

II

BAVLI TRACTATE SHEBUOT CHAPTER TWO

FOLIOS 14A-19B

2:1-5

2:1

- A. Awareness of uncleanness is of two sorts, which yield four subdivisions [=M. 1:1B].
- B. (1) [If] one was made unclean and knew about it, then the uncleanness left his mind, but he knew [that the food he had eaten was] Holy Things,
- C. (2) the fact that the food he had eaten was Holy Things left his mind, but he knew about [his having contracted] uncleanness,
- D. (3) both this and that left his mind, but he ate Holy Things without knowing it and after he ate them, he realized it —
- E. lo, this one is liable to bring an offering of variable value.
- F. (1) [If] he was made unclean and knew about it, and the uncleanness left his mind, but he remembered that he was in the sanctuary;
- G. (2) the fact that he was in the sanctuary left his mind, but he remembered that he was unclean,
- H. (3) both this and that left his mind, and he entered the sanctuary without realizing it, and then when he had left the sanctuary, he realized it —
- I. lo, this one is liable to bring an offering of variable value.

2:2

- A. All the same are he who enters the courtyard and he who enters the addition to the courtyard.
- B. For [the latter is in the same classification as the former, since] they add to the city, and courtyards only on the instructions of the king and prophet, the Urim and Thummim, and the sanhedrin of seventy-one members, with two thank offerings and singing.
- C. The court goes along with the two thank offerings behind them, and all the Israelites after them.

- D. [14B] The one offered inside is eaten, and the one offered outside is burned.
- E. And any area which is not treated wholly in this way [with the proper rites]
—
- F. he who enters that area — they are not liable on its account.

2:3

- A. (1) [If] he was made unclean in the courtyard, and the uncleanness left his mind, but he remembered the sanctuary —
- B. (2) [if] the sanctuary left his mind, but he remembered the uncleanness,
- C. (3) [if] this and that left his mind, and he prostrated himself or remained there for an interval sufficient for prostrating himself,
- D. [if] he went out by the longer way, he is liable.
- E. [If he went out] by the shorter way, he is exempt.
- F. This is a positive commandment regarding the sanctuary on account of which [a court] is not liable [to a sin offering].

2:4

- A. And what is a positive commandment concerning the menstruating woman, on account of which [a court] is liable?
- B. [If] he was having sexual relations with a clean woman, and she said, “I have become unclean ,”
- C. [even if] he separated forthwith, he is liable,
- D. for the going out is just as much a pleasure for him as the going in.

2:5

- A. R. Eliezer says, “A creeping thing... and it be hidden from him (Lev. 5: 2) —
- B. “One is liable if the creeping thing goes out of mind, but he is not liable if the fact that he was in the sanctuary goes out of mind.”
- C. R. Aqiba says, “And it be hidden from him and he be unclean —
- D. “On account of the uncleanness’s passing out of mind he is liable, but he is not liable on account of the sanctuary’s passing out of mind.”
- E. R. Ishmael says, “‘Shall be hidden...’ [Lev. 5: 2]...’shall be hidden...’[Lev. 5: 3], two times:
- F. “to impose liability for the uncleanness’s passing out of mind, and for the sanctuary’s passing out of mind.”

- I.1** A. [Awareness of uncleanness is of two sorts, which yield four subdivisions: (1) [If] one was made unclean and knew about it, then the uncleanness left his mind, but he knew [that the food he had eaten was] Holy Things, (2) the fact that the food he had eaten was Holy Things left his mind, but he knew about [his having contracted] uncleanness, (3) both this and that left his mind, but he ate Holy Things without knowing it and after he ate them, he realized it — lo, this one is liable to bring an offering of variable value. (1) [If] he was made unclean and knew about it, and the uncleanness left his mind, but he remembered that he was in the sanctuary; (2) the fact that he was in the sanctuary left his mind, but he remembered that he was unclean, (3) both

this and that left his mind, and he entered the sanctuary without realizing it, and then when he had left the sanctuary, he realized it — lo, this one is liable to bring an offering of variable value:] Said R. Pappa to Abbayye, “How can you say **two sorts, which yield four subdivisions**, when in fact there are six! These involve awareness of uncleanness beginning and end; awareness of Holy Things beginning and end; awareness of the Temple beginning and end!”

- B. [Abbayye replied to him,] “But from your own perspective, they are eight, for there is uncleanness in connection with eating Holy Things and uncleanness in connection with the sanctuary, beginning and end!”
- C. [Pappa retorted,] “Oh come on, that’s no problem — the classification, uncleanness, governs throughout. And still, they are six!”
- D. Said R. Pappa, “In point of fact, they are eight, the first four, which do not impose liability to present a sacrifice, are not counted; the second four, which do impose liability for a sacrifice, are counted.”
- E. There are those who say, said R. Pappa, “In point of fact, there are eight; the first four, which occur no where else in the entire Torah [with reference to the commission of other transgressions, where there need be no awareness before the act that it was forbidden], are counted, but the last four, which do, are not counted.”

I.2. A. Asked R. Pappa, “If the person was unaware of the laws of uncleanness, what is the law?”

- B. What would be the facts of such a case? If we say that he did not know whether a creeping thing was unclean or a frog was unclean, that is really something that is taught in elementary school! So it must be a case in which he knew about the uncleanness of a dead creeping thing, but a case in which he touched only a piece of a dead creeping thing of the volume of a lentil, and what he did not know is whether that volume suffices to impart uncleanness.
- C. What is the law? Since he knew that a dead creeping thing imparts uncleanness, that falls into the classification of awareness? Or since he did not know whether or not the volume of a dead creeping thing the size of a lentil imparts uncleanness or not, that is classified as unawareness?
- D. The question stands.

I.3. A. Asked R. Jeremiah, “A Babylonian who went up to the Land of Israel and was unaware of the place in which the Temple was located [that is, when unclean, he went into the Temple but did not realize that it was the Temple] — what is the law?”

- B. In accord with the position of which authority is this question set forth? If it is in accord with the position of R. Aqiba, who maintains that there must be awareness at the outset, the question is not possible, for he does not impose liability for uncleanness in connection with unawareness of the fact that it is the Temple at all [**On account of the uncleanness’s passing out of mind he is liable, but he is not liable on account of the sanctuary’s passing out of mind**]. If it is in accord with the position of R. Ishmael, who imposes liability on account of unawareness that it is the sanctuary [**to impose liability for the uncleanness’s passing out of**

mind, and for the sanctuary's passing out of mind], lo, he does not require unawareness at the outset.

- C. *In point of fact, the question is required within the framework of the position of Rabbi, who requires awareness at the outset [**“Why does Scripture state, ‘It was hidden from him...it was hidden from him...’ two times (Lev. 5: 2, 3)? It is to impose liability both for being unaware of being unclean and also of the Temple or Holy Things”**], and who also imposes liability on account of unawareness of the sanctuary, and who has furthermore maintained that knowledge that one has gained in the household of his master is classified as valid knowledge [Rabbi takes the view that knowledge acquired in the household of one's master is classified as knowledge].*
- D. *So what is the ruling? Since the man obviously knows that there is in the world such a thing as the sanctuary, this constitutes valid awareness, or perhaps, since it is the location of the place that he does not know, he is in a state of unawareness?*
- E. *The question stands.*

II.1 A. All the same are he who enters the courtyard and he who enters the addition to the courtyard:

- B. *What is the scriptural basis for this rule?*
- C. Said R. Shimi bar Hiyya, “Scripture has stated, ‘According to all that I show you, the pattern of the tabernacle [and the pattern of all the furniture thereof] **[15A]** even so shall you make it’ (Exo. 25: 9) — in the coming generations. [Shachter, *Sanhedrin*, p. 81, n. 2: Just as the position and bounds of the tabernacle were regulated by Moses, representing the Great Sanhedrin, so must the boundaries of the city and Temple Courts be decided upon by the Great Sanhedrin.]
- D. *Raba objected, “As to all the utensils that Moses made, the act of anointing them served to sanctify them, while, in the future, the act of making use of them served to dedicate them. Now why should that be the case? Why not invoke the principle, ‘...in the coming generations’ [the same procedures must be followed as in the time of Moses]?”*
- E. *That case is different, for Scripture has said [explicitly in their regard], “And he had anointed them and sanctified them [in particular]” (Num. 7: 1), meaning, *them* in particular did he consecrate through anointing, and not the ones that would be used in coming generations [which did not require] anointing.*
- F. *May I propose, “... *them* by means of anointing, and also for coming generations, it may be done either by anointing or by actual use in the liturgy”?*
- G. Said R. Pappa, “Said Scripture, ‘...wherewith they shall minister in the sanctuary’ (Num. 4:12). Scripture has assigned their [sanctification] to the actual ministry to the Temple.”
- H. *Why then lay special emphasis upon “them” [at Num. 7: 1] [which appears to serve as an exclusion, which in face of the said verse is unnecessary (Shachter, *Sanhedrin*, p. 81, n. 9)]?*
- I. *If Scripture had not referred to them, in particular, I might have concluded that, for the generations to come, [these utensils would be consecrated] both by*

anointing and also by actual use in the sacred service, for so it is written, “So shall you make it” (Exo. 25: 9) [even in coming generations].

- J. *Accordingly, the All-Merciful wrote, them meaning, “those objects in particular are consecrated through anointing, and those used in coming generations will not be consecrated through anointing.”*

III.1 A. with two thank offerings:

- B. *A Tannaite statement:*

- C. **The two thank offerings of which they have spoken refers to the bread but not the meat [since a thank offering may be loaves of bread, leavened and unleavened, along with the meat] [T. San. 3:4G].**

- D. *What is the scriptural source for that rule?*

- E. Said R. Hisda, “Said Scripture, ‘And [when I, Nehemiah, rededicated Jerusalem,] I placed two great thank offerings and went in process on the right upon the wall’ (Neh. 12:31). *What is the meaning of ‘great’? Shall we say, from a large species literally? Then he should have said, oxen.’ But then how could they be large in reference to their species, since in the view of Heaven is any importance attached to large size? And have we not learned in the Mishnah: It is said of the burnt offering of a beast, “An offering by fire, a smell of sweet savor” (Lev. 1: 9) and of the bird offering, “An offering by fire, a smell of sweet savor” (Lev. 1:17) and [even] of the meal offering, “An offering by fire, a smell of sweet savor” (Lev. 2: 9) — to teach that all the same are the one who offers much and the one who offers little, on condition that a man will direct his intention to his father Heaven [M. Men. 13:11]? So the meaning must be, the larger component of the thanksgiving offering, and what might that be? It is the leavened bread. For we have learned in the Mishnah: The [flour for the loaves of the] thank offering was brought [from] five seahs by the Jerusalem measure, which are six by the wilderness measure [equivalent to], two ephahs — the ephah is three seahs [by the wilderness measure] — twenty tenths [of an ephah]: (1) ten [tenths of an ephah] for what was to be leavened, and (2) ten for what was to be unleavened. Ten for what was to be leavened — a tenth [of an ephah] for a loaf. And ten for what was to be unleavened. And in the unleavened part are three kinds: (1) loaves, (2) wafers, and (3) [oil] — soaked cake[s] [Lev. 8:12]. There turn out to be three and a third tenths [of an ephah] for each kind, three loaves for each tenth [of an ephah] [M. Men. 8:1A-J]. [So the leavened ones were the larger.]”*

- III.2.** A. Said Rami bar Hama, “The courtyard is sanctified only through the eating of the residue of meal offerings there. *What is the operative consideration?* It is like Jerusalem. Just as in the case of Jerusalem, what is eaten sanctifies the place, so with the courtyard of the Temple, what is eaten sanctifies that place.”

- B. *So can’t the loaves of bread of a thank offering be eaten in the courtyard [since they too are a form of meal offering]?*

- C. Rather, it is comparable to Jerusalem in this way. Just as in the case of Jerusalem, the city is sanctified by that which must be eaten therein, to which applies the qualification that, if the thing is taken outside of the city, it is invalidated, so the

Temple court is sanctified by that which must be eaten therein, to which applies the qualification that, if the thing is taken outside of the courtyard, it is invalidated.

- D. Well, how about this proposition: just as there [in sanctifying the city two loaves of] leavened [bread serve], so here [in the Temple court] only what is leavened can serve to sanctify the courtyard?
- E. *But is there such a possibility? [15B] Is there an offering that is leavened?* [Silverstone: since we require the residue of a meal offering to be eaten in the Temple court in order to sanctify it, it has to be unleavened: “No meal offering which you present to the Lord shall be made with leaven” (Lev. 2:11).] *And should you say that he leavens the residue and sanctifies the area by eating them, that cannot be done, for it is written, “It shall not be baked leaven; as their portion I have given it” (Lev. 6:10), in which connection R. Simeon b. Laqish said, “Even their portion must not be baked leavened.”*
- F. *But why not [sanctify the Temple court with a meal offering that is leavened?] It can be sanctified with the two loaves that are presented at Pentecost [Lev. 23:17].*
- G. *The reason is that that is not possible. For how is someone supposed to do it:?*
- H. *Should he build the Temple court addition on the eve of the festival and sanctify it now on Pentecost? But we require the act of sanctification to take place at the time of the completion of the addition.*
- I. *Then should he complete building the addition on the festival and sanctify it then?* But the building of the Temple cannot override the restrictions of the festival.
- J. *Then should he leave the two loaves until a day later and then complete the building and sanctify it? Then the loaves are invalidated by being left overnight.*
- K. *And should he build it on the eve of the festival, leaving a small part incomplete, so that, when he recites the blessing at the end of the festival day, he may then immediately complete the building and sanctify it? Building of the Temple cannot take place at night.*
- L. For said Abbaye, “How on the basis of Scripture do we know that building the Temple cannot take place at night? ‘And on the day that the tabernacle was raised up’ (Num. 9:15) — it is raised up by day, not by night.”
- M. So the entire procedure is impossible [and the Temple court cannot be sanctified with leavened loaves of bread.

IV.1 A. and singing:

- B. *Our rabbis have taught on Tannaite authority:*
- C. The thanksgiving song [Psa. 100] was accompanied by lutes, lyres, and cymbals at every corner and upon every great stone in Jerusalem, and this is what is sung: “I will extol you O Lord for you have raised me up” (Psa. 30).
- D. And further, the song against evil spirits [Psa. 91]. Some call it “the song against plagues.”
- E. *He who calls it the song against plagues cites, “Neither shall any plague come near your tent” (Psa. 91:10), and one who calls it the song against evil events cites, “A thousand may fall at your side” (Psa. 91: 7).*

- F. This is what is said: "O you who dwells in the secret place of the Most High and abides in the shadow of the Almighty...for you have made the Lord who is my refuge, even the Most High, your habitation" (Psa. 91: 1-9).
- G. And this one too: "A Psalm of David when he fled from Absalom his son: Lord, how many are my adversaries become" to "Salvation belongs to the Lord, your blessing be upon your people, sela" (Psa. 3).

