

The Jerusalem Talmud

Fourth Order: Neziqin

Tractates *Ševu'ot* and *Avodah Zarah*

# Studia Judaica

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# The Jerusalem Talmud

## תלמוד ירושלמי

Fourth Order: Neziqin

סדר נזיקין

Tractates *Ševu'ot* and *ʿAvodah Zarah*

מסכתות שבועות ועבודה זרה

Edition, Translation, and Commentary

by

Heinrich W. Guggenheimer

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## Preface

The present volume is the thirteenth in this series of the Jerusalem Talmud, the third and final in a three-volume edition, translation, and Commentary of the Fourth Order of this Talmud. The principles of the edition regarding text, vocalization, and Commentary have been spelled out in detail in the Introduction to the first volume. The text in this volume is based on the manuscript text of the Yerushalmi edited by J. Sussman for the Academy of the Hebrew Language, Jerusalem 2001. The text essentially represents an outline, to be fleshed out by a teacher's explanation. The translation should mirror this slant; it should not endow the text with literary qualities which the original does not possess. In particular, the translation is not intended to stand separate from the Commentary.

The extensive Commentary is not based on emendations; where there is no evidence from manuscripts or early prints to correct evident scribal errors, the proposed correction is given in the Notes. As in the preceding volumes, for each paragraph the folio and line numbers of the Krotoschin edition are added. It should be remembered that these numbers may differ from the *editio princeps* by up to three lines. It seems to be important that a translation of the Yerushalmi be accompanied by the text, to enable the reader to compare the interpretation with other translations.

Again, biblical quotations are given with the accents, except for words which differ (usually by *plene* spelling) from the masoretic texts. Since the quotes are part of oral tradition, the deviations in spelling are examples of substandard spelling, rather than changes in the text.

Again, I wish to thank my wife, Dr. Eva Guggenheimer, who acted as critic, style editor, proof reader, and expert on the Latin and Greek vocabulary. Her own notes on some possible Latin and Greek etymologies are identified by (E. G.).

I thank the staff of the Jewish Division of the New York Public Library for providing me with copies of the Genizah texts of Tractate *Avodah zarah*.

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## Introduction to Tractate Ševu'ot

The Tractate “Oaths” has two parts. The first three chapters are ritualistic, the later five are partially legalistic. The ritualistic part is based on *Lev.* 5:1-13, 20-26, detailing the sacrifices required for rash or senseless as well as false oaths. Since *Lev.* 5:1-13 states the same treatment for infringements of the purity of the Temple or of sacrifices as for rash or senseless oaths, the first Chapter, after an introduction listing matters which can be classified as “two kinds which split into four cases”, treats inadvertent impurity of sacrifices and their atonement, whether by sacrifice or the Temple service of the Day of Atonement. The Second Chapter then defines the places which can claim the holiness of the Temple and require atonement for inadvertent violations of its purity.

The third Chapter starts with an enumeration of the two/four ways in which a non-judicial oath can be irrelevant or false, whether by one's own initiative or formulated by others. The oaths are punishable by flogging if made before witnesses after due warning, or sacrifices following the same rules as infringements of purity if inadvertent.

The Fourth Chapter deals with oaths which serve as subpoenas to testify. The basic situation is that A says to B I put an oath or an imprecation on you that you should come and testify for me. If B agrees by saying “Amen” and then reneges on his duty, he has violated the oath as described in *Lev.* 5:1. These oaths can be imposed in or out of Court. The Chapter ends with a discussion of the use of substitutes for the Divine name in imprecations.

Chapter Five deals with the oaths by which people falsely defend themselves against monetary claims (*Lev.* 5:21-26). While the doctrines of judicial proof are detailed in Tractates *Neziqin* and *Ketubot*, the Chapter mainly deals with the obligations for sacrifices, with an appendix about the rules by which judicial fines can be imposed.

Chapter Six treats oaths imposed by the court on a defendant in a case in which he partially admits claims not proven by documents or witnesses. He has to swear that he does not owe the part of the claim which he disputes. The oath cannot be imposed if either the defendant rejects the claim in its entirety, when the claimant has to provide proof by witnesses or documents, or if the defendant rejects the claim but admits an unrelated one. Also, matters that must be documented such as real estate claims cannot be settled by oath.

Chapter Seven deals with rabbinic oaths instituted in the interest of social justice, such as the power of the worker to claim unpaid wages by an oath without having to produce witnesses, or cases involving a widow and her husband's heirs, or dissolutions of partnerships, where documents proving exact accounting may be difficult or impossible to obtain.

Finally, Chapter Eight treats the biblical oaths imposed on trustees in case a deposit was damaged or lost, *Ex.* 22:6-14. Since these rules are treated at length in Tractate *Neziqin*, the corresponding Chapter in the Babli is very short. Since the treatment in the Yerushalmi *Neziqin* is so very short, the Chapter here is more substantial than its Babli counterpart.

## שבועות שנים פרק ראשון

(fol. 32c) **משנה א:** שבועות שנים שהן ארבע. ידיעות המזאזה שנים שהן ארבע. וציאות השבת שנים שהן ארבע. מראות נגעים שנים שהם ארבעה:

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

1 *Lev. 5:4* requires a reparation sacrifice for inadvertent breach of a commitment made by oath, “what was pronounced, negatively or positively.” The standard example of a positive oath is somebody swearing that he will eat certain foods. The corresponding negative is an oath that he will refrain from eating certain foods. The exact expression used, *להתק* | *או להיטיב*, by its *hiph'il* form points to the future. A natural complement are backward looking oaths, if a person swears that he ate or did not eat certain foods in the past (Mishnah 3:1). These four cases are equal in sanctions for willful or inadvertent breach.

2 *Lev. 5:2-3* requires a reparation sacrifice for a person who became impure, forgot it, and then either ate *sancta* in his impurity or entered the Sanctuary. The two added cases are that he knew about being impure but forgot that the food was holy or that the place was a Sanctuary.

3 It is forbidden to transport anything on the Sabbath from a private domain to the

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

4 *Lev. 13:2* defines impure skin disease as *שאת או-ספחת או בלקת* “an elevated spot,

or *sapahat*, or a white spot.” This is read as “an elevated spot (which makes the surrounding skin look elevated over the whitish spot) and a really white spot and their appendages”, deriving *sapahat* from

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

(32c line 56) **הלכה א:** שְׁבוּעוֹת שֶׁהֵן אַרְבַּע כּוּל. שֶׁתִּים שֶׁהֵן אַרְבַּע לְחִיּוּב וּשְׁתִּים שֶׁהֵן אַרְבַּע לְפִטּוֹר אוֹ אַרְבַּע לְחִיּוּב וְאַרְבַּע לְפִטּוֹר. נִשְׁמְעִינָה מִן הַדָּא. שְׁבוּעוֹת שֶׁתִּים שֶׁהֵן אַרְבַּע. אָמַר רַבִּי יוֹסִי. מִתְּנִיתָ אֶמְרָה כֵּן. שְׁבוּעוֹת שֶׁתִּים שֶׁהֵן אַרְבַּע. לֹא לְחִיּוּב. וְדַכּוּנָתָהּ יְצִיאוֹת הַשְּׁבִת שֶׁתִּים שֶׁהֵן אַרְבַּע לְחִיּוּב. אָמַר רַבִּי בָּא. תִּמְן כּוֹלְהוֹן לְחִיּוּב. הֵכָא חִיּוּב וּפִטּוֹר אֲתִינָן מִיִּתְנִי. הֵדָא אֶמְרָה. ד' לְחִיּוּב וְד' לְפִטּוֹר. וְהִתְנִי. דְּלַתּוֹת הֵיכַל שֶׁתִּים שֶׁהֵן אַרְבַּע. אֵית מִימַר. לְחִיּוּב וְלֹא לְפִטּוֹר. נִיתְנִי שְׁנִים עֶשֶׂר פִּטּוֹר. לֹא אֲתִינָן מִיִּתְנִי אֶלָּא פִטּוֹר שֶׁהוּא כְּנֶגֶד חִיּוּב. אָמַר רַבִּי חִיָּה בְּרִי אֲדָא. מָהוּ אֶהֱיוֹן פִּטּוֹר דְּתִינָן הֵכָא. מוֹתֵר. אָמַר רַבִּי יוֹסִי. עֲנִי וְעֲשִׂיר אֶחָד מִהֵן וּמִנֵּם חֲכָמִים שְׁנִים. הֲכִנְסָה וְהוֹצֵאָה שְׁנִים וּמִנֵּם חֲכָמִים אֶחָד. יְצִיאוֹת הַשְּׁבִת אֵין הֲכִנְסָה בְּכָלִל. הַמּוֹצֵא מִרְשׁוֹת לְרְשׁוֹת אֵין הַמְּכַנֵּס בְּכָלִל. וְעוֹד מִהֵדָּא דְּמַר רַבִּי יְסָא בְּשֵׁם רַבִּי יוֹחָנָן. הֲכִנְסִי חֲצִי גְרוּגְרִית וְהוֹצֵא חֲצִי גְרוּגְרִית חִיָּב. וּמִיִּנִין שֶׁהוֹצֵאָה קְרוּיָה מְלֵאכָה. רַבִּי שְׁמוּאֵל בְּשֵׁם רַבִּי יוֹחָנָן. וְיֵצֵא מוֹשֶׁה וְיַעֲבִירוּ קוֹל בְּמִחְנֶה וְגו'. נִמְנָעוּ הָעָם מִלְּהוֹצִיא מִבִּתְיָהּן לְתַת לַגִּיזְבָּרִין וּמִלְּהוֹצִיא מִיָּדוֹן לְהִנְסִי לְלִישָׁכָה. רַבִּי חִזְקִיָּה בְּשֵׁם רַבִּי אֲחָא שְׁמַע לָהּ מִן הַדָּא. וְלֹא-תוֹצִיאוּ מִשָּׂא מִבִּתְיָכֶם בְּיוֹם הַשְּׁבִת וְכָל-מְלָאכָה לֹא תַעֲשׂוּ.

