

III

BABYLONIAN TALMUD TRACTATE HORAYOT CHAPTER THREE

FOLIOS 9B-14B

3:1-2

3:1

- A. An anointed [high] priest who sinned and afterward passed from his office as anointed high priest,
- B. and so a ruler who sinned and afterward passed from his position of greatness —
- C. the anointed [high] priest brings a bullock,
- D. and the patriarch brings a goat [M. 2:6].

3:2

- A. An anointed [high] priest who passed from his office as anointed high priest and then sinned,
- B. and so a ruler who passed from his position of greatness and then sinned —
- C. a high priest brings a bullock.
- D. But a ruler is like any ordinary person.

- I.1** A. *Now there is good reason to specify* An anointed [high] priest who passed from his office as anointed high priest and afterward sinned [10A] brings a bullock, for it is necessary to make explicit that the prior status governs his liability for transgression after he leaves office. But why does the Mishnah have to specify the case of an anointed [high] priest who passed from his office as anointed high priest and then sinned?
- B. *It was necessary to make that statement since the Tannaite formulation proceeds to make the point concerning the ruler, that when he leaves his position as ruler and then sins, he is classified as an ordinary person in connection with the offering that he presents, and it is on that account that the Tannaite formulation of the matter in connection with the anointed priest makes the point that an anointed [high] priest who passed from his office as anointed high priest and then sinned brings a bullock.*

- I.2.** A. *What is the source of this rule [that the anointed priest retains his prior status after he leaves office]?*
- B. *It is as has been taught on Tannaite authority:*
- C. **“[...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]:”**
- D. **This teaches that if he committed a sin after he passed from office, he brings a sin-offering on that account.**
- E. **But is not the opposite rule logical? If a chieftain, who brings an offering on account of an act of transgression that is performed inadvertently does not bring a sin-offering once he has passed from office, an anointed priest, who does not bring an offering on account of an act of transgression that is performed inadvertently, surely should not have to bring an offering for a sin committed once he has left office!**
- F. **[The possibility of a logical conclusion contrary to law is what make it necessary to appeal to Scripture, which states,] “[...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]:”**
- G. **This teaches that if he committed a sin after he passed from office, he brings a sin-offering on that account [Sifra XXXVII:II.1]**
- H. *But why not draw the same conclusion [The ruler should present an offering suited to the office even if he sins after giving up his office] for the ruler by means of an argument a fortiori, namely:*
- I. *if the anointed priest, who does not present a sin offering on account of an act of transgression, presents a sin offering for a sin committed after leaving office. A ruler, who does present a sin offering on account of an act of transgression, surely should present his sin offering as ruler even if he has committed his sin after leaving office!*
- J. *Scripture states, “When the ruler sins” (Lev. 4:22) — when he [sins while he] is ruler, then he makes the required offering, but not when he has sinned after ceasing to be ruler.*
- I:1 explains the Mishnah’s apparent repetition of a detail that is not needed, and II:1 shows us the scriptural foundations of the law.*

3:3

- A. **[If] they sinned before they were appointed, and then they were appointed,**
- B. **[when expiating the action committed prior to elevation to office,] lo, they are in the status of any ordinary person.**
- C. **R. Simeon says, “If [their sin] became known to them before they were appointed, they are liable.**
- D. **“But if it was after they were appointed, they are exempt.”**
- E. **(1) And who is a ruler? This is the king, as it is said, And does any one of all the things which the Lord his God has commanded not to be done (Lev. 4:22) —**

F. a ruler who has none above him except the Lord his God.

- I.1** A. *How on the basis of Scripture do we know [that if the anointed priest sinned prior to appointment to office, he presents the offering of an ordinary person]?*
- B. *It is as has our rabbis have taught on Tannaite authority:*
- C. **“...if it is the anointed priest who sins:”**
- D. **That serves to sins excluding those that were prior to his appointment.**
- E. **Why does Scripture say this? One might have thought that the anointed priest should bring offerings on account of sins that he committed prior to his anointing.**
- F. **And it indeed is a matter of logic that that should not be the case.**
- G. **If the chieftain, who brings an offering on account of the inadvertent commission of a sinful deed, does not have to bring an offering covering the sins committed prior to his inauguration, an anointed priest, who does not have to bring an offering on account of sins inadvertently committed in deed, should surely not have to bring an offering on account of sins committed prior to his anointing!**
- H. **No, if you have stated the rule in connection with the chieftain, who does not have to bring his sin-offering if he committed a sin after he passed from office, will you say the same of the anointed priest, who does have to bring his sin-offering if he committed a sin after he has passed from office?**
- I. **Since he does have to bring a sin-offering once the time for doing so has passed, he should also have to bring a sin-offering for prior sins.**
- J. **[Since logic produces the wrong conclusion,] Scripture says, “if it is the anointed priest who sins,” meaning, when he sins and has been anointed, he does so, but not when he sins while he is yet a common priest [Sifra XXXVI.1.2].**
- K. *So too it has been taught on Tannaite authority with respect to the ruler along these same lines, specifically:*
- L. **[“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)]: “...who incurs guilt:” excluding those sins that he committed prior to his appointment to office.**
- M. **Why does Scripture say this? One might have thought that the chieftain should bring offerings on account of sins that he committed prior to his coronation.**
- N. **And it indeed is a matter of logic that that should not be the case.**

- O. If the anointed priest, who brings an offering on account of a sin committed after he has left office, does not have to bring an offering covering the sins committed prior to his consecration, a chieftain, who does not have to bring an offering committed after he has left office, should surely not have to bring an offering on account of sins committed prior to his anointing!
- P. No, if you have stated the rule in connection with the anointed priest, who does not have to bring his sin-offering on account of a deed that he has inadvertently done in violation of a religious duty, will you say the same of the chieftain, who does have to bring his sin-offering on account of a deed that he has inadvertently done in violation of a religious duty?
- Q. Since he does have to bring a sin-offering on account of a deed that he has inadvertently done in violation of a religious duty, he should also have to bring a sin-offering for prior sins.
- R. [Since logic produces the wrong conclusion,] Scripture says, "...who incurs guilt:" meaning, when he sins and has been crowned, he does so, but not when he sins while he is yet a common person. [Sifra XLIV:I.3]

I.2. A. *Our rabbis have taught on Tannaite authority:*

- B. "...who incurs guilt:"
- C. Might one suppose that there is a decree concerning him that he should sin?
- D. Scripture says, "...who incurs guilt:"
- E. Just as elsewhere the sense is, When he incurs guilt, so here the sense is, When he incurs guilt [Sifra XLIV:I.4].

I.3. A. The master has just said, Might one suppose that there is a decree concerning him that he should sin:

- B. *Whence can you produce evidence of a decree that one sin?*
- C. *Say: Indeed, we find such a case in the following: "*
- D. *"And I shall put a leprous disease [in a house in the land of your possession]" (Lev. 14:34) –*
- E. Said R. Judah, "It is good news to them that plagues are going to come upon them."
- F. R. Simeon says, "'And I shall put a leprous disease' (Lev. 14:34) —
- G. "excluding diseases which come by accident" [Sifra CLV:I.4-5].
- H. Now has R. Judah not said, "It is good news..."? *Here too, say, it is a decree.*
- I. *Therefore the word "if" is written.* [Jaffee: to stress that neither he nor the ruler is under a decree to sin.]

J. *But in R. Simeon's view, do those plagues that come about by accident not impart uncleanness? And lo, it has been taught on Tannaite authority:*

- K. [JPS version: "The Lord spoke to Moses and Aaron, saying, When a person has on the skin of his body a swelling, rash, or discoloration, and it develops into a scaly affection on the skin of his body, it shall be reported to Aaron the priest or to one of his sons, the priests. The priest shall examine the affection on the skin of his body: if hair in the affected patch has turned white and the affection appears to be deeper than the skin of his body, it is a leprous affection; when the priest sees

it, he shall pronounce him unclean. But if it is a white discoloration on the skin of his body which does not appear to be deeper than the skin and the hair in it has not turned white, the priest shall isolate the affected person for seven days. On the seventh day the priest shall examine him, and if the affection has remained unchanged in color and the disease has not spread on the skin, the priest shall isolate him for another seven days. On the seventh day the priest shall examine him again. If the affection has faded and has not spread on the skin, the priest shall pronounce him clean. It is a rash; he shall wash his clothes and he shall be clean. But if the rash should spread on the skin after he has presented himself to the priest and been pronounced clean, he shall present himself again to the priest. And if the priest sees that the rash has spread on the skin, the priest shall pronounce him unclean; it is leprosy” (Lev. 13: 1-8). “When there will be” (Lev. 12: 2) –

- L. From the [time at which this law is] proclaimed [namely, Sinai] onward.
- M. And is it not logical?
- N. It [Scripture] has declared unclean with reference to those afflicted with flux [Lev. 15: 1ff.: Zabim] and has declared unclean with reference to plagues.
- O. Just as in the case of those afflicted with flux, it declared clear [such appearances of uncleanness as occurred] before the pronouncement [of the Torah], so in reference to plagues, it declared clear [such appearances of uncleanness as occurred] on them before the pronouncement.
- P. It [moreover] is an argument *a fortiori*:
- Q. If in the case of those afflicted with flux, whose uncleanness and uncleanness may be determined by anyone, it [Scripture] has declared free before the declaration, plagues, the uncleanness or cleanness of which may be declared only by a priest, is it not logical that it should declare them clear before the declaration?
- R. No. If you have so stated concerning those afflicted with flux, whom it [Scripture] did not declare unclean when [the flux is] under constraint [accidental, but not deliberately caused], will you say so concerning plague, which is declared unclean [even when the uncleanness is] under constraint [or accidental]?
- S. Since is declared unclean [even when the uncleanness is] under constraint [accidental], will it declare them clear [insusceptible to uncleanness] before the pronouncement [of the Scriptural law]? [For there is no component of the category of uncleanness that depends upon one’s individual action or will, hence whether or not the Torah had been revealed and accepted, the genus of uncleanness at hand will have proved affective. So there is a good reason for supposing that even prior to the revelation of the Torah, plagues should have been held to be unclean. Only Scripture can reject that proposition.]

- T. Therefore Scripture says, “When it well be,” meaning, from the pronouncement [at Sinai] and onward Sifra CXXVII:II.1
- U. Raba said, “[In Simeon’s view, all such skin ailments are unclean] except for the skin ailments caused by spirits.”
- V. R. Pappa said, “[In Simeon’s view, all such skin ailments are unclean] except for the skin ailments caused by sorcerers.”

To Be a Ruler is to be a Slave. The Ruler Who Sins.