IV.2. A. *R. Joshua recited these verses when he went to sleep.*

- B. *But how could he have done so, and did not R. Joshua b. Levi say, "It is forbidden to heal oneself through reciting words of Torah"?*
- C. *To defend oneself therewith is exceptional. But when he said that it is prohibited, it is where there is a wound.*
- D. *So if there is a wound, it is merely prohibited, but there is no other objection? And have we not learned in the Mishnah: [R. Aqiba says, "Also: He who reads in heretical books,] and he who whispers over a wound [and says, 'I will put none of the diseases upon you which I have put on the Egyptians, for I am the Lord who heals you' (Exo. 15:26)] [has no portion in the world to come]" [M. San. 11:1E-F]?*
- E. *Lo, it has been stated in this connection, Said R. Yohanan, "That is the rule if one spits over the wound, for people may not make mention of the Name of heaven over spit."*

V.1 A. **The court goes along with the two thank offerings behind them, and all the Israelites after them. The one offered inside is eaten, and the one offered outside is burned:**

- B. *Does this then imply that the court precedes the thank offering bread? Is it not written, "And after the two loaves went Hoshaiah and half of the princes of Judah" (Neh. 12:32)?*
- C. *This is the sense of the Tannaite statement: the court goes, and the two loaves of the thank offering are carried, with the court walking behind them.*

V.2. A. *How do they go along?*

- B. R. Hiyya and R. Simeon b. Rabbi:
- C. One said, "One opposite the other." [The two priests carrying the loaves walk side by side.]
- D. The other said, "One behind the other."
- E. *In the opinion of him who holds that they are carried one opposite the other, **one offered inside** is the one carried nearest the wall; according to him who maintains that they walk one behind the other, the one **offered inside** is the one nearest the court [in procession behind].*

V.3. A. **We have learned in the Mishnah: The one offered inside is eaten, and the one offered outside is burned.** *Now from the view of him who has said, "One behind the other," that explains why the inner one is eaten, because the outer one is the one that came before it and accomplished the sanctification of the place. But from the perspective of him who has said, "One opposite the other," both of them have sanctified the place at one and the same moment!*

- B. *But even within your position, in line with the view of him who says, “One behind the other,” why is the inner one eaten? Does one loaf sanctify the place, when we have learned in the Mishnah, **And any area which is not treated wholly in this way [with the proper rites] — he who enters that area — they are not liable on its account.** [Both loaves are required to sanctify the area]. And even from the perspective of him who has said, the meaning of **And any area which is not treated wholly in this way means, with one of any of these rites, still, the two loaves together constitute a single religious action!***
- C. Rather, said R. Yohanan, [16A] “It was in accord with the instruction of the prophet that one was eaten, and it was by the instruction of the prophet that the other was burned.”

VI.1 A. And any area which is not treated wholly in this way [with all of these rites] — he who enters that area — they are not liable on its account:

- B. *It has been stated:*
- C. R. Huna said, “*We have learned the formulation of the rule as **with all of these.**”*
- D. R. Nahman said, “*We have learned the formulation of the rule as **with any one of all of these.**”*
- E. R. Huna said, “*We have learned the formulation of the rule as **with all of these:**” he takes the view that when the Temple was originally sanctified, the sanctification was for that moment and for all time to come, and what Ezra did was merely a gesture of remembrance of what had originally been done.*
- F. R. Nahman said, “*We have learned the formulation of the rule as **with any one of all of these:**” he takes the view that when the Temple was originally sanctified, the sanctification was for that moment but not for all time to come, and what Ezra did was an entirely valid act of sanctification, even though there were no Urim and Tummim.*
- G. *Objected Raba to R. Nahman, “ **And any area which is not treated wholly in this way [with all of these rites] is what is taught in the Mishnah.**”*
- H. Repeat it as: **with any one of all of these.**
The secondary development concerns the issue of whether the initial sanctification was permanent or only for the occasion. The analysis quickly abandons disagreement on the issue and focuses upon the matter in its own terms.
- I. *Come and take note:*
- J. Abba Saul says, “**There were two valleys in Jerusalem, a lower one and an upper one. The lower one was sanctified with all these procedures, but the upper one was not sanctified. And when the exiles came up, without a king, without Urim, without Tumim, in the lower one, which had been consecrated completely, the people of the land would eat Lesser Holy Things, and associates would eat Lesser Holy Things, but not second tithe. And in the upper one, which had not been consecrated completely, the people of the land would eat Lesser Holy Things but not second tithe, while associates would eat there neither Lesser Holy Things nor second tithe. And on what account did they not sanctify it? It is because For [the latter is in the same classification as the former, since] they add to the city, and courtyards only on the instructions of the king and prophet, the Urim and Thummim, and**

the sanhedrin of seventy-one members, with two thank offerings and singing. [Tosefta: It is because it was a weak point in Jerusalem and was easily conquered]" [T. **San. 3:4H-L**]. And why did they consecrate it?

- K. And why did they sanctify it? *You just said, And one what account did they not sanctify it?*
- L. Rather: why did they bring it within the city boundaries? **It is because it was a weak point in Jerusalem and was easily conquered.**
- M. *In any event, this [There were two valleys in Jerusalem, a lower one and an upper one. The lower one was sanctified with all these procedures, but the upper one was not sanctified] is in conflict with R. Nahman's view! [For Nahman says any of these rites suffices, while here it is stated that all of the essential rights were unavailable to them.]*
- N. *[He may say to you that we deal with] a conflict of Tannaite formulations, for we have learned in the Mishnah: Said R. Eliezer, "I heard [that] when they were building the Temple, they made curtains for the Temple and curtains for the courtyard. But [the wall] of the Temple they built outside [of the veil], and that of the courtyard they build inside [the veil]. Said R. Joshua, "I heard (1) that they make offerings even though there is no house [for the Temple altar] And (2) they eat Most Holy Things, even though there are no hangings. And (3) that they eat] Lesser Holy Things and second tithe, even though there is no wall [around Jerusalem]. For the original act of consecration was valid both for its time and for all time to come" [M. **Ed. 8:6**].*
- O. *Now this formulation bears the implication, does it not, that R. Eliezer takes the view that [since Eliezer requires curtains, and without curtains it is not holy, Moses' action] did not serve to consecrate the Temple for the future?*
- P. *Said Rabina to R. Ashi, "Why so? Perhaps all parties concur that the initial act of sanctification was for that moment but also for all time to come. But one authority states what he has heard from his masters, and the other one likewise states what he has heard. And if you then ask, why then does R. Eliezer deem the curtains to be required? The answer is, for privacy alone."*
- Q. *Nonetheless, there is a conflict of Tannaite opinion. For it has been taught on Tannaite authority:*
- R. R. Ishmael b. R. Yosé [says,] "Why did sages list [the cities catalogued at M. **Arakhin 9:6F**: A city in which are not less than three courtyards, each with two houses, surrounded by a wall from the time of Joshua ben Nun, such as: the old castle of Sepphoris; the fortress of Gush-Halab, old Yodpat, Gamala, Gadwad, Hadid, Ono, Jerusalem, and the like]?"
- S. "Because, when the exiles returned [from Babylonia], they found these [cities] and consecrated them, but former cities [that existed at the time of the first Temple] were [treated as] null, since the [original] sanctification of the Land had been nullified [by the destruction of the Temple and the exile that took place in 586.]"
- T. *Accordingly, he takes the position that the original consecration of the Land [by Joshua] served to consecrate the land for a time, but not for all time to come.*

- U. *[To this view of the position of Ishmael,] the following objection was raised: “Said R. Ishmael b. R. Yosé, ‘And are these the only cities [subject to the rule at hand]? Has it not been said, ‘Sixty cities, all the region of Argob... all these were fortified cities’ (Deu. 3: 4-5). Why did sages catalogue [only] those [at M. 9:6]? It was because, when the exiles returned [from Babylonia], they found these and consecrated them.”*
- V. *(‘Consecrated them?’ But have we not said that they do not require consecration? Rather, ‘catalogued them.’)*
- W. **And not these alone [did they encompass in the relevant list,] But in the case of any [city] that may come to your attention as a tradition from your forefathers as having been surrounded by a wall from the time of Joshua b. Nun all these religious obligations apply to it, on the principle that the first act of consecration [by Joshua] served both for its own time and also for all time to come [T. Ar. 5:16].”** *[Accordingly, it is explicitly assigned to Ishmael that the original act of consecration was permanent and not nullified by the destruction and exile of 586.] So there is a contradiction between the two statements attributed to R. Ishmael b. R. Yosé!*
- X. *If you wish, I shall propose as solution to the problem that we have two Tannaite authorities’ views of the opinion of R. Ishmael.*
- Y. *And if you wish, I shall propose that one of the authorities at hand, [as sons of R. Yosé, is not Ishmael but] R. Eleazar b. R. Yosé. [Then Ishmael holds one view, his brother, Eleazar, the opposite view.]*
- Z. *For it has been taught on Tannaite authority:*
- AA. R. Eleazar b. R. Yosé says, “[Since the word at hand is spelled so as to bear] both the meaning, ‘that has a wall,’ and ‘that does not have a wall,’ [the meaning is that] even though the city does not have a wall now, if it had one earlier [in Joshua’s time, the law applies].” [The earlier status persists even after the destruction.]