**Halakhah 1:** “There are two kinds of oaths which are four kinds,” etc.

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



counted them as one<sup>15</sup>. Exporting on the Sabbath does not include importing; if one exports from a domain this does not include importing<sup>16</sup>. If one who exports from one domain to the other, does this not include the one who imports<sup>17</sup>? In addition, from what Rabbi Yasa said in the name of Rabbi Joḥanan: Somebody who imports half the size of a dried fig and exports half the size of a dried fig is liable<sup>18</sup>. And from where that exporting is called work? Rabbi Samuel in the name of Rabbi Joḥanan: “Moses ordered, they made a public proclamation in the camp,<sup>19</sup>” etc. The people refrained from taking objects out from their houses to give them to the collectors, who also did not take out anything from them to import into the office. Rabbi Hizqiah in the name of Rabbi Aḥa understood it from the following: “do not bring out any load from your houses on the Sabbath day, and perform no work.”<sup>20</sup>

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

The problem starts with the rather

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

violated a Sabbath prohibition.

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

6 S. Liebermann (Note 5) proposes to delete “four which are not liable” as induced by the preceding statement about “two and two” even though the text is common to all three versions at our disposal and it is difficult to assume that the redundant text was taught in the Galilean Academy. For the rules of the Sabbath, the case is simple and there is no redundancy. In the formulation of Mishnah *Šabbat* 1:1 there are four cases of liability, rich or poor taking out or rich or poor bringing in. There are also four cases where there is no liability, depending on who takes up the object first and who takes over, and what the direction of the move is. The question now is raised whether a similar case can be made for the first clause in Mishnah *Ševuot* 1:1.

7 The statement of R. Abba later in this paragraph should be inserted here as noted in Note 5. While “here” in *Šabbat* the Mishnah itself explains that there are two cases of liability and two of no liability, the situation in *Ševuot* is different; all four cases trigger the obligation of a sacrifice for inadvertent infraction and punishment for intentional infraction in the presence of witnesses.

8 Rabbi Yose disagrees with R. Abba. Since everybody agrees that there are four cases which trigger a liability for oaths, the fact that the statement about Sabbath is formulated in the same Mishnah and in

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

9 This *baraita* refers to Mishnah *Middot* 4:1 which explains that the entrance gate to the Temple hall was built in the manner of a city gate, a thick wall closed by an outer double door opening to the outside and an inner two-winged door opening to the inside. The expression “two doors which are four” is simply the description of the structure of the building.

10 This is inappropriate here.

11 Mishnah *Šabbat* 1:1 counts four actions for which one is liable (complete actions, export and import for the rich person, export and import for the poor.) Then it counts four cases for which one is not liable, but since for any incomplete action one is not liable one could consider the possibility that the poor man reaches into the house, lifts the object which the rich then takes up and deposits on the outside. A similar convoluted action is possible for import; two actions for two actors each result in four non-liabilities.

12 Only those cases are counted where a direct action, resulting in liability if executed by one person, imply no liability if done by two. The convoluted cases of Note 11 are not noted since they do not correspond to a case that could involve only one actor.

13 In *Šabbat*: bar Abba. In the Babli,

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

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

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

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

16 Since there are no verses spelling out the prohibition of carrying from the public domain to a private one.

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

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

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

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

רבי מנא אמר לה סתם. רבי אבין בשם רבי יוחנן. תנינן תרתין קלליו ולא דמיין  
דין לדין. שבויעות שתיים שהן ארבע מביא ארבע קרבנות. מראות נגעים שנים שהן ארבע  
מביא שתי קרבנות. רבי לעזר בשם רבי אבין פתר לה פתר חורן. שבויעות שתיים שהן ארבע  
רבי עקיבה אומר. מראות נגעים שנים שהם ארבע רבי ישמעאל. רבי חגי ברא קומי רבי יוסי.  
ולמה לי רבי ישמעאל. ואפילו רבי עקיבה אתיא. היא ידיעה והעלם על טומאת מקדש

ידיעה והעלם על טומאת הקדש. אמר ליה. מאן אית ליה העלם טומאה והעלם מקדש לאו רבי ישמעאל. ונן בעיי כרבי עקיבה. פעמים שיש פאן העלם טומאה והעלם מקדש ואינו חייב אלא אחת. היך עבדא. נייטמא וידע נעלקמה ממנו טומאה ונכנס למקדש ויצא וידע. נעלם הימיו מקדש ונכנס למקדש ויצא וידע. הרי פאן העלם טומאה והעלם מקדש ואינו חייב אלא אחת. ופעמים שיש פאן כמה ידיעות וכמה העלמות ואינו חייב אלא אחת. היך. נייטמא וידע נעלקמה הימיו טומאה. עד שהוא בהעלם טומאה נעלקמה הימיו מקדש ונכנס למקדש ויצא וידע ואמר. טומאה זו אין חייבין עליה קרבן. נייטמא וידע נעלקמה הימיו טומאה. עד שהוא בהעלם טומאה נעלם הימיו מקדש ונכנס למקדש ויצא אפילו כמה פעמים ובסוף ידע. הרי פאן כמה ידיעות והעלמות ואינו חייב אלא אחת.

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

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

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

21 He did not ascribe the following remark to R. Johanan or any other earlier Amora.

22 Mishnah 3:1, explicit in *Sifra Hovah* (*Wayyiqra* 2) *Parašah* 9(8). For the four cases enumerated in Note 1, R. Aqiba requires four separate sacrifices. R. Ismael infers from the forward-looking formulation of the verse that only future-directed oaths can trigger liability for a sacrifice. According to him, for separate oaths in the same period of oblivion at most two sacrifices may be due.

23 The reference to skin disease also is in a difficult Genizah text (G, L. Ginzberg, *Yerushalmi Fragments from the Genizah*, New York 1909, p. 264 ff.) but it cannot be correct. The purification ceremony of the healed sufferer from skin disease is independent of the particular diagnosis by which he had been declared impure and the number of sacrifices due solely depends on his financial ability. The sequel shows that one has to read “there are two kinds of awareness of impurity which are four kinds,” the second clause in the Mishnah.

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

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

24 R. Abin mentioned at the start of the paragraph is R. Abin the son, head of the Academy of Tiberias at the time of R. Mana in Sepphoris. The reading “R. Eleazar in the name of R. Abin” (In G: “in the name of R. Abun”, at a second occurrence “R. Eliezer ben R. Abun”) is impossible since R. Abin (Abun) the father lived a generation and a half after R. Eleazar. As already recognized by R. David Fraenckel (*Qorban Ha’edah ad loc.*) one must read “R. Eleazar bar Abinna”, a third generation Galilean Amora.

25 The Tanna of the Mishnah is not inconsistent in his use of parallel expressions but the two parallel sentences represent two different tannaïtic positions.

26 Since Mishnah 2:1 explains that even R. Aqiba can hold that “there are two kinds

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

27 Only R. Ismael requires a sacrifice both for forgetting impurity of *sancta* and forgetting the Sanctuary (Mishnah 2:6). R. Haggai's inference is incorrect; R. Aqiba will not require a sacrifice in his case.

28 Even following R. Ismael.

29 There is no guilt attached to being impure. Guilt by impurity is incurred only if either the impure person enters the

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

The sentence is missing in G.

30 Text of G חיד עבדה.

31 There is only one oblivion and only one sacrifice.

The sentence is missing in G.

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

(9 line 32d) פִּסְקָא. מִרְאוֹת נְגָעִים שְׁתֵּים שֶׁהֵן אֶרְבָּעָה: אָמַר רַבִּי יוֹסִי. שְׂאֵל יְהוֹשֻׁעַ בֶּן רַבִּי עֲקִיבָה אֶת רַבִּי עֲקִיבָה. אָמַר לוֹ. מִפְּנֵי מָה אָמַרְתָּ. מִרְאוֹת נְגָעִים שְׁתֵּים שֶׁהֵן אֶרְבָּעָה: אָמַר לוֹ. וְאִם לֹא מָה יֹאמְרוּ. אָמַר לוֹ. יֹאמְרוּ. מִקְרוֹם בִּיצָה וּלְמַעַלָּה טָמֵא. אָמַר לוֹ. לומר שְׂאֵם אֵין בְּקִי בָּהֶן וּבְשִׁמוּתָן אֵין רוֹאֶה הַנָּגָעִים.

