part of the ephah; he must neither let his hair grow wild nor may he rend his garments, but he tears them from below while the ordinary priest tears them from above; he must not defile himself by [coming in contact with the dead bodies even of his] relatives; he is commanded to marry a virgin and is forbidden to marry a widow; he<sup>10</sup> enables the manslayer to return to his home;<sup>11</sup> he may offer sacrifices even while an onan,<sup>12</sup> though he must not then eat of the sacrificial meat or take a share of it; he offers up his portion first and receives his portion first; he ministers in eight garments, and the entire service of the Day of Atonement may be performed by him alone; and he is also exempt from bringing a sacrifice for an unwitting transgression of defilement relating to the Sanctuary and its consecrated things. And all these laws are applicable to the High Priest who is dedicated by the additional garments alone, with the exception of the bullock that is offered for [the unwitting transgression of any of] 'all the commandments'. All these laws, furthermore, are also applicable to an anointed High Priest who [having acted as substitute] has retired from office, with the exception of the bullock of the Day of Atonement and the tenth part of the ephah. All these laws are inapplicable to a Priest anointed for War, with the exception of the five things that are specified in the Biblical Section under discussion: He must not let his hair grow wild nor may he rend his garments, he must not defile himself for the dead bodies of his relatives, he is commanded to marry a virgin and forbidden to marry a widow, and enables the manslayer to return to his home;<sup>13</sup> so R. Judah. But the Sages said: He does not enable [the manslayer] to return.<sup>14</sup> And whence is it proved



that this Baraita represents the view of R. Simeon? — R. Papa replied: Who was it that was heard to say that [the High Priest] is exempted in regard to an unwitting transgression of defilement relating to the Sanctuary and its consecrated things? Surely it was R. Simeon.<sup>15</sup> ‘With the exception of the five things that are specified in the Biblical section under discussion.’ Whence is this inference?<sup>16</sup> — From that which our Rabbis taught: And the priest that is highest among his brethren,<sup>17</sup> refers<sup>18</sup> to the High Priest; upon whose head the anointing oil is poured,<sup>17</sup> refers to the Priest who is anointed for War; and that is consecrated to put on the garments,<sup>17</sup> refers to the High Priest who is dedicated by the additional garments alone. Concerning all of them it is stated, He shall not let the hair of his head grow wild,<sup>19</sup> nor rend his clothes, neither shall he go in to any dead body.<sup>20</sup> As one might assume that all of them may offer sacrifices while onans, it was specifically stated, For the consecration of the anointing oil of his God is upon him,<sup>21</sup> upon ‘him’<sup>22</sup> but not upon his associate.<sup>23</sup> Now that Scripture has excluded him<sup>23</sup> it might have been assumed that he is not commanded to marry a Virgin, hence it was stated, And he [shall take a wife in her virginity].<sup>24</sup> On this point<sup>25</sup> Tannaim are in dispute: And he shall take a wife in her virginity,<sup>24</sup> after Scripture has excluded him<sup>23</sup> it included him again; so R. Ishmael. R. Akiba said: One could well have known<sup>26</sup> [this law]<sup>27</sup> in the case where he<sup>28</sup> was [temporarily] removed on account of a mishap<sup>29</sup>; whence, however, could it have been inferred [in the case where he was permanently removed] on account of disqualifying blemishes? Hence it was stated, ‘And he.’<sup>24</sup> Raba inquired of R. Nahman: May an anointed High Priest who was stricken with leprosy<sup>30</sup> marry a widow;<sup>31</sup> is he only suspended<sup>32</sup> or is he exempt from all the duties of the High Priesthood?<sup>33</sup> — He<sup>34</sup> was unable to give an answer.<sup>35</sup> Once R. Papa was sitting at his studies and raised the same inquiry. Said Huna the son of R. Nahman to R. Papa: We have learned [such a law]:<sup>36</sup> ‘One could well have known [this law] in the case where he was [temporarily]<sup>37</sup> removed on account of a mishap; whence, however, could it be inferred [in the case where he was permanently] removed on account of disqualifying blemishes? Hence it was stated, ‘and he’. He<sup>38</sup> thereupon arose, kissed him on his head and gave him his daughter. MISHNAH. A HIGH PRIEST RENDS HIS GARMENTS<sup>39</sup> FROM BELOW AND AN ORDINARY PRIEST FROM ABOVE. A HIGH PRIEST MAY OFFER SACRIFICES WHILE AN ON AN THOUGH HE MAY NOT EAT [OF THE SACRIFICIAL MEAT]; BUT AN ORDINARY PRIEST MAY [IN SUCH CIRCUMSTANCES] NEITHER OFFER SACRIFICES NOR EAT [OF SACRIFICIAL MEAT].