“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” (Lev. 4:22)

I.4. A. Our rabbis have taught on Tannaite authority:

- B. “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” (Lev. 4:22) — excluding the one who is ill.
- C. *Well, now, just because he is sick, do they remove him from office?*
- D. Said R. Abdimi bar Hama, “[‘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’ (Lev. 4:22)] — excluding a ruler who suffered from the skin ailment, for it is said, ‘Now the Lord afflicted the king and he became a leper until the day of his death and lived in a sequestered dwelling, and Jotham, the king’s son, supervised the household’ (2Ki. 15: 5).”
- E. *Since Scripture speaks of “a sequestered dwelling,” is it to be inferred that during this period he was servant [of the people and had to bring the ruler’s sin offering]?*
- F. *It is in accord with the incident involving Rabban Gamaliel and R. Joshua. They were traveling on a ship. Rabban Gamaliel had bread with him, and R. Joshua had bread and flour [knowing that it would be a long trip, he had brought ample supplies]. When Rabban Gamaliel’s bread ran out, he relied upon R. Joshua’s flour.*
- G. He said to him, “There is a certain star that appears every seventy years and misleads the sailors in their calculations, so I said to myself, ‘Maybe it will appear during our journey and mislead the navigators for our ship.’”
- H. He said to him, “With so much wisdom at hand, do you board ships [and travel to make a living].”
- I. He said to him, “Before expressing surprise about me, you should find amazing the situations of two disciples whom you have on dry land, R. Eleazar Hisma and R. Yohanan b. Gudgeda, who know how to calculate how many drops of water are in the sea, but have no bread to eat nor garment to wear.”
- J. He considered seating them at the head [of the disciples]. When he disembarked, he sent for them but [out of modesty] they did not come. He went and sent word again, and they came. He said to them, “It appears to you that in summoning you for this promotion, I am handing over to you great authority, but in fact, **[10B]**

what I am handing over to you is servitude, for it is said, ‘And they spoke to him, saying, If today you will be a servant of this people...’ (1Ki. 12: 7).”

I.5. A. *Our rabbis have taught on Tannaite authority:*

- B. **“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” (Lev. 4:22) —**
- C. **Said Rabban Yohanan ben Zakkai, “Happy is the generation, the ruler of which brings an offering for sinning inadvertently. If the ruler brings an offering, do you have to ask about ordinary folk? And if he brings an offering for an inadvertent sin, do you have to ask what he will do in the case of one that he does deliberately?” [T. B.Q. 7:5].**
- D. *Objected Raba b. Rabbah, “Well, then, what about the following verse: ‘And that which he defiled of the holy thing he must repay’ (Lev. 5:16)! [By this reasoning the generation should also be happy when someone defiles a holy thing]. And of Jeroboam b. Naboth it is written, “That he sinned and that he caused Israel to sin’ (1Ki. 14:16). Here too, is this a generation that is happy?”*
- E. *This case is special, since Scripture has changed its usual manner of saying things [using ‘if’ rather than ‘when,’ as in, ‘in case it is...,’ and that bears a special meaning].”*

**Reward and Punishment in This World and in the Next.
The Righteous and the Wicked**

- I.6.** A. *Expounded R. Nahman bar Hisda, “What is the meaning of the verse of Scripture, ‘There is a vanity that occurs on the earth, for there are the righteous who receive what is appropriate to the deeds of the wicked, and there are the wicked who receive what is appropriate to the deeds of the righteous’ (Qoh. 8:14). Happy are the righteous, for in this world they undergo what in the world to come is assigned as recompense for the deeds of the wicked, and woe is the wicked, for in this world they enjoy the fruits of what is assigned in the world to come to the deeds of the righteous.”*
- B. *Said Raba, “So if the righteous enjoy both worlds, would that be so bad for them?”*
- C. *Rather, said Raba, “Happy are the righteous, for in this world they get what is set aside for the deeds of the wicked in this world, and woe to the wicked, for in this world they get what is assigned for the deeds of the righteous in this world.”*
- D. *R. Pappa and R. Huna b. R. Joshua came before Raba. He said to them, “Have you mastered such and such tractate and such and such tractate?”*
- E. *They said to him, “Yes.”*
- F. *“Have you gotten a bit richer?”*
- G. *They said to him, “Yes, because we bought a little piece of land.”*
- H. *He recited in their regard, Happy are the righteous, for in this world they undergo what in the world to come is assigned as recompense for the deeds of the wicked.*

The Case of Lot and Abraham

- I.7.** A. *Said Rabbah bar bar Hannah said R. Yohanan, “What is the meaning of the verse of Scripture, ‘For the paths of the Lord are straight, that the righteous shall pass along them, but the transgressors will stumble in them’ (Hos. 14:10)? The matter may be compared to the case of two men who roasted their Passover offerings. One of them ate it for the sake of performing the religious duty, and the other one ate it to stuff himself with a big meal. The one who ate it for the sake of performing a religious duty — ‘the righteous shall pass along them.’ And as to the one who ate it to stuff himself with a big meal — ‘but the transgressors will stumble in them’”*
- B. *Said to him R. Simeon b. Laqish, “But do you really call him a wicked person? Granted that he did not carry out a religious duty in the best possible way, still, has he not eaten his Passover offering as he is supposed to? Rather, the matter may be compared to the case of two men. This one has his wife and sister with him in the house, and that one has his wife and his sister with him in the house. One of them had a sexual encounter with his wife, while the other had a sexual encounter with his sister. The one who had the sexual encounter with his wife — ‘the righteous shall pass along them.’ And as to the one who had a sexual encounter with his sister. — ‘but the transgressors will stumble in them’”*
- C. *But are the cases comparable to the verse of Scripture? Scripture speaks of a single path in which righteous and wicked walk, but here there are two paths [one being legal the other not]. Rather, the matter may be compared to the case of Lot and his two daughters. Those who had sexual relations to carry out a religious duty [to be fruitful and multiply] — “the righteous shall pass along them.” And As to the one who had sexual relations in order to perform a transgression — “but the transgressors will stumble in them”*
- D. *But maybe he too had in mind to fulfill the commandment?*
- E. *Said R. Yohanan, “The entire verse of Scripture is formulated to express the intention of committing a transgression, as it is said, ‘And Lot lifted his eyes and saw the entire plain of the Jordan that it was well watered’ (Gen. 13:10).*
- F. *“[The sense of ‘lifted’ derives from, ‘And his master’s wife lifted her eyes toward Joseph and said, Lay with me’ (Gen. 39: 7).*
- G. *“...his eyes...’ ‘And Samson said, Take her for me, as she is beautiful in my eyes’ (Jud. 14: 3).*
- H. *“‘And saw...’ ‘And Shekhem, son of Hamor...saw her and took her and lay with her and abused her’ (Gen. 34: 2).*
- I. *“‘the entire plain of the Jordan...’ ‘For a whore can be had for the price of a loaf of bread’ (Pro. 6:26). [The Hebrew words for plain and loaf being the same.]*
- J. *“‘that it was well watered...’ ‘I will go after my lovers, who provide my bread and water, my wool and flax, my oil and my drink’ (Hos. 2: 7).”*
- K. *But wasn’t he drunk anyhow, so he really was forced into the act!*
- L. *A Tannaite statement in the name of R. Yosé b. R. Honi, “Why are there dots about the word ‘and’ in the verse, ‘and when the elder daughter arose’ (Gen. 19:33)? It tells you that when she lay down with him, he didn’t know what was going on, but when she got up, he knew.”*

- M. *So what was he supposed to do? What was was.*
- N. *The point is that the next night, he shouldn't have gotten drunk [to get involved with the younger daughter.*

- I.8.** A. Rabbah expounded, “What is the meaning of the verse of Scripture: ‘A brother offended the mighty city, and contention is like the bars of a castle’ (Pro. 18:19)?
- B. “‘A brother offended the mighty city:’ this refers to Lot, who took his leave from Abraham in order to sin with his daughters.
 - C. “‘and contention is like the bars of a castle:’ by siring Moab and Ben Ammi with his daughters, Lot made contention between Israel and Amon, ‘Neither an Amonite [driving from Ben Ammi] nor a Moabite shall come into the community of the Lord’ (Deu. 23: 4).”

- I.9.** A. *Raba, or some say, R. Isaac, expounded, “What is the meaning of the verse of Scripture: ‘To lust is a separatist drawn, and of any wisdom will be be contemptuous’ (Pro. 18: 1)?*
- B. “‘To lust is a separatist drawn:’ this refers to Lot, who took his leave from Abraham.
 - C. “‘and of any wisdom will be be contemptuous:’ for his shame was revealed in synagogues and in houses of study, *as we have learned in the Mishnah: The male Ammonite and Moabite are prohibited [from entering the congregation of the Lord (Deu. 23: 4)], and the prohibition concerning them is forever [M. Yeb. 8:3].*

The Case of Tamar and Zimri

- I.10.** A. And said Ulla, “Tamar committed an act of prostitution, and Zimri committed an act of prostitution.
- B. “Tamar committed an act of prostitution, and there went forth from her kings and prophets.
 - C. “Zimri committed an act of prostitution, and how many myriads of Israel fell in consequence.”

The Importance of the Right Attitude

- I.11.** A. Said R. Nahman bar Isaac, “A transgression committed for its own sake, in a sincere spirit, is greater in value than a religious duty carried out not for its own sake, but in a spirit of insincerity.
- B. “For it is said, ‘May Yael, wife of Hever the Kenite, be blessed above women, above women in the tent may she be blessed’ (Jud. 5:24).
 - C. “Now who are these women in the tent? They are none other than Sarah, Rebecca, Rachel, and Leah.” [The murder she committed gained more merit than the matriarchs great deeds (Jaffee).]
 - D. *But is this really true that a transgression committed for its own sake, in a sincere spirit, is greater in value than a religious duty carried out not for its own sake, but in a spirit of insincerity. And did not R. Judah say Rab said, “A person should always be occupied in study of the Torah and in practice of the commandments, even if this is not for its own sake [but in a spirit of insincerity], for out of doing these things not for their own sake, a proper spirit of doing them for their own sake will emerge”?*

- E. Say: it is equivalent to doing them not for their own sake.
- F. [As to Sisera, whom Yael killed,] said R. Yohanan, “That wicked man at that time had sexual relations with her seven times: ‘Between her legs he knelt, dropped and lay, between her legs he knelt, dropped, and as he knelt there, he fell exhausted’ (Jud. 5:27).”
- G. Well, then, she must have had a great time from the sin!
- H. Said R. Yohanan in the name of R. Simeon b. Yohai, “Even an act of pleasure deriving from a wicked man is disgusting to the righteous.”

I.12. A. Said R. Judah said Rab, “A person should always be occupied in study of the Torah and in practice of the commandments, even if this is not for its own sake [but in a spirit of insincerity], for out of doing these things not for their own sake, a proper spirit of doing them for their own sake will emerge.”