וּמַנִּיין שְׂמִצְטָרְפִין זֶה עִם זֶה. אָמַר רַבִּי מִנְיָא. מִנוֹ אוֹתָן חֲכָמִים שְׁנִים וּמִנוֹ אוֹתָן אֶרְבָּעָה. מָה שְׁנִים מִצְטָרְפִין זֶה עִם זֶה אִף אֶרְבָּעָה מִצְטָרְפִין זֶה עִם זֶה. רַבִּי לֵעָזָר בֶּשֶׁם רַבִּי אֲבִין. אִם בְּשִׁאֲנוֹ מִינוֹ מִצְטָרֵף לֹא כָל־שֶׁכֶן מִין בְּמִינוֹ. אָמַר רַבִּי יוֹסֶה בִּירְבִּי בּוּן. וְהִיוּ אֵין כְּתוּב כָּאֵן אֶלָּא וְהִיא. מְלֻמֵּד שְׂאֵינוֹ מִצְטָרְפִין זֶה עִם זֶה. תִּנִּי חִזְקִיָּה. לִנְיָגִי צִרְעַת אֵין כְּתוּב כָּאֵן אֶלָּא לִנְגַע צִרְעַת. מְלֻמֵּד שְׂאֵינוֹ מִצְטָרְפִין זֶה עִם זֶה. אָמַר לוֹ. וְיֹאמְרוּ. מִקְרוֹם בִּיצָה וּלְמַעַלָּה טָמֵא וּמִצְטָרְפִין. וְאֵל יֹאמְרוּ. מִרְאוֹת נְגָעִים שְׁנִים שֶׁהֵן אֶרְבָּעָה: אָמַר לוֹ. מְלֻמֵּד שְׂאֵינוֹ זֶה לְמַעַלָּה מִזֶּה. וְהִיא זֶה לְמַעַלָּה מִזֶּה. אִם אוֹמַר אֶת כֹּן נִמְצָאת אוֹמַר. הִכָּהָ טָמֵא. וְהִכָּהָ מִן הִכָּהָ טָמֵא. וְהִתְוֹרָה אָמְרָה וְהִנֵּה כִּהָּ הִנָּע. הִכָּהָ טָמֵא אֲבָל הִכָּהָ מִן הִכָּהָ טָהוֹר. וְתִיָּא כִּי דָמַר רַבִּי חֲנִינָה. לֵב' מְלָכִים וּב' אִיפְרָבִין. מְלָכוֹ שְׁלֹזָה גְדוֹל מִמְלָכוֹ שְׁלֹזָה וְאִיפְרָכוֹ שְׁלֹזָה מֵאִיפְרָכוֹ שְׁלֹזָה. וְאֵין אִיפְרָכוֹ שְׁלֹזָה גְדוֹל מִמְלָכוֹ שְׁלֹזָה וְשִׁגְרִירוֹ שְׁלֹזָה מִשְׁלֹזָה. וְאֵין שִׁגְרִירוֹ שְׁלֹזָה גְדוֹל מִמְלָכוֹ שְׁלֹזָה. רַבִּי חֲנִינָה בֶּשֶׁם רַב אֲחִוָּא. מְלָךְ וּרַב חִילִּיָּה וְאַרְבָּבְטָא וְרִישׁ גְּלוּתָא. אָמַר רַבִּי לֵעָזָר בִּירְבִּי יוֹסִי קוֹמִי רַבִּי יוֹסִי. מִתְנִיתָא אָמְרָה שְׂאֵינוֹ זֶה לְמַעַלָּה מִזֶּה. אִם הִשְׁאֵת שְׁכָהָ מִן הִכָּהָ שְׁלָה טָהוֹר יֵשׁ לָהּ מִרְאָה שִׁנִּי. בְּהֶרֶת שְׁכָהָ מִן הִכָּהָ שְׁלָה טָמֵא לֹא

כָּל־שֶׁכֶּן שֶׁיְהֵא לָהּ מַרְאֶה שִׁינִי. אָמַר לִיה. חֲמִי מָה אַתָּ מַר. שִׁינִי יֵשׁ לָהּ. שְׁלִישִׁי לֹא כָל־שֶׁכֶּן. וּמָה חֲמִית מִימֶר. בְּהֶרֶת שְׂפָהָּ מִן הַפֶּה שְׁלָה טָמֵא זֶה שְׂאֵת. מִינָה שְׁלֹשָׁתָּה כְּקָרוֹם בִּיצָה. שְׂאֵת זֶה שְׂאֵת. בְּהֶרֶת זֶה בְּהֶרֶת. סִפְחוֹת שִׁינֵי לְבָהֶרֶת. וּמַרְאֶה עֲמוּק שִׁינֵי לְשָׁאֵת. מָה לְשׁוֹן שְׂאֵת. מוֹגְבֶהֶת. כְּמַרְאֶה הַצֵּל גְּבוּהָ מִמַּרְאֶה הַחֲמָה. מָה לְשׁוֹן עֲמוּק. עֲמוּקָה. מִמַּרְאֶה חֲמָה שֶׁהִיא עֲמוּקָה מִמַּרְאֶה הַצֵּל. מָה לְשׁוֹן סִפְחוֹת. טְפִילָה. שֶׁנֶּאֱמַר סִפְחֵינִי נָא אֶל־אַחֶת הַכְּהוּנוֹת וְגו'. אָמַר רַבִּי לְעֶזְר. זֶה דְּבָרֵי רַבִּי יִשְׁמַעֵאל וְרַבִּי עֲקִיבָה. אָבֵל דְּבָרֵי חֲכָמִים. שְׂאֵת וּבְהֶרֶת אַחֶת. סִפְחוֹת שְׁנֵינִי לָהּ וְלָהּ. מִתְּנִיתָ אֶמְרָה כֵּן. נִעֲשִׂית מִסִּפְחוֹת שְׂאֵת אִין מִסִּפְחוֹת עֶזְרָה.

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

From where that they can be joined one to the other<sup>37</sup>? Rebbi Mana said, the Sages counted them as two and counted them as four. Just as two can be joined one to the other<sup>38</sup> so also four can be joined one to the other. Rebbi Eleazar in the name of Rebbi Abin<sup>24</sup>: If it can be joined to what is not of its kind, so much more of its own kind<sup>39</sup>. Rebbi Yose ben Rebbi Bun said, it is not written "they will be" but "it will be". This teaches that they cannot be joined one to the other<sup>40</sup>. Hizqiah stated: It is not written "skin diseases" but "skin disease". This teaches that they cannot<sup>41</sup> be joined one to the other."

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

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

<sup>51</sup>“שֶׁט, this is *s'et*. בְּהֶרֶת, this is the shiny spot. סְפֹחֶת is secondary to the shiny spot. [The diseased spot's] look is deepened<sup>52</sup>, secondary to *s'et*. What is the etymology of *s'et*? Elevated. As the shadow looks elevated compared to the sunny spot. What is the etymology of *deepened*? It is deep, as the sunny spot looks depressed compared to the shadow. What is the etymology of סְפֹחֶת? Adjunct. As it is said, *adjoin me please to one of the priesthoods*<sup>53</sup>, etc.” Rabbi Eleazar said, these are the words of Rabbi Ismael and Rabbi Aqiba. But the words of the Sages are that *s'et* and the shiny spot are one. *Sappahat* is secondary to either one<sup>54</sup>. The Mishnah says so: “*Mispahat* is turned into *s'et* or strong *mispahat*.<sup>55</sup>”

33 Tosephta Nega'im 1:1, Babli *Ševuot* 6a.

34 In contrast to the three similar statements in the Mishnah, this one does not seem to have legal implications.

35 While white spots on one's skin in general are harmless (*Lev.* 13:38-39), if they contain discolored hair they potentially are sources of impurity. This is characterized in *Lev.* 13:2 as “*s'et*, adjoint, or shiny spot” which is read as “*s'et*, shiny spot, or one of their adjoints”. It is indicated that the

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



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

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

36 Since the colors are not described in the Torah, the uninitiated lacks the means of determining purity and impurity.

37 A discoloration cannot imply impurity unless it contain an inscribed square of the size of half a Cilician bean; this is defined as (36 hairwidths)<sup>2</sup>. The spot does not have to be of uniform color.

38 Since they are mentioned together in one verse.

39 If the verse implies that spots classified as *s'et* and "shiny spot" are to be combined then certainly a shiny spot and one of lesser intensity are one and the same.

40 This contradicts everything we know from parallel sources, in particular the otherwise exact parallel in *Sifra Tazria*, *Parašat Nega'im*, *Pereq* 1(4) which reads *וְהָיָה כִּי יִשָּׁהוּ מִצֵּטְרָפִין וְהָיָה עִם זֶה* "this teaches that they can be joined one to the other." Already D. Fraenckel in the 18th Century recognized that under the influence of Greek the *h* sound was lost and there was no difference in sound between *וְהָיָה* and *וְהָיָה*.