GEMARA. Rab said: BELOW means actually below<sup>40</sup> and ABOVE means actually above.<sup>41</sup> Samuel, however, said: BELOW means beneath the binding<sup>42</sup> and ABOVE means above the binding,<sup>43</sup> the one as well as the other being round the neck. An objection was raised: In respect of all relatives<sup>44</sup> a man may, if he wishes, sever<sup>45</sup> his binding, and if he wishes he need not sever his binding. In respect of his father and mother, however, he must sever.<sup>46</sup> Now, since [a tear made in such a manner]<sup>47</sup> is elsewhere [regarded as a legally proper] tear, the prohibition for a High Priest to tear his garments should be applied to such a tear also!<sup>48</sup> — Samuel is of the same opinion as R. Judah who said: Any tear that does not sever one's binding is nothing more than a wanton rent.<sup>49</sup> Is R. Judah, however, of the opinion that the law of rending one's garments is applicable to a High Priest? Surely it was taught: If Scripture had only stated, ‘He shall not let the hair of a head go loose, nor rend a garment’ it might have been assumed that Scripture spoke of the head and the garment of a sotah,<sup>50</sup> hence it was expressly stated, He shall not let the hair of his head grow wild, nor rend his clothes.<sup>51</sup> showing that the requirements of letting one's hair grow wild or rending one's garments<sup>52</sup> are not at all applicable to him;<sup>53</sup> so R. Judah. R. Ishmael said: He does not rend his clothes in the manner of other people, but he rends from below while an ordinary priest rends from above!<sup>54</sup> — Samuel holds the same opinion as R. Judah in one respect<sup>55</sup> and disagrees with him in another.<sup>56</sup>

MISHNAH. WHATEVER IS MORE FREQUENT THAN ANOTHER TAKES PRECEDENCE OVER THAT OTHER, AND WHATSOEVER IS MORE SACRED THAN ANOTHER TAKES PRECEDENCE OVER THAT OTHER. IF THE BULLOCK OF THE ANOINTED HIGH PRIEST AND THE BULLOCK OF THE CONGREGATION ARE SIMULTANEOUSLY PRESENTED,<sup>57</sup>

THE BULLOCK OF THE ANOINTED HIGH PRIEST MUST PRECEDE THAT OF THE CONGREGATION IN ALL ITS DETAILS.<sup>58</sup>

GEMARA. Whence are these laws deduced? — Abaye replied: From Scripture which stated, Besides the burnt offering of the morning which is for a continual burnt offering.<sup>59</sup> Now consider, since it was written the burnt offering of the morning, what need was there for writing again continual burnt offering? Consequently it was this that the All Merciful intended: Whatsoever is more frequent takes precedence. AND WHATSOEVER IS MORE SACRED THAN ANOTHER TAKES PRECEDENCE OVER THAT OTHER. Whence is this deduced? — From what was taught at the School of R. Ishmael: Thou shalt sanctify him [the priest] therefore,<sup>60</sup> in respect of any matter of sanctity; he must be the first in the reading of the Law, the first in the recital of any benediction<sup>61</sup> and the first in receiving a handsome portion.

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- (1) That in all respects other than those mentioned the two are entitled to the same privileges.
  - (2) His disqualification having disappeared.
  - (3) [He was a kinsman of Matthias, a High priest, at the time of Herod. 'This Matthias the High Priest, on the night before that day when the fast was to be celebrated, seemed in a dream to have conversation with his wife, and because he could not himself officiate on that account, Joseph the son of Ellemus his kinsman assisted him in that sacred office.' (Josephus. Ant. XVII, 6, 4.)]
  - (4) This to the end of the sentence, is the reading in Yoma 12b, and is adopted here by Bash (v. marginal Glosses). Cur. edd. enclose the following in parentheses: 'And he was removed, and another was appointed in his stead, and his brethren the priests did not allow him to be either High Priest or ordinary priest.'
  - (5) Between him and the first High Priest.
  - (6) Lit., 'we bring up in holiness, but do not bring down'.
  - (7) Of our Mishnah.
  - (8) Lit., 'took'.
  - (9) In our Mishnah.
  - (10) When he dies.
  - (11) One who killed another unwittingly finds shelter in the cities of refuge where he remains until the death of the High Priest.
  - (12) V. Glos.
  - (13) V. p. 90, n. 7.
  - (14) Thus it has been shown that R. Simeon, the presumed author of the Baraita, agrees with R. Meir that the only difference between the High priest and his temporary substitute is the bullock of the Day of Atonement and the tenth part of the ephah, and differs from him in maintaining that the bullock for the unwitting transgression of any of 'all commandments' is to be brought by the anointed High Priest only and not, as R. Meir asserted, by the High Priest also, who was dedicated by the extra garments only.
  - (15) Supra 9a.
  - (16) Lit., 'these words'.
  - (17) Lev. XXI, 10.
  - (18) Lit., 'this'.
  - (19) E.V. 'go loose'.
  - (20) Ibid, vv. 10-11.
  - (21) Ibid, v. 12.
  - (22) The anointed High Priest.
  - (23) The Priest anointed for War only.
  - (24) Lev. XXI, 13.
  - (25) Whether the Priest anointed for War is commanded to marry a virgin.
  - (26) Lit., 'there is not to me but'.
  - (27) That a High Priest must marry a virgin.
  - (28) A High Priest.
  - (29) Cf. Deut. XXIII, 11.