VII.1 A. [16B] (1) [If] he was made unclean in the courtyard, and the uncleanness left his mind, but he remembered the sanctuary — (2) [if] the sanctuary left his mind, but he remembered the uncleanness:

- B. *How on the basis of Scripture do we know that one is liable on account of uncleanness in the Temple court [that is, if someone enters the Temple clean but becomes unclean in the Temple itself, how do we know that he is obligated to an offering of variable value]?*
- C. Said R. Eleazar, “One verse of Scripture states, ‘The tabernacle of the Lord he has defiled’ (Num. 19:13), and further, ‘For the sanctuary of the Lord he has defiled’ (Lev. 19:20). If the statement cannot pertain to uncleanness that has taken place outside of the Temple [which the former of the two verses addresses], then apply it to uncleanness that has taken place inside of the Temple.”
- D. *But are the two verses really superfluous [and therefore available for the present interpretation]? Lo, they are required for that which has been taught on Tannaite authority:*
- E. R. Eleazar says, “If reference is made to the tabernacle, then what need is there to refer to the sanctuary [The tabernacle of the Lord he has defiled’ (Num. 19:13),

‘For the sanctuary of the Lord he has defiled’ (Lev. 19:20)]? And if to the sanctuary, what need for the reference to the tabernacle? Well, if reference were made to tabernacle but reference were not made to sanctuary, I should have supposed that on account of uncleanness in regard to the tabernacle one is liable, since it was anointed with the anointing oil, but on account of uncleanness in the sanctuary, one should not be liable. And if reference were made to the sanctuary but reference were not made to the tabernacle, I should have thought that on account of uncleanness in the sanctuary one should be liable, for\ lo, the sanctification of the sanctuary was meant for all eternity, but for uncleanness in the tabernacle one should not be liable. On that account reference is made explicitly both to the tabernacle and also to the sanctuary.”

- F. *This is what R. Eleazar found difficult: since the tabernacle is classified as a sanctuary, and the sanctuary is classified also as a tabernacle, Scripture should have referred in both verses to sanctuary or in both verses to tabernacle. So why did it make reference in one to the one and in the other to the other? It is so that we may derive two lessons, as just now set forth.*

VII.2. A. *Now there is no problem in finding a passage in which the sanctuary is called tabernacle: “And I will set my tabernacle among you” (Lev. 26:11). But how do we know that the tabernacle is ever called sanctuary? Should I propose, “And the Kohathites the bearers of the sanctuary set forward” (Num. 10:21)? But that speaks of the ark [not the tabernacle].*

- B. *It is in the following: “And let them make me a sanctuary that I may dwell among them” (Exo. 25: 8) joined with “According to all that I show you, the pattern of the tabernacle” (Exo. 25: 9).*

VIII.1 A. **...and he prostrated himself or remained there for an interval sufficient for prostrating himself:**

- B. Said Raba, “They taught the rule [**and he prostrated himself**, meaning that if one prostrated himself rapidly, less than the required time, he is liable] only if he did so facing inward. *But if he prostrated himself facing outward, but then remained sufficient time, he is liable; if he did not remain sufficient time, he is not liable.*”
- C. *There are those who repeat this statement of Raba in respect to the concluding clause, namely: **or remained there for an interval sufficient for prostrating himself**. Then it must follow that, as to prostration itself, liability requires remaining for a sufficient time.*
- D. Said Raba, “They taught the rule only if he did so facing outward. *But if he prostrated himself facing inward, even though he did not tarry, [he is liable]. And this is the sense of the statement: If one prostrated himself facing inward, or if one tarried sufficiently to prostrate oneself while facing outward, he is liable.*”

VIII.2. A. **What is the definition of a prostration that is for a sufficient interval, and what is the definition of a prostration that is not for a sufficient interval?**

- B. *The one that is not for a sufficient interval, it is mere kneeling. Where it is of a sufficient interval, it involves spreading out the hands and feet.*

VIII.3. A. **And what is the definition of tarrying?**

- B. *In that matter there is a disagreement between R. Isaac bar Nahmani and someone who was with him, and who might that have been? It was R. Simeon b.*

Pazzi, and some say, it was R. Simeon b. Pazzi and someone with him, and who might that have been? It was R. Isaac bar Nahmani; and some say it was R. Simeon bar Nahmani.

- C. *One said, "Sufficient time to recite this verse: 'And all the children of Israel looked on, when the fire came down, and the glory of the Lord was upon the house; and they bowed themselves with their faces to the ground upon the pavement and prostrated themselves and gave thanks to the Lord for he is good, for his mercy endures forever' (2Ch. 7: 3)."*
- D. *The other said, "For the amount of time that it takes to recite the verse only from the words, 'and they bowed...', to the end."*

VIII.4. *A. Our rabbis have taught on Tannaite authority:*

- B. *"Falling" means falling on one's face, in line with the usage: "Then Bath Sheba bowed with her face to the earth" (1Ki. 1:31).*
- C. *"Kneeling" means, on the knees: "From kneeling on his knees" (1Ki. 8:54).*
- D. *"Prostration" means spreading out the hands and the feet: "Shall I and your mother and brothers really come and bow to to the earth to you" (Gen. 37:10).*

VIII.5. *A. Raba raised this question: "[If one inadvertently became unclean in the Temple and was warned to leave but remained,] to be subject to the penalty of a flogging, must one have tarried, or need one not have tarried? As to presenting a sacrifice, we have learned that tarrying for too long a time is required before one is liable. But as to liability to a flogging, we have learned no tradition [17A] on whether or not liability is incurred only if one has tarried. Perhaps, since we have learned the tradition that as to a violation of the law in the Temple, tarrying is a prerequisite of one sort of penalty, perhaps there is no distinguishing between the penalty of having to present an offering and the penalty of a flogging."*

- B. *The question stands.*

VIII.6. *A. Raba raised this question: "[If] one suspended himself, while unclean, in the contained airspace of the courtyard, what is the law? When we have learned that tarrying for too long a time is required before one is liable, that refers to tarrying in a circumstance in which one can have prostrated himself, but in a circumstance in which one cannot in any event have prostrated oneself, we have no tradition. Or perhaps since we have in hand a tradition about tarrying inside the Temple, we make no distinction between tarrying under circumstances in which prostration is possible and carrying under circumstances in which prostration is not possible?"*

- B. *The question stands.*

VIII.7. *A. R. Ashi raised this question: "If one deliberately made himself unclean what is the law? Where we have a tradition concerning tarrying [such as Raba has cited], it concerns one who has become unclean inadvertently, but we have no such tradition about tarrying in the case of one who made himself unclean deliberately. Or perhaps we have a rule covering what happens inside the Temple in regard to tarrying, and there is no distinction to be drawn between one's having become unclean under constraint or through deliberate action?"*

- B. *The question stands.*

VIII.8. A. R. Ashi raised this question: “What is the law concerning a Nazirite at a grave? Specifically, for the penalty of a flogging to be incurred, does he have to have tarried, or does he not have to have tarried? We have a tradition concerning the situation inside the Temple that tarrying is required, but as to the rule governing what happens outside of the Temple, we have no tradition about tarrying’s being a prerequisite of sanctions? Or perhaps, it is in particular for uncleanness that has taken place under constraint that tarrying is a consideration, whether this is inside or outside the Temple?”

B. The question stands.

IX.1 A. [if] he went out by the longer way, he is liable. [If he went out] by the shorter way, he is exempt:

B. Said Raba, “...the shorter way... of which they have spoken means, even if he walked heel to toe [taking very short steps], and even if it took him all day long [he is exempt].”