- B. For as a reward for the forty-two offerings that were presented by the wicked Balak to force Balaam to curse Israel, he was deemed worthy that Ruth should descend from him.
- C. For said R. Yosé b. R. Hanina, “Ruth was the grand daughter of Eglon, the grandson of Balak, king of Moab.”
- D. [With regard to the name, Moab, meaning, “from father,”] said R. Hiyya bar Abba said R. Yohanan, “How do we know that the Holy One, blessed be he, does not hold back the reward even for so minor a matter as fastidious speech? *From this point, for note that the first born called her son Moab, so the All-Merciful said to Moses, ‘Do not contend with Moab or engage them in battle’ (Deu. 2: 9). So they may not do battle with them, [11A] but they may harass them in other ways. But in the case of the younger daughter, who called her son, ‘Ben Ami’ (son of my people), the All-Merciful said, ‘When you draw near the children of Amon, do not contend with them and do not engage them’ (Deu. 2:19) — in any way at all, even by harassing them.*”
- E. Said R. Hiyya bar Abin said R. Joshua b. Qorha, “A person should always get to carry out a religious duty first, for as a reward for the one night that the first born took over the younger daughter, she gained zekhut such that her descendants would precede those of her sister to Israel’s kingship by four generations” [Oved, Jesse, David, and Solomon; the first Amonite to ascend the throne was Rehoboam, Solomon’s son by an Amonite woman (Jaffee)].

The following composite opens with an exposition necessary for the clarification of Simeon’s principle that officials who after assuming office discover they have committed sins before hand are exempt. No. 2 depends upon the result of No. 1.

- II.1** A. [Supply: R. Simeon says, “If [their sin] became known to them before they were appointed, they are liable. But if it was after they were appointed, they are exempt:”] *Our rabbis have taught on Tannaite authority:*
- B. [“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 guilty is brought to his knowledge — he shall bring a female goat without blemish as his offering for the sin of which he is guilty. He shall lay his hand upon the head of the sin-offering, and the sin-offering shall be slaughtered at the place of the burnt-

offering. The priest shall take with his finger some of its blood and put it on the horns of the altar of burnt-offering; and all the rest of its blood he shall pour out at the base of the altar. He shall remove all its fat, just as the fat is removed from the sacrifice of well-being; and the priest shall turn it into smoke on the altar, for a pleasing odor to the Lord. Thus the priest shall make expiation for him, and he shall be forgiven.” (Lev. 4:27-31).] “...from among the populace:”

- C. excluding the chieftain.
- D. “...from among the populace:”
- E. excluding the anointed priest.
- F. But can you not say that the anointed priest has already been singled out for liability to bringing a bullock, and the chieftain to bringing a goat?
- G. One might have maintained that on account of something’s being hidden along with a deed done inadvertently, he [the anointed high priest] brings a bullock, but on account of a deed done inadvertently [alone] he brings a ewe or a she-goat [that is to say, we speak of a case of ignorance of the law accompanied by an error in action, but where there was error in action alone, he brings a lamb or a she-goat as a layman],
- H. so, [to forestall that possible conclusion,] Scripture says, “...from among the populace:”
- I. excluding the chieftain.
- J. “...from among the populace:”
- K. excluding the anointed priest [Sifra XLIX:I.4]
- L. *Well, that argument serves well enough for the anointed priest [who is not analogous to an ordinary person, since he does not ever have to bring an offering for an error of commission alone (Jaffee)], but the ruler does bring an offering for an error of commission alone, just like an ordinary person [so why make reference to the ruler]?*
- M. *Said R. Zebid in the name of Raba, “Here with what case do we deal? It is one in which he ate an olive’s bulk of suet when he was an ordinary person, then was appointed, and afterward he realized what had happened. Now it might have entered your mind to suppose that he should bring a ewe or a she-goat. So we are informed to the contrary.”*
- N. *That poses no problem from the perspective of R. Simeon, who defines the operative criterion for defining one’s status as to the presentation of an offering as the moment at which the realization of what has happened takes place. But from the perspective of rabbis, who define as the criterion the status of the person at the time that the sin itself takes place, what is to be said?*
- O. *Rather, said R. Zebid in the name of Raba, “Here with what case do we deal? It is one in which he ate a half-olive’s bulk of suet when he was an ordinary person, then was appointed, and then he finished eating the other half, and afterward he realized what had happened. Now it might have entered your mind to suppose that the two half olive’s bulks should be deemed to join together to form the requisite volume for culpability, so that he should bring a ewe or a she-goat. So we are informed to the contrary.”*

II.2. A. *Raba asked R. Nahman, “What is the law on the office of ruler’s interrupting [one’s continuity of status, so that when he rises to office, he is no longer culpable for transgression]? How is such a case to be envisioned? For example, he ate a half-olive’s bulk of suet when he was an ordinary person, then was appointed, and he violated the law and finished eating the other half. It would be in that case in particular that there is no joining together of the two components of the requisite volume for culpability], for he ate half when he was an ordinary person and half when he was ruler. But here, in which case both parts of the requisite volume were eaten when he was an ordinary person, the two parts join together. Or perhaps there is no difference, So what is the upshot?”*

B. *[He said to him,] “Solve the problem on the basis of what Ulla said R. Yohanan said, ‘If someone ate suet and designated an offering, but then apostatized, but then retracted — once the use of the animal designated as an offering was set aside by his apostasy, it remains renounced [even when he recants].’” [Jaffee: the changes in the person’s legal status — Israelite, apostate, penitent — negate his responsibility to bring an offering for sins committed prior to his return. The penitent has entered a legal category different from the one he enjoyed in his original status. So too, the former ruler is not in all respects identical to a simple commoner. Therefore he is absolved of responsibility for transgressions committed prior to his assumption of office.]*

C. *[He said to him,] “But how are the cases all that analogous! An apostate is not subject to the possibility of presenting an offering at all, while this party is most certainly subject to the possibility of presenting an offering.”*

II.3. A. *R. Zira addressed this question to R. Sheshet: “If when he was an ordinary person, he ate something that may or may not have been suet, and then he was appointed, and then the matter in doubt was discovered, what is the law? Now that is no problem from the perspective of rabbis, who define as the criterion the status of the person at the time that the sin itself takes place, for from their viewpoint he would most certainly bring a suspensive guilt offering. But where there is a problem, it is from the perspective of R. Simeon. Since, so far as certainty that the law has been violated, his status has changed [the ruler offers a male goat, the commoner, a female], should his status be deemed to change in a case of doubt such as this [so that he would be exempt from atoning for possible violations of the law that he carried out as an ordinary person]? Or perhaps, when the change of status of the ruler changes, it changes, from R. Simeon’s view, in respect to a law violation that has certainly taken place, and that is because the character of his offering changes, from a female of the flock to a male goat. But in our case, his status has not changed from that of an ordinary person, a ram being owed, so should I conclude that he therefore brings a suspended guilt offering [as ruler, when he discovers he might have violated the law as an ordinary person]?”*

B. *The question stands.*

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

B. **“...from among the populace:”**

C. **excluding an apostate.**

- D. 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, such a one then being liable to an offering, 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,] so he does not present an offering by reason of his inadvertent transgression of the law” [Sifra XLIX:II.1].
- E. *What is at issue between the anonymous exegete and R. Simeon?*
- F. *Said R. Hammuna, “At issue between them is the case of an apostate with respect to the prohibition against eating suet, who brings an offering by reason of having eaten the blood [which he concedes is prohibited by the Torah, the apostasy extending only to the suet itself]. The one authority maintains that since he has declared himself an apostate with respect to the prohibition against eating suet, he also is deemed an apostate with respect to the prohibition as to blood, and the other master maintains that, so far as the blood is concerned, nonetheless, he has reverted to the proper attitude.”*
- G. *But lo, Raba said, “All parties concur that a person who takes up a position of apostasy with respect to eating the suet [and denies that prohibition] is not deemed an apostate so far as eating the blood. But here, we deal with a dispute concerning a case of one who eats carrion by reason of appetite [and not for theological reasons of spite]. What has happened is that he mistook the carrion for permitted fat and ate that. The one authority maintains that since he ate the fat by reason of appetite, doing so deliberately, he is in the status of an apostate, and the other authority takes the view that, since, if he had found permitted meat., he would not have eaten forbidden meat, he is not deemed an apostate, [and therefore presents an offering to atone for his transgression.” [Jaffee: since Simeon defines a renouncer by his intention, he will rule that a person in the throes of a perverse desire is not regarded as a renouncer and so may bring an offering in atonement for inadvertent transgression.]*

II.5. A. *Our rabbis have taught on Tannaite authority:*

- B. **If one ate suet, that is the definition of an apostate.**
- C. **Who is an apostate?**
- D. **[If] he ate carrion and *terefah-meat*, abominations and creeping things —**
- E. **if he drank libation wine —**
- F. **R. Judah says, “Also he who is clothed in mixed species [wool and linen]”**
- D. **[T. adds:] R. Simeon b. Eleazar says, “Also he who does something after which his impulse does not lust [is an apostate]” [T. **Hor. 1:5A-G**, revised to conform to Bavli’s wording].**

II.6. A. **The master has said: If one ate suet, that is the definition of an apostate. Who is an apostate? [If] he ate carrion and *terefah-meat*, abominations and creeping things... *What is the sense of this statement?***

- B. *Said Rabbah bar bar Hannah said R. Yohanan, “This is the sense of this statement: ‘If one ate suet by reason of appetite, lo, such a one is an apostate. If he did so for spite, lo, such a one is a Sadducee. And what is the definition of an apostate who without further articulation is classed as a Sadducee? You must say, this is one who eats carrion and terefah-meat, abominations and creeping things, and drank libation wine.’”*

II.7. A. R. Yosé b. R. Judah says, “Also he who is clothed in mixed species [wool and linen]:”

- B. *What is at issue [between this addition to the list and one who omits the item from the definition]?*
- C. *At issue between them is the case of mixed species as defined merely by the authority of rabbis [but not in the Torah]. The one authority maintains that, if a violation is defined by the law of the Torah, such a one may be classed as an apostate, but if it is only by the decrees of rabbis, such a one is not classed as an apostate. And the other authority maintains that, as to mixed species, since the prohibition is carried on in public, even if the definition of the prohibition derives only from the authority of rabbis, such a one is still an apostate.*

II.8. A. R. Aha and Rabina differed in this matter: one said that if one ate by reason of appetite, he is an apostate, but if he did so out of spite, he is classed as a Sadducee. The other said, if he did it out of spite, he is also classed as an apostate.

- B. *Then what is the definition of a Sadducee? It is any that worships idolatry.*
- C. *An objection was raised: if one ate only a single flea or a single gnat, he is classed as an apostate. Now here is surely a case in which the action was taken solely for spite, and yet the person is classed as an apostate!*
- D. *There we deal with a case in which the man said, “I am going to taste the flavor of what is prohibited” [in which case this is by reason of appetite].*

III.1 A. And who is a ruler? This is the king, as it is said, And does any one of all the things which the Lord his God has commanded not to be done (Lev. 4:22) — a ruler who has none above him except the Lord his God: Our rabbis have taught on Tannaite authority:

- B. **[“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)]: “A chieftain:”**

- C. might one suppose that it is a chieftain of tribes, such as Nachshon ben Aminadab?
- D. Scripture says, “by doing unwittingly any of the things which by the commandment of the Lord his God ought not to be done,”
- E. and further, “Let it remain with him and let him read in it all his life, so that he may learn to revere the Lord his God, to observe faithfully every word of this Torah as well as these laws” (Deu. 17:19).
- F. **[11B]** Just as “his God’ stated in that passage refers to a chieftain above whom is the authority only of the Lord his God, so “his God” stated here refers to a chieftain above whom is the authority only of the Lord his God [Sifra XLIV:I.2].

