

I

BABYLONIAN TALMUD

TRACTATE HORAYOT

CHAPTER ONE

FOLIOS 2A-6B

1:1

- A. [If] the court gave a decision to transgress any or all of the commandments which are stated in the Torah,
- B. and an individual went and acted in accord with their instructions, [so transgressing] inadvertently,
- C. (1) whether they carried out what they said and he carried out what they said right along with them,
- D. (2) or whether they carried out what they said and he carried out what they said after they did,
- E. (3) whether they did not carry out what they said, but he carried out what they said —
- F. he is exempt,
- G. since he relied on the court.
- H. [If] the court gave a decision, and one of them knew that they had erred,
- I. or a disciple who is worthy to give instruction,
- J. and he [who knew of the error] went and carried out what they said,
- K. (1) whether they carried out what they said and he carried out what they said right along with them,
- L. (2) whether they carried out what they said and he carried out what they said after they did,
- M. (3) whether they did not carry out what they said, but he carried out what they said —
- N. lo, this one is liable,
- O. since he [who knew the law] did not in point of fact rely upon the court.
- R. This is the governing principle:
- Q. He who relies on himself is liable, and he who relies on the court is exempt.

A person is liable for an inadvertent transgression only if the court did not publicly declare that the action that he carried out was permitted. But if he did the deed

relying on the court's instruction, he is not liable for what he has done. One who relies on the court is exempt, but if he relied on his own knowledge and judgment, he is liable. The Talmud now raises the question omitted by the Mishnah, which is, the liability of the court; our Mishnah then contributes to the solution of the problem.

- I.1 A.** **[If the court gave a decision to transgress any or all of the commandments which are stated in the Torah, and an individual went and acted in accord with their instructions, so transgressing inadvertently...he is exempt, since he relied on the court:]** Said Samuel, "The court is liable [to present an offering in behalf of others] only if the court has said to them, "You are permitted." [If there has been no official proclamation, the ruling is invalid and null. The court is not responsible for misleading the people unless they have made an official declaration.]
- B. R. Dimi of Nehardea said, "[They are liable only] if they say to them, 'You are permitted to do such a deed.'"
- C. *How come [must a special formula be framed to set forth the court's instruction]?*
- D. Because without such a declaration, the instruction is incomplete. [Jaffee: any speculative discussion of the court might be construed as an official instruction.]
- E. [Supporting Dimi's view that they are liable only if they say to them, in so many words "You are permitted to do such a deed,"] *said Abbaye, "So too we have learned in the Mishnah: [If] he [a sage who taught people to violate the Torah and was corrected by the sanhedrin] went back to his town and again ruled just as he had ruled before, he is exempt. But if he instructed others to do it in that way, he is liable, as it is said, "And the man who does presumptuously" (Deu. 17:12). He is liable only if he will give instructions to people actually to carry out the deed [in accord with the now-rejected view] [M. San. 11:2M-P]."* [Jaffee: the phrase "to act" supports Dimi's position].
- F. *Said R. Abba, "So too, we have learned in the Mishnah: [If] the court instructed her to remarry, and she went and entered an unsuitable union, she is liable for the requirement of bringing an offering. For the court permitted her only to marry [properly] [M. Yeb. 10:2H-I]."* [The woman's action was not specified by the court; there has been no explicit instruction.]
- G. *Said Rabina, "So have we learned in the Mishnah: If the court gave a decision to transgress any or all of the commandments which are stated in the Torah, and an individual went and acted in accord with their instructions, so transgressing inadvertently...he is exempt, since he relied on the court."*
- H. *And there is nothing more to be said on this matter.*
- I.2. A.** *There are those who say:* said Samuel, "The court is liable [to present an offering in behalf of others] only if the court has said to them, "You are permitted to act."
- B. R. Dimi of Nehardea said, "Even if all they said was, 'You are permitted,' the instruction is complete."
- C. *Said Abbaye, "But have we not learned the following in the Mishnah: [If] he [a sage who taught people to violate the Torah and was corrected by the sanhedrin] went back to his town and again ruled just as he had ruled before, he is exempt. But if he instructed others to do it in that way, he is*

liable, as it is said, “And the man who does presumptuously” (Deu. 17:12). He is liable only if he will give instructions to people actually to carry out the deed [in accord with the now-rejected view] [M. **San. 11:2M-P**]?”

- D. *Said R. Abba, “And lo, have we not learned the following in the Mishnah: [If] the court instructed her to remarry, and she went and entered an unsuitable union, she is liable for the requirement of bringing an offering. For the court permitted her only to marry [properly] [M. **Yeb. 10:2H-I**]?”*
- E. *Said Rabina, “And lo, have we not learned the following in the Mishnah: If the court gave a decision to transgress any or all of the commandments which are stated in the Torah, and an individual went and acted in accord with their instructions, so transgressing inadvertently...he is exempt, since he relied on the court?”*
- F. *And there is nothing more to be said on this matter.*

II.1 A. and an individual went and acted in accord with their instructions, [so transgressing] inadvertently:

- B. *Why not formulate the Tannaite rule as, and an individual went and acted in accord with their instructions? What need do I have for the emphatic addition, inadvertently?*
- C. *Said Raba, “The word, inadvertently, serves to encompass a case in which the court gave an instruction that suet [the forbidden fat covering the inner organs of animals that have been sacrificed] is permitted to be eaten [vs. Lev. 7:25], and the man confused suet with permitted fat and ate it. He is exempt, [for if he later discovers that he ate suet, he will think that he did so by reason of the permission of the court to do just that].” ...in accord with their instructions: this is meant literally.”*
- D. *There are those who say, said Raba, “...an individual went and acted in accord with their instructions, [so transgressing] inadvertently is the one who is exempt, but in a case in which the court gave an instruction that suet is permitted to be eaten [vs. Lev. 7:25], and the man confused suet with permitted fat and ate it, he is liable.”*
- E. *What is self-evident to Raba presents a problem to Rami bar Hama, For Rami bar Hama raised this question: “If the court gave an instruction that suet is permitted to be eaten [vs. Lev. 7:25], and the man confused suet with permitted fat and ate it, what is the law?”*
- F. *Said Raba, “Come and take note: an individual went and acted in accord with their instructions, [so transgressing] inadvertently. Why not formulate the Tannaite rule as, and an individual went and acted in accord with their instructions? What need do I have for the emphatic addition, inadvertently? Is it not to encompass a case in which the court gave an instruction that suet [the forbidden fat covering the inner organs of animals that have been sacrificed] is permitted to be eaten [vs. Lev. 7:25], and the man confused suet with permitted fat and ate it. He is exempt.”*
- G. *But perhaps ...an individual went and acted in accord with their instructions, [so transgressing] inadvertently is the one who is exempt, but in a case in which*

the court gave an instruction that suet is permitted to be eaten [vs. Lev. 7:25], and the man confused suet with permitted fat and ate it, he is liable?

- H. *There are those who say, said Raba, "Come and take note: Said Raba, "Come and take note: **an individual went and acted in accord with their instructions, [so transgressing] inadvertently** — what is the rule? Is it not that the one who acts inadvertently on the instruction of the court is exempt, but in a case in which the court gave an instruction that suet is permitted to be eaten [vs. Lev. 7:25], and the man confused suet with permitted fat and ate it, he is liable."*
- I. *But perhaps whether he acted inadvertently and ate suet thinking it was fat or if he relied on the court and ate it because the court told him it was ok, he is exempt one way or the other!*
- J. *In the dispute concerning the case in which the court gave an instruction that permitted fat is permitted to be eaten and the man confused suet with permitted fat and ate it —*
- K. Rab said, "He is exempt."
- L. And R. Yohanan said, "He is liable."
- M. *An objection was raised [against Yohanan's view from the following:]*
- N. **["If any person from among the populace unwittingly incurs guilt by doing any of the things which by the Lord's commandments ought not to be done, and he realizes his guilt – or the sin of which he is guilt is brought to his knowledge – he shall bring a female goat without blemish as his offering for the sin of which he is guilty. :] "...from among the populace:"**
- O. **excluding an apostate.**
- P. **R. Simeon b. Yosé says in the name of R. Simeon, "What is the sense of the clause of Scripture, 'unwittingly incurs guilt by doing any of the things which by the Lord's commandments ought not to be done'? This refers to one who were he informed would simply refrain from carrying out the transgression, thus excluding an apostate, who were he informed would not refrain from carrying out the transgression. [There can be no issue that such a one violating the law does not do so either unwittingly or by reason of the inappropriate instruction of the court.]" [XLIX:II.1].**
- Q. *Now [what Yohanan maintains] cannot be correct, for lo, this is a case in which if he were informed would not refrain from carrying out the transgression.*
- R. *Said R. Pappa, "R. Yohanan takes the view that, since when the court becomes aware of its mistake, it will retract its decision, and the person will likewise retract when he learns the court made a mistake, we classify him as one who has returned to his senses and is liable to bring an offering for his inadvertent violation of the law."*
- S. *Said Raba, "Rab concurs that this person does not complete the requisite number of law-violators to constitute a majority of the community. How come? Since Scripture said, 'inadvertently' (Lev. 4:27), even if everybody in the community violated the law, they atone as individuals, unless all transgressed through inadvertence of the same classification." [Jaffee: if half the community ate suet relying upon the court, the person who did not rely upon this instruction would not be regarded as part of the group of transgressors for the purpose of establishing*

that a majority of the community has transgressed at the instruction of the court; there is then no need to present a communal offering.]