41 Again, read "they can". Since the verse mentions three different diseases, the singular implies that for matters of purity all three are one.

42 A second version of the discussion between R. Aqiba and his son, not recorded

elsewhere.

43 One cannot say that the color of fresh snow, which is blinding in bright sunlight, is the same as eggshell, but that for the rules of impurity both are equal and the relation of the color of snow to whitewash is equal to the relation between eggwhite and white (unbleached) wool.

44 *Lev.* 13:6. Since even for a darkened spot there are conditions which have to be satisfied before the sufferer from skin disease is declared pure, it follows that the change of color alone is not sufficient.

45 Babli 6b.

46 ὑπαρχος, lieutenant, *proconsul*, *legatus*, the second in command. The decreasing order of brightness is snow, eggshell, whitewash, white wool.

47 He thinks that the secondary colors are much darker than the primary ones.

48 The reading in parenthesis is that of the ms., the one in brackets that of G. While Rav Ada bar Aḥawa (in the Babli Rav Ada bar Ahavah) is well attested to in both Talmudim, a Rav Aḥa bar Aḥawa is not otherwise known.

49 Probably the high Sassanid official mentioned in Greek sources as ἀρχαπέτης, a Persian word "commander of a fort.". The word is discussed at length by Geiger in *Additamenta ad librum Aruch Completum*, pp. 27b-28b.

50 The problem is what combines with what for impurity. It is clear from the biblical text that the spots in the original color combine, also that *baheret* and *s'et* combine. If one would establish a hierarchy of brightness as the parables indicate and *s'et* was less than *baheret*, a combination of *baheret* with its secondary color would be a

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

51 *Sifra Tazria', Paraṣat Nega'im, Pereq* 1(4). A parallel text from another source is in the Babli, 6b.

52 *Lev.* 13:3.

53 *IS.* 2:36.

54 Since the word is placed between the two expressions.

55 Mishnah *Nega'im* 7:2. *מספחת* is biblical equivalent of *ספחת* (*Lev.* 13:6,7) used both for impure and pure spots, thereby validating the distinction between deeper and much deeper colors.

(fol. 32c) **משנה ב:** כל שיש בזה ידיעה בתחילה ובסוף והעלם בנתיים הרי זה בעולה ויורד. יש בזה ידיעה בתחילה ואין בזה ידיעה בסוף שעייר הנעשה בפנים ויום הכפורים תולה עד שיודע לו וביא בעולה ויורד:

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

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

sacrifice.

57 Depending of the perpetrator's wealth as explained in *Lev.* 5:1-13.

58 *Lev.* 16:15-16.

59 If there is no Temple, the Day of Atonement protects the perpetrator from judgment by the Heavenly Court.

60 The Day of Atonement suspends but does not eliminate the obligation; there is no statute of limitations.

(32d line 50) **הלכה ב:** כל שיש בזה ידיעה בתחילה וכל שיש בסוף והעלם בנתיים. תלמוד לומר ונעלם ונעלם שני פעמים. מכלל שבאת לו ידיעה בתחילה ובסוף והעלם בינתיים. עד כדון קרבי עקיבה. קרבי לשמעאל. דרבי לשמעאל קרבי. דרבי אמר. ונעלם ממנו מכלל שידע. והוא נדע הרי שתי ידיעות. הא רבי לשמעאל קרבי. ורבי קרבי

יִשְׁמַעְאֵל. וְאֶפִּילוּ כְּרַבִּי עֲקִיבָה אֶתְנָא. הֵיא וְדִיעָה וְהֶעֱלָם בְּטוּמְאָת מִקְדָּשׁ. וְדִיעָה וְהֶעֱלָם בְּטוּמְאָת הַקּוֹדֶשׁ. וְאֵת דְּבָעֵי יִשְׁמַעְיָנָה מִן הַכָּא. וְהוּא יָדַע וְאֶשֶׁם. וְהֵלֵא כְּכֹר נֶאֱמַר וְהוּא טָמֵא וְאֶשֶׁם. אֲלֵא אִם אֵינוּ עֲנִינָן לִדִּיעָה בְּתַחֲלִילָה תְּנִיחוּ עֲנִינָן לִדִּיעָה בְּסוֹף.

**Halakhah 2:** “In any case where there is knowledge at the start,” etc.

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

61 Babli 4a.

62 Lev. 5:2,3.

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

common speech.”

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

32d line 59) רַבִּי בּוֹן בְּעֵי. אִם לֹא נִדְּעָה לוֹ בְּסוֹף הַיָּד מִבֵּיא קֶרְבָּן. אֲלֵא אִם אֵינוּ עֲנִינָן לִדִּיעָה בְּסוֹף תְּנִיחוּ עֲנִינָן לִדִּיעָה בְּתַחֲלִילָה. הִתִּיבּוּ. הָרִי כְּתִיב אֶוֹהֶדְעָה אֶלֶיךָ חֲטָאֲתוֹ וְהִבְיָא. מַעֲתָה אִם אֵינוּ עֲנִינָן לִדִּיעָה תְּנִיחוּ עֲנִינָן לִדִּיעָת סוֹף. פֶּתֶר לָהּ בְּמַחְוִיבֵי חֲטָאוֹת וְאֶשְׁמוֹת וְנִדְּאִין שְׁעִבְרָה עֲלֵיהֶן יוֹם הַכִּיפּוּרִים שְׁמִבִּיאִין אַחֵר יוֹם הַכִּיפּוּרִים וְחִיבֵי אֶשְׁמוֹת תְּלִמִּין פְּטוּרִין. תְּלִמִּד לֹמֵר אֶוֹהֶדְעָה אֶלֶיךָ חֲטָאֲתוֹ וְהִבְיָא. אֶף לְאַחֵר יוֹם הַכִּיפּוּרִים.

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

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

65 Since any obligatory offering cannot be brought voluntarily, the fact that a sacrifice is commanded implies that the person can prove it is obligatory, i. e., he knows that a sin has been committed. Therefore the mention of 'knowledge' in the verse cannot refer to his knowledge at the moment he offers the sacrifice.

66 And the mention of forgetting must be interpreted as read by R. Aqiba here and R. Ismael in the Babli sources.

67 Lev. 4:23, about the purification offering of the prince. Purification offerings are for inadvertent sins; nowhere is prior knowledge and intermediate forgetting

indicated. R. Bun's argument would force the transfer of the rules for variable sacrifices to purification ones against all tradition.

68 A "suspended" reparation sacrifice is brought if the person suspects but is not sure that he has sinned (Lev. 5:17-18). If he then gains certainty that he has committed an inadvertent sin, a purification sacrifice is due if and only if he gains this knowledge before the next Day of Atonement. R. Bun's argument is justified.

70 Yoma 8:6 (45b l. 47), Babli *Keritut* 25b.

ומניין שאין מדבר אלא על טומאת מקדש וקדשיו. הזהיר וענש על ידי טומאה וחייב קרבן על ידי טומאה. מה עונש ואזהרה האמור להלן בטומאת מקדש וקדשיו. אף כשחייב קרבן על טומאת מקדש וקדשיו. רבי אליעזר בן יעקב אומר. בתוך שאמר לא-אכלתי באוני ממנו. יכול ישראל שאכל מעשר אונן או טמא גביא קרבן. תלמוד לומר מאלה. יש מאלה חייב ויש מאלה פטור. אוציא את המעשר שאינו בעון מיתה ולא אוציא את התרומה שהיא עון מיתה. שנאמר ומתו בו כי יחללוהו. תלמוד לומר מאלה. יש מאלה חייב ויש מאלה פטור. או מה להלן בתרומה אף כאן בתרומה. ולא מעבודה זרה למדתה. ועבודה זרה למדה על כל-עבירות שבתורה. לומר. מה עבודה זרה מיוחדת שחייבין על זדונה פרת ועל שגגתה חטאת. יצאת תרומה שאינה אלא עון מיתה.

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

71 Babli 6b; *Sifra Hovah (Wayyiqra 2) Pereq 11(9)*.

72 In *Lev. 22:15-16*, both warning and punishment are written for priests who would violate the purity of the Sanctuary and its *sancta*. For the laity the corresponding verses are *Lev. 7:19-20*. The sacrifice for violations in purity is mentioned in *Lev. 5:2-3*; one has to establish that no sacrifice is possible for violations of *sancta* which do not belong to the Sanctuary such as heave.

73 *Deut. 26:14*. The person who comes to eat his Second Tithe at the place of the Sanctuary has to make a declaration that he followed all the rules; in particular that he did not eat of it while in “deep mourning”, occupied in burying a close relative. Second

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

74 *Deut. 14*.

75 *Lev. 5:4*. Prefix *נ* always is read as partitive, “some but not all.” Since it is not spelled out which infractions of the laws of impurity (or of testimony, or oaths) are included, and which are excluded, the detailed rules are left to rabbinic interpretation. Babli 33b.