IX.2. A. Raba raised this question: “[If one was walking out the shortest way but paused, then walked, then paused, and no pause constituted a sufficient interval to qualify as tarrying, but all of the intervals all together did, then] what is the law as to joining together the various intervals of pause?”

B. Why not solve the problem from his own statement [even if it took him all day long]?

C. That statement refers to a case in which, though it took the whole day, he never stopped and paused at all.

IX.3. A. Abbaye raised this question of Rabbah: “If one left by the longer way, but did so in the span of time that it would have taken to go out by the shorter way, what is the law? We have a tradition concerning the time that it takes, and if he went out via the longer way in the time that it takes for the shorter way, he is not liable? Or perhaps we have learned that he must definitely take the shorter way, so that, if he took the longer way, in however short an interval, he is liable, and if he took the shorter way, in however long an interval, he is exempt?”

B. He said to him, “The law covering the longer way is not handed over to him for suspension [based on his personal speed].”

C. Objected to this R. Zira, “But we have in hand an established rule that an unclean priest who served at the altar is subject to the death penalty [inflicted by heaven]. Now how shall we ever find such a case? If he did not tarry for any length of time, how did he carry out the rite? And if he did tarry for a sufficient time, he is liable to extirpation. Now if you maintain that we have a tradition that the operative consideration if tarrying [so that, e.g., the time one stays in the Temple must be less than the combined times of the period of prostration, and that occupied in walking out the shorter route is at a medium pace (Silverstone)], then it would be possible [to find a case in which an unclean priest officiated and tarried for the period of prostration, in which case he would not be liable to extirpation but would be liable to death at the hand of the heavenly court. The man would have pushed himself and carried out the rite within the requisite span to involve the one liability, therefore not the other. **[17B]** But if you maintain

that the tradition is definite that we have learned, then how is such a case possible?"

- D. *Said Abbayye, "What's the problem? You find such a case when one went out the shorter way [without tarrying[] and turned [a piece of the meat on the altar fire] with a prong, and this would accord with the position of R. Huna, for said R. Huna, 'A non-priest who turned a piece of meat on the altar fire with a prong is subject to the death penalty [since only a priest may do this].'"*

IX.4. *A. Reverting to the body of the prior composition:*

- B. *Said R. Huna, "A non-priest who turned a piece of meat on the altar fire with a prong is subject to the death penalty [since only a priest may do this]."*
- C. *What would exemplify such a situation? If it is a case in which, had the man not turned over the meat, the meat would not have been consumed in the flames, that is obvious! If it is a case in which, without turning the meat, the meat would have been consumed in the flames, then what has he done anyhow?*
- D. *The statement is necessary to deal with a case in which, if the non-priest had not turned the meat, it would have been consumed in two hours, but since he has turned it, it is consumed by the flames in one hour, and what he then proposes to tell us is that speeding up the divine service is classified as an act of service.*

IX.5. *A. Said R. Oshaia, "I'd like to say something, but I fear on account of the reaction of my colleagues: He who enters a house afflicted with the skin ailment walking backward, and even if his whole body is inside except for his nose, he remains clean, in line with the verse, 'He who comes into the house...shall be unclean' (Lev. 14:46) — it is entering the house in the normal way in which one comes in that Scripture forbid. But I fear on account of the reaction of my colleagues, since, if that is the rule, then even if he entered backward entirely, including his nose, he should be clean! [and that result is too absurd to propose for serious consideration.]*

- B. *Said Raba, "If his whole body is inside, it is not any worse in its condition than the utensils that are in the house, for it is written, 'And they shall empty the house before the priest comes to see the plague, so that all that is in the house be not made unclean' (Lev. 14:36)."*

IX.6. *A. So too it has been taught on Tannaite authority:*

- B. *As to the roofs of the Temple, people are not to eat Most Holy Things there or to slaughter there Lesser Holy Things, and an unclean person who went in through the roofs to the inner sanctum is exempt, for it is said, "And into the sanctuary she shall not come" (Lev. 12: 4) — it is the normal way of coming in that Scripture has prohibited.*

X.1 **A. This is a positive commandment regarding the sanctuary on account of which [a court] is not liable [to a sin offering]:**

- B. *On what basis does the framer of the passage state, **This** [in particular] is a positive commandment regarding the sanctuary on account of which [a court] is not liable [to a sin offering]? [Silverstone: where have we learned that the court is not liable for an erroneous ruling concerning the transgression of a positive precept with reference to uncleanness in the Temple, that he states here: this...?]*

- C. *He makes reference to the following: They are not liable on account of [a decision inadvertently violating] a positive commandment or a negative commandment concerning the sanctuary. And they do not bring a suspensive guilt offering on account of [violation of] a positive commandment or a negative commandment concerning the sanctuary. But they are liable for [violating] a positive commandment or a negative commandment involving a menstruating woman. And they do bring a suspensive guilt offering on account of [violation of] a positive commandment or a negative commandment concerning a menstruating woman. [What is a positive commandment concerning a menstruating woman? To keep separate from a menstruating woman. And what is a negative commandment? Not to have sexual relations with a menstruating woman] [M. Hor. 2:4]. And this is what he then says with reference to that passage: This is a positive commandment regarding the sanctuary on account of which [a court] is not liable [to a sin offering]. And what is a positive commandment concerning the menstruating woman, on account of which [a court] is liable? [If] he was having sexual relations with a clean woman, and she said, "I have become unclean," [even if] he separated forthwith, he is liable, for the going out is just as much a pleasure for him as the going in.*

- XI.1** A. *[And what is a positive commandment concerning the menstruating woman, on account of which [a court] is liable? [If] he was having sexual relations with a clean woman, and she said, "I have become unclean," [even if] he separated forthwith, he is liable, for the going out is just as much a pleasure for him as the going in:] [With reference to the clause, for the going out is just as much a pleasure for him as the going in] it has been stated:*
- B. Abbaye said in the name of R. Hiyya bar Rab, "[One who withdraws immediately] is liable to present sin offerings on two counts."
- C. And so said Raba said R. Samuel bar Abba said R. Huna, "[One who withdraws immediately] is liable to present sin offerings on two counts, *one for going in, one for coming out.*"
- D. *Reflecting on this matter, Raba wondered, "How come? Shall we say that the intercourse was near her fixed period? And with whom? Shall we say that it was with a disciple of a sage? Then, as to the entering, there should be liability, since he would have thought, 'Well, I can have sexual relations [before the period starts],' and this is then an unwitting sin and a sin offering is to be presented]. But as to withdrawing, on what basis should he be liable at all? The act, after all, is a deliberate one! [18A] And if we deal with an ordinary person, not a disciple, the both acts are comparable to eating, in a single spell of unawareness, two portions of forbidden fact, each of the volume of an olive, [on which account one is liable on only a single count]! And if it is not near her fixed period, then with whom has the act taken place? If it is with a disciple of a sage, then he should not be liable to present even a single sin offering, for on the count of going in, it was completely inadvertent [that it coincided with the period], and in coming out, he has acted deliberately! And if it was an ordinary person, he is liable only to present a single offering, on the count of withdrawing."*