- (30) In consequence of which he retired from office.
- (31) For the following interpretation, which differs from that of Rashi, v. Tosaf. Asheri.
- (32) From the High Priesthood; i.e., from the performance of such duties as are forbidden to a leper; hence he is still subject to all other restrictions of the High Priesthood including the prohibition to marry a widow which a leper also may observe.
- (33) And consequently also from the prohibition to marry a widow.
- (34) R. Nahman.
- (35) Lit., 'it was not in his hand'.
- (36) Supra (in the name of R. Akiba) q. v. for notes.
- (37) Leprosy is, of course, one of the disqualifying blemishes.
- (38) R. Papa.
- (39) A sign of mourning on the death of certain relatives.
- (40) The lower hem of the garment.
- (41) The upper hem round the neck.
- (42) קמ"י שפה 'the stiff cords in the binding round the neck'. The binding itself remaining unrent.
- (43) The tear starting above the binding and passing also through it.
- (44) Other than parents.
- (45) V. supra, n. 1.
- (46) M.K. 22b.
- (47) From beneath the binding only.
- (48) Lit., 'read here: He shall not rend his garments'. How, then, could Samuel state that the High Priest does rend his garment beneath the binding?
- (49) It has no legal or religious significance. Samuel could, therefore, justly permit a High Priest to rend his garment below the binding.
- (50) A woman suspected of adultery. The priest lets her hair go loose (Num. V, 18), and takes hold of her garments which may or may not thereby be torn (Sotah 7a).
- (51) Lev. XXI, 10.
- (52) As symbols of mourning.
- (53) The High Priest.
- (54) Now, since R. Judah exempts a High Priest from the law of rending one's clothes, how could Samuel who, as it has been said, holds the same opinion as R. Judah require a priest to rend his clothes at all?
- (55) That a rent that does not cut the binding round the neck is of no legal or religious significance.
- (56) While R. Judah exempts the High Priest entirely from the law of rending one's clothes, Samuel maintains that a High Priest must rend his garments but only from below the binding.
- (57) As sin offerings (v. Lev. IV, 3, 13). Lit., 'stand'.
- (58) Lit., 'deeds', i.e., the various parts of the process of sacrificing.
- (59) Num. XXVIII, 23.
- (60) Lev. XXI, 8.
- (61) Especially in the zimmun, v. Glos.

## **Talmud - Mas. Horayoth 13a**

IF THE BULLOCK OF THE ANOINTED HIGH PRIEST AND THE BULLOCK OF THE CONGREGATION etc. Whence is this deduced? — From what our Rabbis taught: And he shall burn it ins he burnt the first bullock;<sup>1</sup> what need was there to state, the first?<sup>2</sup> In order to indicate that it<sup>3</sup> must precede the bullock of the congregation in all its details.<sup>4</sup> Our Rabbis taught: If the bullock of the anointed High Priest and the bullock of the congregation are simultaneously presented, the bullock of the anointed High Priest must precede the bullock of the congregation in all its details,<sup>4</sup> forasmuch as the anointed High Priest effects the atonement and the congregation receives the atonement, it is reasonable that he who effects atonement shall take precedence over him who receives the atonement; and so it is also stated [in Scripture]. And have made atonement [i] for himself, and [ii] for his household, and [iii] for all the assembly of Israel.<sup>5</sup> The bullock that is offered

for a sin committed by the congregation through ignorance of a law is to precede the bullock for the sin of idolatry. What is the reason? — The one is a sin offering and the other<sup>6</sup> is a burnt offering, and it was taught, ‘What need was there for Scripture to state, And he shall offer that which is for the sin offering first?’<sup>7</sup> If merely in order to teach that the sin offering was to be the first, surely, it has already been stated, And he shall prepare the second for a burnt offering, according to the ordinance!<sup>8</sup> Consequently it must be concluded that in this text there has been laid down the general principle<sup>9</sup> that all sin offerings are to precede the burnt offerings that are presented together with them; and, there is an accepted tradition that even a sin offering consisting of a bird is to precede a burnt offering consisting of a beast.’ The bullock for idolatry is to precede the goat for idolatry. Why? The one surely, is a sin offering while the other is a burnt offering! — In the West<sup>10</sup> it was explained in the name of Rabbah<sup>11</sup> b. Mari: Because an Aleph is wanting in the Hattath<sup>12</sup> for idolatry, the written form being le-Hatth.<sup>13</sup> Raba replied: Because According to the ordinance<sup>14</sup> was written concerning it.<sup>15</sup> The goat for idolatry is to precede the goat of the ruler. What is the reason? — The one is for a congregation while the other is for an individual. The he-goat of a ruler is to precede the she-goat of a private individual. What is the reason? — The one is for a sovereign; the other for a commoner. The she-goat of an individual is to precede the ewe-lamb of an individual.<sup>16</sup> But, surely, it was taught that the ewe-lamb of an individual must precede the she-goat of an individual! — Abaye replied: This is a matter of dispute between Tannaim. One Master holds the view that a she-goat is preferable since it has also the advantage of being the offering of an individual for the sin of idolatry, while the other Master is of the opinion that a ewe-lamb is preferable since it has the advantage of having its fat tail also offered on the altar. The omer<sup>17</sup> must precede the lamb that is brought together with it. The two loaves<sup>18</sup> are to precede the lambs<sup>19</sup> that are brought with them. This is the general rule: The offering which is due to the sanctity of<sup>20</sup> the day is to precede the offering the presentation of which is due to<sup>20</sup> the bread.<sup>21</sup> MISHNAH. A MAN TAKES PRECEDENCE OVER A WOMAN IN MATTERS CONCERNING THE SAVING OF LIFE AND THE RESTORATION OF LOST PROPERTY, AND A WOMAN TAKES PRECEDENCE OVER A MAN IN RESPECT OF CLOTHING AND RANSOM FROM CAPTIVITY. WHEN BOTH ARE EXPOSED TO IMMORAL DEGRADATION IN THEIR CAPTIVITY THE MAN'S RANSOM<sup>22</sup> TAKES PRECEDENCE OVER THAT OF THE WOMAN.