76 *Lev. 22:9*. First Tithe (of which heave of the tithe was separated) is totally profane in the hand of the Levite. Second Tithe has to be eaten in purity at the place of the Sanctuary but there is no penalty for violation of its purity. But heave has to be eaten by the Cohen in purity and violation of

its purity is a deadly sin.

77 The verse mentioned in Note 76.

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

79 The sacrifice is spelled out in *Num.*

15:22-29; extirpation in vv. 30-31. Babli *Šabbat* 69a.

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

1) (33a line 1) אָמַר רַבִּי חֲנִינָה קוֹמִי רַבִּי מָנָא. וּמַעֲבֹדָה זָרָה לְמַדְתָּהּ. וְיִלְמַד מִעֲבֹדָה זָרָה לְכָל־  
דָּבָר בִּידְעָה אַחַת. אָמַר לוֹ. עֲבֹדָה זָרָה בְּקַבּוּעַ וְטוֹמְאוֹת מִקֹּדֶשׁ וְקֹדְשֵׁי בְּעוֹלָה וְיִזְרֹד. וְאִין  
לְמִידִין קַבּוּעַ מִעוֹלָה וְיִזְרֹד וְלֹא עוֹלָה וְיִזְרֹד מִקַּבּוּעַ. וְיָמָּה חֲמִית מִימַר. בְּטוֹמְאוֹת הַקּוֹדֶשׁ  
הַכְּתוּב מִדְּבָר. נֶאֱמַר כָּאֵן בְּהִמָּה טְמֵאָה וְנֶאֱמַר לְהֵלֵךְ בְּהִמָּה טְמֵאָה. מִה בְּהִמָּה טְמֵאָה  
הָאֲמוֹרָה לְהֵלֵךְ בְּטוֹמְאוֹת הַקּוֹדֶשׁ. אִף בְּהִמָּה טְמֵאָה הָאֲמוֹרָה כָּאֵן בְּטוֹמְאוֹת הַקּוֹדֶשׁ. אִין לִי  
אֶלָּא טוֹמְאוֹת הַקּוֹדֶשׁ. טוֹמְאוֹת מִקֹּדֶשׁ מִנִּין. תִּלְמוּד לומר וְטוֹמְאוֹתָו עָלָיו. מִה חֲמִית מִימַר.  
בְּטֵמָא שְׂאֵכֶל טְהוֹר אוֹ בְּטְהוֹר שְׂאֵכֶל טְמֵא. תִּלְמוּד לומר וְטוֹמְאוֹתָו עָלָיו. בְּטוֹמְאוֹת הַגּוֹף וְלֹא  
בְּטוֹמְאוֹת בְּשָׂר. רַבִּי אוֹמַר. וְאֶכֶּל וְטוֹמְאוֹתָו עָלָיו. בְּטוֹמְאוֹת הַגּוֹף וְלֹא בְּטוֹמְאוֹת בְּשָׂר. רַבִּי חֲנִינָה  
אוֹמַר. נֶאֱמָרוּ קֹדְשִׁים לְשֵׁם רַבִּים וְנֶאֱמָרָה טוֹמְאוֹהָ לְשֵׁם יְחִיד. הָא מַה אֲנִי מְקַיֵּים וְטוֹמְאוֹתָו  
עָלָיו. בְּטוֹמְאוֹת הַגּוֹף. לֹא בְּטוֹמְאוֹת בְּשָׂר. רַבִּי מֵאִיר אוֹמַר. לֹא דִיבֵר אֶלָּא בְּמִי שְׁטוּמְאוֹהָ  
פּוֹרְשֵׁת מִמֶּנּוּ. יָצָא בְּשָׂר שְׂאִין טוֹמְאוֹהָ פּוֹרְשֵׁת מִמֶּנּוּ.

Rebbi Ḥanina<sup>81</sup> said before Rebbi Mana: Did you learn this from foreign worship? Then one should learn from foreign worship that for everything one needs one knowledge<sup>82</sup>! He told him, foreign worship requires a fixed value [sacrifice] but the impurity of the Sanctuary and its *sancta* an increasing or decreasing one. One cannot infer about a fixed value [sacrifice] from an increasing and decreasing one, nor for an increasing or decreasing from a fixed value one<sup>83</sup>. How did you understand to say that the verse<sup>84</sup> speaks about impurity of Sanctuary *sancta*? It is said here *an impure animal*<sup>85</sup> and it is said further on *an impure animal*<sup>86</sup>. Since *an impure animal* mentioned there is about impurity of Sanctuary *sancta*, so *an impure animal* mentioned here is about impurity of Sanctuary *sancta*. Not only Sanctuary *sancta*; from where the impurity of the Sanctuary<sup>87</sup>? <sup>88</sup>“The verse says: *his impurity is on him*<sup>89</sup>. How did you understand to explain it? About an impure person who ate pure [meat], or a pure person who ate impure [meat]<sup>90</sup>? The verse says: *his impurity is on him*. Impurity of the body, not impurity of the meat. Rebbi says, *he ate*<sup>91</sup>, *his impurity is on him*. Impurity of the body, not impurity of the meat. Rebbi Hiyya says, *sancta* are mentioned in the plural<sup>92</sup> but impurity is

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

81 Read: Hinena.

82 Since neither prior awareness nor forgetting are mentioned as prerequisite for a sacrifice for unintentional idolatry (nor for any other sacrifice not depending on the sinner's wealth) one would have to explain away the mention of prior awareness for infractions of the laws of purity.

83 Therefore the previous argument is invalid; one has to find another argument to exclude any sacrifice for violations of the sanctity of heaven.

84 Lev. 5:2-3. Babli 7a.

85 Lev. 5:2.

86 Lev. 7:21.

87 Babli Zevahim 43b. The question is whether a violation of the purity of the Sanctuary can be expiated by a sacrifice or whether any such violation requires the full ceremony of Lev. 16 describing the Day of Atonement.

88 Sifra Sav Pereq 14(3-6), partially quoted in Zevahim 43b.

89 Lev. 7:20.

90 This is prohibited in Lev. 7:19.

91 Lev. 7:21.

92 A well-being offering is always mentioned in the plural, שְׁלָמִים. It is argued that therefore a singular cannot refer to the sacrifice. The argument is unconvincing since the sacrifice is not called שְׁלָמִים in the plural but זֶבַח שְׁלָמִים in the singular. It also is unnecessary since in 7:20 עָלָיו “on him” refers to the subject וְהַנֶּפֶשׁ “but the person”.

93 A person always can remove his impurity, for simple impurity by immersion in a *miqweh*, for severe impurities by one of the prescribed rituals. Impure sacrificial meat must be burned (Lev. 7:19; it also loses its impurity by rotting but as long as it is meat it remains impure.

14) (33a line 14) אִם כֵּן מֵה הוֹעִיל לוֹ יוֹם הַכִּיפּוּרִים. אָמַר רַבִּי יוֹסִי בִּירְבִּי בּוֹן. נִעֲשִׂית לּוֹ יוֹם הַכִּיפּוּרִים כְּאֶשֶׁם תְּלוּי. מֵת לִפְנֵי יוֹם הַכִּיפּוּרִים עֹנֶה בָּהּ. אַחֵר יוֹם הַכִּיפּוּרִים כְּבָר כִּיפָּר. וְכִפָּר עַל-הַקּוֹדֶשׁ מִטּוֹמְאוֹת בְּנֵי יִשְׂרָאֵל וְגו'. יֵשׁ לִי בְּעִינַי זֶה שֶׁלֹּשׁ טֹמְאוֹת. טוֹמְאוֹת עֲבוּדָה זָרָה. שֶׁנֶּאֱמַר לְמַעַן טָמְאָה אֶת-מִקְדָּשִׁי. גִּילוי עֲרִיוֹת. שֶׁנֶּאֱמַר לְבִלְתִּי עֲשׂוֹת מַחֲוֹקֹת הַתּוֹעֵבוֹת. שְׁפִיכוֹת דָּמִים. שֶׁנֶּאֱמַר וְלֹא תִטְמְאוּ אֶת-הָאָרֶץ. יָכוֹל עַל כָּל-הַטְּמְאוֹת הֵלָלוּ שְׁעִיר זֶה מִכִּפָּר. תִּלְמֹד לומר מִטּוֹמְאוֹת וְלֹא כָל-טוֹמְאוֹת. מֵה מְצִינוּ שֶׁחֵלֶק הַכְּתוּב בְּטוֹמְאוֹת מִקְדָּשׁ וְקֹדֶשׁ. אִם כֵּן לֹא נִחְלֹק אֵלָּא בְּטוֹמְאוֹת מִקְדָּשׁ וְקֹדֶשׁ. דְּבָרֵי רַבִּי יְהוֹדָה. רַבִּי שְׁמַעוֹן אוֹמֵר. מִמִּקְוָמוֹ הוּא מוֹכֵר. שֶׁנֶּאֱמַר וְכִפָּר עַל-הַקּוֹדֶשׁ מִטּוֹמְאוֹת בְּנֵי יִשְׂרָאֵל. כָּל טוֹמְאָה שֶׁבְּקוֹדֶשׁ. יָכוֹל עַל טוֹמְאוֹת מִקְדָּשׁ וְקֹדֶשׁ שְׁעִיר זֶה יִכָּפֵר. תִּלְמֹד לומר וּמִפְּשָׁעֵיהֶם. אֵילוֹ הַמְּדִדִין. וְכֵן הוּא אוֹמֵר מִלֵּךְ מוֹאֵב פָּשַׁע בִּי.