- III.2.** A. Rabbi asked R. Hiyya, “What about me? Do I present a he-goat [as undisputed ruler]?”
- B. He said to him, “Lo, you have your rival [Hebrew: “co-wife”] in Babylonia.”
- C. *An objection was raised: [If there is] a ruler of Israel [and] one from the House of David — This one brings an offering on his own account, and that one brings an offering on his own account [T. Hor. 2:2B-C].*
- D. *He said to him, “But in that case, they were not subordinate to one another, but now we in the Land of Israel are subordinate to them!”*
- E. *R. Safra repeated the Tannaite formulation in the following way: “Rabbi asked R. Hiyya, ‘What about me? Do I present a he-goat [as undisputed ruler]?’*
- F. *“He said to him, ‘There they have the rod of domination, but here, we have the staff of the law [so authority is divided].”*
- G. *And it has been taught on Tannaite authority:*
- H. *“The scepter shall not depart from Judah” (Gen. 49:10) speaks of the exilarchs of Babylonia, who govern Israel with the authority of the scepter [officially, by right].*
- I. *“And a lawgiver” (Gen. 49:10) speaks of the grandsons of Hillel in the Land of Israel, who [merely] teach Torah in public [but do not have autonomous standing as a government, being merely Roman agents].*

The outline in Chapter Four describes this complex set of composites and accounts for its structure and order.

3:4

- A. (2) Who is the anointed [high priest]? It is the one who is anointed with the anointing oil, not the one who is dedicated by many garments.
- B. There is no difference between the high priest who is anointed with anointing oil, and the one who is dedicated with many garments, except for [the latter’s obligation to bring] the bullock which is brought because of the [violation] of any of the commandments.
- C. There is no difference between a [high] priest presently in service and a priest [who served] in the past except for the [bringing of] the bullock of the Day of Atonement and the tenth of an ephah.
- D. (1) This one and that one are equivalent in regard to the service on the Day of Atonement.

- E. (2) And they are commanded concerning [marrying] a virgin. And they are forbidden to [marry] a widow.
- F. (3) And they are not to contract corpse uncleanness on account of the death of their close relatives.
- G. (4) Nor do they mess up their hair.
- H. (5) Nor do they tear their clothes [on the occasion of a death in the family].
- I. (6) And [on account of their death] they bring back a manslayer.

I.1. A. [Who is the anointed [high priest]? It is the one who is anointed with the anointing oil:] *Our rabbis have taught on Tannaite authority:*

- B. “In the anointing oil that Moses made in the wilderness they would boil aromatic roots,” the words of R. Judah.
- C. R. Yosé said, “Is it not the fact that it scarcely sufficed to dampen the roots? Rather, they soak the roots in water and pour oil on top, which absorbs and retains the aroma.”
- D. Said to him R. Judah, “But was only one miracle carried out with the anointing oil? And is it not the fact that, to begin with, there were only twelve logs of oil, yet the Tabernacle and its equipment were anointed with it, so too Aaron and his sons for the entire seven days of consecration, and yet all of it still exists for the Messiah in the future: ‘This shall be my holy anointing oil throughout your generations’ (Exo. 30:31).”
- E. *It has further been taught on Tannaite authority:*
- F. “Then Moses took the anointing oil”:
- G. R. Judah says, “With the anointing oil which Moses made in the wilderness miracles were done from beginning to end.
- H. “For at the outset there were only twelve *logs*, as it is said, ‘and of olive oil a hin...’ (Exo. 30:24).
- I. “Now if there was not sufficient oil for putting oil on the wood, how much the more so that the oil was insufficient for anything else!
- J. “And yet the fire fed on it, the wood fed on it, the pot fed on it, with it were anointed the tabernacle and all its utensils, the table and all its utensils, the lampstand and all its utensils.
- K. “With it were anointed Aaron and his sons for all seven days of consecration.
- L. “With it were anointed high priests and kings. [And yet it sufficed for all those purposes!]”
- M. But even a high priest who is son of a high priest requires anointing.
- N. [A king anointed at the outset of a dynasty requires anointing.] But the son of an anointed king does not.
- O. Why was Solomon anointed at all? Because of the struggle with Adonijah, Joahaz because of Jehoiakim, who was two years older than he.
- P. Yet all of the anointing oil remains for the world to come,
- Q. as it is said, “A holy anointing oil it shall be” (Exo. 30:25).
- R. This is for me for all your generations [Sifra XCVIII:IV.3-5].

[Tosefta Sanhedrin 4:11 gives the following version: **They anoint kings only on account of civil strife. Why did they anoint Solomon? Because of the strife of Adonijah. And Jehu? Because of Joram. And Joash? Because of Athaliah. And Jehoahaz? Because of Jehoiakim his brother, who was two years older than he. A king requires anointing, [but] a son of a king does not require anointing. A high priest, son of a high priest, even up to the tenth generation, [nonetheless] requires anointing. And they anoint kings only from a horn. Saul and Jehu were anointed from a flask, because their rule was destined to be broken. David and Solomon were anointed from a horn, because their dominion is an eternal dominion.**]

S. [Judah assumes there were twelve logs of oil, because] the numerical value of the letters for the Hebrew word, “this” [at Exo. 30:31] is twelve.

I.2. A. The master has said: **But even a high priest who is son of a high priest requires anointing.**

B. *How do on the basis of Scripture do we know that fact?*

C. As it is written, “And the anointed priest who replaces him from among his sons...” (Lev. 6:15). *What is the point of “anointed” here? So we are informed with reference to the sons of the high priest, that if the latter was anointed, the former is high priest, but if not, he does not become high priest.*

I.3. A. The master has said: **[A king anointed at the outset of a dynasty requires anointing.] But the son of an anointed king does not.**

B. *How do on the basis of Scripture do we know that fact?*

C. Said R. Aha bar Jacob, “Since it is written, ‘So that he will lengthen his days over his kingdom, he and his sons among Israel’ (Deu. 17:20) — it is an inheritance for you [Israel].”

I.4. A. **[Why was Solomon anointed at all? Because of the struggle with Adonijah:]** *Then how do we know that when there is a dispute about the succession, anointing is required, so that just anybody who wants to grab the monarchy can leave the throne to his sons?*

B. Said R. Pappa, “Said Scripture, ‘he and his sons among Israel’ (Deu. 17:20) — when there is peace in Israel, we invoke the language, ‘he and his sons among Israel’ (Deu. 17:20), even without anointing.”

I.5. A. *A Tannaite statement: even Jehu b. Nimshi was anointed only because of the contention of Joram [2Ki. 9: 1-28].*

B. *But why not explain that he was anointed because he was the first of his line to occupy the throne and was not son of a king?*

C. *The wording of the statement is flawed, and this is how the Tannaite statement should be set forth:*

D. Kings of the House of David are anointed [whether or not their fathers were, but kings of Israel who are not of the house of David are not anointed. As to Jehu b. Nimshi [who was not of the House of David], he was anointed only because of the contention of Joram.

I.6. A. *How on the basis of Scripture do we know that only kings of the House of David are anointed?*

- B. Said Raba, "Said Scripture, 'Arise, anoint him, for this is the one' (1Sa. 16:12) — this is the dynasty that has to be anointed, but no other gets to be anointed."

I.7. A. The master has said, even Jehu b. Nimshi was anointed only because of the contention of Joram:

B. So because of the contention of Joram b. Ahab shall we commit sacrilege against the oil [which should not otherwise have been used for such a purpose]?

C. *It is in accord with what R. Pappa said, "It was only with pure oil of balsam [not sanctified olive oil (Jaffee)]. Here too, it was with pure balsam.*

I.8. A. **Joahaz because of Jehoiakim, who was two years older than he:**

B. *But was he really older than he? And is it not written, "Now the sons of Joash were: the first born, Yohanan; the second, Jehoiakim, the third, Zedekiah, the fourth, Shallum" (1Ch. 3:15). And said R. Yohanan, "Shallum and Zedekiah were one and the same person, and Yohanan and Jehoahaz were one and the same person."*

C. In point of fact, Jehoiakim was the older, *for what is the meaning of "first born" here? It means, "first in the succession to the throne" [but not older].*

D. *Sure, but then do the younger heirs to the throne take precedence over the older ones? In point of fact the opposite is stated in context: "And their father gave them many gifts, but the kingdom he gave to Joram, for he was firstborn" (2Ch. 21: 3).*

E. But Joram filled the place of his fathers, while Jehoiakim did not fill the place of his fathers [but transgressed the Torah]. [Jaffee: since Jehoiakim proved unsuitable, the term firstborn applied to him describes the order of his succession, not that of his birth.

I.9. A. The master has said: Shallum and Zedekiah were one and the same person, and Yohanan and Jehoahaz were one and the same person.

B. *But are they not reckoned individually, since it is written, "the third, Zedekiah, the fourth, Shallum"?*

C. *What is the meaning of "third"? Third of the sons. And what is the meaning of the fourth? Fourth in royal succession. For to begin with Jehoahaz ruled, then Jehoiakim, then Jekoniah, and finally Zedekiah [Shallum].*

I.10. A. *Our rabbis have taught on Tannaite authority:*

B. Shallum and Zedekiah were one and the same person.

C. When why is he called Shallum? Because his deeds were whole [and without flaw].

D. *There are those who say:*

E. Shallum — because the kingdom of the House of David was finished in his time.

F. And what was his name? It was Mattaniah: "And the king of Babylonia placed Mattaniah...on the throne instead of him and he changed his name to Zedekiah" (2Ki. 24:17).

- G. He said to him, “May the Lord execute justice against you if you rebel against me.”
- H. And it is written, “Look, the King of Babylonia is coming to Jerusalem, and he will take her king and her princes and will bring them to him in Babylonia. Then he will take a royal descendant and make a pact with him and bind him with an oath” (Eze. 17:12-13).
- I. And concerning Zedekiah: “And further he rebelled against King Nebuchadnezzar, to whom he had sworn by God’s name” (2Ch. 36:13).