GEMARA. Our Rabbis taught: If a man and his father and his teacher were in captivity he takes precedence over<sup>23</sup> his teacher and his teacher takes precedence over his father,<sup>24</sup> while his mother takes precedence over all of them. A scholar takes precedence over a king of Israel, for if a scholar dies there is none to replace him<sup>25</sup> while if a king of Israel dies, all Israel are eligible for kingship. A king takes precedence over a High Priest, for it is said, And the king said unto them: Take with you the servants of your lord etc.<sup>26</sup> A High Priest takes precedence over a prophet, for it is said, And let Zadok the priest and Nathan the prophet anoint him there,<sup>27</sup> Zadok being mentioned before Nathan; and furthermore it is stated, Hear now, O Joshua the High Priest, thou and thy fellows etc.;<sup>28</sup> lest it be assumed that these were common people it was expressly stated, For they are men that are a sign,<sup>28</sup> and the expression ‘sign’ cannot but refer to a prophet as it is stated, And he<sup>29</sup> give thee a sign or a wonder.<sup>30</sup> A High Priest anointed with the anointing oil takes precedence over one who is only dedicated by the additional garments. He who is dedicated by the additional garments takes precedence over an anointed High Priest who has retired from office owing to a mishap. An anointed High Priest who has retired from office on account of a mishap takes precedence over one who has retired on account of his blemish. He who has retired on account of his blemish takes precedence over him who was anointed for war purposes only. He who was anointed for war takes precedence over the Deputy High Priest.<sup>31</sup> The Deputy High Priest takes precedence over the amarkal.<sup>32</sup> What is amarkal? — R. Hisda replied: He who commands<sup>33</sup> all. The amarkal takes precedence over the Temple treasurer. The Temple treasurer takes precedence over the chief of the watch.<sup>34</sup> The chief of the guard takes precedence over the chief of the men of the daily watch.<sup>35</sup> The chief of the daily watch takes precedence over an ordinary priest. The question was raised: In respect of Levitical uncleanness,<sup>36</sup> who takes precedence, the Deputy High Priest or the Priest anointed for War? — Mar

Zutra the son of R. Nahman replied: Come and hear what has been taught: If a Deputy High Priest or a Priest anointed for War were going on their way and came upon a corpse the burial of which is obligatory upon them,<sup>37</sup> it is better that the Priest anointed for War shall defile himself rather than the Deputy High Priest; for if the High Priest meet with some disqualification the Deputy High Priest steps in to perform the Temple service. Has it not been taught, however, that the Priest anointed for War takes precedence over the Deputy High Priest? — Rabina replied: That Baraitha deals with the question of saving life.<sup>38</sup>

**MISHNAH. A PRIEST TAKES PRECEDENCE OVER A LEVITE, A LEVITE OVER AN ISRAELITE, AN ISRAELITE OVER A BASTARD, A BASTARD OVER A NATHIN,<sup>39</sup> A NATHIN OVER A PROSELYTE, AND A PROSELYTE OVER AN EMANCIPATED SLAVE. THIS ORDER OF PRECEDENCE APPLIES ONLY WHEN<sup>40</sup> ALL THESE WERE IN OTHER RESPECTS EQUAL. IF THE BASTARD, HOWEVER, WAS A SCHOLAR AND THE HIGH PRIEST AN IGNORAMUS,<sup>41</sup> THE LEARNED BASTARD TAKES PRECEDENCE OVER THE IGNORANT HIGH PRIEST.**