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

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

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

96 Num. 15:31. The feminine pronoun refers to נשמה “the breathing person”.

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

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

99 Lev. 16:16.

100 Lev. 20:3.

101 Lev. 18:30.

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

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

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

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

106 2K. 3:7.



(fol. 32c) **משנה ג:** אין בה ידיעה בתחילה אבל יש בה ידיעה בסוף שעיר הנעשה בהוין ויום הכיפורים מכפר שנאמר מלבד חטאת הכיפורים על מה שזה מכפר זה מכפר. מה הפנימי אין מכפר אלא על דבר שיש בו ידיעה אף היצון לא יכפר אלא על דבר שיש בו ידיעה:

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

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

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

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

109 If there is no Temple.

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

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

(33a line 26) **הלכה ג:** אין בה ידיעה בתחילה כול. מה חמית מימר. הפנימי תולה והיצון מכפר או החיצון תולה והפנימי מכפר או זה וזה יתלו או זה וזה יכפר. מאי כדון. אומר רבי יעקב בר אבא. מילה חמית. ריש לקיש איתיב קומי רבי יוחנן ואיתיב ליה. מחלוקי כפרות היא מילתא. ולינה ידע מה מר ליה. אומר ליה רבי זירא. דילמא דא היא. מה חמית מימר. בטמא שאכל טהור או נימר בטהור שאכל טמא. תלמוד לומר לומר וטומאתו עליו. בטומאת הגוף. לא בטומאת בשר. או זה וזה יכפר. מאי כדון. והתורה עליו עונות אילו העונות. פשעיהם אילו המרדים. חטאתם אילו השגגות. כשאמר יכפר. אומר רבי אמי בשם ריש לקיש. ונשא השעיר עליו את כל עונותם. טפוש העונות והנים השגגות. לומר. מה עונות שאין בהן חיוב קרבן. אף השגגות שאין בהן חיוב קרבן. ולמה באו לכאן. רבי אילא בשם רבי יסא. לתליה. ויתלה על אוכלי שקצים ורמשים במשמע. רבי שמואל בשם רבי זירא. חטאתם חטאתם. מה חטאתם שנאמר להלו שיש בהן חיוב קרבן. אף חטאתם שנאמר כאן שיש בהן חיוב קרבן. נצאו עונות שאין בהן חיוב קרבן. שיויר שעיר הנעשה בפנים יום הכיפורים תולה. מה שמרתה. אין בה ידיעה בתחילה אבל יש בה ידיעה בסוף.

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

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

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

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

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

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

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

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

115 *Lev. 16:22*.

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

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

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

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

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

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

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

**משנה ד:** וְעַל שְׂאִין בֶּהּ יָדִיעָה לֹא בִתְחִילָה וְלֹא בִסוּף שְׁעִירֵי הָרְגָלִים וְשְׁעִירֵי רֹאשִׁי הַדָּשִׁים מְכַפְּרִים דְּבָרֵי רַבִּי יְהוּדָה. רַבִּי שְׁמַעוֹן אוֹמֵר, שְׁעִירֵי הָרְגָלִים מְכַפְּרִין אֲבָל לֹא שְׁעִירֵי רֹאשִׁי הַדָּשִׁים. וְעַל מִה שְׁעִירֵי רֹאשִׁי הַדָּשִׁים מְכַפְּרִין עַל טְהוֹר שְׂאֵבֶל טָמֵא. רַבִּי מֵאִיר אוֹמֵר כֹּל הַשְּׁעִירִים כְּפָרְתָן שְׁנָה עַל טוֹמְאָת מִקְדָּשׁ וְקֹדֶשׁ.

**משנה ה:** הָיָה רַבִּי שְׁמַעוֹן אוֹמֵר שְׁעִירֵי רֹאשִׁי הַדָּשִׁים מְכַפְּרִין עַל טְהוֹר שְׂאֵבֶל טָמֵא וְשֶׁל רְגָלִים מְכַפְּרִין עַל שְׂאִין בֶּהּ יָדִיעָה לֹא בִתְחִילָה וְלֹא בִסוּף וְשֶׁל יוֹם הַכִּפּוּרִים מְכַפֵּר עַל שְׂאִין בֶּהּ יָדִיעָה בִּתְחִילָה אֲבָל יֵשׁ בֶּהּ יָדִיעָה בִּסוּף.

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

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

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

- 122 Undetected infractions of the laws of purity. Mishnaïot 4-6 are reproduced in *Sifra Aḥare Pereq* 5(2-50).  
 123 *Num.* 28:15,22,30; 29:4,16,19,22,25,  
 28,31,34,38. These are public sacrifices; they atone for damage to public institutions.  
 124 Impure sacrificial meat or cereal.  
 125 Mishnah 3.

(33a line 43) **הלכה ד':** ועל שאין בה ידיעה כול'. **הלכה ה':** הנה רבי שמעון אומר כול'. רבי לעזר בשם רבי הושעיה. טעמא דרבי יהודה ושעיר עגים חטא חטא לוי. חטא שאין יודע בו אלא יי שעיר זה מכפר. אין לי אלא שעיר שפירא שפירא חודש. שעירי רגלים מניין. אמר רבי זירא. ושעיר. וי"ו מוסיף על ענין ראשון. רבי זעירא ורבי לעזר בשם רבי הושעיה רבי יעקב בר אבא בשם רבי יוחנן. ואתה | נתן לכם לשאת את עון העדה. מה נן קיימין. אם בשעיר נחשון. על שבטו מכפר. אם בשעיר שליום הכיפורים. אין כיוצא בו לדורות. אלא כן אנו קיימין בשעיר שפירא חודש. מאי כדון. נאמר כאן נשיאות עון ונאמר להלן נשיאות עון. ונשא אהרן את עון הקדשים. מה להלן עון הקדשים ולא עון המקריבין אף כאן עון הקריבין ולא עון המקריבין. מה חמית מימר בטהור שאכל טמא נימא בטמא שאכל טהור. אמר רבי יוסי בירבי בון. רבי יודה חלק שיטת רבי מאיר. רבי שמעון חלק שיטת רבי יודן. מודה רבי יוחנן בשעיר הנעשה בפנים שאין מכפר אלא תולה. ותייא כרבי יונה בשם רבי זעירא. ועשהו חטאת. קבעו לתלייה שלא ישתנה.

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

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

126 *Num.* 28:15, the sacrifice of the Day of the New Moon. (The verse is quoted not quite correctly.) The root נסח in *pā’al* means “to sin” but in *pi’el* “to cleanse, to retribute, to purify.” The word נסח “purification” can also mean “sin” (*Ex.* 34:9). Here it is interpreted in both senses. Babli 9a.

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

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

129 Probably “and” should be replaced by a comma.

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

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

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

131 Read: Inauguration.

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

133 *Ex.* 28:38.

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

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

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

137 *Lev.* 16:9. One would have expected the sentence to read וְהִקְרִיב אֶת־הַשְּׂעִיר אֲשֶׁר עָלָה עָלָיו הַגֹּדֶל לִי לְחֻטָּאת. Then חֻטָּאת would have referred to the ram and meant "purification offering." But the clause וַיַּעֲשֵׂה חֻטָּאת "he turns it into חֻטָּאת" defines the word as "unintentional sin." The ram whose blood is brought into the Sanctuary turns intentional into unintentional sins.

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

(33a line 58) שְׂעִיר שְׂלֵא קָרַב בְּרֶגֶל יִקְרַב בְּרֹאשׁ חֹדֶשׁ. לֹא קָרַב בְּרֹאשׁ חֹדֶשׁ יִקְרַב לְהִבָּא. שְׂמִתְחִילָה לֹא הוּקְדָּשׁוּ קָרְבָּנוֹת צִיּוֹר אֶלָּא לִיקְרַב עַל מִזְבֵּחַ הַחִיצוֹן.

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

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

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

(33a line 61) וְלֹא כְּבֵר כִּיפּוּר יוֹם הַכִּיפּוּרִים. אָמַר רַבִּי מִנְיָא. מִכֵּיּוֹן דְּכִתִּיב חֹג הַמִּצְוֹת וּבִתְחֵי הַשְּׂבָעוֹת וּבִתְחֵי הַשְּׂפֹחוֹת כָּמִי שְׂפֹחוֹן מִכִּפָּרִין כְּפָרָה אַחַת. אָמַר רַבִּי בּוּי. מִכֵּיּוֹן שְׂפֹחוֹן מִכִּפָּרִין עַל טוּמְאָת מִקְדָּשׁ וְקֻדְשׁוֹ כָּמִי שְׂפֹחוֹן מִכִּפָּרִין כְּפָרָה אַחַת.