I.11. A. [12A] [Joahaz because of Jehoiakim:] *But was there any anointing oil [when Jehoahaz was crowned]? And has it not been taught on Tannaite authority:*

- B.** When the ark was stored away, with it were stored away the bottle of manna, the jar of oil for anointing, the staff of Aaron, its buds and flowers, and the chest in which the Philistines had placed wood for the God of Israel, as it is said, “Now you shall take the ark of the Lord and put it upon a wagon, and the golden offerings you are returning to him in appeasement you shall put in a chest next to it and send it straight away” (1Sa. 6: 8).
- C.** [Bavli lacks:] All of them were in the house of the Holy of Holies.
- D.** [Bavli lacks:] And when the ark was stored away, the Commandments were stored away.
- E.** Who stored it away?
- F.** Josiah the King of Judah stored it away.
- G.** Why did he do so?
- H.** When he saw written in the Torah, “The Lord will bring you and your king whom you set over you to a nation that neither you nor your fathers have known” (Deu. 28:36), he commanded the Levites and they hid it away, as it is said, “And he said to the Levites who taught all Israel and who were holy to the Lord, Put the holy ark in the house which Solomon, the son of David, king of Israel, built; you need no longer carry it upon your shoulders. Now serve the Lord your God and his people Israel” (2Ch. 35: 3).
- I.** [Bavli lacks:] He said to them, “Hide it away [for future use], so that it will not be taken away into exile like the rest of the Temple utensils, so put it back in its place, as it is said, ‘Now serve the Lord your God and his people Israel’ (2Ch. 35: 3).”
- J.** [Bavli lacks:] Forthwith the Levites hid it away [T. [Sot. 13:1D-L](#)].
- K.** *And said R. Eleazar, “We draw a verbal analogy from the use of the word ‘there’ in the setting of Exo. 16:33, ‘Take a jar and put there a full omer of manna,’ and in the setting of the altar before the ark: ‘and place the testimony I shall give you in the ark and I shall meet you there’ (Exo. 25:21-22). We know that Aaron’s staff was set with the manna because of the parallel formulations, ‘Return Aaron’s staff before the testimony as a memorial’ (Num. 17:25) and ‘Leave it before the Lord as a memorial’ (Exo. 16:33). We derive a further verbal analogy from the shared usages at ‘This shall be my holy anointing oil throughout your generations’ (Exo. 30:31) and ‘throughout your generations’ of Exo. 16:33 [on the jar of manna].”*

- L. If, then, the oil of anointing was unavailable, then with what was Jehoahaz, Josiah's successor, anointed?
- M. Said R. Pappa, "With pure balsam oil."

Anointing Kings

I.12. A. *Our rabbis have taught on Tannaite authority:*

- B. How do they anoint kings?
- C. It is with the shape of a crown.
- D. And priests?
- E. In the shape of a chi.

I.13. A. *What is the meaning of, In the shape of a chi?*

- B. Said R. Menassia bar Gada, "In the shape of a Greek kaf [X]."

I.14. A. *One Tannaite statement:* To begin with, they pour oil on his head, and then they dab it between his eyelids.

- B. *And another Tannaite statement:* To begin with they dab the oil between his eyelids, and afterward they pour oil on his head.
- C. *That represents a conflict of Tannaite statements. There are those who maintain that anointing between the eye lids takes precedence, and there are others who maintain that pouring oil over the head takes precedence.*
- D. *What is the basis in Scripture for the view of those who maintain that pouring oil over the head takes precedence.*
- E. "Moses poured the anointing oil upon Aaron's head and he anointed him, sanctifying him" (Lev. 8:13).
- F. *And as to those who maintain that anointing between the eye lids takes precedence, what is the basis for their view?*
- G. *They maintain that in fact you find with reference to the utensils used for the Temple service that they were dabbed with oil [Lev. 8:10-11].*
- H. *But isn't it written, "Moses poured the anointing oil upon Aaron's head and he anointed him, sanctifying him" (Lev. 8:13)?*
- I. *This is the sense of that statement: what is the reason for the fact that "Moses poured the anointing oil upon Aaron's head" (Lev. 8:13)? It is because "...he anointed him."*

I.15. A. *Our rabbis have taught on Tannaite authority:*

- B. "As fine oil flows over the beard, the beard of Aaron" (Psa. 133: 2): two pearl-like drops of oil clung to Aaron's beard when he was anointed.
- C. *Said R. Pappa, "A Tannaite statement:* When he spoke, they would ascend and come to rest in the roots of his beard. Concerning this matter Moses worried, saying, 'Is it possible — God forbid — that I have committed sacrilege against the anointing oil?'
- D. "An echo came forth and said, "As fine oil flows over the beard, the beard of Aaron, as the dew of the Hermon" (Psa. 133: 2) — just as the laws of sacrilege do not apply to the dew of the Hermon, so the laws of sacrilege do not apply to the anointing oil that is in Aaron's beard.

- E. “Nonetheless, Aaron worried about it, saying, ‘Is it possible that while Moses has not committed sacrilege, I may have committed sacrilege?’
- F. “An echo came forth and said, ‘See how good and lovely it is when brothers dwell together’ (Psa. 133: 1) — just as Moses has not committed sacrilege, so you too have not committed sacrilege.”

I.16. A. *Our rabbis have taught on Tannaite authority*

- B. **And they anoint kings only over a spring, so that their reign will be protracted,**
- C. **as it is said, “And he said to them, Take with you the servants of your lord and mount Solomon, my son, upon my own mule, and bring him down to Gihon” (1Ki. 1:33) [T. San. 4:10C-D].**

I.17. A. *Said R. Ammi, “Someone who during the ten days of penitence between the New Year and the Day of Atonement wants to know if he will finish out the year or not should take a lamp in a building with no source of fresh air. If the flame burns, he will know that he will finish out the year.*

- B. *“And someone who is considering making a deal and wants to know the outcome should raise a cock. If the cock grows good and fat, the deal will work.*
- C. *“And someone who plans to take a trip and wants to know whether or not he’ll ever get back home should stand in a dark house; if he sees the shadow of his shadow, he’ll know that he’ll get home again.”*
- D. *But that advice is null, for perhaps his resolve will weaken and he’ll spoil his own luck.*
- E. *Said Abbayye, “Now that you have alleged that omens make a difference, at the New Year, someone should form the habit of eating pumpkin, fenugreek, leeks, beets, and dates.”*

I.18. A. *Said R. Mesharshaya to his sons, “When you want to go to study before your master, repeat your Mishnah-passage and then go before your master.*

- B. *“And when you are in session before him, pay close attention to his mouth, for it is written, ‘And let your eyes see your teacher so your ears will hear’ (Isa. 30:20-21).*
- C. *“And when you study your passage for memorization, study beside a stream, for as the water flows smoothly, so will flow your memorization.*
- D. *“Take up residence on the garbage heap of Mata Mehassia, but do not reside in the palaces of Pumbedita. Better eat a rotten minnow in Mata Mehassia than the mellow pudding of tall palaces.”*

I.19. A. *“My horn is lofty in my God” (1Sa. 2: 1) — anointing oil from my horn is lofty, but oil from my flask is not lofty.*

- B. *David and Solomon, who were anointed with the horn — their reigns were protracted, but Saul and Jehu, who were anointed from flasks, did not have long reigns.*

II.1 A. **It is the one who is anointed with the anointing oil, not the one who is dedicated by many garments:**

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

- C. ["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]:"']
- D. Might one say that this rule refers to the king?
- E. Scripture states, "...priest...."
- F. If it is the priest, might I infer that at issue is the priest who is appointed to office by being assigned many priestly garments?
- G. Scripture is explicit: "the anointed priest" above whom is no priest anointed besides himself, [e.g., not the priest anointed for war (Finkelstein)] [Sifra XXXVI:III.1].
- H. *How does this prove the point?*
- I. *It is in line with what Raba said, "[When Scripture at Gen. 32:32 says that Jacob was wounded on] 'the thigh,' [by using the definite article, it bore the meaning:] the superior thigh, the right one." Here too, when the language is used, "the anointed," it refers to the superior among those that are anointed.*

- II.2.** A. The master has said: "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 say that this rule refers to the king? *But does the king bring a bullock? He brings a male goat! [So the question is pointless.]*
- B. *It was necessary to raise the question. For it might have entered your mind to suppose that on account of an error of commission he presents a male goat [as specified in context] but for "something's being forgotten" he presents a bullock. So we are informed that that is not the case.*

- III.1** A. There is no difference between the high priest who is anointed with anointing oil, and the one who is dedicated with many garments, except for [the latter's obligation to bring] the bullock which is brought because of the [violation] of any of the commandments:
- B. *Our Mishnah-statement is not in accord with the view of R. Meir, for lo, it has been taught on Tannaite authority:*
- C. [Who is the anointed high priest? It is the one who is anointed with the anointing oil, not the one who is dedicated by many garments [M. [Hor. 3:4A](#)].]
- D. "But the one who is dedicated by many garments has to bring a bullock [if he inadvertently gives an erroneous decision and carries it out]," the words of R. Meir.
- E. But sages did not concur with him. [T.'s version: And sages say, "He does not have to bring a bullock under the stated circumstance]" [T. [Hor. 2:3](#)].

- III.2.** A. *What is the Scriptural basis for the position of R. Meir?*
- B. *The answer is in accord with what has been taught on Tannaite authority:*

- C. “If the anointed priest shall sin” (Lev. 4: 3) — I know only the rule for the priest anointed with oil. How do I know the rule for the one who is anointed with many garments?
- D. Scripture states, “The anointed priest” meaning, anointed or not, the high priest must bring a bull [Jaffee].
- E. *Then to whom have you assigned the Mishnah-rule? Is it to our rabbis? [12B] Then note what follows in the same passage: **There is no difference between a [high] priest presently in service and a priest [who served] in the past except for the [bringing of] the bullock of the Day of Atonement and the tenth of an ephah. But that accords with the position of R. Meir in line with what has been taught in the following on Tannaite authority:***
- F. **“If the high priest became disqualified, and a substitute should serve in his place, the high priest returns to the priesthood, and this one who served in his place is subject to all of the religious requirements of the high priesthood,” the words of R. Meir.**
- G. R. Yosé says, “The first returns to the high priest’s liturgy, and as to the second, he is valid to serve neither as high priest nor ordinary priest. [Tosefta’s version: Even though they have said, ‘All the religious requirements of the high priesthood apply to him,’ he is valid neither as a high priest nor as an ordinary priest.]”
- H. [In Tosefta’s version:] Said R. Yosé, “There was the case involving Joseph b. Elim of Sepphoris served in the place of the high priest for one hour.
- I. “And from that time onward he was not valid either as a high priest or as an ordinary priest.
- J. “When he went forth [from his high priesthood of one hour], he said to the king, ‘The bullock and ram which were offered today, to whom do they belong? Are they mine, or are they our high priest’s?’
- K. “The king knew what to answer him.
- L. “He said to him ‘Now what’s going on, Son of Elim! It is not enough for you that you have served in the place of the high priest for one hour before Him who spoke and brought the world into being. But do you also want to take over the high priesthood for yourself?’
- M. “At that moment Ben Elim realized that he had been separated from the priesthood” [T. **Kippurim 1:4F-M**]
- N. He could not go back to the office of high priest because of conflict with the officiating high priest, and he could not return to the status of an ordinary priest, because one rises in the hierarchy of sanctification but does not decline.
- O. *So does it come out that the opening clause accords with our rabbis and the concluding clause of the same passage with R. Meir?*
- P. *Said R. Hisda, “Indeed so! It does come out that the opening clause accords with our rabbis and the concluding clause of the same passage with R. Meir.”*
- Q. *R. Joseph says, “It represents the position of Rabbi, and he formulated matter is in accord with a Tannaite conflict [permitting sages to prevail in the first clause and Meir in the second].”*