- E. *But then said Raba, "In point of fact, the case involves intercourse near the fixed period and a disciple of a sage, but it is a disciple of a sage who had served to master this subject [so he knew that he should not have sexual relations near the time of the fixed period, but he thought he had time and then did not have time to do so before the fixed period, so what he has done is unwitting], but he was not a disciple of a sage such that he knew that rule [concerning not withdrawing forthwith but waiting until his penis became flaccid; he therefore has to present two sin offerings, one for going in, one for coming out]."*
- F. *Said Raba, "And both rules we have learned, the rule governing going in we have learned as a Tannaite statement, and the rule governing pulling out we have learned as a Tannaite statement:*
- G., *"and the rule governing pulling out we have learned as a Tannaite statement: [If he was having sexual relations with a clean woman, and she said, 'I have become unclean ,'] [even if] he separated forthwith, he is liable, for the going out is just as much a pleasure for him as the going in.*
- H. *"the rule governing going in we have learned as a Tannaite statement: If it [a drop of blood] is found on his, they are unclean and liable for a sacrifice. [If it is found on hers at the time itself, they are unclean [for seven days] and liable for a sacrifice. If it is found on hers after a while, their uncleanness remains in doubt, and they are exempt from an offering] [M. Nid. 2:2]. Now does this not refer to intercourse that took place near her fixed period, and with reference to going in?" [Silverstone: hence we learn that for enter in near her period he is liable for an offering if she becomes unclean.]*
- I. *Said R. Adda bar Mattena to Raba, "But I may very well say to you that it deals with a case in which the intercourse took place not near her fixed period, and speaks of pulling out. And should you object, So what need do I have for a statement covering pulling out, when that has been stated on Tannaite authority in any event, in point of fact it is still necessary to formulate matters in this way as well. This is so as to inform us of the following fact: **If it is found on hers after a while, their uncleanness remains in doubt, and they are exempt from an offering]**. Now, since the framer of the passage wanted to deal with the case of the blood's being found on her test rag, he balanced the statement by formulating it, also, in terms of the blood's being found on his as well."*
- J. *Said Rabina to R. Adda, "But can you really really assign that passage to a case in which the intercourse took place not near the woman's fixed period and to the act of pulling out? And lo, the language is used, **If it [a drop of blood] is found!** The meaning then must be, if it is found later on [thus: after pulling out the blood was found, but during the act of intercourse, the couple was not aware that the woman was menstruating]. But if it refers to withdrawing, then from the outset, when he withdrew, he already knew precisely what he was doing [she was unclean]."*
- K. *Said to him Raba, "Listen to what your master, Rabina, is saying to you!" [the Mishnah cannot refer to pulling out (Silverstone)].*
- L. *[He said to him,] "How can you maintain that the passage refers to going in, since in this regard it has been taught on Tannaite authority: This is a positive commandment concerning a woman who is menstruating, for which one would*

bear liability. *But if matters are as you say, that it refers to going in, then this is a negative commandment!*”

- M. *He said to him, “Well, if that is how you have learned to repeat the Tannaite formulation, it contains a lacuna, and this is how you should repeat it: This is a negative commandment concerning a woman who is menstruating, for which one would bear liability. If one was having sexual relations with a woman who was not menstruating, and she said to him, ‘Oops! I have become unclean,’ and he withdrew forthwith, then he is liable, and this is a **positive commandment concerning the menstruating woman, on account of which he is liable.**”*

XI.2. A. A master has said, “[even if] he separated forthwith, he is liable, for the going out is just as much a pleasure for him as the going in” — *so what should he do instead?*

- B. Said R. Huna in the name of Rab, “He should grind his ten fingernails into the ground until the erection dies.”

- C. Raba said, “That is to say, he who with a flaccid penis has sexual relations with a female relation who is prohibited to him is exempt. *For if you should suppose that he is liable, then in this case, in the case before us why in the world would he be exempt?*”

- D. *He is exempt because he is acting under constraint.*

- E. *So if he is acting under constraint, then even if he should pull out right away, he still should be exempt from liability! What choice does he have, one way or the other?*

- F. *Said to him Abbaye, “In point of fact, I shall tell you, under all circumstances he who with a flaccid penis has sexual relations with a female relation who is prohibited to him is exempt. But here what is the operative consideration that leaves him exempt from liability? It is indeed because he is acting under constraint. And as to your objection, — if he is acting under constraint, then even if he should pull out right away, he still should be exempt from liability! What choice does he have, one way or the other? — the reason is that he ought to withdraw with as little pleasure as possible, but here he pulled out with a good deal of pleasure.”*

- G. Said Rabbah bar Hanan to Abbaye, “If that is really the operative consideration, then we have found that the consideration of whether it is a long or a short way out pertains as much to the menstruating woman. **[18B]** *And yet we have learned in the Mishnah only in respect to the sanctuary that such a distinction pertains.*”

- H. “[*The reason that the Mishnah does not raise the issue in connection with the menstruating woman*] is that the two are not the same. *The long way here is the short way there, and the long way there is the short way here.*”

- I. *Objected R. Huna b. R. Nathan, “But did Abbaye really maintain that he is acting under constraint and so has no alternative? [Silverstone: if he withdrew when the erection is dead, it is because he has no alternative and so is exempt]. Then it would follow that we speak of a case in which the sexual relations took place not near the woman’s fixed period. [Silverstone: if he cohabited near the time of her period, he should have realized that there is a possibility that she might become unclean, and he is liable for withdrawing even when passive, for Abbaye*

holds that he who cohabits with a flaccid penis also is liable; only if he cohabits not near the time of the period is he exempt if he withdraws with a flaccid penis, for he has no other alternative and is not to be blamed for cohabiting then]. *And yet Abbayye said, 'He is liable on two counts,' in which case we deal with a situation in which the sexual relations took place near the woman's fixed period!'*"

J. *When the statement of Abbayye was set forth, it was set forth in general terms.*

The Prohibition of Having Sexual Relations with a Menstruating Woman

XI.3. A. R. Jonathan b. Yosé b. Laqonayya asked R. Simeon b. Yosé b. Laqonayya, "Where in the Torah do we find an admonition against having sexual relations with a menstruating woman?"

B. *He took a clod of dirt and threw it at him:* "Prohibition against having sexual relations with a menstruating woman! 'And to a woman impure by her uncleanness you shall not approach' (Lev. 18:19)!"

C. "Rather: where in the Torah do we find an admonition against pulling out immediately if, when having sexual relations with a woman who is clean, she says to him, 'I have become unclean'?"

D. Said Hezekiah, "Said Scripture, 'And if any man lie with her her impurity shall be with him' (Lev. 15:24) — even at the time of her uncleanness she shall be 'with him'" [so he must not withdraw right away (Silverstone)].

E. *Thus we have found the statement of the positive commandment. Where do we find the counterpart negative one?*

F. Said R. Pappa, "Said Scripture, 'You shall not approach a woman who is impure' (Lev. 18:19). *That means, you also shall not pull out, for it is written, 'who say, approach to yourself, come not near me, for I am holier than you are' (Isa. 65: 5).'*"

XI.4. A. *Our rabbis have taught on Tannaite authority:*

B. "Thus shall you separate the children of Israel from their uncleanness" (Lev. 15:31) —

C. in this connection said R. Josiah, "This is an admonition to the children of Israel to separate from their wives near their periods."

D. And for how long?

E. Said Raba, "For one period of a day or a night."

XI.5. A. Said R. Yohanan said R. Simeon b. Yohai, "Whoever does not separate from his wife near her fixed period, if he has sons such as those of Aaron, they will die: 'Thus shall you separate the children of Israel from their uncleanness...this is the law of her that is sick with her impurity' (Lev. 15:31), followed by, 'And the Lord spoke to Moses after the death of the two sons of Aaron' (Lev. 18:19)."

XI.6. A. Said R. Hiyya bar Abba said R. Yohanan, "Whoever separates from his wife near her fixed period will have male children: 'To make a distinction between the unclean and the clean' (Lev. 11:47), followed by, 'if a woman conceive and bear a male child' (Lev. 12: 2)."

B. R. Joshua b. Levi said, "He will have sons worthy of giving instruction: 'To make a distinction between the unclean and the clean' (Lev. 11:47)."

XI.7. A. Said R. Hiyya bar Abba said R. Yohanan, “Whoever recites the prayer that separates the Sabbath from the weekday at the end of the Sabbath will have male children: ‘That you may distinguish the holy from the profane’ (Lev. 11:47), alongside, ‘To make a distinction between the unclean and the clean’ (Lev. 11:47), followed by, ‘if a woman conceive and bear a male child’ (Lev. 12: 2).”

B. R. Joshua b. Levi said, “He will have sons worthy of giving instruction: ‘To make a distinction between the unclean and the clean’ (Lev. 11:47).”