**GEMARA. A PRIEST TAKES PRECEDENCE OVER A LEVITE** for it is stated The sons of Amram: Aaron and Moses; and Aaron wins separated that he should be sanctified as most holy.<sup>42</sup> **A LEVITE takes precedence OVER AN ISRAELITE** for it is stated, At that time the Lord separated the tribe of Levi etc.<sup>43</sup> **AN ISRAELITE takes precedence OVER A BASTARD** for the one is of legitimate birth and the other is not. **A BASTARD takes precedence OVER A NATHIN** for the one comes from an eligible origin and the other from a non-eligible origin. **A NATHIN takes precedence OVER A PROSELYTE** for the one was brought up with us in holiness and the other was not brought up with us in holiness. **A PROSELYTE takes precedence OVER AN EMANCIPATED SLAVE** for the one was included in the curse<sup>44</sup> and the other was not included in the curse. **THIS ORDER OF PRECEDENCE APPLIES ONLY WHEN ALL THESE WERE IN OTHER RESPECTS EQUAL** etc. Whence is this deduced? — R. Aha son of R. Hanina replied: From Scripture which states, She<sup>45</sup> is more precious than rubies,<sup>46</sup> i.e., more precious than the High Priest who enters into the innermost<sup>47</sup> sanctuary. It was taught, R. Simeon b. Yohai said: It stands to reason that an emancipated slave should take precedence over a proselyte, for the one was brought up with us in holiness and the other was not; but the former was included in the curse<sup>44</sup> while the latter was not. R. Eleazar son of R. Zadok was asked by his disciples: Why are all willing to marry a proselyte while not all are willing to marry an emancipated slave? He answered them: The one was included in the curse<sup>48</sup> while the other was not. Another explanation is that the one is known to protect her chastity while the other is not. R. Eleazar<sup>49</sup> was asked by his disciples: Why does a dog know its owner while a cat does not? He answered them: If he who eats something of that from which a mouse has eaten loses his memory, how much more so the animal which eats the mouse itself! R. Eleazar<sup>50</sup> was asked by his disciples: Why do all persecute the mice? — Because of their bad nature. What is it? Raba replied: They gnaw even at clothes<sup>51</sup>

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(1) Lev. IV, 21.

(2) This being obvious, since that offering was in that context mentioned first.

(3) The bullock of the High Priest.

(4) V. supra p. 94, n. 8.

(5) Lev. XVI, 17.

(6) That for idolatry.

(7) Lev. V, 8.

(8) Ibid. 10.

(9) Lit., 'but this built a father'.

(10) Palestine.

(11) So MS. M. Cut, edd. 'Raba'.

(12) חטאת, 'sin offering'.

- (13) **לַחֲטָאת** , ‘for a sin offering’. Num. XV, 24; as if to say that it is lacking in something accorded to other sin offerings.
- (14) Ibid.
- (15) The burnt offering for idolatry; thus implying that the process of the offering of the sacrifices in that particular case must be in the same order as they were ordained in that text, viz., the burnt offering first.
- (16) The individual's sin offering may be either a she-goat (Lev. IV, 28) or a ewelamb (ibid. v. 32).
- (17) V. Glos.
- (18) The wave-loaves offered on Pentecost. V. Lev. XXIII, 17.
- (19) V. ibid. v. 18.
- (20) Lit., ‘that comes for the sake of’.
- (21) The wave-loaves and the omer. The lambs are merely an adjunct to these.
- (22) [To spare him the indignity of pederasty.]
- (23) In procuring his ransom.
- (24) I.e., he must procure the ransom of his teacher before that of his father.
- (25) Lit., ‘we have none like him’.
- (26) I Kings I, 33. David is designated lord in an instruction addressed to Zadok his High Priest.
- (27) Ibid. 34.
- (28) Zech. III, 8.
- (29) The prophet.
- (30) Deut. XIII, 2.
- (31) Segan, v. Sanh. (Sonc, ed.) p. 97, n. 1.
- (32) V. Glos. [They were officers, the ‘Keepers of the door’ (cf. II Kings XII, 12) drawn from every watch; Mishmar (v. n. 4), entrusted with the keys and vessels of the Temple during their particular week of service. V. Buchler, Priester and Cultus, p. 96, who draws attention to Josephus, Contra Apinem, II, 8: ‘When those days are over, other priests . . . assemble together at mid-day and receive the Keys of the temple and the vessels by tale.’]
- (33) **אָמַר כּוֹלָא** , ‘who said (i.e. directs) all things.’
- (34) Mishmar, v. Glos.
- (35) Heb., beth ab, v. Glos.
- (36) The burial, e.g., of a corpse found in a lonely spot where there is no one else to attend to it.
- (37) Heb, meth mizwah, v. Glos. and cf. previous note.
- (38) The life of the Priest for War is of more importance in a war of defence than the life of the Deputy High Priest.
- (39) V. Glos.
- (40) Lit., ‘when? at the time’.
- (41) Heb. ‘am ha-arez, v. Glos.
- (42) I Chron. XXIII, 13. A priest is a descendant of Aaron.
- (43) Deut. X, 8.
- (44) Lit., ‘cursed be’, ‘the first two words of the curse which Noah pronounced against Canaan when he condemned him to slavery (v. Gen. IX, 25), which he considered the greatest curse imaginable (Rashi).
- (45) The Torah, learning.
- (46) Prov. III, 15. **מִכְנִינִים** .
- (47) **לִפְנֵי וּלְפָנִים** a play upon the word **מִפְנֵינִים** V. n. 7.
- (48) V. p. 99, n. 5.
- (49) [MS. M.: ‘Eleazar b. Zadok.’]
- (50) [Var. lec.: ‘Eleazar b. Zadok.’]
- (51) Which is no food. They cause loss to the owner though they themselves derive no benefit.