III.1 A. whether they carried out what they said and he carried out what they said right along with them, (2) or whether they carried out what they said and he carried out what they said after they did, (3) whether they did not carry out what they said, but he carried out what they said — he is exempt, since he relied on the court:

- B. *What need is there to cover in the Tannaite formulation all of these several cases? To be sure,^l in the first instance, the sense is, not only this case, the obvious one, but that case, the less obvious one. But as to the concluding case, which covers one who is liable to an offering, there should be a transposition of the clauses [Jaffee: such that the one who acts without corresponding action by the court is mentioned first, for this would have clarified the fact that his action was not initiated in reliance upon the court's instruction].*
- C. **[2B]** *The Mishnah's point is, and it is not necessary to make that case explicit! [Jaffee: since the point here is that the self-reliant cannot appeal to the court's example as grounds for exemption,^k the point is, here where he actually imitates the court, he is obliged to bring an offering, not to mention the case in which the court takes no action on its own.]*

IV.1 A. [If] the court gave a decision, and one of them knew that they had erred, or a disciple who is worthy to give instruction:

- B. *What need do I have for both categories?*
- C. *Said Raba, "Both of them are required. For it might otherwise have entered your mind to suppose that the rule applies only to one who has both learned the Torah and knows how to reason well in it, but if someone has only extensive learning but no skills of reasoning, the law would not pertain."*
- D. *Said to him Abbaye, "The language, **worthy to give instruction** bears the sense of one who has great learning and good analytical skills."*
- E. *He said to him, "But this is what I meant to say: if I had only the language, **worthy to give instruction**, I would have supposed that that ruling applies to one with great knowledge and fine analytical skills, but not one who has great knowledge without fine analytical skills. So the language, **worthy to give instruction** which is superfluous language in the Mishnah to bear the sense, even if one has learned but not acquired analytical skills, or acquired analytical skills but not learned much in the Torah."*

V.1 A. or a disciple who is worthy to give instruction:

- B. *Like whom?*
- C. *Said Raba, "For example, Simeon b. Azzai and Simeon b. Zoma."*
- D. *Said to him Abbaye, "But in such a case, it would be a fully intentional act [since these masters know the law well]."*
- E. *Well, in accord with your reasoning, how about the following, which we have learned in a Tannaite statement [indicating that the violation was unintentional]:*
- F. **"by doing:"**

- G. he who relies upon himself is liable, but he who relies upon the court is exempt [that is, if a member of the court knows that the court erred but acquiesced and acted in accord with their ruling, he is liable to a sin-offering (Finkelstein)].
- H. How so?
- I. If the court gave a decision and one of them knew that they had erred, or a disciple was sitting before them and was worthy of giving a decision, like Simeon b. Azzai, and he went and carried out what they had said, [lo, this one is liable, since he did not in point of fact rely upon the court] [M. **Hor. 1:1H-J, N-O, T. Hor. 1:1B**],
- J. is it possible that such a one should be exempt from personal liability?
- K. Scripture says, “by doing:”
- L. he who relies upon himself is liable, but he who relies upon the court is exempt [Sifra XLIX:II.2].
- M. *Then how would you find such a case [in which one intentionally ate suet]?*
- N. *It would be one in which the party knew that it was forbidden to eat it, but erred in respect to the commandment to obey the teachings of sages [Deu. 17: 8-13] [believing that he must follow them even if they err].*
- O. *In my view [the disciple] likewise erred in respect to the commandment to obey the teachings of sages [Deu. 17: 8-13] [believing that he must follow them even if they err].*

VI.1 A. This is the governing principle: He who relies on himself is liable:

- B. *What case is encompassed by the governing principle [beyond those already specified]?*
- C. *The governing rule serves to encompass the case of one who ordinarily ignores instructions. [Jaffee: if he now transgresses in accord with them, he remains responsible for bringing an offering, since his past behavior indicates that the court has not influenced his present action].*

VII.1 A. and he who relies on the court is exempt:

- B. *What case is encompassed by the governing principle [beyond those already specified]?*
- C. *The governing rule serves to encompass the case in which the court gave a decision but realized they erred and retracted it.*
- D. *But that situation is explicitly covered by a Tannaite statement in so many words [at M. 1:2A: when the Mishnah states, If the court gave a decision and realized that it had erred and retracted...R. Simeon declares him exempt.]*
- E. *The matter is set forth in principle here, then further articulated later on.*

VII.2. A. Said R. Judah said Samuel, “The governing principle represents the position of R. Judah, but sages say, ‘A private party who acted in accord with the instructions of a court [and inadvertently violated the law] is liable to present an offering.’”

- B. *On what basis do we know that it belongs to R. Judah?*
- C. *As has been taught on Tannaite authority:*

- D. **“If any person from among the populace unwittingly incurs guilt by doing [any of the things which by the Lord’s commandments ought not to be done, and he realizes his guilt]:”**
- E. **Lo, these represent three exclusionary statements, indicating that one who carries out such a deed on his own account is liable, but not one who carries out such a deed on the instruction of a court. [Sifra XLIX:I]**
- F. *And what is the formulation of sages view?*
- G. *As has been taught on Tannaite authority:*
- H. **Nonetheless, I may propose the following: if a minority of the community acted in such a way, they are liable, for the court cannot bring a bullock in their behalf [even though what they did was on the instruction of a court], but if the majority of the community acted in such a way, they should be exempt, for in that case the court may offer a bullock in their behalf.**
- I. **Scripture says, “...from among the populace,” meaning, even the majority, and even the whole of it [Sifra XLIX:I.3]**
- J. *In what setting does sages ruling pertain? Might I say that it represents an error of commission by the court, in which instance there was no instruction to follow the court’s example? Such a case would be impossible, for what role is the court supposed to have if there is no instruction, what offering then is the court supposed to present for those who violate the law by imitating the action of the court alone? Rather, the case must involve an instance in which the court gave instructions and the people acted on that basis.*
- K. *But lo, when the language is written, **any person from among the populace**, it must refer to an error of commission that the people made without the court’s instructions to that effect. But isn’t this the sense of matters:*
- L. **If a minority of the community acted inadvertently, they are liable, for the court cannot bring a bullock in their behalf [even though what they did was on the instruction of a court].**
- M. **Lo, they are liable if they inadvertently sinned on the foundation of the court’s instructions [for the court presents its bullock only when a majority has sinned in accord with its instruction].**
- N. **Is it possible that if the majority of the community acted in such a way, they should be exempt, for in that case the court may offer a bullock in their behalf?**
- O. **Not at all, for Scripture states, “...from among the populace,” meaning, even the majority, and even the whole of it.”**
- P. *Said R. Pappa, “But on what basis do we make that inference that the majority presents individual offerings]? Maybe it is a case in which neither they nor the court bear responsibility [Jaffee: for the people has sinned communally and is therefore exempt from individual atonement, while the court has offered no instructions and therefore has no obligation to bring communal offerings]?*
- Q. *If so, then what’s the point in trying to show that the majority is obligated? Is it not inferred from the fact that the minority presents individual offerings when they have violated the law by reason of a court’s instructions? [Then the majority*

is obliged to do so if they have acted on the basis of the court's instructions, and it must follow, against Pappa's theory, that the court has issued a decision.]

- R. *[Well, if the instruction of the court has caused the people to sin, then let the statement be framed to] establish that the minority is liable for an offering on account of an error of commission not on account of court instruction, and only then establish the liability of the majority for an error of commission [Jaffee: such an argument is logically prior to any claim regarding the obligation of the majority which sins at the court's behest; since that argument is not given, it is plausible to assume it envisions a context in which no instructions have been offered; if so, swages' view remains incoherent, as Pappa has argued].*
- S. *No, since the formulation does not first of all establish that the minority is liable for an error of commission and then go on to do the same for the majority, you may infer that a minority is obligated for individual offerings of an ewe or female goat when they have violated the law by reason of a court's instructions, and where there are no instructions, they are obligated for an error of commission.*
- T. *One way or the other, both of the versions have we learned as Tannaite statements lacking attribution. Therefore on what basis are we assigning the former to R. Judah and the latter to sages, when I can just as well claim the opposite!*
- U. *But concerning which authority have you received a tradition of hermeneutics that invokes the conception of exclusionary formulations ("this, not that"), if not R. Judah? For it has been taught on Tannaite authority:*
- V. **R. Judah says, [3A], "This is the Torah that governs the whole offering' (Lev. 6: 2) — the formulation contains three exclusionary usages, which are, 'this,' 'whole offering,' and 'that' [all of which impose restrictions on the commandment]" [Sifra LXX:I.7].**
- W. *And if you prefer, I shall say, you cannot assign the passage to R. Judah that maintains [as stated earlier], beginning, **Nonetheless, I may propose the following..., since it is stated, if the majority of the community acted in such a way, [they should be exempt,] for in that case the court may offer a bullock in their behalf.** For, in point of fact, if this were supposedly to represent R. Judah, has he not stated, it is the community that is obligated to present an offering, but the court is not obligated to present an offering?*
- X. *For we have learned in the Mishnah: **R. Judah says, "Seven tribes which committed a sin bring seven bullocks" [M. 1:5J].** [This rejects the stated assumption.]*

VII.3. A. And R. Nahman said Samuel [said], "The governing principle represents the position of R. Meir, but sages said, 'An individual who committed a transgression by following the instructions of the court is liable.'"

- B. *What basis do we have for invoking the authority of R. Meir, and what basis that of our rabbis?*
- C. *It is as has been taught on Tannaite authority:*
- D. **If the court gave instructions to transgress and they acted, R. Meir exempts from liability, and sages declare liable [cf. Sifra XLIX:I.10].**

- E. *But who has acted? Should I say that it is the court that has acted upon its own decision? Then on what basis is the court obligated? For it has been taught on Tannaite authority:*
- F. **Might one suppose that if the court made a decision and the court acted on the basis of its decision, it should be liable? Scripture states, “And if all of the assembly shall err and the matter is hidden from the sight of the community and they did...” (Lev. 4:13) — the act depends upon the community and the instructions depend upon the court [cf. Sifra XLIX:I.10].**
- G. *But in the case in which the court gave the instructions and the larger part of the community did the deed, what is the basis of R. Meir’s decision in exempting the court from liability to an offering? So is it not rather a case in which the court made the decision but only a minority of the community did the deed, and it is in that case in particular that there is a dispute? For in such a case the one authority maintains that if an individual acted in response to the instruction of the court, he is exempt, while the other maintains that if an individual acted in response to the instruction of the court, he is liable.*
- H. *Said R. Pappa, “All parties concur that if an individual acted in response to the instruction of the court, he is exempt. But the dispute pertains to a case in which the court completes the number of individuals who have violated the law to form a majority of the community [in which case the bull serves as a collective offering, and individuals do not have to present a ewe or a female goat]. The one authority [Meir] takes the view that the court completes the number of individuals who have violated the law to form a majority of the community, while the other authority maintains that the court does not complete the number of individuals who have violated the law to form a majority of the community.*
- I. *“And if you wish, I shall state that it is a case in which the court gave instructions and the greater part of the community has carried out the deed on that account. And who are “sages” here? They are R. Simeon, who has said that the community brings an offering of a bull and the court likewise.*
- J. *“And if you wish, I shall state that it is a case in which a whole tribe has carried out the improper deed on the instruction of the court, and who stands for ‘sages’? It is R. Judah, for it has been taught on Tannaite authority:*
- K. *“A whole tribe that acted in accord with the instruction of its court — that tribe presents a bull as a collective offering.” [Reference is made to M. Hor. 1:5J-L: R. Judah says, “Seven tribes which committed a sin bring seven bullocks, and the other tribes, which committed no sin, bring a bullock in their behalf, for ever those who did not sin bring an offering on account of the sinners.” T. Hor., 1:8C: R. Yosé b. R. Judah says, “The instruction of a court of each and every tribe is equivalent to the instruction of a court of the entire community.”]*
- L. *“And if you wish, I shall state that it is a case in which six tribes forming a majority of the community in terms of population [Jaffee] have sinned, or seven, even though not a majority of the population but only of the tribes, and whose teaching do we have? It is R. Simeon b. Eleazar, as has been taught on Tannaite authority:*

- M. “when the sin through which they incurred guilt becomes known, the congregation shall offer:”
- N. R. Meir says, “If seven tribes or the greater part thereof sinned, then the court brings on their account an ox, but all the others are exempt.
- O. “For it is said here ‘congregation,’ and elsewhere as well [Lev. 4:13] ‘congregation’ occurs. Just as ‘congregation elsewhere refers to the court, the same meaning applies here.”
- P. R. Simeon b. Eleazar says in his name, “If six sinned, and they form the majority of the population of the community, or seven, even though not a majority, lo, these are liable” [Sifra LII:II.10].