- R. *Raba said, "It represents the view of R. Simeon, who adopts the principle of R. Meir in one matter but differs from him in the other, as has been taught on Tannaite authority:"*
- S. **These are the differences between a high priest and an ordinary priest:**
- T. **the bullock that is brought on account of violation of any of the commandments, the bullock that is brought on the Day of Atonement, and the tenth of an ephah.**
- U. **He does not mess up his hair nor does he tear his clothes on the occasion of the death of a close relative [M. [Hor. 3:4H-I](#)].**
- V. **But a high priest tears his garment below, and an ordinary one above [M. [Hor. 3:5A](#)].**
- W. **He does not contract corpse uncleanness on the death of relatives [M. [3:4G](#)].**
- X. **He is commanded concerning marrying a virgin and he is warned against marrying a widow [M. [3:4E](#)].**
- Y. **And on the occasion of his death, the manslayer who has gone into exile is brought back home [M. [Hor. 3:4J](#)].**
- Z. **And a high priest makes an offering while he is in the status of one who has yet to bury his dead, though he may not eat the priestly portion while in that status [M. [Ho 3:5B](#)].**
- AA. **He makes an offering of a portion of the sacrificial animal at the head of the other priests, and he takes a portion of the sacrificial animal given over to the priests at the head of the other priests. And he serves in the eight garments.**
- BB. **And all acts of worship on the Day of Atonement are valid only if done by him.**
- CC. **And he is exempt on account of imparting uncleanness to the sanctuary and its Holy Things [M. [2:4](#)].**
- DD. **And all the stated rules apply to the anointed high priest who has passed from office, except for those pertaining to the Day of Atonement and the tenth of an ephah of fine flour [M. [Hor. 3:4C](#)].**
- EE. **And all of the stated rules apply to the high priest consecrated through many garments who has passed from office except for the requirement to bring a bullock on account of violating any of the commandments [M. [Hor. 3:4A](#)].**
- FF. **And none of them applies to the anointed for battle, except for the five rules that Scripture itself has explicitly spelled out in the relevant passage: he does not mess up his hair or contract corpse-uncleanness because of the death of close relatives, and he is commanded to marry a virgin and admonished against marrying a widow.**
- GG. **"And the occasion of his death brings back the manslayer," the words of R. Judah.**
- HH. **But sages say, "It does not bring back the manslayer" [T. [Hor. 2:1A-Q](#)].**
- II. *Well, how in the world do you know that these statements represent the view of R. Simeon [that would place Simeon against Meir on the exemption of the priest who wears many garments from the obligation of the bull, while putting him in*

agreement with Meir that the retired priest cannot offer the bull of the Day of Atonement or the flour offering (Jaffee)]?

JJ. *Said R. Pappa, "Of whom have you heard who takes the position that he is exempt on account of imparting uncleanness to the sanctuary and its Holy Things, except for R. Simeon?"*

III.3. A. The master has said, **And none of them applies to the anointed for battle, except for the five rules that Scripture itself has explicitly spelled out in the relevant passage: he does not mess up his hair or contract corpse-uncleanness because of the death of close relatives, and he is commanded to marry a virgin and admonished against marrying a widow:**

B. *What is the source in Scripture for that statement?*

C. *It is as our rabbis have taught on Tannaite authority:*

D. "Now the priest who is greater than his fellows" (Lev. 21:10) — this refers to the high priest.

E. "Upon whose head the oil of anointing is poured" (Lev. 21:10) — this refers to the one anointed for war.

F. "And who is entitled to wear the priestly garments" (Lev. 21:10) — this is one clothed in the many garments.

G. Of them all Scripture says, "The priest who is chief among his brethren, upon whose head the anointing oil is poured and who has been consecrated to wear the garments, shall not let the hair of his head hang loose nor rend his clothes; he shall not go in to any dead body, nor defile himself, even for his father or for his mother; neither shall he go out of the sanctuary, nor profane the sanctuary of his God; for the consecration of the anointing oil of his God is upon him; I am the Lord."

H. Might one suppose that all of them may be permitted to offer sacrifices while their dead are not yet buried?

I. Scripture states of the anointed priest, "For the consecration of the anointing oil of his God is upon him" (Lev. 21:12) — upon him, not upon his colleagues [anointed in other ways, e.g., clothing, or for war].

J. Since Scripture has made distinctions among them, is it possible to suppose that the one anointed for war is not commanded to marry only a virgin?

K. Scripture states, "Now he shall take a woman in her virginity" (Lev. 21:13) — so the anointed for war marries a virgin.

L. *That accords with a Tannaite dispute along these lines:*

M. "Now he shall take a woman in her virginity" (Lev. 21:13) — "Since Scripture has made distinctions between the anointed priest and the priest anointed for war when the dead remain unburied, the ruling is inclusive, covering both," the words of R. Ishmael.

N. R. Aqiba says, "I know only that one who gives up his office because of an involuntary discharge of semen remains obligated to marry a virgin, but how do I know that the same applies to one disqualified by a blemish? Scripture says of both, "Now he shall take a woman in her virginity" (Lev. 21:13)."

III.4. A. *Raba asked R. Nahman, “If the anointed priest suffered from the skin ailment, what is the law as to his being required to marry a widow? Is the prohibition completely dropped or is he exempt only until he gets better?”*

B. *He didn’t have the answer. Once R. Pappa was in session and he raised this question. Huna b. R. Nahman said to R. Pappa, “We have learned a Tannaite statement: I know only that one who gives up his office because of an involuntary discharge of semen remains obligated to marry a virgin, but how do I know that the same applies to one disqualified by a blemish? Scripture says of both, ‘Now he shall take a woman in her virginity’ (Lev. 21:13).”*

C. *He got up and kissed him on his head and gave him his daughter as a bride.*

As earlier, in Chapter Four, the position of each item in the enormous composite is identified and accounted for.

3:5

A. **A high priest [on the death of a close relative] tears his garment below, and an ordinary one, above.**

B. **A high priest makes an offering while he is in the status of one who has yet to bury his dead, but he may not eat [the priestly portion].**

C. **And an ordinary priest neither makes the offering nor eats [the priestly portion] .**

I.1. A. **[A high priest [on the death of a close relative] tears his garment below, and an ordinary one, above:]** Said Rab, “The word ‘below’ is meant literally, and the word ‘above’ is meant literally.”

B. And Samuel said, “The word ‘below’ means, below the stiff border,’ not the hem, and the word ‘above’ means, above the stiff border.” [Jaffee: in Samuel’s view, the high priest does not sever the neckline of his garment, but he makes a tear of another kind.]

C. And each of them speaks of the collar.

D. *An objection was raised:* Concerning the death of all relatives, if the common priest wanted to, he may sever the stiff border, and if he wants to, he need not do so. But on the death of his father or mother, he must do so. *Now, since in general, the normal meaning of “tearing” refers to completely tearing the garment, the verse pertains,* “Nor tear his garments” (Lev. 21:10).

E. *Samuel concurs with the position of R. Judah, who has said, “Any act of tearing that does not sever the edge is nothing but a random tear.”*

F. *But does R. Judah then maintain the position that the high priest must tear, which is the view of Samuel?*

G. *Quite so, as it has been taught on Tannaite authority:*

H. **[“...shall not let the hair of his head hang loose nor rend his clothes”:]** “If Scripture had stated, “shall not let the hair of the head hang loose, nor rend the clothes,”] one might think that he should not let the hair of the wife accused of adultery hang loose and not rend her clothes. Scripture refers

specifically to ‘his head’ and ‘his clothes.’ The meaning then is, the commandments of letting the hair grow loose and tearing the garments simply do not apply to the high priest in any terms,” the words of R. Judah.

- I. R. Meir [Bavli: Ishmael] says, “He should not let the hair of his head hang loose nor rend his clothes in mourning for his deceased in the way in which people let their hair hang loose and rend their clothes on account of their deceased.
- J. “How so? A high priest render his clothes at the hem, and a common person does on top.” [Sifra CCXIII:1.4].
- K. *Samuel then accords with R. Judah in one detail but differs from him in another.* [Jaffee: he agrees with Judah that ordinary folk must totally sever their garments, but he differs on whether the high priest tears at all.]
I:1 clarifies the sense of the language of the Mishnah.

3:6

- A. [When the priest faces a choice on tending to two or more animals that have been designated as offerings, then:] Whatever is offered more regularly than its fellow takes precedence over its fellow, and whatever is more holy than its fellow takes precedence over its fellow.
- B. [If] a bullock of an anointed priest and a bullock of the congregation [M. 1:5] are standing [awaiting sacrifice] —
- C. the bullock of the anointed [high priest] takes precedence over the bullock of the congregation in all rites pertaining to it.

I.1 A. [Whatever is offered more regularly than its fellow takes precedence over its fellow:] *What is the source in Scripture for this rule?*

- B. Said Abbaye, “Said Scripture, ‘...in addition to the morning whole offering, which is the continual whole offering...’ (Num. 28:23). *Now since the passage refers to ‘the morning whole offering,’ what need to I have for the language, ‘the continual whole offering’?* *The All-Merciful means to say, Whatever is offered more regularly than its fellow takes precedence over its fellow.*”

II.1 A. And whatever is more holy than its fellow takes precedence over its fellow:

- B. *How do we know this?*
- C. *It is in line with the Tannaite statement of the household of R. Ishmael:*
- D. “‘Now sanctify him for he offers the food of your God, he shall be holy to you, as I the Lord sanctify him’ (Lev. 21: 8) — in every matter in which sanctification is involved. He takes first place in reading the Torah and in bestowing a blessing and in taking the best piece of food.”

III.1 A. [13A] the bullock of the anointed [high priest] takes precedence over the bullock of the congregation in all rites pertaining to it:

- B. *How do we know this?*
- C. *It is in line with that which our rabbis have taught on Tannaite authority:*
- D. “...and burn it as he burned the first bull; it is the sin-offering of the congregation.” What is the meaning of “first”?