## Talmud - Mas. Horayoth 13b

R. Papa replied: They gnaw even at the handle of a hoe. Our Rabbis taught: Five things make one forget one's studies: Eating<sup>1</sup> something from which a mouse or a cat has eaten, eating<sup>1</sup> the heart of a beast, frequent consumption<sup>2</sup> of olives, drinking<sup>3</sup> the remains of water that was used for washing, and washing<sup>4</sup> one's feet one above the other. Others say: He also who puts his clothes under his head

[forgets his studies]. Five things restore one's learning:<sup>5</sup> Wheaten bread and much more so wheat<sup>6</sup> itself, eating<sup>1</sup> a roasted<sup>7</sup> egg without salt, frequent consumption<sup>8</sup> of olive oil, frequent indulgence in wine and spices, and the drinking<sup>3</sup> of water that has remained from kneading. Others say: Dipping one's finger in salt and eating is also included. 'Frequent consumption of olive-oil'. This corroborates the view of R. Johanan who said: As the olive causes one to forget seventy years of study, so does olive oil restore seventy years of study. 'Frequent indulgence in wine and spices'. This corroborates the view of Raba who said: Wine and spices have made me wise. 'Dipping one's finger in salt' — Said Resh Lakish: One only. This is a matter of dispute between Tannaim: R. Judah said, one finger but not two; R. Jose said, two but not three. Your mnemonic<sup>9</sup> is the third finger.<sup>10</sup> Ten things adversely affect one's study: Passing<sup>11</sup> under the bit of a camel and much more so under the camel itself, passing<sup>11</sup> between two camels, passing between two women, the passing of a woman<sup>12</sup> between two men, passing under the offensive odour of a carcass, passing under a bridge under which water has not flowed for forty days, eating bread that was insufficiently baked, eating meat out of a soup-ladle, drinking from a streamlet that runs through a graveyard, and looking into the face of a dead body. Others say: He who reads an inscription upon a grave is also [subject to the same disability]. Our Rabbis taught: When the Nasi<sup>13</sup> enters, all the people rise and do not resume their seats until he requests them to sit. When the Ab-beth-din<sup>14</sup> enters, one row rises on one side<sup>15</sup> and another row on the other [and they remain standing] until he has sat down in his place. When the Hakam<sup>16</sup> enters, every one [whom he passes] rises and sits down [as soon as he passed] until the Sage has sat down in his place. Sons of sages, and scholars may, if the public is in need of their services, tread upon the heads of the people.<sup>17</sup> If one [of them] went out in his need to ease himself he may re-enter and sit down in his place.<sup>18</sup> Sons of a scholar<sup>19</sup> whose father holds the office of Parnas<sup>20</sup> may, if they possess the capability of understanding [the discourses], enter and sit down before their father with their backs to the people. When, however, they do not possess the capability of understanding [the discourses] they enter and sit down before their father with their faces towards the public. R. Eleazar son of R. Zadok said: In a festive gathering<sup>21</sup> also they are treated as attachments [to their father].<sup>22</sup> The Master said, 'If he went out in his need to ease himself he may re-enter and sit down in his place.' R. Papa said: This applies only<sup>23</sup> to the minor [functions of the body] but not to the major [functions], since he should have examined himself before; for Rab Judah said: A man should always make a habit of easing himself early in the morning and late in the evening in order that there be no need for him to go far.<sup>24</sup> Now,<sup>25</sup> however, that everybody<sup>26</sup> is weaker the same rule applies even to the larger functions. 'R. Eleazar son of R. Sadok said: At a festive gathering also they<sup>27</sup> are treated as attachments [to their father].' Raba said: Only during the lifetime of their father and in the presence of their father. R. Johanan said: That instruction<sup>28</sup> was issued<sup>29</sup> in the days of R. Simeon b. Gamaliel [III], when R. Simeon b. Gamaliel was the President, R. Meir the Hakam,<sup>30</sup> and R. Nathan the Ab-beth-din.<sup>31</sup> Whenever R. Simeon b. Gamaliel entered all the people stood up for him; when R. Meir and R. Nathan entered all the people stood up for them also. Said R. Simeon b. Gamaliel: Should there be no distinction between my [office] and theirs? And so he issued that ordinance.<sup>32</sup> R. Meir and R. Nathan were not present on that day. Coming on the following day and seeing that the people did not rise for them as usual, they inquired as to what had happened.<sup>33</sup> On being told that R. Simeon b. Gamaliel had issued that ordinance, R. Meir said to R. Nathan, 'I am the Hinkam and you are the Ab-heth-din, let us retaliate.<sup>34</sup> Now, how are we to proceed against him? — Let us request him to discourse<sup>35</sup> upon the tractate of 'Ukzin with which he is unfamiliar,<sup>36</sup> and as he will be unable to discourse upon it<sup>37</sup> we shall tell him: Who can express the mighty acts of the Lord; make all His praise to be heard;<sup>38</sup> for whom is it becoming to express the mighty acts of the Lord? For him who can make all his praise to be heard. We shall then depose him and I shall become Ab-beth-din and you the Nasi.' R. Jacob b. Korshai on hearing this conversation<sup>39</sup> said, 'The matter might, God forbid, lead to [the Nasi's] disgrace.' So he went and sat down behind R. Simeon b. Gamaliel's study, expounding [the tractate of 'Uksin], and repeating it again and again. He<sup>40</sup> said, 'What could this mean?<sup>41</sup> Did anything, God forbid, happen at the college!' He concentrated his attention and familiarized himself with it. On the following day when they said to him, 'Will the Master come and discourse on 'Uksin', he began and discoursed upon it.