VII.4. A. Said R. Assi, “[When reckoning what forms a majority], in the case of an erroneous decision by a court, the operative criterion is the greater part of the population of the entire land of Israel, as it is said, ‘And at that time Solomon prepared the festival and all Israel with him, a great community, from Levo Hamat to the river of Egypt, before the Lord our God, for seven days and again seven days, fourteen days in all’ (1Ki. 8:65). *Now since it is written*, ‘and all Israel with him,’ for what reason do I require the further clause, ‘a great community, from Levo Hamat to the river of Egypt’? That phrase bears the implication, those living within the borders of the land are classified as ‘the community,’ but those beyond the borders do not count as ‘the community.’”

- VII.5.** A. [With reference **the governing principle: He who relies on himself is liable, and he who relies on the court is exempt**, we now turn to the dispute concerning the kind of offering required in various situations of public inadvertent sin involving court instruction, at M. 1:5, so that, when a majority violates the law by reason of the court’s ruling, they make atonement through a communal offering of a bull, but if a minority does so, it is exempt since it relied upon the court, but what about a case in which before the offering is presented, the community’s numbers diminish so that the ratio of transgressors to non-transgressors has changed?] *It is obvious that if the transgressors had formed the majority but their numbers diminished, then we find ourselves in the midst of the dispute of R. Simeon and our rabbis; if the number of transgressors was a minority but through deaths in the interim became a majority of the community, what is the law?*
- B. *Is there a dispute between R. Simeon and rabbis in this matter as well? In that case, R. Simeon invokes as the criterion of the person’s status at the moment the transgression was discovered, in which case he requires presenting a communal offering, since their status was established came prior to the discovery of their sin? Would our rabbis, who invoke the criterion of the status of the violator of the law at the moment the violation was done, exempt them, [since when they sinned, they were a minority, and they claim exemption for having relied upon the court]? Or perhaps this is not the case?*
 - C. *Well, do you really think this is so reasonable? I can concede that we have a tradition that R. Simeon follows the criterion of the person’s status at the moment the transgression was discovered, in a case in which the discovery of the violation of the law and the fact that it has been carried out takes place when the person is still subject to the obligation [not having been made a priest]. But if the*

transgression and the fact that it has been carried out have not been discovered at such a time, does R. Simeon still take the view that the offering is presented in accord with the sinner's status when the transgression is discovered? If that is the case, then [at M. 3:2A], let the anointed priest or the ruler bring an offering in accord with his present status! Rather, it must follow, R. Simeon requires that the violation take place and the discovery that it has taken place occur when the person is still obligated for the offering of a commoner. [Jaffee: by implication, Simeon will agree with sages that the minority remains exempt from the obligation to bring an offering as individuals after the change of status, because at the time of the transgression the individuals then constituting the minority were incapable of being placed under obligation, the transgression having been the responsibility of the court.]

VII.6. A. *The question was raised:*

- B. If the court gave the decision that suet is permitted [though it is forbidden], and a minority of the community went and acted in accord with that decision, and then the court retracted and gave correct instructions, and [the court once more gave the decision that suet is permitted,] but now a different minority of the community acted, what is the law?
- C. *Since we deal with two distinct discoveries of violation of the law, the two groups do not join together? Or perhaps, since both the one and the other concern suet, the two minorities do join together and present a communal offering.*
- D. *And if you should determine that, since both the one and the other concern suet, the two minorities do join together and present a communal offering, then here is another case: if one minority erred in connection with suet that is located on the maw, and another minority erred in connection with suet upon the small intestines, what is the law? Surely in this case, since the prohibitions derive from two scriptural clauses, we determine that the two minorities do not combine, each transgression being autonomous or the other, or, perhaps, since both transgressions involve suet, the actions do combine.*
- E. *And if you should determine that, since both transgressions involve suet, the actions do combine, if one minority's violation of the Torah involved suet and the other's involved blood, what is the law? Here surely we deal with two distinct prohibitions, and since the two prohibitions are not the same, the two minorities do not join together. Or perhaps, since in violation of these two distinct rules, an offering of the same classification is presented, they do join together.*
- F. *And if you should determine that, since in violation of these two distinct rules, an offering of the same classification is presented, they do join together, if a minority violated the law concerning suet and another minority followed incorrect instructions concerning idolatry, what is the law? Here, surely, the prohibitions that have been violated by them are not the same, and not only so, but the offerings incumbent on each minority are not the same. Or perhaps, since both groups are subject to the prohibition of extirpation, the two minorities still join together.*
- G. *The questions stand.*

VII.7. A. *The question was raised:*

- B. If the court gave instructions that suet is permitted, and a minority of the community went and acted in accord with that instruction, and then that court died, but another court was appointed and they retracted, but then they issued a new instruction to the same effect, and another minority acted in accord with the new instruction of this new court —
- C. *in accord with the opinion of him who maintains that the court presents an offering when the majority follows its instructions [Meir's view], there is no issue; here the court that gave the original instruction is no longer in existence. But where you may raise the issue, it is in accord with the position of him who maintains that it is the community that presents the offering. When what is the rule? Here, after all, the community endures [the community as such never dies off]. [3B] Or perhaps to impose liability on the community, we require discovery of the error of that very court that gave the instruction?*
- D. *The question stands.*

VII.8. A. Said R. Jonathan, “In a case in which a hundred who went into session to give instruction, liability for judicial error is incurred only if all of them will give that instruction, as it is said, ‘And if all of the assembly shall err’ (Lev. 4:13) — the court is exempt unless everyone of them errs, meaning, unless their instruction has permeated throughout the community of Israel.”

- B. *Said R. Huna bar Hoshaia, “That stands to reason. For throughout the entire Torah, it is an established principle for us that the majority represents the whole, while here, the language is used, ‘And if all of the assembly shall err’ (Lev. 4:13) — even if they are a hundred.”*
- C. *We have learned in the Mishnah: [If] the court gave a decision, and one of them knew that they had erred, or a disciple who is worthy to give instruction, and he [who knew of the error] went and carried out what they said, (1) whether they carried out what they said and he carried out what they said right along with them, 2) whether they carried out what they said and he carried out what they said after they did, (3) whether they did not carry out what they said, but he carried out what they said — lo, this one is liable, since he [who knew the law] did not in point of fact rely upon the court. The meaning then is, this one is liable, but another [a judge that concurred with the court] would still be exempt. Now why should that be the case? For lo, the instruction is incomplete. [Jaffee: he acted in reliance on his own judgment and is no less obligated than his colleague who acted even though he disagreed with the court's instructions.]*
- D. *With what sort of a situation do we here deal? It is a case in which this fellow, the “one of them,” nodded as if in agreement [so that the appearance of unanimity qualifies the court's decision as official, and the one who acted is not obliged to present an offering; a member of the court does not bring a private offering (Jaffee)].*
- E. *Come and take note: (1) [If] the court gave a decision, and one of the members of the court realized that they had erred and said to them, “You are in error”...lo, these are exempt [from a public offering under the provisions of Lev. 4:14] [M. 1:4A-D]. Now the operative consideration is that he has said to them, “You are in error”. Lo, if he had remained silent, they are obligated,*

for the instruction is complete[ly unanimous]. But why should this be the case? Not all of them have participated in the instruction.

- F. *Say here too, it is a case in which he nodded as if in agreement.*
- G. *Objected R. Mesharshayya, “[Only a majority is required to promulgate binding instructions, for] our rabbis relied upon the statement of Rabban Simeon b. Gamaliel and R. Eleazar b. R. Sadoq, who stated, ‘a court does not make a decree for the community concerning things which the community simply cannot bear’ [T. Sot 15:10]. And said R. Adda bar Abba, ‘What verse of Scripture pertains?’ ‘You are accursed with a curse yet you defraud me, indeed the people as a whole’ (Ma. 3:9). Now here is a case in which ‘the people as a whole’ is written, and yet Rabban Simeon b. Gamaliel and R. Eleazar b. R. Sadoq understand that the majority is equivalent to the whole. [Jaffee: it follows that ‘all the assembly’ of Lev. 4:13) must be interpreted as a reference to the majority, contrary to Jonathan’s claim.] Is this not a refutation of the proposition of R. Jonathan?”*
- H. *It is indeed a refutation of the proposition of R. Jonathan.*
- I. *Then what is the sense of the language, “all the assembly” of Lev. 4:13?*
- J. *This is the sense of that statement: if all of those in the court are present when the instruction is adopted, that is a valid instruction, even without unanimity, but if not, it is not a valid instruction [and the court is exempt from liability to the sins of others].*

VII.9. A. Said R. Joshua, “When ten sit in judgment, the chain of responsibility is suspended on the necks of all of them.”

B. *So what else is new?*

C. *Lo, we are informed that even if it is a disciple in the presence of his master [who is obligated to avoid contradicting the master, the same consideration is in play].*

VII.10. A. *R. Huna: when he would go to court, he would bring with him from the school house ten Tannaite-tradition-memorizers, “so that each one of us may carry a chip of the beam.”*

VII.11. A. *R. Ashi: when an animal thought to be blemished was brought before him for a decision on its suitability for food, he would bring along ten cultic slaughterers from Mata Mehasya and sit them down before him, “so that each one of us may carry a chip of the beam.”*

The Talmud takes as its problem the careful elucidation of the Mishnah’s main point, which is that if an individual acts in accord with a court decision, the community, not the individual, bears the consequences. When, then, is the court liable to present an offering in behalf of others who have acted in accord with its ruling? I:1 answers that question. No. 2 gives another version of the same answer. II:1 examines the wording and implications of the Mishnah. III:1 asks about the same matter, and IV:1 pursues the continuing work on the implications of the Mishnah’s wording and details. V:1 asks for an example of the Mishnah’s generalization. VI:1 wants to know the implications of the Mishnah’s indication that cases not specified are subject to the same rule, and VII:1 pursues the same question. Nos. 2-3+4 investigate the identity of the authority behind the Mishnah’s rule, and though both bear substantial secondary development, the structure of the

whole as Mishnah-commentary is not violated here. No. 5 then continues the clarification of the Mishnah's general rule, now in dialogue with M. 1:5. A sequence of theoretical questions, in ascending order of difficulty, allow us to identify the various principles that compete and to explore their implications; the generative problem is the principles of classification of like and unlike. These theoretical problems flowing from our Mishnah's topic and principles continue through Nos. 6-8, with an appendix at the end. So the entire Talmudic structure focuses upon the principles of the Mishnah. We have no important intrusions of essentially independent composites or even compositions.