- E. That it is to be first, prior to the bullock of the community in all the rites that pertain to it [Sifra XLIII:II.1]

III.2. A. *Our rabbis have taught on Tannaite authority:*

- B. [If] a bullock of an anointed priest and a bullock of the congregation [M. 1:5] are standing [awaiting sacrifice] — the bullock of the anointed [high priest] takes precedence over the bullock of the congregation in all rites pertaining to it.
- C. That is because the anointed priest effects atonement, but the congregation is atoned for.
- D. It is better that that which effects atonement should take precedence over that for which atonement is effected, as it is said, “And it will atone for him, for his house, and for all the congregation of Israel” (Lev. 16:17).
- E. The bullock presented for the congregation on account of the court’s inadvertent misinterpretation takes precedence over the bullock offered because of idolatry [T. [Hor. 2:4](#)].
- F. *What is the reason? The latter is a sin offering and the former is a whole offering [which is less in sanctity].*

III.3. A. *And it has been taught on Tannaite authority:*

- B. [“And if his means do not suffice for a sheep, he shall bring to the Lord as his penalty for that of which he is guilty two turtledoves or two pigeons, one for a sin-offering and the other for a burnt-offering. He shall bring them to the priest, who shall offer first the one for the sin-offering, pinching its head at the nape without severing it. He shall sprinkle some of the blood of the sin-offering on the side of the altar, and what remains of the blood shall be drained out at the base of the altar; it is a sin-offering. And the second he shall prepare as a burnt-offering according to regulation. Thus the priest shall make expiation on his behalf for the sin of which he is guilty, and he shall be forgiven. And if his means do not suffice for two turtledoves or two pigeons, he shall bring as his offering for that of which he is guilty a tenth of an ephah of choice flour for a sin-offering; he shall not add oil to it or lay frankincense on it, for it is a sin-offering. He shall bring it to the priest and the priest shall scoop out of it a handful as a token portion of it and turn it into smoke on the altar, with the Lord’s offerings by fire; it is a sin-offering. Thus the priest shall make expiation on his behalf for whichever of these sins he is guilty, and he shall be forgiven. It shall belong to the priest, like the meal-offering” (Lev. 5: 7-13)]. “who shall offer first the one for the sin-offering:”
- C. What does this serve to tell us?
- D. If it is to indicate that the sin-offering takes precedence over the burnt-offering as to all the rites affecting it, has it not said, “And the second he shall prepare as a burnt-offering according to regulation”?
- E. If so, why is it said, “who shall offer first the one for the sin-offering”?
- F. It serves as a generative analogy [Sifra:] for all those sin-offerings that are presented in the form of birds, whether it is a sin-offering prepared of a bird along with a burnt-offering prepared of a bird, or whether it is a sin-offering

- prepared of a bird along with a burnt-offering prepared of a beast, or whether it is a sin-offering of a beast along with a burnt-offering of a beast,
- G. **that all sin-offerings take precedence over all burnt-offerings that are presented along with them [Sifra LXI:II.4].**
- H. *It is an established fact for us that even a sin offering made of a bird takes precedence over a burnt offering of cattle.*
- I. **A bullock which is offered on account of [violation of any of the commandments takes precedence over the bullock and goat offered on account of idolatry. [T. Hor. 2:4F].**
- J. *Now why is that the case? The one is a sin offering and the other is a burnt offering.*
- K. *They say in the West in the name of Raba bar Mari, “The sin offering of idolatry is written without one of the letters that is usually used to spell the word at Num. 15:24” [Jaffee: this implies that this particular sin offering is diminished in relation to its corresponding whole offering.]*
- L. *Raba said, “In the appropriate way’ (Num. 15:24) is written in connection with the whole offering.”*
- M. **[And the bullock brought on account of idolatry takes precedence over the goat brought on account of idolatry.] And the goat offered on account of idolatry takes precedence over the goat brought for the ruler [T. Hor. 2:4G-H].**
- N. *Now why is that the case? [Aren’t the both at the same level of sanctification?]*
- O. *The former is offered for the community, the latter only for the individual.*
- P. **And the goat brought for the ruler takes precedence over the goat belonging to an individual [T. Hor. 2:4I].**
- Q. *Now why is that the case?*
- R. *The one is the king, the other a commoner.*
- S. **The she-goat belonging to an individual takes precedence over the ewe belonging to an individual.**
- T. *But the opposite has been taught on Tannaite authority:*
- U. *The ewe belonging to an individual takes precedence over the she-goat belonging to an individual.*
- V. *Said Abbaye, “It is a conflict between Tannaite traditions. The one authority maintains that the she-goat is more important, since it is encompassed as an offering in expiation for inadvertent idolatry carried out by an individual. The other authority holds the view that the ewe is more important, since it is encompassed with its fat tail [put on the altar with the peace offering, Lev. 3: 9 (Jaffee)].”*
- W. **The two loaves of bread take precedence over the lambs that are presented with them. This is the operative principle: that which is offered on account of the day takes precedence over that which is offered on account of the bread [T. Hor. 2:4J].**

The Mishnah is greatly enriched with intersecting Tannaite statements.

- A. The man takes precedence over the woman in the matter of the saving of life and in the matter of returning lost property [M. B.M. 2:11].
- B. But a woman takes precedence over a man in the matter of [providing] clothing and redemption from captivity.
- C. When both of them are standing in danger of defilement, the man takes precedence over the woman.

I.1 A. *Our rabbis have taught on Tannaite authority:*

- B. If he, his father, and his master are standing in captivity [and awaiting ransom].
- C. he takes precedence over his master, and his master takes precedence over his father.
- D. His mother takes precedence over all of them [T. Hor. 2:5].
- E. A sage takes precedence over a king.
- F. [For if] a sage dies, we have none who is like him, while [if] a king dies, any Israelite is suitable to mount the throne [T. Hor. 2:8].
- G. A king takes precedence over a high priest, as it is said, “And the king said to them, Take with you the servants of your lord, and cause Solomon my son to ride on my own mule, and bring him down to Gihon.”
- H. And the high priest takes precedence over the prophet, as it is said, “And let Zadok the priest and Nathan the prophet there anoint him king over Israel” (1Ki. 1:33-34).
- I. [David] gave precedence to Zadok over Nathan.
- J. And [Scripture further] says, “Hear now, O Joshua the high priest, you and your friends who sit before you, for they are men of good omen” (Zec. 3: 8).
- K. Is it possible that he speaks of ordinary men?
- L. Scripture says, “For they are men of good omen,”
- M. and “omen” refers only to prophecy, as it is said, “And he gives you a sign or an omen” (Deu. 13: 2) [T. Hor. 2:9].
- N. A high priest anointed with oil takes precedence over one dedicated through many garments.
- O. A high priest dedicated through many garments takes precedence over the anointed high priest who gave up office by reason of an involuntary discharge of semen.
- P. The anointed high priest who gave up office by reason of an involuntary discharge of semen takes precedence over one who is blemished.
- Q. The priest who is blemished takes precedence over the priest anointed for battle,
- R. [Tosefta adds:] and the priest anointed for battle takes precedence over the prefect
- S.
- T. And the head of the court takes precedence over the auditor [superintendent over the cashiers (*amarkal*)].

- U. *And what is the definition of the superintendent over the cashiers?*
 - V. *Said R. Hisda, "He is the one who managed everything [in respect to the Temple's accounts]."*
 - W. **And the auditor [superintendent over the cashiers] takes precedence over the treasurer,**
 - X. **And the treasurer takes precedence over the head of the weekly course [of the priests, who take care of the cult in a given week].**
 - Y. **And the head of the priestly course takes precedence over the head of the court.**
 - Z. **The head of the court takes precedence over an ordinary priest.**
 - AA. **[Tosefta adds:] And an ordinary priest takes precedence over a Levite.**
 - BB. **And a Levite takes precedence over an Israelite.**
 - CC. **And an Israelite takes precedence over a mamzer.**
 - DD. **And a mamzer takes precedence over a Netin.**
 - EE. **And a Netin takes precedence over a proselyte.**
 - FF. **And a proselyte takes precedence over a freed slave.**
 - I.2. A. *The question was raised: In matters of uncleanness, with respect to the prefect of the priests and the priest anointed for battle, which takes precedence?*
 - B. *Said Mar Zutra b. R. Nahman, "Come and take note of that which has been taught on Tannaite authority:*
 - C. *"The prefect of the priests and the priest anointed for war who were going along the way and came across a neglected corpse — it is better that the anointed for war contract uncleanness in burying the corpse, but let the prefect of the priests not do so, since if the high priest should be invalidated for service, the prefect of the priests will go and serve in his place."*
 - D. *But it has been taught on Tannaite authority: The prefect of the priests takes precedence over the priest anointed for battle!*
 - E. *Said Rabina, "When that Tannaite statement was set forth, it had to do with saving his life."*
- I:1 provides a massive Tannaite complement to the Mishnah's rule and No. 2 pursues a secondary theoretical problem.

3:8

- A. **A priest takes precedence over a Levite, a Levite over an Israelite, an Israelite over a mamzer [a person whose parents may not legally ever marry, e.g., brother and sister], a mamzer over a Netin [a descendant of the cast of Temple servants], a Netin over a proselyte, a proselyte over a freed slave.**
 - B. **Under what circumstances?**
 - C. **When all of them are equivalent.**
 - D. **But if the mamzer was a disciple of a sage and a high priest was an am haares [in context: ignorant of the Torah], the mamzer who is a disciple of a sage takes precedence over a high priest who is an am haares.**
- I.1 A. A priest takes precedence over a Levite:**

- B. For it is said, ““The sons of Amram were Aaron and Moses, and Aaron was set apart, to sanctify him; of the utmost holiness are he and his sons forever” (1Ch. 23:13).

II.1 A. a Levite over an Israelite:

- B. For it is said, “At that time the Lord set apart the tribe of Levi to carry the ark of the covenant of the Lord” (Deu. 10: 8-9).

III.1 A. an Israelite over a mamzer:

- B. for the Israelite has honorable genealogy, while the mamzer does not.

IV.1 A. a mamzer over a Netin [a descendant of the cast of Temple servants]:

- B. For the mamzer derives from a valid genealogy, while the other does not.

V.1 A. a Netin over a proselyte:

- B. The one was raised among us in a state of sanctification, the other was not raised among us in a state of sanctification.

VI.1 A. a proselyte over a freed slave.

- B. The latter was covered under the curse [of Noah, Gen. 9:25], while the former was not.

VII.1 A. Under what circumstances? When all of them are equivalent. But if the mamzer was a disciple of a sage and a high priest was an am ha'ares [in context: ignorant of the Torah], the mamzer who is a disciple of a sage takes precedence over a high priest who is an am ha'ares.

- B. *What is the source in Scripture [for the proposition that learning in the Torah takes precedence over all else]?*
- C. Said R. Aha b. R. Hanina, “Said Scripture, ‘Happy is the man who finds wisdom...it is more precious than rubies’ (Pro. 3:13ff.) — one learned in the Torah is more precious than the high priest when he enters the most holy place [T. Hor. 2:10].”

VII.2. A. It has been taught on Tannaite authority:

- B. R. Simeon b. Eleazar [Bavli: Yohai] says, “Logically, the freed slave should take precedence over a proselyte, since this one has grown up in a state of sanctification, and that one has not grown up in a state of sanctification. But this one is subject to a curse, and that one is not subject to a curse [T. Hor. 2:10S-U].