After he had finished he said to them, 'Had I not familiarized myself with it, you would have disgraced me!' He gave the order and they were removed from the college. Thereupon they wrote down scholastic difficulties on slips of paper which they threw into the college.<sup>42</sup> That which he<sup>43</sup> solved was disposed of<sup>44</sup> and as to those which he did not solve they wrote down the answers and threw them in. Said R. Jose to them:<sup>45</sup> The Torah is without and we are within! Said R. Simeon b. Gamaliel to them:<sup>45</sup> We shall re-admit them<sup>46</sup> but impose upon them this penalty, that no traditional statement shall be reported in their names. [As a result] R. Meir was designated 'others', and R. Nathan 'some say'. In their dreams they received a message to go and pacify<sup>47</sup> R. Simeon b. Gamaliel. R. Nathan went; R. Meir did not, for he said: Dreams are of no consequence.<sup>48</sup> When R. Nathan came,<sup>49</sup> R. Simeon b. Gamaliel remarked to him: The honorable position<sup>50</sup> of your father has indeed helped you to become Ab-beth-din; shall we therefore make you also Nasi? Rabbi taught his son R. Simeon: Others say that if it<sup>51</sup> had been an exchanged beast

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(1) Lit., 'he who eats.'

(2) Lit., 'he who is accustomed in.'

(3) Lit., 'he who drinks.'

(4) Lit., 'he who washes'.

(5) I.e., strengthen one's memory.

(6) So MS. M. Cur. edd. 'bread of (i.e. baked on) coals . . . coals.'

(7) Lit., 'rolled'.

(8) Lit., 'he who is accustomed'.

(9) An aid for remembering the numbers given by the two Tannaim.

(10) Which, the thumb not being counted, has one finger on its right and two on its left.

(11) Lit., 'he who passes.'

(12) Lit., 'and a woman who passes.'

(13) The Prince, the President of the Sanhedrin.

(14) [Father of the Beth din, generally taken to denote as here the Vice-President. Buchler, *Synedrin*, pp. 172ff., however, shows that the title 'Ab-beth-din' was also of a more general character, designating the head of any important school.]

(15) Lit., 'they make for him one row from here.'

(16) [Lit., 'the Sage.' There is no certainty either in regard to the original function or rank of the Hakam. He here appears as third in rank to the Nasi; v. Buchler, *op. cit.* pp. 155, 161ff.]

(17) [I.e., they may enter the house of study though the rest are already seated (cf. n. 10); v. *Sanh.* (Sonc. ed.) p. 30, n. 8.]

(18) Though he thereby disturbs the people whom he has to pass.

(19) Lit., 'scholars.'

(20) [A title denoting usually a general leader of the people, and sometimes also a member of the council of the city; v. Buchler, *Sepphoris*, pp. 14, 16.]

(21) Lit., 'house'.

(22) Are given a place beside him. [According to Krauss, *Sanhedrin-Makkot*, p. 34, the meaning is that the young men were delegated to assist as supervisors against laxities and misdemeanours at marriage festivities.]

(23) Lit., 'they did not say but.'

(24) To find a private spot. In those days privies within the town or the village were unknown.

(25) 'Raba said' is placed within parentheses in cur. edd. [It is rightly omitted in some texts, as Raba is unlikely to comment on a statement of R. Papa, his pupil.]

(26) Lit., 'all the world.'

(27) The sons of scholars mentioned supra.

(28) Heb., Mishnah, (teaching), v. Glos.

(29) Lit., 'taught.'

(30) חכם 'sage', 'wise man'; an office in the college next in rank to that of Ab-beth-din. V supra p. 101, n. 8.

(31) V. supra p. 101, n. 6.

(32) Lit., 'established that teaching.' the procedure described supra. [This arrangement, made by H. Simeon, was not



prompted by personal vanity. (Simeon's humility, well attested by his sayings. B. M. 84, 55a, is the best proof against such an imputation.) But it was introduced in order to increase the authority of the College over which the Nasi presided and to promote due respect for learning. V. Lauterbach, J.E. XI, p. 347.]

(33) Lit., 'they said, what is this'.

(34) Lit., 'let us do a thing as to us'.

(35) Lit., 'reveal', i.e., expound.

(36) Lit., 'he has not'.

(37) Lit., 'he did not learn'.