1:2-3

1:2

- A. [If] the court gave a decision and realized that it had erred and retracted
- B. whether they brought their atonement offering or did not bring their atonement offering,
- C. and an individual did in accord with their instruction
- D. R. Simeon declares him exempt.
- E. And R. Eliezer says, "It is subject to doubt."
- F. What is the doubt?
- G. [If] the person had stayed home, he is liable.
- H. [If] he had gone overseas, he is exempt.
- I. Said R. Aqiba, "I concede in this case that he is nigh unto being exempt from liability."
- J. Said to him Ben Azzai, "What is the difference between this one and one who stays home?"
- K. "For the one who stays home had the possibility of hearing [that the court had erred and retracted], but this one did not have the possibility of hearing [what had happened]."

1:3

- A. [If] a court gave a decision to uproot the whole principle [of the Torah] —
- B. [for example,] (1) [if] they said, "[The prohibition against having intercourse with] a menstruating woman is not in the Torah [Lev. 15:19]."
- C. (2) "[The prohibition of labor on] the Sabbath is not in the Torah."
- D. (3) "[The prohibition against] idolatry is not in the Torah."
- E. Lo, these are exempt [from the requirement of Lev. 4:14.
- F. [If] they gave instruction to nullify part and to carry out part [of a rule of the Torah], lo, they are liable.
- G. How so?
- H. (1) [If] they said, 'The principle of prohibition of sexual relationships with a menstruating woman indeed is in the Torah, but he who has sexual relations with a woman awaiting day against day is exempt.'
- I. (2) "The principle of not working on the Sabbath is in the Torah, but he who takes out something from private domain to public domain is exempt."

- J. (3) “The principle of not worshipping idols is in the Torah but he who bows down [to an idol] is exempt.” —
- K. lo, these are liable,
- L. since it is said, “If something be hidden” (Lev. 4:13) —something and not everything.

- I.1** A. [If the court gave a decision and realized that it had erred and retracted, whether they brought their atonement offering or did not bring their atonement offering, and an individual did in accord with their instruction , **R. Simeon declares him exempt:**] Said R. Judah said Rab, “*What is the operative consideration behind the ruling of R. Simeon?* It is because he has done his deed with the permission of a court.”
- B. *There are those who say,* Said R. Judah said Rab, “R. Simeon would say, ‘In any case in which a decision has come forth among a majority of the community, an individual who carries out the decision is exempt from liability for doing so, since the instruction is set forth only so as to make possible the distinction between one who does an improper deed inadvertently and the one who does it deliberately’” [Jaffee: inadvertent transgressors rely on the decision, deliberate ones do not].
- C. *An objection was raised:* “**The ox which is offered on account of the community’s inadvertent transgression of any and all commandments and the goats offered in atonement for idolatry to begin with are purchased from a collection for that purpose,**” the words of R. Simeon. R. Judah says, “**They derive from funds of the heave offering of the sheqel chamber**” [T. **Sheq. 2:6**]. [Jaffee: Simeon assumes the entire community has contributed to the purchase of the offering *Then*] *why [should he insist at M. 1:2A that one who violates the law afterward in accord with the court’s original instructions is exempt]? Since the money has been collected for the purchase of an animal for atonement, the many ought to have known that the original ruling was a mistake!*
- D. *If you wish, I shall say, the case involved a collection that was taken up without explanation of the reason.*
- E. *And if you wish, I shall say, the case involves a situation in which the man wasn’t around when the retraction was announced.*
- F. *And if you wish, I shall say, Rab concurs with another Tannaite authority, who presents the attributions of opinions in an opposite way, specifically:* “**The ox which is offered on account of the community’s inadvertent transgression of any and all commandments and the goats offered in atonement for idolatry to begin with are purchased from a collection for that purpose,**” the words of R. Judah. R. Simeon says, “**They derive from funds of the heave offering of the sheqel chamber**” [T. **Sheq. 2:6**].

I.2. A. *A Tannaite statement:*

- B. [If the court gave a decision to transgress any one or all of the commandments which are stated in the Torah, and an individual went and acted in accord with their instructions, so transgressing inadvertently, whether they carried out what they said and he carried out what they said right along with them, or whether they carried out what they said and he carried out what they said after they did, whether they did not carry out

what they said but he carried out what they said [M. **Hor. 1:1A-E**, concluding, he is exempt] – might one imagine that he should be liable for his deed? Scripture says, “If any person from among the populace unwittingly incurs guilt by doing [any of the things which by the Lord’s commandments ought not to be done, and he realizes his guilt]:” Lo, these represent exclusionary statements, indicating that one who carries out such a deed on his own account is liable, but not one who carries out such a deed on the instruction of a court] R. Simeon [adds, “If the court gave a decision and realized that it had erred and retracted it, whether they brought their atonement-offering or did not bring their atonement-offering, and an individual went and acted in accord with their instruction,] [supply: says,] “he is exempt” [M. **Hor. 1:2A-D**].

- C. **R. Meir declares him liable.**
- D. **R. Eliezer says, “It is subject to doubt” [M. **Hor. 1:2E**].**
- E. **In the name of Sumkhos they said, “It is held in suspense” [Sifra XLIX:i.1]..**
- F. *Said R. Yohanan, “At issue between Eleazar and Sumkhos is the matter of a suspensive built offering.” [Eleazar says it must be presented, since later on it may be shown that he bears responsibility for his action despite the court’s instructions; Sumkhos says the obligation is null, since it is not presented by reason of doubt whether or not one has relied upon judicial error, but only when one may or may not actually have violated the law (Jaffee).]*
- G. *Said R. Zira, “A parable: to what is the opinion of R. Eleazar comparable? It is comparable to a case in which a man who ate what may be suet or may be valid fat, and became aware of that fact. He presents a suspensive guilt offering. [4A] Now [in a setting in which the court has permitted eating suet and then retracted] that is not a problem to begin with for one who maintains that the community presents an offering on its own account [as Judah holds]. But even from the perspective of him who maintains that the court presents the offering, on the grounds that the matter has not been made public, if he had asked, they would have told him [so he would have discovered that the court’s ruling was a mistake].*
- H. *Said R. Yosé bar Abin, and some say, R. Yosé bar Zebida, ““A parable: to what is the opinion of Sumkhos comparable? It is comparable to a case of a man who presented his atonement offering at twilight, so that it is a matter of doubt that his atonement was achieved while it was still light [of the prior day] or after it had become dark [at the advent of the day to follow], that such a person does not have to bring a suspensive guilt offering. [He is given the benefit of the doubt (Jaffee)]. Now [in a setting in which the court has retracted an erroneous validation of offerings presented after darkness has fallen] that is not a problem to who maintains that the court presents an offering on its own account, because the matter was not properly publicized. But even from the perspective of him who holds that the community presents an offering, because the matter had been well publicized. If the issue was whether it was day or night, if he had asked about the current state of opinion, he might not have found anybody to tell him the answer [Jaffee: since the others were already involved in taking up the collection for the offering].*

II.1 A. [Said R. Aqiba, “I concede in this case that he is nigh unto being exempt from liability.”] Said to him Ben Azzai, “What is the difference between this one and one who stays home? For the one who stays home had the possibility of hearing [that the court had erred and retracted], but this one did not have the possibility of hearing [what had happened]:”

B. *Didn't R. Aqiba make a valid statement to Ben Azzai?*

C. *Said Raba, “At issue between them is a case in which one was getting ready to make a trip [rather than already abroad]. In the view of Ben Azzai, he is liable, because he's still home. To R. Aqiba he is exempt, since he is already preparing to leave.”*

III.1 A. [If] a court gave a decision to uproot the whole principle [of the Torah]:

B. *Our rabbis have taught on Tannaite authority:*

C. **“...and the matter escapes the notice of the congregation:”**

D. **Not that the applicability of the entire religious duty itself should escape notice.**

E. **How so?**

F. **If the court said, “The prohibition against having intercourse with a menstruating woman is not in the Torah [vs. Lev. 15:19],” “The prohibition of labor on the Sabbath is not in the Torah,” “The prohibition against idolatry is not in the Torah,” might one suppose that they should be liable?**

G. **Scripture says, “...and the matter escapes the notice of the congregation:”**

H. **Not that the applicability of the entire religious duty itself should escape notice.**

I. **lo, these are exempt [from the requirement of Lev. 4:4]**

J. **If they ruled, “The principle of the prohibition of sexual relationships with a menstruating woman indeed is in the Torah, but he who has sexual relations with a woman awaiting day against day [to confirm that she is now clean] is exempt,”**

K. **“The principle of not working on the Sabbath is in the Torah, but he who takes something out from private domain to public domain is exempt,”**

L. **“The principle of not worshipping idols is in the Torah, but he who bows down to an idol is exempt,” might one suppose that in the case of such instruction, one should be exempt?**

M. **Scripture states, “If something be hidden” (Lev. 4:13) – something but not everything [M. [Hor. 1:3A-M](#)]. [Sifra XLII:II.3].**

III.2. A. The master has said, **“...might one suppose that in the case of such instruction, one should be exempt?”**

B. *Now, if they carry out part of the commandment but nullify part of it, they are exempt, and if further, should they uproot the very essence of the commandment, they also are exempt, then under what circumstances will they ever be liable?*

C. *This is what the Tannaite authority found difficult in the matter: shall I say that the words, “If something be hidden” (Lev. 4:13) bear the sense that the entire substance of the commandment [must be nullified to impose an obligation on the*

court to present an offering]? Scripture response, “If something be hidden” (Lev. 4:13) [not everything, not nothing].

III.3. A. *On what basis does the verse yield that conclusion?*

- B. *Said Ulla, ““Read the words in such a way that the final M of the Hebrew word for ‘hidden’ also serves the word ‘something,’ yielding the sense, ‘and if part of the matter is hidden.’”*
- C. *Hezekiah said, “Said Scripture, “And they did with regard to one of all the commandments of the Lord that which shall not be done’ (Lev. 4:13) — [Jaffee: this implies that the court brings an offering only when its instructions lead to a partial nullification of a commandment, for the language states,] of all the commandments, not, the entire commandment.”*
- D. *But the word commandments is a plural!*
- E. *Said R. Nahman bar Isaac, “The word is written defectively and can be read as a singular.”*
- F. *R. Ashi said, “Derive the meaning of the word ‘something’ from its sense in the context of the rebellious elder, where it is written, ‘If a matter shall confound you in judgment...you shall act in accord with the Torah that they shall teach you and in accord with the judgment that they will say to you; do not stray from the matter that they declare to you either to the right nor to the left’ (Deu. 17: 8-11). Just as in the case of the rebellious elder, he is liable for deviations from a matter but not an entire matter, here too, with respect to the incorrect instruction it has given, the court is responsible for a matter but not the entire matter.”*

IV.1 A. **[If they gave instruction to nullify part and to carry out part [of a rule of the Torah], lo, they are liable. How so? [If] they said, ‘The principle of prohibition of sexual relationships with a menstruating woman indeed is in the Torah, but he who has sexual relations with a woman awaiting day against day is exempt.’ (2) “The principle of not working on the Sabbath is in the Torah, but he who takes out something from private domain to public domain is exempt.” (3) “The principle of not worshipping idols is in the Torah but he who bows down [to an idol] is exempt” — lo, these are liable, since it is said, “If something be hidden” (Lev. 4:13) — something, and not everything:]** Said R. Judah said Samuel, “The court is liable only if it gives wrong instruction in a matter that the Sadducees do not accept as a matter of revelation [that is, the oral Torah]. But in a matter that the Sadducees too concede, the court is exempt. *Why is that the case? These would be matters that every beginner should know* [and the court is exempt in matters of such obvious ineptitude (Jaffee)].