But did not the Day of Atonement already atone<sup>140</sup>? Rabbi Mana said, since it is written, *the pilgrimage of Unleavened Bread, the pilgrimage of*

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

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

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

(33a line 64) רבי יעקב בר אבא בשם רבי יסא. העובר לפני התיבה ביום טוב של ראש השנה אין צריך להזכיר של ראש חודש. אמר רבי אבהו בר פפא. ותני כן. העובר לפני התיבה ביום טוב של ראש השנה בשחרית. בית שמי אומרים. מתפלל שמונה. ובית הלל אומרים. שבע. במוסף. בית שמי אומרים. עשר. ובית הלל אומרים. תשע. ולאמר אחת עשרה. אמר רבי יוסי. מה פליגי. בדבר שטעון ברכה בפני עצמו. ביום הכא שכן אפילו בחול שאינו אלא כולל. וזכיר בעבודה. רבי יוסי בעי. מעתה שני שעירי ראש השנה מחמת ראש חודש באין. ותימר אין צריך להזכיר של ראש חודש. אמר רבי יוסי בירבי בון. ולא אות רבי בא בר ממל מקשי. דתני. שני כבשי עצרת ושני שעירי ראש השנה אם כיפר הראשון על מה שני מכפר. על טומאה שאירעה בין זה לזה. ולא רבי שמעון היא. דרבי שמעון חולק בפרות. אלא זה וזה מחמת ראש חודש. אמר רבי אבהו. לית יכיל. דכתבי מלבד עולת החודש. ועוד מהדא דתני. שנים עשר לשני עשר חדשי השנה. חד בר אביי עבר קמי תיבותא ולא אדבר דריש ירחא וקלסוניה. רב הושעיא בעי. הגע עצמך ששחטו שניהן פאחת. מה אית לך טומאה שאירעה בין זה לזה. אמר רבי בון. אילו ישראל כשירין שמא אינו מביאין מה שקבצה להן תורה.

Rebbi Jacob bar Aha in the name of Rebbi Yasa: The one who stands before the Ark on New Year's holiday does not have to mention the New Moon<sup>142</sup>. Rebbi Aha bar Pappus said, it was stated thus: <sup>143</sup>“The one who stands before the Ark on New Year's holiday in the morning, the House of Shammai say, he prays eight [benedictions]<sup>144</sup>, but the House of Hillel say seven. For *musaf*<sup>145</sup>, the House of Shammai say ten, but the House of Hillel say nine.” Should he not say eleven<sup>146</sup>? Rebbi Yose said, where do they disagree? In a matter which needs a separate benediction. But here even on a weekday he simply includes it<sup>147</sup>. So he should mention it in “Service”<sup>148</sup>. Rebbi Yose asked, since the two rams of New Year's day come because of the New Moon, why do you say that he does not have to mention the New

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

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

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

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

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

145 Every New Year’s Day the *musaf*

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

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

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



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

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

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

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

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

152 Cf. *Qidduṣin* 2:7, Note 166.

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

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

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

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

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

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

מִשְׁנָה ו: אָמְרוּ לוֹ מַה הֵן שִׁיקְרָבוּ זֶה בָּזֶה. אָמַר לָהֶם יְקָרְבוּ. אָמְרוּ לוֹ הֲזֵאֵל וְאֵין כְּפָרְתָן שְׁוֶה הֵיאָדָּ קְרִיבִים זֶה בָּזֶה. אָמַר לָהֶן בּוֹלֵן בָּאֵין לְכַפֵּר עַל טוּמְאָת מִקְדָּשׁ וְקֹדֶשֶׁי:

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

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

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

159 As R. Simeon stated in Mishnah 5.

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

הלכה ו: (33b line 6) אָמְרוּ לוֹ. מִה הֵן שֶׁיִּקְרְבוּ זֶה בָּזָה כּוֹל. אָמַר רַבִּי יוֹחָנָן. דְּבָרֵי הַכִּמִּים מְשַׁנִּין וְדְבָרֵי רַבִּי שְׁמַעוֹן אֵין מְשַׁנִּין. דְּבָרֵי הַכִּמִּים מְשַׁנִּין. וְתִימַר. מִהוּ שֶׁיִּקְרְבוּ זֶה בָּזָה. בְּשִׁטָּתוֹ הַשִּׁבּוּחַ. כְּשִׁטָּתָד שְׁאֵת אֹמַר. אֵין מְשַׁנִּין. מִהוּ שֶׁיִּקְרְבוּ זֶה בָּזָה. אָמַר רַבִּי יוֹסִי. שְׁאֵין קִרְבָּנוֹת צִיבּוֹר נִקְבָּעִין אֶלָּא בִּקְבוּעָה. אָמַר רַבִּי יוֹדָן. וְתִי כֵן. לְשֵׁם אוֹתוֹ זָבַח שֶׁהוּא קָרַב לְשִׁמּוֹ הוּא קָדַשׁ מִשְׁעָה רִאשׁוֹנָה.

**Halakhah 6:** “They asked him, could they be brought one for the other,” etc. Rabbi Johanan said, the words of the Sages [imply] that one may change; the words of Rabbi Simeon [imply] that one may not change<sup>161</sup>. The words of the Sages [imply] that one may change, and you say “could they be brought one for the other”<sup>162</sup>? They objected to him according to his argument<sup>163</sup>. According to your argument, since you say that one may not change, could they be brought one for the other? Rabbi Yose said, since public sacrifices are designated only by use<sup>164</sup>. Rabbi Yudan said, it was stated thus<sup>165</sup>: “For the purpose of the sacrifice for which it is brought it was sanctified from the beginning.”

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

available occasion, he might forbid intentional change.

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

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

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

determined only at the time of slaughter.

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

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

**משנה א:** רבי שמעון בן יהודה אומר משמו שיעירי ראשי הדשים מכפרין על הטהור שאכל מן הטמא מוסף עליהם של רגלים שמכפרין על הטהור שאכל את הטמא ועל שאין בה ידיעה לא בתחלה ולא בסוף. מוסף עליהם של יום הכפורים שהן מכפרין על הטהור שאכל את הטמא ועל שאין בה ידיעה לא בתחלה ולא בסוף ועל שאין בה ידיעה בתחלה אכל יש בה ידיעה בסוף.

**משנה ח:** אמרו לו אומר היה רבי שיקרבו זה בזה אומר להם חין. אמרו לו אם בן יהוה של יום הכפורים קריבין בראשי הדשים אכל היאך של ראשי הדשים קרבין ביום הכפורים לכפר בכפרה שאינה שלהן. אומר להן בולן באין לכפר על טומאת מקדש וקדשיו:

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

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

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

166 R. Simeon (ben Iohai).

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

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

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

(33b line 11) **הלכה ח:** אמרו לו אומר הנה רבי כול'. אמר רבי יוסי דרומינא קומי רבי יונה. הנה צורקה למיתני. אם כן יהו של ראשי חדשים קרבין ביום הכפורים. שכן מעלין בקודש ולא מורידין. אבל שליום הכפורים אינן קרבין בראש חודש. שאין מורידין בקודש. רבי לעזר בשם רבי בון פתר לה פתר חורון. אם כן יהו שליום הכפורים קרבין בראשי חדשים. שמכפרין כפרתן וכפרת ראשי חדשים. אבל של ראשי חדשים אין קרבין ביום הכפורים. שאין מכפרין אלא כפרתן בלבד. אילו מי שאכל חלב חמשה זיתים והפריש ארבעה קרבנות וסבור שהן חמשה שמא כיפר. או אילו מי שאכל חלב ארבעה זיתים והפריש חמשה קרבנות וסבור ארבעה לא כל-שכן. וכן הנה רבי שמעון אומר. שלשים ושנים שעירים קרבין על הציבור בכל-שנה. שלשים ואחד בחוץ ונאכלין. ואחד בפנים ואינו נאכל. ושעיר המשתלח. שנים עשר לשנים עשר חדשי שנה. שמונה בחג. שבעה בפסח. שנים בעצרת. אחד בגלגל היום ואחד בגלגל הלחם. אחד בראש השנה ואחד ביום הכפורים. כיון ששמע משה כן אמר. מעתה מי שפצאת לידו ספק גבירה צריך להביא כל-קרבנות הללו. רבי תנחומא בשם ריש לקיש. בשעה שאמר לו הקדוש ברוך הוא למשה והתנדב עלי וגו' התחיל ואמר מזמור לתודה על שם והתנדב עלי.

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

ate five olive-sized pieces of fat and dedicated four sacrifices, being of the impression that he had dedicated five, did he atone<sup>173</sup>? Or if he ate four olive sized pieces of fat, dedicated five sacrifices, being of the impression that he had dedicated four, not so much more<sup>174</sup>? And so <sup>175</sup>“Rebbi Simeon used to say, thirty-two rams are brought for the public every year. Thirty one outside, they are eaten. One inside which is not eaten<sup>176</sup>. And the scapegoat. Twelve for the twelve months of the year. Eight on Tabernacles, seven on Passover, two on Pentecost, one for the day and one for the bread. One on New Year’s Day and one on the Day of Atonement.” <sup>177</sup>When Moses heard this he said, it follows that anybody for whom the doubt of a transgression arises should bring all these sacrifices! Rebbi Tanhuma in the name of Rebbi Simeon ben Laqish: When the Holy One, praise to Him, said to Moses, *he shall confess*<sup>178</sup> on it etc., he started and said, *A Song of confession*<sup>179</sup>, inspired by *he shall confess on it*.