VII.3. A. His disciples asked R. Eleazar b. R. Sadoq, “On what account does everybody exert himself to marry a woman who is a proselyte, and everyone does not exert himself to marry a freed slave?”

- B. He said to them, “Because a woman who has become a proselyte is assumed to have guarded herself [sexually], while a freed slave-girl is in the status of one who has been freely available.
- C. “Another matter: because this one is assumed to have been carefully watched over, and this one is not assumed to have been carefully watched over.”
- D. His disciples asked R. Eleazar b. R. Sadoq, “How come a dog knows its master, but a cat does not know its master?”

- E. He said to them, "If one who eats what a rat has eaten becomes forgetful, all the more so one who eats the rat itself!"
- F. His disciples asked R. Eleazar b. R. Sadoq, "How come everybody drives out rats?"
- G. "Because they are spiteful."
- H. *And what might that spite be?*
- I. *Said Raba, "Even clothing [which does not nourish] do they gnaw."*
- J. **[13B]** *R. Pappa said, "Even hoe-handles do they gnaw."*

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

- B. Five things cause what one has learned to be forgotten: he who eats what a rat has eaten or from what a cat has eaten, eating the heart of cattle, getting used to olives, drinking the dregs of dish water, washing the feet one above the other.
- C. Some say, "Also using one's clothes under one's head as a pillow."
- D. Five things restore learning: bread baked on coals, all the more so, the coals themselves; eating a roasted egg without salt; getting used to olive oil, getting used to wine and spices, and drinking the dregs of kneading water.
- E. Some say, "Also dipping one's finger in salt and licking it."
- F. getting used to olive oil: *this supports the view of R. Yohanan, for R. Yohanan said, "Just as an olive can wipe out seventy years of learning, so olive oil can restore seventy years of learning."*
- G. getting used to wine and spices: *this supports the view of Raba, for said Raba, "Wine and spices sharpen the wits."*
- H. and drinking the dregs of kneading water: said R. Simeon b. Laqish, "And this applies to one finger alone."
- I. *That is subject to a conflict of Tannaite opinion:*
- J. R. Judah says, "One, not two."
- K. R. Yosé says, "Two, and not three."
- L. *And your mnemonic is, "The one in the middle."*
- M. Ten things impede learning: passing under the bit of a camel — all the more so, the camel itself; passing between two camels; passing between two women; a woman who passes between two men; passing beneath the foul stench of a carcass; passing beneath a bridge under which no water has flowed for forty days; eating bread that is half-baked; eating meat out of a soup ladle; drinking from a stream that passes through a cemetery; staring at the face of a corpse.
- N. And some say, "Also: reading the writing on a tomb."

The Honor That is Paid to a Sage; the Traits of the Sage

VII.5. A. *Our rabbis have taught on Tannaite authority:*

- B. **When the patriarch enters, everyone rises and does not sit down until he says to them, "Sit down."**
- C. **And when the head of the court enters, they set up for him two rows, one on one side, one on the other side, through which he goes, and he sits down in his place.**

- D. When a sage who comes in, one rises as another sits down, until he comes in and sits down in his place.
- E. Younger sages and disciples of sages, when the public requires their services, even step over the heads of the people.
- F. If one needed to leave to the privy, he reenters and takes his place [without disrupting the proceedings]. [Tosefta's version: And even though they have said, "It is no praise for a disciple of a sage to come in last," if he went out for need, he comes back and sits down in his place.]
- G. Younger sages and disciples of sages [Bavli: sons of disciples of sages whose father was appointed administrator of the community], when they have a capacity to understand, turn toward their fathers [on the court], with their backs toward the people. When they do not have the wit to understand, they enter and take their seats before their fathers, facing the people.
- H. R. Eleazar b. R. Sadoq says, "At a feast they treat them as his appendages" [Jaffee] [T [Sanhedrin 7:8-9](#)].

VII.6. A. The master has said: If one needed to leave to the privy, he reenters and takes his place [without disrupting the proceedings]:

- B. Said R. Pappa, "They made that statement only with respect to urinating, but as to defecating, *shouldn't he have taken care of that matter in advance!*"
- C. For said R. Judah said Rab, "A person should always train himself to defecate morning and night, so that he will not have to go a distance [from town for that purpose at a time when the neighborhood is crowded with people]."
- D. *But these days, when everybody is weaker, even after defecation it is all right to come back.*

VII.7. A. R. Eleazar b. R. Sadoq says, "At a feast they treat them as his appendages:"

- B. Said Raba, "That is done when their father is alive, and done in the presence of their father."

VII.8. A. Said R. Yohanan, "This Mishnah-teaching [No. 5] was taught in the time of Rabban Simeon b. Gamaliel.

- B. "[Here are the circumstances:] Rabban Simeon b. Gamaliel was ruler, R. Meir was sage, R. Nathan was head of the court.
- C. *"When Rabban Simeon b. Gamaliel was present at a session of the court, everyone would get up before him. When R. Meir and R. Nathan would come in, everybody would get up before them. Said Rabban Simeon b. Gamaliel, 'Should there not be some gesture of recognition of the distinction between you and me?'*
- D. *"This Mishnah-teaching was ordained on that day.*
- E. *"Now R. Meir and R. Nathan weren't there that day. The next day, when they came, they saw that the people did not get up before them as had been customary. They said, 'What's going on?'"*
- F. *"They told them, 'This is what Rabban Simeon b. Gamaliel has ordained.'*
- G. *"Said R. Meir to R. Nathan, 'I am sage and you are head of the court. Let's take care of matters for ourselves. What should we do to him? Let's say to him,*

“Open [and study] tractate Uqsin,” which he himself has never studied. And since he’s never studied it, we may then tell him, “Who can recount the mighty acts of the Lord? The one who sounds forth all his praises” (Psa. 106: 2) — that is, for whom is it worthy to recount the mighty acts of the Lord? It is, in particular, the one who has the power to sound forth the entirety of his praises. Then we can remove him from office. I’ll be head of the court and you can be the ruler.’

- H. *“R. Jacob b. Qorshi overhead them. He said, ‘Perhaps — God forbid — the matter will result in a public scandal.’*
- I. *“He went into session behind the study of Rabban Simeon b. Gamaliel, laying out the laws, explaining them, memorizing them for Tannaite repetition, explaining them, memorizing them for Tannaite repetition. The other said, ‘What’s going on? Perhaps — God forbid — something’s going on in the school house.’ So he concentrated and mastered the explanation of the rules.*
- J. *“The next day they said to him, ‘Let the master come and repeat rules in Uqsin. He commenced and made his statement. When he had accomplished the matter, he said to them, ‘If I hadn’t learned the tractate, you would have humiliated us.’ So he gave orders and expelled them from the house of study.*
- K. *“They would write notes on pieces of paper, dealing with conflicts in the law, and would throw them from outside to within the house of study. Those that Rabban Simeon b. Gamaliel could iron out, he ironed out. And as to those that he could not iron out, the outsiders would write down the solutions to the problems and toss them into the house of study.*
- L. *“Said to them R. Yosé, ‘Now the Torah is outside, and we are inside!’*
- M. *“Said to them Rabban Simeon b. Gamaliel, ‘Let us bring them back in. But we shall impose a penalty on them, not to repeat a tradition in their names!’ Those belonging to R. Meir they assigned to ‘others say,’ and those belonging to R. Nathan they marked, ‘some say.’*
- N. *“In the dreams [of Nathan and Meir] was shown the message, ‘Go and apologize to Rabban Simeon b. Gamaliel.’ R. Nathan went. R. Meir did not go. He said, ‘What comes in dreams makes no difference.’*
- O. *“When R. Nathan went, Rabban Simeon b. Gamaliel said to him, ‘Well, maybe the sash of office that belonged to your father [the exilarch in Babylonia] may have done you some good in becoming head of the court. Are we supposed to make you ruler too?’*

VII.9. A. Rabbi repeated as a Tannaite rule to his son, Simeon, **“Others say, If it had already been made a substitute, it could not be offered [M. Bekh. 9:8G: They said in the name of R. Meir, “If it had been a substitute, [14A] it could not have been offered”].**

- B. He said to him, “Now who are these, whose water we drink, but whose names we do not mention?”
- C. He said to him, “They are men who sought to [Jaffee:] undermine your prestige and the prestige of your father’s house.”
- D. He said to him, “‘Both their love and their hate, as well as there envy are long gone’ (Qoh. 9: 6).”

- E. He said to him, “‘The enemy is finished off, but their swords last forever’ (Psa. 9: 7).”
- F. *He said to him, “That applies where their deeds did some good, but our rabbis’ deeds did no good.”*
- G. *Then he went and repeated the Tannaite formulation to him in this way: **They said in the name of R. Meir, “If it had been a substitute, it could not have been offered.”***
 - I. *Said Raba, “Even Rabbi, however humble he was, formulated the Tannaite saying as, **They said in the name of R. Meir.** But he [could] not [bring himself about to] say, ‘said R. Meir.’”*

VII.10. A. *Rabban Simeon b. Gamaliel and our rabbis disputed about the following matter:*

- B. *One said, “Sinai is preferable” [massive learning of traditions takes precedence].*
- C. *The other said, “Splitting mountains is preferable” [power of analytical reasoning takes precedence].*

VII.11. A. *R. Joseph was Sinai, Rabbah split mountains.*

- B. *They sent there, “Which takes precedence?”*
- C. *They sent word, “Sinai is preferable, for a master has said, ‘Everybody needs to do business with the one who owns the wheat [before going to the miller to have it ground up].’”*
- D. *Nonetheless, R. Joseph did not accept appointment [as head of the academy].*
- E. *Rabbah governed for twenty-two years, and then R. Joseph governed. During all the years of Rabbah’s administration, R. Joseph never even summoned a blood-letter on a house-call.*

VII.12. A. *Abbaye, Raba, R. Zira, and Rabbah bar Mattenah were in session and they needed a chairman. They said, “Whoever can raise a problem that the others cannot resolve will be chairman.” Everybody’s problem was solved except for Abbaye’s.*

- B. *Rabbah [his teacher] discerned that Abbaye was lifting up his head pridefully. He said to him, “Son of Nahmani, begin your discourse and speak [so let’s see what you can do].”*

VII.13. A. *The question was raised: As between R. Zira and Rabbah bar R. Mattenah, which is weightier? R. Zira is sharp and asks tough questions, Rabbah bar R. Mattenah is deliberate and discovers the answers. So what’s the upshot?*

- B. *The question stands.*

I:1 through VII:1 and its continuation provide a systematic exegesis of the Mishnah, following the familiar lines of the Talmud: scriptural source, governing principles and considerations, as the case requires. The secondary materials that follow exhibit a certain miscellaneous quality but remain within the framework of the Mishnah’s themes and interests.