- B. *We have learned in the Mishnah: [If] they gave instruction to nullify part and to carry out part [of a rule of the Torah], lo, they are liable. How so? [If] they said, ‘The principle of prohibition of sexual relationships with a menstruating woman indeed is in the Torah, but he who has sexual relations with a woman awaiting day against day is exempt. But how does this qualify in accord with the criterion just now introduced, when such a matter as the rule governing a woman awaiting day against day is spelled out in so many words in*

the Torah: “Now if she was clean of her discharge and has counted seven days, then afterward she shall be clean” (Lev. 15:28) — this teaches that she counts day against day.

- C. *It would be a case in which the court said that mere stimulation of the vagina with the penis is permitted though complete intercourse is what is forbidden.*
- D. *But this too is made explicit in Scripture: “And a man who lies with a menstruating woman and who exposes her genitals has disclosed her source...both of them shall be cut off from among their people” (Lev. 20:18) [without penetration].*
- E. *It is a case in which the court has announced that it is sexual relations in the vaginal manner that are forbidden, but sexual relations in the anal manner are permitted.*
- F. *But that too is spelled out in Scripture, “A man who lies with a male in the manner of bedding a woman” (Lev. 20:13) [showing that intercourse of the anal sort with a woman is still regarded as a forbidden sexual act at the specified time].*
- G. *It is a case in which they say, sexual relations in the vaginal manner are forbidden, even without penetration, but sexual relations in the anal manner are different; in that case, completing the act of sexual relations is what is forbidden, but merely uncovering the sexual organs is not forbidden.*
- H. *If so, then why specify the case of a woman watching out for post-menstrual discharge, since the prohibition of sexual relations applies even to a menstruant as well? Rather, at stake throughout is intercourse in the normal manner. And what the court said was, the prohibition against stimulation is explicitly written with regard to the menstruating woman, but has no bearing on the woman who is monitoring post-menstrual bleeding.*
- I. *If you prefer, I shall say that the court announced that woman who produces blood between her menstrual periods is regarded as unclean if the discharge occurred during the day [but not if it took place at night], for it is written, “And a woman if the flow of her blood occurs for many days outside the normal menstrual period — on all the days of her discharge her uncleanness is comparable to the days of her menstrual period” (Lev. 15:12) [the days, not the nights].*
- J. *We have learned in the Mishnah: **The principle of not working on the Sabbath is in the Torah, but he who takes out something from private domain to public domain is exempt.** But how does this qualify, since not moving things across the lines of private to public domain is explicitly spelled out in Scripture, which states, “You shall not transfer a burden from your houses on the Sabbath day” (Jer. 17:22).*
- K. *It is a case in which the court ruled, it is specifically taking things out from one domain to the other that is forbidden, but bringing things in is permitted.*
- L. *If you prefer, I shall state, it is a case in which the court said, it is in particular taking things out that is forbidden, but either reaching something across the line of one domain into the other or tossing something would be permitted [which it is not].*
- M. *We have learned in the Mishnah: **“The principle of not worshipping idols is in the Torah but he who bows down [to an idol] is exempt.”** But how does this*

qualify, since bowing down to idols is explicitly forbidden by Scripture, which states, “You will not bow down to any other god” (Exo. 34:14).

- N. *It is a case in which the court ruled that what is forbidden is bowing down in the ordinary way, but doing so in some extraordinary way is permitted.*
- O. *And if you prefer, I shall state that it is a case in which they said the act of bowing down the body itself in the normal way is what is forbidden, since it involves the spreading out of the hands and feet, but bowing down in such a manner as not to spread out the hands and feet is permitted.*

- IV.2.** A. **[4B]** *The question was raised by R. Joseph, “If the court announced that there is no prohibition against ploughing on the Sabbath [vs. Exo. 34:21], what is the law? Do we rule that since they clearly concede the rest of the matter [treating all other acts of labor on the Sabbath as prohibited], this is a case of partially nullifying and partially confirming the law [so that the court has to present an offering]? Or perhaps, since they have uprooted the generative source of the prohibition against ploughing, it is tantamount to uprooting an entirely principle [and the court is exempt]?”*
- B. *Come and take note: [If] they said, ‘The principle of prohibition of sexual relationships with a menstruating woman indeed is in the Torah, but he who has sexual relations with a woman awaiting day against day is exempt.’ Now why should this be the rule? Lo, they are in the position of uprooting the very law concerning the woman who is awaiting day against day?*
 - C. *R. Joseph can say to you, “The case of the woman awaiting day against day is to be understood as we have already explained to you [the court having misunderstood the interpretation of the scriptural prohibition with a menstruating woman, so it should bring an offering, but Sabbath ploughing is different.]”*
 - D. *Come and take note: “The principle of not working on the Sabbath is in the Torah, but he who takes out something from private domain to public domain is exempt.” Now why should this be the rule? Lo, they are in the position of uprooting the very law concerning carrying across the lines of domains.*
 - E. *Here too, the matter is to be understood as we have already explained to you.*
 - F. *Come and take note: “The principle of not worshipping idols is in the Torah but he who bows down [to an idol] is exempt.” Now why should this be the rule? Lo, they are in the position of uprooting the very law concerning bowing down to idols.*
 - G. *Say: here too, the matter is to be understood as we have already explained to you.*

- IV.3.** A. *The question was raised by R. Zira, “If the court announced that there is no prohibition in the Torah against working on the Sabbath during the Sabbatical Year, what is the law? “Wherein lay their error? It is in this verse, “Six days you shall labor, but on the seventh day you shall cease, from plowing and reaping shall you cease’ (Exo. 34:21). And they reasoned as follows: when plowing takes place, there is the Sabbath, but when there is no ploughing, as in the seventh year, there also is no Sabbath. Now, in this context, do we say that since they instruct that people are to keep the Sabbath during the other years of the seven year cycle, it is tantamount to nullifying part and carrying out part of the religious*

duty? Or perhaps since they uproot the Sabbath through the Sabbatical Year, it is tantamount to uprooting the very essence of the commandment?"

- B. Said Rabina, "Come and take note: **He who prophesies in such a way as to uproot a teaching of the Torah is liable. [If he prophesies so as] to confirm part and annul part [of a teaching of the Torah], R. Simeon declares him exempt. But as for idolatry, even if one says, "Today serve it and tomorrow annul it," all parties concur that he is liable [T. San. 14:13]. Does that not bear the implication, If the court announced that there is no prohibition in the Torah against working on the Sabbath during the Sabbatical Year, it is tantamount to nullifying part and carrying out part of the religious duty."**
- C. *It indeed bears that very implication.*
All four units effectively serve as amplifications of the Mishnah's rules.

1:4A-G

- A. (1) [If] the court gave a decision, and one of the members of the court realized that they had erred and said to them, "You are in error,"
- B. or (2) if the head of the court was not there,
- C. or (3) if one of them was a proselyte, a mamzer, a Netin, or an elder who did not have children —
- D. lo, these are exempt [from a public offering under the provisions of Lev. 4:14],
- E. since "Congregation" is said here [Lev. 4:13], and "Congregation" is said later on [Num. 15:24].
- F. Just as "congregation" later on applies only in the case in which all of them are suitable for making a decision,
- G. so "congregation" stated here refers to a case in which all of them are suitable for making a decision.

- I.1 A.** or (2) if the head of the court was not there: *how on the basis of Scripture do we know this fact?*
- B. Said R. Sheshet, and so a Tannaite authority of the household of R. Ishmael stated, "On what basis did they say, [The court is liable only if it gives wrong instruction in a matter that the Sadducees do not accept as a matter of revelation that is, the oral Torah]. But in a matter that the Sadducees too concede, the court is exempt? Because it was their duty to learn Scripture more carefully, but they did not do so. And along these same lines, **if the head of the court was not there**, they are exempt, because it was their duty to learn Scripture more carefully, but they did not do so"

- II.1 A.** since "Congregation" is said here [Lev. 4:13], and "Congregation" is said later on [Num. 15:24]. Just as "congregation" later on applies only in the case in which all of them are suitable for making a decision, so "congregation" stated here refers to a case in which all of them are suitable for making a decision:

- B. *As to the locus classicus of the proof, how do we know that fact to begin with?*

- C. Said R. Hisda, “Said Scripture, ‘Gather me seventy men of the elders of Israel...and take them to the tent of meeting and let them stand together there alongside you’ (Num. 11:16) — alongside you means, equivalent to you in stature.”
- D. *Might one say*, “alongside you” means, having equivalent access to the Presence of God?
- E. Rather, said R. Nahman bar Isaac, “Said Scripture, ‘And they shall judge the people at all times, and it shall be that any major matter they shall bring to you, while any minor matter they shall judge, so that it goes more easily for you, as they bear the burden with you’ (Exo. 18:22) — with you means, equivalent to you in stature.”

A detail is given an explanation at I:1, and at II:1 gives us a proof for the generative exegesis that operates in our Mishnah.

1:4H-L

- H. **[If] the court gave an incorrect decision inadvertently, and the entire community followed their instruction [and did the thing in error] inadvertently,**
 - I. **they bring a bullock,**
 - J. **[If the court gave an incorrect decision] deliberately, but the community, following their instruction, did the thing in error] inadvertently,**
 - K. **they bring a lamb or a goat (Lev. 4:32, 27).**
 - L. **[If the court gave incorrect instruction] inadvertently, and [the community followed their instruction and did the thing in error] deliberately, lo, these are exempt [under the provisions of Lev. 4:4].**
- I.1** A. **[If the court gave incorrect instruction] inadvertently, and [the community followed their instruction and did the thing in error] deliberately:** lo, the one who inadvertently violated the law who is liable is equivalent to the one who intentionally violated the law [Jaffee: in that both know the court to be in error] yet only the latter does not present an atonement offering.
- B. *What sort of case can be in mind?* [In the instance of the one who inadvertently violated the law is exempt], the court gave instructions that suet is permitted, and the man confused it with permitted fat and ate it. [The man’s own error has caused the transgression, even though the court sanctioned it; unlike those fully aware of their action, he is an inadvertent sinner].
 - C. *May one propose, then, that this case solves the problem raised by Rami bar Hama, who asks whether such an individual is accountable for his action?*
 - D. *Not at all, he may say to you, since the Tannaite authority states in the opening clause, [If] the court gave an incorrect decision inadvertently, and the entire community followed their instruction [and did the thing in error] inadvertently, he also stated the Tannaite formulation in the concluding clause, [If the court gave incorrect instruction] inadvertently, and [the community followed their instruction and did the thing in error] deliberately. [No implications are to be drawn from the way in which the matter is formulated.]*

The implications of the Mishnah-rule and its wording are explored.