XI.8. A. Said R. Benjamin bar Japheth said R. Eleazar, “Whoever sanctifies himself when he has sexual relations will have male children: ‘So you shall sanctify yourselves and be holy’ (Lev. 11:44), followed by, ‘if a woman conceive and bear a male child’ (Lev. 12: 2).”

XII.1 A. R. Eliezer says, **“A creeping thing ... and it be hidden from him (Lev. 5: 2) — One is liable if the creeping thing goes out of mind, but he is not liable if the fact that he was in the sanctuary goes out of mind.”** R. Aqiba says, **“And it be hidden from him and he be unclean — On account of the uncleanness’s passing out of mind he is liable, but he is not liable on account of the sanctuary’s passing out of mind.”** R. Ishmael says, **“‘Shall be hidden...’ [Lev. 5:2]...‘shall be hidden...’ [Lev. 5:3], two times: to impose liability for the uncleanness’s passing out of mind, and for the sanctuary’s passing out of mind:”**

B. [Since we have agreement, thus: Eliezer: **“One is liable if the creeping thing goes out of mind, but he is not liable if the fact that he was in the sanctuary goes out of mind,”** Aqiba: **“On account of the uncleanness’s passing out of mind he is liable, but he is not liable on account of the sanctuary’s passing out of mind,”**] *what can possibly be at issue between them?*

C. *Hezekiah said, ‘At issue among them are the matters of a dead creeping thing and carrion, for R. Eliezer says that we require that the person know [precisely how he has contracted uncleanness, that is,] whether he has contracted uncleanness through a dead creeping thing or through the carcass of carrion, and R. Aqiba says that we do not impose such a requirement [for the liability to an offering to be incurred one way or the other. So long as the man knows that he has contracted uncleanness, there is no requirement that he know whether it was by contact with a dead creeping thing or carrion.]’*

D. *So too said Ulla, “At issue here is whether or not the man has to know whether he contracted uncleanness from a dead creeping thing or from carrion.”*

E. *For Ulla contrasted two statements of R. Eliezer and then harmonized them, specifically: “Has not R. Eliezer maintained that we require that the man know whether it was by a dead creeping thing that he as made unclean or by carrion that he was made unclean?”*

F. *“But in contrast to that ruling there is the following: [which is stated with reference to M. **Ker. 4:2-3: Forbidden fat and remnant are before him — he ate one of them but is not certain which one of them he ate, His wife, who is menstruating, and his sister are with him in the house — he inadvertently transgressed with one of them but is not certain with which one of them he has transgressed, The Sabbath and the Day of Atonement — he did an act of***

labor at twilight but is not certain on which one of them he did the act of labor — R. Eliezer declares him liable to a sin offering. And R. Joshua exempts him. Said R. Yosé, “They did not dispute about the case of him who performs an act of labor at twilight, that he is exempt. For I say, ‘Part of the work did he do while it was still this day, and part of it on the next.’ Concerning what did they dispute? Concerning one who does work wholly on one of the two days but does not know for certain whether he did it on the Sabbath or whether he did it on the Day of Atonement. Or concerning him who does an act of labor but is not certain what sort of act of labor he has done — R. Eliezer declares liable to a sin offering. And R. Joshua exempts him.” Said R. Judah, “R. Joshua did declare him exempt even from the requirement to bring a suspensive guilt offering.” R. Simeon Shezuri and R. Simeon say, “They did not dispute about something which is subject to a single category, that he is liable. And concerning what did they dispute? Concerning something which is subject to two distinct categories. For R. Eliezer declares liable for a sin offering. And R. Joshua exempts.” Said R. Judah, “Even if he intended to gather figs but gathered grapes, grapes but gathered figs, black ones but gathered white ones, white ones but gathered black ones — R. Eliezer declares liable to a sin offering. And R. Joshua exempts.” Said R. Judah, “I should be surprised if R. Joshua declared him wholly exempt. If so, Why is it said, ‘In which he has sinned’ (Lev. 4:23)? To exclude him who was occupied with some other matter and entirely unintentionally committed a transgression, “[I] said R. Eliezer, ‘Now what are the alternatives! If he ate forbidden fat, he is liable, if he ate remnant, he is liable; if it was his wife who was menstruating with whom he had sexual relations, he is liable, if it was his sister with whom he had sexual relations, he is liable; if it was on the Sabbath that he performed the act of labor, he is liable, and if it was on the Day of Atonement that he performed the act of labor, he is liable.’” **Said to him R. Joshua, ‘Lo, Scripture says, “...in which he has sinned” (Lev. 4:23) — only when his sin is clear known to him [is he liable]’ [T. Ker. 2:13L].”**

- G. *And Ulla harmonized the two passages: “There Scripture says, ‘he has sinned, then he shall present his offering,’ meaning, so long as he knows that he has sinned, though he does not know which sin he did, he presents his offering; but here, since in any event it is written, ‘If any one touch any unclean thing’ (Lev. 6: 2), so, overall, what difference does it make whether it is ‘or the carcass of an unclean creeping thing’ [which is encompassed in the prior phrase]? Thus we derive the rule that we require that the man know whether it was a dead creeping thing or carrion that had made him unclean in this particular instance.”*
- H. And R. Aqiba?
- I. *Since [19A] Scripture had to state “cattle and beast” (Lev. 5: 2): the carrion of an unclean beast, the carrion of unclean cattle”] to yield the deduction assigned to Rabbi [Rabbi says, “I recite the verse: ‘If anyone touch any unclean thing, whether it be the carcass of an unclean beast or the carcass of unclean cattle’ (Lev. 5: 2). Now why is it necessary to write ‘cattle’? It is to yield this point: here we find a reference to unclean cattle, and further on likewise, ‘unclean cattle’ (Lev. 7:21). Just as in the latter case what is at issue is eating Holy Things while unclean, so*

here too reference is made to eating Holy Thing while unclean”], *it further states* “creeping thing” [which is otherwise superfluous, but which yields no further lessons].

- J. *That is in line with that which has been taught by a Tannaite authority of the household of R. Ishmael: “Any passage that is set forth and then reviewed is reviewed only so as to yield some fresh point” [which is Rabbi’s point].*
- K. *And how does R. Eliezer deal with the emphatic use of “wherein” [in the verse, “wherein he has sinned,” (Lev. 4:23)?*
- L. *He evokes it to exclude the case of one who is engaged with something permitted but unintentionally does something forbidden.” [If someone intended to do something that is permitted but unintentionally did something that is forbidden, then :”wherein he has sinned” implies that in such cases he is exempt from an offering, being liable only if the intention to do the deed concerns a deed that is actually wrong (Silverstone)].*

XII.2. A. And [responding to the same problem, namely, since we have agreement, thus: **Eliezer: “One is liable if the creeping thing goes out of mind, but he is not liable if the fact that he was in the sanctuary goes out of mind,”** **Aqiba: “On account of the uncleanness’s passing out of mind he is liable, but he is not liable on account of the sanctuary’s passing out of mind,”** *what can possibly be at issue between them?*] R. Yohanan said, *“At issue between them is not whether they differ on the law, concurring that the unclean person does not have to know the source of the uncleanness,] but the implications of the verses of Scripture that they adduce in evidence.”* [They differ as to the choice of verses from which they derive their inferences (Silverstone).]

- B. *And so said R Sheshet, “At issue between them are only the implications of the verses of Scripture that they adduce in evidence.”*
- C. *For R. Sheshet would exchange the opinion of R. Eliezer for that of R. Aqiba, and the opinion of R. Aqiba for that of R. Eliezer.*

XII.3. A. [In light of the position of Eliezer and Aqiba, who impose the requirement of an offering only if the unawareness concerns uncleanness and not the Temple, what is the ruling if the unclean person was unaware of both uncleanness and the Temple,] *Raba addressed this question to R. Nahman: “If one is responsible for forgetting the principle of both, what is the law?”*

- B. *He said to him, “Lo, in any event he is liable since he bears responsibility for unawareness of uncleanness.”*
- C. *“To the contrary, lo, he is responsible for unawareness of the sanctuary, so he should be exempt!”*
- D. *Said R. Ashi, We examine the facts of the case If it is on account of the matter of uncleanness that he flees from the Temple, then lo, we are dealing with responsibility for unawareness of uncleanness, so he is liable, but if it is on account of the sanctuary that he makes his exit, then lo, it is for unawareness of the sanctuary that he bears responsibility, in which case he is exempt.”*
- E. *Said Rabina to R. Ashi, “Well now, has he left the sanctuary for any reason except uncleanness? But has he left by reason of uncleanness only because it was*

the sanctuary! So how have you settled the question? There is no clear distinction between the one and the other [so he is exempt].”