(38) Ps. CVI, 2.

(39) Lit., 'heard them'.

(40) K. Simeon b. Gamaliel.

(41) Lit., 'what is that in front'.

(42) Lit., 'there'.

(43) V. p. 102, n. 9.

(44) Lit., 'was solved'.

(45) The members of the college.

(46) The expelled scholars.

(47) Lit., 'they showed them in their dreams, go pacify him'.

(48) Lit., 'words of dreams neither bring up nor bring down'.

(49) Lit., 'went'.

(50) Lit., 'girdle'.

(51) A beast that in the course of tithing has been erroneously counted as the tenth.

## Talmud - Mas. Horayoth 14a

it would not have been sacrificed.<sup>1</sup> The latter said to him: Who are those whose waters we drink but whose names we do not mention? Rabbi answered him: These are men who wished to uproot your dignity and the dignity of your father's house. His son said to him: As well their love, as their hatred and their envy is long ago perished!<sup>2</sup> Rabbi said to him, The enemy has disappeared; the swords<sup>3</sup> are forever.<sup>4</sup> The other said to him: This applies only to the case where their actions were successful; in the case of these Rabbis, however, their actions were not successful. Subsequently he repeated his lesson [as follows]: It was said in the name of R. Meir that if it had been an exchanged beast it would not have been sacrificed. Raba said: Even Rabbi who was unassuming used the expression,<sup>5</sup> 'it was said in the name of R. Meir', and did not say 'R. Meir said'. R. Johanan said: [On the following point] there is a difference of opinion between R. Simeon b. Gamaliel and the Rabbis. One view is<sup>6</sup> that a well-read scholar<sup>7</sup> is superior [to the keen dialectician] and the other view is<sup>6</sup> that the keen dialectician<sup>8</sup> is superior. R. Joseph was a well-read scholar; Rabbah was a keen dialectician. An enquiry was sent up to Palestine:<sup>9</sup> Who of these should take precedence? They sent them word in reply: 'A well-read scholar is to take precedence'; for the Master said, 'All are dependent on the owner of the wheat'.<sup>10</sup> R. Joseph, nevertheless, did not accept office. Rabbah was head<sup>11</sup> for twenty-two years and only after this period did R. Joseph take up the office.<sup>12</sup> Throughout the years of Rabbah's rectorship. Rab Joseph did not call to his house even a cupper.<sup>13</sup> Abaye. Raba, R. Zera and Rabbah b. Mattana once sat studying together and felt the need to appoint a head.<sup>14</sup> They agreed<sup>15</sup> that whosoever would make a statement which could not be refuted shall become head. The statements of all of them were refuted, but that of Abaye was not. When Raba<sup>16</sup> saw that Abaye held up his head, he called out to him: 'Nahmani,<sup>17</sup> begin and say something'. The question was asked: Between R. Zera and Rabbah son of R. Mattana which is the superior? R. Zera was keen-witted but undecided<sup>18</sup> while Rabbah son of R. Mattana was slow but able to arrive at conclusions.<sup>19</sup> Now, what is the answer? — This must remain undecided.<sup>20</sup>

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(1) V. Bek. 60a.

(2) Eccl. IX, 6.

- (3) הרבות , pl. of הרב 'sword'. Others, 'waste places'.
- (4) Ps. IX, 7.
- (5) Lit., 'taught'.
- (6) Lit., 'one said'.
- (7) A Sinai. A scholar well versed in the Law communicated from Mount Sinai.
- (8) Lit., 'he who uproots mountains'.
- (9) Lit., 'thither.'
- (10) The scholar who is well read and who is, consequently, able to give reliable decisions based on trustworthy tradition.
- (11) Lit., 'reigned' [as head of the school of Pumbeditha].
- (12) [Because he was told by astrologers that he would reign only two years (v. Ber. 64a). Rabbah was head 309.330, and R. Joseph who succeeded him died in 333, v. Graetz, Geschichte IV, pp. 322ff. Funk, Die Juden in Babylonien, I, p. 26, suggests that there may be a deeper reason for R. Joseph's reluctance. He felt that the keen dialectical method of the Pumbeditha School (cf. Sanh, 17b) needed for its direction a man with greater dialectical powers than he possessed.]
- (13) R. Joseph, in his modesty, avoided all superior airs and called on the cupper instead of summoning him to his house.
- (14) [To the school of Pumbeditha after the death of R. Joseph.]
- (15) Lit., 'said.'
- (16) So Bomberg ed. Cur. edd.: 'Rabbah.' [D.S. a.l. n. 90, gives preference to the reading 'Rabbah' who, as Abaye's teacher, had to give him permission to expound. In this case, the 'head' they felt in need of would be, not for the school of Pumbeditha, but for the purpose of taking charge of that particular course: v. Tosaf. Asheri.]
- (17) Abaye's nickname. Nahmani was the name of the father of Rabbah in whose house Abaye received his education as well as his upbringing.
- (18) מקשה 'raises difficulties.'
- (19) מסיק 'coming to conclusions.'
- (20) Heb, tekū, v. Glos.