1:5

- A. “[If] the court made an [erroneous] decision, and the entire community, or the greater part of the community, carried out their decision, they bring a bullock.
 - B. “In the case of idolatry, they bring a bullock and a goat,” the words of R. Meir.
 - C. R. Judah says, “Twelve tribes bring twelve bullocks.
 - D. “And in the case of idolatry, they bring twelve bullocks and twelve goats.”
 - E. R. Simeon says, “Thirteen bullocks, and in the case of idolatry, thirteen bullocks and thirteen goats:
 - F “a bullock and a goat for each and every tribe, and [in addition] a bullock and a goat for the court.”
 - G. “[If] the court gave an [erroneous] decision, and seven tribes, or the greater part of seven tribes, carried out their decision,
 - H. “they bring a bullock.
 - I. “In the case of idolatry, they bring a bullock and a goat,” the words of R. Meir.
 - J. R. Judah says, “Seven tribes which committed a sin bring seven bullocks.
 - K. “And the other tribes, who committed no sin, bring a bullock in their behalf,
 - L. “for even those who did not sin bring an offering on account of the sinners.”
 - M. R. Simeon says, “Eight bullocks, and in the case of idolatry, eight bullocks and eight goats:
 - N. “a bullock and a goat for each and every tribe, and a bullock and a goat for the court.”
 - O. “[If] the court of one of the tribes gave an [erroneous] decision, and that tribe [only] carried out their decision,
 - P “that tribe is liable, and all the other tribes are exempt,” the words of R. Judah.
 - Q. And sages say, “They are liable only by reason of an [erroneous] decision made by the high court alone,
 - R. “as it is said, ‘And if the whole congregation of Israel shall err (Lev. 4:13) — and not the congregation of that tribe [alone].’”
- I.1** A. *Our rabbis have taught on Tannaite authority:*
- B. If the court gave instruction and also carried out the deed, is it possible that they should be liable?
 - C. Scripture says, “escapes the notice of the congregation, so that they do any of the things....,”
 - D. the instruction depends upon the court, the deed depends upon the congregation. [Bavli’s version: “that the nature of the sin is known, not that the sinners alone be known”].
 - E. [Sifra’s version includes:] “...by the Lord’s commandments:”

- F. [Sifra's version includes:] not the commandments of the king, not the commandments of the court.
- G. [Sifra's version includes:] The religious duties that are incumbent on the anointed priest are the religious duties under discussion here.
- H. [Sifra's version includes:] "...any of the things which by the Lord's commandments...:"
- I. [Sifra's version includes:] reference is not to all of the religious duties of the Lord,
- J. [Sifra's version includes:] thereby excluding the case of violating the oath of testimony [Lev. 6], false oath, and bringing uncleanness to the sanctuary and its Holy Things.
- K. [Sifra's version includes:] "...which by the Lord's commandments ought not to be done, and they realize their guilt:"
- L. [Sifra's version includes:] just as punishment is exacted from the individual, so punishment is exacted from the community.
- M. [Sifra's version includes:] If the court knew that they had given false instruction and erred as to what they had said, is it possible that they should be liable?
- N. [Sifra's version includes:] Scripture says, "when the sin through which they incurred guilt becomes known,"
- O. [Sifra's version includes:] not that the sinners should be made known.
- P. "when the sin through which they incurred guilt becomes known, the congregation shall offer:"
- Q. If two tribes sinned they bring two oxen, if three did, they bring three oxen.
- R. Or perhaps the sense is only that if two individuals sinned, they bring two oxen, and if three did, they bring three?
- S. Scripture says, "the congregation shall offer," meaning that the congregation is liable, but each congregation is liable.
- T. How so? If two tribes sinned they bring two oxen, if three did, they bring three oxen, if seven did, seven present offerings.
- U. And all the other tribes that did not sin present on their account an ox each.
- V. For even those who did not sin nonetheless bring an ox on the account of the sinners.
- W. "That is why it is said, 'congregation,' to impose liability on each congregation [within the larger Israelite polity]," the words of R. Judah. [M. [Hor. 1:5J-L](#): R. Judah says, "Seven tribes which committed a sin bring seven bullocks, and the other tribes, which committed no sin, bring a bullock in their behalf, for ever those who did not sin bring an offering on account of the sinners." T. [Hor., 1:8C](#): R. Yosé b. R. Judah says, "The instruction of a court of each and every tribe is equivalent to the instruction of a court of the entire community."]
- X. R. Simeon says, "Seven tribes which committed a sin bring seven bullocks, and the court brings on their account an ox as well.

- Y. “For it is said here ‘congregation,’ and elsewhere as well [Lev. 4:13] ‘congregation’ occurs. Just as ‘congregation elsewhere refers to the court, the same meaning applies here.”
- Z. R. Meir says, “If seven tribes or the greater part thereof sinned, then the court brings on their account an ox, but all the others are exempt.
- AA. “For it is said here ‘congregation,’ and elsewhere as well [Lev. 4:13] ‘congregation’ occurs. Just as ‘congregation elsewhere refers to the court, the same meaning applies here.”
- BB. R. Simeon b. Eleazar says in his name, “If six sinned, and they form the majority or their tribes, or seven, even though not a majority, lo, these are liable” [Sifra XLII:15-10]

- I.2. A. *The master has said, Who is the Tannaite authority who holds the position, Scripture says, “when the sin through which they incurred guilt becomes known, — not that the sinners should be made known?”*
- B. Said R. Judah said Rab, or, *some say, Raba*, “*That certainly does not conform to the position of R. Eliezer, as we have learned on Tannaite authority* [Bavli: as we have learned in the Mishnah]: **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] [in the version of B. Keritot 19A].**
- C. *R. Ashi said, “You may maintain even that it is R. Eliezer. The case at hand is exceptional, since it is written, ‘the sin concerning which they sinned was made known’ (Lev. 4:14).” [In principle, the sin must be subject to identification; Eliezer might concur (Jaffee)].*
- D. *But in the case of an individual, it also is written with respect to the ruler, “or if the sin concerning which he sinned became known” (Lev. 4:23).*
- E. *That verse is required by R. Eliezer to exclude from the obligation of a sin offering one who has done a forbidden act while intending to perform a permitted one.*

I.3. A. *What is the scriptural basis for the position of R. Judah?*

- B. *He takes the view that reference to “community” is made in Scripture four times at Lev. 4:13-14], so there are four implications of “community” in those references, namely: one serves to impose liability for an offering upon each community; one serves to impose liability on the tribes only when the instructions depend upon the court while the action depends on the community, one bears the principles of implication [so that innocent tribes have to present offerings in behalf of sinners], and one bears the sense that a tribe that acts on instruction of a tribal court is liable.*
- C. *And R. Simeon?*

- D. *He finds reference to only three such references, for the usage “from the sight of the community” (at Lev. 4:13) is merely the ordinary usage of Scripture. That is as people say, “...from the eyes of so-and-so.” In respect to the three references, the implications are these: one serves to impose obligation on each community individual. And as to the other two, below “the community” is stated (at Lev. 4:14), and above the same word occurs (at Lev. 4:13). Just as “the community” in the one passage includes the court with the community, so “the community” when it comes to atonement includes the court with the community.*
- E. *And R. Meir?*
- F. *He does not interpret the usages of “community/the community” that the others find suggestive. Therefore he finds reference to “community” only two times. These he requires as follows: below “the community” is stated (at Lev. 4:14), and above the same word occurs (at Lev. 4:13). Just as “the community” in the one passage means, “the court, not the public,” to here too, the sense is, “the court, not the public.”*
- G. *And as to R. Simeon b. Eleazar, how does he found his position [that if the majority of the tribes, being only a minority of the population, sinned, the court brings a communal offering] on Scripture?*
- H. *It is written, “And it shall be that if it was done unwittingly away from the sight of the assembly” (Num. 15:24) — therefore we speak of a minority, as is written, “From the sight,” meaning, only some of the congregation has sinned [following Jaffee’s translation]. And it is written, “and the entire assembly of Israel shall be pardoned, for the entire people was in error” (Num. 15:26) — bearing the implication that that is so when a majority is liable, but not when a minority is liable. How so? **If six sinned, and they form the majority or their tribes, or seven, even though not a majority, lo, these are liable.***
- I. **[5B]** *And R. Simeon and R. Meir — how on the basis of Scripture do they demonstrate [the position of Judah, which they share] that obligation to present an offering is incurred when the instructions depend on the court and the act depends upon the community?*
- J. *Said Abbaye, “Said Scripture, ‘And it shall be that if it was done inadvertently away from the sight of the assembly’ (Num. 15:24).”*
- K. *Raba said, “‘The entire people was in error’ (Num. 15:26).”*
- L. *And both verses are necessary. For if the All-Merciful had written only, ‘And it shall be that if it was done inadvertently away from the sight of the assembly’ (Num. 15:24), I might have supposed that even a minority may take the court’s error as the reason for bringing a communal offering, so it was necessary for Scripture to state, ‘The entire people was in error’ (Num. 15:26). And if Scripture had said only, ‘The entire people was in error’ (Num. 15:26), I might have supposed that only if the court acted along with the majority would a communal offering be required. So it was necessary to state, ‘And it shall be that if it was done inadvertently away from the sight of the assembly’ (Num. 15:24). [This makes the point that an offering is required when the law violation was done by the people due to an error of the court, even though the court itself did no such thing (Jaffee)].*

- M. *Well and good, but in point of fact, the cited verses speak of inadvertent idolatry [not judicial error]!*
- N. *We draw an analogy from the appearance in both verses of the language, “from the sight of” (Num. 15:24, Lev. 4:13).*

II.1 A. “[If] the court of one of the tribes gave an [erroneous] decision, and that tribe [only] carried out their decision, that tribe is liable, and all the other tribes are exempt,” the words of R. Judah. And sages say, “They [the community] are liable only by reason of an [erroneous] decision made by the high court alone, as it is said, ‘And if the whole congregation of Israel shall err (Lev. 4:13) — and not the congregation of that tribe [alone].’”