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

The argument presupposes that the cumulation of cases for which the sacrifices atone indicates a higher state of holiness.

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

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

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

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

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

174 Automatically all sins are atoned for (even though one would expect the case never to happen since the owner of the

sacrifice is required to confess his sin while leaning with his hands on the head of the sacrifice (*Lev.* 4:29), and probably would detect his error.)

175 Tosephta 1:2.

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

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

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

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

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

מִשְׁנָה ט: וְעַל זֶדוֹן טוֹמְאוֹת מִקֹּדֶשׁ וְקִדְשׁוֹ שְׁעִיר הַנִּעְשָׂה בַּכִּנִּיּוֹת וְיָמִים הַכֹּפָרִים מִכֹּפֶר. וְעַל שְׂאֵר עֲבִירוֹת שְׁבִתוֹרָה הַקְלֹת וְהַחֲמוּרוֹת הַזִּדּוֹנוֹת וְהַשְּׁגָגוֹת הַדַּע וְלֹא הַדַּע גַּעֲשָׂה וְלֹא תַעֲשָׂה כְּרִיתוֹת וּמֵיִיתוֹת בֵּית דִּין שְׁעִיר הַמִּשְׁתַּלֵּחַ מִכֹּפֶר:

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

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

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

181 This is reformulated in the Halakhah.

השגגות. (33b line 29) **הלכה ט:** וְעַל זָדוֹן טוֹמְאָת מִקְדָּשׁ כּוֹל'. הָדָא הִיא מְכַפֵּר עַל הַזְדוּנוֹת וְתוֹלָה עַל

לֹא הָן קָלוֹת לֹא תַעֲשֶׂה. לֹא הָן חֲמוּרוֹת כְּרִיתוֹת וּמִיתוֹת בֵּית דִּין. אָמַר רַב יְהוּדָה. כִּינִי מִתְּנִיתָא. הַקְלוֹת וְהַחֲמוּרוֹת. אוֹתָן הַקְלוֹת בֵּין שְׁעָשָׂאן בְּזָדוֹן בֵּין שְׁעָשָׂאן בְּשִׁגְגָה. אוֹתָן הַזְדוּנוֹת בֵּין שְׁתָּנוּדָע לֹא בְּהָן בֵּין שְׁלֹא תִתְּנוּדָע לֹא בְּהָן. אֵילּוּ הָן קָלוֹת. עָשָׂה וְלֹא תַעֲשֶׂה. חֲמוּרוֹת כְּרִיתוֹת וּמִיתוֹת בֵּית דִּין. כָּשֶׁם שֶׁהַשְּׁעִיר הַנֶּעֱשֶׂה בְּכֹנִים מְכַפֵּר עַל הַזְדוּנוֹת וְתוֹלָה עַל הַשְּׁגָגוֹת. אַף שְׁעִיר הַמִּשְׁתַּלַּח כֵּן.

1 הן | י היא לא תעשה | י עשה ולא תעשה הן | י היא אמ' רב יהודה | י ר' יהודה או' 2 שעשאן בשגגה | י שלא עשאן בזדון 3 הזדונות | י החמורות קלות | י הקלות 4 חמורות | י אילו הן החמורות 5 השגגות | י השגגות בדבר שיש בו חיוב קרבן כן | י (כן) מכפר

**Halakhah 9:** “Intentional impurity of the Sanctuary.” etc. That means it atones for intentional infractions and suspends for the unintentional<sup>182</sup>.

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

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

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

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

183a Text of *Yoma*.

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

explanation of the preceding one.

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

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

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

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

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

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

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

31) (33b line 31) נִחָא לֹא הוֹדַע. הוֹדַע. וְלֹא כֹן תִּנִּי. מִנִּין לְמַחְוִיבֵי חֲטָאוֹת וְאַשְׁמוֹת וְנִדְאִין שְׁעָבֵר עֲלֵיהֶן יוֹם הַכִּיפּוּרִים שְׁחִיבִין לְהֵבִיא לְאַחַר יוֹם הַכִּיפּוּרִים וְחִיבֵי אֲשָׁמוֹת תִּלְוִין פְּטוּרִין. אָמַר רַבִּי בּוֹן בַּר חִינָה. בֵּין שְׁנֵתוּדַע לֹא בָּהֶן בֵּין שְׁלֹא נִתְּוּדַע לֹא בָּהֶן. וְלֹא כְּבָר כִּיפָּר יוֹם הַכִּיפּוּרִים. רַבִּי שְׁמַעוֹן בֶּשֶׁם לֵוִי שׁוּבָדָא. בְּמוֹרֵד בְּיוֹם הַכִּיפּוּרִים הִיא מִתְּנִיתָהּ. וְלָמָּה לֹא מָר. בְּשֹׁלֵא נִתְּוּדַע בָּהֶן בְּיוֹם הַכִּיפּוּרִים. מִילְתִּיהָ אֶמְרָה אֶפִּילוֹ לֹא נִתְּוּדַע בָּהֶן בְּיוֹם הַכִּיפּוּרִים יוֹם הַכִּיפּוּרִים מְכַפֵּר.

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

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



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

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

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

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

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

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

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

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

197 The Tanna of the Mishnah.

עָשָׂה אֶף עַל פִּי שְׂלֵא עָשָׂה תְּשׁוּבָה. לֹא תַעֲשֶׂה. רַבִּי שְׁמוּאֵל בְּשֵׁם רַבִּי זִירָא. (33b line 43)  
וְהוּא שְׁעָשָׂה תְּשׁוּבָה. הָאֹמֵר. אִין הָעוֹלָה מְכַפֶּרֶת אִין הָעוֹלָה מְכַפֶּרֶת. מְבַפֶּרֶת הִיא עַל כּוֹרְחוֹ.  
הָאֹמֵר. אִין יוֹם הַכִּיפּוּרִים מְכַפֵּר אִין יוֹם הַכִּיפּוּרִים מְכַפֵּר. מְכַפֵּר הוּא עַל כּוֹרְחוֹ. אִי אִיפְשִׁי  
שְׂיִכְפֵּר לִי. אִין מְכַפֵּר לוֹ עַל כּוֹרְחוֹ. אָמַר רַבִּי חֲנִינָה בִּירְבִי הֶלֶל. לֹא מִסְתַּבֵּרָה דְּאִילָא חִילּוּפִין.  
לֹא כּוֹלָא מִן בַּר נֶשָׂא מִימַר לְמַלְכָּא. דְּלִית אֶת מַלְכִּי.

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

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

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

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

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

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

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

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

האומר. אין העולה מכפרת. אין העולה מכפרת עלי. מבפרת היא. אי איפשי שתכפר לי. אינה מכפרת לו על כרחו. אין יום הכיפורים מכפר מכפרת היא. אי איפשי שיכפר לי. מכפר הוא לו על כרחו. אמר רבי חנניה בריה דרבי הלל. לא כולא מן הדין בר נשא מימור למלכא. לית את מלך.

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

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

formulations.

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

מאי טעמא. והעולה על-דיוחכם היה לא תהיה. (33b line 49) העולה מכפרת על הירחור הלב. וכן איוב הוא אומר. אוילי חטאוי בניי וברכוי אלהים בלבבם. הלא אמרה שעולה מכפרת על הירחור הלב.

<sup>203</sup>The elevation offering atones for thoughts. What is the reason? *What rises in your spirits will not be*<sup>204</sup>. Rabbi Levi said, the elevation offering atones for your spirits<sup>205</sup>. And so in *Job* he says, *maybe my children sinned and cursed God in their hearts*<sup>206</sup>. This implies that the elevation offering atones for thoughts.

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

204 *Ez.* 20:32.

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

homonym “the elevation offering”.

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

על כל-עבירות שבתורה יום הכיפורים מכפר חוץ מפני עול ומיפר ברית ומגלה פנים בתורה. שאם עשה תשובה מתכפר לו. ואם לאו אין מתכפר לו. רבי יסא מקשה. מיסבר סבר רבי נשיום הכיפורים מכפר בלא תשובה. אלא רבי אשיין רבי יונה רבי בא רבי חייה בשם רבי יוחנן. יום הכיפורים מכפר בלא תשובה ומיתה ממרקת בלא תשובה. ותיני כן. יום מיתה כתשובה. מאן תנייה. רבי. הדיא היא דתניין תמן. מיתה ויום הכיפורים מכפרין עם התשובה. דלא קרבי.

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

206 Babli 13a, *Yoma* 85b, *Keritot* 7a. The parallel in *Yoma* (45b l. 63 ff.) at the end reports the opposite of the tradition here.

207 This was explained in *Peah* 1:1 Notes

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