XII.4. A. *Our rabbis have taught on Tannaite authority:*

- B. **If there were two roads, one unclean and the other clean [and we do not know which is which], and one walked in one of them and entered the sanctuary — he is exempt from punishment. If he walked in the second and then entered the Temple, he is liable. If he walked in the first and did not enter the sanctuary and then he walked in the second and entered the sanctuary, he is liable. If he walked in the first and entered, then was sprinkled and the sprinkling was repeated, and he immersed, then he walked in the second and entered the sanctuary, he is liable. R. Simeon declares him exempt from liability in such a case. And R. Simeon b. Judah declares him exempt in all cases, in the name of R. Simeon [T. [Tohorot 6:7A-J](#)].**
- C. *...in all cases... [19B] even in the initial one [where there is no reason to exempt him from having to bring a sacrifice]? Whichever way you prefer, he is going to be unclean [Silverstone: after walking through both paths, for he now is certain about the uncleanness, and when he enters the Temple, then unaware of the uncleanness, he should be liable to a sacrifice]!*
- D. *Said Raba, “Here with what situation do we deal? It is one in which he walked in the first, and, when he was walking in the second, he forgot that he had walked in the first. And at issue between the authorities is this principle: the authority behind the first ruling takes the position that partial awareness constitutes awareness, [Porusch, Keritot: since he passed through both roads he is definitely unclean, but his knowledge is incomplete, for when walking in the second road he had forgotten about the first. Yet he is liable, for incomplete knowledge is like complete knowledge,] and R. Simeon takes the view that partial awareness is not tantamount to awareness.*
- E. **If he walked in the first and entered, then was sprinkled and the sprinkling was repeated, and he immersed, then he walked in the second and entered the sanctuary, he is liable. R. Simeon declares him exempt from liability in such a case.**
- F. *But why should he be liable? It is a matter in which the knowledge that he possesses is subject to doubt! Lo, there was no point at which he was aware [that he was unclean].*
- G. *Said R. Yohanan, “In this case they have treated knowledge that is subject to doubt as though it were knowledge beyond all doubt.”*
- H. *Said R. Simeon b. Laqish, “Lo, who is the authority for this statement? It is R. Ishmael, who does not require awareness of one’s transgression of the law at the beginning of the action for which one is ultimately culpable.”*
- I. *[In the premise that this position, that they have treated a matter of doubt concerning whether or not one was aware as equivalent to one’s having been assuredly aware, pertains to all of the Torah,] the positions of R. Yohanan are contradictory [since Yohanan has held that awareness of sins that are subject to doubt is not valid, while here he says that that awareness of sins that are subject to doubt is valid and pertains to all of the laws of the Torah], and the positions of*

R. Simeon b. Laqish are contradictory [since he maintains that Rabbi holds that consciousness of doubtful sins is null, while here he refers to Ishmael as the author of that view].

- J. *For it has been taught on Tannaite authority:*
- K. If one ate what may or may not be prohibited fat, and became aware of the fact [that what he thought was permitted might have been forbidden fat], [and again] ate what may or may not be prohibited fat, and became aware of the fact —
- L. Rabbi says, “I say, Just as such a one would bring a sin-offering for each such event, so he brings a suspensive guilt offering for each such event.”
- M. R. Simeon b. Judah and R. Eleazar b. R. Simeon said in the name of R. Simeon, “He brings only a single suspensive guilt offering, as it is said, ‘For his error in which he erred’ (Lev. 5:18) — even in regard to a great many inadvertent violations he is liable on only a single count.”
- N. And said R. Simeon b. Laqish, “Here Rabbi taught that several distinct moments of awareness of a doubt [as to whether or not one has violated the law] effect distinctions among the acts so that one is liable for sin-offerings on each count.”
- O. And R. Yohanan said, “[Several distinct moments of awareness of a doubt [as to whether or not one has violated the law] do not effect distinctions among the acts so that one is liable for sin-offerings on each count.] *But this is what he meant to state on Tannaite authority:* just as, if he had gained awareness that he had certainly violated the law [inadvertently], he brings a sin offering on each count, so if he had knowledge that he may or may not have violated the law, he brings a suspensive guilt offering on each count.” [This yields a conflict between the positions of both authority. Simeon b. Laqish has said that the Tannaite authority who holds the man responsible for entering the Temple after walking along the two paths concurs with Ishmael that there is no need for knowledge at the outset; Simeon b. Laqish could have said that he concurs with Rabbi that doubtful knowledge is classified as definite knowledge (Silverstone)].
- P. *The two positions of R. Yohanan really are not contradictory, for only in this matter have they made such a provision, but as to the entire Torah they have not done so. What is the scriptural basis for such a distinction? In reference to the matter of uncleanness it is written, “It being hidden from him that he is unclean” (Lev. 5: 2), with the meaning that upon even awareness that concerns what is subject to doubt has the Scripture imposed liability, but as to the rest of the Torah, it is written, “If his sin be known to him” (Lev. 4:28), implying, only if he has certain knowledge is he liable [but not otherwise; so there is no contradiction within the positions assigned to Yohanan].*
- Q. *But as to R. Simeon b. Laqish, there really is a contradiction. For why should he assign that position that is under discussion to R. Ishmael, when he should assign it to Rabbi?*
- R. *In this way he informs us that R. Ishmael also is an authority who does not require full awareness at the outset of an action [that ultimately yields a transgression].*
- S. *But that fact is made explicit in the Mishnah: R. Ishmael says, “Scripture twice states, ‘and it be hidden’ (Lev. 5: 2, 3) to impose liability for the*

uncleanness's passing out of mind and for the sanctuary's passing out of mind [M. Shebuot 2:5E-F].

T. *It was necessary to make the matter explicit in the two distinct contexts. For you might have thought that although [Ishmael] does not have a verse of Scripture to which to assign the rule, yet he accepts it as a tradition, so R. Simeon b. Laqish tells us that that is not the case.*

I.1 raises a question of Mishnah-criticism. Nos. 2, 3 ask more theoretical questions, which are only marginal to the amplification of the Mishnah. II.1 finds the scriptural foundations for the Mishnah's statement. III.1 goes over the same exercise. No. 2 complements the Mishnah's rule with a pertinent further fact. IV.1 complements the rule with a useful fact, and No.2 is tacked on. V.1, 2-3 clarify the sense of the Mishnah's rule. VI.1 does the same, now setting forth various wordings for the Mishnah-paragraph and explaining their significance. VII.1+2 explains on the basis of Scripture why the Mishnah's rule extends the law to the courtyard, not only the sanctuary. VIII.1 clarifies the application of the Mishnah's rule, and No. 2+3-4 provide a necessary detail for the same purpose. No. 5-8 then raise a secondary question. IX.1 follows the pattern of VIII.1. No. 2-3+4, 5, 6 then replicate the pattern of subsidiary theoretical questions in the foregoing composite. XI.1+2 links two intersecting statements of the Mishnah and shows their harmonious relationship. No. 3 then provides an important clarification of the Mishnah's rule. Nos. 4-9 are tacked on as thematically pertinent. XII.1 asks the urgent question of this paragraph: isn't this the same difference? No. 2 deals with exactly the same problem of Mishnah-exegesis. No. 3 then asks a subsidiary question, which is entirely a propos. Pertinent in only a general way, No. 4 is tacked on because our Mishnah-paragraph contributes to the solution of its problem.