- B. *The question was raised: in R. Judah’s opinion, if a single tribe commits a transgression on account of the instruction of the high court, do the rest of the tribes have to present offerings as well, or do they not have to do so? Do we say that when seven tribes violate the law, since they form a majority of the tribal entities, the remaining tribes present offerings with them, but if only one tribe violates the law, since it does not form a majority of the tribal entities, it does not do so? Or perhaps there is no difference, so that the remaining tribes share in the task of presenting offerings in behalf of one tribe?*
- C. *Come and take note [of the following Tannaite formulation]: What do they present? A single bull. R. Simeon says, “Two bulls.”*
- D. *Now with what situation do we deal here? Should we say that seven tribes have sinned under the specified circumstances? Then R. Simeon in point of fact requires eight offerings. So it must represent a case in which a single tribe has sinned. But under what circumstances has the sin taken place? Can it have been by reason of the instruction of its own court? But R. Simeon has no position on the matter [sharing as he does the consensus view that communal atonement takes place only when the high court has given the erroneous instructions]. So is it not a case in which the high court itself has given the erroneous decision. And who is the anonymous authority who disputes with R. Simeon? Should we say it is R. Meir? But he requires that a majority of the tribes have committed the same erroneous action for communal offerings to be presented, so it must be R. Judah. [In Judah’s view, then, only the tribe in question brings the offering, and that answers our question.]*
- E. *Say: here with what situation do we really deal? It is one in which six tribes have sinned, and they form the majority of the population of the entire community, and at hand is the position of R. Simeon b. Eleazar, for it has been taught on Tannaite authority: **“when the sin through which they incurred guilt becomes known, the congregation shall offer:”** R. Meir says, **“If seven tribes or the greater part thereof sinned, then the court brings on their account an ox, but all the others are exempt. For it is said here ‘congregation,’ and elsewhere as well [Lev. 4:13] ‘congregation’ occurs. Just as ‘congregation elsewhere refers to the court, the same meaning applies here.”**] R. Simeon b. Eleazar says in his name, **“If six sinned, and they form the majority of the population of the community, or seven, even though not a majority, lo, these are liable” [Sifra LII:II.10].***

F. *Come and take note:* [“...and they have brought their offering, an offering by fire to the Lord.” R. Josiah says, “If a tribe carried out an inadvertent sin on account of the instruction of its own court, and [following the model of that one tribe,] all the other tribes did the same, how do we know that all of them have to bring an offering on account of that one tribe? Scripture says, ‘...and they have brought their offering, an offering by fire to the Lord.’” [vs. T. **Hor. 1:8A-B**]. R. Jonathan says, “I know only that that tribe that committed the inadvertent sin on account of the instruction of its own court alone brings the offering. If a tribe has inadvertently sinned on account of the instruction of a high court, how do I know that all the other tribes bring an offering on its account? Scripture says, ‘...and they have brought their offering, an offering by fire to the Lord.’”]

R. Judah says, “In the case of a tribe that committed an inadvertent sin on account of the instruction of its own court, only that tribe is liable to bring the offering, but all the other tribes are exempt. If it committed an inadvertent sin on the instruction of the high court, that tribe brings the offering of the bullock, and all of the other tribes bring on its account [their required offering as well]. But what is it that they bring as their offering? Twelve bullocks.”

[R. Simeon ben Yohai says, “They bring thirteen.” For R. Simeon b. Yohai says, “One bullock covers the sin of the court.” Under what circumstances [does the court bring an offering under the specified circumstances]? In the case of all other religious duties [that have been violated by inadvertence on account of the instruction of a court to do what should not be done]. But in the case of idolatry, the obligation is incurred to bring a bullock and the obligation is incurred to bring a goat, a bullock as a burnt offering and a goat as a sin offering. That is why this passage is stated. The greater part of a tribe is equivalent to the whole of the tribe, the greater part of the community is equivalent to the whole of the community]. [Sifré Numbers CXI:IV.1]. *You may learn from [this statement of R. Judah that, it is Judah who requires the remaining tribes to present an offering even if only a single tribe sinned].*

G. *Said R. Ashi, “Our Mishnah-paragraph also takes the same view, for a close reading of the Tannaite formulation yields the following: **and that tribe [only] carried out their decision, that tribe is liable, and all the other tribes are exempt,**” [the words of R. Judah]. Now what need do I have in my Tannaite formulation for the language, **and all the other tribes are exempt?** For the Tannaite formulation has already said, **that tribe is liable,** and, since that usage is before us, we surely know as a matter of course that **all the other tribes are exempt!** So we are informed that **committed an inadvertent sin on account of the instruction of its own court, only that tribe is liable to bring the offering, but all the other tribes are exempt,** but if it acts on the instruction of the high court, then even the other tribes are liable to present offerings as well.”*

H. *That is decisive proof.*

II.2. A. *The question was raised: in R. Simeon’s opinion, if the law violation is done on the instructions of the high court, do they present an offering or not? [Jaffee: one*

tribe is both a minority of the tribal community and also a minority of the entire Israelite population, so can it be regarded as a community? If so, does the court bring an offering along with it?]

- B. *Come and take note [of the following Tannaite formulation]:* What do they present? A single bull. R. Simeon says, “Two bulls.”
- C. *With what case do we deal here? Should we say that seven tribes sinned? But then it says, Two bulls? What is required is, eight bulls! So we deal rather with a case in which one tribe has sinned. But under what circumstances has the sin taken place? Can it have been by reason of the instruction of its own court? But R. Simeon has no position on the matter [sharing as he does the consensus view that communal atonement takes place only when the high court has given the erroneous instructions]. So is it not a case in which the high court itself has given the erroneous decision.* [Simeon requires an offering of both the tribe and the court (Jaffee).]
- D. *But do you find that so reasonable? Then who is the anonymous authority in the same passage? If it were R. Meir, lo, he requires that a majority of the tribes have sinned, and if it were R. Judah, then in his view, all the other tribes also have to present offerings!*
- E. *Lo, who is the anonymous authority? It is R. Simeon b. Eleazar, and it is as has been taught on Tannaite authority [when a majority violates the law by reason of the court’s error, only the court presents the offering].*
- F. *Come and take note: **And sages say, “They [the community] are liable only by reason of an [erroneous] decision made by the high court alone.”*** Now who are these anonymous sages? Shall we say that it is R. Meir? But he requires a majority [if a communal offering is to be presented]. So isn’t this R. Simeon?
- G. That proves the point [a single tribe brings an offering along with the court].

- II.3.** A. *As to R. Judah and R. Simeon, who maintain that a single tribe may be classified as “the community,” where in Scripture do they find proof for their position?*
- B. *Say: as it is written [with reference to the tribe of Judah], “And Jehoshaphat stood amid the community of Judah and Jerusalem in the house of the Lord before the new square” (2Ch. 20: 5).*
 - C. *What is the meaning of new?*
 - D. Said R. Yohanan, “They innovated in the law, by ruling that one who has immersed on the selfsame day may not enter the camp of the Levites.” [This would represent a judicial error and so establish the usage in the required context.]
 - E. *R. Aha bar Jacob objected to this proof that a single tribe may be classified as “the community,” “How so? Maybe Jerusalem represents a special case, since it belonged also to Benjamin.”*
 - F. Rather said R. Aha bar Jacob, “As it is written, ‘And Jacob said to Joseph, El Shaddai appeared to me in Luz in the land of Canaan and blessed me, and he said to me, Indeed, I am about to make you fertile and will multiply you and will make of you a community of peoples’ (Gen. 48: 3-4). Now who was born to him at that time? It was Benjamin. That proves that the All-Merciful meant to state the

following: 'at this time another community — the tribe of Benjamin — is born to you.'"

- G. *Said R. Sheba to R. Kahana, "But perhaps this is the sense of what the All-Merciful said to him: 'When Benjamin is born to you, so that there will be twelve tribes, then and only then will you be called a community'!"*
- H. *He said to him, "But then is it the fact that twelve tribes are classified as a community but eleven are not? Hardly!"*

II.4. A. *It has been taught on Tannaite authority:*

- B. ["And the Lord said to Moses, 'Say to the people of Israel, "If any one sins unwittingly in any of the things which the Lord has commanded not to be done, and does any one of them, if it is the anointed priest who sins, thus bringing guilt on the people, then let him offer for the sin which he has committed] a young bull [without blemish to the Lord for a sin-offering:" Might one suppose that it may be superannuated? Scripture says, "young." Or might it then be not yet fully grown? Scripture says, "an ox." How so? It must be three years old, in accord with the words of sages. [And sages say, "A heifer is to be two years old, and a cow, three years old or four years old. R. Meir says, "Even one four or five years old is suitable, but people do not bring superannuated ones, out of respect" [M. **Par. 1:1C-E**]. R. Yosé the Galilean [T.: Rabbi] says, "[A bullock is to be two years old.] Why does Scripture say, 'A two year old bullock of the herd will you take for a purification-offering' (Num. 8: 8)? If it is to teach that they are two, lo, it has already been said, 'And he will prepare the one as a purification-offering [or: sin-offering] and the one as a whole-offering' (Num. 8:12). Rabbi says, "Why is it said, 'A two year old bullock of the herd will you take for a purification-offering' (Num. 8: 8)? If it is to teach that they are two, lo, it has already been said, 'And he will prepare the one as a purification-offering [or: sin-offering] and the one as a whole-offering' (Num. 8:12). But since it is said, 'And he will prepare the one as a purification-offering [or: sin-offering] and the one as a whole-offering' (Num. 8:12), one might suppose that the purification-offering takes precedence over the whole-offering in every aspect of the rite. Scripture says, 'And a second bullock of the herd you will take for a purification-offering.' Or: 'A second bullock of the herd will you take for a purification-offer' – might one think that the whole-offering should take precedence over the purification-offering in every aspect of the rite? Scripture says, 'And he will prepare the one as a purification-offering and the one as a whole-offering to the Lord' (Num. 8:12). How so? The blood of the purification-offering takes precedence over the blood of the whole-offering, because it appears before the Lord"] [=T. **Par. 1:2**, with minor variations in the wording].

R. Simeon says, "Why does Scripture say, 'And a second bullock of the herd will you take for the purification-offering' (Num. 8: 8)? If it is to teach that they are two, lo, it already has been said, 'And he will prepare the one as a purification-offering and the other as a whole-offering to the Lord' (Num. 8:12). [If so, why is it said, 'And a second bullock of the herd will you take for a purification-offering' (Num. 8: 8)?] Might one think that the

purification-offering is consumed by the Levites? Scripture says, ‘Second,’ meaning, second to the whole-offering. Just as the whole-offering is not eaten, [6A] so the purification-offering is not eaten” [T. Par. 1:3].

C. In like manner, said R. Yosé, “‘They that had come from the captives of the exile offered up whole-offerings to the God of Israel, twelve bullocks for all Israel, ninety-nine rams, seventy-seven lambs, and, as a purification-offering, twelve he goats, all this as a burnt-offering for the Lord’ (Ezra 8:35). Is it possible that the purification-offering is a burnt-offering? But just as the burnt-offering is not eaten, so the purification-offering is not eaten.”

D. [Bavli: *for it has been taught on Tannaite authority:*] And so did R. Judah say, “They brought them on account of idolatry” [T. Par. 1:4].

[R. Simeon says, “In every passage in the Torah in which ‘heifer’ is mentioned without further qualification, it means one a year old, and ‘a heifer and a lamb’ also are to be one year old’ (Lev. 9: 3). ‘Of the herd’ means it is to be two years old, as it is said, ‘Take for yourself a heifer of the herd for a purification-offering, and a ram for a burnt-offering which are unblemished’ (Lev. 9: 2). ‘Perfect’ in respect to years. [‘And perfect’ free of every sort of blemish.] [Sifra supplies: R. Meir says, “‘Ox’ without further specification is to be three years old.] Even one four years old, even one five years old, is suitable, but they do not bring old ones, because of honor owing to the altar”] [M. Par. 1:2D-F] [Sifra XXXVIII:I.1].

E. And said R. Judah said Samuel, “It was on account of the idolatry that they had carried out in the days of Zedekiah.”

F. *Now there is no problem in explaining matters in accord with the view of R. Judah. You would find a case in which they presented these twelve sin offerings, for instance in a case in which twelve tribes sinned, in which case they would present twelve he-goats, or also in a case in which seven tribes sinned, and the others were implicated in their obligation. From R. Simeon’s perspective, also, you would readily find such a case, for example, if eleven tribes sinned under erroneous instruction, in which case they present eleven offerings, and the twelfth comes from the court. But from R. Meir’s position, by which he maintains that the court presents an offering but the community does not, how would there be a case in which twelve are required?*

G. *You would find such a case in which they sinned and then went and sinned again, and did the same for a total of twelve occasions [so the court that gave them improper instructions provides twelve such offerings].*

H. *[But how can the matter involve Zedekiah, as Judah alleges,] when those who sinned in the time of Zedekiah had died by the advent of Ezra!*

I. *Said R. Pappa, “While it is a tradition, a sin offering the owners of which have died is left to die, that rule applies in the case of an individual, not in the case of the community, for the community never dies.”*

J. *How does R. Pappa know that fact? Should I say that it is in line with the verse, “Your sons shall take the place of your fathers” (Psa. 45:17)? If so, then even the individual also should be subject to the same principle. Rather, R. Pappa has drawn an inference from the rules covering the community offering of the goat for the New Month. The All-Merciful has*

required them to bring the money from the Temple budget. Now if some of the Israelites die between the time of the purchase, out of communal funds, and the time of the slaughter, and if the dead cannot make atonement, how can the survivors present the offering? It must follow that, so far as the community is concerned, a sin offering the owners of which have died nonetheless is offered.

- K. *But are the cases truly comparable, such that the goat of the New Month is classified along with the atonement offering presented by the exiles? In the brief interval of the former, maybe no one has died, but here, in the case of the exiles who atone for Zedekiah's generation's sin, they surely have died!*
- L. *Rather, the Scriptural basis for the position of R. Pappa derives from the following: "And all the elders of the city closest to the corpse shall say..., Make atonement for your people Israel whom you have redeemed, Lord, and do not set innocent blood in the midst of your people Israel" (Deu. 21: 6-8). This mode of atonement is suitable to serve to atone for those who made the Exodus from Egypt [and died prior to entering the Land, and Ezra's contemporaries likewise could atone for the sinners of Zedekiah's time].*
- M. *But since it is written, whom you have redeemed, are the cases truly comparable? In the case of Deu. 21: 6-8, the neglected corpse, all the elders of the city were present within the wilderness generation; when they made atonement for the living, they also made atonement for the deceased, whom they actually knew. But here, was anybody alive who could even remember Zedekiah's generation?*
- N. *Well, as a matter of fact, there was, for it is written, "And many of the priests, Levites, tribal chiefs, and elders who had seen the first Temple wept with a great cry" (Eze. 3:12).*
- O. *But maybe they were not a majority but only a minority [which cannot present a communal offering]!*
- P. *Not at all, they were a majority, for it is written, "And the people could not distinguish the cry of joy from the cry of the people's weeping...and the cry was heard from a great distance" (Eze. 3:13).*
- Q. *[But how could they make an offering for those who sinned in the time of Zedekiah,] for they violated the law intentionally, and could not atone for unintentional sin!*
- R. *It was an instruction for an emergency. And that stands to reason, for if you don't say so, then for what purpose were the **ninety-nine rams, seventy-seven lambs**? It must follow that it was an instruction for an emergency. Here too, [allowing intentional law violators to present offerings] was an instruction for an emergency.*

II.5. *A. It has been taught on Tannaite authority:*

- B. *If the court gave instructions in error but the members knew that they had erred and they retracted the ruling after the community had transgressed, but if one of*

the public has died before the offering was made, they are required to present it in any event. If one of the court died, they are exempt.

- C. *Who is the Tannaite authority behind this ruling?*
- D. *Said R. Hisda said R. Zira said R. Jeremiah said Rab, "It is R. Meir, who has said, 'It is the court that presents the offering, not the community. Therefore if one of the public has died before the offering was made, they are required to present it in any event. For lo, the court is still in existence. If one of the court died, they are exempt. For then you have the case of a sin offering one of the partners of which has died, and on that account, they are exempt.'"*
- E. *Objected R. Joseph, "But why not assign the statement to accord with the position of R. Simeon, who has said, 'The court presents the offering with the community. Therefore if one of the public has died before the offering was made, they are required to present it in any event. For lo, the community never dies. If one of the court died, they are exempt. That is as we have said, that here we have the case of a sin offering one of the partners of which has died, and on that account, they are exempt.'"*
- F. *Said to him Abbaye, "To the contrary, we have indeed heard the tradition attributed to R Simeon that .the case of a sin offering one of the partners of which has died is not left to die. For it has been taught on Tannaite authority: **The bullock and goat for the Day of Atonement which were lost, and one set apart other animals in their stead, and he did not suffice to offer them up before the animals first set aside were found — let them be set out to pasture until they suffer a blemish, then be sold, and their proceeds fall for a freewill-offering. For the sin-offering of the community is not put out to die. R. Judah says, "It is put out to die."** R. Eleazar and R. Simeon say, "It is put out to pasture, since a sin-offering of the community is not left to die" [T. Kippurim (=Yoma) 3:9]."*
- G. *Said to him R. Joseph, "But do you speak, of a case involving the priests? The priests form a separate category, since they themselves are classified as a community, for it is written, 'And the priest will make atonement on behalf of the priests and on behalf of all the people of the community' (Lev. 17:32-33)."*
- H. **[6B]** *Rather, they should bring a bull for having gone along with incorrect instructions [just like all the tribal communities]. And if you go along with this, then it must follow that R. Simeon would indicate more tribes [than the twelve, in addition to the court's bull].*
- I. *Rather, said R. Ab b. R. Jacob, "The tribe of Levi is not classified as a tribe at all, for it is written, 'Indeed, I am about to make you fertile, and I will multiply you and will make of you a community of peoples, and I will give you this land as an eternal possession' (Gen. 48: 4). All that have a possession is classified as a community, but whoever has no such possession, priests and Levites, is not classified as a community."*
- J. *If so, there are fewer than the requisite twelve tribes!*
- K. *Said Abbaye, "'Ephraim and Menasseh will be to me as Reuben and Simeon' (Gen. 48: 5)."* [They make up the required twelve.]

- L. *Said Raba, “But it is written, ‘By the name of their brothers shall they be called in their inheritance’ (Gen. 48: 6): the status as a community of their descendants is linked to the matter of inheritance, but to nothing else [so they are not counted as two tribes when it comes to atonement].”*
- M. *So they’re not comparable in any other matter, are they? But what about marching in formation in the wilderness [Num. 2:18-21], when they were divided under flags corresponding to the names by which they received their inheritance!*
- N. *That was to pay respect to the flags [and had no further implications]. For it has been taught on Tannaite authority: Solomon conducted seven days of dedication of the Temple [2Ch. 7: 9]. How come Moses conducted twelve days of dedication for the sanctuary in the wilderness [Num. 7:1-83]? It was so as to pay respect to the tribal chiefs.*
- O. *So what’s the upshot of all this?*
- P. *Come and take note:*
- Q. **“In case it is a chieftain who incurs guilt by doing unwittingly any of the things which by the commandment of the Lord his God ought not to be done, and he realizes his guilt – or the sin of which he is guilty is brought to his knowledge – he shall bring as his offering a male goat without blemish. He shall lay his hand upon the goat’s head, and it shall be slaughtered at the spot where the burnt-offering is slaughtered before the Lord; it is a sin-offering. The priest shall take with his finger some of the blood of the sin-offering and put it on the horns of the altar of burnt-offering; and the rest of its blood he shall pour out at the base of the altar of burnt-offering. All its fat he shall turn into smoke on the altar, like the fat of the sacrifice of well-being. Thus the priest shall make expiation on his behalf for his sin, and he shall be forgiven” (Lev. 4:22-26):] “...and it shall be slaughtered:” and not a beast declared to be its substitute. Elsewhere [Lev. 4:33] Scripture says, “and slaughter her,” not her offspring, nor a beast exchanged for her, nor a beast declared a substitute for her.**
- R. **[In this connection] R. Simeon would say, “Five animals designated as sin-offerings are left to die, the offspring of a sin-offering, the beast designated as a substitute for a sin-offering, the sin-offering the owner of his has died, also one the owner of which has achieved atonement through some other beast, and one that has become superannuated” [cf. M. [Tem. 2:2](#)].**
- S. **You cannot maintain that that is the case for the sin-offering designated in behalf of the community, for the community does not present a female beast, nor the beast designated as the substitute for a sin-offering for the community, for the community as such cannot effect an act of substitution, nor the sin-offering the owner of his has died in the case of the community, for the community as such cannot perish.**
- T. **As to the case of a sin-offering the owner of which has achieved atonement through use of some other beast and one that has become superannuated, is it possible that, in the case of beasts serving the community at large, this too is left to die?**
- U. **Can you say that that should not be the case?**

- V. **Let the answer covering those the rule for which has not been made explicit be derived from the rule governing those the rule for which has been made explicit.**
 - W. **The rule that is explicit governing the cases of the offspring of a sin-offering, the beast designated as a substitute for a sin-offering, and a sin-offering the owner of which has died, in the case of the individual, the rule applies, but it does not apply in the case of a beast designated for the obligation of the community.**
 - X. **As to the case of a sin-offering the owner of which has achieved atonement through use of some other beast and one that has become superannuated, there too, the rule applies, but it does not apply in the case of a beast designated for the obligation of the community [Sifra XLVI:III.3]**
 - Y. But do we draw an analogy from a case in which a communal offering is possible for a case in which such an offering is not possible?
 - Z. *R. Simeon derived all of the rules from a single source [that maintains that offerings of individuals and the community are treated as comparable].*
- I:1 presents a rich Tannaite recapitulation of the positions outlined in the attached Mishnah-paragraph, together with a secondary exploration of the scriptural proofs that are adduced. II:1-5 raise theoretical problems flowing from its Mishnah-rule.